

[Chairman: Mrs. Black]

[10:02 a.m.]

MADAM CHAIRMAN: Good morning, committee members, and welcome back after the long weekend. I can see that Mr. Severtson made it. I understand he had car trouble this morning. We're delighted you're here.

I'd like to call the committee to order. The first item on the agenda is to adopt the agenda for today. Could I have a motion to that effect, please? Mrs. Laing, thank you very much.

This morning we will be dealing with Bill Pr. 8, the Satnam Parmar Adoption Termination Act. I believe all of you have had the information distributed, and at this time I'd like to introduce the people making the representation. It's Satnam Parmar, the petitioner, and his counsel, Leith Martin. We welcome you to the Private Bills Committee. The purpose of our committee is to hear representations by petitioners, and then at a later date we will deliberate over the representations and make a report to the Legislative Assembly, at which point a decision will be made on the Bill.

Mr. Clegg, would you like to do the introduction of the Bill, please?

MR. M. CLEGG: Madam Chairman, this is my report on Bill Pr. 8, Satnam Parmar Adoption Termination Act, pursuant to Standing Order 99. The Bill terminates an earlier adoption of a person who is now an adult. The consents of the adopting and the natural parents have been filed. The Bill does not ask for any other powers which are considered to be exceptional, and there is no model Bill on this subject.

[Mr. Parmar was sworn in]

MADAM CHAIRMAN: Thank you, Mr. Clegg.

Mr. Parmar, would you like to make some introductory comments?

MR. PARMAR: Sure. I'm not too sure how to start, and I've never done this before, so I'm a little bit nervous and a little anxious.

Basically, the reason why I'd like to terminate my adoption is that my natural father wishes us to be closer as father and son. He writes a lot to me, and he's always asking about me. I feel that he wants us to be a lot closer, and the whole family is going along with that. We would like this to go through for that reason. That's basically the reason why I'm doing this.

MADAM CHAIRMAN: Thank you.

Ms Martin, would you like to make some opening comments?

MS MARTIN: I'll just give the committee members some background on this matter. Mr. Parmar was adopted by his aunt and uncle on February 5, 1975, by an order of Justice Feehan of our then district court. At that time, Mr. Parmar's aunt and uncle were residing in Cold Lake and were Canadian citizens. They had no children. Mr. Parmar was the second youngest of his uncle's brother's family, and the decision was made to bring him to Canada and they would adopt him. Since then that family has had four children. Satnam's natural family has remained in India. His father is a farmer in the Punjab district of India. His oldest brother works on the farm. His mother is a homemaker. His youngest brother is attending college in India, and his sister is married to a captain in the military in India.

In reviewing this with him, I believe that the purpose is to restore the family unit to its original state. As Mr. Parmar has indicated, his father wishes to participate fully in his life. If he marries, if he has grandchildren, he will be his natural son again. There are no current plans to change the status of any of the parties involved. His aunt and uncle are Canadian citizens. The balance of the family remain Indian citizens and plan to stay there. Mr. Parmar is a Canadian citizen and will continue to reside here, in the near future in any event, hopefully attending the University of Alberta.

Are there any questions that you might have?

MADAM CHAIRMAN: Committee members, are there any questions? Mrs. Laing.

MRS. B. LAING: Was it the aunt and uncle that now have four children?

MS MARTIN: Yes. At that time, Satnam's family had four children. The aunt and uncle had none, and it was thought that they couldn't. They'd been married about 10 years. They've since had four.

MRS. B. LAING: I notice there's a difference in residence for the aunt and the uncle. Are they separated?

MR. PARMAR: Oh. No. It's just my aunt; she is a teacher by profession, and she got a job in Ontario.

MRS. B. LAING: Your uncle's still here in Alberta.

MR. PARMAR: Yes.

DR. ELLIOTT: What is the role of the aunt and uncle in this particular request? Are they involved, or are they in favour of the request, or what?

MR. PARMAR: I don't understand the question, sir.

DR. ELLIOTT: Well, you've been adopted by a husband and wife. Do they have any feelings or requests?

MR. PARMAR: Oh, I see. No. What I mean to say is that they are happy with this, if this adoption terminates, because then the whole family will be a lot happier for that reason. That's the only thing.

MR. McEACHERN: Is there any particular legal advantage to doing this that may be helpful? For instance, in terms of immigration or something like that, if you wished to sponsor your parents to come to Canada, this would now be allowed or not be allowed if you were . . .

MS MARTIN: It does not change the immigration status, as a family member. His parents, either as an aunt and uncle or as parents, would be available for sponsorship under the Immigration Act. So it doesn't change that in any way. As I indicated, there are no current plans, in any event, for immigration.

MADAM CHAIRMAN: Are there any other questions from the committee?

Mr. Severtson.

MR. SEVERTSON: Just one short one. Hold old were you when you were adopted by your uncle and aunt?

MR. PARMAR: I was roughly at that time eight years of age.

MR. SEVERTSON: Eight years.

MR. PARMAR: Yes.

MRS. B. LAING: Are there inheritance implications with your aunt's and uncle's estate then? Are you sort of the eldest son, considered as the eldest son?

MR. PARMAR: Okay. No, I'm not the eldest son. I am actually second in line, you know, if you're talking about my natural mother's and father's family.

MRS. B. LAING: No. I'm talking about your aunt's and uncle's family.

MR. PARMAR: Oh, I see.

MRS. B. LAING: You're an adopted son now. You're basically the eldest son, though, in their family, right?

MR. PARMAR: Oh, I see what you're saying. I really have no desire for inheritance or anything, you know, because I'm going for university. I'm hoping to get into pharmacy this fall, and I like to do things on my own. I don't need any inheritance or anything.

MRS. B. LAING: But would that legally in your family setup have an implication for the other children in the family?

MS MARTIN: Legally, then, he would no longer be a child of that family, and the other four siblings would inherit the estate. Satnam would now be part of his natural family in India and would inherit pursuant to that family. So, yes, it would change the inheritance situation. The original adoption order that was granted in '75 would be terminated, and he would be restored as the natural child of his family in India.

MRS. B. LAING: Okay.

MR. EVANS: Have you had any personal contact with your family in India since you were adopted here in 1975?

MR. PARMAR: No, I haven't. The reason is that there have just been bad circumstances, like my grandmother died a few years ago. Also, she wanted my uncle to visit her as much as he could, so he used to go every summer because he was her favourite child. You know, it's a very close-knit family, and whatever she wished, he always did.

MR. EVANS: But you have not been back to India, and your family from India have not been here.

MR. PARMAR: I have not been there, no.

MR. EVANS: Have any of them traveled to Canada?

MR. PARMAR: Okay. We correspond in letters and things like that, but that's basically our relationship, you know.

MADAM CHAIRMAN: Are there any other questions? Yes, Mr. Clegg.

MR. M. CLEGG: Madam Chairman, I would like to ask a couple more questions about the immigration legal aspects. Firstly, I'd just like to clarify for the record a couple of things with respect to inheritance. Of course, committee members will realize that it would only affect inheritance matters if there is no will. The rights of children are governed by intestate succession if there has been no provision made by will or if they are contesting the will. But normally, of course, the inheritance rights are governed by some testamentary disposition.

With respect to immigration rights, the witness has told the committee that there is no intention on his part for him to apply to bring his natural parents to Canada, to sponsor them. However, I wanted just to clear up a couple more things for the record. Ms Martin has said that the ability to sponsor uncles and parents is the same. However, my understanding is that in view of the existence of the adoption, the natural parents of Satnam now, at this point in time, would not be regarded as family who could be sponsored unless the adoption was terminated. So, in fact, it seems to me that unless I misunderstood the situation, the cancelation of this adoption would change the immigration sponsorship capability with respect to Satnam's natural parents, that they wouldn't come under the immigration family reunification at this stage, but they would if the adoption were terminated. Maybe either the witness or counsel could comment on that.

MADAM CHAIRMAN: Mr. Parmar, you're nodding your head.

MR. PARMAR: Okay. If I could just tell the committee: my father came a long time ago, in 1972. He hated it; it was cold. You know, he hated the weather. He said, "I'm better off in my home." So he doesn't have any desire to come to Canada. He's well established, and in terms of Indian standards he's doing very well. He's got his own farm and everything.

MR. McEACHERN: I just can't help following this up a little bit. I was quite happy with Ms Martin's answer a minute ago, but it sort of brings up the question, I suppose, that while your parents gave you up to adoption and relinquished their right to be your parents, nonetheless, because your father is the brother of your adopted father - I'm just going back, you know - he is also your uncle. So I guess you could, in fact, sponsor him as an uncle, then, at the present time. It's sort of an answer to Mike's question, I guess.

MR. M. CLEGG: Madam Chairman, I'd also like to point out that of course the uncle could also sponsor his brother in certain circumstances. It's just that I think all the various different sponsorships should be well understood.

MS MARTIN: I believe my understanding of the family class is that there is no distinction made between actual, direct parentage and aunts and uncles. It falls within the family class, and that's what my comments were directed to.

MADAM CHAIRMAN: Could I ask for a clarification then? How does it pertain to brothers and sisters?

MS MARTIN: They are still part of the family class. There is a family class that includes parents, brothers, sisters, aunts, uncles, nieces, and nephews. No distinction is made in the manner of sponsorship between these relationships. That's my understanding.

MADAM CHAIRMAN: Cousins?

MS MARTIN: Cousins I do not believe fall within the family class.

MADAM CHAIRMAN: All right. Thank you.

MR. M. CLEGG: Madam Chairman, I think maybe the analysis of this is that if it were not for Satnam's present father, who is also his uncle, there might be a slight change in the immigration possibilities. Because my understanding, from what the immigration authorities' position is – and I talked to them about this – is that a natural father from whom you have been adopted away would not come within the family class, but because your father is now your legal uncle and also because your present legal father in Alberta, who's your uncle, could also sponsor your father, in practice it makes no difference.

MR. PARMAR: When my aunt and uncle decided to adopt me, the reason was that at that time they had no kids. Let's see; how do I say it? They did it because, first of all, I had the Parmar name, the family name, and they wanted to help the family out, you know, and I was just a kid. I don't know how to say it.

MADAM CHAIRMAN: Okay. I think that's explained it. Are there any other questions from the committee?

Ms Martin, do you have any closing comments to make?

MS MARTIN: I believe we have covered them. As I said, the general thrust of this is to restore both families to their complete

and natural state. That is the reason behind this presentation for this Bill, and that will be the result if the adoption is terminated. For future purposes – for marriage, for grandchildren – Satnam will be the child of his natural parents.

MADAM CHAIRMAN: Well, thank you very much.

Mr. Parmar, do you have any closing comments you'd like to present?

MR. PARMAR: I would just like to add to the committee that I hope you'll help me in this process. I wish to do no evil to anyone. This is just to put things back to order; that's it.

MADAM CHAIRMAN: Thank you very much.

MS MARTIN: Thank you to the committee for their consideration.

MADAM CHAIRMAN: Thank you.

Well, thank you very much for coming before us today. As I say, we will be making a report to the Assembly as a committee, and at that time you'll be notified of our decision. Thank you very much.

Committee members, we've heard all of our petitions up to date, and what I'd like us to do before we adjourn for today is: please, next week I'd like us to come prepared to discuss in camera all of the petitions and Bills that have been presented to us. So if you could please come prepared for discussion, then we would be able to proceed with our in-camera discussions at that point.

Okay. Could we have a motion for adjournment?

MR. WOLOSHYN: You got it.

MADAM CHAIRMAN: Mr. Woloshyn, thank you.

[The committee adjourned at 10:19 a.m.]

