

Government of Canada Amends the *Citizenship Act*

Date: July 19, 2017

Original Newsletter(s) this article was published in: Blaneys on Immigration: July 2017

Introduction

On June 19, 2017, Bill C-6, which proposed numerous amendments to the Canadian [Citizenship Act](#), (R.S.C., 1985, c. C-29), received Royal Assent. Bill C-6 attempts to reverse many of the changes contained in the [Strengthening Canadian Citizenship Act](#) (the “2014 Act”), which was [enacted by the former Conservative Government](#) back in 2014.

Many of the amendments described in Bill C-6 came into effect immediately on June 1, 2017. However, some changes are expected to come into effect later this year. Other changes are expected to come into effect in 2018.

A summary of the key provisions contained in Bill C-6, and their effective dates, appears below.

Revocation of Canadian Citizenship for Reasons of National Security

Prior to Bill C-6, dual citizens who engaged in certain actions contrary to national security, while holding Canadian citizenship, could have their Canadian citizenship revoked. This included convictions for treason, spying, and terrorism offences (depending on the sentence received), and being part of an armed force of a country or organized group engaged in conflict with Canada **[Subsection 10(1)]**. This provision has now been repealed, effective June 19, 2017.

Intention to Reside in Canada No Longer a Requirement

Prior to Bill C-6, applicants for Canadian citizenship were required to demonstrate that they intended to reside in Canada, if their application was granted **[Paragraph 5(1)(c.1)]**. This provision has now been repealed, effective June 19, 2017.

Repeal of Minimum Age for Naturalization

Prior to Bill C-6, minors (persons under the age of 18) could not apply to naturalize as a Canadian citizen **[Paragraph 5(1)(b)]**. However, the Minister of Immigration, Refugees, and Citizenship still had the discretion to waive the requirement, based on compassionate grounds **[Paragraph 5(3)(b)]**.

The age requirement for citizenship has now been repealed, as of June 19, 2017. Minors may now apply to naturalize as Canadian citizens without requiring discretionary relief.

Reduction in the Required Period of Physical Presence

Prior to Bill C-6, in order to naturalize as Canadian citizens, applicants had to be physically present in Canada for 1,460 days (four years) during the preceding six years, be physically present in Canada at least 183 days during each of at least four calendar years, and to have filed at least four income tax returns during the preceding six years **[Paragraph 5(1)(c)]**.

Under Bill C-6, applicants will only need to be physically present in Canada for at least 1,095 days (three years) out of the preceding five years. They must also have filed at least three income tax returns (instead of four) during the preceding five years. There is no longer a requirement that applicants spend at least 183 days during each eligible calendar year.

This amendment is expected to come into effect later this year.

Limiting the Requirement to Demonstrate Knowledge of Canada and its Official Languages

Prior to Bill C-6, applicants for naturalization who were between the ages of 18 and 64 were required to demonstrate an adequate knowledge of: (1) Canada and of the responsibilities and privileges of citizenship **[Subsection 5(d)]**, and (2) one of Canada's official languages **[Subsection 5(e)]**.

Under Bill C-6, this requirement will only apply to applicants between the ages of 18 and 54. This reinstates the applicable age that was in place prior to the 2014 Act.

This amendment is expected to come into effect later this year.

Counting Time Spent in Canada Prior to Obtaining Permanent Residence

Prior to Bill C-6, time spent in Canada prior to becoming a permanent resident did not count towards the physical presence requirement for Canadian citizenship **[Paragraph 5(1)(c)]**.

Under Bill C-6, for every day that an applicant was physically present in Canada as a temporary resident or a protected person before becoming a permanent resident of Canada will be counted as half a day of physical presence for the purposes of citizenship, up to a maximum of 365 days. This more or less reinstates the method of calculation used prior to the 2014 Act.

This amendment is expected to come into effect later this year.

Authority to Seize Fraudulent or Improperly Obtained Documents

Prior to Bill C-6, there was no express authority for citizenship officers to seize fraudulently or improperly obtained documents provided in connection with the *Citizenship Act*.

Under Bill C-6, citizenship officers will be able to seize any document provided in connection with the *Citizenship Act*, if they have reason to believe that it was fraudulently or improperly obtained or used, or if it is necessary to prevent its fraudulent or improper use. This amendment is expected to come into effect in 2018.

Federal Court to Adjudicate All Revocation Cases

Prior to Bill C-6, the Minister of Immigration, Refugees and Citizenship Canada had the authority to revoke a person's citizenship or renunciation of citizenship if they obtained, retained, renounced or resumed their citizenship by false representation or fraud or by knowingly concealing material circumstances **[Subsection 10(1)]**. The Federal Court had jurisdiction to adjudicate such cases only where they involved security grounds, human or international right violations, and organized criminality **[Subsection 10.1(1)]**.

Under Bill C-6, the Federal Court will have jurisdiction to adjudicate all revocation cases, unless the individual requests that the Minister of Immigration, Refugees and Citizenship make the decision. This amendment is expected to come into effect in 2018.

Conclusion

While Bill C-6 does not represent a complete repeal of the 2014 Act, it eases many of the key eligibility requirements for citizenship, including the physical presence requirement and the requirement to demonstrate knowledge of Canada and its official languages. Bill C-6 also eliminates some of the more controversial elements of the 2014 Act, including the ability to revoke the Canadian citizenship of dual nationals based on national security grounds.