

APPLYING FOR CITIZENSHIP? THE PAPERWORK MUST BE CORRECT

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While the process of applying for citizenship may seem overwhelming ... it is more of an excise in paying attention to detail. You, as the applicant have all the information and you know what is correct. You have the responsibility to show that you meet the requirements to be granted Canadian citizenship.

The Immigration Refugee Citizenship Canada website is your first stop.

<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/become-canadian-citizen/eligibility.html>

There are six requirements to become a Canadian citizen.

1. You must be a Permanent Resident
2. You must have been physically present and lived in Canada for 1095 days (3 years) of the five years preceding the date you sign your application. (the relevant period of your application)
3. You must have filed income taxes if required by the Income Tax Act
4. You cannot have an active criminal record.
5. You must prove a basic capability speaking English or French
6. You must pass the Canadian knowledge test regarding the responsibility of citizenship and your rights and freedoms.

PERMANENT RESIDENT STATUS

Your primary proof of permanent residency is your Permanent Resident Card and/or your paper Immigrant Visa and Record of Landing, IMM 1000 or Confirmation of Permanent Residence (IMM5292B or IMM5688E) that shows that you were granted permanent resident status in the past.

The IRCC website states:

Persons who are granted permanent resident status are automatically issued their PR card following the necessary examination and confirmation of their status in IRCC data systems. The PR card was developed to provide permanent residents with a secure, durable document that allows the holder to easily prove their status to transportation companies for the purposes of travel to Canada. The paper documentation issued to permanent residents in the past, the Immigrant Visa and Record of Landing (IMM 1000), was never designed as a secure travel document and became vulnerable to forgery and misuse by impostors and people-smugglers. Its primary purpose was to prove that the holder was granted permanent resident status at some point in the past. The mere possession of the document did not serve as presumptive proof of status. Moreover, the IMM 1000 form was issued as a matter of administrative procedure and was never defined by statute. The Immigration, Refugee Protection Act does not require

permanent residents to hold a PR card nor to have one when they present themselves at a port of entry.

While there are those who do not have a PR Card or have allowed their card to expire that does not cancel PR status. It is necessary that you have a valid and current PR Card if you are going to travel from Canada by air or sea as you can be refused boarding. Losing your PR status requires due process. You may relinquish your PR status by being absent from Canada for more than two years in five (counted on the day it is reviewed) and for other reasons. However, a determination will be made and you will be notified should you no longer have permanent resident status.

PHYSICAL PRESENCE

You are responsible to demonstrate that you have been physically present for 1095 days in Canada during the five-year period immediately preceding the date that you sign your application for citizenship. Your record of absences from Canada must be complete and correct. It is not an estimate. It requires that you count the days and that the periods of absence can be verified by documentation – usually your passport but if you are missing passport stamps you will have to use other means. You need to report every single day absent from Canada. If you travel a lot you should keep a record of your absences, ask for your passport to be stamped, keep your travel documents such as boarding passes and contracts. Keep track by whatever means is easy for you, a written journal or electronically. A day of departure from Canada and a day of arrival to Canada are considered days present. If you live near the CANUS border it is easy to leave out a single day should you return minutes after midnight. Should it be evident that you are a single day short of 1095 days of physical presence you will not be granted citizenship and will have to reapply and pay new fees. Citizenship officers have no discretion. If your record is not clear and you are initially told that you don't meet the requirement you will be given an opportunity to prove your physical presence by other means to show that you were in Canada on particular days. The IRCC website has a physical presence calculator. Be certain that your input is complete and correct. It is prudent to give yourself some surplus time rather than applying with just 1095 days. Doing so prevents disappointment should you leave out or forget an absence. Time spent serving a term of imprisonment, on parole, on probation or under a condition of the court doesn't count as time that you have lived in Canada.

Because your passport is the first document to be reviewed to confirm your physical presence it is important that any content that is not in English or French be translated by a person certified as a translator in the particular language. This applies to any visas or other documents such as entry/exit records, even if they are outside the relevant period. The citizenship officer must be able confirm whether or not a passport stamp, written notation or document affects your record or not. This is mandatory if your records include dates in eastern calendars and other than the ubiquitous Roman/Latin characters.

Providing false or misleading information on your citizenship application carries a fine up to \$100,000 or imprisonment for up to five years, or both and you could be prohibited from applying for citizenship for five years. If you are found to have misrepresented your information, your citizenship may be revoked. Citizenship officers are good at what they do. You will be found out if you misrepresent or lie that you are living in Canada when you are not by using a false address or by failing to provide all your passports or any other means such as altered documents.

YOU MUST FILE INCOME TAX IF REQUIRED BY THE INCOME TAX ACT

The Canadian Revenue Agency (CRA) enforces the income tax act.

<https://www.canada.ca/en/revenue-agency/services/tax/international-non-residents/individuals-leaving-entering-canada-non-residents/newcomers-canada-immigrants.html#dhtf>

Whether or not you have income that requires filing a tax return it is prudent to establish yourself with the CRA as there are other benefits that you may be eligible for such as the Goods and Services Tax refund. Tax documents also establish your presence in Canada. Providing income tax documents for the relevant period of your application demonstrates your commitment to Canada and increases your credibility. Furthermore, filing your income and paying tax is a duty of citizenship.

YOU CANNOT HAVE AN ACTIVE CRIMINAL RECORD

If you are charged with an offence covered by the Criminal Code you cannot be awarded Canadian Citizenship until the matter is closed and you are no longer liable to the Canadian judicial system determined by being acquitted or if found guilty you have met the terms of your sentence. Criminal offences outside Canada may also prevent a grant of citizenship if there is an equivalency in Canadian law. As noted above time spent serving a term of imprisonment, on parole, probation or subject to a condition of the court doesn't count as time you have lived in Canada. There are a variety of situations that will prevent you being granted Canadian citizenship.

<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/become-canadian-citizen/eligibility/situations-prevent-citizenship.html>

YOU MUST DEMONSTRATE LANGUAGE COMPETENCY IN ENGLISH OR FRENCH

Canada requires that applicants for citizenship 18-54 years of age have listening and speaking skills at the Canadian Benchmark Level 4 considered a basic fluent level. While you may have attended ESL or FSL languages and be awarded a certificate that you have included in your application to demonstrate your language proficiency it is important that you continue to learn English or French and that you use your Canadian official language of choice every day. Families might have English/French only at

dinner time and the person who defaults to the original language gets to do the dishes puts a nickel or quarter in a jar with the funds to be used later to celebrate your success or given to charity. Have some fun and help each other. If you stop using English or French every day ... and it looks like you are not able to speak English or French when you attend your document verification interview, your application could be paused while you are directed to be recalled for an oral language evaluation interview. If you do not demonstrate that you can have a simple conversation your application could be denied.

BEFORE YOU SEND IN YOUR APPLICATION, USE THE IRCC CHECKLIST

A significant number of applications are rejected upon receipt and returned to the applicant. The most usual reasons are; the application is not signed, the application and physical presence calculation are signed on different days, the application was signed but not put in the mail for 90 days and is therefore returned as being stale dated, the language certification is missing, the biographical passport page is missing or there is no proof that the application fee has been paid in full.

If there is a discrepancy in some part of your application, you can be sent a “Physical Presence Questionnaire” that gives you an opportunity to provide more detailed evidence of your physical presence in Canada. You will need to support your presence in Canada with documents such as bank and credit card statements, utility bills, accommodation rental receipts, mobile phone records, educational transcripts, employment records, and more. The records that you provide must be within the relevant period or if sequential (such as credit card statements) must cover the entire relevant period (five years previous to your date of application). It is time consuming but necessary. Your application can be refused if the evidence is insufficient to show that you have been physically present in Canada for the required 1095 days. The onus is on you to demonstrate that you meet the requirements to be granted citizenship. You have the power!

DON'T UNDERESTIMATE THE NEED TO STUDY FOR THE KNOWLEDGE TEST

Applicants who are 18 to 54 years of age must pass the Canadian knowledge test. Some may find the Canadian knowledge test to be simple ... but it is not easy. It is particularly difficult if you do not have sufficient language skill. No matter what your country of origin, to pass the knowledge test requires that you know the content of the study guide. The study guide contains all the information you need to demonstrate that you have “an adequate knowledge of Canada and of the responsibilities and privileges of citizenship.” That means being able to choose the correct answer to questions on the geography, history, economy and heritage of Canada, how government works, and symbols of Canada. Applicants that attend “citizenship classes” that are offered by settlement organizations do particularly well on the test. Reading the guide with intent

to learn will improve your result, but flipping through the pages or doing an on-line test the night before is courting failure. The test is multiple choice. The answers are on the paper in front of you. You must get 15 of the 20 questions correct - and 14 is not 15. If you do not meet the requirement on the first occasion you will be called back in three to six months to attempt again. If you fail the second time you will wait another three to six months to take an oral exam before a citizenship officer. An oral exam is not multiple choice. It is question and answer and the passing standard is the same - 15 correct answers of 20 questions.

The study guide is available as a paper booklet and it is on line electronically to download, read and/or print. It is also available on-line as an audio file that you can burn to a CD or transfer to a portable device so that you can listen to it while you are a driving or taking a break from work or before bedtime. It is the only official resource. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/discover-canada.html> Some third parties have translated the material into languages other than English or French or have paraphrased the material. These are not official sources and should be avoided or know that you use them at your own risk.

If you are a part of a family, engage everyone in the learning process and have some fun with your own “trivial pursuit” games. There are also a number of internet sites that have sample on-line tests. These can be useful, but they are not a substitute for studying the book so that you know the content. Occasionally, a person 18-54 may be excused from passing the test if they are mentally unable or in some way impaired as certified by a medical doctor, but they must attempt the test.

PAY ATTENTION TO DETAIL

Be certain that you are using the correct form. The form may have been updated after you started and before you put it in the mail. Be certain that the information throughout your application is consistent. Discrepancies can lead to concerns about the credibility of your information. Don't leave any gaps in your physical presence time line. Translate information that is not in English or French. Keep a copy of your application so that you know what you provided should the citizenship officer have questions at your document review interview. <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-canadian-citizenship-adults.html>

PAY ATTENTION TO DEADLINES

In order to meet deadlines, IRCC needs to know how to contact you. Your journey through the process can be delayed or suspended if you don't tell IRCC that you have changed your address. IRCC may determine that you have abandoned your file if you do not reply within a deadline or do not appear for an interview or ultimately your

citizenship ceremony. You will be required to provide a reasonable explanation should you not respond on time, miss a deadline, or fail to appear.

BECOMING A MEMBER OF THE CANADIAN FAMILY



Tens of thousands of immigrants to Canada become Canadian citizens every year. Most of applications are routine and follow a straight path from being received to the applicant interview and knowledge test (if required) to attending a citizenship ceremony generally within a year and occasionally in six or nine months.

The information here is not meant to be legal advice, but it is a compilation of my observations after having served six years as a citizenship judge and having spoken to thousands of would be applicants from dozens of countries.

Should you not understand something about the process or have general questions, I suggest you first contact one of the settlement organizations. Investing in a professional consultant or lawyer is not generally required. That level of expertise is only required when there is something very unusual or exceptional associated with an application. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/using-immigration-citizenship-consultants.html>

Good luck – my best wishes for a smooth and unhindered process so that my final words of all of my citizenship ceremonies might apply to you, “No matter who you are, no matter where you came from, no matter how you worship and no matter who you love, YOU are Canadian - the same as if you were born here. Welcome to the great Canadian family!”