

Minister
of Citizenship
and Immigration



Ministre
de la Citoyenneté
et de l'Immigration

Ottawa, Canada K1A 1L1

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Mr. Norman Doyle, M.P.
Chair
Standing Committee on Citizenship and Immigration
House of Commons,
Ottawa ON K1A 0A6

Dear Mr. Doyle:

Pursuant to Standing Order 109 of the House of Commons, I am pleased to respond on behalf of the Government of Canada to the Standing Committee on Citizenship and Immigration's report entitled *Reclaiming Citizenship for Canadians: A Report on the Loss of Canadian Citizenship*, which was tabled in the House of Commons on December 6, 2007. We appreciate the Committee's work in studying citizenship issues.

Canadians value their citizenship, and proudly uphold the rights, freedoms, and responsibilities that come with this status. Citizenship and Immigration Canada (CIC) likewise takes pride in the work that its officers do in helping Canadians to achieve their citizenship.

The Standing Committee, in its report, highlights some of the challenges with the current *Citizenship Act*, and illustrates the stories of several people who have lost or never acquired their citizenship because of previous and current legislation. The Committee's recommendations fall into three thematic areas: 1) addressing problems with citizenship legislation; 2) resolving the case of Mr. Taylor and others; and 3) operational issues.

I would like to thank you and your colleagues for your work on this report. The Government is pleased to respond.

BILL C-37 – ADDRESSING PROBLEMS WITH CITIZENSHIP LEGISLATION

Concerns about citizenship legislation are well-founded, and the Government has taken these into consideration. Clearly, there is a need for a sustainable resolution that provides stability, consistency, and fairness while protecting the value of citizenship.

To remedy many of the problems discussed in the Standing Committee's report, the Government has proposed, via Bill C-37, a broad and generous legislative solution to bring Canadian citizenship laws into the modern era. These amendments will solve many of the problems caused by outdated provisions of the current and former legislation. The amendments will restore citizenship to persons who lost or never acquired Canadian citizenship in such a way as to eliminate complex bureaucratic processes.

Canada

The proposed amendments to the *Citizenship Act* contained in C-37 would mean that:

- Anyone who became a citizen on January 1, 1947, when the first *Citizenship Act* took effect and the modern concept of “Canadian citizen” was established, and who then lost citizenship, would have their status restored. This includes war brides who are not already Canadian. It also includes people born in Canada prior to 1947 who became citizens when the first *Citizenship Act* took effect on January 1, 1947. The exceptions would be those who renounced their citizenship with Canadian authorities or those whose citizenship was revoked by the Government because it was obtained by fraud.
- Anyone who was born in Canada on or after January 1, 1947, who lost their citizenship would have their status restored. The exception would be those born in Canada who were not born Canadian citizens because they were born to a foreign diplomat.
- Anyone who naturalized as a Canadian citizen on or after January 1, 1947, who lost their citizenship would have it restored. The exceptions would be those who renounced their citizenship with Canadian authorities or those whose citizenship was revoked by the Government because it was obtained by fraud.
- Anyone born abroad to a Canadian on or after January 1, 1947, if not already a citizen, would be recognized as a Canadian citizen from birth, but only if they are the first generation born abroad. The exceptions would be those who renounced their citizenship.
- No one who is a citizen today would lose their citizenship as a result of these amendments.
- Under Bill C-37, once acquired, citizenship status could only be lost by renunciation as an adult or by revocation due to fraud.

Through the proposed amendments to the *Citizenship Act* in Bill C-37, the Government is seeking to meet several key objectives. People need stability, simplicity and consistency in their citizenship status — features which were not always highlighted in the present and former Acts. While citizenship legislation is complex, the overall rules would be simplified as people need stability, simplicity, and consistency in their citizenship status.

At the same time we must protect the value of Canadian citizenship by ensuring that our citizens have a real connection to this country. The legacy of Canadian citizenship should not continue to be passed on through endless generations living abroad. To do otherwise would be to sell our citizenship short and would not be fair to all those who have come to Canada and made it their home.

RESOLVING THE CASE OF MR. TAYLOR AND OTHERS

Most “Lost Canadian” scenarios would be addressed by Bill C-37. However, it would not solve all cases. The Minister will continue to consider recommendations to the Governor in Council (GIC) for a special grant of citizenship. These discretionary powers, contained in the *Citizenship Act*, will enable a resolution of these outstanding cases.

The case of Mr. Joe Taylor has now been resolved. He became a Canadian citizen on January 24, 2008, after he received a special grant of citizenship authorized by the GIC on the recommendation of the Minister.

The Government will continue to prioritize special grants of citizenship for persons who demonstrate a significant attachment to Canada, currently live within the country, have lived in Canada most of their lives and have reasonably believed that they are citizens, but are not. This includes persons who are stateless.

OPERATIONAL ISSUES

The Government is confident in CIC and its adherence to the legislation it is mandated to administer. The Government recognizes the dedicated and professional work of the civil servants who implement the laws, policies and programs underpinning Canadian citizenship laws as established by Parliament.

Client Service

The Government is committed to continuously improving client service across all departments.

CIC has implemented several measures to ensure that problems with regards to citizenship can be resolved with the best possible outcome.

A dedicated phone line has been established in the CIC Call Centre so that those with questions about their citizenship can be served by operators who are specially trained to address these types of questions. If questions cannot be answered by the Call Centre operators, or if the case requires further investigation, the client is referred to the Case Processing Centre (CPC) in Sydney, Nova Scotia, where they are given prompt and individual attention.

A dedicated phone line for Members of Parliament was also established in Sydney. Processing standards for Members of Parliament are 24 to 48 hours, although more complex cases may require more time.

In recognition of the sensitivity of citizenship enquiries, CIC has developed a protocol to deal with cases when a person's citizenship status is uncertain. The guidelines for dealing with people who may not have status in Canada are published on the CIC Intranet site, including scripts to guide citizenship agents so that they are using appropriate language.

It is also recognized that other federal Government offices may be the first point of contact for persons who are uncertain of their Canadian citizenship status. To raise awareness of the issues and the sensitivity of their nature, CIC has worked with several federal Government offices and departments with positive results.

Passport Canada provided assurances that clients with questions about citizenship are routinely referred to CIC. Passport Canada also updated its Web site, which now includes links to the updated information and self-assessment tools on the CIC Web site.

The **Department of Foreign Affairs and International Trade** has also updated its departmental and mission Web sites and has facilitated targeted CIC outreach to consular officials abroad. In addition, CIC has worked with the **Canada Border Services Agency** to ensure that no one with uncertain citizenship status is removed from Canada without CIC being first consulted.

Human Resources and Social Development Canada (HRSDC) has agreed to distribute CIC products on citizenship issues. HRSDC has also agreed to consult with CIC on the citizenship status of clients on a case by case basis to ensure that benefits dependent upon citizenship are not disrupted while a person's citizenship status is being assessed and regularized, if necessary. In addition, **Service Canada**, a hub of information on Canadian government services and programs, reviewed its Web site pertaining to citizenship and has links to the CIC Web site for persons with questions about citizenship. Service Canada also agreed to distribute CIC products.

Furthermore, CIC has an ongoing relationship with the **Department of National Defence (DND)**. CIC has been working with DND on the extremely rare cases where children born on military bases abroad were not registered with Canadian citizenship authorities in accordance with the 1947 Act. The requirement to register the birth of children born abroad to a Canadian parent, not just those born to Canadian forces personnel, ended with the citizenship law enacted in 1977, and only applies to persons born between January 1, 1947, and February 14, 1977, inclusive. Persons whose birth during this period was not registered will benefit from Bill C-37.

Many children born to military personnel abroad between 1963 and 1979 were issued a DND 419, called a "Certificate of Birth" by DND. This has led to some confusion. The DND 419 was issued as a convenient durable and identifiable Canadian record of birth for dependants born outside Canada to Canadian Forces personnel. Although it was never accorded legal status, the certificate was useful as a general proof of age and effectively alleviated the requirement to carry the less durable and cumbersome registration of birth from the country of birth. The DND 419 has never been accepted as proof of citizenship.

Both CIC and DND have information on their Web sites about DND 419 and the Registration of Birth Abroad.

In addition, CIC has worked closely with the **Royal Canadian Mounted Police (RCMP)** to expedite fingerprint checks, when necessary, to facilitate the special grants by the Minister. CIC Case Management Branch and the RCMP Canadian Criminal Real Time Identification Services have an agreement to process citizenship anomaly cases within two weeks.

Finally, CIC has worked with the Provinces and Territories on the citizenship file to ensure that CIC is consulted before benefits are removed from persons with uncertain citizenship status.

Consultations with Stakeholders

The Government is committed to working with individuals and non-governmental organizations, particularly those who appeared before the Committee, to continue to improve our citizenship programs. Such groups include the Mennonite Central Committee Canada, the Lost Canadian Organization, Canadian War Brides, and the Royal Canadian Legion.

Raising Public Awareness

CIC has updated a number of its publications so that the public may have better access to the information they need on citizenship questions. Also, CIC launched a *public awareness/media campaign* in 2007 that increased the number of citizenship enquiries the Call Centre is receiving. To date, approximately 96 per cent of callers have had their citizenship confirmed. The media campaign was run in national dailies and weeklies, with an emphasis on the border areas. The public notice advertised the updated Web site with pages dedicated to citizenship issues, and the dedicated phone number so that questions about citizenship issues could be answered.

Also, CIC has previously compiled newsletters for Members of Parliament on citizenship issues. Upon request, CIC has also provided information sessions on CIC's services for Members of Parliament on Parliament Hill and in their constituencies.

Furthermore, all Members of Parliament and their constituency offices have contact numbers for CIC, including a dedicated phone line for Members of Parliament as well as access to the updated CIC Web site.


MOVING FORWARD

The Government welcomes the work of the Standing Committee on Citizenship and Immigration in this important area and we are confident that this reply will satisfy the Committee's request for a response. The Government has carefully considered and agrees with most of the report's recommendations. To this end, the Government has introduced Bill C-37 which will resolve many outstanding citizenship questions.

Furthermore, the Government is committed to continuously improving client service, while working within the appropriate legislation.

I would like to thank the Committee again for its work.

Yours sincerely,


The Hon. Diane Finley, P.C., M.P.