

**‘Birth Tourism,’ Citizenship, and the Politics of Deservingness in Canada: Analyzing  
Parliamentary and Newspaper Media Discourses from 1990 to 2021**

by

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## Abstract

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This thesis examines a phenomenon that has been controversially labeled as ‘birth tourism’ in the Canadian context. Allegedly, pregnant women from other countries are coming to Canada solely for the purpose of giving birth to their children. This is ostensibly so that the child gains Canadian citizenship before returning to the parent’s country of origin. Canada primarily allocates citizenship through *jus soli*, meaning that every child born on ‘Canadian soil’ automatically obtains citizenship, regardless of the citizenship or residency status of the parents. The two questions driving this research are: How has so-called ‘birth tourism’ been constructed in Canadian print news media and in federal legislative discussions? What do these discourses tell us about who is deemed ‘deserving’ and who is deemed ‘undeserving’ of Canadian citizenship? The answers to these questions are derived from two sources: a critical discourse analysis of parliamentary Hansard and committee meetings, and a discourse and content analysis of 80 French and English language Canadian newsprint articles on the topic from 1990 to 2021. To date, political and news media discourses have largely framed this alleged practice as a ‘problem’ to be ‘solved’. The analysis reveals that, beyond relying on racial and gendered stereotypes of women of colour, particularly Chinese women, newsprint media and political discourses have largely employed a dichotomy popularized by the Conservative party between ‘good’ immigrants and ‘bad’ immigrants, with so-called ‘birth tourists’ falling in the latter category. The examination of these discourses reveals underlying assumptions about who is considered ‘undeserving’ of citizenship. Based on these assumptions, children born in Canada to non-resident mothers are *not* considered deserving of Canadian citizenship because their mothers subverted state-sanctioned immigration and citizenship pathways and failed to properly

participate in the white settler nation-building that is typically conditional to acquiring citizenship.

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## Chapter I: Introduction

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In January 2020, a dramatic documentary from *The Fifth Estate* entitled “Passport Babies: The Growing Shadow Industry of Birth Tourism” was aired on CBC television. The purpose of the documentary was to shed light on an ongoing ‘problem’ to be ‘solved’ in Canada: pregnant foreign women coming to Canada to give birth to their child so that the child could acquire Canadian citizenship. Not only did the documentary portray pregnant foreign women as disingenuous ‘cheaters’ of the ‘system,’ but it also framed the alleged practice as a pressing issue that necessitates government intervention. The documentary’s tone had a sense of urgency, implying that something must be done to stop the flow of pregnant women from coming to Canada, and soon.

The term ‘birth tourism’<sup>1</sup> is used to describe a practice where foreign pregnant women<sup>2</sup> allegedly travel to a country with a *jus soli* (‘right of soil’) citizenship principle solely for the purpose of giving birth. In Canada, anyone who is born in the country is automatically granted citizenship regardless of the citizenship or residency status of the parents. Since the mid 1990s, emerging political and media discourses have framed foreign women giving birth in Canada as a

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<sup>1</sup> The term ‘birth tourism’ is both loaded and problematic. While used interchangeably with other terms such as ‘maternity tourism’, it is sometimes conflated with other contested terms such as ‘anchor babies’ and ‘passport babies.’ In this thesis, I use the term ‘birth tourism’ when referring to narratives that employ the term for the sake of clarity. However, I have kept the term ‘birth tourism’ in quotation marks to remind the reader that it is a contested term, and to distinguish it from my own voice. In other instances, I use variations of the phrase ‘foreign women who come to Canada to give birth so that their child(ren) can acquire Canadian citizenship’ to avoid normalizing the use of controversial terminology to describe the practice.

<sup>2</sup> I use the term ‘women’ to describe all pregnant persons, while fully recognizing that not all persons capable of giving birth are women and that not all women can or choose to give birth. Although the term ‘women’ reinforces a binary understanding of gender, for the purpose of this thesis this use is justified since media depictions and political discussions of ‘birth tourism’ have, to my knowledge, only targeted cisgender women.

pressing issue requiring significant political interventions. In legislative debates and discussions by politicians, the practice has been framed as fraud, as cheating, and as undermining the integrity of Canada's immigration and citizenship systems. Some have even called for overhauls of Canada's birthright citizenship principle because of this supposed loophole. However, every purported aspect of the alleged practice remains perfectly legal.

Foreign women coming to Canada to give birth has become a cause for concern for a significant proportion of the Canadian public. The Angus Reid Institute conducted a public opinion survey in 2019 and found that 64% of Canadians agree that a child born to parents on tourist visas should not be granted citizenship and 54% would agree to changing birthright citizenship rules specifically to prevent the alleged practice. The demographic most concerned about 'birth tourism' is people over the age of 55 who would consider voting Conservative in an upcoming election (Angus Reid Institute 2019). According to another poll from Research Co. released a year later, 71% of Canadians believe that 'birth tourism' is being unfairly used by foreign women to acquire citizenship for their children, and *two-thirds* of Canadians would support seeing changes to Canada's birthright citizenship principle because of it (Canseco 2020), suggesting that concerns surrounding 'birth tourism' may be on the rise among the general public. Since the U.S. has recently, under former president Donald Trump, made suspected 'birth tourism' grounds for visa refusal, some have speculated it could lead to an increase in pregnant women coming to Canada instead to give birth (Shore 2020), potentially contributing to this recent wave of anxiety.

Both TV and print news media have had a significant role in constructing the alleged problem of 'birth tourism.' While media coverage and political discourses are mutually reinforcing, the prevalence of coverage on the topic, even when less salient among politicians,

seems to suggest that the issue is significantly media driven. Even federal government documents have linked the current debates on ‘birth tourism’ to the prevalence of news media reporting on the topic (see for example Yeates n.d., 1). Despite the ongoing global COVID-19 pandemic and the fact that foreign travel to Canada has slowed significantly, ‘birth tourism’ continues to be a salient topic of discussion in recent Canadian news media reporting (see for example Cox and Keller 2020; Quan 2021). For the purpose of this thesis, I focus my investigation on print news media. Despite declining subscriptions, Canadian newspapers continue to carry institutional legitimacy and credibility, and remain an important mainstream space for elite discourses to circulate and be disseminated among the general public (Hackett, Gruneau, and Gutstein 2000; Thobani 2007, 223).

This research is guided by the following questions: How has ‘birth tourism’ been constructed in Canadian print news media and in federal legislative discussions? What do these discourses tell us about who is deemed deserving and who is deemed undeserving of Canadian citizenship? I engage with these questions through a critical lens attuned to the intersecting power relations that structure race and gender. The first question acts to set the premises for the second question, with which this thesis substantively engages.

It is important to note that ‘birth tourism’ in itself is not a serious problem here in Canada or in any other country (Harder 2020, 36). Nevertheless, ‘birth tourism’ does not need to be a “real phenomenon” since regardless, it is being used to set the parameters of what “proper, integrated citizenship” looks like (Harder 2020, 49). I operate within the assumption that while ‘birth tourism’ may be ‘real’ in the sense that it can happen, the racist, sexist, and xenophobic ways in which ‘birth tourism’ is largely framed in discussions of immigration, citizenship and Canadian national identity are far more problematic than the alleged issue itself. While I briefly

touch on reasons why pregnant women may choose to come to Canada to give birth, my primary focus is not on the personal reproductive and mobility decisions women make, but rather on how the Canadian state and Canadian news media react to, interpret, and construct ‘birth tourism,’ and the implications that these constructions have in terms of shaping Canadian citizenship and nation-building efforts.

### *Births to Non-Resident Mothers: Determining the Current Situation in Canada*

Determining the extent to which women from other countries actually come to Canada to give birth for citizenship reasons is difficult, since both the Canadian Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC) do not collect data on the pregnancy status of entrants to the country, and hospitals do not collect information on pregnant women’s countries of origin. Therefore, initial reports of ‘birth tourism’ relied primarily on anecdotal evidence before new efforts emerged to gather evidence from alternate data sources. Officially, it is estimated that of the approximately 380,000 births that happen on Canadian soil annually, between 0.1% and 1% are to non-resident parents (Immigration, Refugees and Citizenship Canada 2020). These numbers, however, have been highly contested in recent years. For instance, Statistics Canada reported that there were only 313 births to non-resident mothers in 2016. However, financial data from the Canadian Institute for Health Information (CIHI) and the Discharge Abstract Database (DAD) which captures the amount of non-residents who self-pay for hospital services, suggests that the number of non-resident births for the same year was over 3,000 (excluding Quebec), making births to non-resident mothers over 1% of total births (Griffith 2018). Former Director General for Citizenship and Multiculturalism at IRCC Andrew Griffith claims that this discrepancy between official birth statistics and hospital financial data is

likely due to hospital patients using their (permanent) address from their country of origin for hospital payments, but using their (temporary) Canadian addresses on official birth registration forms (2018). Research conducted by Griffith shows births by non-resident mothers to be steadily increasing, going up 13% between 2017 (3,628 births) and 2018 (4,099 births), encompassing 1.4% of total births, with the highest concentration in B.C. and Ontario (Favaro and Flanagan 2019). The province of B.C. saw a 21.9% spike in non-resident births between April 2019 and March 2020, but with the COVID-19 pandemic halting much international travel to Canada, the upward trend has since stalled (Wood 2020). A federal government report obtained through an access-to-information request in 2020 suggests that COVID-19 scrutiny allegedly prevented 18 out of 19 women from the Gulf region from coming to Canada for the purpose of giving birth because of suspected misrepresentation of travel purpose (Quan 2021). Five of the 19 women had previously given birth in Canada and all the women had existing relationships to people in the country (Quan 2021). At the time of writing, whether or not an upward trend of births to non-resident mothers will continue post-pandemic is yet to be determined.

However, it is flawed and misleading to interpret the increasing numbers of births to non-resident mothers as evidence of large-scale ‘birth tourism.’ These numbers include not only persons on tourist visas, but also persons *residing* in Canada such as international students,<sup>3</sup> temporary foreign workers, persons awaiting their asylum claims to be processed, as well as Canadians living abroad who may have chosen to come back to Canada to give birth to their child(ren) for whatever personal or family reason. Griffith estimates that half of non-resident births are from parents on tourist visas (Wood 2020), although the estimation is not sufficiently

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<sup>3</sup> Numbers of non-resident births in B.C. do *not* include international students, since they are enrolled in the public healthcare system.

backed by empirical evidence due to the lack of data collected. It is important not to conflate non-resident births with ‘birth tourism’ since reports overwhelmingly rely on anecdotal evidence and empirical evidence differs depends on which data set is being analyzed and how the data are being interpreted. While according to birth statistics there has been an increase of births by non-residents in Canada in the past several years (Griffith 2018), assuming that these numbers are rapidly increasing solely due to ‘birth tourism’ is problematic in that it potentially conflates correlation with causation. Other political factors may be contributing to the increase in non-resident births, such as the imposition of a second generation born-abroad limit on Canadian citizenship in 2009, which could be influencing more descendants of Canadians living abroad to choose to return to Canada to give birth. Further, even if this increase in non-resident births *was* due to a rise in ‘birth tourism,’ there are currently no provisions in the *Immigration and Refugee Protection Act (IRPA)* that would prevent foreign women from travelling to Canada to give birth, and it is not considered fraud under the *Citizenship Act*, despite the alleged practice being framed as fraudulent in some instances.

### *Destination Cities and Countries of Origin*

The city of Vancouver has emerged as a hotspot in terms of numbers of non-resident births in Canada, with the majority of such births taking place at the Richmond Hospital in particular. In 2019, one out of four babies born at the Richmond Hospital was born to non-resident mothers (Cox and Keller 2020). In the Vancouver area, the vast majority of foreign women giving birth come from mainland China. This increase in non-resident births has brought to the surface pre-existing racial tensions and xenophobic sentiments (Bourgon 2017), including in Richmond where more than half the population is of Chinese origin.

Part of the anxiety surrounding foreign women giving birth in Canada, especially in the Vancouver area, is due to the existence of ‘birth tourism agencies’ that supposedly aid foreign women in coming to Canada and provide them with accommodations, sometimes referred to as ‘birth houses’ or ‘baby houses’ (The Fifth Estate 2020). Websites for these agencies promote giving birth in Canada and facilitate the process of travel, housing, and pre-natal and post-natal care for foreign women. The accommodations may include additional services such as meal deliveries and language translation. However, the entire process is expensive. Including pre-natal, birth, and post-natal care, the price tag can be upwards of \$50,000 to \$ 75,000 CAD, meaning that only wealthier middle/upper class foreign women would even have the option to make use of one of these agencies (Lozanski 2020). In other words, people who can afford such services are already part of a “global elite” with sufficient “transnational motility” to have coming to Canada to give birth as a feasible option (Lozanski 2020, 151).

According to Sean H. Wang (2018), forms of what would now be considered ‘birth tourism’ have existed long before the ‘birth tourism industry’ was recognized as such. So-called ‘birth houses’ operate in the informal migration economy and represent the most recent, “highly commercialised” form of a migration practice that has long existed before its current politicization (Wang 2018, 114). Websites, blogs, and social media have played a significant role in the commercialization of ‘birth tourism’ since these spaces are used to recruit potential ‘birth tourists’ (Wang 2018). There have also been reported instances of ‘birth tourism agencies’ misleading and taking advantage of clients for profit (Wang 2018, 118). Although the existence of ‘birth houses’ may seem like concrete evidence of ‘birth tourism,’ it is also not a reliable way to measure the extent of the alleged practice. Women who are residents (or even citizens) may choose to stay in one of these accommodations for pre-natal and/or post-natal care to have access

to care that follows their cultural practices, and/or to have access to care in another language (Bourgon 2017).

In the Vancouver area, inadequate hospital staffing and hefty unpaid hospital bills left behind by non-resident mothers have become a cause for concern in recent years. At the Richmond Hospital in particular, some nurses have claimed that local women are not receiving the care they need because of the influx of pregnant foreign women seeking care, as the hospital is not staffed to accompany the increased demand. Since non-residents pay hospital doctors out of pocket, it is alleged that they are prioritized for treatment (Burns-Pieper and Mayor 2020; The Fifth Estate 2020). Paying out of pocket is not cheap; the Richmond Hospital charges \$10,000 for a vaginal birth and \$16,000 for a caesarean. If there are complications with the birth, having a baby in intensive care can cost \$10,000 a day for the bed alone (Burns-Pieper and Mayor 2020; The Fifth Estate 2020). A doctor interviewed in *The Fifth Estate* (2020) documentary claimed that they only received payment from foreign mothers approximately 30% of the time following a birth. The Richmond Hospital had approximately \$2 million in unpaid hospital fees from non-resident pregnant women from 2017 to 2020 (The Fifth Estate 2020). However, Vancouver Coastal Health has also claimed that the majority of foreign women giving birth at the Richmond Hospital have paid their bills in full, and that the payment recovery rate is higher for maternity medical care than for other services. Of the \$5,358,460 billed in the 2018/2019 fiscal year, 95.1% was collected (Government of British Columbia 2019). Although important to mention, the possible resource strain on the healthcare system caused when foreign women come to Canada to give birth is not a primary concern for the purpose of this thesis since ‘birth tourism’ has for the most part not been framed as a healthcare issue.

The majority of the focus on ‘birth tourism’ has overwhelmingly been on Vancouver, Toronto, and Montreal, the three largest cities in Canada that are also home to the country’s largest international airports. However, doctors from other cities such as Calgary have also claimed an increase in non-resident births. According to Dr. Fiona Mattatal, a Calgary-based obstetrician and gynecologist, there are now about 10 “passport babies” born each month in hospitals across the city (CTVNews.ca Staff 2016). Former Minister of Citizenship, Immigration and Multiculturalism Jason Kenney claims that pregnant women from French-speaking African countries and Middle Eastern countries make up majority of ‘birth tourists’ coming to Montreal, and women coming from Latin America make up the remainder of the numbers<sup>4</sup> (Brean 2012). Women from Iran, India, Dubai and Jamaica are also reported to have come to Canadian soil to give birth (Wong 2014). Toronto-based immigration consultant Alex Davidson reported to *CTV News* that some of his clients interested in giving birth in Canada are wealthy Europeans who either want a second passport for their children or who are concerned about the political future of their country, such as Brits concerned about the future of the U.K. since Brexit (CTVNews.ca Staff 2016). While we do not know the exact racial and/or ethnic composition of non-resident mothers choosing to give birth in Canada, the vast majority of political and media attention has been on pregnant women of colour and not (predominantly white) European women (Gaucher and Larios 2020), likely contributing to the politicization of the issue.

### *Main Arguments and Thesis Outline*

The CBC’s *The Fifth Estate* documentary attracted criticism from some, such as the Toronto Star’s Shree Paradkar (2020), for feeding into negative tropes of immigrants and/or

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<sup>4</sup> I have been unable to locate other sources to confirm these claims made by Kenney.

people of colour as undeserving. Paradkar emphasized that the documentary's framing of 'birth tourism' feeds into xenophobic fears that "we will be overrun by *them*" (Paradkar 2020a). The Migrant Workers Alliance for Change wrote a letter to the CBC Ombudsperson co-signed by 30 immigrant rights, labour, research, and Indigenous rights organizations accusing the documentary of being "inaccurate, unfair, imbalanced and [putting] migrants at risk" (Migrant Workers Alliance for Change 2020). Gaucher and Larios (2020) have also been critical of common discourses surrounding women from foreign countries giving birth in Canada, arguing that they completely sidestep these women's experiences and ignore the difficulties that foreign women have with the Canadian healthcare system. However, many commentators have been much less sympathetic towards non-resident mothers. For instance, a writer for *Toronto Life* magazine states that citizenships are being "stolen" by pregnant foreign women and that Canada's lack of a policy to address 'birth tourism' makes Canada "a nation of suckers" (Wong 2014). In a similar vein, Griffith (2018) argues that "birth tourism, with its nonexistent to minimal connection to Canada, debases the meaningfulness of citizenship." This research aims to tease out what these multiple and competing reactions to 'birth tourism' signify in terms of our understanding of what it means to be a citizen of Canada and who is considered to deserve it. I conduct this research with the presupposition that sentiments towards alleged 'birth tourists' are heavily rooted in gendered and racialized conceptions about what types of relationships Canadian citizens should have to the state, as well as who deserves state care, resources, and inclusion.

My research advances several core claims. First, federal political and print media discourses have largely constructed the phenomenon of foreign women coming to Canada to give birth as a policy 'problem' to be 'solved.' Newspaper and political responses range from

indifferent to skeptical to overtly hostile towards the issue of ‘birth tourism.’ First, the children of foreign women who give birth in Canada are largely considered either implicitly or explicitly undeserving of citizenship, although for varying reasons and depending on who is being asked. Second, children born in Canada to non-resident mothers are considered *not* deserving of Canadian citizenship largely because their mothers are perceived to have subverted state-sanctioned immigration and citizenship pathways. They are perceived to have failed to participate in the state-led white settler nation-building that is typically conditional to acquiring citizenship (although they have not, as birth on soil remains a legitimate criteria of citizenship). Third, in the 2010s and onwards, foreign women who come to Canada to give birth find themselves classified on the ‘bad’ side of the ‘good’ migrant and ‘bad’ migrant distinction, a dichotomy largely popularized by the Conservative government under Stephen Harper that has been employed by politicians and newspapers ever since. In this dichotomy, while ‘good’ immigrants meet the state’s points requirements and follow the state’s desired pathway for immigration, residency, and citizenship, ‘bad’ immigrants use unconventional means. As an extension to this, ‘good’ migrants are deserving of a pathway to citizenship whereas ‘bad’ migrants are not. Immigrants are no longer required to be white to be considered ‘good’ migrants, but in addition to following state-sanctioned immigration processes they should settle the land both with their persons and assets to form connections to the broader political community, replicate heteropatriarchal nuclear family structures, and treat citizenship with sanctity by appreciating how difficult it can be for some to obtain and by showing gratitude towards the state’s benevolence. Alleged ‘birth tourists’ do not do these things, which leads them to being categorized as ‘bad’ migrants under this dichotomy. Fourth, ‘good’ immigrants have also internalized the ‘good/bad immigrant’ dichotomy and have joined the state in condemning

foreign women who give birth in Canada as ‘bad’ migrants who did not ‘wait their turn,’ which in turn upholds and legitimizes white nation-building. Ultimately, foreign women who give birth in Canada and their Canadian-born children are considered undeserving of Canadian citizenship because they have been categorized as ‘bad’ migrants within a politically constructed dichotomy that pits them against migrants that follow the intended, state-sanctioned routes to residency and citizenship.

This thesis articulates these arguments through four remaining chapters. In the following chapter, Chapter 2, I begin by outlining relevant historical and theoretical frameworks primarily focusing on the roles race, gender, citizenship, and *jus soli* play in Canada. I then move to discuss racisms and stereotypes of migrant women that are omnipresent in discussions of ‘birth tourism.’ Next, I examine research done on the motivations in order to dispel common myths about why women choose to come to Canada to give birth. Finally, I analyze ‘solutions’ to ‘birth tourism’ that have been proposed and explain why they are problematic and rely on flawed assumptions.

Chapter 3 explores the federal legislative debates from 1994 to 2021 surrounding women from foreign countries coming to Canada to give birth. I begin by outlining the federal political context leading up to the mid 1990s followed by my methods for conducting the discourse analysis of parliamentary Hansard and committee meetings. Next, I present my findings chronologically which I have divided into three sections: the Chrétien and Martin Liberal governments from 1993 to 2005, the Harper Conservative government from 2006 to 2015, and the Trudeau Liberal government from 2015 to 2021. The discussion section of this chapter goes into detail about how the Conservatives’ campaign to discursively create ‘good’ and ‘bad’

migrants and reveals where and how ‘birth tourists’ have been positioned within this constructed dichotomy in political discourses.

In Chapter 4, I analyze Canadian newspaper coverage of the topic from 1990 to 2021, using content and discourse analysis. I first present my methodology followed by a section on general trends found related to locations and terminology. I then present my findings chronologically. These are divided into four sections: ‘passport babies’ in the 1990s; a lull in the 2000s; the Conservatives’ influential era from the early to mid 2010s; and the peak in newspaper coverage from the late 2010s to 2021. Next, I further discuss common findings in recent coverage, including alleged motivations for giving birth in Canada, the invisibility of the fathers and children in the coverage, the perceived strain on the healthcare system, anxieties surrounding the ‘birth tourism industry,’ and the unique position of wealthy migrant women of colour who give birth in Canada as undeserving of citizenship, state care, or sympathy.

In the concluding chapter, I bring both the legislative discussions and newspaper discussions together by further examining how and why immigrants and descendants of recent immigrants themselves have become some of the staunchest opponents of non-resident women’s newborn children acquiring Canadian citizenship. I wrap up this discussion within a broader context of settler colonialism and the importance of settlement in Canadian nation-building, followed by the significance of the state’s dominant construction as generous within these discourses. Next, I provide a summary of my research and primary arguments followed by detailing several concluding thoughts that have emerged throughout this research process. Finally, I provide insights into the significance of the topic in our current political moment and potential considerations for future research.

## Chapter II: Situating the Phenomenon of ‘Birth Tourism’ Within the Context of Canadian Citizenship

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Citizenship is a key tool for modern nation-states to determine the parameters of a national community. Historically, *jus soli* or ‘birth on soil’ has been particularly important for the nation-building projects of settler colonies such as Canada. The principle of *jus soli* has been enshrined in Canadian citizenship legislation since the *1947 Citizenship Act*. Since the establishment of the act, a birth certificate has been considered proof of citizenship since, with the exception of children born to foreign diplomats, every person born in Canada is a Canadian national. *Jus soli* was also practiced in Britain at the time so, as a British dominion, continuing this practice seemed logical. Being a settler colonial country, instating a *jus soli* citizenship principle also made sense to those in power since it would encourage immigrants to permanently establish themselves in the country and aid Canada in further settling its claimed territory by displacing Indigenous populations.

Significant amendments to the *Citizenship Act* were passed in 1977, which allowed for the recognition of dual citizenship and made those seeking Canadian citizenship ‘equal’ by removing official distinctions between ‘British subjects’ and ‘aliens.’ Additionally, married Canadian-born women who gave birth abroad were granted the right to pass on their Canadian citizenship to their children (Immigration, Refugees and Citizenship Canada 2013). In 1993, the newly elected Liberal government under Jean Chrétien sought to ‘modernize’ Canada’s citizenship laws. The Standing Committee on Citizenship and Immigration (CIMM) released a report entitled *Canadian Citizenship: A Sense of Belonging* which was subsequently presented to the House of Commons, but no bills were passed (Young 1997, 2). During the next decade, a series of bills amending the *Citizenship Act* were proposed (Bill C-63 in 1998, Bill C-16 in 1999,

Bills C-18 and C-271 in 2002), but were not passed into law (Garcea 2006, 204-205). In 2009 under the following Stephen Harper Conservative government, in 2007 Bill C-37 was passed. It reinstated citizenship for the so-called ‘Lost Canadians’ and limited citizenship to the first generation of children born abroad to Canadian parents (openparliament.ca n.d.). In 2014, the *Strengthening Canadian Citizenship Act* (Bill C-24) imposed harsher requirements for the naturalization process but also the possibility for dual citizens to have their citizenship revoked (CTVNews.ca Staff 2015). However, in 2017, Justin Trudeau’s government repealed some provisions of Bill C-24, including the revocation provision, and amended others (Immigration, Refugees and Citizenship Canada 2017).

Canada and the U.S. are part of a handful of countries that still have unconditional *jus soli* as a citizenship policy. However, in Canada, unlike the U.S., birthright citizenship is not constitutionally enshrined. In theory, birthright citizenship could therefore be eliminated by amending or repealing parts of the *Citizenship Act* without further constitutional changes or consultations needed. As a form of citizenship, *jus soli* is “intimately tied to the territory,” yet in recent decades a “territorially bounded understanding of nation citizenship” has become a “source of anxiety” in countries of the Global North (Wang 2016, 274). Indeed, *jus soli* in Canada has come under significant scrutiny in recent years as Canadian citizenship goes through what Megan Gaucher refers to as an “identity crisis” (2018, 17). Reports of foreign women giving birth in Canada have become the latest “ground from which political debates over *birthright* citizenship” can emerge (Wang 2016, 270). These debates have not been insignificant. In the last decade, reports of ‘birth tourism’ and ‘birth hotels’ have, in some instances, led to calls to outright abolish *jus soli* in Canada (Harder 2020, 39).

This chapter serves to situate the phenomenon of ‘birth tourism’ as it currently being conceptualized within the broader context of Canadian citizenship. Discourses of deservingness have long been used to justify the exclusion and controlled inclusion of migrants through citizenship policies, particularly in terms of race and gender. The following sections lay out the theoretical approaches to gender, race, citizenship, and settler-colonial nation-building that inform my analysis of parliamentary and newspaper discourses in the subsequent chapters.

### *Race, Gender, and Citizenship*

At the most basic level, systems of citizenship create regimes of insiders and outsiders. They divide people into tiers to decide who will be allocated state resources and protection and who will be barred from such access. Those who are shut out of access to citizenship are “deemed ‘temporary’, ‘illegal’ and disposable” (Maynard 2017, 159). Today, it is largely accepted as common sense that states have the “moral authority to determine who may or may not be a citizen” and have a right to control their borders and restrict immigration (Maynard 2017, 162). Citizens themselves also become invested in this process, as they are mobilized to protect the supposed sanctity of their citizenship against those who are deemed outsiders. Sunera Thobani (2007) describes citizenship “as a status that mobilizes national subjects, classed and gendered as they may be themselves, in the defense of the institution against the claims of those designated as undeserving outsiders” (76). Clearly, citizenships across the globe are not equal, for if they were, migrants would not go to such lengths to secure citizenship status in another country and states would not spend so much time and resources preventing them from doing so. The inequalities between citizenships “are rooted in histories of colonialism, global capitalism, and the nation-state system that emerged as a result” (Luibhéid 2013, 173). Countries in the

Global North perpetuate these inequalities by keeping their citizenship regimes exclusive and ensuring that those who are granted citizenship are considered desirable for the state.

Importantly, citizenship in a settler colonial country like Canada is not considered emancipatory and desirable for all. For Indigenous populations, upon whom Canadian citizenship was imposed without consent, citizenship may symbolize oppression, assimilation, and colonialism.

However, a binary understanding of citizen versus non-citizen is insufficient as non-citizens and citizens alike are distinguished by categories of desirability and undesirability on the basis of race, class, gender, sexuality, ability, colonialism etc. (Gaucher 2018, 26). Migrants coming to Canada have long been either marked as desirable or marked for exclusion based on these criteria (Maynard 2017). Nevertheless, even among citizens, for some their citizenship status is more questioned and precarious than for others. To put it bluntly, in Canada, citizenship is associated with whiteness, with people of colour having to continuously prove their legality (Thobani 2007, 100). Although everyone in the country with the exception of Indigenous peoples are themselves migrants or the descendants of migrants, only people of colour are assumed to be recent arrivals (and therefore non-citizens) and must prove otherwise. Women of colour in particular have been actively excluded from the nation and from citizenship. Even until the 1960s and 1970s immigration policy only recognized migrant women as dependents to their male relatives and not as migrants in their own right, with the exception of domestic workers. Migrant women were considered to be the financial responsibility of the men in their families, and “not the responsibility” or the concern of the state (Thobani 2007, 109).

Historically, women have been treated as “maternal producers of citizens” instead of “citizens in their own right” and have therefore been denied the same rights as citizen men (Cisneros 2013, 293). In order to ensure that women produce citizens in accordance with the

desired national future (ie., white, cisgender, heteronormative), states interfere in the “sexualities, childbearing opportunities, and parenting by women of color, poor and disabled women, lesbians [and] migrant women” (Luibhéid 2013, 150). Policy interventions on family and reproduction affect not only “insiders” (ie. citizens) but also “outsiders” who are “prospective [...] future members” of the nation (Bonizzoni 2018, 224). In doing so, appeals to morality are often made. Dichotomies between ‘good’ and ‘moral’ women and mothers and ‘bad’ and ‘immoral’ women and mothers are constructed to help justify the state’s interference on people’s intimate and family lives. Of course, these categories are based on heavily racialized stereotypes with white middle to upper class women representing pure and moral motherhood, and poor and/or women of colour as irresponsible mothers who lack the proper morals surrounding sex, relationships, and childbearing. Foreign women planning on giving birth in Canada may be “moral” mothers in the sense that they are typically wealthier and therefore financially stable, but since they are often women of colour and allegedly lack a connection to Canada, and putatively intrude on the nation by using their entry to the country for ends that were not first sanctioned by the state, they become categorized as immoral (Harder 2020, 44). Further, alleged ‘birth tourists’ pose a threat to the nation’s maintenance of ‘good’ and ‘moral’ mothers since they “disrupt gender” by “decoupl[ing] motherhood from moral practice” altogether (Lozanski 2020, 156).

Much like the ‘deservingness’ of citizenship, the ‘deservingness’ of the welfare assistance granted to citizens is also raced and gendered (see Foster 2017). Women of colour are continuously depicted in ways that justify the refusal of state help. For instance, in the U.S. in the 1980s, Ronald Reagan’s administration constructed the stereotype of the ‘welfare queen.’ This stereotype was used to represent poor, predominantly Black women, who have multiple children

allegedly for financial gain at the expense of taxpayers. The depiction of Black women using their reproductive capacities for their own apparently ‘selfish’ ends was used to justify the Reagan administration’s aggressive cuts to the welfare state. Using the ‘welfare queen’ as a justification to defund public assistance only functions under the assumption that poor (Black) women and their dependents are not deserving of state help. The children (and future children) of these women are then “vulnerable to these [types of] rhetorical political attacks” as their mother’s reproductive choices are deemed as "inherently suspect” (Foster 2017, 68).

Similar rhetoric of welfare abuse has been used in Canada to justify denying welfare resources to BIPOC folks and justifying disproportionate surveillance (Maynard 2017). For example, since welfare rates across the country are often too low to meet basic living expenses, it is often necessary for welfare recipients to find additional sources of income to supplement their welfare payments, which is then labelled as “welfare fraud” and subject to criminalization (Maynard 2017, 134). These types of policies disproportionately affect racialized populations because racialized populations in Canada are disproportionately poor. In a so-called welfare state like Canada where universal healthcare alone is often considered a source of national pride, even ‘universality’ has its limits. In the case of foreign pregnant women coming to Canada, gender, race and class all play a role in its politicization in Canada since the “stereotypical maternity tourist is an affluent Chinese woman using healthcare services in Vancouver or Toronto” (Harder 2020, 36). Although this stereotypical woman is wealthy and pays her hospital bills out of pocket, whether or not she deserves access to those services and whether her unborn child should be given the same citizenship privileges as every other child who just happens to be born on Canadian soil remains a subject of debate.

## *Racisms and Reproduction*

The backlash against the stereotypical ‘birth tourist’ in Canada can be further contextualized by exploring the country’s long and rampant anti-Asian racism. During the 19<sup>th</sup> century, employers greatly desired the cheap labour done under poor conditions provided by predominantly Chinese men who were hired by the thousands to build the Canadian Pacific Railway. In the “early days of Chinese migration”, these workers were seen as an “important part of the colonial project” as they greatly helped Canada establish a settler presence, especially in British Columbia (Dua 2007, 447). However, their families and spouses were prevented from joining them in Canada in an effort to ensure that their presence remained temporary. Following the construction of the railway, a racist and hefty head tax was imposed on Chinese migrants for nearly forty years, to discourage further immigration. Nevertheless, when wives of Chinese men were finally allowed to immigrate to Canada, it was because of their relationship to their husbands and not on their own independent accord (Thobani 2007, 130). Enakshi Dua (2007) explains how the racialized politics of nation-building can lead to not only exclusionary policies and practices, but also inclusionary ones, as the primary rationale to allow Chinese women to also settle in Canada was to prevent miscegenation between Chinese men and white women. The prevailing presumption at the time was that the entrance of Asian women to Canada would protect white women from the alleged violence of Chinese men. Therefore, “arguments for the inclusion of Asian female migrants were based on the same white nationalist discourse as were arguments for exclusion” (Dua 2007, 446).

However, these policies of controlled inclusion that were “riddled by the contradictory demands of capitalist expansion and a racialized national project” (Dua 2007, 448), became a source of anxiety for the dominant white settler society. Fears and fantasies that Asian migrants

could not be trusted and were seeking to “swamp and invade [white Canadian] society” prevailed throughout the 19<sup>th</sup> and early 20<sup>th</sup> century (Thobani 2007, 87). Asian women in particular were largely viewed through the lens of reproductivity (Thobani 2007, 131). They were considered especially dangerous to the whiteness of Canada since they could reproduce and ‘swamp’ the nation with non-white babies. Asian migrants were frequently described as immoral, and commission reports and parliamentary debates of the time were particularly concerned with the fecundity of Asian women (Dua 2007). For the first half of the 20<sup>th</sup> century, “if white women were to be the ‘mothers’ of the nation, non-white women were said to herald its doom” (Thobani 2007, 92). Remnants of these invasion fantasies undoubtedly exist to this day concerning the immigration of Chinese people, with racist colloquial terms such as “Asian invasion” still circulating in popular parlance. In sum, over the last 150 years, Canada has “both invited and rejected Asian migration” while simultaneously attempting to “limit Chinese reproduction” within its borders (Lozanski 2020, 147).

Scholars such as Kristin Lozanski (2020) situate the backlash against alleged ‘birth tourists’ as a product of persistent anti-Asian sentiments and Sinophobia that has continued throughout the 20<sup>th</sup> and 21<sup>st</sup> centuries. This is particularly evident in Vancouver, a city with a long history of discrimination against Chinese migrants, residents, and citizens. In the last couple of decades, rapidly rising real estate and rent prices, which have made the city unaffordable to many, have been attributed to foreign, wealthy, primarily Chinese buyers (see for example Stiem 2016). However, the evidence that Asian investors are responsible for the price surge in the housing market is lacking, and provincial policies, such as the foreign buyers’ tax that came into effect in 2016 have been criticized for targeting Asian buyers (Cecco and Baylon 2021). This racial and classed anxiety has manifested itself in more subtle forms; for example, the University

of British Columbia (UBC) has been nicknamed the “University of a Billion Chinese” (Todd 2018), which feeds into racist ‘Asian invasion’ narratives. The anti-Asian racism present in Vancouver also manifests itself in more overt and blatant ways. In the last couple of years following the onset of the COVID-19 pandemic, the city has become the capital of anti-Asian hate crimes in North America (Cecco and Baylon 2021). The pandemic has become the latest visible catalyst of the longstanding racial tensions that continuously simmer beneath the surface in the city. Under these circumstances, the prospect of pregnant Chinese women arriving in Canada to obtain citizenship for their future children “adds fuel to an already incendiary mix of racial and class tensions” (Harder 2020, 36).

However, there is some evidence to suggest that Asian women coming from other countries to give birth are more likely to be accepted than other women of colour due to “model minority” myths and stereotypes of Asian economic success (Rodriguez 2018). Cassaundra Rodriguez’s (2018) content analysis of online news article commentary on the topic of ‘birth tourism’ in the U.S. found that some commenters were more sympathetic towards Chinese women giving birth in the U.S. because of their relative wealth. Some even expressed that the children born on American soil to Chinese non-resident mothers could become a benefit to the U.S. economy should they choose to settle in the U.S. as adults since it is assumed they would contribute to the economy more than they take, unlike the children of other migrant women of colour, especially Latina women (Rodriguez 2018). While both Asian and Latina women who give birth in the U.S. are perceived as threats, Latinas are stereotyped as poor migrants “strategizing to remain” in the country whereas Asian women are perceived as “using their financial clout” to “buy their way” into the U.S. (Wang 2016, 265).

Other non-Asian women of colour have not been exempted from racism surrounding childbearing in white settler-colonial states. The alleged hyperfertility of “Third World women” has, for centuries, been constructed as a threat to “the whiteness of the nation” (Thobani 2000, 46). Other women of colour, such as Black and Latina women, have also been subject to negative stereotypes about reproduction. Robyn Maynard (2017) asserts that “Black reproduction continues to be seen as a threat and a contaminant” to the nation, which is particularly evident through the “state’s representation of Black migrant mothers as both calculating and parasitic” (180). Narratives surrounding migrant women of colour suggest they aim to secure “desirable futures” through “strategic childbearing” (Luibhéid 2013, 160) in a way that is both cunning and insidious. In other words, they are “represented as using their reproductive powers for their own selfish ends” (Harder 2020, 48).

These types of stereotypes carry consequences. In 2004, a referendum was held in Ireland on whether or not birthright citizenship should be abolished. It passed by gaining nearly 80% of the vote and required children born on Irish soil to have at least one citizen parent to acquire citizenship. It was argued that migrant women were intentionally taking advantage of Irish *jus soli* to gain citizenship for their children, and that the childbearing of migrant women threatened a properly Irish future (Luibhéid 2013). Other connected arguments for the abolishment of birthright citizenship included that Irish citizenship was being devalued because of pregnant migrant women, and that the children born on Irish soil to foreign women lacked a genuine connection to the country. The fact that Ireland continues to pass down citizenship ‘by blood’ (*jus sanguinis*) to children who may never have set foot in Ireland was conveniently left out of the discussion. By denying citizenship to the children born to non-citizen women, the referendum “promised to restabilize the citizen/migrant distinction and its associated

inequalities” (Luibhéid 2013, 150). Much like in the Irish case, references to strategic childbearing, migrant women of colour’s perceived lack of commitment to the nation, and the alleged devaluing of citizenship through ‘unauthorized’ reproduction are arguments frequently used in Canada in support of abandoning *jus soli*.

In the case of foreign women giving birth in other countries, as exemplified in the Irish case above, the actual children of the pregnant mothers, who are the ones who obtain Canadian citizenship, are hardly considered (Harder 2020, 35). Often their worthiness is solely based on the status of their parents. The children remain largely invisible and are in some instances even referred to solely as “passports” (see for example Wong 2014). Children of colour occupy a contradictory and precarious space in relation to citizenship: they are simultaneously vulnerable and in need of protection, yet are also “threatening others who should assume the consequences of decisions which they have not made” (Meloni et al. 2013, 308). Instead of considering the contributions the children might make, they “inherit their mother’s malfeasance” (Harder 2020, 38). The non-resident mother sufficiently “contaminates the fetus” so that, once it is born, the citizenship status of the baby becomes “questionable” (Cisneros 2013, 301). Despite being newborns, they, like their mothers, are considered not worthy of becoming members of the community.

What makes ‘birth tourism’ particularly threatening is the perception that foreign women are using their reproductive capacities and their mobility to undermine the will of state and ultimately, of Canadian state sovereignty (Lozanski 2020). Reproductive practices are “critical” for “controlling [...] the articulation and reaffirmation of particular visions of nationhood” (Bonizzoni 2018, 223). Any existence of ‘birth tourism’ shows the “failure” of the state to “successfully manage the mobility of reproductive bodies” in a way that is consistent with the

state's desired articulation of nation-building (Lozanski 2020, 157). It shows how "reproduction can be wielded against the will of the nation and its citizens" and circumvent state-sanctioned vetting processes for new citizens (Lozanski 2020, 156). Ultimately, with their ability to give birth and existing access to transnational mobility, 'birth tourists' are capable of undermining the broader national projects of their destination countries.

### *Motivations for Foreign Women to Give Birth in Canada*

Currently, migration scholars do not know much about 'birth tourism,' the transnational networks that sustain it, why women choose to give birth in other countries, or the outcomes for families that have done it (Wang 2018, 112). Commentators, politicians, and media reports have made various claims as to *why* pregnant foreign women come to Canada to give birth, with some claims having more evidence to support them than others. A common reason cited has been the 'anchor baby' narrative, in which the citizen child may eventually sponsor the parents and their families, thereby allowing them to settle in Canada. The term 'anchor baby' was first used in the early 2000s to describe the children of unauthorized, primarily Latina, immigrant women who allegedly give birth in the U.S. for citizenship access first for their children and then for them, at the expense of U.S. taxpayers (see Foster 2017). More recently, the term has also been used to describe racialized foreign women who come to give birth as 'birth tourists' and return to their country of origin following their child's birth, even though the term does not necessarily make much sense in that context and conflates interrelated but separate issues. Nevertheless, news media have described foreign women who come to Canada to give birth as women from "poor, crime-ridden countries" who "hope that their Canadian babies can provide an anchor to the country for the rest of the family" (CTVNews.ca Staff 2016). In a U.S. study, Cassandra

Rodriguez (2018) found that online commenters overwhelmingly demonized Chinese ‘birth tourists’ and explicitly situated them within the ‘anchor baby’ discourse. While theoretically possible, coming all the way to Canada to give birth to an ‘anchor baby’ would be a very long and arduous way of immigrating to Canada. The parents would have to wait until the child is 18 years old before even being able to apply for sponsorship. Once 18, the child would have to meet a minimum income threshold for three years to be approved to sponsor their parent(s). Even then, sponsorship is not guaranteed since the family sponsorship system in Canada operates on a first-come first-served basis and the numbers are subjected to an annual cap. It is doubtful that such an unguaranteed, distant, and far-in-the-future payoff would be a primary motivating factor, particularly considering the steep financial costs of coming to Canada to give birth.

The actual motivations for foreign women to give birth in Canada are important to discuss because, as mentioned, the alleged motivations that are used to denounce the practice are often inaccurate and rely on stereotypes rather than evidence. Motivations for women to give birth abroad in a country like Canada are often multiple and vary from case to case. For example, women from China specifically have cited that they want access to epidurals during labour (which they do not have access to in China) and/or seek to circumvent child limit policies (Lozanski 2020; The Fifth Estate 2020). While it would seem logical that pregnant women would only come to Canada to give birth if their country of origin recognizes dual citizenship, this is not always the case. For instance, while the majority of alleged ‘birth tourists’ to Canada come from mainland China, China does not recognize dual citizenship past the age of 18. Therefore, once the child turns 18, they will either have to renounce their Canadian citizenship or lose their Chinese one.

Evren Balta and Özlem Altan-Olcay (2016) examined the motivations of middle/upper class Turkish women who chose to go the U.S. to give birth to their child(ren) by conducting interviews with 40 Turkish families who had given birth in the U.S. but were residing in Turkey. Most of the Turkish families interviewed had not used an ‘agency’ since they had had previous long-term experiences in the U.S. Balta and Altan-Olcay (2016) found that for many, U.S. citizenship was seen as an additional opportunity for their children, as improving transnational mobility for their children, and as an ‘insurance policy.’ Firstly, they emphasized the fact that their child(ren) would have more post-secondary options and would be able to access American universities with more ease. Secondly, the advantages that U.S. citizenship in terms of international mobility, such as visa-free travel and protection from U.S. embassies, was brought up in every single interview (Balta and Altan-Olcay 2016, 951). Transnational employment opportunities for their children were also mentioned. Thirdly, the Turkish families indicated they were worried about the political future of Turkey, and U.S. citizenship would act as a security net for their child(ren) were the political situation to deteriorate. It is clear that they believed U.S. citizens to be generally more privileged than Turkish citizens and therefore sought to acquire this coveted status for their child(ren) (Balta and Altan-Olcay 2016, 948, 952).

Lozanski’s (2020) research on Chinese-language ‘birth tourism’ agencies in the Canadian context found similar motivating factors for pregnant Chinese women. The primary motivations to obtain a Canadian citizenship for their child included visa-free travel to many countries, easier access to the U.S., and more educational opportunities. However, parents were found to not only be seeking better access to Canadian universities, but also access to schools for international students in China and preferential treatment in Chinese universities (Lozanski 2020, 152). Despite claims of ‘birth tourists’ abusing the supposed generosity of the Canadian state, the

research suggests that pregnant women are not giving birth in Canada to access social programs such as welfare and healthcare, but are rather in search of obtaining the transnational advantages that come with having a Canadian passport for their children (Lozanski 2020). Overall, based on the existing, albeit limited literature, the primary motivations to give birth in a country like Canada seem to be the transnational mobility advantages, the additional educational options both in Canada and the country of origin, and in some cases, the added security of having a second citizenship in case of political turmoil in the country of origin. It is important to examine *why* women are coming from other countries to give birth in Canada because when done so, common arguments against it such as ‘anchor baby’ and ‘welfare drain’ narratives are called into question.

#### *Problems with Proposed ‘Solutions’*

Despite the disconnect between common narratives of why foreign women come to Canada to give birth and their actual motivations for doing so, ‘birth tourism’ has largely been considered a policy problem. Andrew Griffith (2018), former Director General for Citizenship and Multiculturalism at Immigration, Refugees and Citizenship Canada, has proposed three different types of ‘solutions’ to curtail the phenomenon of foreign women coming to Canada to give birth, all of which have been taken into consideration by policy makers over the last several years. First, Griffith proposes making intent to give birth grounds for visa refusals and to give visa officers the power to request pregnancy tests from women they suspect may be pregnant. Second, he proposes amending birthright citizenship legislation to require at least one parent to be a permanent resident or citizen of Canada. Third, Griffith suggests targeted regulatory measures such as taking financial action against non-resident mothers, banning so-called ‘birth

hotels,' increasing financial deposits at hospitals, and/or requiring proof of payment before issuing birth certificates to newborn children. The first and third set of proposed 'solutions' are intended as deterrence mechanisms that would not ultimately stop the practice but make the process even more difficult and/or expensive, whereas the second proposed 'solution' would require a complete retransformation of Canadian citizenship. I discuss the implications of each proposal below.

The first proposal set, making intent to give birth grounds for visa refusal and giving visa officers power to request pregnancy tests, is sexist, invasive, and would likely disproportionately target racialized women. Perhaps most obviously, this set of proposed solutions is problematic since it blatantly discriminates on the basis of gender, as it only applies to persons capable of giving birth, who are primarily women. Only woman-appearing persons would be subject to such scrutiny. Since it would be up to visa officers and border agents to administer, it is reasonable to assume that women of colour, especially racialized women from poorer countries, would be disproportionately targeted. It is difficult to believe that a white woman from a European country would undergo nearly the same amount of scrutiny on her pregnancy status as, for example, an Asian woman from China or a Black woman from Haiti due to the racist nature of Canadian immigration policy, stereotypes of hyperfertility of women of colour, and assumptions of what 'birth tourists' look like.

The second proposal, eliminating unconditional birthright citizenship and requiring a parent to be a permanent resident or citizen, would not only affect foreign women coming to Canada to give birth and their children, it would affect all of us (Liew 2018b). Everyone would have to apply for citizenship, which would require extensive bureaucratic resources and tax dollars since a provincially issued birth certificate would no longer be able to be used as proof of

Canadian citizenship. Unlike some other countries, Canada has no national database of citizenship. Therefore, it is not far-fetched to assume that some Canadians would not have the necessary documentation to prove they are in fact Canadian, which would not only cause complications in terms of applying for a passport, but also to access other services such as obtaining a social insurance number, enrolling at a public post-secondary institution, applying for certain jobs, or accessing health care. However, if doctors and nurses at hospitals *were* required to obtain proof of the residency status of the parents before issuing a newborn a birth certificate, it would essentially turn these medical professionals into immigration officers, which is not something that is even remotely considered to be within the scope of their profession. The federal government has also considered negotiating with provinces and territories to see whether they could add a ‘citizenship’ designation on birth certificates (Yeates n.d., 6). However, in some provinces and territories this approach could require significant legislative amendments. Regardless of the approach taken, these types of reforms “would be akin to an enormous hammer hitting a tiny nail” (Liew 2018b).

There would be significant consequences in both scenarios: persons could become effectively stateless in the process of trying to prove their citizenship, and newborn children potentially for prolonged periods of time if it was found that the parents are not Canadian residents or citizens, depending on the citizenship regulations of the parents’ countries of origin. Statelessness makes it more difficult for individuals to have access to basic and necessary services such as education and healthcare or to open bank accounts (Liew 2018b). Statelessness also allows for the possibility of being subject to arrest and detention without cause. Jamie Liew (2018) reminds us that the stripping of citizenship around the world has encouraged discrimination, persecution and violence against stateless peoples, and that Canada is in fact a

signatory of the UN Conventions on Statelessness. A federal government document released in 2014 under the Access to Information Act acknowledged changes to the *Citizenship Act* would require provisions for children under certain circumstances to not become stateless (Yeates n.d.). However, based on the language used throughout the document, the primary motivation for such a provision seems to be because it would be *easier* to deport children if they were given Canadian citizenship, as obtaining the necessary travel documents for a stateless child would require far more bureaucratic work. In the same document, the federal government also recognized that such citizenship changes could “increase the incidence of ‘fathers of convenience,’” where a non-resident mother could give birth in Canada and falsely claim that the father is a Canadian citizen/resident (Yeates n.d., 5). Settling such claims would require a DNA test to prove the paternity of the child in cases where the mother is from a foreign country, which would not only require more resources, but also has significant privacy implications.

For the third set of proposals, the regulatory approaches and financial penalties, several questions arise as to the effectiveness of these ‘solutions.’ First, considering most women who can actually use ‘birth tourism agencies’ are already relatively wealthy, it is unclear whether financial penalties would deter these women. Second, any financial action is solely directed at non-resident mothers. The fathers remain safe from consequence. While such strategies such as increasing down payments at hospitals and requiring proof of payment before issuing birth certificates might address the financial stress on hospitals, they would likely put non-resident women living in Canada in precarious financial positions. Third, in the case of outlawing ‘birth hotels,’ the reporting and policing of such establishments would likely target the homes of women of colour, including women living in Canada who would prefer to have access to pregnancy care services that are more in accordance with their cultural practices. The people

who would likely end up being hurt the most by such regulatory and financial penalties would be migrant women living in Canada without permanent residency status.

Regardless of the precise number of non-resident women that come to Canada to give birth each year, the way in which the issue is being problematized is rooted in a racialized and gendered understanding of citizenship that exposes how the regulation of borders, reproduction, and the policing of race constitutes Canadian citizenship itself. In this chapter, I have argued that firstly, from the outset, women who come to Canada to give birth are placed within problematic discursive frameworks based on racist stereotypes of the reproductive capacities of women of colour, and Asian women in particular, which have been historically used to justify restrictive immigration policies. Secondly, the primary motivating factors for foreign women to give birth in Canada include easier international mobility for their child(ren), access to better (or cheaper) post-secondary schools both abroad and in Canada, and obtaining an extra citizenship as ‘insurance’ for their child(ren) in case of future political instability in their country of origin. This is significant as it puts into question dominant narratives that women aim to be sponsored by the citizen children and want to ‘abuse’ Canadian welfare services, both of which are used to argue that the children of foreign women who give birth in Canada are undeserving of Canadian citizenship. Thirdly, proposed ‘solutions’ to addressing ‘birth tourism’ create further problems and many people, beyond the women being targeted, would be negatively impacted. After all, the principle of *jus soli* has been historically integral to the Canadian nation-building process. Discourses of deservingness informed by race and gender have had a long and documented trajectory in this country. Foreign mothers who give birth in Canada have simply become one of the latest flashpoints for these discourses to resurface. In the following chapter, I build on this discussion by exploring how federal politicians have interpreted, constructed, and reacted to

what is now known as ‘birth tourism’ in legislative debates, tabled bills, committee meetings, and party platforms.

## Chapter III: Federal Parliamentary Debates on ‘Birth Tourism’

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To better situate and understand past and current political discourses surrounding foreign women coming to Canada to give birth, this chapter explores when, where, and why the issue of ‘birth tourism’ has come up in various federal legislative debates and discussions, beginning in 1994. Studying the language used by democratically elected legislators is a “critical site of analysis” since “their words carry institutional authority” and can give us an indication as to where the broader public stands on certain issues (Foster 2017, 53). Beyond indicating where the mainstream and/or broader public stands, legislative and policy discussions play an important part in implicitly (or even explicitly) directing nation-building efforts. As Patten (1999) articulates, “[w]hile many [policy debates] seem to presuppose a political community that is already defined, they actually serve to (re)define who is Canadian and to (re)construct the social and discursive boundaries of our national political community” (28).

This chapter asks: How has the phenomenon of ‘birth tourism’ been constructed in Canadian federal legislative discussions? I answer this research question by analyzing various government reports and political party platforms, and by conducting a discourse analysis of relevant House of Commons debates and Standing Committee on Citizenship and Immigration (CIMM) meetings. Based on my findings, I argue that parliamentary discourses on the topic largely argue that foreign women who give birth in Canada pose a ‘problem’ to be ‘solved’ and are categorized as ‘bad’ and ‘undeserving’ migrants. These women and their newborns are implicitly or explicitly perceived as not deserving of Canadian citizenship, because, in addition to already being treated as suspect due to their race and gender, they do not behave like ‘good’ immigrants since they subvert the state-sanctioned gatekeeping function of citizenship, which

federal politicians, including some immigrants themselves, largely characterize as generous and benevolent.

The chapter is divided as follows. The first section briefly introduces what was happening in Canadian federal politics in the second half of the twentieth century to help explain why the issue of foreign women giving birth in Canada first appeared on the legislative agenda in the early to mid 1990s. Next, I present my methods for the parliamentary discourse analysis. The findings of the discourse analysis are divided into three sections: the Jean Chrétien and Paul Martin Liberal era, the Stephen Harper Conservative era, and the Trudeau Liberal era. Finally, I conclude with a discussion section on the dichotomous construction of ‘good’ and ‘bad’ migrants present in parliamentary discussions.

#### *Why 1994? The Canadian Political Context Leading up to the Mid 1990s*

This particular time period was selected as 1994 marks the first year in which versions of the ‘birth tourism issue’ appeared as a political and legislative issue (Harder 2020, 39). In the 1960s and following decades, Canada opened its immigration policy, witnessed civil rights movements and decolonization movements worldwide, and saw the creation of the *Charter of Rights and Freedoms* as well as the official adoption of multiculturalism as a national policy. However, the rise of the Reform Party in 1984 under the leadership of Preston Manning is largely attributed to Western alienation as well as a backlash to the dominant liberal politics of multiculturalism that had taken root in the prior decades. It became known that the Reform Party was “quite uncomfortable” with the fact that, since the 1960s, the share of immigrants from Europe began to steadily decrease, replaced by an increase of immigrants from the Global South (Patten 1999, 36). The party claimed such liberal immigration and multiculturalism policies

“undermine[d] [...] national identity” and it was in favour of promoting a singular Canadian identity consistent with status quo white, Christian, British, Anglo identity (Patten 1999, 35). Following the formation of the Reform Party and the election of Progressive Conservative prime minister Brian Mulroney, the entire political spectrum in Canada shifted to the right. Continuing in the 1990s, the Reform Party played an active role in debates defining “the character of Canada’s national political community” (Patten 1999, 28). During this time period, a “palpable change in mood that was “decidedly anti-immigrant and resentful of multiculturalism” had become increasingly apparent among “politicians, media commentators, immigration experts, and ordinary Canadians” (Thobani 2007, 180). This political context proved ripe for the emergence of debates surrounding foreign women coming to Canada to give birth. The Reform Party capitalized on these sentiments and forced the other parties to contend with their harsh critiques of multiculturalism, immigration, and citizenship policy.

### *Methods*

With the help of a critical discourse analysis of parliamentary Hansard and CIMM meetings, the remainder of this chapter will explore when, why, and how issues of birthright citizenship related to foreign women coming to Canada to give birth emerged in legislative debates. This analysis will examine the trajectory that the issue of ‘birth tourism’ has taken in political discourses and assist in understanding current debates surrounding the alleged issue. Critical discourse analysis is theoretically distinguished from discourse analysis as it assumes that the meanings embedded in social and political texts are “structured around a theory about power, oppression or inequality” (Trimble and Treiberg 2015, 235). In a critical discourse analysis, political and social texts are analyzed in a way that “investigates the ways in which

discourses reflect, reproduce and reinforce relationships of dominance” (Trimble and Treiberg 2015, 235). As such, critical discourse analysis is an “attractive methodological approach” to rigorously examine Canadian citizenship and immigration politics (Gaucher 2020, 88). In order to find relevant House of Commons debates and CIMM meeting evidence, I searched several key terms in the parliamentary Hansard<sup>5</sup> and combed through relevant material. The key words that were searched include terms such as ‘birth tourism,’ ‘maternity tourism,’ ‘passport babies,’ ‘anchor babies,’ ‘birth on soil,’ ‘jus soli’ and ‘birthright citizenship,’ which generated a few results. Since some of these key words are specific and loaded terms, I broadened my search to also include ‘birth AND citizen\*’<sup>6</sup> and used the tag ‘citizenship and identity’ to further narrow my results. I obtained far more results this way and was able to locate more relevant parliamentary discussions. My analysis included not only where the key words appeared, but also what was said before and after to further contextualize these debates and discussions, which are investigated at length in the subsequent pages. The discourse analysis findings are coupled with discussions of relevant parliamentary e-petitions that have been brought forth to the House of Commons as well as federal party platforms which are presented chronologically in order to better tease out emerging patterns and trends.

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<sup>5</sup> Available at: <https://www.ourcommons.ca/PublicationSearch/en/>

<sup>6</sup> The asterisk as a Boolean search modifier serves as a truncation operator and will generate results for any term with the same root (ex. citizen, citizens, citizenship etc.)

*Parliamentary Hansard and CIMM Meetings During Chrétien and Martin's Liberal Governments (1993-2005)*

Following the election of Jean Chrétien's Liberal government in 1993, Chrétien's government had signaled that it aimed to 'modernize' Canadian citizenship laws. At the same time, the Reform Party had been pushing political discussions, particularly surrounding immigration and citizenship to the right of the political spectrum for nearly a decade. Although no bills on the topic of citizenship were passed in 1994 or the subsequent years, certain discussions that happened in the House of Commons that year surrounding so-called 'passport babies' and 'citizenship/births of convenience' are particularly relevant for the purposes of this thesis. In November 1993, the *Vancouver Sun* released an article reporting that between 246 and 333 babies had been born in BC to non-resident mothers for the past several years.<sup>7</sup> This article was referenced by both Reform MPs Sharon Hayes (Port Moody-Coquitlam) and Philip Mayfield (Cariboo-Chilcotin) as evidence that amendments to Canada's birthright citizenship principle were necessary to prevent the abuse of Canada's generous citizenship system.

In 1994, Sharon Hayes introduced a private member's bill, Bill C-249, to amend the citizenship act so that children born to non-citizen or non-resident parents would not automatically be granted Canadian citizenship at birth but would instead automatically gain citizenship once one of the parents became a permanent resident. In defense of her bill, Hayes claimed that the "openness" of Canada's immigration system "has led to some of the worst abuses," and that Canada's *Citizenship Act* allowed for the development of "citizenship of convenience for those who can easily circumvent the system" (1994). She lamented that visitors

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<sup>7</sup> I was unsuccessful in finding a digitized version of the 1993 *Vancouver Sun* article. Any information from this article is based off of what members of parliament said in the House of Commons on November 16<sup>th</sup>, 1994.

could come to Canada for the sole purpose of giving birth since “on our present visitor applications no questions are asked about such medical conditions” (Hayes 1994); “medical conditions” in this case were presumably referring to pregnancy status. Hayes also warned of the possibility of “citizenship by birth industry” to emerge (1994), which is allegedly exactly what has emerged, especially in the Vancouver region, according to recent accounts (as in *The Fifth Estate* 2020). Further, she argued the commodification of citizenship is unfair since it is “yet another privilege for the wealthy” (Hayes 1994), which is interesting in the sense that this type of argument, one that asserts that birthright citizenship is unfair since it privileges *wealthy* foreigners, has largely been left out in more recent discourses.

In the same House debate, Hayes stated that she had conducted a telephone poll in her riding that revealed that two-thirds of respondents agreed that the *Citizenship Act* should be amended to “stop this type of abuse” and end the “trivializing of Canadian citizenship” (1994). These numbers are similar to the poll taken in September of 2020 mentioned in the introductory chapter of this thesis which reported that two-thirds of respondents agreed changes to birthright citizenship were needed to stop ‘birth tourism’ (Canseco 2020). In other words, Hayes’ speech to the House of Commons reveals that these sentiments are not new. Allegations of welfare abuse and of lack of commitment to Canada were also prominent in her speech (1994). It is worth noting having a ‘commitment to the state’ is not a defining feature of Canadian citizenship, which means that foreign women and their children are held to a higher standard in terms of ‘proving’ their connection to the country than resident/citizen women and their children. White Canadian women and their children rarely have to undergo the same forms of scrutiny to prove their commitment to the Canadian state (Thobani 2007).

Speaking directly after Hayes, MP Philip Mayfield echoed many of her points: the alleged commodification, trivialization and devaluing of Canadian citizenship that births of non-residents on Canadian soil imposed (1994). Referencing the 1993 *Vancouver Sun* article, he elaborated that hospital staff claimed that the majority of foreign women giving birth were from Hong Kong and were doing so to give their child citizenship in case the transfer of power from British to Chinese rule did “not proceed smoothly” (1994). He also stressed that once they become adults these children would be able to sponsor their families to settle in Canada which made “a mockery” of Canadian citizenship (1994). However, even though Mayfield admitted that “the passport babies issue is a minor one,” he nevertheless argued it was “an obvious loophole” that needed to be closed to “send a clear message to the world that Canada places a high value on its citizenship” (1994).

While he did not dismiss the issue entirely, Liberal MP Stan Dromisky (Thunder Bay-Atikokan) criticized the Reform party for using the bill to incite “unwarranted fear among Canadians by exaggerating statistically negligible abuses of the Canadian citizenship process” (1994). Dromisky also further pointed out that the Department of Citizenship and Immigration had concluded that there was not enough evidence to claim that “passport babies” were a sufficiently significant issue to require government intervention (1994). Instead, he explicitly accused the Reform party of “taking advantage of occasional and statistically insignificant occurrences and blowing them out of proportion to advance a political agenda” and deemed it “terribly irresponsible [for the Reform party] to initiate unwarranted anxieties of unsubstantiated claims” (Dromisky 1994). Hayes’ private member’s bill ultimately did not pass.

In 1998, amid discussions once again of amending and modernizing the *Citizenship Act*, then Liberal Minister of Citizenship and Immigration Lucienne Robillard stated to the *Vancouver*

*Sun* editorial board that she had no plans to change Canada's birthright citizenship legislation due to lack of concrete evidence that "passport babies" were a large enough problem to warrant such a response (Steffenhagen 1998). Since Robillard had heard anecdotes of women travelling to Canada for the purpose of giving birth, she had asked her committee to find evidence on the issue. They "came up empty handed" (Steffenhagen 1998). However, Robillard said that the provinces had expressed interest in developing a system to collect information on women's residency status – whether they are foreign students, asylum seekers, foreign workers, visitors etc. – to be able to assess the extent of this practice. If substantial evidence were to be found, Robillard claimed she would be willing to reassess the situation and potentially implement policy restrictions (Steffenhagen 1998). Over twenty years later, this type of data is still not collected by hospitals, which is why the number of so-called 'birth tourists' is so difficult to determine. Collecting this type of data would come with ramifications; disclosing such information could definitely be considered invasive and would place non-citizens (or women who are *perceived* to be non-citizens) under much harsher scrutiny. Afterall, knowing a woman's citizenship/residency/visitor status will not necessarily help hospital staff deliver a healthy baby, and since it is perfectly legal to come to Canada on a tourist visa and give birth, there is currently not much of a rationale to be collecting such statistics other than for research purposes.

The legislative discussions that occurred in the 1990s surrounding the *Citizenship Act* are significant and worth examining for several reasons. Often, the events of 9/11 are considered as a critical turning point in terms of the securitization of mobility and migration and restrictiveness of immigration and citizenship. However, the fact that anxieties surrounding foreign women giving birth in Canada (referred to as 'passport babies' in those debates) predate 9/11 demonstrates that these types of concerns over Canada's 'lenient' citizenship system were not

necessarily catalyzed by 9/11. Examining the trajectory of the debates surrounding the *Citizenship Act* suggests that the perceived problem of ‘birth tourism’ has roots deeper than the 21<sup>st</sup> century acceleration of migration securitization; foreign women’s capacity to give birth in Canada and have their children become citizens has been considered, by some, a threat to the sanctity of Canadian citizenship for decades.

In the years after 9/11, conversations surrounding birthright citizenship remained relatively absent in both House of Commons debates and CIMM meetings until 2005. I speculate that this gap can be attributed to the fact that immigration debates in that time period were focused on securitizing the US-Canada border as well as focusing on immigration from Arab and/or Muslim-majority countries. Following several years of silence on the issue, in 2005, CIMM released a report entitled *Updating Canada’s citizenship laws: It’s time*. A section of the report posed the following question: “Should the [new/upcoming] legislation limit the ways citizenship can be obtained by birth?” (House of Commons 2005, 5). The report states that the committee discussed the issue at length and that the members were torn on whether further restrictions were necessary. It also emphasized the difficulties committee members had assessing the situation due to the “lack of statistical information regarding so-called ‘births of convenience,’” relying primarily instead on “anecdotal evidence” (House of Commons 2005, 6). The witnesses invited to the meetings largely opposed changes to *jus soli* for a variety of reasons (House of Commons 2005, 6). The case of Ireland is also cited in the report. In Ireland, it was argued that many foreign women were coming to the country solely for the purpose of giving birth since Irish citizenship also granted EU citizenship. In 2004, after receiving 79% of the vote via referendum, Ireland introduced restrictions on birthright citizenship to stop the children of foreign nationals born in Ireland from acquiring Irish citizenship (House of Commons 2005, 7).

However, in the Canadian context, “the Committee [...] determined that we have inadequate evidence at this time to properly assess whether the problems identified in other jurisdictions, such as Ireland, exist here” (House of Commons 2005, 7). The issue did not gain further legislative traction after the release of the report.

*Parliamentary Hansard and CIMM Meetings During Harper’s Conservative Government (2006-2015)*

In June of 2009, the issue of *jus soli* citizenship was again brought up in the context of Bill C-37, the bill that amended the *Citizenship Act* to allow the children of Canadian citizens born abroad to automatically be granted citizenship. Bloc Québécois MP Thierry St-Cyr (Jeanne-le-Ber) repeatedly questioned the relevance and validity of birthright citizenship in the 21<sup>st</sup> century by asking: “Is a person’s birthplace still relevant to assess citizenship? Some people are obviously connected to a particular country, but do not have citizenship, whereas others have no connection to the country that they have become a citizen of” (2009a). He argued that the “concept of citizenship was developed in the 19<sup>th</sup> century for the most part, at a time when people travelled far less, and citizenship implied fewer things. There were no social programs, nor was there a welfare state” (St-Cyr 2009a). St-Cyr then suggested “should we not take another look at citizenship through the lens of the 21<sup>st</sup> century and establish true criteria for assessing a person’s connection to the country, rather than using arbitrary criteria such as place of birth?” (2009a). Although he was making the case in the context of granting citizenship to the children of Canadians abroad, recognizing that in an increasingly mobile world, place of birth is not as relevant as it once was, his comments also have implications for children born in Canada to non-citizen/non-resident parents.

In the following CIMM meeting, St-Cyr repeated the same points mentioned above, yet added another dimension to his argument: “someone may come and spend a week in Canada as a tourist, give birth to a child here, return to their country, and that child will be a Canadian citizen” [...] Is the place of birth still the only relevant criterion in 2009? Should we not be thinking to adopt a more modern, realistic one?” (2009b). Although St-Cyr used this illustration to promote the expansion of Canadian citizenship (granting it to children born abroad), in doing so he nonetheless implied that children of foreigners gaining Canadian citizenship are not ‘true’ Canadians, which, in his mind, proves the irrelevance of birthplace in determining who is a ‘genuine’ citizen.

At two more CIMM meetings in 2010, St-Cyr brought up the same points again, but this time also emphasized that the children of “people who come to Canada like tourists to give birth” can later come back to Canada for subsidized post-secondary education. Liberal MP Ujjal Dosanjh (Vancouver South) finally responded to St-Cyr’s queries by questioning its relevance to the discussion at hand (a discussion on children born abroad to Canadian parents accessing citizenship). Dosanjh responded:

“You’re actually talking about a different problem [...] What you’re talking about is a larger philosophical discussion: whether or not being born in a particular place should play much of a role in how you define citizenship. I think that as you move into the 21<sup>st</sup> century, as people are more mobile, standards may change, views may change, and people may change [...] But I don’t think you’re going to resolve that issue today” (2010).

Indeed, Dosanjh’s prediction was correct; the issue today is still far from resolved, and these types of discussions continue to occur in parliamentary committees and debates, not only in the

context of immigration issues, but also in broader philosophical discussions on citizenship. While St-Cyr's comments explicitly alluded to the concept, the term 'birth tourism' had not yet emerged in parliamentary discourse at that point. Instead, so-called 'birth tourists' were not the focus of the issue, but rather used as a foil or as a site of comparison to make points on other (somewhat related) issues surrounding citizenship.

This changed in 2012, when then Conservative Minister of Citizenship, Immigration and Multiculturalism Jason Kenney began to campaign against 'birth tourism' as part of a broader agenda aimed at implementing more restrictive immigration policies (see for example Immigration, Refugees and Citizenship Canada 2012; Yelaja 2012). Like Prime Minister Harper, Kenney initially entered federal politics through the now defunct Reform Party. In 2000, the Reform Party changed its name to the Canadian Alliance in an attempt to broaden its base in Eastern Canada, and in 2003, merged with the Progressive Conservatives to become the Conservative Party of Canada. Leader of the former Canadian Alliance, Stephen Harper was chosen as leader of the new Conservative Party in 2004 moving the party further to the right of the political spectrum. While the Reform Party had been openly opposed to Canada's adoption of multiculturalism, the new Conservatives under Harper used what Abu-Laban (2014) calls "reform by stealth" where instead of "directly attacking multiculturalism policy" (150), they "reformulate[d]" (157) it through immigration and citizenship policies that were more attuned to the principles of the former Reform Party including pushing for a single 'Canadian' identity intimately tied to British imperialism. This reformulation allowed the Conservative Party to "distance themselves" from prior accusations that the Reform Party was racist while simultaneously justifying restricting immigration and attracting immigrant and/or ethnic minority voters (Abu-Laban 2014, 157).

The anti-multiculturalism and relatedly anti-immigration legacy of the Reform Party is quite visible in the rhetoric that Kenney, as a member of Harper's Conservative government, used to campaign against foreign women giving birth in Canada and criticize birthright citizenship. In an interview with the *National Post*, Kenney described *jus soli* as outdated since foreigners can easily enter and exit the country in a way that would have been much more difficult in 1947 when the *Citizenship Act* was first established, and said he was working to scrap birthright citizenship by the end of the year (Brean 2012). "Birth tourism", he argued, is a "pretty blatant violation of Canada's generosity" (Kenney as cited in Brean 2012). Although Kenney acknowledged that there were no concrete statistics available to determine the extent of the practice, he argued that "regardless of how often ['birth tourism'] happens, it undermines the value of Canadian citizenship" (Brean 2012). According to Kenney, ending automatic birthright citizenship would not be an excessive policy response to the alleged issue of 'birth tourism' since the mere principle or possibility of the practice 'devaluing' Canadian citizenship is enough for the policy response to be justifiable. Kenney's rhetoric during this period sounded very familiar to the rhetoric used by Reform MPs Sharon Hayes and Philip Mayfield nearly 20 years earlier, as discussed above.

In 2014, the issue of foreign women allegedly coming to Canada to give birth briefly emerged again in CIMM discussions surrounding the Harper government's Bill C-24 (the *Strengthening Canadian Citizenship Act*). Since the legislation did not propose changes to birthright citizenship, witness Richard Kurland (policy analyst and lawyer) stated that "in other words, there's no attack on 'visa babies' and 'anchor babies'" (2014). He praised the fact that this issue was *not* on the table but mentioned that he suspected that it was "the missing piece of the puzzle connected to the 'intent to reside' provision" that had been introduced in the

legislation (Kurland, 2014). Conservative MP Chungsen Leung (Willowdale) echoed similar points mentioned four years earlier by Bloc MP Thierry St-Cyr on how current transportation technologies made it much easier to arrive to a country to give birth and immediately leave, which begs questions of how much place of birth actually matters in the 21<sup>st</sup> century (2014). However, Leung then stated, “but I also share with you [Richard Kurland] that this isn’t an issue” (2014).

*Parliamentary Hansard, CIMM Meetings, Party Platforms and E-Petitions During Trudeau’s Liberal Government (2015-2021)*

Nevertheless, other MPs in Leung’s party clearly believed that the practice was an issue because two years later in 2016, Conservative MP Alice Wong (Richmond Centre) sponsored a petition in parliament to end Canada’s birthright citizenship policy for children of two non-resident parents. The petition received 8,886 signatures with the vast majority coming from British Columbia. The petition calls the alleged practice of “birth tourism” “abusive and exploitative” and emphasizes its supposed cost to taxpayers since the child could potentially sponsor their families when they turn 18 and would theoretically have access to Canadian post-secondary institutions without having to pay fees as an international student (e-397 2016). It called upon the Government of Canada to amend birthright citizenship so that the children of non-Canadians and non-permanent residents are excluded, and to ensure that there are no loopholes (e-397 2016).

Two years later in 2018, Liberal MP Joe Peschisolido (Stevenson-Richmond East) sponsored a similar petition making a more impassioned plea to the House of Commons. Peschisolido’s petition received 10,882 signatures, again, the vast majority coming from British

Columbia. This petition echoed similar concerns with regard to imposing costs on taxpayers but went further to claim that the practice of ‘birth tourism’ is “fundamentally debasing the value of Canadian citizenship” (e-1529 2018). The petition also mentioned concern over the apparent increasing numbers of children being born to non-resident parents as well as the emergence of the ‘for profit’ industry underpinning ‘birth tourism’ in some cities. It called on the Canadian government to publicly denounce “birth tourism,” to commit resources to determine the extent of the practice nationally, and to “expeditiously implement concrete measures to reduce and eliminate this practice” (e-1529 2018).

Peschisolido justified his case to the House by claiming that “birth tourism exploits our generous public health care and social security systems and violates Canadian’s sense of fairness” (2018). However, research has found that foreign women who come to countries such as Canada to give birth are largely not interested in staying in Canada to use Canada’s social services, and typically return back to their country of origin (as discussed in detail in the previous chapter). Since these women are typically already in privileged positions, they are more interested in acquiring the transnational benefits of Canadian citizenship for their children rather than accessing welfare state provisions. Discourses framing these women as abusing social services are thus inaccurate and rely on sexist and racist tropes of women of colour being excessively dependent on welfare. Nevertheless nearly 11,000 people signed the petition, “calling on the government to condemn birth tourism, quantify the practice and implement concrete measures reducing and eliminating this illegitimate and exploitative industry” (Peschisolido 2018). This was the first instance of the actual term ‘birth tourism’ being used in the House of Commons, and the term has been more frequently used ever since.

While neither petition gained much legislative traction, it is interesting to note not only the similarities but also the differences between them. While the first petition (e-397) only briefly outlined why it claimed foreign women coming to Canada to give birth to be an issue warranting parliamentary attention, it demanded drastic changes to Canadian citizenship policy. The second (e-1529) however, was more explicit and forceful in language as to how ‘birth tourism’ supposedly undermines Canadian citizenship but made no mention of changing birthright citizenship rules, offering instead some more vague and general recommendations. This lack of suggested changes to birthright citizenship in the second petition could potentially be because it was sponsored by a Liberal MP, unlike the first that was sponsored by a Conservative MP, with the Liberals historically being more staunch supporters of birthright citizenship.

A couple weeks after Peschisolido’s address to the House, the issue of ‘birth tourism’ was brought up again in a CIMM meeting, this time by witness Jamie Liew (refugee lawyer and associate professor from the Faculty of Law at the University of Ottawa). Because of the recent talk of eliminating automatic birthright citizenship over fears of ‘birth tourism,’ Liew felt compelled to underscore Canada’s international obligations in terms of statelessness, such as the 1961 U.N. Convention on the Reduction of Statelessness that Canada is a signatory of (2018a). If changes to the *Citizenship Act* were to be made, the legislation would have to ensure that children born on Canadian soil do not become stateless, in accordance with international law. Liew stated to the committee: “there have been recent discussions about the idea of citizenship, who qualifies for it, who is deserving and how we can strip citizenship away. These potential policy actions that governments may want to take are restricted further by their being a signatory to this convention” (2018a). Further, Liew added that she had undertaken research in other

countries that had eliminated birthright citizenship and had come to the definitive conclusion that “[birth tourism] is not a problem worth eliminating birthright citizenship for” (2018a).

It was not until 2018 that the alleged issue of foreign women coming to Canada gained some (albeit limited) clout from political parties leading up to a federal election campaign. At the Conservative Party Convention in 2018, a nonbinding resolution was narrowly passed to prevent children of two non-resident parents from gaining Canadian citizenship. Although then Conservative party leader Andrew Scheer stated after the convention that the resolution was not specifically targeted at combatting ‘birth tourism,’ he did add that “ending birth tourism will be among the objectives of our policy” (Dickson 2018). The motion was swiftly condemned by organizations such as the Canadian Council for Refugees, which claimed that such a policy would leave children stateless and would put certain women, such as women awaiting residency status or refugee status, in precarious situations after giving birth (Dickson 2018).

Following the vote, federal NDP leader Jagmeet Singh took to Twitter to condemn the Conservative’s party’s resolution: “#CPC18 delegates voted in favour of ending birthright citizenship for children born in Canada unless one parent is Canadian or a permanent resident [...] The NDP unequivocally condemns the division and hate being peddled by @AndrewScheer and the CPC<sup>8</sup>” (Singh 2018). While the tweet did not specifically reference ‘birth tourism,’ it framed the resolution as a political strategy of divisiveness and hate towards ‘outsiders,’ but without explicitly calling out the Conservative party for racism or xenophobia. Nevertheless, by the time the 2019 federal election came around, the Conservatives had dropped any mention of ‘birth tourism’ in its official platform.<sup>9</sup>

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<sup>8</sup> CPC is the acronym for the Conservative Party of Canada.

<sup>9</sup> I was unable to find more information on the Conservatives’ specific reasons for discarding this particular resolution from their election platform.

However, the People's Party of Canada under the leadership of Maxime Bernier explicitly pledged to end the practice of 'birth tourism' in its 2019 election platform. At a rally in Mississauga on July 24<sup>th</sup>, 2019, Bernier committed to drastically curb immigration, abolish the *Multiculturalism Act*, and emphasized the importance of 'Western values' (all while denying that he is racist). The speech included a brief segment on 'birth tourism' where he said "we will change the law to make birth tourism illegal. Canada is not a shopping centre, where any foreigner expecting a child can come and buy a citizenship or future education and employment opportunities for their children, without following the proper immigration channels" (People's Party of Canada 2019). Bernier did not specify *how* he planned to make 'birth tourism' illegal, and whether or not that change would require amendments to Canada's birthright citizenship principle.

The issue was not discussed in either CIMM discussions or House of Commons debates until February 2020, when Conservative MP Kenny Chiu (Stevenson-Richmond East) turned attention back to 'birth tourism.' In a CIMM meeting, Chiu declared that in his riding there is "an epidemic of birth tourism" (2020a). He further stated that "visitors are coming and giving birth with the explicit intention of seeking Canadian citizenship for their newborns" (Chiu 2020a). While he asked the committee what solutions were being put forward, his question was not further addressed or answered by other committee members. In November of 2020, well into the beginning of the second wave of the COVID-19 pandemic in Canada, Chiu asked a series of questions to the Liberal government on the topic of 'birth tourism' during question period. Chiu asked:

"with regard to the government's position regarding visitors coming to Canada for the sole purpose of giving birth on Canadian soil and subsequently obtaining Canadian

citizenship for their child: (a) what is the government’s position in relation to this practice; (b) has the government condemned or taken any action to prevent the practice, and if so, what are the details of any such action; and (c) has the government taken any action to ban or discourage Canadian companies from soliciting or advertising services promoting this type of activity, and if so, what are the details?” (2020b).

The details given by CIMM are posted to their website on a page entitled “Birth on Soil” which was last updated September 18<sup>th</sup>, 2020.<sup>10</sup> The statement repeats multiple times that more research is ongoing to determine the extent of the issue, and that any changes to birthright citizenship would need to carefully consider the implications for those approximately 380,000 children born in Canada every year. It also addresses some of the complications this would pose for provincial governments, since provinces are responsible for issuing birth certificates. Further, the 2019 Federal Budget allocated \$51.9M to “protect Canadians, and those seeking to start a new life in Canada, from unscrupulous immigration consultants” (Government of Canada 2020), which presumably includes agencies promoting giving birth in Canada to foreign women and aiding them with the process.

A third petition was tabled again by Conservative MP Alice Wong in September of 2020, which only gained 548 signatures. This petition and its demands were shorter and more blunt; it claimed that foreign women are coming to Canada solely for the purpose of giving birth, that these women are “intentionally using deceitful methods to bypass the legitimate immigration process” which is “morally wrong”, that these women use “finite Canadian medical resources”, and that when they fail to pay their medical bills, it is an increased burden on Canadian taxpayers (e-2451 2020). The petition calls on the Government of Canada to “stop granting Canadian

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<sup>10</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/march-12-2020/birth-on-soil.html>

citizenship to those born in Canada but whose parents are not Canadian citizens” (e-2451 2020). Asking the Canadian government to amend Canada’s *jus soli* principle to exclude the children of non-citizens as opposed to only non-residents has even further reaching implications in terms of the number of children this type of change could potentially render stateless, among other administrative complications.

All three of the government responses tabled by Liberal Ministers of Immigration, Refugees and Citizenship (John McCallum in 2016, Ahmed Hussen in 2018 and Marco Mendicino in 2020) in response to the e-petitions over the past few years have been similar in tone. They all emphasized the importance (both symbolic and practical) of *jus soli* citizenship to Canada and asserted that making changes to this policy would be significant. The first response emphasizes that this provision does *not* grant citizenship or immigration status to the parents (e-397 2016). The second response adds that Canada does not collect information on the pregnancy status of women when they enter Canada, and that under the *Immigration and Refugee Protection Act* (IRPA) they cannot be denied entry for being pregnant and therefore the practice is not fraudulent. It also mentions that the number of non-resident births are very small annually, but pledges that Immigration, Refugees and Citizenship Canada (IRCC) will conduct further research (e-1527 2018). Both the second and third responses mention that the targets of government action should be “unscrupulous consultants” (e-1527 2018), and the third mentions that the 2019 Budget pledged funding to further investigate the issue and “strengthen the oversight of consultants” (e-2451 2020). Based on these responses, overall, the Liberal government’s position has been fairly consistent insofar as they believe that the practice is not widespread, that more research is required, and that under their leadership, changes to Canada’s birthright citizenship principle will not be the principal target if further action is required,

focusing instead on ‘dishonest’ immigration consultants. It is worth noting that the language used in these responses does not accuse pregnant foreign women of any wrongdoing (the focus rather being on immigration consultants), and largely emphasizes that their alleged actions are consistent with *IRPA*.

However, Chiu evidently does not feel as though this issue has been sufficiently addressed. In December of 2020, he read a member’s statement to the House of Commons that focused less on the technical solutions to the issue, covered by his previous addresses, and focused instead on the inherent sanctity and value of Canadian citizenship. Chiu began his address by stating: “as a former immigrant, I rise today to represent the millions of immigrants who have followed the rules and regulations to become Canadians” (2020c). He continued, “because of the joy of becoming Canadians and the pride in our contributions to this country, we [immigrants] are heartbroken that such glaring loopholes [referring to ‘birth tourism’] exist” that allow for the “exploitation” of Canadian citizenship (Chiu 2020c). Since this alleged loophole is allowing businesses to profit from providing “birth-giving vacation-like packages”, Canadian citizenship is not only being cheapened, but it is insulting to those who work hard and “obtain it the right way” (Chiu 2020c). This type of rhetoric employed by Chiu implies that there is a distinction between ‘good’ immigrants and ‘bad’ immigrants, and that there are genuine ways to obtain Canadian citizenship and disingenuous ways, which is the basis of the remainder of this chapter.

### *Discussion*

This discourse analysis of federal legislative debates since 1994 on topics related to birthright citizenship such as ‘passport babies,’ ‘citizenships of convenience’ and ‘birth tourism’

illustrates how the debates have followed a similar pattern; conversations on birthright citizenship emerge and an MP brings up the issue (now referred to as ‘birth tourism’) based on anecdotal evidence, there is research to find further evidence, not enough substantial evidence is found, the issue is dropped and is not further discussed for a couple years, another MP brings up ‘birth tourism’ again, and the entire process repeats itself. It has also revealed certain broad trends about *who* is bringing these topics into the spotlight. First, the MPs are mostly from ridings in Vancouver, which is logical since Vancouver (and Richmond in particular) have been the primary focus of ‘birth tourism’ in Canada. Second, the majority, though not all, represent the current Conservative party (or the Reform party), which is also not especially surprising since these are the parties that tend to prefer stricter immigration and citizenship policies. Third, especially in the most recent decade, several of the members of parliament campaigning for more exclusionary birthright citizenship policies are themselves immigrants and Asian immigrants, which reveals a more complex dynamic at play.

In the early 2010s, the Conservative party under the leadership of Steven Harper and then continued by Andrew Scheer began an “aggressive” outreach strategy to attract the so-called ‘ethnic vote’ and more conservative immigrant and minority populations to the party (Gaucher 2020, 80, 90). During the same time, the party relentlessly campaigned to restrict both immigration and access to citizenship, particularly amongst those immigrants they perceived as undesirable: refugees, Muslims, and other racialized groups. These seemingly contradictory priorities were brought into alignment through the constructions of a dichotomy of ‘good’ versus ‘bad’ immigrants; a dichotomy that praises ‘good’ immigrants for following conventional immigration channels while framing ‘bad’ immigrants as fraudsters and criminals. This was done in an attempt to persuade the ‘good’ naturalized immigrants to vote Conservative while

simultaneously appeasing their conservative base concerned with ‘securing’ Canada’s borders, “binding seemingly contradictory constituencies together” in an attempt to secure a “minimum winning coalition” (Carlaw 2018, 791). Instead of being openly unsympathetic to immigrants, a rapidly growing sector of the population and potential electorate, the party shifted its rhetoric to praise “hard working,” self-sufficient immigrants while pitting them against other migrants perceived of abusing the Canadian immigration system and welfare state (Carlaw 2018, 792). Attacking ‘birth tourism’ therefore became one component of a broader strategy to achieve the seemingly contradictory aims of restricting immigration and citizenship while attracting newcomers and people of colour to the party. By praising those who “respect the rules” and demonizing migrants who arrive by and for other means, politicians can undermine “any sense of solidarity or support” between conventional migrants and those with less secure status (Carlaw 2018, 801).

In the 2011, 2015 and 2019 federal elections respectively, the Conservative Party promised action to maintain the “integrity” of Canada’s immigration system for “genuine migrants” (Gaucher 2020, 92). This type of rhetoric was significantly less prevalent in Erin O’Toole’s 2021 federal election campaign, in which he adopted a more centrist platform than did his predecessors. Whether or not the Conservative Party will resume its previous appeal to ‘good’ immigrants while further marginalizing ‘bad’ ones in future election cycles is yet to be determined. It is important to note that while this type of dichotomous rhetoric is used far more blatantly by the Conservative party, other parties also mobilize it, though in more subtle forms.

While ultimately this dichotomous construction “(re-)produce[s] white settler-colonial narratives of who belongs” and “who does not” (Gaucher 2020, 93), it seems as though the rhetoric has attracted some immigrants to the party. In MP Kenny Chiu’s address to the House

for instance, he explicitly presented himself as a ‘good’ immigrant and expressed disdain towards immigrants who do not follow the same state-approved paths to immigration and citizenship that he patiently had to follow and work towards in his own life. Chiu’s own riding of Stevenson-Richmond East is nearly 50% ethnically Chinese, suggesting that this type of discourse is resonating with at least some of this electorate.

This phenomenon is perhaps unsurprising since other studies have unearthed similar sentiments towards ‘birth tourism’ among resident Asian populations. For instance, following news reports of the existence of Chinese ‘birth houses’ in wealthy California suburbs in 2012, local Asian American residents and groups were quick to condemn them in press releases (Wang 2016). Even though it may seem that Asian American residents and naturalized immigrants would be “sympathetic” to the lengths that Chinese ‘birth tourists’ go through in order to secure citizenship for the child(ren), a strong condemnation of Chinese ‘birth tourism’ is “demanded by the logic of racialized citizenship” since “anything less” could risk in Asian American residents and citizens being perceived as “not patriotic enough” (Wang 2016, 269-70). This is consistent with Thobani’s (2007) characterization of citizenship as a tool to mobilize those who have acquired insider status to protect the institution against ‘outsiders,’ even though they themselves may be marginalized insiders due to their raced and gendered positionalities.

Overall, the ways in which ‘birth tourism’ has manifested itself in parliamentary discourses in the last 25 years, particularly around issues of birthright citizenship and the *Citizenship Act*, shows that some ministers and MPs express frustration that some women are seen to be able to circumvent the gatekeeping functions of the state. Regardless of how small that number is, the mere *possibility* of it happening is enough to instill anxieties that ‘bad’ immigrants

are damaging the value and reputation of Canadian citizenship. In a sense, this reaction exposes the fragility of Canada's white settler-colonial citizenship regime in the national imaginary.

From another lens, narratives of sexual responsibility may explain why foreign women giving birth in Canada generates this type of reaction from certain politicians and members of the public. Such narratives permit "states to simultaneously discipline sexual behaviour and enforce a particular conceptualization of national identity. The creation of good and bad sexual citizens results in unequal access to claims for citizenship rights, therefore shaping sexual identities through processes of membership, compromise, and exclusion" (Gaucher 2018, 30). Perhaps this is one of the reasons why 'birth tourism' is considered to be so threatening to the inherent value of Canadian citizen despite making up a relatively small number of births; it circumvents the gatekeeping processes the state has in place to ensure sexual reproduction is conducted in a 'good' and 'moral' way. Gaucher and Larios argue that the (excessive) focus on 'birth tourism' "calls back long-standing sexist and racist immigration legacies that perpetuate the criminalization and surveillance of racialized pregnant non-resident women" (2020). Indeed, politicians "rarely express concerns about the reproductive behavior of men [...] regardless of citizenship" (Foster 2017, 67-68).

While foreign women who choose to give birth in Canada were undoubtedly cast as disingenuous and immoral in some of the parliamentary discourses, the primary target of the majority of these discourses was not the women themselves, but the *Citizenship Act* and Canada's principle of birthright citizenship. In more recent discourses, the primary target has been the 'unscrupulous' immigration consultants and 'birth tourism industries' who supposedly aid foreign women in the process. It is worth noting however, that when proposals to scrap birthright citizenship because of this alleged issue have surfaced, there has been strong push-

back. However, it is unclear how much of this pushback is due to the fact that certain politicians firmly believe that children of foreign women born on Canadian soil should automatically be granted citizenship, or rather because scrapping *jus soli* would be an immense bureaucratic and administrative headache that does not seem worth it for a ‘problem’ that is, at this point, not backed up by sufficient empirical evidence.

Although the specific term ‘birth tourism’ has only emerged into political parlance within approximately the last decade, the perceived issue has roots that go back further by at least another 15 years. The term ‘birth tourism’ has now largely replaced the earlier discourses of the 1990s surrounding ‘passport babies,’ even though the two terms are referring to the same perceived issue, as well as the 2000s discourse of ‘citizenships’ or ‘births of convenience.’ Such discourses have emerged periodically during this 25-year time frame, largely within contexts of amendments to the *Citizenship Act* and within broader discussions of what exactly having Canadian citizenship means or should mean, and who is deserving of it. Discussions surrounding ‘birth tourism’ have emerged every several years, eventually dying down, and then re-emerging the next time issues of citizenship are put in the spotlight. However, in the past several years we have seen an increase in conversations surrounding ‘birth tourism,’ with three petitions being put forth in the House of Commons in the last five years alone, suggesting that perhaps this current uptick in interest in ‘birth tourism’ may have some longevity. Whether the COVID-19 pandemic sufficiently curbs non-resident births for the issue to be taken off the legislative agenda is yet to be determined.

In the past decade especially, immigrants or descendants of immigrants themselves have been the most likely to push to curb ‘birth tourism.’ I largely attribute this to be a manifestation of the Conservative Party’s strategy to attract ‘ethnic voters’ to the party by using rhetoric that

divides immigrants into ‘good’ and ‘bad’ immigrants and campaigning to restrict and crackdown on ‘bad’ immigrants while praising the ‘good’ ones for ‘following the rules.’ The fact that some immigrants/naturalized citizens themselves are some of the most vocal opponents to the alleged practice in recent years is consistent with other scholars’ characterizations of citizenship as a tool to mobilize those who have acquired insider status to protect the institution against ‘outsiders,’ even though they themselves may be marginalized insiders due to their raced and gendered positionalities (such as Thobani, 2007). In the next chapter, I examine to what extent and how these discourses of deservingness have manifested themselves in Canadian newspaper articles on the topic of foreign women giving birth in Canada to acquire citizenship for their children.

## Chapter IV: Debates in Canadian Newspapers

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To complement the discourse analysis of parliamentary Hansard and committee meetings undertaken in chapter three, this chapter analyzes print media discourses surrounding foreign women allegedly coming to Canada to give birth. As “one of the most powerful institutions in a democratic society,” the media play a crucial role in gatekeeping issues, framing issues, transmitting the “nation’s narratives and myths” and “reproducing the collective belief system of the dominant society” (Henry and Tator 2002, 4). In simpler terms, “the public relies on the press to decide what we need (or want) to know about” (Trimble and Sampert 2010, 3). Although studying news media reports runs the risk of legitimizing potentially problematic interventions, they remain an important plane of study particularly because of their role in legitimating dominant discourses (Wang 2016, 267). For the purpose of this research, I am not interested in determining the accuracy or inaccuracy of newspaper articles on the topic. Rather, I seek to analyze the “imaginaries they simultaneously draw upon and (re)produce” (Wang 2016, 266) in the context of Canadian citizenship and belonging.

This chapter asks: How has the phenomenon of ‘birth tourism’ been constructed in Canadian print news items? I argue that newspaper coverage on the topic largely echoes historical racist anxieties towards immigrant women of colour (as discussed in chapter two) which was ramped up in the early 2010s as foreign women giving birth in Canada were placed into the ‘bad immigrant’ category. Whereas some other migrants, such as refugees, are also placed in the ‘bad’ category, they are sometimes considered ‘deserving’ of citizenship by the more liberal-leaning, pro-immigration commentators, while ‘birth tourists’ are still not considered deserving of citizenship, presumably due to their wealth. They are not considered

deserving of citizenship because, not only do they not adequately participate in the white nation-building required to become a resident or a naturalized citizen, but they do also not need saving by the state or other Canadians.

The chapter is structured as follows; I begin by describing and justifying my methods. Next, I provide a brief overview of broader trends before describing my findings chronologically. I divide my chronological presentation of findings into four eras: the 1990s, the lull in the early 2000s, the early to mid 2010s, and the peak of the late 2010s and onwards. In the following sections, I discuss in further detail the most common motivations for women to give birth in Canada as cited in the newspaper articles, the invisibility of the children and fathers in the reporting, the strain on healthcare argument, and the anxieties surrounding organized ‘birth tourism agencies.’ The chapter concludes by discussing the unique position that wealthy women (primarily women of colour) who come to Canada to give birth to their child(ren) are placed in based on their race, gender, and class.

### *Methods*

A targeted search using two newspaper databases, Canadian Newsstream and Eureka, produced 80 Canadian newspaper articles for analysis in both English and French,<sup>11</sup> published between the years 1990 and 2021 (see Figure 1 for number of articles per year). The articles are all at least 200 words in length and include news, opinion pieces and editorials. All were published in hardcopy newspapers (and not online only). Letters to the editor were excluded, as they are not written by the newspapers themselves. The newspapers were selected from four

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<sup>11</sup> I am fluent in French. No third-party translation was needed.

categories: national, Vancouver, Toronto, and Montreal. Newspapers from these three cities were selected for analysis since these locales are the three main points of entry for foreign travellers into Canada and have the highest population density. The two largest newspapers in terms of circulation and readership per category were selected, with the exception of Montreal. Three newspapers were selected for Montreal, to allow for at least two French-language papers to be analyzed (*Le Journal de Montréal* and *La Presse*). It was also important for the English-language *Montreal Gazette* to be included because of its large readership, and the sizable Anglophone community in Montreal. Initially, *Le Devoir* (FR) was also included in the search but no articles relevant to the topic were found. For national newspapers, *The Globe and Mail* and *National Post* were selected. For Toronto newspapers, the *Toronto Star* and *Toronto Sun* were selected. The *Vancouver Sun* and *The Province* were selected as Vancouver newspapers. For Montreal, the *Montreal Gazette*<sup>12</sup> (EN), *Le Journal de Montréal* (FR), and *La Presse*<sup>13</sup> (FR) were selected. While all can be seen as institutions of ‘mainstream’ Canadian media, this mix of newspapers includes a variety of political leanings and styles, as some are tabloid-style, with a more sensationalist presentation style, whereas others are more traditional-style newspapers known for more serious reporting. Together they include a wide range of perspectives. It is worth noting, however, that media giant Postmedia Network currently owns five of the nine selected newspapers, including the *National Post*, *The Province*, the *Vancouver Sun*, the *Toronto Sun*, and the *Montreal Gazette*.

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<sup>12</sup> Formerly known as *The Gazette* before the company re-branding in 2014. All articles published in this newspaper are referred to as from the *Montreal Gazette* in this thesis for consistency and clarity purposes, regardless of the year published.

<sup>13</sup> As of 2017, *La Presse* rebranded into *La Presse+* and became an entirely digital newspaper.

While many forms of media play important roles in shaping public discourses including social media in recent decades, print media was specifically selected as the discourse plane for this study since it remains a staple in the Canadian news media landscape and newspapers continue to carry institutional legitimacy. Research has shown that for over a century, BIPOC have been either rendered invisible or represented through stereotypes in Canadian print media (Henry and Tator 2002), which, in itself, warrants an intervention. Print media is particularly relevant for this research since, as noted in the previous chapter, it was a newspaper article that acted as a catalyst for this issue to enter the federal legislative agenda.

To find relevant articles from these specific newspapers, I used two databases accessed through the University of Alberta online library system: Canadian Newsstream for English-language newspapers and Eureka for the two French-language newspapers. I conducted several rounds of searches. In the first one, I searched using explicit keywords such as ‘birth touris\*’,<sup>14</sup> ‘passport bab\*’, ‘maternity touris\*’ and ‘anchor bab\*’ in English, and ‘tourisme obstétri\*’,<sup>15</sup> and ‘bébé passeport’,<sup>16</sup> in French. However, since these keywords are loaded and contested terms and I suspected that media coverage using this type of language would be more negative and engage with the alleged issue explicitly as a ‘problem,’ I also used contextual search terms with the use of tags to locate material that might be more sympathetic to the women, and to more generous analyses of citizenship and immigration policies. For instance, I searched ‘birthright citizenship’ and ‘birth & citizen’ with the tags ‘immigration policy,’ ‘citizenship’ and ‘noncitizens’ in English, and ‘accoucher & nationalité canadienne’<sup>17</sup> and ‘droit du sol’<sup>18</sup> in

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<sup>14</sup> The asterisk as a Boolean search modifier serves as a truncation operator and will generate results for any term with the same root.

<sup>15</sup> Translates to ‘obstetrical tourism’.

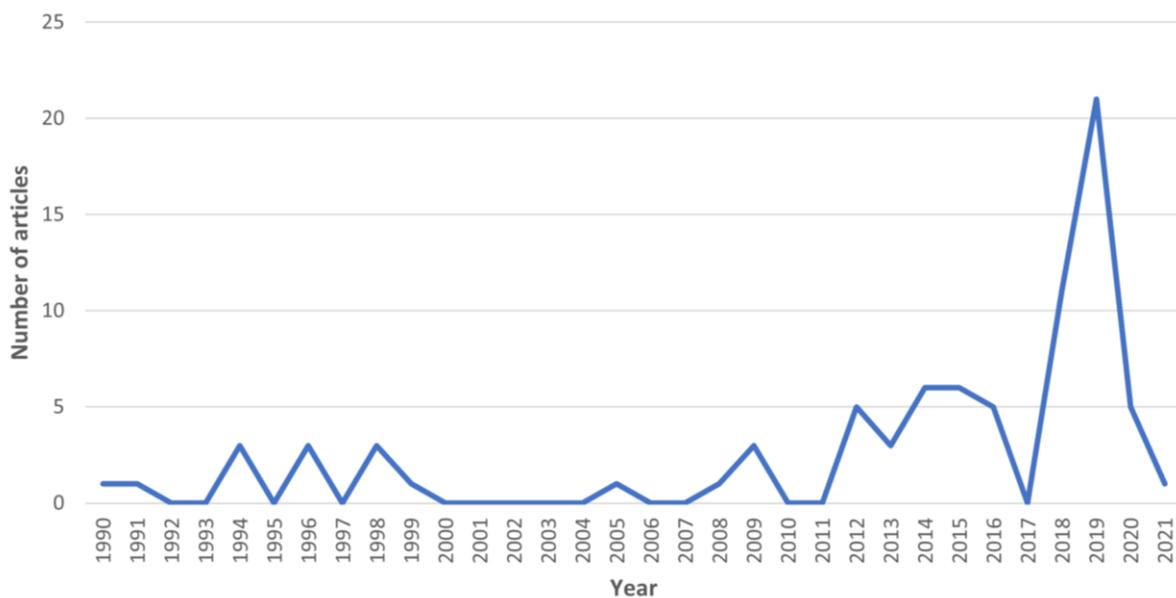
<sup>16</sup> Translates to ‘passport baby’.

<sup>17</sup> Translates to ‘birth and Canadian nationality’.

<sup>18</sup> Translates to ‘right of soil’.

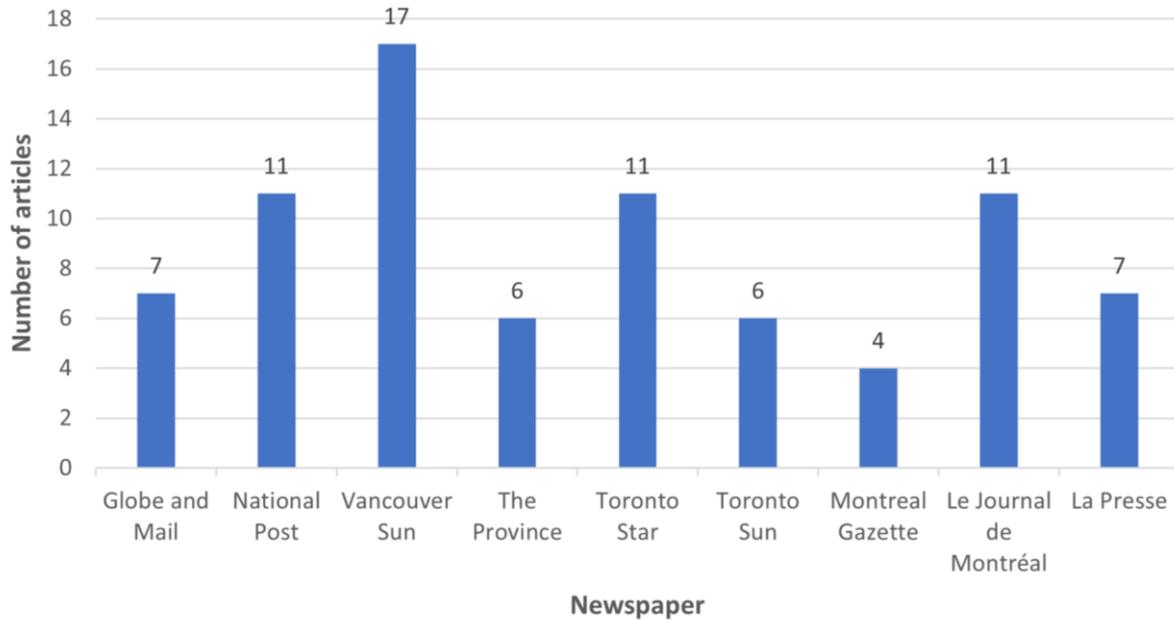
French. This method required sifting through articles to determine whether they fit the topic of this paper. All duplicates were excluded from the study, so each article was only analyzed once. Similarly, if an article appeared in multiple newspapers within a couple of days, was written by the same author, and was overwhelmingly the same content with only minor differences, it was also excluded but noted as appearing in another paper. Stories about ‘birth tourism’ in the U.S. or other foreign countries where Canada was not mentioned were also excluded. This process was completed when new search terms were only generating repeats. In total, 63 articles in English were selected and 18 in French. Of the 80 articles total, 23 were from Vancouver newspapers, 17 were from Toronto newspapers, 22 were from Montreal newspapers and 18 were from national newspapers (see Figure 2 for the final article count per newspaper).

**Figure 1: Selected articles by year**



*While the first articles appeared in the 1990s, the vast majority of the selected articles were from 2011-2016 and 2018-2020.*

*Figure 2: Selected articles by newspaper*



*The Vancouver Sun had the most selected articles followed by the National Post, the Toronto Star, and Le Journal de Montréal.*

Once the articles<sup>19</sup> were selected, I then created a codebook<sup>20</sup> with variables based on what I anticipated finding through preliminary readings of a few newspaper articles. Marking each variable as either present or not present, I created codes for the following categories: general information, sending and receiving locations mentioned, framing of the alleged practice, framing of the foreign women (and future/new citizen child) themselves, alleged motivations for the practice cited, whether other parties are mentioned (such as ‘birth tourism’ agencies), and other broad information (such as whether the alleged practice of ‘birth tourism’ is integral, important or tangential to the newspaper article). I analyzed the articles in order by year, to make it easier to uncover trends over time. While reading through each article, I entered the

<sup>19</sup> Full list of articles and search terms listed in Appendix A.

<sup>20</sup> Full codebook with added descriptions available in Appendix B.

appropriate codes into a spreadsheet and took additional notes of specific passages to be analyzed in more detail using critical discourse analysis. Broadly, discourse analysis is used to examine “the ways in which language is constituted to construct meaning” (Trimble and Sampert 2010, 326). Critical discourse analysis in particular “investigates the ways in which discourses reflect, reproduce, and reinforce relationships of dominance, [and] the analysis is structured around a theory about power, oppression, or inequality” (Trimble and Treiberg 2015, 235). Conducting additional discourse analysis on specific passages is beneficial since it allows for additional nuances to be captured that could otherwise be missed in the content analysis. The findings of this newspaper analysis are discussed in the following sections.

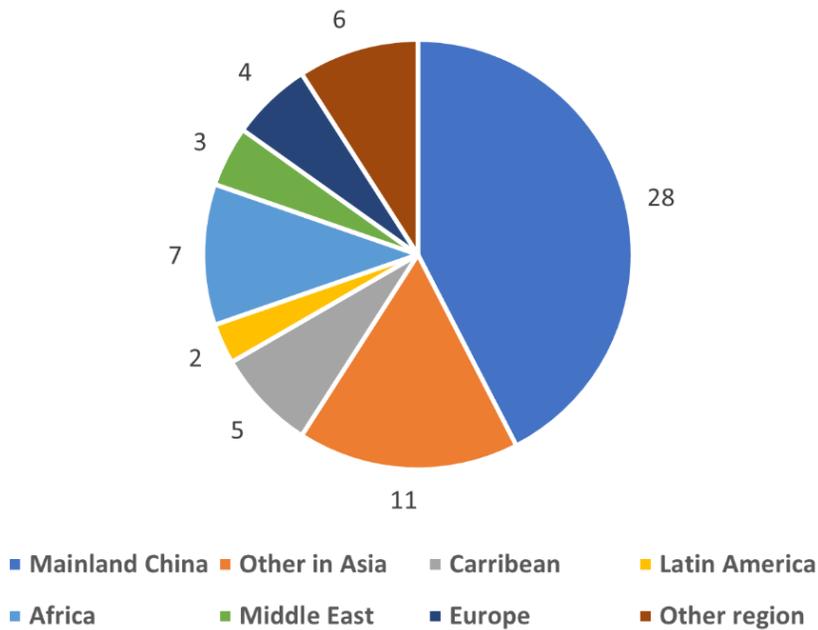
### *Overview of Locations and Terminology*

A wide variety of countries were cited in the newspaper articles as countries of origin for pregnant women travelling to Canada. While a plurality of the articles cited mainland China as a country of origin, other countries such as Nigeria, India, Jamaica, the U.S., and Russia<sup>21</sup> were mentioned multiple times. Figure 3 demonstrates the relative prominence of each area of origin as found in the articles.

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<sup>21</sup> In Figure 3, Russia is included in the category “Other in Asia”

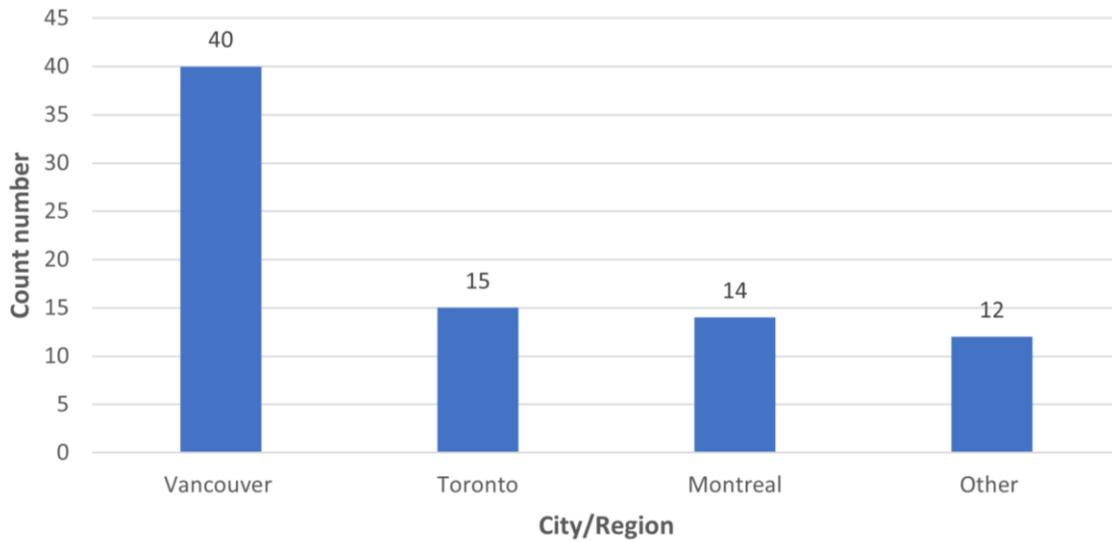
**Figure 3: Places of origin**



*Mainland China was the most mentioned place of origin, followed by other Asian nations and then African countries.*

In terms of destination locations, Vancouver (including Richmond) was by far the most frequently mentioned in the articles (see Figure 4). Both Vancouver and Toronto were mentioned as receiving locations in both national newspapers and newspapers from all three major cities. The two French-language papers were much more likely to cover Montreal than were the national newspapers or the newspapers from the other two main cities.

**Figure 4: Destination locations**

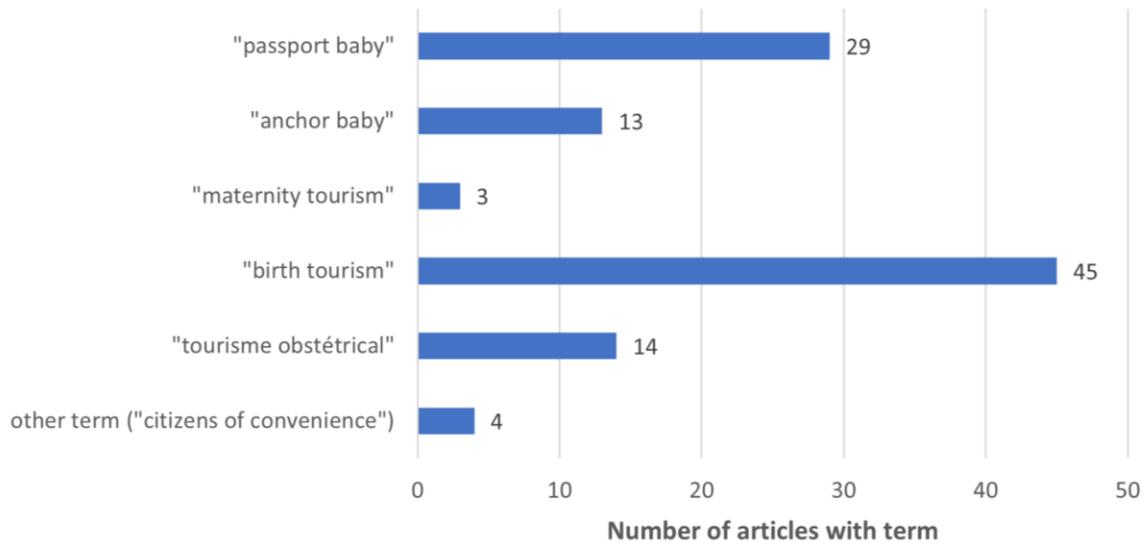


*Vancouver was mentioned as the city of destination more than twice as often as Toronto or Montreal.*

\*Note: The category “other” includes both cities and provinces/regions where the city is unspecified.

While terminology varied by article, overwhelmingly the majority of articles employed loaded, controversial and potentially inflammatory terms (see Figure 5 for terms and counts). In total, 61% (n=49) of the articles contained one of these controversial terms in the headline, which suggests that this type of terminology is not only used to discuss non-resident women giving birth in Canada but also used to frame these discussions from the outset and catch the reader’s attention.

**Figure 5: Terms used**



*The term 'birth tourism' was the most popular in newspaper reporting, followed by "passport baby", "tourisme obstétrical" ('obstetrical tourism' in English) and "anchor baby".*

*Findings by Timeline: "Passport Babies" in the 1990s*

The first newspaper coverage on the topic of foreign women giving birth in Canada for the purpose of gaining citizenship for their child(ren) was published in the *Montreal Gazette* in 1990. In the early 1990s, the focus of coverage was primarily, although not exclusively, on women coming from Hong Kong to give birth to Canadian babies following the handing over of Hong Kong from the U.K. to China. Regarding terminology, the children of foreign women giving birth in Canada were most commonly referred to as 'passport babies.' Coverage was not outwardly negative towards the women coming to Canada, as there was a recognition that the Hong Kong handover could lead to political instability and women were wanting to secure a stable future for their children. For instance, in a *Globe and Mail* article, a doctor sympathizes with Hong Kong women over the fear they may have for their children's safety in China post-

Tiananmen Square massacre (Oziewicz and Moon 1991). Newspaper coverage recognized the so-called ‘passport babies’ as an issue deserving some attention, but not particularly pressing nor something that was inherently negative.

By 1996 and onwards, conversations on the topic began to happen within the context of increased political debate on birthright citizenship and immigration, as Lucienne Robillard (then Liberal Minister of Citizenship and Immigration) proposed reviewing the *Citizenship Act* and ending automatic birthright citizenship. For the first time, ‘passport babies’ are explicitly called a problem. However, multiple newspaper articles also presented arguments from groups strongly pushing back against Robillard’s proposals, such as refugee advocacy groups. Newspaper coverage began to distinguish between “refugees and illegal immigrants who hope to help their case by giving birth to a child who will be citizen” and “people who come here, give birth and return home planning to return later and claim status through their offspring” (Swanson 1996) as two interrelated but separate issues. The spotlight shifted primarily to how to proceed with the deportation cases of rejected asylum seekers and undocumented women, primarily from Caribbean countries, who have Canadian-born children. Several articles proposed that when refugee claimants give birth in Canada before their claims are processed it makes the family more difficult to deport. However, if the newborn child were to be denied Canadian citizenship, the child could potentially become stateless which could make them just as difficult to deport, if not more so. Either scenario presents a conundrum for immigration officials.

In 1998, an editorial by the *Toronto Star* framed Robillard’s “half-baked idea” to end birthright citizenship as a response to a court case where a judge ruled that a mother of two Canadian-born children should not be deported to Grenada since it violated the rights of her children (*Toronto Star* 1998). This immigration case was significant since it was the “first time a

Canadian court has recognized that children have rights, independent of their parents” (*Toronto Star* 1998). Another significant court case covered in an article by the *National Post* was *Baker v. Canada*, where the Supreme Court of Canada ruled against Mavis Baker’s deportation citing that Canada must uphold its international obligations in protecting the rights of the child (Jimenez 1999). Although Baker had become a “national figure of undesirability” due to the fact that she was a poor, disabled, Black immigrant woman with multiple children (Maynard 2017, 181), critics worried that “a victory for Ms. Baker could encourage ‘passport babies’-- would-be immigrants who give birth in Canada to circumvent immigration laws” (Jimenez 1999). The first French-language article from the sample, published by *La Presse* in 1998, also focused on cases of asylum-seeking women giving birth in Canada (Berger 1998). Although these types of immigration and deportation cases were prominent in framing discussions on ‘passport babies’ in the late 1990s, newspaper articles often distinguished between these types of cases and women travelling to Canada on visitor visas, giving birth, then immediately returning to their country of origin, as was the primary focus in the early 1990s reporting. However, as will be discussed, later newspaper reporting largely conflates these issues into a single homogenous category.

### *A Lull in the 2000s*

From 2000 to 2004, no relevant newspaper articles were retrieved by my search methods. I speculate that this gap can be attributed to the fact that, by 1999, Robillard’s committee had attempted to find evidence that the incidences of ‘passport babies’ were sufficiently significant to warrant amending the *Citizenship Act* but had turned up empty handed. The lack of findings, combined with Robillard leaving the role of Minister of Citizenship and Immigration, likely

helped lay the issue to rest, at least temporarily. In addition, as with parliamentary debates discussed in the previous chapter, immigration debates in the aftermath of 9/11 were likely focused elsewhere, such as securitizing borders, especially the US-Canada border as well as focusing on the entry of immigrants from Arab and/or Muslim-majority nations.

After several years of silence on the issue, the *Vancouver Sun* published an editorial in 2005” in response to the 2004 Ireland referendum limiting birthright citizenship, titled “Citizenship by birth is a principle worth keeping.” The article argued that, in Canada, “such a move would be a solution for which there is no problem” and stated that Canada has, “embraced [immigration] as an engine of economic growth and cultural renewal” rather than “a threat” (*Vancouver Sun* 2005). This editorial largely echoed prominent tropes of liberal multiculturalism politics yet imposed certain limits stating that “[i]f in the future we discover evidence that we are being harmed economically or socially by foreign new-born citizens, we can revisit the issue” (*Vancouver Sun* 2005). In 2008, an anonymous piece released in the *Montreal Gazette* titled “Maternity tourism makes suckers of us all” took a much different approach, claiming that the alleged practice is unfair and cheats doctors and taxpayers (Anonymous 2008). Unpaid hospital bills and the strain of additional patients on the healthcare system begins to be brought up in reporting during this time. In 2009, *La Presse* published an article arguing that women from abroad giving birth in Quebec hospitals was straining the medical system since some patients left without paying (Breton 2009). Interestingly, the only country of origin that article mentioned was the United States, which had only previously been mentioned in English-language newspapers once in Swanson’s 1996 article for *The Province*. In contrast, the vast majority of articles claimed women to be coming from Asian, African, and Caribbean countries.

### *The Conservatives' Influential Era: Early to Mid 2010s*

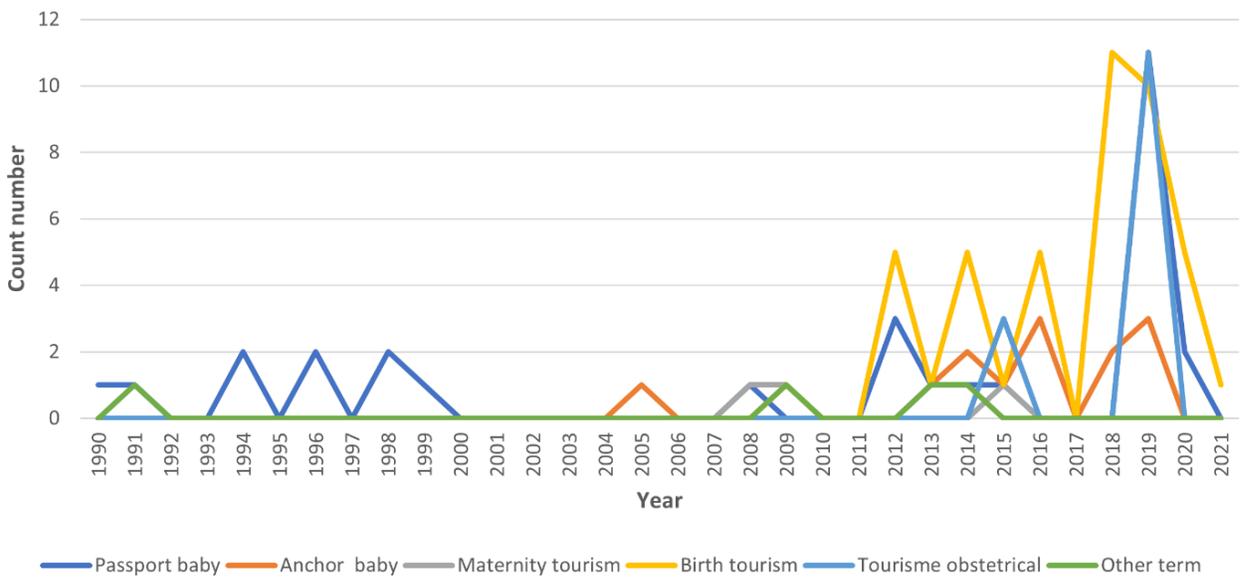
The year 2012 marked a pivotal moment in newspaper coverage as Conservative Minister of Citizenship, Immigration and Multiculturalism Jason Kenney aggressively ramped up his campaign to restrict immigration and prevent immigration-related 'fraud.' This was done as a part of a broader strategy by the Conservative party under Stephen Harper to attract the 'ethnic' vote to the party while simultaneously advancing restrictive immigration policies in line with the objectives previously articulated by the defunct Reform party (see Carlaw 2018). The strategy divided 'good' and 'bad' immigrants by essentially pitting immigrants who have followed conventional immigration and citizenship processes against those who take alternate routes (see Gaucher 2020). As Kenney became a central figure in citizenship and immigration debates, the newspaper coverage also became more hostile towards women using their economic means to obtain Canadian citizenship for their child(ren), particularly in articles appearing in the *National Post*. Language suggesting that the alleged practice is unfair, fraudulent, cheating, and abusive of the 'benevolent' Canadian immigration and citizenship regimes becomes common. Repeatedly, Kenney is cited in the articles saying phrases such as "regardless of how often [foreign women give birth in Canada], it undermines the value of Canadian citizenship" (Brean 2012) and that the alleged practice "abuse[s] the spirit of Canada's citizenship laws" (Chu 2012).

Also in 2012, the term 'birth tourism' first emerged in newspaper coverage. Quickly, it became the most commonly used term to describe the practice of foreign women giving birth in Canada (see Figure 6 for terminology over time). The term 'passport baby' remains prominent in newspaper coverage from 2012 onwards, although it is often used as an umbrella term to describe multiple scenarios. Many articles conflate different issues by failing to differentiate between foreign women coming to Canada to give birth under a tourist visa, refugee women who

give birth while waiting for their applications to be approved, and undocumented women who live in Canada and have children born here. Previously, the debates in the late 1990s had somewhat distinguished these circumstances as separate issues. In several instances, ‘passport baby’ becomes synonymous with ‘birth tourism.’

Largely, debates on ‘birth tourism’ happen within the context of further restricting immigration and citizenship, which happened to also be within the framework of Kenney and the Conservative’s anti-immigration campaign. Perhaps unsurprisingly, 2012 was the year where negative rhetoric significantly ramped up, continuing throughout the following years. Notably, the well-being of the newborn children is not considered in any of the five articles from 2012.

**Figure 6: Terms used over time**



The term "passport baby" has been used since the 1990s, whereas the term "birth tourism" has become frequently used since 2012.

For the first time, mainland China is mentioned as a country of origin and almost all attention from 2012 onwards turn to Chinese women giving birth in Canada. For example, the *National Post* writes “China is of particular concern, especially as its people become more wealthy and keen to put down roots in the West” (Brean 2012). In addition, reports of Chinese ‘birth tourism agencies’ and ‘consultants’ raise alarm bells in news reports, particularly in the Vancouver area. Claims are made that these unofficial agencies are not only facilitating travel and providing accommodation for pregnant women, but are also teaching women to hide their pregnancies and lie to border agents (Stechyson 2012).<sup>22</sup>

From 2013 to 2015, Chris Alexander took over the Minister of Citizenship, Multiculturalism, and Immigration portfolio, yet the rhetoric from the Kenney era largely remained in place with minor modifications. For instance, Alexander is cited in the *Montreal Gazette* and the *Toronto Star* saying that ‘birth tourists’ abuse Canada’s ‘generous’ citizenship laws since they have no intent of immigrating to and residing in Canada (Black 2014; Cohen 2013). This statement implies that if the newborn child citizen grew up in Canada and made Canada their home, that there would not be a problem. Canada’s history of deporting Canadian children with their foreign parents and the fear of ‘birth tourism’ because of potential for future family sponsorship suggests otherwise. The *National Post* reported that women from Nigeria, Haiti, and North Africa are “carrying fraudulent, forged and stolen passports” to come to Canada and give birth, repeatedly emphasizing the word ‘fraud’ and painting the women allegedly doing this in a very negative light (Bell 2013). Even though a sizeable portion of newspaper articles was critical of the Conservative’s harsh stance on ‘birth tourism,’ they were against cracking

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<sup>22</sup> Even if these claims are true, there is no reason for someone to hide their pregnancy at the border as there are no restrictions barring pregnant persons from entry

down on foreign pregnant women giving birth in Canada because the costs would be too high to be justifiable or because of the lack of concrete evidence (ex. Keung 2014a; 2014b). They were not taking a critical approach because they believe that women should have the right to try to shape their child(ren)'s future. Somewhat perversely, as was reported in the *Toronto Star*, a 2014 federal government document presented the argument that Canada should not consider ending birthright citizenship because it would actually make children born in Canada *more difficult to deport* since officials would have to obtain the child's travel documents from another country (Keung 2014a).

In 2015, *La Presse* published five articles in the month of January, with four of the five articles being found using the search term 'tourisme obstétrical'.<sup>23</sup> All articles were healthcare-focused, particularly on pregnant women without RAMQ (Régie de l'assurance maladie du Québec), the province's health insurance. It provided five categories to classify pregnant women legally in the country but without health insurance that covers pregnancy: immigrant women waiting for a Certificat de Sélection du Québec (future permanent residents not yet covered by RAMQ); international students; French women aged 18-35 on a special work/travel permit; asylum seekers; and tourists (Nicoud 2015b). Although the article did not determine how many pregnant women who gave birth in Quebec were there on tourist visas, as those numbers are not collected by the province, it stated that there was more 'bébés passeports' being born in the province than ever before (Nicoud 2015b). *La Presse* reported that it is a struggle for women without RAMQ to access healthcare regardless of whether they are in Canada legally or not. Each hospital can charge the women its own price as desired, which is often 200% more paid

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<sup>23</sup> I would argue that the term «tourisme obstétrical» in French-language newspapers is used the same as "birth tourism" in English-language papers.

privately than what the hospital would charge RAMQ (Nicoud 2015c). These women were often rejected by clinics (both public and private) for prenatal care, putting not only them but their babies at risk (Nicoud 2015a; 2015c). Because some women did not have adequate funds, there have been cases reported that these women have been denied epidurals during childbirth, and that some hospitals have withheld birth papers from the mother until she pays (Breton 2015; Nicoud 2015c).

However, while there is a great degree of sympathy for undocumented women and women in precarious situations, such as refugee women, women living in poverty or in situations of abuse, this sympathy is clearly articulated as *not* being extended to women on tourist visas who are deliberately choosing to give birth in Quebec. One of the articles explicitly states that although women from other countries have come to Canada to give birth so that their child obtains citizenship, that group of women are *not* the women they are concerned about, and implies that only women residing in Quebec are worth their help and care (Breton 2015). In an article interviewing Dre H el ene Rousseau, a local doctor who helps treat pregnant women in precarious immigration situations, Dre Rousseau laments that vulnerable women pay the same fees as ‘birth tourists,’ blatantly drawing a distinction by stating “for the time being, there is no process in place to filter pregnant women who are here to take advantage of the system from those who are actually in need”<sup>24</sup> (Beausejour 2015). Overall, the nuance that resident immigrant women in Canada are deserving of better access to healthcare but that pregnant women on tourist visas are not because they are ‘abusing the system’ was not present in the English-language coverage, as both scenarios are frequently collapsed into one ‘passport baby’ category.

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<sup>24</sup> Author’s translation from original quote: «Pour l’instant, il n’y a aucun processus en place pour filtrer les femmes enceintes qui sont ici pour profiter du syst eme, ou celles qui sont r ellement dans le besoin» (Beausejour 2015).

Coverage in 2016 continued on a similar trajectory initially set by Kenney and Alexander in English-language newspapers. The discovery of 26 ‘birth houses’ in the Richmond area increased scrutiny of ‘agencies’ and ‘consultants’ allegedly aiding and encouraging women in China to give birth in Canada. In addition to ‘birth tourism agencies,’ newspaper articles reported an increase in number of ‘birth tourists’ in Richmond. However, when asked about it, Vancouver Coastal Health stated that since 60% of the Richmond community is comprised of immigrants all in different stages of their residency process, a high number of births from non-resident women is expected (Fayerman and Mackin 2016). The impact ‘birth tourists’ have on healthcare and hospitals continued to be discussed, as there were reports that resident pregnant women who arrived at the Richmond Hospital to give birth were being transferred to other hospitals in Vancouver due to lack of space.<sup>25</sup> Nevertheless, officials from Vancouver Coastal Health “have made contradictory statements [...] about whether birth tourism is a revenue-generating stream” or whether it is a “cost-recovery” burden to collect hospital payments, noting that non-residents pay roughly three times what the B.C. MSP pays for residents (Fayerman 2016). Despite the fact that articles related to ‘birth tourism’ were consistently published in 2016, curiously, the following year, there were no newspaper articles published related to the topic.

### *Late 2010s and Onwards: The Peak of Newspaper Coverage*

By the time the second petition to end ‘birth tourism’ (sponsored by Liberal MP Joe Peschisolido) came around in 2018, the focus had shifted slightly to targeting so-called ‘birth tourism agencies’ and ‘baby houses’ instead of only the women who allegedly partake in this

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<sup>25</sup> Note that patient transfers between hospitals in general are common practice, depending on space and demand.

practice. Peschisolido stated that “an entire industry of citizenship brokers and maternity tourism businesses is profiting from this ‘illegitimate business model’” (Shore 2018) and claimed that women are being “exploited” by such agencies (Chan 2018a). Newspaper coverage on the issue increased in the second half of the year, as the Conservative party targeted ‘birth tourism’ at their annual convention. Near the end of October, Donald Trump began to speak to U.S. media about cracking down on ‘birth tourists,’ which was followed by a spike in articles from Canadian newspapers. A couple of days later, the *Globe and Mail* published an opinion piece titled “We need our own birthright citizenship debate: The spectre of Trump should not stop us from discussing Canada’s ‘birth tourism’ rules” which argued that while ‘birth tourism’ “undermines the integrity of our immigration laws,” Trump’s “outbursts” are “tainting” birthright citizenship debates in Canada as politicians become eager to score political points (Yakabuski 2018). The *Toronto Sun* published an editorial titled “Birth tourism growing issue in Canada.” However, the editorial was about Canadian surrogate moms who give birth to babies whose parents are from other countries where surrogacy is prohibited; another issue entirely (*Toronto Sun* 2018). The data collected by Andrew Griffith, former Director General for Citizenship and Multiculturalism at Immigration, Refugee and Citizenship Canada, on ‘non-resident self-pay’ births became commonly cited in newspaper coverage as those numbers suggested that there were many more foreign women giving birth in Canada than was previously thought. After much uncritical coverage that repeated similar talking points, *The Province* published an opinion piece by Jamie Liew titled “Revoking birthright citizenship will harm us all,” in which Liew pushed back at the dominant discourses circulating and reminded readers that ending birthright citizenship “would have the greatest impact on the most vulnerable: the indigent, those with mental illness, and children in precarious family situations or [that] are wards of the state” (Liew 2018c).

After a relative silence from the French-language newspapers, in January 2019 *Le Journal de Montréal* published 11 articles in the span of five days on ‘bébés passeports’ and ‘tourisme obstétrique.’ While Vancouver was recognized as the epicentre of an organized ‘birth tourism’ industry, the papers claims that one ‘passport baby’ a day is born in Quebec (St-Pierre 2019b). Another article interviewed two people who tried to open an ‘agency’ in Montreal mimicking ‘baby houses’ in Vancouver but did not have much success in that business endeavour due to lack of proper marketing abroad (St-Pierre 2019a). One article interviewed a couple from India who chose to give birth to their child in Canada because of better hospital conditions, with Canadian citizenship simply being a bonus (*Le Journal de Montreal* 2019a). The couple felt that they were not ‘taking advantage of the system’ because of the large sums of money they spent and argued that birthright citizenship is good for the Canadian economy (*Le Journal de Montreal* 2019a). Two of the articles interviewed Alex Davidson, a Toronto immigration lawyer who, although he claims he does not ‘like’ the practice, aids women from other countries to give birth in Canada (St-Pierre 2019c). According to Davidson, there had been an uptick in interest from American women to give birth in Canada following the election of Trump (*Le Journal de Montreal* 2019b), something that was not covered in English-language newspapers. Even though multiple parties were interviewed for these *Journal de Montréal* articles in order to present multiple ‘sides’ to the issue, the coverage leaned to the negative in tone and one article even described the women who come to Canada to give birth as ‘greedy’ (St-Pierre 2019b). Considering it is a tabloid newspaper, it is unsurprising that their coverage aired on the side of sensationalism. These articles are the last published French-language articles from the newspapers selected for the sample to date.

In English-language newspapers, online ads for so-called ‘birth tourism agencies’ continued to cause concern, even with the federal government allocating, in the 2019 budget, \$51.9 million over 5 years to improve oversight of these ‘agencies.’ Some of the articles continued to conflate ‘birth tourism’ with other types of non-resident births. The potential strain on healthcare systems remained a central concern. Some doctors interviewed said that they would like to see ending ‘birth tourism’ as an election issue (Fayerman 2019b). Calgary-based doctor Dr. Fiona Mattatal stated in the *Toronto Sun* that, as someone working in the healthcare system, she is “worried” as healthcare is “already dealing with cutbacks” (*Toronto Sun* 2019), which does beg the question as to how much of the strain hospitals are feeling are due to increasing ‘birth tourists’ as distinct from increasing budget cuts. Questions and debates over the principle of birthright citizenship continued to be prominent. For instance, a *National Post* opinion piece began with the question “is birthright citizenship doomed in Canada?”, in which the author then proceeded to advocate for restrictions on birthright citizenship (Cosh 2019).

The first article of 2020 on the issue was in response to the CBC documentary on ‘passport babies.’ Published in the *Toronto Star*, the author criticized the documentary for using President Trump to “set the framework” (as had also been done in many of the newspaper articles from 2018 onwards) and stated: “One thing to be said of the characterising of non-white people as ‘the other,’ as disloyal, grasping schemers out to defraud the good and innocent West: it has staying power” (Paradkar 2020b). Of the 80 articles in this study, this opinion piece was the only one that took a critical discursive approach in arguing why the issue of ‘passport babies’ and ‘birth tourism’ is based on xenophobia and racism rather than reason and evidence. A couple of weeks later, the *Globe and Mail* published an opinion piece wherein the author argued the opposite by saying that ending birthright citizenship and implementing stricter visa requirements

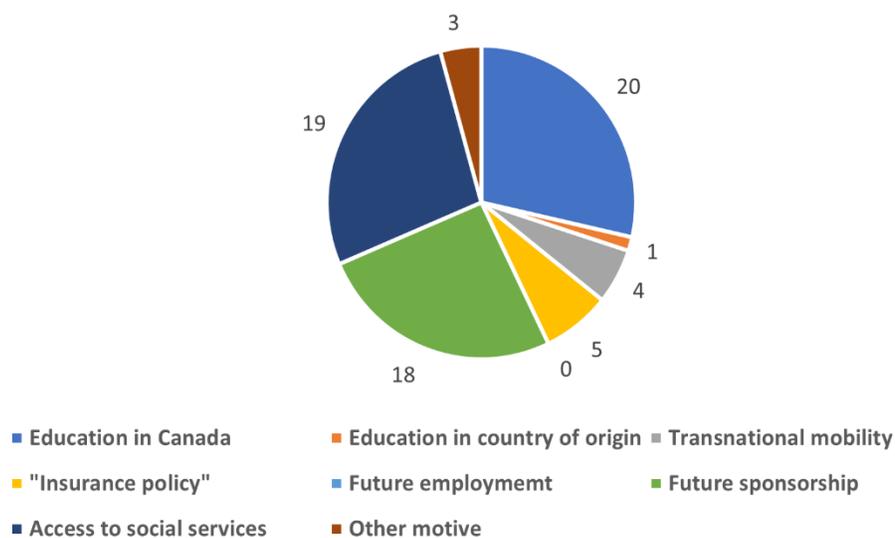
did not seem “radical,” “racist or nativist” (Mason 2020). In another opinion piece from the *National Post* titled “Birth tourism is up again; Nobody likes it, but no one will stop it,” the author argues that news coverage on the alleged practice has not featured “a single defence of the practice – because there isn’t one to mount” (Selley 2020), which is not entirely accurate considering that just because the defenses of women mobilizing their means to make a decision for their future child are for the most part not being published in mainstream, widely-read media, does not mean they do not exist. With the onset of the COVID-19 pandemic in 2020, reporting on ‘birth tourism’ dropped sharply, as did foreign travel to the country. The year 2021 only saw one newspaper article published from the selected newspapers. The article, which was published in the *Toronto Star* in December, primarily outlined Andrew Griffith’s latest research that showed that the number of women who gave birth and paid their own hospital bills dropped by 57% in the previous year as international travel drastically slowed (Keung 2021).

#### *Discussion of Findings: Motivations*

Notably, only 7.5% (n=6) of the articles included interviews from the women and/or families who had come to Canada to give birth and presented their voices and stories in the coverage. This is significant as it demonstrates that for the most part, other people are speaking for the women and that they are not being centered within their own stories. Since their viewpoints are infrequently centered in newspaper reporting, this likely explains some of the discrepancies between the media reporting and lived experiences of these women. For instance, what the articles reported as motivating factors for women from abroad to seek out giving birth in Canada was repetitive (see Figure 7). The most popular reasons cited were so that their child could access Canadian schools or access Canadian social services, and so that the child could

sponsor the parents in the future. This presents a disconnect from what recent research has shown and what newspapers are reporting. Recall from chapter two that foreign women were most likely to say that they would like their child to obtain citizenship in the country of destination for easier transnational mobility, access to better schools in their country of *origin* and/or as an ‘insurance policy’ if the political situation in their country of origin were to deteriorate (Balta and Altan-Olcay 2016; Lozanski 2020). Balta and Altan-Olcay and Lozanski’s findings are consistent with what pregnant non-resident women stated as their primary motives, in the few articles in which they were interviewed. While accessing Canadian social services and future sponsorship are technically possible, it is deceptive for articles to cite these two reasons as the major motivating factors. I can only speculate as to whether articles are intentionally misleading readers, since these reasons are more likely going to be upsetting to some readers, or whether it is due to lack of research.

**Figure 7: Reported motivations for giving birth in Canada**



*Access to education in Canada for their child was the most frequently cited motivating factor to give birth in Canada, followed by access to social services and potential for future family sponsorship.*

## *Invisibility of the Children and their Fathers*

Overwhelmingly, the children who are born (or will be born) Canadian citizens are not treated as human subjects in newspaper coverage. The general wellbeing, health and/or future of the potential child citizen was only even mentioned or briefly considered in 15% (n=12) of the articles. In some instances, babies of non-resident women were referred to only as ‘offspring,’ such as in a *Vancouver Sun* article where the only place the author acknowledged the children was in the phrase: “such offspring can benefit from our publicly subsidized education and welfare systems as well as be eligible to sponsor family members” (*Vancouver Sun* 2016). Consistent with the findings from the literature review in chapter two, the children are considered unworthy of citizenship, as are their parents. Moreover, the fathers of these children are rarely considered. Only five of the 80 articles mentioned the baby’s father in some way. With the father out of the picture in newspaper article representations, the entire responsibility for the decision to come to Canada to give birth is left with the mother, and it is the mother who risks facing backlash. The existing stereotypes of women of colour as ‘hyperfertile’ and the fears that women of colour will populate white settler-colonial states with non-white babies, as discussed in detail in chapter two, are projected onto the mothers, as the fathers remain obscured. Perhaps this dynamic helps to explain why the alleged practice is considered so threatening to some; these women are perceived to be exerting their own agency without relying on the support of a man (at least visibly).

Notably, when the father of the newborn Canadian is included in newspaper coverage, the strength of the argument about the extent of ‘the problem’ is cast into doubt. For instance, one article by *The Province* was supposedly about ‘birth tourism’ yet the father of the child the article focused on was described as being a permanent Canadian resident (Quan 2019).

Therefore, even if birthright citizenship was restricted to those with at least one permanent resident parent, their child would have still qualified for Canadian citizenship, putting into question whether or not that case in particular could be considered ‘birth tourism.’ When counting ‘non-resident’ self-pay to determine the number of non-resident births occurring in Canadian hospitals per year, as Griffith (2018) has done, this only determines whether or not the mother has provincial health insurance. From this information we can infer that the women who have provincial health insurance are citizens or residents, although citizens living abroad would still fall under the self-pay category. In addition, these numbers also tell us nothing about the residency or citizenship status of the father, which calls into question whether these numbers can be used as an accurate representation of how many ‘birth tourism’ babies are born in Canada every year. Overall, when discussing cases of foreign mothers giving birth in Canada, it seems to have been forgotten that it takes at least two to make a baby.

### *A Strain on Healthcare?*

Another common and reoccurring concern in newspaper articles is the potential strain on the healthcare system and hospitals that an influx of additional patients (ie. pregnant women) can cause. In total, 28% (n=22) of the articles took or presented the position that pregnant women from other countries are either overburdening hospitals or that unpaid bills are causing problems. While this may be true, especially in ‘hotspot’ hospitals such as the Richmond Hospital, it seems unjust to blame pregnant foreign women (instead of budget cuts) on hospitals being under-resourced, and especially ironic when, as reported in the *Vancouver Sun*, Canadians spent \$450 million abroad on medical tourism (in 2013) compared to the \$150 million non-residents spent in

Canada (Conference Board of Canada cited in Fayerman 2016b). Another point to consider is the fact that when women from the U.S. come to Canada to give birth because it is cheaper and they claim the healthcare in Canada is better, they are not accused of skipping the line to citizenship and they are less likely to be accused of straining the healthcare system. For example, a doctor was cited in *La Presse* saying: “There are, of course, some patients that arrive from abroad and pay their bills. An American, for example, will pay the doctor while telling them it is a bargain price compared to what they would pay at home. But the majority of foreign patients we see fall into the other category”<sup>26</sup> (Breton 2009). As is demonstrated by this quote, American women are placed in direct contrast with ‘other’ women who supposedly do not pay their bills. When women from non-Western and less wealthy countries come give birth in Canadian hospitals, they are accused of straining the healthcare system even when they pay their hospital bills in full (which the vast majority do, a point that was reaffirmed in multiple of the newspaper articles).

### *Anxieties Surrounding ‘Birth Tourism Industries’*

Many of the articles, especially from the last decade, covered so-called ‘birth tourism agencies’ or ‘organizations’ that aid women with travel to Canada, accommodation, and care. In total, 48% (n=38) of the articles mentioned them, particularly in the context of Vancouver and Richmond. The vast majority of agencies covered in the articles catered to Chinese women. Words like ‘unscrupulous’ and ‘fraudulent’ were commonly used in describing such agencies. Part of the fear and alarm over ‘birth hotels’ seems to be an extension of fear of foreign

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<sup>26</sup> Author’s translation from original quote: «Il y a évidemment des patients qui arrivent de l’extérieur et qui acceptent de payer. Un Américain, par exemple, va payer le médecin en lui disant que c’est une aubaine comparativement à chez lui. Mais l’immense majorité des patients étrangers qu’on voit sont de l’autre catégorie» (Breton 2009).

intervention from China, particularly in Canadian real estate markets, an anxiety which is especially prevalent in Vancouver, as discussed in chapter two. As one *National Post* article recognized, B.C. “has become a favoured haven for well-heeled Chinese seeking refuge for wealth and kin away from authoritarian China [...] [t]he issue [of ‘birth tourism’] has become conflated with resentment in the Vancouver area against soaring housing prices, which some residents blame on an influx of wealthy Chinese” (Bilefsky 2019). In a fifth of the articles (21%, n=17), it was explicitly stated that the women who come to Canada to give birth are wealthy. The anxieties surrounding the alleged effect of foreign investment in Canadian real estate are combined with anxieties of non-white women reproducing children of colour. Foreign women giving birth in Canada for the most part fall right in the middle of these crosshairs.

Crucially, not only is the sovereign power of the Canadian state unquestionable in these discussions, but the state is solely constructed as ‘benevolent.’ The supposed ‘generosity’ of Canada was frequently addressed in Kenney’s influential era and continued to be a common talking point in the following decade, as if state-sanctioned migrants and newcomers must be in a constant state of gratitude towards the state and those who take unconventional means to access the country are taking advantage of that generosity. While the ‘generosity’ is framed to be for the benefit of the (conventional) migrant, the benefit of the state is the primary concern. In an opinion piece from the *National Post*, the author states: “You would have to be a pretty extreme advocate of open borders to say, on being presented with Chinese ads for birth-tourism brokers, that these are legitimate businesses serving a noble purpose to the benefit of Canada” (Cosh 2019). The author’s framework completely misses the fact that many supporters of free movement and an open (or no) borders approach are not concerned about what benefits the state. Rather they are concerned about what benefits the migrant or to a community, especially if the

state is not viewed as legitimate in the first place. These types of statements, such as the one above in the *National Post*, point to a sense that there is a coherent ‘we’ (Canada) that gets to decide on who gets to be a part of ‘us’ from amongst a great mass of ‘them.’ In this way of thinking, the agencies that allegedly help foreign women give birth in Canada are a problem as they are not perceived to function for the benefit of Canada. Yet this ‘Canada’ in question is an entity that cannot even be consistently defined or conceptualized by those who claim it.

### *The Unique Position of Wealthy Migrant Women of Colour Giving Birth in Canada*

Analyzing the newspaper articles from the sample reveals the complex and sometimes contradictory space that foreign pregnant women who give birth in Canada are left to navigate. The gender, race and class of these women puts them in a unique position. On the one hand, since they are circumventing the will of state by gaining citizenship for their children in a way that was not intended, they are inevitably going to be criticized by conservatives with anti-immigration inclinations, which is intensified due to their race and gender. On the other hand, they are not necessarily extended the same empathy by liberal-leaning persons as are poorer women migrants in more precarious situations, such as asylum seekers and undocumented persons. Due to their wealth, these women are using their mobility to prepare for an (uncertain) future for their child(ren) and are presumably not in immediate need. Since these women are likely not in life-or-death situations and are not in need of ‘help’ or ‘saving,’ they are not considered deserving of the same support and care by progressives in favour of more open borders and citizenship policies. Recall that this sentiment was very explicit and prevalent in the multiple 2015 articles by *La Presse*, which extensively covered what women without RAMQ go

through to access healthcare in Quebec. In either situation, wealthy women of colour from other countries who give birth in Canada are not considered deserving of care.

However, as I have discussed, there are many instances in which women who engage in so-called ‘birth tourism’ are collapsed into the same discursive category as undocumented women and refugee women who give birth in Canada, all of whom are deemed unworthy of Canadian citizenship by a subset of xenophobic critics. The conflation of ‘birth tourism’ and other phenomena in many of the newspaper articles begs the question of whether the conflation is due to sloppy reporting or whether it is part of a deliberate strategy, popularized by Kenney and the Harper Conservatives, to clearly distinguish between ‘good’ and ‘worthy’ migrants who follow the points system, replicate heteronormative family structures, and settle permanently in Canada, versus ‘bad’ and ‘unworthy’ ones.

From 2012 onwards, many newspaper articles reported immigrant communities speaking out against ‘birth tourism’ claiming that it is unfair for pregnant foreign women to obtain citizenship for their child(ren) simply by giving birth in the country when they had to go through a long and arduous process to gain residency and/or citizenship. Recall that 2012 was around the same year that the Conservative party began its campaign to simultaneously restrict immigration yet increase its share of the ‘ethnic’ vote. The prominence of people from immigrant communities being outspoken against ‘birth tourism’ in the newspaper articles suggests this campaign might have had some lasting success. I turn to this phenomenon in the concluding chapter since it was both prevalent in newspaper articles *and* in the parliamentary rhetoric analyzed in depth in chapter three and deserves further elaboration. Building on what I have outlined here as the unique position of wealthy foreign women who give birth in Canada vis-à-vis other types of migrants, I consider how the rhetoric of ‘good’ and ‘bad’ migrants that has

now been adopted by some immigrants themselves fits into this particular characterization of foreign women giving birth in Canada. I am especially interested in what these dynamics mean in terms of gender, race, class, and the deservingness of citizenship (or lack thereof) in the settler-colonial state of Canada.

In summary, first, newspaper coverage largely framed the issue as a ‘problem’ to be ‘solved’ and the women and children in question were often cast as undeserving of Canadian citizenship. Newspaper coverage became much more hostile towards the women in the early 2010s as Kenney and the Harper Conservatives began their anti-immigration campaign. During this time newspaper discourses began to reinforce the distinctions between ‘good’ and ‘bad’ migrants, which has largely continued to this day. In many recent articles, immigrants or children of immigrants are frequently cited as wanting to stop ‘birth tourism’ and adopt much of the same rhetoric of abuse and unfairness that conservative politicians use.

Second, the ‘anchor baby’ discourse is frequently used to describe why women would come to Canada to give birth, and while technically possible, is contrary to the primary reasons found by the academic research thus far. In some instances, ‘birth tourists’ are falsely collapsed into the same category as refugees and undocumented women. I argue that this type of sloppy reporting is based in negative stereotypes of migrant women of colour as being a burden on the state. This demonstrates that, despite their wealth, these women are largely unable to escape the negative depictions that poorer/working-class migrant women also face.

Third, as in parliamentary discourses, the fathers of the children are largely invisible, as are the children themselves, which is consistent with the academic research suggesting that children of migrants are held accountable for the decisions their parents have made for them, and in this case, before they are even born. With the fathers being out of the picture and all the

visibility being placed on the woman, these women do not appear to fit the heteropatriarchal family structure that the Canadian immigration program prefers, further casting them as deviant.

Fourth, in newspaper coverage, somewhat wealthy women who come to Canada on tourist visas to give birth occupy a unique and sometimes contradictory space. On the one hand, since they are circumventing the will of state by gaining citizenship for their children in a way that was not intended, they are inevitably going to be criticized by conservatives with anti-immigration inclinations, which is amplified due to their race and gender. On the other hand, they are not necessarily extended the same empathy by liberal-leaning persons as are poorer women migrants in more precarious situations, such as asylum seekers and undocumented persons. Since these women are likely not in life-or-death situations and are not in need of ‘help’ or ‘saving,’ they are not considered deserving of the same support, care and ultimately citizenship by progressives in favour of more open borders and citizenship policies.

In the final chapter, I continue the discussion of the apparent rejection of ‘bad’ immigrants from ‘good’ immigrants, who feel that ‘taking advantage’ of Canada’s *jus soli* citizenship law is unjust, pulling from the findings of both the parliamentary discourse analysis and the newspaper discourse and content analysis. I also discuss the significance of settler colonialism in constructing ‘good’ and ‘bad’ migrants as well as the construction of the state as benevolent, as these themes were implicitly woven through many of the arguments in both parliamentary discussions and newspaper articles.

## Chapter V: Conclusion

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As discussed in detail in chapter three, the Conservative Party's construction of the 'good' immigrant versus 'bad' immigrant dichotomy as a strategy to both appease the anti-immigrant factions of their base while simultaneously attracting 'good' newcomers to the party was not only present in recent legislative discussions, but also in many of the newspaper articles. Prior to Steven Harper and Jason Kenney's anti-immigration campaign, the newspaper coverage did not explicitly include immigrants or children of immigrants themselves denouncing foreign women giving birth in Canada. During this period, the narrative of the Conservatives shifted to insist that the phenomenon of foreign women giving birth in Canada is not only unfair to Canadian-born resident citizens, but it is also perhaps even more unfair to other immigrants.

There are many instances of this type of rhetoric in the newspaper articles analyzed. For instance, a *Toronto Sun* article wrote: "[w]hy is citizenship being handed out to the children of birth tourists as a going away prize? Citizenship is a privilege, something often earned at a great cost and difficulty for the many millions on Canadians who immigrated to this country and made it their home" (*Toronto Sun* 2018). *The Globe and Mail* writes: "[n]ewcomers appreciate the difficulty of obtaining the privilege of citizenship," and points out that the two MPs who have sponsored e-petitions in parliament calling for a crackdown on 'birth tourism,' Alice Wong and Joe Peschisolido, represent ridings with high immigrant populations (Picard 2019). An article from *Le Journal de Montréal* writes: "parents that offer Canadian citizenship to their children simply by giving birth here enrages immigrants that have waited patiently for years before being

able to obtain their maple leaf passport”<sup>27</sup> (St-Pierre 2019b). All three articles imply that it *should be a difficult process* for immigrants to settle in Canada and acquire citizenship and that going through this difficulty somehow makes acquiring citizenship, or even residency, more rewarding. The fact that foreign women giving birth in Canada do not need to go through these same strenuous and time-consuming processes to acquire citizenship for their child(ren) therefore feels unjust to the other immigrants that have done so. Interestingly, the arduous process that regular ‘good’ immigrants go through when moving, settling, and integrating into Canadian society are not framed as unjust by Canadian-born citizens or immigrants.

In fact, the newspaper coverage analyzed suggests immigrants themselves have become some of the staunchest supporters of Canada’s immigration and citizenship regime. A *Vancouver Sun* article cited an immigrant from Taiwan who claims that most immigrants are staunchly opposed to ‘birth tourism’ (Chan 2018b). Another *Vancouver Sun* article cites a Richmond councillor claiming that “virtually everyone in his municipality, in which more than half the population is ethnic Chinese” would find ‘birth tourism’ disturbing (Todd 2020). Former BC Liberal MLA Jas Johal is cited in multiple articles: “As a son of immigrants and an immigrant to this country, let there be no doubt those of us, who have immigrated to Canada by following the rules are the most offended by this practice” (Johal as cited in Fayerman 2019). Johal also claims that ‘birth tourism’ “offends a large portion of his constituents who want the practice banned” (Fayerman 2019a). In another article for *The Globe and Mail*, Johal adds: “[t]hese are not your typical hardworking immigrants who built this country” (Johal as cited in Mason 2020).

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<sup>27</sup> Author’s translation from original quote: «les parents qui offrent la citoyenneté Canadienne à leur enfant en accouchant tout simplement ici font enrager les immigrants ayant attendu patiemment pendant des années avant obtenir leur passeport à la feuille d’érable» (St-Pierre 2019b).

These sentiments demonstrate that presumptively ‘good’ immigrants are openly showing a certain amount of disapproval or even disgust towards these ‘bad’ immigrants who do not follow the structured path to residency and/or citizenship that they did. This narrative is consistent with the Conservatives’ strategy to create a dichotomy of ‘good’ and ‘bad’ immigrants. As Sunera Thobani (2007) has articulated, the “immigrant who longs for acceptance” will “[absorb] the dominant society’s disdain” and will “[project] it onto other immigrants” (171). This discontent is often also articulated in conjunction with the statement that they, unlike other unconventional migrants, “waited in line for their turn to migrate” (Thobani 2007, 171), a statement that was expressed multiple times in both parliamentary and newspaper discourses. While the Conservative party did not invent this sentiment by any means, they identified it as an opportunity to capture immigrant voters who otherwise might not have supported their party.

Another concern commonly expressed in newspaper and parliamentary discourses was the perception that foreign women are essentially able to ‘buy’ Canadian citizenship for their children. In a *Vancouver Sun* article, a local resident who identifies as a child of immigrants expressed their discontent with the alleged practice on the grounds that it “shortchanges those who went through proper channels only to see people with much more disposable cash jump the line and have an easier route to Canadian citizenship” (Todd 2020). The sentiment that wealthy women from foreign countries should not be able to effectively ‘buy’ a Canadian passport for their child(ren). has also become common in recent years. One recent *Globe and Mail* article asks: “[s]hould Canadian hospitals – unwittingly or not – be selling citizenship?” The question is answered by an argument opposing the ‘sale’ of citizenship (Picard 2019). In another article from *Le Journal de Montréal* the author expresses their discontent that Canadian citizenship is

talked about like an item you can find at a “flea market” in some parts of the world (Dumont 2019). Overall, particularly in the context of wealthy foreign women coming to Canada to give birth, there is a staunch rejection of the commodification of citizenship. The perception that it is possible to ‘buy’ citizenship is very upsetting to some, suggesting that even in a neoliberal capitalistic economy where nearly everything can be bought and sold, commodification has its limits. After all, Canada’s Federal Investor Immigration Program (IIP) launched in 1986, which allowed wealthy foreign nationals to acquire fast-tracked Canadian permanent residency status (and then be eligible for citizenship) via investment, was terminated in 2014 on similar premises.<sup>28</sup> Previously, the program provided a relatively easy and unconditional route to Canadian permanent residency for the few who could afford it. Those who conceptualized foreign women giving birth in Canada as ‘buying’ citizenship for their child(ren) made it clear that “[a]llowing affluent foreigners to essentially purchase a passport is not what this country is about” (Jas Johal as cited in Fayerman 2019). Notably, despite the cancellation of the IIP, there still exists a ‘business class’ immigration category where foreigners can immigrate to Canada through a start-up visa program or through a self-employment program, granted if they meet a list of conditions and have adequate funds saved prior to earning an income in Canada.

There is, however, another aspect related to the overwhelming rejection of so-called ‘birth tourists’ worth taking into consideration: settler colonialism in Canada. As Vancouver-based immigration lawyer Steven Meurrens states in a *Montreal Gazette* article: “while birth tourism may ‘leave a bad taste in some people’s mouths,’ Canada has forever been a ‘settler society’ [emphasis added] and birth on soil citizenship is ‘central to our laws’” (Fayerman 2016a). Since citizenship is a key pillar to nation-state building and *jus soli* has historically been

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<sup>28</sup> Quebec’s permanent residency via investment program entitled the “Quebec Immigrant Investor Program” (QIIP) has not been terminated but is undergoing review and has been suspended until 2023.

integral to settler colonial states, women who come to Canada, give birth, and then return to their country of origin are not being ‘good’ settler-colonizers, since they, for the most part, do not attempt to permanently settle and participate in displacing Indigenous populations. Recall from chapters three and four that politicians and commentators alike frequently implied that these women’s children were undeserving of citizenship because they did not plan on physically living and settling in Canada, and that if they did want to settle, they would be more likely to be considered deserving. In theory, if these women and their families intended on becoming community members in Canada, politicians and the general public would be more likely to welcome them. However, I am skeptical that these conservative-leaning politicians and commentators would actually be more willing to let the children of foreign women (of colour) acquire citizenship if it was their intention to settle the land and start building a life in Canada, since if we look at undocumented women of colour in Canada who have given birth to Canadian children, they are also treated as undeserving of citizenship, as are their children.

Relatedly, a discursive assumption worth mentioning for both newspaper and parliamentary discourses is that the state is always constructed as benevolent and not oppressive. If the state is assumed to always be generous and acting in the most virtuous manner possible, then the very principle that people can circumvent the state’s prescribed pathway to citizenship is perceived as a threat and elicits a reaction. Comments such as the following were numerous in the newspaper articles: “[w]hether it’s one person or 4,000, people [...] shouldn’t be able to scam their way in front of those who have been waiting to get citizenship legally”<sup>29</sup> (Mason 2020). For this commentator, the very possibility that someone could pursue an unconventional path to citizenship for themselves or their family is upsetting. Therefore, although the number of

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<sup>29</sup> By “legally” the author likely meant “state-sanctioned” or “intended pathway” since coming to Canada to give birth is completely legal.

women who come to Canada every year to give birth to a child so that that child can acquire Canadian citizenship is highly contested, do the numbers even matter? By far the most common defense to *keep* current birthright citizenship laws and visa policies is that the numbers are too small to justify potentially tedious, problematic, and expensive state responses. However, this argument operates within the same assumptions as those who claim state action is needed to curb the practice: what so-called ‘birth tourists’ do is disingenuous in principle; Canada is a generous state; Canadian citizenship is a privilege; and for the most part, outsiders need to be kept out. Regardless of which of these positions is taken, as articulated in a *Globe and Mail* article: “[b]irth tourism rankles the public because it *feels like* [emphasis added] cheating” (Picard 2019). If the assumption is that migrants take advantage of a benevolent state and not that the state takes advantage of migrants for its own economic and political ends, then it is logical that subverting intended state processes feels unjust to some.

### *Summary*

Overwhelmingly, so-called ‘birth tourism’ has been constructed as a ‘problem’ to be ‘solved’ via policy intervention in both federal parliamentary discourses and in Canadian newspaper discourses. The children of the women who choose to give birth in Canada are largely implicitly or explicitly considered as ‘undeserving’ of citizenship as they are discursively treated as responsible for the decisions their parents have made for them. Since their mothers subverted the regular pathways to immigration and citizenship, the children fall into the category of ‘undeserving.’ What this categorization tells us about the current state of Canadian citizenship is

that engaging in state-led, white settler nation-building is still required to be considered as contributing to the common good, and therefore as deserving of acquiring citizenship.

From the outset, the non-resident women who come to Canada to give birth are framed within historical and continuing racist stereotypes of women of colour as excessively reproducing, over-reliant on welfare resources and capable of threatening the white nation through reproduction. These women also fail to reproduce (visible) heteropatriarchal family structures as the fathers of the children are overwhelmingly ignored in parliamentary and newspaper discourses and remain largely invisible. In addition, since citizenship is a key pillar to nation-state building and *jus soli* has historically been integral to settler colonial states, these women are not being ‘good’ settler-colonizers since they, for the most part, do not attempt to permanently settle and participate in displacing Indigenous populations. Furthermore, since the women seemingly can buy Canadian citizenship due to their wealth, they are perceived as treating citizenship as a commodity that can be bought instead of as something with sacred value to be awarded to them by the generous Canadian government to which they should forever display gratitude.

In the early 2010s, the Conservative party began its strategy to create a “minimum winning coalition” (Carlaw 2018). Part of this strategy included simultaneously appealing to new “ethnic” voters and their already existing right-wing base by emphasizing the difference between “good” migrants who patiently follow conventional state processes and “bad” ones who use other means to gain residency and/or citizenship (Gaucher 2020). Foreign women who give birth in Canada are discursively placed into the ‘bad’ migrant category because, in addition to circumventing the gate-keeping function of citizenship for their child(ren), they do not settle the land and are therefore perceived as not forming lasting connections to the broader political

community, they do not replicate desired heteronormative family structures, they do not require saving, and they do not sufficiently express gratitude towards the state. The fact that ‘good’ immigrants have become particularly vocal in recent years and have joined political voices in condemning ‘birth tourism’ would seem to suggest that some conventional immigrants have, to an extent internalized the ‘good’ versus ‘bad’ migrant dichotomy. This internalization would suggest that the Conservatives’ campaign has been successful in that it has had lasting impacts on how Canadians, newcomers or not, view themselves as a national political community. In sum, the children of non-resident women who give birth in Canada are largely constructed as undeserving of Canadian citizenship in both parliamentary and newspaper discourses as they have been discursively categorized as ‘bad’ migrants in a politically motivated binary construction that functions to set them in opposition to ‘good’ immigrants who follow pathways to residency and citizenship that are considered desirable by the state. Notably only (racialized) immigrants are caught in this dichotomy; the connections and contributions of ‘legitimate’ (white) Canadians are not subject to such scrutiny.

### *Parting Thoughts*

In a way, what women labeled as ‘birth tourists’ are doing is quite radical. By using the means available to them to transgress boundaries in unconventional ways, they are actively disrupting the global inequalities of citizenship regimes. Balta and Altan-Olcay (2016) express that these women “opt for an advantaged status within global citizenship inequalities for their children, by mobilizing resources available to them due to their privileged position in their countries of origin” (940). Further, “[t]hese practices signal the emergence of unique distributional effects of citizenship regimes, combining local and transnational inequalities”

(Balta and Altan-Olcay 2016, 940), in a way that has not been recognized until recently.

Responses and proposed solutions to prevent ‘birth tourism’ fit into a broader trend of ‘crimmigration,’ the increasingly common approach of combining criminal and immigration law to control the movement of groups deemed as undesirable and justifying harsh punishments including detention and incarceration. This fits into the broader picture of migration today being treated as a ‘crisis.’ The ways in which this alleged crisis manifests itself is “largely a problem of controlling persons-of-colour-on-the-move, of regulating those who refuse to remain where they belong” (Thobani 2007, 73). ‘Crimmigration’ narratives have also crept into the language used to describe undesirable movements across borders, such as the expression that ‘birth tourists’ are effectively committing a crime by ‘stealing’ citizenships. But as Sean H. Wang (2016) asks, “what exactly did these women steal”? (273). As citizenship is not something that can be stolen by one entity from another in a private property sense, “such expressions can only mean that these women are stealing a national future that never belonged to them” (Wang 2016, 273).

In this globalized world, when women of colour with capital move across borders to make economic decisions for the benefit of their future child, there is debate as to whether they should be punished for it. As Lois Harder (2020) articulates, “[r]ather than being understood as selfless mothers, willing to seek out a brighter future for their children, these new mothers are read as selfish takers who abuse Canadian generosity without a thought to benefitting the Canadian common good” (Harder 2020, 49). As explained in previous chapters, conservative politicians and newspaper commentators/writers who favour stricter immigration and citizenship policies consider the children of foreign mothers who give birth in Canada underserving of citizenship either for the reasons stated above, or because they fail to distinguish between women who give birth on tourist visas and leave and asylum seekers and other undocumented and/or

irregular migrants. For more progressive politicians and commentators who favour more open immigration and citizenship policies and are more sympathetic to the plight of asylum seekers, refugees and undocumented and/or irregular migrants, the children of foreign mothers who give birth in Canada are still not considered as deserving of citizenship. The income status of these women implies that their safety and wellbeing is not in immediate jeopardy, and that they do not find themselves in precarious immigration situations. Framed in these terms, only a very few people support the movement of these women across the borders of wealthy countries and consider these women's children as deserving of citizenship; those who empathize with the fact that parents will do whatever they possibly can to secure a promising future for their children (whatever that may look like) and/or those who have an anti-imperial, de-colonial border politic. As in most mainstream discussions of borders, immigration and citizenship, the reasons why Canadian citizenship is highly sought after compared to other citizenships, such as the legacies of colonialism and Western capitalist expansion, is conveniently left out of the picture and the foreign women who give birth in Canada are perceived to be taking something to which they are not entitled.

An avenue worth exploring more in future research, which I briefly noted in previous chapters, is the medical tourism aspect of 'birth tourism,' and specifically, that 'birth tourism' is a problem for the health care system because it is alleged to overwhelm hospitals that are not equipped to deal with the influx of patients. The health care strain aspect was frequently cited, especially in newspaper coverage of Vancouver, although further investigation was beyond the scope of this thesis. In other words, are hospitals being strained by foreign women giving birth or are they being strained by a lack of funding, resources, and staffing? It is a neoliberal fixation to blame individuals, or groups of individuals, for systemic problems. As hospitals and other public

health institutions have been facing continuous budget cuts over the last several decades, it is not entirely convincing that the strain hospitals would be facing is solely due to foreigners using Canadian medical services and not government spending cuts. As exemplified by the ongoing COVID-19 pandemic, hospitals are already operating at near maximum capacity in normal times. Afterall, it was not foreigners coming to Canada for medical reasons that caused the near collapse of some hospitals in some areas of the country, but rather a global pandemic.

While the issue of ‘birth tourism’ received virtually no coverage in Canadian newspapers during 2021 as foreign travel to Canada largely came to a halt, I fully anticipate that the issue will resurge and even continue to ramp up in the coming years once travel resumes to pre-pandemic levels. I predict this resurgence because the actual conditions that influence foreign women to give birth in Canada (i.e., unequal citizenships in the global arena) remain; only the opportunity to travel to Canada has been temporarily suspended. This alleged issue will also be something that right-of-center parties can continue to leverage in immigration and citizenship debates as Canada continues to grapple with questions of identity and nationalism in our current political moment. Ultimately, Canada has always struggled with controlling the inclusion of ‘outsiders’ to grow as a settler-colonial, capitalist nation, while maintaining a shared sense of nationhood around an unquestioned norm of whiteness. Discourses surrounding ‘birth tourism’ reveal unresolved limits to that inclusion, meaning that debates surrounding the role of birthright citizenship in Canadian nation-building will likely continue for years to come.

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## Appendix A: List of Newspaper Articles and Search Terms

Search Term	Case ID	Year	Title	Notes
passport bab*	MG01 <sup>30</sup>	1990	Hong Kong families look to future with babies born in Canada, U.S.	
passport bab*	GM01	1991	'Passport babies' become families' key to Canada Hong Kong women give birth here to guarantee refuge for relatives, schooling for child	
passport bab*	VS01	1994	'Passport babies' part of new immigration review	
passport bab*	VS02	1994	Government given option of passing on recommended changes to 'passport-baby' law	
foreign women & birth	VS03	1994	Such a fuss over a baby	
passport bab*	TP01	1996	Birth right to citizenship challenged: Ottawa weighs measures to end passport baby boom	
passport bab*	TS01	1996	'Passport babies' need rights, minister told Citizenship keeps those born here from limbo of 'statelessness'	
birth & citizen (tags:citizenship, immigration policy, noncitizens)	TS02	1996	Birth may not mean automatic citizenship Minister reviews status of refugee claimants' babies	
droit du sol & citoyen	LP01	1998	Une Haïtienne évite l'expulsion grâce à ses enfants... canadiens	
passport bab*	TS03	1998	Another half-baked idea from Lucienne Robillard	
passport bab*	VS04	1998	'Passport babies' theory lacks proof, Robillard says: The immigration minister sees no reason to block	

<sup>30</sup> Case ID legend: GM=Globe and Mail; JM=Journal de Montréal; LP=La Presse; MG=Montreal Gazette; NP=National Post; TP=The Province; TS=Toronto Star; TSUN=Toronto Sun; VS=Vancouver Sun.

			children born here from being Canadian citizens	
passport bab*	NP01	1999	Verdict on woman's deportation to Jamaica will influence many cases: Ruling to tackle the controversial question of children born in Canada	
birthright citizenship	VS05	2005	Citizenship by birth is a principle worth keeping	
maternity touris*	MG02	2008	'Maternity tourism' makes suckers of us all	
birth touris*	GM02	2009	If we're going to talk citizenship, let's have a principled debate	
femmes etrangeres	LP02	2009	Accoucher ici et partir sans payer	
maternity touris*	TS04	2009	'Maternity tourism' leaves MDs footing bill; In Quebec, some foreign moms skip doctors' fees	*article also in the Globe and Mail
passport bab*	NP02	2012	Tories look to eliminate 'passport babies'; Undermines value of citizenship, Kenney says	
birth touris*	NP03	2012	Canada to crack down on 'birth tourism'; Consultants coach pregnant women in China	*article also in the Vancouver Sun, shorter format
birth touris*	NP04	2012	The Jason Kenney immigration revolution	
passport bab*	TSUN01	2012	Hostel linked to 'passport babies' ; SUN INVESTIGATION	
birth touris*	TS05	2012	Kenney's immigrant song sounds strangely off-key	
birth tourists	MG03	2013	Citizenship requirements to be toughened in 2014; Controversial reforms may include crackdown on 'birth tourists'	

birth & hospital (tags: women/touris*/citizenship )	NP05	2013	The Birth Tourists; Pregnant women are coming to Canada - but it's citizenship they're expecting	
anchor bab*	TSUN02	2013	'Anchor babies' have become Canadian-citizen loophole	
anchor bab*	GM03	2014	Blood v. soil	
birth tourists	NP06	2014	Road to citizenship toughened; Immigrants must live here longer, pay more	
birth touris*	TS06	2014	Citizenship by birthright in crosshairs: Secret proposal urges government to put an end to 'birth tourism' despite small number of cases	
birth touris*	TS07	2014	Ottawa, provinces seek ways to stop 'birth tourism'	
birth and citizen with tags (citizenship, immigration policy, noncitizens)	TS08	2014	Ontario to back citizenship by birth: Province refuses to support feds' plan to change policy affecting small number of cases	
birth touris*	VS06	2014	'Birth tourism' crackdown gets frosty reception; Province concerned by Ottawa's plan	
accoucher & nationalite canadienne	LP03	2015	Marchandage périnatal	
tourisme obstetrical	LP04	2015	Immigrantes ou touristes?	
tourisme obstetrical	LP05	2015	Être soignée sans la RAMQ	
tourisme obstetrical	LP06	2015	Dre Hélène Rousseau	
tourisme obstetrical	LP07	2015	La galère des mères sans RAMQ	
maternity touris*	VS07	2015	More foreign moms giving birth here; Rise in 'maternity tourism' could be behind jump in non-resident births	*article also in the National Post
anchor bab*	MG04	2016	'Birth tourists' buying deliveries at hospitals; 'Anchor Babies'	*article also posted in The Province and Vancouver Sun day before, both different title

birth touris*	TP02	2016	Birth tourism baby boom sparks petition; Richmond	
birth touris*	VS08	2016	B.C. aware of 26 'baby houses' as birth tourism booms, especially in Richmond	*shortened version in the Toronto Sun
birth touris*	VS09	2016	Doctors alerted to liability issues with birth tourism; Canadian physicians aren't covered for lawsuits brought outside country	
birth touris*	VS10	2016	Birth citizenship makes little sense in Canada; Practice can create substantial costs to taxpayers, writes Martin Collacott	
birth touris*	GM04	2018	We need our own birthright citizenship debate: The spectre of Trump should not stop us from discussing Canada's 'birth tourism' rules	
birth touris*	NP07	2018	Liberals swivel on 'birth tourism'; Statistics reveal it might be an issue after all	*article also in Vancouver Sun and Montreal Gazette
birth touris*	NP08	2018	Why is citizenship automatically granted to those born in Canada?; Conservatives target 'birth tourism'	
birth touris*	TP03	2018	Health authority files 'birth tourism' lawsuit	*article also in The Province
birthright citizenship	TP04	2018	Revoking birthright citizenship will harm us all	
anchor bab*	TS09	2018	More 'anchor babies' born here than estimated, study shows	
birth touris*	TSUN03	2018	Birth tourism growing issue in Canada	
birth touris*	TSUN04	2018	Birth tourism in Canada needs to be addressed	

birth touris*	TSUN05	2018	Canada easy babe magnet; Birth tourism on rise across the country	
birth touris*	VS11	2018	B.C.-Based petition calls for end of birth tourism	*article also in The Province
birth touris*	VS12	2018	Pressure builds to end 'birth tourism' as a means of acquiring citizenship; 'Abusive' practice is undermining immigration system, Liberal MP says	
birth touris*	GM05	2019	Canadian citizenship shouldn't be for sale: With birth tourism on the rise, we need sensible visa restrictions to maintain fair play	
birth touris*	GM06	2019	Liberal MP calls for federal action to curb 'birth tourism'	
bebe passeport	JM01	2019	Un «bébé passeport» par jour au Québec	
bebe passeport	JM02	2019	Société : Système organisé à Vancouver	
tourisme obstetrique	JM03	2019	Société : Une pratique choquante qui deviendra un problème	
tourisme obstetrique	JM04	2019	Présent, mais moins bien ficelé à Montréal	
tourisme obstetrique	JM05	2019	La citoyenneté canadienne en cadeau	
tourisme obstetrique	JM06	2019	Le marché aux puces de la citoyenneté	
tourisme obstetrique	JM07	2019	Société : S'attaquer aux consultants «sans scrupules» d'abord	
tourisme obstetrique	JM08	2019	Société : Le Canada devrait-il abolir ou pas le droit du sol ?	
tourisme obstetrique	JM09	2019	Société : Des Américaines viennent accoucher ici	
tourisme obstetrique	JM10	2019	Le principe du droit du sol critiqué de toutes parts	
tourisme obstetrique	JM11	2019	Société : Un phénomène qui est bien mal documenté	

birth touris*	NP09	2019	Birth tourism issue may soon blow wide open	
birth touris*	NP10	2019	'Birth tourism'legal, but sparking a controversy; B.C. A Favoured Haven For 'Unscrupulous'Practice	*article also in the Vancouver Sun
birth touris*	TP05	2019	Birth tourism in Canada makes staggering jump	
birth touris*	TP06	2019	'Birth-tourism'case presents a quandary for split-up parents	*article also in the National Post
birth touris*	TSUN06	2019	Birth tourism in Canada makes staggering jump in 2018-19, up 13%	
birth touris*	VS13	2019	Birth tourism should be election issue, doctors say	*shortened version also in The Province
birth touris*	VS14	2019	Richmond Hospital leads way as birth tourism rises	*article also in The Province
birth touris*	VS15	2019	'Gift'of Canadian citizenship touted in birth tourism ads	
birth touris*	GM07	2020	Canada should end birth tourism: Several countries have changed citizenship laws to end the practice and it's long past time that we follow suit	
birth touris*	NP11	2020	Birth tourism is up again; Nobody likes it, but no one will stop it	
passport bab*	TS10	2020	With 'Passport Babies,' CBC manufactures an issue	*article also posted in Toronto Star Online under different title, same date
passport bab*	VS16	2020	Canada braces for passport baby boom	*article also in the Vancouver Sun Online under different title, same date

birth touris*	VS17	2020	'Birth tourism'business booming in B.C	*article also in The Province
birth touris*	TS11	2021	Lockdown helped shine some truth on 'birth tourism': The pandemic has provided what one researcher calls a natural experiment	

## Appendix B: Codebook for Newspaper Content Analysis

<b>V#</b>	<b>Variable Name</b>	<b>Values and Value Labels</b>
001	caseid	(Verbatim, newspaper initial and number)
002	year	(Verbatim)
003	newspaper	<ol style="list-style-type: none"> <li>1. Globe and Mail</li> <li>2. National Post</li> <li>3. Vancouver Sun</li> <li>4. The Province</li> <li>5. Toronto Star</li> <li>6. Toronto Sun</li> <li>7. Montreal Gazette (formerly The Gazette)</li> <li>8. Le Journal de Montreal</li> <li>9. La Presse</li> </ol>
004	newstype	<ol style="list-style-type: none"> <li>1. News</li> <li>2. Editorial</li> <li>3. Commentary/Opinion</li> </ol>
005	contrtitle	<p>Title includes controversial terms “passport babies”, “anchor babies”, “birth tourism” etc.</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
006	passportbb	<p>Article includes the term “passport baby”</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
007	anchorbb	<p>Article includes the term “anchor baby”</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
008	mattourism	<p>Article includes the term “maternity tourism”</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
009	birthtour	<p>Article includes the term “birth tourism”</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
010	tourobste	<p>Article includes the term “tourisme obstetrical”</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
011	otherterm	<p>Article includes another ‘buzz’ term</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
100	vancouver	<p>Mentions Vancouver (and/or Richmond) as a receiving area</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>0. No</li> </ol>
101	toronto	<p>Mentions Toronto as a receiving area</p> <ol style="list-style-type: none"> <li>1. Yes</li> </ol>

		0. No
102	montreal	Mentions Montreal as a receiving area 1. Yes 0. No
103	othercity	Mentions other city/region/province as a receiving area 1. Yes 0. No
104	china	Mentions mainland China as origin country 1. Yes 0. No
105	asiaoth	Mentions other Asian countries as origin (note: Taiwan and Hong Kong are included in this category) 1. Yes 0. No
106	carribbean	Mentions Caribbean countries as origin 1. Yes 0. No
107	latinam	Mentions Latin American countries as origin 1. Yes 0. No
108	africa	Mentions African countries as origin 1. Yes 0. No
109	mid-east	Mentions Middle East as countries of origin 1. Yes 0. No
110	europa	Mentions European countries as origin 1. Yes 0. No
111	otherreg	Mentions/specifies other region of origin 1. Yes 0. No
200	unfair	Alleged practice is explicitly called “unfair” (synonyms for fairness/unfair also included) 1. Yes 0. No
201	cheat	Alleged practice is explicitly called “cheating” (synonyms for cheating also included, as is language such as “jump the queue”) 1. Yes 0. No
202	fraud	Alleged practice is explicitly called “fraudulent” (synonyms for fraudulent and references to illegality also included) 1. Yes 0. No
203	devalue	Alleged practice is explicitly said to “devalue” Canadian citizenship (other terms related to value included)

		1. Yes 0. No
204	taxburd	Alleged practice is explicitly considered as a tax burden (ex. mentions how taxpayers are allegedly burdened) 1. Yes 0. No
205	welfarex	Alleged practice is explicitly considered as ‘welfare exploitation’ (or illegitimate access to social services) 1. Yes 0. No
206	healthc	Alleged practice is explicitly considered as a financial and/or resource strain on the healthcare system 1. Yes 0. No
207	abusecan	Alleged practice is explicitly called abuse of Canadian citizenship or immigration laws (language such as “taking advantage of” also included) 1. Yes 0. No
300	children	Wellbeing/future of child is mentioned or considered 1. Yes 0. No
301	wmnvoice	Stories and voices of women engaging in alleged practice are included 1. Yes 0. No
302	wwealthy	Mentions women are wealthy 1. Yes 0. No
303	father	Father of the child is acknowledged/mentioned 1. Yes 0. No
400	educan	Receiving free grade schooling or domestic-priced post-secondary education in Canada cited as reason for giving birth in Canada 1. Yes 0. No
401	eduorig	Receiving better access to schools in country of origin cited as reason for giving birth in Canada 1. Yes 0. No
402	mobility	Better transnational mobility for child cited as reason for giving birth in Canada 1. Yes 0. No

403	insurance	Second citizenship as “insurance policy” in case country of origin becomes politically unstable cited as reason for giving birth in Canada 1. Yes 0. No
404	employ	Opportunity for employment in Canada for child cited as reason for giving birth in Canada 1. Yes 0. No
405	sponsor	Future sponsorship of parents (“anchor baby” discourse) cited as reason for giving birth in Canada 1. Yes 0. No
406	socialserv	Use of Canadian social services cited as reason for giving birth in Canada 1. Yes 0. No
407	othmotive	Other motive cited as reason for giving birth in Canada 1. Yes 0. No
500	btagency	Article covers “birth tourism agencies”/ “baby houses”/ “birth tourism consultants” etc. 1. Yes 0. No
501	politcn	Refers to/cites a Canadian politician and/or political party 1. Yes 0. No
502	doctor	Article cites a doctor or other healthcare professional 1. Yes 0. No
503	statscan	Article cites Statistics Canada 1. Yes 0. No
504	gvtcan	Article cites the Government of Canada 1. Yes 0. No
505	hlthag	Article cites a health agency 1. Yes 0. No
600	birthcitz	Issue is explicitly considered within wider context of birthright citizenship debates 1. Yes 0. No
601	immigrtn	Issue is explicitly considered within wider context of immigration debates (such as restricting immigration) 1. Yes

		0. No
602	prominen	<p>Prominence of alleged issue of “birth tourism” in article</p> <ol style="list-style-type: none"> <li>1. Integral (there would be no story without it, “birth tourism” is the entire purpose of the article)</li> <li>2. Important (“birth tourism” is important to the story although a limited version of the article could exist without it)</li> <li>3. Tangential (the story could exist and make sense without referring to “birth tourism”)</li> </ol>