

4-5 ELIZABETH II.

CHAP. 6

An Act to amend the Canadian Citizenship Act.

[Assented to 7th June, 1956.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S. c. 33;
1952-53, c. 23;
1953-54, c. 34.

1. (1) Paragraph (f) of section 2 of the *Canadian Citizenship Act* is repealed and the following substituted therefor: 1952-53, c. 23
s. 12.

“(f) “Clerk” or “Clerk of the Court” includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated to act as a court for the purposes of this Act, means any such officer approved by the Minister and available to assist the designated person as his clerk or any other person nominated by the Minister to be the Clerk of the Court and, if no such officer is so approved or no other person is so nominated, means the designated person;” “Clerk” or
“Clerk of
the Court.”

(2) Paragraph (h) of section 2 of the said Act is repealed and the following substituted therefor:

“(h) “Court” means any superior, circuit, county or district court and includes in the province of Quebec, any district magistrate, and any court or person designated under subsection (2) of section 34 to act as a court for the purposes of this Act;” “Court.”

2. Section 9 of the said Act is amended by adding thereto the following subsection:

“(4) An Indian as defined in the *Indian Act*, or a person of the race of aborigines commonly referred to as Eskimos, other than a natural-born Canadian citizen, is a Canadian citizen if that person Indians or
Eskimos.

(a) had a place of domicile in Canada on the 1st day of January, 1947, and

(b) on the 1st day of January, 1956, had resided in Canada for more than ten years, and such person is deemed, for the purposes of section 19, to have become a Canadian citizen on the 1st day of January, 1947."

3. (1) Subsection 4 of section 10 of the Act is amended by deleting the word "or" at the end of paragraph (b) and placing this word as the last word of paragraph (c) and by adding a new paragraph immediately after paragraph (c) as follows:

"(d) a British subject by virtue of a certificate of naturalization as defined in the *Naturalization Act*, chapter 138 of the Revised Statutes of Canada, 1927;"

1952-53, c. 23,
s. 17 (4).
Certificate
to minor
children.

(2) Subsections (5) and (6) of section 10 of the said Act are repealed and the following substituted therefor:

"(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen if

(a) the application is made by the responsible parent of the child or by a person authorized by the regulations, and

(b) the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language.

(6) Any period during which an applicant for a certificate of citizenship

(a) has served in the armed forces of Canada,

(b) was employed outside of Canada in the public service of Canada or of a province, otherwise than as a locally engaged person, or

(c) was the wife of a person described in paragraph (a) or (b) and was residing with him while he was serving or was employed as described in those paragraphs,

shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4)."

(3) Section 10 of the said Act is further amended by adding thereto the following subsections:

Persons who
previously
satisfied
residence
require-
ments.

"(8) Subparagraph (i) of paragraph (c) of subsection (1) does not apply to a person who has resided continuously in Canada for a period of one year immediately preceding the 1st day of June, 1956, and had been admitted to Canada for permanent residence prior to the 31st day of December, 1956 and, in addition, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the 1st day of June, 1953.

"(9) Any of the following persons, namely,

(a) a person serving or employed as described in subsection (6), or

(b) the wife or child of such person,

who has been granted an immigrant visa by a Canadian Immigration Officer shall, for the purposes of this section, be deemed to have been lawfully admitted to Canada for permanent residence."

Effect of
visa to
member of
forces or
wife and
other cases.

4. Section 26 of the said Act is repealed and the following substituted therefor:

"26. An application under subsection (1) of section 10 for a certificate of citizenship shall be made to the court in the judicial district in which the applicant resides or as otherwise prescribed by regulation."

Where
application
made.

5. Section 28 of the said Act is repealed and the following substituted therefor:

"28. At any time after the filing of an application for a certificate of citizenship and previous to the hearing of the application, any person objecting to the granting of the certificate to the applicant may file in the Court, or otherwise as prescribed in the regulations, an opposition in which shall be stated the grounds of his objection."

Filing of
opposition.

6. Sections 30, 31 and 32 of the said Act are repealed and the following substituted therefor:

"30. If the Court decides that the applicant for a certificate of citizenship is a fit and proper person to be granted such certificate and possesses the required qualifications, the decision shall be transmitted by the Clerk of the Court to the Minister in accordance with the regulations.

Copy of
favourable
decision
transmitted
to Minister.

"31. When a Court has made a decision under section 30, a certificate of citizenship may in the discretion of the Minister be granted to the applicant, and the certificate shall be delivered to the applicant and the oath of allegiance taken by him as prescribed by regulation.

Grant and
delivery of
certificates.

"32. The Minister shall take such measures as to him may appear fitting to provide facilities to enable applicants for certificates of citizenship to receive instruction in the responsibilities and privileges of Canadian citizenship."

Instruction re
responsibilities
and
privileges.

7. Paragraph (b) of subsection (2) of section 34 of the said Act is repealed and the following substituted therefor:

1952-53, c. 23,
s. 20 (5).

"(b) designate any court or person in any part of Canada to act as a Court for the purposes of this Act and any court or person so designated shall be deemed to be a Court for all purposes under this Act, and

(c) designate any officer of the Canadian Forces outside of Canada to act as a Court for the purpose of dealing with applications under subsection (1) of section 10 made by persons serving in the armed forces of Canada outside of Canada, and any officer so designated shall be deemed to be a Court under this Act for such purpose."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
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