

## Citizenship Act (last updated March 2008)

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C-29

An Act respecting citizenship

### SHORT TITLE

Short title

1. This Act may be cited as the *Citizenship Act*.

1974-75-76, c. 108, s. 1.

### INTERPRETATION

Definitions

2. (1) In this Act,

"certificate of citizenship" means a certificate of citizenship issued or granted under this Act or under the former Act;

"certificate of naturalization" means a certificate of naturalization granted under any Act that was in force in Canada at any time before January 1, 1947;

"certificate of renunciation" means a certificate of renunciation issued under section 9;

"child" includes a child adopted or legitimized in accordance with the laws of the place where the adoption or legitimation took place;

"citizen" means a Canadian citizen;

"citizenship" means Canadian citizenship;

"citizenship judge" means a citizenship judge appointed under section 26;

"common-law partner" , in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year;

"Court" means the Federal Court;

"disability" [Repealed, 1992, c. 21, s. 6]

"former Act" means the *Canadian Citizenship Act*, chapter C-19 of the Revised Statutes of Canada, 1970;

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

"minor" means a person who has not attained the age of eighteen years;

"prior legislation" means any Act respecting naturalization or citizenship that was in force in Canada at any time before February 15, 1977.

## Interpretation

(2) For the purposes of this Act,

(a) a person is deemed to be born in Canada if the person is born on a Canadian vessel as defined in section 2 of the *Canada Shipping Act, 2001*, or on an aircraft registered in Canada under the *Aeronautics Act* and regulations made under that Act;

(b) a person who is lawfully present and entitled to permanently reside in Canada is deemed to have been lawfully admitted to Canada for permanent residence; and

(c) a person against whom a removal order has been made remains under that order

(i) unless all rights of review by or appeal to the Immigration Appeal Division of the Immigration and Refugee Board, the Federal Court of Appeal and the Supreme Court of Canada have been exhausted with respect to the order and the final result of those reviews or appeals is that the order has no force or effect, or

(ii) until the order has been executed.

R.S., 1985, c. C-29, s. 2; R.S., 1985, c. 28 (4th Supp.), s. 36; 1992, c. 21, s. 6; 2000, c. 12, s. 74; 2001, c. 26, s. 286, c. 27, s. 227.1; 2002, c. 8, s. 183.

## PART I

### THE RIGHT TO CITIZENSHIP

Persons who are citizens

**3.** (1) Subject to this Act, a person is a citizen if

(a) the person was born in Canada after February 14, 1977;

(b) the person was born outside Canada after February 14, 1977 and at the time of his birth one of his parents, other than a parent who adopted him, was a citizen;

(c) the person has been granted or acquired citizenship pursuant to section 5 or 11 and, in the case of a person who is fourteen years of age or over on the day that he is granted citizenship, he has taken the oath of citizenship;

(c.1) the person has been granted citizenship under section 5.1;

(d) the person was a citizen immediately before February 15, 1977; or

(e) the person was entitled, immediately before February 15, 1977, to become a citizen under paragraph 5(1)(b) of the former Act.

Not applicable to children of foreign diplomats, etc.

(2) Paragraph (1)(a) does not apply to a person if, at the time of his birth, neither of his parents was a citizen or lawfully admitted to Canada for permanent residence and either of his parents was

(a) a diplomatic or consular officer or other representative or employee in Canada of a foreign government;

(b) an employee in the service of a person referred to in paragraph (a); or

(c) an officer or employee in Canada of a specialized agency of the United Nations or an officer or employee in Canada of any other international organization to whom there are granted, by or under any Act of Parliament, diplomatic privileges and immunities certified by the Minister of Foreign Affairs to be equivalent to those granted to a person or persons referred to in paragraph (a).

R.S., 1985, c. C-29, s. 3; 1995, c. 5, s. 25; 2007, c. 24, s. 1.

#### Deserted child

**4. (1)** For the purposes of paragraph 3(1)(a), every person who, before apparently attaining the age of seven years, was found as a deserted child in Canada shall be deemed to have been born in Canada, unless the contrary is proved within seven years from the date the person was found.

#### Child born after death of parent

(2) For the purposes of paragraph 3(1)(b) and subsection 3(2), where a child is born after the death of either of his parents, the child shall be deemed to have been born before the death of that parent.

#### Person born of Canadian parent outside Canada

(3) For the purposes of paragraph 3(1)(e), a person otherwise entitled under paragraph 5(1)(b) of the former Act to become a citizen immediately before February 15, 1977 remains so entitled notwithstanding that his birth is registered, after February 14, 1977, in accordance with the regulations made under the former Act,

(a) within two years after the occurrence of his birth; or

(b) within such extended period as the Minister may authorize after February 15, 1977 or has authorized before that date.

1974-75-76, c. 108, s. 4.

#### Grant of citizenship

**5. (1)** The Minister shall grant citizenship to any person who

- (a) makes application for citizenship;
- (b) is eighteen years of age or over;
- (c) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, and has, within the four years immediately preceding the date of his or her application, accumulated at least three years of residence in Canada calculated in the following manner:
  - (i) for every day during which the person was resident in Canada before his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one-half of a day of residence, and
  - (ii) for every day during which the person was resident in Canada after his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one day of residence;
- (d) has an adequate knowledge of one of the official languages of Canada;
- (e) has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and
- (f) is not under a removal order and is not the subject of a declaration by the Governor in Council made pursuant to section 20.

#### Residence

(1.1) Any day during which an applicant for citizenship resided with the applicant's spouse who at the time was a Canadian citizen and was employed outside of Canada in or with the Canadian armed forces or the federal public administration or the public service of a province, otherwise than as a locally engaged person, shall be treated as equivalent to one day of residence in Canada for the purposes of paragraph (1)(c) and subsection 11(1).

#### Idem

(2) The Minister shall grant citizenship to any person who

- (a) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, and is the minor child of a citizen if an application for citizenship is made to the Minister by a person authorized by regulation to make the application on behalf of the minor child; or
- (b) was born outside Canada, before February 15, 1977, of a mother who was a citizen at the time of his birth, and was not entitled, immediately before February 15, 1977, to become a citizen under subparagraph 5(1)(b)(i) of the former Act, if, before February 15, 1979, or within such extended period as the Minister may authorize, an application for citizenship is made to the Minister by a person authorized by regulation to make the application.

#### Waiver by Minister on compassionate grounds

(3) The Minister may, in his discretion, waive on compassionate grounds,

- (a) in the case of any person, the requirements of paragraph (1)(d) or (e);
- (b) in the case of a minor, the requirement respecting age set out in paragraph (1)(b), the requirement respecting length of residence in Canada set out in paragraph (1)(c) or the requirement to take the oath of citizenship; and
- (c) in the case of any person who is prevented from understanding the significance of taking the oath

of citizenship by reason of a mental disability, the requirement to take the oath.

### Special cases

(4) In order to alleviate cases of special and unusual hardship or to reward services of an exceptional value to Canada, and notwithstanding any other provision of this Act, the Governor in Council may, in his discretion, direct the Minister to grant citizenship to any person and, where such a direction is made, the Minister shall forthwith grant citizenship to the person named in the direction.

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E).

### Adoptees -- minors

**5.1** (1) Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

(a) was in the best interests of the child;

(b) created a genuine relationship of parent and child;

(c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and

(d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.

### Adoptees -- adults

(2) Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was at least 18 years of age if

(a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and

(b) the adoption meets the requirements set out in paragraphs (1)(c) and (d).

### Quebec adoptions

(3) The Minister shall on application grant citizenship to a person in respect of whose adoption -- by a citizen who is subject to Quebec law governing adoptions -- a decision was made abroad after February 14, 1977 if

(a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and

(b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.

2007, c. 24, s. 2.

### Rights and obligations

**6.** A citizen, whether or not born in Canada, is entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a person who is a citizen under paragraph 3(1)

(a) is entitled or subject and has a like status to that of such person.

1974-75-76, c. 108, s. 5.

## **PART II**

### **LOSS OF CITIZENSHIP**

No loss except as herein provided

**7.** A person who is a citizen shall not cease to be a citizen except in accordance with this Part.

1974-75-76, c. 108, s. 6.

Citizens born abroad

**8.** Where a person who was born outside Canada after February 14, 1977 is a citizen for the reason that at the time of his birth one of his parents was a citizen by virtue of paragraph 3(1)(b) or (e), that person ceases to be a citizen on attaining the age of twenty-eight years unless that person

(a) makes application to retain his citizenship; and

(b) registers as a citizen and either resides in Canada for a period of at least one year immediately preceding the date of his application or establishes a substantial connection with Canada.

1974-75-76, c. 108, s. 7.

Renunciation of citizenship

**9. (1)** A citizen may, on application, renounce his citizenship if he

(a) is a citizen of a country other than Canada or, if his application is accepted, will become a citizen of a country other than Canada;

(b) is not the subject of a declaration by the Governor in Council made pursuant to section 20;

(c) is not a minor;

(d) is not prevented from understanding the significance of renouncing citizenship by reason of the person having a mental disability; and

(e) does not reside in Canada.

Ministerial discretion to waive requirements

**(2)** The Minister may, in the Minister's discretion, waive on compassionate grounds the requirements of paragraph (1)(d) or (e).

Certificate of renunciation

**(3)** Where an application for renunciation is approved, the Minister shall issue a certificate of renunciation to the applicant and the applicant ceases to be a citizen after the expiration of the day on which the certificate is issued or such later day as the certificate may specify.

R.S., 1985, c. C-29, s. 9; 1992, c. 21, s. 8.

Order in cases of fraud

**10.** (1) Subject to section 18 but notwithstanding any other section of this Act, where the Governor in Council, on a report from the Minister, is satisfied that any person has obtained, retained, renounced or resumed citizenship under this Act by false representation or fraud or by knowingly concealing material circumstances,

(a) the person ceases to be a citizen, or

(b) the renunciation of citizenship by the person shall be deemed to have had no effect,

as of such date as may be fixed by order of the Governor in Council with respect thereto.

#### Presumption

(2) A person shall be deemed to have obtained citizenship by false representation or fraud or by knowingly concealing material circumstances if the person was lawfully admitted to Canada for permanent residence by false representation or fraud or by knowingly concealing material circumstances and, because of that admission, the person subsequently obtained citizenship.

1974-75-76, c. 108, s. 9.

## PART III

### RESUMPTION OF CITIZENSHIP

#### Resumption by application

**11.** (1) The Minister shall grant citizenship to any person who, having ceased to be a citizen,

(a) makes an application for resumption of citizenship;

(b) is not the subject of an order of or a declaration by the Governor in Council made pursuant to section 10 or 20 of this Act or section 18 of the former Act;

(c) is not under a removal order; and

(d) has become a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* and has, since having ceased to be a citizen and become a permanent resident, resided in Canada for at least one year immediately preceding the date of the application.

#### Exception

(1.1) The requirement set out in paragraph (1)(d) does not apply to a person who ceased to be a citizen, before February 15, 1977, because a parent of that person ceased to be a citizen as a result of

(a) acquiring the nationality or citizenship of a country other than Canada; or

(b) renouncing his or her Canadian citizenship.

#### Automatic acquisition of citizenship

(2) Notwithstanding any other provision of this Act, a woman, who

(a) by virtue of any law of Canada in force at any time before January 1, 1947 had, by reason only of her marriage or the acquisition by her husband of a foreign nationality, ceased to be a British subject, and

(b) would have been a citizen had the former Act come into force immediately before her marriage or the acquisition by her husband of a foreign nationality,

acquires citizenship immediately on the receipt by the Minister of a notice in writing by her that she elects to be a citizen.

R.S., 1985, c. C-29, s. 11; 2001, c. 27, s. 229; 2005, c. 17, s. 1.

## **PART IV**

### **CERTIFICATE OF CITIZENSHIP**

Application for certificate of citizenship

**12.** (1) Subject to any regulations made under paragraph 27(i), the Minister shall issue a certificate of citizenship to any citizen who has made application therefor.

Issue of certificate

(2) Where an application under section 5 or 8 or subsection 11(1) is approved, the Minister shall issue a certificate of citizenship to the applicant.

When effective

(3) A certificate issued pursuant to this section does not take effect until the person to whom it is issued has complied with the requirements of this Act and the regulations respecting the oath of citizenship.

1974-75-76, c. 108, s. 11.

## **PART V**

### **PROCEDURE**

Applications and registrations

**13.** Where an application is made or a notice is given pursuant to this Act or a registration is made pursuant to section 8,

(a) it shall be made or given in such form and manner and at such place, and

(b) such evidence shall be provided and such fees shall be paid with respect thereto,

as are prescribed by the Minister pursuant to this Act or by the regulations.

1974-75-76, c. 108, s. 12.

Consideration by citizenship judge

**14.** (1) An application for

(a) a grant of citizenship under subsection 5(1),

(b) a retention of citizenship under section 8,



(c) a renunciation of citizenship under subsection 9(1), or

(d) a resumption of citizenship under subsection 11(1)

shall be considered by a citizenship judge who shall, within sixty days of the day the application was referred to the judge, determine whether or not the person who made the application meets the requirements of this Act and the regulations with respect to the application.

#### Interruption of proceedings

(1.1) Where an applicant is a permanent resident who is the subject of an admissibility hearing under the *Immigration and Refugee Protection Act*, the citizenship judge may not make a determination under subsection (1) until there has been a final determination whether, for the purposes of that Act, a removal order shall be made against that applicant.

(1.2) [Repealed, 2001, c. 27, s. 230]

#### Advice to Minister

(2) Forthwith after making a determination under subsection (1) in respect of an application referred to therein but subject to section 15, the citizenship judge shall approve or not approve the application in accordance with his determination, notify the Minister accordingly and provide the Minister with the reasons therefor.

#### Notice to applicant

(3) Where a citizenship judge does not approve an application under subsection (2), the judge shall forthwith notify the applicant of his decision, of the reasons therefor and of the right to appeal.

#### Sufficiency

(4) A notice referred to in subsection (3) is sufficient if it is sent by registered mail to the applicant at his latest known address.

#### Appeal

(5) The Minister or the applicant may appeal to the Court from the decision of the citizenship judge under subsection (2) by filing a notice of appeal in the Registry of the Court within sixty days after the day on which

(a) the citizenship judge approved the application under subsection (2); or

(b) notice was mailed or otherwise given under subsection (3) with respect to the application.

#### Decision final

(6) A decision of the Court pursuant to an appeal made under subsection (5) is, subject to section 20, final and, notwithstanding any other Act of Parliament, no appeal lies therefrom.

R.S., 1985, c. C-29, s. 14; 1995, c. 15, s. 23; 2001, c. 27, s. 230.

#### Recommendation re use of discretion

**15.** (1) Where a citizenship judge is unable to approve an application under subsection 14(2), the judge shall, before deciding not to approve it, consider whether or not to recommend an exercise of discretion under subsection 5(3) or (4) or subsection 9(2) as the circumstances may require.

## Subsequent action

(2) Where a citizenship judge makes a recommendation for an exercise of discretion under subsection (1), the judge shall

(a) notify the applicant;

(b) transmit the recommendation to the Minister with the reasons therefor; and

(c) in accordance with the decision that has been made in respect of his recommendation, forthwith on the communication of the decision to the judge approve or not approve the application.

1974-75-76, c. 108, s. 14.

## Section 28 of *Federal Courts Act*

**16.** Notwithstanding section 28 of the *Federal Courts Act*, the Federal Court of Appeal does not have jurisdiction to hear and determine an application to review and set aside a decision made under this Act if the decision may be appealed under section 14 of this Act.

R.S., 1985, c. C-29, s. 16; 2002, c. 8, s. 182.

## Suspension of processing of application

**17.** Where a person has made an application under this Act and the Minister is of the opinion that there is insufficient information to ascertain whether that person meets the requirements of this Act and the regulations with respect to the application, the Minister may suspend the processing of the application for the period, not to exceed six months immediately following the day on which the processing is suspended, required by the Minister to obtain the necessary information.

1974-75-76, c. 108, s. 16.

## Notice to person in respect of revocation

**18. (1)** The Minister shall not make a report under section 10 unless the Minister has given notice of his intention to do so to the person in respect of whom the report is to be made and

(a) that person does not, within thirty days after the day on which the notice is sent, request that the Minister refer the case to the Court; or

(b) that person does so request and the Court decides that the person has obtained, retained, renounced or resumed citizenship by false representation or fraud or by knowingly concealing material circumstances.

## Nature of notice

(2) The notice referred to in subsection (1) shall state that the person in respect of whom the report is to be made may, within thirty days after the day on which the notice is sent to him, request that the Minister refer the case to the Court, and such notice is sufficient if it is sent by registered mail to the person at his latest known address.

## Decision final

(3) A decision of the Court made under subsection (1) is final and, notwithstanding any other Act of Parliament, no appeal lies therefrom.

## Definitions

**19.** (1) In this section and sections 19.1, 19.2 and 20, "Review Committee" and "threats to the security of Canada" have the same meanings as in the *Canadian Security Intelligence Service Act*.

## Report to Review Committee

(2) Where the Minister is of the opinion that a person should not be granted citizenship under section 5 or subsection 11(1) or administered the oath of citizenship or be issued a certificate of renunciation under section 9 because there are reasonable grounds to believe that the person will engage in activity

(a) that constitutes a threat to the security of Canada, or

(b) that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of any offence that may be punishable under any Act of Parliament by way of indictment,

the Minister may make a report to the Review Committee.

## Notice to be sent to person affected

(3) The Minister shall, within ten days after a report is made pursuant to subsection (2), cause a notice to be sent informing the person referred to in that subsection of the report and stating that following an investigation in relation thereto, a declaration with respect to that person may be made by the Governor in Council under section 20.

## Application of the *Canadian Security Intelligence Service Act*

(4) Where a report is made to the Review Committee pursuant to subsection (2), the Review Committee shall investigate the grounds on which it is based and for that purpose subsections 39(2) and (3) and sections 43, 44 and 48 to 51 of the *Canadian Security Intelligence Service Act* apply, with such modifications as the circumstances require, to the investigation as if the investigation were conducted in relation to a complaint made pursuant to section 42 of that Act, except that a reference in any of those provisions to "deputy head" shall be read as a reference to the Minister.

## Investigation to cease

(4.1) If the Review Committee is of the opinion that it cannot perform its duties described in subsections (4), (5) and (6), it must cease its investigation and give notice to the Minister and the person referred to in subsection (2).

## Statement to be sent to person affected

(5) The Review Committee shall, as soon as practicable after a report is made to it pursuant to subsection (2), send to the person with respect to whom the report is made a statement summarizing such information available to it as will enable the person to be as fully informed as possible of the circumstances giving rise to the report.

## Report

(6) The Review Committee shall, on completion of an investigation made pursuant to subsection (4), make a report to the Governor in Council on all matters relating thereto and shall, at the same time as or after the report is made, provide the complainant with the conclusions of the report.

R.S., 1985, c. C-29, s. 19; 1992, c. 1, s. 144(F); 1997, c. 22, s. 1.

#### Appointment of a judge

**19.1** (1) After consultation by the Prime Minister of Canada with the Leader of the Opposition in the House of Commons and the leader in the House of Commons of each party having at least twelve members in that House, the Governor in Council may appoint a retired judge of a superior court for a term of three to five years to perform the duties of the Review Committee described in subsections 19(4), (5) and (6).

#### Tenure and re-appointment

(2) The appointed person holds office during good behaviour and may be removed by the Governor in Council at any time for cause. The person is eligible to be re-appointed.

#### Remuneration and expenses

(3) The appointed person shall be paid, for each day that the person performs duties under this Act, such remuneration as is fixed by the Governor in Council, and is entitled to be paid reasonable travel and living expenses incurred in the course of their duties under this Act while absent from their ordinary place of residence.

1997, c. 22, s. 2.

#### Referral

**19.2** (1) The Minister may refer to the person appointed under subsection 19.1(1) any case that the Review Committee has ceased to investigate under subsection 19(4.1) and, in that case, the Minister must make a report described in subsection 19(2) to the appointed person and send the notice described in subsection 19(3).

#### Application of subsections 19(4), (5) and (6)

(2) Subsections 19(4), (5) and (6) apply to the appointed person as if that person were the Review Committee.

1997, c. 22, s. 2.

#### Annual report

**19.3** The person appointed under subsection 19.1(1) must, not later than September 30, submit to the Minister of Public Safety and Emergency Preparedness a report of the activities of the person during the preceding fiscal year and that Minister must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives it.

1997, c. 22, s. 2; 2005, c. 10, s. 14.

#### Declaration by the Governor in Council in matters of security

**20.** (1) Notwithstanding anything in this Act, a person shall not be granted citizenship under section 5 or subsection 11(1) or administered the oath of citizenship or be issued a certificate of renunciation under section 9 where, after considering the report made under subsection 19(6) by the Review Committee or the person appointed under subsection 19.1(1), the Governor in Council declares that there are reasonable grounds to believe that the person with respect to whom the report was made will engage in an activity described in paragraph 19(2)(a) or (b).

## Applications and appeals deemed rejected

(2) Where a person is the subject of a declaration made under subsection (1), any application that has been made by that person under section 5 or 9 or subsection 11(1) is deemed to be not approved and any appeal made by him under subsection 14(5) is deemed to be dismissed.

## Expiration of declaration

(3) A declaration made under subsection (1) ceases to have effect two years after the day on which it was made.

## Further declaration

(4) Notwithstanding that a declaration has been previously made under subsection 20(1) with respect to a person, the Governor in Council may, after considering any further application made by that person, make a further declaration under that subsection with respect to that person.

## Conclusive proof

(5) Notwithstanding anything in this Act or any other Act of Parliament, a declaration by the Governor in Council under subsection (1) is conclusive of the matters stated therein in relation to an application for citizenship or for the issue of a certificate of renunciation.

R.S., 1985, c. C-29, s. 20; 1997, c. 22, s. 3.

## Periods not counted as residence

**21.** Notwithstanding anything in this Act, no period may be counted as a period of residence for the purpose of this Act during which a person has been, pursuant to any enactment in force in Canada,

- (a) under a probation order;
- (b) a paroled inmate; or
- (c) confined in or been an inmate of any penitentiary, jail, reformatory or prison.

1974-75-76, c. 108, s. 19.

## Prohibition

**22.** (1) Notwithstanding anything in this Act, a person shall not be granted citizenship under section 5 or subsection 11(1) or take the oath of citizenship

- (a) while the person is, pursuant to any enactment in force in Canada,
  - (i) under a probation order,
  - (ii) a paroled inmate, or
  - (iii) confined in or is an inmate of any penitentiary, jail, reformatory or prison;
- (b) while the person is charged with, on trial for or subject to or a party to an appeal relating to an offence under subsection 29(2) or (3) or an indictable offence under any Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*;
- (c) while the person is under investigation by the Minister of Justice, the Royal Canadian Mounted

Police or the Canadian Security Intelligence Service for, or is charged with, on trial for, subject to or a party to an appeal relating to, an offence under any of sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*;

(d) if the person has been convicted of an offence under any of sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*;

(e) if the person has not obtained the authorization to return to Canada required under subsection 52(1) of the *Immigration and Refugee Protection Act*; or

(f) if, during the five years immediately preceding the person's application, the person ceased to be a citizen pursuant to subsection 10(1).

Idem

(2) Notwithstanding anything in this Act, but subject to the *Criminal Records Act*, a person shall not be granted citizenship under section 5 or subsection 11(1) or take the oath of citizenship if,

(a) during the three year period immediately preceding the date of the person's application, or

(b) during the period between the date of the person's application and the date that the person would otherwise be granted citizenship or take the oath of citizenship,

the person has been convicted of an offence under subsection 29(2) or (3) or of an indictable offence under any Act of Parliament, other than an offence that is designated as a contravention under the *Contraventions Act*.

R.S., 1985, c. C-29, s. 22; R.S., 1985, c. 30 (3rd Supp.), s. 11; 1992, c. 47, s. 67, c. 49, s. 124; 1999, c. 31, s. 42; 2000, c. 24, s. 33; 2001, c. 27, s. 231.

## **PART VI**

### **ADMINISTRATION**

Delegation of authority

**23.** Anything that is required to be done or that may be done by the Minister under this Act or the regulations may be done on behalf of the Minister by any person authorized by the Minister in writing to act on his behalf without proof of the authenticity of the authorization.

1974-75-76, c. 108, s. 21.

Requirement to take oath of citizenship

**24.** Where a person is required under this Act to take the oath of citizenship, the person shall swear or affirm in the form set out in the schedule and in accordance with the regulations.

1974-75-76, c. 108, s. 23.

Evidence of declarations

**25. (1)** Any declaration made under this Act or prior legislation or any regulations made thereunder may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister, and the production of the declaration or copy is conclusive evidence of the contents thereof and of the person named therein as declarant having made

the declaration at the date therein mentioned.

#### Evidence of certificates

(2) A certificate of citizenship, a certificate of naturalization or a certificate of renunciation may be proved in any legal proceeding by the production of the original certificate or of a document that is certified by the Minister as bearing the same information as the original certificate.

1974-75-76, c. 108, s. 24.

#### Citizenship judges

**26.** (1) The Governor in Council may appoint any citizen to be a citizenship judge.

#### Duties

(2) In addition to his other duties set out in this Act, a citizenship judge shall perform such other duties as the Minister prescribes for carrying into effect the purposes and provisions of this Act.

1974-75-76, c. 108, s. 25.

#### Regulations

**27.** The Governor in Council may make regulations

(a) prescribing the manner in which and the place at which applications and registrations are to be made and notices are to be given under this Act and the evidence that is to be provided with respect thereto;

(b) fixing fees for

(i) the making of any application under this Act,

(ii) the issuing of any certificate under this Act,

(iii) the registration of any person as a citizen under this Act,

(iv) the provision of any certified or uncertified copy of a document from the records kept in the course of the administration of this Act or prior legislation,

(v) the administration of any oath, solemn affirmation or declaration filed, made, issued, delivered or administered pursuant to this Act or the regulations, or

(vi) any search of the records referred to in subparagraph (iv);

(c) providing for the remission of fees referred to in paragraph (b);

(d) providing for various criteria that may be applied to determine whether a person

(i) has an adequate knowledge of one of the official languages of Canada,

(ii) has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship, or

(iii) has a substantial connection with Canada;

(d.1) providing for the factors to be considered in determining whether the requirements set out in section 5.1 are met;

- (e) prescribing the procedures to be followed in the referral of applications to citizenship judges;
- (f) prescribing the procedures to be followed by citizenship judges in the performance of their duties;
- (g) prescribing the ceremonial procedures to be followed by citizenship judges;
- (h) respecting the taking of the oath of citizenship;
- (i) providing for the number of copies of any certificate, declaration or other document made or issued under this Act or prior legislation or any regulations made thereunder that any person is entitled to have;
- (j) providing for the surrender and retention of certificates of citizenship, certificates of naturalization or certificates of renunciation issued or granted under this Act or prior legislation or any regulations made thereunder if there is reason to believe that the holder thereof may not be entitled thereto or has contravened any of the provisions of this Act;
- (k) providing for the surrender and cancellation of certificates referred to in paragraph (j) where the holder thereof has ceased to be entitled thereto; and
- (l) generally, to carry out the purposes and provisions of this Act.

R.S., 1985, c. C-29, s. 27; 2007, c. 24, s. 3.

#### Laying of proposed regulations

**27.1** (1) The Minister shall cause a copy of each regulation proposed to be made under paragraph 27(d.1) to be laid before each House of Parliament, and each House shall refer the proposed regulation to the appropriate Committee of that House.

#### Exception

(2) No proposed regulation that has been laid under subsection (1) need again be laid under that subsection, whether or not it has been altered.

#### Making of regulations

(3) The Governor in Council may make the regulation at any time after the proposed regulation has been laid before each House of Parliament under subsection (1).

2007, c. 24, s. 3.1.

#### Powers of Minister

**28.** The Minister may prescribe the forms of applications, certificates and other documents required for the purposes of this Act.

1974-75-76, c. 108, s. 27.

## **PART VII**

## **OFFENCES**

#### Definition of "certificate"



**29.** (1) For the purposes of this section, "certificate" means a certificate of citizenship, a certificate of naturalization or a certificate of renunciation.

#### Offences and punishment

(2) A person who

(a) for any of the purposes of this Act makes any false representation, commits fraud or knowingly conceals any material circumstances,

(b) obtains or uses a certificate of another person in order to personate that other person,

(c) knowingly permits his certificate to be used by another person to personate himself, or

(d) traffics in certificates or has in his possession any certificate for the purpose of trafficking,

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both.

#### Idem

(3) A person who

(a) without lawful authority issues or alters a certificate,

(b) counterfeits a certificate, or

(c) uses, acts on or causes or attempts to cause any person to use or act on a certificate, knowing it to have been unlawfully issued or altered or to have been counterfeited,

is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both.

#### Idem

(4) A person who contravenes any provision of this Act or the regulations for the contravention of which no fine or imprisonment is provided in this Act is guilty of an offence punishable on summary conviction.

1974-75-76, c. 108, s. 28.

#### Where offence is committed outside Canada

**30.** (1) An act or omission that would, if committed in Canada, be an offence under this Act is, if committed outside Canada, an offence under this Act.

#### Jurisdiction

(2) Where a person has committed outside Canada an act or omission that is an offence under this Act, the offence is within the competence of and may be tried and punished by any court having jurisdiction in respect of similar offences in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred.

1974-75-76, c. 108, s. 29.

## Limitation period

**31.** Any proceedings in respect of an offence under this Act or the regulations that is punishable on summary conviction may be instituted at any time within but not later than three years after the time when the offence was committed.

1974-75-76, c. 108, s. 30.

## PART VIII

### STATUS OF PERSONS IN CANADA

#### Citizen of the Commonwealth

**32.** (1) Every person who, under an enactment of a Commonwealth country other than Canada, is a citizen or national of that country has in Canada the status of a citizen of the Commonwealth.

#### British subject

(2) For the purposes of any law in force in Canada on and after February 15, 1977 that refers to the status of British subject, the status so described shall refer to the status of Canadian citizen or citizen of the Commonwealth or both as the intent of that law may require.

1974-75-76, c. 108, s. 31.

#### Citizen of Ireland

**33.** Any law of Canada and any regulation made thereunder shall, unless it otherwise provides, have effect in relation to a citizen of Ireland who is not a citizen of the Commonwealth in like manner as it has in relation to a citizen of the Commonwealth.

1974-75-76, c. 108, s. 32.

#### Rights

**34.** Subject to section 35,

(a) real and personal property of every description may be taken, acquired, held and disposed of by a person who is not a citizen in the same manner in all respects as by a citizen; and

(b) a title to real and personal property of every description may be derived through, from or in succession to a person who is not a citizen in the same manner in all respects as though through, from or in succession to a citizen.

1974-75-76, c. 108, s. 33.

#### Authority to prohibit or restrict acquisitions of property in a province by non-Canadians

**35.** (1) Subject to subsection (3), the Lieutenant Governor in Council of a province or such other person or authority in the province as is designated by the Lieutenant Governor in Council thereof is authorized to prohibit, annul or in any manner restrict the taking or acquisition directly or indirectly of, or the succession to, any interest in real property located in the province by persons who are not citizens or by corporations or associations that are effectively controlled by persons who are not citizens.

## Regulations

(2) The Lieutenant Governor in Council of a province may make regulations applicable in the province for the purposes of determining

- (a) what transactions constitute a direct or an indirect taking or acquisition of any interest in real property located in the province;
- (b) what constitutes effective control of a corporation or association by persons who are not citizens; and
- (c) what constitutes an association.

## Restriction

(3) Subsections (1) and (2) do not operate so as to authorize or permit the Lieutenant Governor in Council of a province, or such other person or authority as is designated by the Lieutenant Governor in Council thereof, to make any decision or take any action that

- (a) prohibits, annuls or restricts the taking or acquisition directly or indirectly of, or the succession to, any interest in real property located in a province by a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*;
- (b) conflicts with any legal obligation of Canada under any international law, custom or agreement;
- (c) discriminates as between persons who are not citizens on the basis of their nationalities, except in so far as more favourable treatment is required by any legal obligation of Canada under any international law, custom or agreement;
- (d) hinders any foreign state in taking or acquiring real property located in a province for diplomatic or consular purposes; or
- (e) prohibits, annuls or restricts the taking or acquisition directly or indirectly of any interest in real property located in a province by any person in the course or as a result of an investment that the Minister is satisfied or is deemed to be satisfied is likely to be of net benefit to Canada under the *Investment Canada Act*.

R.S., 1985, c. C-29, s. 35; R.S., 1985, c. 28 (1st Supp.), s. 49; 2001, c. 27, s. 232.

## Offences and punishment

**36.** (1) Every person who fails to comply with any prohibition, annulment or restriction made pursuant to subsection 35(1) is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both.

## Officers, etc., of corporations

(2) Where a corporation commits an offence under subsection (1), any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

1974-75-76, c. 108, s. 33.

## Coming into force

**37.** Sections 35 and 36 shall come into force in any of the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Saskatchewan and Newfoundland or in Yukon, the Northwest Territories or Nunavut on a day fixed in a proclamation of the Governor in Council declaring those sections to be in force in that Province or any of those territories.

R.S., 1985, c. C-29, s. 37; 1993, c. 28, s. 78; 2002, c. 7, s. 131.

#### Disabilities

**38.** Sections 34 and 35 do not operate so as to

- (a) qualify any person for any office or for any municipal, parliamentary or other franchise;
- (b) qualify any person to be the owner of a Canadian ship;
- (c) qualify any person to take, acquire, hold or dispose of any property that under or pursuant to any Act of Parliament may be taken, acquired, held or disposed of only by citizens;
- (d) entitle any person to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are by this Act expressly given to the person; or
- (e) affect any estate or interest in real or personal property to which a person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before July 4, 1883, or in pursuance of any devolution by law on the death of any person dying before July 4, 1883.

1974-75-76, c. 108, s. 33.

#### Trial

**39.** A person who is not a citizen is triable at law in the same manner as if the person were a citizen.

1974-75-76, c. 108, s. 34.

#### SCHEDULE

(Section 24)

#### OATH OR AFFIRMATION OF CITIZENSHIP

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

1974-75-76, c. 108, Sch.

#### RELATED PROVISION

-- **1997, c. 22, s. 10:**

#### *Citizenship Act*

**10.** If, before section 1 of this Act comes into force, a legal proceeding has been commenced with respect to an investigation under subsection 19(4) of the *Citizenship Act*, a final decision in that proceeding that the Review Committee must cease its investigation is deemed to be a decision of the

Review Committee under subsection 19(4.1) of that Act, as enacted by subsection 1(2) of this Act.

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