

NEW REQUIREMENTS FOR CANADIAN CITIZENSHIP TOOK EFFECT JUNE 11, 2015

by Edward C. Corrigan

The new requirements for Canadian Citizenship are now in force as of June 11, 2015. One of the most important changes is the requirement that an individual must now be physically in Canada for 4 years over a 6-year period. The old rule was physical presence in Canada for 3 years out of a 4-year period.

To quote the Minister of Citizenship and Immigration Chris Alexander, “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.”

The requirement for maintain permanent residence in Canada remains unchanged at 2 years in a 5 year period. The fee for renewal of PR status remains unchanged at \$50 for an adult application. There is still a requirement for having a valid Permanent Residence Card if you want to be re-admitted into Canada.

Citizenship and Immigration Canada is cracking down on this provision and many who do not meet this condition of two years in Canada are having their PR Status revoked and being sent to the Immigration Appeal Division for a hearing before final removal of PR status and removal from Canada.

Beginning on June 11, 2015, CIC will only accept the new application forms. Applications that were received on or after June 11, 2015 that do not use the latest version of the application will be considered incomplete and will be returned. Incomplete applications that were returned prior to June 11, 2015 must be resubmitted using the new application forms.

Citizenship and Immigration has also raised the fees for obtaining Canadian Citizenship to \$630 per adult application and \$200 for a minor.

Key changes in force June 11, 2015 include the following:

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 11th, 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.

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).

Eliminates use of time spent in Canada as a non-permanent resident (non-PR) for most applicants (in effect June 11, 2015).

Introduces “intent to reside” provision (in effect June 11, 2015)

Legislation now requires applicants aged 14–64 to meet language requirements and pass knowledge test (in effect June 11, 2015)

Extends citizenship to “Lost Canadians” born before 1947 as well as their 1st generation children born abroad (in effect June 11, 2015)

Expansion of criminal prohibitions to bar applicants for crimes committed abroad. (in effect June 11, 2015)

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).

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).

Establishes authority to define what constitutes a complete application and what evidence applicants must provide (in effect since August 2014).

Changes citizenship grant to a single-step process for most applications that reduces duplication and

improves processing times (in effect since August 2014).

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).

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).

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).

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).

The changes to the Canadian Citizenship procedure clearly make it much harder and more expensive to become a Citizen of Canada. In addition CIC is requiring strong proof of actual residence in Canada as part of the Citizenship Application process. While these changes create a more difficult Citizenship process the failure to become a Citizen of Canada may include loss of Permanent Resident Status and deportation without an Appeal if convicted of a crime which carries a 6-month sentence. Citizens also get to vote and can hold elected office.

The benefits of becoming a Canadian far out weight the risks of not becoming a Canadian Citizen and remaining a Permanent Resident of Canada. If you have questions about the new changes to Canadian Citizenship Law please consult a qualified professional.

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About The Author

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