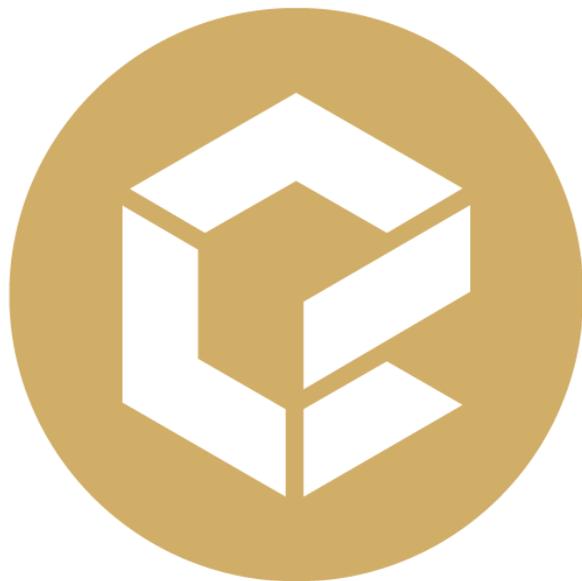


2015



CANADA

NEW CITIZENSHIP ACT - 2015

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STRENGTHENING THE CANADIAN CITIZENSHIP ACT

June 5, 2015 — Ottawa, ON — A final suite of reforms to strengthen and modernize Canada's citizenship laws will be fully in force as of June 11, 2015. The changes – part of a package of measures approved by Parliament last year – ensure new citizens can fully and quickly participate in Canada's economy and Canadian society.

The first set of provisions that came into force on June 19, 2014 to strengthen Canadian citizenship and speed up application processing times are already paying off. New citizenship applications are being finalized in a year or less, and it is expected that the backlog of older files will have been eliminated by the end of this fiscal year. Individuals who submitted a citizenship application before April 1, 2015 will have a decision by March 31, 2016.

Among the many benefits of the government's citizenship reforms, the new provisions will deter citizens of convenience – those who become citizens for the sake of having a Canadian passport to return to Canada to access taxpayer-funded benefits that come with citizenship status, without having any attachment to Canada, or contributing to the economy.

Key changes include (in force June 11, 2015):

- Adult applicants must now be physically present in Canada for at least 1,460 days (four years) during the six years before the date of their application, and they must be physically present in Canada for at least 183 days in each of four calendar years within the qualifying period. This is aimed at ensuring that citizenship applicants develop a strong attachment to Canada.
- Applicants between the ages of 14 and 64 must meet basic knowledge and language requirements. This is aimed at ensuring that more new citizens are better prepared for life in Canada.
- Citizenship will be automatically extended to additional “Lost Canadians” on June 11, 2015, who were born before 1947, and did not become citizens on January 1, 1947 when the first *Canadian Citizenship Act* came into effect. This will also apply to their children born in the first generation outside Canada.
- Adult applicants must declare their intent to reside in Canada once they become citizens and meet their personal income tax obligations in order to be eligible for citizenship.
- To help improve program integrity, there are now stronger penalties for fraud and misrepresentation (to a maximum fine of \$100,000 and/or up to five years in prison). This is aimed at deterring unscrupulous applicants who are prepared to misrepresent themselves, or advise others to do so.

- The newly-designated Immigration Consultants of Canada Regulatory Council (ICCRC) is the new regulatory body for citizenship consultants. Only members of the ICCRC, lawyers or notaries (including paralegals and students at law) can be paid to provide citizenship applicants with representation or advice.
- New application forms, aligned with the new rules for eligibility, will be available on the CIC website as of June 11, 2015. Any applications received using the old forms received after June 10, 2015 will be returned to the applicant.

Quotes

“Our reforms ensure new citizens are better prepared for full participation in Canada's economy and Canadian society. This is a win for newcomers, and a win for Canada in terms of making the most of the opportunities that our fair and generous immigration system provides.”

“We are eliminating long backlogs, and streamlining our own processes. At the same time, we are ensuring Canadian citizenship is highly valued and stays that way. Promise made, promise kept when it comes to strengthening the value of Canadian citizenship.”

Chris Alexander, Canada's Citizenship and Immigration Minister

KEY REFORMS

Improving efficiency

Canada's citizenship program is being improved by reducing the decision-making process from three steps to one. It is expected that, by 2015–2016, this change will bring the average processing time for citizenship applications down to under a year. It is also projected that by 2015–2016, the current backlog will be reduced by more than 80 percent.

Reinforcing the value of Canadian citizenship

The government is ensuring citizenship applicants maintain strong ties to Canada. These amendments to the *Citizenship Act* provide a clearer indication that the "residence" period to qualify for citizenship in fact requires physical presence in Canada.

More applicants will now be required to meet language requirements and pass a knowledge test to ensure that new citizens are better prepared to fully participate in Canadian society. New provisions will also help individuals with strong ties to Canada, such as by automatically extending citizenship to additional "Lost Canadians" who were born before 1947 as well as to their children born in the first generation outside Canada.

Cracking down on citizenship fraud

The updated *Citizenship Act* includes stronger penalties for fraud and misrepresentation (a maximum fine of \$100,000 and/or five years in prison) and expands the grounds to bar an application for citizenship to include foreign criminality, which will help improve program integrity.

Protecting and promoting Canada's interests and values

Finally, the amendments bring Canada in line with most of our peer countries, by providing that citizenship can be revoked from dual nationals who are convicted of serious crimes such as terrorism, high treason and spying offences (depending on the sentence received) or who take up arms against Canada. Permanent residents who commit these acts will be barred from citizenship.

As a way of recognizing the important contributions of those who serve Canada in uniform, permanent residents who are members of the Canadian Armed Forces will have quicker access to Canadian citizenship. The Act also stipulates that children born to Canadian parents serving abroad as servants of the Crown are able to pass on Canadian citizenship to children they have or adopt outside Canada.

New decision-making model

Citizenship and Immigration Canada (CIC) has significantly improved its ability to process applications by increasing its decision making capacity from approximately 30 citizenship judges to more than 450 decision makers.

Under the new decision-making model - a one-step process as opposed to the former three-step one - citizenship officers now decide all aspects of most citizenship applications. Under the old model, obtaining citizenship involved too much duplication of work. Citizenship officers reviewed the files and prepared them for a citizenship judge, who approved or rejected the application, returned it to the officer, who then granted citizenship on behalf of the Minister or recommended an appeal of the judge's decision.

On a transitional basis, cases where the officer believes the applicant does not meet the residence requirement will be referred to citizenship judges for decision. Citizenship judges will also remain responsible for the important role of presiding over citizenship ceremonies and administering the oath of citizenship, which is the final step before citizenship is granted.

Complete applications

Citizenship and Immigration Canada (CIC) now also has stronger authority to define what constitutes a complete application and what evidence applicants must provide. The strengthened ability to require up-front proof that certain requirements are met and to return incomplete applications will significantly improve efficiency and ensure resources are focused on complete applications.

The ability to put a file on hold if there is an ongoing immigration investigation and to declare a file abandoned if an applicant fails to comply with a request for information or attend an interview will result in further efficiency improvements.

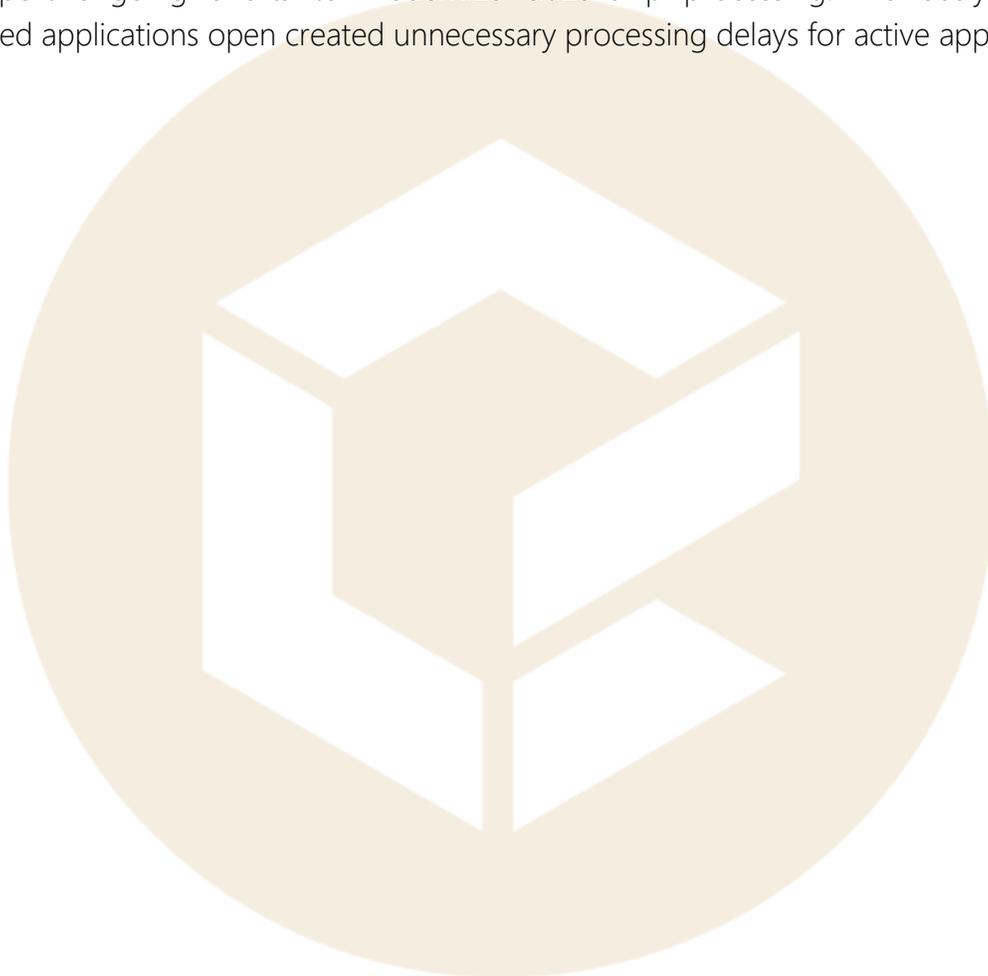
Judicial review and appeal process

The amendments introduce a uniform system for judicial review of decisions made under the *Citizenship Act*. Until now, an appeal of a citizenship judge's decision would go to the Federal Court but no higher. Now, decisions by citizenship officers, who have new authority to decide certain cases under the Act, can be judicially reviewed and challenged in a higher court.

Under the *Citizenship Act*, judicial review of citizenship decisions is subject to leave of the Federal Court. The Federal Court decision can then be appealed to the Federal Court of Appeal, where the Federal Court certifies a serious question of general importance. Further appeals are available to the Supreme Court of Canada with leave.

Authority to abandon a citizenship application

The changes provide clear authority to determine that an application has been abandoned if the applicant fails to comply with a request for information or to attend an interview. The abandonment power applies to all applications, at any stage after processing has begun, up until the oath is taken. Under the old system, the Act did not provide the explicit authority to declare an application abandoned in situations where an applicant failed to appear for the citizenship test or an appointment with an officer. These changes increase processing efficiency and support ongoing efforts to modernize citizenship processing. Previously, keeping abandoned applications open created unnecessary processing delays for active applications.



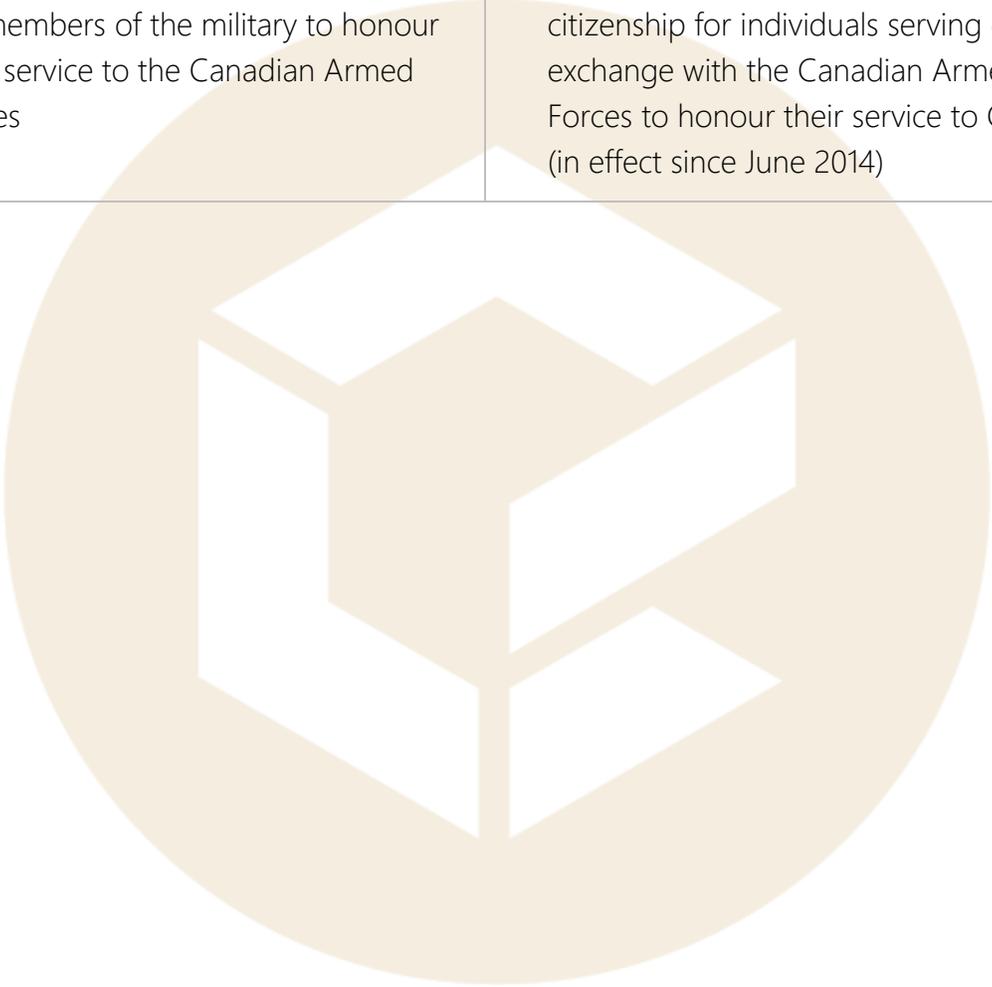
COMPARATIVE VIEW

Old Citizenship Act	New Citizenship Act
<ul style="list-style-type: none"> – Residence for three out of four years (1,095 days) 	<ul style="list-style-type: none"> – Requires physical presence in Canada for four years (1,460 days) out of the six years immediately before the date of application (in effect June 11, 2015)
<ul style="list-style-type: none"> – No requirement that residents be physically present 	<ul style="list-style-type: none"> – Requires 183 days minimum of physical presence in Canada during each of the four calendar years that are fully or partially within the six years immediately before the date of application (in effect June 11, 2015)
<ul style="list-style-type: none"> – Time as a non-permanent resident (non-PR) may be counted toward residence for citizenship 	<ul style="list-style-type: none"> – Eliminates use of time spent in Canada as a non-permanent resident (non-PR) for most applicants (in effect June 11, 2015)
<ul style="list-style-type: none"> – No “intent to reside” provision 	<ul style="list-style-type: none"> – Introduces “intent to reside” provision (in effect June 11, 2015)
<ul style="list-style-type: none"> – Adult applicants aged 18–54 must meet language requirements and pass knowledge test. 	<ul style="list-style-type: none"> – Legislation now requires applicants aged 14–64 to meet language requirements and pass knowledge test (in effect June 11, 2015)
<ul style="list-style-type: none"> – Most “Lost Canadians” had their citizenship restored in 2009, but small number remained ineligible for citizenship 	<ul style="list-style-type: none"> – Extends citizenship to “Lost Canadians” born before 1947 as well as their 1st generation children born abroad (in effect June 11, 2015)
<ul style="list-style-type: none"> – Bars to citizenship for people with domestic criminal charges and convictions 	<ul style="list-style-type: none"> – Expansion of criminal prohibitions to bar applicants for crimes committed abroad. (in effect June 11, 2015)

<ul style="list-style-type: none"> – Consultants not required to be registered or regulated in order to represent individuals in citizenship matters – Few tools to deter fraud and ensure program integrity – Fines and penalties for fraud are a maximum of \$1,000 and/or one year in prison 	<ul style="list-style-type: none"> – Clearly defines who is authorized to provide representation or advice in a consultant capacity on citizenship matters and receive consideration (i.e. compensation) – Newly-designated Immigration Consultants of Canada Regulatory Council is the new regulatory body for citizenship consultants – Gives the Minister of Citizenship and Immigration Canada the authority to refuse an application for recognized status as a consultant if applicant commits fraud. – Fines and penalties for fraud are up to a maximum \$100,000 and/or up to five years in prison (in effect June 11, 2015) – New offences and penalties will be implemented for a person who counsels known misrepresentation or represents or advises a citizenship applicant and are unauthorized to do so (in effect June 11, 2015)
<ul style="list-style-type: none"> – Governor in Council (GIC) final decision maker for citizenship revocation 	<ul style="list-style-type: none"> – Gives Minister of Citizenship and Immigration authority to decide on most revocation cases – Complex revocation cases such as war crimes, crimes against humanity, security, other human or international rights violations, and organized criminality decided by the Federal Court (in effect May 28, 2015)

<ul style="list-style-type: none"> – Limited authority to define what constitutes a complete application 	<ul style="list-style-type: none"> – Establishes authority to define what constitutes a complete application and what evidence applicants must provide (in effect since August 2014)
<ul style="list-style-type: none"> – Citizenship grant is a three-step decision-making process 	<ul style="list-style-type: none"> – Changes citizenship grant to a single-step process for most applications that reduces duplication and improves processing times (in effect since August 2014)
<ul style="list-style-type: none"> – No requirement to file Canadian income taxes to be eligible for a grant of citizenship 	<ul style="list-style-type: none"> – Requires adult applicants to file Canadian income taxes, if required under the Income Tax Act, to be eligible for citizenship (in effect June 11, 2015)
<ul style="list-style-type: none"> – No authority to revoke citizenship for grounds beyond fraud and misrepresentation 	<ul style="list-style-type: none"> – Authority to revoke Canadian citizenship from dual citizens who served as members of an armed force of a country or an organized armed group engaged in armed conflict with Canada (in effect May 28, 2015) – Authority to revoke Canadian citizenship from dual citizens who are convicted of terrorism, high treason, treason, or spying offences, depending on the sentence received (in effect May 28, 2015) – Authority to deny Canadian citizenship to permanent residents who served as members of an armed force of a country or an organized armed group engaged in armed conflict with Canada or who are convicted of terrorism, high treason, treason, or spying offences, depending on the sentence received (in effect June 11, 2015)

<ul style="list-style-type: none"> - Misrepresentation on applications could only be pursued through the laying of charges by the Royal Canadian Mounted Police. 	<ul style="list-style-type: none"> - Applicants can be refused for misrepresenting or withholding material facts on applications and are subsequently barred from being granted citizenship for five years (in effect May 28, 2015)
<ul style="list-style-type: none"> - No fast-track mechanism for citizenship for members of the military to honour their service to the Canadian Armed Forces 	<ul style="list-style-type: none"> - Creates a fast-track mechanism for citizenship for individuals serving or on exchange with the Canadian Armed Forces to honour their service to Canada (in effect since June 2014)



Sources:

- <http://news.gc.ca/web/article-en.do?nid=985259&tp=1>
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