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Chair

Mr. David Tilson

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• (1550)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): This is the Standing Committee on Citizenship and Immigration, meeting number 37, on Wednesday, December 8, 2010, pursuant to the order of reference of Tuesday, September 28, 2010, Bill C-467, An Act to amend the Citizenship Act (children born abroad).

We are continuing with the Honourable Ujjal Dosanjh, who is the sponsor of this bill.

Good afternoon, sir.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Good afternoon.

The Chair: We were interrupted by bells last time, so there are a few more questions.

Monsieur St-Cyr.

[Translation]

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

I want to touch on a discussion that we had started previously.

When we saw each other last, we discussed whether the place of birth was still, to this day, the most relevant criteria in determining an individual's attachment to Canada. You said that, in your opinion, it was still an important requirement. I was a bit shocked because it seemed to me that, in this day and age of mobility, when people are constantly travelling all over the world, a person could easily be born in Canada but never set foot in the country again, or a person could be born abroad but spend most of their life in Canada and then give birth to a child abroad.

It was your position that, in today's world, in 2010, as we prepare to enter 2011, the place of birth should remain the most relevant factor in determining an individual's attachment to Canada.

[English]

Hon. Ujjal Dosanjh: I don't think I argued that this should be a primary factor. I think I argued that it is an important factor and being born and raised in a particular place has much meaning in everyone's lives.

[Translation]

Mr. Thierry St-Cyr: But you did say "born and raised", which implies a certain residence requirement. If a person is born here and does not set foot in Canada again for years, ultimately that person is not very attached to the country.

[English]

Hon. Ujjal Dosanjh: Of course.

• (1555)

[Translation]

Mr. Thierry St-Cyr: In your bill, you did not address our overall approach to the citizenship requirement in today's world. You deliberately chose to focus exclusively on a very specific circumstance, which you believe poses a problem.

[English]

Hon. Ujjal Dosanjh: Absolutely. I didn't get into the deeply philosophical issues.

[Translation]

Mr. Thierry St-Cyr: What I am getting at here, Mr. Dosanjh, is if Parliament were to give more weight to the parents' duration of residence than to the person's place of birth, the problem you identified would no longer be an issue. If we were to say to a Canadian parent who had lived in Canada for 10 years that they could automatically pass on their citizenship to their child by descent, the issues of where they were born, where they gave birth, whether they were serving in the armed forces or working for a government department—all of those issues—would instantly be settled. A Canadian citizen, who had spent, let's say, 10 years in Canada would be able to pass on their citizenship to their child by descent. That would solve the problem, would it not?

[English]

Hon. Ujjal Dosanjh: You're actually talking about a different problem. I addressed a different problem. I addressed the problem of Canada sending people abroad to serve it and then depriving their children born abroad of the same rights that Canadian children born here have.

What you're talking about is a larger philosophical discussion: whether or not being born in a particular place should play much of a role in how you define citizenship. I think that as you move into the 21st century, as people are more mobile, standards may change, views may change, and people may change. I grant you that. But I don't think you're going to resolve that issue today.

[Translation]

Mr. Thierry St-Cyr: No, I understand perfectly. I am simply saying that the problem would not exist if the criterion were changed, because, as I see it, the place of birth would no longer matter.

[English]

The Chair: Thank you, Mr. St-Cyr.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you, Chair.

Thank you for coming today. I'm sorry for the fact that you have had to be here a couple of times.

Hon. Ujjal Dosanjh: I like you guys. Don't worry.

Mr. Rick Dykstra: That's good to hear.

I certainly want to thank you for bringing the bill forward and for your efforts and obviously the government's efforts on Bill C-37, an attempt to address the gap in the current citizenship law to protect children of Canadian soldiers and of other crown servants. I know we've discussed this, but can you talk to the committee about the extent to which you've been working with the government on the bill?

Hon. Ujjal Dosanjh: Well, I had a very brief conversation with the minister, and I was briefed by you and some officials from the department. I was given to understand that the analysts believed that my bill had some unintended adverse consequences.

Therefore, I said that if the legal analysts believe that amendments are required, I am happy to have those amendments made. Does that describe the relationship?

Mr. Rick Dykstra: Thanks, Ujjal.

The question that I was really leading to was on the fact that obviously we want to ensure the objective that children of Canadian soldiers and other crown servants are able to pass citizenship on. I think that from the meetings we've had and the work done by the ministry in working with you on it, we've established that while there will be some amendments to the bill, it in fact will meet the intent that you want it to.

Obviously, Bill C-37 is going to be coming to the committee. We know that it's on its way through the House, amongst a number of other bills. Obviously it addresses the same issues that you've highlighted. I want to ask you outright: are you comfortable working under the guise of Bill C-37 as well? Because obviously in its attempt to address these issues, it's very similar to what you're proposing.

Hon. Ujjal Dosanjh: Well, I'd be less than candid with you if I said to you that I've read every clause in Bill C-37 that impacts my bill, or that I've looked as a lawyer would at the amendments you've proposed. I simply have faith in the civil servants when they come and tell you that a particular amendment has certain consequences.

If the legal analysts are correct, I'm happy with either Bill C-467 passing or Bill C-37 passing. I have no preference. I really have no possession of this particular issue.

Mr. Rick Dykstra: Mr. Chairman, Mrs. Nina Grewal will take the remaining part of my time.

The Chair: Mrs. Grewal.

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

Thank you, Mr. Dosanjh, for coming in today.

I have a very short question. How have Canadian soldiers and crown servants reacted to your bill?

● (1600)

Hon. Ujjal Dosanjh: I'm sorry. Who?

Mrs. Nina Grewal: Canadian soldiers and crown servants: how have they reacted to your bill?

Hon. Ujjal Dosanjh: I have actually not heard from many people who are directly impacted by this bill, because they're probably all satisfied. You don't really hear from people who are satisfied.

I've heard from other people, like Mr. Chapman and others. I've heard from activists who feel that there are other gaps in legislation. I think they're better placed to tell you what those gaps are.

But I'm assuming that it's like politics: if you're satisfied with someone, you don't really call.

Some hon. members: Oh, oh!

Mrs. Nina Grewal: Mr. Chair, if I have one minute left, I'll pass it on to Mr. Uppal.

The Chair: You will pass it on to Ms. Chow.

You're very late, Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): My apologies to all. There were votes.

And don't take the bus: it took 15 minutes.

The Chair: You have seven minutes.

Ms. Olivia Chow: Thank you.

Would you support an amendment that would include people who work for Canadian companies that are doing very good work overseas? For example, I've met a few people in China who represent a company that sells wood from British Columbia to the Chinese to build housing after the earthquake in China. They do very good work, but for quite a few of the CEOs and people working there, especially the females, if they are already second generation, not born in Canada, and have a kid, their kid would not be a Canadian citizen.

It's causing them a lot of grief. I can understand soldiers and crown employees, but why not people who do good work overseas?

Hon. Ujjal Dosanjh: Well, I'm really not interested in barring the kind of people you're talking about from ever getting direct citizenship. I just have not considered all the various implications into the future if you open up these provisions to private business. For individuals who go and live outside, it does benefit the country. There's no question about it. If you're teaching outside, you're a professor, and you come back, or if you're working outside, if you run a company in some other country—all of this has benefits for Canada.

I simply considered a limited area for myself, because it was easier to deal with, and there weren't many philosophical questions about how far to extend the right of citizenship. If you do what you're suggesting, I think you need a larger debate. I may be behind the times, but I don't know whether Canadians are ready to open up these provisions to the possibilities you're talking about.

Ms. Olivia Chow: But fundamentally, would you personally agree to such an amendment, especially if we say to these folks that you have to be in Canada for x number of years prior to the birth of your children? This would establish that their intention is to be Canadian; however, because of their work or for whatever reason, they can't be in Canada.

Hon. Ujjal Dosanjh: Let me make another argument with you on that. I've heard from some activists who are willing to resolve this issue somewhat differently from the way you're proposing.

You're proposing that we give the same rights to children born to private business individuals as we might to the children of servants of the crown. You don't need to have that kind of parallel treatment if you follow an argument advanced by some activists. They say that if you have children born abroad to Canadians, first generation born abroad, and if those children during the first 25 or 30 years of their lives come and live in Canada for three to five years, then they should be treated the same as children born and raised in Canada. They should be able to pass on their citizenship. I think that might be a better arrangement, because it shows some connection with the country.

The argument is that if we allow immigrants who weren't born or raised here to come into the country, and after three years of residence grant them Canadian citizenship, then we should do the same with the children born abroad to private individuals. We should be able to treat them as if they were born in Canada. I think that might be a better solution.

• (1605)

Ms. Olivia Chow: That sounds like a good suggestion.

With respect to adopted kids, if I go to China and adopt a child there, and that child comes over as a Canadian citizen, then that child's grandkids, if they're born outside Canada, would not be Canadian. But if I adopt that kid and the kid comes to Canada as a landed immigrant, then that kid would be okay for a second generation. There's no second-generation cut-off. So in my book, an adopted kid should be treated the same way as a Canadian-born kid, because the parents treat them the same way.

This is an area that is not covered by your bill. If we were to go into it, would you object?

Hon. Ujjal Dosanjh: My sense is that if you're an adopted child, and if you are adopted into Canada, and you've lived in Canada more than three years, which normally most adopted children do—

Ms. Olivia Chow: They would, yes.

Hon. Ujjal Dosanjh: —why would you treat them any differently from children born and raised in Canada?

Ms. Olivia Chow: Yes.

So if we make some of those changes in your bill, and if the legislative clerk says they're in order, in respect of the philosophy behind them, you're not opposed to it?

Hon. Ujjal Dosanjh: I think you need to find consensus. I may not be opposed, but for it to pass, the government needs to be onside. So you need to persuade the government benches more than you do me. I'm slightly open. But I haven't looked at all the ins and outs. These are complex areas. Sometimes when you make up an

amendment, there is a domino effect on other issues. I think that these need to be considered carefully. Once you've considered them, if there's consensus, I think you should proceed.

On something like citizenship, I don't think there should be partisan bickering. Ultimately, citizenship is an issue where we need to take everyone along with us—not at all costs, but if we can.

The Chair: Thank you.

Is the committee interested in going another round?

Mr. Wresnewskyj.

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

I'd like to pick up on it there, Mr. Dosanjh. You were talking about citizenship and citizenship rights as some of the foundational principles on how we define ourselves.

There is something about the way this particular private member's bill is written; although there seems to be consensus, there's a little unease about the restrictive sense that it will provide those sorts of citizenship rights only to a certain class of people: government employees. Are you aware of any other case in Canadian law where there would be special citizenship rights or privileges based on employment?

Hon. Ujjal Dosanjh: I have not thoroughly researched the area, but I have to say this. I think that if you, as the country or the province, send people abroad to serve, you then have a distinctly superior obligation to those people than you might have to individuals who go on abroad on private business. I don't demean those individuals, but I think there is a distinctly superior obligation that the country must feel.

That was the sentiment that I felt when I agreed with Mr. Cummer to present his bill. I didn't even know when it was my turn, so it just happened—

• (1610)

Mr. Borys Wrzesnewskyj: I think that's exactly where some of us have perhaps a bit of a problem. We obviously appreciate Canadians who serve abroad; it's this question of who the employer happens to be. It's by choice that people go. Even if they're working for Foreign Affairs or in Defence, they've made a choice. They know their job may entail that they serve abroad at some point in time.

Hon. Ujjal Dosanjh: I disagree with your assumptions. Let's say there are 100 employees in a particular department. Well, someone has to go. You will have no choice: someone has to go. We send them abroad. Maybe I'm slightly old-fashioned, but if we send them abroad, as Canadians we then owe them a superior obligation.

Mr. Borys Wrzesnewskyj: I don't have a problem with that particular sense. What I'm getting at is that there is a free choice to serve your government in various capacities, and some of those positions, whether they're in Foreign Affairs or the military, may well include serving abroad. It is serving the country, but it is also fundamentally a choice that individuals make.

On this distinction of whether it's in Foreign Affairs or working for an NGO or perhaps for a respected Canadian corporate entity, I'm not sure that within Canada we would allow for special abilities to fast-track or to somehow have different sets of rules based on employment by a crown corporation or by the private sector within Canada, so outside of Canada.... That's why I liked the second suggestion you were talking about, which is this idea of a residency requirement, as opposed to a requirement based on employment with the federal government.

Hon. Ujjal Dosanjh: Well, the genesis of my view is not in the type of employment, but that we, as a country, need them abroad. I think there's a distinction. It's not just the employment contract. It's not whether you work for the government or not. Anybody that is going away on behalf of the government has to work for the government. But that is simply coincidental; the fact is that we are sending them abroad. Then, on the other hand, there is a choice people make, and I'm not saying that you shouldn't really....

I think the other argument I'm making is that you don't have to compare the two and see them as equals. They aren't. You have a way of bringing private individuals into equality to whom the children are born abroad. Within the first 25 or 30 years of the child's life, if the child comes here to live for three years, the child would have the same rights as if the child were born in Canada. By the argument I've accepted from the advocates, where I came to Canada and after a certain number of years I now have full rights as a Canadian, a child born to private individuals abroad should be able to do the same.

Mr. Borys Wrzesnewskyj: Personally, I actually like that particular suggestion. Once again, the question is, why shouldn't it apply in the same way to employees of the crown? Employees of the crown typically serve abroad for a period of time and they come back; sometimes they'll be over there for a while, and then we're talking about their children who are abroad for a period of time.

I have difficulty with citizenship being decided based on a type of employment as opposed to the principles, and you're establishing principles that would pass it down generationally but in different contexts. I like the residency part, and perhaps that provides the parameters, but I'm not comfortable with the parameters that a certain type of employment guarantees you these additional privileges.

• (1615)

Hon. Ujjal Dosanjh: If there's consensus in Parliament that you want to proceed with that, I wouldn't have an objection. I still feel, in my old-fashioned way, that we owe a distinctly superior obligation to those whom we send abroad to serve us.

The Chair: It's fun being cross-examined, isn't it?

Hon. Ujjal Dosanjh: No, it's fine. I don't have a problem, actually.

The Chair: I know. I think we've covered that area.

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: I will start by responding to the question initially asked by Mr. Wrzesnewskyj, in other words, whether there are other places where this sort of consideration based on

employment exists. My understanding is that it is already in the Citizenship Act. An individual who is working for the Canadian government abroad can pass on their citizenship to their children by descent.

What Mr. Dosanjh's bill seeks to do, in my view, is allow those children to pass on their citizenship by descent, as well. Without commenting on the matter right now, let's just say that, legally speaking, this is not something new. It is already set out in the Citizenship Act. It simply has to do with extending the right to pass on citizenship by descent to the unborn child.

I have one last question.

[English]

The Chair: Why don't we ask the analysts to prepare something for another meeting on that subject?

[Translation]

Mr. Thierry St-Cyr: If I am mistaken, that could always be indicated, yes.

Mr. Dosanjh, you mentioned that the legal analysts and civil servants you met with had pointed out some adverse effects of the bill and had proposed some amendments.

For our benefit and understanding, could you tell us what they identified as being the problems with your bill and what they proposed as possible solutions, which you said you were amenable to?

[English]

Hon. Ujjal Dosanjh: I'm not really fully equipped to deal with that issue. You should ask the analysts. They will be appearing before you. As a result, they've prepared the amendments, copies of which I have, and I'm sure they'll share those copies with you. Let them explain to you why they suggested the amendments.

The Chair: I think we're finished, Mr. Dosanjh.

Hon. Ujjal Dosanjh: Thank you very much.

The Chair: I thank you for coming and explaining your bill.

We're going to suspend for a moment. We're going to hear from some of the ministry people.

Mr. Dosanjh, you're quite welcome to stay, if you wish.

• _____ (Pause) _____
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The Chair: Welcome back. I think we'll go for about up to an hour, and then we're going to go in camera to discuss some committee business.

We now have with us some officials from the Department of Citizenship and Immigration. We have: Mr. Andrew Griffith, director general of the citizenship and multiculturalism branch; Ms. Nicole Girard, director of legislation and program policy; and we have Monsieur Alain Laurencelle, legal counsel, integration and admissibility team, with legal services.

Do you want to make an opening statement, Mr. Griffith?

•(1620)

Mr. Andrew Griffith (Director General, Citizenship and Multiculturalism Branch, Department of Citizenship and Immigration): Yes, please.

The Chair: Go ahead, sir.

Mr. Andrew Griffith: Thank you, Mr. Chair, and thank you for the invitation to appear before you today.

My name is Andrew Griffith. I am the director general of the citizenship and multiculturalism branch, as you mentioned, and I'm accompanied by my team, Nicole Girard and Alain Laurencelle.

[*Translation*]

I am pleased to be here to discuss Bill C-467, a private member's bill.

[*English*]

Over the course of the next few minutes, I would like to briefly review the changes made in the Citizenship Act of 2009, which implemented a first-generation limit on citizenship for those born abroad, and I will briefly describe what Bill C-467 proposes in relation to those changes. I will also outline some changes that we believe are needed to ensure the current bill achieves its intent.

Let me begin by talking about the changes that were made to the Citizenship Act in 2009. These changes gave a restored citizenship to most "lost Canadians", persons who lost or never had citizenship.

[*Translation*]

Also introduced at this time was a first generation limit to citizenship by descent for those born abroad. The intent of this limit was to protect the value of Canadian citizenship for the future and to ensure citizens have a connection to Canada.

These changes meant that children born to Canadian parents in the first generation outside Canada would be Canadian at birth only if one parent was born in Canada, or one parent became a Canadian citizen by immigrating to Canada and later being granted citizenship, or naturalized.

[*English*]

These changes also include an exception to ensure that children born or adopted outside Canada to a parent serving abroad with the Canadian armed forces, the federal public administration, or provincial public service would be citizens, even if they were born outside Canada, in the second or subsequent generation. However, like all children born outside Canada to a Canadian parent, children of crown servants cannot pass on citizenship to children they might have or adopt abroad as a result of the first-generation limit.

[*Translation*]

Other countries with a first generation limit, like the United Kingdom and New Zealand, have dealt with this issue differently by ensuring that children born abroad to crown servants are able to pass on citizenship to their children born or adopted abroad. This is what Bill C-467 seeks to do.

[*English*]

Bill C-467 proposed to treat children born abroad or adopted outside Canada by crown servants and Canadian Forces personnel as

children born in Canada, such that they would be able to pass on citizenship to any children they may have or adopt abroad. The government fully supports the intent of this bill in that it recognizes and values the strong contributions, commitment, and sacrifice of crown servants working abroad and of their families.

Crown servants, including our military, work to serve Canadians abroad. Crown servants serving abroad demonstrate ongoing attachment to Canada in several ways.

First, they are considered residents of Canada.

Second, crown servants pay Canadian taxes while serving abroad.

Third, they rotate regularly back to Canada. This is different from the situation of Canadian expatriates who in many cases are not considered residents of Canada, do not pay Canadian taxes, and may or may not regularly rotate back to Canada.

All of these things demonstrate a strong ongoing connection to Canada.

[*Translation*]

The government does, however, have concerns with the bill, as it is currently drafted, since it does not achieve its intended objective and would have unintended consequences. I now want to briefly outline these concerns.

[*English*]

As I have said, the intent of Bill C-467 is to enable the children of crown servants to pass on citizenship to any children they have or adopt outside Canada. As currently drafted, however, it does not enable the children of crown servants to pass on citizenship.

At the same time, the bill removes the section of the act that currently provides an exception to the first-generation limit for children born abroad in the second and subsequent generations. Effectively, this would deny citizenship to the children of crown servants in situations where the crown servant parent was also born abroad to a Canadian parent.

The bill also poses problems with respect to adopted persons. Specifically, the bill proposes to confer citizenship automatically to children adopted abroad by crown servants who are born or naturalized in Canada, without regard to the international obligations and requirements under the current law.

The current act already allows anyone who is born abroad and adopted by a Canadian parent who was born in Canada, whether or not that parent is a crown servant, to apply for a grant and become a citizen. The criteria for such a grant respect the international obligations that are there to protect the best interests of the child: for example, to protect against child trafficking and to respect provincial jurisdiction on adoptions.

The problem is that under Bill C-467, children adopted abroad by crown servants would no longer need to apply for a grant in the current manner, meaning they would no longer be subject to the safeguards aimed at protecting the best interests of the child.

•(1625)

[Translation]

For the reasons I have just outlined, Bill C-467 does not achieve its intended objective and would have negative unintended consequences.

[English]

The changes, however, that would be required to ensure the benefits of Bill C-467 are achieved would be relatively minor. The intent of the bill could be achieved by expanding the current exemption to ensure the children of crown servants, including the Canadian Forces, like children born in Canada, would be able to pass on citizenship to any children they have or adopt outside of Canada. Recognizing their sacrifice, commitment, and strong connection to Canada, there should be no questions about the citizenship of their children, no matter where they are born.

Just to add to this, Mr. Chairman, in June 2010, of course, as people know, the government did introduce Bill C-37, the Strengthening the Value of Canadian Citizenship Act. This bill contains a number of amendments that would strengthen the process of applying for citizenship, improve measures to address citizenship fraud, and streamline the revocation process.

Specifically, Bill C-37 proposes to: add legal authority to regulate citizenship consultants and to crack down where they help people gain citizenship fraudulently; increase penalties for fraud; strengthen residency requirements to require a physical presence; improve the government's ability to bar criminals from becoming citizens; and ensure the law supports the implementation of the first-generation limit.

Similar to Bill C-467, Bill C-37 also proposes changes to the current crown servant exception to the first-generation limit. Consistent with the objective of Bill C-467, the proposed changes to the crown servant exception in Bill C-37 would ensure that the children of crown servants serving abroad are not disadvantaged by their parents' service to Canada and are able to pass on citizenship to their children born or adopted abroad.

[Translation]

Thank you again for the opportunity to speak before you. I would be happy to take any questions you may have.

[English]

The Chair: Mr. Trudeau.

[Translation]

Mr. Justin Trudeau (Papineau, Lib.): Thank you, Mr. Chair.

[English]

Thank you, Mr. Griffith.

I'd like to first start with a question that has come up a couple of times. The intent of this private member's bill, and of the element of Bill C-37 that achieves a similar goal, is basically to say that for someone serving Canada who is working as a crown employee—military and such—outside of Canada, when they have kids, it's as if they had kids in Canada, on Canadian soil. Is that basically the core of the issue?

Mr. Andrew Griffith: Yes.

Mr. Justin Trudeau: There's one thing that came back a number of times here. I was interested to see the highlights that they are considered residents of Canada when they live abroad. People working for private companies, no, but for the UN, for example, and international organizations of that magnitude, was there a look at or perhaps a reflection around the Red Cross, perhaps, or the UN or certain big organizations that have always had strong Canadian participation? Was there a reflection this might be something that was interesting?

Mr. Andrew Griffith: Thank you for the question.

We actually have looked at that. We've tried to distinguish the different categories of people in those situations abroad. In terms of Canadians working abroad for international organizations, there are different categories. The first one, really, is those who are long-term employees of those organizations, so they're employed by the UN, by the World Trade Organization, or by the ICRC. Essentially, they're usually like other expatriates in terms of, usually, their tax status and their residency status. They're like residents abroad.

There are other categories as well. There are times when we will temporarily second somebody to an international organization, and in that case sometimes they're actually under a secondment where we pay the salary and we pay the benefits and everything like that. In that case, it would be almost deemed like a crown servant, because again, the same kind of connection test would be there.

Mr. Justin Trudeau: Would they be crown servants under this evaluation?

Mr. Andrew Griffith: Largely they would be, because again, the employer relationship remains. The secondment is an agreement between the government and the international organization.

Then there's a third category, which is more of a case-by-case determination, and that's the category where people take a leave without pay. They're not really sent by the government; they're taking a leave without pay to pursue that, and that's more case by case.

But the first two categories are fairly clear. The first one is like any other expatriate; the second one would be treated like a crown servant.

•(1630)

Mr. Justin Trudeau: You mentioned the case-by-case basis. What is the recourse issue? You briefly mentioned "lost Canadians" in your brief. There's always an issue of people who fall through the cracks, people who are exceptions. What is the structure for people who say they really think they're Canadian, that they should be Canadian, that they have an attachment to Canada? They turn to the CIC. What sort of process do you have in place for them?

Mr. Andrew Griffith: The main process we apply is subsection 5 (4), the exception, which requires ministerial recommendation and the like. That's the main process that is actually used. We receive a number of those applications per year, and those are processed accordingly. There are some other processes available, but that's usually the main one used for these kinds of exceptions.

Mr. Justin Trudeau: What's the percentage of acceptance? Is it reliable? Does the ministerial process work as a section? Is it overloaded? Is there a backlog? Is it fairly efficient? Is it deemed fair? Are there a lot of appeals?

Mr. Andrew Griffith: Well, we actually did a bit of digging into that, because we were sort of curious ourselves. If we look at the statistics, we see that over the past two years we've had something like 90 applications. The approval rate is around 90%, so it works fairly well.

The processing time is comparable to our other processing times, which is probably less than ideal, but it's no worse than our current processing times in the other areas.

Mr. Justin Trudeau: I have a question that almost goes against the grain of this, but it's something I was wondering about. You have a crown servant who is working abroad and has a child. That child grows up, lives his or her life, ends up being abroad, and has a child. That child, because of this exception, would be a full and total Canadian citizen. But would that person have the right to pass on citizenship?

Mr. Andrew Griffith: When you get to effectively the third generation, they would not be able to pass on their citizenship to other children, unless of course they either marry a Canadian or moves back to Canada.

Mr. Justin Trudeau: Because obviously, if you're talking about three generations of living outside of the country, even if the original grandparent was a crown servant, there is less and less attachment to Canada. Is that where you felt the cut-off needed to be?

Mr. Andrew Griffith: That seemed to be a reasonable approach to take, yes.

Mr. Justin Trudeau: Borys? I'm fine. Did you want to...?

Mr. Borys Wrzesnewskyj: Sure.

I'd like to return to your having pointed out that crown servants are actually considered residents of Canada. What that in fact seems to mean is that the employment confers this status: that you are in fact considered in law a resident of Canada. So it's actually the residency that becomes the determinant.

The question, then, is this: is it strictly for the employees or would that same premise of residency apply to family members of employees serving abroad? So if the child is in fact born abroad, but the parent is considered to be a resident of Canada, is there a consideration that the child of this employee who is abroad, but considered to be a resident of Canada, also be considered to be a resident of Canada?

Mr. Andrew Griffith: I'd want to do a bit more digging into that one to...I mean—

Mr. Borys Wrzesnewskyj: I think you probably see where I'm going with this. It almost makes some aspects of this redundant, because if in law the employee is considered to be a resident and the family members are with him or her and the same applies, then, in fact, this first-generation child born to these employees would meet those residency requirements. How does that impact on what we're trying to do here?

•(1635)

Mr. Andrew Griffith: When we say that they are deemed residents, it's really from a tax law perspective. That's really the connection. As always, with the different kinds of laws and legislation we have, the interplay becomes a bit complex. So it doesn't necessarily automatically translate in terms of citizenship.

Mr. Borys Wrzesnewskyj: So it's not a legal....

The Chair: Thank you.

We'll go to Mr. St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: In your presentation, you talked about adoption and the fact that the citizenship application process is a mechanism to protect children. That is the first time I have heard that.

Could you explain how requiring adopted children to apply for citizenship protects them?

Mr. Andrew Griffith: The current legislation sets out a safeguard in terms of the international adoption process, which involves verifying that the family in Canada is able to care for the child and ensuring that the process respects all laws in the home country, as well as international adoption standards.

So all of that is reflected in the current procedures on adoption, either directly, through the citizenship system or through the permanent resident process.

Upon closer examination of the text of the bill, we discovered that the bill had a loophole, which, in our opinion, could be interpreted to mean that international adoption standards were not respected. That is more of a technical issue, but that is what we found.

Mr. Thierry St-Cyr: The way I see it, despite being very interconnected, adoption and citizenship are two distinct issues.

Provinces administer adoptions. They check whether the parents are fit to have children and to deal with the psychosocial effects that adoption involves. A series of conditions need to be met.

Once the adoption goes through, it artificially creates a connection similar to that between a biological parent and their child. Then the adopted child obtains their citizenship, either through the expedited process or the regular channel.

I cannot wrap my head around how granting citizenship to that child safeguards or protects against human trafficking or abuse.

Would that not happen at the previous step, that is, during the actual adoption validation process?

Mr. Andrew Griffith: Perhaps I did not explain it clearly.

It is not a safeguard in and of itself, but the manner in which the bill is....

Mr. Thierry St-Cyr: ...drafted.

Mr. Andrew Griffith: ...drafted, yes, it may give the impression that we no longer have an obligation to follow all the necessary steps to ensure that the best interests of the child are protected. It is not citizenship that does that, but the actual process.

Mr. Thierry St-Cyr: When you say that it gives the impression that we no longer have an obligation to meet all the requirements, who do you mean by “we”? The CIC?

Mr. Andrew Griffith: The CIC; abroad, it is us. At the national level, it is the provinces.

Mr. Thierry St-Cyr: But it is the immigration side of the department that does that, not the citizenship side.

Mr. Andrew Griffith: Exactly.

Mr. Thierry St-Cyr: Okay, I understand.

The bill deals with a pretty specific issue. It does not cover a whole lot of cases, but all the same, the committee has already studied it.

Why has the department never considered, in previous reforms, the bill before us today or some other measure, making the residence requirement much more important when granting citizenship, rather than focusing almost exclusively on the place of birth requirement, as is the case right now?

We have seen other countries take the residence requirement into account when determining whether to pass on citizenship by descent. Canada does not take that requirement into consideration. Why did the government exclude that consideration?

Do you think that is something the committee should pursue further?

At the end of the day, could we not solve all those cases simply by giving more weight to the place of residence, without having to worry about who the person's employer was while they were abroad?

Mr. Andrew Griffith: That is a good question. Actually, we are considering that. There are a number of possibilities.

In the past, we tried applying a connection test, but we found that it was a bit too complicated to administer. Not only was it complicated for us, but it was also complicated for applicants. And, to some extent, it resulted in quite a few lost Canadians, precisely because the rules were too complicated and people did not apply within the prescribed time limit.

Furthermore, many countries are having the same debate we are, in other words, whether to take a residence-based approach or a generational one. Two countries did what we did and opted for the generational approach because it is easier for everyone to understand. It is clear and simple.

Other countries, including Australia and the United States, took a residence-based approach. In overall comparisons, we generally find our approach, which implements the first generation limit and allows parents to apply for citizenship for children born abroad, to be more flexible in certain regards, and the approach taken by other countries to be more flexible in other regards. So it is constantly a matter of finding a balance.

• (1640)

Mr. Thierry St-Cyr: Basically, simplicity was the main objective of this approach.

Mr. Andrew Griffith: There is a big advantage to keeping things simple, not only for us, as civil servants, but also for Canadians and

those we serve. If we make the rules too complicated, we make it very hard for people to apply.

Mr. Thierry St-Cyr: I recall that discussion very clearly. The basic rules are very simple, but that meant we had to introduce a whole slew of exceptions, to prevent situations like the one before us today.

Mr. Andrew Griffith: What I always find intriguing with these types of cases is how very different people's circumstances are. You have to take people's circumstances and so forth into account.

As public servants, we try to come up with an approach that works for the majority of people but includes enough exceptions to cover those cases where the current rules do not apply. Essentially, that is how it works.

[English]

The Chair: Ms. Chow.

Ms. Olivia Chow: Similar to the discussion a minute ago, have we calculated how many expats outside Canada are already second generation, i.e., born from a parents who are Canadian but are not born inside Canada? They're naturalized citizens. If these expats have kids overseas, their kids will not be Canadians. Do we have an estimate of how many people would be impacted?

Mr. Andrew Griffith: I haven't seen any good estimates. We have estimates in terms of the total number of Canadian expatriates abroad, which really come from the Asia-Pacific Foundation, of 2.8 million or something like that. But we don't really have a generational division of those figures, so it's very hard.... What we don't seem to find is that we're getting a lot of demand in terms of the 5(4) applications—

Ms. Olivia Chow: What's “5(4)”?

Mr. Andrew Griffith: Subsection 5(4) is the exception that allows you to make a special request for citizenship if you don't meet all the other criteria. We're not getting a very high demand under it.

Ms. Olivia Chow: Would their kid be able to apply, if they were born outside Canada—let's say in Hong Kong—for this 5(4)?

Mr. Andrew Griffith: In those special exemptions, the ones we use for some of the lost Canadians, for people who don't necessarily fall within all the various exceptions, it's almost a general exception that allows a case to be made and to go to the minister and the like.

Ms. Olivia Chow: Maybe it's because they don't know about it. I didn't know. I know that a lost Canadian can apply for this, but I didn't know this.... The expats, if their kids are no longer Canadian... I didn't know you could apply for that.

Mr. Andrew Griffith: There needs to be a demonstration in terms of hardship and service to the country. There are some special provisions there. Again, it's like an exception—

Ms. Olivia Chow: How many applications do you have so far in front of you?

Mr. Andrew Griffith: For this one, I think the current inventory is in the order of 150. So it's a relatively small number.

Ms. Olivia Chow: It would take quite a bit of work to process them, right? If people knew they could apply for this, I could perceive your having a good number of applicants.

There are any number of expats who have kids. The question is whether they fly back to Canada to have their kids and then fly back there to continue their work or studies or any number of situations. A lot of them studied in Canada and their parents are in Canada, so they have very firm ties with Canada. It just happens they're working overseas.

Have you predicted how many could be impacted by this? This law is fairly new, this lost Canadian law that was put in place two years ago.

• (1645)

Mr. Andrew Griffith: We do the best predictions we can based upon the data we have, the information in terms of numbers. There are some data gaps here.

Again, when the previous Bill C-37 came into being, we had certain projections of volumes, because we have to do that from an operational perspective to make sure we have the resources lined up. In fact, I don't have the numbers on hand, but there seemed to be less demand than we had expected, for whatever reason. We actually had a fairly extensive public education campaign in terms of the video and everything—

Ms. Olivia Chow: But people are just not applying. So on this one, would you be able to make some kind of prediction so that we won't find out five years from now that all of a sudden there is a huge problem, a vouching problem?

Mr. Andrew Griffith: What we can do is to go back and do a bit more digging to try to see what information is out there, to try to give the best information we have. We're happy to do that.

Ms. Olivia Chow: The U.S. and Australia have residency, and the United Kingdom and New Zealand have place of birth: have you compared those two different styles? Our country is similar to all four of those countries. They are two very different approaches. Is there some kind of fairly comprehensive analysis of their approaches? I know that we picked birth rather than residency, but the same could be argued for following another model. Is it really just simplicity?

Mr. Andrew Griffith: You correctly noted that they are all countries with which we normally compare ourselves, so it is kind of interesting when there are divergent approaches. When we actually go through the detailed comparisons, sort of step by step and situation by situation, there is no really clear picture that emerges with regard to which approach is better for all situations. That is why we have seen two different approaches emerge.

Each of the approaches is different. Depending on the situation, some have a few advantages in some areas, and some have advantages in others.

Ms. Olivia Chow: Do you have any studies you can share with us?

Mr. Andrew Griffith: We don't have studies that are publicly available, but we have our own internal analysis. For example, the first generation in Canada tends to be one of the most open, in a sense; you don't actually have to do any registration. It's an

automatic kind of thing. That is one area in which we're more open than others. That, of course, is combined with our relatively open approach to citizenship in general in terms of a relatively short residency period and everything like that. It's a very complex mix. Really you have to go situation by situation, country by country, and try to figure it out. It is not as though there's an overall—

Ms. Olivia Chow: Sorry, but I have a last question and I know he's going to cut me off.

So there is no overall pattern, right? How many stateless kids are there now? The media has focused on a few who are born of Canadians but who are stateless because of this.

Mr. Andrew Griffith: Yes.

Nicole, do we have any statistics on that? I haven't seen any.

Ms. Nicole Girard (Director, Legislation and Program Policy, Department of Citizenship and Immigration): I don't think we really have any way to know, because, as I'm sure you appreciate, though there is the odd case that's drawn to the department's attention, individual family circumstances vary. We don't have any way of knowing for someone who is first generation abroad whether their spouse was born or naturalized in Canada or might have another citizenship through another country and what have you, so—

Ms. Olivia Chow: You don't know.

The Chair: You can finish your sentence.

Ms. Nicole Girard: That's okay. I was done.

The Chair: Thank you.

Mr. Uppal.

Ms. Olivia Chow: So you don't really know.

Ms. Nicole Girard: We don't have the statistics.

The Chair: Mr. Uppal.

Mr. Tim Uppal (Edmonton—Sherwood Park, CPC): Thank you, Mr. Chair.

To start off, you mentioned that crown servants demonstrate a strong ongoing connection to Canada. I agree with you. How does this differ from the situation of Canadian expatriates?

• (1650)

Mr. Andrew Griffith: The starting point is obviously that when crown servants go abroad, they are directly serving Canadians, whether it be in trade, in a consulate, in immigration, in development assistance, in our military, or in anything like that. The nature of the work they do has a very direct connection to what the government is doing.

The second area, as I have mentioned, concerns those who are deemed residents for tax purposes. They pay Canadian taxes, which for many expatriates is simply not the case, for understandable reasons.

The third area—and this is where you really get the distinction between short-term expatriates and longer-term expatriates—is that generally people rotate in and out of Canada, so they will typically be abroad for three or four years, come back for three or four years, and go abroad again. So there is that ongoing connection to Canada. Those are some of the areas where, in general, there is the greatest difference between a crown servant serving abroad and an expatriate, whether working for a company or an international organization.

Mr. Tim Uppal: There was some discussion about having this extended to people who work for NGOs or private companies. Are there any countries that extend that consideration right now?

Mr. Andrew Griffith: We haven't really seen that. When we look at the current bill as well as the provisions of Bill C-37 that are aimed at the crown servants and that have the first generation—we're essentially looking at New Zealand and the U.K.—we see that it's really focused on the crown servants. Again, it's the principle that they're employed by the government to do the government's work, which is to serve the people of the country, so they're the ones we look after.

We haven't done a further check to see if there are other people who are covered there, but when we look at the actual provisions, we can see that this is very narrowly written for crown servants, like the way that we would propose amendments to this bill or as written in Bill C-37.

Mr. Tim Uppal: Being a member of Parliament, you see so many different types of immigration files. I've seen a few where people have gone abroad, had children, and need to prove one way or another that the children are theirs. They need to submit a DNA test or some type of document. Will that be the situation here? Will some type of proof be needed?

Ms. Nicole Girard: Sorry, but was your question about the crown servant applying for their child? There would be a standard process when the parents want to apply for proof of citizenship for their child. They would have to furnish the regular documentation establishing their own citizenship, their situation, and whatnot. That would be fairly routine.

Mr. Andrew Griffith: Again, in the practical sense, I think, if they're working at our embassy or at a military office abroad, generally people would know that this person has been born. It's a small enough community that people would generally know, so the risk of fraud is probably a bit less than in other cases.

Mr. Tim Uppal: Those are my questions. I don't know if any of my colleagues want to share the time.

Rick, go ahead.

Mr. Rick Dykstra: I've been contemplating, based on some of comments that Ms. Chow made, the whole issue of adoption. You may not have the answer here today, but I think we should attempt to deal with this before we hit clause-by-clause.

I learned about this through our experience of assisting in Haiti and Operation Stork. We wanted to do everything we could to bring adopted children back to Canada. One of the issues that arose in dealing with Haiti was that, as a ministry and a country, we have to abide by international obligations on adoption. Our intent to move forward with a potential amendment including adoption raises the

issue of how we are going to deal with our international obligations with respect to adoption and Canadian citizenship.

Mr. Andrew Griffith: Maybe I can start and Nicole can supplement. Again, with respect to adoptions, as you know, there are two approval processes.

One is the domestic approval process, which is really run by the province, and the second one is the international one, which is done on our immigration side. The second one requires confirmation that the host country's regulations have been followed and that local laws and procedures have been followed, etc. That's really to make sure that from both aspects we cover the best interests of the child.

Certainly in the case of Haiti, the adoptions we were able to accelerate were the ones that had already been approved at the provincial level. Then we got a special provision to get essentially the head of the country to approve their going abroad. It was very unique.

One of things when we look at adoptions, of course, is that we have to ensure that we're always trying to compare the same situation, and this is where it all... So the comparison, really, if you're born abroad, whether to Canadian parents or as somebody who's going to be adopted...those cases have to be treated equally in terms of ensuring that we're following Canadian law and comparability, and that's where it becomes a bit tricky.

There are other situations where you have border babies. In New Brunswick, for example, they sometimes go across the border for birth, so you also have to compare that kind of thing.

That's the challenge in trying to do this.

Nicole, do you want to elaborate a bit further on that? No?

Mr. Rick Dykstra: Okay. Thank you.

• (1655)

The Chair: Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: I want to continue with something that Mr. Uppal touched upon. I want to know why we're creating a special category for crown employees. As part of their employment contract, the way you've stated it here, "they demonstrate ongoing attachment".

What if non-crown employees also demonstrated ongoing attachment? Why would we decide to exclude those individuals?

Mr. Andrew Griffith: Again, there is I think a qualitative difference in the sense that somebody who is working for the government abroad is working daily on issues that are affecting Canada or Canadians, whether they be consular, immigration, trade, or military issues, or whatever. So you have that qualitative level: the nature of the work is fundamentally connected to Canadian interests. You have that layer, and that's probably the most fundamental layer, and then you add the other layers, which, again, are deemed to be residency, taxation, and rotating back and forth.

These ways of looking at things are the broad brush strokes that cover most situations. If there are situations where people living abroad have other ways of demonstrating connections to Canada and everything like that, there is enough flexibility in the various ways they can get citizenship for their children for them to be able to pursue those. Also, if they have that regular back-and-forth movement, they can certainly sponsor their kids to come back as permanent residents, and then citizenship is instant. You don't need to have a waiting period for that.

So there are other ways to deal with those situations. But there is a qualitative difference—not just the three bullet points—and I think that's an important element to consider.

Mr. Borys Wrzesnewskyj: So what you're saying is that there may be cases where that same standard would in fact apply even though the individuals happen not to be employees of crown corporations.

I like this whole idea of a residency requirement, and I think most crown employees would be able to meet residency requirements, but in your presentation, you initially said as a separate point that they were considered residents, and then you qualified that to say it was a meld of the first and second points, in that they're considered residents for tax purposes. I think it would be helpful if you could provide us with some sort of brief explaining what is the legal understanding of residency in those cases and how it differs when it's just for tax purposes.

I know that when it comes to diplomacy, there are international covenants and agreements that exist. Diplomats will often not be charged criminally in certain countries for certain activities. Is it because they are considered residents? I'm very unclear about how this applies. Because we're dealing with birth location, if in fact the diplomats are considered residents of Canada in certain ways, does that extend to spouses and, theoretically, does it extend to their family members, including children?

Then we have this whole idea that they're often working in embassies or consular sections that are considered the territory of their country of citizenship. Is a child born of someone who is a diplomat actually...? It's almost as if the children are cross-border babies. Is there some way that those particular birth locations are marked or noted differently?

We're getting into a whole series of areas where I'm not quite sure how we define our residents and residency requirements. If you could provide us with a brief, that would be tremendously helpful.

• (1700)

Mr. Andrew Griffith: Okay. We have noted your questions. Thank you.

The Chair: I think we have two undertakings, or is it three undertakings?

A voice: Two.

The Chair: It's two undertakings.

Would you give that information to the clerk?

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Very well. I have no further questions.

[English]

The Chair: Ms. Chow.

Ms. Olivia Chow: I'm slightly confused. If the kid is born outside Canada to a second-generation mother but the father is born in Canada, the kid is okay—the kid is Canadian.

Mr. Andrew Griffith: Yes, as long as one parent—

Ms. Olivia Chow: As long as one of them...?

Mr. Andrew Griffith: Yes.

Ms. Olivia Chow: Okay. Thank you.

Do the people who adopted kids from Haiti know that if those adopted kids came in as Canadian citizens they would have been treated differently than if they had come in as landed immigrants? I ask because there is a problem there, right? It means that if an adopted child from Haiti came in as a Canadian citizen, then their kids, if they go back to Haiti and, for example, work there when they are grown up, they will be Canadian. But if they have a kid in Haiti, then that kid wouldn't be a Canadian. Do these parents know that?

I ask because it's about the second generation cut-off, right?

Mr. Andrew Griffith: I'm not sure. I think we'll have to get back to you on that in terms of what group came in under permanent residence versus what group came in under the direct grant of citizenship.

Ms. Olivia Chow: But they're treated differently. I was told by people who adopted that the second generation cut-off applies—

Mr. Andrew Griffith: No. The two different cases are obviously treated differently. What I don't have with me is information in terms of whether the kids who came in under Operation Stork came under the direct grant of citizenship provision or came in under a permanent residence one. But obviously if they did, there's an implication for the second generation.

Ms. Olivia Chow: Do most people adopting kids know that their kids should come in as landed immigrants, not as citizens, because then if they go back and work, they're in trouble?

Mr. Andrew Griffith: We do have information on our website that tries to provide information on that. We're trying to revise that information to make it friendlier to prospective parents of adopted children. We're even doing things like scenarios to help people—

Ms. Olivia Chow: Why not fix this little problem? Because I know that the first thing the Conservative government did when they came to power in 2006 was to listen to the Canadian parents who were saying that their kids coming in should be Canadian citizens. They fixed that. They changed the law. Everybody was happy because they had been pushing for that change for several years. It got changed, but the lost Canadians law caught all those people who thought they had won something and then discovered that their kids, if they have kids outside Canada, would not be Canadian. Quite a few of them are furious.

Why not fix this unintended problem so that all adopted kids, whether they came into Canada as landed immigrants or as Canadian citizens, will be treated equally in terms of going to their home country and having their kids there?

• (1705)

Mr. Andrew Griffith: Well, again, I think the original reason was the comparison in terms of being born abroad, whether born abroad to Canadian parents or foreign. We had to have that comparability. Of course, the government is still reviewing the adoption case, as we mentioned, in terms of I think the last report of the standing committee. So that's still under review.

Ms. Olivia Chow: Could you let us know whether those kids coming from Haiti through Operation Stork came in as Canadian citizens or as landed immigrants? I think there's a bit of confusion out there.

Thank you.

The Chair: That's undertaking number three.

Mr. Young.

Mr. Terence Young (Oakville, CPC): In your opening statement, you indicated that Bill C-467 does not do what it was proposed to do. Is that correct?

Mr. Andrew Griffith: That's correct.

Mr. Terence Young: I've read this bill eight times. It's rather short, so it was easy to read eight times.

Could you maybe just say in plain language—so that I could explain it to my constituents in plain language—what it does not do? Why it doesn't do that?

Mr. Andrew Griffith: I'll ask my experts, who can explain it better than I can in terms of plain language.

Mr. Terence Young: Yes, somebody who didn't go to graduate school or something—somebody who can talk at a regular level.

Ms. Nicole Girard: I'll start. Then I'll invite my colleague Alain to add anything I've left out.

The bill is in fairly plain language, but the issue is that the first clause of the bill doesn't correspond to the objectives. It wouldn't enable the children born to crown servants abroad to pass on citizenship to the grandkids. That's the first thing.

In addition to that, the first clause of the bill would carry with it some unintended consequences that Mr. Griffith referred to in his opening remarks, in that it would not allow access to citizenship to the kids born abroad to crown servants whose parents were themselves born abroad, which would be problematic.

The third thing is that it would give citizenship automatically to the adopted kids of crown servants who are born or are naturalized in Canada, which isn't consistent with the current requirement to apply for a grant of citizenship in keeping with our international obligations and respecting provincial jurisdiction in these matters.

The issues are around the first clause of the bill and those problems are derived from the fact that they don't take account of the other relevant sections in the Citizenship Act.

Mr. Terence Young: Is it your impression that it's a drafting error or an omission or something like that?

Ms. Nicole Girard: That is correct.

Mr. Terence Young: Does Bill C-37 reflect the changes that would be needed to accomplish the same thing?

Ms. Nicole Girard: Yes.

Mr. Terence Young: Thank you.

The Chair: We'll go to Dr. Wong.

Mrs. Alice Wong (Richmond, CPC): Thank you, Mr. Chair.

I'll be following up on what Mr. Young just said.

Given that the two bills contain similar provisions for Canadian soldiers and crown servants, would there be any issue at all if both Bill C-467 and Bill C-37 received royal assent?

Mr. Andrew Griffith: No, there would not be, and the reason is that the amendments we've been working on in Bill C-467 would essentially make it align with Bill C-37. In addition, within Bill C-37 there's something called a coordinating amendment. Basically, should Bill C-37 come into effect after Bill C-467, it would supplant Bill C-467 to ensure that this complex piece of legislation, the Citizenship Act, actually works seamlessly. We've designed it in such a way that both could receive royal assent, and it would resolve the situation.

Mrs. Alice Wong: In fact, when I visited the consulates overseas, I was able to talk to some of our employees. They did tell me that the new Citizenship Act actually deprived them of their grandchildren's right to inherit citizenship, mainly because of exactly what you said... They were sent overseas by the government and they were actually doing a government job. I can actually verify that this is exactly what I was told by different colleagues. I call them colleagues, but some of them actually are from CIC, and some of them are from the consulate themselves or the embassies. This is something they did tell us when I visited them.

I don't have any more questions. I'll pass it back to Rick.

• (1710)

The Chair: We're going to Mr. Trudeau.

Mr. Justin Trudeau: I have a couple of small questions.

First of all, to go back to Mr. Young's question, which was a good one, is it correct, according to my sort of lay assessment of this, that the challenge of Bill C-467 is that it focuses on the children born to crown servants abroad, and the exception that we'll address in Bill C-37 focuses on the status of the parents serving abroad? Is that one of the ways that it catches the full circumstances—because the amendment in Bill C-37 deals with the parents, the actual public servants?

Ms. Nicole Girard: Maybe Alain wants to jump in. What I would say is that one of the primary issues is that the way this bill is drafted, when you look at it in the context of the sections it has to hook into in the Citizenship Act, you see that the first-generation limit would continue to apply. That's essentially the problem. What we would be looking to suggest to remedy the situation would be to work with the second clause of the bill and broaden the existing exception rather than repeal it.

Mr. Justin Trudeau: Thank you.

The other question was drawn from something Ms. Chow was asking about, which was the difference between adopting and naturalizing and adopting and going through the citizenship process. I have a constituent in my riding who's dealing with exactly this difficulty. The wait times for the adoption process have jumped up from six months to something ridiculous like 36 months.

It's a hugely longer process and she's now frustrated that she didn't know that she could simply naturalize, that there are two paths. How is the department doing in sharing and clearing up information around those processes? There are two paths, as Ms. Chow said, that will have different consequences the second generation down. Is the department looking at rectifying that or at evening that out, do you know?

Mr. Andrew Griffith: I'd answer on two levels.

First of all, we do recognize that we have to do a better job in terms of informing parents or prospective parents to make sure that they understand the implications of both approaches. There are in fact some advantages of the current approach, because if you're Canadians living abroad and you adopt a child born abroad, the child can directly become a Canadian citizen while living abroad.

So you have some advantages in this area as well. It's like everything: there are some advantages and some disadvantages. We have to communicate that so that people can make more informed decisions.

In terms of the processing, I don't have that information on hand. I think we had better go back and talk to our colleagues about that.

Mr. Justin Trudeau: It doesn't really relate to this anyway.

Thank you.

The Chair: That appears to be it for the questions from the committee.

I want to thank the three of you for coming. We may ask you to come back. We're actually reviewing Bill C-37 even though it hasn't gone through the House yet, so we'll wait and see.

Thank you very much.

We're going to suspend for a couple of minutes.

[Proceedings continue in camera]

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