

January 16 2012

OPEN LETTER

The Honourable Robert Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington St., 4th Floor
Ottawa, Ontario K1A 0H8

By Fax: 613-990-7255

Dear Minister Nicholson:

I would like offer you my sincere thanks and commend you on your swift action to resolve the recent uncertainty regarding the legal validity of same-sex marriages performed in Canada between non-residents. I appreciate the empathy and understanding you have conveyed for the thousands of lesbian and gay couples around the world who were married in Canada and who rely on the legal validity of their marriages to acquire rights and relationship recognition in their countries of residence.

It is my hope that the process of resolving this matter may serve as an opportunity to open dialogue and build a productive relationship between the Government of Canada and the lesbian, gay, bisexual and trans (LGBT) community. Already, we have convened a working group of legal experts in family law and human rights who are prepared to offer constructive measures to expeditiously resolve the legal issues with effective and appropriate solutions. In our view, the complexities unquestionably include the impediment posed in the form of the Divorce Act's 12-month residency to efficacious dissolution of marriages performed in Canada and a statutory clarification of the validity of Canadian marriages of non-residents. We hope that the Government will move swiftly to correct these problems.

As discussed in my two previous letters to you, dated 11 May and 3 October 2011, Canada is also currently facing the question of how to recognize same-sex relationships solemnized in countries that have chosen different methods of conferring legal recognition. This, too, has caused great distress and anxiety among some same-sex couples.

I welcome the opportunity to meet with you and to continue the conversation about these critical questions.

Sincerely,

Helen Kennedy
Executive Director, Egale Canada