



Adoption Council of Ontario

History

A Call to Action on Bill C-37: An Act to Amend the Citizenship Act (to come into force in Canada on April 17, 2009)

NEWS ITEM UPDATE: January 29, 2009 Important Notice:

Douglas Chalke, Executive Director of Sunrise Adoption and ACC Member, has compiled a comprehensive overview of Bill C-37 and its implications for adoption.

The Adoption Council of Canada (ACC) strongly encourages everyone to read the following in its entirety prior to reading the rest of this news posting: [://www.sunriseadoption.com/articles/citizenship2009](http://www.sunriseadoption.com/articles/citizenship2009)

Position of the Adoption Council of Canada (ACC)

The Adoption Council of Canada (ACC) is concerned about the proposed regulations for Bill C-37. This law was supposed to streamline and simplify the citizenship process for internationally adopted children, but the legislation instead takes away citizenship rights for some of these children. Adoptive parents across Canada have also expressed concerns, citing that their adopted children are being relegated to an inferior class of citizenship under the Bill.

Although the Bill has already been passed in the legislature, the ramifications were not fully understood until well after the regulations were circulated in mid December 2008.

Gradually, as adoptive parents heard about the effect of the legislation, the news has spread and there has been a groundswell of e-mails asking what can be done about this.

The law was drafted to prevent “Canadians of convenience”, i.e., families who pass on citizenship over several generations without ever living in Canada.

In attempting to solve this problem, the government has created regulations that are confusing and create inequities for internationally adopted children.

Sandra Scarth, ACC President, notes: “the numbers of those affected may not be very high, but the original intent of the legislation as we understood it was to simplify the citizenship process to treat children adopted abroad more equitably.”

Mrs. Scarth further states: “Before bringing this law into force, the government should consult with the adoption community to address these legitimate concerns.”

The ACC also has questions about the retroactivity of the rules and would like to have clarification from CIC about the finer points of the Bill as it relates to adoption. (see Q8 in Sunrise’s posting: [://www.sunriseadoption.com/articles/citizenship2009](http://www.sunriseadoption.com/articles/citizenship2009)).

Response from Citizenship and Immigration Canada (CIC)

Over the past few days, the media has run several stories relating to Bill C-37 and how the limit to citizenship by descent introduced by this Bill will have an effect on children adopted by Canadian parents. Some news items contained inaccuracies and CIC has prepared the following in response to these stories:

As you may be aware, changes to Canada's citizenship law will come into effect in April of this year.

Some concerns have been raised about how recent changes to citizenship legislation may affect adoptees born outside Canada. The new law was passed by Parliament in spring 2008 and comes into effect on April 17, 2009. It will simplify citizenship rules. It also seeks to protect the value of Canadian citizenship by making sure it is not passed down endlessly through generations living outside Canada.

In almost all cases, the ability for people born outside Canada to acquire citizenship by descent will be limited to the first generation. (Note: this limit is not a result of proposed changes to the regulations that were pre-published in the Canada Gazette in December 2008.)

Limiting citizenship by descent means that once the new law comes into effect, children born outside Canada will only acquire Canadian citizenship automatically if one of their parents was born or naturalized in Canada (this includes adopted people who first became permanent residents and then later, citizens).

To ensure fair treatment, the limitation will apply equally to children born outside Canada to a Canadian parent, and to foreign-born children adopted by a Canadian parent and granted citizenship through the adoption law effective December 2007.

One objective of the December 2007 changes was to reduce the distinction in eligibility for citizenship between foreign-born adopted children and children born abroad to Canadian parents. The April 2009 changes will continue to do this.

Once the new law is in force, children born outside Canada to both groups of people will not be eligible to claim Canadian citizenship through that parent (although, if the other parent was born or naturalized in Canada, the child would be able to claim citizenship through that parent).

Foreign-born children adopted by both groups of people will not be eligible for a grant of citizenship under the December 2007 adoption provisions.

Children born or adopted abroad who do not acquire Canadian citizenship because of this new limitation may be eligible to be sponsored as permanent residents and then apply for citizenship as soon as they become permanent residents.

In some rare cases, the new law could create stateless children if they don't obtain citizenship from either of their parents or from their country of birth. In such a case, the parent could sponsor the child for permanent residence and then immediately apply for citizenship for the child.

As an additional safeguard, the new law includes a statelessness provision that offers another option to gain Canadian citizenship. This provision fulfills Canada's obligations under the UN Convention on the Reduction of Statelessness.

For more information, please visit the Citizenship and Immigration Canada website: cic.gc.ca

Moving Forward

If you are concerned about the proposed regulations and wish to see children adopted abroad treated equitably, the ACC encourages you to contact the following individuals:

- 1) Your local MP:

To locate and contact your local MP, please

visit: [://www2.parl.gc.ca/Parlinfo/Compilations/HouseOfCommons/MemberByPostalCode.aspx?Menu=HOC](http://www2.parl.gc.ca/Parlinfo/Compilations/HouseOfCommons/MemberByPostalCode.aspx?Menu=HOC)

2) A Senator in your area:

You may also want to contact a Senator in your area:

[://www.parl.gc.ca/common/senmemb/senate/isenator.asp?Language=E](http://www.parl.gc.ca/common/senmemb/senate/isenator.asp?Language=E)

3) The Minister of Citizenship and Immigration (CIC):

The Honourable Jason Kenney, P.C., M. P.
Citizenship and Immigration Canada
Ottawa, Ontario
K1A 1L1
@cic.gc.ca

Questions?

Should you have any questions about Bill C-37 and/or the ACC's position, please do not hesitate to contact the ACC office: 1-888-542-3678 or @adoption.ca.

You may also contact Douglas Chalke, Executive Director of Sunrise Adoption in British Columbia, for additional information:

Sunrise Adoption

Suite 102 - 171 West Esplanade
North Vancouver, BC
Canada V7M 3J9
Telephone: **604-984-2488**
Toll free within Canada **1-888-984-2488**
Fax: 604-984-2498
@sunriseadoption.com

Related Articles

[://www.familyhelper.net/news/090129citizenship.html](http://www.familyhelper.net/news/090129citizenship.html)

The ACC will update this article as new information becomes available

This Article was reprinted with permission from the Adoption Council of Canada.



Every Child Deserves a Forever Family.

www.adoption.on.ca

