

The Evolution of Citizenship: Policy, Program and Operations

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Foreword

The history of Canada's citizenship and immigration policies and programs focuses on immigration selection and settlement, with citizenship being assumed as the quasi-automatic endpoint of immigration. The historically high naturalization rate of 85.6 percent, although declining, remains the highest among developed countries. Office holders, stakeholders and the media, historically and today, reflect this focus in their debates and initiatives.

The classic immigration histories, Valerie Knowles's *Forging our Legacy: Canadian Citizenship and Immigration*, her later *Strangers at our Gates: Canadian Immigration and Immigration Policy, 1540-2015*, and Kelley and Trebilcock's *The Making of the Mosaic: A History of Canadian Immigration Policy* are but three examples of citizenship being largely considered as an afterthought.

This article aims to fill this gap by providing a concise history of the development of citizenship policies and their related administrative and operational aspects in Canada since Confederation.

Introduction

Throughout Canada's history and even before the creation of separate Canadian citizenship in 1947, governments have largely focused on the same issues in establishing access to citizenship. Many of these are common to other countries although the approach in each reflects the individual country history, geography and demography.

Birthright citizenship (*jus soli*): While questions have been raised as to whether birthright citizenship remains appropriate for immigration-based countries in an era of increased mobility, it remains a cornerstone of policy in Canada, in contrast to non-immigration-based societies where ancestry and bloodline (*jus sanguinis*) are its basis.

Residency: All countries that permit naturalization have residency requirements. In general, immigration-based countries have shorter required periods than other countries. Canadian requirements have varied between three and five years as governments oscillate between more facilitative and more restrictive approaches.

Language: Most countries impose a language requirement, given the crucial role this plays in integration, with the degree of fluency required depending on the degree to which citizenship is viewed as an 'endpoint' or part of the integration process. In Canada, the requirement has been "adequate knowledge," defined currently as Canadian Language

Benchmark 4 (CLB-4, defined as “fluent basic ability,” or basic communications for everyday situations), with the means of assessment changing over time.

Knowledge: Many countries impose a knowledge requirement, ranging from factual information such as history, political institutions, rights and responsibilities, and culture to more value-based requirements. Since the 1947 *Citizenship Act*, factual knowledge has been a requirement in Canada, although the content and modalities of assessment have varied.

Age of Assessment: As assessment of language and knowledge requirements has become more formalized, the assessment has been limited to adults, defined differently in each country. In Canada, adults were originally defined as 18-to 64-year olds, reduced to 18-54 in 2005, extended to 14 to 64-year olds in 2014, and currently being revised back to ages 18 to 54, with different governments varying ages in accordance with their overall approach.

Values: Both pre-Canadian citizenship (British subject) naturalization and the 1947 *Act* had a “good character” requirement, dropped in subsequent legislation that included criminality provisions. The equivalent in immigration legislation before 1967 was the prohibition for crimes of “moral turpitude.” This was changed in the 1977 *Act* to crimes liable to punishment of five years’ imprisonment or more. European countries have increasingly embraced value-based criteria.

Dual Nationality: Depending on the country and its history, dual nationality may or may not be permitted (or tolerated). With a few exceptions, such as British subjects and the retention of previous citizenship, Canada did not formally allow dual nationality until the 1977 *Act*.

Intent to Reside: An intent to reside (remain) in Canada was included in both pre-Canadian citizenship and the 1947 *Citizenship Act*. (The more substantive provision was that naturalized Canadians could lose their citizenship after an absence of 10 years or more.) This provision was dropped in the 1977 *Act* and resurrected in 2014; its repeal was announced in 2016.

Retention/Subsequent Generations: For children born abroad, the question of the parents’ ability to transmit their citizenship arises along with how many generations citizenship can be maintained. For countries with *jus sanguinis* citizenship, this is usually clearer than for birthright citizenship. In Canada, citizenship retention by children born abroad (second generation) used to require only a declaration on their becoming adults that they wished it, as long as they met the provision that they had either lived in Canada or had an “established” connection. This was changed to a first-generation limit in 2009.

Revocation for fraud or misrepresentation: All citizenship legislation allows for citizenship to be revoked in cases where applicants have misrepresented themselves in their application. The modalities of revocation have varied in terms of the degree of procedural protections in place.

Revocation for terror or treason: While provision for revocation was included in both pre-Canadian citizenship and the 1947 *Citizenship Act*, this was dropped in the 1977 *Act* because the criminal justice system was deemed a more appropriate form of punishment. It was resurrected in the 2014 *Act* because of concerns over increased terrorism; its repeal was

announced in 2016. Table 1 provides a high-level comparison of the major citizenship acts, and how they have addressed these issues.

TABLE 1 - CITIZENSHIP ACT COMPARISON

Aspect	Pre-1947	1947 Act	1977 Act	2014 Act C-24	2016 Bill C-6
Birthright	Yes	Yes	Yes	Yes	Yes
Residence	5 years	5 years	3 years	4 years	3 years
Language	Yes	Yes	Yes	Yes	Yes
Knowledge		Yes	Yes	Yes	Yes
Test Ages			18-64 (18-54 2005)	14-64	18-54
Dual nationality	No	No	Yes	Yes	Yes
Values	“good character”	“good character”			
Intent to reside	Yes	Yes	No	Yes	No
Retention	Declaration before age 22	Declaration before age 25	Declaration before age 28	First generation limit	
Revocation (fraud)	Yes	Yes	Yes	Yes	Yes
Revocation (terrorism/ treason)	Yes	Yes	No	Yes	No

Applying for Canadian Citizenship

The study guides used to assist immigrants prepare for their Canadian citizenship interviews and tests have evolved with legislation, societal trends and government preferences. The first, *How to Become a Canadian* (1947), devoted most of its content to the procedures required to become a citizen. The current guide, *Discover Canada*, has a heavy emphasis on history, government, society, and rights and responsibilities. The announced planned revision, yet unnamed, will be in line with the current government’s overall diversity and inclusion agenda and changes to the citizenship program.

Similarly, administration and operations have evolved over time, sometimes accompanying legislation, but often making substantive changes that have equally influenced citizenship uptake. Examples include changing operational definitions of knowledge and language requirements, means of assessment, the respective roles of citizenship officials and judges in interviewing applicants, and the shift from decentralized to centralized application intake.

While maintaining their general format, citizenship ceremonies also have evolved, reflecting the attitudes of the government of the day through the speeches of citizenship judges, the material distributed, and the presence of dignitaries. But the core elements have remained: remarks by a

citizenship judge on the meaning of citizenship, reciting the oath together generally in both official languages, individual presentation of citizenship certificates, and the singing of “O Canada”.

In making these policy and operational choices, governments have had to decide between a more facilitative approach—making it easier to become a citizen, and an approach that focused on meaningfulness—making it more difficult. In general, compared to other countries, including such immigrant-based countries as the U.S., Australia and New Zealand, Canada has adopted a more facilitative than restrictive approach, encouraging all immigrants to become Canadian citizens.

Citizenship Uptake

Chart 1 shows the number of new Canadian citizens contrasted with immigrant arrivals for the past hundred years. It reflects changes in demand as well as operational constraints (the earliest naturalization statistics date from 1915). Pre-1947 naturalization was particularly low in relation to immigration except for the Depression years, after which there was a general correlation between the two; however citizenship shows greater variation in the last 15 years.

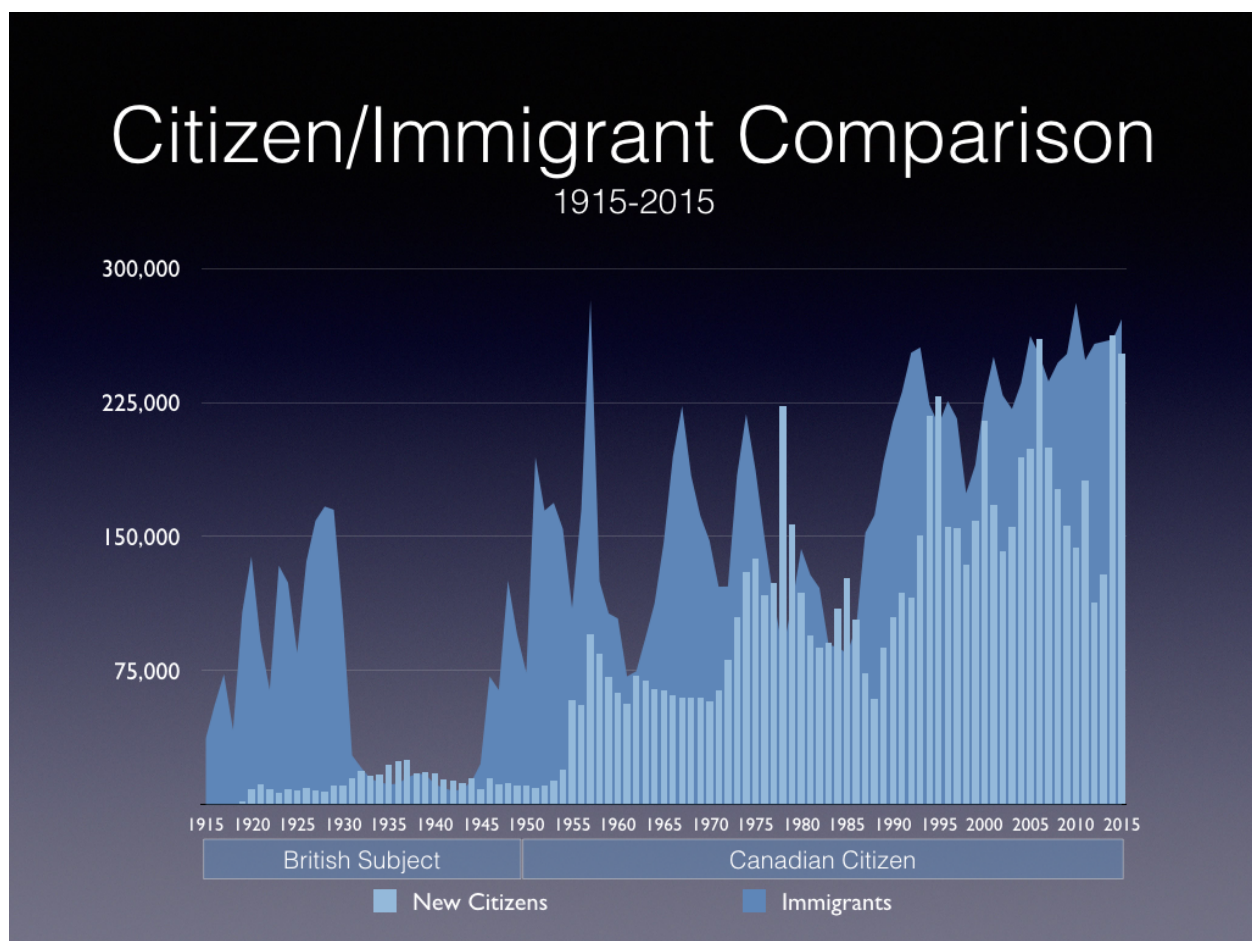


CHART 1

As the diversity of immigrants changed, so did the diversity of new citizens. Before 1947, 98 percent were of European origin, with a naturalization rate of 71 percent (1941 Census). By 1991, more than 20 years after the introduction of the colour-blind immigration point system, Asian immigrants formed the largest share of new citizens (39 percent) compared to those of European origin (28 percent).

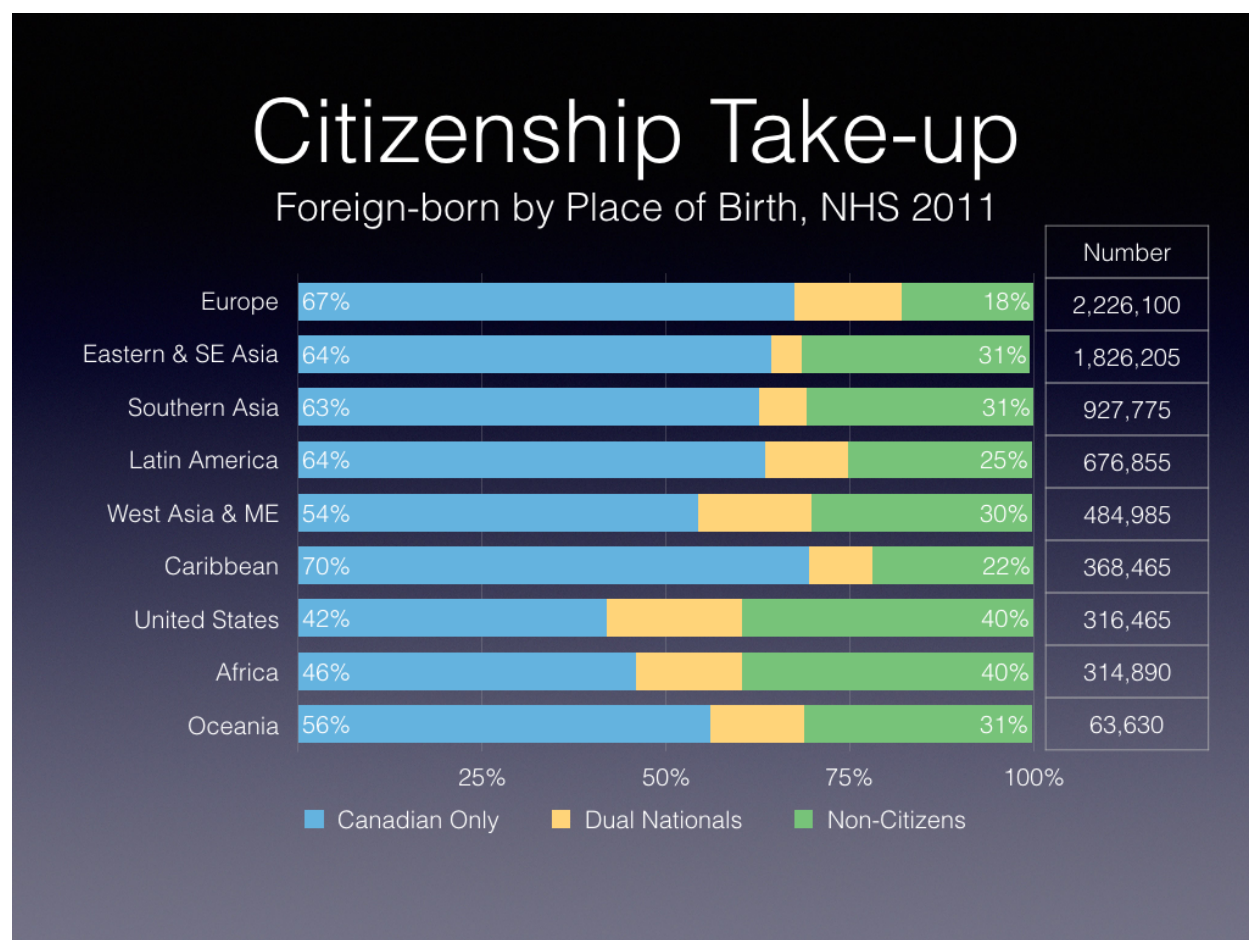


CHART 2

Chart 2 breaks down immigrants by regional place of birth and their respective take-up of citizenship; earlier waves of immigration had generally higher rates of citizenship.

British Subjects and “Proto-Canadian” Citizenship

Prior to the *Canadian Citizenship Act* of 1947, Canadians were either British subjects or “aliens”, as captured in the 1867 *Nationality Law*, 1906 and 1910 *Immigration Acts* and 1914 *Naturalization Act*. Granting of British subject status reflected the general race-based immigration restrictions and prejudices of the time and is set out in the citizenship certificates of the time:

“...This is therefore to certify to all whom it may concern, that under and by virtue of the said Act, [name] has become naturalized as a British subject and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject

to all obligations to which a natural born British subject is entitled or subject within Canada, with the qualification that he shall not, when within the limits of the foreign State of which he was a subject (or citizen) previous to the date hereof, be deemed to be a British subject unless he has ceased to be a subject (or citizen) of that State in pursuance of the laws thereof or in pursuance of a treaty or convention to that effect”.

The underlying philosophy at the time can best be summed up by Sir John A. MacDonald’s assertion, “A British subject I was born—a British subject I will die.” Canadian legislation at the time reflected British legislation. The 1910 *Immigration Act* created a separate subset of British subjects who were born, naturalized or domiciled in Canada. The main application with respect to immigration was who had the right to enter freely and remain in Canada. This separate subset of British subjects was further strengthened in the 1921 *Canadian Nationals Act*, which allowed Canada to participate in international forces or military expeditions separately from Britain. Both Acts were essentially subsets of British nationality legislation at the time in terms of their substantive provisions.

However, within this overall context, the particulars of naturalization as British subjects reflected many of the standard issues of birthplace, residency, language and knowledge requirements. The 1914 *Naturalization Act*, for example, established birthright citizenship, five years’ residency (up from the previous three), knowledge of English, and “good character”. While male British subjects could pass on their citizenship to their legitimate children, female British subjects, if married to non-British subjects, could not. Moreover, women automatically became “aliens” if their husbands were or became aliens. Children born out of wedlock outside Canada could not be granted citizenship.

Responsibility for naturalization was placed with the Secretary of State, who had considerable administrative discretion in the modalities of granting citizenship. In 1917, a Department of Immigration and Colonization was created. In 1936, immigration was reduced to a division within the Department of Mines and Resources. In 1950, the first Department of Citizenship and Immigration was created.

The wording of the citizenship oath from 1910 to 1936 was:

“I, [name], swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his Heirs and Successors, according to law”.

But within this overall context of being British, a separate Canadian identity was being formed, as the following statement by Prime Minister Wilfrid Laurier in 1910 attests:

“I am a Canadian. Canada is the inspiration of my life. I have had before me as a pillar of fire by night and a pillar of cloud by day a policy of true Canadianism, of moderation, of conciliation”.

The 1917 *Wartimes Election Act* disenfranchised naturalized citizens from enemy countries, accompanying such measures as internment camps for immigrants from the Austro-Hungarian Empire (the largest group being of Ukrainian origin). The *Act* was repealed following the war. Administration of the 1914 *Naturalization Act* was tightened during the Depression years, with higher rates of refusals and revocations. Amendments to the 1932 *Imperial Act* made married women’s citizenship status less dependent on men by making them aliens only when they

automatically acquired foreign nationality upon marriage. If women acquired foreign nationality during their marriage, they could apply separately for British status; loss of British status was no longer automatic.

1947 *Canadian Citizenship Act* and Evolution of Idea of Being “Canadian”

The 1947 *Act* created a formal, legal and independent Canadian citizenship. While many of the naturalization requirements remained unchanged, citizens were no longer “Canadian British subjects” but rather Canadian citizens, with British subjects domiciled in Canada being automatically converted to Canadian citizens.

The key provisions included: birthright citizenship, five-year residency requirement out of the previous eight years (except for British subject immigrants whose required residency was one year); adequate knowledge of English or French and the responsibilities and privileges of Canadian citizenship; good character; and intention to reside in Canada. Retention provisions required a declaration before age 21 and being resident in Canada at the time. Language requirements were waived for immigrants who had been in Canada for 20 years or more. Knowledge and language requirements were waived for British subjects.

The wording of the new oath was:

“I, [name], swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen. So help me God.”

Canadian fathers could pass on their citizenship to their children born in wedlock, but women could not if married to a non-Canadian. However, a child born out of wedlock abroad to a Canadian mother had birthright citizenship.

While dual nationality was not allowed for Canadian citizens who applied formally for citizenship of another country, it was tolerated for those with an existing non-Canadian nationality when they applied for Canadian citizenship.

Revocation of citizenship could occur in cases of fraud or misrepresentation, being outside of Canada for six years or more without any “substantial connection” to Canada, or being engaged in treasonous behaviour—“if out of Canada, has shown himself by act or speech to be disaffected or disloyal to His Majesty, or, if in Canada, has been convicted of treason or sedition by a court of competent jurisdiction”. Loss of citizenship for naturalized Canadians could occur after 10 years’ continuous absence from Canada.

The language of what it meant to be a Canadian continued to evolve. In 1947 William Lyon Mackenzie King placed Canadian citizenship in a broader international context:

“Canadian citizenship is not a citizenship which relates itself merely to the immediate community in which we live. As Canadians we have a national citizenship, a Commonwealth citizenship and a world citizenship. Each carries with it a certain responsibility, a responsibility which it is our duty to recognize and our privilege to assert”.

John Diefenbaker's focus on citizenship-related human rights issues was seen in his opposition to the deportation of Japanese-Canadians after World War II and citizenship revocation in general, in addition to his 1960 *Canadian Bill of Rights*:

“I am a Canadian, a free Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think right, free to oppose what I believe wrong, or free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.”

In addition to the immigration policy changes mentioned earlier, a Multiculturalism policy was announced in 1971 with the support of all political parties.

Citizenship Guides and Tests

There used to be no formal citizenship test, rather language and knowledge were assessed through an interview with a judge (British subjects were largely exempt from this interview requirement.) The first citizenship guide, *How to Become a Canadian Citizen*, was issued in 1947, updated and re-titled as *Guide to Canadian Citizenship* in 1963, and as *Canada: Guide for Citizenship* in 1976.

TABLE 2: HOW TO BECOME A CANADIAN CITIZEN (1947) - 62 PAGES

Citizenship Procedures	Study Questions	History	Geography	Govt System	Economy
46%	25%	9%	9%	7%	4%

Table 2 highlights the emphasis in *How to Become a Canadian Citizen* on the application procedures and study questions, rather than specific content about Canada. However, as Sobel notes, the guide sets out a narrative of a citizen with good character and an adequate knowledge of Canada. Canada is presented as defending freedom and believing in democracy, with strong ties to the United Kingdom and British traditions. The underlying ideology is that of assimilation to traditional Canadian values. The guide stresses basic obedience to Canadian laws and loyalty to Canada, and is silent on more active civic participation.

TABLE 3: GUIDE TO CANADIAN CITIZENSHIP (1963 EDITION) - 94 PAGES

Citizenship Procedures	History	Geography	Govt System	Economy	Society	Rights & Responsibilities
4%	17%	14%	22%	17%	20%	6%

Table 3 highlights the changing emphasis in the *Guide to Canadian Citizenship*, which no longer focuses on procedures and study questions but on imparting greater knowledge of Canada. Sobel characterizes the narrative as one of a responsible citizen committed to Canadian political and social organizations. Canada appears as a welfare state with a growing culture, strong ties to the U.S. (in contrast to the previous emphasis on the U.K), and a leading economic position in the world. The guide acknowledges the post-World War II immigration-driven diversity of Canada but still emphasizes mainstream traditions and values: citizens should obey the laws, respect the rights of others, and volunteer.

There were also companion booklets to assist new Canadians integrate. *Introduction to Canada* (1965, 41 pages) was written in plain language (defined as “in a language which will not be too difficult” and using about 1,000 of the most important words). The booklet covered Canada’s past, government, a citizen’s rights and responsibilities, the land, produce and industry by region, the arts, and how to become a Canadian citizen. History and the government comprised about half of the content.

What it Means to Become a Canadian Citizen (undated, likely prepared as part of the 1967 Centennial celebrations, 21 pages) is in the form of a background narrative on the evolution of Canadian citizenship, the key provisions of the 1947 *Act*, how new Canadians were “full partners in the Canadian community,” and a discussion of both the “hesitation” in becoming a citizen and the sense of belonging that citizenship engendered, rights and responsibilities, with considerable emphasis on citizenship ceremonies from both the perspective of new Canadians and those individuals organizing ceremonies or related receptions.

Applying for Citizenship

At the time of the 1947 *Act*, applications for citizenship were made directly to regular courts of law. If the judge was satisfied that the applicant met the requirements of citizenship, the court would recommend the applicant to the minister, who could either grant citizenship or not. If the minister was unsatisfied that the applicant had met the requirements, he could refer the case back to the court for a re-hearing and final decision. If the applicant was rejected, there was no means of appeal. At this time, citizenship was seen as a privilege rather than a right. British subjects were exempt from judicial hearings and related language and knowledge requirements.

With increasing immigration to Canada, the government began establishing special “Citizenship Courts” in the mid-1950s to remove the burden on regular courts. The term “citizenship judge” or “citizenship court judge” gradually came into use, and citizenship courts were established in major cities. For the Centennial, special citizenship ceremonies were held and the certificate of citizenship was redesigned. The application fee for a grant of citizenship was set at \$5, increased to \$10 in 1954.

1977 *Citizenship Act*

The 1977 update reflected a stronger Canadian identity and a greater diversity of immigrants and gender equality. Citizenship was presented more as a right (“the right to citizenship”) than a privilege as in the 1947 *Act* (“The Minister may, in his discretion, grant ...”). The last British vestiges of Canadian citizenship were erased with the removal of special treatment for British nationals. Previous discrimination between men and women’s ability to pass on their citizenship was ended, as it was for children born out of wedlock. Dual nationality was permitted.

The main naturalization requirements remained: adequate knowledge of one official language, of Canada, and of the responsibilities and privileges of citizenship. However, the residency requirement was reduced from five (out of eight) to three (out of four) years. Judicial interpretations of residency, however, ranged from physical presence to merely having a Canadian legal address; this created ambiguity in the actual requirement and how it was to be interpreted and met.

The *Act* also limited ministerial discretion and established citizenship as a qualified right for those who met the basic requirements. Criminal record checks were done for all applicants. Canadians born abroad would lose their citizenship should they not apply to retain their citizenship by age 28 and either reside in Canada for one year prior to their application or establish a “substantial connection” to Canada.

Renunciation of Canadian citizenship required formal application along with the following supporting material: birth certificate or equivalent, evidence of Canadian citizenship, an official document of the other country attesting to the person’s foreign citizenship (or evidence that the person would become a citizen of that country), and place of residence. The most famous renunciation case was Conrad Black’s renunciation in 2001 to allow him to sit in the U.K. House of Lords. Citizenship could only be revoked for fraud or misrepresentation. The decision was a three-step process, involving the minister, the Federal Court and the Governor in Council.

The 1977 *Act* established the oath that remains in use today:

“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 fulfill my duties as a Canadian citizen”.

The change to a more fluid sense of citizenship can best be captured by former Prime Minister Trudeau’s comment in 1977:

“There is no such thing as a model or ideal Canadian. What could be more absurd than the concept of an ‘all Canadian’ boy or girl? A society which emphasizes uniformity is one which creates intolerance and hate”.

The 1971 *Multiculturalism Policy* was reinforced in the 1988 *Multiculturalism Act*, and the internment, deportation and dispersal of Japanese-Canadians during and following World War II was recognized through an apology, ex gratia payments to survivors, and the establishment of the Canadian Race Relations Foundation.

Administration and Operations: Citizenship Judges, Study Guides, and Introduction of the Citizenship Test

The 1977 *Act* officially established the position of citizenship judges and gave them the authority not only to preside over citizenship ceremonies but also to be independent decision makers who would determine, through interviews, whether applicants met requirements. Decisions could be appealed to the Federal Court. Until 1999, the terms “citizenship courts” or “court of Canadian citizenship” were used even if they did not appear in the *Act* itself. In 2002, the judges adopted the term “Citizenship Commission” to refer to themselves collectively.

As part of the new *Act*, a new guide, *The Canadian Citizen* (1978, updated in 1980 and 1994) and the companion folder *A look at Canada* (1979), were introduced. Table 4 shows the shift towards greater understanding of the government system, rights and responsibilities and history. The 1994 version was significantly revised and updated to include the *Charter of Rights and Freedoms*.

TABLE 4: THE CANADIAN CITIZEN (1977 EDITION) - 16 PAGES

History	Geography	Govt System	Economy	Society	Rights & Responsibilities	Introduction
17%	4%	44%	4%	4%	18%	9%

For Sobel, the narrative changes to that of politically active citizens who share the responsibility of caring for their country. Canada is presented as a country with legislation and policies that citizens can influence through active participation. Issued after the *Multiculturalism Policy* of 1971, the guide encouraged immigrants to share their cultural heritages with the wider community as they also learned from other communities. It encouraged active citizenship (defined as interest in politics), following the news, and participation by voting, joining a political party, or running for political office.

TABLE 5: A LOOK AT CANADA (1995) - 44 PAGES

Citizenship Procedures	Study Questions	History	Geography	Govt System	Society	Rights & Responsibilities	Intro
3%	16%	5%	14%	21%	14%	12%	1%

In 1994, a citizenship test was introduced, replacing the previous interview-based process, along with a new study guide, *A Look at Canada* (1995). The test was largely introduced to deal with the increase in applications and to ensure greater consistency in assessing language, knowledge of Canada, and the rights and privileges of citizenship. Equally important, the test was more efficient than individual hearings before citizenship judges, although judges would interview applicants having difficulty with the written test.

Sobel characterizes the narrative of *A Look at Canada* as that of a citizenship student preparing for the newly introduced written standardized test. Canada is presented as a “community country where people work together and help one another”. The emphasis on multiculturalism and pluralism continues but with less emphasis on government action to support other cultures (despite the fact that this guide was written after the 1988 Multiculturalism Act). In addition to voting and obeying laws, citizens were expected to help neighbours, join community groups, volunteer in the political process, and consider becoming candidates.

In 1983, citizenship application intake was centralized in Sydney, Nova Scotia, with processing (for example, test administration, language assessments, program integrity interviews and ceremonies) carried out in local offices. This has remained largely unchanged, with a small number of citizenship officers in Ottawa to handle more complex or difficult cases.

The general format of citizenship ceremonies welcoming newcomers was established and was further refined over time as governments shaped the welcoming message to new Canadians. The *Charter of Rights and Freedoms* was distributed to all new citizens after the *Charter* came into effect with the new *Constitution* in 1982.

The annual citizenship awards program, Citations for Citizenship, was launched in 1988, honouring a maximum of 20 Canadian individuals and organizations from the voluntary, private or public sectors who have contributed to the integration of new Canadians. It continued until 2009, was then rebranded to the Canadian Citizenship Award, before being eliminated in 2011.

The annual National Citizenship Week, currently held in the second week of October, also dates from that time. Both initiatives aimed at providing greater visibility to the citizenship program.

The grant of citizenship fee was set at \$200, or about \$300 in today's dollars. This included a \$100 Right of Citizenship fee, introduced in 1995, that was refunded if citizenship was not granted.

Responsibility for citizenship moved to Citizenship and Immigration Canada following the elimination of the Secretary of State department in 1993. One of the unforeseen consequences of that decision was the virtual elimination of detailed reporting on the characteristics and origins of new citizens. The Secretary of State published detailed annual statistical reports. The 1990 report, the last one available, included the following data tables: historical table 1952-1991, demographic details (sex, marital status, year of immigration, country of birth, country of former "allegiance"), average number of years between year of immigration and citizenship, province of residence, and by section of *Act*.

CIC's subsequent annual reports, initially entitled "Citizenship and Immigration Statistics," include only immigration statistics. Even today, over 20 years later, the paucity of citizenship data in relation to immigration is striking, whether in the *Annual Report to Parliament on Immigration*, various statistical products such as the "Quarterly Administrative Data Release," "Facts and Figures," or departmental performance reporting. Only data related to overall numbers—grants, proofs, and ceremonies—are provided, but no demographic or other characteristics.

Funding for the citizenship program declined from \$37.1 million in fiscal year 1993/94 to \$27.1 million in 1995/96, likely reflecting some of the general cuts in government spending during that period.

Efforts to Update the Act

The Conservative government of Prime Minister Brian Mulroney issued a discussion paper, "Citizenship 87: Proud to Be Canadian," on the 10th anniversary of the 1977 *Citizenship Act*. The booklet was designed to "remind Canadians of their heritage, to inform them of the legislative options available, to stimulate informed discussion and debate throughout the country so that the Government can draft legislation with people's wishes in mind." The issues it discussed included dual citizenship, residency requirements (physical presence), exemption from ability in the official languages for those over 60, broadening criminality and other reasons for barring citizenship, questions regarding revocation for fraud or misrepresentation, allowing for discretion in assessing knowledge, clarifying the role of citizenship judges, and the nature of the citizenship oath. The last issue proved to be the most controversial because of the proposal to omit reference to the Queen. Given the government's focus on Meech Lake and related constitutional discussions, no legislation was ever tabled.

The courts started playing a larger role in identifying issues that needed to be addressed. *Benner vs. Canada* (1997) addressed gender discrimination by ruling that children who were born to a Canadian mother abroad must be treated identically to children born of a Canadian father abroad, ensuring that a child, whether born to a Canadian mother or father, would be entitled to Canadian citizenship without having to take a citizenship test or oath of citizenship or becoming a permanent resident first.

There were a number of abortive efforts under the four governments of Jean Chrétien to modernize the *Act*. A number of key reports helped shape the approach: “Canadian Citizenship: A Sense of Belonging” (1994), “Updating Canada’s Citizenship Laws: Issues to be Addressed” (1994), “Updating Canada’s Citizenship Laws: It’s Time” (2005) and “Citizenship Revocation: A Question of Due Process and Respecting Charter Rights” (2005).

“Not just numbers: A Canadian framework for future immigration” (1996) by the Legislative Review Advisory Committee was a major review with extensive public consultations. It was largely focused on immigration, but included such citizenship-related recommendations as compliance with the *Income Tax Act*; active participation (defined as at least two of the following: employment, study, volunteer/community service, and family care); and revocation for criminality, fraud, war crimes or crimes against humanity committed before or after citizenship was granted.

Three citizenship bills were introduced under the Chrétien government: Bill C-63 (1994), Bill C-16 (2000), and Bill C-18 (2002), all of which died on the order paper. It is important to note that all three initiatives were an effort to rewrite the *Act* completely, rather than amending the 1977 *Act*. The legislation addressed such key issues as:

- Second-generation limit on transmitting citizenship;
- Physical presence definition of residency (three years out of five);
- Adequate knowledge of an official language and Canada, with an interpreter permitted for the latter requirement;
- Children adopted abroad to become citizens automatically rather than permanent residents;
- Authority to deny citizenship “where there are reasonable grounds to believe that it is not in the public interest for the person to become a citizen” or for foreign criminality;
- Citizenship judge role in assessing citizenship applications to be largely replaced by public servants, with judges (“commissioners” as called in the bill) being limited to a ceremonial role, emphasizing the rights and privileges of citizenship; and
- Anti-fraud measures.

New wording for the oath was proposed:

“From this day forward, I pledge my loyalty and allegiance to Canada and Her Majesty Elizabeth the Second, Queen of Canada. I promise to respect our country’s rights and freedoms, to uphold our democratic values, to faithfully observe our laws and fulfill my duties and obligations as a Canadian citizen.”

‘Boutique’ Legislation: 2007 C-14 Adoption and 2009 C-37 “Lost Canadians”

International adoptions appear to comprise the majority of adoptions, although there is no one authoritative source on the number of in-Canada adoptions and provincial data vary in quality and comparability. The court decision in *McKenna vs. Canada* (1999) ruled that the distinction between children adopted abroad by Canadian parent(s) and children born to Canadian parents violated the equality rights section of the *Charter of Rights and Freedoms*. This, along with political

pressure, led to Bill C-14, allowing foreign adopted children to be granted citizenship without first becoming permanent residents.

The actual number of international adoptions is small and appears to be declining as seen in Table 6.

TABLE 6 - NUMBER OF INTERNATIONAL ADOPTIONS 2010-15

	2010	2011	2012	2013	2014	2015
Total	1,162	1,100	939	762	667	580

Similarly, the issue of “Lost Canadians”, those who lost Canadian citizenship due to earlier citizenship legislation, came to the fore with the decision in *Taylor vs. Minister of Citizenship and Immigration Canada* (2006) that addressed wedlock discrimination by ruling that the children born out of wedlock and outside of Canada prior to the 1947 *Act* should not lose their citizenship, applying the *Charter of Rights and Freedoms* retroactively, and setting the stage for Bill C-37.

“Lost Canadians” include four groups:

- People naturalized to Canada who subsequently lived outside the country for more than 10 years prior to 1967;
- People born abroad to a Canadian parent before the current Citizenship Act came into effect on 15 February 1977;
- People who lost their citizenship between 1 January 1947 and 14 February 1977 because they or their parent acquired the nationality or citizenship of another country; and
- Second- and subsequent generation Canadians born abroad since the current Citizenship Act came into effect on 15 February 1977.

In practice, this included many war brides, war babies, U.S. “border babies”, and babies born abroad.

C-37 also imposed a first-generation limit on transmission of citizenship, repealing previous retention and registration provisions. This was perhaps the most contentious of the changes. It reflected public and political anger over “citizens of convenience” following the evacuation of dual Canadian-Lebanese citizens from the war in Lebanon in 2006 and subsequent return of many evacuees to Lebanon once hostilities died down. Moreover, the previous policy of requiring an application for retention of citizenship by age 28 was difficult to administer and arguably was not stringent enough with respect to a substantial connection to Canada. The first-generation limit provided greater clarity and ensured a recent connection to Canada but made it harder for descendants of Canadians living abroad to transmit Canadian citizenship to their children.

TABLE 7 - NUMBER OF CITIZENSHIP PROOFS 2010-15

	2010	2011	2012	2013	2014	2015
Proofs	69,725	66,403	46,005	53,636	56,944	55,609

Lost in all the advocacy and discussion was meaningful evidence of the actual numbers of “Lost Canadians” who wanted their citizenship restored. While advocates used numbers of

around 200,000, according to the then Minister of Citizenship and Immigration Diane Finley, the number of cases that needed to be resolved in 2007 was under 500. Table 7 provides operational data from five years later regarding the total number of citizenship proofs, showing relative stable numbers following the coming into force of C-37. This suggests that the actual number of “Lost Canadians” was not significant, and closer to the estimate cited by the Minister than the advocates. Slightly half of all proofs are issued to Canadians living abroad.

2014 C-24 *Strengthening Canadian Citizenship Act* and Related Administrative and Operational Changes

Prior to introducing this major rewrite of the *Citizenship Act*, the Conservatives, under one of the more effective and active ministers, Jason Kenney, made a number of administrative changes to improve the integrity of the program.

TABLE 8: DISCOVER CANADA (2009) - 62 PAGES

Citizenship Procedures	History	Govt System	Economy	Society	Rights & Responsibilities	Intro
4%	30%	22%	4%	17%	4%	2%

The flagship initiative was a new citizenship study guide in 2009, *Discover Canada*. Sobel assesses the narrative as that of a loyal citizen who expresses interest in Canadian history, respects the constitutional monarchy, and appreciates the work of the military forces. Canada is presented as a Great Dominion, with strong traditions and engaged in free trade and economic development. Historical wrongs are mentioned, such as the Chinese head tax and Japanese internment. An ideology of pluralism highlights the importance of celebrating each other’s presence—but within limits, cautioning against imported conflicts and “barbaric cultural practices”. Citizens were expected to obey laws, take responsibility for themselves and their family, serve on a jury, vote, volunteer, protect and enjoy Canada’s heritage and environment, and consider a military or police career.

An update to *Welcome to Canada*, the orientation guide for new immigrants (pre-citizenship), remained focussed on the practical issues related to settling in Canada but now included language from *Discover Canada* related to rights and responsibilities.

The knowledge test was revised and the pass mark raised to 75 percent from 60 percent. Different versions of the knowledge test were circulated to reduce memorization and cheating.

The previous approach to language assessment (using the knowledge test as a proxy, with an interview with a citizenship judge as needed) was replaced by the requirement to provide evidence of language competency in order for an application to be deemed complete. Acceptable evidence included completion of a secondary or post-secondary diploma program completed in either English or French, proof of attaining CLB-4 through government-funded language training programs or approved external testing bodies. The change improved the consistency of language assessment and, more importantly, simplified operations and reduced processing time.

Citizenship ceremonies were slightly revised, with more military figures present and more emphasis on citizens’ responsibilities. The *Charter* was no longer distributed. A new brochure was

introduced, “Becoming a Canadian Citizen”, along with a program folder that included this new brochure, a ministerial message, the Oath of Citizenship, and the National Anthem. “Symbols of Canada” continued to be distributed, while a new book, *A Crown of Maples*, was distributed at some ceremonies. These changes reflected the government’s focus on improving understanding of the history of the Crown (and monarchy), its current role, and its symbolic importance in Canada. To date, there have been no changes to documents provided at citizenship ceremonies under the current government.

From 2010 to 2015, the annual number of ceremonies was more than 2,300. To reduce the backlog, more than 3,000 ceremonies were held in each of 2014 and 2015.

The Institute for Canadian Citizenship, founded in 2010 by former Governor General Adrienne Clarkson, organized approximately 40 enhanced ceremonies each year. These included roundtable facilitated discussions among new citizens about what it meant to be Canadian. The Institute also negotiated one-year cultural access passes valid in many cultural institutions across Canada that were available to all new citizens and provided free access to more than a thousand cultural institutions.

In contrast to previous governments that had largely neglected fraud and misrepresentation, the Conservative government took a more rigorous approach. Most misrepresentation was with respect to residency. Fraud investigations were launched.

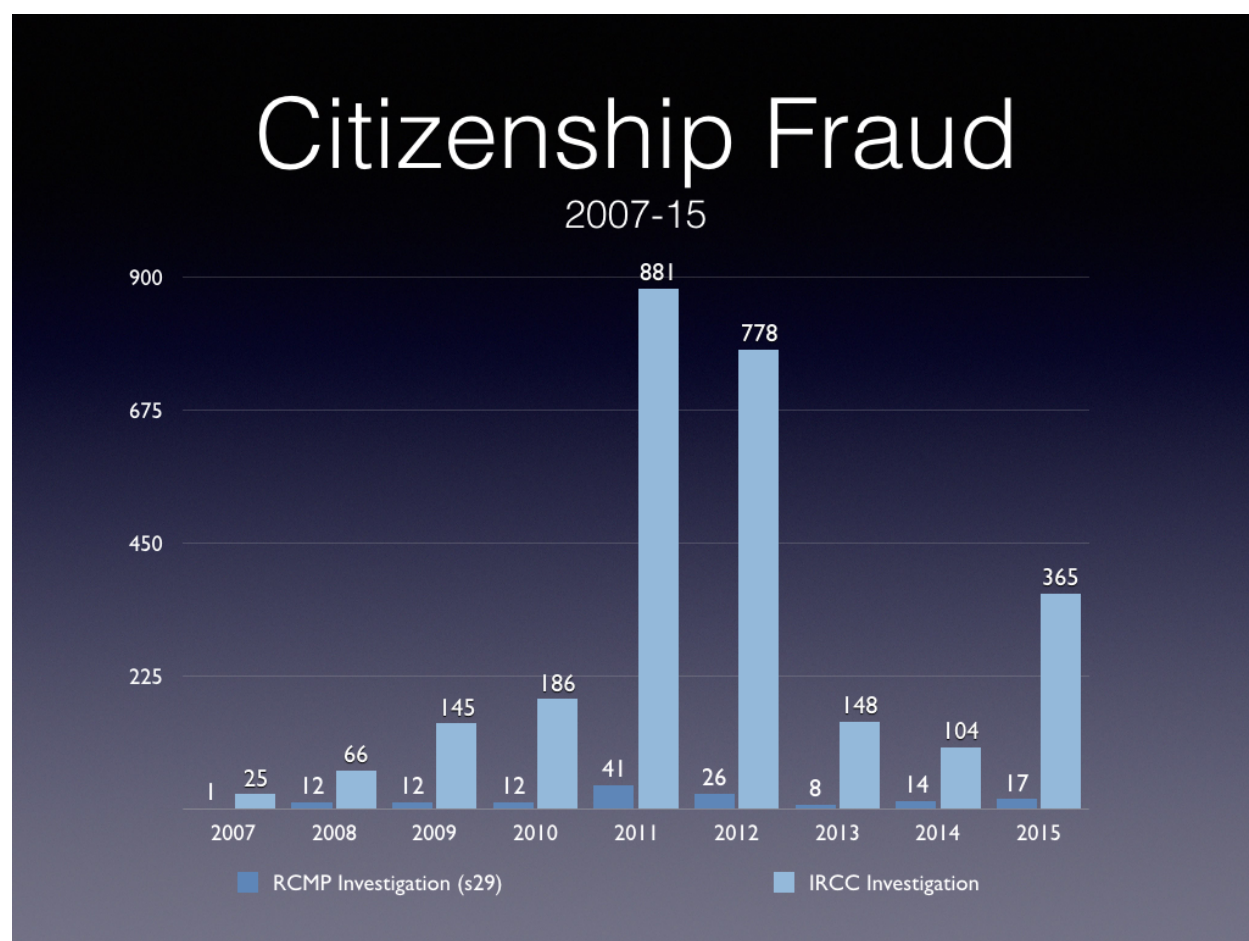


CHART 3

Chart 3 highlights the number of cases of revocation for fraud or misrepresentation from 2007 to 2015, divided by those investigated by the RCMP, as required by section 29 of the 1977 Act, and those subject to internal IRCC investigation. In the former instance, investigation resulted in those investigated withdrawing or abandoning their application and the RCMP laying charges against some of the more egregious consultant schemes, such as multiple applicants with the same Canadian address. In the latter instance of IRCC investigations, fraud or misrepresentation occurred or was suspected during grant processing but was only discovered after the applicant became a Canadian citizen.

A residency questionnaire was introduced to ensure that applicants provided evidence that they met the residency requirements.

The replacement of the previous revocation process for fraud or misrepresentation by the streamlined process mid-way in 2015 led to more IRCC-decided revocations: 24 before 28 May, compared to 341 after, likely reflecting in part that IRCC was waiting for the new provisions to come into force.

Although the number of revocation investigations is small compared to the total number of new citizens—0.18 percent of the 1.6 million new citizens between 2007 and 2015—it nevertheless likely helps reduce potential fraud by signalling the risk of fraud being detected, not to mention maintaining the overall confidence of Canadians in the integrity of the citizenship program. A 2016 Auditor General report found that IRCC “did not adequately detect and prevent fraud to ensure that only applicants who met selected eligibility requirements were granted Canadian citizenship”.

In addition to these changes, citizenship fees were increased sharply from \$200 to \$630 in 2014/15 (including the Right of Citizenship fee, which remained unchanged at \$100), following the exemption from the public consultation and related processes of the *User Fees Act* granted in *Budget 2013*. A language-assessment charge of approximately \$200 to third party testing organizations was imposed on those applicants not having completed a secondary or post-secondary diploma in either English or French or not having met the requirement through government-funded language training.

There was also an abortive attempt in 2010 to make minor amendments to the *Act* through Bill C-37 to address some remaining “Lost Canadians” issues: clarifying that residency meant physical presence in Canada, simplifying the revocation process in cases of misrepresentation, providing regulation of third parties, and expanding prohibitions in cases of foreign criminality. The bill was abandoned because the minority government could not secure Opposition support.

The government also launched major consultations and public messaging regarding “birth tourism,” whereby pregnant women come to Canada as tourists to have their babies born in Canada. Concern was based more on anecdote than evidence, as officials could only identify about 500 cases of suspected birth tourism out of an annual average of some 360,000 live births in Canada, or 0.14 percent of all live births. Consultations with the provinces highlighted operational and cost considerations in integrating citizenship information into birth certificates (the preferred option) and related changes to their vital statistics agencies (those responsible for birth, death, still births and change of names). The other option, having Citizenship and Immigration Canada (now IRCC) issue proof of citizenship for all those born eligible for citizenship would be costly for the department, would have some additional costs to the

provinces, and would require Canadians to present two documents (birth certificate and citizenship) to receive government services. The government consequently dropped plans to include changes to birthright citizenship in Bill C-24.

These changes combined with the major rewrite of the *Citizenship Act* in Bill C-24 made citizenship “harder to get and easier to lose” as then Minister Kenney put it. The bill, introduced and passed in 2014, meant both greater program integrity and a partial return to earlier, more restrictive, citizenship policies that emphasized the meaningfulness of citizenship and connection to Canada, reversing partially the more facilitative approach of the 1977 *Act*. The key provisions included:

Residency: Residency requirements were increased to four years out of six (from three out of four). Residency was defined as physical presence. The previous less rigorous system was replaced by a detailed residency questionnaire. An “intent to reside” in Canada provision, while a partial throwback to the 1914 *Act*, was intended to reduce the number of “citizens of convenience” (defined as those who obtained citizenship for security while pursuing their life outside of Canada) creating possible grounds for revocation for misrepresentation should they leave right after becoming Canadian. Tax returns needed to be filed by applicants in the four of six years before application if required by the *Income Tax Act* to demonstrate residency and connection to Canada, with CIC verifying the information in case of doubt.

Testing: The ages subject to knowledge testing and language assessment were expanded from 18-54 year olds to 14-64 year olds (the previous Liberal government had removed the testing requirement from 55-64 year olds in 2005). Interpreters were no longer allowed for the knowledge test, given that C-24 specified that this must be in one of the official languages. Exceptions are allowed for applicants with special needs (for example, sign language for deaf applicants).

Business processes: A major objective was to streamline business processes, reduce processing time, and improve program integrity, with a “soft commitment” of one-year processing. Citizenship judges were largely removed from the decision-making process, reducing the number of steps involved from three to one although they retained a role in cases where a public servant could not determine whether an applicant met the physical presence and residency requirements. Incomplete applications would be returned to applicants rather than remain indefinitely in process. The revisions also provided authority for electronic means to verify citizenship.

“Lost Canadians”: The remaining issues related to “Lost Canadians” were largely addressed, as in the abortive Bill C-37 of 2010.

Revocation: The *Act*, in its streamlined revocation process for fraud and misrepresentation, removed the role of Cabinet and the courts but replaced the right to appeal with minimal-to-no procedural safeguards—there was no right to an oral hearing or full right of appeal to the Federal Court (replaced by the narrower right to seek leave from the Court). More controversially, the revised *Act* provided for revocation in cases of terror or treason (“in the national interest”) for dual citizens, thus creating essentially two classes of citizen, with different punishments for those who were Canadian citizens only and those who were dual citizens or had access to a second citizenship. In so doing, the *Act* reversed policy in effect

since John Diefenbaker and the 1977 *Citizenship Act*, reverting to comparable provisions in the 1947 Act.

Then Citizenship and Immigration Minister Chris Alexander posed and answered the question:

“What does our citizenship look like in the 21st century? There would be less fraud. There would be more penalties. It would be a much more prized citizenship. Because of all these things, we would be properly able to say that Canadians were in a position to promote our citizenship and use it as never before. It would be something that those outside of Canada would seek to acquire with more determination than ever. It would be something that those of us in Canada who have it would seek to use as never before in the world, to do good in our country and in places not so fortunate”. (12 June 2014)

Historical Recognition of Immigration-Related Restrictions

In addition, the government implemented the Historical Recognition program, to recognize such earlier immigration restrictions as the Chinese Head Tax and exclusion act, the Continuous Journey restrictions against Indian and Sikh immigration, restrictions against Jewish immigration ("none is too many"), and wartime internment of Ukrainian and other East European nationals during World War I, and restrictions on Italian Canadians in World War II.

Impact of Conservative Government 2006-2015

Combined with departmental weaknesses that predate the Conservative government, the cumulative effect of these changes is not surprising: citizenship became “harder to get and easier to lose”. The pass rate for citizenship tests fell from 96 percent to 83 percent, particularly affecting visible minorities, before the test was revised to make it more understandable to applicants, with the pass rate rising to 90 percent as shown in Chart 4.

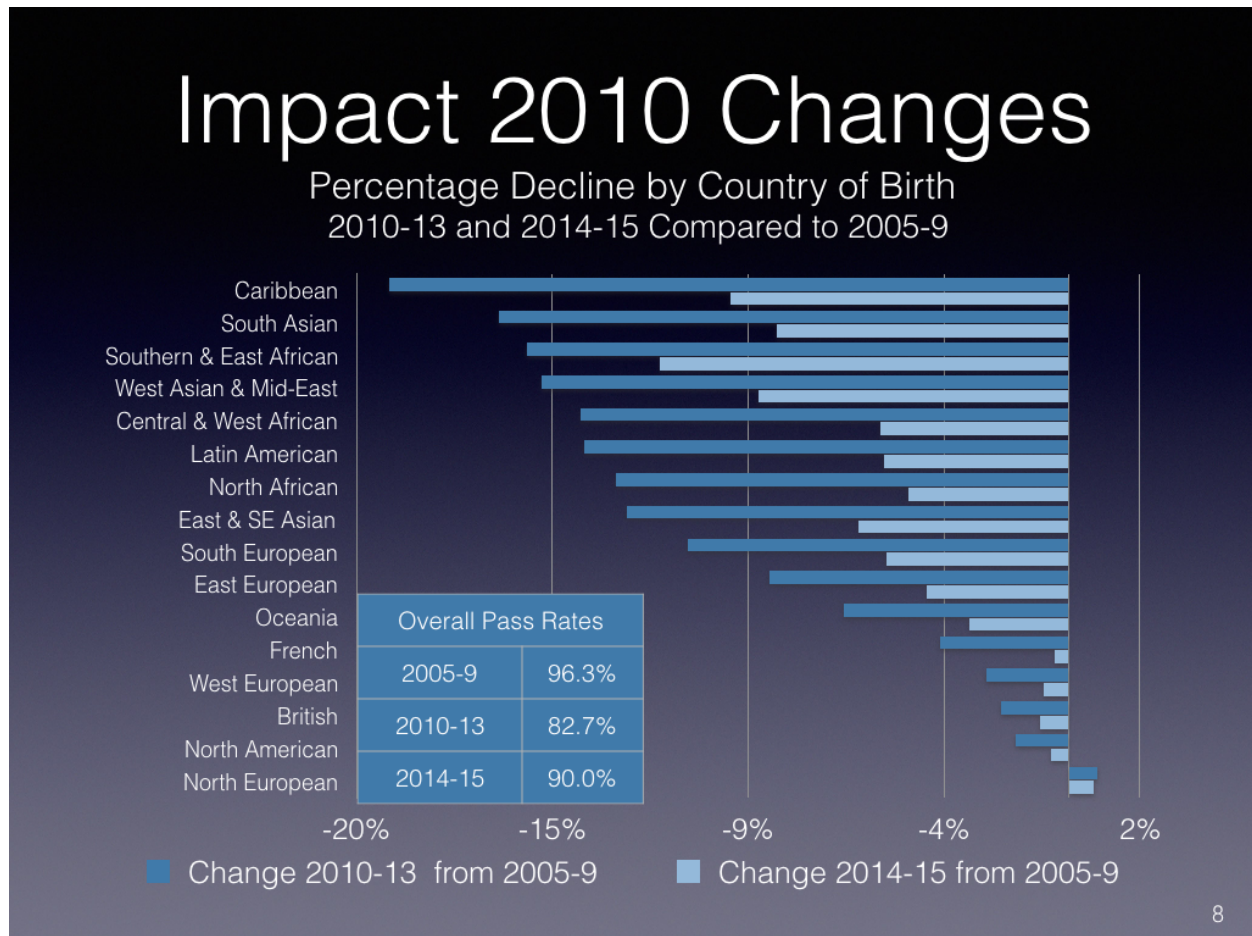


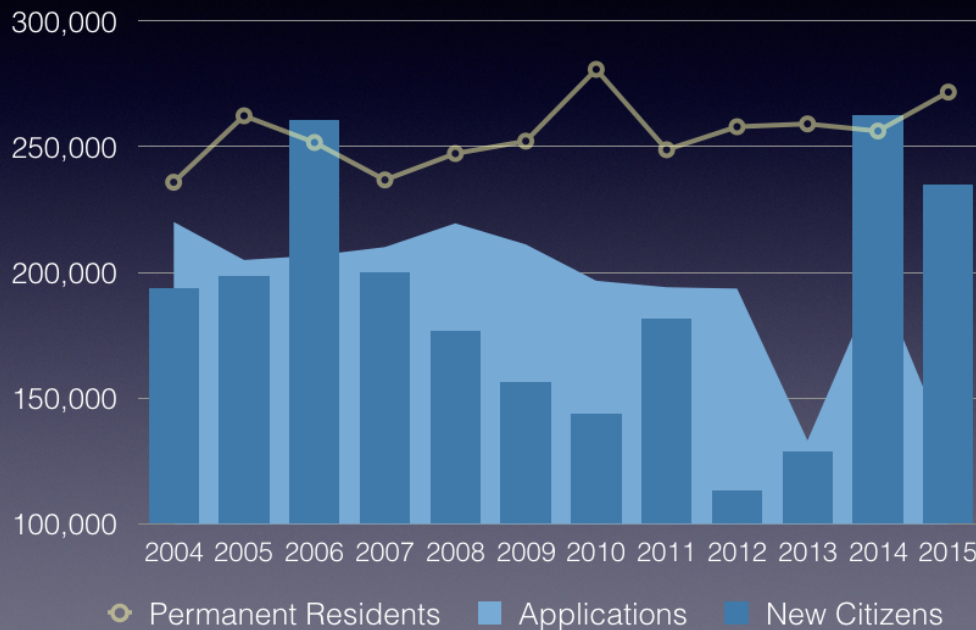
CHART 4

The number of new citizens declined until additional funding of \$44 million over two years (2014 and 2015) addressed the backlog of applications with a record number of new citizens. (In 2005, the Liberal government injected \$66 million to address a similar backlog.) Planned spending for fiscal year 2016/17 is \$67.1 million.

Chart 5 contrasts the relative stability of permanent residency applications with the roller coaster of citizenship applications, indicating longstanding underfunding and relative under-management over the past 15 years as evidenced by backlogs. It is too early to evaluate whether the administrative simplification measures implemented during this period will ensure more stable, predictable and timely processing of citizenship applications, although early data are encouraging.

PRs, Applications, Citizens

2004 to 2015 IRCC Operational Data



6

CHART 5

However, with respect to applications, the impact of the fee increase to \$530 is clear. From an average of close to 200,000, the number of applicants dropped to 130,000 in 2015, and to 36,000 in the first half of 2016.

2016 C-6 *Citizenship Act* Amendments

Central to the Liberal government's overall approach is the principle, stated by Prime Minister Justin Trudeau, that a "Canadian is a Canadian is a Canadian", emphasizing the civic rather than the ethnic nature of Canadian citizenship:

"There is no core identity, no mainstream in Canada. There are shared values—openness, respect, compassion, willingness to work hard, to be there for each other, to search for equality and justice. Those qualities are what make us the first post-national state".

Bill C-6 accordingly repeals the revocation provision for terror and treason and restores the citizenship of the one person whose citizenship was revoked. It also includes measures to reduce barriers to citizenship:

- Restores the previous age limits for knowledge and language testing to 18-54. This change will affect slightly more than 10 percent of all applicants. The rationale for requiring testing for 14-17 year olds was never clear (they would have been in the Canadian school system for 4-6 years). For older applicants, 65 was believed to be a better and more consistent definition of “senior”;
- Repeals the “intent to reside” provision, given concerns regarding how this could be interpreted over time and become grounds for possible future revocation;
- Restores the 50-percent credit towards the permanent residency requirement to encourage international students to remain in Canada;
- Maintains the physical presence requirement but reduces the time required to three out of five years compared to four out of six. Moreover, the collection of exit passport data developed under the Conservative government, with legislation being considered by the Liberal government, would make physical presence easier to verify in the future; and,
- Although it was not in the legislation (nor the Liberal platform or the minister’s mandate letter), the citizenship study guide, *Discover Canada*, is being revised because of concerns about language and content

Equally important, the government is retaining such key integrity measures as physical presence, ongoing attention to fraud and misrepresentation, requiring the knowledge test to be taken in one of the official languages, and the filing of income taxes. Moreover, it has added a number of additional integrity measures, such as the ability to seize documents in cases of fraud and not counting time under a conditional sentence towards physical residency time. The major issue not addressed in Bill C-6 is the lack of procedural safeguards for revocation for fraud or misrepresentation, although the Minister has committed to addressing this in the future.

To date, the government has not addressed the issue of high application fees.

The government also renamed the department as Immigration, Refugees and Citizenship Canada.

Concluding Observations

Canadian citizenship has evolved considerably from the 1947 *Act*, reflecting changing demographics and values and parallel changes in immigration and other legislation. In particular, there has been an overall shift towards equal treatment, as seen in the abandonment of British preference and gender/wedlock discrimination, and a greater understanding and acceptance of the increased complexity of identities as seen in acceptance of dual nationality. Yet throughout the history of citizenship policy and program administration some constants remain:

- Birth citizenship (*jus soli*) has been retained, as befitting a country based upon immigration;
- While residency requirements have varied between three and five years, the general understanding is that this should mean physical residency, recently confirmed in legislation;
- Language and knowledge assessment are required, with debate over the modalities of assessment and the applicable age range; and

- Revocation is possible on grounds of fraud or misrepresentation at the time of applying for citizenship.

The basis for retaining citizenship has shifted from a declaration approach to a first-generation limit, which is simpler to administer. Revocation for terror or treason, which was included in the 1947 *Act*, abandoned in the 1960s, and reintroduced in the 2014 *Act*, is in the process of being repealed in the 2016 Bill.

Canadian governments have always balanced making citizenship easy to obtain with ensuring a meaningful connection to Canada. The overall trend has been towards making citizenship easier, and even the changes in the 2014 *Act* reflected only a partial reversal of that trend. The 2016 changes ease some of the requirements but maintain and strengthen the integrity provisions introduced in 2014.

The challenge of finding the appropriate balance between facilitating citizenship and making it more meaningful, along with the definition of “meaningful,” will continue, given globalization and an increasingly mobile population. Citizenship, as part of identity, will remain, but will also be viewed as a means to pursue economic opportunities. Governments will continue to struggle to find the appropriate balance. Making citizenship too hard to obtain will reduce our naturalization rate, resulting in an increasing disenfranchised population. Make it too easy, and becoming a citizen will not result in a meaningful connection to Canada, however defined.

Acknowledgements

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Sources:

There is relatively less academic and other research on citizenship than immigration and I have drawn from a range of articles, websites and media coverage. Particularly helpful sources include Joe Garcea’s “The Third Phase of the Canadian Citizenship Reform Project: Objectives” for the various efforts in the 1990s to revise the Act and Nora Sobel’s *Constructing Canadian Citizens: A Textual Analysis of Canadian Citizenship Guides in English - 1947-2012* for the analysis of citizenship guide content and language. Historic data were derived from the *Canada Year Book* for years 1911 to 1951, the Secretary of State *Canadian Citizenship Statistics 1991* for 1952 to 1991, and Immigration, Refugees and Citizenship Canada data for subsequent years. For a full list of sources, see [The Evolution of Citizenship: Policy, Program and Operations: Sources](#).