

Canadian Citizenship Amendments Receive Royal Assent

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As [previously reported](#), on February 6, 2014, Citizenship and Immigration Minister (the “Minister”) Chris Alexander unveiled Bill C-24, the [Strengthening Canadian Citizenship Act](#), which proposed significant amendments to the *Canadian Citizenship Act* (R.S.C., 1985, c. C-29). On June 19, 2014, the Bill C-24 received Royal Assent and became law.

Bill C-24 updates the eligibility requirements for Canadian citizenship, strengthens security and fraud provisions, and amends provisions governing the processing of applications and the review of decisions. The amendments to the eligibility requirements include:

1. Clarifying the meaning of being resident in Canada (physical presence rather than residence);
2. Modifying the period during which a permanent resident must reside in Canada before they may apply for citizenship (four years of physical presence in Canada during the six years preceding the filing of the application);
3. Expediting access to citizenship for persons who are serving in, or have served in, the Canadian Armed Forces;
4. Requiring that an applicant for citizenship demonstrate, in one of Canada’s official languages, knowledge of Canada and of the responsibilities and privileges of citizenship;
5. Specifying the age of which an applicant for citizenship must demonstrate the knowledge referred to above and must demonstrate an adequate knowledge of one of Canada’s official languages (changed from 18-54 to 18-64);
6. Requiring that an applicant meet any applicable requirement under the [Income Tax Act](#) (R.S.C., 1985, c. 1 (5th Supp.)) to file an income tax return for the four taxation years during which they claim to have been resident in Canada;

7. Conferring citizenship on certain individuals and their descendants who may not have acquired citizenship under prior legislation;
8. Extending an exception to the first-generation limit to citizenship by descent to children born to or adopted abroad by parents who were themselves born to or adopted abroad by Crown servants; and
9. Requiring, for a grant of citizenship for an adopted person, that the adoption not have circumvented international adoption law.

The amendments to the security and fraud provisions include:

1. Expanding the prohibition against granting citizenship to include persons who are charged outside Canada for an offence that, if committed in Canada, would constitute an indictable offence under an Act of Parliament or who are serving a sentence outside Canada for such an offence;
2. Expanding the prohibition against granting citizenship to include persons who, while they were permanent residents, engaged in certain actions contrary to the national interest of Canada, and permanently barring those persons from acquiring citizenship;
3. Aligning the grounds related to security and organized criminality on which a person may be denied citizenship with those grounds in the [*Immigration and Refugee Protection Act*](#) (S.C. 2001, c. 27) and extending the period during which a person is barred from acquiring citizenship on that basis;
4. Expanding the prohibition against granting citizenship to include persons who, in the course of their application, misrepresent material facts and prohibiting new applications by those persons for a specified period;
5. Increasing the period during which a person is barred from applying for citizenship after having been convicted of certain offences;
6. Increasing the maximum penalties for offences related to citizenship, including fraud and trafficking in documents of citizenship;
7. Providing for the regulation of citizenship consultants;
8. Establishing a hybrid model for revoking a person's citizenship in which the Minister will decide the majority of cases and the Federal Court will decide the cases related to inadmissibility based on security grounds, on grounds of violating human or international rights or on grounds of organized criminality;
9. Increasing the period during which a person is barred from applying for citizenship after their citizenship has been revoked;

10. Providing for the revocation of citizenship of dual citizens who, while they were Canadian citizens, engaged in certain actions contrary to the national interest of Canada, and permanently barring these individuals from reacquiring citizenship; and
11. Authorizing regulations to be made respecting the disclosure of information.

The amendments to the provisions governing the processing of applications and the review of decisions include:

1. Requiring that an application must be complete to be accepted for processing;
2. Expanding the grounds and period for the suspension of applications and providing for the circumstances in which applications may be treated as abandoned;
3. Limiting the role of citizenship judges in the decision-making process, subject to the Minister periodically exercising his or her power to continue the period of application of that limitation;
4. Giving the Minister the power to make regulations concerning the making and processing of applications;
5. Providing for the judicial review of any matter under the Act and permitting, in certain circumstances, further appeals to the Federal Court of Appeal; and
6. Transferring to the Minister the discretionary power to grant citizenship in special cases.

Bill C-24 also makes related amendments to the [*Federal Courts Act*](#) (R.S.C., 1985, c. F-7) and the *Immigration and Refugee Protection Act*.