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# Citizenship



Citizenship by Birth on Soil - Implications for Change

OGD Meeting  
August 3, 2012



# Canada

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# Today's Discussion

- Explain rationale for potential changes to Canada's citizenship by birth on soil law
- Overview of possible scenarios for implementing this change at the Federal level and Provincial and Territorial (PT) level
- Discuss potential impacts of proposed implementation scenario on Government Departments and Agencies (OGDs).
- Seek your comments to specific questions (slide 10) by August 31, 2012.

## 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 developed countries to still have unrestricted citizenship by birth on soil



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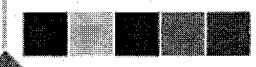
## What changes to birth on soil could look like

- 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.

*at the time*



## Who would be impacted by such a change

- Changing birth on soil would impact:

### Directly

- Those born here 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.)



## 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 go on to 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.
- What would these Canadians use to prove 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?

## Potential implementation scenarios

### **Scenario 1: PTs don't change existing processes, absorb risks of providing services to non-citizens; Federal Government ensures citizenship status before providing federal services**

- Potential impact on PTs:
  - PTs could be providing services to persons who are not entitled (e.g., children born in Canada to visitor)
  - Increase in requests for long-form birth certificates (showing parents' names) to prove citizenship for federal services
- Potential impact on OGDs:
  - Would now have to use two documents to make citizenship eligibility determinations, instead of just birth certificate, for citizens born in Canada (birth certificate and parent's document proving status – see scenario 3 for details)
  - Possibility that OGDs use CIC's e-verification portal to verify parental status electronically with CIC before providing service
- Potential impact on Canadians born in Canada:
  - Only need to prove citizenship when applying for federal services (e.g., passport or SIN)





## Potential implementation scenarios – (continued)

### Scenario 2: PTs modify birth certificate to indicate holder's citizenship status (New Zealand approach)

- Potential impact on PTs:
  - PTs would verify and record the citizenship status of the applicant before issuing a birth certificate
  - PTs would need to verify citizenship or permanent resident status of parents at time of child's birth (potentially with other PTs, or with CIC if parents born abroad) in birth certificate regime
  - Possibility that PTs use CIC's e-verification portal to verify parental status electronically with CIC before issuing birth certificate
  - Impact on PT systems, legislation, policy, privacy, etc.
- Potential impact on OGDs:
  - OGDs who assess eligibility for services using birth certificate could continue to do so
- Potential impact on Canadians born in Canada:
  - Birth certificate could continue to be used as reliable proof of citizenship

## Recommended implementation scenario – combination of documents


### Scenario 3: PTs and Federal Government accept combination of documents as proof of citizenship (Australia and United Kingdom approach)

- How it would work:
  - Canadians born in Canada prove citizenship using birth certificate (long form showing parent information) along with a second document showing status of parents at time of birth (e.g., parent's birth certificate, citizenship certificate, permanent resident card, etc)
- Potential impact on PTs:
  - Would now have to use two documents to make citizenship eligibility determinations (instead of just birth certificate) for citizens born in Canada
  - Possibility that PTs use CIC's e-verification portal to verify parental status electronically to determine applicant's eligibility for service/benefit
- Potential impact on OGDs:
  - Would now have to use two documents to make citizenship eligibility determinations (instead of just birth certificate) for citizens born in Canada
  - Possibility that OGDs use CIC's e-verification portal to verify parental status electronically with CIC before providing service
- Potential impact on Canadians born in Canada:
  - Can use existing documents to prove citizenship and access services and benefits
  - Need to have access to two documents to prove citizenship, one belonging to person applying for benefit (birth certificate), one belonging to parent (proof of parent's status at time of child's birth)
  - May be difficult for Canadians to have access to documents proving parent's status over time (e.g., if breakdown in family relationship)



## Key Questions -

Please provide written responses to the following questions to [Cynthia.Ralickas@ci.gc.ca](mailto:Cynthia.Ralickas@ci.gc.ca) by Friday, August 31, 2012.

1. What services/benefits does your department provide based on citizenship status?
  2. In order to obtain access to these services, what documents do you currently require as proof of status?
  3. What are the major impacts of implementation scenario 3 - legislative, regulatory, privacy, etc.?
  4. How long would it take to implement the proposed approach, e.g. would one year to prepare to implement this change be enough?
  5. Are there any implications for your department if PTs adopt different implementation approaches (i.e. some chose to implement through scenario 2, others scenario 3)?
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## Next Steps

- Written comments from OGDs to be sent to CIC by Friday, August 31<sup>st</sup> to [Cynthia.Ralickas@cic.gc.ca](mailto:Cynthia.Ralickas@cic.gc.ca)
- CIC to continue dialogue with OGDs