

Ministry of Citizenship
and Immigration

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September 6, 2012

Neil Yeates
Deputy Minister
Citizenship and Immigration Canada
Jean Edmonds Building, South Tower
365 Laurier Avenue West 20th Floor
Ottawa, Ontario K1A 1L1
Canada

Neil
Dear Mr. Yeates,

Thank you for giving Ontario the opportunity to provide feedback on CIC's proposed legislative changes to the 'birth on soil' rule and the approaches to implementation.

We have reviewed your proposal provided at the technical briefing held on July 24th as well as examined your preferred approach of having Provinces/Territories and the Federal Government accept a combination of documents as proof of citizenship. Ontario has determined that there are several implications associated with this initiative that would be challenging for the province, in addition to being barriers for citizens. For this reason, Ontario does not support any of the current implementation scenarios proposed.

In our view, there is not enough evidence to justify the effort and expense required for such a system-wide program change. CIC has not quantified the extent of fraud resulting from 'birth tourism.' At this time, there is insufficient data to demonstrate the demand placed on Ontario's economy or public services from 'birth tourists.'

While we understand CIC's desire to align Canada's citizenship policy regarding the 'birth on soil' rule with other jurisdictions, we do not see that the issue is sufficiently pressing or significant to justify the cost and effort of implementing the change. If, despite our reservations, CIC decides to proceed with the changes, we would recommend a longer implementation time to allow for meaningful consultation with stakeholders, including First Nations.

Several Ontario ministries have identified significant policy and program issues with implementation of scenarios 2 and 3, affecting service delivery by the Ontario Government and access by clients. Please see attached for detailed information on concerns with the proposal. The proposed change requires proof of residence or citizenship of one parent at the individual's time of birth. The resulting increase in demand for the long-form birth certificate would pose a financial and administrative burden on the province, along with a financial burden on the client. Additionally, there are higher risks to vulnerable segments of the population, affecting their access to services. The Canada Health Act (CHA) states that reasonable access to health documents must be provided. Our Ministry of Health and Long Term Care has noted the proposed change poses a conflict with the CHA by presenting hardships to clients in accessing documents and services.

There are several challenges associated with the ability of an individual to verify parental status. Existing Ontario privacy policy does not allow children to request copies of the Ontario Birth Certificate of living parents. In order to accommodate the proposed changes, Ontario may need to make legislative and regulatory changes. CIC has made reference to their e-verification portal to verify citizenship of a parent. This, however, is not a practical suggestion as there would be many Canadian citizens not in the database. Additionally, successive generations could encounter increasing difficulty in proving their citizenship as they may need to provide proof of their grandparent's citizenship.

There are other concerns related to privacy that have been raised by Ontario ministries. Scenarios 2 and 3 would result in increased handling of personal information which could increase the potential for privacy incidents and breaches. In light of this, we would need to consult with our privacy commissioner.

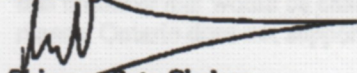
The proposal states that "birth certificates would no longer be considered reliable proof of citizenship" when applying for services. However, birth certificates can be the second document presented as reliable proof of citizenship status of a parent at the time of birth. Ministries have noted that the short-form birth certificate card is the primary document to access services. There appears to be an inconsistency that needs to be resolved before the program is implemented.

CIC has not stated how the implementation will apply to federal programs such as issuance of a passport or Social Insurance Number. Furthermore, there is the danger of inconsistency should Provinces/Territories decide to implement the proposed changes differently (e.g., some provinces choosing to update the birth certificate to include citizenship status but others opting not to do so).

While citizenship is the sole responsibility of the Federal Government under the Constitution, the proposed changes to citizenship policy have profound impact on provinces and territories. The concerns raised are based on a preliminary review of the proposal in consultation with other affected Ontario ministries. With further consultation and more information, the scope of the impact may become clearer. As matters stand, however, Ontario cannot support changes to the "birth on soil" rule and the implementation of the proposed scenarios.

I look forward to further conversations on this issue. Thank you.

Sincerely,



Chisanga Puta-Chekwe
Deputy Minister
Ministry of Citizenship and Immigration

Cc Kevin Costante, Deputy Minister, Government Services