



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Bill C-6

An Act to amend the Citizenship Act and to make consequential amendments to another Act

**Submission of the Canadian
Council for Refugees**

April 2016

Introduction

The Canadian Council for Refugees welcomes the introduction of amendments to the Citizenship Act through Bill C-6, reversing many provisions of Bill C-24, the *Strengthening Canadian Citizenship Act* that we opposed.¹ The CCR also commends the new government for making this a priority piece of legislation.

Bill C-6 provides an excellent opportunity to create an inclusive citizenship regime that promotes maximum civic participation and engagement. We need to bring down barriers to citizenship, especially for already disadvantaged groups such as refugees, the elderly, and women. In line with Canada's international obligations, we encourage the government to craft a new citizenship regime to which all applicants will have equal access without discrimination.

Canada has a legal obligation to facilitate access to citizenship for refugees:

"The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." (Convention relating to the Status of Refugees, Article 34).

Access to nationality and citizenship is an important factor in the participation of newcomers in the political process. Participation in the political process, in turn, increases the sense of belonging and identification with the immigrants' new country. At present, non-citizens in Canada are unable to vote in federal, provincial/territorial, and municipal elections. As a result, Canada ranks only 20th out of 38 countries with regard to the "Political Participation" factor on the Migrant Integration Policy Index (MIPEX) 2015.² Canada's score of 48 for political participation is indexed as "halfway favourable". Further, Canada ranks 8th out of 38 countries with regard to the "Access to Nationality" factor, putting us behind some Western European countries as well as New Zealand and Australia.³ MIPEX cites greater wait times for permanent residents, restrictions and documentation burdens to become Canadian citizens, as among the reasons why Canada has lost several points over the previous average score of 71. Canada's overall MIPEX score in 2014 was 68, prompting MIPEX to raise questions about the future direction of Canada's traditionally inclusive integration policies.

CCR member organizations report that the people they serve feel insecure in Canada until they attain citizenship. This sense of insecurity has become significantly greater in recent years as permanent resident status has become more precarious. As a result of recent legislative amendments, former refugees who travel home for even a quick visit can face loss of permanent residence.⁴ It has also become easier for permanent residents to

¹ The bill received Royal Assent on 19 June 2014.

² <http://www.mipex.eu/political-participation>

³ <http://www.mipex.eu/access-nationality>

⁴ Changes to the *Immigration and Refugee Protection Act* in 2012 mean that a finding that a person is no longer a refugee can result in automatic loss of permanent residence.

lose status following a criminal sentence.⁵ This precariousness of permanent residence combined with the increased barriers to citizenship imposed in recent years have sent a chilling message out to newcomer communities.

Immigration and citizenship policies can support or conversely threaten refugees' mental health. Policies that respect their dignity and human rights and ensure timely and secure status help refugees maintain good mental health. On the other hand, policies can have serious consequences on people's mental health when they deny access to secure permanent status, including barriers and delays in access to citizenship. Reforming citizenship, immigration and refugee policies and practices therefore not only upholds Canada's legal obligations, but also contributes to minimizing negative impacts on mental health.

Principles

Citizenship rules are fundamental to who we are as a country. We believe it is crucial that the rules:

- Respect the principle that all citizens are equal.
- Embrace newcomers and encourage them to quickly become full participating members of our society.
- Recognize the barriers that some newcomers face to full participation, including the particular barriers faced by refugees who have suffered persecution and long years of deprivation.
- Respect the principle that citizenship is a status from which rights derive, and is thus similar to our status as human beings. It is not something that can be lost through bad behaviour.
- Be clear about who acquires or loses citizenship. Individuals should have access to a fair hearing before an independent decision-maker. Decisions should not be made on a discretionary basis by the Minister

⁵ Permanent residents sentenced to a prison term of 6 months or more now lose permanent residence without any right of appeal, where the humanitarian and compassionate factors of their case would be considered. Previously, the sentence had to be two years or more before the right of appeal was lost.

Provisions Reversing C-24 Changes

A. Extension of language and knowledge tests for young and older applicants

Under Bill C-24, language and knowledge test requirements were extended to more applicants (those aged 14-64 years). Bill C-6 will revert to the previous age range of those aged 18-54 years.

We support the proposed amendment to revert to limiting language and knowledge tests to those aged 18-54 years.

- Older refugees may be able to learn enough English or French to function but may nonetheless have difficulty passing the legislated language test (which in some cases they have to pay for). The test is particularly difficult for people with little formal education and limited literacy.
- It is right to encourage and support older permanent residents in learning one of the official languages and acquiring knowledge about Canada, but it is a mistake to make success in these objectives a condition of citizenship, given the greater difficulties many face in learning and passing tests at older ages. Given that the elderly are in some cases quite vulnerable members of our society, we should be facilitating access to citizenship for those aged 55 up, so that they have secure status and extra rights of citizenship before they become elderly.
- The rationale of extending the test requirements to applicants aged 14-18 was never clear. Youth at this age will be in high school, and must have been in Canadian schools for the past several years. If they do not speak English or French, or know about Canada, the fault surely lies with our schools. By adding additional requirements for youth aged 14-18 we risk producing a new category of youth who have spent most of their formative years in Canada but are denied citizenship, and thus the possibility of participating fully in society.

B. Counting time in Canada before becoming a permanent resident

Bill C-24 extended the required residency eligibility period from 3 out of the previous 4 years to 4 out of the previous 6 years. Bill C-24 also 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). Further, Bill C-24 required 6 months of physical presence in Canada for each of the 4/6 years in order to be eligible for citizenship.

Bill C-6 introduces a residence eligibility period of 3 out of 5 years, and the return of pre-permanent residence credit of up to one year. Bill C-6 maintains the 6 months physical residence requirement, however, for each of those 3/5 years.

We support the proposed residency eligibility period of 3 out of 5 years.

We support allowing applicants to count at least one year in Canada before becoming a Permanent Resident.

However, we do not support maintaining the strict physical presence test particularly as it imposes an unnecessary burden on otherwise stateless persons.

Recommendation:

1. We recommend allowing citizenship judges to exercise some flexibility when an applicant does not meet the required number of days physically in Canada, has compelling reasons for having been absent certain days from Canada and can exhibit meaningful residency in Canada, particularly for applicants who are otherwise stateless.
- Facilitating people becoming eligible for citizenship earlier strengthens Canada’s stated commitment to integrate newcomers. The sooner newcomers are citizens the sooner they can participate fully in Canadian society, enjoy all rights of full membership and contribute to their full potential to Canadian society.
 - Becoming a citizen is particularly important for refugees who have no other country they can turn to. Until they are citizens, they have a sense of insecurity and face practical problems, such as difficulty travelling without a passport.
 - Canada has a legal obligation under the Refugee Convention to speed up access to citizenship.
 - Maintaining the strict physical presence requirement removes any discretion for refugees or stateless persons to assert meaningful residency in Canada even if extraordinary circumstances have forced them to travel for too many days.
 - Refugees, international students, live-in caregivers and in-Canada sponsored spouses are getting to know the country during their time in Canada before becoming a permanent resident. Delaying the eligibility for citizenship for these groups seems arbitrary and unfair.

C. Eliminating power to strip citizenship from dual citizens in cases of “treason” or “terrorism”

Bill C-24 introduced measures allowing for the loss of citizenship of those who committed acts contrary to the national interest, including ‘terrorism’. Those measures applied not only to dual citizens, but to anyone who would not be rendered stateless by the citizenship revocation. Bill C-6 proposes revoking those provisions.

We support eliminating the powers to strip citizenship from dual citizens.

- Treating dual citizens differently is discriminatory and violates the fundamental principle that all citizens are equal. Citizens should not face different consequences for committing the same crimes. Having separate rules for dual citizens creates a two-tiered citizenship, with lesser rights for some citizens.
- Creating a second class citizenship that is insecure has caused a loss of a sense of belonging to society for those affected, even though the vast majority of dual citizens are not at risk of actually having their citizenship stripped.

- It is wrong to use citizenship rules to punish people for wrong-doing. The criminal system is the proper way to deal with crimes. Stripping citizenship is a form of banishment – an outdated practice that is unacceptable in the modern age. Citizenship is a fundamental right and is not something that is earned by good behaviour.
- We know from recent history that people can be wrongly accused of terrorism and subjected to unfair trials. Maher Arar was able to clear his name only after he returned to Canada and won a public inquiry into his case. A citizen who was unfairly convicted abroad and stripped of Canadian citizenship might never have a chance to return to Canada and plead their case in a Canadian court.
- The recent predicament of Canadian journalist Mohamed Fahmy in Egypt is a further reminder of how “terrorism” charges can be abused. An Al-Jazeera journalist, Mr Fahmy faced terrorism-related charges in a process that was internationally condemned as unjust. Convictions in such cases should never have the potential of leading to loss of Canadian citizenship.
- The powers to strip status have sent a very strong message: that Canadians are not all equal, and that the loyalty of some citizens is in question. This negative message particularly affects certain Canadians, notably Muslims and Arabs, who have been unfairly and persistently associated with terrorism.

D. **Requirement of** intention to reside in Canada

Bill C-24 introduced a requirement that applicants for citizenship have an intention to reside in Canada. This new requirement has raised many questions, is open to interpretation and has resulted in applicants for citizenship and new citizens having anxieties and fears. Bill C-6 proposes revoking this requirement.

We support repealing the provisions relating to intention to reside.

- The current Act requires that a person applying as a citizen maintain an intention to reside in Canada continuously from the date of application until taking the oath of citizenship. During this period, applicants may fear travelling outside Canada while their application is in process, or even for some time afterward, for fear of being accused of misrepresentation. People may have to make difficult choices about whether to pursue career-enhancing studies or work abroad, or to accompany a spouse, or spend time with a sick relative abroad.
- The introduction of a requirement of intent to reside also creates two classes of citizens: some with a recognized right to work, study or live where they choose, and others who are expected to remain in Canada.

Other Areas Where CCR Recommends Changes

A. Continuing financial barriers to citizenship

There have been dramatic recent increases in fees to apply for citizenship (the cost doubled from \$200 to \$400 in February 2014, and then increased again to \$630 in January 2015). Indeed this is a major reason why citizenship has become much harder to get. In addition, the new requirement for applicants to provide up-front proof of language proficiency represents significant extra costs for many applicants, who must undergo private language testing (costing approximately \$200) to satisfy this requirement.⁶

The additional fees represent a significant burden, especially for refugees and others who are over-represented among the working poor and those in chronic low-income circumstances.

Further, it must be noted that a CIC-commissioned study found that family class immigrants to Canada, and in particular women from certain regions, struggled with language acquisition after arrival. This study preceded the 2012 requirement for up-front proof of language proficiency submitted with an application for citizenship. While it is certainly desirable that newcomers to Canada learn to communicate in English or French as quickly as possible, some will not be able to acquire the required level of language proficiency and this up-front requirement excludes them from Canadian citizenship as a result.⁷

Recommendations:

2. Introduce a process by which applicants, including social assistance recipients, can seek a waiver from the citizenship fees, on the ground that no one should be excluded from democratic civic participation because of inability to pay.
3. Alleviate the burden of costly language testing for those seeking a fee waiver by re-introducing the pre-2012 oral examination of citizenship applicants who are otherwise unable to provide documentary proof of language proficiency.
4. Amend the Bill to specify that the language be tested at the end of the application process, rather than at the beginning (given long processing times).

B. Access to citizenship for youth under 18 without parents

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. Among those affected are some youth in care – for whom the State has a particular

⁶ Testing is not equally available throughout Canada. Applicants who do not live in a big city may have to travel to get to a testing site, at additional cost. In some regions, testing may be more expensive.

⁷ Derwing T., et al “An Examination of the Canadian Language Benchmark data from the Citizenship Language Survey” www.cic.gc.ca/english/pdf/research-stats/language-benchmark.pdf

responsibility to provide secure status. We are concerned that some youth in care are reaching the age of majority without obtaining citizenship, even though they meet the residency requirements.

In the case of refugee youth in particular, they may be stateless. Under the *Convention on the Rights of the Child*, Canada has an obligation to protect the child's "right to acquire a nationality", and this obligation is underlined "where the child would otherwise be stateless" (Article 7).

Further, Bill C-24 added a new requirement that for a parent to apply for citizenship for an adopted child, the adoption must not have occurred "in a manner that circumvented the legal requirements for international adoptions". This may impose an additional barrier to obtaining citizenship for some children. There are many children who come to Canada with their *de facto* family but who have no parent or legal guardian.⁸ Among refugee families such situations are not uncommon as children who have been orphaned in conflict may be taken in by other adults. There may have been an adoption overseas which is not recognized under Canada's laws.

There is nothing in Bill C-6 to address the current discrimination in the Act on the basis of age. The bill needs to ensure the equitable access to citizenship for minors.

Recommendation:

5. Provide for a right to apply for citizenship for youth under 18 who meet the other requirements but do not have a parent or legal guardian in Canada.

C. Need for better accommodation for citizenship applicants with disabilities

The current Act, Regulations and practice are quite limiting with respect to applicants with disabilities. The language and knowledge requirements for citizenship prioritize those eligibility criteria over and above other meaningful indicia of civic participation and result in a discriminatory effect. They impose an extra burden on applicants who cannot demonstrate those two criteria because of a disability.

Accommodations for applicants with disabilities are addressed through waivers by the Minister on compassionate grounds, provided for at section 5(3) of the Citizenship Act. Given that exemptions are by law a matter of discretion, rather than of right, there are no clear rules.⁹ Immigration, Refugees and Citizenship Canada (IRCC) provides some guidance for deaf or visually impaired applicants to be exempted from these requirements, but the process and additional cost is burdensome.¹⁰ Apart from hearing loss, the instructions do

⁸ Depending on their age and the province they are living in, unaccompanied minors arriving in Canada may not have a legal guardian appointed for them.

⁹ The guidelines for officers can be found at www.cic.gc.ca/english/resources/tools/cit/admin/decision/compassionate.asp. The guidelines state that exceptions should be granted "only in exceptional cases".

¹⁰ Applicants who are deaf and have severe to profound hearing loss, with little or no residual hearing, may be exempted from the proof of language ability. They must provide supporting documents to assist decision makers in understanding the basis of their claim. The only accepted supporting evidence is an audiogram issued by a Canadian audiologist, with a letter issued by the same audiologist attesting that the applicant is deaf. This requirement can be costly for applicants who

not give precise information about what evidence of a disability should be submitted.¹¹ Due to the vagueness of the instructions, applications are often returned – sometimes after many months – because the evidence submitted is not accepted by IRCC. Applicants may end up having to seek costly legal advice and/or obtain additional medical assessments for a fee.

Further, it is troubling that the framework for persons with disabilities to obtain a waiver from eligibility criteria is pure mercy. Rather than granting waivers “on compassionate grounds”, persons with disabilities should be recognized as rights-holders and be granted citizenship if they are otherwise, *but for* the disability, eligible. We submit that the current backwards framework runs contrary to the equality guarantees set out in s. 15 of the *Charter of Rights and Freedoms*, in the *Canada Human Rights Act*, and in Art. 26 of the *International Convention on Civil and Political Rights*.

Given that the right to citizenship is a gateway to so many other fundamental rights, the Canadian citizenship regime should do better in terms of providing for an individualized assessment of an applicant’s needs, when a disability is identified, so that they are accommodated throughout the process and in the substantive end result. The difficulty of obtaining accommodation for disability constitutes an additional barrier for the most vulnerable newcomers. Refugees are over-represented among newcomers with disabilities due to the effects of the psychological and physical trauma they have suffered.

Recommendation:

6. Incorporate a disability perspective into *The Citizenship Act*, to ensure that decision-makers are appropriately responsive to any discriminatory barriers in the law, in the processing of citizenship applications, and that exemptions from discriminatory requirements are granted as of right rather than further to administrative discretion.

D. Concern about applicants for citizenship losing status due to cessation

Since 2012, an amendment to the *Immigration and Refugee Protection Act* provides that any one-time refugee who avails herself of the protection of her home country can face loss of Convention refugee *and* permanent resident status. Since 2012, those determined by the Immigration and Refugee Board to have lost refugee status subject to these “cessation” proceedings automatically lose their permanent residence status and become foreign nationals with no right of appeal apart from a judicial review, and in most cases no ability to make an application to remain in Canada on humanitarian and compassionate grounds for one year following. This is a very frightening new law for refugees in Canada, who have rightfully believed that becoming a permanent resident meant they were no longer refugees.

do not have extended health insurance and may have to pay the required documentation.

www.cic.gc.ca/english/information/applications/guides/CIT0002ETOC.asp

¹¹ The instructions state that applicants who have a disorder, disability or condition that is cognitive, psychiatric or psychological in nature which prevents them from submitting upfront proof of language ability for citizenship must provide supporting documentary evidence to assist decision makers in understanding the basis of their claim.

www.cic.gc.ca/english/information/applications/guides/CIT0002ETOC.asp.

It quickly became clear, as the Canada Border Services Agency (CBSA) pursued a significant number of these cases, that individuals were providing the very information used against them in their citizenship applications. This has been particularly the case in Vancouver.¹² Applicants for citizenship who were one-time refugees were disclosing information, as required by the citizenship application, such as travel on a home country passport or travel to the home country. Even though this behaviour may *not* have resulted in possible loss of permanent residence status at the time it was done (because it took place prior to 2012), nonetheless citizenship officials hand over this evidence to CBSA to initiate cessation proceedings. This has created a real chill among refugees in applying for citizenship.¹³

In a number of cases, citizenship officials have stopped processing citizenship applications, without notifying the applicants, so that the cessation application could be pursued by CBSA. One case involved an older man with health concerns, whose family was living in Canada. In granting a mandamus order, Justice Russell said: “The Minister has suspended the citizenship application to give the Minister time to, possibly, strip the applicant of his permanent resident status at some time in the future so that he will no longer be eligible for citizenship. In my view, that is a misplaced and abusive use of s. 13.1.” Justice Russell also underlined the “lack of notification and strenuous resistance to disclosure by a powerful state apparatus”.¹⁴

Recommendations:

7. Strengthen protections in the Citizenship Act against improper suspensions in processing of citizenship applications, and require that applicants be immediately notified of any suspensions.
8. Repeal of 2012 IRPA provisions allowing for the loss of permanent residence status as a consequence of cessation of refugee status. In the meantime we also recommend specific wording in citizenship applications to fully inform applicants of the serious consequences of providing information that creates a presumption of reavilment, and make clear that such information is actively shared with CBSA.

E. Delays in processing

We appreciate that the average processing time for routine citizenship applications has been reduced to 12 months, down from 2-3 years. However, non-routine applications can still take considerably longer to process. An application may be deemed to be non-routine for a perceived lack of the applicant meeting residency requirements, resulting in lengthy additional processes that put undue strain on the applicant and on processing officers. In the absence of any presumptive period for citizenship processing in the law, we are concerned that future governments could again revert to lengthy processing times without applicants having access to any

¹² At the end of 2015, there were 98 cessation applications pending in the Western Region, compared to 94 in the Central Region and 64 in the Eastern Region, even though there are fewer refugees in the Western Region than in the other regions.

¹³ CCR, Cessation: stripping refugees of their status in Canada, May 2014, ccrweb.ca/en/cessation-report

¹⁴ *Godinez Ovalle v. Canada (Citizenship and Immigration)*, 2015 FC 935 (CanLII), canlii.ca/t/gkgft

remedies. Long processing times pervert the will of Parliament by in practice lengthening the residence requirement established by legislation.

In the United States this issue has been addressed through legislation. The Immigration and Nationality Act specifically provides for direct judicial review of delays in adjudicating naturalization applications by the United States Citizenship and Immigration Services (USCIS).¹⁵ It gives a district court jurisdiction to intervene in a case where USCIS has failed to make a decision on the naturalization application within 120 days of the applicant's "examination" (generally interpreted to mean the initial interview) by USCIS. In so doing it provides a statutory remedy for naturalization applicants against extensive post-interview delays by USCIS in adjudicating their applications. Applicants in the United States can use a Service Request Management Tool for online inquiries when pending applications or petitions are outside normal processing times.

Further, in 2012, many CIC offices across the country were closed and services concentrated in a few large centres. This has resulted in inequitable and inconsistent processing across the country. In communities without IRCC offices, applicants rely on IRCC's Itinerant Services to visit every few months for all aspects of the citizenship application process: citizenship test, interviews with an officer, swearing-in ceremonies. This process unduly prolongs processing times for applicants in communities without an IRCC office.

Introducing a presumptive period for citizenship processing would also help to address the problem referred to above with respect to applications being suspended in order to pursue a cessation application..

Recommendation:

9. Add a default processing period during which all routine citizenship applications will be processed. Provide for a direct judicial review process to adjudicate delays in naturalization processing.

F. Leave for judicial review

Bill C-24 added a requirement to seek leave for judicial review of a decision to refuse a citizenship application (now s. 22.1 of the Act). This provision means that more people are not able to have their cases heard by the court, without receiving any explanation (the Federal Court does not provide any reasons when it denies leave). In addition, the requirement imposes an additional cost, as applicants must hire a lawyer to prepare the leave application.

Recommendation:

10. Eliminate the leave requirement so that applications once again go to the Federal Court for judicial review without a leave requirement.

¹⁵ Section 336(b) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1447(b).

G. Loss of citizenship due to fraud or misrepresentation

Citizenship status can be revoked by the Minister where the individual is deemed a threat to national security (discussed above) or is deemed (on a balance of probabilities) to have obtained citizenship by fraud, false representation or by knowingly concealing material circumstances. The new process introduced by Bill C-24 allows the Minister to make this decision with only written submissions invited from the citizen concerned. The Minister decides, in his or her discretion, whether to hold a hearing. If the revocation takes place, the former citizen (now a foreign national) can only seek leave to the Federal Court for a judicial review of the decision.

This puts extraordinary power in the hands of the Minister without any meaningful oversight. The Federal Court cannot hear any new evidence from the citizen concerned. Given the crucial importance of citizenship as a gateway to other rights, this denial of due process runs contrary to the rule of law and in the CCR's view, it weakens our society and the institution of citizenship. It puts naturalized citizens on notice that their citizenship is precarious, to be revoked by the Minister in his or her opinion alone, if facts come to light that question any underlying status prior to attainment of citizenship.

Further, it is extremely troubling that the process for revoking citizenship due to misrepresentation provides fewer procedural guarantees than loss of permanent residence status due to misrepresentation. In that instance, permanent residents have a full right of appeal to the Immigration Appeal Division (IAD) which is a trial *de novo*, considering any old and new relevant evidence and rendering its decision taking into account any humanitarian and compassionate factors raised.

Recommendation:

11. Introduce full appeal rights for citizens facing possible revocation of citizenship.

H. Second generation born abroad

We welcome the measures introduced earlier to address the unfair exclusions from citizenship that have been allowed to go on for decades ("lost Canadians" – pre-1947 cases). However we regret that there are no measures to address the unfair situations created by the 2009 amendments. By denying citizenship to the second generation born abroad, Canada is creating a new set of "lost Canadians" and making some children born to Canadians stateless.¹⁶

Recommendation:

12. Restore the right to citizenship for second generation born abroad (pre-2009 rules). In the alternative, at least provide the right of citizenship for those who would otherwise be stateless

¹⁶ ccrweb.ca/en/citizenship-2009-changes

Summary of Recommendations

1. Allow citizenship judges to exercise some flexibility when an applicant does not meet the required number of days physically in Canada, has compelling reasons for having been absent certain days from Canada and can exhibit meaningful residency in Canada, particularly for applicants who are otherwise stateless.
2. Introduce a process by which applicants, including social assistance recipients, can seek a waiver from the citizenship fees, on the ground that no one should be excluded from democratic civic participation because of inability to pay.
3. Alleviate the burden of costly language testing for those seeking a fee waiver by re-introducing the pre-2012 oral examination of citizenship applicants who are otherwise unable to provide documentary proof of language proficiency.
4. Amend the Bill to specify that the language be tested at the end of the application process, rather than at the beginning (given long processing times).
5. Provide for a right to apply for citizenship for youth under 18 who meet the other requirements but do not have a parent or legal guardian in Canada.
6. Incorporate a disability perspective into *The Citizenship Act*, to ensure that decision-makers are appropriately responsive to any discriminatory barriers in the law, in the processing of citizenship applications, and that exemptions from discriminatory requirements are granted as of right rather than further to administrative discretion.
7. Strengthen protections in the Citizenship Act against improper suspensions in processing of citizenship applications, and require that applicants be immediately notified of any suspensions.
8. Repeal the 2012 IRPA provisions allowing for the loss of permanent residence status as a consequence of cessation of refugee status. In the meantime we also recommend specific wording in citizenship applications to fully inform applicants of the serious consequences of providing information that creates a presumption of reavilment, and make clear that such information is actively shared with CBSA.
9. Add a default processing period during which all routine citizenship applications will be processed. Provide for a direct judicial review process to adjudicate delays in naturalization processing.
10. Eliminate the leave requirement so that applications once again go to the Federal Court for judicial review without a leave requirement.
11. Introduce full appeal rights for citizens facing possible revocation of citizenship.
12. Restore the right to citizenship for second generation born abroad (pre-2009 rules). In the alternative, at least provide the right of citizenship for those who would otherwise be stateless.