

OPINION

Citizenship Act creates a 'stateless' child

With a Canadian father born in Libya and naturalized-Canadian grandparents, Rachel Chandler no longer qualifies for Canadian citizenship

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Rachel Chandler was born in Beijing on June 5 and she may well be the first child rendered stateless by ill-conceived amendments to Canada's Citizenship Act in mid-April.

Rachel is stateless even though dad is a Canadian, even though both her paternal grandparents are Canadian and live in Ontario, even though her maternal grandmother was born and raised in Nova Scotia and one of her great-great-grandfathers fought for Canada in the Second World War.

The problem is that Patrick Chandler was born in Libya, where his parents met while teaching at an English school. His father was a naturalized Canadian, having immigrated from Ireland. His mother was an American, whose mother's roots in Canada extended back two generations.

When Patrick was two, the family settled in Mississauga, Ont., which is where Patrick stayed until two years ago when he went to Beijing to work.

Rachel's mother, Fiona, is a Chinese citizen. But Rachel isn't automatically eligible for Chinese citizenship either. Her parents aren't married. Their marriage is caught up in bureaucratic processing.

If they tried to get Rachel Chinese citizenship, they would have to pay what Chandler says is a "monster fine" for having a child out of wedlock. The size of the fine is determined at the discretion of a government official only after she or he has examined the parents' finances.

What's Canada's response to Rachel's dilemma? Try Ireland. Yes. Really.

Even though Patrick has never had Irish citizenship, his father was born there. So the Ottawa bureaucrats suggested that Ireland might be willing to take Rachel in.

And it must be said that the Irish are willing to contemplate accepting her under its "claim to citizenship by descent."

Without citizenship documents, Rachel is legally invisible.

She has no rights and no government willing to protect them. She is not eligible to attend school. Her family can't get health insurance for her since she doesn't officially exist and she won't be covered by state medicare in China.

She can't travel anywhere outside Beijing except by car, since proof of citizenship is required to board even domestic flights.

In China, where child abduction is rampant, she legally doesn't exist and is therefore not traceable.

This is why rendering children like Rachel stateless by denying citizenship is an abrogation of the United Nations Convention on the Rights of the Child. Canada was one of the first countries to sign it.

Yet Canada's Citizenship Minister, Jason Kenney and the Conservative government apparently don't know that or don't care.

The official word from Canada — the only home Chandler knows and where he has lived for 18 of his 22 years — is that Chandler could apply to sponsor Rachel to immigrate to Canada as a permanent resident.

To apply, Chandler has to be in Canada. That would mean leaving Fiona and Rachel, breaking his contract as an educational consultant and forgoing the thousands of dollars and hours he has invested in setting up his own business in China.

"If the child is truly stateless," the Ottawa bureaucrats said, another option is for Chandler to ask for a "grant of citizenship for stateless persons," a temporary travel document that would enable him to get Rachel on a plane, bring her to Canada and live here for three years, after which she would be eligible to apply for citizenship.

Of course, that would mean leaving Fiona behind because Fiona is a Chinese national and she would either have to be sponsored or apply to immigrate.

Unsurprisingly, Patrick Chandler — a proud Canadian and (unbelievably) still willing to admit to being a Toronto Maple Leafs fan — is angry, hurt and confused.

He's especially upset that nobody at the Canadian Embassy in Beijing gave him a heads-up, even though the amendments limiting the right of citizenship to the first generation born abroad were first introduced in Parliament in January 2008.



Rachel Chandler (above), daughter of Patrick Chandler and his partner Fiona (below), was born in June and because of amendments made to the Citizenship Act just a few days before she was born, she is now stateless.

In fact, even after Rachel was born, embassy staff never mentioned it and instead provided him with the location of a photographer who knows exactly what size and kind of photos are needed for Canadian passports, as well as detailed instructions about what documents he needed to prove his citizenship.

After he'd gone to the expense and trouble of assembling all the photos and documents and after the embassy official had already begun stamping some of the forms, she suddenly looked up at Patrick.

"Your mother and your father and you were not born in Canada?" she asked. That's when Chandler learned that his daughter was stateless.

I asked Chandler what he would say to Canada's citizenship minister if he had a chance.

Here's his e-mailed response.

"I guess I would tell him that the Canadian passport should have some value to it. People

should not abuse it. . . . I would ask him if he has a heart.

"Then I would tell him that being a Canadian is not about a little book, it's a way of life. We are Canadians, it is in our nature to be kindhearted, and sympathetic to those in need.

"I would tell him to push this bill to be amended, and add a time frame to it. If you have lived in Canada for X number of years and hold citizenship, then where you were born is irrelevant. That way, those of us with real ties would be able to pass along citizenship, and those of us without, would not.

"I would ask him, 'What do I say to my friends regarding my daughter's citizenship and why it's taking so long?' I would ask him if he's ever had the privilege to live overseas and represent Canada, to another country.

"I would ask him what he thinks it means to be a Canadian."

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