OP-ED: End unconditional birthright citizenship in Canada to curb abuses

Lawyer Sergio R. Karas writes, "Affluent foreign nationals increasingly exploit unconditional birthright citizenship."

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Canada stands as one of the few developed countries that still grants automatic citizenship to anyone born on its soil, regardless of the parents' status. It is time to end this outdated policy. Amending the law to require that at least one parent be a Canadian citizen or permanent resident for a newborn to receive citizenship would close a glaring loophole, deter exploitation of our citizenship, and protect public resources – all while aligning Canada with other modern democracies.

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Affluent foreign nationals increasingly exploit unconditional birthright citizenship. So-called birth tourism – where pregnant women travel here on visas solely to give birth and secure citizenship for their child – has burgeoned into a cottage industry. Nowhere is this more evident than in British Columbia, which has become ground zero for maternity tourism by visitors from China. At Richmond Hospital near Vancouver, over one in five babies is now born to a non-resident mother, virtually all of them Chinese nationals. Companies in China openly advertise "birth packages" in Canada, and investigators have identified dozens of private "baby houses" in B.C. that host expectant mothers from China until they deliver. One Chinese mother told CBC News that she came to Canada to have her third child specifically so the baby would gain a Canadian passport and future education opportunities.

This boom in birth tourism strains our hospitals and taxpayers. Nurses at Richmond Hospital have reported that when the maternity unit is busy, local patients can have inductions or C-sections delayed while high-paying birth tourists "never" get bumped. The influx also brings significant costs. While foreign mothers are billed for care, some leave behind unpaid bills: in one recent year, Vancouver Coastal Health invoiced $6.2 million to non-resident births at Richmond Hospital and had to absorb about 18% in losses from unpaid accounts. In one egregious case, a Chinese birth tourist skipped out on a $312,000 neonatal intensive care bill – a debt which, with interest, swelled to over $1.2 million and forced the health authority to sue for repayment. Such costs fall to the public. Moreover, every birth tourist occupies space in maternity wards, uses nursing resources, and potentially displaces or delays care for Canadian residents. It is a clear abuse of our hospitality and healthcare system, one that treats Canadian citizenship like a commodity to be bought for a price.

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Beyond dollars and hospital beds, the current policy raises issues of fairness and integrity. Canada's Citizenship Act makes no distinction about parents' immigration status – even children of tourists, undocumented migrants, or failed asylum claimants automatically become citizens. This can undermine the rule of law. Individuals with no legal status have used having a Canadian-born child to delay or contest their deportation under our courts' "best interests of the child" principle. In the landmark Supreme Court case Baker v. Canada [1999] 2 SCR 817, for instance, a mother without status avoided removal because authorities had to consider her Canadian-born children's best interests. This is something that has been used successfully in a myriad of cases. Citizenship is meant to represent a genuine connection and commitment to Canada – not simply the GPS coordinates of one's birth.

Canada's unconditional birthright citizenship is an outlier among advanced nations, and other countries' experiences show that reform is sensible. Almost all other G7 and Western European countries have abolished birthright citizenship or made it conditional. The United Kingdom ended jus soli in 1983; now a baby born in the UK is a citizen only if at least one parent is a British citizen or has permanent residency. Germany grants citizenship at birth only if a parent has lived there legally for 8+ years and holds permanent residency. France, which once had broader jus soli, today requires that a child born to short-term foreign parents later prove residency in France during childhood to claim citizenship. Australia similarly repealed automatic berth citizenship in 1986 – now a newborn gets Australian citizenship only if at least one parent is an Australian citizen or PR (or else obtains it later after living in Australia as a child). Even in the United States, our closest peer in maintaining unconditional jus soli, there is growing pressure to reinterpret the Fourteenth Amendment and crack down on "birth tourism" rings. In fact, U.S. authorities in 2019 indicted 19 people for running a California birth tourism scheme serving Chinese clients – a case involving visa fraud, money laundering, and clients paying up to $100,000 to secure U.S. citizenship for their newborns. The US Supreme Court heard arguments last week on the interpretation of the Fourteenth Amendment clause regarding birthright citizenship in Trump v. Barbara and a decision is expected by July.

Ending "birthright by default" in Canada is not about closing the door to immigrants – it is about closing a loophole. A straightforward amendment to the Citizenship Act to require that at least one parent be a Canadian citizen or permanent resident for a child born in Canada to automatically obtain citizenship would dissuade birth tourism overnight. Genuine newcomers would still be welcome through our immigration channels, and children born in Canada could still acquire citizenship once a parent becomes a citizen or via a naturalization process. This reform would protect our social and health systems from unfair burdens and ensure that citizenship is reserved for those with a real stake in Canada. Notably, Canadians across the spectrum support such a change: in one poll, 64% of respondents agreed that birthright citizenship should be denied to babies born to tourists or short-term visitors.

Canada's generosity should not be misused as a shortcut to a "dream passport." Ending unconditional birthright citizenship is a prudent, necessary step to safeguard the value of Canadian nationality. It would shut down an entire boutique industry of "passport babies" that has thrived at our expense, particularly drawing in wealthy travel-from-abroad clients. It would affirm the principle that Canadian citizenship is earned through genuine connection – by blood, by upbringing, or by naturalization – not by accident of birth location. Dozens of other successful, welcoming countries have already made this change, striking a balance between openness and fairness. Canada can do the same. Closing this loophole would uphold the integrity of our immigration system, protect public resources, and underscore that being Canadian is a privilege to be gained through true attachment to this country, not purchased through birth tourism. It is about fairness: citizenship should be a deeper bond than just being born in the right place at the right time.

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