

BILL C-71: An Act to amend the Citizenship Act

Brief submitted to the Standing Senate Committee
on Social Affairs, Science and Technology

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A. INTRODUCTION

1. Bill C-71 is rightly trying to restore Canadian citizenship to a group of “Lost Canadians” – people who are not Canadian citizens but arguably should be¹ – based on the principle that all Canadians, whether born in Canada or abroad, should be treated equally before the law.
2. Bill C-71, notably addresses the issue of a group of “Lost Canadians” who have been caught by Section 3(3) of the *Canadian Citizenship Act*, which since it came into effect on 17 April 2009, limits citizenship acquired by descent to the first generation born abroad (the “After First Generation Rule”).
3. The After First Generation Rule has retroactively created a distinction between Canadian citizens: those who were born in Canada or became naturalized citizens have a certain set of rights, and those who were born abroad to Canadian parents and acquired citizenship by descent have a different, lesser set of rights, and cannot share their citizenship - and thus their identities - with their children. This is independent of the extent to which an individual has established a genuine connection with Canada (living, studying, working, participating in democratic processes, or representing Canada abroad, etc.)
4. This is a two-tier citizenship regime which has no place in a modern democracy like Canada.
5. Not only does such a two-tiered citizenship regime have deleterious effects for individual Canadian citizens (including with respect to their identities, sense of belonging and dignity – especially for those to whom the After First Generation Rule applies retroactively), Canadian families and Canada as a whole, it also runs contrary to our Canadian values and infringes on the rights of Canadians pursuant to both the principles of the *Canadian Citizenship Act* (section 6) and the *Canadian Charter of Rights and Freedoms* (sections 6, 15 and 27).
6. The courts agree and the case of Bjorkquist has ruled that the After First Generation Rule is unconstitutional and has given the government until December 19, 2024 to remedy the *Citizenship Act* and bring the After First Generation Rule into harmony with the *Canadian Charter of Rights and Freedoms*.
7. Bill C-71, seeks to restore Canadian citizenship to those “Lost Canadians” caught by the After First Generation Rule, which, in 2008, this Committee called “arbitrary and unfair.”² The House Standing Committee of Citizenship and Immigration at the time also feared might result in “some people not being Canadian citizens at birth even though they and their parents have a substantial connection with Canada.”³ A number of scholars and prominent Canadians have also warned against the dangers of a two-tiered citizenship regime.
8. Given the many ways in which the After First Generation Rule is misaligned to modern Canadian society, our core values and our constitutional rights as Canadians, **Bill C-71 is a practical solution to** once and for all put an end to two-tiered citizenship where Canadians can prove a genuine connection to Canada.

¹ [Library of Parliament](#)

² [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

³ [Library of Parliament](#)

9. We – Canadian mothers directly impacted by the After First Generation Rule - have included below a brief historical background to the After First Generation Rule, a summary of the key issues with the After First Generation Rule, our recommendation on how to address the After First Generation Rule as an extension of Bill C-71 and stories of Canadians with deep connections to Canada who have been impacted by the After First Generation Rule. We encourage you to read these stories to help understand the very real ways in which the decisions made in this Committee impact Canadian lives.
10. As prominent writer, political philosopher and renowned intellectual, John Ralston Saul put it when he spoke before this Committee on the topic of “Lost Canadians” in 2007, “no Canadian wants to feel that people have been left out who shouldn't be left out.”⁴ We urge the members of this Committee to once and for all address the issue of the After First Generation Rule which clearly leaves out people who shouldn't be left out and treats Canadians born abroad to Canadian parents as second-class citizens.

B. BACKGROUND

11. Over the years, there have been several legislative amendments to restore Canadian citizenship to groups of “Lost Canadians” – “persons who thought that they were Canadian citizens, but who either lost their citizenship or were never citizens in the first place.”⁵
12. The Standing Senate Committee on Social Affairs, Science and Technology is now being asked to consider Bill C-71, *An Act to amend the Citizenship Act*, in an effort to restore Canadian citizenship to a certain number of “Lost Canadians” who lost their rights to citizenship following the introduction of.

Bill C-37, which introduced section 3(3) of the *Citizenship Act* and which limits citizenship acquired by descent to the first generation born abroad (the “After First Generation Rule”). In other words, a person born abroad of a Canadian parent who was also born abroad is not a Canadian citizen. The After First Generation Rule applies retroactively to all Canadians born abroad to a Canadian parent, yet decisions were made on where to give birth to a child on the basis of the law of the day and, for obvious reasons, these cannot be undone.

13. The After First Generation Rule essentially strips rights away from Canadian citizens born abroad to Canadian parents, even if the individuals returned to Canada after their birth and spent the majority of their lives in Canada, worked in Canada, paid income taxes, represented Canada in international sporting competitions or at official international forums, fought for Canada in the military, etc. – Canadians with deep roots in Canada have retroactively become second-class Canadian citizens and the assumption is made that because they were born abroad, they are not anchored in Canada. This has led to a whole new generation of “Lost Canadians”.

⁴ [Evidence - CIMM \(39-1\) - No. 51 - House of Commons of Canada \(ourcommons.ca\)](#)

⁵ [Legislative Summary of Bill S-245: An Act to amend the Citizenship Act \(granting citizenship to certain Canadians\) \(parl.ca\)](#)

14. In the proceedings of the Standing Senate Committee on Social Affairs, Science and Technology meeting of April 10, 2008 regarding Bill C-37, *“An Act to Amend the Citizenship Act”*, Professor Donald Galloway, Faculty of Law, University of Victoria, advised that “the After First Generation Rule wrongly uses place of birth as a proxy for how attachment to Canada is demonstrated.”⁶

15. Before the 2009 amendment, citizenship could be passed on automatically to the second or subsequent generation born abroad if the individual confirmed their desire to remain a Canadian citizen by their 28th birthday. For all the very valid reasons already examined by the House and the Senate, it did not make practical sense to maintain this policy. This policy was replaced by a more restrictive one generation cut-off, which the Harper Government claimed was necessary “to protect the value of Canadian citizenship”⁷ and to end the possibility of citizenship being passed on indefinitely to people who do not have “an ongoing commitment, connection and loyalty to Canada.”⁸ If we examine the reasons behind this policy change, it is evident that it stems from a direct retaliatory response to the evacuation of Lebanese-Canadians from Lebanon in 2006 many of whom were labelled “citizens of convenience.” This Committee must acknowledge the discriminatory roots of the After First Generation Rule and undo the damage it has caused.

16. The effect of the over simplistic and broad-brush approach of the legislation means that many Canadians with genuine connections to Canada have been wrongly swept up by the After First Generation Rule. To address the plight of some of the individuals wrongly caught up in the After First Generation Rule, exemptions were created for certain individuals born abroad to parents or grandparents who served in the Canadian Armed Forces, the federal public administration or the public service of a province. The recommendation that other exemptions be included for other categories of Canadians born abroad with genuine and deep connections to Canada was put off.⁹

17. The problematic nature of the After First Generation Rule have already been acknowledged by this Committee and by the House Standing Committee on Citizenship and Immigration:
 - a. In considering Bill C-37, *An Act to Amend the Citizenship Act*, the Standing Senate Committee on Social Affairs, Science and Technology in its eleventh report of April 16, 2008 noted that the entire *Citizenship Act* is “impossible to navigate”¹⁰ owing to the “cumbersome patchwork of technically drafted provisions, many of which refer to other provisions in now-repealed legislation.”¹¹ The report further notes that “members of the public should be able to read Canada’s citizenship legislation, understand the system and be able to determine if they are citizens. To this end the Standing Senate Committee on Social Affairs, Science and Technology suggested that the government prioritize replacing the Citizenship Act entirely with new, clear and straightforward citizenship legislation in

⁶ [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

⁷ [Legislation to restore citizenship to lost Canadians passes - Canada.ca](#) and [Minister Kenney announces new citizenship law in effect - Canada.ca](#)

⁸ [New rules aim to strengthen the value of Canadian Citizenship - Canada.ca](#)

⁹ [Debates - Issue 38 - March 4, 2008 \(sencanada.ca\)](#)

¹⁰ [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

¹¹ [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

the near future.”¹² To this day, many are unaware of the 2009 amendments to the *Citizenship Act* that introduced the After First Generation Rule and Canadians continue to have children born abroad assuming that their children will be treated no differently than any other Canadian citizen. The *Citizenship Act* is very difficult to follow, even for experts. The complete re-write of the *Citizenship Act* has still not been set in motion.

- b. In considering the very specific issue of how the After First Generation Rule would create a first-generation cut-off, the same report stated that “Such a distinction would grant citizenship to a first generation born outside Canada while denying it to their children and subsequent generations were they to be born abroad. Such a provision strikes your committee as **arbitrary and unfair**. At the same time, your committee agrees with Minister Finley that those seeking Canadian citizenship must be able to demonstrate a connection to this country. Accordingly, and as Professor Galloway suggested, guidelines that do not use place of birth as a proxy should be developed indicating clearly how attachment to Canada is to be demonstrated.”¹³
 - c. The legislative summary of Bill C-37 underscores the criticism that the bill “does not provide a resolution for all “Lost Canadians” [and that] it limits citizenship by descent to the first generation born abroad to a Canadian parent.”¹⁴
 - d. The legislative summary of Bill C-37 further notes that the House of Commons Standing Committee on Immigration recommended that a resolution be provided to all “Lost Canadians” and noted that the bill does not help several groups of “Lost Canadians”, including “the child born abroad to a parent who derived his or her citizenship from a Canadian parent who was also born abroad.” The legislative summary of Bill C-37 goes on to observe that “the major problem with this approach is that it may result in some people not being Canadian citizens at birth even though they and their parents have a substantial connection with Canada.”¹⁵
18. More recently, Prime Minister Justin Trudeau has argued that “a Canadian is a Canadian is a Canadian... You devalue the citizenship of every Canadian in this place and in this country when you break down and make it conditional for anyone.”¹⁶
19. Moreover, in considering the issue around the right of Canadians living abroad to vote in Canadian elections, the Supreme Court of Canada in *Frank v. Canada (Attorney General)* recently held that Canadians living abroad have the constitutional right to vote and provided many reasons for this, including the observation that: “The world has changed. Canadians are both able and encouraged to live abroad, but maintain close connections with Canada in doing so.”¹⁷

¹² [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

¹³ [Standing Senate Committee on Social Affairs, Science and Technology \(39th Parliament, 2nd Session\) \(sencanada.ca\)](#)

¹⁴ [Library of Parliament](#)

¹⁵ [Library of Parliament](#)

¹⁶ Munk Debate, September 28, 2015 at Roy Thompson Hall in Toronto moderated by Rudyard Griffiths. [For the record: A transcript of the Munk Debate \(macleans.ca\)](#)

¹⁷ [2019 SCC 1 \(CanLII\) | Frank v. Canada \(Attorney General\) | CanLII](#)

20. Scholars have also, on many occasions, raised the issues around a two-tiered citizenship regime, “Lost Canadians” and the After First Generation Rule:
- a. In his testimony before the Standing Committee on Citizenship and Immigration in 2007, speaking with respect to the general issue of “Lost Canadians”, John Ralston Saul stated: “To have a Citizenship Act—the first Citizenship Act—that is 60 years old this year, to have a Charter of Rights that is now 25 years old, and to have an act that doesn't comply with the charter, which has been so ruled by one federal court, with indications along those lines by other federal courts, is really hard for me, as a Canadian by choice, to fathom. It seems to me we have to bring those things into compliance. We should be doing it this year and celebrating the fact that it is the 60th anniversary of citizenship, that this is the 25th anniversary of the charter. I think the time has come to bring them together.... At the same time, we mustn't claim that only those living here in this country can become citizens.”¹⁸ In the case of the After First Generation Rule, the *Citizenship Act* continues to breach the *Charter of Rights and Freedoms*.
 - b. Professor Michael Pal, Faculty of Law, University of Ottawa, in his paper *Citizenship and the First-Generation Limitation in Canada* warned that the After First Generation Rule threatened to “excluded individuals [who] may in fact have a genuine connection to Canada and/or be those whom Canada would otherwise be seeking to attract.”¹⁹
 - c. Citizenship and Immigration specialist, Amandeep S. Hayer, has warned that the Citizenship Act is too rigid for those born abroad to Canadian parents with family ties to Canada and underscored the risk to Canadians “who have a child with a non-Canadian citizen partner while temporarily outside Canada; or while residing in a border community where the closest hospital is in the U.S. – so called border babies.”²⁰
 - d. The BC Civil Liberties Association has spoken out against legislation that “creates two tiers of Canadian citizens, giving fewer rights to some Canadians based merely on where they were born. This, we say, is second class citizenship, and has no place in a constitutional democracy like Canada.”²¹
 - e. Over 60 professors also denounced two-tier citizenship in an open letter to Prime Minister Harper in 2014 and advocated that “Canadian citizenship will remain strong only if our citizenship laws continue to meet the highest standards of rights protection.”²²
 - f. In 2023, Bill S-245 attempted to address the issue of several groups of “Lost Canadians”, including those affected by the After First Generation Rule. Hours of expert testimony and debate in the House Standing Committee on Citizenship and Immigration followed and concerned citizens appealed to finally put an end to the suffering that has resulted from the After First Generation Rule. A group of scholars also wrote an open letter to Prime Minister Trudeau denouncing the two-tiered citizenship that was created by the After First Generation Rule and called for the restoration of citizenship to “Lost

¹⁸ [Evidence - CIMM \(39-1\) - No. 51 - House of Commons of Canada \(ourcommons.ca\)](#)

¹⁹ [Citizenship and the First-Generation Limitation in Canada \(dal.ca\)](#)

²⁰ [Canadian Bar Association - Citizenship law is too rigid for those abroad with family ties to Canada \(cba.org\)](#)

²¹ Submission to the Parliamentary Standing Committee on Citizenship and immigration [day month year \(bccla.org\)](#)

²² [Open-Letter-C24-.pdf \(bccla.org\)](#)

Canadians” affected by the After First Generation Rule through the introduction of a connection test.

- g. In parallel, a group of Lost Canadians affected by the After First Generation Rule, brought the issue before the courts in *Bjorkquist et al. v. Attorney General*. The court ruled that the After First Generation Rule was unconstitutional, and time was given to remedy the existing law to bring it in line with the Constitution. At the end of this time, the After First Generation Rule will be repealed, and citizenship will be able to be passed down indefinitely by all Canadian passport holders.
 - h. Despite the court ruling, Bill S-245 did not make it through the legislative process and Bill C-71 is another attempt to remedy the issue of Lost Canadians affected by the After First Generation Rule.
21. The conclusions made by this Committee, by the House Standing Committee on Citizenship and Immigration, by the Prime Minister of Canada and by the Supreme Court of Canada, as well as distinguished scholars and prominent Canadians were clear then – as they are today – that the discriminatory effects of the After First Generation Rule and any two-tiered citizenship regime need to be addressed. The principle of equality among Canadians – whether they are born in Canada or abroad – needs to extend to those unfairly caught by the After First Generation Rule.

C. KEY ISSUES WITH THE AFTER FIRST GENERATION RULE:

22. ***The After First Generation Rule violates the principles of equality under the Canadian Citizenship Act:*** Section 6 of the *Canadian Citizenship Act* states that Canadian citizens, whether or not born in Canada, are entitled to all rights, powers and privileges and that all Canadian citizens are created equal. The After First Generation Rule runs contrary to this principle.
23. ***The After First Generation violates the Charter of Rights and Freedoms:*** Canadians who are born abroad and go on to have children who are also born abroad are not guaranteed full rights and freedoms protected by the *Canadian Charter of Rights and Freedoms*, including equality rights (section 15) – there is discrimination both with respect to national origin and sex – and mobility rights (section 6) interpreted with a respect for our multicultural heritage (section 27).
24. ***The After First Generation Rule creates an unequal model of Canadian citizenship and Canadian identity:*** Canadians born abroad who acquire citizenship by descent are legally deemed inferior to Canadians born in Canada/naturalized citizens and do not hold the same rights under the law. A *de facto* two-tiered citizenship model has been created by the After First Generation Rule. Canadians born in Canada or those who have acquired citizenship by naturalization have a certain set of rights, while on the other hand, those who were born abroad and who acquired citizenship by descent have a different, lesser, set of rights. Canadians born abroad and who acquired citizenship by descent are effectively second-class Canadians.

In practice, if two Canadians grow up in Canada and complete all of their elementary, secondary and post-secondary studies in Canada and then go on to have children abroad, their right to pass on citizenship may be determined by whether or not they were born in Canada, or how their citizenship was granted during the immigration process, regardless of their connection to the

country. This has had a significant impact on the identities of those Canadians who were born abroad to a Canadian parent and had children born abroad after 2009. Identity is fundamentally linked to both how we see ourselves and also how others see us. When a country tells a citizen after 30 plus years that they suddenly have less right than their fellow citizens because they were born abroad, the individual is essentially demoted to second-class citizenship, and they no longer fully belong to the community to which they believed to be rooted. This gap in how one sees themselves and how one's country sees them within the community comes at a great personal cost – a false sense of belonging, a sense of being uprooted and a sense of a lost identity.

25. ***The After First Generation Rule has a disproportionate impact on women:*** Some may argue that a Canadian born abroad and wanting to have a child abroad could return home to Canada to give birth to their child in order to ensure that their child is considered Canadian under the current rules. However, this option unfairly requires women to bear the emotional, financial, health and professional risks of such a decision.
26. ***The After First Generation Rule limits mobility by punishing Canadians who pursue opportunities abroad:*** In a globalised world and taking into account our multicultural makeup, multilingual abilities and international reputation, it is fair to expect Canadians to temporarily move abroad to pursue opportunities without losing ties to home. The Canadian Government even encourages young people to move abroad temporarily to gain international experience through official volunteer, internship, travel or work abroad programs that facilitate visas and sometimes offer government funding support.²³ The After First Generation rule disadvantages Canadians who pursue education, volunteer or work opportunities abroad, even as these individuals help to promote Canadian economic and reputational interests around the world and maintain their ties to Canada. In particular, the law robs young Canadians of the full freedom of pursuing international opportunities without having due consideration to how their citizenship rights and those of their future children might be affected.
27. ***The After First Generation discriminates against internationally adopted children depending on their place of birth:*** A child adopted from one country may need to obtain citizenship by descent while a child adopted from another country may be able to acquire citizenship by naturalisation. The After First Generation Rule would therefore apply differently and unfairly to two internationally adopted children born in the same year based only on their country of adoption.
28. ***The After First Generation Rule risks exposing some children to statelessness and violating Canada's international legal obligations:*** A child born outside of Canada to a Canadian parent that was born abroad risks their child being stateless if the country in which the child was born does not recognise the place of birth as a ground for citizenship. Notably, Canada acceded to the 1961 *Reduction of Statelessness Convention* in 1978.
29. ***The After First Generation Rule contravenes the principle of not applying laws retroactively:*** The After First Generation Rule applies to all Canadians who were born abroad, meaning that a

²³ See for example https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/involved-participer/index.aspx?lang=eng#Become and <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadians/international-experience-canada.html>

number of Canadians suddenly and retroactively had less rights than Canadians who were born in Canada or who immigrated to Canada before 2009. Clearly, a mother cannot go back in time to deliver her child in Canada because the law was retroactively changed.

30. ***The After First Generation Rule has its roots in a shocking retaliatory response:*** The After First Generation Rule developed as a retaliatory and discriminatory response to the desire to preserve the “value of Canadian citizenship” following the evacuation of Lebanese-Canadians from Lebanon in 2006 where the Government of the day accused Lebanese-Canadians of being “citizens of convenience”. This is not how Canada responds to international conflicts and humanitarian crises.
31. ***The After First Generation Rule does not reflect modern society:*** Canadians are of multicultural heritage, they travel, they study abroad, they work abroad, and they maintain deep connections to Canada regardless of where they are in the world. Canadians abroad contribute to advancing Canadian interest and act as ambassadors for Canada – this should be celebrated, not punished. Our *Citizenship Act* needs to reflect these realities and our values that “a Canadian is a Canadian is a Canadian.”
32. ***The prejudicial implications of the After First Generation Rule have created hardships for Canadian families and made family reunification burdensome, especially during times of crisis.*** Since 2009, families caught by the After First Generation Rule have been left with no other option other than to either fly home to give birth to their child or to sponsor their children to immigrate to their own country. Both of these options carry financial, emotional and practical burdens that Canadian families should not have to endure. The difficulties of family reunification has been pronounced during the COVID-19 pandemic when mixed citizenship status families could not easily and securely return to Canada together. It is quite possible that other situations like the pandemic will impact and separate families who have mixed citizenship due to the After First Generation Rule well into the future.
33. ***The practice of denying citizenship to the second generation born abroad is highly uncommon.*** Only a small minority of the world’s nearly 200 countries have a generational limit on citizenship by descent. In these rare instances, there is usually a caveat for those who can demonstrate a genuine connection to the country, through for example, a parent or grand-parent having lived in the country before giving birth abroad.

D. RECOMMENDATION

34. The Standing Senate Committee on Social Affairs, Science and Technology should quickly adopt Bill C-71, and in doing so work towards putting an end to years of Canadian families with genuine connections to Canada suffering from the ramifications of the After First Generation Rule and the endless political ping pong that has been on display since Bill S-245 was introduced in an attempt to address, *inter alia*, the problematic nature of the After First Generation Rule. The After First Generation rule unfairly applies retroactively and does not accurately reflect Canadian values, nor preserve the equal rights of all Canadians pursuant to the Canadian *Citizenship Act* and the *Charter of Rights and Freedoms*, and, *as the courts have ruled, disproportionately affects women*. Bill C-71 is a practical response to achieve balance, which on the one hand will restore equal citizenship to Canadians with genuine connections to Canada and which would prevent Canadian

citizenship from being passed on indefinitely to those who have no genuine connection to Canada, and would be applied to men and women equally. We must ensure that citizenship is permanent, and that rights, powers and privileges of citizenship apply equally to all Canadians no matter where they were born or how or when they acquired citizenship, in line with our constitution, our values and international norms.

APPENDIX

STORIES FROM CANADIANS WITH GENUINE CONNECTIONS TO CANADA WHO HAVE BEEN IMPACTED BY THE AFTER FIRST GENERATION RULE

A. Families who have been denied citizenship because the Canadian parent was born abroad before 2009 despite a deep connection to Canada

Majda Dabaghi

Lawyer and Sustainability Expert
Currently resides in: Paris, France
Riding: Vancouver Center

In May of 2015 I applied for citizenship certificates for my daughters who were born in Paris, France in 2013 and 2014. My husband is a French citizen, and I am a Canadian citizen who was brought up in Ottawa and Whistler. My Canadian citizenship is a crucial part of my identity, and it is very important to me that my daughters grow up with a connection to Canada, values that are inherent to being a Canadian, and citizenship that reflects their Canadian-French identities.

In putting together the application for my daughters' citizenship certificates, I learned that amendments to the Canadian *Citizenship Act* (Act) were made in 2009 that relegated me to a second-class Canadian citizen and prevented my daughters from becoming Canadian citizens as a result of the "one generation rule" pursuant to Section 3(3) of the Act.

By way of background, my parents became Canadian citizens in the 1970s in their early twenties. When I was born in March 1980, both my parents were Canadian citizens and had called Canada home for nearly a decade. A couple of weeks prior to my birth, my mother traveled to Tunisia, where her parents lived, so that she could deliver her first child with her parents close by. Three weeks after she gave birth to me, we returned to Canada where I continued to live until, in 2007, at age 27, I moved to London, England for a job opportunity. What started out as a one year professional adventure, led to me meeting my French husband. Our careers led us back to Paris in 2010 and it is here that we were married in 2011 and had our two daughters in 2013 and 2014.

Despite living in France, I am Canadian and feel profoundly so. Canada is the country I call home and my identity is entirely linked to Canada – I am even a Canadian flat water canoe champion. We are raising our daughters with both French and Canadian identities and they have meaningful ties to both countries. I am deeply saddened to think that simply because I spent the first three weeks of my life abroad – a decision that had no impact on my citizenship at the time and that I cannot go back and change – that the amendments to the Act have made me a second class citizen and retroactively stripped me of my equal rights as a Canadian. I cannot comprehend how I cannot pass on my nationality – a fundamental part of my identity – to my children when Canada is the only place that I have ever called home. Nor can I comprehend how I am any different than my friends who were also born to Canadian parents (whether they are first or sixth generation Canadians) and spent their childhood and most of their adulthood in Canada and were able to pursue international opportunities and give birth abroad to children that were accepted as Canadians. The Act has essentially thrown out the longstanding Canadian principle of equality of citizenship yet, surely being

a Canadian born outside of Canada does not make me any “less Canadian” than a Canadian born in Canada or a naturalised Canadian citizen?

Most recently, the fact that my children were not Canadian citizens meant that when my mom, who lives in Montreal, had open heart surgery at the height of the Covid pandemic, I had to make the difficult decision to leave my mother to fend for herself as I could not travel to Canada with my non-Canadian children and could not risk the border closing with me on one side and my husband and children on the other side. Families simply should not have to make these kinds of decisions because of an arbitrary and unfair rule that has meant that families with genuine ties to Canada have retroactively fallen through the cracks of the law. I have confidence that Canadians would want to restore the Act such that we can truly say that “a Canadian is a Canadian is a Canadian.”

My husband and I discuss the possibility of one day moving back to Canada. While it does not make sense for us to do so in the immediate future because of our current professional trajectories, it is my hope to one day move back home with my family. When I do return to Canada, I want my daughters to return with me, as Canadians – an identity which I work every day to instill in them.

Carol Sutherland-Brown

Canadian Federal Civil Servant (retired)
Currently resides in: Ottawa, Ontario
Riding: Ottawa Center

I was born in Canada into a Canadian military family in 1955. My father Colonel John Orton was born in Alberta to an Anglican Minister who converted his church rectory into a hospital to care for victims of the 1918 Spanish Flu. My father attended the Royal Military College and served as an artillery officer during World War II in Italy and in the liberation of Holland, earning the Military Cross as well as serving during the Korean War and representing Canada abroad as Military Attaché.

I married a Canadian, Ian Sutherland-Brown in 1981. His family came to Canada in the 1840s, before it was even Canada. His father served in the Second World War as an engineer and as Colonel Commandant of the Canadian Royal Engineers.

Early in our marriage Ian and I moved to Saudi Arabia and worked for the King Khaled Eye Specialist Hospital in Riyadh run by American Medical International, an American Health Care company.

Our daughter Marisa was born in 1985 – at that time I was the Director of the Medical Library of the Hospital and had only 6 weeks maternity leave, consistent with the US company’s policies. I could not easily return to Canada to have the baby. I had no OHIP. I had a job, maternity leave, and health care in Saudi Arabia. At that time, prior to 2009, it was not necessary to give birth in Canada for the baby to be Canadian.

Ian and I registered Marisa’s birth with the Canadian Embassy immediately and she had her first Canadian passport within a month of her birth.

We traveled back home to Canada at least once a year during her first two years of life and resettled permanently in Ottawa when she was 2. I became a Canadian federal civil servant, working for much of my career for Health Canada - developing and implementing national health programs such as tobacco control measures.

For the next 22 years, Marisa continuously lived in Ottawa. She went through all her primary school, high school, and college here in Ottawa. She grew up a regular Canadian child - enjoying summer camps, skiing, canoeing, swimming.

At the age of 24, Marisa moved to Europe, completed a master's degree in the UK, met and married a British man and now has two children, a boy and a girl, both born in Cambridge UK. At the time of their birth, she worked for Queens' College Cambridge and could not have easily returned to Canada to have her babies. Her job, pre and postnatal health care, maternity leave were all in the UK. She discovered to her great disappointment that her children were not eligible for Canadian citizenship.

She maintains ties with her family and friends in Canada. Her best friends are from childhood, and she gets together with them during her annual visits to Canada, attending their weddings and meeting their children. And then along came COVID. As her children are not Canadian, COVID prevented her returning home for an extended period of time. I yearned to see my grandchildren until finally, when travel restrictions lifted somewhat, I visited them in the UK - finally able to climb and swing in parks with them, tickle them, play hide and seek, take them trick or treating and read them bedtime stories - like a normal grandmother.

Marisa has consistently maintained a valid Canadian passport and the family hopes to relocate to Canada within the next few years.

Andrea D. Fessler

Founder and Executive Director Premiere Performances

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I have been waiting for a change since August 2010 when my daughter Daria Zoe Erro was born. She was denied Canadian citizenship because of the changes made by Bill C-37 to the Citizenship Act made in April 2009. If I had realized that her Canadian citizenship was in jeopardy, I would have considered going to Canada for the sole purpose of giving birth.

The reason why my third daughter Daria was denied Canadian citizenship was because I happened to be born outside of Canada. My father, Alfred Fessler, a McGill graduate with four degrees (B.Sc., M.Sc., M.D and Ph.D.), won a post-doctoral research fellowship at the prestigious Weitzmann Institute in Rehovot, Israel. My mother Agnes Fessler, six months pregnant, moved with my father to Israel in June 1968 and I was born in September 1968. Both of my parents were naturalized Canadian citizens at the time of my birth, and I was immediately registered as a Canadian citizen born abroad. We returned to Canada in 1970 when my father became a professor in the Pharmacology Dept of the University of British Columbia.

I lived in Vancouver from 1970 until I graduated high school in 1985. I then studied economics and political science at Carleton University in Ottawa and was a participant in the House of Commons Page Programme. Until I finished my B.A., I worked as a Member's Assistant for a Liberal Member of Parliament, the Hon. Donald Johnston. In 1988, I won a coveted place in the J.D. program at Harvard Law School and I moved to the United States. My career as an international lawyer enabled me to work in New York, London, Tokyo and Hong Kong. In 2004, my first daughter Alma was born in Stockholm, and in 2007, my second daughter Stella was born in Hong Kong, both of whom have Canadian citizenship. Then the change in law came into effect and I was no longer able to pass on my Canadian passport to my third daughter Daria, born in 2010.

Our family has retained strong ties to Canada and my children all feel very Canadian. Until my mother passed away in October 2015, we visited her in Vancouver 3-4 times per year. In fact, two of my daughters - including Daria - have expressed their desire to live in Vancouver when they grow up. While I understand that there may be circumstances where people with no connection to Canada have been able to acquire a Canadian passport and pass it down to subsequent generations who also have no connection to Canada, that is not my situation. I spent all my formative years here and received my undergraduate education in Canada as well. The fact that I was a Canadian born abroad (and not naturalized) should not prevent me from passing on my Canadian citizenship to my children.

Lisa Schubert

Teacher

Currently resides in: Brussels, Belgium

Riding: Kanata-Carleton

I am a 46-year-old Canadian who is living and working in Brussels, Belgium. I was born in Brussels, Belgium in 1976. At the time, my father (a Canadian-born passport holder) was working in the nuclear power industry for a company called 'Westinghouse' (that was eventually bought out). At the time, my mother only had a Jamaican passport. Around 1982, our family moved back to Canada and eventually settled in the Ottawa area. My mother then began the process of acquiring her Canadian citizenship and subsequently received her Canadian passport.

From 1983 onwards, I attended public school in Kanata (just outside of Ottawa), followed by high school. In 1995, I graduated from high school and went to the University of Guelph where I completed a four- year honors degree in Biological Sciences (1995-99). During the summer is 1996, I joined the Canadian Armed Forces (Royal Canadian Artillery) Military Reserves. My military service number is R49 026 765. I was initially attached to the 11th Field Artillery Unit in Guelph and eventually transferred to the 30th Field Artillery Unit in Ottawa a year after completing university. In 2001, I was accepted into the teacher training program at the University of Ottawa and completed my Bachelor of Education. The following year, I completed my Master's in Education (2002-3). During this time period, I remained an active serving member in the military reserves. At this point, I was awarded the rank of Sergeant.

In February 2003, I attended Queen's University Overseas Recruiting Fair. As a result of the limited full-time teaching jobs in the Ottawa area, I felt compelled to go overseas to acquire critical teaching experience and steady employment. At the fair, I was hired as a full-time math teacher by the International School of Brussels. I have been working at this school and living just outside of Brussels until present day (almost 20 years). In 2006, I finally retired from the military after having served almost 10 years.

I am single and have been fortunate enough to take advantage of Belgium's world-class fertility support, in order to have children. In 2015, I gave birth to my daughter Maya. In 2017, I gave birth to a second daughter Naomi. As a result of the implementation of the "After First Generation Rule" in 2013, I was highly disappointed in the realization that in spite of the extensive time I have lived in Canada (1982-2003), my 10 years of military service, the fact that to this day I still have a Canadian bank account (Scotiabank), a credit card, I pay down a mortgage on a condominium property that I own and rent in Ottawa, I submit and pay my Canadian income taxes every year, I have an Ontario drivers license and I spend at least two months of every year visiting all of my immediate family who all reside in the Ottawa area...my daughters are not eligible to apply for their Canadian citizenship or passport. Fortunately, I applied for and received a Belgian passport during the time I lived here, otherwise, my daughters would be 'stateless'.

While Belgium has been an amazing 'second home' these last 20 years, I am still a Canadian at my core and I would love to give my daughters the opportunity to experience an enriching life in Canada as I have.

In conclusion, this issue is deeply personal for my children and myself. I am thankful to our elected representatives and others who are fighting for an amendment to this bill. You have my full support and appreciation.

Catherine McKercher

Professor Emerita, School of Journalism and Communication, Carleton University
Currently resides in: Ottawa, Ontario
Riding: Ottawa Centre

In the mid-1970s, my employer, The Canadian Press news agency, posted me to Washington as a foreign correspondent. I stayed in the U.S. for seven years, covering Washington for print and broadcast media, then completing a graduate degree in Philadelphia. I moved back to Canada in 1984, bringing with me my husband and our two daughters, aged 3 and 1. All were U.S. citizens by birth. As a Canadian, I was able to register our children as Canadian citizens. My husband became a Canadian citizen a few years later.

Our children grew up in Ottawa, went to Canadian universities (Carleton, McGill, and University of Toronto), travelled on Canadian passports, worked and paid taxes. Until 2009, they had all the rights, privileges, and responsibilities as every other Canadian. But the Citizenship Act amendment changed their status, and it did so retroactively. They suddenly became second-class Canadians, unable to pass on their citizenship to their children unless those children were born in Canada.

As a result, my two grandchildren, both born in the U.S., are seventh-generation Canadians who have been denied Canadian citizenship based on the country of their mother's birth.

The fact I lived abroad for a time did not make me any less of a Canadian. The same should be said of my daughter, but the law does not agree.

Unequal citizenship is, quite simply, unCanadian. It's well past time to change the the law that creates two different classes of Canadians

Kelsey Norman, PhD

Fellow and Director of the Women's Rights, Human Rights and Refugees program
Rice University's Baker Institute for Public Policy
Currently resides in: Houston, Texas
Riding: Davenport

My mother was born in Canada, as were my grandmother and great grandmother, but I was born in the United States because my father found a biotech job in New Jersey. As a baby my mother promptly applied by mail for my Canadian citizenship, and I still have a national identity card with my pudgy nine-month-old face on it. As a child my mother took steps to cultivate my love and pride for Canada, spending summers visiting my grandparents, aunts, uncles, and cousins in Ontario, Alberta and British Columbia. But it wasn't until I was 23 that I fully embraced my Canadian citizenship. When it came time to apply for a master's degree, I was accepted to study public policy at the University of Toronto, a city that I fell in love with. I was able to see my family in Ontario on weekends and holidays, and when I finished my degree, my citizenship allowed me to easily stay and work in Toronto for several research institutes and civil society organizations.

Eventually, I came back to the U.S. for my Ph.D., told I would have an easier time returning to Canada to find work after graduation with an American doctorate. Conversely, while I was able to secure a two-year postdoctoral fellowship at the University of British Columbia after finishing my Ph.D., the only long-term job I was offered was at Rice University in the United States. And by virtue of returning to the United States for employment – and by giving birth to my son, Mounir, here in 2020 – I am unable to pass on my Canadian citizenship to him. For Mounir, this issue is not about the “value” of Canadian citizenship. And as far as passports go, he is equally as privileged with an American passport as with a Canadian one. What I mourn is his lack of a connection to Canada. Mounir will never have the promise or ease of living and working in Canada himself and fostering his own connections to the country, as I did.

His lack of Canadian citizenship also meant that we were unable to visit my mother in British Columbia during the pandemic, and ultimately she was not able to meet my son until he was one year old, missing out on all those incredible moments during his first year of life. When my son and I finally did travel to visit my mother in the summer of 2021, planning the trip felt incredibly stressful and tenuous, as it was ultimately up to an individual border official whether or not my son would be allowed to cross the border as a non-Canadian. We do not know what kinds of circumstances could prevent him from visiting Canada in the future as a non-citizen, and issues like the pandemic will almost certainly continue to impact and separate families into the future.

B. Families who have had children born abroad who will be denied citizenship if they do not give birth in Canada despite deep ties to Canada

Christina Matula-Hakli

Children’s Author

Currently resides in: Helsinki, Finland

Riding: Nepean

I am Canadian, born in Montreal and raised in Ottawa. My parents, both immigrants – my mother is from Taiwan and my father a refugee from Hungary – met at graduate school at McGill University and spent their careers in the public service in Ottawa, where they still live (riding: Nepean). After my university graduation, I also spent time as a federal civil servant, before following in my parents’ footsteps at McGill, where I received my MBA.

At the age of 29, I had the opportunity to work in London, UK. What I anticipated to be a one-to-two-year experience abroad turned out to be much longer when I fell in love and married someone from Finland. Employment opportunities took us from London to Hong Kong and, just a few months ago, to Helsinki.

I gave birth to my daughter in the UK in 2007, and as there was no caveat on her Canadian citizenship, it did not cross my mind to give birth in Canada. When I was pregnant in Hong Kong in 2010, I was aware of the change in the citizenship law and briefly considered going home to Canada to give birth, but a complicated pregnancy and my son’s early arrival put heed to those plans. So now, both my children have second-class Canadian citizenship.

My son and daughter strongly identify as Canadian. For most of their schooling, they attended the Canadian International School of Hong Kong where they studied a Canadian curriculum taught by Canadian teachers, learned about Canadian values and culture, and sang ‘O Canada’ at assemblies.

We were part of a large community of Canadians who happened to live abroad. Our family spends Christmases and summers in Ottawa with family, and we call Canada home. Both kids are looking forward to moving to Canada in the near future to study, build a life, and settle down. But if they choose to follow my path and work abroad temporarily, regardless of the amount of time they spend in Canada, they will have a restriction hanging over their citizenship rights.

The fellow Canadians I have met abroad are all educated, professional, and open-minded individuals. The fact that we don't currently live in Canada does not diminish our connection to, and our love for, our country. All, in our own way, are working to further Canadian interests abroad, some by working with Canadian entities, and all by being strong ambassadors for our great country.

Kim Christine Campbell

Primary School Teacher

Currently resides in: Lunenburg, Nova Scotia

Riding: South Shore - St. Margarets

Both my husband and I are Canadian citizens and were born in Canada. As children, we each had a parent who worked for the Canadian Foreign Service and, subsequently, grew up living in many different countries around the world. I lived in Jamaica, Switzerland, Hong Kong, Kenya and Bangladesh for my father's diplomatic postings, as well as coming back to live in Canada a number of times. I received a BA from the University of Victoria and spent time teaching in Vancouver before taking my first overseas teaching position in Japan in 2009.

From Japan I was offered a new career opportunity in Hong Kong, where I eventually became a fully certified teacher going on to work at the Canadian International School of Hong Kong for many years. This was a wonderful opportunity for me as my mother was born and raised in Hong Kong, later becoming a Canadian citizen after marrying my father, and a chance for me to learn more about my heritage and family background. One year turned into twelve, and after giving birth to my 2 children in Hong Kong, we decided to come back to Canada to live with our young family in Lunenburg, Nova Scotia.

For us to return to Canada to give birth was not practical at the time and came with enormous financial cost and logistical issues. We would have had to give up our current employment, line up new employment, be registered in a provincial health-care system, have proof of address, and fly half-way around the world during difficult pregnancies.

It is very disheartening to know that because we chose to stay in Hong Kong to have our children that they will now be affected by the citizenship law that would not allow them to pass on Canadian citizenship directly to their own children should they be born outside of Canada. Our family only identifies as Canadian. We only hold a Canadian passport. This seems like an unfair restriction based on the location of our children's birth.

Our extended family members live in Vancouver, Toronto, Ottawa and Nova Scotia. We own a residential property in Lunenburg. We have significant ties to Canada and strongly feel that this citizenship ruling places an unfair restriction on our children, especially should they choose to spend time living overseas in the future.

Robin Tyan

Communications specialist

Currently resides in: Paris, France

Riding: Timmins-James Bay

I was born and raised in Iroquois Falls. My studies eventually took me to London, England where I completed my MSc at the London School of Economics. After returning to Canada, my husband's work has us living in Paris, France where our children were both born. They are both Canadian, thankfully, and we return to Canada every chance we get. While I chose to live in Paris in order to keep my family united when I gave birth (and due to Covid restrictions for my second child), I do not accept that this means my grandchildren will be deprived of Canadian citizenship, simply because I chose to live abroad during my childbearing years.