



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# CP 9

## Loss, Resumption, Renunciation, Revocation

## CP 9 – Loss, resumption, renunciation, revocation

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## **CP 9 – Loss, resumption, renunciation, revocation**

### **Updates to chapter**

**Listing by date:**

**Date: 2005-11-04**

This section has been updated to reflect IRPA terminology and include the source of referrals for possible revocation action.

## CP 9 – Loss, resumption, renunciation, revocation

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### 1. Loss of citizenship

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#### 1.1. Related topics

Resumption, renunciation, revocation

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#### 1.2. This section is about

This section is about:

- the Canadian Citizenship Act, 1947, and loss of citizenship
- steps to take in suspected loss of citizenship
- women who lost British subject status before 1947

See [Chapter 14 Appendices: tables on loss of citizenship](#)

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#### 1.3. 1947 Act allowed loss

The Canadian Citizenship Act, in force from January 1, 1947 until February 14, 1977, contained several provisions for automatic loss of citizenship. Loss could occur through naturalization outside Canada, naturalization of a parent, marriage, lengthy absence from Canada, service in foreign military, failure to apply for retention of citizenship, failure to take up residence in Canada by a certain date or age.

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#### 1.4. Requests for clarification of citizenship status

Frequently persons who may have lost their Canadian citizenship make inquiries about their current citizenship status. This inquiry involves the processing of a proof of citizenship form. For many years this process has been referred to as "clarification of status".

##### **Applicants must complete application**

All persons who make formal inquiries and require written confirmation as to their citizenship status must complete the form "Application for Proof of Citizenship" (CIT1-0001) and pay the cost recovery fee set out in the fee schedule of the Citizenship Act. In addition to completing the application and paying the cost recovery fee, the applicant must submit two photographs and relevant documentation. Documents must be originals or certified true copies.

The requirement to submit a proof application with fee, photos and documents applies as well to those persons who suspect that they may have lost their Canadian citizenship and require written confirmation of their current citizenship status.

##### **Citizenship certificate issued to citizens**

Where CPC Sydney determines that the client is a Canadian citizen a Citizenship Certificate will be produce and forwarded to the client.

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### **CPC Sydney informs client of loss of citizenship**

Where CPC Sydney determines that the client was a citizen but has lost citizenship, CPC Sydney will inform the client in writing. The letter will confirm the original claim to citizenship, outline how loss of citizenship occurred and explain the requirements to resume Canadian citizenship.

Where CPC Sydney determines that the client never was a citizen, the client will be provided with a letter stating he/she never was a Canadian citizen. The letter will also explain the requirements to obtain Canadian citizenship.

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#### **1.5. Review applications for loss**

Every application for a citizenship certificate (proof of citizenship) is reviewed to ensure a person applying for a certificate is a Canadian citizen and not subject to any of the loss provisions.

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#### **1.6. Accept application form as being true**

Accept the information on the application form as being true and correct, unless there is reason to believe otherwise.

Persons who make false statements on an application can be charged under section 29 of the Citizenship Act.

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#### **1.7. Applicant must get letter**

If a ruling is needed from another country to determine status under the Citizenship Act, the applicant must obtain the information from the authorities of the country.

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#### **1.8. Need for letter may be waived**

Many Canadians live in the United States. It sometimes takes from eight to nine months to get record letters from the United States. This delays processing of applications for proof of citizenship. The record letters, when received, have always confirmed the applicants' claim that they did not acquire American nationality.

If an officer is satisfied that an applicant has not acquired American nationality, it is not necessary to ask for a letter of confirmation.

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#### **1.9. Minor may not know what parents did**

A person who left Canada as a minor child may not be aware of actions taken by a parent that could have affected nationality. If the parent whose status is being questioned can provide a statement concerning his/her non-acquisition of another nationality, this should be accepted. If there is doubt, ask the person to obtain a letter from the appropriate authorities. A permanent resident card for the USA is acceptable evidence that the person in question did not naturalize as a US citizen.

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#### **1.10. If parents naturalized U.S. citizens, date is important**

When both parents of an applicant are naturalized citizens of the United States, special attention must be paid to the date on which citizenship was acquired.

Under United States law, if both parents are simultaneously naturalized, their minor children automatically become U.S. citizens.

The children may not have proof that they are U.S. citizens because certificates of proof of citizenship are not issued automatically. They may have letters from the United States authorities

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confirming that they are permanent residents of the U.S. when, in fact, they are U.S. citizens. In these cases, it is necessary for the applicant to confirm with USA authorities (Department of Immigration and Naturalization Services) that their parents' naturalization did not entitle their children to USA citizenship.

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### **1.11. Derivation claims, marriage**

Some applicants claim that they acquired other nationalities without taking any formal action, such as by a derivation claim, automatically acquiring another nationality upon marriage.

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### **1.12. Ask for document or letter**

Applicants who claim they are acquired citizenship of another country through no formal action of their own should be asked to provide a document or letter confirming the section of the law under which the nationality was obtained.

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### **1.13. Passport not acceptable**

If the applicant has acquired a foreign nationality, a passport is not acceptable as it does not show when and how foreign citizenship was acquired.

The applicant should either submit a letter from foreign authorities or a certificate of naturalization which indicates when and how foreign citizenship was acquired.

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### **1.14. When loss is determined**

It is possible for persons to have lost Canadian citizenship status without their knowledge. Persons who lost citizenship status may be in Canada without status. Before advising an applicant for proof of citizenship that he/she is not entitled to a certificate,

it is important to ensure all documentary evidence and facts are complete. If CPC-Sydney requires further information or documents, CPC-Sydney will contact the client.

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### **1.15. Two officials must review each loss case**

In cases of loss of citizenship, two CPC-Sydney officials must concur with the decision. If there is no concurrence, the file is sent to the Nationality Law Advisor in Integration Branch for a final decision.

When there is agreement that an applicant for proof of citizenship did lose citizenship, or when the Nationality Law Advisor decides that the applicant did lose citizenship, CPC-Sydney writes to the client explaining the decision.

#### **Women, British subject status**

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### **1.16. Women and loss of British subject status**

British women who married aliens before January 15, 1932 lost British subject status, even though the loss created statelessness.

On January 15, 1932, the Naturalization Act was amended to deal with statelessness. From that date British women retained their nationality unless they acquired their husband's nationality by marriage.

Wives of British subjects who acquired alien nationality during the continuation of the marriage lost British nationality only if they took the new nationality acquired by their husband's alien naturalization.

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### 1.17. Table of countries

Between January 15, 1932 and December 31, 1946, women lost their British subject status if they married nationals of the following countries, or if their husbands acquired the nationality of one of the following countries after the marriage:

Austria	Latvia (Loss occurred up to and including September 6, 1940)
Belgium	Lebanon
China (Loss occurred, if marriage took place on or after February 26, 1939)	Lithuania (Loss occurred up to and including September 6, 1940)
Czechoslovakia	Norway
Denmark	Peru
Egypt	Poland
Estonia (Loss occurred up to and including September 6, 1940)	Portugal (Loss did not occur if married outside Portugal and not registered in Portugal)
Finland	Romania
France (Loss occurred if marriage took place on or after October 20, 1945)	Spain
Germany	Sweden
Greece (Loss only occurred if marriage in the Greek Orthodox Church)	Switzerland
Honduras (Loss did not occur if married on or after April 14, 1936)	Syria
Hungary (Women of Jewish origin did not cease to be British)	The Netherlands
Italy	Turkey (Including Turkish Armenians)
	Yugoslavia (Loss did not occur if married on or after April 6, 1941)

### 1.18. Most important point

The most important point to remember is that before January 1, 1947 a married woman was under a disability. She could not do anything on her own to divest herself of her British subject status.

### 1.19. From 1868 to 1932, woman's status same as husband's

From 1868 to January 14, 1932, a woman's status was always automatically the same as her husband's status.

The rule is:

wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

### 1.20. Status from Jan. 15, 1932 to Dec. 31, 1946

From January 15, 1932 until December 31, 1946, a woman's status was governed as follows:

At time of marriage		During the marriage	
If husband was a British subject ...	... then wife automatically became British subject on marriage	If husband naturalized as a British subject ...	... then wife must apply to become a British subject and obtain a Series A certificate
If husband was an alien ...	... then wife only ceased to be a	If husband naturalized in a	... then wife's status changed



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	British subject if she automatically acquired her husband's alien nationality upon marriage	foreign country ...	only if she was automatically included in her husband's alien naturalization.
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### 1.21. Easy remedy to loss

Most women who lost their status do not know they lost it until applying for a Canadian passport. Reinstatement as a Canadian citizen is an easy remedy. Reinstatement is a simple procedure with no cost. **See section 2 of this chapter [Resumption – 11(2)]** for more information on the procedures to reinstate a woman's Canadian citizenship status.

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## 2. Resumption of Canadian citizenship

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### 2.1. This section is about

This section is about resumption of Canadian citizenship by a former citizen and reinstatement of citizenship for a woman who lost her Canadian citizenship as a result of marriage.

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### 2.2. Authorities

#### Citizenship Act

- Section 11(1)
- Section 11(2)
- Section 3(1)(c)

#### Citizenship Regulations

- Section 8
- Section 9

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### 2.3. Who can resume citizenship

Former Canadians who can resume citizenship are:

- any person who was previously a Canadian citizen, other than a person whose citizenship was revoked under the former or present Act—section 11(1)
- a woman who lost British subject status before January 1, 1947 by virtue of her marriage to an alien or the alien naturalization of her husband—section 11(2).

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### 2.4. Who cannot resume citizenship

Persons who cannot resume citizenship are:

- Persons who would have had a claim to Canadian citizenship on January 1, 1947 but who lost British subject status prior to that date are not eligible to resume under section 11(1) because they were never Canadian citizen. They must apply under section 5(1). The exception to this is women who lost British subject status solely because of marriage to an alien prior to 1947; these women are reinstated under section 11(2) of the Act.

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- A person whose Canadian citizenship was revoked under the Canadian Citizenship Act or under the current Act, cannot resume citizenship under this section of the Act. The person must apply for grant of citizenship under section 5.

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### 2.5. 11(1) Resumption is a grant

A person who resumes Canadian citizenship is granted citizenship. Any adult who is granted citizenship is required to take the oath of citizenship. Resumption of citizenship is not retroactive. The effective date of citizenship is the date on which the oath was administered.

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### 2.6. 11(2) Resumption needs no oath

A woman reinstated under 11(2) is not required to take the oath of citizenship. The effective date of citizenship is the date on which her statement is received by CIC. See Resumption-Section 11(2) in this chapter.

#### Resumption—Section 11(1)

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### 2.7. Requirements

A former Canadian citizen may be granted a resumption of citizenship status if the person:

- applies for resumption of citizenship;
- is not subject to a declaration by the Governor in Council made pursuant to section 10 or 20 of the Act or Section 18 of the former Act;
- is not under a deportation order;
- has been lawfully admitted to Canada for permanent residence since ceasing to be a citizen, and has not ceased to be a permanent resident; and
- has resided in Canada for at least one year immediately before the date of the application for resumption.

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### 2.8. Processing over view

The Application for Resumption of Citizenship and the Application for a Citizenship Certificate forms are received at CPC Sydney.

Applications are checked for completion, correct fee and documentation is examined to ensure all requirements for resumption have been met.

Clearances are requested electronically.

The file is forwarded to an officer who reviews the case and checks the application information against existing citizenship records to confirm that the applicant did lose citizenship. If CPC-Sydney receives only a letter, telex, or other source of communication about a client's citizenship status, CPC-Sydney checks the information against the information in existing citizenship records to decide if the client lost citizenship. In many instances, there will be no existing citizenship records of a natural born Canadian who lost citizenship.

When clearances are received, a certificate is prepared and forwarded to the local office along with the file.

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The application is forwarded to a judge for a decision.

If the decision is favourable, the judge approves the application and the citizenship officer grants citizenship.

The applicant is notified of the date, time and place to appear for the taking of the oath.

After the oath is taken and the oath form is signed, the file is returned to CPC-Sydney for retirement.

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### 2.9. Application forms

The applicant must submit an Application to Resume Citizenship form (which is used to obtain the necessary information to allow the citizenship judge to determine that the individual satisfies the requirements for resumption) and the Application for a Citizenship Certificate kit (which collects data required to determine the individual's original claim and subsequent loss of citizenship and to allow for the issuance of a citizenship certificate).

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### 2.10. Documentation—11(1)

Original or certified true copies of the following documents must be submitted along with an application for resumption:

- applicant's birth certificate, or other satisfactory evidence of date and place of birth
- satisfactory evidence that the applicant was a citizen, such as Canadian provincial birth certificate, foreign birth certificate which confirms birth outside Canada to Canadian parent (s), Canadian Citizenship Certificate, Canadian Naturalization Certificate, Registration of Birth Abroad Certificate
- satisfactory evidence that the applicant ceased to be a Canadian citizen, such as a renunciation certificate or naturalization certificate from a foreign country
- IMM 1000 or other satisfactory evidence that the applicant was lawfully admitted to Canada for permanent residence after ceasing to be a citizen
- evidence that the applicant has resided in Canada for at least one year immediately preceding the date of the application
- two additional documents to establish identity such as a driver's licence, Social Insurance card, etc.
- two citizenship-size photographs.

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### 2.11. Fee

A non-refundable processing fee must be submitted with the application. The Right of Citizenship fee is refunded should the applicant not be granted citizenship. For current fee, see CP 1, section 3, [Fees and Refunds](#).

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### 2.12. Clearances and prohibitions

CPC Sydney requests immigration, security and criminal clearance checks for applications for resumption under section 11(1). See CP 6, section 1, Prohibitions and [Clearances](#) - Overview.

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### 2.13. Judge may require that the person appear in person for a hearing

An oral hearing with a citizenship judge is not mandatory for a grant application under section 11(1). However, if the judge feels that further information is required in order to make a decision, the judge may request that the applicant appear for an oral interview. The local office contacts the applicant and requests that the client appear for an interview with a judge and to provide any information necessary. **See CP 5, Residence.**

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### 2.14. 5(3) waivers and 5(4) grants

A judge may recommend that the requirement that the person take the oath of citizenship be waived under section 5(3) because of a mental disability. A judge may also recommend that citizenship be granted pursuant to section 5(4). See CP 7, section 1, Waivers, and section 2, Guardianship

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### 2.15. Request for waiver sent to Case Management Branch

Should the judge recommend a waiver under 5(3), the entire file with supporting documentation is forwarded to Case Management Branch. **See CP 7, Waivers.**

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### 2.16. Residence

Federal Court jurisprudence has ruled that residence is not defined in the Act as meaning physical presence. A judge determines if an applicant has met the resident requirement under section 11(1). **See CP 5, Residence**

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### 2.17. Right of appeal

If an application is not approved by the citizenship judge, the judge notifies the applicant in writing of the reasons why the application is not approved and the right to appeal the decision. **See CP 8, Appeals.**

#### **Resumption—Section 11(2)**

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### 2.18. Requirements

A woman who would have been a citizen on January 1, 1947, except for loss of British subject status before that date, by virtue of her marriage to an alien or the alien naturalization of her husband may automatically acquire citizenship by:

notifying the Minister in writing that she elects to do so, see sample statement below,

OR

submitting an Application for a Citizenship Certificate kit with the notice to the Minister, if she wants a citizenship certificate.

The women may write directly to the Registrar or send her letter via any citizenship office or post abroad.

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### 2.19. Sample statement

"I, being a woman who lost British subject status by virtue of my marriage to a non-British subject man, hereby declare my desire to become a Canadian citizen."

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### 2.20. Documentation

Along with the written statement, photocopies of the following documentation are required:

- Canadian provincial birth certificate or naturalization certificate establishing British subject status prior to 1947
- marriage certificate or notation regarding marriage shown on baptismal certificate issued in Quebec
- evidence that husband was not a British subject at time of marriage
- evidence of any nationality of another country acquired by husband subsequent to the marriage to determine whether she was automatically included in his naturalization
- two additional documents to establish her identity, such as a driver's licence, Social Insurance Card, etc..

Note: the application to resume citizenship is processed even if the woman cannot provide documents proving her husband was not a British subject at time of marriage. A statement from the subject confirming her husband was not a British subject is sufficient evidence.

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### 2.21. Fee

There is no fee for reinstatement of citizenship under section 11(2), unless the woman wants a citizenship certificate.

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### 2.22. Forms

No forms are required for the reinstatement of citizenship under section 11(2), unless the woman wants a citizenship certificate.

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### 2.23. What the person will receive

Once CPC-Sydney receives the written notice and necessary documentation, a letter is issued confirming that citizenship has been acquired.

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### 2.24. If person wants a citizenship certificate

If the woman does wish to obtain a citizenship certificate, she must submit an Application for a Citizenship Certificate form, along with the notice to the Minister and the usual documents, photographs and fee. **See CP 10-Proof of Citizenship**

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### 2.25. Effective date

Citizenship is not retroactive. The date on which the notice in writing to the Minister is received by the Registrar, CPC Sydney or the local citizenship office, is the effective date of citizenship.

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### 2.26. No prohibitions

The woman is not subject to any prohibitions.

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### 2.27. No residence requirement

The person is not subject to any residence requirements.

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### 2.28. No oath

The person is not required to take the oath of citizenship.

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## 3. Date on certificate for resumption, Section 6, 1947 Act

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### 3.1. This section is about

This section is about the effective date for resumption of citizenship under Section 6 of the Canadian Citizenship Act, 1947.

Related Topic

See CP 9, section 1, [Loss of citizenship](#).

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### 3.2. Background

People who were Canadian citizens under 4(1)(b) of the Canadian Citizenship Act, 1947, lost their citizenship under section 4(2) if they did not reside in Canada on their 24th birthday, or January 1, 1954, whichever was the later date or had not filed a declaration of retention.

People who were Canadian citizens under section 5(1)(b) of the Canadian Citizenship Act, 1947, lost their citizenship under section 5(2) if they did not reside in Canada on their 24th birthday or had not filed a declaration of retention by their 24th birthday.

They could have applied to resume citizenship before February 15, 1977 under Section 6 of the 1947 Act.

People wanting to resume citizenship now must apply under section 11(1) of the 1977 Act.

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### 3.3. Date on replacement certificate is date of resumption

If a person resumed citizenship before February, 1977 and wants a new certificate, the letter which accompanies the Canadian citizenship document is issued showing the effective date on which the applicant resumed citizenship.

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## 4. Renunciation of citizenship

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### 4.1. This section is about

This section is about voluntary renunciation of Canadian citizenship by an adult.

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**Note:** There are no provisions allowing a minor to renounce citizenship.

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### 4.2. Authorities

#### Citizenship Act

- Section 9
- Section 10
- Section 14
- Section 15

#### Citizenship Regulations

- Section 7
- Section 30

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- Section 20

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### 4.3. Overview

Section 9(1) of the Citizenship Act says that:

A Canadian citizen may renounce his or her citizenship if:

- he or she is a citizen of another country or, if the application is accepted, will become a citizen of another country;
- he or she is not the subject of a declaration by the Governor in Council under Section 20;
- he or she is not a minor;
- he or she is not under a mental disability;
- he or she does not reside in Canada.

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### 4.4. Minister has discretion

Section 9(2) gives the Minister of Citizenship and Immigration the discretion to waive, on compassionate grounds, the requirements that the applicant is not under a mental disability and does not reside in Canada.

See CP7, [Waivers](#).

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### 4.5. Judge decides

A citizenship judge, usually the senior judge, approves or non-approves applications for renunciation of Canadian citizenship made under section 9(1).

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### 4.6. Advise applicant of consequences

Citizenship judges and/or citizenship staff must tell applicants for renunciation about the possible consequences of renunciation, such as possible loss of inheritance or property.

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### 4.7. Applicant loses status

Citizenship judges must be sure that applicants understand that when citizenship is renounced, they have no status in Canada.

A person who renounces Canadian citizenship is subject to enforcement action under the Immigration Act.

If a person renounces citizenship and decides to return to Canada to live, he or she must apply for a new immigrant visa.

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### 4.8. Renunciation is urgent

Many applicants for renunciation must provide proof of renunciation to the country they now reside in by a certain date in order to be accepted as a citizen in the other country. In other cases, a person must renounce Canadian citizenship urgently in order to be employed by a foreign government or company outside Canada. CPC-S treats time sensitive cases urgently.

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### 4.9. Process overview

The following is an overview of the process for applications for renunciation.

Step	Action
1	CPC Sydney receives the application for renunciation
2	if the application does not meet the Urgent Policy Criteria, CPC Sydney processes it in the usual way.
3	CPC Sydney requests a security clearance from CSIS once clearance is received, a citizenship officer reviews the application and: <ul style="list-style-type: none"><li>• confirms that the applicant is a Canadian citizen and has not ceased to be a citizen</li></ul>
4	<ul style="list-style-type: none"><li>• examines supporting documents to ensure that they support the requirements for renunciation of citizenship</li><li>• if necessary, asks for additional information or documents from the Citizenship office or Canadian embassy nearest the applicant's address.</li></ul>
5	The citizenship officer forwards the file to a citizenship judge, usually the senior judge, for a decision. judge reviews file and makes decision and : if approved: <ul style="list-style-type: none"><li>• returns file to CPC-S for final processing</li><li>• letter sent to applicant requesting surrender of citizenship certificate if applicable</li><li>• file retirement on receipt of citizenship certificate</li></ul>
6	if not approved: <ul style="list-style-type: none"><li>• judge sends letter of non approval to applicant advising of the right of appeal</li><li>• forwards file to CPC-S</li><li>• CPC-S delays archiving of file until appeal waiting period is over</li></ul>

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### 4.10. If application approved.

If the judge makes a favourable decision on the application for renunciation:

- the officer in CPC-Sydney approves the application
- a renunciation certificate is prepared, with the next working day as the effective date of renunciation
- a letter, giving details of the renunciation, is forwarded to the applicant via the embassy, if applicable. The letter also advises the applicant that he or she will receive the renunciation certificate when all citizenship certificates are returned. A Canadian provincial birth certificate is not surrendered.



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- a copy of the letter is sent to the Passport Office and the Query Response Centre.
- renunciation certificate is forwarded to client when citizenship certificate(s) received

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### **4.11. If application non-approved**

If the citizenship judge does not approve the application, they must do the following:

- prepare a non-approval letter giving the applicant the reason for not approving the application for renunciation
- send the letter to the applicant, by registered mail, at the latest known address.

The non-approval letter must tell the applicant that they:

- can re-apply for renunciation when they meet the requirements

OR

- can appeal the judge's decision to the Federal Court within 60 days of the date the notice was mailed.

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### **4.12. Non-approvals held for six months**

Non-approved applications are held for six months in case there is an appeal. CPC-Sydney retires the file if there is no appeal.

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### **4.13. Judge seeks advice**

Renunciation cases can be subject to other countries' laws. The judge contacts the nationality law advisor (Integration Branch) in cases where the judge requires further information from other countries before making a decision.

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### **4.14. Waiver recommended**

If the citizenship judge recommends a waiver under section 9(2), they may send the file to either Case Management Branch or the Registrar for a decision.

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### **4.15. If appeal requested**

If the applicant files an appeal, the file is transferred to Case Management Branch.

Related topics

CP 6, [Prohibitions](#), CP 7, [Waivers](#), CP 8, [Appeals](#)

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## **5. Revocation of citizenship**

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### **5.1. This section is about**

This section is about revoking citizenship under the Citizenship Act.

## CP 9 – Loss, resumption, renunciation, revocation

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**Note:** The Director, Case Review, in conjunction with the Department of Justice and the Federal Court, handles all cases considered for revocation of citizenship. Local field staff are not involved with these types of cases.

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### 5.2. Authorities

#### **Citizenship Act**

- Section 10

#### **Citizenship Regulations**

- Section 18
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### 5.3. Background

The citizenship and nationality laws of most countries allow revocation of citizenship if it is obtained by false representation or fraud.

The United Nations Convention on the Reduction of Statelessness says that a state is not in breach of its obligations "should it render a person stateless for having obtained the status through fraud or false representation."

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### 5.4. Grounds for revoking citizenship

Section 10 of the Citizenship Act says that citizenship may be revoked if a person obtains citizenship through:

- false representation
- fraud, or
- knowingly concealing material circumstances.

The Citizenship Act also says that if a person acquired permanent resident status through false representation, and subsequently Canadian citizenship, then he or she obtained citizenship unlawfully.

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### 5.5. Revocation process

#### **5.5.1 Initiation of process**

The Minister of Citizenship and Immigration initiates the revocation process upon receiving information and evidence that a naturalized citizen unlawfully obtained citizenship or permanent resident status. Referrals for possible action usually come from Immigration, the CBSA, other external enforcement agencies, visa offices/embassies abroad and poison pen letters. If it is found that misrepresentation occurred, revocation action will be initiated.

#### **5.5.2 Minister prepares notice**

The Minister prepares a notice to the affected person saying that the Minister intends to make a report to the Governor in Council.

The notice sets out the basic allegations against the person. For example, the allegation might be that the person concealed criminal activities that would have prohibited him or her from being granted citizenship.

#### **5.5.3 Sent by registered mail**

The notice is sent by registered mail. Usually, the subject is also served personally with the notice.

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### **5.5.4 30 days to contest revocation**

The subject of the revocation has 30 days in which to advise the Minister that he or she wishes his or her case to be referred to the Federal Court.

### **5.5.5 If subject goes to Federal Court**

The Federal Court's Rule 920 applies specifically to revocation of citizenship.

Rule 920 says that the government must file with the Court the subject's request to refer the case to the Federal Court.

There is no specified time period for the government to file the request.

### **5.5.6 Status of person under revocation proceedings**

Revocation cases may take years to resolve through the Federal Court. A person under revocation proceedings remains entitled to all rights and privileges of Canadian citizenship until the person's citizenship is revoked by a Governor-in-Council Order.

Case files are maintained by Case Management Branch until the case is closed. The file is retired only after subject has received the Order-in-Council paper establishing the date of revocation or until the Federal Court dismisses the Minister's case for revocation.

### **5.5.7 Appeal rights**

The Citizenship Act says that the Federal Court's decision on revocation of citizenship is final. There is no appeal.

### **5.5.8 Governor in Council decision**

If the Federal Court finds that citizenship was obtained unlawfully, the Minister reports to the Governor in Council. The Governor in Council decides whether or not to revoke citizenship. If the Governor in Council revokes citizenship, the decision is given as an Order in Council.

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## **5.6. After revocation**

### **5.6.1 If revocation based on unlawful entry**

The subject is in Canada without status if citizenship is revoked because the person entered Canada by false representation, fraud, or knowingly concealing material circumstances.

The subject is reportable under section 44 (1) of the Immigration and Refugee Protection Act because citizenship has been revoked. Subject may be deported from Canada.

There is no right to appeal to the Immigration Appeal Division of the Immigration and Refugee Board.

### **5.6.2 If entry lawful, but citizenship unlawful**

If the person's entry to Canada was lawful, but the person obtained citizenship unlawfully (for example, lying about residence in Canada during the relevant period), revocation causes the person to revert to permanent resident status.

Revocation does not specifically jeopardize the right of the person to remain in Canada.

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### **5.6.3 Five-year wait before applying again**

Any person whose citizenship is revoked must wait five years from the date of revocation before applying again for citizenship. A person whose citizenship was revoked cannot apply for citizenship under section 11(1) resumption. The person must meet all requirements of the Act under section 5(1).

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### **5.7. Privacy Act**

The Privacy Act protects a person's citizenship status as personal information.

If the government intends to revoke citizenship, it does not make the person's name public. If the revocation is referred to the Federal Court, the name becomes public.

If revocation of citizenship is not referred to the Federal Court, ordinarily the person's name is not made public. The Order in Council revoking citizenship is excluded information under the Privacy Act.

If, after revocation, the government starts deportation proceedings, the person's identity may become public.

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### **5.8. Refer questions to Director, Case Review or Nationality Law Advisor**

Refer all questions about revocation to the Director, Case Review Unit (Case Management Branch) or the Nationality Law Advisor (Integration Branch).