

# CHAPTER SEVENTEEN: CITIZENSHIP

## TABLE OF CONTENTS

<b>CHAPTER SEVENTEEN: CITIZENSHIP</b> .....	<b>1</b>
<b>I. INTRODUCTION</b> .....	<b>1</b>
<b>II. GOVERNING LEGISLATION AND RESOURCES</b> .....	<b>1</b>
A. LEGISLATION.....	1
B. RESOURCES .....	2
C. REFERRALS.....	2
<b>III. WHO IS A CANADIAN CITIZEN</b> .....	<b>3</b>
A. GRANT OF CITIZENSHIP VS. PROOF OF CITIZENSHIP .....	3
<b>IV. ADVANTAGES AND RESPONSIBILITIES OF BEING A CITIZEN</b> .....	<b>3</b>
<b>V. CITIZENSHIP GRANTS: HOW TO BECOME A CANADIAN CITIZEN</b> .....	<b>4</b>
A. GRANT OF CITIZENSHIP UNDER S. 5 .....	4
B. RESUMPTION OF CITIZENSHIP, S. 11 .....	5
C. PROHIBITIONS (SS. 19 & 22 OF THE ACT) .....	5
D. MINORS .....	6
E. SPECIAL CASES .....	6
<b>VI. HOW TO APPLY FOR A CITIZENSHIP GRANT</b> .....	<b>7</b>
A. THE PROCESS .....	7
1. <i>Mail-in Process</i> .....	7
2. <i>Materials Required with Application</i> .....	7
3. <i>Fees</i> .....	8
4. <i>Filing</i> .....	9
5. <i>After Filing the Application</i> .....	9
6. <i>Processing Time</i> .....	9
B. THE TESTS .....	9
1. <i>Written Test</i> .....	9
2. <i>Oral Interview/Hearing</i> .....	10
C. THE OATH OF CITIZENSHIP AND THE CITIZENSHIP CEREMONY .....	11
D. REVIEWS.....	11
<b>VII. LOSS OF CITIZENSHIP</b> .....	<b>11</b>
<b>VIII. PROOF</b> .....	<b>12</b>
<b>IX. SEARCH OF CITIZENSHIP RECORD</b> .....	<b>12</b>

# CHAPTER SEVENTEEN: CITIZENSHIP

## I. INTRODUCTION

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

In the LSLAP setting, clients may seek assistance to determine whether they or their family members qualify for citizenship; they may want assistance with the application process itself; or they may be facing a removal of their permanent resident status and want to understand the effects this may have on a pending citizenship application.

Everyone should be encouraged to apply for citizenship as soon as they become eligible.

**NOTE:** The Citizenship Act was recently changed. Some of the most significant changes are:

- limits on citizenship, in most cases, to the first generation of Canadians born abroad (s.3(3))
- Act restores citizenship to some citizens who lost their citizenship under the old, more restrictive, legislative scheme in place prior to 1977 (s.3(1)(f)), including:
  - i. “war brides” who became Canadian citizens under the 1947 Act, then lost citizenship between 1947 and 1977; and
  - ii. children who lost their citizenship as minors between 1947 and 1977 – provided that they were born or naturalized in Canada, or they were born to Canadians in the first generation born abroad.
- citizenship is granted to children who were born outside Canada before 1977 to a parent who was a citizen at the time of birth (s.3(1)(h)).

The restoration or grant of citizenship under these above sections is automatic and retroactive.

The Citizenship Regulations was also recently changed. A notable amendment is proof of applicant’s ability to speak and listen in *English* or *French* must be included in the application.

## II. GOVERNING LEGISLATION AND RESOURCES

### A. *Legislation*

The governing legislation is the Citizenship Act, R.S.C. 1985, c. C-29. The Act is relevant where a client 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, R.S.C. 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 Citizenship and Immigration 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 Citizenship and Immigration of Canada.
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 &amp; Immigration)</i> , 2005 F.C.J. No. 1258 (F.C.).
Registrar:	The Registrar of Canadian Citizenship.

## ***B. Resources***

### **Citizenship and Immigration Canada**

Toll-free in Canada: 1-888-242-2100

Website: [www.cic.gc.ca](http://www.cic.gc.ca)

Online Manuals Website: [www.cic.gc.ca/english/resources/manuals/index.asp](http://www.cic.gc.ca/english/resources/manuals/index.asp)

Canadian citizenship law is currently undergoing a period of 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 Citizenship and Immigration Canada: Here you can find information, downloadable forms, and links to the [IRPA](#), Regulations, and Policy Manuals. Operational Manuals and Bulletins published by CIC are available online under the Publications heading. They explain the policies and procedures used by immigration officials to interpret the [IRPA](#).

#### **Vancouver Office**

200 - 877 Expo Boulevard

Vancouver, B.C V6B 8P8

#### **Surrey Office**

290 – 13450 102<sup>nd</sup> Avenue

Surrey, B.C. V3T 5X3

#### **Case Processing Centre**

P.O. Box 7000

Sydney, Nova Scotia B1P 6V6

## ***C. Referrals***

### **Immigrant Services Society of B.C**

504H – 333 Terminal Avenue

Vancouver, B.C. V6A 2L7

Website: [www.issbc.org](http://www.issbc.org)

E-mail: [immserv@issbc.org](mailto:immserv@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.**

101 – 1720 Grant Street

Vancouver, B.C. V5L 2Y7

Telephone: (604) 251-3360

Fax: (604) 254-2321

- 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 assisting 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@mosaic.bc.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

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.

### **III. WHO IS A CANADIAN CITIZEN**

A student should check to determine whether the client 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:

- born in Canada;
- born outside of Canada to at least one Canadian parent who was born in Canada;
- 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;
- a citizen immediately before February 15, 1977 (i.e. under the old Act); and/or
- 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.

### **IV. 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;

**NOTE:** Non-citizens may be subject to deportation from Canada if they are convicted of an offence in Canada. Students should encourage their clients, especially those who have already been subject to the Canadian criminal justice system for minor offences, to apply for citizenship as soon as they become eligible in order to be free from the risk of being deported.

- citizens are able to run in elections; and
- citizens are not subject to the same residency requirements as a permanent resident.

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

## V. CITIZENSHIP GRANTS: HOW TO BECOME A CANADIAN CITIZEN

### A. *Grant of Citizenship Under s. 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:

1. make an application for citizenship;
2. be 18 years of age or over (for persons under 18 years of age, see *D. Minors*);
3. have been a permanent resident (landed immigrant) of Canada for at least three of the four years immediately preceding the date of his or her application;

**NOTE:** For every day **after** a person becomes a permanent resident, the person is considered to have accumulated one whole day of residence in Canada. For every day **before** a person becomes a permanent resident, (e.g. studying in Canada) the person is considered to have accumulated **half** a day of residence in Canada. Therefore, a client that was a temporary resident in Canada, as a student, worker or visitor prior to becoming a permanent resident, may count that time in Canada as half time. E.g., if a client had lived in Canada as a student for one year, that counts as six months towards the residency requirement. A maximum of two years may be counted as one year towards fulfilling the residency requirement. The other two years required to fulfil the residency obligation must be accumulated as a permanent resident.

The Residence Calculator on the Citizenship and Immigration Canada website is helpful but is not always accurate. It can only be a guideline to determining whether an individual has fulfilled the residency requirement, and if not, when the individual is eligible to apply for citizenship.

4. have an adequate knowledge of either English or French;

**NOTE:** If the client is between the ages of 18 and 54, the client is required to send proof of his or her 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 CIC-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 \(NCLC\)](#) level 4 or higher in certain government-funded language training programs. The full list of acceptable documents can be found on the CIC website.

5. have an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and
6. must not be under a prohibition (see *C. Prohibitions*).

### **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:

1. was a citizen and lost citizenship by means other than revocation;
2. became a permanent resident after the loss of citizenship;
3. lived in Canada as a permanent resident for at least one year immediately before the application;
4. is not under a prohibition for certain criminal charges and convictions;
5. is not under a removal order (e.g. deportation); and
6. does not present a security risk.

If the client is a woman who lost her citizenship by a law in force before January 1, 1947 because of her marriage or because her husband acquired foreign nationality, she can resume her citizenship as soon as she notifies the Minister of her intention and produces satisfactory evidence to prove she meets 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:

1. is under a probation order;
2. is a paroled inmate;
3. is confined in, or is an inmate of, any penitentiary, jail, reformatory or prison;
4. 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, S.C. 1992, c. 47 [Contraventions Act];
5. requires but has not obtained the consent of the Minister of Citizenship and Immigration, under s. 52(1) of the Immigration and Refugee Protection Act, S.C. 2001, c. 27 [Immigration and Refugee Protection Act], to be admitted to and remain in Canada as a permanent resident;
6. 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, R.S.C. 1985, c. C-46, (war crimes or crimes against humanity);

7. 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
8. 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:

1. constitutes a threat to the security of Canada; or
2. 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***

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).

Parents who are not citizens must wait until they are eligible to apply for citizenship and may include their minor children to be processed concurrently with their application.

A legal guardian other than a parent may apply for citizenship on behalf of a minor, but the application will succeed only if the child has a parent who is currently a citizen, or the child meets the requirements of the exception for stateless applicants in s. 5(5).

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)),

1. the requirements of language and knowledge of Canada or of the responsibilities and privileges of citizenship; and
2. 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(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 unusual hardship or to reward service of exceptional value to Canada, notwithstanding any other requirements under the Act. The relevant policy guideline of Citizenship and Immigration Canada can be found at this website: [www.cic.gc.ca/english/resources/manuals/index.asp](http://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. Mail-in Process

A citizenship application has to be mailed in on the proper forms provided by the Department of Citizenship and Immigration. The new forms are easy to understand and to complete. To order a citizenship application, phone the Immigration 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 client. In-person application assistance is not available from Citizenship and Immigration Canada (CIC).

The Department of Citizenship and Immigration 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

**LSLAP clinicians should encourage clients to carefully fill in all the forms they receive in the mail or from the website. Those forms will be the most current.**

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 B.C. ID.

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 \$200 for an adult grant. This amount includes a \$100 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 CIC website (see **Section II.B: Resources**); see also the Citizenship Regulations, S.O.R./93-246 in which the fees are proscribed.

If you go to the Citizenship and Immigration Canada website, there is a useful fee calculator in the menu on the right of the home screen, which may be used to determine the applicable fees for all applicants.

Payment Options:

- a) Payment may be made online at [www.cic.gc.ca](http://www.cic.gc.ca); or
- b) Applications may include receipt forms, but CIC now encourages applicants to pay using its online methods. If using a fee receipt, the client 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 client's responsibility to ensure the financial institution accepts payments for this purpose.

The financial institution will electronically forward the details of the payment to Citizenship and Immigration Canada, but keep the bottom portion of the receipt. The client should keep the top portion for his or her records and attach the second portion to his or her application. Students should advise clients that **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 client 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 Citizenship and Immigration Canada website:  
[www.cic.gc.ca/english/citizenship/become-how.asp](http://www.cic.gc.ca/english/citizenship/become-how.asp)

#### 5. **After Filing the Application**

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 55, 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.

#### 6. **Processing Time**

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

- all the necessary documents and correct fees are received by Citizenship and Immigration Canada;
- the applicant meets the residence requirement;
- the applicant is not subject to any immigration, security or criminal prohibitions;
- the applicant passes the citizenship test; and
- the applicant does not need a hearing with a citizenship judge.

### ***B. The Tests***

#### 1. **Written Test**

Where an applicant has no language problems (which are assessed in a short interview before the written test), 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. Citizenship and Immigration 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 Citizenship and Immigration Canada 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 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. Oral Interview/Hearing

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 should be noted that diversion to a citizenship judge can add significant time to processing, and is not always successful, so if the client can avoid this through adequate preparation he or she 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. Clients 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 a client 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. Have the client 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 client 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. *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.

**NOTE:** LSLAP does not take any Federal Court cases of this kind as it is outside of the program's mandate.

## **VII. 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:

1. where a person renounced his or her citizenship by application;
2. where a person has been admitted to Canada for permanent residence by false representation, fraud, or by knowingly concealing material circumstances; or
3. 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.

The most recent amendments to the Act have eliminated the requirement for retention applications to be made (s. 8 repealed). However the change is prospective – citizenship that was lost by a past failure to apply for retention is not restored.

Before February 14, 1977, a person lost Canadian citizenship if he or she became a citizen of another country because Canada did not allow dual citizenship. However, on April 17<sup>th</sup>, 2009 the coming into force of the amended Act restored citizenship to all individuals who lost it in this manner (s. 3(1)(f)).

## **VIII. 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. A Canadian passport is typically required by other countries as proof of citizenship for the purpose of travelling.

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.

## **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”:

1. the applicant does not have proof of citizenship;
2. the applicant had proof, but needs a letter that outlines when and how he or she became a citizen;
3. 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. In situations where a client 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 client will already be in line to receive a certificate of citizenship.