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## Canada's Citizenship Act: What You Need to Know Now

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Bill C-6, *an Act to further amend the Canadian Citizenship Act and make consequential amendments to another Act*, received Royal Assent of 19 June 2017. This article outlines all relevant changes and amendments that have been made to the Citizenship Act since 2017 to the present.

### Residency Requirement

The new legislation eliminates the discretionary authority to equate "residency" with "establishment in Canada". Citizenship will now only be granted if the residency requirement is met by way of physical presence. The residency requirement is also being made much more onerous.

The following changes took effect with Bill C-6 becoming law:

### Residency Requirements

- Citizenship applicants must be **physically present in Canada** for three years out of five years (1,095 days), with no specified minimum number of days per year, up to the day before signing the citizenship application;
- Applicants must file **Canadian income taxes**, if required to do so under the Income Tax Act, for three out of five years, matching the new physical presence requirements; and
- Applicants may count each day they were physically present in Canada as a lawful temporary person (ie. visitor, student or



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worker) or protected persons, **before becoming a permanent resident**, as a half-day toward meeting the physical presence requirement for citizenship, up to a maximum credit of 365 days, within five years preceding the date of application. If the residency requirement and other existing eligibility requirements (e.g. language ability) are met, potential Canadian citizenship applicants are well-advised to apply without delay.

### Intent to Reside

- Applicants are also no longer required to intend to continue to live in Canada once granted citizenship. This removes concerns from new Canadians who may need to live outside of Canada for personal or professional reasons.

### Language Requirements

- Applicants between 18-54 years must meet the language and knowledge of Canada requirements for citizenship. This includes being able to speak and understand in either French or English and show, in English or French, general knowledge about Canada and take the Citizenship Test.

### Statelessness

- Bill C-6 also brought into force **statelessness** as a ground that can be considered for a discretionary grant of citizenship.

### Additional 2018 Amendments

**On 11 January 2018** an additional amendment took effect with Bill C-6. The Federal Court is now the decision-maker in all revocation cases, unless the individual specifically requests that the Minister make the decision.

The Immigration Law Group at Perley-Robertson, Hill & McDougall LLP/s.r.l. has the expertise to assist potential applicants with evaluating eligibility for Canadian citizenship, preparing comprehensive application packages, addressing any potential complications, and advising on the changing rules and requirements. Having accurate information and proper legal advice is key in this challenging environment. Please contact us to set up a consultation appointment.

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