

Serious Implications of Recent Proposed Citizenship Changes

The recently proposed changes to Canada's citizenship laws were summarized in this column last month. In government pronouncements, people are made to believe that these proposed changes are meant to strengthen the value of Canadian citizenship. However, a closer look at the proposed changes to Canada's citizenship laws reveal significant implications not just for prospective citizenship applicants but also for Canadian citizens who hold another foreign citizenship. It is therefore extremely important that people in our community take time to learn more about these proposed changes and to let our collective and individual views be heard. For instance, we may want to contact our respective members of Parliament to explain how your specific personal circumstances will be negatively impacted by these changes.

In this regard, I am reproducing below the position paper of the Canadian Association of Refugee Lawyers (CARL) which clearly and comprehensively articulates how these proposed changes will make citizenship "harder to get and easier to take away":

"The federal government is trying to pass a law that will increase barriers to obtaining citizenship and take away rights from countless Canadians holding dual citizenship. On February 6, 2014 the federal government introduced Bill C-24, which is aimed at dismantling key aspects of Canadian citizenship as we know it. The law will make citizenship more difficult to get for everyone – and will potentially make it impossible for some of our most vulnerable permanent resident grandparents and low-income immigrants, to become Canadians. And, more than ever before, the law will make citizenship easier to revoke — by replacing an in-person hearing before an independent judge with a review by an anonymous government bureaucrat who never sees or hears the citizen.

The law will divide Canadians into two classes of citizens: first class Canadians who hold no other citizenship, whose citizenship is protected forever; and second class Canadians – dual citizens, who can have their right to live in Canada taken away from them by the federal government. Even those born in Canada are at risk of losing citizenship. In some cases, Canadians may not even be aware that they possess another citizenship. Someone born in Canada who has a spouse, parent, or grandparent from another country could be a citizen of that country without ever having applied for it. The proposed law would put them at risk of losing Canadian citizenship if the Minister asserts that they possess, could possess, or could obtain another citizenship. The burden would be on the Canadian citizen to prove otherwise to the Minister's satisfaction.

Citizenship will be harder to get

The proposed changes to the *Citizenship Act* will create unfair barriers to citizenship and make citizenship inaccessible to many. The proposed law will:

1. **Extend the costly language testing process** from applicants aged 18-55 to now include those aged 14-64. Now children and grandparents must pass difficult language tests or risk never becoming citizens;

2. **Grant government officials authority to deny citizenship** on sheer speculation that an applicant does not intend to reside in Canada in the future;
3. **Dramatically increase the cost of applying for citizenship** by tripling the application fee, which will be added to the new cost imposed on applicants a year ago when the government privatized language testing. As a result, the price of applying for citizenship will now cost 4 times more than it did in 2006;
4. **Extend the formal residency requirement** during which an applicant must live as a permanent resident in Canada from 3 to 4 years. This represents a hardship, since processing times for citizenship are extremely long. Applicants today wait 4-6 years to become citizens due to government delay and inefficiency and may have to wait even longer under the new system.
5. **Make it harder for students, workers and refugees to become citizens** by denying them the ability to count any of their time in Canada prior to becoming permanent residents when applying for citizenship;
6. **Remove a right of appeal to the Federal Court** for refused citizenship applicants – continuing a theme of greater bureaucratic control over citizenship decision-making and less judicial oversight over the process.

Citizenship will be easier to take away

The proposed changes to the *Citizenship Act* will create second-class citizens with fewer rights than other Canadians, whose citizenship will be more insecure. The new law will:

1. Replace the right to an oral hearing before an independent judge in most revocation proceedings, with a written review by a bureaucrat acting under the direction of the Minister of Citizenship and Immigration.
2. Put all naturalized citizens under the implicit threat of having their citizenship revoked, by making it possible for government officials to strip someone of citizenship if they believe that person never intended to live in Canada. This could happen if a naturalized Canadian decides to study, accept a job, or even move in with a romantic partner outside of Canada. In contrast, Canadian citizens by birth never have to worry that time spend away from Canada might put their citizenship status at risk;
3. Allow officials to take away a person's citizenship based on criminal convictions that occur outside of Canada, regardless of whether the regime or judicial system under which the person was convicted is undemocratic or lacks the rule of law;
4. Bring back the ancient punishment of exile or banishment – abandoned centuries ago – by allowing government officials to strip citizenship from dual citizens based on certain convictions in Canada even though the citizen will already have been properly punished by the Canadian criminal justice system. This will include Canadians who were born in Canada."

For those who may want to share other perspectives, please feel free to contact me to convey your views and/or specific circumstances. Ours being a community of mostly dual citizens, there is a great possibility that many of us will be impacted by these changes. It behooves us therefore, to take a proactive approach by taking part in discussions involving Bill C-24 before it is too late.

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