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**Chair**

**Mr. David Tilson**

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## Standing Committee on Citizenship and Immigration

Tuesday, June 16, 2009

• (0905)

[English]

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

This is meeting number 23 of the Standing Committee on Citizenship and Immigration, on Tuesday, June 16, 2009. The orders of the day include the 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 three guests here before us today. Nicole Girard is the director of legislation and program policy, citizenship and multiculturalism branch. Welcome, Ms. Girard. Andrew Griffith is the director general of citizenship and multiculturalism branch. Good morning to you, sir. Finally, we have Rick Stewart, who has appeared before us in the past. He is the associate assistant deputy minister of operations.

Mr. Griffith, I understand you are going to make a brief presentation to us on this topic. You have up to 10 minutes. Thank you very much for coming, sir.

**Mr. Andrew Griffith (Director General, Citizenship and Multiculturalism Branch, Department of Citizenship and Immigration):** Thank you, Mr. Chair and honourable members.

My name is Andrew Griffith. I am the director general of citizenship and multiculturalism branch at Citizenship and Immigration Canada. As the chair noted, I am accompanied by my colleagues Rick Stewart and Nicole Girard. We appear in connection with your study of the subject matter of Bill C-37.

As you know, Bill C-37 was passed unanimously by both Houses of Parliament, received royal assent on April 17, 2008, and was implemented a year later on April 17, 2009.

[Translation]

In the past, the committee had expressed concern about implementing the law within a year and raising awareness about the new law. Today, I would like to take a moment to briefly describe the legislative amendments, the implementation efforts and steps taken to communicate those changes to the public.

I'd also like to address the situation of individuals who did not obtain citizenship and whose situation merited special consideration.

[English]

Because of the demonstrated need for stability, simplicity, and consistency in citizenship status, what follows is the basic outline of the amendments provided in Bill C-37.

Mr. Chair, these amendments restore or give Canadian citizenship to many who never had it or who lost it due to previous laws; limit Canadian citizenship to the first generation born to Canadian parents outside Canada; and allow people adopted outside Canada by Canadian parents between January 1, 1947, and February 14, 1977, to apply for a grant of citizenship. This expands on the provision implemented in December 2007 to allow children adopted outside Canada by Canadian parents since February 15, 1977, to apply directly for citizenship without first having to become permanent residents, also known as Bill C-14.

[Translation]

Under the old rules, it was possible for Canadians to pass on their citizenship to endless generations born outside Canada. To protect the value of Canadian citizenship for the future, the new law limits citizenship by descent to one generation born outside Canada, similar to rules in other countries like the UK and New Zealand.

[English]

This means that children born to Canadian parents in the first generation outside Canada will be Canadian at birth only if one parent was born in Canada or one parent became a Canadian citizen by immigrating to Canada and was later granted citizenship, also known as naturalization.

Canadian citizens who have children born outside of Canada who are not eligible for automatic citizenship may be eligible to sponsor them for permanent residence, and once in Canada they can apply for citizenship. This of course includes children who are stateless. Stateless children who are unable to obtain a travel document may be issued a single-journey travel document by the department to enable them to come to Canada.

As an additional safeguard against statelessness, Bill C-37 contained a provision for a grant of citizenship for children who were born outside Canada to a Canadian parent, who were born stateless, and who have always been stateless. These persons are not required to become permanent residents; however, three years' residence in Canada is required in order to access a grant under this provision. This provision meets Canada's obligations under the 1961 UN Convention on the Reduction of Statelessness.

While Bill C-37 restored or granted citizenship to the majority of those who lost citizenship or who never had it due to outdated provisions in past legislation, there may be individuals who did not obtain citizenship and whose situations may merit special consideration. Individuals who lost citizenship and who do not qualify under Bill C-37 may either apply for permanent residence and then for citizenship, or request consideration for a discretionary grant of citizenship without going through the immigration process.

[Translation]

I understand that concerns were raised by witnesses at last week's standing committee meeting about the use of the discretionary powers under section 5(4) to resolve citizenship anomaly cases not covered by Bill C-37.

[English]

On May 29, 2007, when announcing her intention to table legislation to deal with lost Canadians, then Minister Diane Finley acknowledged that the legislative proposals would not resolve all cases. She said, "Those rare cases where the facts turn on circumstance of birth outside Canada prior to January 1, 1947, and where citizenship is in doubt, would remain".

She went on: "Given the variety of individual circumstances in these cases, I believe that we must continue the current approach—to judge each case on its merits, and as warranted, use the powers available to me as minister to bestow special grants of citizenship under subsection 5(4) of the Citizenship Act."

[Translation]

The section 5(4) provision of the Citizenship Act addresses exceptional cases. Each of these cases is considered on its own merit. Since decisions to grant citizenship rest with the Governor in Council, there is no guarantee that an application will be approved.

Since 2007, 184 lost Canadian cases have been approved by the Governor in Council for a discretionary grant of citizenship. This includes 104 in 2007, 69 in 2008 and 11 in 2009. The total number of 5(4) grants for 2009 is 21 to date—this includes lost Canadians as well as all others.

• (0910)

[English]

We are aware of concerns that this exceptional authority is not being used enough. However, generally speaking, anyone who has never been Canadian, who has not lived here for many years, or who has never lived here and has a citizenship of another country in which they have resided most of their life likely does not have a strong case for the exceptional use of this discretionary authority to grant citizenship. However, where appropriate, given the facts of the case, an exceptional grant of citizenship has been made or we have made other arrangements, such as issuing temporary residence permits.

The department has taken numerous steps to prepare for the implementation of Bill C-37, including the development of regulations, policies, and procedures; manual updates; new application forms and kits; and changes to the global case management system to enable processing, training for staff, and the implementa-

tion of an innovative and cost-effective communications strategy to promote awareness of the changes.

[Translation]

CIC staff, including case officers and call-centre agents, have been trained in the new law. As part of its communications strategy, CIC has taken steps to ensure that the new rules are reaching Canadians inside and outside Canada.

[English]

The CIC has used a wide variety of channels to spread the word on the new law, including building a web landing page, [www.cic.gc.ca/citizenship](http://www.cic.gc.ca/citizenship); reaching out to federal partners such as Passport Canada, Service Canada, and DFAIT; and getting the provinces and territories to use their channels to inform clientele of citizenship changes.

CIC has also used an innovative approach, disseminating the message on the changes through social marketing, including designing and implementing a YouTube video called Waking up Canadian. The video features a man who literally wakes up Canadian on April 17, 2009, and directs people to CIC's website for more information on the changes. The video has had over 185,000 hits.

[Translation]

CIC partnered with the Canadian embassy in Washington to raise awareness of the changes among Canadians living in the United States. The embassy helped us spread the word through organizations like Connect to Canada, a virtual network of more than 43,000 people who share a link to Canada, many of whom are Canadian expats.

CIC has also implemented an online self-assessment tool on its website to give people an idea, through a series of questions and answers, whether they are likely citizens under the new law. Close to 110,000 people have used the self-assessment tool.

[English]

Because we do not know exactly how many individuals will be affected by these changes, nor where they live, the video is proving to be an effective and low-cost way of drawing people to the CIC website for more information.

Thank you. That concludes my statement. My colleagues and I would be pleased to answer your questions.

**The Chair:** Thank you, sir, for an excellent presentation.

Ms. Mendes.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Thank you, Mr. Chair.

[Translation]

I would like to thank you for your presentation and for being here today.

Last week, we heard from several witnesses, whose spokesperson, together with Ms. Stewart, talked about her very specific case and the legal procedures she had to undertake to get her citizenship back.

Are you aware of this rather unique case? She lived in Canada until she was 24, but she was born in England to a war bride. I do not know whether the exceptions in the act apply to cases such as hers.

**Mr. Rick Stewart (Associate Assistant Deputy Minister, Operations, Department of Citizenship and Immigration):** Thank you for your question. I think the person who are talking about is Jacqueline Scott, not Ms. Stewart.

[English]

**Mrs. Alexandra Mendes:** Is it Scott or Stewart? Is it Stewart? Okay, I'm sorry.

[Translation]

**Mr. Rick Stewart:** She testified before the committee last week. I trust the committee will understand that I cannot discuss individual cases. However, I can assure you that the decision was made on the basis of the unique circumstances of the case.

**Mrs. Alexandra Mendes:** Since this case is still before the courts, I can understand that you cannot comment. We were talking about her case, because she appeared before the committee last week.

• (0915)

[English]

But what I still don't get is how you allow for the exceptions, exceptions that sometimes are really not anyone's fault, especially not that of the child who is born in a situation that may make his or her citizenship doubtful. How do you cover that in the current law? I don't see care taken in those situations: the child who was born, as she was, abroad, but who came to Canada and lived in Canada most of her life until she became an adult. How do you cover this in the current law?

**Mr. Rick Stewart:** I have two comments on this.

The current law basically gives equal access to citizenship to children born outside of Canada on or after January 1, 1947, when the concept of Canadian citizenship came into being. It gives citizenship to those individuals irrespective of gender or marital status. The laws that we have to apply cannot fix circumstances prior to 1947.

**Mrs. Alexandra Mendes:** They're not retroactive. Okay.

**Mr. Rick Stewart:** They're not retroactive to a time prior to the concept of citizenship coming into being. That's the first observation.

The second observation is that for individuals who find themselves in those circumstances, there is the "special grant of citizenship" route. When the law can't address their issues or their needs, there is the discretionary grant of citizenship under subsection 5(4). And under that, we look at the whole variety of factors and make an assessment.

As Andrew indicated in his opening comments, we're trying to assess the extent to which someone would face undue hardship by having to apply through a normal immigration and citizenship process. As Andrew said, if you've never lived in Canada, or if you've not lived here for many years, or if you're a citizen of another

country, in most cases you're not eligible to meet that criterion of undue hardship.

Basically, the subsection 5(4) provision is not intended to be a substitute or to be used as a substitute for a normal immigration and citizenship process for individuals to acquire citizenship.

**Mrs. Alexandra Mendes:** No, I accept that it's mostly for the exceptions, for the very difficult cases.

I'll let Mr. Bevilacqua continue, but I still don't get how you cover the exceptions right now, at this present moment.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Well, how do you cover them?

**Mr. Rick Stewart:** I'm not quite sure how else to answer the question, other than to say, put all the facts before us that the individual submits. They make their case, they lay out the facts of their case, they provide to us in writing an explanation of why they feel their case warrants exceptional consideration, why they feel they would undergo or endure an undue hardship if they followed the normal immigration process, and why they feel they have a particularly strong attachment to Canada, if you will.

Because it is a discretionary provision in the act to capture those cases that don't fit neatly within the parameters of the law, there are not strict guidelines per se beyond just an assessment of hardship. I can't give you a list of eight things we go through and check in those circumstances.

**Hon. Maurizio Bevilacqua:** Can you do us a favour, because this is how we think. This committee is very visual. We need examples.

Let's say that you had to describe a case for me. What would it be? Give us an idea, a scenario; say that case A would be person X. What would this person look like, etc.?

**Mr. Rick Stewart:** I can give you a good example of the kinds of cases that we typically used the subsection 5(4) provision for, before the introduction and bringing into law of Bill C-37. We had a lot of cases where individuals, so-called border babies, lived in Canada, their families lived in Canada, but for whatever reason—the closest hospital may have been in the United States, across the border—the mother travelled to the United States to give birth. She came back to Canada shortly after the child was born on the presumption that because the family were Canadian, they lived in Canada and simply used a hospital that was across the border, the child would naturally be Canadian. Years passed. The child then either applied for a passport or some legal document that caused somebody to check their legal status and determined that their birth was never actually registered when they came back to Canada. They've lived in Canada all their lives. They've presumed they were Canadian citizens all their lives. Their parents were both Canadian. It was simply the circumstances of their birth that caused them to not be Canadian.

That's an example of attachment to the country, living in the country for virtually all their life, believing they were Canadian all their life, not being a citizen of another country, so we invoke the subsection 5(4) discretionary grant to provide citizenship in those cases.

That's the best, cleanest example of this.

• (0920)

**The Chair:** Thank you, sir.

*Monsieur St-Cyr.*

[Translation]

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

At our last meeting, there was a great deal of discussion about children adopted abroad. If I understand correctly, at the moment, there are two ways for adopted children to obtain Canadian citizenship. First, there is the conventional naturalization process whereby the child first comes to Canada as a permanent resident and subsequently obtains Canadian citizenship. Since 2007, there has also been a much more direct and faster way of getting citizenship, and this is the approach used by most parents. Is that correct?

**Mr. Andrew Griffith:** That is correct.

**Mr. Thierry St-Cyr:** I also understood that if parents chose the conventional method, naturalization, permanent residency and so on, their child was practically considered as though he or she were born in Canada. In such cases, if the child in question has children abroad at some point, he or she can pass on their Canadian citizenship, which is not true of children who received a direct grant of citizenship. Is that correct?

**Mr. Andrew Griffith:** Yes, that is correct.

**Mr. Thierry St-Cyr:** Generally, laws are put in place for specific reasons. I could not find any such reasons in this particular case, and I would like to know whether, in the case of adopted children, the way in which they obtain their citizenship changes the situation enough that we have to talk about their ability to pass on their citizenship to their children.

**Mr. Andrew Griffith:** That is a good question.

We must also compare the situation of adopted children and that of biological children. In fact, a comparison is made between adopted children born abroad and biological children of Canadians born abroad. This is the comparison we use to ensure that children born abroad are treated equally as regards the transmission of the right to citizenship.

**Mr. Thierry St-Cyr:** But a child born abroad and naturalized under the conventional immigration process will have the same citizenship rights as an adopted child born in Canada.

**Mr. Andrew Griffith:** Children born abroad, whether they are biological or adopted, are considered the same way. Children born in Canada are also considered the same way. That is why we tried to establish comparable treatment.

**Mr. Thierry St-Cyr:** Yes, but adopted children born abroad will be treated differently depending on how they got their citizenship. That is what you confirmed earlier.

**Mr. Andrew Griffith:** Yes.

**Mr. Thierry St-Cyr:** I would like to know whether this is simply an oversight in the legislation. When we passed Bill C-37, did we realize that under the legislation, naturalized individuals, including some of the children adopted abroad, could pass on their citizenship, even outside the country, but was it forgotten that children adopted abroad obtained their citizenship directly? Is the problem simply that

no provision was made for these cases, that it is just a silly mistake, or is there a reason why children born abroad and adopted according to the conventional procedure can pass on their citizenship abroad, while children who obtain their citizenship directly cannot do so?

• (0925)

**Mr. Rick Stewart:** In Canada, the situation of individuals who were naturalized is the same as that of individuals born in Canada, whereas the situation of individuals who received a direct grant of citizenship abroad, in the case of an adoption, is entirely equivalent to that of Canadians born abroad.

The objective of Bill C-14 was to provide equivalency for individuals born abroad. Bill C-37 subsequently changed the rules, the requirements for the first generations.

**Mr. Thierry St-Cyr:** I understand what you're saying, Mr. Stewart. You are talking about the legal consequences, but I want to know the underlying reasons. Reference has been made to an attachment criterion. But I have trouble seeing how this criterion, in the case of children adopted by Canadian parents who come to live in Canada, is connected to the procedure whereby these children got their citizenship. I understand the legal consequences and the two equivalent situations, but I am wondering what the reason for this is.

**Mrs. Nicole Girard (Director, Legislation and Program Policy, Citizenship and Multiculturalism Branch, Department of Citizenship and Immigration):** As Mr. Stewart and Mr. Griffith said, we are talking here about children born abroad to Canadian parents and children adopted abroad by Canadians. The objective is simply to treat the two groups fairly with respect to passing on Canadian citizenship.

[English]

**The Chair:** *Merci.*

I have a brief question, something that Mr. Bevilacqua was asking, and you responded with the term "the assessment of hardship". I assume that it's left vague purposely to give discretion; however, the very fact that we're asking these questions... Are there guidelines? Are there guidelines anywhere on this issue?

**Mr. Rick Stewart:** There is a vagueness to the discretionary provision in order to allow flexibility to deal with whatever cases come forth.

**The Chair:** Of course.

**Mr. Rick Stewart:** To the extent that they're guidelines, we are guided by three basic parameters and an overriding principle.

The first one is that the individual lives in Canada or has lived in Canada for most of their life.

**The Chair:** Is this written down somewhere in a guideline or is this just an understanding?

**Mr. Rick Stewart:** It's written down in guidelines that we give to our assessment officers, our citizenship officers, to those who are making these decisions.

So do they live here now? Have they lived here most of their life? Have they had a reasonable but mistaken belief that they are Canadian or that they were Canadian, in fact? It's the border babies example.

Then the overriding principle that guides the assessment is the issue of undue hardship. Does it pose an undue hardship for the individual to seek citizenship through the permanent residency and regular grant-of-citizenship process?

Those are the four elements we use. We try to use that to the best of our discretion and in the fairest way possible, on the basis of looking at cases we've seen previously in making a recommendation, positively or negatively, on a case.

**The Chair:** So you're not recommending any change to this process. You believe that the discretionary issue should be left as is.

• (0930)

**Mr. Rick Stewart:** We're not recommending changes at this time.

**The Chair:** Thank you, sir.

Ms. Chow.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Out of 100 cases, what is your percentage of approval?

**Mr. Rick Stewart:** What kinds of cases?

**Ms. Olivia Chow:** Where you would grant subsection 5(4)—what we've been talking about.

**Mr. Rick Stewart:** Unfortunately, I don't have that with me. I'm sorry.

**Ms. Olivia Chow:** Ballpark? General?

**Mr. Rick Stewart:** I would prefer not to make a guess.

**Ms. Olivia Chow:** When can you provide that information?

**Mr. Rick Stewart:** I can follow up and provide the information back to this committee.

**Ms. Olivia Chow:** You would have some rough idea, because we know how many have been granted.

**Mr. Rick Stewart:** We know how many have been granted.

**Ms. Olivia Chow:** Yes. How many have been granted?

**Mr. Rick Stewart:** Unfortunately, I do not have the numbers with me today. I will follow up with the committee.

**Ms. Olivia Chow:** We know from what was said that there were 75 or thereabouts still left behind.

**Mr. Rick Stewart:** From the testimony last week?

**Ms. Olivia Chow:** That's right.

**Mr. Rick Stewart:** I heard Mr. Chapman's testimony last week.

**Ms. Olivia Chow:** Yes. So is that about the right number? These would be people who have applied and were turned down.

**Mr. Rick Stewart:** No. The cases that Mr. Chapman was referring to last week are cases that are in the system and before us at some stage in the process.

**Ms. Olivia Chow:** Do you, by and large, approve these or not? You can't generalize? Surely your department would have.... Is it for half of them you can prove there is undue hardship and the other half you can't?

**Mr. Rick Stewart:** I will follow up with the committee.

**The Chair:** You know, Ms. Chow—

**Ms. Olivia Chow:** We won't know. Never mind. I won't go there.

**The Chair:** —I think you should move on.

**Ms. Olivia Chow:** Yes, I know.

**The Chair:** You're putting the witness in a difficult position.

**Ms. Olivia Chow:** Fine.

**The Chair:** Thank you.

**Ms. Olivia Chow:** A child of an adopted Canadian born outside of Canada can become stateless because that child was born outside of Canada. How would this child come to Canada if he is stateless and doesn't have a travel document? There's a provision that if they live in Canada for three years, then perhaps they could be granted citizenship. But if they have no right to a passport, how would they come to Canada?

**Mr. Andrew Griffith:** Mr. Chair, we do have the provision of providing a single-journey travel document precisely for those situations, to allow people in those situations to come to Canada.

**Ms. Olivia Chow:** I see, but a stateless person would have no rights in the country where he's stateless, nor would he have any rights when he comes to Canada. Would this stateless person's stateless child, born of an adopted Canadian, qualify for OHIP, for example?

**Mr. Andrew Griffith:** I'd rather limit my comments more to the citizenship angle.

They could come to Canada. They could be sponsored under the family class as a permanent resident. Then again, given that—

**Ms. Olivia Chow:** In Canada?

**Mr. Andrew Griffith:** They can be sponsored as family class members. They'd become permanent residents. Then again, any child under 18 doesn't have the normal residency requirement of three years before he can apply for a grant of citizenship.

**Ms. Olivia Chow:** So I'm this adopted person and my child is left, let's say, in China. I would apply for her to come to Canada to join me. That could easily take a year or two years. Would I be separated from my child for two years? Or do you want her to come here and then I would sponsor this child in Canada, knowing full well—

**Mr. Rick Stewart:** You can sponsor the child while you're still overseas as long as you're demonstrating an attempt that you're going to move to Canada to take up permanent residence. In declaring that sponsorship intent, and in submitting a sponsorship application, even if the child is stateless and needs a travel document to be able to travel to Canada, we will issue a single-journey travel document to facilitate the travel to Canada, because the ultimate intent is clear. The intent is to sponsor the child as a permanent resident and put her on that track to permanent residency and citizenship.

As for arrival in Canada, because for a minor who's under the age of 18 the normal three-year window period of waiting to apply for citizenship does not apply, you can apply immediately upon arrival in Canada for citizenship for the child.

**Ms. Olivia Chow:** Okay. Don't I need some financial means?

**Mr. Rick Stewart:** You have to meet the usual sponsorship requirements.

**Ms. Olivia Chow:** Yes, which means if I so happen not to be working, I wouldn't be able to bring my child with me to Canada. Am I correct?

I could be permanently separated from my kid unless I have a very substantial amount of dollars to do this family class application. I've seen cases even with spousal applications where there are supposed to be no criteria for income level. I've seen spouses being turned down because the income level was not high enough. These are cases that would mean there's permanent separation between mother and daughter or father and mother with daughter or son.

• (0935)

**Mrs. Nicole Girard:** I think it's important to say there is no desire here or intent to see families separated.

That being said, I think you raise the important issue of what happens if the one avenue of sponsorship isn't feasible because, for whatever the reason, the person may not meet the criteria to be eligible as a sponsor. The new statelessness grant of citizenship is there exactly for cases like that, where a Canadian parent, for whatever reason, may not be eligible to sponsor their child. Sponsorship is certainly a route we strongly recommend families consider, particularly because where the sponsorship route is feasible, once the child arrives in Canada, he or she is granted permanent residence and there is no waiting period to apply for citizenship.

Where that isn't feasible, then the other route that's open is the statelessness grant of citizenship. As Mr. Griffith has indicated, the department can issue a single-journey travel form to enable the child to have a travel document to travel to Canada. In addition, the department would also be able to issue a temporary resident permit overseas to enable that child to have a status for the three-year period of time in which they're required to apply.

**Ms. Olivia Chow:** That's totally discretionary, right?

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

Okay, very briefly.

**Ms. Olivia Chow:** I mean it's discretionary. We see in subsection 5(4) that by the discretionary power you can say yes or no. You

could get one if you are stateless, but you may not. It depends on undue hardship.

**The Chair:** I'll go to Ms. Grewal and then Ms. Wong.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Mr. Chair.

I do have a few questions here.

Many people were granted Canadian citizenship as a result of Bill C-37. Can you please tell us what types of people these would be?

**Mr. Andrew Griffith:** Thank you.

I think we've covered one case in terms of the border babies. That probably is a very common case. That's probably the largest group we've had. There may be other people in that situation. One of the things we don't quite know, just given the nature of the fact that the grant is automatic, is any firm numbers in terms of the people who may be granted citizenship.

We have some estimates in terms of those in the United States. There are apparently some 240,000 people who count in the U.S. census as indicating Canada as their country of origin. That gives one sense of the population. There are other estimates floating around in terms of the number of Canadians living abroad. Probably the border babies are the largest category.

**Mrs. Nina Grewal:** How many special grants for citizenship have occurred?

**Mr. Rick Stewart:** As a result of the coming into force of Bill C-37?

First of all, it is a proof of citizenship; it's not a grant. It's confirming citizenship status that always existed under the provisions of Bill C-37.

Secondly, these are still early days. It only came into force on April 17. At this point, we have not yet seen a large number of applications come in, but it is still early days. We will continue to monitor this, and at some point in the future it will be appropriate to update this committee in terms of how many people have availed themselves of the provisions under the act.

**Mrs. Nina Grewal:** You don't have the exact number of people who became citizens under Bill C-37?

**Mr. Rick Stewart:** Not yet.

**Mrs. Nina Grewal:** Not yet. Mr. Chair—

**Mr. Rick Stewart:** It's probably less than.... I don't know. Do we know what the number is?

It's probably less than 100 so far, but it's still early. It's only four or five weeks, six weeks.

**Mrs. Nina Grewal:** I would like to give the rest of my time to Ms. Wong.

**The Chair:** Okay.

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



This is a question for Mr. Griffith or any one of you. As you stated in your earlier introduction, Bill C-37 was passed unanimously by both houses of Parliament and then received royal assent on April 17, 2008. Were these issues, which were brought to today's committee, brought up to any of you previously by any of the witnesses you've seen here?

● (0940)

**Mr. Andrew Griffith:** Mr. Chair, in response to that question, obviously when we were developing Bill C-37 a number of consultations took place with a number of organizations that have appeared before this committee. All aspects of the bill were discussed during the process of looking at the bill. Of course, the actions of this committee in reviewing the bill also provided an opportunity for members of Parliament and witnesses to comment on the provisions of the bill. The pre-publication period, in terms of the actual detailed regulations related to the bill, also provided another opportunity for stakeholders to review the provisions of the bill and provide comments.

So in a nutshell, yes, there were certainly opportunities for people to provide comments on the different aspects of the bill. And those were also taken into account as the bill made its way through the process.

**Mrs. Alice Wong:** In other words, the committee then had already reviewed everything before they presented it to the House and the House unanimously passed it. Am I right to say that?

**Mr. Rick Stewart:** I think, Mr. Chair, we were all in different jobs when the debate on this took place, so I'm not sure if any of the three of us could speak definitively on what we know about what was said and not said and debated. But I think our review of the record indicates that many of the issues that are currently being discussed, and certainly that were raised in testimony last week, seem to be the same kinds of issues as were under discussion and consideration when this bill was brought forward for deliberation and ultimate passage.

**Mrs. Alice Wong:** So in other words, the previous committee should have or could have, by due diligence, reviewed all or raised all of the issues before they actually presented it to the House. Am I right to say that?

**Mr. Rick Stewart:** I don't think we're going to comment on what the committee should have or should not have done—

**Some voices:** Oh, oh!

**Mrs. Alice Wong:** I'm new here, and that's why I wanted to know.

**Mr. Rick Stewart:** —other than to say that I believe the issues were on the table.

**Mrs. Alice Wong:** Anyway, can you also tell us more about all the work you've done in order to inform people about the changes caused by Bill C-37? There still seems to be some kind of misunderstanding by some people. Can you elaborate on that, please?

**Mr. Andrew Griffith:** One of the things that I think I mentioned earlier is that one of the challenges with Bill C-37 was that we didn't really know exactly how many people were out there to reach. So we truly tried to look at what was the most effective way to reach people when we didn't know the audience. Given that we didn't have that much money, we looked at low-cost ways to do that.

The flag piece was probably using YouTube and the video to generate interest and awareness. We used that to drive interest to our website, where we had specific information in terms of the provisions. We also did a lot of targeted media outreach. It was not only outreach in terms of Canadian media, but also, in particular, with U.S. media, because we know there is a very large expatriate Canadian population there.

If I remember correctly, we got a really good article in the *Wall Street Journal* and we discovered the number of hits on our website and YouTube spiked tremendously after that one. Apparently for one period of time, it was the most popular downloaded article on the *Wall Street Journal*. My brother even saw it.

That was the main way to do it. The other thing we tried to do is very much look at the networks of expatriates abroad through our missions abroad. In addition to working closely with our embassy in Washington, we also worked very closely with other heads of mission. Our deputy minister wrote to other heads of mission to inform and allow them to have sessions with their expatriates to help make that.

I think we did a number of things overall. The other element I'd like to highlight is that we also developed a wizard or a self-help tool on our website that is designed to allow people to ask the standard questions and to give them a sense of whether they are citizens or not. We tried a number of these efforts to try to reach as many people as possible.

I think the hit statistics, both in terms of YouTube and our website, have demonstrated that we've been reasonably successful in reaching people. Can we do more? Of course we can do more, but I think overall we did a fairly major effort to reach as many people as possible.

● (0945)

**Mrs. Alice Wong:** How much time do I have, Mr. Chair?

**The Chair:** My clock's gone. Your time is up.

**Mr. Rick Stewart:** I would just note that we do have copies and CDs of the YouTube video. For those of you who have not seen it, we'll be happy to share them with you after this meeting.

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

Mr. Bevilacqua.

**Hon. Maurizio Bevilacqua:** Thank you very much.

And I do ask this question on behalf of the chair, who has directed me to ask this question in the spirit of cooperation. Let me just say very quickly that I'm sure you've already clearly identified the two points that the committee is concerned with, but I do have to ask these questions. These questions were written by our very capable researchers, who do a fine job to provide us with information.

What communication plan has Citizenship and Immigration Canada implemented to inform people about the changes of Canadian citizenship? As a result of the implementation of Bill C-37, CIC can expect an increased demand for certain services—for example, the volume of applications for proof of Canadian citizenship could rise and more inquiries could be made to CIC offices. What measures has the department put in place to prepare for increased demand for citizenship-related services?

Finally, the situation of certain lost Canadians will not be resolved by Bill C-37. What other solutions are available to these groups?

As a result of Bill C-37, citizenship by descent is now limited to the first generation born abroad. How does this provision compare to citizenship laws of other countries?

I think you understand that this is a really important issue. At the human level, you're talking about something very fundamental in the sense that citizenship gives individuals a sense of belonging. In our lives, it's very important as human beings to belong to a group, to a family, to a community. The highest form of expression of belonging to a country is actually through citizenship. So that is of concern.

On a lighter note, but deep down I think it's important, you say here, "The video features a man who literally wakes up Canadian". My question is, do dreams qualify you as a Canadian citizen?

**Mr. Rick Stewart:** Okay, there are five questions.

On the last question, I'm not sure I have the evidence base to present to you today to answer that question. I apologize.

**Hon. Maurizio Bevilacqua:** Will you get back to me on that?

**Mr. Rick Stewart:** I'm going to turn to my colleague to talk about the practice of other countries in terms of limits on citizenship by descent and the communication strategy. This is with respect to your question about the provisions to meet the increased demand for proof applications that might emerge from Bill C-37.

Given the significant uncertainty at the time, when we were drafting the bill and putting into place the operational plans, regarding the number of individuals who would actually come forward to avail themselves of the provisions of Bill C-37—the uncertainty about just how many are actually out there in the world who might meet the criteria of Bill C-37—the decision was taken that rather than seeking dedicated additional resources, we would closely monitor the take-up of the provisions of the act.

We are committed to managing a certain increase within existing resources, as we do on our day-to-day business in managing the pressures of the business. If we find that the demand for proofs that emerges out of Bill C-37 is placing an undue hardship on the department, then we will take the appropriate measures to seek the additional resources we need to be able to keep up with the demand. For now, we're managing within our existing resource base, to the best of our ability, and so far we have not seen a surge in demand related to Bill C-37. But it is early days.

With respect to your comment about the lost Canadians and the provisions we have if they're not eligible under the provisions of Bill C-37, unfortunately, I will go back to the special discretionary grant of citizenship in subsection 5(4) under the act. That is the means in which we will consider the merits of individuals' cases who do not have the opportunity to avail themselves of the normal legislative provisions.

**Mr. Andrew Griffith:** Turning to communications, I think, in response to an earlier question, I have covered the main elements of our communication strategy and plan. I think we've actually had a fair number of initiatives in that area to try to reach as many people as possible, and we keep on looking at other ways to reach people.

In terms of the practice of other countries and in terms of the first generation limit, the United Kingdom and New Zealand use that approach in determining how citizenship can be passed on from generation to generation. Other countries, like the United States and Australia, use more of a residency-based approach. I think most countries find some ways to actually determine what the appropriate way is to pass on citizenship from generation to generation while ensuring an appropriate connection to the country. At a very high level, those are the two major approaches that exist out there.

● (0950)

**Mr. Rick Stewart:** I have just perhaps one additional piece of detail, to answer the question about our communications strategy. For example, Andrew spoke previously about reaching out to major U.S. media outlets. Examples of the outlets that we did put advertising in or that took advertising for us to raise awareness include the Associated Press, *The Wall Street Journal*, *The Buffalo News*, *The Washington Post*, *ABC News*, *Fox News*, *The New York Times*, *Chicago Tribune*, CNN. We've put information on the DFAIT home page for around the world. In Washington the embassy partnered with an organization called Connect 2 Canada, which is a virtual network of—according to my statistics—almost 44,000 people who share a link to Canada, as another way of trying to spread the word through the expat community in addition to our own web-based efforts.

**Hon. Maurizio Bevilacqua:** Within the system, we have basically, in effect, that children adopted abroad by Canadian parents have been cut off from citizenship by descent. To really narrow it down, that's what we're talking about. In the system—and you know what I mean by that—where are you at right now in reference to Bill C-37? Is there a spirit in which you want to go and make some further amendments? Are you happy with this as it is now? Where are you at?

**Mr. Rick Stewart:** With all due respect, I think you're asking a question of future policy direction and policy intent, and hopefully you can appreciate that we're not in a position today to be judging policy appropriateness, policy intent, policy changes for the future. I think that's more appropriately a question for elected representatives to debate. Our responsibility is, given the legislative and the decisions that have been taken, to fully and loyally implement those changes and then process applications under the provisions of the act as it exists today.

**The Chair:** Thank you.

You're well over, Mr. Bevilacqua, and I won't let you go over because you asked my questions.

Monsieur St-Cyr.

[Translation]

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

I would like to come back to the issue of adoption. I will not go into the reasons again, but I do have one last question. When parents decide to adopt a child abroad, and, of course, the child comes back to Canada to live with the parents, there are two ways for the child to get his or her citizenship: naturalization or direct grant. That is a difficult choice. Naturalization is a longer, more complicated process, but it gives the child more rights. The procedure for a direct grant of citizenship is simpler, but the adopted children will not be able to pass on their citizenship to their children if they are born abroad.

Why does the system give parents such a difficult choice? What would Canada lose if parents could use the faster procedure and still give their children the same rights?

**Mr. Andrew Griffith:** There are some options. I think that to some extent this reflects the fact that individuals' needs should be compared. A choice must be made between permanent residency and citizenship by direct grant. This is one of the things parents have to think about. They have to think about what is best in the short and long term.

The procedure for obtaining permanent residency is complicated. However, children do not have to wait three years before they receive permanent residency. So parents have to think about it before they decide which option to choose.

**Mr. Thierry St-Cyr:** When this policy was drawn up, did departmental officials fear that their could be some problems if this distinction were not made, and if all parents opted for citizenship by direct grant?

• (0955)

**Mr. Rick Stewart:** Which bill are you referring to? The one on adoption or Bill C-37?

**Mr. Thierry St-Cyr:** Generally speaking, when we think about this issue, the answer is obvious. I am talking about Bill C-37, as it was called when it was passed. A decision was made to include only those individuals who were naturalized. Those who obtained their citizenship by direct grant were not included.

Why was this not done? Was the idea to force people to make this choice just for the sake of doing so, or was the idea that everyone would choose citizenship by direct grant, that everyone who adopted children would choose that option, rather than naturalization?

**Mr. Rick Stewart:** We do not want to force families to make a choice. In Bill C-14, the changes made to adoption rules sought to establish equivalency between individuals adopted abroad and those born abroad. In the past, individuals in these two groups were treated differently. In Bill C-37, the description of the options available to people wishing to adopt is relevant. However, individuals wishing to have their biological children born abroad face the same choice.

**Mr. Thierry St-Cyr:** The situation is not the same. It is not always possible to control when a child will be born, but it is possible to choose which bureaucratic procedure to use for getting one's citizenship.

I would like to ask you one final, more general question. We have heard a great deal about attachment criteria. At the moment, the attachment to one's country is defined by the place of birth. These days, people travel a great deal, and the situation is not the same as it

was in the 19<sup>th</sup> century, when the concept of citizenship was developed. People may be born abroad, live their whole lives in Canada and give birth abroad, but their child will not be a Canadian citizen. Conversely, someone may come and spend a week in Canada as a tourist, give birth to a child here, return to their country, and that child will be a Canadian citizen.

Is the place of birth still the only relevant criterion in 2009? Should we not be thinking about adopting a more modern, realistic one?

**Mr. Rick Stewart:** That was one of the fundamental issues in discussions about restricting citizenship to the first generation. The decision was made, and it is up to us to enforce the law that was passed.

[English]

**The Chair:** *Merci.*

We're going to go another five minutes, and I'm going to give the last questions to Mr. Shory and then Mr. Calandra.

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

I'd also like to thank the department for coming out.

There were quite a few issues late last week about stateless children, for example, so we got some clarification, which is good. I have a typical example here. I became a Canadian citizen through naturalization, so I understand that if my child is born outside Canada, that child will receive Canadian citizenship automatically. Now, if we bring that child back to Canada and the child lives in Canada most of his life, or we can say that he has reasonably strong ties with Canada, but for some reason that child's child is born outside of Canada, my understanding of this bill is that now the second child has to be sponsored by my child. Once my child sponsors his or her child and then brings the child back to Canada, and through naturalization that child becomes a Canadian citizen, then if his or her child is also born outside of Canada, would that child have the same rights as my child born outside of Canada?

• (1000)

**Mr. Rick Stewart:** I believe in your example we're down to your great-grandchild.

**Mr. Maurizio Bevilacqua:** It's a riddle.

**Mr. Rick Stewart:** Yes.

**Some hon. members:** Oh, oh!

**Mr. Maurizio Bevilacqua:** Anyone who goes through all that should be Canadian.

**Mr. Rick Stewart:** So the short answer is indeed yes. The process of your grandchild being sponsored and naturalized in Canada will effectively deem them to have been the equivalent of born in Canada, so they will then be able to pass on to their offspring citizenship by descent if their offspring is born abroad.

**Mr. Devinder Shory:** Just to clarify, are you saying that my grandchild will come to the same level as I am at today? I was naturalized.

**Mr. Rick Stewart:** Yes, your grandchild will effectively have been naturalized.

**Mr. Devinder Shory:** I will pass the next question to Mr. Paul Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** One of the things that troubled me last week when we were here listening to one of the witnesses was the assertion by one of the members of the committee that somehow advertising was in some way connected to political ties. It was suggested, I think, that *The Toronto Star*, being a conservative paper, was a beneficiary of ads from your department because of its overwhelming support for our party.

When you do your advertising campaign, is it part of your protocol to look down the list of newspapers and identify them as Liberal, Conservative, Bloc, or NDP and spread out your advertising based on who supports what party?

**Mr. Rick Stewart:** I think I can assure the members of this committee that all good public servants are politically blind. When we do assessments on where to do advertising, what we're looking for is reach. We want to know where to place our limited advertising dollars in order to have the maximum impact and reach the greatest number of potential clientele. As I say, we are blind to political affiliations and considerations.

**Mr. Paul Calandra:** That's what I suspected.

I wonder if you'd give me a brief comment. I want to stray a little bit. Last week in the House I had the pleasure of asking the Prime Minister a question with respect to honorary citizenship for the Aga Khan. Would you explain to me what honorary citizenship entails?

**The Chair:** It's way off topic, but go ahead.

**Mr. Paul Calandra:** With the indulgence of the rest of the committee.

**Mr. Rick Stewart:** In a nutshell, honorary citizenship is a parliamentary privilege that is conferred by the House. It does not fall under the auspices of the Citizenship Act and it does not confer any of the rights, benefits, and privileges of formal citizenship under the act.

**Mr. Paul Calandra:** I'm sorry, Mr. Chair, but do I—

**The Chair:** You have time for a quick question.

**Mr. Paul Calandra:** I was just going to ask how many other people had been granted honorary citizenship.

**The Chair:** We might as well have a great finish to the morning, so if you know that, fine, and if you don't...

**Mr. Rick Stewart:** It's a small handful. It's fewer than half a dozen people, I believe.

**The Chair:** I think it's appropriate that—

**Mr. Paul Calandra:** It's a great honour.

I'm sorry, Mr. Chair; I apologize.

**The Chair:** Mr. Stewart, Mr. Griffith, Ms. Girard, thank you very much for coming and making your presentation to us. We will see you next time, Mr. Stewart.

We will suspend to go into in camera proceedings.

Thank you very much.

*[Proceedings continue in camera]*

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