



# Citizenship Act

## The Citizenship Act Proposals include:

The primary goal of the amendments to the Citizenship Act (Bill C-24) is to ensure that Citizenship applicants maintain strong ties with Canada. Some of the steps that are being taken in order to ensure this, include:

1. The removal of the 1 year period spent as a temporary resident that will no longer count towards the Citizenship Application.
2. The obligation of being physically present in Canada, for at least 6 months out of 12, for 6 consecutive years.

These particular changes, as can be seen, encourage the individual to spend more time *physically* in Canada, in order to ensure a commitment to staying on Canadian soil.

There are multiple other immigration amendments that are being introduced, which would affect future Citizens by increasing the time required before a Citizenship application can be filed, by preventing fraud, and by allowing for faster processing of Citizenship applicants. Some other examples of the legal changes include an increase in the penalty for citizenship fraud (to a maximum of \$100,000), and the power for the Minister to revoke citizenship in the case of treason. This last change to the Citizenship Act in particular, will increase the powers granted to government officials, by empowering them to make decisions which could have the effect of depriving a citizen of the right to remain on Canadian soil. This could however have the long-term effect of detracting from the value of Canadian Citizenship, since it might be viewed as removing guarantees to Citizens of their basic rights, currently enshrined in the Charter as Mobility Rights, and the freedom to enter and leave Canada, based on government officials' decisions. We therefore believe that this specific change to the Citizenship Act may not be a good idea and is deserving of further study.

## The Citizenship Act- Immigration Practitioners

Many immigrants to Canada rely on advice from authorized immigration practitioners about permanent residence, and often ask their authorized representatives how to obtain citizenship after they have acquired permanent residence. Currently, advice about citizenship and assistance with citizenship applications are not regulated in Canada, and accordingly anyone, including unauthorized consultants who prey on the public in Canada and overseas, can legally charge fees for citizenship services. CAPIC strongly believes, and recommends that immigration consultants should be allowed to practice under the Citizenship Act as Authorized Representatives. The benefit for this would be that potential citizens would receive accurate information and advice from professionals, and also that applicants would be entitled to a high quality of service, which ICCRC members are required by their Regulator to provide.



Most crucially however, especially given the large number of “citizenship consultants” who are not regulated at present, the regulation of citizenship services would serve to protect the public. CAPIC recommends that the term ‘authorized representative’ be added to the application form(s), and that the requirements for such be the same as are currently required in immigration matters. If authorized representatives are entitled to offer advice, assistance, and representation for a fee in citizenship matters, then the public would be covered by the existing policies and Code of Conduct of ICCRC, as well as by members’ liability insurance.

Canadian citizenship work is by no means straightforward. In order to allow RCICs to practice in this area, CAPIC believes it would be appropriate for their Regulator, ICCRC, to provide training in the form of mandatory Continuing Professional Development courses in Citizenship, which would ensure that all accredited RCICs are competent to practice in this area. Provision of this mandatory training would also then entitle the Regulator to take appropriate action to deal with complaints about citizenship applications, and to ensure that RCICs provide the appropriate standard of care to clients who use their services for citizenship matters.

Other jurisdictions have allowed authorized immigration representatives to do citizenship work, which means there is a precedent for this type of approach. For instance, the Office of the Immigration Services Commissioner in the United Kingdom regulates the provision of immigration advice, which is defined to include “nationality and citizenship under the laws of the United Kingdom”.

CAPIC would like to see RCICs representing clients in the full scope of Citizenship Act applications (both the application stage and the interview before a Citizenship Judge). This seems like a natural extension of the current role of authorized immigration representatives, where some of the work requires advocating on behalf of clients, and appearing before administrative tribunals. This might require the development of further citizenship training modules by ICCRC, which would protect the Public by ensuring competent representation when an application is referred to a Citizenship Judge.

Many members of the public already have the perception that ICCRC members are authorized to assist them with Citizenship matters. While this is true, what many members of the public may not realize is that, while individual ICCRC members may assist them in good faith, the consumer is not protected in the same way as they would be if the application were an immigration matter rather than a citizenship matter. CAPIC believes that ICCRC should become the designated regulator of Citizenship Consultants: by retaining the same regulatory body, the administration of the abovementioned changes to who can represent an applicant in a citizenship matter would be simplified, additional costs would be minimized, and the public would be assured of proper representation and protection.

A handwritten signature in black ink, appearing to read 'D. Jade'.

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President