

The CARL Executive's Statement in Support of Deepan Budlakoti

January 8, 2015

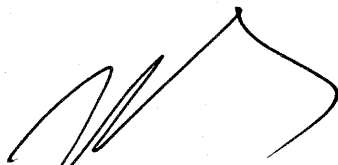
The Executive of the Canadian Association of Refugee Lawyers ("CARL") makes this statement to express its support for Mr. Deepan Budlakoti in his efforts to receive recognition that he is a Canadian citizen.

Based on our review of materials concerning to Mr. Budlakoti's case, we understand the following:

- Mr. Budlakoti's parents arrived in Canada as employees of the Ambassador of India in 1985, but stopped working for the Indian Embassy in 1989.
- Mr. Budlakoti was born in Ottawa on October 17, 1989, months after his parents stopped working for the Embassy.
- Mr. Budlakoti is now 25 and has never resided in any country other than Canada.
- In 1992, Mr. Budlakoti's parents applied for and received permanent resident status for themselves and their son.
- In 1996 and 1997, Mr. Budlakoti's parents apply for and received Canadian citizenship. They did not apply for Mr. Budlakoti because he was already a Canadian citizen as he was born in Canada. It appears the Canadian government shared the family's belief he was a Canadian; they included Mr. Budlakoti in his mother's passport in 1997 and; issued him his own Canadian passport in 2003.
- Mr. Budlakoti had some run-ins with the Criminal Justice system during his teenage years but has since served his time and taken responsibility for his actions.
- In 2011, the Canadian government begins proceedings to remove Mr. Budlakoti from Canada on the grounds of serious criminality under the *Immigration and Refugee Protection Act*. Such proceedings cannot be taken against Canadian citizens, but the Canadian government gets around this by adopting the position that Mr. Budlakoti did not become a citizen upon being born in Canada for the technical reason that children of parents employed by a foreign diplomat at the time of birth do not benefit a right to citizenship.
- Evidence in support of Mr. Budlakoti's citizenship includes the fact that the Former High Commissioner of India – the one who Mr. Budlakoti's father worked for – has confirmed in writing that Mr. Budlakoti's father did not work for the Indian High Commission in Ottawa in any capacity after June 1989 (and thus, months before Mr. Budlakoti's October 17, 1989 birth date). There is also testimony from Mr. Budlakoti's former lawyer, Mr. Chhatwal, that neither of Mr. Budlakoti's parents were working for the Indian High Commission at the time of his birth.
- The information that the Canadian government had was a document from the Indian High Commission – a document that the Former High Commissioner said is inaccurate based on his firsthand knowledge of when Mr. Budlakoti's parents left.

Despite the Canadian government's request that the Indian Government facilitate Mr. Budlakoti's removal to India by issuing him a travel document, the Indian Government has refused as they have taken the position that he is not an Indian citizen. As he is not a national of any other country, the consequences of depriving Mr. Budlakoti Canadian citizenship is that he is a stateless non-refugee individual. This has created many problems for Mr. Budlakoti, including issues concerning access to healthcare and freedom of movement.

In light of what we understand to be the facts underlying Mr. Budlakoti's case, we believe the government's actions are in violation of the 1961 Convention on the Reduction of Statelessness, [which Canada has signed and ratified], and the Canadian Charter of Rights and Freedoms. The CARL Executive is fully supportive of Mr. Budlakoti's efforts to have his Canadian citizenship restored. Anything less, is contrary to Canada's international human rights responsibilities and obligations with respect to statelessness.



Mitchell Goldberg,
President of CARL