



March 20, 2024

Senate of Canada

Standing Committee on Social Affairs, Science and Technology

Panel 3: March 20, 2024, from 12:45 p.m. to 1:30 p.m.

Re: S-235: *An Act of amend the Citizenship Act and the Immigration and Refugee Protection Act*

I am speaking to you as a member of the Canadian Immigration Law Association (CILA). We would like to thank you for the opportunity to provide comment on Bill S-235 *An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act*.

CILA continues to support Bill S-235 *An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act* to provide children who were formerly in state care with a direct pathway to Canadian citizenship.

We have had the opportunity to review the proposed amendments to the bill and believe that the proposed amendments align with many of our recommendations and address many of the issues that had previously been raised by both CILA and other witnesses.

Moving the amendment to section 5.3 will place the provision under “Grant of Citizenship” instead of “Right of Citizenship.” This will require that an application be made for citizenship instead of citizenship being automatically acquired as a right as had been previously proposed. This would mean that the former child in care would not become a citizen until after they had first applied for and been granted citizenship. There would be no retroactivity. The amended provision mirrors 5.1, under which children adopted by Canadian citizens can apply for citizenship. This is fitting as children who were formerly in state care were effectively adopted by Canada.

We would note that the concerns raised by us at our previous appearance regarding the unintended consequences of some of the wording in the amended provision continue to apply and could cause the provision to unintentionally include persons who may not have been intended to be included. We have some recommendations as to how that provision could be further amended to better reflect what we believe is intended.

The amended 5.3(1)(b), as it is currently drafted could be read to include youth who have been incarcerated or sent for court ordered treatment at a provincial correctional facility. It would not be limited to youth who were in the care of a child protection agency. As, for example, in Ontario, youth facilities fall under the Ontario Ministry of Children, Community and Social Services.

We would reiterate our recommendation that the \$630 government processing fee be waived and that alternative identity documents be permitted. I believe Senator Jaffer has noted that these recommendations could be included as recommended amendments to the regulations.

The Canadian Immigration Lawyers Association and I would be happy to answer any further questions you may have.

Thank you for the opportunity to speak to this bill.

Tamara Mosher-Kuczer