



Strengthening Canadian Citizenship Act

Summary

Bill C24 was sponsored and introduced for reading in February of 2014 by the Minister of Citizenship and Immigration Chris Alexander. As outlined in the Bill from the 41st Parliament, 2nd Session, "this enactment amends the Citizenship Act to, among other things, update eligibility requirements for Canadian citizenship, strengthen security and fraud provisions and amend provisions governing the processing of applications and the review of decisions."

The Bill includes amendments to eligibility requirements, security and fraud provisions, and the application review process. Additionally, the enactment would make amendments to both the Federal Courts Act and the Immigration and Refugee Protection Act.

The enactment has been through session seven times since May 28, 2014, and was passed on June 19, 2014. The bill has now received Royal Assent and has become law.

Notable Revisions

Bill C24 is, according to Minister Alexander "the first comprehensive reforms to our citizenship act in more than a generation, since 1977."¹ Many groups in Canada have submitted opinions regarding the significant revisions Bill C24 proposes, including the Canadian Council for Refugees, Amnesty International, Canadian Association of Refugee Lawyers, and the Canadian Bar Association. Below is a summary of some notable revisions Bill C24 proposes²:

- Change in authority to grant citizenship, authority will be granted at a departmental level rather than federal.
- Removal of appeal process if a citizenship application is denied. There will no longer be the opportunity to appeal to the Federal Court to challenge the decision.
- Expanded grounds for citizenship revocation.
 - Revocation of citizenship is authorized if naturalized citizens are convicted of unlawful acts, such as treason, espionage, or terrorism. Authority is granted to the Minister of Citizenship and Immigration and will include a notice of intent to revoke citizenship, response by the affected party, and a final decision made by the Minister. Revocation of citizenship could negatively impact dual nationals encountering exile.
 - Citizenship revocation would apply to all those born in Canada presumed able to claim citizenship in another state through one of their parents.

¹ <https://www.onlineparty.ca/issue.php?ISSUEID=821>

² As referenced in the CBA submission on Bill C24 <http://www.cba.org/cba/submissions/pdf/14-22-eng.pdf>



- There will no longer be a hearing from the Federal Court in the event of an appeal to revocation. The decision is handed down in entirety by the Minister of Citizenship and Immigration.
- Extended physical residency requirements to 1460 days (four years) in six years, with the requirement that the applicant reside in Canada for at least 183 days during each of the four calendar years within six.
- Requires the applicant to have submitted tax returns, requiring the applicant to submit income tax information for citizenship consideration.
- Recognition of “lost Canadians” under the 1946 Citizenship Act
- Minister can suspend the processing of applications at any time while supporting information or documentation is gathered.
- Authorized representatives will be regulated by the Ministry of Citizenship and Immigration to avoid misrepresentation and fraud.
- Retroactive recognition of citizenship by revoking the First Generation Limitation.
- Bill-C24 does not address the issue of statelessness, in the case a person board outside of Canada is not eligible for citizenship in the country of birth.
- Intent to reside clause proposes that all applicants must satisfactorily prove their intention to reside in Canada permanently, limiting their mobility consequently creating classes of citizenship.

Support and Derision

Bill C-24 has incited much debate as it is the first reform to Canada’s citizenship act in more than 40 years. The bill was introduced from the Conservative Party and was supported in Parliament to attain Royal Assent, with 52 yeas and 29 nays, excluding 2 abstentions³. It is worthwhile to note that, upon reading the transcript of the June 19, 2014 hearing, some Parliament members were hesitant to approve the bill and refused to support it further. According to the Hon. Jane Cordy⁴,

“This bill has been brought forward with little consultation. As Senator Eggleton said in his second reading speech, when major changes were made to the Citizenship Act in 1977 there was a white paper along with cross-Canada forums. In 2014, on the other hand, the Senate received the bill on June 16 and wants to pass it on June 19. I believe it is unfortunate that a bill of such importance, which will almost certainly be challenged in our court system, hasn’t had a proper sober second look by this chamber.

Bill C-24 most certainly updates some of Canada’s citizenship policies, which I support, but I am equally concerned with aspects of this bill that provide expanded and overreaching powers to the Minister and the Department of Citizenship and Immigration. Also

³ Under section 1610 of the Chamber Notes http://www.parl.gc.ca/Content/Sen/Chamber/412/Debates/075db_2014-06-19-e.htm?Language=E#46

⁴ http://www.parl.gc.ca/Content/Sen/Chamber/412/Debates/075db_2014-06-19-e.htm?Language=E#46



worrisome is the potential of this bill to discriminate and essentially create second-class Canadian citizens, not to mention the untested constitutionality of some of the clauses in this bill.

Honourable senators, Canadian citizenship is truly a great privilege, whether you were born in Canada or whether you have chosen to make Canada your country. Let's not create a second class of Canadian citizenship.

Honourable senators, I'm unable to support this bill without the excellent amendments put forward by Senator Eggleton, which will make Bill C-24 a better bill."

Testimony was also given by the Canadian Bar Association, advising on potential amendments to the bill to clarify the language and authority⁵. Additional testimony was heard from attorney Rocco Galati, who warned against passing the bill without accepting amendments proposed by the CBA, human rights groups, and himself. According to Federal Court documents submitted less than a week after the Royal Assent⁶, Mr. Galati, with Manuel Azevedo, and the Constitutional Rights Centre Inc., has now filed a notice of application to quash the Royal Assent to Bill C24 and prohibit any deportation or revocation of citizenship of any Canadian-born citizen, arguing that "the Governor-General went beyond authority, under the Royal Assent Act, S.C. 2002, c.15, as well as beyond his constitutional authority...in giving Royal Assent to a Bill, which, beyond the legislative competence of the Federal Parliament, purports to revoke the citizenship of Canada-born citizens⁷." Further, the application asserts that the Federal Parliament has no legislative authority to revoke, remove, or annul, citizenship status of any Canadian-born citizen. It is also indicated that deportation of a Canadian-born citizen to a country that may persecute them is a crime against humanity under Crimes Against Humanity and War Crimes, S.S. 2000, c.24.

Mr. Galati's application⁷ is the first argument on the constitutionality of the bill, and the Canadian Association of Refugee Lawyers has stated its intention to challenge the measure in court. According to Lorne Waldman of the Canadian Association of Refugee Lawyers, "We are profoundly disturbed by a bill we see as flawed and full of serious legal problems and violations of Charter rights...we see an extreme risk here that we are going to create two classes of citizens: those who have mobility right and those who do not⁸."

Additional resistance from Amnesty International has been expressed in a recent publication of their concerns regarding the bill⁹. Amnesty International argues that,

⁵ A full report of the CBA's recommendations can be found here <http://www.cba.org/cba/submissions/pdf/14-22-eng.pdf>

⁶ http://www.huffingtonpost.ca/2014/06/25/bill-c-24-citizenship-act-rocco-galati-chris-alexander_n_5530582.html

⁷ Copy of application <http://www.cbc.ca/news/politics/rocco-galati-launches-lawsuit-over-citizenship-act-changes-1.2687221>

⁸

http://www.thestar.com/news/immigration/2014/06/19/conservative_governments_citizenship_bill_faces_legal_challenge.html

⁹ Full text available http://www.amnesty.ca/sites/default/files/c24_brief_amnesty_international_canada.pdf



"In Amnesty International's view the proposed new revocation provisions are divisive and buy into and promote false and xenophobic narratives about "true" Canadians and others, which equate foreignness with terrorism. This will have a detrimental impact on the environment in which many Canadians of foreign origin or certain racial/ethnic/religious groups of Canadians will be able to enjoy their human rights on the basis of equality. Government legislation should instead focus on eliminating such stereotypes, consistent with Canada's duty to fulfil the right to non-discrimination under international human rights law."

Response from Minister Alexander to human rights groups and law activists did not mince words: "It is shameful that activist immigration lawyers, who never miss an opportunity to criticize our government's citizenship and immigration reforms, are attempting to drum up business by promoting the interests of convicted terrorists and serious criminals over the safety and security of Canadians." Minister Alexander has been noted to be increasingly defensive of the legislation as it has been encountering steady resistance from the public and government representatives.

Amnesty International Canada Secretary General Alex Neve insists that "this has ramifications far beyond what happens or does not happen to one individual in a revocation hearing. It more widely exposes Canadians to discrimination based on their national origin⁸."

Implications for Settlement and Integration

Newcomers to Canada will be facing increased barriers as Bill C24 has been made into law. Settlement and integration provision will be impacted at the client facing level, and will ultimately need to consider further internal collaborations with service providers in their areas. Particularly, service providers in settlement and integration should consider the following opportunities:

- **Professional networks and pre-arrival services:** With the new provision in the citizenship act regulating authorized representation, it is important for settlement and integration agencies to have an understanding of legal resources in their communities. Pre-arrival inquiries will potentially increase, particularly in regards to attaining legal counsel in efforts to prepare for their arrival in Canada. It is important for agencies to enhance professional networks with immigration attorneys, local human rights groups, and national legal bodies working directly with newcomer law.
- **Agency capacity:** the nature of newcomer inquiries may change as awareness of the new law expands to the public and potential newcomers. Agency capacity will need to increase in order to provide knowledgeable services to clients. The revised residency requirements will pose potential confusion as permanent residents prepare to apply for their citizenship. Agency capacity and increased professional networking will assist in processing client inquiries in a timely manner, allowing clients to better prepare for their citizenship application.
- **Diversified funding streams:** Both agency capacity and increased services will require a diversification of funding streams. It is important for agencies to consider where they can best assist both clients and provincial and federal governing bodies under the new citizenship act. Agencies have an opportunity to provide capacity during this transitional period. It will be important to connect with agency funders at the government level to understand where agencies can strategically apply their expertise and services.



- **New residency requirements:** Many agencies have a cap regarding who can access their services (i.e. newcomers in Canada less than three years). The new legislation offers an opportunity for agencies to expand their services as to assist clients throughout their transition from newcomer to permanent resident to citizen. Settlement and integration agencies are well-positioned to facilitate smooth transitions for both clients and governing bodies. Citizenship preparation will be an important service to expand upon, particularly considering the significant amendments Bill C24 has proposed.

While the new legislation posits drastic changes to the existing immigration model, settlement and integration agencies have a responsibility to their clients to foster a positive transition experience. These areas of growth and an understanding of the new bill implications will allow agencies to best assist clients at the ground level. Policy changes and amendments may yet arise from the upcoming legal challenges the bill has faced. Stay up to date on changes and implications by following AAISA's Twitter feed, or by referring to the AAISA website for updates.

Disclaimer: This report has been drafted, compiled, and reviewed by the AAISA Research Committee and staff person. It has not been sanctioned by any government agency representatives and should be confirmed as appropriate.



A MESSAGE FROM **aaaisa**
ALBERTA ASSOCIATION OF IMMIGRANT SERVING AGENCIES

AAISA is dedicated to providing current, evidence-based research and policy updates to its Alberta member agencies and stakeholders. The Research and Policy Brief project serves to offer a detailed account regarding the issues directly facing the settlement sector across our province. Our goal is to offer our members and stakeholders the best information available to enhance and inform their practice.

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