10 Gzo. VI.

CHAP. 15.

An Act respecting Citizenship, Nationality, Naturalization and Status of Aliens.

[Assented to 27th June, 1946.]

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

SHORT TITLE.

1. This Act may be cited as The Canadian Citizenship Act.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,
(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;

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PART I

A person born in Canada or in a Canadian ship and who is a "natural-born Canadian citizen" is a citizen of Canada and under this Act shall be deemed to be a Canadian citizen unless the Governor in Council otherwise orders.

(2) If he is born in Canada or a Canadian ship and was not born in Canada or in a Canadian ship within the meaning of this Act, he is a "natural-born Canadian citizen." —

(3) "Natural-born Canadian citizen" means a person born before the commencement of this Act who is a "natural-born Canadian citizen" within the meaning of this Act and who is a Canadian citizen under this Act.

(4) "Canadian citizen" means a person who is a "natural-born Canadian citizen." —

(5) "Residence" means a "natural-born Canadian citizen" within the meaning of this Act who is a Canadian citizen under this Act.

(6) "Residence" means a place or places in which a person has resided for a period of at least five years.

(7) "Residence" means a place or places in which a person has resided for a period of at least five years as defined in section 2 of this Act.

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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.

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
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.

7. Every foundling, who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada.

8. Where a child is born after the death of his father, the child shall, for the purposes of this Part, be deemed to have been born immediately before the death of the father.

PART II.

CANADIAN CITIZENS OTHER THAN NATURAL-BORN.

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.
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;

(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.

(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.

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, 1914.

12. A certificate of citizenship granted to any person under this Part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set forth in the Second Schedule to this Act, and thereupon the said person shall become a Canadian citizen.

13. Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability.

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 an other hearing to be known as a rehearing.

(2) Where the Minister refers an application for a Notice, 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 Production of evidence 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 New application allowed application under section ten of this Act after the expiration of a period of two years from the date of such rejection.

PART III.

LOSS OF CANADIAN CITIZENSHIP.

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.

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.

(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.

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.

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.

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;
(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.
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.

45. (1) The Naturalization Act, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1927 and the Canadian Nationals Act, chapter twenty-one of the Revised Statutes of Canada, 1927, are repealed.

(2) Where, in any Act of the Parliament of Canada or any order or regulation made thereunder, any provision is made applicable in respect of
(a) a "natural-born British subject" it shall apply in respect of a "natural-born Canadian citizen";
(b) a "naturalized British subject" it shall apply in respect of a "Canadian citizen other than a natural-born Canadian citizen";
(c) a "Canadian national" it shall apply in respect of a "Canadian citizen";
under this Act, and where in any Act, order or regulation aforesaid any provision is made in respect of the status of any such person as a Canadian national or British subject it shall apply in respect of his status as a Canadian citizen or British subject under this Act.

46. (1) Notwithstanding the repeal of the Naturalization Act and the Canadian Nationals Act, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status he possesses at the time of the coming into force of this Act.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in the last preceding subsection if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act.

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

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.

SECOND SCHEDULE.

Oath of Allegiance.

I, A.B., swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.

OTTAWA: Printed by Edwards Cluett, C.M.G., B.A., L.Ph.
Law Printer to the King's Most Excellent Majesty.