



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

CP 9

Acquisition and Loss of Canadian Citizenship

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Updates to chapter

Date: 2009-04-17

This chapter has been completely revised and expanded, and incorporates changes to citizenship law that came into effect with the coming into force of Bill C-37, an Act to amend the *Citizenship Act*, S.C. 2008, c.14, on April 17, 2009.

Previous versions of CP 9 should be discarded.

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1. What this chapter is about

This chapter describes the ways a person can acquire and lose Canadian citizenship.

2. Program objectives

Subsection 12(1) of the *Citizenship Act* states that the Minister shall issue a certificate of citizenship to any citizen who makes an application.

Before issuing a citizenship certificate, delegated citizenship officers must ensure that the applicant is a citizen as described in subsection 3(1) of the Act, is not described in subsections 3(2) and 3(3) of the Act, and has not ceased to be a citizen under any provisions of the *Citizenship Act*.

3. The Act and Regulations

3.1. Provisions of the *Citizenship Act*

Reference	Provision
A2(1)	Provides the definitions of certificate of citizenship, certificate of naturalization, and certificate of renunciation.
A2(2)(a)	Provides that a person born on a Canadian ship or on a Canadian aircraft is deemed to be born in Canada.
A3(1)(a)	Provides that a person is a citizen if the person was born in Canada after February 14, 1977.
A3(1)(b)	Provides that a person is a citizen if the person was born outside Canada to a Canadian parent after February 14, 1977.
A3(1)(c)	Provides that a person is a citizen by grant under section 5 or 11 of the Act. Requires persons 14 years of age or older to take the oath of citizenship in order to become a citizen after the grant.
A3(1)(c.1)	Provides that a person is a citizen by grant under the adoption provision of section 5.1 of the Act.
A3(1)(d)	Provides that a person is a citizen if the person was a citizen immediately before February 15, 1977.
A3(1)(e)	Provides that a person is a citizen if the person was born outside Canada to a Canadian parent (delayed registration of birth outside Canada). Registration period expired on August 14, 2004.
A3(1)(f)	Automatically restores citizenship to certain persons who lost it and have not reacquired it retroactive to the date when the person ceased to be a citizen. Does not restore citizenship to persons who renounced citizenship, to persons who had citizenship revoked, to persons who failed to retain their citizenship under the 1977 Act, or to persons born outside Canada to a Canadian parent in the second or subsequent generation.
A3(1)(g)	Provides that a person is a citizen if the person was born outside Canada to a Canadian parent. Gives citizenship to certain persons who are not citizens, have never been citizens, but were born outside Canada to a Canadian parent between January 1, 1947 and February 14, 1977 (incl.) in the first

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	generation. Citizenship is retroactive to the person's date of birth.
A3(1)(h)	Provides that a person is a citizen if the person was born outside Canada to a Canadian parent. Confers citizenship by operation of law to a person who was born outside Canada to a Canadian parent between January 1, 1947 and February 14, 1977 (incl.), was not a citizen at birth, and was granted citizenship under section 5 before April 17, 2009.
A3(1)(i)	Confers citizenship by operation of law to a person who: <ul style="list-style-type: none"> was previously a citizen by automatic operation of law under the 1947 Act (i.e. born in Canada, born outside Canada to a Canadian parent, or a citizen under section 9 of the 1947 Act); ceased to be a citizen; and reacquired citizenship on or after February 15, 1977.
A3(1)(j)	Confers citizenship by operation of law to a person who: <ul style="list-style-type: none"> was previously a citizen by automatic operation of law under the 1947 Act (i.e. born in Canada, born outside Canada to a Canadian parent, or was a citizen under section 9 of the 1947 Act); ceased to be a citizen; and reacquired citizenship before February 15, 1977.
A3(2)	Provides the exception to citizenship by birth in Canada (children of foreign diplomats).
A3(3)	Limits citizenship by descent (persons born outside Canada to a Canadian parent and persons born outside Canada and adopted by a Canadian parent) to the first generation.
A3(4)	Provides that the exception under A3(3) does not apply if the person is a citizen immediately before April 17, 2009.
A3(5)	Provides the exception to A3(3) for children born or adopted by persons employed outside Canada by the federal public service, by the public service of a province or territory, or serving outside Canada with the Canadian Forces.
A9	Provides the requirements to renounce citizenship.
A10	Outlines the requirements to revoke citizenship.
A12	Outlines the authority to issue a certificate to any citizen who makes an application.
A14 and A15	Outlines the procedures for applications that need to be considered by a citizenship judge including grants under A5(1) and A5(5), renunciations under A9(1), and resumptions under A11(1).
A18	Outlines the procedures for revocation.
A20	Provides the security prohibition.
A27	Provides the authority to make regulations.

3.2. Provisions of the *Citizenship Regulations*

Reference	Provision
R7	Describes the requirements for an application made to renounce citizenship under

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	subsection 9(1) of the Act.
R7.1	Describes the requirements for an application made to renounce citizenship automatically conferred by the Act on persons referred to in paragraph 3(1)(f) or (g) of the Act.
R10	Describes the requirements for a proof application made under subsection 12(1) of the Act.
R12	Outlines the procedures for applications received.
R26	Provides the authority to recall a citizenship certificate.
R28	Provides the authority to request additional evidence in order to make a decision on a citizenship application.

3.3. Forms required

Name/Purpose	Number
Application for a Citizenship Certificate - Under Section 3	CIT 0001
Application to Renounce Canadian Citizenship - Under Subsection 9(1)	CIT 0302
Application to Renounce Canadian Citizenship (for certain persons who acquired citizenship on April 17, 2009) (R7.1)	CIT 0496
Certificate of Renunciation of Canadian Citizenship	CIT 0118B
Confirmation of Renunciation under R7.1	

3.4. Business process maps associated with this chapter

Business process map 19: Citizenship – Revocation

Business process map 20: Citizenship – Searches & Proofs

4. Instruments and delegations

4.1. Delegated powers

Under the provisions of the *Citizenship Act*, the Minister is responsible for granting citizenship, issuing citizenship certificates and exercising other powers related to Canadian citizenship status. A citizenship officer is a person authorized in writing to exercise the Minister's authority under citizenship legislation.

The authority to determine who may function as a citizenship officer on the Minister's behalf is delegated to the Registrar of Canadian Citizenship who is also the Director of Citizenship Program Delivery and Promotion Division within the Operational Management and Coordination Branch (OMC).

4.2. Designated positions

Individuals in designated positions are delegated as officers upon the successful completion of a delegation course and an exam that is designed to assess the knowledge and understanding of the relevant provisions of the legislation, and with the recommendation of that individual's manager.

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For the issuance of a citizenship certificate, designated positions include citizenship officers in local CIC offices, the Case Processing Centre in Sydney, Nova Scotia (CPC Sydney), Case Management Branch (CMB) and OMC.

For the issuance of a renunciation certificate, designated positions include citizenship officers in CPC Sydney, CMB and OMC.

5. Departmental policy

Nil.

6. Definitions

Term	Definition
Jus sanguis, jus sanguinis	Citizenship by descent; citizenship through a parent; derivative citizenship.
Jus soli	Citizenship by birth on soil.
Landed immigrant	Permanent resident.
Naturalization	Process by which a foreigner is granted citizenship.
Responsible parent	The “responsible” parent under the 1947 Act was defined as the father, if the child was born in wedlock, or the mother, if the child was born out of wedlock and was residing with the mother, if the father was deceased or if custody of the child had been awarded to the mother by court order.

7. Acquisition of citizenship

7.1. This section is about

All Canadian citizens are described in subsection 3(1) of the *Citizenship Act*.

On April 17, 2009, Bill C-37, an *Act to Amend the Citizenship Act*, came into force adding five new paragraphs to subsection 3(1). In certain cases, a person may have been a citizen under one paragraph before the coming into force of Bill C-37, but after Bill C-37, be a citizen under one of the new paragraphs.

For example, under the 1947 Act, a person born outside Canada, in wedlock, to a Canadian mother and a non-Canadian father was not a citizen by birth. However, a provision was included in the 1977 Act allowing these individuals to apply for a grant of citizenship under paragraph 5(2)(b) of the 1977 Act for a limited time (note: 5(2)(b) expired on August 14, 2004). Before Bill C-37 came into force, these individuals who were granted citizenship under 5(2)(b) were citizens under paragraph 3(1)(c), which describes persons who become citizens under the 1977 Act by way of grant. However, since the coming into force of Bill C-37, these individuals are now citizens under paragraph 3(1)(h) and their Canadian citizenship is restored retroactively to the date of birth, and as a result, are considered to be citizens by descent and not by way of a grant.

7.2. Citizenship by birth on soil – A3(1)(a)

Citizenship by birth on soil – *jus soli*

Citizen’s date of birth: after February 14, 1977

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This paragraph applies to individuals born in Canada. In most cases, a person born in Canada is automatically a Canadian citizen at birth.

Note: According to the *Interpretation Act*, “Canada” includes the “internal waters of Canada and the territorial sea of Canada”. “Internal waters” is further defined as “the internal waters of Canada as determined under the *Oceans Act* and includes the airspace above and the bed and subsoil below those waters”. As such, children born in Canadian airspace, whether over Canadian waters or over Canadian land, are considered born in Canada, as are children born in Canadian waters. The interpretive clause in A2(2)(a) of the *Citizenship Act* is to be used only when a child is born outside of Canada. Any application based on birth in Canadian airspace or water should be referred to OMC (nat-cit-operations@cic.gc.ca) for consultation with Legal Services.

7.3. Exception to birth on soil – A3(2)

A child born in Canada to an accredited foreign diplomat is not Canadian at birth unless the other parent is a Canadian citizen or permanent resident at the time of the child’s birth (see subsection 3(2) of the Act).

7.4. Citizenship by descent – A3(1)(b)

Citizenship by descent – *jus sanguis* or *jus sanguinis*

Citizen’s date of birth: after February 14, 1977

This paragraph applies to individuals born outside Canada to a Canadian mother or father on or after February 15, 1977.

Persons born outside Canada on or after April 17, 2009: Since April 17, 2009, a person who is born outside Canada to a Canadian mother or father is automatically a Canadian citizen by birth only if that person is of the first generation born outside Canada.

Persons born outside Canada between February 15, 1977 and April 16, 2009: Prior to Bill C-37, a person born outside Canada on or after February 15, 1977 to a Canadian mother or father was automatically a Canadian citizen regardless of whether they were of the first or subsequent generation born outside Canada. However, a person of the second or subsequent generation born outside Canada to a Canadian parent was required to apply to retain their Canadian citizenship before attaining the age of 28. Failure to do so resulted in the loss of citizenship (section 8 of the 1977 Act, now repealed). Persons of the second or subsequent generation born outside Canada who turn 28 on or after April 17, 2009 (when Bill C-37 came into force) are no longer required to retain citizenship (a retention application is not required). Bill C-37 does not restore citizenship to those who lost it under section 8 of the 1977 Act prior to the coming into force of Bill C-37.

7.5. Limit to citizenship by descent – A3(3)

Bill C-37 limits citizenship by descent to the first generation born outside Canada to a Canadian parent. As of April 17, 2009, in order for a person to acquire citizenship by descent, that person must be in the first generation born outside Canada to a Canadian parent. First generation born outside Canada to a Canadian parent means that at least one parent must be a Canadian who was either:

- born in Canada; or
- became a Canadian citizen by immigrating to Canada and being granted Canadian citizenship (naturalization), and is currently described in paragraphs 3(1)(c) or 3(1)(d).

This means that the limit to citizenship by descent applies to persons born outside Canada to Canadian parents who are citizens by descent, which includes people who are citizens under

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paragraphs 3(1)(b), 3(1)(c.1), 3(1)(g) or 3(1)(h), as well as people who are citizens under paragraphs 3(1)(i) and 3(1)(j) if they are citizens by descent.

7.6. Exception to limit to citizenship by descent – A3(4) (transitional provision)

The limit to citizenship by descent does not apply to persons who are citizens on April 16, 2009 (i.e. the day before Bill C-37 comes into force).

7.7. Exception to limit to citizenship by descent – A3(5) (service outside Canada)

The limit to citizenship by descent does not apply to children born outside Canada, on or after April 17 2009, in the second or subsequent generation to a Canadian parent who is employed in the Canadian Forces, the federal public service or the public service of a province or territory (otherwise than as a locally engaged staff). Such persons will automatically be Canadian by descent. However, a person who is a citizen due to the exception would not be able to pass on citizenship to any children they may have outside Canada. The person's child born outside Canada would not be Canadian at birth unless:

- the parent was a member of the foreign service as described above at the time of the child's birth or;
- the child acquired citizenship by birth through the other parent.

7.8. Grant of citizenship – A3(1)(c)

Grant of citizenship – naturalization

Citizen's date of birth: n/a

This paragraph applies to individuals who have been granted citizenship, and taken the oath of citizenship (if applicable), under the following provisions:

- Adult grant – A5(1);
- Minor grant – A5(2);
- Special grant – A5(4); or
- Resumption of citizenship – A11(1).

Note: Though not a grant of citizenship in the same manner as those listed above, people who acquire citizenship under subsection 11(2) (election of citizenship) are also citizens under paragraph 3(1)(c).

Note: Persons who were born outside Canada between January 1, 1947 and February 14, 1977 to a Canadian mother in wedlock, or to a Canadian father out of wedlock, and who were granted citizenship under paragraph 5(2)(b) of the 1977 Act are described under paragraph 3(1)(h) since April 17, 2009.

7.9. Grant of citizenship – A3(1)(c.1)

Direct grant of citizenship for a person adopted by a Canadian citizen

Citizen's date of birth: n/a

This paragraph applies to individuals adopted by a Canadian citizen on or after January 1, 1947 and who have been granted citizenship under section 5.1.

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7.10. Citizen under the 1947 Act – A3(1)(d)

Citizen immediately before February 15, 1977 (can be: citizenship by birth on soil, by naturalization, or by descent)

Citizen's date of birth: on or before February 14, 1977

This paragraph applies to individuals who were Canadian citizens under the *Canadian Citizenship Act (1947)* immediately before the *Citizenship Act* came into force on February 15, 1977. Any person who was a citizen on February 14, 1977 became a citizen under 3(1)(d) on February 15, 1977.

7.11. Delayed registration of birth abroad – A3(1)(e)

Delayed registration of birth outside Canada (citizenship by descent)

Citizen's date of birth: between January 1, 1947 and February 14, 1977

This paragraph applies to individuals who were born outside Canada between January 1, 1947 and February 14, 1977 to a Canadian "responsible" parent, and who were eligible to be registered as citizens born outside Canada, but were not registered until after February 14, 1977.

The "responsible" parent under the 1947 Act was defined as the father, if the child was born in wedlock, or the mother, if the child was born out of wedlock and was residing with the mother, if the father was deceased or if custody of the child had been awarded to the mother by court order.

Note: The opportunity to register and become a citizen under paragraph 3(1)(e) expired on August 14, 2004. Individuals who did not make an application to register and become citizens under paragraph 3(1)(e) prior to its expiry on August 14, 2004 may have automatically become citizens under Bill C-37 if they are of the first generation born outside Canada to a Canadian parent. These individuals are described in paragraph 3(1)(g).

7.12. Automatic restoration – A3(1)(f)

Automatic restoration (can be: citizenship by birth on soil, by naturalization, or by descent)

Citizen's date of birth: n/a

This paragraph applies to individuals who were Canadian citizens but lost their citizenship, and did not resume it before April 17, 2009. This paragraph automatically restores citizenship to these individuals and this restoration of citizenship is retroactive to the date of loss.

Exceptions:

Former citizens whose citizenship is not restored by this paragraph are persons who lost it because they:

- made a formal application, as an adult, to the Canadian government to renounce citizenship and that application was approved;
 - acquired citizenship (naturalization) by fraud, false representation or concealing material circumstances, and that citizenship was revoked by the Canadian government; or
 - were born outside Canada between February 15, 1977 and April 17, 1981 (incl.), to a Canadian parent, in the second or subsequent generation who did not take the steps required to keep citizenship before their 28th birthday and, thus, lost citizenship on that date.
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7.13. First generation born outside Canada but was never a citizen – A3(1)(g)

First generation born outside Canada but was never a citizen prior to April 17, 2009 (citizenship by descent)

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Citizen's date of birth: between January 1, 1947 and February 14, 1977 (incl.)

This paragraph applies to individuals in the first generation born outside Canada to a Canadian parent between January 1, 1947 and February 14, 1977 (incl.), and who were never Canadian citizens prior to April 17, 2009. This paragraph gives citizenship to these individuals retroactively to the individual's date of birth. Persons who are of the second or subsequent generation born outside Canada to a Canadian parent do not acquire citizenship by descent under paragraph 3(1)(g).

Limit to citizenship by descent: Bill C-37 limits citizenship by descent to the first generation born outside Canada to a Canadian parent. As of April 17, 2009, in order for a person to acquire citizenship by descent, that person must be in the first generation born outside Canada to a Canadian parent. First generation born outside Canada to a Canadian parent means that at least one parent was either:

- born in Canada; or
- became a Canadian citizen by immigrating to Canada and being granted Canadian citizenship, and is currently described in paragraphs 3(1)(c) or 3(1)(d).

This means that the limit to citizenship by descent applies to persons born outside Canada to Canadian parents who are citizens under paragraphs 3(1)(b), 3(1)(c.1), 3(1)(g) or 3(1)(h), as well as people who are citizens under paragraphs 3(1)(d), 3(1)(i) and 3(1)(j) if they are citizens by descent.

Note: A child born outside Canada to, or born outside Canada and adopted by, a parent who was a citizen under section 9 of the 1947 Act is considered the first generation born outside Canada.

7.14. First generation born outside Canada and who was granted Canadian citizenship before April 17, 2009 – A3(1)(h)

Citizen by virtue of being born outside Canada to a Canadian parent and being **granted** Canadian citizenship under the **1977 Citizenship Act** before April 17, 2009 (citizenship by descent)

Citizen's date of birth: between January 1, 1947 and February 14, 1977

This paragraph applies to individuals born outside Canada to a Canadian parent between January 1, 1947 and February 14, 1977, who did not become citizens by birth, but who were granted citizenship under section 5 before April 17, 2009. Under this paragraph, such individuals are recognized as citizens by operation of law instead of citizens by way of grant, and their citizenship is retroactive to their date of birth.

Note: A person who is a citizen under paragraph 3(1)(h) would have been a citizen under paragraph 3(1)(g) if the person was not granted citizenship under section 5.

7.15. Former citizens by way of operation of law, who lost their citizenship, and resumed it under the 1977 Act – A3(1)(i)

Former citizens by operation of law, who lost their citizenship, and **resumed** it under the **1977 Citizenship Act** (can be: citizenship by birth on soil or by descent)

Citizen's date of birth: before February 14, 1977

This paragraph applies to individuals who were originally Canadian citizens by operation of law (as opposed to by way of grant), lost their citizenship (other than by way of formal renunciation with the Canadian government or failure to retain it under the current Act), and then resumed it through the grant process **on or after February 15, 1977** (under the **1977 Act**). Under this paragraph, such individuals are recognized as citizens by operation of law instead of citizens by way of grant and their citizenship is retroactive to the date they originally lost citizenship.

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7.16. Former citizens by operation of law, who lost their citizenship, and resumed it under the 1947 Act – A3(1)(j)

Former citizens by operation of law, who lost their citizenship, and **resumed** it under the **1947 Canadian Citizenship Act** (can be: citizenship by birth on soil or by descent)

Citizen's date of birth: before February 14, 1977

This paragraph applies to individuals who were originally citizens by operation of law (as opposed to a grant), lost their citizenship (other than by formal renunciation with the Canadian government), and then resumed it through an application process **before February 15, 1977** (under the **1947 Act**). Under this paragraph, such individuals are recognized as citizens by operation of law instead of citizens by way of grant, and their citizenship is retroactive to the date they originally lost citizenship.

8. Loss of citizenship

8.1. This section is about

This section is about:

- the loss provisions in the *Canadian Citizenship Act* (1947) and the *Citizenship Act* (1977);
- the amendments to the *Citizenship Act* implemented on April 17, 2009 regarding acquisition and restoration of citizenship (Bill C-37); and
- the procedures in suspected loss of citizenship.

8.2. 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, 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.

8.3. 1977 Act allows loss

Citizenship lost under the 1947 Act was not automatically restored when the 1977 Act came into force.

The 1977 *Citizenship Act* contained a provision for automatic loss of citizenship by certain persons under section 8 which required that Canadian citizens born outside Canada to a Canadian parent who was also born outside Canada to a Canadian parent take certain steps to retain their citizenship before the age of 28 or lose their citizenship on their 28th birthday. The 2009 amendments repealed this provision so that people turning 28 on or after April 17, 2009 remain Canadian citizens and are not required to take steps to retain citizenship. However, the amendment does not restore citizenship to persons who lost their citizenship under section 8 before it was repealed. If these people wish to reacquire citizenship, they must apply to resume citizenship under subsection 11(1) of the Act after acquiring permanent resident status first.

8.4. April 17, 2009 amendments to 1977 Act allowed for acquisition and restoration of citizenship

On April 17, 2009 the 1977 *Citizenship Act* was amended to restore citizenship to many people who lost it under the *Canadian Citizenship Act* and to give it, for the first time, to many people born to Canadian parents outside Canada in the first generation.

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People whose citizenship is not restored under the 2009 amendments are those who made a formal application to the Government of Canada to renounce citizenship and whose application was approved; those whose citizenship was revoked; and those who lost their citizenship under section 8 of the 1977 *Citizenship Act* for failure to retain.

8.5. Review all proof 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.

Although the 2009 amendments to the *Citizenship Act* restores citizenship to many people who previously lost it, it is still necessary to confirm previous loss in order to determine under which section of the *Act* the applicant is a citizen.

8.6. Applicant may be required to obtain information

If information is needed from another country regarding a person's citizenship status in that country in order for the CIC official to determine Canadian citizenship status under the *Citizenship Act*, it is the applicant's responsibility to obtain that information from the authorities of the country.

8.7. 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 the person's nationality. If the parent whose status is being questioned can provide a statement concerning his or 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 United States is not always acceptable evidence that the person in question did not naturalize as a U.S. citizen.

Note: The April 17, 2009 amendments to the *Citizenship Act* restore citizenship to people who lost citizenship as minors **only if** they were born in Canada, naturalized in Canada or were born outside Canada in the first generation. Those people born outside Canada in the second and subsequent generations who lost Canadian citizenship as minors were not restored citizenship under the 2009 amendments. These people have the option to apply for a resumption of Canadian citizenship after acquiring permanent resident status.

8.8. If parents naturalized as 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 and the manner in which the applicant acquired citizenship originally.

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 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 American authorities (U.S. Citizenship and Immigration Services) that their parents' naturalization did not entitle their children to U.S.A. citizenship.

8.9. Derivation claims, marriage

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

Applicants who claim they have 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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8.10. 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.

8.11. 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 or she is not entitled to a certificate, it is important to ensure all documentary evidence and facts are complete. If a citizenship officer requires further information or documents, the officer will contact the client. It is important to note that many people who lost citizenship status under former legislation have had Canadian citizenship restored under the amendments of 2009.

8.12. Where there is doubt on loss

If a citizenship officer has doubts on whether loss of citizenship occurred, the file is sent to the Registrar of Canadian Citizenship for direction.

The Registrar will review the file and provide clarification to the officer. The file is then returned to the officer for a final decision.

8.13. Citizenship certificate issued to citizens

Where a citizenship officer determines that the client is a Canadian citizen, a citizenship certificate will be issued to the client.

8.14. Client informed on loss of citizenship

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

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

8.15. Passport office informed

Where an applicant is determined to not be a citizen or to never have been a citizen, and a citizenship certificate was issued to the applicant in the past, Passport Canada will be copied on the negative decision.

8.16. Query Response Centre informed

Where an applicant is determined to not be a citizen or to never have been a citizen, and a citizenship certificate was issued to the applicant in the past, the officer will query FOSS to see if the applicant has a record. If the applicant has a record in FOSS, the citizenship officer will advise the Query Response Centre of the negative decision in order to update FOSS.

8.17. Refer to Case Management Branch for recall

Where an applicant is determined to not be a citizen or to never have been a citizen, a citizenship certificate was issued to the applicant in the past, and the certificate is still in the applicant's

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possession, the file must be referred to Case Management Branch for recall of the citizenship certificate before the negative letter is sent.

Case Management Branch will finalize the file, including advising the client of the result of the proof application.

9. Women and loss of British subject status before 1947

In order to acquire Canadian citizenship with the coming into force of the *Canadian Citizenship Act*, on January 1, 1947, a person had to be a British subject on that date. This is significant for certain women who lost their British subject status before that date as a result of their marriage, or their husband's action during the marriage, and who otherwise would have acquired Canadian citizenship.

British women who married aliens before January 15, 1932, lost British subject status, even though the loss may have made them stateless.

On January 15, 1932, the *Naturalization Act* was amended to deal with statelessness. From that date British women retained their British subject status 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 subject status only if they acquired their husband's new nationality.

9.1. 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 (please note specific periods for some countries during which loss would have occurred):

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

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9.2. 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 was:

The 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.

9.3. Status from January 15, 1932 to December 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 H certificate.
If husband was an alien then wife only ceased to be a British subject if she automatically acquired her husband's alien nationality upon marriage.	If husband naturalized in a foreign country then wife's status changed only if she was automatically included in her husband's alien naturalization. However, she could apply to retain British subject status and be issued a Series I certificate.

9.4. Remedy for women to acquire Canadian citizenship

Most women who lost their British subject status, and therefore did not acquire Canadian citizenship, do not know they are not citizens until applying for a Canadian passport. There is a simple procedure for women in this situation to acquire Canadian citizenship called resumption or election under subsection 11(2). See CP 4, Election under subsection 11(2) for more information.

10. Renunciation of citizenship under section 9 of the *Citizenship Act*

10.1. This section is about

This section is about voluntary renunciation of Canadian citizenship by an adult under section 9 of the *Citizenship Act*.

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

10.2. Requirements to renounce citizenship under subsection 9(1)

Under the provisions of subsection 9(1) of the *Citizenship Act*, a Canadian citizen may renounce his or her citizenship if he or she:

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

10.3. Minister may waive some requirements

Subsection 9(2) gives the Minister 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 CP 7 Waivers.

10.4. Judge decides

A citizenship judge approves or non-approves applications for renunciation of Canadian citizenship made under subsection 9(1).

10.5. Applicant loses status

Citizens who successfully renounce citizenship have no status in Canada.

A person who renounces Canadian citizenship is subject to the *Immigration and Refugee Protection Act*, for example, regarding entering and remaining in Canada.

If a person renounces citizenship and decides to return to Canada to live, he or she must apply to become a permanent resident and live in Canada for one year immediately before applying to resume citizenship.

If a person renounces citizenship and decides to return to Canada temporarily (i.e. to work or to study) they must apply to become a temporary resident.

10.6. 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. CIC treats renunciation cases urgently.

10.7. Process overview

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

Step	Action
1	CPC Sydney receives the application for renunciation. All renunciation applications are treated urgently at CPC Sydney.
2	CPC Sydney requests a security clearance from CSIS.
3	Once the security clearance is received, a citizenship officer reviews the application and: <ul style="list-style-type: none">• confirms that the applicant is a Canadian citizen and has not ceased to be a citizen;• examines supporting documents to ensure that they support the requirements for renunciation of citizenship;

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	<ul style="list-style-type: none">• if necessary, asks for additional information or documents from the applicant or Canadian mission nearest the applicant's address.
4	The citizenship officer forwards the file to a citizenship judge, usually the senior judge, for a decision.
5	<p>The judge reviews the file and takes a decision.</p> <p>If the judge approves:</p> <ul style="list-style-type: none">• the file is returned to CPC Sydney for final processing;• a letter is sent to the applicant requesting to surrender his or her citizenship certificate, if applicable;• a renunciation certificate is issued on receipt of the citizenship certificate. <p>If the judge non approves:</p> <ul style="list-style-type: none">• the judge sends a letter of non-approval to the applicant advising of the right to appeal;• the file is returned to CPC Sydney for archiving. The file is on hold until the appeal waiting period is over.

10.8. If renunciation approved

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

- the officer in CPC Sydney approves the application (however, if there was an error in law, the officer may recommend the Minister appeal the judge's decision);
- a renunciation certificate is prepared, with the next working day as the effective date of renunciation;
- the renunciation certificate is sent to the Canadian mission with a covering letter addressed to the mission requesting to forward the certificate to the applicant. If the citizenship certificate was not surrendered at the time of the application, the mission is asked to have the applicant surrender it before they release the renunciation certificate to the applicant;
- a copy of the letter is sent to the Passport Office and the Query Response Centre;
- the renunciation certificate is forwarded to the client when previous citizenship certificate(s) are received.

10.9. If application non-approved

If the citizenship judge does not approve the application, he or she must:

- prepare a non-approval letter giving the applicant the reason for not approving the application for renunciation;
- send the letter to the applicant, by mail (confirmation from Canada Post needed, e.g. registered, certified, express, etc.), at the last known address;
- the non-approval letter must tell the applicant that they:
 - ◆ can re-apply for renunciation when they meet the requirements; OR

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

10.10. 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.

10.11. Waiver recommended

If the citizenship judge recommends a waiver under section 9(2), the file must be sent to Case Management Branch.

See CP 7 – Waivers.

11. Renunciation of citizenship under R7.1

Some individuals who automatically acquired citizenship on April 17, 2009 with the coming into force of Bill C-37 may be negatively affected. The provisions for a streamlined renunciation was included in Bill C-37 in order to address such circumstances.

11.1. Who may apply

Persons who are citizens under paragraphs 3(1)(f) or 3(1)(g) of the *Citizenship Act* may apply to renounce their citizenship through a streamlined mechanism whose requirements are described under section 7.1 of the *Citizenship Regulations*.

Under R7.1, there are fewer requirements for renunciation than under section 9 of the Act: decision making is delegated to a citizenship officer, and there is no fee.

Since persons who qualify for citizenship under 3(1)(f) and 3(1)(g) must have been born prior to February 15, 1977, these persons cannot be minors, and therefore the ability to apply to renounce under R7.1 is not available to minors.

Persons who do not qualify to renounce under R7.1, including persons who acquired citizenship under A3(1)(b) as a result of Bill C-37, may be eligible to apply to renounce under section 9 of the Act.

11.2. Requirements to renounce citizenship under R7.1

A Canadian citizen can renounce his or her Canadian citizenship under R7.1 if he or she is:

- a citizen under 3(1)(f) or 3(1)(g) of the Act;
- a citizen of another country or, if the application is approved, will become a citizen of another country; and
- not prevented from understanding the significance of renouncing citizenship by reason of a mental disability.

11.3. Minister may waive some requirements

The requirement that a person not be prevented from understanding the significance of renouncing citizenship may be waived on compassionate grounds by the Minister.

See CP 7 Waivers.

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11.4. Minister's delegate decides

In general, a citizenship officer in CPC Sydney approves or non-approves applications for renunciation of Canadian citizenship made under R7.1.

11.5. Applicant loses status

Citizens who successfully renounce citizenship have no status in Canada.

A person who renounces Canadian citizenship is subject to the *Immigration and Refugee Protection Act*, for example, regarding entering and remaining in Canada.

If a person renounces citizenship and decides to return to Canada to live, he or she must apply to become a permanent resident and live in Canada for one year immediately before applying to resume citizenship.

If a person renounces citizenship and decides to return to Canada temporarily (i.e. to work or to study) they must apply to become a temporary resident.

11.6. 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. CIC treats renunciation cases urgently.

11.7. If renunciation approved

If the application is approved:

- a copy of the approval letter is sent to Passport Canada and the Query Response Centre; and
 - the renunciation confirmation is immediately forwarded to the applicant after, or, if applicable, once any previously issued citizenship certificate(s) are returned.
-

11.8. If renunciation refused

If the application is refused:

- a refusal letter is sent giving the applicant the reason(s) for not approving the application for renunciation; and
- the refusal letter is sent to the applicant, by mail (confirmation from Canada Post needed, e.g. registered, certified, express, etc.), at the latest known address.

The refusal letter should indicate:

- that the applicant may re-apply for renunciation under R7.1 once they meet the requirements; or
 - that the applicant may apply to renounce under section 9 of the Act if they meet the requirements.
-

11.9. Non-approvals held for six months

Refused applications are held for six months in case there is a judicial review. CPC Sydney retires the file if there is no judicial review.

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11.10. Interviews

In keeping with the policy intent to streamline the process to the extent possible, R7.1 renunciation applications do not require an in-person interview and the process may be completed entirely by mail.

Nevertheless, when assessing an application made under R7.1, officers may request that an applicant attend an interview where necessary. Officers should schedule interviews only when essential to the assessment of the application. Applicants should be informed of concerns and given an opportunity to respond prior to scheduling the interview. Where interviews are held, submit the contents of the interview (questions, answers, etc.) as part of electronic case notes.

12. Revocation of citizenship

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

Article 8 of 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.

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, other than to alert Case Management Branch should information come to their attention regarding a case that should be investigated for possible revocation.

12.1. 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 states that if a person acquired permanent resident status through false representation, and subsequently Canadian citizenship, then he or she obtained citizenship unlawfully.

12.2. Initiation of revocation 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, missions and poison pen letters. If it is found that misrepresentation occurred, revocation action will be initiated.

12.3. 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 recommending revocation of citizenship.

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.

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12.4. Sent by registered mail

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

12.5. Thirty 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.

12.6. If subject goes to Federal Court

Section 169 of the Federal Court Rules applies specifically to revocation of citizenship.

12.7. Status of person under revocation proceedings

Revocation cases may take years to resolve. 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.

12.8. Appeal rights

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

12.9. 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.

12.10. 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* once citizenship has been revoked. Subject may be removed from Canada.

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

12.11. 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.

12.12. 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 resumption of citizenship under subsection 11(1). The person must meet all requirements of the Act under subsection 5(1).

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12.13. Passport Office and Query Response Centre

Case Management Branch advises the Passport Office and the Query Response Centre once citizenship has been revoked.

12.14. *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 through that action.

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 removal proceedings, the person's identity may become public.

12.15. Refer questions to Director, Case Review

Refer all questions about revocation to the Director, Case Review Unit (Case Management Branch).