



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

Citizenship Policy Manual

CP 10

Proof of Citizenship

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Updates to chapter

Listing by date:

Date: 2005-01-28

Changes to CP 10 : Proof of Citizenship

	Previous CP 10 (1999)	Modified CP 10 (2004)
New introductory section on Proof of Citizenship	N/A	Section 1: Proof of Citizenship.
Who is a citizen?	Section 1: Applications for Proof of Citizenship.	Section 1: Proof of Citizenship.
Exception to citizenship by birth	No mention.	Section 1: Proof of Citizenship.
Proof of citizenship (what constitutes proof of citizenship)	No mention	Section 1: Proof of Citizenship
Applications for Proof of Citizenship	Section 1: Applications for Proof of Citizenship. Section 10: Approval of Replacement Applications.	Section 2: Application. Expanded to include a table on documents required to establish citizenship. Incorporates previous section 10 on replacement applications.
Certificates of Citizenship	Section 2.	Section 3. The previous text on Local certificates (old 2.2) has been split to 3.2 British Certificates of Naturalization and 3.3 Local Certificates (1868-1915). Some minor corrections were made to the section (3.4) on Imperial Certificates (1915-1946). The section on Homesteads (old section 11) has been moved here (3.6). A section on Other documents (3.7.2) was added to the <i>Canadian Citizenship Act</i> , January 1, 1947 section. Mention is made of Relaminated certificates (3.9).
Relaminated certificates	No mention.	Section 3.9.
Replacing Certificates with Errors	Section 3.	Section 4. Minor changes in text.
Undated Commemorative Certificates	Section 4.	Section 5. Minor changes in text.
Exchanging certificates	Section 5.	Section 6. This section has been expanded.
Cancellation of Certificates	Section 6.	Section 7. Title has been changed to Cancellation of Certificates for Mementoes. Minor changes in text.
Recall and Cancellation of Certificates	Section 7.	Section 8. Minor changes in text. Definition of "recall" added. Paragraph on Instruments and delegations added (8.3).

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	Previous CP 10 (1999)	Modified CP 10 (2004)
Managing Certificates	Did not exist as such. Related topic: Section 8 - Found Certificates.	Section 9: Managing Certificates. Biggest change in CP 10. New procedures for lost, misplaced, stolen and undelivered certificates. Incorporates old section 8 on Found Certificates (new 9.5). Includes: procedures for taking reports on lost, stolen, destroyed certificates; section on recovered certificates; section on multiple replacement certificates (old 9.5); section on certificates of deceased persons; section on undelivered certificates and certificates not received by client.
Found Certificates	Section 8.	Section 9.5.
Certificates in Possession of Third Party	Section 9.	Section 10. Minor changes. Section on Multiple loss of certificate (old 9.5) moved to new section on Managing Certificates (9.7 Multiple replacement certificates)..
Approval of Replacement Applications	Section 10.	Incorporated within Section 2: Application.
Homesteads	Section 11.	Section 3.6.
Delayed Registration of Birth Abroad	Section 12.	Section 11. Title changed to Delayed registration of birth outside Canada. Minor corrections. Incorporates OB 008 – April 28, 2004: Expiration on August 14, 2004 of transitional provisions sections 4(3) (delayed registration of birth abroad) and 5(2)(b) (facilitated grant) of the <i>Citizenship Act</i> of 1977.
Retention and Registration of Canadian Citizenship	Section 13.	Section 12. Title changed to Retention of Citizenship (section 8). Incorporates the following OMs/OBs: <ul style="list-style-type: none"> • OM CP 02-02 Retention of Citizenship (section 8) • OB 008 – April 28, 2004: Expiration on August 14, 2004 of transitional provisions sections 4(3) (delayed registration of birth abroad) and 5(2)(b) (facilitated grant) of the <i>Citizenship Act</i> of 1977 • OB 010 – June 2, 2004: New interpretation of the facilitated grant provision under section 5(2)(b) of the <i>Citizenship Act</i> 1977 (after a Court order in the <i>Augier</i> case)

CP 10 Proof of Citizenship

1. Proof of Citizenship

1.1. This section is about

This section is about proof of citizenship for Canadian citizens.

1.2. Authorities

Citizenship Act

Subsection 2(1)

Section 3

Section 4

1.3. Who is a citizen?

Sections 3 and 4 of the Act describe persons who are and who are not citizens. Also, the former and current Acts provide for loss of citizenship. See **CP 9 – Loss, Resumption, Renunciation, Revocation**.

According to the current Act, a person is a Canadian citizen if the person was:

- born in Canada after February 14, 1977 (or on a Canadian ship, or on an aircraft or air cushion vehicle registered in Canada) - paragraph 3(1)(a);
 - born outside Canada after February 14, 1977, and at the time of his or her birth one of his or her parents, other than a parent who adopted him or her, was a citizen - paragraph 3(1)(b);
 - granted citizenship after February 14, 1977 and, where required, has taken the oath of citizenship - paragraph 3(1)(c);
 - a citizen immediately before February 15, 1977 (citizenship must be established under the former Act) - paragraph 3(1)(d);
 - entitled, immediately before February 15, 1977, to become a citizen under paragraph 5(1)(b) of the former Act - paragraph 3(1)(e) (see section 11: **Delayed registration of birth outside Canada**).
-

1.4. Exception to citizenship by birth

Subsection 3(2) of the Act states that children born in Canada to diplomats or persons with diplomatic immunities and privileges, where neither parent is a citizen or a permanent resident, are not Canadian citizens by birth.

1.5. Proof of citizenship

Government departments and agencies accept the following documents as proof of citizenship to provide services and benefits. However, there are ways persons born or naturalized in Canada or born outside Canada to a Canadian parent could lose citizenship. See section 12: **Retention of Citizenship (section 8) and CP 9 - Loss, resumption, renunciation, revocation**.

In general, for persons born in Canada, a provincial or territorial birth certificate, or a certificate of citizenship is accepted as proof of citizenship.

For persons born outside Canada to a Canadian parent, proof of citizenship is a certificate of citizenship. For those subject to retention under section 8 who have turned 28 years old, a citizenship certificate is not proof of citizenship unless accompanied by a retention certificate. For those registered between January 1, 1947 and February 14, 1977, a Registration of Birth Abroad

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certificate is accepted as proof of citizenship. Also, the certificate of retention issued between January 1, 1947 and February 14, 1977 is accepted as proof of citizenship.

For persons who acquired citizenship through naturalization, a certificate of naturalization or a certificate of citizenship is accepted as proof of citizenship.

See section on **Certificates of Citizenship**.

2. Application

2.1. This section is about

This section is about applications for citizenship certificates.

A Canadian citizen who wants a certificate of citizenship must submit an *Application for a Citizenship Certificate* form, along with the required documents that establish his or her citizenship, photographs and fee.

See CP 9, Section 1.4: Requests for clarification of citizenship status.

2.2. Authorities

Citizenship Act

Subsection 2(1)

Section 3

Section 4

Subsection 12(1)

Section 27

Citizenship Regulations

Section 10

Section 25

Section 26

Section 28

Subsection 31(1)

Subsection 31(4)

2.3. Instruments and delegations

The authority to issue certificates has been delegated to citizenship officers in local CICs, CPC Sydney, Case Management Branch and Integration Branch.

2.4. Direct mail-in to CPC Sydney

All applications for proof of citizenship are mailed to CPC Sydney where they will be processed. In general, certificates are mailed directly to applicants or to the closest Canadian embassy, high commission or consulate.

2.5. Exceptions to direct mail-in to CPC Sydney

In cases where a proof application is accepted at the local office, a citizenship officer ensures that the application is completed, all required documentation is attached, and the fee is collected. If the application can be approved, the citizenship officer with full delegated signing authority at the local office may approve the application and forward the entire file, including any information received from CPC Sydney, to CPC Sydney for certificate preparation and issuance, and file retirement.

Only an officer with full signing authority may approve a proof application. The officer must be absolutely certain that the applicant has the right to a certificate of citizenship and that the information needed for a certificate is complete and accurate. If the information is not complete and accurate, the application should not be approved before being sent to CPC Sydney.

2.6. Documents

The documents required to establish citizenship vary depending on the requirements of the provision of the Act under which citizenship is being established. Originals or certified copies of

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the required documents are to be included with the completed application for persons applying for a proof of citizenship for the first time. Persons applying for a replacement certificate may submit photocopies of required documents.

All applicants must provide:

- two pieces of personal identification (see **CP 3, Section 1: Acceptance of Identity Documents**);
- if applicable, other documents to support a change in name or a change in date of birth (see **CP 3, Section 3: Name and Change in Name**, and **CP 3, Section 4: Date of Birth and Change in Date of Birth**);
- documents establishing citizenship (see table in 2.7);
- other documents, as required, for the assessment of possible loss of citizenship.

2.7. Documents establishing citizenship

Claim to citizenship	Type of document
Born in Canada Exception: children born in Canada and neither parent is a citizen or permanent resident and either parent is a representative of a foreign government (e.g. diplomat), their employee, or anyone granted diplomatic privileges or immunities	<ul style="list-style-type: none"> • Birth certificate issued by a province or territory.
Born outside Canada to a Canadian parent on or after February 15, 1977	<ul style="list-style-type: none"> • Birth certificate showing parentage, issued by the responsible government authorities in the country where the person was born. • Proof that a parent was a Canadian citizen at the time of the person's birth (provincial or territorial birth certificate or a certificate of citizenship/naturalization).
Replacement of a certificate or a certificate of registration of birth abroad	<ul style="list-style-type: none"> • All original citizenship and naturalization certificate(s).
Born outside Canada to a Canadian* parent before January 1, 1947 * A British subject parent who would have been considered a Canadian citizen if the 1947 Act had come into force immediately before the person's birth.	<ul style="list-style-type: none"> • Birth certificate showing parentage, issued by the responsible government authorities in the country where the person was born. • Provincial or territorial birth certificate, or other documentation to establish that the natural father, or the natural mother if the parents were not married at the time of the person's birth, was a British subject at the time of the person's birth. • If the person was not a minor (under 21) on January 1, 1947, proof of admission to Canada as a landed immigrant (immigration document or British passport used to originally enter Canada if it includes original entry/admission stamp). • If applicable, parents' marriage certificate.

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British subject who lived in Canada for 20 years immediately before 1947	<ul style="list-style-type: none"> • Birth certificate issued by the responsible government authorities in the country where the person was born. • For women only, details of husband's nationality.
British subject who lived in Canada as a landed immigrant for at least 5 years before 1947	<ul style="list-style-type: none"> • Birth certificate issued by the responsible government authorities in the country where the person was born. • Proof of admission to Canada as a landed immigrant (immigration document or British passport used to originally enter Canada if it includes original entry/admission stamp). • For women only, details of husband's nationality.
<p>Women who were married to a Canadian* before 1947 and who entered Canada as a landed immigrant before 1947</p> <p>* A British subject man who would have been considered a Canadian citizen if the 1947 Act had come into force immediately before the marriage.</p>	<ul style="list-style-type: none"> • Birth certificate issued by the responsible government authorities in the country where the person was born. • Marriage certificate. • Husband's provincial or territorial birth certificate, or other document to establish that the husband would have been a Canadian citizen had the 1947 Act come into force immediately before the marriage. • Proof of admission to Canada as a landed immigrant (immigration document or British passport used to originally enter Canada if it includes original entry/admission stamp).
Women who were born in Canada or who were British subject by other means, and who lost British subject status upon or during marriage before 1947	<ul style="list-style-type: none"> • Birth certificate issued by the responsible government authorities in the country where the person was born. • Marriage certificate. • Proof of husband's foreign nationality.

2.8. Stolen birth certificates

There is a list available through CPC Sydney of stolen blank provincial birth certificates.

2.9. Nationality laws of other countries

Citizenship officers in CPC Sydney and the local offices do not rule on the nationality laws of other countries. Where information from another country is required for an officer to make a determination of Canadian citizenship, the onus is on the applicant to obtain the necessary information from the authorities of the country concerned.

2.10. Check for loss of citizenship status

Before the application for citizenship is approved, the citizenship officer must confirm that the person did not lose his or her citizenship status.

See **CP 9, Section 1: Loss of Citizenship**.

2.11. What must be verified before approving

The following must be verified:

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- full proper name;
- aliases;
- date of birth;
- effective date and sections of the current and former Acts;
- possibility of loss;
- if applicable, change of name or date of birth documents including Immigration amendment letter verifying change in date of birth, and/or full proper name;
- if applicable, accounting for previously issued certificates; and
- any other required documents.

In the case of a replacement, verify and match information against CRS/GCMS and microfilmed records and, if applicable, a surrendered certificate.

2.12. Surrender previous certificates

If the reasons for requesting a replacement certificate are other than theft, loss or destruction of the original certificates; the original naturalization, large, and miniature certificates must be returned for cancellation. They may either be surrendered at the time of application or exchanged at a citizenship office or through CPC Sydney.

An applicant is not required to surrender a certificate of registration of birth abroad or a certificate of retention. These certificates were issued for registration as a citizen and retention of citizenship and are not citizenship certificates.

Commemorative certificates do not have to be returned.

See section 6 on **Exchanging Certificates**.

Note: The applicant must give a detailed account of the whereabouts of all previous certificates. Entries such as "lost at home" or "misplaced" are not acceptable. For example, if a certificate is "lost at home," the application must clearly indicate that a thorough search was made to find the certificate.

2.13. Application by a minor for proof

A minor citizen, regardless of age, may file an application for proof of citizenship on his or her own behalf in accordance with the Regulations.

As a cautionary measure, however, where a child is under 14 years of age, a parent should be encouraged to make or countersign the application or, alternatively, be advised that the child has made an application.

The responsibility for ensuring that this action occurs rests with the official processing the application.

See **CP 13, Section 4: Parental Consent**.

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3. Certificates of Citizenship

3.1. This section is about

This section is about the citizenship and naturalization certificates issued by the Canadian government since 1868.

3.2. British Certificates of Naturalization

Before 1947, certificates of naturalization were granted in Canada under British legislation by various provincial and territorial courts. The *Naturalization Act*, known as the “Imperial Act” came into force on January 1, 1915, replacing what had been known as the “Local Act.” The “Imperial Act” authorized a three-year transition period (ending December 31, 1917), during which both local and imperial certificates were granted.

3.3. Local Certificates (1868 – 1915)

Certificates were issued to aliens who became British subjects and to “statutory aliens” (British subjects who had become aliens and applied for re-admission to British subject status). The wife of a person to whom a local certificate was granted automatically acquired British subject status. However, she is not deemed to be a person to whom a certificate was granted or whose name was included on a certificate.

Alien children who were minors at the time of their father’s naturalization (or mother’s, if a widow) and who entered Canada before January 1, 1915, are deemed to have been included in the local naturalization of their father (or mother, if a widow).

3.4. Imperial Certificates (1915 – 1946)

Certificates had a uniform look, but a different series of certificates (A through K) was issued depending on the circumstances.

3.4.1 Series A

Section 4 of the *Naturalization Act* provided for the grant of a certificate to an adult alien.

A wife was included in a certificate granted before January 15, 1932 and, she acquired British subject status. Although the name of the wife may appear on a Series A certificate issued after that date, she is not deemed to have been included in the certificate nor did she acquire British subject status.

Minor children were not included on Series A certificates. In some cases the names of children were added in the margin of the certificate at a later date which gave the child British subject status as of the date it was added. This did not permit automatic acquisition of Canadian citizenship under paragraph 9(1)(a) of the *Canadian Citizenship Act*, 1947, as the child was not included in a parent’s certificate. It is possible, however, that a claim could be established under another paragraph of section 9.

3.4.2 Series B

Section 7 of the *Naturalization Act* provided for the grant of a certificate to an adult alien, which included minor children. If the names of the children were added in the margin of the certificate after the certificate was granted, these children acquired British subject status on the date their names were added.

As with a Series A certificate, a wife was included in a Series B certificate granted before January 15, 1932. Although the name of the wife may appear on a Series B certificate granted after that date, she is not deemed to have been included in the certificate nor did she acquire British subject status.

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3.4.3 Series C

Subsection 7(2) of the *Naturalization Act* provided for the grant of a certificate to a minor at the Minister's absolute discretion.

3.4.4 Series D

Section 6 of the *Naturalization Act* provided for the grant of a special certificate to remove doubt that a person was a British subject.

3.4.5 Series E

Section 8 of the *Naturalization Act* provided for the grant of a certificate to a person who had been naturalized under a local act.

A wife, although not included in the local certificate or who was married to that person after the local certificate was granted, was included in a Series E certificate up to December 31, 1946.

Minor children were not normally included. In a few cases the names of minor children were added on the margin of the certificate (see **Series A**), or included in the body of the certificate (see **Series B**).

3.4.6 Series F

Readmission to British subject status (no children included).

3.4.7 Series G

Readmission to British subject status (children included).

Until May 4, 1927, subsection 4(5) of the *Naturalization Act* referred to widows and divorcees who were British but who had lost British status upon marriage. Under Privy Council directive number 812, May 4, 1927, a special certificate of readmission was granted to former British subjects who had been naturalized in the U.S.A. but who had since returned to and lived in Canada for at least one year.

3.4.8 Series H

Effective on January 15, 1932, the Series H certificate was issued to the wife of a man naturalized in Canada. Subsection 13(5) of the *Naturalization Act* required a woman to file a declaration to acquire British nationality within six months (or such extended period as the Minister would allow) of the date of her husband's naturalization.

3.4.9 Series I

Effective on January 15, 1932, subsection 13(4) of the *Naturalization Act* said that a certificate of retention could be granted to a married woman whose husband had ceased to be a British subject. The declaration had to be made within six months or, in special cases, longer, with the consent of the Minister.

3.4.10 Series J

Subsection 13(6) of the *Naturalization Act* allowed resumption of British nationality by a British-born woman married to an enemy alien.

3.4.11 Series K

Subsection 15(2) of the *Naturalization Act* allowed resumption of British nationality for a person who had ceased to be a British subject during his or her minority because his or her father had ceased to be a British subject. A declaration had to be made within one year after attaining majority.

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3.5. Form K

Persons barred by law from securing naturalization in Canada for various reasons were issued Certificates in Form K so they could apply for patents to homesteads. Form K did not give British status to the person to whom it was issued. (See section on **Homesteads**.)

3.6. Homesteads

Settlement in Canada under the free land grant system was established by Order-in-Council in 1871.

The *Dominion Lands Act* changed the regulations under which homesteads were obtained. The *Dominion Lands Act* regulations allowed settlement on a 160-acre farm on payment of a \$10 registration fee. To receive a patent for the land, the homesteader had to live on and improve it for a specific period.

Before the patent was granted, the settler had to show British subject status. The name on the patent was usually the same as the name on the documents providing proof of British subject status.

Many people applying for British subject status could not read or write. An applicant's agent or representative may have provided the clerk of the provincial court with a phonetic or anglicized version of the applicant's name. This accounts for many of the difficulties in locating a record when a request for verification of status is being made.

3.6.1 Land Offices may be able to provide names

A provincial Land Office may be able to provide the name on the patent if the office is given a legal description of the location of the homestead (section, range and township).

This may be enough information to locate and confirm the naturalization record. A Form "K" certificate in connection with a land patent is proof that the person was **not** a British subject at that time.

3.7. *Canadian Citizenship Act, January 1, 1947*

Certificates of Canadian citizenship have been issued to individuals since January 1, 1947. They are proof of citizenship for any citizen, but most commonly held by people who have become Canadian citizens or were born outside Canada to a Canadian parent.

Several types of certificates and other documents were issued under this Act. Different versions of each type of document were used over the years.

3.7.1 Certificate of Canadian Citizenship

Certificates of Canadian citizenship were issued to people who became Canadian citizens, resumed citizenship, or required proof of citizenship. The large paper certificate was valid as proof of citizenship. Beginning in 1954, "miniature" certificates (laminated cards) were issued upon application, supplementary to the large paper certificate.

3.7.2 Other documents

Registration of Birth Abroad certificate

Issued to a child born outside Canada between January 1, 1947 and February 14, 1977 to a Canadian responsible parent¹, and registered within that period.

¹ Responsible parent was defined as meaning the father, except where the child was born out of wedlock and was living with the mother, or where the mother was widowed or had been awarded legal custody of the child by court order.

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Certificate of Retention

Issued to people born outside Canada to a Canadian responsible parent, and who made a declaration of retention to satisfy the provisions of the Act.

Transmission Copy

Issued with large certificates for use by the Passport Office.

3.8. The *Citizenship Act* (1977)

The laminated card form of the certificate of citizenship is the only proof of citizenship issued since February 15, 1977. There have been several versions issued over the years.

A commemorative certificate was issued with each certificate (grant and proof) until 1996. Since then, a commemorative document is only issued when a person becomes a Canadian citizen (grant); a letter containing the effective date of citizenship (if applicable) is issued with certificates to Canadian citizens.

Certificates of retention and renunciation are also issued under this Act.

3.9. Relaminated certificates

Relaminated certificates should not be accepted as proof of citizenship. A relaminated certificate is considered an altered certificate. Relamination can obscure embedded security features in the original laminate (for example ultraviolet features) and could make other tampering (such as photo substitution) difficult to detect. Laminated large certificates should not be accepted as proof of citizenship.

4. Replacing Certificates With Errors

4.1. This section is about

This section is about replacing certificates with errors made by citizenship officials.

4.2. Authorities

Citizenship Act

Section 27

Citizenship Regulations

Section 25

Section 28

4.3. Replacing certificate due to error

An applicant may ask for a replacement citizenship certificate if the original certificate is not acceptable because of an error by a citizenship official. This could include, for example, a misspelling or poor lamination.

4.4. No fee for request within 90 days

A replacement certificate will be prepared free of charge if the applicant makes the request: within 90 days from the date the oath was taken

or

within 90 days of the date the original certificate was mailed from CPC Sydney.

After 90 days, the applicant must complete an *Application for a Citizenship Certificate* and pay the appropriate fee. See **CP 1, Section 3: Fees and Refunds**.

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4.5. Applicant must surrender original

An applicant must surrender all original, previously issued certificates before receiving the replacement certificate.

4.6. Send requests to CPC Sydney

The request for a replacement certificate is sent to CPC Sydney with a note explaining why a replacement certificate should be issued. Any supporting documents should be included with the request.

The commemoration document must be surrendered at the time the request for replacement is made. The original certificate may be included with the request, or the original and replacement certificates may be exchanged at the citizenship office if the client requires the certificate for urgent purposes.

See section 6 on **Exchanging Certificates**.

4.7. Speed important for replacements

Citizenship records about applicants are designated as "essential records" by the National Archives. This means that these records must be microfilmed and a copy sent to the Archives.

Once a record is microfilmed, the originals are destroyed.

Because of this, send requests for correction to CPC Sydney as soon as possible.

5. Undated Commemorative Certificates

5.1. This section is about

This section is about requests by holders of undated commemorative certificates who want the effective date of citizenship.

5.2. Authorities

Citizenship Act

Section 27

Section 28

Citizenship Regulations

Section 29

Section 31

5.3. Context

The large paper citizenship certificates issued prior to February 15, 1977 bear the date on which a person became a citizen (effective date). Commemorative certificates issued between February 15, 1977 and September 1980, do not have the effective date. Commemoration documents issued since September 1980 bear the effective date. The laminated citizenship certificate (card) does not bear the effective date.

People sometimes require proof of the date they became a citizen of Canada. If they have lost the document that bore the date or received one of the undated commemoratives, they may apply for a Search of Records, pay the fee, and obtain a letter confirming the date.

See **CP 11 - Search of Records**.

5.4. No fee for confirmation only

There is no fee for confirmation of the effective date for undated certificates issued between February 15, 1977, and September 1980. The undated certificate could be a first-time certificate or a replacement certificate, but must be the last issued certificate for no fee to apply. In this case, the letter issued is a confirmation letter, not a Record letter.

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5.5. Refund fee if collected

If the applicant has paid the required fee for a Search of Citizenship records, CPC Sydney requests that the fee be refunded to the applicant when the applicant's last issued commemorative certificate was an undated one.

5.6. Record letter and letter of confirmation not the same

A letter of confirmation is not the same as an official record letter, which is sometimes the only document accepted by a foreign government. A letter of confirmation is a standard letter that may not be accepted by a foreign government.

6. Exchanging Certificates

6.1. This section is about

This section is about exchanging replacement certificates when previously issued certificates have not been accounted for.

6.2. All previous certificates must be returned

When a citizen applies for a replacement certificate, all previous certificates must be returned or accounted for (stolen, lost, destroyed).

Occasionally, a person applies for a replacement certificate, but still has a certificate in his or her possession. In these cases, the application may be processed up to the point of issuing the new certificate. Before a new certificate is issued, CPC Sydney will contact the applicant to request the surrender of all previous certificates. Once all previous certificates have been received, a new certificate can be issued.

6.3. Commemorative certificates

Since February 15, 1977, the paper document issued with the laminated certificate (card) has been a commemorative document. Up until 1996, it was issued with all grant and proof certificates. Since 1996, proof certificates have been issued with a letter stating the effective date of citizenship (if applicable). Citizens granted citizenship since 1996 continue to receive a commemorative document with the laminated certificate.

The commemorative document has never been considered proof of citizenship, though some earlier versions were called "Certificate of Canadian Citizenship".

6.4. Transmission copies

Prior to February 15, 1977, many people were issued pink (sometimes green) transmission copies (a carbon copy) of their large paper certificate. At the time, they were issued for passport purposes only.

6.5. Exchange at local office or mission

An exchange may be arranged between CPC Sydney and a local office (exceptional case) or CPC Sydney and a mission. In these circumstances, the certificate is forwarded to the local office or the mission who contact the applicant. Once all previous certificates have been received or accounted for and the new certificate given or sent to the applicant, the previous certificates and a confirmation of exchange are returned to CPC Sydney.

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6.5.1 Procedures

The form ***Exchange of Documents (CIT 0045)*** is sent by CPC Sydney when a replacement certificate is to be exchanged at the citizenship office or mission, or where all previously issued certificates have not been accounted for.

On receiving the form, before releasing a new certificate, a citizenship or foreign service officer must:

- contact the applicant;
- obtain previously issued certificate(s) or indicate on the form what happened to the previously issued certificate(s);
- ensure that the client signs this form and then countersign;
- tell the applicant, if applicable, that if the previously-issued certificate is found, it must be returned to the citizenship office or sent to CPC Sydney;
- send the completed form (with previously issued certificate(s), if obtained) to CPC Sydney.

7. Cancellation of Certificates for Mementos

7.1. This section is about

This section is about cancelling a citizenship certificate and returning it to the applicant to keep as a souvenir.

7.2. Authorities

Citizenship Regulations
Subsection 26(3)

7.3. Context

Certificates can be of tremendous sentimental value to a person. It is possible to cancel a certificate and return it to the applicant to keep as a souvenir.

7.4. Physically cancelling certificates.

If an applicant wants to keep a previous paper certificate, the certificate must be stamped "CERTIFICATE NO LONGER VALID" on the side of the certificate that contains biographical data. In some cases, both sides will have to be stamped. When cancelling a certificate, care should be taken to preserve its significance as a memento, while still rendering it invalid.

Miniature certificates must be cancelled with a pin stamp that punctures the certificate by CPC Sydney as they have the necessary equipment.

A Client Note must be created in GCMS stating that the certificate was cancelled and returned to the applicant. The certificate status must also be updated in GCMS.

8. Recall and Cancellation of Certificates

8.1. This section is about

This section outlines the procedure for cancelling and recalling certificates.

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8.2. Authorities

Citizenship Regulations

Section 10

Subsection 26(3)

Section 28

8.3. Instruments and delegations

The authority to recall a certificate is limited to the Directors General (DG) of Case Management Branch and Integration Branch, the Registrar, and officers under the DG of Case Management Branch.

8.4. Policy

Section 26(3) of the Regulations state that the Registrar must cancel a Certificate of Citizenship, Certificate of Naturalization or Certificate of Renunciation issued under the current Act, former legislation or any related regulations, if the Minister decides the holder does not have a right to the certificate.

8.5. Definitions

To **recall** a certificate: To require, in writing, that a person surrender a certificate of naturalization, a certificate of citizenship, a miniature certificate of citizenship (citizenship card), or a certificate of renunciation for the reasons outlined in subsection 26(1) of the Regulations.

8.6. Minister may order holder to return certificate

If the Registrar does not have physical possession of the certificate, the person may be ordered, in writing, to return it, and must comply immediately.

This may occur when a person has lost his or her citizenship status or has been issued a certificate by mistake.

8.7. Contact Case Management Branch

In all circumstances in which a citizenship officer believes a person is not entitled to hold a certificate, contact Case Management Branch with the details of the situation.

9. Managing Certificates

9.1. This section is about

This section outlines the process for keeping the status of citizenship certificates up to date.

9.2. Policy

As part of CIC's legislative mandate to issue certificates to citizens, including the replacement, surrender, and cancellation of certificates and generally to prevent the improper use of certificates, the Department maintains an updated inventory record of certificates. To assist the Department's efforts in doing this, reports of loss, theft, destruction of certificates are appended to the record of the certificate. CIC updates the record of certificates returned to CIC ("found" certificates). Where a person has ceased to be a citizen, any certificates issued to that person are cancelled and must be returned to CPC Sydney for destruction. Where CIC learns of the death of a person to whom a certificate was issued, any certificates issued to that person are cancelled and must be returned to CPC Sydney for destruction.

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9.3. Report made on application

If the applicant states on an application or in correspondence supporting an application that a certificate was lost, stolen, or destroyed, the certificate status is updated in GCMS.

9.4. Report made but no application submitted

When a citizen reports that a certificate was lost, stolen or destroyed, the certificate status is updated in GCMS even if the client does not make an application for a replacement certificate. Also, a Client Note is entered giving details of the report.

9.4.1 Report received at CIC or Post Abroad

While it is more likely that a report will be made to a Call Centre or post abroad, any CIC staff at a Call Centre, local office, or CPC Sydney can take a report.

Procedures for taking the report:

- Take the name and telephone number of the person making the report, especially if it is not the holder of the certificate in question.
- Take the details of the loss, theft or destruction.
- Take certificate holder's current address and telephone number.
- Advise the client that the loss/theft/destruction of the certificate will be recorded in our database.
- Recommend that the client make an application for replacement and give reasons for doing so (e.g. to ensure the client has proof of citizenship when needed).
- If the report is taken over the telephone, the Call Centre agent or other CIC staff must be satisfied that the person reporting the loss of the certificate is the legitimate holder or is acting on behalf of the legitimate holder (e.g. in the case of a minor or in the case of an elderly person whose language requirement had been waived for the grant).
- Forward the report to CPC Sydney referral e-mail box:
 - ◆ Give enough detail to identify the record in GCMS (e.g. client ID number, certificate number, name, date of birth, etc.).
 - ◆ Include the details of the loss or theft of the certificate and update the client's address and telephone number(s) in GCMS.

CPC Sydney will update the certificate status in GCMS and add a Client Note including a brief summary of the report, the date, and the source of the information.

9.4.2 Report received by mail

If a citizen writes a letter or sends an e-mail advising CIC or a mission of the loss or theft of a citizenship certificate, the letter or e-mail will be forwarded to CPC Sydney.

If there is not enough information in the correspondence to identify the correct record, CPC Sydney will try to contact the author of the correspondence to get sufficient information to identify the record.

Once the record has been positively identified, CPC Sydney will record that correspondence was received and will update the certificate status in GCMS.

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9.5. Found certificates

Certificates are returned to CIC through various means. For example, someone who finds a certificate may put it in a mailbox; these certificates are returned to CIC by Canada Post. Missions abroad and local CIC offices return “found” certificates to CPC Sydney.

If it appears the certificate has been altered or is fraudulent, CPC Sydney sends the certificate to Case Management Branch for investigation.

CPC Sydney:

- reviews the files;
- if an application for a replacement certificate has been received, destroys the found certificate, updates GCMS, and processes the replacement application;
- if a new certificate has already been issued, updates GCMS, and destroys the found certificate;
- if no application for a replacement certificate has been made or no new certificate has been issued, tries to contact the holder through the phone number in GCMS (if available);
- if satisfied the legitimate holder of the certificate has been located and no new certificate has been issued and no replacement application received, may send the certificate directly to the client. If there is doubt or a language barrier, CPC sends the certificate to the appropriate local office for the client to be properly identified to retrieve his or her certificate.

If the holder of the certificate cannot be located, CPC Sydney:

- ◆ holds the certificate for a maximum of 6 months, after which the certificate is destroyed;
- ◆ if the holder submits a replacement application, destroys the held certificate and processes the replacement application;
- ◆ adds Client Notes in GCMS to keep the record up to date.

9.6. Misplaced or lost certificate recovered

If an applicant who has previously reported a misplaced, lost, or stolen certificate now states that the certificate has been recovered, the following steps must be taken.

- The official taking the report must be satisfied that the legitimate holder of the certificate is making the declaration.
- If the applicant has already been sent a replacement certificate, explain that the recovered certificate has been cancelled and must be returned to CPC Sydney for destruction.
- If the applicant has a replacement application in process, explain that the applicant has two options: either to keep the recovered certificate and withdraw the application in process, or return the recovered certificate and continue with the application in process. The applicant should be encouraged to do the latter as there is no refund of the processing fees, and this allows the applicant to take advantage of having a new card with a more recent photo and added security features. The applicant must be advised that the new certificate will not be issued until the old one is surrendered. CPC Sydney must be advised that the previous certificate has been recovered so that the new certificate is not mailed to the applicant until the previous certificate is surrendered. If the applicant wants to keep the previous certificate

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and withdraw the replacement application, the request must be made in writing and sent to CPC Sydney. If the applicant wants to keep the previous certificate for sentimental reasons, explain that the old certificate may be cancelled and returned as a memento. See section 7 on **Cancellation of Certificates for Mementos**.

- If the applicant has never submitted a replacement application, explain that the previously misplaced, lost or stolen certificate has been cancelled. Advise the applicant that in order to reactivate the certificate, a signed statement detailing how the certificate was lost/stolen/misplaced, how the certificate was recovered, and contact information, as well as a photocopy of the recovered certificate should be forwarded to CPC Sydney as soon as possible. Add a Client Note to GCMS.

9.7. Multiple replacement certificates

If an applicant has been issued several certificates where none of the previously issued certificates have been returned to CIC, there may be cause for investigation (e.g. two certificates in three years or three certificates in any time period). CPC Sydney forwards the file, including all microprints to the local office or mission closest to the applicant's home address. Local office or mission staff interview the applicant to discuss the circumstances of the losses, and determine the appropriateness of issuing another certificate or referring the case for investigation.

If investigation is warranted, local office or mission staff forward the file to Case Management Branch.

9.8. Deceased person

When CIC or a mission receives notification that a person to whom a citizenship certificate was issued has died, the status of any certificates issued to that person is updated. CIC or mission staff records the name and address of the person making the report and his or her relationship to the deceased and forwards the information to CPC Sydney.

CIC or mission staff must request that the certificate(s) be returned. Compassion in this situation is essential. If written confirmation of the death is available, such as a death certificate, funeral home notice, obituary or newspaper report, ask that it be forwarded to CPC Sydney.

If the person reporting the death wishes to keep the certificate of the deceased, advise him or her that the certificate can be cancelled and returned. This will allow the person to keep the certificate as a memento and protect the certificate against misuse. However, every report, whether followed by written confirmation or not, will result in the cancellation of all certificates issued to the deceased and a Client Note entered in GCMS.

If the certificate(s) are physically cancelled at the local office or mission please include this information in the e-mail to CPC Sydney and obtain a written receipt from the person to whom the cancelled certificate was given. Miniature certificates can only be cancelled by CPC Sydney.

(See section 7 - **Cancellation of Certificates for Mementos**.)

9.9. Person ceased to be a citizen

In general, CPC Sydney requests the return of all previous certificates before determining that a person has ceased to be a citizen (e.g., under the former Act, by renunciation, or under section 8 of the current Act) and updates the status of the certificate in GCMS. If a person refuses to account for or return a previous certificate, CPC Sydney refers the file to CMB. (See **Recall and Cancellation of Certificates**.)

In the case of a renunciation, it is possible to arrange an exchange of a previous citizenship certificate for a renunciation certificate at a local citizenship office.

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In the case of a revocation, once the Order in Council revoking citizenship is signed, CMB cancels the certificate in GCMS, and sends a letter advising the client that he/she is no longer a citizen and requesting the return of the certificate.

9.10. Undelivered certificates

If a certificate is returned to CPC by Canada Post as undeliverable, CPC:

- checks GCMS and the physical file for corrections to the address or a new address; re-mails certificate to corrected or new address; or
- contacts the applicant to confirm address, makes any necessary changes in GCMS, re-mails certificate.

If GCMS shows no change in address and CPC is unable to contact the applicant:

- Client Note entered in GCMS stating the certificate was returned by the post office and a new address is required for the certificate to be re-mailed; and
- file is BF'd for six months.

If the applicant contacts the Call Centre, the agent will enter the new address in GCMS and e-mail CPC Sydney to advise them of the address change to re-mail the certificate. If there is no contact from the applicant for six months, the Client Note is updated and the certificate is cancelled and destroyed.

9.11. Certificates not received by client

If an applicant contacts the Call Centre to report that the citizenship certificate was not delivered:

- The Call Centre agent confirms mailing address with applicant and if necessary updates GCMS.
- The Call Centre agent sends the form ***Solemn declaration concerning a citizenship certificate that was lost, stolen, destroyed or never received (CIT 0457)*** to the applicant and adds a Client Note in GCMS.
- The applicant mails or faxes the form to CPC Sydney.
- CPC checks if the certificate was returned:
 - If yes, certificate is re-mailed to the applicant and a Client Note is added to GCMS.
 - If no, CPC Sydney checks that at least 30 days have passed since the certificate was mailed before taking action. This should allow sufficient time for the certificate to be returned to CPC by postal services. If at least 30 days have passed since the certificate was mailed and it has not been returned, CPC cancels the certificate in GCMS, and issues a new certificate.
- The applicant has six months from the date the certificate was mailed to declare that the certificate was never received. After this six-month period, the applicant must submit a new *Application for a Citizenship Certificate* form, along with the required documents, photographs and fee.

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10. Certificates in Possession of a Third Party

10.1. This section is about

This section is about replacing certificates when the original is in the possession of a third party.

10.2. Related Topic

See **CP 13, Section 4: Parental Consent.**

10.3. Family member has previous certificate

Some applicants for replacement certificates claim that another person has their previous certificate.

If a family member has the certificate, the application must be accompanied by a note to CPC Sydney explaining who has the certificate and what efforts have been made to retrieve it. If the address of the family member is known, CPC Sydney sends a letter asking for the return of the certificate.

If the address of the family member is not known, or if the certificate is not returned on request, CPC Sydney refers the file to CMB. CMB will inform the RCMP so that details about the certificate can be entered in their records and for possible investigation.

10.4. Certificate held by stranger

If the certificate is held by someone other than a family member, the case must be referred to Case Management Branch with a covering memorandum for possible RCMP investigation.

10.5. CPC Sydney notifies Passport Office

CPC Sydney notifies the Passport Office about an outstanding certificate, whether held by a family member or a stranger, so it will not be used to obtain a Canadian passport.

10.6. Applicants must say what they did to get certificate back

In all cases, applicants should say what they did to try and get their certificate back. If no attempt was made to retrieve the certificate, the applicant should indicate why on the *Application for a Citizenship Certificate*.

10.7. Authorization needed for replacement

Do not issue a replacement until authorized by Case Management Branch.

11. Delayed registration of birth outside Canada

11.1. This section is about

This section is about delayed registration of birth outside Canada for persons born between January 1, 1947 and February 14, 1977. Although the transitional provision described in this section expired on August 14, 2004, these procedures will remain until all applications postmarked before August 15, 2004 have been processed.

11.2. Authorities

Canadian Citizenship Act, 1947
Paragraph 5(1)(b)

Citizenship Act, 1977
Paragraph 3(1)(e)

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Subsection 5(2)

Subsection 4(3)

11.3. Context

Paragraph 5(1)(b) of the former Act (1947) referred to children born outside Canada, on or after January 1, 1947, in wedlock to a Canadian father or if born out of wedlock, to a Canadian mother. The former Act required children born outside Canada to a Canadian parent to be registered as citizens within two years of the birth. Children not registered within the two-year period were not entitled to be registered except under special circumstances.

Paragraph 3(1)(e) of the *Citizenship Act* extended paragraph 5(1)(b) of the former Act into the current Act so that an unregistered child born before February 15, 1977 is entitled to registration. Subsection 4(3) of the *Citizenship Act* (1977) allowed the Minister to extend the registration period. This transitional provision which allowed for delayed registration expired on August 14, 2004.

Registration of a birth between January 1, 1947 and February 14, 1977 falls under regulations made under the previous Act.

Registration of a birth after February 14, 1977 falls under the regulations of the current Act.

Note: A deceased person cannot be registered.

11.4. Registration period

Subsection 4(3) of the current Act expired on August 14, 2004. Only applications postmarked on or before August 14, 2004 can be processed for delayed registration under 3(1)(e)/4(3).

11.5. Application

In order to apply for a delayed registration of birth outside Canada, the form *Application for a Citizenship Certificate* must have been completed and submitted with the required fees, postmarked on or before August 14, 2004. CPC Sydney will contact the client if additional documents are required.

12. Retention of Citizenship (section 8)

12.1. This section is about

This section provides guidelines on retention of citizenship and the process to apply for retention of citizenship.

12.2. Related topics

See the following sections:

- **CP 1, Section 3: Fees and Refunds**
- **CP 4, Section 4: Grant of Citizenship – 5(2)(b)**
- **CP 5 - Residence**
- **CP 8 - Appeals**
- **CP 9, Section 2: Resumption of Canadian citizenship**
- **CP 10, Section 2: Application**

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- CP 10, Section 11: Delayed registration of birth outside Canada

12.3. Policy

Citizens subject to section 8 are advised of the requirement to retain citizenship. CIC will facilitate as much as possible a person's application to retain citizenship. If a person does not retain citizenship, either by failing to apply for retention before turning 28 or by having an application for retention refused, CIC will advise the former citizen of the process to resume citizenship. CIC will counsel those in Canada without status on regularizing their status and facilitate as much as possible within a legislative and regulatory context the process to resume citizenship.

12.4. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
Subsection 2(1)	Section 6
Subsection 3(1)	Section 11
Subsection 4(3)	Section 14
Paragraph 5(2)(b)	Section 15
Section 8	Section 16
Section 11	Section 28
Subsection 12(2)	
Section 13	
Section 14	
Section 15	
Section 21	

12.5. Background on birth outside Canada

From January 1, 1947 to February 14, 1977, children born outside Canada acquired citizenship only if their birth was registered within two years and they were born in wedlock to a Canadian father or out of wedlock to a Canadian mother. Adopted children, children born in wedlock to Canadian mothers and children born out of wedlock to Canadian fathers had no right to citizenship.

Under the *Citizenship Act* (1977), children born outside Canada on or after February 15, 1977 derive citizenship through either citizen parent and are citizens regardless of the parent's marital status at the time of the children's birth. Registration of birth outside Canada is not required. However, the 1977 Act does not allow adopted children to derive citizenship through the Canadian parent.

12.5.1 Transition clauses in 1977 Act

Two temporary provisions were part of the 1977 Act. One allowed persons who were not registered before February 15, 1977 to register (subsection 4(3)). The second provided for a facilitated grant of citizenship for children born in wedlock to Canadian mothers (paragraph 5(2)(b)). After May 17, 2004, after a Federal Court decision, paragraph 5(2)(b) also applied to children born between January 1, 1947 and February 14, 1977, out of wedlock to Canadian fathers.

The transition clauses expired on August 14, 2004.

12.5.1.1 Subsection 4(3)

Persons eligible to be registered whose births were not registered before February 15, 1977 were able to apply for a delayed registration of birth outside Canada until August 14, 2004. Persons who were registered as citizens under subsection 4(3) are considered citizens by birth and citizenship is retroactive to birth. Children born outside Canada to a person registered under

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subsection 4(3) are considered to be the second generation born outside Canada and are subject to loss under section 8 of the Act.

12.5.1.2 Paragraph 5(2)(b)

Persons born outside Canada between January 1, 1947 and February 14, 1977 in wedlock to a Canadian mother were able to apply for a grant of citizenship under paragraph 5(2)(b) until August 14, 2004. Between May 17, 2004 and August 14, 2004, persons born out of wedlock to Canadian fathers were also eligible to apply for this grant. The grant is not retroactive but becomes effective on the date the application is approved (see **CP 4, Section 4: Grant of Citizenship – 5(2)(b)**).

Children born outside Canada after the parent is granted under 5(2)(b) are considered to be the first generation born outside Canada and are not subject to loss under section 8 of the Act. Children born outside Canada before the parent is granted under 5(2)(b) are not citizens.

12.6. Who is subject to section 8 of the *Citizenship Act* (1977)?

Children born outside Canada in the first generation are not subject to loss under section 8. Children born outside Canada in the second or subsequent generations must take steps to retain citizenship before their 28th birthday.

Section 8 defines the second generation as a person who was born outside Canada on or after February 15, 1977 to a parent who:

- was born outside Canada between January 1, 1947 and February 14, 1977 and registered as a citizen on or after February 15, 1977, or
- was born outside Canada on or after February 15, 1977.

The table below illustrates who is and who is not subject to loss by birth outside Canada in the second generation.

Note: In this table, "before 1977" refers to between January 1, 1947 and February 14, 1977 and "after 1977" refers to on or after February 15, 1977. The paragraphs indicated in parentheses refer to specific paragraphs of section 3 of the *Citizenship Act*.

If	And	Then
Person born or naturalized in Canada before or after 1977 [3(1)(a), 3(1)(c), 3(1)(d)]	Has a child born outside Canada before or after 1977 (if parent naturalized, child born after parent naturalized) [3(1)(b), 3(1)(d), 3(1)(e)]	Child is not subject to loss and does not have to retain under section 8.
Person born outside Canada before 1977 and registered as a citizen before 1977 [3(1)(d)]	Has a child born outside Canada after 1977 [3(1)(b)]	Child is not subject to loss and does not have to retain under section 8.
Person born outside Canada before 1977 and registered as a citizen after 1977 [3(1)(e)]	Has a child born outside Canada before 1977 and this child also registered after 1977 [3(1)(e)]	Child is not subject to loss and does not have to retain under section 8.
Person born outside Canada before 1977 and registered as a citizen after 1977 [3(1)(e)]	Has a child born outside Canada after 1977 [3(1)(b)]	Child is subject to loss and does have to retain under section 8.
Person born outside Canada after 1977 (1 st generation)	Has a child born outside Canada after 1977	Child is subject to loss and does have to retain under

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[3(1)(b)]	[3(1)(b)]	section 8.
Person born outside Canada after 1977 [3(1)(b)] to a Canadian parent also born outside Canada [3(1)(b), 3(1)(e)]	Has a child born outside Canada after 1977 (3 rd generation) [3(1)(b)]	3rd generation child is a citizen if born before parent's 28 th birthday or born after parent formally retained citizenship. This 3 rd generation is also subject to section 8 retention provision.
Person born outside Canada and did not retain citizenship	Has a child born outside Canada after loss of citizenship	Child is not a citizen.

12.7. Loss under section 8

People born on February 15, 1977 turn 28 on February 15, 2005. This is the earliest date loss under section 8 could take place. People subject to loss under section 8 must make an application to retain citizenship before their 28th birthday.

Citizens subject to section 8 lose citizenship on their 28th birthday unless they have made an application for retention and it has been approved. If a person has a pending retention application on their 28th birthday, the decision on that application will determine if that person ceased to be a citizen on their 28th birthday or successfully retained citizenship. Loss will occur even if the person resides in Canada. This means that persons residing in Canada who cease to be citizens under section 8 will have no legal status in Canada. Depending on the individual circumstances, there may be ways to remedy this situation. See operational bulletin **CP 02-09 Handling Special Cases of Certain People Living in Canada without Status**.
http://www.ci.gc.ca/cicexplore/english/guides/om_nso/2002/cp/cp02-09.htm

12.8. Requirements of section 8

There are three requirements for retention of citizenship under section 8 of the *Citizenship Act*:

- register as a citizen;
- residence in Canada or a "substantial connection" with Canada.
- Make an application for retention.

12.8.1 Registration

A person born outside Canada in the second generation is automatically a Canadian citizen at birth. For second generation born outside Canada, the approved application for proof of citizenship fulfills the registration requirement of subsection 8(b) of the *Citizenship Act*.

12.8.2 Residence in or substantial connection with Canada

In order to retain citizenship a person must:

- reside in Canada for one year immediately before applying for retention, or
- have established a substantial connection with Canada after the age of 14 and before the age of 28.

12.8.3 Residence in Canada

The applicant for retention must reside in Canada for at least one year immediately before making the application. This means the applicant must move to Canada by the day before turning

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27 years old, at the very latest. A person arriving on or after the 27th birthday would not be able to meet the minimum requirement of one year residence in Canada before the 28th birthday.

Example 1:

A person subject to section 8, whose 28th birthday is July 1, 2010, moves to Canada on June 30, 2009. This person must make an application for retention of citizenship on June 30, 2010.

Example 2:

A person subject to section 8, whose 28th birthday is July 1, 2010, moves to Canada on March 1, 2002. This person may apply for retention of citizenship one year after arriving; that is, March 1, 2003. Furthermore, this person may apply for retention anytime between March 1, 2003 and June 30, 2010 as long as they have continued to reside in Canada for one year immediately before making the application.

Subsection 8(b) of the Act specifies that a person must "reside in Canada for a period of at least one year immediately preceding the date of his application". The Minister's direction is that residence is considered to be physical presence in Canada unless there are certain exceptional circumstances (see **CP 5 – Residence**). Existing Federal Court jurisprudence applies to the evaluation of residence in Canada during the period specified in the Act as the pertinent period of residence. In accordance with established case law, an applicant, in certain cases, may be absent from Canada during this period and still meet the residence requirement.

Paragraph 6(3)(e) of the Regulations states that evidence to establish residence in Canada must be submitted with the application for retention. This evidence must clearly show that the applicant has resided in Canada for at least one year immediately before the date of the application.

Example 3:

A person subject to section 8, whose 28th birthday is July 1, 2010, moves to Canada on March 1, 2002. She lives in Canada until May 1, 2004 when she returns to the country of her birth (or moves away to live in another country). She applies for retention on October 1, 2004.

Even though she lived in Canada for at least one year, it was not the year immediately before her application (October 1, 2003 to October 1, 2004). Therefore, she does not meet the residence requirement for retention. However, she may satisfy the "substantial connection with Canada" criteria (see 12.9.6).

12.8.4 Evidence of residence

Examples of residence include but are not limited to:

- employment records or if self employed, evidence of business transactions in Canada;
- school records;
- rental agreements, receipts, or leases;
- mortgage papers, land transfer documents;
- property tax bills or receipts, residential property assessment notices, notice of assessments;
- bank or credit card statements confirming transactions made in Canada;
- receipts confirming purchases made in Canada (e.g. signature for goods received), utility bills, telephone bills, insurance policies;

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- stamps in passport(s) or travel document(s);
- provincial or territorial health records, letters from health professionals confirming dates of visits.

12.8.5 Time not counted towards residence

Under section 21 of the *Citizenship Act*, time spent on probation, on parole, or confined in a penitentiary, jail, reformatory or prison cannot be counted as periods of residence.

12.8.6 Substantial connection with Canada

The other way to meet the retention criteria is to establish a substantial connection with Canada. For example, a person who came to Canada some time after February 15, 1977 but did not stay and did not apply to retain after one year's residence, may have sufficient and specific connections with Canada to satisfy the requirements of subsection 8(b) of the Act regarding a substantial connection with Canada.

Section 16 of the Regulations specifies the criteria for determining a substantial connection with Canada:

- employment, for at least two of the four years immediately before the application, in the public service of Canada or a province, or as a member of the Canadian Forces or the Royal Canadian Mounted Police or as a Canadian representative to the United Nations or one of its affiliated agencies, or
- an adequate knowledge of Canada, of one of the official languages of Canada (English or French), and the responsibilities and privileges of citizenship, and since turning 14 years of age, has spent more than one year in Canada with a member of their family, or in attendance at a recognized secondary or post-secondary educational institution.

The citizenship judge must be satisfied the evidence used to establish substantial connection with Canada clearly shows that the applicant was employed as specified in 16(a) or was present in Canada as specified in 16(b). The judge also determines whether the applicant meets the language and knowledge requirements of 16(b).

Employment records are required to establish compliance with the criteria set out in 16(a) of the Regulations. School records are required to establish attendance at a school specified in 16(b). Examples of other documents used to establish substantial connection with Canada as specified in 16(b):

- employment records;
- school records;
- sworn affidavit from family member(s) (parent, brother, sister, aunt, uncle or grandparent) describing circumstances of residence in Canada (when, where, with whom applicant lived);
- provincial or territorial health records, medical records, letters from doctors;
- birth or marriage certificates if applicant gave birth or got married during pertinent period in Canada.

The criteria for determining whether a person has an adequate knowledge of English or French are based on questions prepared by the Minister. The applicant must be able to understand basic spoken statements and questions and be able to communicate basic information or answers to questions.

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The criteria for determining whether a person has an adequate knowledge of Canada and the responsibilities and privileges of citizenship are that the person must be able to answer general questions about:

- the right to vote in federal, provincial and municipal elections in Canada and have the right to run for elected office in Canada;
- enumeration and voting procedures in Canada; and
- chief characteristics of Canadian social and cultural history,
- chief characteristics of Canadian political history,
- chief characteristics of Canadian physical and political geography, or
- responsibilities and privileges of citizenship.

Language and knowledge skills are assessed through a written test or oral interview. The applicant may use an interpreter for the knowledge questions but cannot use an interpreter to answer the questions used to test language skills.

See **CP 4, Section 5: Assessing Language and Knowledge – Written Test** and **CP 4, Section 6: Assessing Language and Knowledge – Oral Interview**.

Note: There is no waiver based on age for section 8 applicants.

12.9. Application

A person subject to section 8 of the *Citizenship Act* must make a formal application, in the prescribed form, to retain citizenship. Supporting documents to establish citizenship and compliance with residence requirement or substantial connection with Canada must be submitted with the application.

12.10. Documentation required

The documents required for an application for retention of Canadian citizenship are:

- Application to Register and Retain Canadian Citizenship Under Section 8 (CIT 0300);
- proof of Canadian citizenship (see document section of the Application for a Citizenship Certificate);
- two pieces of identification (for a young child these could be such documents as a vaccination record, school record or hospital card);
- two photographs of the subject of the application;
- fee (see **CP 1, Section 3.15: Fee schedule for citizenship services**);
- photocopies of supporting documents to establish residence or a substantial connection with Canada.

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12.11. Process

CPC Sydney

Applications for retention are received at CPC Sydney directly from applicants or through missions abroad or local offices. At CPC, the fee is collected and a file is created. Once the initial data entry is completed, the file is referred to Program Support. An officer at CPC will review the file to confirm the applicant is a citizen, research any previous records pertaining to the current application, and determine if the application is based on residence or substantial connection. If required, A Look at Canada is mailed to the applicant. Once citizenship is established, the file is referred for decision to a citizenship judge at a local office or to a mission.

Missions

Applicants who do not live in Canada are encouraged to file an application through the local mission. Officers there will be able to advise them of the requirements, the process, and provide forms. The certificates for an approved application will be sent to the local mission. Missions will work with the judge to schedule language and knowledge tests and any other required interviews.

Local office

Most applications will be sent directly to CPC Sydney by either the applicant or by a mission. In most cases, the local office will become involved in an application for retention when the file is forwarded from the CPC for a decision by the local citizenship judge or if there are residence issues (probation, indications that not all absences are listed, etc.).

Case Management

Case Management may become involved in an application for retention when there appears to be misrepresentation or investigation is warranted. Contentious cases should be referred to Case Management.

12.12. Decision making

Citizenship judges make the decision to approve or refuse applications for retention.

For applicants residing in Canada, the judge in the local office will evaluate applications, conduct interviews, if necessary, and make the decision to approve or refuse retention of citizenship. If the judge cannot make a positive decision on the basis of the information on file, an interview must be scheduled. If language and knowledge tests are required, they can be administered in person at the local office. If necessary, the senior citizenship judge may be responsible for an application inside Canada and will work with the local office to make the necessary arrangements for interviews and tests.

For applicants residing outside Canada, the senior citizenship judge will conduct telephone interviews to test language and knowledge and obtain any additional information necessary to make a decision. These interviews will be administered at the mission where staff will verify the applicant's identity.

In accordance with section 14 of the Act, the decision to approve or refuse an application will be made within 60 days. The applicant will be advised, in writing, of the judge's decision. Both the applicant and the Minister have the right to appeal the judge's decision to the Federal Court – Trial Division.

12.13. Approval

When the judge approves an application, it is referred to an officer who is delegated under section 8 to approve the issuance of a certificate. If the officer believes the judge may have made

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an error or did not correctly apply Federal Court jurisprudence, the Minister may appeal the judge's decision.

12.14. Proof of retention

The retention certificate is confirmation that Canadian citizenship is retained. A new citizenship certificate is issued at the same time as the retention certificate. All previously issued certificates must be surrendered.

12.15. Refusal

When an application is refused, the citizenship judge will provide written reasons for the refusal. The letter will also outline the process to initiate an appeal of the judge's decision. Also, if a citizenship certificate was prepared in conjunction with the application under section 8, it will be cancelled and not issued to the applicant.

Person under 28 years old

Until age 28, unsuccessful applicants may reapply for retention whenever they feel they meet the requirements. The refusal letter will indicate the applicant does not cease to be a citizen until turning 28 years of age. Any original certificates submitted with the application remain valid (until retention is approved or 28th birthday) and are returned with the refusal letter.

Person 28 years old or over

A person who has turned 28 and whose application is not approved ceases to be a citizen. The refusal letter will outline the process for resumption. If the applicant is outside Canada and interested in resuming citizenship, the mission can provide information and assistance in applying for permanent resident status (a requirement of resumption). If the applicant is inside Canada, CIC will advise the former citizen of the options for regularizing status in Canada.

When loss is confirmed (i.e. the person has turned 28 years of age and has not retained citizenship), CPC Sydney will notify Immigration Query Response Centre and the Passport Office.