



Chapter 4 - Area of Selection

CANADIAN CITIZENS RESIDING ABROAD - RECRUITMENT FROM OUTSIDE

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Applicable Legislation

[Subsection 13.\(1\)](#) of the Public Service Employment Act (PSEA) allows the Commission to determine criteria (geographic, organizational and occupational) that prospective candidates must meet in order to be eligible for appointment.

[Subsection 16.\(4\)\(c\)](#) of the PSEA states that, in open competitions, the Commission may confine its selection of qualified candidates to Canadian citizens where there is a sufficient number of such applicants.

[Subsection 17.\(4\)\(c\)](#) of the PSEA states that, in open competitions, the Commission shall select and place, qualified candidates in order of merit, in the following order: veterans or survivors of veterans, Canadian citizens.

Background

Area of selection and the eligibility of Canadian citizens residing abroad has been a subject of great public and media interest. Subsequently, we have reviewed our position concerning this issue.

Citizenship is not in itself a geographic, organizational or professional criteria, if a literal interpretation is given to subsection 13(1) of the PSEA. However, if an interpretation of subsection 13(1) is given based on values entrenched in the whole Act, it is possible to justify the use of citizenship in determining areas of selection, as citizenship is a value recognized in sections 16 and 17 of the PSEA. Furthermore, the Supreme Court of Canada has ruled in *Lavoie and Bailey*, that the preference accorded to Canadian citizens as outlined in the PSEA is acceptable under the provisions of the [Canadian Charter of Rights and Freedoms](#).

Operational Policy

The possibility now exists to open competitions to Canadian citizens residing abroad, without having an "international" area of selection. These prospective candidates are included in open selection processes that have a "national" area of selection. The following wording should be used to describe a national area of selection:

Open to: "Persons residing in Canada and Canadian citizens residing abroad."

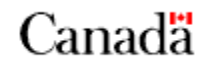
In exceptional circumstances, the area of selection could also include persons employed in Canada. In those special situations, the wording to describe the national area of selection would be "Persons residing or employed in Canada and Canadian citizens residing abroad."

When such an area of selection is used, we recommend to include, on the competition poster, a statement to the effect that costs of travel to interviews and relocation are the responsibility of applicants.

The notice should state that if a sufficient number of qualified Canadian citizens apply, selection may be confined to those candidates only.

Last updated: 2004-01-12

http://www.psc-cfp.gc.ca/staf_dot/pol-guid/chap_04/7_e.htm

The logo for the Government of Canada, featuring the word "Canada" in a serif font with a small Canadian flag above the letter 'a'.