

**Bill C-6 - An Act to amend the Citizenship Act and to make consequential amendments to another Act**

**Submission by OCASI – Ontario Council of Agencies Serving Immigrants**

**To**

**Parliamentary Standing Committee on Citizenship and Immigration**

April 2016

**Introduction**

OCASI – Ontario Council of Agencies Serving Immigrants welcomes the amendments introduced in Bill C-6. We hope it will remove certain barriers to citizenship, particularly for disadvantaged groups such as racialized immigrants and refugees, and immigrant and refugee women, children and seniors.

We welcome the potential for the Bill to move towards a more inclusive and accessible citizenship process, and remove the two-tier citizenship created as a result of changes introduced through the previous Bill C-24.

We are pleased the present government made the repeal a priority and has moved so quickly to bring this forward.

**The Amendments**

**1. Residence requirement**

Bill C-24 extended the residency eligibility period from 3 out of the previous 4 years to 4 out of the previous 6 years. It required 6 months of physical presence in Canada for each of the 4/6 years. It took away the pre-permanent residence credit that could be counted towards residency (to a maximum of one year for those legally in Canada prior to becoming permanent residents, such as refugees, international students, live-in caregivers, and in-Canada sponsored spouses).

Bill C-6 will change the residence requirement to 3 out of 5 years, while maintaining the 6 months physical residence requirement for each of those 3/5 years. It returns the pre-permanent residence credit of up to one year.

- It reduces the waiting time required to become eligible for citizenship, allowing immigrants and refugees to become citizens more quickly. It will let them participate more fully in Canadian society, to become full members and contribute their full potential.
- This is particularly important for refugees, who may not have any other country to which turn to for protection and meet practical needs such as a passport for travel.
- Reducing the time is especially important for future citizens such as live-in caregivers, other migrant workers and international students. They would have been living and working in

Canada for a certain period even before they become permanent residents, getting to know the country and the people and contributing to the communities in which they live – including by paying local taxes.

- However, maintaining the strict physical presence requirement removes any discretion even if extraordinary circumstances have forced potential applicants to travel for too many days.

OCASI supports the proposed residency eligibility period of 3 out of 5 years; and supports allowing applicants to count at least one year in Canada before becoming a Permanent Resident.

OCASI does not support the strict physical presence requirement. We recommend that a citizenship judge should be allowed to exercise flexibility to approve an application when an applicant has met all other requirements, and a compelling reason for missing certain days of physical presence in Canada – particularly for applicants who are otherwise stateless.

## **2. Language and knowledge tests for young and older applicants**

Bill C-24 extended language and knowledge test requirements for those aged 18-54 years, to those aged 14-64 – thus extending it to more people.

- Older applicants may learn enough English or French to function, but have difficulty in passing the test. Those with limited formal education and literacy would have the most difficulty in passing the test. Further, learning a new language and passing a test is often difficult as one gets older. OCASI believes it is important to encourage and support all residents, including older residents, to learn one of the official languages and acquire knowledge about Canada. But making this a condition of citizenship would exclude many from full participation in society. Given the general vulnerability of older people, we should support improving access to citizenship so more residents have secure status and the additional rights, entitlements and protections that citizenship would give them.
- Younger applicants aged 14-18 would still be in high school and in that process would be learning one of the official languages as well as about Canada. It was never clear why Bill-24 reduced the age requirement to 14 years. Reversing this requirement is the right thing to do.

OCASI supports the proposed amendment to require language and knowledge tests to those aged 18-54 years.

We also ask the Committee to recommend that, particularly older applicants should be allowed the use of an interpreter in the interview with the Citizenship Judge, to satisfy the knowledge requirement. This element was in place before the Bill C-24 changes.

Prior to the Bill C-24 changes, the previous government changed citizenship application rules in 2012 to require upfront proof of language ability. We suggest that requirement for upfront proof should be eliminated.

Many potential applicants have been excluded from applying for citizenship because of this requirement.

For example, applicants who have been working in more than one job to support themselves and their families, and who have therefore found it difficult to also fit in language classes have not even attempted to take the test. Some other could not afford the testing fee. Yet others live and work in communities that don't have a test centre. Of these, those who don't have the time or money to travel to a test centre have not been able to take the test. We have heard from immigrant settlement workers that because of a variety of difficulties, their clients are opting to wait until they are older so that they can apply for citizenship without taking the language or knowledge test. Women in particular are among those most impacted. Often, they have met all the other requirements for citizenship.

They are Canadian residents who are living and working here; they are a part of our communities; they are contributing to Canadian society in so many different ways; and they are excluded from citizenship because of this requirement.

OCASI asks the Committee to consider a recommendation that would remove the upfront proof of official language ability. Instead, we ask you to recommend that having met all the other criteria, the Citizenship judge should be given the flexibility to determine through an interview if the applicant has sufficient official language ability and knowledge of Canada to satisfy these requirements for citizenship.

### **3. Other Amendments in Bill C-6**

OCASI supports the principle that all citizens are equal.

We therefore welcome the Bill C-6 amendments to remove the grounds to strip citizenship from dual citizens for reasons of national security. The means to deal with those who violate any of Canada's laws already exist in the criminal code. No one should be subject to double punishment for any reason, including country of birth or citizenship.

We also welcome the amendment removing the requirement of intention to reside in Canada. This requirement introduced in Bill C-24 had also created two-tier citizenship, so that those who acquire citizenship by birth can work, study or live wherever they choose, but those who are naturalized citizens cannot.

### **4. Other Recommendations not in Bill C-6**

The following items are not in Bill C-6, and continue to cause great concern:

Financial barriers – Citizenship fees were doubled a few years ago from \$200 to \$400, and then increased again to \$630, making it more difficult to get. Racialized immigrant and refugees are over-represented among those in precarious employment and the working poor. They are among those who would find the fees to be a serious burden. We recommend that citizenship fees should be reduced immediately; and there should be discretion to waive the fees for those who can never afford to pay such as certain applicants on social assistance, including those with disabilities.

Youth - Currently youth under 18 can only apply for citizenship if their parent is a citizen or is applying for citizenship along with them. This leaves some youth without access to citizenship, apart from on an exceptional discretionary basis, and for example can affect youth in care. We recommend that youth who meet all the other criteria, but don't have a parent or legal guardian in Canada should be allowed to apply and gain citizenship.

Applicants with disabilities – At present certain applicants with disabilities, such as those with vision or hearing impairment, are exempt from language and knowledge requirements. But the rules are vague with respect to everyone else, other than suggesting those who have a certain disorder or condition and can provide supporting documents can ask a waiver. We have heard that there is no clarity around what documentation should be provided and about the process, and as a result some applicants with disabilities are choosing not to apply. Further, the premise that persons with disabilities should seek special consideration (mercy) to access citizenship is deeply troubling. We should instead consider dismantling systemic barriers that treat persons with disabilities differently, forcing them to make an extra effort to access a process that is more easily accessed by all other applicants. We recommend that access to citizenship should be reviewed and amended with a view to removing all barriers that discriminate against persons with disabilities, including an upfront exemption from requirements such as the language and knowledge test.

Second generation born abroad – Bill C-24 sought to reverse the exclusion from citizenship of 'lost Canadians' (pre-1947 cases). However the 2009 amendments created a new generation of lost Canadians, by denying citizenship to the second generation born abroad. We recommend that Bill C-6 should restore the right of citizenship to the second generation born abroad.