



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION No.: **421-00905**

BY: **MR. ERSKINE-SMITH (BEACHES-EAST YORK)**

DATE: **NOVEMBER 18, 2016**

PRINT NAME OF SIGNATORY: **THE HONORABLE AHMED HUSSEN**

Response by the Minister of Immigration, Refugees and Citizenship

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

Canadian citizenship

ORIGINAL TEXT

REPLY

Changes to the *Citizenship Act* that came into effect in 2009 introduced a first generation limit to the ability to automatically pass on citizenship by descent. The limit applies equally to the children of Canadians born abroad, whether the child is naturally born or adopted. Under this law, children who are born outside Canada to a Canadian parent only acquire Canadian citizenship by descent if one of their parents was born or naturalized in Canada. The only exception to the limit is that it does not apply to the children (whether naturally born or adopted) of Crown servants abroad, or the grandchildren of Crown servants abroad.

Historically, the *Citizenship Act* has always set out certain rules which apply to citizenship for those born to Canadians outside of Canada. This first generation limit replaced complex requirements with a more clear and transparent rule. Prior to its introduction, persons born abroad to a Canadian parent in the second and subsequent generations had to meet certain conditions and take steps to maintain their status as Canadian citizens. Those who failed to take the necessary steps to retain their citizenship lost it, often without realizing it.

For children adopted by or naturally born abroad to Canadians who are not eligible to automatically pass on citizenship as a result of the first generation limit, there are other pathways to citizenship. One is by way of a grant of citizenship. These children could become permanent residents of Canada through the family sponsorship category. Once the child has become a permanent resident and has met the requirements of the *Citizenship Act*, an application can be submitted for a grant of citizenship. As well, if a child born abroad does not acquire Canadian citizenship by descent from their Canadian parent and would otherwise be stateless, an application can be submitted for a grant of citizenship for stateless persons.

Another pathway is through birth in Canada. Any child born in Canada, with some exceptions, such as those born to a foreign diplomat or other representative or employee of a foreign government, automatically acquires Canadian citizenship.