



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Honourable Alice Wong, P.C., M.P.

Member of Parliament
Richmond Centre

January 28, 2020

An open letter on birth tourism from MP Alice Wong

There have been multiple stories in the media in January 2020 on the topic of birth tourism. This lengthy letter is to offer perspective of this office and the very real impact it has on our community in Richmond, British Columbia.

Certain media perspectives talk about imprecise statistics or the need to perform lengthy studies on quantifying the exact amount of birth tourism. This is an argument presented as a stalling smokescreen for the underlying issue, which is examining whether being born on Canadian soil is solely justifiable grounds to grant Canadian citizenship. For those looking to obtain evidence on the existence and magnitude of birth tourism, I suggest, off the record, to talk with nurses and doctors of our hospitals that handle our maternity wards and deal with this issue on the front lines. The non-resident births reported are a reasonable proxy for birth tourism.

Given the relative costs of healthcare for non-residents, Canada is not known as a medical tourism destination except for the purposes of birth tourism, where birthing houses are openly advertised internationally for these purposes. Whether there are one or ten thousand birth tourists is not relevant. Instead, I argue that it should be a requirement that some amount of connection to Canada is required to grant citizenship beyond solely happening to be born on Canadian soil.

There are many ways to become Canadian per the *Citizenship Act*. I will list the three most common methods. You could be born to a Canadian parent (*jus sanguinis*, "right of blood"). You can immigrate (through various programs including refugee status) to Canada, become a permanent resident for 3 years, and apply for Canadian citizenship (naturalization). A third method is to be born on Canadian soil (*jus soli*, "right of soil"). The latter of the three is subject to exploitation.

I do not think many will argue that being born to a Canadian is an obvious connection to Canada. Indeed, the *Citizenship Act* was amended in 2009 to not allow the passing of Canadian citizenship to those that are two non-resident generations born abroad – the motive behind this is that the connection to Canada has been lost to the country they were born.

Another way is establishing a connection to Canada through immigration. The process to get into Canada as a permanent resident is a lengthy process, and hundreds of thousands of people submit their applications yearly, because Canadian citizenship is cherished world-wide. I entered Canada through this route, as have many of Richmond's residents. Canadians have rights that citizens of many other countries do not.

While we have many rights, the obligations of Canadian citizens, especially non-resident Canadians, is relatively few. Thus, we should not treat the granting of Canadian citizenship lightly. Contrast this with our American counterparts, where if they are citizens, have an obligation and responsibility to remit income taxes on worldwide income, whether they are resident or not. Canadian non-residents do not have this financial obligation, a key difference.

As a result, we should not allow *jus soli* to be used as a loophole for citizenship. The babies that are born via birth tourism only have the most peripheral connection to Canada. Those that come to Canada on a tourist visa strictly for the purpose of giving birth to babies is a slap in the face to the millions of immigrants that decided to make Canada their home, follow the rules, and obtain Canadian citizenship.

There are three "red herring" arguments that have typically been presented as reasons to ignore the issue, and I will briefly go over them. One is fears of stateless babies – that there will be thousands of babies born without any nationality. The second is injustice arguments regarding refugee admissions and subsequent childbirth. Finally, others have argued that changing provincial jurisdiction policies will 'solve' the problem. All three are incorrect.

In regards to stateless babies, nearly all states have *jus sanguinis* policies concerning the conveying of citizenship to babies, the only question being whether they need to apply for it. A baby born to non-resident foreign nationals would inherit the citizenship of the foreign nationality. In other western democracies, both Australia and the United Kingdom have enacted laws removing *jus soli* as being sufficient to convey citizenship, and there have not been stories of stateless children born. Even if it was to be the case, per the *UN Convention on the Reduction of Statelessness* that Canada ratified in 1978, the *Citizenship Act* has a "catch-all" rule that permits Canadian citizenship to those that have always been stateless.

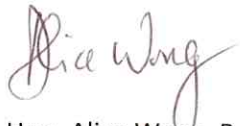
In regards to refugee claimants, duly admitted refugees are afforded the rights of permanent residents and their children born in Canada would be considered Canadian citizens (and if their originating country allows for dual citizenship, that of the originating country). No suggestion to remove this provision from the laws governing refugee claimants has been seriously suggested, and I can assure the critics that any attempt to remove these protections from refugees will be fought by myself and caucus colleagues.

In regards to addressing birth tourism through other government jurisdictions, the provincial government has the ability to regulate the usage of healthcare, and indeed, there have been confirmed stories of unpaid hospital bills of non-residents and also stories of resident pregnant mothers going into labour that have had to be turned away to other hospitals due to capacity constraints. A hospital emergency ward is not going to turn away mothers in labour, whether they have pre-paid for their deliveries or not. In other words, the issue of birth tourism is a federal jurisdiction issue to solve.

To be clear, I am in favour of birthright citizenship, but only to those that are born of Canadians or those that are permanent residents.

Birth tourism must stop – if non-resident mothers and fathers wish their babies to receive Canadian citizenship, there are plenty of avenues for them to obtain legal permanent residency, establish their Canadian roots, and they and their children will be welcomed with open arms like the millions of other immigrants such as myself that make our great nation.

Regards,



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