



YOU SHOULD KNOW THAT...

If you came to Canada as an immigrant, along with 5 and ½ million others, you can still be stripped of your Canadian citizenship by revocation (denaturalization) and be deported without a full opportunity to defend yourself in accordance with Canada's Constitution (i.e. the Charter of Rights and Freedoms) and the traditions of justice and Canadian law !

The federal government is proposing a new Citizenship Act (Bill C-18) containing powers intended to make it **easier** to strip you of your citizenship through secret hearings and evidence you or your lawyer have no right to see !

The current Citizenship Act, when combined with Bill C-18, means that those persons not born in Canada do not have the same protection of due process or rights in our Courts as those given to Canadian-born citizens, refugees or even accused killers!

Proceedings under these proposed laws can be commenced against you even if you have not received notice of them; you will never know who accused you, what you were accused of doing, or why you are being accused. It is politicians in secret Cabinet meetings, and not our Courts, who decide whether you should continue to be a Canadian !



The passage of Bill C-18 will create laws that:

[1] are **discriminatory** and create **inequality** and **second-class (or two-tiered) citizenship** because they apply only to immigrant citizens, and not to born-in-Canada citizens.

[2] create a **'stateless' person** through denaturalization.

[3] are **unconstitutional** because the **penalty of deportation**, which is "cruel and unusual punishment," also creates real logistical, diplomatic and international problems, as well as splitting up of families.

[4] deprive a citizen of the fundamental and basic rights to a **full, open and fair trial**.

[5] deny a citizen **due process** of personal service of notice of proceedings and **full rights of appeal**.

[6] are punitive in requiring findings to be based on an onus of **balance of probabilities**, instead of **beyond a reasonable doubt** as is the case in criminal proceedings.

[7] breach the right to have a **trial in a Court of law** instead of truncated proceedings consisting of a two-part, split-level court/Cabinet **non-judicial process**.

[8] breach the right to a penalty set by a Court after a full trial, instead of by Cabinet, which is a political body and which decides on deportation **in private**, without the citizen's right of **representation**.



The Canadian Bar Association says:

"Revocation and annulment of citizenship are amongst the most serious penalties that the state may invoke against its citizens. The consequences...can include loss of any status...and removal from Canada. These consequences are obviously severe and require strict adherence to due process, procedural fairness and appropriate appeal rights."

[from submission on Bill C-18 by the National Citizenship and Immigration Law Section, CBA, November 22, 2002. See website: www.cba.org/CBA/pdf/c18submission.pdf]

The Canadian Civil Liberties Association says:

"It should require more than a mere balance of probabilities to deprive any persons of the rights and remedies that would otherwise be theirs...It is one thing to deport those who have actually committed or assisted in the commission of [war crimes]. But there is no justification for deporting permanent residents simply because they happen to be involved in the same organization as the offenders."

[from CCLA Brief to government of Canada, April 14, 1999]

