

8th Day.]

NATURALISATION.

[13 June, 1911.]

Mr. CHURCHILL—*cont.*

proposed by Mr. Batchelor and to the wishes which Sir Wilfrid Laurier has expressed we shall have to face two standards of naturalisation; there will have to be the local law, and there will have to be an Imperial standard.

I see Mr. Malan smile, but I think I can meet the difficulty which he has in his mind. For our part in this country we cannot depart from the five years' limit as a qualifying period. We are in very close proximity to Europe, and great numbers of persons come through this country and come into this country, and with every alteration in our social legislation there is greater incentive to acquire British citizenship in this country, and we feel it is absolutely necessary for our good government to insist upon a five-years period. But that five-years period, if insisted upon by this Mother-country, will not be any inconvenience to the Dominions; on the contrary it will be a protection to them against persons being naturalised in this country and then becoming British subjects for the purposes of the different Dominions, because it will prevent such persons getting in under standards which might be less severe than those the Dominions have thought it necessary to establish for their own protection.

What I would therefore suggest is this—if I may make a tentative suggestion to the Conference—that it should be open to any person who has obtained a certificate of local naturalisation in any of the Dominions, and who, in addition to that local certificate of naturalisation, has resided five years in any part of the British Empire to apply for a certificate of Imperial naturalisation. He would apply, of course, to the responsible Ministers of the Dominion or State in which he was resident, and if the responsible Ministers indorse his application, the Government, upon advice in the ordinary manner, would issue the certificate. In that way it would be possible to allow all the existing diversities of Dominion legislation to continue untouched. There would be no need to alter all those laws, although it is very possible that there would be a gradual tendency to assimilate them, but that would be a matter which time and circumstances, and the opinions of the Dominions concerned, would solve in their own way. There would be no necessity at all to alter the existing diversity of practice. I think in the great majority of cases persons would be quite content to remain in the enjoyment of the local naturalisation, but if they wished to go further, in two years later in the case of Canada, or three years later in the case of Australia, they could, by application to the Government, or under any other condition that the Government of the Dominion might prescribe, take out papers of Imperial naturalisation, and those papers of Imperial naturalisation, based, as they would be, not only upon the local citizenship, but also upon the five years qualification, ought to be current throughout the British Empire. Of course, there is just one loophole of difficulty, to which Mr. Malan has referred, and which does not appear to be completely met; that is, supposing a man applies in South Africa for naturalisation, and is refused, and then goes away, say, to Canada, and lives there for a period, then gets Imperial naturalisation, and then and there comes back to South Africa, he will have acquired an Imperial naturalisation certificate current in South Africa, although he had previously been refused that certificate by the Government of that Dominion. I think we are having to go a good long way round to get to the difficulty exemplified in that case. Such cases would be extremely rare, but I can only say in answer to that, that the local law would not be affected at all, and if it really were thought to be such a serious danger that this should happen, I do not see any reason why, if it were thought worth while to do it, the Government of the Dominion which did not wish to have this man should not by legislation arrange that the Imperial certificate should be in abeyance in cases where an application had previously been refused to the same person within their own bounds. I do not think the danger is a real one, but it would be quite possible to safeguard local autonomy completely against it.

Mr. BATCHELOR: Could not you do this—require a declaration from each applicant for an Imperial certificate that he had not applied and been refused a certificate? That would seem to get over the difficulty.