

CHAPTER SEVENTEEN: CITIZENSHIP

Edited by Weitao Zhou
With the Assistance of Mojan Farshchi, Maynard Kischer Stojicevic
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CHAPTER SEVENTEEN: CITIZENSHIP

This Manual is intended for informational purposes only and does not constitute legal advice or an opinion on any issue. Nothing herein creates a solicitor-client relationship. All information in this Manual is of a general and summary nature that is subject to exceptions, different interpretations of the law by courts, and changes to the law from time to time. LSLAP and all persons involved in writing and editing this Manual provide no representations or warranties whatsoever as to the accuracy of, and disclaim all liability and responsibility for, the contents of this Manual. **Persons reading this Manual should always seek independent legal advice particular to their circumstances.**

I. 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 the loss 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.

NOTE: The COVID-19 pandemic has affected the efficiency of Immigration, Refugees and Citizenship Canada (“IRCC”) and other organisations that provide assistance relevant to citizenship. Accordingly, there are currently delays in processing citizenship applications. For more details and the latest information, please see the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19.html>.

II. 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 11th, 2015 are bound by the current legislation. Those whose applications were submitted before this date will have to take 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.

NOTE: On July 9, 2020, IRCC announced a change in the interpretation of “parent” under the Citizenship Act. The change allows non-biological Canadian parents who are their child’s legal parent at birth to pass down Canadian citizenship to their children born abroad in the first generation. This new interpretation helps Canadian parents who have relied on assisted human reproduction to start a family, including members of the LGBTQ2+ community and couples with fertility issues. Until now, a child born abroad was automatically recognized as a citizen at birth only if the child shared a genetic link to the Canadian parent or if the child was born to a Canadian parent in the first generation. For more information, see the below website:

<https://www.canada.ca/en/immigration-refugees-citizenship/news/2020/07/citizenship-change-benefits-couples-with-fertility-issues-and-same-sex-couples.html>

Registrar:	The Registrar of Canadian Citizenship.
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B. Resources

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

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 website 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

III. WHO IS A CANADIAN CITIZEN?

Section 3 of the Act provides that a person is a citizen if they meet one of the enumerated conditions. In general, a person is a Canadian citizen if:

- They were born in Canada.
- They became a citizen through the naturalization process in Canada (i.e., they were a permanent resident before they became a citizen);
- They were born outside Canada and one of their parents was a Canadian citizen at the time of their birth because the parent was either born in Canada or naturalized in Canada. Then this person, in this case, is the first generation born outside Canada;
- A person may be a Canadian citizen if they were born outside Canada from January 1, 1947, up to and including April 16, 2009, to a Canadian parent who was also born outside Canada to a Canadian parent (in this case, the person is the second or subsequent generation born outside Canada).
- A person may be a Canadian citizen if they were adopted outside Canada by a Canadian parent on or after January 1, 1947.

NOTE: The preconditions of citizenship listed above are not conclusive because there are special rules for people born in Newfoundland and Labrador.

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, high commission or consulate in that country. If there is no Canadian government office in that country, you should contact a Canadian government office in a nearby country or a foreign government office that can provide consular service. For more information, please check Section VIII of this chapter.

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

IV. ADVANTAGES AND RESPONSIBILITIES OF BEING A CITIZEN

There is no requirement that a permanent resident becomes 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.

V. CITIZENSHIP GRANTS: HOW TO BECOME A CANADIAN CITIZEN

A. *Grant of Citizenship Under s 5*

NOTE: Regulations may change. Please 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, or, in the case of a minor, has a person empowered to act on their behalf make the application
- b. Be a PR with no unfulfilled conditions relating to their status as PR
- c. Have, since becoming a permanent resident,
 - i. been physically present in Canada for at least 1095 days in the five (5) years immediately before the date of submission of the application for citizenship.
 - ii. file income taxes (if required by the Income Tax Act) for any three taxation years that are fully or partially within the five years before you apply.
 - iii. 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.
 - 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
- d. For those aged 18-54 years old : submit proof that they can speak and listen at Canadian Language Benchmark (CLB) Level 4 or higher.
- e. For those aged 18-54 years old: take a citizenship knowledge test, showing adequate knowledge of Canada and of the responsibilities and privileges of citizenship;
- f. Must not be under a removal order; and
- g. Must not be under a prohibition (see *C. Prohibitions*).

NOTE: The Physical Presence Calculator on the IRCC 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. <https://eservices.cic.gc.ca/rescalc/resCalcStartNew.do>

NOTE: If the individual is between the ages of 18 and 54, 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 educational institution 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: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/become-canadian-citizen/eligibility/language-proof.html>

NOTE: If an applicant studied at a post-secondary program in English or French in or outside Canada, they do not need to write a language test; they can submit their diploma, transcript, or certificate with their citizenship application.

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 during the two years immediately before the application, and filed income tax (if required) for the last taxation 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) while the person is serving a sentence outside Canada for an offence committed outside Canada that, if committed in Canada, would constitute an offence under an enactment in force in Canada;
- e) 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*],
- f) 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,
- g) Is under investigation by the Minister of Justice, the RCMP, or the Canadian Security Intelligence,
- h) 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),
- i) Convicted of certain crimes against humanity or war crimes;
- j) If you misrepresent or withhold important or relevant facts that could induce immigration authorities to make an error in administering immigration laws and regulations with respect to your application;
- k) In the four-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

During the 10 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 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 three-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 IRCC 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.

VI. HOW TO APPLY FOR A CITIZENSHIP GRANT

A. *The Process*

1. *Apply Online, If You Can*

Some applications can now apply online to become a Canadian citizen. IRCC is working to make sure that more people can apply online. Check if you can apply online at the IRCC website: <https://citapply-citdemande.apps.cic.gc.ca/en/landing>

2. *Apply on Paper*

If you apply on paper, your citizenship application must be mailed in using the proper forms provided by IRCC. The new forms are easy to understand and to complete. To order a citizenship application, consult the IRCC website (see **Section II.B: Resources**, above). In-person application assistance is not available from IRCC.

The IRCC 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. Alternatively, the *Discover Canada* is available on IRCC's website and a link to it is provided in a letter from IRCC:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/discover-canada.html>

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.

3. *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;
- f) Photocopies of all valid and expired passports or travel documents you had in the past 5 years. If you don't have these documents or there are gaps in time between travel documents, an explanation will be needed; and

- g) Photocopies of personal identity documents: e.g. driver's license, health insurance card, senior citizen's card, age of majority card.

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

- a) have been taken within the last six months.
- b) The photographs must show the full front view of the head, with the face in the middle of the photograph, and include the top of the shoulders.
- c) must be 50 mm (2") by 70 mm (2 3/4").
- d) The size of the head, from chin to crown, must be between 31 mm (1 1/4") and 36 mm (1 7/16").
- e) Crown means the top of the head or (if obscured by hair or a head covering) where the top of the head or skull would be if it could be seen.

4. 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 IRCC 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 must be made online at <https://ircc.canada.ca/english/information/fees/pay.asp>.

Note: In January 2019, a Federal Court in Ottawa (*Tammy Lynn Mayes and Justice for Children and Youth v The Minister of Citizenship and Immigration*) ruled that a Minister may exercise discretion and waive the applicable processing fees to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada.

5. 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 IRCC website:

www.cic.gc.ca/english/citizenship/become-how.asp

6. 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 18 and 54, 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 **55 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.

7. *Processing Time*

According to the 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 IRCC,
- 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.

NOTE: Due to COVID-19, IRCC processing times have increased, and there is limited capacity to process citizenship applications and provide processing timelines.

NOTE: If a candidate has an emergency, they can request urgent processing of their citizenship application. More information can be found on the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/citizenship.html>

B. *The Citizenship Interview and Test*

1. *Interview and Test*

NOTE: Due to COVID-19, citizenship tests and interviews are now conducted online. More information can be found on the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/citizenship.html#tests-interviews>

All adult applicants and some minor 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. IRCC is now moving towards online citizenship tests, rather than in-person ones. In that case, your interview may be conducted at a later date.

For the interview, 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 if his or her age is between 18 and 54 years. Applicants may be able to have an oral test instead if they have problems like difficulty in reading and writing in English or French. The examination consists of multiple-choice questions and true or false questions. It tests an applicant's knowledge of Canada, including aspects of history, geography, economy, government, laws, symbols, citizens' rights and responsibilities. There will be 20 questions and an applicant needs to get 15 correct answers to pass the test. 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. Applicants who fail their first citizenship test, but otherwise met all other criteria, have the opportunity to rewrite the test about 4-8 weeks later before being referred to a citizenship officer. 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*. IRCC 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 IRCC website.

The test takes place in a relatively informal environment where the applicants are required to write the exam on their laps. The majority of people find the 30 minutes 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

NOTE: Due to COVID-19, all in-person citizenship ceremonies are cancelled. IRCC is inviting applications to video oath ceremonies instead. More information can be found at the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/citizenship.html#oath>

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 the police immediately. When successful applicants come to their ceremony, they must bring satisfactory evidence that they have reported the loss or theft to the 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 certificate 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, including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples, 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 **30 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.

VII. LOSS AND RENUNCIATION 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.

Note that the *Act* now provides that if a person obtained their citizenship through false representation, fraud, or knowingly concealing material circumstances (including in the permanent resident process), they cannot re-apply for citizenship for 10 years from the date of their loss of citizenship. A person whose citizenship was revoked cannot apply for resumption of citizenship under s. 11(1) but must meet all requirements of the *Act* under s. 5(1).

Any person whose citizenship is revoked due to a conviction for terrorism, high treason, treason, or spying offences, depending on the sentence received, or for serving as a member of an armed force of a country or an organized armed group engaged in armed conflict against Canada is **permanently** barred from being granted citizenship.

NOTE: If a person became a permanent resident by false representation or fraud or by knowingly concealing material circumstances and, because of having acquired that status, the person subsequently obtained or resumed citizenship, then the person has obtained or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances.

NOTE: Under amendments introduced in Bill C-6, the Federal Court will be the decision-maker in all revocation cases, unless the individual requests that the Minister make the decision. The law will also give Citizenship Officers clear authority to seize fraudulent or suspected fraudulent documents in citizenship applications.

VIII. PROOF

If you need to prove your Canadian citizenship, you can apply for a citizenship certificate if you:

- are a Canadian citizen who was born outside Canada
- were born in Canada and need proof besides your Canadian provincial or territorial birth certificate

Government of Canada has stopped issuing citizenship cards. If you apply to update or replace a citizenship card, you will receive a citizenship certificate instead. There are other documents accepted as proof of citizenship, namely, birth certificates, naturalization certificates issued before Jan 1, 1947, registration of birth abroad certificates issued between Jan 1, 1947 and Feb 14, 1977, and certificates of retention issued between Jan 1, 1947 and Feb 14, 1977.

NOTE: Not knowing for sure whether you or your minor child are citizens does not mean you must apply for a certificate. A provincial or territorial birth certificate should generally be enough to prove Canadian citizenship, but a Canadian citizen born in Canada may still apply for a citizenship certificate. Other documents accepted as proof of citizenship include naturalization certificates issued before Jan 1, 1947, registration of birth abroad certificates issued between Jan 1, 1947 and Feb 14, 1977, and certificates of retention issued between Jan 1, 1947 and Feb 14, 1977. You may also use the “Am I Canadian?” tool on the IRCC website to check whether you or your minor children are Canadian citizens: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/become-canadian-citizen/eligibility/already-citizen.html>. Despite all the alternative ways of proof, you may still apply for a certificate if you want to.

If you want to apply for a citizenship certificate, you should first get the **application package**, which includes the instruction guide, forms and document checklist, on the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-citizenship-certificate-adults-minors.html>. You must download and print the checklist and the forms, fill out all the forms, and include all documents listed in the document checklist. If your documents are not in English or French, you will need to prepare colour copies clear and easy-to-read, a translation of the documents, and a sworn statement (affidavit) from the person who did the translation. You cannot have your family members translate for you.

Please check your eligibility before paying the **application fee** (\$75). You can pay your application fee online at <https://www.cic.gc.ca/english/information/fees/pay.asp>, but you may also be able to pay by other ways depending on where you are applying from.

You can find information about submitting the application at <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship/apply.html>. After submitting the application, you will need to wait for a processing time which is generally 5 months. If your matter is complex, IRCC may contact you for more information or documentation, and the processing time can be longer. If you want to make an urgent application or submit your application abroad, you can find relevant information on the same website.

NOTE: Due to the COVID-19 pandemic, processing times for citizenship certificates have increased.

IX. 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.

X. REFERRALS

Immigrant Services Society of B.C

2610 Victoria Drive
Vancouver, B.C. V5N 4L2
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.

MOSAIC

5575 Boundary Road
Vancouver, B.C. V5R 2P9
Website: www.mosaicbc.org
E-mail: mosaic@mosaicbc.org

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: <https://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.

Immigration & Refugee Legal Clinic

2610 Victoria Dr #103, Vancouver, BC V5N 4L2
Website: <https://www.irlc.ca/>

Telephone: (778) 372-6583

Lawyer Referral Service

Head office: 300 - 845 Cambie Street
Vancouver, B.C. V6B 4Z9
Website: www.accessprobono.ca/node/385
E-mail: lawyerreferral@accessprobono.ca

Telephone: (604) 687-3221

- The Lawyer Referral Service provides referral to a lawyer who will provide up to 30 minutes of free legal consultation. When requesting a referral, please request for a lawyer who specializes in immigration or citizenship law because citizenship law is an area of law that changes frequently.