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• (1530)

[English]

The Chair (Julie Dzerowicz (Davenport, Lib.)): Good afternoon, everyone. I call this meeting to order.

Welcome to meeting number six of the House of Commons Standing Committee on Citizenship and Immigration.

As always, I want to do a few reminders for the benefit of everyone here today.

Kindly wait until I recognize you by name before speaking. Please make all comments through the chair. Please raise your hand if you wish to speak. The clerk and I will manage, as always, the speaking order as best as we can. Thank you in advance for your co-operation.

Before we begin, our clerk, in his wisdom, has suggested that we have a budget to adopt regarding Bill C-3. It was distributed last week by the clerk. If I look at it, it says it'll give Julie Dzerowicz \$1 million and everyone else not much.

Some hon. members: Oh, oh!

The Chair: It's fairly straightforward. The amount requested is \$5,500 for this study. Does anyone have any questions, or do I need to get the clerk...?

If not, does everyone approve?

Some hon. members: Agreed.

The Chair: Thank you so much. We'll turn our attention now to what we are all here to do today, which is clause-by-clause of Bill C-3, an act to amend the Citizenship Act, 2025.

Pursuant to the order of reference of Monday, September 22, the committee is resuming its study of Bill C-3, an act to amend the Citizenship Act, 2025.

I would now like to welcome the officials, who are available to answer questions today during clause-by-clause.

Please join me in warmly welcoming, from the Department of Citizenship and Immigration, Uyen Hoang, director general, citizenship branch; Stephanie Jay-Tosh, acting senior director, citizenship legislative policy; Alain Laurencelle, team manager and senior counsel, legal services unit—I'm glad we have a lawyer with us—Allison Bernard, senior policy analyst; and Jody Dewan, senior policy analyst.

Welcome to all of you. Thank you for being here with us.

I would like to provide members of the committee with a few comments on how committees proceed with the clause-by-clause consideration of a bill.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote.

If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package each member received from the clerk. There are a couple of exceptions, which we will talk about in a minute.

During debate on an amendment, members are permitted to move subamendments. Only one subamendment may be considered at any one time and that subamendment cannot be amended.

Once every clause has been voted on, the committee will vote on the title and the bill itself. An order to reprint the bill may be required if amendments are adopted, so that the House has a proper copy for use at report stage.

(On clause 1)

The Chair: With that, I am going to start with clause 1.

I believe that Ms. Rempel Garner has an amendment that she would like to introduce.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): Yes.

Chair, the clerk has this amendment in both official languages and will distribute it to colleagues.

As well, for my colleagues opposite, we made a slight change to two of our amendments that are similar and deal with age. He'll also be distributing those. We also have hard copies in both official language for consideration.

I move that Bill C-3, in clause 1, be amended by adding after line 9 on page 2 the following:

(4.1) Subsection 3(2) of the Act is replaced by the following:

(2) Paragraph (1)(a) does not apply to a person if, at the time of their birth, neither of their parents was a citizen, lawfully admitted to Canada for permanent residence or a protected person under the Immigration and Refugee Protection Act.

I'll briefly outline my rationale as this is being distributed.

Bill C-3, the bill before us, fundamentally alters how citizenship by descent is applied to Canada. The reason why I have proposed this amendment is that a decade of the Liberals' high levels of immigration has profoundly altered Canada's immigration system and the landscape around it. In this context, Canada's unrestricted *jus soli* policy, the granting of citizenship to anyone born here, even temporary residents' children, presents several major problems.

For starters, the status quo presents obvious challenges as immigration levels have outpaced housing, health care and job growth. This has led to social tensions, but the problems go far beyond these concerns. For a decade, the Liberals have operationalized the philosophy of postnationalism, asserting that there is no shared Canadian identity, while simultaneously bringing newcomers in at a rate at which integrating them into Canada's social and economic fabric has become challenging. The result of this coupling of misguided policy and poor management of the immigration system has led to the breaking of Canada's long-held immigration consensus, and confusion over the responsibilities associated with Canadian citizenship. Anti-immigrant sentiment is also shamefully on the rise as Canadians mistakenly blame those who recently came to Canada instead of the Liberal government's abysmally broken postnational immigration system.

These postnational Liberal policies have sent a message that there is no need for Canadian citizens to defend shared Canadian pluralistic values like freedom of conscience and religion, freedom of thought and belief, freedom of association and the equality of men and women. These practices have also virtually eliminated the expectation that anyone seeking to become a Canadian needs to abandon any violent, extreme or hateful prejudices they may have once held and contribute to the nation. Said differently, colleagues, the government has, through a postnationalist and large-scale or mass immigration policy, brought into question the intrinsic value of Canadian citizenship. Without immediate reversal, this philosophy risks permanently breaking Canada's peaceful pluralism and long-standing consensus for immigration—and so you have the amendment before you today. This is why I've moved it.

Today, there are millions of people living in Canada on temporary visas, comprising an astonishing 7% of the country's population, a situation never before seen in Canadian history. There are another estimated 500,000 undocumented persons living in Canada, as well as 300,000 people in the asylum queue, many of whom will have bogus claims.

Many of the millions of temporary residents are set to have their visas expire or have visas that already expired. In this context, colleagues, it's not much of a stretch to foresee that Canada's practice of having no restrictions on *jus soli* citizenship acquisition is likely to be abused by people seeking to stay in the country after their visa expires or after a bogus asylum claim is found to be invalid. This is because, while having a child on Canadian soil theoretically grants no immediate stay rights to parents who are temporary residents, in practice, court rulings, a deeply broken asylum system, protracted appeals and sluggish deportations functionally allow them to remain. Recent videos, especially ones circulating over this weekend on social media advertising this loophole, suggests this may be the case.

The number of people born in Canada to temporary or undocumented residents is not publicly tracked, but recent policies by Canadian hospitals charging temporary residents for giving birth suggest it is a problem, and birth tourism, the practice of non-residents, for example those on visitor visas, travelling to Canada to have their child on Canadian soil so they can obtain citizenship, is also on the rise.

• (1535)

When former prime minister Stephen Harper left office in 2015, birth tourism levels were 590% lower than they are today. Birth tourism is now at its highest level ever, both in terms of absolute levels and percentages. These types of population growth are not accounted for in immigration levels. In this context, Canada is an outlier in granting unconditional birthright citizenship and should move into alignment with peer nations like the U.K. and Germany, which are also experiencing unprecedented immigration crises.

What I have in front of you today, colleagues, is to restrict birthright citizenship to permanent residents—at least one parent being a permanent resident or a citizen. This would align Canada with other peer nations and would somehow.... I don't support Bill C-3, but it could restore the value of Canadian citizenship, which has been eroded over the last 10 years.

Colleagues, without changes to the current unrestricted system of birthright citizenship, as well as with the federal government's relatively porous border policies, Canada risks inviting further organized birth tourism and immigration fraud, as well as further clogging an overwhelmed processing and appeals pipeline.

Being a Canadian should mean something to someone who acquires it and that meaning should be derived from significant enough ties to our nation that a deep understanding of the responsibilities associated with being Canadian becomes joyfully entrenched within a new citizen's fibre. Canadian immigration law and policy should vigorously protect that principle and not erode it.

I think that scrapping the bill in front of us would be a good place to start, but it needs to be severely amended. We are going to be proposing other smart amendments to this bill to protect the value of Canadian citizenship today.

Folks, the decade of unfettered mass immigration, the further erosion of our citizenship through bills like this, and an entrenched and operationalized postnationalist viewpoint from this government have led to a lot of people not understanding what being a Canadian is. Frankly, we see that in the minister of national identity. The minister of national identity said there's no one way to be a Canadian. He didn't talk about respect for rule of law or protecting democratic institutions.

We have a former prime minister who said that Canada's a post-national state. The current Prime Minister could only define Canada as not being American. If these are the leaders of our country, we have a problem with how we obtain citizenship.

If Bill C-3 is to proceed, I believe that we should proceed by restricting birthright citizenship to at least one parent having permanent residence or citizenship and move ourselves into alignment with other peer nations.

Thank you.

• (1540)

The Chair: Thank you so much, Ms. Rempel Garner.

The amendment is admissible. I just wanted to mention that to everyone.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor.

Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Madam Chair.

I'll be voting against this amendment. In my opinion, birthright citizenship is a principle that must be upheld in our Quebec and Canadian societies. Unfortunately, I see the Conservatives' position as aligning with President Trump's decision to attack birthright citizenship in his own country, south of the border.

I simply wanted to let the committee members know how I would be voting.

[*English*]

The Chair: Thank you.

Does anybody else want to address this amendment?

• (1545)

Peter Fragiskatos (London Centre, Lib.): We'll be voting against, Madam Chair. We're ready to vote.

The Chair: Does no one else wants to speak to this?

We now go to a vote on the amendment.

(Amendment negatived: nays 5; yeas 4)

The Chair: Now we'll go to the next amendment. I'll turn again to Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Chair, are you looking at CPC-1? Fantastic.

Colleagues, I move that Bill C-3, in clause 1, be amended by replacing line 36 on page 3 with "1,095 days during any period of

five consecutive years before the person's birth; or", and by replacing line 28 on page 4 with the following—

[*Translation*]

Alexis Brunelle-Duceppe: I have a point of order, Madam Chair.

The interpreters are a bit confused. I want to make sure that the interpreters accurately convey the points raised.

Can we start over? I'm not the only one listening to the interpreters. A number of other people are listening to them too.

[*English*]

The Chair: Okay. What I'm hearing is that we want to establish where we're at.

[*Translation*]

Alexis Brunelle-Duceppe: We weren't necessarily keeping up with the discussion. I just wanted to make sure—

The Chair: I don't understand. Do we need a few minutes for the interpreters?

[*English*]

Okay. Thank you.

Hon. Michelle Rempel Garner: I wasn't confused for once. It was a strange thing.

The Chair: Ms. Rempel Garner, go ahead on CPC-1.

Thank you.

Hon. Michelle Rempel Garner: I'll start again. I move that Bill C-3, in clause 1, be amended, first, by replacing line 36 on page 3 with the following:

1,095 days during any period of five consecutive years before the person's birth; or

Second, it would replace line 28 on page 4 with the following:

1,095 days during any period of five consecutive years before the person's birth.

[*Translation*]

Alexis Brunelle-Duceppe: I have a point of order.

The interpreter doesn't have the text. I'm not the only one listening to the interpreter. We need to make sure that the interpreter is given the correct text so that everyone listening to the French can follow along. It's about complying with the Official Languages Act.

[*English*]

The Chair: I'm just going to suspend for one minute, please, so we can figure out where things are at.

• (1545)

(Pause)

• (1550)

The Chair: We are now back in session.

I think our interpreters are now onsite. We apologize for any inconvenience.

Thank you, Monsieur Brunelle-Duceppe, for alerting us to the issue.

We are discussing CPC-1.

Ms. Rempel Garner, would you mind starting from the top, please?

Hon. Michelle Rempel Garner: I move that Bill C-3, in clause 1, be amended, first, by replacing line 36 on page 3 with the following:

1,095 days during any period of five consecutive years before the person's birth;
or

Second, it would replace line 28 on page 4 with the following:

1,095 days during any period of five consecutive years before the person's birth.

Briefly, colleagues, the reason for this amendment is to ensure that—

[*Translation*]

Alexis Brunelle-Duceppe: I have a point of order.

The English version refers to “1,095” days, while the French version refers to “15 days”.

[*English*]

The Chair: That's true. It does say that.

Hon. Michelle Rempel Garner: That was a substantive translation error.

The Chair: Shall we officially correct that *en français* to one thousand...?

Hon. Michelle Rempel Garner: I did not make that translation, just for the record.

The Chair: I've been assured by our legislative clerk that it is correct in the bill. That is, it's “1,095” *en français* in the bill.

Hon. Michelle Rempel Garner: Just to be clear, we want 1,095 days in any five years prior to the person's birth.

The reason we're calling for this is that in the Citizenship Act, citizenship by naturalization requires this exact provision. While there has been some assertion that citizenship through unlimited descent, as provided for through Bill C-3, is somehow not immigration. To maintain the intrinsic value of Canadian citizenship, acquiring citizenship should require significant ties to the country. The naturalization process, through the existing process set out in the Citizenship Act, defines that by a “three out of five” year period.

All we're seeking to do here is harmonize Bill C-3 with what is already in the Citizenship Act for citizenship by naturalization, so that we are not creating two classes of citizenship acquisition. That seems inherently un-Canadian to me, and I also foresee legal challenges if there is no harmonization on this component.

Also, again, I want to stress to colleagues that we should be, as a committee, trying to ensure that government legislation protects the intrinsic value of Canadian citizenship. We feel that this amendment would strengthen that. It would also allow for persons to not be stuck in the country for an extended period of time. There's flexibility if somebody has to go to a funeral or something like that, or if an emergency comes up. There has to be a demonstrated, concert-

ed effort to stay in the country over a period of time in order to pass down citizenship.

I want to remind colleagues that while the courts did make a decision on this, the government chose not to appeal that ruling and then drafted this legislation. The government chose to put this legislation in front of us, so this is an amendment that will harmonize the provisions for citizenship acquisition through Bill C-3 with what is currently in the Citizenship Act for acquiring citizenship through naturalization. We think this is only fair for other classes of immigrants who seek to acquire Canadian citizenship through naturalization.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Does anyone else want to speak to this amendment?

Mr. Fragiskatos.

Peter Fragiskatos: Thank you, Madam Chair.

In fact, I'd like to ask the officials for their view on the consequences and the implications of this, including the unintended ones. That's a general question to whoever wishes to take it.

• (1555)

Uyen Hoang (Director General, Citizenship Branch, Department of Citizenship and Immigration): Thank you for the question.

Bill C-3, as you know, is written in a way that would allow Canadian parents who give birth abroad to be able to pass on citizenship to their children beyond the first generation as long as they can meet the substantial connection requirement of 1,095 days cumulative anytime before the birth of the child.

It is viewed that with this flexibility, there is recognition that Canadians living abroad can maintain a strong connection to Canadian and have the flexibility to make decisions accordingly for their families and that by restricting the time frame, you may create a new cohort of lost Canadians. You may also exclude Canadians who have spent more time than three years cumulatively in Canada, but over a longer period of time.

The Chair: Thank you.

Mr. Fragiskatos.

Peter Fragiskatos: Could you go over those two points again, starting with “a new cohort of lost Canadians”?

Then I have a question on what you just summed up there in terms of the time frame and what sounds like an unintended consequence.

Begin with this new cohort concern.

Uyen Hoang: Thank you for the question.

When we say the potential unintended consequences could lead to the creation of new lost Canadians, it's because there are cases whereby families living abroad who have children outside of Canada and come back to Canada over the years—visiting grandparents and having connections with their families here in Canada—may not spend 1,095 days within a consecutive five years.

By putting that tight limitation on them, you may then exclude them from being able to pass on citizenship through descent to their children. This is what we mean when we say you could create a new cohort of lost Canadians.

Peter Fragiskatos: Legal challenges could potentially arise. Is there a view on how that might be interpreted by the courts?

If you create a new cohort of lost Canadians, I would think this would raise serious legal implications.

Alain Laurencelle (Team Manager and Senior Counsel, Legal Services Unit, Department of Citizenship and Immigration): It's always open to people to bring a challenge on charter grounds, but the position of the Department of Justice on the bill as it stands now with the requirement is that it is in line with the charter.

Peter Fragiskatos: Thank you.

On the time frame issue, your second real concern sounded like a substantive concern. Could you go over that one more time?

Uyen Hoang: The difference between what is being proposed and what is in the bill is that what's in the bill is any time before the birth of the child. It's a child who is born beyond the first generation, as long as the parent can meet the "substantial connection" any time before the birth of the child, versus the qualifying time frame the proposed amendment is suggesting. It's suggesting that the person would have to meet 1,095 days. It could be cumulative—it's not consecutive—based on the proposed amendment, but it has to be within a consecutive five-year period. That can restrict somebody who may actually spend more time in Canada, but not within a five-year period.

The Chair: Thank you, Mr. Fragiskatos.

Mr. Redekopp, go ahead.

Brad Redekopp (Saskatoon West, CPC): Thank you, Madam Chair.

I wanted to point out that listening to the official's description of this.... What you said in your example, I believe, to paraphrase you, is that a family could come to Canada multiple times but not enough to qualify for 1,095 days in a five-year period. It sounds like you're suggesting, or Mr. Fragiskatos is suggesting, that could be a new cohort of lost Canadians. To me, what you described—somebody who comes to Canada multiple times but not for 1,095 days—sounds like a perfect description of a visitor to Canada. I just wanted to point that out.

The Chair: Thank you, Mr. Redekopp.

Is there any more debate on this amendment?

Mr. Fragiskatos, go ahead.

Peter Fragiskatos: If you look at the amendment, one could argue there's reduced flexibility if you compare the amendment to Bill C-3. What would the implications of that reduced flexibility be with regard to the Citizenship Act and the need for consistency that the Ontario Court of Justice has talked about?

• (1600)

Uyen Hoang: I won't speak to the bureaucrat's decision per se, but from a policy perspective, it was decided that 1,095 days was aligned with the Citizenship Act in terms of how someone could demonstrate a connection to Canada. Recognizing the way Canadian families live today, it was designed in such a way as to give them that flexibility to live their lives abroad and continue to maintain a connection to Canada.

Peter Fragiskatos: In your view, does this amendment create a new misalignment, perhaps?

That is for whoever wishes to take it.

Uyen Hoang: I think this amendment is not aligned with the bill, but that's as far as I could say.

The Chair: Thank you, Mr. Fragiskatos.

I now go to Monsieur Brunelle-Duceppe.

[Translation]

Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I would like to ask a quick question.

I gather from the evidence heard by the committee that the 1,095-day period set out as a criterion in Bill C-3 was already included in the Citizenship Act as a model for permanent residents to obtain Canadian citizenship.

Under the Citizenship Act, the 1,095 days must have been accumulated over a five-year period. According to the proposed amendment, this period remains the same, but the entire model established by the officials also remains the same. I don't see how this could be considered unconstitutional. The 1,095-day period is based on the model already found in the Citizenship Act. Logically, the period set out in the Citizenship Act would apply to Bill C-3, the model would remain the same and everyone would be happy.

Is that right?

[English]

Uyen Hoang: Thank you for the question.

You're right in the sense that we chose the same number of days—1,095 days—but the main difference is to receive a grant of citizenship, you would have to meet 1,095 days within the last five years before your application, versus Bill C-3, which proposes that it would be any time before the birth of the child. The reason we took this approach is that we are talking about citizens by descent. They are born to Canadian parents abroad, versus the grant pathway, where we are talking about foreign nationals who become permanent residents and who pursue citizenship to become a Canadian citizen here in Canada.

Given that there are two different pathways—one where they are born to Canadian citizens and one where foreign nationals become permanent residents—there is that additional flexibility to allow Canadians living abroad to pursue the opportunities and the lifestyles that they wish while knowing they can still maintain a connection to Canada.

[Translation]

Alexis Brunelle-Duceppe: Excuse me, Madam Chair. I have one last question.

If you're saying that these are two completely different things, why did you use the 1,095 days as an example from the Citizenship Act? If these are two completely different things, why did you choose the same number of days?

[English]

Uyen Hoang: We chose the 1,095 days to align with how we do it in the grant pathway, recognizing that it is a sufficient number of days in which to demonstrate a connection to Canada.

[Translation]

Alexis Brunelle-Duceppe: Okay. Thank you.

[English]

The Chair: Thank you, Ms. Hoang.

[Translation]

Thank you, Mr. Brunelle-Duceppe.

[English]

Does anyone else want to weigh in on this amendment?

Mr. Fragiskatos.

Peter Fragiskatos: Thanks, Chair.

Can I just ask again? I just want to ensure that the question is put forward on this amendment and the Citizenship Act. Is there anything in this amendment that would create either a misalignment or an inconsistency between what's called for here and the Citizenship Act in terms of requirements, so that you would have, potentially, an argument for different treatment?

Uyen Hoang: We would have to take that back and look into it further.

Peter Fragiskatos: It seems to me it would be a pretty big issue if we passed an amendment that could potentially create an inconsistency. I don't know if colleagues have views that they wish to... We might have some lawyers in the room as well.

• (1605)

The Chair: Mr. Fragiskatos, I think we've already heard that it's constitutional.

Peter Fragiskatos: That's not the point I'm putting forward, Madam Chair.

On your argument, yes, I understand what you're saying, but my specific question relates not so much to constitutionality as it does to ensuring there is consistency between the amendment and the Citizenship Act in terms of requirements.

The Chair: Mr. Erskine-Smith, did you want to weigh in?

Hon. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Yes, I just have a question, because I think Brad made a good point about examples being illustrative.

Just so I'm clear, if this amendment is passed, say I was born in Canada, lived in Canada my whole life and then I go off to study and I study for a period of, say, three years abroad. I meet someone and I have a kid abroad. I then wouldn't have been resident in Canada within a period of 1,095 days. Walk me through it. Examples like that might be illustrative in terms of people who are studying abroad and having children abroad, but who have been in Canada their whole life and would pass on the citizenship in that context.

Stephanie Jay-Tosh (Acting Senior Director, Citizenship Legislative Policy, Department of Citizenship and Immigration): The starting point would be that the parent would have been born abroad, and then they're the next generation that's proceeding to give birth or adopt abroad in this situation. The way we have understood the amendment is that it's as long as the individual has spent 1,095 days within any consecutive five-year period prior to the birth of the child.

The Chair: Thank you. Is there anything else?

Mr. Redekopp.

Brad Redekopp: Thank you, Chair.

Just to respond to what Mr. Fragiskatos said—and it echoes what Monsieur Brunelle-Duceppe also said—consistency is important. I think that's exactly why we're making this amendment. The Citizenship Act already has 1,095 days within five years, and Bill C-3 has only the 1,095 days. I think we can make a pretty strong argument that it would be consistent, as Mr. Fragiskatos asked for, to put the “within five years” component of it in. Then it's aligned with other segments.

Thank you.

The Chair: Thank you, Mr. Redekopp.

Does anyone else want to enter this debate? Seeing no one, shall CPC-1 carry?

(Amendment agreed to: yeas 5; nays 4)

The Chair: Next, we are going to LIB-2.

I think we have Mr. Erskine-Smith who is going to speak to the amendment.

Hon. Nathaniel Erskine-Smith: I am. I'm substituting for Ms. Zahid while I'm doing this.

This takes us in a different direction.

For reference, folks, this is number 13626156 in the package. It's LIB-2. I move—there's going to be one small change that I make, and I'll explain when I get there—that Bill C-3, in clause 1, be amended by adding, after line 28 on page 4, the following:

(8.1) Section 3 of the Act is amended by adding the following after subsection (3):

(3.1) Subsection (3) does not apply in respect of a person who, while a minor child, was adopted, before or after the day on which An Act to amend the Citizenship Act (2025) comes into force, by a citizen if the adoption is recognized by the province or territory in which the adoptive parent resides—

This is the change, by the way:

—and was in accordance with the Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption that was concluded on May 29, 1993 and came into force on May 1, 1995.

The Chair: Thank you, Mr. Erskine-Smith.

My copy says, “in which the adoptive parent resides on was in accordance”, but you're saying, “and was in accordance”.

Thank you.

• (1610)

Hon. Nathaniel Erskine-Smith: The text said “or”, but the amendment I'm moving says “and”.

The Chair: Okay. That's perfect. Thank you.

Okay. Who would like to speak to this?

Mr. Erskine-Smith.

Hon. Nathaniel Erskine-Smith: I might as well kick it off.

I want to lay out the rationale in greater detail, but I want to say that I personally have two constituents who are affected by this and who have adopted abroad. They brought this to me years ago, and I made a personal commitment to them that when this issue arose, if there were an opportunity to correct this, I would do so.

I'm not a member of this committee. I'm visiting for this specific reason: to get this specific concern addressed. The concern is that their kids, whose only citizenship is Canadian, whose only real connection is to Canada, will be treated differently than my kids. I think there's an unfairness there, and I want to walk through that unfairness.

First of all, I'll read a letter from one of my constituents, who says, “Families who are formed through the process of adoption are required by law to complete all of the necessary regulatory milestones to become a family and secure citizenship for their children. These stringent and arduous requirements are enforced specifically for adopted families who adopt while living or working abroad, and for Canadian families who adopt internationally while living in Canada, the majority of adoptions. Fundamental to this process already is parental attestation that our children will be raised as Canadians.”

I want to get specific in greater detail, because these are provincial processes and territorial processes. Just to be clear, these are parents who, according to the rules as they are set down by provinces and territories, have to be living in Canada and commit to raising their children in Canada.

I want to be especially clear. This was provided to me by a constituent of mine who adopted a child from Zambia. They had to confirm their residency in Ontario. They had to complete a home study by an approved licensed adoption practitioner in the province of Ontario, which consists of—I'll just say a few things—multiple home visits to inspect the Canadian home where the child will live and detailed interviews with both parents as to how they will ensure their child is integrated into Canadian life and how they will support them. They must acquire multiple reference letters from other Canadians who can vouch for their ability to parent and complete child welfare checks in every province that they've lived in and every country that they lived in longer than six months. They have to be approved by the ministry for Ontario as adoptive parents, after which they may wait in the referral program. Upon returning to Canada, they were required to complete three years of home visits by a licensed Ontario social worker in their home.

Every province and territory gives effect to what's known as the Hague convention on intercountry adoption. There are many ideas there, but one of the ideas is that kids adopted internationally have the same rights as kids adopted domestically. Let me read specifically from the Hague convention. Article 26 of the Hague convention on intercountry adoption states:

In the case of an adoption having the effect of terminating a pre-existing legal parent-child relationship, the child shall enjoy in the receiving State, and in any other Contracting State where the adoption is recognised, rights equivalent to those resulting from adoptions having this effect in each such State.

I'll go on. This is not new. This was studied by this committee in 2009. The committee said:

The Committee is of the opinion that adopted children should not be treated differently from children born in Canada...

The Committee recommends that the Government of Canada grant children adopted abroad by Canadian parents ordinarily residing in Canada the same legal status as children born in Canada.

I note that the same committee also took issue, by the way, and said.... On the “substantial connection” test that we're debating right now, the committee recommended a version of that alongside this specific change that I'm advocating for.

This was recently studied briefly, I should note, by the Senate. Senator Arnot, who, by the way, was a judge, a Crown prosecutor, a lawyer and the chief of the Saskatchewan Human Rights Commission, has his proposed amendment, which in substance is the same as I'm proposing here: Children who receive citizenship after their adoption is complete should be exempt from the substantial connection test.

It's not only in Canada that legislators have recommended this, but also in the U.K. I mentioned that the Hague convention obligates us. We would be offside on the Hague convention should we not adopt this amendment like the U.K. and like-minded countries did. I'll zero in on the U.K.

The U.K.'s rule is that if the adoption is “made in accordance” with the convention, at least one parent is British and the adopting parent is resident in the U.K., “the child will automatically...become a British citizen 'other than by descent', which is the same as if they had been born in the UK to a British citizen parent.”

Again, if this amendment were adopted, that would be the rule here in Canada.

• (1615)

Civil society wrote to then minister Marc Miller in support of Senator Arnot's proposal. These are adoption experts at Child and Youth Permanency Council of Canada, Adoption Council of Ontario, Adoption Options Alberta, Adoption Options Manitoba, New Brunswick Adoption Foundation, and more.

I want to be clear about the problem that we're seeking to solve through a substantial connection test. I actually take the point of Ms. Rempel Garner's amendment, which is to make sure there is some stringency to this. You don't want a situation where you have someone who was born abroad, lived abroad their entire life, has no connection to Canada and perpetually passes on Canadian heritage. I get that. Even on the more stringent proposal that Alexis supported and that Michelle put forward, I get it. Again, you're trying to establish an real and substantial connection.

Brad, you said that we don't just want visitors. Here's a situation where it is impossible to adopt via a province.... Again, the amendment specifically speaks to the fact that “the adoption is recognized by the province or territory in which the adoptive parent resides and was in accordance with” the Hague convention. It is impossible for there to not be a real and substantial connection when someone is adopting through a provincial or territorial agency because they are already obligated to reside here and to commit to raising their child here. The amendment would ensure that my kids are treated the same as theirs and that their kids are not discriminated against and treated as other than my own.

Thanks.

The Chair: Thank you, Mr. Erskine-Smith.

Mr. Redekopp.

Brad Redekopp: Thank you, Madam Chair.

Thank you, Mr. Erskine-Smith, for this amendment.

Personally, I think it is important that we make sure that adopted kids are treated, as you put it, the same as your kids. I think, on this side, we would have the same perspective.

After years of working on this committee and watching changes go through the Citizenship Act, it's always about what the flaws are, where the holes are and whether we created new problems. There is a lot of human trafficking going on right now. A person can travel to the continent of Africa, can potentially find somebody and may not even know that this little child has been trafficked.

That's obviously something we don't want to be encouraging and supporting. Should we be concerned about that? Is there anything in here that would help to prevent that from happening, and how might we be able to deal with that?

I believe we should be, as you say, changing things to make adoption more equal to birth. In that case, I agree, but I'm concerned about the potential downside of this. Most importantly, I'm concerned about the ways that unscrupulous people who are always out to make a buck will find a way to abuse the system. We've seen that in so many cases here with the way the Liberal government has set up the immigration system, whether it be students, temporary foreign workers or others. There are always people who are going to be able to exploit the system you set up, so how are you going to protect against that?

Hon. Nathaniel Erskine-Smith: I don't want to discount a concern. Maybe you've heard testimony in this committee about human trafficking via adoption. That has not been flagged for me by the adoption community itself.

Having said that, I don't want to discount the concern without knowing the evidence. I will simply say that I respect provincial and territorial authority to manage the adoption process. We are not litigating the provinces' stringent rules. Provinces can put in place stringent rules to ensure they are taking action. I listed some in Ontario. In Quebec, I'm sure they have stringent rules as well, where adoption agencies are subject to provincial regulations.

I set down just one example, but I could have pointed to others where there are multiple visits, multiple checks and multiple investigations as to attestations from others in the community. All of that is within provincial authority.

All I'm saying is that kids should not bear the brunt of any of these concerns. There are thousands of kids in Canada today who were internationally adopted. I don't want to overstate the issue. The last time I checked—the department would have better numbers—in the last year, I saw a number that was under 700. Less than half of them are by direct grant.

I'm not suggesting that this is a huge issue, but any inequality between a kid internationally adopted and a kid born and adopted in Canada is unconscionable. We should address it. Where there are human trafficking concerns, where there is evidence of that, we should be working in tandem with our provincial and territorial agencies that have the jurisdictional authority to address those challenges.

• (1620)

The Chair: Thank you, Mr. Erskine-Smith.

Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

This is for the officials: Did you provide the minister with any advice to include this type of amendment in Bill C-3?

Uyen Hoang: We provided analysis of this amendment, if that answers your question.

Hon. Michelle Rempel Garner: Prior to your receiving notice of this amendment, did you provide the minister, in the drafting of Bill C-3, with any advice to include this type of content?

Uyen Hoang: There was analysis in terms of the Citizenship Act and the framework for adoptions. As you know, the structure of Bill C-3 is to mirror it as much as possible for the adoption cohort. In other words, those who are adopted abroad beyond the first generation, as long as their parent can meet a substantial connection requirement, would be able to have access to the direct grant through section 5.1. This is talking about those who are adopted on or after the coming into force of the bill. Those who are adopted prior to the coming into force of the bill would be able to have access to the direct grant through section 5.1 without having to meet a substantial connection requirement. This was put in place—the way the bill is structured—to align the cohort of those who are born abroad to a Canadian parent with the cohort of those who are adopted abroad by a Canadian parent.

Hon. Michelle Rempel Garner: Said differently, it was a purposeful decision to not include this particular structure within the bill as it was drafted. Would that be a correct characterization?

Uyen Hoang: I would say that's a correct characterization.

Hon. Michelle Rempel Garner: To be clear, the minister made a decision to not include this in this bill at the advice of the department due to the harmonization and other considerations you just raised. Is that correct?

Uyen Hoang: We provide advice, but really, yes, it is the minister who takes the decision—and cabinet.

Hon. Michelle Rempel Garner: We didn't hear... I wasn't on the committee listening to it last time, but it has come up in various provisions. I haven't heard any testimony from either the minister or other witnesses to date suggesting that this is needed. I'm going to assume that the minister didn't include it in the revised draft due to advice. I guess I want to ask a couple more questions with regard to what my colleague said.

As members of Parliament, we all have casework that comes into our offices, and the most difficult cases are often adoptions. They're often... I've had a couple in my tenure as an MP in which I've had a couple who have gone abroad to adopt a child. They've worked through what they considered to be legitimate agencies. They've gone through all the processes, and then there are questions about the child's parentage and whether the child is who they say they are or has been, for lack of a better term, trafficked. Those are the most heart-breaking cases because they hurt everybody. In those cases, it's very difficult for the minister or for the Canadian government to intervene because, on one hand, you have a couple who have formed an attachment to a child and, on the other hand, you have a family who's had their child trafficked. In the middle, you have a child.

What I worry about if we move this with no testimony—the minister hasn't said that this is needed—and essentially outside of the advice of the department is that we're going to create a potential situation where a child who could be human-trafficked might automatically get Canadian citizenship, which creates a very difficult diplomatic situation. Would that be a concern that we would be correct to worry about?

Uyen Hoang: When a parent who is adopting a child accesses section 5.1 to seek citizenship for that child, the department does conduct an assessment in accordance with the Hague convention. Part of that assessment is to be satisfied that the adoption meets the requirements of the Citizenship Act before the adopted person can become a citizen. Some of those criteria include its being in the best interest of the child, its creating a genuine parent-child relationship, that it was done in accordance with the—

• (1625)

Hon. Michelle Rempel Garner: Could I interject?

With all due respect, the screening processes within Citizenship and Immigration lately have been somewhat suspect. I was just up in the House of Commons talking about a case where a man who was on the U.K.'s registered sex offender list was allowed into Canada. Potentially, just granting Canadian citizenship automatically, without hearing the minister and knowing that there are significant screening problems within the immigration department right now, is a concern. I don't have confidence that the department can manage these situations, and there could be a diplomatic situation.

The other thing, colleagues, is just to say that we have not had the minister or other witnesses here to speak to these very real concerns. I appreciate the member being here and taking an interest in the bill. He is not a permanent member and doesn't come to all the meetings. If he would like to put a private member's bill forward or make these cases with GAC officials and international adoption agencies to look at these harder cases and try to figure out safeguards, I would be open to that. However, when there could be significant consequences, it is problematic to try to amend a bill outside of the advice the department provided to the minister and after the minister made a decision not to include this.

I understand where his heart is, but I think it would be prudent for members on this committee to take a step back and ask for a bit more information. Perhaps he should table a private member's bill in this regard, as opposed to moving it here at committee.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Thank you, Ms. Hoang.

Go ahead, Monsieur Brunelle-Duceppe.

[Translation]

Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I have two quick questions for the officials or for Mr. Erskine-Smith.

How many people would be affected if the committee were to pass this amendment? Do we have an approximate figure?

[*English*]

Hon. Nathaniel Erskine-Smith: I'll speak first and then pass it to the officials.

International adoptions are tracked. They were higher in 2010. As I said, in the last year that I saw—I think it was 2022 or 2023—the number was under 700, and less than half were by direct grant, which is what we're talking about here. I want to emphasize that because Ms. Rempel Garner is seeking to litigate intercountry adoption wholesale. That's not what it is. There is an argument that because human trafficking might be part of intercountry adoption, what we shouldn't do....

Let's talk about what we're actually doing. Citizenship is already granted to kids who are adopted. That's not what we're talking about. On the concern that there is automatic granting of citizenship to the adopted kids, that already happens once they go through the rigorous steps, and I've outlined some of them. That's not what we're litigating. What we're arguing about here is the rights of those children and whether the children are treated as being fully Canadian and can then pass their Canadianess on to their kids. That's what we're litigating here.

Of all the concerns, if you have concerns about human trafficking, why impose the punishment on the kid who knows only Canadian life? That is bonkers to me.

The last thing I'll say is that for someone who just overruled officials with an amendment, which I think makes some good sense, when the idea is that the officials' advice here should be paramount in all that we listen to.... Let's listen to the families who are directly affected. Yes, Parliament has weighed in on this. This committee weighed in on this in 2009, as I mentioned, after studying the issue. If you want me to pass around the committee report, I'm happy to. This has been studied by this committee.

There is no reason why we should treat kids who are subject to international adoption differently. They are as Canadian as the rest of us.

The Chair: Thank you, Mr. Erskine-Smith.

We're going back to Monsieur Brunelle-Duceppe, who has two questions.

Please, go ahead.

[*Translation*]

Alexis Brunelle-Duceppe: My question was simple. I find it unfortunate that it has become a debate. I think that both members are acting in good faith and that we shouldn't be attacking each other over this question. I think that Ms. Rempel Garner is acting in good faith and that she cares deeply about certain children who fall victim to human trafficking. It's inappropriate to criticize her for this. Her question was valid. Why didn't the government move this amendment to Bill C-3? When I look at the amendment, I believe that the Conservative Party's questions are legitimate and valid.

My question was about the number of people. I'm speaking to the officials. In your opinion, is the figure provided by the member

moving the amendment correct? If this amendment were passed, would 700 people be affected?

• (1630)

[*English*]

Hon. Nathaniel Erskine-Smith: In the last year—

The Chair: Hold on, Mr. Erskine-Smith, please. Order, please.

Okay, we have Ms. Hoang.

Uyen Hoang: I have statistics that for the last five years, out of a total of 3,440 individuals adopted as minors, 2,055 were adopted in Canada, meaning the parents were residing in Canada, which is the cohort that Mr. Erskine-Smith is referring to.

[*Translation*]

Alexis Brunelle-Duceppe: If this amendment were passed, adopted children would, like other people, need to comply with the 1,095-day rule in order to pass on citizenship.

Have I misunderstood the amendment?

[*English*]

Uyen Hoang: When we looked at this specific amendment as it is currently drafted, it would actually have no effect, because in actuality it would not apply to anybody.

The amendment modifies subsection 3(3) of the Citizenship Act. That part of the act refers only and specifically to citizens by descent and not adopted citizens.

However, the proposed amendment only refers to and only affects minor child adoptees. In other words, any person who is an adoptee citizen is not subject to subsection 3(3), which only applies to people who are born citizens by descent. Therefore, the amendment is contradictory and would not have any effect since it cannot apply to anyone.

There is a presumption that legislative provisions must have meaning. Intentionally amending the Citizenship Act to introduce a provision with no effect could have unpredictable and unintended consequences.

[*Translation*]

Alexis Brunelle-Duceppe: I must have misspoken. This bill is really quite complicated. I'll try to rephrase my question.

If we pass Mr. Erskine-Smith's amendment, for adopted children affected by this amendment, will this standardize the 1,095 days required for one of these children to one day be able to pass on Canadian citizenship by descent?

Do you understand my question? Is it clear enough?

The person on your left seems to understand me.

Uyen Hoang: I understand it perfectly.

I just want to point out that this doesn't have any effect.

[English]

When we look at this amendment as drafted, we see there is no effect to the Citizenship Act. There are no changes to it. We've analyzed and reviewed it. While I understand Mr. Erskine-Smith may have an intention to change the act for adoptees, the way it is drafted has no effect.

The Chair: Hold on. I have Ms. Rempel Garner and then Mr. Menegakis.

Ms. Hoang, are you saying that the way it's drafted and if we voted it in, it would not have the effect of doing what Mr. Erskine-Smith would like it to do?

Okay. Thank you.

We go to Ms. Rempel Garner.

Hon. Michelle Rempel Garner: I just want to respond in case my colleague was giving his rant about me as a clip for his constituents. I say to his constituents that I feel for them. I hope they're working well with their MP.

However, what we have here is a piece of legislation that the government has now twice put forward to Parliament. We have officials saying that this amendment could have negative and “unintended consequences” and/or might not work as it is. We've had no testimony with regard to how this functionally could impact various diplomatic situations.

I just want to be very clear to somebody who may be listening to Mr. Erskine-Smith's misdirected rant. This is about legislators trying to get a very complicated piece of legislation right, and supporting a piece of legislation that I guess is redundant or could have “unintended consequences” is not the way to go.

If they are listening, I would encourage them to talk to Mr. Erskine-Smith about tabling a private member's bill, which can go through proper diligence and review in order to get to the end result.

Thank you.

• (1635)

The Chair: Thank you, Ms. Rempel Garner.

We have Mr. Menegakis.

Costas Menegakis (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you, Madam Chair.

Further to what Ms. Rempel Garner just said and what Monsieur Brunelle-Duceppe said, I want to get a point across here. This is a bill that was copied. It was Bill C-71 and now it's Bill C-3. Basically, we changed the title. The government changed the title and presented the bill. This was a bill that was presented in the previous Parliament. It was debated here at this committee at great length, from what I understand—I was not here—where these provisions....

Mr. Erskine-Smith was a member of the previous government as well. He is presenting this here today. I don't know if he presented it beforehand.

You had an opportunity to discuss Bill C-3, at some length, I assume, with the minister. The minister did not deem it necessary to

implement this particular amendment as a change to the bill that she copied, that she cut and pasted. You have just testified before us that this amendment to the bill will affect absolutely no one, so I fail to see the benefit of even discussing this any further. This is a non-amendment.

If Mr. Erskine-Smith—and I agree with Ms. Rempel Garner—feels so inclined to make this his private member's bill, if it's a very important issue to him, he can speak to his government and somehow get on the Order Paper to ensure that he has an opportunity to do that. He can do that. However, to simply come here and posture for the sake of perhaps who's listening, for something that will do nothing to help the people he is referring to, it doesn't appear to make any sense to me.

Would you care to comment on that, or is that a fair assessment?

Uyen Hoang: Again, in terms of this amendment in front of us, I would say it has no effect. Depending on whether Mr. Erskine-Smith moves the other amendment, there would be effects to adoptees, to that specific cohort.

Perhaps I could turn it over to my colleague Mr. Laurencelle to explain to you why Bill C-3 was structured that way for the adoptees.

The Chair: Would you like that, Mr. Menegakis?

Costas Menegakis: No, I don't need that.

The Chair: Mr. Erskine-Smith, do you want to weigh in?

Hon. Nathaniel Erskine-Smith: It's interesting. We're arguing about this amendment when the other amendment is also relevant, because they're effectively aiming to effect the same change and are covering all bases.

The lawyer who took the case and successfully won the case.... I don't practice immigration law, so you go to the legislative drafters. I went to the legislative drafters and said that I want to effect this change. They came back with drafts. They came back with certain advice. I consulted with counsel who's an expert in immigration law. I asked whether this was redundant or not. The argument I got back was no.

All I want to do is to cover all the bases here. Just so that we're absolutely clear, with all of the arguments I've laid out, you're suggesting that this particular amendment is effectively unnecessary, and it's the second amendment to subsection 5.1(4) that would effect the change that I'm after.

The Chair: Thank you, Mr. Erskine-Smith.

Ms. Hoang.

Uyen Hoang: I'm going to refer it to my colleague Jody to elaborate.

Jody Dewan (Senior Policy Analyst, Department of Citizenship and Immigration): Thank you, Madam Chair.

Perhaps, if it may be helpful, I can explain in more technical terms why this particular amendment is of no effect. This doesn't mean that any of the other potential amendments would be the same, but for this particular amendment, I can explain why that happened, if you would like.

The Chair: Ms. Dewan, is it possible for you to just answer the question as to whether the other amendment that Mr. Erskine-Smith was talking about would do what it is that—

Hon. Nathaniel Erskine-Smith: I'm happy to hear a more detailed explanation.

If I have the comfort that this doesn't effect the change and that it's the other amendment that effects the change I want, then I'm happy to move on to the other one. It would be good, based on the fact that I'm not the expert in the room and that it's based on other counsel who have suggested that I should put both forward. I would welcome a more detailed explanation.

• (1640)

The Chair: Ms. Dewan, please go ahead.

Jody Dewan: Thank you.

I can try to provide that for you.

As the amendment is drafted, it proposes to remove mention of paragraph 3(1)(c.1) from two places where it appears in subclause 1(8) of the bill. Paragraph 3(1)(c.1), which it is proposing to remove, describes—

Hon. Nathaniel Erskine-Smith: No. That's not the amendment we're talking about.

Jody Dewan: I'm looking at the wrong one. I'm sorry. I can still—

Hon. Nathaniel Erskine-Smith: The amendment we're talking about is the one that effectively says subsection 3(3) does not apply to internationally adopted kids.

Jody Dewan: What this amendment would do is add a new subsection to the act that appears to intend to exclude parents who were themselves adopted from being affected by the first-generation limit, which is described in subsection 3(3) of the act, in cases where their adoption was recognized by the province or territory in which their adoptive parent resides or was in accordance with the Hague convention.

However, as it is currently drafted, the amendment would not have an effect because it cannot apply to anyone. Subsection 3(3) as amended by Bill C-3 would refer only and specifically to persons described under paragraph 3(1)(b), which is people who were born outside of Canada. The proposed amendment specifies that it would only affect or refer to “a person who, while a minor child, was adopted” as a citizen. This is contradictory because any person who was adopted as a minor child and became a citizen cannot by definition be described in subsection 3(1)(b) of the Citizenship Act. Those people who are adopted and get the section 5.1 grant are described as citizens under paragraph 3(1)(c.1). If they naturalize and get a regular minor grant of citizenship, they are described under paragraph 3(1)(c).

Adopted people can be either 3(1)(c.1) or 3(1)(c). The amendment as drafted only affects subsection 3(3), which only refers to paragraph 3(1)(b). If the paragraph only refers to paragraph 3(1)(b), and adopted people are only 3(1)(c.1), the two do not connect. Therefore, the amendment does not refer to any specific person who could be affected by it. That is why it is of no effect.

The Chair: Thank you so much, Ms. Dewan.

Mr. Erskine-Smith, as we've heard, if the amendment were to move forward.... We could do one of two things right now. We could either go to a vote—

Hon. Nathaniel Erskine-Smith: All I care about is the substantive change. It doesn't matter to me how it's drafted or how it's effected, so long as folks who are adopted internationally—

The Chair: Unfortunately, Mr. Erskine-Smith, right now, you need to make a decision. Either you withdraw this amendment or we go to a vote.

Hon. Nathaniel Erskine-Smith: I'm happy to withdraw it, so long as I have clarity that.... I would welcome the view of officials that if this is withdrawn—

Brad Redekopp: On a point of order, Chair, we have a non-member of our committee wasting our time on something he should be doing his own research for. I'd like to move on because we'd like to get through this today.

The Chair: Yes.

Mr. Erskine-Smith, I have Mr. Fragiskatos, and then we'll have to make a decision.

Peter Fragiskatos: Yes, Mr. Erskine-Smith is not a full member of the committee, but he is subbing in and he is an elected member of Parliament with full rights to put forward an amendment.

If Mr. Erskine-Smith wants to withdraw his amendment because of what we've heard, that's his choice. Perhaps it would make sense to understand which of Mr. Erskine-Smith's amendments has an actual effect and is not redundant—

Costas Menegakis: I have a point of order.

An hon. member: Point of order.

Peter Fragiskatos: I'm not done speaking, Madam Chair.

The Chair: There was another point of order on top of the point of order.

Peter Fragiskatos: That would be the way to understand the best course forward, rather than what we're doing now.

The Chair: That's not a point of order, Mr. Fragiskatos.

Mr. Menegakis.

Costas Menegakis: Madam Chair, I think you said it correctly. Either Mr. Erskine-Smith withdraws or we go to a vote. There's no negotiation here about further amendments that he may want to have and how they may have an impact.

We're discussing this specific amendment. We want to move on with the work of the committee, so I think we should just call a vote as it appears that Mr. Erskine-Smith is not willing to withdraw it unless he gets some kind of negotiation about his other amendments. That's not how committees work.

The Chair: Thank you, Mr. Menegakis.

Mr. Erskine-Smith, would you like to take this to a vote?

Hon. Nathaniel Erskine-Smith: This goes back to Alexis' question about how many people this touches. This amendment, we're told, doesn't touch anyone. Ms. Hoang went on to say that a subsequent amendment, I think it was LIB-4, effects the change that would affect around 2,000 people from the last five years.

If the advice from the officials is that this particular amendment doesn't effect the change, which is contrary to the view of the lawyer I consulted, that's fine by me. I'm happy to withdraw the amendment, and we can proceed with the exact same debate when we get to LIB-4. I'm fine with that.

• (1645)

The Chair: Thank you, Mr. Erskine-Smith.

I need unanimous consent to withdraw the amendment. Do I have that?

Some hon. members: Agreed.

(Amendment withdrawn)

The Chair: Next, we are on to the new version of CPC-2, which, for our interpreters, is version 13635396.

Who would like to speak to this motion?

Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

Colleagues, you will have received this via email. I do have printed copies in both official languages at the front if you need them.

I move that Bill C-3, in clause 1, be amended by adding after line 28 on page 4 the following:

(3.1) Paragraph (1)(b) does not apply to a person born outside Canada on or after the day on which An Act to amend the Citizenship Act (2025) comes into force if the person

(a) is 18 years of age or more but less than 55 years of age and does not have an adequate knowledge of one of the official languages of Canada;

(b) is 18 years of age or more but less than 55 years of age and does not have an adequate knowledge of Canada and of the responsibilities and privileges of citizenship, as demonstrated in one of the official languages of Canada; or

(c) is 18 years of age or more and has not undergone a security assessment to determine whether or not they would be inadmissible under any of sections 34 to 37 of the Immigration and Refugee Protection Act.

Colleagues, much like the amendments I moved earlier, these provisions would put somebody obtaining citizenship through the provisions in Bill C-3 through the same provisions they would require to obtain citizenship by naturalization. Again, this speaks to the value of Canadian citizenship.

First, anybody obtaining citizenship through the provisions in Bill C-3 should have an adequate knowledge of one of Canada's official languages. Again, this is language that's lifted directly out of the Citizenship Act. To me, one of the responsibilities of citizenship is being able to communicate in one of Canada's official languages. It makes sense to me to align this with the Citizenship Act.

The language in proposed paragraph (b) is the language that's also in the Citizenship Act with regard to the requirement of a citizenship test. It seems unfair to me that somebody obtaining citizen-

ship through Bill C-3 would not have to go through the same process of a citizenship test that somebody obtaining citizenship through naturalization would.

Then, proposed paragraph (c) is the same security requirement that somebody obtaining citizenship through naturalization would go through.

The intent of this amendment is to harmonize the provisions of Bill C-3 with the provisions that are currently in the Citizenship Act in order to preserve the value of Canadian citizenship.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Is there any debate?

Ms. Zahid.

Salma Zahid (Scarborough Centre—Don Valley East, Lib.): Thank you, Chair.

I have some concerns with this amendment.

I worry about the intent of some of these Conservative amendments, which seem to seek to add conditions to birthright citizens. This bill is talking about citizenship. It is not about immigration. Some birthright citizens would be subjected to language or knowledge tests or have other conditions placed on their citizenship, while others would not.

We are not talking about immigration here. We're talking about the people born Canadian to Canadians. It is unfair to have conditions placed on what should be their birthright. This seems to be a return to two tiers of Canadians. The Conservatives tried to create that. It was soundly rejected by Canadians back in 2015. To quote a former prime minister, "a Canadian is a Canadian is a Canadian."

I would really ask the officials to speak to the consequences of creating different classes of Canadians or two tiers of Canadian citizenship. Could the officials talk about it?

• (1650)

The Chair: Who would like to do so?

Ms. Hoang.

Uyen Hoang: As you are well aware, Bill C-3 is about Canadian citizens by descent. They are born Canadian. Their status is from their Canadian parent. They become citizens at the moment of their birth, automatically, by operation of law. Imposing language proficiency and knowledge requirements as well as security requirements as conditions of acquiring, maintaining or retaining their citizenship status as proposed by this amendment would be impossible to operationalize, as such status is conferred by operation of law at the moment of their birth.

Furthermore, from a technical perspective, there is reference to inadmissibilities in IRPA. In the Citizenship Act, we do not have IRPA sections. Our own prohibitions are different from inadmissibilities. IRPA is about foreign nationals, while the Citizenship Act is about people acquiring citizenship.

In addition to the impossibility of being able to operationalize these requirements, it could lead us down a path of actually creating more lost Canadians. The bill is to restore citizenship to lost Canadians. It's the reason we're here today. With this type of requirement, we could potentially create another cohort of lost Canadians.

The Chair: Thank you, Ms. Hoang.

Mr. Fragiskatos.

Peter Fragiskatos: I think the point has been dealt with. I had basically the same question as Ms. Zahid. I'm fine.

The Chair: Ms. Rempel Garner.

Hon. Michelle Rempel Garner: I just want to tell colleagues that we will have another amendment later that will address some of the operationalization components of this, so I think "impossible" is the wrong word.

The Chair: Do you have an amendment to this amendment?

Hon. Michelle Rempel Garner: No. It's in order.

The Chair: All right. Is there any other debate on this?

Mr. Fragiskatos.

Peter Fragiskatos: Is it the Conservative position, then, that they understand this amendment is problematic, but they will support it anyway because there's another one coming that will fix it? Why not just fix it now?

The Chair: Does anybody want to respond to that? Okay.

Is there any other further debate?

Ms. Zahid.

Salma Zahid: My question is the same one my colleague MP Fragiskatos asked. Do the Conservatives think, yes, really, with these amendments it will create two tiers of citizenship, and a Canadian is a Canadian is a Canadian will not apply? Is that why they want to bring some amendments to it?

The Chair: Ms. Zahid, are you asking that of our Conservative colleagues? Does anybody want to respond to that? Okay.

Is there any other debate? If not, shall CPC-2 carry? This is the new version, 13635396.

(Amendment agreed to: yeas 5; nays 4)

(Clause 1 as amended agreed to: yeas 5; nays 4)

(Clauses 2 and 3 agreed to on division)

(On clause 4)

The Chair: We are now on clause 4. I believe that Ms. Rempel Garner has an amendment, CPC-3.

Interpreters, it's 13619759.

I'm sorry. I want to make sure that they know what we're talking about.

Ms. Rempel Garner, do you want to speak to it or does Mr. Redekopp?

• (1655)

Hon. Michelle Rempel Garner: Can he move it?

The Chair: Yes.

Go ahead, Mr. Redekopp.

Brad Redekopp: Thank you, Chair.

I move that Bill C-3 in clause 4 be amended by replacing line 6 on page 7 with the following:

at least 1,095 days during any period of five consecutive years before the person's adoption; or

It would also replace line 16 on page 7 with the following:

at least 1,095 days during any period of five consecutive years before the person's adoption.

This motion is basically the same as what we did in CPC-1. It's just to make it consistent between the adoption side and the "born outside of the country" side. We've talked about it. I don't have much more to say than that. It's just to keep it consistent with the rest of it.

Thank you.

The Chair: Thank you.

Is there any debate?

Mr. Fragiskatos.

Peter Fragiskatos: I just have a question for the officials.

I would assume that your concern raised earlier holds here as well.

Uyen Hoang: Yes.

The Chair: Thank you, Mr. Fragiskatos.

Is there anyone else?

We'll have a recorded vote on CPC-3, please.

(Amendment agreed to: yeas 5; nays 4)

The Chair: Thank you.

Next, we are going to LIB-4. I believe that Mr. Erskine-Smith would like to move it.

Hon. Nathaniel Erskine-Smith: Okay. Here we go again. It's déjà vu.

This was previously debated, I'll just move it and we'll get into it.

I move that Bill C-3, in clause 4, be amended by adding after line 16 on page 7 the following:

(4.1) Subsection (4) does not apply in respect of a person who, while a minor child, was adopted, before or after the day on which An Act to amend the Citizenship Act (2025) comes into force, by a citizen if the adoption is recognized by the province or territory in which the adoptive parent resides and was in accordance with the Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption that was concluded on May 29, 1993 and came into force on May 1, 1995.

The Chair: Thank you, Mr. Erskine-Smith. Do you want to speak to it?

Hon. Nathaniel Erskine-Smith: I just want to pick up where we left off with Alexis' question. I want to make sure I have this absolutely clear in my mind.

The problem that I articulated in my initial remarks, the problem I'm aiming to solve, is not in relation to kids who are adopted. Subsection 5.1(4) speaks to kids who are adopted. That's fair, but the problem I'm trying to solve here is that those then-adopted kids, when they have kids outside of the country, are treated differently.

To be crystal clear here, this amendment will solve that problem. An internationally adopted kid.... Your advice before was that my previous amendment would have no effect. As I articulated, the problem I'm trying to solve is for a kid who is adopted through an intercountry adoption, becomes a citizen of Canada through direct grant and then has a kid elsewhere. They don't adopt a kid elsewhere; they themselves have a kid elsewhere. They are going to be able to pass their citizenship on directly if this amendment is passed.

Is that the advice? I see heads shaking, and that's my concern.

Could you answer that question, please?

• (1700)

Uyen Hoang: Perhaps what I could do is give you our interpretation of what the—

Hon. Nathaniel Erskine-Smith: No, I want an answer to that specific question.

The Chair: Mr. Erskine-Smith, let's have the—

Hon. Nathaniel Erskine-Smith: I don't want an interpretation of this. I have a specific problem I am aiming to solve. My previous amendment was aiming to solve that as well. I want answers as to whether this amendment solves that specific problem, in your view, because you said previously that the amendment would affect no people, and this amendment would affect people.

Just so we're crystal clear, what I'm aiming to solve is this: that when someone is adopted through an intercountry process and is a Canadian citizen through direct grant, and they themselves then have a child abroad, they're not going to be subject to the "substantial connection" test, if this amendment passes.

The Chair: Is there anyone who can respond to that?

Ms. Dewan.

Jody Dewan: Thank you for the question, Madam Chair.

I can speak to what our analysis of this amendment is, what the effects would be. This amendment, as drafted, will have the effect of allowing adopted children to access the 5.1 grant, irrespective of

the generation of the adoptive parent if the parent was also adopted and granted under 5.1.

It will not make it possible for an adopted person to pass on their citizenship by descent to a child born abroad. In other words—

Hon. Nathaniel Erskine-Smith: I understand—

The Chair: Hold on. Let her finish.

Thank you.

Jody Dewan:—prospective adoptive parents, if they themselves were adopted, will not be subject to the first-generation limit at all—and therefore not the "substantial connection" requirement—and will be treated the same as if they were born or naturalized in Canada for the purposes of accessing the 5.1 grant for future children adopted abroad.

Hon. Nathaniel Erskine-Smith: I understand that, because it's in relation to adopted children, but now.... Your previous advice was that the previous amendment would affect nobody. It was of no force and effect, effectively.

That was your advice to parliamentarians across the aisle and to me, but for Nathaniel—not me, but the example kid from Zambia—this amendment doesn't actually solve the problem of his having a kid abroad. He is going to be treated differently, whereas now, on that previous amendment, where you told me it would have no force and effect, wouldn't that have solved that problem so that he could have passed that citizenship on directly?

The Chair: Is there anybody who wants to respond to that?

Ms. Hoang.

Uyen Hoang: Again, all I can say is that we analyzed the previous amendment when you tabled it, and it is our view that it had no effect.

Hon. Nathaniel Erskine-Smith: When you say "no effect"—

Uyen Hoang: This amendment, however, is doing something different. We can speak to this amendment, but the previous amendment did not have any effect.

Hon. Nathaniel Erskine-Smith: I'm sorry.

Ms. Dewan, you just said—and correctly—that this would apply to adopted kids.

If, for example, you have someone subject to an intercountry adoption who then goes on to adopt, which is why I actually changed "or" to "and", to make sure that there's always that real and substantial connection to a provincial or territorial agency and residence here in Canada.... A real and substantial connection is then built into the process.

My concern, though, is that I feel absolutely misled, because the previous amendment would have actually effected a change, such that someone who is adopted through an intercountry adoption would have then not been subject to the real and substantial connection test if they had—themselves—a kid abroad.

Tell me I'm wrong.

The Chair: Is there anybody who wants to respond to that?

Ms. Dewan.

Jody Dewan: I cannot answer your hypothetical—

• (1705)

Hon. Nathaniel Erskine-Smith: It's not hypothetical. There was an amendment on the table, and you gave advice that appears to be incorrect.

The Chair: Mr. Erskine-Smith, kindly allow our officials to answer.

Ms. Dewan.

Jody Dewan: The amendment that was previously tabled did not have an effect because of the provision of the act that it was proposing to amend. It is possible to amend the act in such a way that you could achieve the effect you seek to achieve, but not through the previous amendment.

Thank you.

The Chair: Thank you.

Hon. Nathaniel Erskine-Smith: I just have one last question, Chair, and then I will leave it alone.

The amendment to this section specifically speaks to kids who are adopted abroad. You told me that it effects a change. The previous amendment spoke to kids born abroad. The exact same language is effecting the exact same change. Honestly, I feel entirely misled at this point, because it would have affected that child who was growing up and has a kid abroad. That child would then not have been subject to the substantial connection test, had that previous amendment passed. It would have actually affected real live people.

Anyway, we're not going back. I don't expect I'm going to get unanimous consent. I expect this will get litigated again. I don't even know what to say about the advice you previously gave this committee.

The Chair: Thank you, Mr. Erskine-Smith, and thank you, officials, for that.

Is there any other debate? We'll have a recorded vote on LIB-4.

(Amendment negatived: nays 5; yeas 4)

The Chair: We are now moving on to the new version of CPC-4, which for our interpreters is 13635998.

Mr. Redekopp, please go ahead.

Brad Redekopp: Thank you, Madam Chair.

I move that Bill C-3, in clause 4, be amended by adding after line 16 on page 7 the following:

(4.1) No person who is adopted on or after the day on which An Act to amend the Citizenship Act (2025) comes into force may be granted citizenship under any of subsections (1) to (3) if the person

(a) is 18 years of age or more but less than 55 years of age at the date of his or her application and does not have an adequate knowledge of one of the official languages of Canada;

(b) is 18 years of age or more but less than 55 years of age at the date of his or her application and does not have an adequate knowledge of Canada and of the responsibilities and privileges of citizenship, as demonstrated in one of the official languages of Canada; or

(c) is 18 years of age or more and has not undergone a security assessment to determine whether or not they would be inadmissible under any of sections 34 to 37 of the Immigration and Refugee Protection Act.

Once again, this is just a duplication of what we discussed previously. I'm sure all the previous comments would just carry over to here, so I move that we go to a vote.

The Chair: Thank you.

Mr. Fragiskatos.

Peter Fragiskatos: I would ask the officials to put their views on the record.

Uyen Hoang: As drafted, this amendment appears to cause the testing and assessment requirements to apply to all those who access the section 5.1 adoptions grant in the first generation and beyond, so it's not just after the first generation. The new subsection would have the effect that, in order to access the direct grant of citizenship for adoptees under section 5.1 of the act, persons aged 18 to 54, for the first two requirements of language and knowledge, and anyone 18 or older, for security clearances, adopted on or after Bill C-3 is in force would be required to demonstrate adequate knowledge of one of the official languages of Canada, demonstrate adequate knowledge of Canada and of the responsibilities and privileges of citizenship as demonstrated in one of the official languages of Canada and undergo a security assessment to determine whether or not they would be inadmissible under any of the sections 34 to 37 of the Immigration and Refugee Protection Act.

I would say that there are similar concerns from the perspective of... This is a grant, so it is different. The previous amendment applied to children born abroad in the first generation and beyond who are citizens from birth. This one would apply, in the grant context, where they do have to come forward to seek a grant and, as part of that grant, there are criteria that have to be met. This proposed amendment introduces additional criteria that would have to be met in order to be granted citizenship. Similarly, to the same concern we mentioned earlier, it introduces sections 34 to 37 of IR-PA and, in the Citizenship Act, there is no reference to inadmissibilities. It refers to prohibition, whether or not someone would be prohibited from obtaining citizenship, so it links the two acts together.

• (1710)

The Chair: Thank you, Ms. Hoang.

Are there any other questions? If not, we will go to a vote on CPC-4.

(Amendment agreed to: yeas 5; nays 4)

(Clause 4 as amended agreed to: yeas 9; nays 0)

The Chair: Shall clause 5 carry?

Brad Redekopp: We have amendment CPC-5, which I believe is in clause 5.

The Chair: We have that in the new clause afterwards, after this. It's according to the recommendation of the legislative clerk that we do clause 5 and then the new clause comes up. Right now we're on clause 5. I just want to make sure that everybody is aware of which clause we're talking about.

Mr. Fragiskatos, do you have a question?

Peter Fragiskatos: I was just going to say that there are no amendments to clause 5, just to be clear.

The Chair: Alexis, you look troubled about clause 5.

[*Translation*]

Alexis Brunelle-Duceppe: I thought that the Conservatives wanted to move an amendment to clause 5.

[*English*]

The Chair: That's another one.

(Clause 5 agreed to on division)

The Chair: Now we have a new clause in CPC-5. For our interpreters, it's 13620196.

Who would like to speak to it?

Go ahead, Mr. Redekopp.

Brad Redekopp: Thank you, Madam Chair.

We have concerns about transparency and having some numbers, so I move that Bill C-3 be amended by adding after line 2 on page 8 the following new clause:

5.1 The Act is amended by adding the following after section 26:

26.1 (1) Within three months after the end of each fiscal year, the Minister must prepare an report for the previous year that sets out the number of persons who become citizens as a result of the coming into force of An Act—

● (1715)

[*Translation*]

Alexis Brunelle-Duceppe: I have a point of order, Madam Chair.

For the millions of people tuning in to the committee right now, let's give our wonderful interpreter the chance to start over. She doesn't have the right document on hand.

[*English*]

The Chair: That's not a problem. This is CPC-5. Again, it is 13620196.

Wait a second.

Brad Redekopp: I'll get the thumbs-up from the interpreters first.

The Chair: Thank you.

Mr. Redekopp, I got a thumbs-up.

Brad Redekopp: All right. Here we go.

I move that Bill C-3 be amended by adding after line 2 on page 8 the following new clause:

5.1 The Act is amended by adding the following after section 26:

26.1 (1) Within three months after the end of each fiscal year, the Minister must prepare an report for the previous year that sets out the number of persons who become citizens as a result of the coming into force of An Act to amend the Citizenship Act (2025), their countries of citizenship other than Canada, if any, their most recent country of residence and the provisions of this Act under which they are citizens.

(2) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed.

This is about accountability and transparency, so that Parliament and the people of Canada have a sense of how many people have been affected by these changes. We think it's important that this information is made public. Just today, we asked a numbers question on a different issue. They're common things that are asked and required. We feel this would be very helpful information, and it should be doable for the department.

Thank you.

The Chair: Thank you, Mr. Redekopp.

Does anybody want to comment on this?

Mr. Fragiskatos.

Peter Fragiskatos: To the officials, obviously, if there are concerns or objections, please put them on the record.

Uyen Hoang: Again, I want to emphasize that Bill C-3 is about Canadian citizens by descent. They are born Canadian.

The Government of Canada has not tracked births abroad since 1977. As such, it's not possible to accurately state how many persons will, through operation of law, become citizens as a result of the bill. Further, not all individuals who become citizens as a result of the bill will seek a certificate of citizenship, known as the proof of citizenship.

Introducing this reporting requirement would require the government to implement a mechanism for Canadian citizens to register the birth of their children outside of Canada, which will place an additional burden on Canadians and the government. However, unless such a registration or some other interaction with the department with respect to this cohort is mandatory, the data collected by the IRCC would not be accurate when we table such a report.

In the case of adoptees, because they come forward to seek a grant of citizenship from section 5.1, we could report on them because there is an application process. They come forward and we have a record of that.

The Chair: Thank you, Ms. Hoang.

Are there any other questions or comments?

Shall CPC-5 carry?

(Amendment agreed to: yeas 5; nays 4)

(On clause 6)

The Chair: Now we are on clause 6. Who would like to speak to CPC-6?

Mr. Redekopp.

Brad Redekopp: Thank you, Madam Chair.

This gets back to what my colleague—

Hon. Michelle Rempel Garner: I have a point of order. I'm sorry to cut my colleague off.

We are on reference 13627040.

• (1720)

Brad Redekopp: We have the thumbs-up. Perfect.

This is in relation to what my colleague, Ms. Rempel Garner, spoke about. There are some operational things that need to be done. This is one of the things that is required.

I move that:

6(1) Subsection 27(1) of the Act is amended by adding the following after paragraph (c):

(c.01) respecting the length of physical presence in Canada required under subparagraphs 3(3)(a)(ii), 3(3)(b)(ii), 5.1(4)(a)(ii) and 5.1(4)(b)(ii), including the manner of calculating the length of physical presence, any documents required to demonstrate that a person meets the requirement and the circumstances in which the requirement does not apply;

This is to give the department some ability to get documentation and operationalize some of the things we've asked for in here.

Thank you.

The Chair: Thank you, Mr. Redekopp.

Is there anyone else?

Mr. Fragiskatos.

Peter Fragiskatos: I just want to get the officials to put their view on the record.

Uyen Hoang: There are four points that I would offer for this proposed amendment.

First, given that length of time is a significant factor in shaping the bill, it is something that would normally be put in the Citizenship Act and legislation, and not put in the regulations.

The second point is that it would be redundant to have it in two places. The proposed amendment would have it in the act, but you would also have it in the regulations.

The third point is that there is already regulation-making authority in the act to define the information and evidence that would be required for us to assess the substantial connection requirement. I would like to point out that the department already does this on a regular basis for various lines of businesses, from assessing permanent residency status to assessing the grant of citizenship, whereby they have to meet 1,095 days within the last five years.

We also do this through the interim measure, whereby for those born on and after December 19, 2003, they would have to demonstrate a substantial connection to Canada of 1,095 days. The department already has a lot of experience and is doing this already. We have processes in place.

The last point is that putting this into the regulations versus operational guidance would make it quite restrictive in terms of giving us the flexibility to assess the requirement.

The Chair: Thank you, Ms. Hoang.

If there are no other comments, shall CPC-6 carry?

(Amendment agreed to: yeas 5; nays 4 [*See Minutes of Proceedings*])

(Clause 6 as amended agreed to: yeas 9; nays 0)

The Chair: We'll go to CPC-7.

Mr. Redekopp.

Brad Redekopp: Thank you, Madam Chair.

I move that Bill C-3 be amended by adding after line 13 on page 8 the following new clause:

6.1 The Act is amended by adding the following after section 27:

27.01 (1) Within three months after the end of each fiscal year, the Minister must prepare a report for the previous year that sets out the number of persons in respect of whom the requirement to undergo a security assessment under paragraphs 3(3.1)(c) or 5.1(4.1)(c) was waived and the reasons for which it was waived.

(2) The Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed.

Once again, this is about transparency. In particular, this is about granting citizenship with exemptions to the security screening, including the number of exemptions and the reasons used. We think it's important for Parliament to know how the minister is using the powers they have. This should accomplish that.

Thank you.

• (1725)

The Chair: Thank you, Mr. Redekopp.

We move to Mr. Fragiskatos.

Peter Fragiskatos: Would the officials put their view on the record?

Uyen Hoang: The two previous substantive amendments I know you changed. I don't have the exact numbers, but on the ones related to security assessments for both those born abroad in the first generation plus those who access the direct grant of adoption—section 5.1—in the first generation, the way they are written they seek to add these grounds to undergo a security assessment. They do not set out any authority to waive inadmissibilities. The purpose of this amendment—in other words, to require a report on the number of times these inadmissibilities have been waived and the reasons for their waiver—appears to be moot.

The Chair: Thank you, Ms. Hoang.

If there are no further comments, let's go to a vote on CPC-7.

(Amendment agreed to: yeas 5; nays 4)

(Clause 7 agreed to on division)

The Chair: Good job. Now we move on to the title. The current title is “An Act to amend the Citizenship Act (2025)”. Shall the title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the committee order a reprint of the bill as amended for use of the House at report stage?

Some hon. members: Agreed.

An hon member: On division.

The Chair: Thank you.

I do want to take a chance to say thank you to the officials. Thank you for your patience. Thank you for answering our questions. Thank you for being here today. Thank you for all your hard work.

I think that takes us right to the end of our time.

As there's nothing else on the agenda, this meeting is adjourned.

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