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Legislative Summary

BILL C-71:
AN ACT TO AMEND THE CITIZENSHIP ACT (2024)

44-1-C71-E

28 February 2025

Revised by Eleni Kachulis and Mayra Perez-Leclerc

Research and Education

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Legislative Summary of Bill C-71
(Preliminary version)

44-1-C71-E

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LEGISLATIVE SUMMARY OF BILL C-71: AN ACT TO AMEND THE CITIZENSHIP ACT (2024)

1 BACKGROUND

Bill C-71, An Act to amend the Citizenship Act (2024),[1] was introduced in the House of Commons by the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship on 23 May 2024.

It is the latest of a series of bills put forward in recent decades to address issues relating to "lost Canadians," a term referring to persons who, due to the evolution of the *Citizenship Act* over time, ceased to be Canadian citizens against their will or without their knowledge, or to individuals who thought they were Canadian citizens but legally never were.[2]

Bill C-71 amends the *Citizenship Act*[3] to, among other things:

- establish a new, expanded citizenship framework for individuals born abroad to (or born abroad and adopted internationally by) a Canadian citizen, including beyond the first generation;
- restore citizenship to persons who failed to make an application to retain their citizenship under former section 8 of the *Citizenship Act* (conforming to which some individuals lost citizenship at the age of 28), or whose application under that section was not approved, before its repeal in 2009; and
- provide for a simplified citizenship renunciation process for those who would become citizens as a result of the bill.

The Office of the Parliamentary Budget Officer estimated, in December 2024, that the coming into force of Bill C-71 could result in 115,000 people claiming citizenship over the next five years, with an approximate cost of $20.8 million over the same period.[4]

On 28 November 2024, while Bill C-71 was still at second reading in the House of Commons, the Senate adopted a motion authorizing the Standing Senate Committee on Social Affairs, Science and Technology (SOCI) to examine the subject matter of Bill C-71 in advance of the bill going before the Senate.[5] SOCI examined the subject matter of the bill over the course of two meetings, submitting its final report to the Senate on 12 December 2024.[6]

Bill C-71 died on the *Order Paper* when Parliament was prorogued on 6 January 2025. At that time, the bill had not progressed beyond second reading in the House of Commons.

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1.1 THE FIRST-GENERATION CUT-OFF RULE, *BJORKQUIST ET AL. V. ATTORNEY GENERAL OF CANADA*, AND SUSPENSIONS OF THE DECLARATION OF INVALIDITY

Bill C-71 responds to a 19 December 2023 Ontario Superior Court of Justice decision, *Bjorkquist et al. v. Attorney General of Canada*,[7] which declared unconstitutional the *Citizenship Act*'s limitation of citizenship by descent to the first generation born abroad provided under section 3(3)(a) of the Act.[8] **This is known variously as the first-generation "limit" or "cut-off," or the second-generation "limit" or "cut-off."[9]**

Under section 3(3)(a) of the *Citizenship Act*, persons born abroad to a Canadian citizen generally do not acquire Canadian citizenship automatically at birth **if their Canadian parent was also born abroad or was adopted internationally, and if they do not have another parent who was born in Canada or became a naturalized citizen before they were born.[10]**

Similarly, under section 5.1(4)(a) of the *Citizenship Act*, persons born abroad who are adopted internationally by a Canadian citizen may not be eligible for a direct grant of citizenship if their Canadian parent was also born abroad or was granted Canadian citizenship as an international adoptee. Individuals not eligible for automatic citizenship or a direct grant of citizenship must instead apply for citizenship through naturalization.[11]

In *Bjorkquist et al. v. Attorney General of Canada*, the Ontario Superior Court of Justice found that section 3(3)(a) of the *Citizenship Act* contravenes mobility and equality rights provisions of the *Canadian Charter of Rights and Freedoms*[12] and is therefore unconstitutional. The Court declared the provision to be of no force or effect pursuant to section 52 of the *Constitution Act, 1982*[13] but suspended its declaration of invalidity for a period of six months, initially giving the federal government until 19 June 2024 to amend the *Citizenship Act*. The Government of Canada chose not to appeal the ruling.[14]

Bill C-71 was tabled on 23 May 2024. That same month, the federal government established an interim measure to address certain proof of citizenship applications impacted by the first-generation limit until the changes in the bill take effect. Among other aspects, the interim measure is intended to ensure that individuals with applications eligible for urgent processing are notified that the first-generation limit is still in place and are provided the option to apply for a grant of citizenship under section 5(4) of the *Citizenship Act*, based on the discretion of the minister or a delegated decision maker.[15]

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The federal government also updated its website to provide information on the status of changes to the first-generation limit on citizenship, as well as provided a tool to help users determine what they might be eligible to apply for, including urgent processing for a discretionary grant of citizenship.[16]

On 19 June 2024, the Court granted the federal government an extension to 9 August 2024 to amend the *Citizenship Act*, also scheduling a hearing for 1 August 2024 to determine whether a further extension to December 2024 would be appropriate.[17]

On 1 August 2024, the Court granted a further extension to 19 December 2024, with the judge indicating as follows:

> I conclude that the mechanism in place to address urgent cases of hardship is sufficient to ensure that an extension of the declaration of invalidity will not undermine confidence in the administration of justice. I conclude that the circumstances continue to warrant a suspension of the declaration of invalidity, and it is likely that remedial legislation will be adopted by December 19, 2024.[18]

On 13 December 2024, the Court granted the government a further extension to 19 March 2025. While the judge expressed concerns about whether the federal government had sufficiently prioritized the bill, she also noted, "I am concerned that the interests of the public will be negatively affected if the declaration of invalidity comes into force without replacement legislation in place."[19] At the time of writing, the declaration of invalidity is set to come into effect on 19 March 2025.[20] The Court has explained that "if no law is in force when the declaration of invalidity takes effect, the legislation will still be rendered unconstitutional and the second-generation limit will be of no force and effect."[21]

1.2 LEGISLATIVE HISTORY PERTAINING TO "LOST CANADIANS"

1.2.1 *Canadian Citizenship Act* (1947)

The concept of Canadian citizenship was first enshrined in law with the introduction of the *Canadian Citizenship Act*, which came into force on 1 January 1947.[22] Whereas all Canadians were previously considered British subjects, the 1947 Act created a new legal standing that reflected a growing sense of national identity and independent nationhood, which had been influenced in part by the significant contributions of Canadians during the Second World War.

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Under the Act, a person born abroad could acquire Canadian citizenship from their Canadian father if the person was born in wedlock and from their Canadian mother if the person was born out of wedlock. Therefore, persons born in wedlock to Canadian mothers and foreign fathers and persons born out of wedlock to Canadian fathers and foreign mothers could not acquire Canadian citizenship.[23]

In addition, the Act required people who acquired Canadian citizenship by descent to assert their Canadian citizenship by registering a declaration of retention between their 21st and 22nd birthdays. If they did not, the person ceased to be a Canadian citizen. This requirement was subsequently amended to provide that such a person could retain their Canadian citizenship either by registering the declaration between their 21st and 24th birthdays or by living in Canada on their 24th birthday.

1.2.2 *Citizenship Act* (1977)

The *Citizenship Act*, which came into force on 15 February 1977, replaced the 1947 Act with what has been described as "a more equitable statute."[24] In the 1977 Act, citizenship was conferred on the first generation born abroad regardless of the sex or marital status of their parents. In addition, the responsible minister was required to grant citizenship to any person born before the 1977 Act came into force, if that person was born abroad to a Canadian mother, had not been entitled to citizenship before the coming into force of the Act, and applied for citizenship within two years of the Act coming into force. Persons born abroad to unmarried Canadian men did not have access to retroactive citizenship under the 1977 Act.[25]

With the coming into force of the *Citizenship Act* in 1977, the requirements for a person who acquired citizenship by descent to make a declaration of retention or to live in Canada on their 24th birthday were repealed. Nevertheless, those born prior to 1977 who had failed to comply with one of the two requirements lost their Canadian citizenship.[26]

Finally, a provision in the 1977 Act stipulated that a person who was born outside Canada after 14 February 1977, and who derived Canadian citizenship from a parent who was also born outside Canada, ceased to be a Canadian citizen on their 28th birthday. To retain their citizenship, such a person had to apply before their 28th birthday and have either resided in Canada for a year before applying or established a substantial connection with Canada (former section 8).[27]

Note that the *Citizenship Act* of 1977 remains in force today.

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1.2.3 *An Act to amend the Citizenship Act (adoption)* (2007)

Coming into force on 23 December 2007, *An Act to amend the Citizenship Act (adoption)* (formerly Bill C-14) was enacted to provide that persons adopted overseas could acquire Canadian citizenship by grant, rather than by first immigrating to Canada and then going through the naturalization process.[28]

1.2.4 *An Act to amend the Citizenship Act* (2008)

When it came into force on 17 April 2009, *An Act to amend the Citizenship Act* (formerly Bill C-37)[29] provided retroactive citizenship to most groups of "lost Canadians" by expanding the definition of who is a citizen.[30] However, it also established the first-generation cut-off rule under section 3(3) of the Act, which only allows citizenship by descent to be passed to one generation born abroad.

At the same time, Bill C-37 repealed the pre-existing mechanism under section 8 of the *Citizenship Act* for Canadians who were second or subsequent generation born abroad to register and retain citizenship by age 28. This provision did not address the situation of "lost Canadians" born since 15 February 1977 who were the second or subsequent generation born abroad and who had failed to apply to retain citizenship before age 28, or whose applications had not been approved.

According to the testimony of an Immigration, Refugees and Citizenship Canada (IRCC) official before SOCI in 2021, approximately 17,500 individuals applied to become Canadian citizens or to regain their citizenship following the amendments made to the *Citizenship Act* in 2009 with Bill C-37.[31]

1.2.5 *Strengthening Canadian Citizenship Act* (2014)

The *Strengthening Canadian Citizenship Act* (formerly Bill C-24),[32] which received Royal Assent in 2014, **added new section 5.1(4) to the *Citizenship Act*. This section provides that the first-generation cut-off rule applies to a person adopted from abroad by a Canadian parent in the same way that it applies to a person born abroad to a Canadian parent.**

Legislative amendments in the *Strengthening Canadian Citizenship Act* also extended citizenship to people who were born before the *Canadian Citizenship Act* came into force in 1947. As a result, new provisions were added to the *Citizenship Act* to account for categories such as people who were born or naturalized in Canada (and therefore were British subjects) before 1 January 1947, but who ceased to be British subjects and did not become Canadian citizens when the *Canadian Citizenship Act* came into force on 1 January 1947;[33] and people who were born outside Canada before 1 January 1947, for example, to a parent who became a citizen on 1 January 1947, but who did not themselves also become a citizen on that day.[34]

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The provisions of the *Strengthening Canadian Citizenship Act* came into force on various dates, but all changes were in force by 11 June 2015.[35] IRCC reported in 2021 that because of the amendments in Bill C-24, 600 individuals were identified and became Canadians.[36]

1.2.6 Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians)

Also of note is Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), which was introduced in the Senate on 12 May 2022.[37] **The version of Bill S-245 adopted by the Senate replicated the text of an earlier bill, Bill S-230, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), which reached third reading in the Senate before dying on the *Order Paper* at the call of the 2021 federal election.[38]**

Bill S-245 constituted an effort to address a category of "lost Canadians" who were not captured under previous legislative amendments – namely, persons born abroad to a Canadian parent between 15 February 1977 and 16 April 1981, who may have been unaware of the requirement to apply to retain their citizenship before they reached 28 years of age.

Bill S-245 was referred to the House of Commons Standing Committee on Citizenship and Immigration (CIMM) on 16 November 2022, which reported back to the House with amendments on 12 June 2023. CIMM introduced amendments to correct the unintended consequences of the limitation of citizenship by descent to the first generation born abroad created under Bill C-37 and to clarify the right to citizenship for internationally adopted persons, among others.[39] **Bill S-245 had completed committee consideration in the House of Commons before dying on the *Order Paper* when Parliament was prorogued on 6 January 2025.**

2 DESCRIPTION AND ANALYSIS

Clauses 1 to 5 of Bill C-71 amend various right to citizenship provisions under Part I of the *Citizenship Act*. These provisions are discussed in the following sections.

2.1 RESTORATION OF CITIZENSHIP (CLAUSES 1(1), 1(3) AND 1(13))

Section 3(1)(f) of the Act recognizes as Canadian citizens those persons who were previously Canadian citizens but who lost their citizenship for reasons other than those currently listed under sections 3(1)(f)(i) to 3(1)(f)(iii) of the Act. Clause 1(1) of the bill repeals section 3(1)(f)(iii) of the Act, which provides that a person who failed to make an application to retain their citizenship under section 8 before its repeal in 2009, or whose application was not approved, is not a Canadian citizen. Clauses 1(3) and 1(13) make consequential amendments to reflect this repeal.

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As explained in section 1.2.4 of this legislative summary, the pre-existing mechanism under section 8 of the Act for Canadians who were second or subsequent generation born abroad to register and retain citizenship by age 28 was repealed in 2009. These individuals were required to either reside in Canada for a period of at least one year immediately preceding the date of the application to retain citizenship or establish a substantial connection with Canada.[40]

2.2 FIRST GENERATION BORN ABROAD WHO WAS GRANTED CANADIAN CITIZENSHIP BEFORE 17 APRIL 2009 (CLAUSE 1(2))

Section 3(1)(h) of the Act, which was introduced by Bill C-37, recognizes as Canadian citizens by descent those persons who were born abroad to a Canadian parent between 1 January 1947 (when the Act came into force) and 14 February 1977, and who became citizens by way of grant before 17 April 2009 (when Bill C-37 came into force). Clause 1(2) of Bill C-71 amends section 3(1)(h) of the Act to clarify that this provision applies to persons who were granted citizenship between 1 January 1947 and 16 April 2009.

2.3 CITIZENSHIP AND DEATH OF A CANADIAN PARENT (CLAUSES 1(4), 2 AND 4(2))

Sections 3(1.1) to 3(1.4) of the Act grant citizenship in some cases where a person is not a citizen solely because of the death of a parent. Clause 1(4) of Bill C-71 adds new section 3(1.5) to the Act to include another provision regarding citizenship despite the death of a parent. Under this new provision, a person is a citizen if the only reason for not qualifying for citizenship under section 3(1) of the Act is that their parent or both their parent and grandparent, who would have otherwise qualified for citizenship under the bill, died before the coming into force of the bill.

Clause 2 of the bill amends section 4(2) of the Act. This section stipulates that, for the purpose of various provisions under Part I of the Act, a child born after the death of either of their parents is deemed to have been born before that date. This section is amended to add new section 3(3)(a)(i) (which refers to persons born abroad after the first generation, as explained in section 2.5 of this legislative summary) as one of the provisions to which section 4(2) of the Act applies.

Finally, clause 4(2) of the bill replaces the text of current section 5.1(6) of the Act to introduce a section related to the death of a parent in the case of internationally adopted persons. Specifically, amended section 5.1(6) of the Act provides that a person who is not granted citizenship as an adopted minor, adopted adult, or under Quebec law, only because their adopted parent or both their adopted parent and grandparent died before the coming into force of the bill may be granted citizenship, provided the adopted relative would have qualified for citizenship under the bill.

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2.4 RENOUNCING CANADIAN CITIZENSHIP (CLAUSES 1(5) TO 1(8), 1(11), 1(15), 6 AND 7)

Clauses 1(5) to 1(8) of Bill C-71 amend various sections of the Act that set out the non-application of provisions recognizing certain classes of Canadian citizens under section 3(1) of the Act. The circumstances for the non-application of these provisions are specified in the Act and are generally as follows:

- where, prior to specified dates, a person renounced their status as a British subject (i.e., made a declaration of alienage), had their status as a British subject revoked, or ceased to be a British subject as a consequence of the revocation of another person's status as a British subject; or
- where, after specified dates, a person became a citizen by way of grant and, subsequently, renounced their citizenship or had their Canadian citizenship revoked for false representation, fraud or concealment of material circumstances.

Clauses 1(5) to 1(8) of the bill remove the non-application owing to the revocation of a person's status as a British subject or as a Canadian citizen (amended sections 3(2.1)(a) and 3(2.1)(b), 3(2.2), 3(2.3)(a), 3(2.3)(b) and 3(2.4)). Therefore, non-application in this case is now only due to the person having renounced their citizenship.

A similar provision is made through clause 1(8) of the bill in relation to persons who became a citizen by way of grant prior to the coming into force of this provision and subsequently renounced their citizenship (new section 3(2.5)). Clause 1(15) of the bill is an amendment to reflect the addition of section 3(2.5).

However, the responsible minister retains their powers under section 10(1) of the Act to revoke a person's citizenship or a person's renunciation of citizenship if the citizenship was obtained, retained, renounced or resumed through false representation, fraud or concealment of material circumstances, as this provision is not amended by the bill. In addition, sections 3(1)(f)(i) and 3(1)(f)(ii) are not amended by the bill, meaning that a person who lost their citizenship because they renounced it or had it revoked owing to false representation, fraud or concealment of material circumstances, still cannot have it restored.

Clause 6 of the bill amends section 27(1) of the Act to add a new regulation making power for the Governor in Council. Under new section 27(1)(j.1)(iv), the Governor in Council may make regulations providing for the renunciation of citizenship by persons who are citizens as a result of the coming into force of the bill, who were born before the day on which the bill comes into force and who did not, before that day, become citizens by way of grant.

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Clause 1(11) of the bill makes amendments to section 3(6.2) of the Act to reflect the addition of new sections 3(2.5) and 27(1)(j.1)(iv). Clause 7 coordinates the coming into force of clause 1(11) of the bill with clause 17 of Bill S-17 (short title: Miscellaneous Statute Law Amendment Act, 2023),[41] which also amends section 3(6.2) of the Act. Clause 7 provides that the amendments to section 3(6.2) of the Act in clause 1(11) of the bill apply regardless of whether clause 17 of Bill S-17 comes into force after or on the same day as clause 1(11) of the bill.

2.5 CITIZENSHIP BY DESCENT (CLAUSES 1(8), 1(9), 1(10), 3, 4(1) AND 5)

Clause 1(8) of the bill also amends section 3(3) of the Act to confer citizenship by descent to persons born abroad after the first generation, provided they have a parent who is a Canadian citizen and who had a substantial connection to Canada before the person's birth. As explained in section 1.2.4 of this legislative summary, amendments introduced by Bill C-37 established the first-generation cut-off rule under section 3(3) of the Act**,** which only allows citizenship by descent to be passed to one generation born abroad.

Under amended section 3(3) of the Act, section 3(1)(b) (which recognizes as Canadian citizens those persons born abroad after 14 February 1977 to a Canadian parent), does not apply to a person born abroad on or after the bill comes into force if two sets of conditions apply:

- First:
  - at the time of the person's birth, only one of their parents was a citizen and that parent was a citizen under sections 3(1)(b), 3(1)(c.1), 3(1)(e), 3(1)(g) to 3(1)(j) and 3(1)(o) to 3(1)(r) (which primarily grant citizenship to persons born abroad in the first generation, including persons born abroad and adopted internationally by a Canadian citizen) and was born abroad (new section 3(3)(a)(i)(A));
  - at the time of the person's birth, only one of their parents was a citizen and that parent was a citizen under section 3(1)(f) (which recognizes as Canadian citizens those persons who were previously Canadian citizens but who lost their citizenship for reasons other than those specified in the Act) and was born abroad to a Canadian parent (new section 3(3)(a)(i)(B));
  - at the time of the person's birth, both of the person's parents were citizens under any of the provisions mentioned above and these parents were born abroad (new section 3(3)(a)(i)(C)); or
  - at any time, either one or both of the person's parents were citizens under provisions from prior legislation as currently stipulated under the Act (amended sections 3(3)(b)(i)(A) to 3(3)(b)(i)(H)).

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- Second:
  - before the person's birth, neither of their parents who was a citizen was physically present in Canada for at least 1,095 days (new sections 3(3)(a)(ii) and 3(3)(b)(ii)).[42]

Clause 4(1) of the bill amends section 5.1(4) of the Act to mirror the amendments to section 3(3) of the Act, including the new substantial connection test, but in relation to persons born abroad and adopted internationally by a Canadian citizen. **As explained in section 1.2.5 of this legislative summary, section 5.1(4) of the Act provides for the application of the first-generation limit to a person adopted from abroad by a Canadian parent in the same way that it applies to a person born abroad to a Canadian parent.**

Clauses 1(9) and 1(10) of the bill repeal various sections providing exceptions to the limitation of citizenship by descent to the first generation born abroad under section 3(3) of the Act (repealed sections 3(4), 3(4.1), 3(5.1) and 3(5.2)). Clause 5 is an amendment to reflect amended section 3(3)(b) of the Act.

Lastly, clause 3 amends section 5(5) of the Act, which allows the minister to grant citizenship to certain persons who are stateless due to the limitation of citizenship by descent to the first generation born abroad, to include a person who is born abroad on or after the day on which the bill comes into force (amended section 5(5)(a)).

2.6 DEEMED APPLICATION AND CITIZENSHIP OTHER THAN BY WAY OF GRANT (CLAUSES 1(12), 1(14) AND 1(15))

Clause 1(12) of Bill C-71 adds new section 3(6.4) to the Act to provide that a person referred to in section 3(1)(b) (which recognizes as Canadian citizens those persons born abroad after 14 February 1977 to a Canadian parent) and also in section 3(1)(f) (which recognizes as Canadian citizens those persons who were previously Canadian citizens but who lost their citizenship for reasons other than those specified in the Act) is deemed to be a citizen only under section 3(1)(f).

Clause 1(12) also adds section 3(6.5) to the Act to provide that certain classes of Canadian citizens (including those persons referred to in sections 3(1)(b) and 3(1)(f) of the Act), who became citizens by way of grant before the coming into force of the bill, are deemed never to have been citizens by way of grant, except in specified circumstances. Clause 1(15) is an amendment to reflect the addition of section 3(6.5).

Clause 1(14) of the bill replaces the text of sections 3(7)(h) and 3(7)(i) of the Act. These sections currently provide that a person who is a citizen under section 3(1)(b), for the sole reason that their parent is referred to in sections 3(1)(f) or 3(1)(i) or 3(1)(k) to 3(1)(n), is deemed to be a citizen under section 3(1)(b) since their

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birth. Clause 1(14) of the bill removes all references to sections 3(1)(f), 3(1)(i) and 3(1)(k) to 3(1)(n) of the Act, such that a person referred to in section 3(1)(b) is deemed to be a citizen from the time of their birth.

2.7 COMING INTO FORCE (CLAUSE 8)

Clause 8 provides that the bill, other than the coordinating amendments provisions, comes into force on a day to be fixed by order of the Governor in Council.

3 COMMENTARY

In its report of 12 December 2024, SOCI acknowledged the complexity of the *Citizenship Act* and noted not having had sufficient time during its pre-study to seek additional clarity from stakeholders and government officials on the proposed legislation. Nevertheless, the committee made the following remarks:

- **SOCI heard broad support for the substantial connection test proposed in the bill, according to which a Canadian parent born abroad can pass on their citizenship to their child born abroad or can have access to the direct grant of citizenship for their adopted child born abroad, provided they have been physically present in Canada for at least 1,095 days (cumulative) before the birth or international adoption of their child.**
- **The Government of Canada should engage with relevant stakeholders to further investigate the requirements for recognizing the Canadian citizenship of children of internationally born adoptees and, if needed, consider amendments to the bill in this regard.**
- **Careful consideration should be taken at every step of the legislative and implementation processes to avoid creating new "lost Canadians," and to prevent further violations of the rights protected by the *Canadian Charter of Rights and Freedoms*.[43]**

NOTES

1. Bill C-71, An Act to amend the Citizenship Act (2024), 44th Parliament, 1st Session.
The Charter Statement for this bill was tabled in the House of Commons on 18 June 2024. Government of Canada, *Bill C-71: An Act to amend the Citizenship Act (2024) – Charter Statement*, 18 June 2024.
2. For more information, see Richard Foot and Peggy Ann Osborne, "Lost Canadians," *The Canadian Encyclopedia*, 25 July 2017.
3. *Citizenship Act*, R.S.C. 1985, c. C-29.
4. **Eskandar Elmarzougui, *Bill C-71 (44-1): Amending the Citizenship Act (2024)*, Office of the Parliamentary Budget Officer (OPBO), 19 December 2024.**

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5. **Senate, *Debates*, 28 November 2024.**

6. **Senate, Standing Committee on Social Affairs, Science and Technology (SOCI), *Thirty-First Report*, 12 December 2024.**

7. *Bjorkquist et al. v. Attorney General of Canada*, 2023 ONSC 7152 (CanLII).

8. **Note that this decision did not address the first-generation limit to citizenship in relation to persons adopted from abroad by a Canadian parent, provided under section 5.1(4) of the *Citizenship Act*. However, clause 4(1) of Bill C-71 amends this provision.**

9. **See, for example, Government of Canada, *Changes to the first-generation limit on citizenship: Find out what you can apply for*; Julie Béchard, Penny Becklumb and Sandra Elgersma, *Legislative Summary of Bill C-24: An Act to amend the Citizenship Act and to make consequential amendments to other Acts*, Publication no. 41-2-C24-E, Library of Parliament, 8 July 2014; *Bjorkquist et al. v. Attorney General of Canada*, 2024 ONSC 3554 (CanLII); and *Bjorkquist et al. v. Attorney General of Canada*, 2023 ONSC 7152 (CanLII).**

10. **Government of Canada, *Changes to the first-generation limit on citizenship: Find out what you can apply for*.**

    Exceptions to the application of the first-generation cut-off rule include individuals whose Canadian biological or adopted parent or grandparent was employed outside Canada with the Canadian Armed Forces, the federal public administration, or the public service of a province or territory, and was not a locally engaged person. See Government of Canada, "Exceptions to the first generation limit," *Changes to citizenship rules 2009 to 2015*. See also *Citizenship Act*, R.S.C. 1985, c. C-29, s. 3(5).

11. **Government of Canada, *Choose a process – Intercountry adoption*.**

12. ***Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.).**

13. ***Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.).**

14. *Bjorkquist et al. v. Attorney General of Canada*, 2023 ONSC 7152 (CanLII), paras. 280–283 and 325. See also Immigration, Refugees and Citizenship Canada, *Canada will not appeal decision that strikes down first generation limit to Canadian citizenship by descent*, Statement, 22 January 2024.

15. The Canadian Press, "Court-imposed deadline to pass new citizenship law approaching next week," *CTV News*, 12 June 2024; and Government of Canada, *Interim measure for proof of citizenship applications affected by the first-generation limit (FGL) to citizenship by descent*.

16. Government of Canada, *Get proof of citizenship*.

17. *Bjorkquist et al. v. Attorney General of Canada*, 2024 ONSC 3554 (CanLII).

18. *Bjorkquist et al. v. Attorney General of Canada*, 2024 ONSC 4322 (CanLII), para. 25. See also Racy Rafique, "Court grants Ottawa four more months to fix unconstitutional 'lost Canadians' law," *CBC News*, 2 August 2024.

19. ***Bjorkquist et al. v. Attorney General of Canada*, 2024 ONSC 6982 (CanLII), para. 40.**

20. **In December 2024, the OPBO estimated the five-year cost of the amendments to the *Citizenship Act* included in Bill C-71, based on a coming-into-force date of 1 April 2025. See Eskandar Elmarzougui, *Bill C-71 (44-1): Amending the Citizenship Act (2024)*, OPBO, 19 December 2024.**

21. ***Bjorkquist et al. v. Attorney General of Canada*, 2024 ONSC 3554 (CanLII), para. 43.**

22. While the terms "Canadian citizen" and "Canadian citizenship" were used in some statutes before 1947, the legal status of Canadian citizenship was created with the introduction of the *Canadian Citizenship Act*. Government of Canada, "History of citizenship legislation," *Citizenship Program Overview*. For more information on the *Canadian Citizenship Act*, see Canadian Museum of Immigration at Pier 21, *Canadian Citizenship Act, 1947*.

23. House of Commons, Standing Committee on Citizenship and Immigration (CIMM), *Reclaiming Citizenship for Canadians: A Report on the Loss of Canadian Citizenship*, Second report, December 2007, pp. 6–8.

24. Government of Canada, "History of citizenship legislation," *Citizenship Program Overview*. See also Delphine Nakache and Yves Le Bouthillier, *Droit de la citoyenneté au Canada*, 2016, p. 6.

25. *Bjorkquist et al. v. Attorney General of Canada*, 2023 ONSC 7152 (CanLII). See also *An Act respecting citizenship*, HeinOnline, s. 5(2) [SUBSCRIPTION REQUIRED].

26. CIMM, *Reclaiming Citizenship for Canadians: A Report on the Loss of Canadian Citizenship*, Second report, December 2007, p. 6.

27. Ibid.; and *An Act respecting citizenship*, HeinOnline, s. 8 [SUBSCRIPTION REQUIRED].

28. *An Act to amend the Citizenship Act (adoption)*, S.C. 2007, c. 24. See also the Library of Parliament's legislative summary for this bill: Elizabeth Kuruvila, *Legislative Summary of Bill C-14: An Act to amend the Citizenship Act (adoption)*, Publication no. 39-1-LS-528-E, Library of Parliament, 24 September 2007; and Government of Canada, "History of citizenship legislation," *Citizenship Program Overview*.

29. *An Act to amend the Citizenship Act*, S.C. 2008, c. 14. See also Penny Becklumb, *Legislative Summary of Bill C-37: An Act to amend the Citizenship Act*, Publication no. 39-2-LS-591-E, Library of Parliament, 20 February 2014; and Government of Canada, "History of citizenship legislation," *Citizenship Program Overview*.

30. Bill C-37 expanded citizenship to five groups, two of which were considered "lost Canadians" when the bill was introduced. These included: 1) persons who lost citizenship for a reason other than renouncing their citizenship; had citizenship revoked for a reason such as false representation; or were second- or later generation Canadians born abroad since February 1977 who lost citizenship because they failed to retain it by age 28; and 2) persons who were born abroad before 17 February 1977 to a Canadian parent but never became citizens. For more information, see Penny Becklumb, *Legislative Summary of Bill C-37: An Act to amend the Citizenship Act*, Publication no. 39-2-LS-591-E, Library of Parliament, 20 February 2014.

31. SOCI, *Evidence*, 16 June 2021 (Alec Attfield, Director General, Citizenship Branch, Strategic and Program Policy, Immigration, Refugees and Citizenship Canada).

32. *An Act to amend the Citizenship Act and to make consequential amendments to other Acts*, S.C. 2014, c. 22, s. 4(9).

33. *Citizenship Act*, R.S.C. 1985, c. C-29, s. 3(1)(k).

34. Ibid., s. 3(1)(q). See also Julie Béchard, Penny Becklumb and Sandra Elgersma, *Legislative Summary of Bill C-24: An Act to amend the Citizenship Act and to make consequential amendments to other Acts*, Publication no. 41-2-C24-E, Library of Parliament, 8 July 2014.

35. Government of Canada, "History of citizenship legislation," *Citizenship Program Overview*.

36. SOCI, *Evidence*, 16 June 2021 (Alec Attfield, Director General, Citizenship Branch, Strategic and Program Policy, Immigration, Refugees and Citizenship Canada).

37. Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), 44th Parliament, 1st Session. See also Julie Béchard, Philippe A. Gagnon and Michèle-Lise Lepage, *Legislative Summary of Bill S-245: An Act to amend the Citizenship Act (granting citizenship to certain Canadians)*, Publication no. 44-1-S245-E, Library of Parliament, 18 July 2023.

38. Bill S-230, An Act to amend the Citizenship Act (granting citizenship to certain Canadians), 43rd Parliament, 2nd Session. This bill was considered by SOCI on 16 June 2021. See SOCI, *Evidence*, 16 June 2021.

39. CIMM, *Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians)*, Seventeenth report, 12 June 2023.

40. For additional information, see Penny Becklumb, *Legislative Summary of Bill C-37: An Act to amend the Citizenship Act*, Publication no. 39-2-LS-591-E, Library of Parliament, 20 February 2014.

41. Bill S-17, An Act to correct certain anomalies, inconsistencies, out-dated terminology and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes and Regulations of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect, 44th Parliament, 1st Session.

42. Note that the current physical presence requirement for permanent residents seeking to apply for citizenship is at least 1,095 days in the five years immediately before the date of application. By contrast, in Bill C-71, the 1,095 days do not need to be accumulated within a specific timeframe. See Government of Canada, *Apply for citizenship: Who can apply*.

43. SOCI, *Thirty-First Report*, 12 December 2024.