

Testimony before the Standing Committee on Citizenship and Immigration

Good morning.

My name is Dorinda Cavanaugh. I am the director of TDH Pour Les Enfants Quebec and TDH Ontario, both licensed adoption agencies in their respective provinces. I am a clinical psychologist, and I have worked in adoption since 1974. In these 35 years I have personally supervised the adoption of some 2000 children from a number of countries in the world. My husband and I have 5 children, 4 of whom are adopted, 2 of them internationally.

I have seen a number of changes to the immigration process over these years. Some years ago there was the removal of the restriction that adopted children were subject to medical screening in the same way as other immigrants. This was a recognition, at least, that these children had similar status to a birth child, and it was the decision of the adoptive parents – not the government - whether they were able to cope with any particular medical condition of the child that was theirs. But the adoption community was acutely aware that there was still a huge difference in the way an adopted child was perceived in terms of immigration practice from that of their natural-born counterparts. If a Canadian parent gave birth to a child overseas, that child was immediately recognized as a Canadian citizen. But a child adopted by Canadian parents overseas had to follow much the same procedure that any immigrant would follow, except that the application was “fast-tracked” so the wait was not so long. In the eyes of the adoptive parent, the process they had to go through meant that Canada still considered their adopted children to be less than fully “their children”.

Nonetheless, up until this time our adopted children were expected to become Canadian citizens and to live productive civic lives to the benefit of themselves, their families and Canadian society in general. Recently the Citizenship Act of 2007 resolved the long-standing issue of felt injustice for adoptive families. The process they had to undergo in order to obtain Canadian citizenship for their child was now closer to the automatic citizenship granted to children born to Canadian parents overseas by the introduction of the process of what is now being called the ‘direct route’ to citizenship.

Thus it was with great enthusiasm that we welcomed this law that came into effect in December 2007, which at last recognized the equality of adopted children to birth children and gave them the right to apply for immediate citizenship. The prerequisites were simple: one of the 2 parents needed to be a Canadian citizen, and the adoption had to be a legal adoption, recognized by the Canadian province where the child would be a resident.

The process was eagerly embraced by parents in waiting, and to date we as an agency have had some 100 children come to Canada under this new direct citizenship route, and

perhaps 200 adoptive families who have begun this process for the children they will eventually adopt.

It came as a great shock and disappointment to learn that within months after the coming into force of this welcomed new law that a bill was introduced, passed and received royal assent – a bill that would take away the full privilege granted by the law of 2007 and create two tiers of citizenship. Any adopted child whose parents would follow the direct citizenship route would lose the right to pass on that citizenship under circumstances that were not extraordinary: giving birth to or adopting a child outside of Canada.

The unexpected attack on these children by the new legislation has somewhat stunned us. We feel that we have been misled and betrayed by the government, that our adopted children are being unjustly and unfairly discriminated against, and we firmly believe that these current prescriptions of the law are contrary to the rights of their parents as Canadian citizens.

The recently implemented changes to the immigration legislation were made under circumstances that tended to make it difficult to note, much less interpret their far reaching implications for adoptive parents and their children. Thus I am here to request the Canadian Parliament to rectify what we all hope was an inadvertent negative effect on the rights of adopted Canadians.

The purported reason for this new law was in part to prevent generationally passing on Canadian citizenship to those who had no significant investment in the economic, cultural, and social life of this country. But in the case of adopted children, this is far from the truth. Such a child may come to Canada as an infant and a Canadian citizen, and spend his or her childhood, adolescence, and young adulthood in Canada. Then for any number of reasons that could affect any of us this young Canadian has a child outside of Canada and finds that this child is not to be considered a Canadian citizen, or worse, may find that the child is stateless. This is not only unjust, it is a disrespectful and even cruel treatment of these children who have grown up as Canadian citizens, trusting in fair treatment from their government. It makes them second-class citizens.

The impact of the new legislation is to threaten and restrict the activity of adoptive children who will be in the active workforce within the next two decades. Under this new legislation, it will be ill-advised for children adopted by Canadian parents since April 17 to take overseas jobs in Canadian corporations, universities and educational institutions, NGOs and international organizations such as the UN, and other positions of significance in the world (and yet exceptions are made for diplomatic and military positions). If any of these people dare to take jobs overseas, move there temporarily and either have a child or adopt a child while in that foreign country, their child will be deprived of his full Canadian citizenship. That is unfair, discriminatory, and arguably contrary to the Canadian Charter of Rights.

The new legislation creates a two-tier citizenship for Canada, a concept that is repugnant to most Canadians. We are making sure that Canadian adoptive parents and the families

of those working overseas and thinking about either adoption or having a child, now understand that not only will any grandchildren born abroad be deprived of Canadian citizenship, but the children – those adopted today in a foreign land – will summarily have their citizenship status reduced to second class. This is an abhorrent provision.

How many children will be affected by this new legislation? Over the past 5 years, about 1800 children per year have come to Canada by international adoption. Thousands of Canadians are on waiting lists for foreign adoption – many because it is the only way for them to have a child and a family, others because they wish to give a family to a child who would otherwise never have one. How can we justify placing further hardships on this very human activity?

We are convinced that this new law discriminates against our children, threatens their status as citizens, and imposes unnecessary expenses and processing demands upon them. We ask that you repeal the prescriptions of the new law as outlined in the private members bill of Olivia Chow, MP, C- 397.