

In summary, the program has its advantages for both Canadian and international students who have the desire to study and live in Canada; however more is needed for the program to realize its purpose – to attract young, skilled and talented workers in Canada.

As stated, the program should be accompanied by practical measures such as incentives to employers who hire international students, consideration of an Off-Campus Program similar to the American model, separate and specific procedures for applying for student work permits.

Dual Citizenship

Ed Corrigan

The recent crisis in the Middle East has highlighted the issue of dual citizenship. There are some individuals who are Canadian citizens but are also citizens or nationals of another country. In Lebanon, there are at least 40,000 Canadians who were either visiting Lebanon or residing there on a temporary or permanent basis. There are also Canadian citizens who are citizens of Israel too. The Canadian government has undertaken to provide assistance to Canadian citizens who are trapped in the Lebanese war zone, and are trying to help them escape to safety. The Canadian government, unlike the American government, is not charging its citizens for the removal to safety. Since there is no difficulty in leaving Israel, there is no special program for the removal of Canadians from Israel.

The law of Citizenship Canada was amended on February 14, 1977 to make it possible for Canadians to hold dual citizenship. Typically, a Canadian citizen has the right to enter and reside in Canada. Other rights include full mobility rights in Canada, the right to work, and the right to have access to services normally available to citizens. There are also obligations with regards to paying taxes or determining in which country you are resident for taxation purposes. Accessibility to some services requires a certain period of residence. For example, in order to receive medical coverage in Ontario, one has to be a resident for at least three months before Ontario Health Insurance Plan (OHIP) can be accessed.

In the global community, there are many people who hold the nationality of more than one country. In the United States, for

many years it was impossible to hold the citizenship for more than one country. The American Immigration and Nationality Act (INA) states that a U.S. citizen over the age of 18 “shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality...” These included obtaining naturalization of foreign states upon their application period or taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof.

Accordingly, for Americans it was very difficult to obtain a second nationality since it would imperil the United States citizenship. However, after a decision of the U.S. Supreme Court in April 1990, the United States State Department adopted a policy which allowed dual citizenship.

The situation in Lebanon has led to calls from some Canadian politicians that Canadian tourists visiting Lebanon and people who do not have dual citizenship should be given priority in the evacuation from the war zone.

This is a dangerous sentiment and one that has no basis in law. The *Canadian Charter of Rights and Freedoms* guarantees equality for all citizens. It would be unconstitutional to create different classes of citizens. There are no second class citizens in Canada. Once you acquire citizenship you have the same rights as any other Canadian. Once a citizen, you cannot lose your Canadian citizenship status unless there was misrepresentation or fraud involved in acquiring that status.

People acquire dual citizenship in a variety of ways. Some people are citizens of another country and they choose to make Canada their home. They become permanent residents and then they acquire Canadian citizenship. Some are stateless and immigrate to Canada. They are Canadians by choice. Other individuals may have a parent who is a citizen of another country and, if the laws of that country allow it, the child can acquire the citizenship of the parent. In Canada both men and women have the right to pass on their citizenship to their children. Children of Canadians who are born in other countries can also sometimes acquire the citizenship of their birth country. The United States for example follows this approach.

Disadvantages of Dual Citizenship

If you are a citizen of another state, you are subject to the laws of that country. You may have obligations to the second country of citizenship. When you are in the second country of citizenship, the laws of that country prevail over those of Canada. You may have legal obligations to repay the cost of services received, including educational costs and any other benefits received. You may also be subject to restrictions on exit, subject to taxes, and even compulsory military service.

There are practical reasons why it is almost impossible for Canada to directly intervene in the affairs of another country, especially when you are a citizen of that country. Certainly there are moral and political obligations to protect citizens and some legal obligations to provide services to citizens who are outside of Canada. But the practical reality may limit the protection and service offered.

Accordingly, if you are a citizen of more than one country you should inform yourself of your rights and obligations and make sure that you are not in violation of any laws of all your countries of citizenship. This is especially the case if you visit that second country of citizenship. Even if you are outside of that country, you still may have obligations to retain your citizenship. For example, you may be obligated to perform military service.

The crisis in Lebanon brings home the fact that there are many Canadians who hold citizenship of two or more countries. The law in Canada is that we do not discriminate against our citizens. Once you are a citizen you have the full rights and benefits of a Canadian citizen and all of the obligations that go along with being a Canadian citizen. We should not make distinctions between types of Canadians and we should not discriminate on any basis, and certainly not on that of national origin, race or religion as that would be very un-Canadian.

This is only a brief introduction to the subject. For proper legal advice please contact a Citizenship and Immigration lawyer.

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