March 5, 2014 – Query to: The Office for Disability Issues (ODI), Employment and Social Development Canada, Disability Programs

Re:

Convention on the Rights of

Persons with Disabilities

**First Report of Canada**

[ Canada has submitted its first report on the United Nations Convention on the Rights of Persons with Disabilities (Convention) to the United Nations Committee on the Rights of Persons with Disabilities. http://www.ccrw.org/2014/02/canada-submits-first-report-on-the-un-convention-on-the-rights-of-persons-with-disabilites/ for a copy of Canada's first report.

For your reference, you can access the Convention by clicking the following links:  [HTML version](http://plancalgary.us3.list-manage1.com/track/click?u=e1949dd4620bf4ba1f4350848&id=64e11bd9e1&e=5824d0cfc8) or [PDF version](http://plancalgary.us3.list-manage.com/track/click?u=e1949dd4620bf4ba1f4350848&id=655738dfa5&e=5824d0cfc8).  To request alternate formats, please email [driots-rights@pcg.gc.ca](mailto:driots-rights@pcg.gc.ca) ]

**Excerpts:**

**Engaging and working with the disability community**

20. All F-P/T governments continue to engage and work with the disability community to gain a greater understanding of various perspectives and to develop well-informed and effective policies and programs for persons with disabilities. Examples include:

* Discussions at an annual policy forum on issues relating to persons with intellectual disabilities in the areas of housing, employment and youth transitions.
* **Consultations on the Registered Disability Savings Plan to ensure its responsiveness to the financial saving needs of Canadians with severe disabilities and their families.**
* Surveys and focus groups for evaluations of the Canada Pension Plan Disability benefit to identify areas for further improvement.

**Adequate standard of living and social protection**

87. While persons with disabilities have equal access to all social programs and benefits provided by governments, Canada recognizes that poverty rates among persons with disabilities remain a challenge in Canada.

88. To address this challenge, targeted benefits, income and housing supports are available to assist persons with disabilities and those who care for them. These include the Disability Supports Deduction for those who face additional disability-related costs, to be employed or to carry on a business, Canada Pension Plan Disability benefits and Employment Insurance sickness benefits, which provide financial assistance to those who are unable to work due to illness, injury, or quarantine, and Old Age Security benefits. The Canada Revenue Agency has various benefits, credits and deductions that are available to persons with disabilities and their families. This includes the Disability Tax Credit, which in fiscal year 2012–2013 had a utilization of over $985 million. Disability-related tax measures also include exemptions from goods and services tax, and caregiver tax credits.

89. **Through the Registered Disability Savings Plan, individuals with severe disabilities and their families can save for their future.** As of November 2012, 63,944 plans had been registered, individuals contributed almost $295 million, and the Government has paid over $404 million in grants and over $171 million in bonds.

March 5, 2014

To: The Office for Disability Issues (ODI), Employment and Social Development Canada, Disability Programs

Re: The Rights of my Canadian-born adult son who never was registered with the US, never lived in the US, never had any benefit from the US, only Canada where he was born and raised but is considered a US citizen by his birth to me in 1974 (before I became a Canadian citizen in 1975)

This is long and convoluted but I hope someone will read this and engage with me on how FATCA and the intergovernmental agreement that Canada has now signed with the US affects US Persons with a 'mental incapacity' (even including those with an age-related dementia). The US says that a person with 'mental incapacity' who would not understand the concept of "citizenship" or be influenced by another (say, parent, guardian, trustee) cannot renounce that US citizenship. Neither can a parent, guardian or trustee renounce on such a person's behalf, even with a court order.

How does the following / would the following protect my son in any way? (See the end for my further comment on my son's situation -- but it will affect many more than my son when FATCA takes effect, July 1, 2014.

Convention on the Rights of

Persons with Disabilities

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Toronto Star article based on http://www.repealfatca.com/index.asp?idmenu=4&idsubmenu=148&title=enforce-canadian-law-not-fatca

I tried to paste this into the comments, but it would not accept:

To have watched / listened to the Credit Suisse hearings, Part 1 and Part 2, last Wednesday was more than I could bear to know we are all lumped in with those who really are out for US fraud and tax evasion. I don’t consider myself or my son (who has a ‘mental incapacity’ and cannot renounce US citizenship nor does a parent, a guardian or a trustee of such a person) or most of the whatever 7 million figure of US expats around the world are those persons. We are painted with the same exceptional US brush. To now see Finance Minister Flaherty’s words, makes me finally realize that my Canadian-born son (as all other ‘US Persons’ in Canada) is now deemed second class to any other Canadian no matter where they are from or their parents’ “national origin” and not to be protected by the country of his birth. Two-tiered Canadian citizenship :

QUOTE:

Our Government fully understands the separate, but important, issue of U.S. citizenship-based taxation on dual Canada-U.S. citizens. The U.S. government’s system of citizenship-based taxation is different from the residence-based approach generally followed most of the rest of the world.

This creates unique challenges for U.S. citizens who reside in other countries – especially Canada. However, as these are U.S. laws that apply to U.S. citizens, they can only be addressed by the U.S. government – not Canada. In that regard, I would encourage U.S. citizens in Canada to share their concerns with the U.S. government.

UNQUOTE

That the Government of Canada has signed an IGA with the US to allow our local CANADIAN “foreign financial institutions” to turn confidential financial information for persons identified as US Persons over to the CRA for them to then be able to turn the information over to the IRS and now the Finance Minister of that government makes that statement gives me no peace. I am no longer a US citizen and my son, being born and lived all his life in Canada and never registered with the US, would have no US representative to share his concerns with if he were able to do that.

The IGA “exemption” the Conservative government boasts about is for the banks – they do not have to turn Canadian registered account information for US Persons over to the CRA, but there is no exception for US citizens in still having to report that to the US. So many so-called one million (or however many) US Persons in Canada and their families (many “Accidental Americans”) knew nothing about US citizenship-based taxation and their US tax responsibilities and the US did a very poor job of educating us (or for that matter all the new immigrants to the US who, with joint accounts with family back in their ‘old country’, are now caught up in this – and they, unfortunately, live within the boundaries of the US). I believe many who will be deemed US Persons in Canada still do not know – until they are faced with the new requirement for opening a Canadian banking account to certify they do not have a “national origin” of or relationship with anyone who is “US”. Not ALL Canadians will have the same rights under the Charter of Rights and Freedoms.

There is now a fundraising effort to get legal opinion on a Charter Challenge with constitutional lawyer Joseph Avray.

QUOTE

Freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed

~ Martin Luther King Jr.

Please help. Donate to the Canadian Charter Challenge Fund. http://site345738.webydo.com/

February 5, 2014 was the day we thought we would never see. It was the day the Canadian government announced it had caved to a foreign nation’s demands to invade our honest, law abiding lives as Canadian citizens and residents to seize our private and legal financial records. It was the day we learned the Canadian government considers us second class Canadians with limited rights under Canadian laws and Canada’s Charter of Rights and Freedoms.

Today is the day we begin our drive to fight back. February 28, 2014 is the day we launch our Canadian Charter Challenge Fund to raise money for a legal opinion from prominent constitutional lawyer, Joseph Arvay.

We must demand freedom. We must demand our government uphold our rights. We must demand the government place its citizens and residents over the demands of a foreign power.

We must demand our government place our rights over those of the bully oppressor. We must band together to fight for our cherished Canadian rights and freedoms. We must do it now.

Remember, the War of 1812 was not over until 1815. We should likewise expect our battle to be long, messy and expensive.

First published on 28 Feb 2014

UNQUOTE

I don't know who to further discuss this with. I hope this office will take an interest into this aspect of the Rights of Canadians with Disability, even when they are deemed a US Person.

Carol Tapanila

Calgary, AB, Canada

403-283-6933

**Thank You**

Thank you for contacting Human Resources and Skills Development Canada (HRSDC).

Your message has been received. We will respond to your inquiry as soon as possible.

Again, thank you for your interest in HRSDC.

Date modified:

2013-04-06