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Second Session, Twenty-First Parliament, 14 George VI, 1950.

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THE SENATE OF CANADA

**BILL L<sup>10</sup>.**

An Act to amend The Canadian Citizenship Act.

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Read a first time, Monday, 19th June, 1950.

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Honourable Senator ROBERTSON.

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OTTAWA  
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1950

## THE SENATE OF CANADA

### BILL L<sup>10</sup>.

An Act to amend The Canadian Citizenship Act.

1946, c. 15;  
1949 (1st  
Sess.), c. 6.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Paragraphs (a) to (f) of section two of *The Canadian Citizenship Act*, chapter fifteen of the statutes of 1946, are repealed and the following substituted therefor: 5

"alien".

"(a) "alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject or citizen of the Republic of Ireland;

"Canadian citizen".

(b) "Canadian citizen" means a person who is a Canadian citizen under this Act; 10

"Canadian ship".

1934, c. 44.

(c) "Canadian ship" means a Canadian ship as defined in the *Canada Shipping Act, 1934* and includes an aircraft registered in Canada under the *Aeronautics Act* and regulations made thereunder; 15

"certificate of citizenship".

(d) "certificate of citizenship" means a certificate of citizenship granted under this Act;

"certificate of naturalization".

(e) "certificate of naturalization" means a certificate of naturalization granted under any Act that was in force in Canada at any time before the commencement of this Act; 20

"Clerk" or "Clerk of the Court".

(f) "Clerk" or "Clerk of the Court" includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council as a court under this Act, means the said person;" 25

(2) Paragraphs (k) to (n) of section two of the said Act are repealed and the following substituted therefor:

"foreign".

"(k) "foreign", as applied to a country, does not include a country listed in the First Schedule or the Republic of Ireland; as applied to a government, does not include 30

## EXPLANATORY NOTES.

The purposes of this Bill are:—

To provide for the position of children, born in Canada, to foreign diplomats; the speedy granting of certificates to persons who lost Canadian citizenship through marriage or otherwise; the recognition of adopted and legitimated persons; the position of citizens of the Republic of Ireland; and the continuation of naturalization proceedings commenced before January 1, 1947.

To clarify certain sections of the Act.

To give the Minister discretionary power in the granting of certificates of citizenship.

1. (1) Paragraphs (a) to (f) of section two of *The Canadian Citizenship Act* presently read:

- “(a) “Canadian citizen” means a person who is a Canadian citizen under this Act;
- (b) “Canadian ship” means a ‘ship registered in Canada’ within the meaning of the *Canada Shipping Act, 1934*;
- (c) “certificate of citizenship” means a certificate of citizenship granted under this Act;
- (d) “certificate of naturalization” means a certificate of naturalization granted under any Act heretofore in force in Canada;
- (e) “Clerk” or “Clerk of the Court” includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council as a court under this Act, means the said person;
- (f) “consulate” means the office of a Canadian consular officer and includes the office of a Canadian Ambassador, Minister or High Commissioner or of a Canadian Trade Commissioner; and includes the office of a consular or other officer of any other country of the British Commonwealth where a register of births is kept;”

A definition for “alien” has been introduced and the definition of “Canadian ship” expanded to include aircraft. The definition of “certificate of naturalization” is clarified to include all previous certificates. The former definition of “consulate” is no longer required.

(2) Paragraphs (k) to (n) of section two of the existing Act presently read:—

- “(k) “Minister” means the Secretary of State of Canada;
- (l) “minor” means a person who has not attained the age of twenty-one years;
- (m) “regulation” means a regulation made by the Governor in Council under this Act; and
- (n) “responsible parent” means the father: except that, where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, “responsible parent” means the mother.”

A definition of “foreign” is introduced. It is necessary to correct the definition of “Minister” in view of the creation of the new Department of Citizenship and Immigration.

- the government of such country or Republic; and as applied to a nationality, does not include the nationality of such country or Republic;
- "Minister". (l) "Minister" means the Minister of Citizenship and Immigration; 5
- "minor". (m) "minor" means a person who has not attained the age of twenty-one years; and
- "responsible parent". (n) "responsible parent" means the father, but where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother." 10
2. Section five of the said Act is repealed and the following substituted therefor: 15
- Born after commencement of the Act. "5. (1) A person, born after the commencement of this Act, is a natural-born Canadian citizen,
- (a) if he is born in Canada or on a Canadian ship; or
- (b) if he is born outside of Canada elsewhere than on a Canadian ship, and 20
- (i) his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and
- (ii) the fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may, under the regulations, authorize in special cases. 25
- Not applicable to children of foreign diplomats, etc. (2) Subsection one does not apply to a person if, at the time of that person's birth, his responsible parent 30
- (a) is an alien who has not been lawfully admitted to Canada for permanent residence; and
- (b) is
- (i) a foreign diplomatic or consular officer or a representative of a foreign government accredited to His Majesty, 35
- (ii) an employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or
- (iii) an employee in the service of a person referred to in sub-paragraph (i). 40
- Effective date of subsection two. (3) Subsection two shall be deemed to have come into force on the first day of January, nineteen hundred and forty-seven."

**2. Section five of the existing Act presently reads:—**

“5. A person, born after the commencement of this Act, is a natural-born Canadian citizen:—

- (a) if he is born in Canada or on a Canadian ship; or
- (b) if he is born outside of Canada elsewhere than on a Canadian ship, and
  - (i) his father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen by reason of having been born in Canada or on a Canadian ship, or having been granted a certificate of citizenship or having been a Canadian citizen at the commencement of this Act, and
  - (ii) the fact of his birth is registered at a consulate or with the Minister, within two years after its occurrence or within such extended period as may be authorized in special cases by the Minister, in accordance with the regulations.”

Sub-paragraph (i) of paragraph (b) of subclause one deletes superfluous language. Sub-paragraph (ii) of paragraph (b) of subclause one deletes the word “consulate” and provides for registration under the regulations. There may be places where no consulate exists and it is advisable to stipulate in the regulations where applications for registration are to be made.

Subclauses two and three are new. They provide for an exemption from citizenship through birth in Canada in the case of children of foreign diplomats residing in Canada.

3. Section six of the said Act is repealed and the following substituted therefor:

Conditions for retention of Canadian citizenship by person born outside of Canada.

“6. (1) A person who is a Canadian citizen under paragraph (b) of section four or under paragraph (b) of subsection one of section five ceases to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless, after attaining that age and before the expiration of the said year, 5

(a) he asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and 10

(b) if he, being a national or citizen of a country other than Canada, files in accordance with the regulations a declaration renouncing the nationality or citizenship of that country. 15

Minister may permit resumption after loss of Canadian citizenship.

(2) A person who has ceased to be a Canadian citizen by virtue of subsection one may, with the permission of the Minister in any case, file a declaration of resumption of Canadian citizenship and, where he comes within paragraph (b) of subsection one, a declaration of renunciation, and he thereupon again becomes a Canadian citizen.” 20

4. Section nine of the said Act is repealed and the following substituted therefor:

On commencement of the Act.

“9. (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if 25

(a) that person was granted, or the name of that person was included in, a certificate of naturalization and had not become an alien at the commencement of this Act;  
or

(b) that person immediately before the commencement of this Act was a British subject who had Canadian domicile; or 30

(c) that person, being a woman other than a woman who comes within paragraph (a) or (b),

(i) before the commencement of this Act, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section four or a Canadian citizen as provided in paragraph (a) or (b) of this subsection, and 35 40

(ii) at the commencement of this Act was a British subject and had been lawfully admitted to Canada for permanent residence.

### 3. Section six of the existing Act presently reads:

"6. Notwithstanding anything contained in section four or section five of this Act, a person who is, at the commencement of the Act, a minor born outside of Canada elsewhere than on a Canadian ship and who has not been lawfully admitted to Canada for permanent residence, or who is born after the commencement of this Act and outside of Canada elsewhere than on a Canadian ship, shall cease to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless after attaining that age and before the expiration of the said year

- (a) he asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and
- (b) if he is a national or citizen of a country other than Canada under the law of which he can, at the time of asserting his Canadian citizenship, divest himself of the nationality or citizenship of that country by making a declaration of alienage or otherwise, he divests himself of such nationality or citizenship:

Provided that in any special case the Minister may extend the time during which any such person may assert his Canadian citizenship and divest himself of the other nationality or citizenship, in which case upon so doing within the said time he shall thereupon again become a Canadian citizen."

The introductory words of subclause one of clause six shorten the existing section and provide for uniformity in the case of any children born outside of Canada. Paragraph (b) of the subclause permits filing of a declaration of alienage irrespective of the laws of another country.

Subclause two replaces the proviso of the existing section and clarifies its application.

### 4. Section nine of the existing Act presently reads:

"9. (1) A person other than a natural-born Canadian citizen, is a Canadian citizen, if he

- (a) was granted, or his name was included in a certificate of naturalization and he has not become an alien at the commencement of this Act; or
- (b) immediately before the commencement of this Act was a British subject who had Canadian domicile;

or, in the case of a woman,

- (c) if she
  - (i) before the commencement of this Act, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section four of this Act or a Canadian citizen as provided in paragraphs (a) and (b) of this subsection, and
  - (ii) at the commencement of this Act, is a British subject and has been lawfully admitted to Canada for permanent residence.

(2) A person who is a Canadian citizen under subsection one of this section shall be deemed, for the purpose of Part III of this Act, to have become a Canadian citizen:—

- (a) where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate;
- (b) where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile; and
- (c) in the case of a woman to whom paragraph (c) of subsection one of this section applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date."

Under the existing subsection one of section nine there is doubt as to whether women are included in paragraphs (a) and (b). The new subsection clarifies this by ensuring that they come within these paragraphs.

When deemed  
to have  
become  
Canadian  
citizens.

(2) A person who is a Canadian citizen under subsection one of this section shall be deemed, for the purposes of section nineteen, to have become a Canadian citizen,

- (a) where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate; 5
- (b) where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile; and
- (c) in the case of a woman to whom paragraph (c) of 10 subsection one applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.

Certificate of  
naturalization  
not subject to  
limitation.

(3) For the purposes of this section, a certificate of 15 naturalization, granted under any Act in force in Canada before the first day of January, nineteen hundred and fifteen, subject to the qualification described in section twenty-four of the *Naturalization Act*, chapter seventy-seven of the Revised Statutes of Canada, 1906, or a qualification to a 20 like effect, shall be deemed never to have been subject to that qualification."

5. Section ten of the said Act is repealed and the following substituted therefor:

Grant of a  
certificate of  
citizenship.

"10. (1) The Minister may, in his discretion, grant a 25 certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that,

- (a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not 30 less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a 35 Canadian citizen; or he is a British subject;
- (b) he has been lawfully admitted to Canada for permanent residence therein;
- (c) he has resided continuously in Canada for a period of one year immediately preceding the date of the 40 application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period 45 of not less than four years during the six years immediately preceding the date of the application;



Subclause two is changed to limit its application to cases of revocation of Canadian citizenship.

Subclause three is new. Its purpose is to ensure that certificates of naturalization granted under the *Naturalization Act*, chapter 77, R.S.C., 1906, or under similar earlier statutes, are valid despite any statutory limitations qualifying such certificates.

**5. Section ten of the existing Act presently reads:—**

**"10.** (1) The Minister may grant a certificate of Canadian citizenship to any person who is not a Canadian citizen, and who makes application for that purpose and satisfies the Court that:—

- (a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;
- (b) he has been lawfully admitted to Canada for permanent residence therein;
- (c) he has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the date of the application;

- (d) he is of good character;
- (e) he has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than twenty years; 5
- (f) he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and
- (g) he intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof. 10

Grant of certificate to British subjects.

(2) Notwithstanding the provisions of subsection one, the Minister may, in his discretion, grant a certificate of citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection one: Provided that in any case where, in the opinion of the Minister, there is a doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection one. 15 20

Proviso.

Grant to women who lost status of British subject through marriage.

(3) The Minister may, in his discretion, grant a certificate of citizenship to a woman, upon her application therefor, who 25

(a) by virtue of any law of Canada in force at any time before the commencement of this Act, had, by reason only of her marriage to an alien or the acquisition by her husband of a foreign nationality, ceased to be a British subject; and 30

(b) if this Act had come into force immediately before the said marriage or acquisition, would have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen; 35

and, from the date of taking the oath of allegiance, the applicant shall, without affecting the nationality or citizenship she had prior to that date, be deemed to be a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen, according as she would under paragraph (b) have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen. 40

Grant to persons who lost status of Canadian citizen or British subject for reasons other than marriage.

(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was 45

(a) a natural-born Canadian citizen under section four or five; or

- (d) he is of good character;
- (e) he has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than twenty years;
- (f) he has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and that
- (g) he intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof.

(2) Notwithstanding the provisions of subsection one of this section, the Minister may grant a certificate of Canadian citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection one of this section: Provided that in any case where, in the opinion of the Minister, there is doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection one of this section.

- (3) The Minister may grant a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,
- (a) if the said person is the responsible parent of the child, and
  - (b) if the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

(4) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsection one and subsection two of this section.

(b) a British subject who was born in Canada or on a Canadian ship or, if born elsewhere than in Canada or on a Canadian ship, whose father, or in the case of a person born out of wedlock, whose mother was either born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth or was at the time of that person's birth a British subject who had Canadian domicile, and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other than marriage, if such person applies for a certificate of citizenship and, in the event that at the time of his application he is a national or citizen of a country other than Canada, files with his application a declaration renouncing such nationality or citizenship and satisfies the Minister that he

- (i) has resided continuously in Canada for a period of one year immediately preceding the date of his application; and
- (ii) possesses the qualifications prescribed by paragraphs (b), (d), (e), (f), and (g) of subsection one.

Special certificate to minor children.

(5) The Minister may, in his discretion, grant a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,

(a) if the said person is the responsible parent of the child, and

(b) if the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

Period in armed forces or public service equivalent to residence.

(6) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsections one, two and four.

Period in penitentiary etc. not to be counted as residence.

(7) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsections one, two and four."

6. Section eleven of the said Act is repealed and the following substituted therefor:

Grant to remove doubt.

"11. (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon

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(5) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsection one and subsection two of this section."

The change in subclauses one and two is to give the Minister discretionary powers in the granting of certificates of citizenship.

Subclause three is new. This subclause permits women who were Canadian-born or naturalized British subjects, and who by marriage to aliens, before January 1, 1947, had lost British nationality, to acquire Canadian citizenship by a simple procedure.

Subclause four is new. This subclause permits Canadian-born citizens, or British subjects who have lost that status for reasons other than marriage, to acquire Canadian citizenship by a simple procedure.

Subclause five is the same as subsection three of the existing section with the addition of the words "in his discretion" to avoid any doubt as to the discretionary power of the Minister.

Subclauses six and seven are the same as subsections four and five of the existing section with the addition of a reference to the new subclause four.

**6. Section eleven of the existing Act presently reads:—**

"11. The Minister may, in his discretion, upon application, grant a certificate of citizenship to

- (a) a person with respect to whose status as a Canadian citizen a doubt exists and the certificate may specify that the grant thereof is made for the purpose of removing doubts as to whether the person named therein is a Canadian citizen and the granting of the certificate shall not be deemed to establish that the person to whom it is granted was not previously a Canadian citizen;
- (b) a minor in any special case whether or not the conditions required by this Act have been complied with; or
- (c) a person who was an alien and who was naturalized under any Naturalization Act in force in Canada before the passing of *The Naturalization Act, 1944.*"

application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the granting of such certificate shall not be deemed to establish that the person to whom it is granted was not previously a natural-born or other than natural-born Canadian citizen. 5

Grant to adopted and legitimated persons.

(2) The Minister may, in his discretion, upon application, grant a certificate of citizenship to a person who has been lawfully admitted to Canada for permanent residence and who, at any time in a province of Canada pursuant to the law of that province then in force,

(a) has been adopted, if the adopter or, in the case of a joint adoption, the male adopter is a Canadian citizen; or

(b) has been legitimized, if the person legally recognized as the father of the legitimated person by such legitimation is a Canadian citizen. 15

Grant to minors in special cases.

(3) Without restricting the operation of subsection two, the Minister may, in his discretion, upon application, grant a certificate of citizenship to a minor in any special case whether or not the conditions required by this Act have been complied with and whether or not the case comes within subsection two." 20

7. Sections fourteen and fifteen of the said Act are repealed and the following substituted therefor: 25

New application allowed.

"14. An applicant whose application has been rejected by the Court or by the Minister may make another application under section ten of this Act after the expiration of a period of two years from the date of such rejection." 30

8. Part III of the said Act is repealed and the following substituted therefor:

### "PART III.

#### "LOSS OF CANADIAN CITIZENSHIP.

On acquisition of other nationality.

"15. (1) A Canadian citizen, who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada, thereupon ceases to be a Canadian citizen. 35

Where country at war with Canada.

(2) Subsection one does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case,

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Subclause one replaces paragraph (a) of the existing section for the purposes of clarification to ensure that the Minister has discretion where doubt exists, either on a question of fact or of law.

Subclause two is new. It provides for the recognition of adopted and legitimated persons.

Subclause three is the same as paragraph (b) of the existing section clarified to ensure that it applies to all cases of minors. Paragraph (c) of existing section eleven is obsolete.

#### 7. Sections fourteen and fifteen presently read:—

"14. (1) Before granting a certificate of citizenship to any person whose application has been approved by the Court, the Minister may, if he is in doubt whether the certificate should be granted, refer the application to the Court for another hearing to be known as a rehearing.

(2) Where the Minister refers an application for a rehearing, he shall give notice in writing by registered mail of the rehearing to the applicant at the postal address shown in the application, and the rehearing shall not be proceeded with until the expiration of at least thirty days after the mailing of the said notice.

(3) An applicant shall, on a rehearing, produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate of citizenship and shall also personally appear before the Court for examination.

(4) The decision of the Court on a rehearing shall be final and conclusive as regards the application.

"15. An applicant whose application has been rejected by the Court on a hearing or rehearing may make another application under section ten of this Act after the expiration of a period of two years from the date of such rejection."

Section fourteen of the existing Act is repealed. Since the Minister will have discretionary powers to deal with applications under section ten, this section is no longer operative.

Clause fourteen is the same as existing section fifteen with the addition of a reference to the Minister.

8. Part III, consisting of clauses 15 to 20, replaces Part III of the existing Act, consisting of sections 16 to 25, more particularly as follows:

Section 16 of Part III of the existing Act presently reads:

"16. A Canadian citizen who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada shall thereupon cease to be a Canadian citizen."

Subclause (1) of clause 15 is the same as section 16 of the existing Act. Subclause (2) is new and permits, in the case of a Canadian who deliberately acquires nationality in an enemy country, a discretion that either he be held to his responsibilities as a Canadian citizen or that he be deprived of such citizenship.

By renuncia-  
tion where  
dual  
nationality.

the Minister may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen and he shall be deemed to have ceased to be a Canadian citizen either at the date of the said acquisition or at the date of the order as the Minister may therein direct.

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Dual national  
serving in  
armed forces  
of country  
at war with  
Canada.

"16. Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he thereupon ceases to be a Canadian citizen.

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Exception.

"17. (1) A Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada, thereupon ceases to be a Canadian citizen.

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By residence  
outside of  
Canada for  
six years.

(2) This section does not apply to a Canadian citizen who, under the law of another country, became a national or citizen of such country when it was at war with Canada.

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"18. A Canadian citizen, other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honourably discharged therefrom, ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six consecutive years exclusive of any period during which,

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- (a) he is in the public service of Canada or of a province thereof;
- (b) he is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;
- (c) he resides outside of Canada on account of ill-health or disability;
- (d) he is the spouse or minor child of, and resides outside of Canada for the purpose of being with a spouse or parent who is a Canadian citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive of this section;
- (e) he is the spouse of and resides outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; or

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Clause 16 is the same as subsection (1) of section 17 of the existing Act which presently reads:

"17. (1) Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he shall thereupon cease to be a Canadian citizen."

Section 17(2) of the existing Act presently reads:

"(2) Where a Canadian citizen who is under the law of any other country a national or a citizen of that country serves in the armed forces of any country when it is at war with Canada, he shall thereupon cease to be a Canadian citizen."

Subclause (1) of clause 17 is substantially the same as the above. Subclause 2 is new and is necessary to permit full operation of subclause (2) of clause 15.

Section 20 of the existing Act presently reads:

"20. A Canadian citizen, other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and been honourably discharged therefrom, ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six consecutive years exclusive of any period during which,

- (a) he is in the public service of Canada or of a province thereof;
- (b) he is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;
- (c) he resides outside of Canada on account of ill-health or disability;
- (d) he is the spouse or minor child of, and resides outside of Canada for the purpose of being with a spouse or parent who is a Canadian citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive of this section;
- (e) he is the spouse of, and resides outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; or
- (f) his Canadian citizenship is certified to be extended by endorsement of his certificate of citizenship, or if he has no certificate of citizenship, of his passport, by the officer in charge of a consulate, which endorsement shall state that the Canadian citizen appeared before the officer prior to the expiration of the said period of six years and established
  - (i) that his absence from Canada was of a temporary nature, and
  - (ii) that he intended in good faith to return to Canada for permanent residence as a Canadian citizen,

and shall be in such form and may extend his Canadian citizenship for such period as may be prescribed by regulation."

(f) his Canadian citizenship is certified to be extended by endorsement of his certificate of citizenship, or if he has no certificate of citizenship, of his passport, by an officer authorized under the regulations to do so, which endorsement shall state that the Canadian citizen appeared before such officer prior to the expiration of the said period of six years and established

(i) that his absence from Canada was of a temporary nature; and

(ii) that he intended in good faith to return to Canada for permanent residence as a Canadian citizen, and shall be in such form and may extend his Canadian citizenship for such period as may be prescribed by regulation.

By revocation  
of Canadian  
citizenship.

**“19.** (1) The Governor in Council may, in his discretion, order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

(a) has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;

(b) has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;

(c) has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connection with Canada;

or  
(d) if out of Canada, has shown himself by act or speech to be disaffected or disloyal to His Majesty, or, if in Canada, has been convicted of treason or sedition by a court of competent jurisdiction.

Where foreign  
nationality  
acquired in  
Canada.

(2) The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has, at any time after the first day of January, nineteen hundred and forty-seven, when in Canada and not under a disability, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage.

Notice and  
reference for  
inquiry.

(3) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case

Clause 18 is the same as the above except in the case of paragraph (f) which has been amended to delete the word "consulate" and to substitute the extension of certificates as provided for by regulations.

Section 21 of the existing Act presently reads:

"21. (1) The Governor in Council may order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

- (a) has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;
- (b) has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;
- (c) has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connection with Canada; or
- (d) if out of Canada, has shown himself by act or speech to be disaffected or disloyal to His Majesty, or, if in Canada, has been convicted of treason or sedition by a court of competent jurisdiction.

(2) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

(3) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order: Provided that any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(4) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad;
- (b) compelling the production of documents; and
- (c) punishing persons guilty of contempt;

and a summons signed by one or more members of the Commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen and shall give up and surrender for cancellation any certificate of citizenship or naturalization granted to him and any person omitting to give up the said certificate shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars."

Clause 19 is substantially the same as the above. Subclause (1) has been amended to ensure that the Governor in Council has discretionary powers. Subclause (2) is new and provides for the case of the acquisition of foreign nationality in Canada. Subclauses 3, 4 and 5 are the same as subsections 2, 3 and 4 of present section 21. Subclause 6 is the same as subsection 5 of the present section 21 with the deletion of the provision as to surrender of certificates which is dealt with in a later section.

- be referred for such inquiry as is hereinafter specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.
- Inquiry by commission.** (4) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order: Provided that any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court. 5
- Proviso.**
- Powers of commission.** (5) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of 15
- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad; 20
  - (b) compelling the production of documents; and
  - (c) punishing persons guilty of contempt;
- and a summons signed by one or more members of the commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents. 25
- Effect of revocation.** (6) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen. 30
- Child of parent ceasing to be a Canadian citizen under secs. 15 to 17.** "20. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section fifteen, sixteen or seventeen, the child thereupon ceases to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country. 35
- Child of parent ceasing to be a Canadian citizen under secs. 18 and 19.** (2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section eighteen or nineteen, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country. 40 45
- Resumption of Canadian citizenship in the case of minors.** (3) Where the Minister, in his discretion, permits a person, who as a minor child ceased to be a Canadian

Section 18 of the existing Act presently reads:

"18. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section sixteen or section seventeen of this Act, the child shall thereupon cease to be a Canadian citizen if he is or thereupon becomes, under the law of any other country, a national or citizen of that country.

(2) A person who has ceased to be a Canadian citizen under subsection one of this section may, within one year after attaining the age of twenty-one years or in special circumstances with the consent of the Minister within any longer period than one year, make a declaration that he wishes to resume Canadian citizenship and he shall thereupon again become a Canadian citizen."

Section 23 of the existing Act presently reads:

"23. (1) Where a person ceases to be a Canadian citizen under section twenty or under section twenty-one or a British subject under section twenty-two of this Act, the citizenship or status as to nationality of the spouse and minor children of the said person shall not be affected thereby except as provided in this section.

(2) Where a person ceases to be a Canadian citizen under section twenty or section twenty-one or a British subject under section twenty-two of this Act, if

(a) the wife of the said person became a British subject by reason only of her marriage to the said person; or

(b) the said person is the responsible parent of a child, the Governor in Council may direct that the said wife or the said children shall cease to be Canadian citizens or British subjects, as the case may be.

(3) The wife of a person who has ceased to be a Canadian citizen under section twenty or under section twenty-one or a British subject under section twenty-two of this Act, may within six months thereafter make a declaration renouncing her Canadian citizenship or her status as a British subject and thereupon any minor children of her husband and herself shall cease to be Canadian citizens or British subjects, as the case may be."

Subclause (1) of clause 20 is substantially the same as subsection (1) of section 18 of the existing Act.

Subclause (2) of clause 20 adopts that part of section 23 of the existing Act with reference to minor children of persons who have lost Canadian citizenship through discretionary revocation.

Subclause (3) of clause 20 is substantially the same as subsection (2) of section 18 of the existing Act. Sections 19, 22 and 24 of Part III of the existing Act are repealed.

"19. Where a person ceases to be a Canadian citizen as provided in section sixteen, section seventeen or section eighteen of this Act, if he is at such time or thereupon becomes a national or citizen of a country other than a country of the British Commonwealth, he thereupon ceases to be a British subject.

"22. The Governor in Council may, with the concurrence of a government of a country of the British Commonwealth other than Canada, revoke a certificate of naturalization granted in the said country to a person who resides in Canada and the provisions of section twenty-one of this Act shall apply *mutatis mutandis* in respect of the said revocation.

"24. Where a person ceases to be a Canadian citizen as provided in section twenty, section twenty-one or section twenty-three, or ceases to be a British subject as provided in section twenty-two or section twenty-three of this Act, he shall be regarded as having the nationality or citizenship which he had before he became a Canadian citizen or a British subject, as the case may be."

citizen, to make a declaration in accordance with the regulations, that he wishes to resume Canadian citizenship and the said person makes the declaration within one year after attaining the age of twenty-one years or within such longer period as the Minister may allow in special circumstances, such person, upon the acceptance of his declaration by the Minister, again becomes a Canadian citizen." 5

9. Sections twenty-six and twenty-seven of the said Act are renumbered as sections twenty-one and twenty-two respectively. 10

10. Section twenty-eight of the said Act is repealed and the following substituted therefor:

Citizen of country in Schedule has British subject status in Canada.

"23. (1) Every person who, under an enactment of a country listed in the First Schedule to this Act, is a citizen of that country, has in Canada the status of a British subject. 15

May be known either as British subject or Commonwealth citizen.

(2) Every person having in Canada the status of a British subject may be known as a British subject or as a Commonwealth citizen; and in this Act and in any other enactment or instrument, the expression "British subject" and the expression "Commonwealth citizen" have the same meaning. 20

Citizens of Republic of Ireland.

(3) Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject." 25

11. Sections twenty-nine to thirty-five of the said Act are renumbered as sections twenty-four to thirty respectively. 30

12. Section thirty-six of the said Act is repealed and the following substituted therefor:

Issuance and delivery of certificates.

"31. When the Minister receives a decision of the Court under section thirty and thereupon, in his discretion, grants a certificate of citizenship, he shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship." 35 40

**10. Section 28 of the existing Act presently reads:**

"28. A person, who has acquired the status of British subject by birth or naturalization under the laws of any country of the British Commonwealth other than Canada to which he was subject at the time of his birth or naturalization, shall be recognized in Canada as a British subject."

Clause 23 is based upon the above section 28 but provides for the recognition of the term "Commonwealth citizen" now used in various countries of the Commonwealth and also provides for the status in Canada of citizens of the Republic of Ireland who are neither British subjects nor Commonwealth citizens.

**12. Section 36 of the existing Act presently reads:**

"36. When the Minister receives a decision of the Court under section thirty-five of this Act, he may thereupon issue a certificate of citizenship and shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship."

Clause 31 is substantially the same as the above amended to ensure that the Minister has discretion.

**13.** Sections thirty-seven and thirty-eight of the said Act are renumbered as sections thirty-two and thirty-three respectively.

**14.** (1) Section thirty-nine of the said Act is renumbered as section thirty-four. 5

(2) Subsection one of section thirty-four of the said Act, as renumbered by this section, is amended by adding thereto the following paragraphs:

- “(j) the registration of births of persons born outside of Canada and the extension of certificates of citizenship; 10  
 (k) the surrender and cancellation of certificates of citizenship or certificates of naturalization where the holder thereof has ceased to be a Canadian citizen or British subject by reason of revocation or otherwise under this Act or under an Act that was in force in 15  
 Canada at any time before the commencement of this Act, as the case may be; and  
 (l) for the delivery up and retention of certificates of citizenship or certificates of naturalization for the purpose of determining whether the holder thereof is 20  
 entitled thereto.”

**15.** Sections forty to forty-three of the said Act are renumbered as sections thirty-five to thirty-eight respectively.

**16.** Section forty-four A of the said Act, as enacted by 25  
 section forty-six of chapter six of the statutes of 1949 (First Session), is renumbered as section thirty-nine.

**17.** Section forty-four of the said Act is repealed and the following substituted therefor:

Saving of obligations incurred before loss of citizenship.

“**40.** Where a person ceases to be a Canadian citizen, a 30  
Commonwealth citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen, a Commonwealth citizen or a British subject. 35

Penalty for false representation, improper use of certificate, etc.

“**41.** A person who  
 (a) for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular;  
 (b) uses another person's certificate of citizenship or 40  
 certificate of naturalization to personate that other person; or



**14.** Paragraphs (*j*), (*k*) and (*l*) are new to provide for the registration of foreign births, the cancellation of invalid certificates and the retention of certificates pending identification of the holder.

**17.** Sections 25 and 44 of the existing Act presently read:

"25. Where a person ceases to be a Canadian citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen or a British subject."

"44. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be guilty of an offence and liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months."

Clause 40 is substantially the same as the above cited Section 25 amended to include reference to Commonwealth citizens.

Clause 41 extends the offence for improper use of certificates and is similar to former section 44.

(c) knowingly permits his certificate of citizenship or certificate of naturalization to be used to personate himself;

is guilty of an offence and is liable on summary conviction in respect of each offence to imprisonment, with or without 5  
hard labour, for a term not exceeding three months."

Offence and  
penalty.

"42. A person who violates a provision of this Act or the regulations for which violation no other fine or imprisonment is provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not 10  
exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment."

18. Section forty-five of the said Act is renumbered as section forty-three. 15

19. (1) Section forty-six of the said Act is renumbered as section forty-four.

(2) Section forty-four of the said Act, as renumbered by this section, is amended by adding thereto the following subsections: 20

Continuation  
of proceedings  
commenced  
under the  
*Naturalization  
Act.*

"(3) Naturalization proceedings that were commenced under the *Naturalization Act* but not completed before the first day of January, nineteen hundred and forty-seven, may be continued as proceedings for a grant of a certificate of citizenship under this Act and, for this purpose, an applica- 25  
tion for naturalization or a declaration of intention to become naturalized under the *Naturalization Act* and regulations shall, respectively, be deemed to have the same effect as an application for the grant of a certificate of citizenship or a declaration of intention to become a Canadian citizen 30  
under this Act.

Validity of  
certificates  
granted after  
January 1  
1947.

"(4) Subsection three shall be deemed to have come into force on the first day of January, nineteen hundred and forty-seven, and every certificate of citizenship granted after that date pursuant to an application for naturalization 35  
made before that date is valid unless it is or has been revoked or the holder thereof otherwise ceases or has ceased to be a Canadian citizen."

20. Section forty-seven of the said Act is repealed.

Clause 42 is new and provides a general penalty for violation of the Act.

**19.** Subclauses three and four are new. They are designed to permit the continuation and completion of naturalization proceedings commenced prior to the coming into force of the *Canadian Citizenship Act*.

**21.** The First Schedule to the said Act is repealed and the following substituted therefor:

“FIRST SCHEDULE.

Australia.	
Canada.	
Ceylon.	5
<u>India.</u>	
New Zealand.	
<u>Pakistan.</u>	
<u>Southern Rhodesia.</u>	
Union of South Africa.	10
United Kingdom.”	

Coming into  
force.

**22.** This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

**21.** The First Schedule to the existing Act reads:

"FIRST SCHEDULE.

The United Kingdom.

Canada.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Ireland.

Newfoundland."

The Schedule is amended to delete Ireland and Newfoundland and to include Ceylon, India, Pakistan and Southern Rhodesia now within the Commonwealth.