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Attached, Less Attached or Not Attached? Participation in Canada of Overseas Canadian Citizens

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Participation in Canada of Overseas Canadian Citizens¹**

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Executive Summary

Canada has 2.8 million citizens – or roughly 8% of the nation’s total population – permanently residing outside Canada. The interaction or lack of interaction of this group with Canada has become a hot public policy issue, particularly in the wake of the evacuation of Canadians from Lebanon in 2006. This study looks at the extent to which Canadians living abroad participate in Canada in a variety of ways.

Using a broad analytical approach to assess the attachment to Canada, this study demonstrates that 2.8 million overseas Canadians are actively participating in the political, economic and social arenas of Canadian life. This participation vividly shows that the attachment that Canadian citizens living abroad have with Canada is real and multi-dimensional.

The paper has identified three major issues that discourage overseas Canadians from participation in Canada, namely:

- Canadian citizens are ineligible to vote in Canada after five years abroad. As a result, approximately 1.4 million Canadian citizens around the world cannot vote in Canada;
- Second generation children born abroad to naturalized Canadian parents will not obtain Canadian citizenship, and may even become stateless;

¹ This paper is derived from research conducted under the auspices of APF Canada’s three-year project on Canadians Abroad (www.canadiansabroad.ca). An early draft was presented at an APF Canada in-house roundtable and the Conference on Citizen Participation at the Local Level in China and Canada at Xiamen University, China on May 14-15, 2009. Comments from Andrew Sancton, Don DeVoretz and other participants are gratefully acknowledged. However, the views reflected in the paper are those of the author who is also responsible for any errors.

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- Taxation is always a contentious issue. However, the current Canadian taxation system is based on resident status and discourages Canadians abroad from maintaining ties to Canada.

These issues, among many others, highlight the fact that some policies in Canada related to its citizens abroad are problematical. This paper discusses three key policy challenges, namely:

- Lack of accurate and updated knowledge in Canada about Canadian citizens living abroad;
- Inconsistent laws pertaining to the rights and obligations of Canadians living abroad; and
- Absence of a clear definition of the relationship between Canada and its citizens overseas.

The paper concludes Canada's policy toward its overseas citizens is somewhere between what our analytic framework refers to as "disengaged" and "incoherent," which has obviously limited Canada's ability to interact with its 2.8 million citizens abroad. It also impedes a stronger attachment to Canada from its overseas citizens.

Canada has to learn from other countries' experience to develop a better policy towards its citizens overseas, and it should include the following features:

- An assessment of the attachment of Canadians abroad to Canada should be based on evidence from multi-dimensions.
- Canadian laws related to citizens abroad must be consistent with the Charter of Rights, and any content that discourage their participation in Canadian life should be revisited, such as the Acts on voting rights and citizenship rights and obligations.
- A federal agency should be established to coordinate policy affecting Canadians abroad and encourage their attachment to Canada.

I. Introduction

A recent study by the Asia Pacific Foundation of Canada (APF Canada) found that 2.8 million Canadian citizens -- or roughly 8% of the country's total population -- permanently reside outside of Canada.³ APF Canada refers to those Canadians as citizens making up the "Canada's Secret Province."

The interaction of this group with Canada has become a hot public policy topic since the evacuation of over 15,000 Canadians from Lebanon in July 2006.⁴ The debate centres on the degree to which this group of expatriates is attached to Canada.⁵

Residency and taxation issues loom large in the discussion. Some argue that if Canadians living outside Canada don't pay Canadian taxes, their attachment to the country is questionable. But that argument has limitations, because it doesn't take into account the fact that many overseas Canadians participate in the economic, political, social and civil life of Canada, in addition to paying taxes.

This paper looks at the extent to which Canadians living abroad participate in activities in Canada and focuses on the following research questions:

Do Canadian citizens living overseas participate in Canadian life? If so, to what extent and in what ways? What problems arise from their participation or lack of participation? What policies would help to encourage their participation?

The paper begins with a discussion of how participation by overseas Canadians can be defined and includes an analytical framework for discussion. Expatriate voting rights are examined as well as a variety of non-political activities such as schooling, employment, taxation, social security programs and registration at Canadian consulates. The paper concludes with a discussion of three major policy challenges and four options for Canadian policymakers.

³ Don DeVoretz, 2009.

⁴ John Chant, 2006.

⁵ Glen McGregor, 2009a; 2009b.

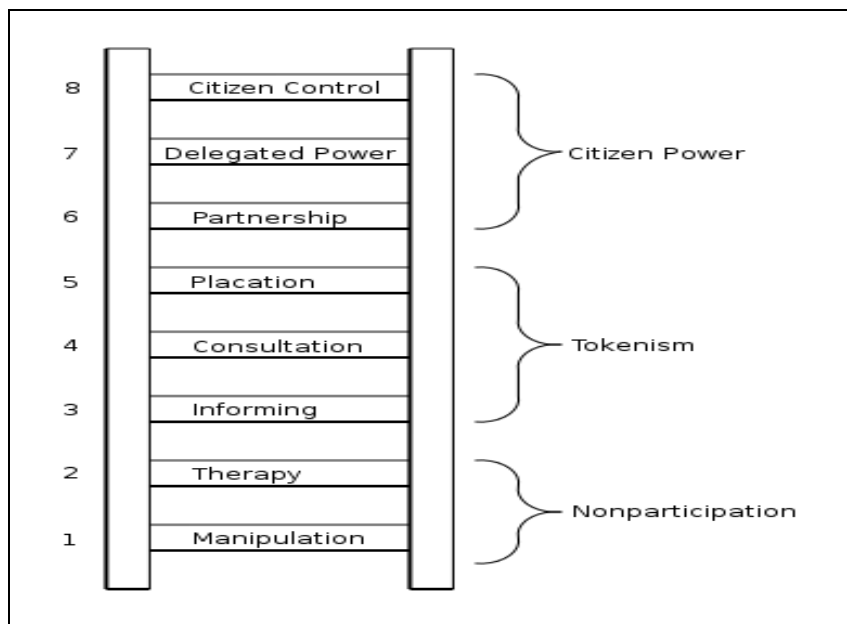
II. Overseas Citizen Participation: An Analytical Framework

In political science the terminology of citizen participation refers to a process that provides individuals with an opportunity to influence public decision-making, which has long been a component of the democratic process.⁶

Do overseas Canadian citizens have any influence on decision-making in Canada? To what extent and in which ways do they wield influence? Do and should any pre-conditions be attached to their influence? These important and complex questions have yet to be addressed systematically, largely because there has not been an analytical framework within which to discuss the subject.

Sherry R. Arnstein's "ladder of citizen participation" (see Figure 1) can assist in the analysis.

Figure 1: The Ladder of Citizen Participation



Source: Sherry R. Arnstein, 1969

According to Arnstein, the bottom rungs of the ladder are (1) "Manipulation" and (2) "Therapy." These two rungs describe levels of "non-participation" that have

⁶ A. Cogan, et al, 1986:283.

been contrived by some power-holders to substitute for genuine participation. Their real objective is not to enable people to participate in planning or conducting programs, but rather to enable power-holders to "educate" participants. Rungs (3) and (4) progress to levels of "tokenism" that allow the have-nots to hear and to have a voice: (3) "Informing" and (4) "Consultation." When they are proffered by power-holders as the full extent of participation, citizens may indeed hear and be heard. But they lack the power to insure that their views will be heeded by those in power. When participation is restricted to these levels, there is no follow through and no guarantee of changing the status quo. Rung (5), "Placation" is simply a higher level of tokenism, because while it allows have-nots to advise, the power-holders continue to decide.

Further up the ladder are levels of citizen power with increasing degrees of decision-making. Citizens can enter into a (6) “Partnership” that enables them to negotiate and engage in trade-offs with traditional power-holders. At the topmost rungs, (7) “Delegated Power” and (8) “Citizen Control,” citizens obtain the majority of decision-making seats, or full managerial power.⁷ Obviously, the eighth-rung is a simplification, but it helps to illustrate the point that there are significant gradations of citizen participation.

Sidebar I: India's Diaspora Policies

India has one of the world's largest diaspora communities -- approximately 25 million. Within the last decade, the Indian government has shown significant interest in the diaspora and established a number of diaspora policies. There are three reasons for this.

First, since India liberalized its economy in 1991, diaspora Indians became more useful as agents of trade, investment, and technology. Second, the Indian government began to recognize the value of the diaspora in industrialized countries, especially the United States, for public diplomacy. Third, from the mid-1990s, ethnic Indians started surfacing as high-level executives of multinational corporations. The success of the community, especially in the United States and Canada, and the community's positive image, led successive Indian governments to take a more proactive approach.

Since 2003, the government has hosted an annual diaspora conference, the Pravasi Bharatiya Divas, that is designed to serve as a platform for interaction between overseas Indians, the Indian government, and interested segments of Indian society, such as businesspeople and cultural and charity organizations. Every year high-level political leaders, including the prime minister, the president, and union ministers, address as many as 1,500 overseas Indians on topics such as investment and philanthropic activities in India as well as concerns of the diaspora communities. Established in 2004, the Ministry of Overseas Indian Affairs coordinates activities aimed at reaching out to the diaspora. These include the "Know India Program" for diaspora youth and annual awards for eminent diaspora personalities. In 2009, the government set up a Global Advisory Council to the prime minister, consisting of diaspora scholars, scientists, politicians, and businesspeople.

In 1999, India introduced the Person of Indian Origin Card (PIO card) and in 2005 the Overseas Citizenship of India Card (OCI card). Both grant practical parity with Indian citizens but do not allow voting, standing for election, or government employment. PIO cards are available to former Indian citizens and their non-Indian-born descendants (up to four generations) while OCI cards are limited to those whose parents or grandparents once had or were eligible for Indian citizenship on January 26, 1950. OCI cards grant a lifelong visa and waive reporting to the police for stays longer than 180 days. As of March 2009, the Indian government had granted almost 400,000 OCI cards, 43 percent of them through Indian consulates in the United States and 13 percent in the United Kingdom.

In January 2010, Prime Minister Manmohan Singh promised at the Pravasi Bharatiya Divas to allow internet voting to 50 lakh (5 million) Non-Resident Indians (NRIs). However, the proposal has been rejected by the Election Commission citing feasibility problems.

With the financial strength of the diaspora in mind, in 2007 the government amended investment laws and established the Overseas Indian Facilitation Centre to make it easier for Indians abroad to invest in India. In addition, the Reserve Bank of India has procedures in place so that NRIs and PIOs can invest in Indian companies.

(More information please refer to <http://www.migrationinformation.org/Profiles/display.cfm?id=745#11>)

⁷ Sherry R. Arnstein, 1969.

As for participation by citizens living overseas, another group of scholars have identified the mechanisms for keeping the state and the diaspora connected. Alan Gamlen, for instance, offers a systematic review of how states relate to their diaspora (India offers a creative example. See Sidebar I on page 6). He shows how states constitute extra-territorial groups as members of a loyal diaspora through a diverse range of institutions and practices. Gamlen distinguished two types of diaspora mechanisms. One focuses on diaspora building, which cultivates and recognizes diaspora communities, while another emphasises diaspora integration, which draws group members into reciprocal ties with their homeland.⁸ A summary of activities of diaspora building and diaspora integration in selected countries is reported in Table 1.

Table 1: Diaspora Mechanisms in Selected Countries

Types and Examples of Diaspora Mechanisms		Country Examples*
Diaspora Building	Cultivating a diaspora: Celebrating national holidays; honouring expatriates with awards; convening diaspora congresses; proclaiming affinity with and responsibility for diaspora; issuing special IDs/visas; national language and history education; extended media coverage	Haiti; India; Ireland; Israel; Japan; Mexico; Morocco
	Recognizing the diaspora: Expanded consular units; commissioning studies or reports; improving statistics; maintaining a diaspora program, bureaucratic unit; or dedicated ministry	Algeria; Azerbaijan; Bangladesh; Benin; Brazil; Bulgaria; Burkina Faso, Chile, China, Colombia, El Salvador, Eritrea, Greece, Guatemala, Haiti, India, Ireland, Italy, Mexico, Morocco, Philippines, Romania, Senegal, South Korea, Syria
Diaspora Integration	Extending rights: Permitting dual nationality, dual citizenship or external voting rights; special legislative representation; consulting expatriate councils or advisory bodies	Colombia, Croatia, France, Italy, Poland, Portugal
	Extending rights: Providing pre-departure services; extensive bilateral agreements; intervening in labour relations; supplementing health; welfare and education services support; upholding property rights	Ireland, Mexico, Philippines
	Extracting obligations: Taxing expatriates, customs/import incentives, special economic zones, investment services, tax incentives, matching fund programs, diaspora bonds and financial products, facilitating remittances, fellowships, skilled expatriate network	Brazil, China, Eritrea, India, Mexico, Philippines, Syria, US

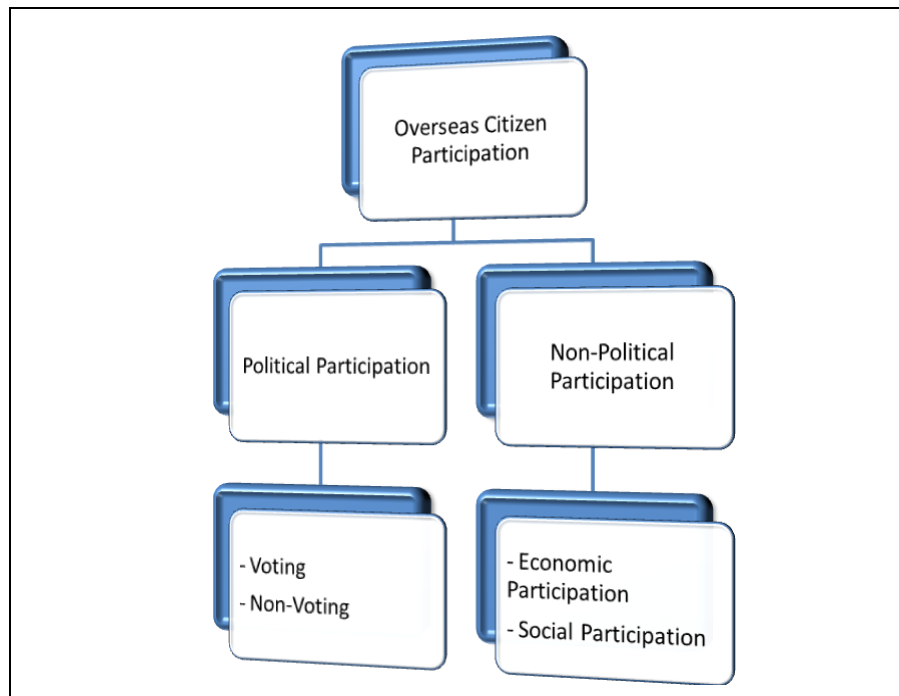
*Note: Examples indicate countries that have “many nation-building activities, a bureaucratic unit, legislative representation, social justice focus, [and] initiatives to leverage the diaspora.”
 Source: Alan Gamlen, 2008: 845-846.

⁸ Alan Gamlen, 2007; 2008.

In addition to offering experiences of many countries dealing with state-diaspora relations, these studies address the issue of the participation of overseas citizens beyond the political scope. They suggest that economic and social integration and participation are also important components of participation in and connection to one's home country.

Our analytic framework follows neither a pure political science approach, nor a mere diaspora study theory. As illustrated in Figure 2, this analysis mixes both. More specifically, the analysis includes both political and non-political participation. The political participation category focuses on extra-territorial voting and other non-voting activities, such as expressing political views and organizing political petitions. The non-political participation category examines economic and social participation such as employment, taxation, social welfare programs, as well as an overall emotional sense of belonging to Canada.

Figure 2: An Analytic Framework of Overseas Canadians Participation



There are three reasons why this analytical framework is necessary. First, the subject of participation by overseas Canadians in Canadian life has been clouded

by events such as the evacuation of Canadian nationals from Lebanon in 2006 (see Sidebar II on page 9). Many questioned whether those overseas citizens paid Canadian taxes and, if not, why Canadian tax dollars were being spent on bringing them back to Canada. The debate spread to questions about the rights and responsibilities of the Canadian diaspora. The problem was that most of the debate focused on a single group (Lebanese-Canadians) caught in unique circumstances (the war between Israel and Hezbollah).

Second, there appears to be widespread misunderstanding about the degree to which Canadians living overseas are attached to Canada. On April 17, 2009, a new Canadian Citizenship Act came into effect. The Act precludes Canadian citizens from passing their citizenship rights to children born abroad after one generation.⁹ The law was passed

Sidebar II: The Evacuation of Canadians from Lebanon in 2006

On July 12, 2006, fighting broke-out between Hezbollah militants based in Lebanon and Israeli soldiers. At the time of the conflict, it was estimated that 40,000 to 50,000 Canadians were visiting or residing in Lebanon. The Government of Canada announced that it would evacuate -- at its own cost -- any of its nationals who wanted to leave Lebanon, leading to the largest mass evacuation the country has ever mounted.

According to the Standing Senate Committee on Foreign Affairs and International Trade, Canada voluntarily evacuated 14,370 people by the end of the crisis. The tab for the evacuation was \$85 million, as reported CTV News.

The evacuation ignited a public debate about the rights and obligations of Canadian citizens who live permanently overseas, especially those with dual citizenship. Major concerns were centered on a number of questions.

There was a debate about those who were termed "Canadians of convenience." They were people with multiple citizenship who immigrated to Canada, met the residency requirement to obtain citizenship, moved back to their home country, but continue to hold on their Canadian citizenship.

Many argued that if a Canadian passport was the only connection these expatriates had with Canada, their attachment was questionable. Others suggested that citizenship should expire after a certain period if the person in question didn't live in Canada anymore. Others said a longer occupancy should be required to get Canadian citizenship.

Others wanted to see dual citizens who lived outside the country pay Canadian taxes, suggesting that if they didn't, they should give up their citizenship. Many questioned why "tens of millions of dollars" were spent on individuals who are citizens, but who didn't reside in Canada.

As a rule, Canada asks citizens to reimburse the government for their evacuation from foreign lands. But in this case, the federal government decided that taxpayers would foot the bill. Ottawa similarly agreed to waive evacuation charges after the devastating 2004 tsunami.

More info please refer to:

<http://www.cbc.ca/news/background/middleeast-crisis/canada-lebanon.html>

⁹ Ibid.

to emphasize the importance of having an attachment to Canada. Media reports reflected those concerns. An article in the *National Post* on January 16, 2009 said that "The legacy of Canadian citizenship will not continue to be passed on through generations living abroad who may have no or little attachment to Canada."¹⁰ Others argued that "if you're going to be a Canadian, you have to have some substantive ties. If you keep giving citizenship on indefinitely to your progeny and their progeny, the ties are pretty questionable."¹¹

Finally, current Canadian policies tend to discourage participation in Canada by citizens living abroad. Many Canadian regulations, laws and institutional arrangements diminish the rights of overseas citizens by taking away their voting and citizenship rights. Other measures discourage citizens from asserting their ties with Canada while living abroad, such as taxation obligations and maintaining their credentials to practice their professions in Canada.¹²

III. Political Participation

Voting Rights

Voting rights for non-resident citizens are now common in many countries, but the significance of the overseas vote varies widely according to the proportion of citizens living overseas and the turnout of those who are eligible to vote.¹³

There are four possible scenarios for the participation of overseas citizens:¹⁴

1. **Vote in home district.** Expatriates have to travel back to their country of origin in order to vote.
2. **Vote abroad for home district.** Expatriates can vote in polling stations abroad but the votes are counted as if they were resident in an electoral district within their country of origin.

¹⁰ Glen McGregor, 2009a.

¹¹ Glen McGregor, 2009b.

¹² Kenny Zhang, 2009b.

¹³ Rainer Bauböck, 2005.

¹⁴ Michael Collyear and Zana Vathi, 2007.

3. **Vote abroad for direct representation.** Expatriates elect their own representation in legislative elections.
4. **Expatriates are not allowed to vote**, although elections are held in the country.

In a sample of 144 countries, Michael Collyear and Zana Vathi found that 115 or 80 % allowed citizens who are permanently resident outside the country to participate in elections in their home country.¹⁵ A distribution of overseas voting in home country electoral systems for 144 countries is illustrated in Table 2.

In Collyear and Vathi's survey, Canada falls under scenario 2, that is, expatriates can vote in polling stations abroad but their votes are counted as if they were resident in an electoral district within their home country. However, under Canadian law, voting has to be exercised under certain conditions that relate to residency requirements.

Table 2: Survey of Overseas Voting

Category	Frequency	Percentage (%)	Country Examples
1. Vote in home district	13	9	Chile, China, Costa Rica, Israel, Lebanon
2. Vote abroad for home district	89	62	Afghanistan, Australia, Canada, U.K., U.S.A.
3. Vote abroad for own representation	13	9	Algeria, France, Italy, Haiti, Portugal
4. Not allowed to vote	22	15	Denmark, Egypt, Hong Kong, India, South Africa
5. No elections	7	5	Bhutan, North Korea, Saudi Arabia, Somalia, U.A.E.,
Total	144	100	

Source: Collyer and Vathi, 2007:16; 29-36.

The right of Canadians living abroad to vote in federal elections¹⁶ by special ballot is provided for in section 222 of the Canada Elections Act¹⁷. In order to qualify to

¹⁵ Ibid.

¹⁶ After six months of moving outside Canada, citizens are no longer eligible to vote in either municipal or provincial elections. See Elections Canada (2009) for details. For reasons of simplicity, this paper discusses federal elections only.

vote, a Canadian living abroad must have resided in Canada at any time before making the application, have been living outside the country for less than five consecutive years immediately before applying, and intend to return to Canada to resume residence in the future. The five consecutive year requirement does not apply to employees of the federal or provincial public service, international organizations of which Canada is a member and to which Canada contributes, persons who live with an elector as described above, or persons who lives with a member of the Canadian Forces.

The first requirement of having resided in Canada is understandable, but the other requirements raise some interesting questions. Why does the legislation specify a five year period for voting eligibility as opposed to four or six? And what evidence can be used to determine whether a citizen resident abroad intends to return to Canada?

In fact, Canadians living abroad (except for military personnel and diplomats) were not allowed to vote at all until 1993, when Bill C-114, *An Act to Amend the Canada Elections Act*, was introduced in the House of Commons. (The bill was introduced in February and received Royal Assent on May 6.) Under Bill C-114, all Canadians living or travelling outside the country – not just military personnel and diplomats – can vote, provided they have not been absent from Canada for more than five years; intend to return home at some time; and apply for the special ballot before the deadline.¹⁸

Parliamentary debates about Bill C-114 shed some light on the reasoning behind the introduction of the five-year limit. Some Members of Parliament argued that Canada did not have official statistics on the number of Canadians living abroad and that the right to vote might be granted to citizens who were not paying Canadian income taxes. Other lawmakers were in favour of granting the right to vote to any Canadian citizen with no time limit as long as they were able to prove their intention to return to Canada. Ultimately, Parliament compromised and

¹⁷ The Canada Elections Act (S.C. 2000, c.9).

¹⁸ Office of the Chief Electoral Officer of Canada, 2007.

decided to set a time-limit of five years while maintaining as a requirement the intention to return to Canada.

That decision is likely to result in thousands of Canadians losing their voting rights in Canada. According to an Asia Pacific Foundation survey, nearly 56% of overseas Canadians have lived outside Canada for more than five years.¹⁹ If we take the 88% of Canadians in the 2006 census who are 20 years or older to apply to the 2.8 million overseas population,²⁰ the number of potential voters who lost their voting rights is approximately 1.4 million. This number could include everyone from retired hockey stars in the United States to celebrities and employees of Canadian companies such as Bombardier and Manulife who are on long-term postings abroad. In short, the five year rule trumps all.²¹

Non-Voting Activities

Canadians take part in non-voting political activities in many different ways. These include searching for political information, joining or volunteering for a political party, and writing to a newspaper or politician.²² Other types of participation include signing a petition, boycotting a product on ethical grounds, participating in a demonstration or rally, or speaking at a public meeting.²³ Recent studies on the overseas Chinese,²⁴ and other diasporas²⁵ suggest that these communities are increasingly involved in domestic politics, whether it involves a form “national image building” or foreign policy.

Three recent cases of Canadian citizens living overseas who have defended their rights illustrate the scope of non-voting political activities.

¹⁹ Ibid.

²⁰ Every person who is a Canadian citizen and is 18 years of age or older on polling day is qualified as an elector. The 2006 census aggregated tables do not have a cut-off at 18 years of age. Thus this paper uses 20 years and above as a proxy for this calculation.

²¹ Yuen Pau Woo, 2008.

²² Leslie-Anne Keown, 2007.

²³ Anne Milan, 2005.

²⁴ Sheng Ding, 2008.

²⁵ Michael Fullilove, 2008.

Case Background

Bill C-37, An Act to amend the Canadian Citizenship Act, came into effect on April 17, 2009, one year after the Royal Assent.²⁶ The purpose of the Act was to address the issue of the so-called “lost Canadians” -- people who think of themselves as Canadians and who wish to participate in Canadian society, but have either ceased to be citizens, or for various legal reasons, were never considered Canadian citizens in the first place. In many cases, “lost Canadians” were not even aware that they were no longer Canadian citizens until they applied for a certificate of Canadian citizenship or other documents.

The Citizenship Act was amended to give Canadian citizenship to those who lost it or never had it, due to outdated provisions in existing and previous legislation. But the Act was also amended to preclude Canadian citizens from passing citizenship down to children born abroad after one generation. This change has had a significant impact on the rights of Canadians living abroad.

Case 1: The Position Paper of the Canadian Chamber of Commerce in Hong Kong

The Canadian Chamber of Commerce in Hong Kong is a proactive, non-governmental body representing more than 1,200 members with business interests in Canada, Hong Kong and mainland China. Founded in 1977, it is the biggest Canadian business association outside Canada and one of the largest and most influential business groups in the Asia Pacific region.

On October 23, 2009, the Executive Committee of The Canadian Chamber of Commerce in Hong Kong issued a position paper after extensive consultation with the Chamber’s membership.²⁷

In its paper, the Chamber argued that:

²⁶ Penny Becklumb, 2008.

²⁷ The Canadian Chamber of Commerce in Hong Kong, 2009, available at http://www.asiapacific.ca/sites/default/files/canadiansabroad/Portrait_Report/CanCham%20HK%20on%20Canadian%20Citizenship%20Oct%202009.pdf, accessed on Jan. 5, 2010.

- Canadians abroad are important contributors to Canadian interests.
- Current legislation demeans citizenship for Canadians born abroad to Canadian expatriates and for Canadians adopted from abroad (who acquire their citizenship through the ‘direct route’) and who live in and/or contribute to Canada.
- There are concerns about citizenship being diminished through the granting of citizenship to subsequent generations of persons with no Canadian connection.
- Children born to Canadians abroad risk having stateless children should they give birth in a country that does not recognize the place of birth as grounds for citizenship.
- Uncertainty about children’s status could have a chilling effect on Canadian business, government, educational and military placements abroad and recruitment for work that could involve foreign postings.
- The law is especially discriminatory against women.
- Bill C-37’s enactment contravenes principles of not applying laws retroactively.

In conclusion, the Chamber recommended that Canadians born overseas should retain the ability to have children abroad after completing the same residency requirements as Permanent Residents seeking citizenship. This includes allowing minors to be considered under application by their parents or legal guardians.

Case 2: The Canadian Expat Association’s Online Petition

The Canadian Expat Association is a non-profit, non-governmental organization linking Canadians living abroad under one bilingual platform. The association, which opened its doors in the summer of 2007, offers the opportunity for members to search in both French and English for global events, Canadian member companies operating around the world, and to read articles and obtain information that enhance their lives overseas. As an advocate for Canadian

expatriates, the association plays a key role representing Canadians who previously had no collective voice.

In March 2009, just before Bill C-37 came into effect on April 17, the Canadian Expat Association launched an online petition to prevent the bill's enactment.²⁸ Addressed to Jason Kenney, Minister of Citizenship and Immigration Canada, the petition complained that the amendments to prevent citizenship from being passed from generation to generation failed "to take into consideration Canadians that in fact are strongly connected to this great nation but due to no fault of their own were born outside of Canada..."

As of the beginning of 2010, 2,441 had signed the petition. Many of the comments on the petition's website are forceful:

- "Please don't make my grandkids stateless!" (Cindy)
- "How is it that non-tax-paying welfare recipients and convicted, incarcerated pedophiles and murderers retain their Canadian citizenship, while Canadians living abroad and paying taxes in Canada, having children abroad, cannot have their children claimed as Canadian citizens?" (Carol)
- "As a very proud Canadian living abroad, I am fairly certain these restrictions will make it difficult for me to pass on the love of my country to my children's children. Will this be the end of my family's ties to such a great nation?" (Elsa)
- "This is surely a violation of the Charter of Rights." (Mark)
- "Our family roots are planted among some of the oldest families in Canada long before Canada became a nation in 1867. Now, it happens that my daughter was born in Paris, France, when I happened to study in that country as a young man. Now, my daughter, as a Canadian citizen, happens to work in Vienna for the United Nations. She is expecting a child who will happen to be born in Austria. That child will be denied Canadian

²⁸ <http://www.petitiononline.com/cexpat01/petition.html>

citizenship. This is totally unfair and flies in the face of rationality and common sense.” (André)

Case 3: Online Forum to Fight Bill C-37

The website, www.amendc37.ca, was created for Canadians to discuss citizenship and the consequences of Bill C-37. Created by Canadians living in Singapore, the website states that:

“This legislative change has significant implications to Canadian expatriates, the families of adopted children born abroad and the global organizations hiring Canadians in any position outside Canada, including the U.S. Real people and real lives are seriously impacted and we've created this site to:

- Learn how Bill C-37 impacts you, your loved ones or future generations
- Communicate with others affected
- Help you act to amend Bill C-37
- Attract support & resources to help fight Bill C-37 '2nd generation' clause.”

These three cases vividly demonstrate that Canadians abroad, both individually and collectively, participate actively in the process of Canada’s policy changes, especially those related to their rights. More importantly, the degree to which they participate is beyond tokenism. These cases also invite policymakers to pay serious attention to the issue of diaspora integration.

IV. Non-Political Participation

This section discusses non-political participation of Canadian citizens abroad, including schooling, employment, paying taxes, and registering at Canadian embassies, high commissions and consulates. Many Canadians abroad also have an emotional sense of belonging to Canada.

Economic Participation

Michael Fullilove, a former adviser to Australian Prime Minister Paul Keating, recently observed a trend common among diaspora communities worldwide:

“Connectedness has grown exponentially, as the telegraphy, the press, radio, television and transcontinental telephony have given way to computers, satellite television, the Internet, email, chat rooms, blogs, Internet telephony such as Skype, video-sharing sites such as YouTube, and social networking communities such as Facebook and MySpace. This trend, which has enabled information flows and interactions between people who are physically distant, has naturally enough benefited diaspora communities.²⁹”

The connectedness between Canadian citizens residing overseas and Canada is no different than the connections evident between other diaspora communities and their home countries.

Schooling

Attending a school certified in the Canadian system and studying toward a Canadian degree is an important form of economic and cultural participation in Canada. There are 60 accredited Canadian schools in 19 countries, of which 36 are in China, as shown in the following table:

²⁹ Michael Fullilove, 2008:9.

Table 3: A Summary of Overseas Canadian Accredited Schools

Province	No. of Schools	China	Other*
Ontario	25	12	13
British Columbia	13	11	2
Nova Scotia	8	5	3
Manitoba	6	2	4
New Brunswick	4	4	-
Alberta	3	2	1
Prince Edward Island	1	-	1
Newfoundland and Labrador	-	-	-
Saskatchewan	-	-	-
Quebec	-	-	-
Total	60	36	24
	100%	62%	38%

Note: * 18 different countries.

Source: International Quality Education website, <http://www.iqe.com.hk/iqe/interschools.htm> (accessed on March 13, 2009).

Although many Canadian international schools or educational programs are aimed at local students, Canadian children also enroll in these programs. At the Canadian International School of Hong Kong, for example, there are more than 1,640 students, representing 31 nationalities. More than 50% of the students are Canadian.³⁰

Canadian international schools not only provide access to Canadian students abroad, but also play a key role in improving bilateral relations with the host country and accelerate the globalization of Canada's knowledge industry.³¹

Employment

Globalization has changed the idea of work for many Canadians. The number of transnational businesses³² is growing and Canadians no longer have to stay at home to work for a Canadian company. Living overseas does not prevent them

³⁰ The Canadian International School of Hong Kong website at <http://www.cdnis.edu.hk/en/aboutus/people.jsp> (accessed on March 13, 2009).

³¹ APF Canada, 2008; Myhyon Jeon, 2009,

³² DFAIT, 2009.

from working for Canadian businesses or doing business with clients or contractors in Canada.

According to a survey by APF Canada,³³ approximately two out of three Canadians living abroad left Canada for work-related reasons. Nearly one-third, or 29% of the respondents, reported that they are working abroad for Canadian entities, including government, businesses, NGOs, or in some form of self-employment.

Taxation

A popular misconception is that Canadians abroad do not pay Canadian taxes. That's why some claim the need to tax non-resident Canadian citizens on their world-wide earnings, especially since Ottawa is running huge deficits.³⁴

In fact, Canadians abroad are potentially liable to pay income tax and must file tax returns depending on their residency status and their source and type of income. According to the Canada Revenue Agency, a Canadian citizen residing abroad has to determine his or her status. There are four categories: "factual resident," "deemed resident," "non-resident," and "deemed non-resident." Once an individual's status is determined, he or she is required to report all, or certain types of, income on Canadian tax returns.³⁵

As the Auditor General of Canada has noted, the globalization of the workforce and growth in international investments have had a significant impact on taxes owed to Canada, both by Canadian residents earning income and doing business abroad, and by non-residents earning income in Canada.³⁶

³³ Kenny Zhang, 2007.

³⁴ National Post, March 10, 2010, [http://www.financialpost.com/m/story.html?id=2664266&s=Related+Topics&is=The%20Matrix%20\(Music%20Producers\)&it=Organization&p=10](http://www.financialpost.com/m/story.html?id=2664266&s=Related+Topics&is=The%20Matrix%20(Music%20Producers)&it=Organization&p=10) (accessed on April 20, 2010)

³⁵ For details, please refer to Canada Revenue Agency, "Canadian Residents Abroad," 2007 Revision.

³⁶ Report of the Auditor General of Canada, February 2007.

In addition to income taxes, a Canadian living overseas pays Canada's retail or sales taxes as a consumer of Canadian goods and services. If a person has property in Canada or is involved in the sale and transfer of property, property taxes are payable to Canada.

Similarly, an overseas Canadian incurs a duty when he or she brings goods exceeding specified amounts across the Canadian border. In addition, all adult Canadian passport holders must pay a consular fee³⁷ of \$25, which is included in the cost of getting a new passport. In some instances, Canadians living abroad must also pay a consular fee for specialized services.³⁸

Pension Plan

The Canada Pension Plan (CPP) is a contributory social insurance program based on earnings. CPP operates throughout Canada, although the province of Quebec has its own program called the Quebec Pension Plan. Canada has social security agreements with 52 countries to help people qualify for benefits from either country.³⁹ Agreements may allow periods of contribution to the other country's social security system, to be added to contribution to the Canada Pension Plan, in order to meet minimum qualifying conditions.

For example, the Agreement on Social Security between Canada and France came into force on March 1, 1981. Benefits included in the agreement are the Canada Pension Plan and the Old Age Security program.

A Canadian citizen who lives or has lived both in Canada and France for certain periods of time after the age of 18, (during which period the person worked and

³⁷ The fees collected are used to maintain and improve Canadian consular services around the world.

³⁸ For details, please refer to consular fee schedule at http://www.voyage.gc.ca/about_a-propos/fees_frais-eng.asp.

³⁹ As of April 2009, a full list of the 52 countries is provided at Service Canada's website, <http://www.hrsdc.gc.ca/eng/isp/ibfa/summarytoc.shtml> (accessed on April 7, 2009).

contributed to the social security plan in the country where he resided), may qualify for benefits in both countries.⁴⁰

If the person does not meet the minimum contribution requirement to the CPP, Canada will consider his or her periods of contribution to the French pension program after the age of 18 as the equivalent of making contributions to the CPP.

Old Age Security is payable at the age of 65 to persons who meet certain residence conditions. To qualify for this pension in Canada, a person normally must have lived in this country for at least 10 years after the age of 18. He normally needs 20 years of residence in Canada after the same age to receive an Old Age Security pension outside Canada.

Like the bilateral agreement between Canada and France, agreements exist between Canada and 51 other countries that enable Canadians to qualify for benefits in Canada and in the country where they have lived overseas, regardless of whether they return to Canada. Canadians in all 52 countries may also receive benefit payments if they meet CPP eligibility conditions. The CPP payments are made anywhere in the world in the local currency when applicable and, if not, in Canadian dollars. In some countries,⁴¹ such as the US or the UK, CPP payments can be deposited directly to an account at a local financial institution and the funds are automatically converted into local currency.

According to Human Resources and Skills Development Canada, Canadian social benefits paid outside Canada to countries with which Canada has concluded a social security agreement reached C\$637 million in 2008, covering 225,799 Canadian residents in 48 countries, with a payment per capita of \$2,820.

⁴⁰ Service Canada, <http://www.hrsdc.gc.ca/eng/isp/pub/ibfa/france-i.shtml> (accessed on Dec. 27, 2009).

⁴¹ A list of 15 countries where CCP payments can be deposited directly into a local financial institution can be found at Service Canada's website, <http://www1.servicecanada.gc.ca/eng/isp/common/foreigndd.shtml> (accessed on April 8, 2009).

Social Participation

Getting connected

The Government of Canada through the Department of Foreign Affairs and International Trade (DFAIT) developed a Registration of Canadians Abroad (ROCA) service that offers consular registration to Canadians living or travelling abroad. The online service notifies registered Canadians in the event of a natural disaster or civil unrest in the country in which they are travelling. More than 60,000 Canadians used the service in 2008.⁴²

Other connections to Canada include visits home and the intention to return to Canada to re-establish principal residence. According to the APF Canada survey⁴³ of Canadians abroad, 94% of respondents have visited Canada since they established principal residency abroad. As many as 69% of respondents indicated they have plans to return to Canada in the future.

Sense of belonging

According to the APF Canada survey, Canadian citizens living overseas display a strong sense of belonging to Canada. Nearly 64% of respondents indicated that they consider Canada their home, where they have strong family ties and emotional links.

Studies suggest that values, attitudes and the level of trust in people and in public institutions are among the many ways Canadians engage in civic and social life.⁴⁴ Other methods include the donation of time as volunteers; the donation of money to charity; getting involved in community activities;⁴⁵ joining a Canadian organization; attending religious services; or establishing physical or virtual social networks.

⁴² DFAIT, 2008.

⁴³ Kenny Zhang, 2007b.

⁴⁴ Grant Schellenberg, 2004.

⁴⁵ Michael Hall, et al, 2004.

Participation levels in Canadian life of Canadians living abroad and Canadians living at home are summarized in Table 5.

Table 5: Comparison of Participation of Canadian citizens at Home or Abroad

Areas of Participation		Canadian Citizens			
		At Home		Abroad	
		Measuring	Note & Source	Measuring	Note & Source
Political Participation	Voting	70.4%	Average turnout in federal elections (1867-2008): Elections Canada, 2009	5-year limit	Being not eligible to vote in Canadian elections after five years: Canada Elections Act
	Desire to vote in Canada's elections	-	-	51%	Strongly agree/agree that Canadians living overseas should be entitled to vote in Canadian elections regardless of how long they have been absent from Canada: APF Survey, 2007
	At least one non-voting political behaviour	54% or 34%	Young adults: Milan, 2005; Young adults: Keown 2007	Very active	As three cases discussed in section III of this paper.
	Search for political information	27%	Young adults: Keown 2007	57%	Canadian media as major source of information about news and issues in Canada: APF Survey, 2007
Non-Political Participation	Schooling	58.2%	School enrolment rate, 15-24-year-old: HRSDC, 1999	10%	19 out of 192 countries that have Canadian schools/ programs: International Quality Education, 2009
	Labour market participation rate	62%	Statistics Canada, 2009	29%	Percentage of working for Canadian entities: APF Survey, 2007
	Canadian social security programs	100%	Assumable full coverage in one form or another.	27%	52 out of 192 countries that Canada has concluded a Social Security Agreement: HRSDC, 2008
	Sense of belonging to Canada	85%	Schellenberg, 2004	64%	APF Survey, 2007
	Confidence in public institutions	23%	Those who believe the government of Canada would actually help them, if arrested in a foreign country; Angus Reid Strategies, 2007	n.a.	No study found.
	Desire to return to Canada	-	-	69%	APF Survey, 2007

V. Policy Challenges

This paper has demonstrated how overseas Canadians participate in the political, economic and social areas of Canadian life. This shows that the attachment that Canadian citizens living abroad have with Canada is very real and multi-dimensional. It also suggests some policies in Canada related to citizens abroad are problematical.

Knowledge Gap

The basic challenge for Canadian policymakers is that there lack of knowledge about Canadian citizens living abroad. Canada does not collect exit information about its citizens. There had been no official statistics on the number of Canadians living abroad and only recently has the APF Canada provided a substantiated estimate of 2.8 million Canadians abroad.

The lack of information has resulted in several misperceptions about overseas citizens. This includes the belief that:

- Canada is a nation of immigration, but not one of emigration.
- Canadians abroad are immigrants who left Canada to return to their country of origin.
- Canadians abroad do not pay Canadian taxes.
- Canadians should stay in Canada to maintain their attachment to Canada.
- Canadians who have stayed abroad for a long period have questionable attachment or ties to Canada.

APF Canada is trying to fill this information gap. APF Canada studies suggest that migration takes place in both directions. Canada is a true nation of immigrants; in the most recent census, 19% of the Canadian population is foreign born. However, Canada also faces a growing issue of emigration. Many Canadians have moved to the United States, and recently to Asia and beyond. A survey by APF Canada indicates that majority of citizens abroad are Canadians who were born in

Canada.⁴⁶ As this paper has shown, many Canadians abroad do pay taxes to Canada in accordance with rules of Canada revenue Agency.

Legal Challenge

Some Canadian policy changes related to overseas citizens based on inaccurate information could result in inconsistent laws that pertain to Canadians living overseas. Under Canada's Charter of Rights and Freedoms, which came into effect on April 17, 1982, every Canadian citizen has the right to vote and be a candidate in an election. However, lawmakers compromised that provision when they introduced a five year limit for non-resident Canadian voters in 1993 in Bill C-114. Can that law stand up to legal challenges under the Charter?

Similarly, the Charter guarantees the right of every Canadian citizen to enter, remain in, and leave Canada. But Bill C-37 challenges those assumptions, by precluding Canadian citizens from passing citizenship to their children born abroad after one generation. Can Bill C-37 stand up to legal challenges under the Charter? An even more fundamental question is whether the Charter can apply differently to citizens at home and those abroad.

Position Challenge

Given the enormous number of Canadian citizens living abroad, Canada cannot afford to have a policy vacuum on this subject. Therefore, the most challenging issue for Canada's legislators is to look at the experiences of other countries and build a policy framework for Canadian expatriates that defines their rights and responsibilities.

As the above-mentioned study suggested,⁴⁷ in general there are four options (as shown in Table 6) available for Canadian policymakers to choose from:

⁴⁶ Zhang, 2007b.

⁴⁷ Ibid.

- Position 1: “Engaged” policy – with both efforts on diaspora building and diaspora integration;
- Position 2: “Paper only” policy – with efforts on diaspora building, but no efforts on diaspora integration;
- Position 3: “Incoherent” policy – without efforts on diaspora building, but only emphasizing diaspora integration;
- Position 4: “Disengaged” policy – without any efforts on diaspora building or diaspora integration.

Table 6: Policy Options for Emigration States

		Diaspora Building*	
		Yes	No
Diaspora Integration*	Yes	Engaged	Incoherent
	No	Paper only	Disengaged

Source: Alan Gamlen, 2008:852

Note: *Please refer to Table 1 of this paper for examples of policy mechanisms in each category and representative countries that use these mechanisms.

Where is Canada positioned? Canada makes little effort to build its overseas community. It does not have official statistics; does not have a concept of Canadian diaspora; has no diaspora program; has no awards to honour expatriates; does not proclaim affinity with and responsibility for its overseas community; has no special IDs for expatriates; and has no bureaucratic unit or dedicated ministry for this group. According to Gamlen’s classification (Table 6), Canada is likely somewhere between a “disengaged” position (no external voting rights, no legislative representation, no citizenship rights for second generation, etc.) and an “incoherent” position (permitting dual nationality, intervening in consular issues, and asking to fulfil tax obligations).

This has obviously limited Canada's ability to interact with its 2.8 million Canadians abroad. It also stands in the way of overseas citizens' stronger attachment to Canada. Canada can learn from the experience of many countries (Table 1), who take advantage of a variety of policy mechanisms to manage their diaspora relations.

VI. Conclusions

This paper demonstrates that 2.8 million overseas Canadians are actively participating in the political, economic and social arenas of Canadian life. This vividly illustrates that the attachment that Canadian citizens living abroad have with Canada is real and multi-dimensioned. While residing abroad, they participate in Canada by:

- Receiving a Canadian education or earning a Canadian degree;
- Supporting global Canadian business operations;
- Paying income and non-income taxes to Canada's treasury in accordance with Canadian tax regulations;
- Contributing to and receiving from Canadian social security benefit programs, in countries where Canada has concluded bilateral social security agreements;
- Being active in non-voting political, social and civil matters including issuing position papers, organizing online petitions, creating online forums, and defending their interests and rights as Canadian citizens;
- Following Canadian news and current issues from home media, especially online media;
- Voting in Canadian elections;
- Planning to return to Canada in the future.

This paper also reveals that current policies discourage them from participation in Canada, because they are:

- Ineligible to vote in Canada's federal elections after five years of residing abroad, with the result that nearly 1.4 million of Canadians around world cannot vote;
- Ineligible to vote in Canada's provincial or municipal elections six months after moving outside Canada;
- Lacking a single designated Member of Parliament to represent their interests in Parliament;
- Ineligible to pass on their Canadian citizenship to the second generation of their children who are born abroad.

The paper has identified three major policy challenges: the lack of accurate statistics and knowledge on the size of Canada's diaspora; inconsistent laws pertaining to the rights and obligations of Canadians living overseas; and the absence of a clear definition of the relationship between Canada and its citizens overseas.

The paper concludes that Canada's policy on its overseas citizens is somewhere between a "disengaged" position and an "incoherent" one, which has obviously limited Canada's ability to interact with its 2.8 million citizens abroad. Ironically, the country's policy prohibits overseas citizens' stronger attachment to Canada.

Canada has to learn from other countries' experience to develop a better policy towards its citizens overseas, and it should include the following features:

- An assessment of the attachment of Canadians abroad to Canada should be based on evidence from multi-dimensions.
- Canadian laws related to citizens abroad must be consistent with the Canadian Charter of Rights and Freedoms, and any content that discourage their participation in Canadian life should be revisited, such as the Acts on voting rights and citizenship rights and obligations.
- A federal agency should be established to coordinate policy affecting Canadians abroad and encourage their attachment to Canada.

Lawmakers can't question the attachment of Canadians living abroad to Canada at the same time as they take away their voting rights or their right to pass on Canadian citizenship to their children.

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