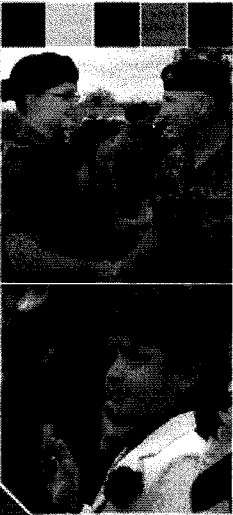
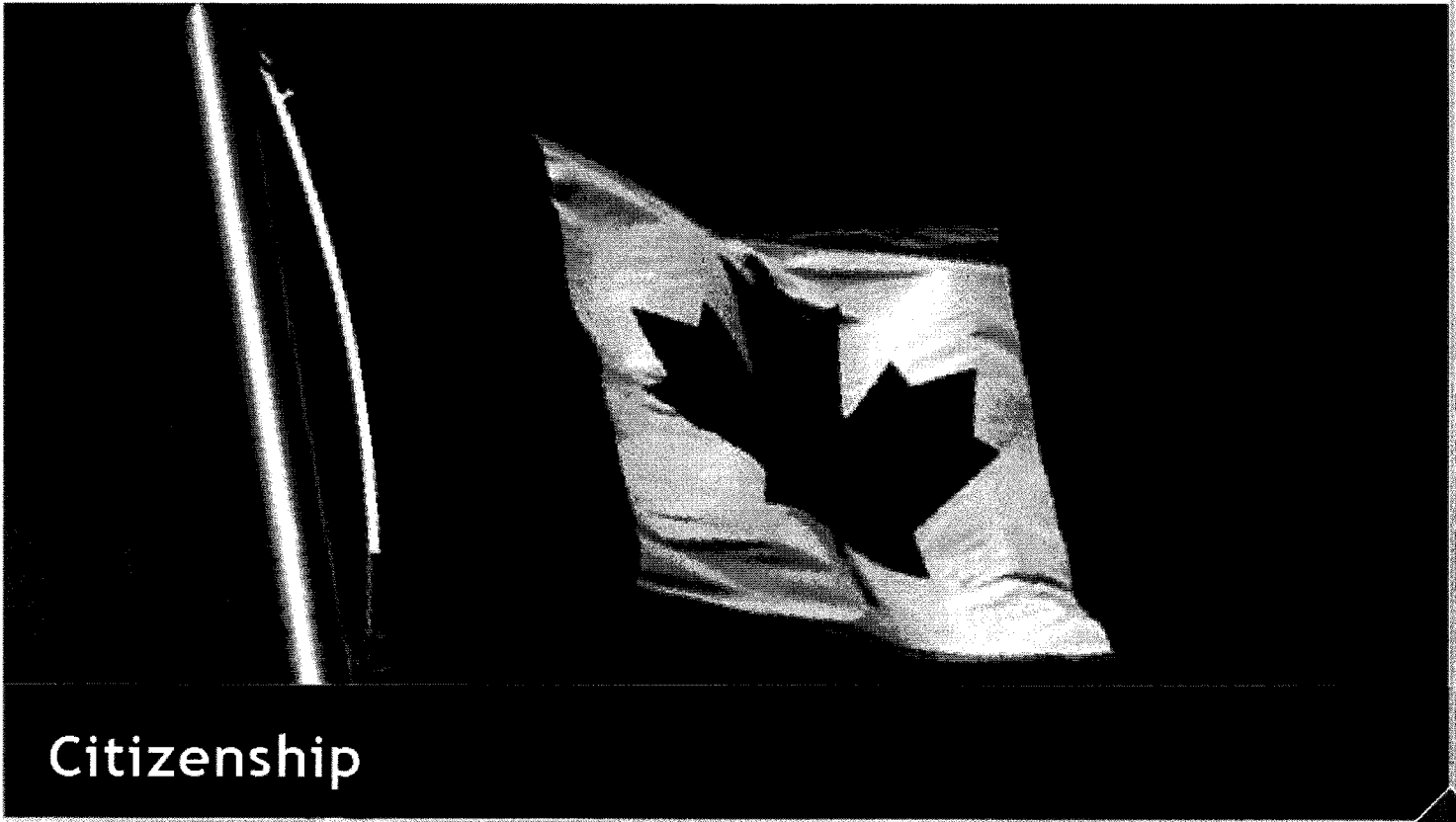


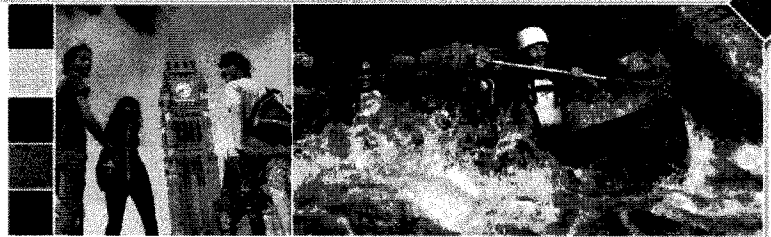
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 Citizenship and Immigration Canada / Citoyenneté et Immigration Canada



Citizenship by Birth on Soil - Implications for Change

September 10, 2012



Canada



Purpose

- Explain rationale for potential changes to Canada's citizenship by birth on soil law;
- Describe what changes would look like;
- Discuss who would be directly and indirectly impacted.

Context – why review birth on soil law?

- Currently, all children born in Canada are automatically Canadian citizens, with the exception of children born to foreign diplomats.
- Such rules have been in place since first *Canadian Citizenship Act in 1947*
 - People were less mobile then and those born here were more likely to have a strong attachment to Canada
- Migration flows today mean people more likely to be abroad for a temporary purpose – to study, work, visit.
- In other areas of citizenship law, a connection to Canada is required:
 1. Citizenship by grant (naturalization): residence requirement, knowledge of official language, knowledge of rights and responsibilities of citizenship, etc.
 2. Citizenship by descent: Since 2009, only available to children born to a Canadian parent who was born or naturalized in Canada (one generation limit)
- Challenges with current law:
 - Persons born in Canada to parents on a temporary stay (students, workers, visitors) are automatically Canadian
 - Creates citizens with no long-term attachment to Canada, but who have rights of Canadian citizens and access to Canadian benefits
- Canada and the US are only comparator countries to still have unrestricted citizenship by birth on soil



Handwritten notes:
Under the current s. 2(1)
...
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What changes to birth on soil could look like

- If Canada adopted rules similar to Australia, NZ and UK, children born here would only acquire Canadian citizenship if at least one parent has permanent status.
- Children who would be Canadian:
 - Those born in Canada to a parent who was a Canadian citizen at the time of the child's birth
 - Those born in Canada to a parent who was a permanent resident at the time of the child's birth

Note: These changes would not affect citizenship by descent
- Children who would not be Canadian:
 - Those born in Canada to parents with temporary status (e.g., visitors, temporary workers, foreign students) or no status and only where the other parent does not have permanent status.
- To respect Canada's international obligations under the 1961 UN *Convention on the Reduction of Statelessness*, any child born in Canada who would otherwise be stateless would have access to Canadian citizenship.

Who would be impacted?

- Changing birth on soil would impact:

Directly

- Those born in Canada to parents without permanent status

Indirectly

- Canadian citizens born in Canada who currently use PT birth certificates to prove citizenship when accessing services and benefits
- Federal departments offering services and benefits related to citizenship status (passports, social insurance, consular services, etc.)
- Various PT Ministries providing services and benefits who use Canadian citizenship status as an eligibility factor (health, education, social services, etc.)



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Impact on those not eligible for citizenship

- Children who would not acquire Canadian citizenship by birth on soil would likely acquire foreign citizenship from a parent (depending on citizenship laws of their parents' country of citizenship).
- They would likely acquire temporary status of similar duration to their parents.
- If parents later apply for permanent residence and citizenship, child could be included in these applications.

Impact on Canadian-born citizens

- Birth certificates, in current format, would no longer be considered reliable proof of citizenship for persons born after implementation of new law.
- Canadians may require additional proof of citizenship when accessing:
 - Federal services such as passports, social insurance numbers, or when voting
 - PT services such as health care, education, social services
 - Other services such as opening a bank account, applying for some jobs, etc.