

Canada Weekly

Volume 4, No. 34

August 25, 1976



Ottawa, Canada.

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Principal provisions of Canada's new citizenship act

Canada's new nationality law, Bill C-20, which was given royal assent last month, received wide support from all parties in Parliament. It was drafted by officials of the Department of the Secretary of State in consultation with many ethno-cultural groups.

Under the new act, which will be ready for implementation early next year, applicants for naturalization are treated alike, regardless of sex or country of origin and citizenship now becomes a right, provided certain conditions are met.

One of the act's principal features is the reduction of the qualifying period of residency from five to three years before application for Canadian citizenship.

Women's rights

The new legislation also includes several recommendations of the Royal Commission on the Status of Women. These changes include:

— The alien husband of a Canadian wife now has to fulfil the same residency requirements, that is, three years, as the alien wife of a Canadian husband.

— Either the father or the mother of a minor child may now make application to obtain their child's Canadian citizenship.

— For the next two years, a parent may apply for Canadian citizenship on behalf of a child born abroad to a Canadian mother under the present citizenship act. Such persons are not now Canadian citizens unless their father was Canadian at the time of their birth.

— Children born abroad are now given rights to citizenship equal to those born in Canada. Eliminated is the requirement that children born outside Canada must be registered within two years and become residents in Canada by age 24. The new act also passes the rights to citizenship conditionally to the second generation born abroad.

— Regarding the resumption of citizenship, women who lost citizenship through marriage prior to 1947 can now recover it automatically upon notice to

the Minister, whereas previously they had to reside in Canada, make application and take an oath.

Application process

Several provisions of the new law make the application process more clear and consistent and remove the potential for abuse of discretionary power.

— It gives citizenship judges the primary responsibility for examining all applicants for grant, retention, resumption or renunciation of citizenship. Citizenship now becomes a right provided certain conditions are met. Any decision by a citizenship judge may be appealed before the Federal Court by the Minister or by the applicant.

— Judges may also exercise a certain positive discretion on behalf of the Minister. There is no longer, for example, a language exemption for wives or older persons in the act, but these requirements may be waived for compassionate reasons. Similar discretion may be exercised regarding the requirement for knowledge of Canada.

— The Governor-in-Council is given authority to grant citizenship to alleviate hardship or reward services to Canada.

Other provisions include:

— The age of majority is reduced from 21 to 18 years of age, the age of federal enfranchisement. This provision allows young residents 18 years of age or over to apply for citizenship independently of their parents.

— Citizenship can now be resumed as a right by former citizens who have been admitted for permanent residence and have resided in Canada for one year. Citizenship can be revoked only in cases where naturalization has been procured by fraudulent means.

— Recognition of the status of "citizen of the Commonwealth" for all citizens of other Commonwealth countries, whether British subjects or not. The act thus safeguards the rights and privileges derived by British subjects or Commonwealth citizens from federal and provincial statutes.

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