

What is the history of the residency requirement for citizenship applications in Canada?



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1. [Qureshi v. Canada \(Minister of Citizenship and Immigration\)](#), [2010] 4 FCR 256, 2009 FC 1081 (Can — 2009-10-26)

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procedural fairness — anonymous letter — decision-making process — citizenship — residency

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1. [Citizenship Regulations, SOR/93-246](#), (Citizenship Act)

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Consolidated Regulations of Canada — Canada (Federal)

[...] **citizenship** officer means a person who is authorized by the Minister in writing to perform the duties of a **citizenship** officer prescribed by these Regulations; (agent de la citoyenneté [...], • (i) whether the competent authorities of the person's country of habitual **residence** at the time of the adoption and in the country of the intended destination have stated, in [...] • (b) subject to subsection 22(1), administer the oath of **citizenship** with dignity and solemnity, allowing the greatest possible freedom in the religious solemnization or the solemn affirmation thereof; [...]

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2. [Citizenship Act, RSC 1985, c C-29](#)

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Consolidated Statutes of Canada — Canada (Federal)

[...] (2) The Minister may revoke a person's **citizenship** if the person, before or after the coming into force of this subsection and while the person was a citizen [...] • 14 (1) If an application is accepted for processing and later referred to a **citizenship** judge because the Minister is not satisfied that the applicant meets the requirements of the [...] Council, and is entitled to be paid reasonable travel and living expenses incurred in the course of their duties under this Act while absent from their ordinary place of **residence**. [...]

Citizenship Act, RSC 1985, c C-29

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16. *since Jun 11, 2015 (current)*

15. *between May 28, 2015 and Jun 10, 2015 (past)*

14. *between Feb 26, 2015 and May 27, 2015 (past)*

13. *between Aug 1, 2014 and Feb 25, 2015 (past)*

12. *between Jun 19, 2014 and Jul 31, 2014 (past)*

Current version: in force since Jun 11, 2015

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Citation to this version: Citizenship Act, RSC 1985, c C-29, <<http://canlii.ca/t/52gwh>> retrieved on 2017-04-05

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Grant of citizenship

5 (1) The Minister shall grant citizenship to any person who

(a) makes application for citizenship;

(b) is eighteen years of age or over;

(c) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and has, since becoming a permanent resident,

(i) been physically present in Canada for at least 1,460 days during the six years immediately before the date of his or her application,

(ii) been physically present in Canada for at least 183 days during each of four calendar years that are fully or partially within the six years immediately before the date of his or her application, and

(iii) met any applicable requirement under the *Income Tax Act* to file a return of income in respect of four taxation years that are fully or partially within the six years immediately before the date of his or her application;

(e) has always been stateless; and

(f) has not been convicted of any of the following offences:

(i) a terrorism offence, as defined in [section 2](#) of the *Criminal Code*,

(ii) an offence under [section 47](#), [51](#) or [52](#) of the *Criminal Code*,

(iii) an offence under [subsection 5\(1\)](#) or any of [sections 6](#) and [16 to 22](#) of the *Security of Information Act*, or

(iv) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in subparagraph (ii) or (iii).

No oath required

~~(6) A person who is granted [citizenship](#) under subsection (5) is not required to take the oath of [citizenship](#).~~

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3.



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- ▶ What are consolidated Acts and regulations?
- ▶ Are the consolidated Acts and regulations the official versions?

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The Justice Laws Website provides an official consolidation, or updated version, of the federal Acts and regulations maintained by the Department of Justice as a convenient way for the public to view the state of the law, without having to carry out research and put together the various amended provisions.

▼ What are consolidated Acts and regulations?

When the federal government makes changes to Canadian law, often it will create "amending" Acts or regulations. These amending documents make changes to existing laws. For example, if the government wishes to add a new offence to the *Criminal Code*, it will not rewrite the entire document or create a new, separate Code, but will create an amending Act. The amending Act will add new sections or make changes to existing sections of the *Criminal Code*. A consolidated Act or regulation is one that has been updated and incorporates the amendments into the original text.

▼ Are the consolidated Acts and regulations the official versions?

As of June 1, 2009, all consolidated Acts and regulations on the Justice Laws Website are "official", meaning that they can be used for evidentiary purposes. This is the result of the coming into force on that date of amendments made to the *Statute Revision Act*, which has been renamed the [Legislation Revision and Consolidation Act](#). For more information see the [Important Note](#) page and [section 31](#) of the *Legislation Revision and Consolidation Act*.

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Citizenship Act (R.S.C., 1985, c. C-29)

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- See coming into force provision and notes, where applicable.
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- 2003

 Version of document from 2014-06-19 to 2014-07-31:

Citizenship Act

R.S.C., 1985, c. C-29

An Act respecting citizenship

Short Title

Short title

1 This Act may be cited as the *Citizenship Act*.

1974-75-76, c. 108, s. 1.

Interpretation

Citizenship Act (R. S.C., 1985, c. C-29)

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Definition of *by way of grant*

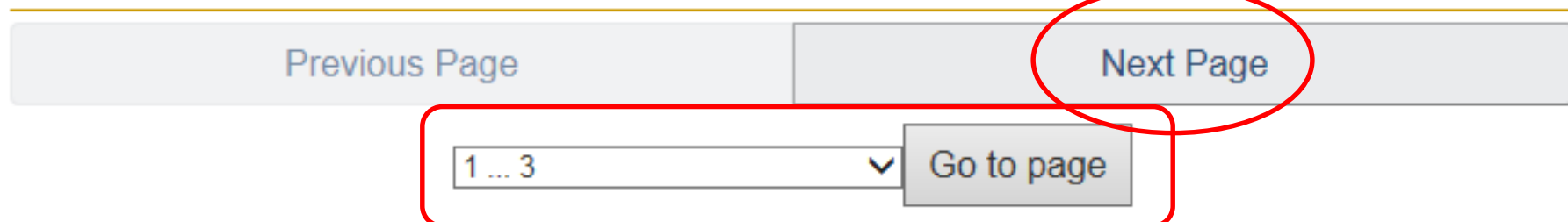
(9) In subsections (2.1) to (2.4) and (6.2), *by way of grant* means by way of grant under this Act or under prior legislation, by way of acquisition under this Act or by way of resumption under prior legislation.

R.S., 1985, c. C-29, s. 3; 1995, c. 5, s. 25; 2007, c. 24, s. 1; 2008, c. 14, ss. 2, 13; 2014, c. 22, s. 2.

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Grant of citizenship

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(ii) been physically present in Canada for at least 183 days during each of four calendar years that are fully or partially within the six years immediately before the date of his or her application, and

(iii) met any applicable requirement under the *Income Tax Act* to file a return of income in respect of four taxation years that are fully or partially within the six years immediately before the date of his or her application;

(iv) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in subparagraph (ii) or (iii).

No oath required

(6) A person who is granted citizenship under subsection (5) is not required to take the oath of citizenship.

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3.

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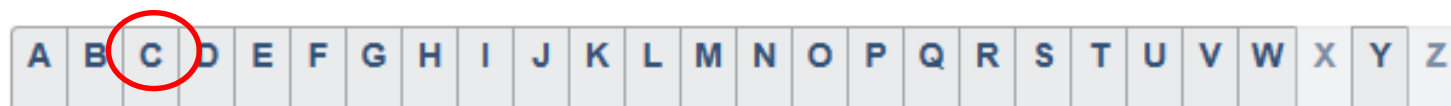
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Updated to 2017, c. 2 and Canada Gazette, Part II, Vol. 151, No. 7 (2017-04-05) *

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Citizenship Act — R.S., 1985, c. C-29

(Citoyenneté, Loi sur la)

Minister of Citizenship and Immigration (SI/94–86)

- s. 2**, R.S., c. 28 (4th Supp.), s. 36(2) (Sch., item 2); 1992, c. 21, s. 6; 2000, c. 12, s. 74; 2001, c. 26, s. 286, c. 27, s. 227.1; 2002, c. 8, par. 183(1)(d); 2008, c. 14, s. 1
- s. 3**, 1995, c. 5, s. 25(1)(e); 2007, c. 24, s. 1; 2008, c. 14, ss. 2 and 13(2); 2014, c. 22, s. 2
- s. 4**, 2008, c. 14, s. 3
- s. 5**, R.S., c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3
- s. 5.1**, added, 2007, c. 24, s. 2; 2008, c. 14, s. 13(3); 2014, c. 22, s. 4
- s. 5.2**, added, 2014, c. 22, s. 5
- s. 7**, 2008, c. 14, s. 5; 2014, c. 22, s. 6
- s. 8**, repealed, 2008, c. 14, s. 6
- s. 9**, 1992, c. 21, s. 8; 2014, c. 22, s. 7
- s. 10**, 2014, c. 22, s. 8
- s. 10.1**, added, 2014, c. 22, s. 8
- s. 10.2**, added, 2014, c. 22, s. 8
- s. 10.3**, added, 2014, c. 22, s. 8

CIF, 2003, c. 22, s. 149 in force 01.04.2005 see SI/2005-24

CIF, 2005, c. 10, s. 14 in force 04.04.2005 see SI/2005-29

CIF, 2005, c. 17 in force on assent 05.05.2005

CIF, 2007, c. 24 (assent: 22.06.2007), ss. 1 to 3.1 in force 22.12.2007 see s. 4

CIF, 2008, c. 14, s. 13 in force on assent 17.04.2008; ss. 1 to 12 in force 17.04.2009 see s. 14

CIF, 2013, c. 33 (assent: 26.06.2013), ss. 170 and 171 in force 06.02.2014 see SI/2014-8.

CIF, 2014, c. 22, ss. 2(1) and (13), 3(3) and (7), 5, 9(3), 31 to 40, 44 and 45 in force on assent 19.06.2014 [Note: s. 31, as amended by 2015, c. 9, s. 11]

— ss. 2(2), (3), (5), (6), (8), (11), (15) and (17) to (19), 3(1), (2), (4) to (6) and (8), 4(2), (3), (5), (6), (8), (10) and (11), 6, 9(2) and (4), 10, 12(2), 15, 16(1) and (3), 17, 18, 19(1) and (3), 23, 24(1) to (5), (5.2) and (6), 25, 26 and 28 to 30 in force 11.06.2015 see SI/2015-46;

— ss. 2(4), (7), (9), (10), (12), (14) and (16) and 4(1), (4), (7) and (9) deemed to have come into force 17.04.2009 see s. 46(4);

— ss. 7(1) and (2), 8, 9(1), 14, 19(2), 21 and 24(5.1) in force 28.05.2015 see SI/2015-42;

— ss. 7(3), 11, 12(1) and (3), 13, 16(2), 20, 22 and 27 in force 01.08.2014 see SI/2014-71;

— s. 24(2) repealed before coming into force see s. 44(2);

CIF, 2015, c. 3, par. 172(e) (*terminology*) in force on assent 26.02.2015

CIF, 2015, c. 9, ss. 10 to 12 in force on assent 23.04.2015.

Amendments to s.5

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3.

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The Justice Laws website does not include Annual Statutes enacted before 2001. Please see the [Canada Gazette Part III](#) for the Annual Statutes published from 1998 to the present. Paper versions of Annual Statutes enacted before 1998 are available in most public libraries.

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Economic Action Plan 2014 Act, No. 1

2014, c. 21 (*Bill C-489*)

Assented to 2014-06-19

An Act to amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders)

2014, c. 22 (*Bill C-24*)

Assented to 2014-06-19

An Act to amend the Citizenship Act and to make consequential amendments to other Acts

2014, c. 23 (*Bill C-10*)

Assented to 2014-11-06

Tackling Contraband Tobacco Act

2014, c. 24 (*Bill C-17*)

Assented to 2014-11-06

Protecting Canadians from Unsafe Drugs Act (Vanessa's Law)


2014, c. 25 (*Bill C-36*)

Assented to 2014-11-06

Protection of Communities and Exploited Persons Act

An Act to amend the Citizenship Act and to make consequential amendments to other Acts (S.C. 2014, c. 22)

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An Act to amend the Citizenship Act and to make consequential amendments to other Acts (S.C. 2014, c. 22)

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2001, c. 27, s. 228(1)

3. (1) Paragraphs 5(1)(c) to (e) of the Act are replaced by the following:

(c) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident and has, since becoming a permanent resident,

(i) been physically present in Canada for at least 1,460 days during the six years immediately before the date of his or her application,

(ii) been physically present in Canada for at least 183 days during each of four calendar years that are fully or partially within the six years immediately before the date of his or her application, and

Amendments to s.5

R.S., 1985, c. C-29, s. 5; R.S., 1985, c. 44 (3rd Supp.), s. 1; 1992, c. 21, s. 7; 2000, c. 12, s. 75; 2001, c. 27, s. 228; 2003, c. 22, s. 149(E); 2008, c. 14, s. 4; 2014, c. 22, s. 3.