



June 5, 2014

Via email: Minister@cic.gc.ca

The Honourable Chris Alexander, P.C., M.P.
Minister of Citizenship and Immigration
365 Laurier Avenue West
Ottawa, ON K1A 1L1

Dear Minister Alexander:

Re: Bill C-24, the *Strengthening Canadian Citizenship Act*

I am writing on behalf of the Canadian Bar Association to express concern about your remarks on our Immigration Law Section's submission on Bill C-24, the *Strengthening Canadian Citizenship Act*.

The CBA is a national association of over 37,500 lawyers, notaries, students and law teachers. Part of our mandate is to promote improvements in the law and the administration of justice. The CBA Immigration Law Section comprises approximately 1000 lawyers whose practices embrace all aspects of citizenship, immigration and refugee law.

Our submission on Bill C-24 was written in the spirit of CBA's mandate, following comprehensive analysis by leading citizenship lawyers, with a view to informing Parliament's and the Canadian public's assessment of the Bill's strengths (such as conferring retroactive citizenship on more "lost Canadians", and protecting the public from unscrupulous or incompetent advisors and representatives) and its weaknesses (such as creating tiers of citizenship in its revocation provisions, and requiring that citizenship applicants declare their intent to reside in Canada, both of which may be unconstitutional).

Members of the CBA Section have commented in person and in writing on numerous citizenship and immigration initiatives for over thirty years. Through a legal and policy lens, our submissions commend, criticize and offer constructive suggestions for change. While we may not always agree with each other, a productive, respectful relationship is critical, working together for the betterment of the rule of law and Canada's justice system.

For that reason, we were surprised by your recent comments reported in the media about the CBA Section's submissions on Bill C-24. We are concerned about what those comments suggest about the relationship between government and important stakeholders with experience and knowledge which contribute to public debate. Many stakeholders, like the CBA, have front-line experience with how changes affect people day-to-day and have a deep understanding of the law and the institutions that apply it in practice. CBA submissions like the one on Bill C-24 are developed by volunteers who give their time and expertise to try to improve our justice system.

Calling the contributions of the CBA Section “shameful” and saying that CBA Section lawyers “never miss an opportunity to criticize” is unwarranted and inaccurate. (One recent example of CBA supporting the government was my appearance before the Senate Legal and Constitutional Affairs Committee on May 7, 2014, to support part of the budget implementation bill.) It undermines an important role lawyers play in our democratic society.

Government is entitled to disagree, even forcefully, to criticism. However, we should all engage in public debate in a respectful manner with a view to providing Canadians with the best legal system we can. Attacking stakeholders simply because they bring dissenting perspectives and adverse evidence on government initiatives is corrosive of Canada’s democracy. Contrary ideas are the lifeblood of democratic societies. It is through dialogue that concepts are tested in the “marketplace of ideas,” common understandings or assumptions are challenged, and governments and citizens are encouraged to think differently. Governments should welcome the exchange of ideas and perspectives, not seek to undermine it, even if its contents are not always embraced. Your recent comments could have the effect of undermining that exchange and the integrity of stakeholders. They move beyond the substance of the CBA Section submission and seek to undermine the credibility of individuals who put their ideas forward in a good faith effort to improve the Bill. That devalues the process and erroneously implies nefarious motives to the CBA’s submissions.

Bill C-24 was introduced without a robust consultation of key stakeholders, including the CBA Section. We would welcome more opportunities to provide early feedback on your government’s initiatives before they are published, to ensure they contribute to the continuous improvement to Canada’s system of citizenship and immigration. Early and meaningful consultation would have the added benefit of potentially averting costly and unnecessary legal challenges.

We respectfully request an apology for your comments. It is our sincere hope that we can work together constructively in the future.

Yours truly,

A handwritten signature in black ink, appearing to read "Fred Headon". The signature is fluid and cursive, with a large initial "F" and "H".

Fred Headon