

## **Changes to Canadian Citizenship Law**

Two years after the previous Conservative government implemented controversial changes to Canada's citizenship requirements, the present Liberal government introduced yet again, substantive changes, many of which reversed the most controversial amendments of the previous regime.

The recent changes were contained in Bill C-6 which became law on 19 June 2017. Some provisions took effect immediately upon enactment while others are set to take effect in the fall of 2017 and in early 2018.

### *Summary of Changes*

The changes which took effect in June 2017 include the following:

1. Removal of the citizenship revocation provisions for dual citizens who are convicted of treason, spying, terrorism and related offences. This was meant to remove the resulting two-tiered citizenship in that dual citizens were being treated differently than non-dual citizens. Under this recent amendment, all Canadians who violate criminal laws, whether dual citizens or not, are expected to face the Canadian criminal justice system instead of being stripped of Canadian citizenship.
2. Removal of the requirement to confirm intent to live in Canada when granted citizenship. This is meant to provide flexibility for those who may need to live outside of Canada for work and other legitimate reasons without fear of being denied or stripped of their Canadian citizenship.
3. Minors (persons below 18 years old) can independently qualify for Canadian citizenship. This will allow minors to become Canadian citizens even if their parents do not qualify or are not ready to apply for Canadian citizenship.
4. Persons serving a conditional sentence cannot anymore be granted or take the oath of citizenship nor be allowed to count this time to satisfy the physical presence requirement.
5. Citizenship officers are required to consider reasonable measures to accommodate persons with disabilities who are applying for Canadian citizenship.
6. Statelessness has been added as a ground to consider for a discretionary grant of citizenship.

Meanwhile, the following changes are scheduled to take effect in the fall of 2017:

1. The physical presence requirement has been reduced to three years within the last five years from submitting the citizenship application. This will replace the present physical presence requirement of four years within the last six years plus 183 days in four of the last six years.
2. The requirement to file income tax returns is now required only for three years within the last five years to match the new physical presence requirement.
3. A half-day credit will be given for each day of physical presence in Canada as a valid temporary resident (student, worker, visitor) or protected person for a maximum period of one year. This will allow many permanent residents to qualify for Canadian citizenship after only two years from receipt of their permanent resident status if they have been temporary residents

for at least two years previously. This was also in place for many years before it was removed by the previous government.

4. The language and knowledge test will only be required from applicants between the ages of 18 and 54 years old (instead of the previous 14 to 64 years old).

The following changes will take effect in early 2018:

1. The Federal Court will be the decision-maker in all citizenship revocation cases, unless the individual applicant requests that the Minister make the decision.
2. Express authority has been given for citizenship officers to seize fraudulent or suspected fraudulent documents.

### *Hefty Canadian Citizenship Processing Fees*

Although the recent changes were positively received as a whole for removing the punitive and discriminatory features of the present Canadian citizenship rules, there are still some who feel that the changes did not go far enough.

For one, the Canadian citizenship processing fee of \$530 still applies whether for adults or unaccompanied minor applicants. For minors applying with their parents, the citizenship application processing fee is only \$100. The \$530 processing fee plus a right of citizenship fee of \$100, add up to a whopping \$630 fee per applicant which is more than triple the previous cost of citizenship applications of \$200 only a few years back.

As a result, the hefty fees may still deter many who may already qualify for Canadian citizenship from applying simply because they cannot afford the fees. As a result, this again creates another type of two-tiered membership in Canadian society based on financial capacity. That is, those who have the means are able to enjoy full privileges of citizenship (i.e. full political participation and passport entitlement) while those who do not are denied the same benefits.

While there are those who feel that Canada's citizenship requirements are too lenient and easy to obtain, there are still many who are being unjustifiably denied this right for reasons beyond their control. Thus, there are long-term residents of Canada who have established their lives here and have lost any and all connection to their countries of origin, who may still face the prospect of being deported if they will commit an act that is a ground for losing their permanent residency.

Citizenship and immigration laws must continue to evolve and adapt to changing realities if they are meant to serve as effective tools for nation-building. This becomes even more imperative for a relatively small country like Canada which will need a lot more bodies and minds to drive and sustain its inevitable growth.

*The above are meant for information purposes only and not as legal advice. To seek legal advice about your particular situation, please consult a trusted immigration legal professional.*

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