

Government has moral obligation to War Brides and children

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When the Canadian government brought 44,000 War Brides and their 21,000 children to Canada between 1942 and 1948, it was understood that they automatically became Canadian citizens upon landing at Pier 21.

Certainly that's what everyone believed for the last 60 years -- that is, until Nov. 2, 2007, when the Federal Court of Appeal overturned a British Columbia lower court ruling that granted citizenship to Joe Taylor, the son of a British War Bride and a Canadian D-Day veteran.

Taylor's case has a lot of people scratching their heads these days. What motivated Citizenship and Immigration (CIC) to challenge a War Bride child in the first place?

And why did the Court agree with CIC that it's morally acceptable to throw out wartime legislation that guaranteed citizenship to War Brides and their children?

In a nutshell, the Appeal Court ruled that Joe Taylor is not a Canadian citizen for three reasons: first, according to the 1947 Citizenship Act, Joe cannot be a citizen because his Canadian father and his British mother were not married when he was born in December 1944.

Yes, this is 2007, and it's illegal to discriminate on the basis of marital status, but the Appeal Court said we can't judge the past through the lens of today's values.

So, with the 1947 Act in mind, illegitimate children of Canadian WWII veterans are bastards who inherit their mother's nationality.

Forget that Joe's parents tried to get married when they found out she was pregnant in July 1944 but were prevented from doing so by his commanding officer who refused to give Joe's father permission to marry.

Nor does it matter that they married in England in May 1945 or that Joe and his War Bride mother came to Canada on the Queen Mary in July 1946.

Second, the Appeal Court ruled that Joe is not a citizen because an obscure 1952 amendment set a 24 year expiry date on citizenship and the government was under no obligation to inform Joe or anyone else about the new regulation.

Senator Romeo Dallaire found out the hard way: the son of a Dutch War Bride, Dallaire was a 24-year-old captain in the Canadian military when he discovered he had lost his citizenship. He quickly had it reinstated but he was mad then, and he's still mad about it now.

Third, the Appeal Court ruled that there was no such thing as Canadian citizenship before Jan. 1, 1947. In effect, the Court says the promise of citizenship that was made to War Brides in the 1944-45 Privy Council Order in Councils 7318 and 858 was a mistake.

I know why CIC is fighting Joe Taylor. The government doesn't want him to win a case that will make the Charter of Rights retroactive to the 1947 Act.

I don't know how many War Bride children lost their citizenship under the 1947 Act, but it must be in the thousands.

Stephen Harper's government may not have created this mess, but it isn't doing anything to clean it up.

And rewriting Canadian history is not going to cover up the stink that is wafting from this Appeal Court decision.

Previous governments have admitted when they made mistakes: apologies to Japanese Canadians, Ukrainians and Chinese have come out of such moral recognition. It's time Joe Taylor, and other War Bride children like him, got their due.

Melynda Jarratt is an historian and author of War Brides: The stories of the women who left everything behind to follow the men they loved.

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