

FATCA: Canadian Rights vs. Foreign Demands Summary

Do all Canadian citizens and residents have the same rights?

With the announcement of the FATCA Intergovernmental Agreement on February 5, 2014, one million Canadians and their families learned the answer to that question is clearly “**No.**”

The IGA shows our Canadian government will a) Override Canadian laws on demands of a foreign power. b) Make Canadian rights vulnerable to a foreign bully. c) Toss aside Canadian laws and the Canadian Charter of Rights and Freedoms for a foreign government and d) Treat Canadians born in the United States as second class Canadians.

WE ARE CANADIAN

We are honest, law-abiding Canadian citizens, residents and taxpayers. Many of us devoted our entire lives to Canada. We are **NOT** “American citizens abiding in Canada.”

Our “paramount allegiance” is to Canada. We request Canada “assert its claim” over us under international law and protect us from demands of a foreign nation.

PRIVACY AND SOVEREIGNTY

Canada claims using Canada Revenue Agency as an intermediary between Canadian financial institutions resolves privacy concerns. It does not. Instead, it intensifies concerns and creates double jeopardy for sensitive financial information

The FATCA IGA surrenders Canadian sovereignty to an extraterritorial foreign law.

RECOMMENDATIONS

FATCA is highly complicated. Yet there are simple solutions.

Recommendations:

1. Parliament should adopt the following amendment to the *Canada–United States Enhanced Tax Information Exchange Agreement Implementation Act*,

“Notwithstanding any other provision of this Act or the Agreement, for all purposes related to the implementation of this Act and the Agreement, “US Person” and “Specified US Person” shall not include any person who is a Canadian citizen or legal permanent resident who is ordinarily resident in Canada.”

2. Parliament should remove the section in the Implementation Act that overrides all other Canadian laws.
3. Parliament should assert Canada’s claim to its citizens and residents without interference from the United States by protecting them with Canada’s laws, Constitution and Charter of Rights and Freedoms.

Lynne Swanson, Maple Sandbox

