

Bill C-3: The need for a timeframe limit

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This submission highlights the risks of the residency requirement of 1,095 days not being subject to any time limitation, unlike the residency requirements for permanent residents. An annex provides estimates of the numbers of second generation and beyond being able to access citizenship and the corresponding operational impact on citizenship proofs and passports.

Recommendations:

1. C-3 (3) (a) (ii), (3) (b) (ii), (4) (a) (ii) and (4) (b) (ii) be amended to include a comparable residency requirement as new citizens: have lived in Canada for at least 3 out of the last 5 years (1,095 days), but with the change that the requirement be within any five year period, i.e. “been physically present in Canada for at least 1,095 days during any five year period” as per 5 (1) (c) (i) of the Citizenship Act;
2. IRCC to prepare and share estimates of the number of descendants affected by this change and the operational impact and numbers of additional citizenship proofs and passports;
3. IRCC to prepare and shared estimates of those likely to use the simplified renunciation process along with the related operational impact and costs; and,
4. IRCC to include in open data the monthly numbers of citizenship proofs issued by country of residence.

Bill C-3, which replaces the previous parliament’s identical C-71, sets out to allow Canadians to pass on their citizenship to any of their children born abroad past the first generation and expands “Lost Canadians” to cover a much larger number than before. The government’s response to the 2023 ruling by the Ontario Superior Court of Justice goes beyond what is needed by placing no time limit on which second-generation and beyond descendants of Canadians have to meet the residency requirement of 1,095 days (the “substantial connection test”).

In contrast, permanent residents applying to become citizens must have: “been physically present in Canada for at least 1,095 days during the five years immediately before the date of their application.”

This lack of a timeframe for meeting the critical requirement for passing on citizenship to descendants suggests the government has failed to fully consider the implications of such an open-ended condition.

During testimony by former IRCC Minister Miller and officials during the [Senate pre-study](#)ⁱ of Bill C-71, Miller and officials explained that the reason for not having a time limit was the concern that “we would create another series of “Lost Canadians.” The open-ended time requirement was intended to be facilitative, to also allow for those that “come to Canada to study

every summer or visit their grandparents so they have built up that connection to Canada over many years and not in a short time frame.”

Moreover, testimony revealed that the government relied on the relatively low numbers of previous cohorts of “Lost Canadians,” some 20,000 since 2009, or about the current 35 to 40 annually. Miller stated, “It’s sure to go up, but I don’t think there are these wild scenarios where we’ll have hundreds and thousands of people.”

These assertions contrast with how the proposed changes are perceived abroad. [Media in India](#)ⁱⁱ characterize Bill C-71/C-3 as legislation that “will open up the chain of citizenship without end as long as the parents have spent at least 1,095 cumulative days,” echoed in recent headlines: [Canada's new bill to grant citizenship to thousands of people](#).ⁱⁱⁱ Other international media characterize the Bill as: [Canada Introduces New Citizenship Reform With Bill C-3, Opening Doors For Global Travel And Family Connections](#).^{iv}

Given that IRCC has not to date provided the estimated numbers and impact apart from these general statements, how many potential members of the second generation born abroad are likely to avail themselves of Canadian citizenship?

The number of people potentially affected is significant.

The number of people potentially affected [is significant](#).^v There are an estimated four million Canadians living outside Canada. About half of them were born abroad.

As of 2017, two-thirds of them lived in the U.S., with another 15 per cent in the U.K., Australia, France, and Italy – the total living in all other countries has unsurprisingly risen from 14 per cent in 1990 to 20 per cent in 2017.

This trend is significant in the context of Bill C-3: for second- and subsequent-generation expatriates in the U.S., EU, and other politically stable places, seeking Canadian citizenship may not be a priority. It is likely a higher priority for those in other countries with less secure conditions.

Expatriates, as a whole, are older than Canadians living in Canada – 45.3 years old compared to 41.7. But citizens by descent are much younger, at an average age of 31.7. Annex A provides a detailed analysis of the likely numbers that will be affected.

Without an established timeframe, it will be more challenging for applicants to submit proof of residency, just as it will be challenging for the government to verify residency and predict citizenship acquisition year over year.

It may also provide opportunities for longer-term sophisticated foreign interference efforts by countries like China and India by exploiting descendants who can acquire Canadian citizenship in their recruitment strategies. No security or criminality checks are currently required for the first generation born abroad, and the same logic would apply to subsequent generations covered by C-3.

Consider these scenarios:

My grandson was born in Europe. He cannot pass down Canadian citizenship to any future child. Under C-3, he would have that right, but only after first spending 1,095 cumulative days in Canada. One strategy would be to attend a Canadian university and accumulate most or all of the 1,095 days while getting a degree.

Consider a Canadian born abroad who maintains a cottage in Canada and spends summers there. Spending eight weeks a year in Canada, it would take nearly 20 years to acquire the right to give their descendants Canadian citizenship.

For second-generation Canadians who spend most of their life abroad, the road is even longer. Perhaps they make occasional trips to Canada, accumulating days to meet the 1,095-day requirement. But they would not likely meet the threshold unless they choose to return permanently in retirement.

Many descendants who are temporary residents either through a job transfer or as spouses of skilled workers or students would likely meet the physical-presence requirement. Temporary foreign workers on seasonal or short-term contracts, on the other hand, would likely not meet the requirement.

The first scenario is the easiest both for the person claiming Canadian citizenship and for IRCC to administer as it would be within a relatively short defined time period. The latter situations are inherently more complex for applicants and IRCC alike. The shift from the proposed open-ended cumulative to the simpler time-limited cumulative physical presence requirement would be compatible with Justice Akbarali's ruling and would not have undue impact on women.

Concluding observations

As we have seen from the [low numbers of expatriate voting](#)^{vi} in Federal general elections, the limited number of citizenship proofs by "lost Canadians," the limited [number of non-resident tax returns](#),^{vii} along with passport data, all confirm that the number of expatriates with a formal or behavioural connection to Canada is much smaller than the total estimated number of expatriates.

What is unknown is just how many Canadians of descent, in the second and subsequent generations, will want to meet the residency requirement in order to regain Canadian citizenship. The examples above suggest that it will likely be significantly less than predicted by advocates and others—many "lost Canadians" may not be interested in being "found." Bill C-3 in fact acknowledges that some from countries that prohibit dual citizenship may thus not wish to avail themselves of Canadian citizenship, by providing a simplified renunciation process.

This likely reflects that many expatriates are settled in their country of residence where their life is centred. For those living in countries like the USA, UK, and Australia, there may be limited advantages to maintaining a Canadian passport compared to other countries whose passports provide limited visa-free travel.

That being said, the potential impact of Bill C-3 could be potentially large and significantly affect workload and affect the current citizenship proof [average processing time](#)^{viii} of 5 months for applications from within Canada and from the USA (applications from elsewhere “may take longer”).

IRCC and Statistics Canada need to provide more precise estimates of the number of persons likely affected and the resulting operational impact on citizenship and passport processing during the committee review of C-3 in terms of the incremental workload and resources required. These estimates should also include numbers likely to avail themselves of the simplified renunciation process. As noted earlier, testimony during the Senate pre-study confirmed that no comprehensive analysis had been carried out.

This analysis could be based upon the Parliamentary Budget Office estimate that around [115,000 persons would be affected](#)^{ix} over the five years following the coming into force of the bill. This is based upon the assumption that all would apply during the first year of becoming eligible. The PBO estimates the cost at \$20.8 million.^x Given the uncertainties flagged in the PBO report, and that it doesn’t distinguish between those who immediately would meet the residency test, and those who might do so over different periods, it would be useful for IRCC and Statistics Canada to provide an estimated range of the second generation and beyond that would be affected by C-3 to better assess the potential impacts. Moreover, this analysis has to include the operational impact of those applying for the simplified renunciation process, which will likely include major source countries that formally prohibit dual nationality such as India and China.

The analysis in Annex A provides an illustration of the kind of analysis needed in order to assess implications. Indeed, during [second reading of Bill C-71](#) and [Bill C-3](#),^{xi} some Members raised the need for estimates on the number of people likely to be impacted and the operational impact that could have on IRCC operations. IRCC does not currently meet its [citizenship grant service standard](#)^{xii} of 80 percent, with only 65 percent of grants issued within the standard of 12 months and thus having serious estimates of the numbers and impact on operations is necessary. Also, IRCC should provide estimates of additional staff required so that the current service standard doesn’t deteriorate even more.

It would also be helpful for the IRCC analysis to look at the broader impact on other policy areas given that we have seen this failing to identify corollary impacts of overall immigration policy and program development.

Arguably, as noted in Indian media, this change moves Canada closer to a hybrid *jus sanguinis/jus soli* regime, as it will make it possible for families to maintain intergenerational Canadian citizenship through different scenarios, which currently is not possible.

It may also provide opportunities for longer-term sophisticated foreign-interference efforts by countries like China and India by exploiting descendants, who can acquire Canadian citizenship, in their recruitment strategies. Citizens by descent in the first generation are not subject to criminality or security checks as they have the right to citizenship. The same would apply to subsequent generations under C-3. There may well be criminal or security concerns with some claimants of Canadian citizenship under C-3 and the committee would benefit from hearing from government security experts on the extent of possible risks and whether having a five-year time limit reduces those risks.

The potential impact of Bill C-3 could be potentially large. All facts should be thoroughly considered before the government establishes a new citizenship pathway.

In the broader sense, citizenship policy is about striking the balance between facilitation, making it easier to become citizens and thus fully participate in the political life of Canada, and meaningfulness, ensuring that becoming Canadian is a significant step in the integration journey for both applicants and Canadian society as a whole.

In my view, the physical presence requirement should be time-limited to five years, just as it is for new Canadians, but for any five-year period, not just immediately before making an application, or cumulative residency within a five-year period. By implementing two different time requirements: 5 years vs. no time limit, the Bill would create two different categories of Canadians.

Canadian citizenship is a precious gift. At the committee stage, members of Parliament must be able to fulsomely examine the implications, both good and bad, of an open-ended residency requirement and seriously consider the option of establishing a specific time frame of five years within which to accumulate the required 1,095 days to qualify for Canadian citizenship.

Recommendations

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Annex:

C-3: How many are likely to be affected?

When Minister Metlege Diab introduced Bill C-3, which, if approved, will allow second and subsequent generations born abroad to transfer Canadian citizenship to their children, she presented [no data on the number of people that would be affected](#).^{xiii} Judge Akbarali, who ruled that the first generation cut-off violated constitutional rights, cited an [estimated 170,000 women were affected by the cut-off](#)^{xiv} whereas lawyer Sujit Choudry estimated that the current law violates the rights of [“at least 1.48 million Canadians.”](#)^{xv}

As noted earlier, during testimony by former IRCC Minister Miller and officials during the [Senate pre-study](#)^{xvi} of Bill C-71, Miller and officials explained that the reason for not having a time limit was the concern that “we would create another series of “Lost Canadians.” The open-ended time requirement was intended to be facilitative, to also allow for those that “come to Canada to study every summer or visit their grandparents so they have built up that connection to Canada over many years and not in a short time frame.”

Moreover, testimony revealed that the government relied on the relatively low numbers of previous cohorts of “Lost Canadians,” some 20,000 since 2009, or about the current 35 to 40 annually. Miller stated, “It’s sure to go up, but I don’t think there are these wild scenarios where we’ll have hundreds and thousands of people.”

Given that having credible estimates is key to understanding the policy and operational impact of this change, this analysis uses a mix of Statistics Canada estimates, data and analysis along with Canadian passport data to provide a more accurate assessment of the number potentially affected.

The starting point is the [overall number of expatriates, estimated by Statistics Canada](#)^{xvii} as four million, two million of whom are by descent. There is no breakdown of how many of these are themselves children of Canadians born abroad. Two-thirds are living in the USA, with another 15 percent in the UK, Australia, France, and Italy (2017), but the number living in other countries, reflecting Canadian immigration, has increased from 14 percent in 1990 to 20 percent in 2017.

Much of the [legal challenge focussed on the greater impact on women](#)^{xviii} who may become pregnant while establishing their careers living abroad.^{xix} Of the one million women expatriates by descent, about 500,000 are between the ages of 15 and 44, the main childbearing ages. Figure 1 provides the breakdown by age cohort and related Canadian fertility rates, which assumes all expatriate women are themselves born to expatriate parents, along with an alternative assumption that only 50 percent are. The reality is likely somewhere between the two. Assuming expatriate fertility rates track Canadian fertility rates, an estimated 20,000 children are affected, or 10,000 in the case of the alternative assumption.

If we make similar assumptions regarding Canadian men by descent but married or partnered with Canadian women, the overall numbers would be approximately doubled.

Figure 1: Canadian Women by Descent by age cohort and fertility rate

	All grandparents born abroad		50% grandparents born abroad		
Age	Number	Children	Number	Children	Fertility
15 to 19	57,552	253	28,776	127	4.4
20 to 24	75,487	1,872	37,744	936	24.8
25 to 29	92,424	2,717	46,212	1,359	29.4
30 to 34	96,900	9,564	48,450	4,782	98.7
35 to 39	89,537	4,978	44,769	2,489	55.6
40 to 44	84,171	1,061	42,086	530	12.6
Total	496,071	20,445	248,036	10,223	39.6

Passports

Justice Akbarali's judgement stated that "[there is no evidence to demonstrate that there are citizens without a connection to Canada.](#)"^{xx} However, the number of passports issued at missions abroad or by mail to the USA, combined with the above Statistics Canada study, provides a reasonable proxy of how many expatriates maintain a formal connection to Canada.

IRCC passport data has a number of limitations. It only refers to where the passport was issued, not to where the holder is residing, whether the holder is a citizen by birth or naturalization, or is a citizen by descent. Figure 2 provides the breakdown by age group and passport validity.

Figure 2: Regular Passports by Validity and Age Group in Circulation Abroad, 31 July 2024

Type/Age Group	Validity	Number	Percent
0-2 (Child)	Less than 5 years	9,482	1.0%
0-2 (Child)	5-year	27,743	2.9%
3-15 (Child)	Less than 5 years	1,550	0.2%
3-15 (Child)	5-year	180,367	18.9%
Child Total		219,142	22.9%
16+ (Adult)	Less than 5 years	2,569	0.3%
16+ (Adult)	5-year	42,100	4.4%
16+ (Adult)	10-year	691,148	72.4%
Adult Total		735,817	77.1%
Total		954,959	

Only passports issued to children under 2 can all be assumed to be citizens by descent (first generation born abroad, and thus unable to transmit their citizenship to their offspring under the current cut-off). Close to 40,000 children are in this group.

With respect to children older than 2 and adults, a reasonable assumption would be the Statistics Canada estimate that 50 percent of expatriates are citizens by descent and thus C-3 could potentially affect approximately 450,000 persons. Similarly, if we assume similar demographics as Canadian residents with respect to women being between 15 and 44 (about 47 percent), the number of women affected would be around 90,000. Using Canadian fertility rates, this would mean around 4,000 children would potentially gain citizenship.

These numbers are theoretical maximum numbers, as for some, particularly longer-term expatriates living and integrated into more stable political and economic environments, maintaining Canadian citizenship for the second generation and beyond may not be a priority compared to more recent expatriates in less stable environments. The large difference in the numbers of estimated expatriates and actual passport holders supports this hypothesis.

The location of passports issued overseas largely matches countries identified in the Statistics Canada report, with the top 10 countries being the USA, Hong Kong, UK, China, Australia, UAE, Mexico, France, Lebanon, and Taiwan, accounting for 66 percent of all passports (the USA itself accounts for 19 percent). Figure 3 provides the country breakdown for the top 25 countries for the past 10 years.

In general, countries that reflect more recent waves of immigration tend to have higher percentages of child passports. While this data does not distinguish between expatriates born in Canada and those by descent, it is likely that a greater percentage of child passports are those by descent, and thus most likely to be affected by the current cut-off.

Figure 3: Country Totals of Passports Issued 2014-23

	Adult	Child	Adult	Child	Total	% Total
USA	87.1%	12.9%	438,487	65,190	503,677	28.6%
Hong Kong	70.2%	29.8%	117,474	49,812	167,286	9.5%
United Kingdom	78.8%	21.2%	86,223	23,160	109,383	6.2%
China	49.4%	50.6%	34,745	35,547	70,292	4.0%
Australia	74.5%	25.5%	50,514	17,293	67,807	3.8%
United Arab Emirates	50.0%	50.0%	29,328	29,290	58,618	3.3%
Mexico	66.5%	33.5%	32,665	16,441	49,106	2.8%
France	71.8%	28.2%	33,380	13,120	46,500	2.6%
Lebanon	58.3%	41.7%	26,059	18,626	44,685	2.5%
Taiwan	65.5%	34.5%	27,040	14,234	41,274	2.3%
Germany	71.7%	28.3%	22,544	8,919	31,463	1.8%
Saudi Arabia	42.5%	57.5%	13,081	17,680	30,761	1.7%
Switzerland	65.9%	34.1%	18,187	9,413	27,600	1.6%
Pakistan	46.5%	53.5%	11,601	13,357	24,958	1.4%
South Korea	71.4%	28.6%	16,148	6,473	22,621	1.3%
Israel	67.0%	33.0%	14,778	7,269	22,047	1.3%
India	52.9%	47.1%	11,655	10,387	22,042	1.3%
Philippines	58.8%	41.2%	12,358	8,644	21,002	1.2%
Italy	81.1%	18.9%	16,904	3,933	20,837	1.2%
Greece	81.0%	19.0%	14,058	3,298	17,356	1.0%
Japan	63.9%	36.1%	10,761	6,076	16,837	1.0%
Thailand	73.5%	26.5%	12,041	4,349	16,390	0.9%
New Zealand	77.5%	22.5%	12,593	3,659	16,252	0.9%
Turkey	58.9%	41.1%	9,070	6,317	15,387	0.9%
Egypt	54.5%	45.5%	7,978	6,666	14,644	0.8%
Other	71.0%	29.0%	200,989	82,169	283,158	16.1%
Total	72.7%	27.3%	1,280,661	481,322	1,761,983	

Methodology

Statistics Canada methodology, medium scenario, is used in their citations. Fertility data is from [Fertility in Canada, 1921 to 2022](#), Table 6.^{xxi} The analysis focuses on women given the court ruling, but one can assume that the numbers could be doubled for Canadian men by descent married or partnered with non-Canadian spouses in the same age cohorts. The number would likely be smaller as some Canadian men by descent may be married or partnered with Canadian women by descent.

IRCC provided the data on the number of valid passports in circulation. Country data was provided in a separate data set that refers to the service delivery location, not immigration source country, nor whether passport holders were born in Canada or claimed citizenship by descent, and does not perfectly match the number of currently valid passports in circulation.

Andrew Griffith is the author of *“Because it’s 2015...” Implementing Diversity and Inclusion*, [Multiculturalism in Canada: Evidence and Anecdote](#) and [Policy Arrogance or Innocent Bias: Resetting Citizenship and Multiculturalism](#) and is a regular media commentator and blogger ([Multiculturalism Meanderings](#)). He is the former Director General for Citizenship and Multiculturalism and has worked for a variety of government departments in Canada and abroad and is a fellow of the Environics Institute.

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- i Senate. [Bill C-71, An Act to amend the Citizenship Act \(2024\)](#). 5 December 2024.
- ii The Times of India. [Canada set to lift restrictive citizenship by descent norms; Indian diaspora to benefit say experts](#). 24 May 2024.
- iii The Economic Times. [Canada's new bill to grant citizenship to thousands of people](#). 6 June 2025.
- iv Travel and Tour World. [Canada Introduces New Citizenship Reform With Bill C-3, Opening Doors For Global Travel And Family Connections](#). 6 June 2025.
- v Statistics Canada. [The Canadian diaspora: Estimating the number of Canadian citizens who live abroad](#). 13 April 2022.
- vi Elections Canada. [Data on special ballot voting kits](#). [The 45th Federal Election by the Numbers](#). Downloaded 10 August 2025. About 102,000 voting kits were issued to Canadians abroad in the 2025 election with about 57,000 returned (56 percent).
- vii CRA. [Income Statistics 2023 \(2021 tax year\) Table 1](#). 2023 (2021 tax year).
- viii IRCC. [Citizenship certificate \(proof of citizenship\)](#). 6 August 2025.
- ix Parliamentary Budget Office. [Amending the Citizenship Act \(2024\)](#). 19 December 2024.
- x Parliamentary Budget Office. [Amending the Citizenship Act \(2024\)](#). 19 December 2024.
- xi Hansard. [House of Commons Debates](#). 16 September 2024 and Hansard. [House of Commons Debates](#). 15 September 2025.
- xii IRCC. [Citizenship grant \(becoming a Canadian citizen\)](#). Downloaded 10 August 2025.
- xiii Hansard. [House of Commons Debates](#). 19 June 2025.
- xiv Toronto Star. [Court grants Trudeau government extension to fix 'lost Canadians' citizenship rules — with a catch](#). 20 June 2024.
- xv CBC. [Court grants government another extension to fix unconstitutional citizenship law](#). 20 June 2024.
- xvi Senate. [Bill C-71, An Act to amend the Citizenship Act \(2024\)](#). 5 December 2024.
- xvii Statistics Canada. [The Canadian diaspora: Estimating the number of Canadian citizens who live abroad](#). 13 April 2022.
- xviii [Bjorkquist et al. v. Attorney General of Canada, 2023 ONSC 7152 \(CanLII\)](#). 19 December 2023.
- xix [Bjorkquist et al. v. Attorney General of Canada, 2023 ONSC 7152 \(CanLII\)](#). 19 December 2023.
- xx Ibid.
- xxi Statistics Canada. [Fertility in Canada, 1921 to 2022](#). 31 January 2024.