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# Standing Committee on Citizenship and Immigration

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**Thursday, June 11, 2009**

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**Chair**

**Mr. David Tilson**

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## Standing Committee on Citizenship and Immigration

Thursday, June 11, 2009

•(0905)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good morning.

This is the Standing Committee on Citizenship and Immigration, meeting 22, Thursday, June 11, 2009. Pursuant to Standing Order 108(2), we are undertaking a review of the subject matter of Bill C-37, An Act to amend the Citizenship Act, enacted in the second session of the 39th Parliament.

We have quite a few witnesses before us today. We have a number who are present and one who is going to be giving testimony from Vancouver via the telephone.

We have Mr. Don Chapman before us of the Lost Canadian Organization. We have several individuals—Jacqueline Scott, Marcel Gélinas, and Ken Neal. We have, from Vancouver, Nick Noorani, who is the publisher of *Canadian Immigrant* magazine.

I must say that I haven't had one of those where we are communicating by telephone, but we'll do our best. I hope that will work okay.

Ladies and gentlemen who are witnesses, you each have five minutes to make a presentation. Then members of the committee will ask you questions.

We will start off with Mr. Neal.

**Mr. Ken Neal (As an Individual):** Good morning. My name is Ken Neal, from Portland, Oregon. I'm here today to testify on behalf of my daughter, Casey, who is two years old. It was just a bit too much of a flight for her to make today.

I'm a very large proponent of the second generation of Bill C-37. I'm the first generation. My mom was recognized years after she was moved and stripped of her citizenship unrightfully. She has recently been brought back as a Canadian citizen, and my citizenship is going to be recognized by Bill C-37, on which there aren't forms yet.

That leaves my daughter out in the cold. Because she's second generation, Bill C-37 doesn't quite fit. Yet, under my uncle, who has a daughter and a granddaughter, the granddaughter is recognized—because of gender discrimination, we believe. The father can pass down citizenship through the family, and yet the mother cannot. I'm on my mother's side, and therefore I cannot pass it down.

**Mr. Don Chapman (Lost Canadian Organization):** Can I interject a little bit?

**The Chair:** No, I'm sorry. We're really pressed for time, Mr. Chapman. I don't mean to be rude to you, but we have to allow Mr. Neal to proceed.

Go ahead, sir.

**Mr. Ken Neal:** Basically, I'm just asking for gender equality. It would be fair. It would be right. I don't want my daughter to *have* citizenship, I want her to have the *right* to citizenship. That way it can be her decision, not mine—or anybody else's.

Thank you.

**The Chair:** Thank you, Mr. Neal.

Mr. Gélinas, thank you, sir, for coming. You have up to five minutes.

**Mr. Marcel Gélinas (As an Individual):** I was born in Canada and I live in the United States now.

I would prefer Don Chapman to tell my story. He knows it as well as I do.

May I do that?

**The Chair:** Sure. We'll give Mr. Chapman your five minutes.

Mr. Chapman, you have 10 minutes.

**Mr. Don Chapman:** Okay.

Let me start by saying that what we're working on today goes back to 1868.

**Mr. Rick Dykstra (St. Catharines, CPC):** On a point of order, Mr. Chair, could you just clarify this for me?

This gentleman had five minutes to speak. You're allowing him to transfer his time to someone else, to give him ten minutes to speak?

**The Chair:** I am.

**Mr. Rick Dykstra:** Okay.

**The Chair:** Thank you, Mr. Chapman. Proceed.

**Mr. Don Chapman:** Thank you.

We're going back to the year 1868, when the first form of Canadian identity came into play. It was called the Canadian Nationals Act. It was written by the British, and almost all British colonies had the same language. This is the language that we're working on today: “married women, minors, lunatics, and idiots, shall be classified under the same disability for their national status”.

Now, I want you to remember that citizenship didn't actually begin until January 1, 1947. It was the first time that women had the right of citizenship, but they had less rights than men.

You're seeing this with Mr. Neal and all of these cases of major gender discrimination, things that have been through the Supreme Court of Canada and are currently being ignored by the citizenship minister. These were unanimous Supreme Court decisions, saying that you can't do this—and we're doing it. In the case of Mr. Neal, his mother was not recognized as a Canadian for 44 years.

In testimony before the Senate five years ago, I mentioned the Benner case, which was *Benner v. Canada*. I mention this case in particular because it dealt with gender discrimination.

It said that the 1947 Citizenship Act was blatantly discriminatory and contrary to the Charter of Rights and Freedoms, and that all foreign-born children of a Canadian parent had the right of Canadian citizenship. What was being done was that Canadian women could not pass citizenship on to their children, while Canadian men could. That is what happened to Mr. Neal.

So I made the comment that, based on the Benner decision, a unanimous Supreme Court decision that said all foreign-born children of a Canadian parent had the right of citizenship, therefore, had I been born outside of Canada, I would be a Canadian and so would my children. Every senator sat scratching their head, saying, "This makes no sense, because now we're discriminating against Canadian-born children."

A week after I made that testimony, Patricia Birkett, acting director general of Citizenship and Immigration Canada, came to the Senate. She said they were terminating the Supreme Court decision.

That's something that's really interesting to me. For five years, you've gone completely contrary to the Supreme Court.

There was another court case, *Babcock v. Canada*, that came in after this. They upheld the Supreme Court decision.

At the same time, we have major gender discrimination going on today. So not only was he denied citizenship, but now his daughter is being denied citizenship based on gender. Jacquie's case is based on gender. Marcel was born in Canada to a Canadian mother and a U.S. father.

Now, we can go back to gender discrimination. The mother of Joseph Volpe, who was immigration minister, was stripped of her status because she married an Italian. That used to be the law. If we go around this table, I can tell you that in the 1940s, Asians, Indo, and native aboriginals couldn't vote in this country. There were a lot of bad laws, and we're operating right now with one.

Bill C-37 is a wonderful bill. I'm sorry I don't have the time to go into it. I'm the head guy behind this bill. I know all the ins and outs. I know where you have to go and how you can correct this bill, very simply, for second generations born abroad and everything else, but we don't have the time to go into it.

Right now, this government and, in particular, this immigration minister, are not doing justice to the reputation of this country.

This magazine is two years old. It's the *Refugees* magazine. It comes from the United Nations Commission on Human Rights. It talks about the strange, hidden world of the stateless and the countries that make their people stateless. And every country in here is a third world country, except for this country, dead centre, called Canada. Did you know they compared Canada's human rights record with that of Zimbabwe, Vietnam, and Bangladesh?

We are the lost Canadians, and there are 10,000 of us. The Department of Homeland Security just came out and said there were 240,000 of us just in the U.S.—and that doesn't count the children produced by lost Canadians, or the children of children.

• (0910)

We know as a fact that there are upwards of 200,000 just in Canada. Marlene Jennings—I see her name over there—got questioned on whether she was a Canadian, and, I can tell you, probably she was not. She took out an Italian passport in January of 1977. That would cancel her citizenship.

What Ken was trying to say is that there are two little girls here, cousins. His daughter is being denied citizenship because his daughter's connection is through his mother, a woman. The cousin is being welcomed into Canada because the connection is through a man.

Marcel Gélinas was born in Canada in 1922. As I say, he took, if you will, his father's identity. The United States gave him citizenship. He didn't know this. He was a soldier in World War II. Although he happened to be in the United States, he went to war. He didn't care; he just signed up and went to war and fought. Apparently, today they're denying him citizenship, based on the fact, saying "You're not Canadian".

This man, Guy Vallière, died just two or three months ago. He was a Canadian soldier born in Canada. He fought for Canada, and he was denied citizenship. He died disenfranchised from his own country, despite the fact that on camera with the CBC on April 10, just over a year ago, Diane Finley said we will grant subsection 5(4) citizenship grants to all these lost Canadians. She said, "It is the right thing to do for the right reasons."

We have Jacquie, who's about to go to judicial review against the Government of Canada. Yet we have the Conservative government saying that in the Taylor case, which is the exact copy of Jacquie's case—we've already won it, and ended up settling before a Supreme Court decision—it would cost tens of billions of Canadian taxpayer dollars to settle this case. She's about to go to judicial review.

I've tried to meet with this minister; he won't call me. I tried to call Mr. Dykstra; no return phone calls.

I'm an airline pilot. We go into accident investigation, such as Air France's, as to why something happened. The minister or Mr. Dykstra need to meet with me. We can fix this in a matter of weeks.

One person, and only one person, was granted a subsection 5(4) citizenship grant as promised, and that was the last remaining World War I veteran. The reason he got it is that I met with one of the leaders...the former leader of the opposition, at the time the Conservatives, and he went to the Prime Minister and said, "This could really hurt us", because, see, the Prime Minister took a lot of flak for not flying the flag at half-mast over Parliament when soldiers died.

Well, the last remaining World War I soldier is an American. He left Canada in 1920. When Bill C-37 was passed, so that this man would have a state funeral, there were 90,000 signatures from the Dominion Institute.

To make sure this would not be a black mark, with a Prime Minister saying we cannot give this man a state funeral, they did every bit of paperwork in 21 days.

In the meantime, we have 71 people remaining, of whom 65 were the wrong religion, so they were denied citizenship based on the religion. We were promised that these people would get in. I'm here to hold you accountable, to say, "Come on, folks."

If you ever want the real history of this bill, I've been at it since I was 18, and I'm going to be turning 55. I am the guy behind this. I have worked with ministers all over the place in this, and I have never worked with a minister of this low quality.

• (0915)

**The Chair:** Thank you, sir. We've run out of time.

I'll turn to Mr. Nick Noorani, who is in Vancouver.

Can you hear us, sir?

**Mr. Naeem (Nick) Noorani (Founder/Publisher, Canadian Immigrant Magazine):** Yes, I can. Thank you very much.

Good morning to all.

**The Chair:** Good morning to you. Thank you for helping us with this. You have five minutes to make a presentation to the committee.

**Mr. Naeem (Nick) Noorani:** Thank you.

On April 17, 2009, a new law amending the Citizenship Act came into effect granting Canadian citizenship to certain people who lost it due to lack of provisions in the act. The citizenship is automatic and retroactive to the day the person was born or lost citizenship, depending on the situation. The recognition of these lost Canadians as citizens is overdue, and reflects well on Canada's humanitarian reputation and traditions.

The new act draws the line of what constitutes a lost Canadian at second- or later-born-generation Canadians. While such grandchildren and great grandchildren of Canadian citizens would no doubt like to hold onto their rights to citizenship, we must draw the line somewhere as to who is a Canadian. We demean what being Canadian means by giving this privilege to so-called citizens of convenience, who wish to benefit from Canadian citizenship without offering this country anything in return, unlike those who were born here, reside in this country, or choose it as their adopted homeland.

Louis LaFontaine, the great co-founder of the union that would eventually lead to our Confederation, had this to say about being Canadian when addressing his electors at Terrebonne in 1848:

Canada is the land of our ancestors. It is our country as it must be the adopted country of the different peoples which come from around the globe, to make their way into its vast forests to build their homes and place their hopes. Like us, their paramount desire must be the happiness and prosperity of Canada. This is the heritage which they should endeavour to transmit to their descendants in this young and hospitable country. Above all, their children must be like us, Canadians.

This historic statement clearly outlines that the requirement for being Canadian is to have the paramount desire for the happiness and prosperity of Canada, and this heritage should be transmitted to future generations. To me, Canadian citizenship is not a family heirloom that can be passed on indefinitely from generation to generation. It comes with a price tag that increases its intrinsic value.

The granting of Canadian citizenship allows the holder access to Canada's social and economic benefits, and should parents of the second generations have no links to Canada, they should lose this privilege. Canada is not a convenient safe harbour for someone who has tenuous links to this country. We have to draw the line for the future of our country, and people who do not have a connection to Canada should not benefit from the advantages that citizenship brings.

What is talked about in whispers in dark corridors is the rampant abuse of our citizenship by those who really don't care about our home and native land; people who several generations later claim a right that is so tenuous, but want Canada's socio-economic advantages as a right. I do not wish to point out any particular group, but I guess we have all heard of this happening. This marriage of convenience must stop or it will drain our country of our economic strength.

I support Bill C-37 with some caveats. My concern is the several countries around the world that, in spite of the fact they employ Canadians as temporary labour, do not bestow statehood on newborns, resulting in a generation that could be stateless in principle. This would be more critical if both the parents were Canadians. The fact that they have Canadian ancestry should allow them to have Canadian citizenship. This is the humanitarian engagement and compassion that Canada is famous for around the world. In the United Kingdom, the Home Secretary may register a child of parents who are British by descent as a British citizen under discretionary provisions if the child is stateless. However, I have been given to understand by a CIC spokesperson that in such a case, the parents can apply for a grant that would allow the child to get Canadian residency.

As a contracting state to the United Nations Convention on the Reduction of Statelessness, Canada should make efforts to ensure that the provisions for stateless would-be Canadians are clear and not cumbersome for officers making decisions on such cases. Uncertainty around this issue could lead to inefficiencies and backlogs in the courts on such decisions.

The bill also states that government workers and Canadian Forces personnel are exempted from the second-generation clause. I propose that this be extended to people working with Canadian non-profit organizations, and charities like the Red Cross.

• (0920)

**The Chair:** Mr. Noorani, thank you very much.

Ms. Scott, you have up to five minutes. Thank you for coming.

**Ms. Jacqueline Scott (As an Individual):** Thank you.

My name is Jacqueline Ellis Scott, and I am still a lost Canadian. I have been fighting for five years to be able to legally say I'm a Canadian citizen.

I was born in England in 1945 to a Canadian serviceman father and a British war bride mother. Mum and I joined my father in Toronto in January 1948, prior to the suspension in March 1948 of government-sponsored travel for war brides and children of servicemen. PC 858 allowed for deferred or delayed entry if a medical condition would prove dangerous or unsafe for an individual to travel. I had such a condition that was corrected just before leaving for Canada.

My crime is that I was born out of wedlock. I was never told of the circumstances of my birth. I found out on my own several years later. For my and my parents' generation, it was a stigma to have a child, or to be born, out of wedlock, and it was never a topic of discussion. It was kept secret.

My parents married in May 1948, and remained married until my father's death in 1995. Because of the discrimination of my birth, CIC is discriminating against me based on gender, labelling me "illegitimate" even in today's society, contrary to Federal Court orders issued in cases that have been appealed and won because of this type of discrimination. If the gender discrimination perpetuated by the marriage penalty is corrected, as ordered by the courts, then my citizenship is by right of descent through my father.

I grew up in Canada, was educated, worked, paid taxes, married here. My daughter was born in Toronto as a Canadian citizen, as are my grandchildren. My parents are buried here. I voted in Canadian federal elections. Tell me, don't you have to be a citizen to vote? By allowing me to vote, wasn't Canada affirming the fact that I am Canadian?

I never had any reason to doubt my Canadian citizenship. All my family, including my mother, who was naturalized in 1955, is Canadian. I was never told that I was anything but, and I was, and still am in my heart, a proud Canadian. I take pride when I hear the Canadian national anthem. Canada will always be my home. It's where my heart is and it's where I feel connected, yet CIC says I have no substantial ties to Canada. It should review paragraph 16(b) of the 1993 citizenship regulation criteria before it makes that statement.

In 2004 I applied for my citizenship certificate. In 2005 I received a denial of that application based on the fact that I was born out of wedlock. I wanted to hide that letter. The shock, the embarrassment, the shame I felt cannot adequately be described: it was demeaning. In 2008 I applied for a special grant of citizenship, and again, in a letter received in March 2009, signed by Stephane LaRue, was denied for the same reason.

Canada prides itself on not discriminating. Isn't this discrimination and denial of my rights under the Charter of Rights and Freedoms? Justice Mosley stated, in allowing Augier's appeal in 2004, that it is

demeaning and prejudicial to deny benefit to citizenship through his Canadian father, simply because he was born out of wedlock. He declared paragraph 5(2)(b) to be unconstitutional. Why is CIC blatantly violating and discriminating, dismissing a court order?

In 2004 the minister did not comply with the order of the Federal Court to amend paragraph 5(2)(b) of the 1985 act, to include the words "or a father who is a citizen" and remove the phrase "born out of wedlock". Since the minister at that time did not comply with the order of the Federal Court, will Minister Kenney remedy this omission?

Not until 2005, when I was first denied my citizenship certificate, had I ever been told that I was not a Canadian citizen. During that application process, I learned of and saw for the first time a landing document including me. In Benner, it was ruled that in applying section 15 of the charter, it's the time an application is first considered and right to citizenship is denied. That being the case, since I was first denied in 2005, my charter rights are being violated by CIC. Applying the charter is neither retroactive nor retrospective.

My situation is similar to that of Joe Taylor's. Where we differ is that I remained in Canada from the age of two until well after my 24th birthday, and he and his mother returned to England when he was still an infant. Therefore, I should not be subjected to the lost provision in the act, as he was. He was given a special grant of citizenship in 2008 with the passage of Bill C-37. I believe he is possibly deemed a Canadian citizen from 1947.

Why was I denied by CIC? Why is Joe Taylor now a citizen and I'm not? Why isn't Mr. Kenney honouring the promise made by Diane Finley to handle those cases not covered by Bill C-37 via subsection 5(4)?

• (0925)

Mr. Kenney recently said that he believes individuals want Canadian citizenship so that they will have the convenience of a passport. That word "convenience" is his and not mine.

**The Chair:** Thank you, Ms. Scott.

I'm sorry to cut you all off, but we're really pressed for time.

The rules are that each caucus will have seven minutes to ask questions of the four of you before us here today, together with Mr. Noorani out in Vancouver.

The first person to ask questions is Mr. Karygiannis.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Thank you.

My question goes to Mr. Noorani.

Can you hear me, sir?

**Mr. Naeem (Nick) Noorani:** Yes, I can.

**Hon. Jim Karygiannis:** You are the publisher of a magazine. Correct?

**Mr. Naeem (Nick) Noorani:** That is correct.

**Hon. Jim Karygiannis:** Do you, from time to time, get advertisements from the Government of Canada?

**Mr. Naeem (Nick) Noorani:** I'm sorry?

**Hon. Jim Karygiannis:** Do you, from time to time, get advertisements from the Government of Canada for your magazine?

**Mr. Naeem (Nick) Noorani:** I do.

• (0930)

**Hon. Jim Karygiannis:** Have you received any money from CIC in the last year for advertisement in your magazine?

**Mr. Naeem (Nick) Noorani:** Yes, I have.

**Hon. Jim Karygiannis:** And how much would that have been, sir?

**Mr. Naeem (Nick) Noorani:** I cannot answer that question—I don't have the figure.

**Hon. Jim Karygiannis:** Have you received, sir, a lot of advertisement or some advertisement?

**Mr. Naeem (Nick) Noorani:** Some advertisement.

**Hon. Jim Karygiannis:** Sir, would I be wrong to say that some of this advertisement that you have received might today sort of cloud your judgment?

**Mr. Naeem (Nick) Noorani:** I would respectfully disagree, sir. Apart from being a publisher, I am known as an immigrant advocate and have spoken out against several governments. My support is based on issues that I believe are good for my country.

**Hon. Jim Karygiannis:** Mr. Noorani, would I be correct in saying that some of your publications in the last couple of years have been towards the favour of the Conservative government? Yes or no, sir.

**Mr. Naeem (Nick) Noorani:** That would depend on the issue, Mr. Karygiannis.

**Hon. Jim Karygiannis:** Did you support Bill C-50?

**Mr. Naeem (Nick) Noorani:** I did not.

**Hon. Jim Karygiannis:** Did you get ads for Bill C-50?

**Mr. Naeem (Nick) Noorani:** I'm sorry?

**Hon. Jim Karygiannis:** Did you get ads for Bill C-50 from the government?

**The Chair:** I remind you, Mr. Karygiannis, that we're talking about Bill C-37.

**Hon. Jim Karygiannis:** Thank you, Chair.

Sir, did you get ads for Bill C-50?

**The Chair:** Sir, we're talking about Bill C-37.

**Hon. Jim Karygiannis:** Sir, I've asked him if he received ads from the government.

**The Chair:** And I'm telling you that we're dealing with Bill C-37, not Bill C-50.

**Hon. Jim Karygiannis:** That's fine, but you can't tell me, sir, what to ask a witness. I'm asking him if he received ads.

**The Chair:** Yes, I can—and I will.

**Hon. Jim Karygiannis:** Have you received ads about Bill C-37, sir?

**Mr. Naeem (Nick) Noorani:** No.

**Hon. Jim Karygiannis:** All right, sir, I thank you very much.

My question goes to anyone of the panel who wants to answer it. Mrs. Mendes and I both have children who were born outside Canada to Canadian citizens. If our children today were to work in any of the Middle Eastern countries, Japan, or Switzerland, and these children were to get married and have children with somebody from another country, do you think that my daughter or Mrs. Mendes' daughter could get citizenship?

**Mr. Don Chapman:** We're strictly addressing the second-generation born-abroad issue?

**Hon. Jim Karygiannis:** Yes.

**Mr. Don Chapman:** No, they couldn't, unless they worked for the Government of Canada. Under this new law, if they're second-generation born-abroad, no, your grandchildren would not be Canadian.

**Hon. Jim Karygiannis:** They would be stateless.

**Mr. Don Chapman:** Not necessarily. They could be, though, depending on the country. But this issue of statelessness is a really big deal. What went into the bureaucracy came out differently when they made it into law. There's a real problem with that. Canada, in my opinion, will be in violation of a lot of international covenants on statelessness.

**Hon. Jim Karygiannis:** Mr. Chair, I'd like to share my time with Ms. Mendes.

**The Chair:** Ms. Mendes.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Good morning.

Thank you for being with us, Mr. Noorani, from B.C.

I'm trying to separate those affected by this law into two categories: those, like Ms. Scott and Mr. Gélinas, who have been born abroad, or born in Canada to parents born abroad, and have lost their citizenship; and those second-generation people who we're trying to cover now.

I was once an assistant to an MP and I had to deal with lost Canadians—women who unknowingly lost their citizenship because of marriage to non-Canadians before 1947. At the same time, they never gained any other citizenship. I remember a lady who married a Polish citizen, never knowing she had lost her Canadian citizenship, and never gaining Polish citizenship. She was stateless for 52 years of her marriage. She found out only when she went to request her fifth passport—only then was she told she wasn't a Canadian.

**Mr. Don Chapman:** That is a typical story.

**Mrs. Alexandra Mendes:** We actually managed to tell them for her, but how does that apply nowadays?

**Mr. Don Chapman:** They still have people who are stateless. The first second-generation born-abroad stateless person that we know of is coming up in Austria. Austria does not confer citizenship. I was behind the scenes in the implementation of this bill. We did not want the second-generation born-abroad issue attached to this bill, but it got attached, and it was take it or leave it. Now that it's there, the provision.... And the gentleman you'd want to call in, too, is a gentleman by the name of Mark Davidson. He's now a DG of another department, but Mark was in on this.

The issue was that if a child was born in a country that didn't confer citizenship, let's say, Greece, Japan, and so forth, Canada, or one of the countries, immediately would come in and give that child citizenship based on the United Nations Convention on the Reduction of Statelessness. What came out was quite different. It's now saying that you bring your child back to Canada—and it becomes quite an issue to bring a stateless child across borders—the child will live in Canada for three years, and then the child can have citizenship.

Although, wait a minute, that's making the child an immigrant Canadian: this is completely contrary to the United Nations convention. It's totally wrong. Basically, if somebody, as in this case, is stateless, you can make them a citizen in three weeks. The Prime Minister proved that with the last remaining World War I veteran. End of story: it should be done right now.

There are major problems. Let's say, for instance, that we have a mother whose father happens to be elderly and living in the United States. The father is dying. This mother has a stateless child in Canada and can't leave the child to go take care of the father, because the child can't cross borders.

These are major problems and there are easy, easy, fixes. There are ways that were introduced into this bill to take care of this problem.

I have one last thing. One of the big things that was promised was that the Senate said, "If we agree to Bill C-37, you will give us a new citizenship act and start working on it". It was promised and it has not come through.

• (0935)

**The Chair:** Thank you, Mr. Chapman.

Monsieur St-Cyr, you have up to seven minutes.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Thank you, Mr. Chair.

Thank you all for coming before the committee today.

As you said, Ms. Mendes, we have two problems here, side by side, in relation to citizenship.

[*English*]

**The Chair:** Stop the clock here.

**A voice:** The translation isn't working.

**The Chair:** Are we okay now?

[*Translation*]

**Mr. Thierry St-Cyr:** Basically, I was repeating what Ms. Mendes said. We must make a distinction between two things.

First of all, we have the issue of Canadians who lost their citizenship and who did not regain it after Bill C-37 was passed. Then we have the issue of second-generation Canadians who in your opinion were treated unfairly after this bill is passed.

I am the Bloc Québécois's spokesperson on citizenship and immigration. I joined this committee while it was considering Bill C-37. I am very familiar with the bill, although I do not know its entire history.

Our committee prepared a report that was adopted unanimously and that recommended exactly the same measures as those found in Bill C-37. Nearly all the witnesses who appeared before us said that the legislation had to be passed, that it was urgent. The bill was passed unanimously by all parties.

In your opinion, how was a bill that overlooked so many people able to get through all the stages without any resistance?

[*English*]

**Mr. Don Chapman:** Actually, the bill was a wonderful bill. We're not talking about the second generation born abroad. We're talking about the lost Canadian bill. That brought in hundreds of thousands of people. That was a wonderful bill.

We always had some people who didn't quite fit under Bill C-37. We were at 73 people. Two have died since then without citizenship, so we're down to 71. We were promised that these cases would be fixed and be done. So those cases were there when we testified beforehand. They're still on the books, despite the promises that they would be taken care of. So there aren't really now many people left. This could be cleared up very quickly.

Regarding the second generation born abroad, it was take it or leave it. We took it with the promise, again with the Senate, that a new Citizenship Act would be forthcoming, because the 1977 Citizenship Act has become a barnacled creature. It's growing new barnacles of new amendments all the time. It has seen its better day. It's time for a new Citizenship Act.

• (0940)

[*Translation*]

**Mr. Thierry St-Cyr:** I want to make sure I've understood. If we set aside the issue of second-generation Canadians for a moment, this committee is discussing the 71 Canadians who have lost their citizenship. We are conducting a study because these 71 cases have still not been settled.

[*English*]

**Mr. Don Chapman:** Yes, there are 71 people. Subsection 5(4) grants pretty much that this goes away. There is one more problem. You now have created under Bill C-37 Canadian citizens with fewer rights than other Canadian citizens.

[Translation]

**Mr. Thierry St-Cyr:** I want to set that aside for the time being so that we can settle this matter. In the final analysis, without making any more changes to the legislation, the minister could certainly use subsection 5(4) of the Citizenship Act to settle the status of these 71 cases, and we could move on to something else. Additional changes to the legislation are not necessary to settle the 71 cases. The minister could use his authority and grant citizenship to these people directly.

[English]

**Mr. Don Chapman:** Absolutely. That's what we have asked for. That's what was promised to us, and that's what I expect.

[Translation]

**Mr. Thierry St-Cyr:** When you spoke about gender-based discrimination, you said that these 71 people had been discriminated against because of the legislation of the day. Earlier legislation was discriminatory because it made a distinction between men and women, between children born out of wedlock and those born in wedlock. You also mentioned religion and other grounds. You were not talking about discrimination pursuant to the provisions of Bill C-37.

**Mr. Don Chapman:** Yes.

[English]

Absolutely. This is totally in that 71 category. The discrimination continues.

[Translation]

**Mr. Thierry St-Cyr:** You are saying that in the past, the law granted citizenship to children, depending on the gender of the Canadian parent.

[English]

**Mr. Don Chapman:** That is correct. There were several court cases. Augier and Benner specifically dealt with the gender issue, and the government five years ago decided to throw those cases out—not throw them out, which you can't, but ignore them. So we have now been, for the last five years, operating as though those court cases were never decided.

[Translation]

**Mr. Thierry St-Cyr:** Let us set aside these 71 cases and move on to the issue of second-generation citizens.

Our witness who gave testimony over the telephone talked about people's connection to the country. Naturally, this question is of the utmost importance when we are discussing citizenship. In your opinion, if we do not draw the line at the level of second-generation citizens, where do we draw it? What would you suggest to the committee?

I am sure you would not say that Canadian citizenship should be passed down from one century to the next to people who do not even live in Canada anymore. We are going to have to draw the line somewhere.

[English]

**Mr. Don Chapman:** It's an excellent question, and it goes beyond my expertise. I am not the person to ask. You need to bring in

Donald Galloway and Don De Voretz, two people who are experts in that field.

**Mr. Naeem (Nick) Noorani:** Am I allowed to make a comment?

**The Chair:** No, sir, only when asked. Thank you, Mr. Noorani.

**Mr. Don Chapman:** I can help guide you. I know where all these little caveats are. They would be the ones to ask. There are some second-generation issues I can address, but to answer that question, no. I'm the expert on citizenship.

[Translation]

**Mr. Thierry St-Cyr:** I would like someone to give me an answer.

[English]

**The Chair:** I'm afraid we're over time, sir.

Ms. Chow is next.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** I have here speaking notes from Mark Davidson, director of legislation and program policy, citizenship division, regarding a study on Bill C-37. That was given to us on February 11, 2008, and it said, “the Minister of Citizenship and Immigration will still have the authority, with the approval of the Governor in Council, to grant citizenship under subsection 5(4) of the Citizenship Act in special cases”.

These special cases are the 71. That would then deal with all the problems, putting aside second generation. Let me ask Jacqueline Scott and Marcel Gélinas: in both of your situations, upon granting through this subsection 5(4), would you be proud Canadians? Even though in your hearts you're Canadians, now, on paper, you will be proud Canadians. Am I correct in that?

**Ms. Jacqueline Scott:** That's correct.

**Mr. Don Chapman:** That is correct.

•(0945)

**Ms. Olivia Chow:** Okay.

At the time when this was approved, the minister was Diane Finley; now it's Jason Kenney. I'm wondering if there is any movement or any promise to say, “Hey, you know, you're Canadian. You were born in Canada and your kids are Canadian. You've been paying taxes. Generations and generations will be here.” There's nothing that you can say that's “convenient” about your being a Canadian. You are a Canadian in your blood and in your DNA.

So tell me, what's going on, Jacqueline?

**Ms. Jacqueline Scott:** I am not legally Canadian. I have been denied twice. My last one was under subsection 5(4), and I'm being told—

**Ms. Olivia Chow:** That was in 2009.

**Ms. Jacqueline Scott:** It was in 2009.

**Ms. Olivia Chow:** Why? What month was that?

**Ms. Jacqueline Scott:** It was March. My letter was dated February, and I received it in March.

**Mr. Don Chapman:** The “why” is because she was born out of wedlock. That is the reason for her denial.

**Ms. Jacqueline Scott:** I'm being discriminated against because of the circumstances of my birth. Both letters I received stated that as the reason for the denial. It's discriminatory.

**Ms. Olivia Chow:** But there's no question of who you are....

**Ms. Jacqueline Scott:** If I had been born two years later, I would be covered by Bill C-37, but I was born in 1945.

**Ms. Olivia Chow:** Okay.

In the case of Marcel Gélinas, is it the same thing?

**Mr. Marcel Gélinas:** Yes.

**Ms. Olivia Chow:** You were denied also?

**Mr. Marcel Gélinas:** Yes.

**Ms. Olivia Chow:** Marcel, do you know the reason you were denied and when were you denied?

**Mr. Marcel Gélinas:** It was in February.

**Ms. Olivia Chow:** Do you mean February of this year?

**Mr. Marcel Gélinas:** It was this year, yes.

**Ms. Olivia Chow:** Why? Were your parents...?

**Mr. Marcel Gélinas:** Both my parents were born in Canada. They were married in Canada. My entire ancestry is in Quebec.

**Ms. Olivia Chow:** Your entire.... Yes, I can tell from your last name. Your grandparents are from Quebec and your parents were born in Canada, but you were denied this year, in 2009, by the department?

**Mr. Marcel Gélinas:** Yes.

**Ms. Olivia Chow:** Was it also by the minister?

**Mr. Don Chapman:** No.

**Ms. Olivia Chow:** No. Then tomorrow the minister, if he chooses to, can enact Governor in Council and grant under subsection 5(4) in these special cases. Am I correct?

**Mr. Don Chapman:** That is absolutely correct.

**Ms. Olivia Chow:** That would solve the 71—

**Mr. Don Chapman:** It solves the problem. It was promised; however, the minister turned it over to the bureaucrats, and the bureaucrats denied it. A ministerial permit is for the minister, not the bureaucrats. He has somewhat abdicated the responsibility for these cases and turned it over.

**Ms. Olivia Chow:** Am I correct in understanding that all 71 cases applied and were denied by the department?

**Mr. Don Chapman:** We have 65 Mennonites who are in limbo, and his daughter is in limbo, so we don't know about them. The others have all been denied.

**Ms. Olivia Chow:** Jacqueline, how did it feel when this gentleman on the phone who runs the magazine said that it could be citizenship by convenience? I saw your expression when he mentioned that, and you covered your mouth. Can you tell me what you felt at that time?

**Ms. Jacqueline Scott:** I can tell you that it's not a convenience. It's my nationality. It represents the right to call Canada my home and to let everybody know that's where I'm from and that I'm proud to be a Canadian. When I'm asked what my citizenship is now, how

can I answer? I don't know. I'm not comfortable where I live. I don't feel connected with where I live. Canada has always had that loyalty.

**Ms. Olivia Chow:** Where do you live?

**Ms. Jacqueline Scott:** We're snowbirds. We're half of the time in B.C. and we spend half the time, the winters, in Arizona.

**Ms. Olivia Chow:** You and many other Canadians.

**Ms. Jacqueline Scott:** That's right. We see a lot down there.

When I crossed the border this time, I was held up for two and a half hours at the border. And the last time I was sent into immigration also. They have me listed in their computer. They can tell me facts about what I have done with respect to applying for citizenship. They know I've been denied. So this last couple of times I've been pulled in at the border. I didn't think I was going to get in.

● (0950)

**Ms. Olivia Chow:** What would happen if you couldn't get back into Canada? Your children are here, right?

**Ms. Jacqueline Scott:** No, my children are not here. My daughter was born in Toronto but they are also in the States. We moved to the States because of my husband's work. It was a case of the jobs not being in British Columbia at the time, and he was offered a position with a former employer. So we're now in the States. My daughter is there. I come back every year. I used to come back for elder care for my mother. Today is my dad's birthday.

**The Chair:** Thank you, Ms. Chow.

Ms. Scott, do you have a passport?

**Ms. Jacqueline Scott:** I do have a passport, but it's not one that I wish to use. It's a U.S. passport. I had to do something—

**The Chair:** So you have a U.S. passport?

**Ms. Jacqueline Scott:** Yes, I do. I had to do that for the requirement after 9/11. You needed to have a passport. I had never intended to take out U.S. citizenship. I had never intended to do that. Canada has always been my home of heart, and to me, until I was denied in 2005, I always considered myself Canadian.

**The Chair:** Thank you.

Ms. Wong and then Mr. Dykstra. You both have up to seven minutes.

**Mrs. Alice Wong (Richmond, CPC):** Thank you very much for coming.

To Mr. Chapman, it's my understanding that my colleague Mr. John Weston has been looking after this case, and he has been helping you, assisting you, for the past four years. Can you let us know what he has done for you?

**Mr. Don Chapman:** Not much. John has not returned all my phone calls.

There are a lot of other people in your party who have been absolutely wonderful. Let's start with John Reynolds. We wouldn't be here today without John Reynolds. He is a real hero of the lost Canadians.

Diane Ablonczy; I can't say enough good about Diane Ablonczy.

If we go further, there are lots of people in your party who have helped me along this way. Senator Kinsella has helped us several times with Bill S-2, Bill S-17.

There's Inky Mark. I have a whole list here of quotes from wonderful people of your party who have tried to help us along the way.

I can't say that John Weston has done.... I mean, I haven't seen it.

**Mrs. Alice Wong:** He did mention to me, though, that he has worked with you for the past four years.

**Mr. Don Chapman:** I have not—

**Mrs. Alice Wong:** I just wanted to mention that.

That's it. I'll give the time back to Mr. Dykstra.

**Mr. Rick Dykstra:** Thank you.

Through you, Chair, to Mr. Noorani, I do have a couple of questions for you. The way the system works in terms of advertising in your magazine, it may be purchased through a number of ministries of the federal government. You're obviously not the only one who receives advertising dollars from a ministry of the federal government. Would you agree?

**Mr. Naeem (Nick) Noorani:** Absolutely. In fact, the magazine is not owned by me, it's owned by the *Toronto Star*.

**Mr. Rick Dykstra:** That's interesting. So would you consider the *Toronto Star* to be a positive spokesperson for the Conservative government?

**Mr. Naeem (Nick) Noorani:** You know, I eat a Big Mac occasionally, but I don't go out and support McDonald's.

**Mr. Rick Dykstra:** Thank you, Mr. Noorani. I just wanted to clear that up.

**The Chair:** Let's get back to Bill C-37, Mr. Dykstra.

**Mr. Rick Dykstra:** Completely. That served its purpose very well, Mr. Chair.

I would like to ask you, though, Mr. Noorani, about your thoughts. You were going to give some further thoughts, and of course, because of the time limit, it was cut down. What are your thoughts on the second-generation born-abroad provisions of the Citizenship Act and Bill C-37?

**Mr. Naeem (Nick) Noorani:** Thank you.

Let's look at it from the opposite perspective. Many Canadians have ties to other countries in terms of cultural heritage, because of grandparents or great grandparents who were immigrants to Canada. But that does not necessarily give those descendants rights in those homelands. At what point in time do we cut this off?

There were eyebrows raised—unfortunately, I'm not on video—about my comment about a marriage of convenience. I want to move beyond party lines. I want to say what's right for our country. That's what we have to start looking at. It's not about politics.

• (0955)

**Mr. Rick Dykstra:** Further to that, do you think the government has struck the proper balance to ensure a connection to Canada from its citizens?

**Mr. Naeem (Nick) Noorani:** I've put out my caveats, and I believe the caveats are around stateless people. The caveats are ensuring that no one is left out from that perspective.

When parents go outside to another country, they have options. They have options that the child can be born in Canada. These are options all of us have. We take options. We take opportunities for economic reasons, but we can't expect to come back 100 years later and have the house still warm and the fireside burning.

**Mr. Rick Dykstra:** We have a piece of legislation...and I listened to the predicaments of Mr. Neal, Ms. Scott, and Mr. Gélinas. If you were to suggest how we could move forward in a stronger way with Bill C-37 in terms of addressing some of their concerns—and forgive me, this is the first time I've met or been introduced to the three of them—it sounds to me that whether it's for their daughter or for themselves, their wish and their passion is to have Canadian citizenship.

They believe that Bill C-37 gave them that opportunity. It doesn't sound as though anyone disagrees with the legislation but there is disagreement or concern around carrying out the interpretation of it. Do you have any suggestions as to how we could strengthen that from a ministry perspective?

**Mr. Naeem (Nick) Noorani:** Was that directed to me?

**Mr. Rick Dykstra:** Yes.

**Mr. Naeem (Nick) Noorani:** I know Don Chapman personally. I think he's a great guy. I think he has a lot of information and I believe we can work together with Don Chapman in clearing up some of these points. I am not at any point trying to portray myself as a bigger expert than Don, and I concede to his expertise on this.

I believe we have to work on the enactment in such a way that it's fair to all. At the same time, we have to at every point in time remember that we have to look at what's good for the country and remember the words of Louis LaFontaine.

**Mr. Rick Dykstra:** Thank you.

Ms. Scott, I'm really trying to understand the struggle you face. Let me tell you, I do feel concern for where you are in terms of trying to establish your citizenship. Have you been able to undertake with your member of Parliament the ability to pursue this and have him or her as a representative to assist?

**Ms. Jacqueline Scott:** I have worked with a member of Parliament. At this point, there is no resolution.

**Mr. Rick Dykstra:** Okay. Under normal circumstances we don't have folks come to committee like this, in terms of not being able to work through their individual issues, so it's obviously a big enough and a passionate enough issue when we're talking about our Canadian citizenship for you to have the ability to come here. So I do want to thank all of you for doing that.

I want to note that the reason we're trying to work through these two meetings and hold these hearings is to improve your situation and to try to deal with the issues. The intent of the bill is to make sure that if you are justifiably a Canadian, you receive your citizenship. I can assure you that those of us on this side of the House are going to do everything to make sure that you do.

**Ms. Jacqueline Scott:** Thank you very much.

**The Chair:** Thank you, Mr. Dykstra.

Ms. Jennings, you have a very, very brief time.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** I have two very brief questions.

**The Chair:** No, Ms. Jennings, one, please. That's all you can have.

**Hon. Marlene Jennings:** To Mr. Noorani, who is on the telephone, do you have a position on the issue of women who come to Canada for the sole reason of giving birth to their children and who then leave, because Canadian citizenship law confers automatic Canadian citizenship on those children?

My second question—

**The Chair:** No, let's finish there.

**Hon. Marlene Jennings:** How much time do I have, sir?

**The Chair:** There is no time, I'm sorry. I've done you a favour; don't wreck it.

**Mr. Naeem (Nick) Noorani:** Okay, let me try to answer briefly.

I believe all airlines have limitations in place, an international limitation, on the term at which pregnant women can travel. I am personally against any kind of abuse, and that would include women who come here to have their babies. That's the short answer.

• (1000)

**The Chair:** Thank you very much, Mr. Noorani, and to all of you who are before us, for taking the time and giving your comments to the committee.

On behalf of the committee, I thank you very much for coming and telling your stories. This meeting is suspended for a few minutes.

• (1000)

(Pause)

• (1000)

**The Chair:** We will reconvene the meeting. We have a number of witnesses before us for the next hour.

From the Canadian Expat Association, we have Allan Nichols, executive director, concerned group representative.

From Terre des hommes pour les enfants and Terre des hommes Ontario, we have Dorinda Cavanaugh, director.

From Children's Bridge we have Sandra Forbes, executive director.

We have the Adoption Council of Canada, represented by Sarah Pedersen, acting executive director.

As an individual, we have Andrew Bilski.

I need some order, please, ladies and gentlemen. I'm going to have to ask for some assistance.

I'd like to welcome you on behalf of the committee. You each have up to five minutes to make a brief presentation, after which members of the committee will ask you questions.

We'll start with Ms. Cavanaugh.

Thank you for coming.

**Ms. Dorinda Cavanaugh (Director, Terre des hommes - Pour les enfants et Terre des hommes Ontario):** I am the director of TDH pour les enfants Quebec and TDH Ontario. I'm a clinical psychologist, and I've worked in adoption since 1974. I've personally supervised about 2,000 adoptions in that time. My husband and I have five children, four of whom are adopted, two of them internationally. I've seen a number of changes to the immigration process over these years.

Some years ago, removal of the restriction that adopted children were subject to medical screening in the same way as other immigrants was a recognition at least that these children had similar status to birth children. But the adoption community was still acutely aware that there was a huge difference between the way adopted children were perceived in terms of immigration practice and the way that their natural-born counterparts were. If a Canadian parent gave birth to a child overseas, that child was immediately recognized as a Canadian citizen, but a child adopted by Canadian parents overseas had to follow much the same procedure that any immigrant would follow, except that the application was fast-tracked so it was not so long.

In the eyes of the adoptive parents, the process that they had to go through meant that Canada still considered their adopted children to be less than fully their children. Still, our adopted children were expected to become Canadian citizens and live productive civic lives to the benefit of themselves, their families, and Canadian society in general. Recently, the Citizenship Act of 2007 resolved the long-standing issue of felt injustice for adoptive parents. The process that they had to undergo in order to obtain Canadian citizenship for their child was now closer to the automatic citizenship granted to children born to Canadian parents overseas by the introduction of the process of what now is called the direct citizenship route.

Thus it was with great enthusiasm that we welcomed this law that came into effect in December 2007, which at last recognized the equality of adopted children to birth children and gave them the right to apply for immediate citizenship. The prerequisites were simple. One of the parents needed to be a Canadian citizen, and the adoption had to be a legal adoption recognized by the Canadian province in which they were resident. The process was eagerly embraced by parents, and to date we as an agency have had some 100 children come to Canada under the new direct citizenship route, and perhaps 200 others in application for the process.

It came as a great shock and disappointment to learn that within months after the coming into force of this welcome new law, a bill was introduced, passed, and received royal assent, a bill that would take away the full privilege granted by the law of 2007 and create two tiers of citizenship. Any adopted child whose parents would follow the direct citizenship route would lose the right to pass on that citizenship under circumstances that were not extraordinary: giving birth to or adopting a child outside of Canada.

The unexpected attack on these children by the new legislation has somewhat stunned us. We feel that we have been misled and betrayed by the government, that our adoptive children are being unjustly and unfairly discriminated against. We firmly believe that these current prescriptions of the law are contrary to the rights of their parents as Canadian citizens. The recently implemented changes to the immigration legislation were made under circumstances that tend to make it more difficult to note, much less interpret, their far-reaching implications for adopted parents and children.

Thus, I am here to request that the Canadian Parliament rectify what we all hope was an inadvertent negative effect on the rights of adopted Canadians. The purported reason for this new law was in part to prevent generationally passing on Canadian citizenship to those who had no significant investment in the economic, cultural, and social life of this country. But in the case of adopted children, this is far from the truth. Such a child may come to Canada as an infant and a Canadian citizen, spend his or her childhood, adolescence, and young adulthood in Canada, and then for any number of reasons that could affect any of us, this young Canadian has a child outside of Canada and finds that this child is not to be considered a Canadian citizen, or worse, may find that the child is stateless. This is not only unjust, it is disrespectful and even cruel treatment of these children who have grown up as Canadian citizens trusting in fair treatment from their government. It makes them second-class citizens.

The impact of the new legislation is to threaten and restrict the activity of adopted children who will be in the active workforce within the next two decades. Under this new legislation, it would be ill-advised for children adopted by Canadian parents since April 17 to take jobs in Canadian corporations, universities, and educational institutions, NGOs, international organizations such as the UN, and other positions of significance in the world. Yet exceptions are made for diplomatic and military positions. If any of these people dare to take jobs overseas, move there temporarily, and either have or adopt a child while in that foreign country, their child will be deprived of his or her full citizenship rights. That is unfair, discriminatory, and arguably contrary to the Canadian Charter of Rights and Freedoms.

• (1005)

The new legislation creates two-tier citizenship in Canada, a concept that is repugnant to most Canadians.

**The Chair:** Thank you, Ms. Cavanaugh.

Mr. Nichols, you have up to five minutes.

**Mr. Allan Nichols (Executive Director, Concerned Group Representative, Canadian Expat Association):** Good morning.

My name is Allan Nichols. I'm the executive director of the Canadian Expat Association. I'd like to thank the committee for inviting me to appear before you to speak about Bill C-37.

To place my comments in the proper context, I'd like to briefly tell you a bit about the Canadian Expat Association.

The association is a non-governmental, not-for-profit community linking all Canadians living abroad. Canadians can now connect through the association, regardless of where they work and live, wherever they are in the world. Since opening its doors in the summer of 2007, the Canadian Expat Association has offered opportunities for members, in both French and English, to play a key role in representing Canadian expats, who until now have had no collective voice.

The association provides a platform for Canadians so that they can have access to and network with established Canadian clubs and business organizations around the world. It provides Canadians with useful information and analysis to ease the transition when they move and live abroad or when they return home. It assists Canadian business organizations and NGOs in promoting their activities to Canadians around the world. It acts as an advocate, working in partnership with businesses, NGOs, and federal, provincial, and territorial governments to promote the value of Canadian expats and to highlight their cultural and economic contributions. The association works to develop and foster relationships and to build partnerships with these various actors.

The goal is to internationally promote Canada and its most valuable resource: its people. The association currently represents approximately 1,000 people and a number of leading Canadian businesses. Efforts are under way to actively build its membership and to expand its profile overseas and across Canada.

An estimated 2.7 million Canadians are living and working abroad, nearly 9% of the total population of Canada. In fact, billions of dollars in bilateral trade can be directly and indirectly attributed to these Canadian expats who are involved in businesses around the world. Canadian expats are recognized as being in some of the most successful and influential networks, and as a direct result of their efforts, Canada is benefiting economically, culturally, and politically.

Canadians living and working abroad are linguistically adept, culturally articulate, and internationally mobile. They represent all regions of Canada, and most still identify Canada as their home. The experiences, knowledge, and networks of contacts these Canadians bring back have great value and have a profound impact on the country and on the economy.

I would like to now focus my comments on Bill C-37. While the intention of the bill is to limit the granting of Canadian citizenship to those who may not have ties to this country, we feel that the bill can be improved upon so that Canadians with significant connections will still be recognized. Let me explain.

It is our understanding that the current bill potentially limits the freedom of Canadian citizens to pass on their heritage. As members of this committee are well aware, we live in a highly mobile world. Canadians are seeking and finding opportunities around the globe and are returning with significant skills and investment. However, these achievements could be limited if there were a possibility that future generations would not be eligible to claim their Canadian heritage.

Canadians who have children abroad now have to contend with the possibility that their grandchildren might not meet the requirements of Canadian citizenship. Let me give you an example. A person decides to work abroad and begins a new stage of life by starting a family. This person then returns and raises children in Canada. Those children grow up and are active individuals who contribute to Canadian society. However, the opportunities for those children could now be limited if they want to start their own families. The children, if born abroad, will not be granted Canadian citizenship.

While we agree with the intention of Bill C-37 to protect the value of Canadian citizenship, the example I have outlined is an unfortunate and unintended consequence. When approximately 2.7 million Canadians are living and working abroad and providing tangible benefits to Canada, it does not make economic or cultural sense to put a limit on the opportunities for future generations.

We would recommend as the solution what other countries have worked out. For instance, the United States and Australia have faced the same dilemma. Their solution was to establish a residency provision for those children born abroad. In essence, such provisions recognize de facto their established citizenship and do not take their birthplace into account when it comes to their own children. A solution such as this would satisfy the notion that these people have meaningful ties to Canada.

Once again, thank you for inviting me to Ottawa. I'd be glad to now answer any questions you may have.

• (1010)

**The Chair:** Thank you for your presentation, Mr. Nichols.

We'll go to Ms. Forbes.

**Ms. Sandra Forbes (Executive Director, Children's Bridge):** I'll begin by saying that Children's Bridge is the largest international adoption agency in Canada. Our members were very encouraged when Bill C-14 was introduced, as it allowed their children to become Canadian citizens once the adoption was finalized. The majority of adoptees from abroad are under the age of three years old, and, as one father says, "My daughters are no longer Chinese citizens. Canadians are who they are." Clearly they are not people who are Canadians of convenience.

At this point in time, the Children's Bridge has received the following expressions of concern from its members. There are different rules depending on how one became a citizen—in other words, there is a two-tiered citizenship process in Canada. Children born overseas who come to Canada through the citizenship route will not be able to pass their citizenship onto their children if their children are born outside of Canada. If these same children came to Canada via the sponsorship immigration process, they would be able

to pass along their citizenship. A person born in Canada is able to pass on Canadian citizenship. It is understood that if one of the parents of a child born outside of Canada were a natural-born Canadian or a naturalized Canadian, then the child would be a citizen. These rules constitute discrimination and are a human rights issue. They thus will justify a constitutional challenge.

The idea of a two-tiered citizenship process is confirmed by the writing of the rules, which specifically identify adopted persons. This is a clear targeting of a specific group and grants fewer rights to this group than to other Canadians. It is difficult to see how specifying this group serves any intended purpose.

Some children could find themselves stateless if they were born in a country where citizenship was not granted to those born in a country to parents of a different nationality. Some examples are Switzerland and the Bahamas.

**A few examples of the types of struggles our families are facing are below:** Our family travels to Switzerland on business and it is real for our family that our grandchildren could become stateless.

Should I switch from the citizenship route for adoption to immigration? I phoned immigration and they told me they have never heard of this themselves.

Our children already face discrimination. They already need to integrate into a mixed race family and culture. When they grow up they will then find out that in fact their children do not have the same rights to citizenship as their nieces and nephews whose parents were born here.

We have two levels of citizenship in our own home. Some family members who were born in Canada and/or adopted domestically and other family members whose children could potentially become stateless or who may need to sponsor their own children to become Canadians.

The impact this is having on the adoption process is that families are not taking advantage of Bill C-14, although it was a very welcome piece of legislation when it was introduced. They're opting more often to go the sponsorship route. This route has much faster processing times and will allow their grandchildren, no matter where they are born or who the other birth parent is, to be Canadian citizens.

One may argue that the number of people affected in the future will be small. Within the adoption community, we have families who travel or who have homes overseas. Their children may be involved with trips back to their birth countries; these children may ultimately work outside of Canada; there are many scenarios. It is not at all inconceivable that they would marry someone not born in Canada or that they would not give birth outside of Canada, even though their ties to Canada are very strong and it remains their home.

The federal government has a responsibility to all its citizens. In trying to right a wrong, our children's children pay a sacred price: they could be stateless. We need to speak for our children, who are not old enough to speak for themselves. We also need to be a voice for families who are very concerned and confused at a time in their lives that's already stressful and full of anxiety as they prepare for international adoption.

For the adopted persons who come to Canada through the programs where adoptions are finalized in-country, we need to be assured by our government that their children and grandchildren will have the same rights to citizenship as their brothers and sisters who were born in Canada.

Thank you.

• (1015)

**The Chair:** Thank you very much, Ms. Forbes.

Ms. Pedersen, you have up to five minutes.

**Ms. Sarah Pedersen (Acting Executive Director, Adoption Council of Canada):** Let me start by saying that the Adoption Council of Canada is the only national organization representing the voices of adoptees, birth parents, and adoptive families across the country. We're thankful to have been invited today and to have been asked to share our concerns about how Bill C-37 affects the citizenship rights of adoptees.

We're concerned with the unanticipated impact of Bill C-37 as set out in the regulations. The new law that came into effect on April 17, 2009, limits Canadian citizenship to the first generation born to Canadian parents living outside of Canada. This law was supposed to streamline and simplify the citizenship process for internationally adopted children. Instead, this legislation takes away citizenship rights for some of these children. Adoptive parents across Canada are concerned that these regulations create two types of citizens with different rights, those who are adopted being relegated to an inferior class of citizenship under the bill.

The law was originally drafted to prevent Canadians of convenience—i.e., families who pass on citizenship over several generations without ever living in Canada. However, in attempting to solve this problem the government has created regulations that are confusing and create inequities for internationally adopted children.

Douglas Chalk, executive director of the Sunrise Adoption Centre and member of the Adoption Council of Canada states, and I quote:

...the government has reduced the citizenship rights of some internationally adopted children, and effectively created a lesser class of citizenship for them. Was this really necessary? It feels like a sledgehammer was used to kill a flea.

Sandra Scarth, president of the Adoption Council of Canada, also notes, and I quote, that “the original intent of the legislation as we understood it was to simplify the citizenship process to treat children adopted abroad more equitably” rather than create yet another inequity.

What upsets adopting parents most is the notion that their children will have a lesser class of citizenship. In effect, this law discriminates against children adopted internationally. Adoptive parents do not want to feel that their children are second-class citizens. Adoptive parents in Canada are losing their tolerance for being discriminated against. Resentment at the inherent discrimination against adopting families, which is built into the EI legislation, has been simmering for the past decade. Now these families face a new law that discriminates against their children.

The Adoption Council of Canada is dismayed that the provisions of the Citizenship Act, which came into effect in April, create two-tiered citizenship. Our adopted children, Canadian citizens who will

have lived almost their entire lives in Canada, will not have the same rights as other citizens born in Canada, even those in their very own family. They will not be able to pass on their Canadian citizenship to any of their children who may be born abroad.

The Adoption Council of Canada urges the government to rethink these provisions and find a solution that does not limit the rights of citizenship for internationally adopted children.

Thank you.

• (1020)

**The Chair:** Thank you, Ms. Pedersen, for your presentation.

Mr. Bilski, you have up to five minutes.

**Mr. Andrew Bilski (Concerned adoptive parent, As an Individual):** Good morning.

I'm an adoptive parent and a past board member of the Children's Bridge Foundation, which is the charitable arm of Children's Bridge.

I'd like to thank the committee for the opportunity to speak here today on a subject that's very important to me, my family, and thousands of other Canadian families with adopted children from other countries.

Canada, of course, is a nation of immigrants. Haitian-born Michaëlle Jean came here as a child refugee some 40 years ago, and now serves as Canada's 27th Governor General. Countless other immigrants, whether famous or not, have made significant contributions to their adopted country. They've served in Parliament, started companies, taught in schools, created art, policed our streets, grown our food and infrastructure, and raised civic-minded families.

I too immigrated here from the United States in 1976. To me, Canada represented multiculturalism, equality, justice, multi-party democracy, progressive social policy, and a voice of reason in an increasingly hostile world. I worked as a journalist here for nearly 30 years, and in that time I have never regretted my decision to become part of this great country. But lately I have been troubled by some aspects of Bill C-37, which ostensibly and laudably restores citizenship rights to so-called lost Canadians, but also perhaps unintentionally creates two-tiered Canadian citizenship.

My Canadian-born wife, Pamela, and I have two daughters. Bridget, born in Toronto in 1990, who will be entering her second year at the University of Western Ontario this September, and Nina, born in Zhangjiagang, China, in 1998, who is a grade five student at Clinton Street Junior Public School in Toronto. Nina, thankfully, is not subject to Bill C-37, and has the same citizenship rights as her Canadian-born sister.

I'm here today to speak for the thousands, perhaps tens of thousands, of other children who will not be so fortunate.

When Canadians adopt internationally, they give their children their surname, their love, their emotional and financial support, and their citizenship. With the passage of Bill C-37, however, thousands of foreign adopted children become second-class citizens. Unlike their Canadian-born siblings and friends, they've been stripped of the right to pass on Canadian citizenship to their own children born or adopted abroad.

To make matters worse, this deplorable situation seems to hinge on the mere method by which these foreign adopted children acquire Canadian citizenship in the first place. One group of children who come to Canada on a permanent resident visa and subsequently obtain citizenship through naturalization are not subject to Bill C-37. In other words, they're considered first-class citizens with the rights that most of us here enjoy. However, a second group that acquires citizenship by grant through direct route, the most popular method since December 2007, are subject to Bill C-37. In other words, they become second-class citizens with no right to pass on their Canadian citizenship to future generations born or adopted abroad.

My question is, why? What possible reason could the framers of this bill have to distinguish between these two groups of adopted children? Commenting on the intent of the bill, Canada's Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, has stated that the government wants to limit the right of citizenship to "those people who have some kind of enduring presence or commitment to Canada".

If so, what's the evidence that the second group of children, the foreign adopted ones who acquired citizenship through the direct route, will not have an enduring presence or commitment to Canada? Are they more likely than other Canadians, such as Liberal Party of Canada Leader Michael Ignatieff, to live abroad for vast periods of their lives? Are they less likely than other Canadians, such as the 40% or so who don't even both to vote in federal elections, to be committed to this country?

I'd like to remind the committee that many countries, including China, revoke the citizenship of a child upon foreign adoption. If these adopted children are not Canadian, then what are they? Their only national allegiance is to their adopted country.

•(1025)

I've come here today to respectfully ask you to right this injustice. In attempting to bolster the value of Canadian citizenship, Bill C-37 diminishes the rights of many foreign-adopted children. In so doing, it tarnishes Canada's international reputation as a champion of human rights.

**The Chair:** Thank you for your presentation, Mr. Bilski.

Each caucus has up to seven minutes.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Nichols, sir, you represent the expats abroad. Do you have any facts and figures of how many Canadians live abroad at this very moment, who are registered with the embassies? Would you happen to have such a figure, sir?

**Mr. Allan Nichols:** Canadian expats registered with embassies is a difficult figure to come across. I've contacted over 150 different missions abroad. Due to the inability of the embassies to provide that information because of privacy laws, I don't have accurate numbers as far as registered numbers.

The Asia Pacific Foundation of Canada estimates the number to be in the neighbourhood of 2.7 million Canadians. Based on the estimates that the Canadian missions have given to me—they haven't given me registered numbers but have often given me estimates of the number of Canadians who live abroad—we come to a figure that is close to 2.5 million.

**Hon. Jim Karygiannis:** How many of those Canadians have families and have children born abroad?

**Mr. Allan Nichols:** I don't know exact numbers.

**Hon. Jim Karygiannis:** Estimate then.

**Mr. Allan Nichols:** I would hesitate to guess at the total number. Statistics Canada in 2006 came up with the figure of just over 70,000 Canadians who have declared that they work abroad. Those are people who have declared that they are working abroad. That was in 2006.

Given the mobile nature of this community, the 70,000 Canadians who were abroad then are likely not the same 70,000 Canadians who are abroad now, nor will it be the same 70,000 Canadians who are abroad in five years. To think that not a significant number of those 70,000 will have children would be naive.

**Hon. Jim Karygiannis:** On this committee, sir, there are 12 members. I can clearly say that all of my colleagues on the Conservative side are probably first-generation Canadians. On this side, I know Ms. Mendes, Ms. Chow, and I are first-generation Canadians. I had a child born abroad. I have five daughters. My fifth daughter feels like a second-class citizen, and with Ms. Mendes it is the same thing.

Now, you're talking about adoptive kids. Please understand that I know you are behind the eight ball, certainly, but so are our children behind the eight ball.

How many generations can we give Canadian citizenship to? Is it the second, third, fourth generation of people born abroad? Should my daughter, who was born abroad, feel any different?

I have another question. If I could lump them together, maybe one of you can answer. Do you know how many countries in the world do not give citizenship to people born in that country—i.e., Saudi, Yemen, Japan?

**Mr. Allan Nichols:** I would respond to that question by looking at countries that are of similar nature to Canada in that we're immigrant-based, such as the United States, Australia, New Zealand. These three countries, as I stated in my opening comments, have introduced provisions to their laws. Their provisions are residency-based so that individuals who have remained in that country for a significant period of time satisfy the government that they have developed significant ties to that country. In the U.S. it's five years after the age of 14, in Australia it's two years.

I'm not specifying a certain number of years that one needs, but this is one that needs to have further study. It needs to be perhaps looked at for that.

**Hon. Jim Karygiannis:** I heard one of the panellists say that adoptive children, if they were to adopt, would be treated differently. Can you elaborate on that, please?

**Ms. Sandra Forbes:** Adopted children if they...?

• (1030)

**Hon. Jim Karygiannis:** I mean adopted children come in and they are foreign-born children. When they come in, they are deemed to be first-generation born-abroad children.

**Ms. Sandra Forbes:** Yes.

**Hon. Jim Karygiannis:** Perhaps you know of stories that you can share with us concerning foreign-born adopted children who come into the country, they get married and cannot have any children. They decide to go abroad and sponsor children, or they have children, like Mr. Andrew Bilski. Maybe they are originally from China or from Romania and they decide they want to support somebody else who comes from there and they want to adopt a child from that part of the world.

**Ms. Sandra Forbes:** So you're talking about if they want to—

**Hon. Jim Karygiannis:** Mr. Bilski has two daughters. One was born in Canada and one was born abroad.

Mr. Bilski, maybe you can answer that question, sir.

Should his second daughter, if it was the situation today...? If I decide that I want to adopt a child from the country of my origin, will that child be a Canadian?

**Ms. Dorinda Cavanaugh:** Not unless they apply by the permanent resident route and ask for Canadian citizenship once the child arrives here. There's no other alternative.

**Ms. Sandra Forbes:** They have to go through the sponsorship route. They have to sponsor their own child.

**Hon. Jim Karygiannis:** Which brings me to the point that should Ms. Mendes or my daughter be working outside and have a child, and they want to come back to Canada—let's say they've been working in Saudi Arabia—then that child has no passport.

**Ms. Sandra Forbes:** That's right.

**Hon. Jim Karygiannis:** The child's stateless.

**Ms. Sandra Forbes:** That's right.

**Hon. Jim Karygiannis:** So how, then, can my daughter come back and sponsor her child when the child doesn't have a passport?

**Ms. Sandra Forbes:** That's the problem with Bill C-37.

**Hon. Jim Karygiannis:** So we are again generating another set of stateless Canadians. Bill C-37 just doesn't work.

**Ms. Sandra Forbes:** It doesn't work for that group of people, for sure.

The thing that strikes me, too, is that our understanding is that the new rules were intended to help lost Canadians gain citizenship and to stop people who don't have a commitment to Canada.

The only thing I could think of with adopted children was that perhaps there's a fear that older children would be adopted into Canada for convenience reasons. That's the only thing I could get my head around.

The issue with that is that in order to adopt a child you have to demonstrate a genuine parental relationship. So in fact, those children are not being allowed into Canada for that reason. It doesn't make any sense. There are very few older adoptees.

**The Chair:** Thank you, Ms. Forbes.

Monsieur St-Cyr.

[*Translation*]

**Mr. Thierry St-Cyr:** Thank you, Mr. Chair.

With regard to adopted children, no matter what process was followed during the adoption, could we not settle the matter by simply considering them to have been born in Canada?

**Ms. Sandra Forbes:** Yes.

**Mr. Thierry St-Cyr:** Depending on the mechanism used during the adoption, some children are considered to have been born in Canada, whereas others are considered to be foreign-born. That is the problem. In my opinion, the very nature of adoption is such that we look at adoptive parents like biological parents, in practical terms. I totally agree with that.

However, I have some reservations about the rhetoric concerning second-class citizens. In my opinion, if we establish that a line must be drawn somewhere, it follows that some people will not be able to pass down their citizenship. Let us suppose that Ms. X, who is pregnant, enters Canada as a tourist. Her child is born prematurely and receives Canadian citizenship. Ms. X goes back to her country of origin with this child. The child, who remains a Canadian citizen, later marries a woman from his own country. They have children together, and those children believe that they are Canadian citizens. That should not be possible.

Do you agree that people should not be able to pass down their citizenship to their descendants indefinitely?

• (1035)

[*English*]

**Ms. Sandra Forbes:** The issue here, though, is that in Bill C-37, adopted persons are identified specifically.

[*Translation*]

**Mr. Thierry St-Cyr:** In my opinion, adopted children should be considered to be Canadian-born. That would solve the problem. However, I think that this rhetoric about second-class citizens is unfounded. Indeed, at one point or another, someone will not be able to pass down his citizenship, and that will be legitimate. According to those who espouse this rhetoric, that person will also be a second-class citizen.

In your opinion, is citizenship a right that belongs to parents or to the child?

[*English*]

**The Chair:** Anybody can answer.

**Mr. Allan Nichols:** I'll go back to a point that I tried to bring up as well. We believe that citizenship can be applied to an individual who can demonstrate significant ties to their country whether they be first, second, or third generation. Both my children were born in Japan. They're growing up in Canada, but if my daughter were to have a child while she was travelling in the United States and come back to Canada, that child would be second-generation Canadian.

Now, it is conceivable, albeit unlikely, that the child then, my grandchild, could be travelling somewhere else and have another child unexpectedly. That child would be a third-generation Canadian. If we're saying that this third-generation child cannot have Canadian citizenship, that's not taking into consideration any ties with Canada even if they may in fact grow up in Canada and be educated here. If they're going to school in France or Geneva and they have a child, can we say then that they are not Canadians because they're getting educated abroad?

[*Translation*]

**Mr. Thierry St-Cyr:** So you think that it is not a matter of whether Canadian citizens intrinsically have the absolute right to pass down their citizenship. It is more a matter of whether we have a certain attachment to the country when our children are born.

[*English*]

**Mr. Allan Nichols:** I would agree that is certainly one way to look at it.

**The Chair:** Thank you, Mr. Nichols.

Ms. Chow.

**Ms. Olivia Chow:** Andrew Bilski, you hadn't finished your submission. You had a few more lines?

**Mr. Andrew Bilski:** No, I'd basically finished. Nothing important was left out, thank you.

**Ms. Olivia Chow:** Okay.

Nina came into Canada as a landed immigrant.

**Mr. Andrew Bilski:** Right. She's naturalized.

**Ms. Olivia Chow:** That was because that was before Bill C-14 came in.

**Mr. Andrew Bilski:** It was before 2007. It was in 1999.

**Ms. Olivia Chow:** So had you brought her in as a Canadian citizen—

**Mr. Andrew Bilski:** She would now be facing this dilemma.

**Ms. Olivia Chow:** You granddaughter or grandson might not be Canadian.

**Mr. Andrew Bilski:** That's correct.

**Ms. Olivia Chow:** If that were the case and Nina became a famous journalist and was stationed in China, for example, like a second Jan Wong, if she happened to have a baby there, then that baby wouldn't be Canadian. Am I correct?

**Mr. Andrew Bilski:** Had she come in through the direct route, yes.

**Ms. Olivia Chow:** So that's absurd. No one could justify that. I know that the adoptive parents lobbied heavily during that period to say they needed to come in as citizens, because sponsorship took quite a few years and during those years they didn't have the rights of a Canadian citizen. I remember that big lobby campaign, and the Conservative government said you're absolutely right. That's why the first thing they did—I remember Diane Finley—was to change the bill. Everybody was celebrating and saying this was great. I said it was great. Everybody said it was great without knowing that now they've messed up.

I'll put that problem aside.

Allan Nichols, I was in Japan, Tokyo, Beijing, and Shanghai with the foreign affairs minister for a few days, and at that time there were several meetings with very successful business people, people working and doing a lot of business, employing a lot of people both in Canada and elsewhere. Foreign Affairs hosted this dinner. It was interesting that after the dinner I had several people come up to me and say they were really worried because if they had a kid there, they might actually have to leave, go home, and stop the business so that they could have their child in Canada. They were telling me how absurd it is because it really limits their business. They are Canadian. They have Canadian firms here.

Is that something you're hearing now, that they're really worried?

● (1040)

**Mr. Allan Nichols:** Absolutely.

You mentioned Japan. Ms. Bader-Johnston, the current president of the Canadian Chamber of Commerce in Japan, has expressed concern about this. She has expressed particular concern with the fact that this bill puts the onus for this problem entirely on the woman in the sense that if she's pregnant and her children are born abroad, then if her daughter works for an executive office, whether it be in Japan or somewhere else, and decides to have a child, in order for that child to become Canadian she has to leave her position and return to Canada to have the child. For an executive, that's not a very suitable response.

**Ms. Olivia Chow:** Tell me about her. Is she Canadian? Is she a successful businesswoman?

**Mr. Allan Nichols:** Patricia Bader-Johnston has lived in various countries around the world and operates several businesses in Japan. She is currently the president of the Canadian Chamber of Commerce in Japan.

**Ms. Olivia Chow:** But she is Canadian?

**Mr. Allan Nichols:** She is a Canadian, that's right.

**Ms. Olivia Chow:** And her parents are Canadian?

**Mr. Allan Nichols:** Her parents are Canadian, that's correct.

**Ms. Olivia Chow:** And she will never consider herself anything other than—

**Mr. Allan Nichols:** She will never consider herself anything other than Canadian.

Her organization is considered the face of Canada by the Government of Japan. When there's a large festival or something to do with Canada, they invariably invite our chamber of commerce in Japan. We're seeing this not only in Japan, but also around the world, whether it be the Canadian Chamber of Commerce in Hong Kong; the Canada Arizona Business Council in Phoenix, Arizona; Network Canada, a social organization in London; or the Canadian Chamber of Commerce in Switzerland. All of these organizations are expressing similar concerns about this bill—and they are all considered the face of Canada.

**Ms. Olivia Chow:** And it limits the woman—

**Mr. Allan Nichols:** Absolutely.

**Ms. Olivia Chow:** —because then they would have to decide whether to have the kid. They have to fly back—

**Mr. Allan Nichols:** They have to fly back to Canada. And if she's an executive, then it's not reasonable to expect her to leave her position for one to two months to come back to Canada simply to have a child.

**Ms. Olivia Chow:** Right. And you're suggesting that it's really a matter of their residency, their connections, in many other countries.

Do you know of other countries that actually do it this way—the limited one or two years?

**Mr. Allan Nichols:** The United States, Australia, and, as far as I know, New Zealand, have similar provisions within their citizenship acts.

**Ms. Olivia Chow:** So it would allow Patricia, for example, if her baby were born abroad, to say this is the kind of connection I have. Then if she were American, her kid would have no problem.

**Mr. Allan Nichols:** In the United States, the provision requires an individual to live for five years or longer after the age of 14 within the country. In Australia, it's two years regardless of the age.

**Ms. Olivia Chow:** So it's really not where you're born—

**Mr. Allan Nichols:** It's not where you're born.

**Ms. Olivia Chow:** —it's your connection to the country.

That makes sense, because you are talking to quite a lot of MPs here who were not born in Canada. You know, we're members of Parliament—

**Mr. Allan Nichols:** Right. Obviously you have deep connections to Canada.

**Ms. Olivia Chow:** Absolutely.

So that would be one way to change the rules. Another way is to maybe change how many generations and to remove that generations question, given that Canada needs lots of babies anyway. We are a big country; we need more children in this country. So we go out and ask people to emigrate to Canada.

It's absurd that on the one hand we ask you to come to Canada, because we need a bigger population, and on the other hand, all the grandchildren....

Anyway, you know where I was going on this.

● (1045)

**The Chair:** Thank you, Ms. Chow.

I inadvertently cut Monsieur St-Cyr off. I'm giving him two more minutes.

I apologize.

[*Translation*]

**Mr. Thierry St-Cyr:** I am going to continue with something that Ms. Chow said at the end of her remarks.

The concept of citizenship was developed in the 19<sup>th</sup> century for the most part, at a time when people travelled far less and citizenship implied fewer things. There were no social programs, nor was there a welfare state. Basically, citizenship boiled down to a title and a passport, in a way.

We can see the limits of this concept. Is a person's birthplace still relevant to assess citizenship? Some people are obviously connected to a particular country, but do not have citizenship, whereas others have no connection to the country that they have become a citizen of.

Should we not take another look at citizenship through the lens of the 21<sup>st</sup> century and establish true criteria for assessing a person's connection to the country, rather than using arbitrary criteria such as place of birth?

[*English*]

**Mr. Allan Nichols:** It's certainly something that we would advocate the study of to review that process.

**Ms. Sandra Forbes:** It would be a challenge to define “close ties to Canada.” It would be an interesting process, for sure.

[*Translation*]

**Mr. Thierry St-Cyr:** Are there any other comments on that point?

[*English*]

**Ms. Dorinda Cavanaugh:** Obviously, you've set this apart as a separate issue, but I think to talk about adopted children having a number of years of residency after the age of 14 doesn't make sense. Adopted children need to be—

[*Translation*]

**Mr. Thierry St-Cyr:** Citizenship still depends on the connection of the parents. At birth or at the time of adoption, a baby clearly does not have a connection to a country. When he is born, one attests to the place where he came into the world. Should we not be asking to what extent his parents are connected to Canada? Would that not be a more modern vision of citizenship?

[*English*]

**The Chair:** We have to wind up.

I've repented to you, Mr. St-Cyr. I can't give you any more time.

Mr. Shory, you have up to seven minutes.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair.

I'd also like to thank the witnesses for coming here.

Mr. Chair, interesting concerns have been raised in relation to international adoptions and Canadian citizenship thereafter. I note here that this law was passed on February 15, 2008, and was passed unanimously. I see that a few colleagues from the other side were MPs at that time as well.

How would you suggest fixing this problem while maintaining the integrity of our Canadian citizenship and also the tangible link to Canada that we expect from all Canadian citizens?

**Ms. Sandra Forbes:** To me, the difference would be to not target a specific group, such as adopted persons, adopted children. It would be really important to leave out the targeting of a specific group when you're discussing citizenship, because that automatically sets up a process that's discriminatory. Under the new rules that were introduced in April, when you look through the rules there's actually a title "adopted persons". In other words, it only applies to this specific group, not to any other group.

That would be my suggestion.

**Ms. Sarah Pedersen:** By singling them out, you're automatically creating a discriminatory situation. We agree with what Ms. Forbes is saying.

**Mr. Devinder Shory:** But was this not a part of the law that was unanimously passed by Parliament?

**Ms. Sandra Forbes:** Right, and that's the dilemma. But I understood the new rules that sort of outlined how the law would be applied came into being in April. Is that correct?

**A voice:** Yes.

**Ms. Sandra Forbes:** April of 2009.

●(1050)

**Ms. Sarah Pedersen:** One suggestion from the Adoption Council of Canada in terms of improving the existing bill is to add an exception for adopted children, similar to what the exceptions are now for military families. That is one recommendation from our board of directors.

**Mr. Devinder Shory:** What would be your comment, Ms. Cavanaugh, on this?

**Ms. Dorinda Cavanaugh:** I would agree with what she has just said. It would appear to me to be easy to make the exception for adopted children. I guess that may not handle the situation of expat Canadians, however. But as military and government personnel are exempt, why shouldn't adopted children be exempt?

**Mr. Devinder Shory:** It would have saved a lot of time if these concerns had been raised at the time the law was passed unanimously.

**Ms. Dorinda Cavanaugh:** I'm sorry. I couldn't understand you.

**Mr. Devinder Shory:** It would have been easier at the time the law was passed unanimously if the concerns had been raised.

**Ms. Dorinda Cavanaugh:** There was no consultation, as far as I know, with any of the adoption community about this.

**Mr. Devinder Shory:** Okay.

I'm also an immigrant. I came here as an immigrant—as Mr. Karygiannis said, most of us here are first generation—and I still remember the day I got my Canadian citizenship. I can visualize that day. I was so proud of myself. Now I am a Canadian citizen. That is very important to me.

Do you believe that adults who denounce their Canadian citizenship voluntarily should be given it back?

**Mr. Allan Nichols:** That's another issue altogether. I don't have a response to that.

**Mr. Devinder Shory:** I'm going now to citizenship.

**The Chair:** You know, Mr. Shory, there is a fine line here. I'll let you continue for a little bit, but we are on Bill C-37.

**Mr. Devinder Shory:** Okay, then I will pass my time to Ms. Wong.

**The Chair:** Okay.

**Mrs. Alice Wong:** Thank you very much, Mr. Chair.

We probably are very much aware of the fact that there are expatriates working overseas.

My question for Mr. Nichols is this. Could you please tell us how you would ensure that citizens have a tangible connection to Canada?

**Mr. Allan Nichols:** Certainly.

The tangible contributions to Canada would refer to economic contributions that are made by these Canadians. I mentioned the chambers of commerce, the local business councils that are in virtually every major city of the world, that are working hard to promote Canadian businesses. They also work to promote businesses that are trying to invest in Canada as well, in conjunction often with Foreign Affairs and International Trade Canada.

There are individuals such as Glenn Williamson of the Canada Arizona Business Council. In 2005 the bilateral trade value between Arizona and Canada was set at \$2.5 billion. The goal of that organization was to bring that to a total of \$5 billion by 2008, and they've succeeded in doing that.

That's one example of how, economically, they've contributed significantly to Canada.

**Mrs. Alice Wong:** That I understand, but when we talk about citizenship, a citizen is an individual. You can't say I belong to this business association and therefore I get citizenship.

How about ensuring the individuals that those citizens will have a tangible connection? How would you work it out?

**Mr. Allan Nichols:** The recommendation that we are suggesting I believe recognizes the desire of our members and also, I believe, the public of Canada to improve the value of Canadian citizenship, while at the same time enabling Canadians with significant ties to become contributors if they decide to become expatriates themselves. The suggestion we're making is that if there was an introduction of a residency requirement for the parents of those children....

•(1055)

**The Chair:** Thank you, Mr. Nichols and Ms. Wong.

Before I dismiss the witnesses, the analysts need some direction from the committee. I hope I have the consent of the committee to go in camera. I assume that is okay.

**Some hon. members:** Agreed.

**The Chair:** Ladies and gentlemen, I'd like to thank you for coming and giving us your thoughts on Bill C-37. Thank you very much for your time and your consideration.

The committee will be going in camera, so I'm afraid all of those except the committee members and one staff member will have to vacate the committee room.

The meeting is adjourned.

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