

CHAPTER SEVENTEEN: CITIZENSHIP

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CHAPTER SEVENTEEN: CITIZENSHIP

I. IMPORTANT NOTICE

2017 Bill C-6 received royal assent on June 19th, 2017 during the 2017 edit of this chapter. This bill contains many changes to the *Citizenship Act*, RSC 1985, c. C-29. Parts of the changes came into force upon the royal assent while other will come into force on a day to be fixed by order of the Governor in Council.

The changes that came into force on June 19th, 2017 have been integrated into this chapter during the 2017 edit, the changes that will come into force on a later day is summarized in the table below (source: www.canada.ca/en/immigration-refugees-citizenship/news/2017/06/bill_c-6_receivesroyalassent0.html).

Please refer to the *Citizenship Act*, the full text of 2017 Bill- C-6 for details. Please refer to the Immigration Refugee and Citizenship Canada (IRCC) website for the latest information.

Changes expected to take effect in fall 2017

| Previous <i>Citizenship Act</i> | <i>Citizenship Act</i> with Bill C-6 Amendments |
|---|--|
| Applicants had to be physically present in Canada for four out of six years before applying for citizenship | Applicants must be physically present in Canada for three out of five years before applying for citizenship |
| Applicants had to file Canadian income taxes, if required to do so under the <i>Income Tax Act</i> , for four out of six years, matching the physical presence requirement. | Applicants must file Canadian income taxes, if required to do so under the <i>Income Tax Act</i> , for three out of five years, matching the new physical presence requirement. |
| Applicants had to be physically present in Canada for 183 days in four out of the six years preceding their application. | This provision is repealed. Applicants no longer have to meet this requirement. |
| Time spent in Canada prior to becoming a permanent resident did not count towards the physical presence requirement for citizenship. | Applicants may count each day they were physically present in Canada as a temporary resident or protected person before becoming a permanent resident as a half-day toward meeting the physical presence requirement for citizenship up to a maximum credit of 365 days. |
| Applicants between 14 and 64 years had to meet the language and knowledge requirements for citizenship. | Applicants between 18 and 54 years must meet the language and knowledge requirements for citizenship. |

Changes expected to take effect in early 2018

| Previous <i>Citizenship Act</i> | <i>Citizenship Act</i> with Bill C-6 Amendments |
|---|---|
| The Minister was the decision-maker for most cases of citizenship revocation on the grounds of false representation, fraud, or knowingly concealing material circumstance. The Federal Court was the decision-maker for citizenship revocation cases involving false representation, fraud, or knowingly concealing material circumstances related to security, human or international right violations, and organized criminality. | The Federal Court is the decision-maker in all revocation cases, unless the individual requests that the Minister make the decision. |
| There was no clear authority for Citizenship Officers to seize fraudulent or suspected fraudulent documents provided under the <i>Citizenship Act</i> . | Clear authority for Citizenship Officers to seize fraudulent or suspected fraudulent documents is provided under the <i>Citizenship Act</i> . |

II. INTRODUCTION

This chapter is primarily intended as a short guide of the basic process for obtaining a citizenship grant. For more detailed information refer to the *Citizenship Act*, RSC 1985, c. C-29 and Citizenship Regulations, SOR/93-246.

This manual may aid individuals seeking assistance to determine whether they or their family members qualify for citizenship as well as individuals facing a removal of their citizenship status. Everyone should be encouraged to apply for citizenship as soon as they become eligible. It is important to be as thorough as possible with the initial citizenship application, as this is the best chance for obtaining citizenship.

III. GOVERNING LEGISLATION AND RESOURCES

On June 11th 2015, changes to the *Citizenship Act* that had been phased in over the previous year were completed. Applicants may not be fully aware of these changes, but any applications submitted since June 11 2015 are bound by the current legislation. Those whose applications were submitted before this date will have to make careful note of the date, and then review the version of the Act that was in effect at the time the application was submitted.

A. *Legislation*

The governing legislation is the *Citizenship Act*, RSC 1985, c C-29. The Act is relevant where an individual wishes to obtain, resume, or retain their citizenship, or to determine how it may be forfeited. Under the Act, citizenship is granted after certain requirements are met, thereby making it a right that cannot be arbitrarily withheld as was possible under its predecessor, the *Canadian Citizenship Act*, RSC 1970, c C-19.

For the purposes of this Chapter, some words have specific definitions:

| | |
|---------------------|---|
| Citizen: | A Canadian citizen. |
| Ceremony Room: | An office of the Department of Immigration, Refugees and Citizenship of Canada or other place where a citizenship judge performs his or her duties under the Act. |
| Citizenship Judge: | Any citizen appointed by the Governor in Council to be a citizenship judge and to perform duties as the Minister prescribes for carrying into effect the purposes and provisions of the Act under s 26. |
| Minister: | The Minister of Immigration, Refugees and Citizenship of Canada. |
| Permanent Resident: | A person conferred with this status under the <i>Immigration and Refugee Protection Act</i> . |
| Minor: | A person who has not attained the age of 18 years. |
| Parent: | The father or mother of a child. This includes an adoptive parent, but does not extend beyond ties of blood or adoption. A mere parent-like relationship is insufficient. See <i>Valois-D'Orleans v Canada (Minister of Citizenship & Immigration)</i> , 2005 F.C.J. No. 1258 (F.C.). |
| Registrar: | The Registrar of Canadian Citizenship. |

B. *Resources*

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|--|
| <p>Immigration, Refugees and Citizenship Canada Toll-free in Canada: 1-888-242-2100 Website: www.cic.gc.ca Online Manuals Website: www.cic.gc.ca/english/resources/manuals/index.asp</p> |
|--|

Canadian citizenship law undergoes constant and sometimes unpredictable change. To ensure that you are using the most up to date forms, and the most current policies and procedures, it is important to always check the web site of Immigration, Refugees and Citizenship: Here you can find information, downloadable forms, and links to the IRPA, Regulations, and Policy Manuals. Operational Manuals and Bulletins published by IRCC are available online under the Publications heading. They explain the policies and procedures used by immigration officials to interpret the IRPA.

Vancouver Offices - Citizenship

200 - 877 Expo Boulevard
Vancouver, B.C V6B 8P8

AND

1148 Hornby Street
Vancouver, B.C. V6Z 2C3

Surrey Office - Citizenship

#70 – 9900 King George Boulevard
Surrey, B.C. V3T 0K9

Case Processing Centre - Citizenship

P.O. Box 7000
Sydney, Nova Scotia B1P 6V6

IV. WHO IS A CANADIAN CITIZEN?

Section 3 of the Act provides that a person is a citizen if they meet one the enumerated conditions. These include, in part, a person who was:

- a) Born in Canada,
- b) Born outside of Canada to at least one Canadian parent who was born in Canada,
- c) Born outside Canada to at least one parent who became a Canadian citizen by naturalization – persons who obtain citizenship this way cannot confer it upon their own children born outside of Canada,
- d) A citizen immediately before February 15, 1977 (i.e. under the old Act), and/or
- e) Granted citizenship or has acquired citizenship pursuant to s 5, 5.1, or 11 of the Act.

A. *Grant of Citizenship vs. Proof of Citizenship*

A person who is a Canadian citizen by virtue of being born in Canada or being born outside of Canada to a Canadian parent may apply for **proof of citizenship**. To receive proof of citizenship, it is not necessary to pass the test or to take the oath of citizenship.

Persons who are living outside Canada should contact the Canadian Embassy in that country.

Permanent Residents of Canada who have fulfilled the necessary requirements can apply for and may be **granted** citizenship.

V. ADVANTAGES AND RESPONSIBILITIES OF BEING A CITIZEN

There is no requirement that a permanent resident become a Canadian citizen. However, permanent residents may wish to apply to become citizens because:

- Citizens have the right to vote
- Citizens have the right to apply for a Canadian Passport
- Citizens may receive preference over non-citizens for certain jobs within the government
- Citizens cannot be deported from Canada
- Citizens are able to run in elections
- Citizens are not subject to the same residency requirements as a permanent resident

In all cases, individuals should find out prior to applying for Canadian citizenship whether the countries of which they are citizens permit dual citizenship. As Canada allows dual citizenship, an individual is able to acquire Canadian citizenship regardless of his or her possession of another citizenship. However, if the country of which the individual is presently a citizen does not permit dual citizenship, the individual's citizenship of that country may be extinguished if the individual acquires Canadian citizenship.

NOTE: Non-citizens may be subject to deportation from Canada if they are convicted of an offence in Canada. Non-citizens who have already been subject to the Canadian criminal justice system for minor offences may benefit from applying for citizenship as soon as they become eligible in order to be free from the risk of being deported.

VI. CITIZENSHIP GRANTS: HOW TO BECOME A CANADIAN CITIZEN

A. Grant of Citizenship Under s 5

NOTE: At the time of publication, the Canadian Government has already begun the process of changing the regulations such that the period having been physically present, the age maximum and minimum for demonstrating language ability and knowledge of Canada, and the number of years of tax filings required will be altered. Check the regulations and the IRCC website for the most current information on what is required for a grant of citizenship under section 5.

To be granted citizenship, applicants must meet the required qualifications (as set out in s 5(1) of the *Citizenship Act*). An applicant must:

- a. Make an application for citizenship,
- b. Have, since becoming a permanent resident,
 - i. been physically present in Canada for at least 1460 days in the six (6) years immediately before the date of submission of the application for citizenship,
 - ii. been physically present in Canada for at least 183 days during each of the four calendar years that are fully or partially within the six years immediately before the date of the date of his or her application,

- iii. met any applicable requirement under the *Income Tax Act* to file a return of income in respect of four taxation years that are fully or partially within the six years immediately before the date of his or her application
 - iv. with regard to the period of physical presence, please refer to the *Citizenship Act* ss. 1.01, 1.02, 1.03, 1.2 & 1.3 for details of exceptions
- c. Have an adequate knowledge of either English or French if the person is between 18 and 65 years of age.
 - d. Have an adequate knowledge of Canada and of the responsibilities and privileges of citizenship if the person is between 18 and 65 years of age, and
 - e. Must not be under a prohibition (see *C. Prohibitions*).

NOTE: The age conditions in the aforementioned requirements c and d are going to change to “between 18 and 55” in the near future. The current condition is based on a transitional provision: section 17.1 of the 2017 Bill C-6.

NOTE: The Residence Calculator on the Immigration, Refugees and Citizenship Canada website is currently accepted by IRCC as a method for calculating presence in Canada. Applicants can print off the results of the calculator and include them with their citizenship application.

NOTE: If the individual is between the ages of 14 and 64, they are required to send proof of their ability to *speak* and *listen* in English or French in the citizenship application. Examples of acceptable documents that satisfy this requirement are the results of IRCC-approved third-party tests; transcripts or diploma from a secondary or post-secondary education in English or French, in Canada or abroad; evidence of achieving Canadian Language Benchmark (CLB)/Niveau de compétence linguistique canadien (NCLC) (<http://www.language.ca/>) level 4 or higher in certain government-funded language training programs. The full list of acceptable documents can be found on the IRCC website.

B. Resumption of Citizenship, s 11

A person who was a Canadian citizen in the past, but who lost citizenship, may apply for a **grant** of citizenship (resumption) under s 11(1) of the *Citizenship Act*. A former Canadian citizen may resume citizenship if that person:

- a) Makes an application for resumption of citizenship,
- b) Was a citizen and lost citizenship by means other than revocation,
- c) Became a permanent resident after the loss of citizenship,
- d) Lived in Canada as a permanent resident for at least one year immediately before the application,
- e) Is not under a prohibition for certain criminal charges and convictions,
- f) Is not under a removal order (e.g. deportation), and
- g) Does not present a security risk.

Women who lost their citizenship by a law in force before January 1, 1947 because of their marriage or because their husband acquired foreign nationality can resume their citizenship as soon as they notify the Minister of their intention and produce satisfactory evidence to prove they meet the requirements of s 11(2). The applicant should provide the reasons she wants another certificate of citizenship and should surrender all previous certificates either at the time of application or when she receives her new certificate. Where the applicant has lost or destroyed her certificate of naturalization or citizenship, she must provide the details of that loss or destruction.

C. Prohibitions (ss 19 & 22 of the Act)

Persons will not be granted citizenship under ss 5(1),(2) or (4) or 11(1) of the *Citizenship Act*, or take the oath of citizenship, if the person:

- a) Is under a probation order,
- b) Is a paroled inmate,
- c) Is serving a term of imprisonment,
- d) Is charged with, on trial for, subject to, or a party to an appeal relating to an offence under the *Citizenship Act* or any indictable offence under any Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*, SC 1992, c 47 [*Contraventions Act*],
- e) Requires but has not obtained the consent of the Minister of Immigration, Refugees and Citizenship, under s 52(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*Immigration and Refugee Protection Act*], to be admitted to and remain in Canada as a permanent resident,
- f) Is under investigation by the Minister of Justice, the RCMP, or the Canadian Security Intelligence Service or charged with, on trial for, a party to an appeal, or has been convicted of an act or omission referred to in s 7(3.71) of the *Criminal Code*, RSC 1985, c. C-46, (war crimes or crimes against humanity),
- g) In the three year period immediately preceding the date of the citizenship application, or during the period between the date of the application and the date citizenship would be granted or the oath of citizenship would be recited, the person has been convicted of an offence under s 29(2) or (3) or of an indictable offence under any Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*, or
- h) During the five years immediately preceding the citizenship application, ceased to be a citizen pursuant to s 10(1), where the Governor in Council was satisfied that the person has obtained, retained, renounced or resumed citizenship under the *Citizenship Act* by false representation or fraud or by knowingly concealing material circumstances.

Time spent in a prison, on parole or on probation does not count towards fulfilling the residency requirement.

Additionally, citizenship will not be granted where there are reasonable grounds to believe that an applicant will engage in activity that:

- a) Constitutes a threat to the security of Canada, or
- b) Is part of a pattern of criminal activity planned and organized by a number of persons acting in concert to commit any offence that is punishable by indictment under any Act of Parliament.

Persons not approved for these reasons will have any applications or appeals rejected and this declaration will have effect for three years after the date on which it has been made.

D. Minors

With the 2017 Bill C-6 having received royal assent, minors can now apply for citizenship without a Canadian parent, as the age requirement for citizenship has been removed under subsection 5(1). A person having custody of the minor or empowered to act on their behalf by court order, written agreement or operation of law (s, 5(1.04)), can now apply for citizenship on behalf of the minor, unless that requirement is waived by the Minister (ss. 5(1.05) & 5(3)(b)(v)).

The four-year residency requirement does not apply to children under the age of 18. There is no residency requirement for children applying under s 5(2). Parents who are citizens may apply for citizenship for their child as soon as the child becomes a permanent resident (s 5(2)). Adoptive parents who are citizens may bypass the permanent residency requirement, and may make an application for citizenship on behalf of their child directly (s 5.1(1)). However, in order to do so the adoption must “create a genuine relationship of parent and child”. Additionally, this direct route to citizenship is not available beyond the first generation of Canadians born or adopted abroad (i.e. the parents must derive their own citizenship by being born in Canada or through naturalization).

Children are not required to write the citizenship test, but children who are 14 and over are required to take the oath. If a child turns 18 before the end of the application process, he or she cannot be granted citizenship as a minor, even though they were under the age of 18 at the time of application. They must submit an adult application of citizenship. Stateless applicants under s 5(5) have until age 23 to complete the application process.

E. Special Cases

In some cases, the Minister may, at his or her discretion, waive on compassionate grounds (s 5(3)),

- a) The requirements of language and knowledge of Canada or of the responsibilities and privileges of citizenship, and
- b) The requirement to take the oath, in the case of any person who is prevented from understanding the significance of taking the oath of citizenship by reason of mental disability.

Section 5(3.1) requires that for the purpose of section 5, if an applicant for citizenship is a disabled person, the Minister to take into consideration the measures that are reasonable to accommodate the needs of that person.

Section 5(4) allows the Governor in Council, in his or her discretion, to direct the Minister to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward service of exceptional value to Canada, notwithstanding any other requirements under the Act. The relevant policy guideline of Immigration, Refugees and Citizenship Canada can be found at this website: www.cic.gc.ca/english/resources/manuals/index.asp. Exceptions are granted so it is always worth considering this. The policy guideline is vital in this consideration.

VII. HOW TO APPLY FOR A CITIZENSHIP GRANT

A. *The Process*

1. Mail-in Process

A citizenship application has to be mailed in on the proper forms provided by the Department of Citizenship, Refugees and Immigration. The new forms are easy to understand and to complete. To order a citizenship application, phone the Immigration, Refugees and Citizenship Canada Call Centre or consult the website (see **Section II.B: Resources**, above). All appropriate application forms and accompanying literature will be mailed directly to the applicant. In-person application assistance is not available from Immigration, Refugees and Citizenship Canada (IRCC).

The Department of Immigration, Refugees and Citizenship publishes *Discover Canada: The Rights and Responsibilities of Citizenship*, a book that gives general information regarding the right to vote in elections and run for elected office, voting procedures, and chief characteristics of Canadian physical and political geography. It will help the applicant answer questions in the written test he or she must take to become a citizen. This book is mailed to the applicant after the application for a citizenship grant has been received at the case processing centre.

An application should be completed as fully as possible. Only the full legal names of the person seeking citizenship will appear on the certificate of citizenship. The name on the permanent resident document will appear on the certificate of citizenship unless legal name change documents have been submitted.

2. Materials Required with Application

Individuals should carefully fill in all the forms they receive in the mail or from the website. Those forms will be the most current, and can be found at: <http://www.cic.gc.ca/english/citizenship/become-how.asp>

The application will list the documents that are needed, which will vary depending on the applicant's particular situation. Any document that is not in English or French must be accompanied by the English or French translation and by an affidavit from the person who completed the translation. Documents that are usually required with all applications are:

- a) A birth certificate or other satisfactory proof of the applicant's date and place of birth,
- b) Record of Landing or Permanent Resident Card,
- c) Satisfactory language evidence,
- d) Satisfactory proof of entry into Canada and of lawful admission for permanent residence. This could include passport(s) or a Certificate of Identity,
- e) A Certificate of Marriage or legal name change document if the applicant's name has recently changed, and
- f) A provincial identification card, such as a driver's license, care card, extended health card, or BCID.

In addition to these documents, the applicant must supply two identical photographs that:

- a) have been taken within the last twelve months;

- b) show a full front view of the head and shoulders without head covering, unless a head covering is worn for religious purposes; and
- c) must be 35 mm (1-3/8") by 53 mm (2 1/16") plus a 10 mm (3/8") white signature strip at the bottom.

NOTE: These photos are smaller than passport photos, and are different than those required for Permanent Resident Cards. Check to make sure that the applicant has signed his or her photographs and the signature matches the applicant's signature on the application.

3. Fees

The fee is \$630 for an adult grant. This amount includes a \$530 processing fee and a \$100 Right of Citizenship fee. The fee for children under 18 is only the \$100 processing fee. The processing fee is not refundable unless the applicant withdraws his or her application before processing begins. The Right of Citizenship fee is refundable if the applicant is not approved for citizenship. Fees change regularly. The most recent information about applicable fees may be obtained from the IRCC website (see **Section II.B: Resources**); see also the *Citizenship Regulations*, SOR/93-246 in which the fees are proscribed.

If you go to the Immigration, Refugees and Citizenship Canada website, there is a useful fee list, which may be used to determine the applicable fees for all applicants: <http://www.cic.gc.ca/english/information/fees/fees.asp>

Payment Options:

- a) Payment may be made online at www.cic.gc.ca; or
- b) Fee receipt. The applicant must include the relevant portion of the receipt with their application as proof of payment. The service is free, so there will not be a banking charge to pay. However, it is the applicant's responsibility to ensure the financial institution accepts payments for this purpose. IRCC now encourages applicants to pay using its online methods.

The financial institution will electronically forward the details of the payment to Immigration, Refugees and Citizenship Canada, but keep the bottom portion of the receipt. The applicant should keep the top portion for his or her records and attach the second portion to his or her application. **Photocopies of this receipt are unacceptable** because only an original receipt with a unique serial number may be submitted. One receipt may be used for the whole family if the family is being processed together.

4. Filing

After the application form is correctly completed and the applicant collects all the required materials (documents and photographs), the form, all documents, and fee receipt should be sent to the Case Processing Centre in Sydney, Nova Scotia. If a family wishes to be processed together, all applications should be submitted in the same envelope. Starting from June 3, 2013, all family members who apply together on one citizenship application will no longer be approved at the same time. Applicants who pass the test will now be processed independent of other family members.

See also the Immigration, Refugees and Citizenship Canada website: www.cic.gc.ca/english/citizenship/become-how.asp

5. After Filing the Application

NOTE: It is anticipated that the minimum and maximum age requirements will change after the printing of this manual. Users of this manual are advised to seek current information on the age requirements.

Once the Registrar receives the application and supporting documents, the Department will begin processing the application and determine whether the applicant meets the requirements of the Act. When it has been determined that an applicant is eligible to apply for citizenship, and they have passed the required clearances, they are scheduled for a citizenship test and an interview with a citizenship official. If the applicant is between the ages of 14 and 64, he or she must pass a test about Canada's history, geography and the rights and responsibilities of citizenship. The applicant is given at least seven days (usually two - three weeks) written notice prior to the date of the examination. If the applicant is **65 years or older** he or she does **not** have to write the test, however, they are still required to attend an interview.

Where an applicant has failed to provide all materials relating to the application, the Registrar will give notice to the applicant to provide the appropriate materials. If the applicant fails to comply with this notice, the Registrar will send a second notice. Failure to comply with the second notice will result in the abandonment of the application, and the applicant will have to file a new application.

6. Processing Time

According to the *Immigration, Refugees and Citizenship Canada* (IRCC) website, the total processing time for a routine application for citizenship varies (Please refer to the IRCC website to see current processing times). An application is considered routine if:

- a) All the necessary documents and correct fees are received by Immigration, Refugees and Citizenship Canada,
- b) The applicant meets the residence requirement,
- c) The applicant is not subject to any immigration, security or criminal prohibitions,
- d) The applicant passes the citizenship test, and
- e) The applicant does not need a hearing with a citizenship judge.

B. The Citizenship Interview and Test

1. Interview and test

All applicants will be scheduled for a meeting with a citizenship officer, which is generally referred to as an "interview". This interview happens the same day that the citizenship test is scheduled, and is conducted at the test location. The applicant must bring with them their passports, and other documents that they provided as part of their citizenship application. They should be prepared to speak briefly with the citizenship officer conducting the Interview in English or French, and the officer may ask questions about the application (such as requesting clarification on travel dates or other facts that are material to the application).

Where an applicant meets a minimum language requirement (which are assessed at the interview), meets the residency requirements, and has no suspected prohibitions, he or she will be required to take a written examination. The examination consists of multiple-choice

questions and tests an applicant's knowledge of Canada and language ability. It is mandatory for citizenship applicants to correctly answer two questions related to s 15(a) of the Citizenship Regulations and one question related to s 15(b). Subsection 15(a) sets out the right to vote and run for elected office and s 15(b) deals with voting procedures. Starting from June 3, 2013, citizenship applicants who fail their first citizenship test, but otherwise met all other criteria, have the opportunity to rewrite the test a few weeks later before being referred to a citizenship judge. If the applicant passes the test, he or she returns later for the citizenship ceremony.

Questions in the citizenship test are based on the information provided in a free booklet called *Discover Canada: The Rights and Responsibilities of Citizenship*. Immigration, Refugees and Citizenship Canada will send this booklet to applicants once their applications for citizenship are filed. A PDF version of the booklet can also be downloaded from the Immigration, Refugees and Citizenship Canada website.

The test takes place in a relatively informal environment where the applicants are required to write the exam on their laptops. The majority of people find the time provided to be sufficient to finish the exam. However, people who lack adequate knowledge of English or French could experience difficulties with passing the test.

NOTE: A local non-profit organization, the B.C. Civil Liberties Association, publishes *The Citizenship Handbook*, a free guide intended to help introduce new Canadians to the country's political process. The handbook is available in English, Chinese, Spanish, Vietnamese and Punjabi. Call (604) 687-2919 for more information.

2. Citizenship Judge

In situations where the person is illiterate, does not meet the residency requirement, is suspected of some prohibition, or fails the written test, he or she will be requested to attend an oral hearing with a Citizenship Judge. The oral interview offers a second chance to those who fail the written examination. It is to be noted that Citizenship Judges are Canadian Federal Government employees and are not appointed through the methods used for other Federal Judge positions.

It should be noted that diversion to a citizenship judge can add significant time to processing and is not always successful, so if the applicant can avoid this through adequate preparation they should do so.

The purpose of the hearing is to determine whether or not the applicant fulfils the requirements of the *Citizenship Act* to become a citizen. Friends and relatives of the applicant may ask to attend the hearing but it is the judge's discretion whether to allow them to attend. Applicants should bring all relevant documents to the hearing, such as passport(s), IMM1000 (record of landing), confirmation of permanent residence, permanent resident card, separation or divorce papers, and any additional proof of residency in Canada.

During the interview, the judge will ask the applicant simple oral questions based on the instructional materials to decide if the applicant has an adequate knowledge of French or English. The applicant must show that his or her vocabulary in the language is appropriate for conducting day-to-day activities with the general public and that he or she comprehends simple, spoken sentences in the past, present and future tenses and can express him or herself similarly. The judge will also evaluate whether the applicant has adequate knowledge of Canada and the rights and responsibilities of citizenship, especially the right to vote and participate in the country's political life.

If an applicant is nervous or needs help preparing for the interview, various school boards, community colleges, and voluntary organizations, such as the Immigration Services Society of B.C., provide training courses for this purpose. This series of learning classes, held once or

twice weekly, is conducted in English or bilingually, so a basic understanding of English is essential to benefit from it. Applicants may phone those organizations for more information.

The applicant must inform the citizenship office if he or she is unable to attend the scheduled hearing. If the applicant does not appear, the file will be held for 60 days. If, at the end of 60 days, the applicant has still not contacted the citizenship office and provided a valid reason for failing to show up, a second notice is sent to the applicant by registered mail. If the applicant still fails to show; the file will be considered abandoned. In the event of abandonment, the applicant must make a new application and pay a new fee, as no further action will be taken with respect to the old one.

C. The Oath of Citizenship and the Citizenship Ceremony

If an application is approved, successful applicants are notified in writing to attend a formal ceremony to receive their citizenship certificates. Most ceremonies are held at the citizenship office. Successful applicants must bring their original (or certified) Immigration Record of Landing (not a photocopy or reproduction) or Permanent Resident card and the Records of any minor children who are becoming citizens with them. Immediately before taking the Oath of Citizenship, the Record of Landing will be stamped, updating the applicant's status from permanent resident to Canadian citizen.

If the Record of Landing has been lost or stolen, the applicant must notify police immediately. When successful applicants come to their ceremony, they must bring satisfactory evidence that they have reported the loss or theft to police, and will also be required to complete a statutory declaration.

NOTE: If the applicant forgets to bring the Record of Landing or evidence of a reported loss or theft, local office staff will make arrangements for the applicant to return with the necessary papers to another ceremony or, where applicable, exercise their discretion to allow the applicant to participate in a ceremony with the understanding that he or she will become a citizen, but only receive the commemorative document at that time. In that case, the applicant's file with the citizenship card will be kept in the local office until the applicant brings or sends the Record of Landing to be stamped. Citizenship certificates not picked up within a reasonable time will be destroyed. The applicant will need to apply for a new certificate.

Citizenship ceremonies are open to the public. Applicants who are 14 years of age or over on the day they are granted citizenship are required to take the oath of citizenship, which is repeated after a judge.

OATH OR AFFIRMATION OF CITIZENSHIP

"I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian Citizen."

D. Judicial Reviews

Where an application has not been approved, the applicant will be notified of the decision, the reasons for the decision, and his or her right to judicial review. All judicial reviews are made to the Federal Court of Canada. If an applicant decides to seek judicial review, a Notice of Application must be filed in the Court Registry within **60 days** of the date the notice of refusal was received. All decisions of the Federal Court are final. However, applicants are free to reapply at any time.

VIII. LOSS OF CITIZENSHIP

There are few reasons for losing Canadian citizenship under the current *Citizenship Act*. These are outlined in Part II of the Act, and may occur:

- a) Where a person renounced his or her citizenship by application,
- b) Where a person has been admitted to Canada for permanent residence by false representation, fraud, or by knowingly concealing material circumstances,
- c) Where a person became a citizen by false representation, fraud, or by knowingly concealing material circumstances,
- d) Where a person who is born outside of Canada after February 14, 1977 is a citizen for the reason that at the time of his or her birth one of his or her parents was a citizen who was also born outside of Canada to a Canadian parent, that person ceases to be a citizen on attaining the age of 28 years unless that person:
 - a. Applies to retain his or her citizenship, and
 - b. Registers as a citizen and either resides in Canada for a period of at least one year immediately preceding the date of his or her application or establishes a substantial connection with Canada.

Note that the *Act* now provides that if a person obtained their citizenship through fraud, they cannot re-apply for citizenship for 10 years from the date of their loss of citizenship.

NOTE: Previously, section 10(2) of the Act allows the Minister to revoke citizenship from dual Canadian citizens convicted of terrorism, treason or espionage, but section 10(2) and its derivative sections are repealed with Bill C-6 2017 and as such they are of no force and effect.

IX. PROOF

The miniature wallet sized certificate of citizenship is the most satisfactory proof of Canadian citizenship. However, if you are born in Canada, a birth certificate or baptismal certificate can be proof if it indicates place and date of birth. Other countries typically require a Canadian passport as proof of citizenship for the purpose of travelling. **Please note that the new certificate of citizenship does not contain a photograph and cannot be used as photographic identification for the purpose of voting.**

To obtain a miniature certificate or to replace one, applications should be made to the case processing centre in Sydney, Nova Scotia. The fee for Proof of Citizenship is \$75.

X. SEARCH OF CITIZENSHIP RECORD

The search of record service verifies the citizenship status of citizens and non-citizens. There are three basic reasons someone would request a “record letter”:

- a) The applicant does not have proof of citizenship,
- b) The applicant had proof, but needs a letter that outlines when and how he or she became a citizen, and
- c) A third party asks for citizenship confirmation.

All persons requiring a record letter must make an application for search of citizenship records and pay a \$75 fee. All search applications are processed at the centre in Sydney, Nova Scotia. After a search, if no record is found, the applicant will be given a “no record” letter, but if a record of citizenship is found, a numbered record letter is issued, which is valid for a specific purpose and stated length of time. Generally, the letter is valid for one month, but it may be valid for a maximum of three months. If a user of this manual is not sure if he or she was registered as a Canadian citizen in the past, that person should make applications for proof of citizenship and search of citizenship record at the same time and pay only one fee (\$75). If the search of citizenship record is positive, the user will already be in line to receive a certificate of citizenship.

XI. REFERRALS

Immigrant Services Society of B.C

#501 - 333 Terminal Avenue
Vancouver, B.C. V6A 2L7
Website: www.issbc.org
E-mail: iss@issbc.org

Telephone: (604) 684-2561
Fax: (604) 684-2266

- ISS is a non-profit organization committed to identifying the needs of immigrants and refugees and to developing and providing programs which meet those needs.

Inland Refugee Society of B.C.

Suite # 615 – 525 Seymour Street
Vancouver, B.C. V6B 3H7
Website: www.inlandrefugeesociety.ca
E-mail: contact@inlandrefugeesociety.ca

Telephone: (778) 328-8888
Fax: (604) 873-6620

- The Society facilitates the landing in Canada of people whose refugee claims are in process or who need to file a claim. Their services include referrals to Settlement Orientation Services of the Canadian Council of Refugees for assistance in the claim process, providing counseling during the claim period, and providing basics like shelter, food, and clothing.

MOSAIC

1720 Grant Street, 2nd Floor
Vancouver, B.C. V5L 2Y7
Website: www.mosaicbc.com
E-mail: mosaic@mosaicbc.com

Telephone: (604) 254-9626
Fax: (604) 254-3932

- MOSAIC is a multilingual non-profit organization that addresses issues affecting immigrants and refugees in the course of their settlement and integration into Canadian society.

S.U.C.C.E.S.S.

Head office: 28 West Pender Street
Vancouver, B.C. V6B 1R6
Website: www.success.bc.ca
E-mail: info@success.bc.ca

Telephone: (604) 684-1628

- S.U.C.C.E.S.S. is a non-profit social service agency that provides assistance to newly-arrived immigrants and refugees. The agency provides instructions in Cantonese and Mandarin on how to fill out citizenship forms and study for the citizenship test.