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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Wednesday, December 1, 2010**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Wednesday, December 1, 2010

• (1535)

[English]

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

This is the Standing Committee on Citizenship and Immigration, meeting number 35, on Wednesday, December 1, 2010. The orders of the day are, pursuant to the order of reference of Tuesday, September 28, 2010, the examination of Bill C-467, An Act to amend the Citizenship Act (children born abroad).

Before we begin, it's the chair's understanding that witnesses for this bill will be treated the same as those for Bill C-37, even though Bill C-37 hasn't gone through the House—hasn't even been debated yet—and that we might even continue on another day, namely December 8, on other witnesses.

The only caucus that has given the clerk names of witnesses is the government. So if members of the opposition have any names of witnesses on Bill C-467 or Bill C-37, they should give them to the clerk by the end of tomorrow.

Mr. Trudeau.

**Mr. Justin Trudeau (Papineau, Lib.):** My question is simply one of procedure. Is it something we have to do now—to designate that the witnesses we hear on this bill will be applied to Bill C-37—or is it something that we do retroactively once we start studying Bill C-37?

**The Chair:** I have it in my head that there's unanimous agreement among the caucus leaders, the chairs, the secretary and the critics, that we won't hear these witnesses twice, that we'll hear them once, and that even though it may not even apply to Bill C-467, if they wander off into Bill C-37, that's okay.

That's the chair's understanding. I just want to confirm that it's everyone else's understanding.

Monsieur St-Cyr.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** I was under the impression that in starting our study of Bill C-467, we were to focus on the part covered by this bill. Obviously, a witness will talk about Bill C-467, but he could also cover other aspects later on.

Anyway, I don't think witnesses would like to appear twice before this committee. Maybe some of them are concerned only by this specific issue, and we should hear them first. Then, when Bill C-37 is referred to our committee for study, we will be able to focus on

other aspects, which are numerous. It is not only the issue of second-generation children born abroad, it is more than that.

[English]

**The Chair:** It's whatever the committee wants.

I have an awful time figuring this out. My understanding is that we just don't want to hear witnesses twice. That's my understanding of it.

You're right: today the concentration will be on Bill C-467.

Mr. Trudeau.

**Mr. Justin Trudeau:** I think the clarification is that we don't want to hear witnesses who will repeat themselves on issues they've already spoken to, that is, the part of Bill C-37 that is similar to Mr. Dosanjh's bill. I just wouldn't want to have a witness come on Mr. Dosanjh's section of Bill C-37 and then not be able to call them back for a different part of Bill C-37, once Bill C-37 comes around. I think that's the only concern.

I think the understanding we had was that we would try to stretch out our study of that section specifically of Bill C-37, as addressed by Mr. Dosanjh's bill, until Bill C-37 landed in front of us officially.

But I have to admit to a little bit of wariness about foraying too far astray from the issues addressed by Mr. Dosanjh's bill into Bill C-37 without either having the bill officially in front of us or having an initial briefing by the department on the whole of the bill to allow us our thinking. I probably am correct in assuming that the department won't come to talk to us about Bill C-37 until Bill C-37 is officially in front of us.

**The Chair:** I understand your concern. For all we know, Bill C-37 may be months away. I hope not, but that's the possibility.

I think we're in agreement. I think we are.

**Mr. Justin Trudeau:** Yes.

**The Chair:** In any event, today we have as our guest the Honourable Ujjal Dosanjh.

Is my pronunciation close?

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

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** It's as close as you're going to get.

**The Chair:** Mr. Dosanjh is the member of Parliament for Vancouver South and is the sponsor of Bill C-467. We have invited him here today to tell us a little bit about his bill.

You have the floor, sir.

**Hon. Ujjal Dosanjh:** Thank you. I will be rather brief.

My bill arose out of a letter from a Vancouverite who doesn't live in my riding. His name is Howard Cummer. He happened to be a Canadian trade commissioner in Singapore in 1979. He had a son while posted abroad as an employee of the Government of Canada, and his son, when he contacted me, lived in Tokyo and had married a Japanese citizen.

It would have been the case that, if the son had children, the children would not be able to pass along Canadian citizenship to their children if they themselves were living abroad at the time of their children's births. So if Mr. Cummer's grandchild, who happened to be living in Tokyo, let's say, when he or she married, then had a child, that child wouldn't be a Canadian citizen.

I felt that was rather unfair. If we as government send people to serve Canada abroad, then we should extend to those Canadians the same rights as if they had been living in Canada at the time of the birth of their children. My bill was very brief and attempted to deal with that issue.

If you're interested, I can read to you a very brief letter that Harold Cummer sent me. I don't know the man. I've never met him; he simply corresponded with me. I felt this was very important. He

**SAYS:** I am writing to you to seek your help in amending Bill C37, An Act to amend the Citizenship Act, which became law on April 17, 2009, to eliminate the unintended consequences of the Bill on the children of Canadians born abroad.

I know that the Bill was unanimously passed by Parliament to eliminate the transfer of citizenship to the children of 'sojourning' Canadians—who have no long-term or historical ties to Canada and who consider a Canadian passport only to be one of convenience.

But the Bill cuts far too wide a swath!

Take my family situation as an example. I was working in Singapore in 1979 as a Canadian Trade Commissioner when my son was born. We had to agree in writing that we would not claim Singapore citizenship for him in order for my wife to have a hospital bed.

He is now 30 years old, married to a Japanese citizen and starting an internet bank in Tokyo. If he and his wife have a child in Tokyo then under the present rules of C37 that child will not be eligible for Canadian citizenship.

My family came to Toronto from Pennsylvania in 1797 in the second wave of United Empire Loyalists. Their presence is recorded in the place names of Cummer Avenue, Old Cummer Station and Cummer Park and my ancestors are buried in the family graveyard on Yonge Street now tended by the North York Historical Society. The family has fought for Canada in every war since the War of 1812 and was part of the Upper Canada Rebellion with William Lyon Mackenzie in 1837.

But my family history is short compared to my wife's family—the Dawes claim to have been in Newfoundland since 1508 and can be confirmed as having been there by land titles since 1595.

Between the two sides of the family there is over 600 years of Canadian history and yet my grandchildren will not be Canadian if born outside of Canada to my children who were born abroad while I was serving Canada.

This is flat out wrong!

The bill needs to be amended so that grandchildren of Canadian diplomats, Canadian Armed Forces personnel, the employees of Ministries of Finance, Agriculture, Justice, CSIS—all branches of government within interests abroad—

will not be penalized for their citizenship—if their grandparents were working abroad for Canada.

I am contacting you now to see what can be done to limit the unforeseen impact of this bill and to make the amendments necessary to preserve citizenship where and when it should be preserved.

—Howard Cummer.

● (1540)

That, I believe, made the case for my very brief amendment. I might tell you that I had a conversation with the minister, and then I met with the parliamentary secretary and the officials. They believe it had some adverse unintended consequences and they would actually make some amendments to the bill when it goes to clause-by-clause. I have consented to that process. I have looked at the amendments; they're fine with me.

That, essentially, is my role in this.

**The Chair:** We thank you for your presentation. This committee is very good at what it does, and we'll try to solve anything on your recommendation.

Mr. Wrzesnewskij has some questions of you.

**Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.):** Thank you, Chair.

Thank you, Mr. Dosanjh, for appearing before our committee.

There was a similar bill by the Honourable Mauril Bélanger, Bill C-443. The substantive difference between your bill and his bill seems to be that the same privileges of citizenship would be given to people employed by international organizations such as the United Nations.

We have many Canadians who in fact are working abroad and who are seconded to other organizations, whether it's the RCMP working in other countries... In fact, we have people working at Interpol. Why would we exclude those individuals who are seconded to other countries, allies' organizations, or government departments and international organizations? Why would we not perhaps think of amending and allowing for those types of individuals to be included?

● (1545)

**Hon. Ujjal Dosanjh:** I actually would have no objection to that, because in essence the people you're talking about are crown servants. They are seconded to fulfill the obligations of the crown, essentially, to other organizations. As a matter of principle, I can see no problem, as long as you're seconded and are still in the permanent employ of the government of the province or of Canada.

**Mr. Borys Wrzesnewskij:** Then let's take it to the next step. I believe it was Ms. Chow who presented with the intent that this same sort of privilege of citizenship would be provided to anyone working abroad for a Canadian corporation, for instance. How do you feel about extending those privileges to those types of family situations? Do you think we should be differentiating between a government employee and someone employed by Canadian businesses?

**Hon. Ujjal Dosanjh:** I don't feel the same about employees of private companies or people in private business abroad as I do with respect to crown servants, because I think there is an inherent difference. We send crown servants to serve Canada or the provinces; we should not let their rights or the rights of their children be diminished, because we send them and they serve us.

I think there is a slight distinction. I'm not persuaded that there is even consensus on whether we should be extending the same rights to private people who are in private business, whether it's multinational corporations or Canadian private employers. I've left the scope of my bill narrow because I felt that there would be consensus and it might pass. I think the argument you raise is slightly more contentious.

**Mr. Borys Wrzesnewskyj:** Thank you.

Then I have perhaps a final question. The issue of not having exit controls in Canada complicates matters in certain circumstances, because we have no easy access to records of residency. Have you had discussions with departmental officials around that particular aspect?

Of course, government employees or secondments would be much easier to verify, but should the committee also take a look at other potentialities that might become an issue? Was that one of the reasons that you preferred the narrow approach, as opposed to a wider approach?

**Hon. Ujjal Dosanjh:** No, that actually didn't enter into consideration when I was looking at my narrow bill. That's a much larger question—whether or not you have exit control—and it would mean actually more bureaucracy at the airports and at exit points south from the country.

Currently, as you know, the governments use different methods of determining whether or not you are domiciled here or living here: whether you had a bank account, whether there was correspondence coming to you, what your mailing address was. All of these things are taken into account. Exit records will make it easier to determine those issues, but I think that's a much larger question.

• (1550)

**Mr. Borys Wrzesnewskyj:** Thank you.

**The Chair:** Mr. Trudeau will take the rest of the time.

**Mr. Justin Trudeau:** Between the idea of being seconded in your government job to work for the UN or something else, and actually working for a private business.... There is the situation of the many Canadians who choose to simply go and work for the Red Cross, for the UN, for different...not private companies, but international NGOs and corporations like that.

Did you give any thought to thinking about including them, or was it more a concern around keeping it as narrow as possible so that it can pass, or was there more of a concern that this might not be in the best interests?

**Hon. Ujjal Dosanjh:** If I had my way, I would include those people who go to work for non-profit international organizations of the nature of Red Cross and the like, because they are, in a sense, civil servants. They work for the common good. But I think it would be a much larger debate, and it would mean having to contend with

differing views, and it might never pass. I had a very narrow objective in my mind at that time.

**Mr. Justin Trudeau:** One of the reflections I've had is that a child born abroad to a Canadian diplomat, for example, having had experience outside the country is, as we've seen from your example and from many other examples, more likely to be much more international in their outlook and possibly to find a spouse or partner who is of non-Canadian origin, and to therefore have kids who may be outside.... So I understand the fact that we're extending it one generation, as if the parent who had children while abroad while serving the government is treated the same as if they were in.

However, that second generation cut-off will apply a generation later to the descendants if they continue to live outside the country, which seems extremely reasonable.

**The Chair:** Could you get to your question? We're well over.

**Mr. Justin Trudeau:** I'm sorry.

You know what? I have another five minutes afterwards, so I can come back to it.

**The Chair:** Okay.

Monsieur St-Cyr.

[*Translation*]

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

I would like to make sure I understand correctly. You said you had a discussion with the department about Bill C-37, which will eventually get passed, and we're already starting to realize that some of its provisions might need some amendments. Is it what you said?

[*English*]

**Hon. Ujjal Dosanjh:** I think you misunderstood. They initiated the discussion with me—

**Mr. Thierry St-Cyr:** Okay.

**Hon. Ujjal Dosanjh:**—first to advise me that their legal analysis indicated that my bill was faulty and had unintended adverse consequences, and then, that to rectify this, they would be happy to amend the bill and agree to its passage. That was the extent of my discussions with them.

[*Translation*]

**Mr. Thierry St-Cyr:** If, in the meantime, Bill C-37 were passed in its present wording, do you agree with me that your bill would become redundant?

[*English*]

**Hon. Ujjal Dosanjh:** I have not done the legal analysis myself. I used to do that when I was the attorney general or a lawyer—I'm no longer one. But I'm told by the analysts of the department that then my bill would be redundant.

[*Translation*]

**Mr. Thierry St-Cyr:** Fine. My colleague Mr. Wrzesnewskyj talked about the privilege of citizenship and how to limit its extension. We already had that debate in this committee, and we know it is always very difficult to determine who should be given this privilege and who should not.

I remember very well that, at the time, when we were studying the former Bill C-37 on citizenship, the officials had told us that the place of birth was the simplest and easiest to apply criteria, and that it covered the largest number of cases. That is why it is the general criteria which is used in our legislation to extend citizenship. It is the criteria you used in your bill.

Nevertheless, we still need to define a whole list of exceptions to cover as many situations as possible.

I would like to take advantage of your presence to have a more thorough discussion about citizenship.

Is the place of birth still the most relevant criteria to determine the attachment of an individual to Canada?

In my opinion, if we started to question this premise, we could see things in a totally different light. On the one hand, you have people who were born in Canada—some cases have been reported in the media—and who come to Canada like tourists, to give birth and then they leave for 18 years. Later, their children come to Canada for postsecondary education. These people have no ties in Canada.

On the other hand, you might have people who have always lived in Canada and who happen to give birth abroad, quite accidentally—some of them live along the American border, and the ambulance may have driven them to an American hospital—, and these people cannot extend their citizenship to their child if he or she is born abroad.

In this day and age, when people are travelling everywhere around the world, shouldn't we start to think about determining citizenship according to the number of years an individual or his parents have lived in Canada, rather than apply stupidly the place of birth criteria?

• (1555)

[English]

**Hon. Ujjal Dosanjh:** In a sense we do, because when you have immigrants coming in—I'm an immigrant—you give them a test, which is somewhat different now from what it was when I became a Canadian citizen, and you require them to live here for a certain number of years before you confer Canadian citizenship upon them.

I understand the argument you're making. I'm open to it; however, here is a thought from someone who is an immigrant. When you're born and raised in a particular place and you live there for 10 or 15 years, particularly the first—

**The Chair:** Excuse me, Mr. Dosanjh. Something is happening.

Are there votes?

**A voice:** Yes.

**The Chair:** So we're going to have to come back another time. Maybe a little later this afternoon?

Mr. Dykstra.

**Mr. Rick Dykstra (St. Catharines, CPC):** I have a note here that there's a concurrence motion introduced by Liberals on this...or, not on this; I'm sorry. I'm not sure for what.

**The Chair:** I want to go off the record for a minute. We'll suspend for a minute....

I'm going to let you finish, sir.

**Hon. Ujjal Dosanjh:** As an immigrant, I can tell you—perhaps it's the tragedy of immigrants—that you can never, in a sense, psychologically divorce yourself from where you're born and raised. It has a huge impact on your life. You are “that”—where you were born and raised—for a long, long time. I have tried to become a Canadian and I've succeeded to a large extent, picking up the values and mores of Canada. But I think it's important for people to be steeped in the values of a society that they want to claim a connection with, and therefore, birth should remain a substantial part of your being a citizen or not.

But that doesn't mean you don't make other people citizens; when other people become citizens, they have the same rights as any other Canadians who are born and raised here. I as a Canadian have the same rights. My children are going to have the same rights as all other Canadians. I have five grandchildren. They're going to have the same rights.

But I think it's important that citizens have a very substantial connection with the country, with the land, with the place, with the air, with the water, with the rivers, with the people—with everything you have. And you can't do that unless you are spending a huge amount of time.... Birth means that you will have absolutely some connection with the place where you're born.

• (1600)

**The Chair:** Do you know what? I said I'd let him finish. How long does he have? The clock never stopped.

**Mr. Thierry St-Cyr:** It's okay for me.

**The Chair:** I think we're going to suspend.

[Translation]

**Mr. Thierry St-Cyr:** Do we come back after the vote?

[English]

**The Chair:** We're coming back. We love it here.

**Mr. Justin Trudeau:** Can we all meet in the foyer of the...?

**The Chair:** We're going to vote around 4:30, I would say, and this place goes until 5:30, so I think we should come back.

**An hon. member:** Okay. You're the chair.

**Mr. Rick Dykstra:** We have half an hour. Okay.

**The Chair:** We're coming back. This meeting is suspended—

**An hon. member:** Then we go back for a vote right after that.

**The Chair:** Yes?

**An hon. member:** The vote is at 5:30, isn't it?

**The Chair:** Oh, is the vote at 5:30?

**Mr. Rick Dykstra:** No. We have a 4:30 vote and then we have a 5:30 vote.

**Mr. Justin Trudeau:** The other one is at six o'clock.

**The Chair:** What does the committee want to do?

**Mr. Justin Trudeau:** We still have until 5:30 in committee.

**Mr. Terence Young (Oakville, CPC):** If we're only going to get back here for 20 minutes, we're going to get wet—

**The Chair:** Order. Proceed one at a time.

Mr. Wrzesnewskyj, what do you want to do?

**Mr. Borys Wrzesnewskyj:** I support Mr. Young's point of view.

**Mr. Justin Trudeau:** I don't think democracy should stop because we'll get wet. We're going to come back and we're going to do a committee until 5:30. I think that's the responsible thing to do.

**An hon member:** Okay.

**An hon. member:** So be it.

**An hon. member:** Chair—

**The Chair:** I'm going to adjourn this meeting until December 8 because next Monday we have estimates with the minister.

Mr. Dosanjh, I hope you're available next Wednesday, December 8.

**Hon. Ujjal Dosanjh:** I'm here. If you ask me politely enough, I'll make sure—

**The Chair:** Sir, please come.

**Hon. Ujjal Dosanjh:** You know you can't compel...I'm just kidding.

**The Chair:** We're going to have estimates next Monday and we're going to continue with this, probably starting with Ms. Chow.

So be on time, Ms. Chow, on the 8th.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Yes.

**The Chair:** Indicate witnesses by Thursday, if you want to continue—that is, by tomorrow.

**Ms. Olivia Chow:** Wait a second, Mr. Chair. Witnesses shouldn't be by tomorrow, because we now have a few more days. We're not back for another week.

**The Chair:** What do you think is a good time, Ms. Chow?

**Ms. Olivia Chow:** Can you give us three or four days? We can submit it by next Monday.

**The Chair:** It will be Monday at high noon.

The committee is adjourned.

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