



BACKGROUND PAPER

CANADIAN CITIZENSHIP: PRACTICE AND POLICY

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Canadian Citizenship: Practice and Policy
(Background Paper)

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EXECUTIVE SUMMARY

Canadian citizenship can be obtained through birth on Canadian soil, by descent through birth or adoption outside of Canada to a Canadian citizen, or through naturalization (the process by which citizenship is obtained by a foreign national). Requirements related to citizenship are laid out in the *Citizenship Act*, as well as in the *Citizenship Regulations* and *Citizenship Regulations, No. 2*.

Responsibility for implementing the *Citizenship Act* lies with the Minister of Immigration, Refugees and Citizenship, who is supported by Immigration, Refugees and Citizenship Canada (IRCC) in managing the citizenship application process. The Citizenship Commission – an administrative body under IRCC that is made up of citizenship judges – also plays an important role, with duties including assessing citizenship applications to ensure they meet certain requirements under the Act and administering the Oath or Affirmation of Citizenship.

To become a Canadian citizen through naturalization, an individual must first obtain permanent residency in Canada and then apply for citizenship after meeting residency and other requirements. Applicants between 18 and 54 years of age must also complete a written test based on the official citizenship study guide (*Discover Canada: The Rights and Responsibilities of Citizenship*) and attend an interview to test their abilities in English or French and to discuss their application. Successful applicants attend a citizenship ceremony and take the Oath or Affirmation of Citizenship, through which they swear or affirm their allegiance to the Queen of Canada.

Loss of citizenship can occur if it is revoked (for example, due to citizenship being acquired or retained through false representation) or it can be renounced voluntarily (for example, if an individual chooses to become a citizen of a country that does not allow dual citizenship).

Several issues are currently at the forefront of discourse on citizenship policy. For example, census data show that the rate of citizenship among eligible immigrants declined between 2006 and 2016. The citizenship rate varies for different groups, with contributing factors including income level, education level and country of origin.

Another key issue is that of “lost Canadians,” which refers to individuals who were born before the 1977 *Citizenship Act* came into force and who should have been Canadian citizens under that Act but were deprived of Canadian citizenship because of outdated or obsolete provisions in the *Canadian Citizenship Act* of 1947. Many of the problems associated with “lost Canadians” have been addressed through amendments made to the *Citizenship Act* since 1977. Those whose cases are not

covered by legislative amendments may be granted citizenship on a case-by-case basis at the minister's discretion.

Finally, the concept of birth tourism refers to the practice by foreign nationals of coming to Canada to give birth for the sole purpose of securing Canadian citizenship for their child. While data suggest an increase in non-resident births in the past decade, it is difficult to determine how many non-resident births are cases of birth tourism. The federal government has recognized the need to better understand the extent of this practice and has commissioned further research on this topic.

CANADIAN CITIZENSHIP: PRACTICE AND POLICY

1 INTRODUCTION

The concept of Canadian citizenship was first enshrined in law with the introduction of the *Canadian Citizenship Act* in 1947.¹ Whereas all Canadians had previously been considered British subjects, the 1947 Act reflected a growing sense of national identity and independent nationhood, which had been influenced in part by the significant contributions of Canadians during the Second World War. Three decades later, a new *Citizenship Act*² came into force on 15 February 1977, replacing the *Canadian Citizenship Act* “with a more equitable statute.”³ Since then, further amendments to the *Citizenship Act* have reflected evolving ideas about Canadian citizenship.⁴

Today, Canadian citizenship can be obtained either through birth on Canadian soil, by descent through birth or adoption outside of Canada to a Canadian citizen, or through naturalization (the process by which citizenship is obtained by a foreign national).⁵ All Canadian citizens are entitled to the same rights and are subject to the same laws and duties.⁶ In addition, the *Canadian Charter of Rights and Freedoms* affords every Canadian citizen the right to enter, remain and leave the country.⁷

This Background Paper provides an overview of the key institutions and instruments that govern citizenship in Canada and describes the process for obtaining citizenship. It also reviews several policy issues pertaining to Canadian citizenship, including citizenship rates, loss of citizenship and birth on Canadian soil to foreign nationals.

2 KEY INSTRUMENTS AND INSTITUTIONS

While immigration is an area of shared federal and provincial jurisdiction under section 95 of the *Constitution Act, 1867*,⁸ responsibility for citizenship lies with the federal government. Implementation of the *Citizenship Act* is currently the responsibility of the Minister of Immigration, Refugees and Citizenship.⁹ Immigration, Refugees and Citizenship Canada (IRCC) manages the citizenship application process.¹⁰ The Citizenship Instrument of Delegation allows some IRCC employees to carry out duties on behalf of the minister, such as granting citizenship to those who meet the requirements or revoking citizenship from those who have obtained, retained, or resumed their citizenship through false representation.¹¹

The Minister of Public Safety and Emergency Preparedness, while not sharing responsibility for the *Citizenship Act*, plays a role in the revocation of citizenship and in the investigation of applicants who may be involved in certain criminal activity or activity that constitutes a threat to Canada’s security.¹²

2.1 LEGAL FRAMEWORK

The *Citizenship Act* and its associated regulations establish the legal framework relating to citizenship, including

- the right to citizenship;
- the loss of citizenship;
- the resumption of citizenship;
- evidence of citizenship;
- procedures for the processing of applications;
- judicial review of the decision of a citizenship judge;
- administration of the Act;
- offences; and
- the status of persons in Canada.

The *Citizenship Act* also includes the text of the Oath or Affirmation of Citizenship, a solemn declaration through which applicants swear or affirm their allegiance to the Queen of Canada (see section 3.4 of this Background Paper).

Sections 27(1) to 27.2 of the *Citizenship Act* set out the authority of the Governor in Council and of the minister to make regulations in relation to the Act. Regulations associated with the *Citizenship Act* include the *Citizenship Regulations*, published in 1993, and the *Citizenship Regulations, No. 2*, published in 2014 to support new measures implemented by Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts.¹³

As an example of the rules and procedures stipulated in the regulations, section 15 of the *Citizenship Regulations* lays out the specific criteria citizenship applicants must meet with regard to their knowledge of Canada and their responsibilities and privileges as citizens.¹⁴ Another example can be found in section 19 of the *Citizenship Regulations, No. 2*, which designates the ICCRC (Immigration Consultants of Canada Regulatory Council) as a “body whose members in good standing may represent or advise a person for consideration – or offer to do so – in connection with a proceeding or application under the Act.”¹⁵

2.2 POLICIES, PROCEDURES AND OPERATIONAL GUIDELINES

Policies, procedures and guidelines related to immigration and citizenship are further outlined in program delivery instructions, operational manuals and operational bulletins. While not legally binding, these documents provide important guidance to the IRCC employees responsible for implementing the *Citizenship Act* (which include certain

members of senior management, citizenship officers, and immigration officers at missions abroad).¹⁶

2.3 CITIZENSHIP COMMISSION

The Citizenship Commission is an administrative body under IRCC made up of citizenship judges appointed by the Governor in Council. The commission is responsible for assessing citizenship applications referred to it to ensure they meet the *Citizenship Act*'s requirements relating to residence and physical presence; administering the Oath or Affirmation of Citizenship and emphasizing the rights and responsibilities of Canadian citizenship; maintaining the integrity of the citizenship process; and promoting citizenship in communities.¹⁷

3 CITIZENSHIP PROCESS

In addition to those who are born into citizenship, the *Citizenship Act* provides that a person is a citizen if that person has been granted or acquired citizenship and has taken the Oath of Citizenship.¹⁸ This process is known as naturalization, which is set out in section 5(1) of the *Citizenship Act*.

3.1 APPLYING FOR CITIZENSHIP

Under the *Citizenship Act*, permanent residents are eligible to apply for citizenship if they have been physically present in Canada for at least 1,095 days (equivalent to three years) over the past five years.¹⁹ They must also have filed income tax returns for at least three years during the past five years.²⁰ Further, they must not be under a removal order or the subject of security concerns as declared by the Governor in Council.²¹ If between the ages of 18 and 54, citizenship applicants must submit proof of adequate knowledge of English or French (such as the results of an IRCC-approved third-party test) along with their application.²² Applicants must also pay application fees as found in the schedule of the *Citizenship Regulations*.²³

3.2 CITIZENSHIP FEES

In 2019, the Minister of Immigration, Refugees and Citizenship was tasked with “[bringing] forward a plan to eliminate fees for citizenship for those who have fulfilled the requirements needed to obtain it.”²⁴ Currently, under section 31(1) of the *Citizenship Regulations*, there are five categories of citizenship application requiring application fees: grant of citizenship, renunciation of citizenship, resumption of citizenship, certificate of citizenship and search of records. These are set out in the schedule to the regulations. As seen in Table 1, the application fees differ between a minor child and a person who is 18 years of age or older.

Table 1 – Citizenship Fees

Item	Application	Payable to	Fee (\$)
1	Application for grant of citizenship with respect to a minor child under section 2 of the Regulations	Department of Citizenship and Immigration	100
1.1	Application for grant of citizenship by a person who is 18 years of age or older under section 2 of the Regulations	Department of Citizenship and Immigration	530
1.2	Application for grant of citizenship under section 6, 7 or 9 of the Regulations	Department of Citizenship and Immigration	530
2	Application for grant of citizenship under section 4, 5 or 8 of the Regulations	Department of Citizenship and Immigration	100
3	Application for renunciation of citizenship under section 10 of the Regulations	Department of Citizenship and Immigration	100
4	Application for resumption of citizenship by a minor child under section 12 of the Regulations	Department of Citizenship and Immigration	100
5	Application for resumption of citizenship by a person who is 18 years of age or older under section 12 of the Regulations	Department of Citizenship and Immigration	530
6	Application for certificate of citizenship under section 14 of the Regulations	Department of Citizenship and Immigration	75
7	Application for search of records under section 18 of the Regulations	Department of Citizenship and Immigration	75

Note: “Regulations” refers to [Citizenship Regulations, No. 2](#), SOR/2015-124.

Source: [Citizenship Regulations](#), SOR/93-246, Schedule (s. 31(1)).

From 2006 to 2014, there were two standard fees. Applications for change of citizenship status cost \$100, and applications for citizenship status documents and searches cost \$75, with no differentiation for minors or persons of age.²⁵ In February 2014, application fees increased for grants of citizenship and resumptions of citizenship for individuals 18 years of age or older. This increase introduced a fee differentiation between minors and adults. The rationale for this increase was that fees had not changed since 1995 and were not in line with the Government of Canada’s cost-recovery approach, meaning costs were not borne by those receiving the service and resulting benefits. Consequently, there was a “significant imbalance” between the cost of providing these services to applicants and the service fees paid by the applicants.²⁶

At the start of 2015, application fees increased again for grants of citizenship and resumptions of citizenship for adults.²⁷ According to the Government of Canada,

[d]espite the increase in service fees for the adult grant and resumption of citizenship in February 2014, a significant imbalance remains between the cost of providing these services to users and the service fees paid by the users. ... The Government of Canada is ... currently subsidizing the cost of providing this service by 46%.²⁸

By increasing the grant and resumption of adult citizenship application service fees from \$300 to the current fee of \$530, the Government of Canada reduced its “subsidization burden from approximately 46% to 5%,” bringing it in line with the government’s cost-recovery approach.²⁹

In 2018, the citizenship application fees were amended³⁰ by aligning the fee for minors applying under section 5(1) of the *Citizenship Act* with the fee for those minors applying under section 5(2) in order to “facilitate the acquisition of citizenship for minors applying without a Canadian or permanent resident parent.”³¹ Under Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act, which received Royal Assent in June 2017,³² minors could now qualify for citizenship on their own behalf under section 5(1) of the *Citizenship Act*. The 2018 alignment of fees for minors was intended to ensure fairness between the types of application fees minors are charged under the regulations.

3.3 CITIZENSHIP TEST AND INTERVIEW

Citizenship applicants between the ages of 18 and 54 must prove that they have “adequate knowledge of Canada and of the responsibilities and privileges of citizenship.”³³ This knowledge is assessed through a written test that is taken after the citizenship application has been submitted. Test questions are developed by IRCC based on the citizenship study guide and are approved by the minister.³⁴

The current citizenship study guide – *Discover Canada: The Rights and Responsibilities of Citizenship* – is provided to citizenship applicants, along with a letter acknowledging their application. It is used to study for the citizenship test. It covers such topics as the history, symbols and regions of Canada, as well as how the country’s government works.³⁵

Following the citizenship test, applicants participate in an interview in which citizenship officials provide them with their citizenship test results, test their abilities in English or French, verify their application and documents, ask questions about their application and ensure they meet all the citizenship requirements.³⁶

Individuals under 18 years of age are not required to take the test and are not usually required to attend an interview, whereas individuals aged 55 and over, who are also exempt from the test, are expected to attend an interview. However, because individuals in this age bracket are not required to have adequate knowledge of English or French, the citizenship official will not test their language abilities during the interview.³⁷

3.3.1 Amendments to the Citizenship Study Guide

In 2015, the Truth and Reconciliation Commission of Canada (TRC) published 94 calls to action based on its six-year mandate to hear and document the stories of survivors of and witnesses to the Indian residential school system.³⁸ The federal government committed to implementing the calls to action that fell under its jurisdiction.³⁹ In call to action number 93, the TRC recommended that the federal government amend the information kit for newcomers to Canada and the citizenship test “to reflect a more inclusive history of the diverse Aboriginal peoples of Canada.”⁴⁰ The government is currently in the process of amending the citizenship study guide, in consultation with the Assembly of First Nations, Inuit Tapiriit Kanatami, the Métis National Council and Indigenous historians. Amendments to the citizenship study guide will inform changes to the information kit and test.⁴¹

In addition to addressing the TRC’s call to action number 93, amendments to the citizenship study guide will focus on showcasing Canada’s diversity and commitment to official languages; describing the evolution of rights and freedoms for lesbian, gay, bisexual and trans (LGBT) individuals, women and people with disabilities; and using language that is more accessible for individuals whose first language is not English or French.⁴²

3.4 CITIZENSHIP CEREMONY AND OATH OR AFFIRMATION OF CITIZENSHIP

The citizenship ceremony is the final step in the process of becoming a Canadian citizen. At the ceremony, new citizens take the Oath or Affirmation of Citizenship, receive their citizenship certificate, sign the Oath or Affirmation of Citizenship form and sing the national anthem.⁴³ The Oath or Affirmation of Citizenship is a solemn declaration through which applicants swear or affirm their allegiance to the Queen of Canada.

A bill introduced in the House of Commons in May 2019 proposed that the Oath or Affirmation of Citizenship be modified as follows:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, *including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples,* and fulfil my duties as a Canadian citizen.⁴⁴ [AUTHORS’ EMPHASIS]

This version of the Oath or Affirmation of Citizenship was developed in response to the TRC’s call to action number 94, which proposed a new version that references treaty rights.⁴⁵ It was further shaped by consultations with newcomers to Canada, the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council.⁴⁶

The bill did not proceed past first reading in the House of Commons and died on the *Order Paper* when the 42nd Parliament was dissolved.

On 18 February 2020, the Minister of Immigration, Refugees and Citizenship introduced Bill C-6, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94), which is almost identical to the one introduced in May 2019.⁴⁷ At the time of writing, Bill C-6 had not proceeded past second reading in the House of Commons.

4 CURRENT ISSUES AND POLICY CONSIDERATIONS

The following section of the Background Paper clarifies several issues and policy considerations pertaining to Canadian citizenship that have been the subject of public debate in recent years, including the citizenship rate, loss of citizenship and birth on Canadian soil to foreign nationals.

4.1 CITIZENSHIP RATE

The most recent census, held in May 2016, enumerated 35 million individuals residing in Canada.⁴⁸ Of these, there were approximately 32 million Canadian citizens, 18% – about 5.6 million – of whom were naturalized citizens.⁴⁹ While the number of citizens by birth has grown since 2006, the number of citizens by naturalization has fallen by almost 1 million (see Table 2).

Table 2 – Number of Canadian Citizens Resident in Canada, 2006, 2011 and 2016

Year	Canadian Citizens by Birth	Canadian Citizens by Naturalization	Total Canadian Citizens
2006	24,716,835	6,524,190	31,241,030
2011	25,720,175	5,175,135	30,895,310
2016	26,412,615	5,621,975	32,034,585

Sources: Table prepared by the authors using data obtained from Statistics Canada, "[Citizenship \(5\), Place of Birth \(35\), Sex \(3\) and Immigrant Status and Period of Immigration \(12\) for the Population of Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations, 2006 Census – 20% Sample Data](#)," *2006 Census Topic-based tabulations* (database), Catalogue no. 97-557-XCB2006008, accessed 15 June 2020; Statistics Canada, "[Citizenship \(9\), Immigrant Status and Period of Immigration \(12\), Age Groups \(10\) and Sex \(3\) for the Population in Private Households of Canada, Provinces and Territories, 2011 National Household Survey](#)," *2011 National Household Survey: Data tables* (database), Catalogue no. 99-010-X2011027, accessed 15 June 2020; and Statistics Canada, "[Citizenship \(9\), Immigrant Status and Period of Immigration \(11A\), Age \(12\) and Sex \(3\) for the Population in Private Households of Canada, Provinces and Territories, 2016 Census – 25% Sample Data](#)," *Data Tables, 2016 Census* (database), Catalogue no. 98-400-X2016186, accessed 15 June 2020.

The rate at which eligible immigrants obtain citizenship, also known as the naturalization rate or citizenship rate, declined between 2006 and 2016. This decline can be explained by citizenship determinants and policy changes. Nevertheless, Canada's citizenship rate is still one of the highest among Western countries.⁵⁰

4.1.1 Citizenship Determinants

In Canada, the citizenship rate is mostly studied through census data, which focus on the effects of individual variables, such as arrival, socio-demographic characteristics or visa category.⁵¹

The number of years since immigration is “one of the most important determinants of citizenship [as] it is positively correlated with naturalization.”⁵² According to 15 years of census data, the overall increase in the citizenship rate “was driven by the increase among immigrants who had been in Canada for 10 years or more.”⁵³

Citizenship rates are also different among immigrant status groups, which vary across socio-demographic characteristics, such as family income, education, official language ability and source country or region. For example, it was observed that recent immigrants in the lowest family income category had a lower citizenship rate than those in the highest. The difference in the citizenship rate between these two groups was 5.3% in 1996 and increased to 15.2% in 2016.⁵⁴

This trend of a widening gap is also found in the difference in citizenship rates between less educated and more highly educated recent immigrants, which rose from 11.5% in 1996 to 20.2% in 2016.⁵⁵ Language skills also contribute to this increasing disparity in citizenship rates. Since demonstrating adequate knowledge of English or French is a requirement for most applicants for citizenship, immigrants who have English or French as a mother tongue or who know how to speak English or French are more likely to become naturalized than those who do not have these official language skills.

In 1996, the difference in citizenship rates between recent immigrants with or without knowledge of an official language was relatively small. ... Between 1996 and 2016, citizenship rates declined among all recent immigrants regardless of their knowledge of English or French. However, the decline was much greater among those with poorer official language skills (declining by 29.5 percentage points) than among those whose mother tongue was English or French (declining by 8.2 percentage points).⁵⁶

Another interesting statistic is the divergence in citizenship rates among immigrants based on their country of origin or their source region. While immigrants from developing countries are more likely to become Canadian citizens, the naturalization rate of recent immigrants from East Asia – mainly China⁵⁷ –

dropped from 82.9% in 1996 to 44.8% in 2016. This drop of 38.1 percentage points was distributed across all four intercensal periods, but was most evident since 2001. It may be that China’s economic rise over the past couple of decades and changing preferences among

Chinese immigrants underlie the decline. By 2016, the tendency of immigrants from China to naturalize more closely resembled that of immigrants from advanced industrial countries than that of immigrants from developing countries.⁵⁸

4.1.2 Policy and Operational Changes

Policy changes have also contributed to the decline in the citizenship rate among more recent immigrants. With the coming into force of Bill C-24, the eligibility criteria for naturalization was tightened. One of the amended criteria was an increase in the required number of days of physical presence in Canada (residency requirement) prior to applying for citizenship.⁵⁹

Until 2015, immigrants were required to reside in Canada for at least three years before they could become citizens; at the earliest, they could do so only during their fourth year of residence. After 2015, this residency requirement increased to four years, and immigrants could become citizens only during their fifth year living in Canada, at the earliest.⁶⁰

This policy change corresponded with a decrease in citizenship rates. For example, immigrants arriving in between 2011 and 2016 had a citizenship rate of 30.5%, whereas those arriving in between 2006 and 2011 had a rate of 36.7%.⁶¹

In addition to policy changes, there have also been several operational changes, including increases to citizenship application fees. According to one researcher, these changes impacted immigrants differently, depending on their socio-demographic characteristics, such as education, official language ability and family income. For example, it was noted that due to “a more rigorous Canadian-knowledge test and language assessment,” citizenship test rates declined “from a previous high pass rate of 96 percent to 83 percent.”⁶²

While the policy changes that followed the passage in 2017 of Bill C-6 reversed most of the 2014 policy changes,⁶³ the increase in citizenship application fees has not been reversed. It has been argued that the high fees continue to remain a major deterrent to naturalization and should be reviewed by IRCC.⁶⁴ Instructions to undertake this review are included in the 2019 mandate letter of the Minister of Immigration, Refugees and Citizenship.

4.2 LOSS OF CITIZENSHIP

Under the current version of the *Citizenship Act*, Canadian citizenship may be revoked only in cases where the person is believed to have obtained, retained or resumed citizenship through false representation, fraud or “knowingly concealing material circumstances.”⁶⁵ Otherwise, loss of citizenship can occur only through

voluntary renunciation.⁶⁶ A person can choose to renounce Canadian citizenship for several reasons, including wanting to acquire the citizenship of another country that does not allow dual citizenship.⁶⁷

Bill C-24 introduced provisions that, in certain cases of conviction for serious offences such as treason or terrorism, provided for the revocation of citizenship of citizens who had dual or multiple citizenships. However, these provisions were repealed in 2017 by Bill C-6.⁶⁸

4.2.1 Lost Canadians

When the *Citizenship Act* came into force on 15 February 1977, replacing the *Canadian Citizenship Act* of 1947, it had no retroactive effect, meaning it applied only to prospective citizens. All those born before 15 February 1977, whether in Canada or abroad, had their citizenship status managed under the *Canadian Citizenship Act*.⁶⁹ Subsequent legislative amendments addressed many of the problems associated with “lost Canadians,” that is, those persons born before the *Citizenship Act* came into force who should have been Canadian citizens but were deprived of Canadian citizenship because of outdated or obsolete provisions in the *Canadian Citizenship Act*.⁷⁰ The term “lost Canadians” therefore refers to Canadians who ceased to be citizens against their will or without their knowledge, or to Canadians who thought they were Canadian citizens but legally never were.⁷¹

A 2007 report of the House of Commons Standing Committee on Citizenship and Immigration, entitled *Reclaiming Citizenship for Canadians – A Report on the Loss of Canadian Citizenship*,⁷² identified four groups of “lost Canadians”:

- war brides – the wives of Canadian servicemen who fought for Canada in the Second World War and who immigrated to Canada during or after the war to join their Canadian husbands;⁷³
- people born abroad to a Canadian parent before the *Citizenship Act* came into force in February 1977;
- people who lost their citizenship between January 1947 and February 1977 because they or their parent acquired the nationality or citizenship of another country; and
- second and subsequent generation Canadians born abroad since the *Citizenship Act* came into effect in February 1977.

Both the 1947 and 1977 Acts affected each of these groups differently. For instance, in the case of people born abroad to a Canadian parent before the *Citizenship Act* came into force, they believed that they were Canadian citizens on account of their parent’s citizenship. However, they may have lost Canadian citizenship or never had it in the first place due to three separate provisions in the 1947 *Canadian Citizenship Act*:

- Registration of births outside Canada: A Canadian parent had to register the birth of a child born outside Canada within two years for the child to be a “natural-born Canadian citizen.” However, some births were never registered, and, for that reason, the federal government extended the registration deadline: The final registration deadline for all births that occurred abroad before 1977 was 14 August 2004. Nevertheless, some births were still not registered, with the result that such people are not Canadian citizens today.⁷⁴
- Declaration of citizenship retention: People who acquired Canadian citizenship by descent had, under the *Canadian Citizenship Act*, to assert their Canadian citizenship by registering a declaration of retention between their 21st and 22nd birthdays. If they did not, the person ceased to be a Canadian citizen. This requirement was subsequently amended to provide that such a person could retain their Canadian citizenship either by registering the declaration between their 21st and 24th birthdays or by living in Canada on their 24th birthday. With the coming into force of the *Citizenship Act* in 1977, the requirement was repealed altogether. Nevertheless, those born prior to 1977 who had failed to comply with the 1947 requirement and did not reside in the country on their 24th birthday lost their Canadian citizenship.⁷⁵
- Distinction between children born in and out of wedlock: Under the *Canadian Citizenship Act*, a person born abroad could acquire Canadian citizenship from their Canadian father if the child was born in wedlock and from their Canadian mother if the child was born out of wedlock. Therefore, children born in wedlock to Canadian mothers and foreign fathers and children born out of wedlock to Canadian fathers and foreign mothers could not acquire Canadian citizenship.⁷⁶

Another group of individuals were not considered Canadian citizens between 1947 and 1977 because dual citizenship was not permitted under the *Canadian Citizenship Act*. If a Canadian citizen voluntarily acquired the citizenship of another country, they and their dependants lost their Canadian citizenship. The 1947 Act provided a way for minors who lost their citizenship due to their parent’s action to regain Canadian citizenship by making a declaration to resume Canadian citizenship between their 21st and 22nd birthdays.⁷⁷ However, many did not know they ceased to be Canadian citizens and did not make the necessary declaration. In 2005, the *Citizenship Act* was amended to relieve those individuals who lost their citizenship as minors from the requirement of becoming a permanent resident before being eligible for Canadian citizenship. However, resumption of citizenship for this group of “lost Canadians” is not automatic upon applying.⁷⁸ In addition, for those whose applications to resume citizenship are approved, the status of being a Canadian citizen is not retroactive: “if such a person had a child during the period after losing Canadian citizenship and before resuming citizenship, the person would not have been able to pass on Canadian citizenship to the child.”⁷⁹

Finally, until 2009, a provision in the *Citizenship Act* stipulated that a person who was born outside Canada after 14 February 1977 and who derived Canadian citizenship from a parent who was also born outside Canada ceased to be a Canadian citizen on their 28th birthday. To retain their citizenship, a person had to apply before their 28th birthday and have either resided in Canada for a year before applying or have established a substantial connection with Canada.⁸⁰ This provision was repealed in 2009 with the coming into force of Bill C-37, An Act to amend the Citizenship Act.⁸¹ This legislation also provided retroactive citizenship to most groups of “lost Canadians” by expanding the definition of who is a citizen.⁸² However, in introducing the 2009 legislative amendments, the Government of Canada stated that it did not want to allow citizenship to be passed down indefinitely through generations born abroad.⁸³ For that reason, Bill C-37 introduced the first-generation cut-off rule,⁸⁴ which provides citizenship to the first generation of Canadians born abroad with no declaration of retention requirement.⁸⁵ Subsequent generations born abroad do not automatically obtain Canadian citizenship but can apply for permanent residency and citizenship through the immigration system.

A second set of legislative amendments introduced by Bill C-24 extended citizenship to people who were born before the *Canadian Citizenship Act* came into force in 1947. As a result, new provisions were added to the *Citizenship Act* to account for the following categories:

- people who were born or naturalized in Canada (and therefore were British subjects) before 1 January 1947, but who ceased to be British subjects and did not become Canadian citizens when the *Canadian Citizenship Act* came into force on 1 January 1947;⁸⁶
- people who, on 1 January 1947, were British subjects ordinarily resident in Canada although they were neither born nor naturalized in Canada and who did not become Canadian citizens when the *Canadian Citizenship Act* came into force on 1 January 1947;⁸⁷ and
- people who were born outside Canada before 1 January 1947:
 - to a parent described in one of the two groups listed above and who did not become citizens when the *Canadian Citizenship Act* came into force on 1 January 1947;⁸⁸ or
 - to a parent who became a citizen on 1 January 1947, but who did not themselves also become a citizen on that day.⁸⁹

The amendments also provided citizenship to people born before Newfoundland and Labrador joined Canada on 1 April 1949 and who belonged to one of the groups described above.⁹⁰ However, citizenship by descent remains available only to the first generation born abroad as the amendments enacted by Bill C-24 did not address the second – and subsequent – generation of Canadians born abroad since 1977. Some researchers have argued that the “limitations on the acquisition of citizenship

by descent are contrary to the principle of the rule of law because the current citizenship framework creates a two-tier system of Canadian citizens.”⁹¹ In addition, they maintain that this could lead to situations of statelessness.⁹²

For any “lost Canadians” who are not captured by section 3 of the *Citizenship Act*, the federal government may consider ministerial discretion to grant citizenship on a case-by-case basis, as per section 5(4) of the Act.⁹³ However, while there are provisions for ministerial discretion to grant citizenship, it “still rests solely on the Minister’s discretion and is not a guarantee that the individual will be granted citizenship.”⁹⁴

4.3 BIRTH IN CANADA TO FOREIGN NATIONALS

Canada’s citizenship law has, since 1947, conferred Canadian citizenship at birth to anyone born on Canadian soil, irrespective of the parents’ citizenship or immigration status. The only exception is for children born in Canada to diplomats, consular officers or other representatives of a foreign government or international organization and their employees working in Canada.⁹⁵

While citizenship acquired through birth on Canadian soil is a long-standing policy in Canada, there have been calls over the years to ensure foreign nationals do not come to Canada to give birth for the sole purpose of securing Canadian citizenship for their child. This issue is commonly called “birth tourism.” In recent years, several media accounts have reported the practice of birth tourism and indicated an increase in the births by foreign nationals in Canada.⁹⁶

Statistics Canada collects data on the numbers of births in Canada and includes the number of non-resident births. However, the category for mother with place of residence outside Canada, also referred to as the non-resident category, includes mothers whose country of residence is unknown.⁹⁷ This can also include “Canadians living abroad who return to Canada and give birth, international students, temporary foreign workers, as well as children who would have access to Canadian citizenship by descent through the non-birthing parent.”⁹⁸ On average, according to Statistics Canada data from 2000 to 2018, there were 363,553 births per year in Canada, of which 343 were to women who do not reside in Canada.⁹⁹ As seen in Table 3, the overall proportion of births from non-resident mothers is very low.

Table 3 – Number of Births in Canada Annually, by Residence of Mother, 2000–2018

Year	Total Births in Canada	Mothers with Place of Residence in Canada	Mothers with Place of Residence Outside Canada	Non-resident Mothers (% of total births in Canada)
2000	328,260	327,863	397	0.12
2001	334,056	333,720	336	0.10
2002	329,106	328,771	335	0.10
2003	335,513	335,167	346	0.10
2004	337,386	337,036	350	0.10
2005	342,491	342,119	372	0.11
2006	354,861	354,572	289	0.08
2007	368,125	367,806	319	0.09
2008	378,111	377,864	247	0.07
2009	381,180	380,850	330	0.09
2010	377,504	377,199	305	0.08
2011	377,900	377,623	277	0.07
2012	382,568	381,869	699	0.18
2013	380,675	380,323	352	0.09
2014	384,378	384,100	278	0.07
2015	382,625	382,392	233	0.06
2016	383,415	383,102	313	0.08
2017	376,676	376,291	385	0.10
2018	372,685	372,329	356	0.10

Source: Table prepared by the authors using data obtained from Statistics Canada, "[Table 13-10-0414-01: Live births, by place of residence of mother](#)" (database), accessed 15 June 2020.

However, one researcher used data from the Canadian Institute for Health Information (CIHI) and noted that the numbers of births in Canada to mothers who reside outside Canada increased from 1,354 in 2010 to 2,165 in 2013, and to 3,628 in 2017.¹⁰⁰

Over this eight-year period, the number of non-resident births has increased nearly five-fold in British Columbia, nearly tripled in Alberta and more than doubled in Ontario. In 2017, Richmond Hospital in British Columbia had registered more non-resident births than any other hospital in Canada, with non-resident births representing about 22% of total births at the hospital.¹⁰¹ As with data from Statistics Canada, it is difficult to say exactly how many of the non-resident births are from people coming to Canada to give birth to obtain citizenship. Researchers have called for more research to contextualize non-resident births, especially since the number of temporary residents arriving in Canada to work or study has increased over the years.¹⁰²

The likely reasons for the discrepancy between Statistics Canada and CIHI data can be found in the different data sources used and the fact that all residence-related information is based on self-reported address information. For hospital administration data, individuals giving birth might use their real addresses, whereas as for vital statistics information – obtained through birth registration forms – they might use their temporary Canadian addresses.¹⁰³

In response to two House of Commons petitions¹⁰⁴ on citizenship acquired by birth on Canadian soil, the Government of Canada acknowledged that there are instances of foreign nationals who travel to Canada to give birth and recognized the need to better understand the extent of this practice.¹⁰⁵ In 2018, the federal government committed to better understand the extent of birth tourism and commissioned CIHI to undertake further research. At the time of writing, research results had been expected for spring 2020 but were not yet available.¹⁰⁶

The federal government also noted that it does not collect information on whether a woman is pregnant when entering Canada.¹⁰⁷ Under the *Immigration and Refugee Protection Act*, a person is not inadmissible and cannot be denied a visa solely on the grounds that they are pregnant or that they may give birth in Canada.¹⁰⁸ However, a person is required to state the purpose of their visit when applying for a visa to travel to Canada. In some cases, “the intentional concealment of intent to give birth in Canada may lead to an examination of admissibility”¹⁰⁹ for misrepresentation, which would have significant consequences that could also impact the child’s citizenship.¹¹⁰

Changing current citizenship policies and practices could have numerous implications, including operational and cost challenges.¹¹¹ The federal government has explored policy options in the past. For instance, when the Honourable Jason Kenney was Minister of Citizenship, Immigration and Multiculturalism, a citizenship reform proposal was prepared and “indicated that although birth tourism was deemed a priority, the federal government could not do much about it by itself, given provincial responsibility for birth registration.”¹¹² Others have also noted that

the available numbers do not suggest a trend in need of government action – especially action in the form of birthright citizenship refusal. Ministers of both parties reached the conclusion that no measures were necessary: in 2012, it was the Conservative minister of citizenship and immigration, Jason Kenney, and in 2018, the Liberal minister of immigration, refugees and citizenship, Ahmed Hussen.¹¹³

Some observers have asserted that “[e]liminating birthright citizenship would impose additional public expenses and complicate the process for verifying citizenship and risks having two-tiered citizenship.”¹¹⁴ It has been argued that, considering the small extent of birth tourism in Canada, “regulatory approaches may be a more proportionate and cost-effective approach” to deter birth tourism.¹¹⁵

Overall, citizenship acquired through birth on Canadian soil is codified in the *Citizenship Act*, which can be amended by an Act of Parliament. The question is whether legislative, regulatory or policy actions are required to address the issue of birth tourism in Canada.¹¹⁶

5 CONCLUSION

The concept of Canadian citizenship is almost 75 years old and is currently governed by the *Citizenship Act*, which came into force on 15 February 1977. Over the years, there have been several legislative changes to address matters such as the citizenship application process for foreign nationals who wish to become Canadian citizens, and specific policy issues such as the “lost Canadians.” While Canadian citizenship can be obtained through birth, by descent or through naturalization, policy issues such as citizenship rates and birth tourism put into perspective how Canada manages its citizenship.

NOTES

1. Government of Canada, [History of citizenship legislation](#). For more information on the *Canadian Citizenship Act*, see Canadian Museum of Immigration at Pier 21, [Canadian Citizenship Act, 1947](#).
2. [Citizenship Act](#), R.S.C. 1985, c. C-29.
3. Government of Canada, *History of citizenship legislation*. See also Delphine Nakache and Yves Le Bouthillier, *Droit de la citoyenneté au Canada*, Éditions Yvon Blais, Montréal, 2016, p. 6. [AVAILABLE IN FRENCH ONLY]
4. Michael Sullivan, “Beyond Allegiance: Toward a Right to Canadian Citizenship Status,” *American Review of Canadian Studies*, Vol. 48, No. 3, 2018, pp. 327–343.
5. *Citizenship Act*, s. 3(1).
6. *Ibid.*, s. 6.
7. [Canadian Charter of Rights and Freedoms](#), Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, s. 6(1). Nevertheless, no Canadian law expressly requires the Government of Canada to assist Canadians abroad to return to Canada by maintaining a consular assistance program. The federal government has a *Canadian Consular Services Charter* that guides the provision of consular services, outlining the services that officials can and cannot provide to Canadians overseas, as well as the steps the government may take during large-scale emergencies. However, Canadians are ultimately responsible for their own safety overseas and do not have a right to consular assistance, including repatriation.

Brian Hermon and Scott McTaggart, [The Canadian Consular Service and Response to COVID-19](#), HillNotes, Library of Parliament, 24 April 2020. For more information, see also Nakache and Le Bouthillier (2016), p. 351.
8. [Constitution Act, 1867](#), 30 & 31 Victoria, c. 3 (U.K.), s. 95.
9. *Citizenship Act*, s. 2(1); and Government of Canada, [Acts and Regulations – Immigration, Refugees and Citizenship Canada](#).
10. [Department of Citizenship and Immigration Act](#), S.C. 1994, c. 31; and Government of Canada, [What we do](#).

11. Citizenship and Immigration Canada [CIC], [Instrument of Delegation: Citizenship Act and Regulations](#), 16 January 2019; and Government of Canada, [Delegation of authority under the Citizenship Act and Citizenship Regulations](#). This delegation instrument is enabled by section 23 of the *Citizenship Act*, which states that actions that must or may be taken by the minister under the Act and corresponding regulations may be carried out “by any person authorized by that Minister in writing to act on that Minister’s behalf without proof of the authenticity of the authorization.” This is also the case for the Minister of Public Safety and Emergency Preparedness.
12. *Citizenship Act*, ss. 10.5 and 19.3.
13. [Citizenship Regulations](#), SOR/93-246; [Citizenship Regulations, No. 2](#), SOR/2015-124; and [Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts](#), 2nd Session, 41st Parliament (S.C. 2014, c. 22).
14. *Citizenship Regulations*, SOR/93-246, s. 15.
15. *Citizenship Regulations, No. 2*, s. 19. The [College of Immigration and Citizenship Consultants Act](#), S.C. 2019, c. 29, s. 292, designates the Immigration Consultants of Canada Regulatory Council as the new College of Immigration and Citizenship Consultants, which is tasked with regulating immigration and citizenship consultants in the public interest. As of this writing, the Act has not yet come into force.
16. Government of Canada, [Operational instructions and guidelines](#); and CIC (2019).
17. Government of Canada, [Citizenship Commission](#).
18. *Citizenship Act*, s. 3(1).
19. *Ibid.*, s. 5(1)(c)(i). Temporary residents or protected persons can also count the time spent in Canada towards their citizenship requirements. For these individuals, each day spent in Canada, up to 365 days within five years, counts as one half day for the purpose of calculating their physical presence. Government of Canada, [Time you’ve lived in Canada \(physical presence\)](#), *Apply for citizenship: Who can apply*.
20. *Citizenship Act*, s. 5(1)(c)(iii). Sections 5(1.04) to 5.2 of the Act also lay out varying requirements for individuals with special circumstances, such as minors, individuals who have had requirements waived on compassionate grounds, individuals who have served in the Canadian Armed Forces, stateless persons and adoptees.
21. *Ibid.*, ss. 5(1)f, 19(2) and 20(1). As per section 20(1) of the Act, persons subject to security concerns are those for whom “the Governor in Council declares that there are reasonable grounds to believe that the person with respect to whom the report [to the National Security and Intelligence Review Agency] was made has engaged, is engaging or may engage in an activity” that, pursuant to section 19(2) of the Act, “constitutes a threat to the security of Canada” or “that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of any offence that may be punishable under any Act of Parliament by way of indictment.”
22. *Citizenship Act*, s. 5(1)(d); and Government of Canada, [What documents can I use to prove that I meet the citizenship language requirement?](#).
23. *Citizenship Regulations*, Schedule (s. 31(1)); Government of Canada, [Citizenship](#), *Fee list*; and Government of Canada, [Pay the application fees](#), *Apply for citizenship: How to apply*.
24. Justin Trudeau, Prime Minister of Canada, [Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 13 December 2019. According to the Parliamentary Budget Officer (PBO), the cost of eliminating citizenship fees for new applicants is estimated to be \$75 million in fiscal year 2020–2021, and it will reach \$122 million in total foregone revenues by 2028–2029. PBO, [Cost Estimate of Election Campaign Proposal \(short title: Citizenship fees elimination\)](#), 29 September 2019.
25. This information can be found by viewing the version of the schedule to the *Citizenship Regulations* [in effect from 6 February 2014 to 31 December 2014](#).
26. [Regulations Amending the Citizenship Regulations](#), SOR/2014-20, 29 January 2014, in *Canada Gazette*, Part II, Vol. 148, No. 4, 12 February 2014, p. 420.
27. This information can be found by viewing previous versions of the schedule to the *Citizenship Regulations*. See the [schedule in effect from 1 January 2015 to 10 June 2015](#); and the [schedule in effect from 11 June 2015 to 11 February 2018](#).
28. [Regulations Amending the Citizenship Regulations](#), SOR/2014-298, 12 December 2014, in *Canada Gazette*, Part II, Vol. 148, No. 27, 31 December 2014, p. 3481.

29. Ibid.
30. The amended citizenship fees can be found by viewing the [current schedule](#) to the *Citizenship Regulations*. At the time of writing, the regulations were current to 11 August 2020 and were last amended on 5 December 2018.
31. [Regulations Amending the Citizenship Regulations \(Fees for minor Applicants\)](#), SOR/2018-21, 12 February 2018, in *Canada Gazette*, Part II, Vol. 152, No. 4, 21 February 2018, p. 303.
32. Prior to Bill C-6, minors generally applied for citizenship concurrently with their permanent resident parent(s) or as children of a Canadian parent under section 5(2) of the *Citizenship Act*. [Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act](#), 1st Session, 42nd Parliament (S.C. 2017, c. 14).
33. *Citizenship Act*, s. 5(1)(e).
34. Applicants may be provided with an oral hearing instead of a written test if they have special needs or have failed the written test twice. Government of Canada, [Citizenship grants: Applicants 18 years of age or older \(adults\)](#).
35. CIC, [Discover Canada: The Rights and Responsibilities of Citizenship](#), Study guide, 2012.
36. Government of Canada, [Prepare for the citizenship test and interview](#).
37. There are certain exceptions to this. Minors aged 14 to 17 without a Canadian parent or a parent applying for citizenship at the same time are expected to attend the interview. Other minors may be asked to attend an interview if citizenship officials have specific questions. In such cases, the person who submitted the application on the minor's behalf must also attend the interview. Government of Canada, "Who has to take the test and interview," [Prepare for the citizenship test and interview](#).
38. Truth and Reconciliation Commission of Canada [TRC], "[TRC releases calls to action to begin reconciliation](#)," News release, 2 June 2015.
39. Government of Canada, [Delivering on Truth and Reconciliation Commission Calls to Action](#).
40. TRC, [Truth and Reconciliation Commission of Canada: Calls to Action](#), 2015, para. 93, pp. 10–11.
41. Government of Canada, [Newcomers to Canada](#).
42. Kathleen Harris, "[Revamped citizenship guide still a work in progress as election nears](#)," *CBC News*, 19 May 2019.
43. Note that citizenship candidates under the age of 14 are exempt from this requirement. Government of Canada, [Prepare for the citizenship ceremony](#).
44. [Bill C-99, An Act to amend the Citizenship Act](#), 1st Session, 42nd Parliament, Schedule (s. 24). See also Eleni Kachulis and Olivier Leblanc-Laurendeau, [Legislative Summary of Bill C-99: An Act to amend the Citizenship Act](#), Publication no. 42-1-C99-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 2 July 2019.
45. TRC, *Truth and Reconciliation Commission of Canada: Calls to Action* (2015), para. 94, p. 11.
46. Stephanie Levitz, The Canadian Press, "[Proposed citizenship oath change prompts some to call for more education about Indigenous people](#)," *CBC News*, 28 September 2017; and Government of Canada, [Newcomers to Canada](#).
47. [Bill C-6, An Act to amend the Citizenship Act \(Truth and Reconciliation Commission of Canada's call to action number 94\)](#), 1st Session, 43rd Parliament. See also Eleni Kachulis and Olivier Leblanc-Laurendeau, [Legislative Summary of Bill C-6: An Act to amend the Citizenship Act \(Truth and Reconciliation Commission of Canada's call to action number 94\)](#), Publication no. 43-1-C6-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 19 February 2020.
48. Statistics Canada, [Census Profile, 2016 – Canada \[Country\] and Canada \[Country\]](#) (database), Catalogue no. 98-316-X201600, accessed 15 June 2020
49. Statistics Canada, "[Citizenship \(9\), Immigrant Status and Period of Immigration \(11A\), Age \(12\) and Sex \(3\) for the Population in Private Households of Canada, Provinces and Territories, 2016 Census – 25% Sample Data](#)," *Data Tables, 2016 Census* (database), Catalogue no. 98-400-X2016186, accessed 15 June 2020.

50. Feng Hou and Garnett Picot, "[Trends in the Citizenship Rate Among New Immigrants to Canada](#)," *Economic Insights*, No. 101, Catalogue no. 11-626-X-2019015, Statistics Canada, Ottawa, 13 November 2019, p. 1.
51. Garnett Picot and Feng Hou, "[Citizenship Acquisition in Canada and the United States: Determinants and Economic Benefit](#)", Chapter 6 in Organisation for Economic Co-operation and Development [OECD], *Naturalisation: A Passport for the Better Integration of Immigrants?*, OECD Publishing, Paris, 2011, p. 166.
52. Garnett Picot and Feng Hou, [Divergent Trends in Citizenship Rates among Immigrants in Canada and the United States](#), Analytical Studies – Research Paper Series, No. 338, Catalogue no. 11F0019M, Statistics Canada, Ottawa, October 2011, p. 20.
53. Hou and Picot (2019), p. 1.
54. Ibid., pp. 2–3.
55. Ibid., p. 4.
56. Ibid.
57. Of note, in 2016, 10.6% of recent immigrants to Canada were coming from China. Statistics Canada, "[Immigration and ethnocultural diversity: Key results from the 2016 Census](#)," *The Daily*, 25 October 2017. See "Table 2 – Top 10 countries of birth of recent immigrants, Canada, 2016."
58. Hou and Picot (2019), p. 5.
59. Julie Béchar, Penny Becklumb and Sandra Elgersma, [Legislative Summary of Bill C-24: An Act to amend the Citizenship Act and to make consequential amendments to other Acts](#), Publication no. 41-2-C24-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 8 July 2014.
60. Hou and Picot (2019), p. 1.
61. Andrew Griffith, "[What the census tells us about citizenship](#)," *Policy Options*, 20 March 2018.
62. Ibid.
63. Immigration, Refugees and Citizenship Canada [IRCC], [Changes to the Citizenship Act as a Result of Bill C-6](#), Background.
64. Andrew Griffith, "[The impact of citizenship fees on naturalization](#)," *Policy Options*, 12 October 2016; and Griffith (20 March 2018).
65. *Citizenship Act*, s. 10(1). Naturalized Canadian citizens can lose their citizenship if they lied during the immigration process or in their citizenship application. Under section 46(2) of the *Immigration and Refugee Protection Act*, the effect of the revocation renders the individual, whose citizenship was revoked, a permanent resident, unless there was fraud in the permanent resident application. In that case, the individual can be subject to a removal order. [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27, s. 46(2). The individual who is a permanent resident due to citizenship revocation must wait 10 years from the date of revocation before submitting a new application for citizenship. See *Citizenship Act*, s. 22(1f).
66. Ibid., s. 9(1).
67. Once a person has renounced their Canadian citizenship, they no longer have status in Canada, and if they wish to return to Canada, they will have to comply with Canadian immigration requirements. Nakache and Le Bouthillier (2016), pp. 201–202.
68. Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act (S.C. 2017, c. 14), s. 3(1); Julie Béchar and Sandra Elgersma, [Legislative Summary of Bill C-6: An act to amend the Citizenship Act and to make consequential amendments to another Act](#), Publication no. 42-1-C6-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 8 February 2018, p. 2; and IRCC, [Changes to the Citizenship Act as a Result of Bill C-6](#).
69. Nakache and Le Bouthillier (2016), p. 7.
70. Ibid., p. 73. The issue of "lost Canadians" was addressed by legislative measures, especially when travellers between Canada and the United States began to need passports to cross the border after 2007. As people applied for Canadian passports, some applicants learned, with great surprise, that they were not in fact Canadian citizens.
71. For more information, see Richard Foot and Peggy Ann Osborne, "[Lost Canadians](#)," *The Canadian Encyclopedia*, 25 July 2017.

72. House of Commons, Standing Committee on Citizenship and Immigration [CIMM], [Reclaiming Citizenship for Canadians: A Report on the Loss of Canadian Citizenship](#), Second Report, 2nd Session, 39th Parliament, December 2007, p. 2.
73. For more information, see Veterans Affairs Canada, [Canadian War Brides](#).
74. CIMM (2007), pp. 4–6.
75. Ibid, p. 6.
76. Ibid., pp. 6–8.
77. Ibid., p. 8.
78. Nakache and Le Bouthillier (2016), p. 74. [TRANSLATION]
79. CIMM (2007), p. 9.
80. Ibid.
81. [Bill C-37. An Act to amend the Citizenship Act](#), 2nd Session, 39th Parliament (S.C. 2008, c. 14). See also Penny Becklumb, [Legislative Summary of Bill C-37: An Act to amend the Citizenship Act](#), Publication no. 39-2-LS-591-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 20 February 2014.
82. Nakache and Le Bouthillier (2016), p. 74; and *Citizenship Act*, ss. 3(1)(f)–3(1)(j).
83. Diane Finley, Minister of Citizenship and Immigration, [Government Response to the Report of the House of Commons Standing Committee on Citizenship and Immigration Entitled Reclaiming Citizenship for Canadians: A Report on the Loss of Canadian Citizenship, tabled December 6, 2007](#), 2nd Session, 39th Parliament, 2 April 2008, p. 2.
84. An exception is made for people who are born to a Canadian parent working abroad in or with the Canadian Armed Forces, the federal public administration or the public service of a province.
85. *Citizenship Act*, s. 3(3).
86. Ibid., s. 3(1)(k).
87. Ibid., s. 3(1)(m).
88. Ibid., s. 3(1)(o).
89. Ibid., s. 3(1)(q).
90. Nakache and Le Bouthillier (2016), p. 75.
91. Mariette Brennan and Miriam Cohen, “Citizenship by descent: how Canada’s one-generation rule fails to comply with international legal norms,” *The International Journal of Human Rights: Special Issue – Peremptory International Legal Norms and the Democratic Rule of Law*, Vol. 22, No. 10, 2018, p. 2.
92. Ibid., p. 4.
93. Finley (2008), p. 2.
94. Brennan and Cohen (2018), p. 5.
95. Government of Canada, [Temporary residents: Persons wishing to enter Canada for the purpose of giving birth](#). In 2019, the Supreme Court of Canada ruled in *Canada (Minister of Citizenship and Immigration) v. Vavilov* that this exemption is due specifically to the diplomatic privileges and immunities that foreign representatives enjoy. As a result, the court ruled that a person born in Canada to undercover Russian spies was indeed a Canadian citizen because his parents – while employees of a foreign state – did not have diplomatic privileges and immunities. [Canada \(Minister of Citizenship and Immigration\) v. Vavilov](#), 2019 SCC 65. For more information, see *Citizenship Act*, s. 3(2); and Supreme Court of Canada, [Case in Brief: Canada \(Minister of Citizenship and Immigration\) v. Vavilov](#).

96. See, for example, Ian Young, "[Canadian hospital sues mother of million-dollar baby, amid growing concern over Chinese birth tourism](#)," *South China Morning Post*, 13 June 2018; Tristin Hopper, "[Why does Canada automatically give citizenship to people born here?](#)," *National Post*, 28 August 2018; John Paul Tasker, "[It's fraudulent: Former immigration official says action needed on 'passport babies'](#)," *CBC News*, 28 August 2018; The Canadian Press, "[Ottawa probes birth tourism as new data shows higher non-resident birth rates](#)," *CBC News*, 23 November 2018; Chris Selley, "[Chris Selley: Maybe Canada has a 'birth tourism' problem after all](#)," *National Post*, 25 November 2018; Avis Favaro and Ryan Flanagan, "['Birth tourism' rising fast in Canada: up 13 per cent in one year](#)," *CTV News*, 16 September 2019; and Annie Burns-Pieper and Lisa Mayor, "[All about the money: How women travelling to Canada to give birth could strain the health-care system](#)," *CBC News*, 4 January 2020.
97. Statistics Canada, "[Table 13-10-0414-01: Live births, by place of residence of mother](#)" (database), accessed 15 June 2020.
98. Transport Canada, "[Minister Garneau appearance at the Committee of the Whole on the 2019-2020 Supplementary Estimates A on December 9, 2019: Immigration, Refugees and Citizenship Canada](#)," 9 December 2019.
99. Statistics Canada, "Table 13-10-0414-01: Live births, by place of residence of mother" (database), accessed 15 June 2020.
100. The Discharge Abstract Database of the Canadian Institute for Health Information
uses hospital financial data to code services provided to nonresidents ("other country resident self-pay"), which covers birth tourism. Refugee claimants and permanent residents who are within the three-month waiting period for coverage are coded separately. However, births to other temporary residents (such as corporate transferees and international students) and Canadian expatriates returning to give birth are also included in the data for nonresidents.
- Andrew Griffith, "[Hospital stats show birth tourism rising in major cities](#)," *Policy Options*, 22 November 2018. See "Figure 3 – Births in Canada, by province (excluding Quebec), to mothers who reside outside Canada, 2010-17 (as reported by Canadian Institute for Health Information)."
101. Ibid. See "Figure 4 – Canadian hospitals with the most births to mothers who reside outside Canada (including hospitals in Montreal but not elsewhere in Quebec), 2010-18."
102. Megan Gaucher and Lindsay Larios, "[Birth tourism and the demonizing of pregnant migrant women](#)," *Policy Options*, 17 January 2020.
103. Ibid.; and Transport Canada (2019).
104. On 19 October 2016, Petition e-397, which received 8,886 signatures, was presented to the House of Commons by former member of Parliament (MP) Alice Wong (Richmond Centre). It called for the elimination of birthright citizenship for foreign nationals. House of Commons, "[Petition e-397 \(Canadian citizenship\)](#)," *Petitions*. On 5 October 2018, Petition e-1527, with 10,882 signatures, was presented to the House of Commons by former MP Joe Peschisolido (Steveston—Richmond East). It called for the federal government to publicly denounce and eliminate "birth tourism." House of Commons, "[Petition e-1527 \(Canadian citizenship\)](#)," *Petitions*.
105. John McCallum, Minister of Immigration, Refugees and Citizenship, "[Response to Petition](#)," Government response to Petition No. 421-00775 (Mrs. Wong, Richmond Centre), 19 October 2016; Ahmed Hussen, Minister of Immigration, Refugees and Citizenship, "[Response to Petition](#)," Government response to Petition No. 421-02721 (Mr. Peschisolido, Steveston—Richmond East), 5 October 2018.
106. Burns-Pieper and Mayor (4 January 2020).
107. Hussen (5 October 2018)
108. IRCC clarifies that
pregnancy would not normally present concerns regarding medical inadmissibility. With the introduction of the Temporary Public Policy Regarding Excessive Demand on Health and Social Services on June 1, 2018, the health-care costs related to a high-risk pregnancy (prenatal care and delivery) do *not* exceed the excessive demand threshold.
[EMPHASIS IN THE ORIGINAL]
- Government of Canada, *Temporary residents: Persons wishing to enter Canada for the purpose of giving birth*.
109. Ibid.

110. Griffith (22 November 2018).
111. Andrew Griffith "[What the previous government learned about birth tourism](#)," *Policy Options*, 28 August 2018; and Jamie Liew, "[Revoking birthright citizenship would affect everyone](#)," *Policy Options*, 29 November 2018.
112. Griffith (28 August 2018).
113. Gaucher and Larios (17 January 2020).
114. Kelly Goldthorpe and Caroline Mok, "Canadian citizenship and the challenges of birth tourism," *The Lawyer's Daily*, 12 November 2018.
115. Griffith (22 November 2018).
116. Goldthorpe and Mok (2018).