

## **Updated Changes to Canadian Citizenship Law**

After Bill C-6 was enacted on 19 June 2017, the changes to Canada's citizenship law underwent incremental changes which have all become fully effective by February 2018. Please find below a summary of these changes.

The changes which took effect on 19 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 from the previous system 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 took effect on 11 October 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 previous 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 last batch of changes in Bill C-6 which took effect on 15 January 2018 are:

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.

### *Canadian Citizenship Processing Fee Changes*

As a whole, the changes have been welcomed by many, especially the removal of punitive and discriminatory features in the present Canadian citizenship rules. However, there are still some who feel that the changes did not go far enough.

For instance, the Canadian citizenship processing fee of \$530 still applies for adult applicants. The same \$530 fee used to apply also to unaccompanied minor applicants but this was changed retroactively in February 2018 when IRCC announced the all minor citizenship applicants (whether applying on their own or with their parents) on or after 19 June 2017, will only need to pay \$100 for the citizenship processing fee.

For adults however, 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 qualify for Canadian citizenship from applying simply because they cannot afford to pay. 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 (e.g. Federal employment, political participation or 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.

These recent changes show that IRCC is willing and able to adopt changes towards making citizenship laws more accessible and inclusive. Allowing a fee exemption for those who really cannot afford the citizenship fee may just be another small change that could make a huge difference in some people's lives.

*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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