



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

Citizenship Policy Manual

CP 1

Citizenship Lines of Business

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Canada

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Updates to chapter

Listing by date:

Date: 2007-05-18

- Updates throughout the chapter reflect Citizenship and Immigration Canada's 2006 departmental reorganization, that is, the split of policy and operations sectors, as well as the creation of the Citizenship Branch and the Operational Management and Coordination Branch.

2005-09-22

- Table of contents has been added to pdf version.
- References to 5(2)(b) have been removed.
- A new section on the 11(1.1) exception has been added.
- A reference to CRS has been replaced by GCMS.
- Option of paying fees through the Internet has been added.

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1. Overview

1.1. This section is about

This section is about:

- the meaning of Canadian citizenship
 - the objective of this manual
 - access to this manual
 - delivery of citizenship services
 - functional guidance
 - commonly used addresses
-

1.2. Meaning of Canadian citizenship

Canadian citizenship means:

- having legal status as a citizen of Canada, as set out in the *Citizenship Act*
 - sharing equally in the rights and responsibilities that belong to each Canadian
 - taking an active role in Canadian society
-

1.3. Becoming a Canadian citizen

Generally, a person becomes a Canadian citizen by:

- being born in Canada
 - in some cases, being born outside Canada to a Canadian parent
 - applying to become a Canadian citizen
-

1.4. Objective of manual

This manual is intended for employees of Citizenship and Immigration Canada (CIC) who are responsible for providing citizenship related services to clients. This manual provides background information on the legislation relevant to citizenship, current policies, and guidelines for the administration of the *Citizenship Act* and *Citizenship Regulations*.

1.5. Access to manual

This manual is provided in electronic format through the department's intranet [CIC Explore]. Parts of this manual is accessible to the general public through CIC's Web site at www.cic.gc.ca.

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1.6. Overview of citizenship program delivery

The citizenship program is delivered through the Call Centre, the Case Processing Centre in Sydney (CPC-S), Nova Scotia, local CIC offices throughout Canada, missions overseas, and the following offices in Ottawa: Case Management Branch (CMB), Citizenship Branch, Citizenship Commission, and the Operational Management and Coordination Branch (OMC). The Informatics Management and Technologies Branch (IMTB) is responsible for the development and maintenance of the Global Case Management System (GCMS) which acts as CIC's electronic processing and database for citizenship services.

Clients access CIC through a call centre located in Montreal. The Call Centre provides answers to general questions about the citizenship process, provides clients with citizenship application kits, and answers client questions relating to active files. The Call Centre is the initial point of contact for CIC clients.

Applications for citizenship services are initially processed by mail at CPC-S. Once the CPC's processing is complete, depending on the business line, files may be forwarded to local offices or overseas missions.

Local office staff complete the process for many applications for citizenship services, and in particular, complete the process for grant of citizenship applications. Any file requiring follow-up is referred to a local office. Citizenship judges in local offices conduct hearings, make decisions on applications, and preside over citizenship ceremonies for clients becoming Canadian citizens. Local office staff come under the direction of Regional Director Generals. Citizenship judges are independent quasi-judicial decision-makers regrouped under the leadership of the Citizenship Commission.

Contentious or special category files are managed by the Case Review Unit in Case Management Branch in Ottawa. Examples of cases referred to this unit: client or Ministerial appeal of a citizenship judge's decision, a client subject to a security, war crime, or organized crime investigation, a request from a citizenship judge to waive citizenship requirements, discretionary grants of citizenship under subsection 5(4) of the *Citizenship Act*, and section 29 (citizenship offences) charges.

Citizenship Branch is responsible for legislative amendments, new policy and program development, intergovernmental and stakeholder relations, as well as research and development of new policy frameworks.

OMC Branch is responsible for the overall management and coordination of citizenship program delivery, including the Call Centre, the Case Processing Centre, and the Citizenship Program Unit and the Quality Assurance Unit in Ottawa. The Citizenship Program Unit within the Citizenship and Immigration Program Delivery (CIPD) Division in OMC Branch is responsible for functional guidance; content of the citizenship policy manual, citizenship applications, forms and publications; and promotional activities. The Director responsible for the CIPD also assumes the responsibilities of the Registrar as delegated by the Minister under the *Citizenship Act*.

1.7. Functional guidance

The Citizenship Program Unit in OMC Branch is responsible for providing functional guidance on citizenship matters to CIC officials in local offices, CMB, and CPC-S, and to consular officials who deliver the citizenship program overseas on behalf of CIC.

Functional direction relates to all matters concerning interpretation of legislation, policies, procedures (other than CPC-S and local office internal procedures), complex cases, and matters such as the Quality Assurance Program. Questions concerning these issues should be directed to nat-cit-operations@cic.gc.ca.

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1.8. Commonly used addresses

Office Name	Address
Case Management Branch Case Review Unit	Citizenship and Immigration Canada 9th Floor, 300 Slater Street Ottawa, ON K1A 1L1
Case Processing Centre-Sydney	Citizenship and Immigration Canada P.O. Box 7000 Sydney, Nova Scotia, B1P 6V6
Citizenship Branch	Citizenship and Immigration Canada 5th Floor, 300 Slater Street Ottawa, ON K1A 1L1
Operational Management and Coordination Branch Office of the Registrar of Canadian Citizenship Citizenship Program Unit	Citizenship and Immigration Canada 14th Floor, 365 Laurier Avenue W. Ottawa, ON K1A 1L1
Public Rights Administration Directorate	Citizenship and Immigration Canada 10th Floor, 360 Laurier Avenue W. Ottawa, ON K1A 1L1

2. Lines of Business

2.1. This section is about

This section is about:

- the various types of citizenship applications
- the requirements for citizenship applications
- general processing for grant applications
- the process steps in a grant application

2.2. Background on application types

Citizenship is a legal status. A person can be a citizen by birth in Canada, by birth outside Canada to a Canadian parent, or by naturalization. Any Canadian citizen may apply for a citizenship certificate (proof of citizenship).

A person who already is a citizen, who has a claim to citizenship, or who requires a document certifying their citizenship status can apply for **proof** of citizenship. In some cases, citizens born outside Canada have to apply to **register and retain** (keep) their citizenship. Persons applying for retention of citizenship receive a certificate of retention in addition to a citizenship certificate. Canadian citizens may **renounce** their citizenship; this means voluntarily giving up the legal status of being a Canadian. Persons who are not Canadian can apply to be **granted** citizenship. There are different grants for different categories of people: persons who were Canadian but lost or renounced their citizenship and persons who were never Canadian. Persons who lost or renounced their Canadian citizenship may apply to **resume** (regain) citizenship. Persons who were never Canadian and have no claim through a parent are granted citizenship. Persons who acquired citizenship by fraudulent means may have their citizenship **revoked** by the Government of Canada. Citizenship records are maintained at CPC Sydney. Any person can apply for a **search of records** to confirm their citizenship status according to CIC records. However, persons who were born in Canada and who never applied for a citizenship certificate should contact the

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Vital Statistics department of their province or territory of birth, as those persons would not be in CIC records as citizens.

Certain requirements must be met before a person can renounce or be granted citizenship. Persons who are granted citizenship take an oath of citizenship and their legal status as citizen takes effect as of the date the oath was administered. Someone who is granted citizenship is a naturalized Canadian. Any person granted citizenship is issued a certificate of citizenship.

A person who renounces his or her citizenship ceases to have the legal status of a citizen as described in the *Citizenship Act* on the day after the application is approved. A certificate of renunciation is issued to the person renouncing citizenship.

2.3. Requirements for various types of applications

The following information is general. See the *Citizenship Act* and *Citizenship Regulations* and chapters 3, 4, 7, 9, 10, and 11 of this manual for details on legislative requirements.

2.4. Application for a grant of citizenship under subsection 5(1) - Adult

Requirements for Canadian citizenship

The Minister of Citizenship and Immigration grants citizenship to applicants who:

- are 18 years old or older (minors may also apply for and be granted citizenship);
- are permanent residents;
- have lived in Canada for three of the four years immediately before applying for citizenship;
- have a knowledge of English or French;
- have knowledge of Canada and of the responsibilities and privileges of citizenship; and
- are not prohibited from being granted citizenship because of criminal prohibitions, because they are under a removal order, or because they represent a security concern.

2.5. Minister can waive some requirements for a 5(1) application

The *Citizenship Act* permits the Minister of Citizenship and Immigration to waive the following requirements for citizenship under certain circumstances:

- Age
- Language
- Knowledge
- Taking the oath
- Residence (if a minor)

2.6. Application for a grant of citizenship under paragraph 5(2)(a) - Minor

Requirements for Canadian citizenship

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The Minister of Citizenship and Immigration grants citizenship to any person who:

- is a permanent resident;
- is the minor child of a citizen [parent can apply at the same time under subsection 5(1)]; and
- is not prohibited from being granted citizenship because of criminal prohibitions, because they are under a removal order, or because they represent a security concern.

2.7. Minister can waive some requirements for a 5(2)(a) application

The *Citizenship Act* permits the Minister of Citizenship and Immigration to waive the following requirement for citizenship under certain circumstances:

- Taking the oath

2.8. Application for a grant of citizenship under subsection 11(1)--Resumption

Requirements for Canadian citizenship

The Minister of Citizenship and Immigration grants citizenship to any person who:

- was a citizen and ceased to be a citizen;
- is a permanent resident;
- has lived in Canada for at least one year immediately before applying for citizenship; and
- is not prohibited from being granted citizenship because of criminal prohibitions, because they are under a removal order, or because they represent a security concern.

Exception under 11(1.1)

Individuals who lost Canadian citizenship as minors between January 1, 1947, and February 14, 1977, when their responsible parent obtained citizenship in another country or renounced Canadian citizenship, no longer need to become permanent residents or reside in Canada in order to be eligible to resume their Canadian citizenship.

2.9. Minister can waive some requirements for an 11(1) application

The *Citizenship Act* permits the Minister of Citizenship and Immigration to waive the following requirement for citizenship under certain circumstances:

- Taking the oath

2.10. Application for citizenship under subsection 11(2)—Election of Canadian citizenship

A woman acquires Canadian citizenship if she:

- was a British subject;
- lost British subject status before 1947 because of her marriage or the acquisition by her husband of a foreign nationality; and
- provides the Minister with a notice in writing, indicating that she elects to be a Canadian citizen.

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2.11. Application to register and retain citizenship under section 8

Requirements to retain citizenship refers to a citizen born outside Canada after 1977 and who is a citizen because a parent was a citizen born outside Canada after 1977 or because a parent was a citizen born outside Canada **before 1977 but registered after 1977**.

This person ceases to be a citizen on his or her 28th birthday unless the person:

- registers as a citizen;
- applies to retain citizenship; and
- has lived in Canada for at least one year immediately before applying for retention or establishes a substantial connection to Canada.

2.12. Application to renounce citizenship under section 9

Requirements to renounce citizenship

Any person may renounce citizenship who:

- is a Canadian citizen;
- is a citizen of another country or will become the citizen of another country by renouncing their Canadian citizenship;
- does not reside in Canada;
- is not prevented from understanding the significance of renunciation because of a mental disability;
- is at least 18 years old; and
- is not prohibited from renouncing citizenship because they represent a security problem.

2.13. Minister can waive some requirements for a section 9 application

The *Citizenship Act* permits the Minister of Citizenship and Immigration to waive the following requirements for renunciation of citizenship under certain circumstances:

- Understanding the significance of renunciation
- Residence outside Canada

2.14. Application for proof of citizenship under section 12

The Minister of Citizenship and Immigration issues a citizenship certificate to any person who applies for proof of citizenship and is a citizen of Canada as defined in the *Citizenship Act*.

2.15. General processing

Direct mail-in to CPC-S

Applications for citizenship services are processed by mail at CPC-S. The applicant mails his or her application, along with the required documents, photographs, and fee directly to CPC-S. If the application arrives in CPC-S without the required fee, CPC-S officials return the application to the

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applicant for the required fee. If the application arrives in CPC-S without the required documents, CPC-S officials contact the applicant for the required documents.

Index check

All applications must be verified against existing citizenship records. CPC-S provides for an in-depth index check when:

- the names or the date of birth on the application and on existing citizenship records do not match
- two or more people have the same name and the same date of birth
- CPC or the local office is unable to determine beyond any doubt that the applicant is or is not the person in previous citizenship or immigration records

Overview of procedures for grant applications

The application is received and a file is created. Clearances are obtained via electronic means at the time the certificate is prepared. Once the certificate is prepared, the file is sent to the local citizenship office.

The local office schedules the client for an assessment on language and knowledge. See **Assessing language and knowledge, written test, oral interview** in chapter 4.

If the judge approves the application, the applicant is scheduled to take the oath at a citizenship ceremony. If the application is not approved by the judge, the applicant is notified of the decision, the reasons for it, and that he or she may apply again when he or she meets the requirements of the Act and/or appeal the decision to the Federal Court - Trial Division. See **Chapter 8 - Appeals**.

After the applicant takes the oath and receives the certificate, the applicant signs the oath form and the citizenship officer countersigns the oath form. The complete file is forwarded to CPC-S for file retirement. In the case of an application that is not approved, the file is held at the citizenship office for 180 days, in case of an appeal. If there is no appeal, the entire file is sent to CPC-S for refund of the Right of Citizenship Fee and file retirement. See **Fees and Refunds** in this chapter.

Process steps for grant applications

Step	Action
1	Applicant for citizenship mails completed application form to CPC-S.
2	CPC reviews the application form to ensure that: <ul style="list-style-type: none">• the form is completed properly• all necessary information is included• the correct fee has been paid
3	CPC reviews documents submitted with the application form. CPC mails applicant a letter: <ul style="list-style-type: none">• confirming that the application has been received• with a copy of A Look at Canada, the guide on which the citizenship test

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	is based
4	Clearances are requested electronically from: <ul style="list-style-type: none"> • Immigration • the Royal Canadian Mounted Police (RCMP) • the Canadian Security and Intelligence Service (CSIS)
5	Immigration, the RCMP, and CSIS check for an immigration record, a criminal record, and a security record for the applicant, to make sure that the applicant is not prohibited from obtaining citizenship.
6	CPC prepares a certificate package and sends it to the CIC office nearest to the applicant's address.
7	The CIC office sends the applicant a letter inviting them to appear on a set date and time to write the citizenship test. In special cases, such as the need for more information about a prohibition or residence, the applicant fails the test, or for an applicant with low literacy or language skills, an interview is scheduled with a citizenship judge.
8	The citizenship judge reviews the application and the test results to determine whether the applicant meets the requirements for citizenship. If the judge does not approve the application, the applicant is told, in writing, that the application has been non-approved, and given the reasons for non-approval. The applicant is told that he or she: <ul style="list-style-type: none"> • can apply again; and/or • can appeal the citizenship judge's decision to the Federal Court.
9	If the judge approves citizenship: <ul style="list-style-type: none"> • the applicant is invited to attend a citizenship ceremony • the applicant takes the oath of citizenship at the ceremony • the applicant receives a Certificate of Canadian Citizenship at the ceremony
10	Completed file is sent to CPC-S for file retirement: <ul style="list-style-type: none"> • File is microfilmed. • Original paper file is destroyed.

3. Fees and Refunds

Related topics: Abandonment and Withdrawal of Applications

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3.1. This section is about

This section is about fees and refunds for citizenship services.

3.2. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
• Section 27	• Section 31

3.3. All applications must include full fee

Accept only applications with the complete fee as specified on the fee schedule at the end of this section. Return applications that do not include the full fee, or that do not have the correct fee.

The fee for services in Canada are paid to a bank before the applicant mails the application to CPC-S. This method of payment is called Handling of Public Money (HPM). See section 3.5 for method of payment for clients residing outside Canada.

3.4. HPM Payment

The initiative Handling of Public Money (HPM), was introduced in June 1998. HPM allows the CPCs to accept payment for citizenship and immigration services through a 'direct deposit' system. Local offices and CPCs no longer handle negotiables (money orders, cheques, cash, credit card payments). The fees are paid to a financial institution which then transfers the funds to the federal government.

For detailed instructions on HPM payment, refer to the instructions attached to application kits.

HPM does not apply to missions abroad.

Kit distribution

Citizenship kits (with the exception of the Application for a Citizenship Certificate from Outside Canada) include the HPM receipt that must be stamped by the financial institution, as well as detailed instructions on how to pay using the HPM process.

As the HPM receipt must be an original with a unique receipt number, it cannot currently be obtained from the Internet. Individuals obtaining their kits from the Internet can order an HPM receipt through CIC's Web site or through the Call Centre. Internet-generated kits will eventually include the HPM receipt.

Types of receipts

Receipt no. 10 (IMM 5401) is included in each application kit and is to be completed by the client. Any additional copies of form IMM 5401 can be obtained by requesting one from a call centre agent or by ordering one on CIC's Web site.

Receipt no. 99 (IMM 5412) is the Insufficient Fee Notice and is used when a client is required to pay additional fees for the services requested. This receipt is provided to the client by CPC-S along with instructions on the HPM method of payment.

If there is no designated financial institution in the area

Fees may be paid by credit card through CIC's Web site.

For clients who do not wish to make payment through the Internet, there is a mail-in service provided by the National Bank of Canada in CIC's name. The address is:

Citizenship and Immigration Canada
P.O. Box 52

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Montreal, Quebec
H2Y 3E9

Upon payment to the address above, the client will receive a stamped HPM receipt from the National Bank of Canada to be attached to the application sent to CPC-S.

3.5. Payment of fees on the Internet

Fees may be paid by credit card through CIC's Web site. A printer will be required as at the end of the payment process, the official CIC receipt must be printed out and attached to the completed application before mailing it in.

For detailed instructions on Internet payment, refer to the instructions attached to application kits.

Some credit cards issued outside North America may not be compatible with the Internet payment system.

3.6. Overseas payments

Clients applying for services from outside Canada and who do not wish to use the Internet payment system (or whose credit cards are not compatible) may also make their payment directly to a Canadian embassy, high commission or consulate which determines an acceptable method (bank/certified cheque, money order, cash). The application processing fee is payable in Canadian funds only. Canadian consular missions may not accept convertible foreign currency.

3.7. Right of Citizenship Fee

In addition to the \$100 processing fee, all 5(1) applications must include the \$100 Right of Citizenship Fee.

3.8. Refunding the Right of Citizenship Fee

Applicants who are denied citizenship get a refund of the Right of Citizenship Fee when the 180 day waiting period has ended and no appeal is filed. If there is an appeal, and it is denied, the fee is refunded. Do not refund the fee if the appeal is allowed and the person becomes a Canadian citizen.

3.9. Time for processing refund

It takes approximately one to three months from the time CPC-S receives the file to process a Right of Citizenship Fee refund. This is in addition to the six-month hold (180-day waiting period) at the local office for files that are non-approved. Applications that are withdrawn may be sent immediately to CPC-S for a refund.

Refunds are mailed to the payer on file.

3.10. Application processing fee

Generally there is no refund of the application processing fee for either grants or proofs. The application processing fee is only refunded if:

- the applicant dies before a decision was made by a citizenship official; or
- the applicant applied for a grant or proof of citizenship on the basis of incorrect information by CIC officials. Documentation supporting the error must be provided.

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3.11. No fee for minors, no refund

As there is no Right of Citizenship Fee for a minor's application, **there is no refund** for applications made on behalf of minors that are refused citizenship. **Do not refund** the processing fee for applications made by or on behalf of minors if the minor's parent is refused citizenship. The application processing fee for minors is not to be held pending a new application by a parent, nor credited towards a later application, when the parents are refused citizenship.

3.12. Applicant applying again must pay fees again

An applicant who is refused citizenship may apply again. If an applicant applies again, all fees must be included with the new application.

3.13. Applicant appeals and applies again

If an applicant appeals a decision refusing a grant of citizenship, the applicant can submit a second application while waiting for the Federal Court's decision on the appeal. The applicant must pay the full fee for the second application.

3.14. Steps to follow if applicant appeals and applies again

The following procedures apply when an applicant submits a second application while waiting for a decision on an appeal:

IF	THEN
applicant appeals the first decision AND if the applicant submits a second application while waiting for a decision on the appeal for the first application AND if the appeal of the first decision is successful AND if the applicant is granted citizenship.	record the second application as being abandoned AND refund only the Right of Citizenship Fee for the second application.
applicant appeals the first decision AND if the applicant submits a second application while waiting for a decision on the appeal for the first application AND the second application is granted before the appeal decision is made	refund the Right of Citizenship Fee for the first application AFTER the applicant withdraws the appeal in writing

3.15. Fee schedule for citizenship services

Application for	Processing Fee	Right of Citizenship Fee	Total Fees
Adult, grant of citizenship, subsection 5(1) of Act	\$100	\$100	\$200

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Minor, grant of citizenship, paragraph 5(2)(a) of Act	\$100	n/a	\$100
Adult and minor, retention of citizenship, registration as citizen, section 8 of Act	\$100	n/a	\$100
Adult only, renunciation of citizenship, section 9 of Act	\$100	n/a	\$100
Resumption of citizenship, subsection 11(1) of Act	\$100	n/a	\$100
Adult and minor, proof of citizenship, section 3 of Act	\$ 75	n/a	\$ 75
Search of records, section 29 of Regulations	\$ 75	n/a	\$ 75