



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# CP 4

## Grants

## CP 4 - Grants

Updates to chapter .....	3
1. Grant of citizenship - subsection 5(1) .....	4
1.1. This section is about .....	4
1.2. Authorities .....	4
1.3. Requirements of the Act .....	4
1.4. Prohibitions .....	4
1.5. Waiver of requirements .....	4
1.6. Grant of citizenship 5(4).....	4
1.7. Form .....	4
1.8. Fee .....	4
1.9. Documents.....	5
1.10. Translation of documents .....	5
1.11. Photographs .....	5
1.12. Age requirement - paragraph 5(1)(b) of the Act.....	6
1.13. Applicant sign and date form.....	6
1.14. Oath .....	6
1.15. Abandonment .....	6
1.16. Related Topics .....	6
2. Grant of citizenship paragraph - 5(2)(a) of the Act .....	6
2.1. This section is about .....	6
2.2. Authorities .....	6
2.3. Requirements .....	7
2.4. Prohibitions .....	7
2.5. Policy .....	7
2.6. Concurrent applications .....	7
2.7. Non-concurrent applications.....	7
2.8. Signature on application for a minor under 14 .....	7
2.9. Signature on application for minors 14 years of age and older .....	7
2.10. Documents with application .....	7
2.11. Establishing parentage: Grant of citizenship .....	8
2.12. Documents showing parent's citizenship .....	10
2.13. No language, knowledge requirements or residence requirement .....	11
2.14. Granting a concurrent application .....	11
2.15. Application not filed concurrently .....	11
2.16. Who may apply for a child .....	11
2.17. When a legal guardian may apply .....	11
2.18. Taking the oath .....	11
2.19. Minor will be 18 before citizenship can be granted.....	12
2.20. Minor turns 18 before citizenship is granted .....	12
2.21. Prohibitions .....	12
3. Minor applying as an adult under subsection 5(1) of the Act.....	12
3.1. This section is about .....	12
3.2. Authorities .....	12
3.3. Guideline .....	12
3.4. Basis for grant.....	12
3.5. Application .....	13
3.6. Waivers for minors .....	13
3.7. Scenarios .....	14
4. Grant of citizenship - Paragraph 5(2)(b) of the Act.....	15
4.1. This section is about .....	15
4.2. Background on paragraph 5(2)(b) of the Act.....	15
4.3. Authorities .....	17
4.4. Requirements of the Act .....	17

## CP 4 - Grants

4.5.	No oath required .....	18
4.6.	Form .....	18
4.7.	Fee .....	18
4.8.	Documents .....	18
4.9.	Translation of documents .....	18
4.10.	Photographs .....	19
4.11.	Applicant signs and dates form.....	19
4.12.	Abandonment .....	19
4.13.	Overview of the process .....	19
4.14.	Effective date.....	19
4.15.	Expiration of paragraph 5(2)(b).....	19
5.	Assessing language and knowledge - written test .....	19
5.1.	This section is about .....	19
5.2.	Authorities .....	20
5.3.	Applicants between 18 and 54 years of age write the test .....	20
5.4.	Applicants 55 years of age or older .....	20
5.5.	Assessment based on the publication <i>A Look at Canada</i> .....	20
5.6.	Language, knowledge requirements .....	20
5.7.	Notifying applicants .....	21
5.8.	Applicant does not appear for written test .....	21
5.9.	Language assessment.....	21
5.10.	The written test.....	22
5.11.	Mandatory citizenship test questions.....	23
5.12.	Administering the test.....	23
5.13.	“A look at Canada” and “Citizenship tests” in Braille .....	25
5.14.	Administering the written test - Braille .....	26
6.	Assessing language and knowledge - oral interview .....	27
6.1.	This section is about .....	27
6.2.	Authorities .....	27
6.3.	Purpose .....	28
6.4.	Use for residence .....	28
6.5.	Interview is new test .....	28
6.6.	Verifying identity .....	28
6.7.	Procedure to notify applicants .....	28
6.8.	If applicant doesn't appear for interview .....	28
6.9.	Procedure following oral interview .....	29

## CP 4 - Grants

### Updates to chapter

#### Listing by date:

**Date:** 2006-01-11

This chapter has been updated. The following operations memoranda and operational bulletins have been incorporated:

- CP 98-14 Language Assessment in the Citizenship Process
- CP 01-04 Mandatory Citizenship Test Questions
- OB003 Establishing parentage: Grant of citizenship
- OB008 Expiration on August 14, 2004 of transitional provisions ...
- OB010 New interpretation of the facilitated grant provision under section 5(2)(b) of the Citizenship Act 1977 (after a Court order in the *Augier* case)
- OB 016 "A Look at Canada" and "Citizenship tests" in Braille

## CP 4 - Grants

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### 1. Grant of citizenship - subsection 5(1)

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#### 1.1. This section is about

This section is about the grant of citizenship to an adult non-citizen.

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#### 1.2. Authorities

##### ***Citizenship Act***

- Subsection 5(1)
- Subsection 5(1.1)
- Subsection 5(3)
- Subsection 5(4)
- Section 6
- Section 14
- Section 15
- Section 20
- Section 21
- Section 22
- Section 24
- Section 29

##### ***Citizenship Regulations***

- Section 3
- Section 6
- Section 11
- Section 14
- Section 15
- Section 18
- Section 19
- Section 23
- Section 28
- Section 30

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#### 1.3. Requirements of the Act

The requirements to be met for an adult grant of citizenship are found in paragraphs 5(1)(a), (b), (c), (d), (e) and (f) of the *Citizenship Act*.

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#### 1.4. Prohibitions

The applicant must not be subject to the prohibitions contained in sections 20, 21 and 22 of the Act. See CP 6, [Prohibitions](#).

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#### 1.5. Waiver of requirements

Subsection 5(3) of the Act says that the Minister may waive certain requirements of the Act. See CP 7 - [Waivers](#).

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#### 1.6. Grant of citizenship 5(4)

To alleviate cases of special and unusual hardship or to reward services of an exceptional value to Canada, the Governor in Council may direct the Minister to grant citizenship to any person. See CP 7 - [Waivers](#).

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#### 1.7. Form

Each applicant must submit an Application for Canadian Citizenship – Adults (CIT 0002E). The application form for a minor is different from that of an adult.

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#### 1.8. Fee

Each application must include the non-refundable processing fee and the Right of Citizenship fee. The Right of Citizenship fee is refunded if the applicant does not acquire citizenship. See CP 1, section 3, Fees and Refunds.

## CP 4 - Grants

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### 1.9. Documents

Each application for a grant of citizenship must include clear and legible photocopies of the following:

- Canadian Immigration record/paper (either the *Record of Landing* (IMM 1000) or *Confirmation of Permanent Residence* (IMM 5292)) and both sides of the Permanent Resident Card (PR Card), if the applicant has one;
- two pieces of personal identification, such as a driver's licence, provincial or territorial health insurance card, foreign passport, etc.;

Other documentation that may be required, depending on the individual case, (list is not exhaustive):

- passport or travel document used to enter Canada, and any passport(s) issued after entry to Canada. If a passport is necessary, the applicant must submit photocopies of ALL the pages of the passport(s), even if the pages are blank;
- birth certificate;
- marriage certificate(s);
- legal name change certificate, deed poll;
- court documents;
- fingerprints;
- immigration amendment form confirming amendment of name or date of birth on immigration record;
- any other documents a citizenship officer or judge feels are necessary to confirm that the applicant meets the requirements of the Act.

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### 1.10. Translation of documents

Any document that is not in English or French must be accompanied by the English or French translation and by an affidavit from the person who completed the translation. See CP 12, section 2, [Translation of foreign documents](#).

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### 1.11. Photographs

The applicant must provide two identical citizenship-size photographs with his or her application that conform to the citizenship photograph specifications included in the application. Check to make sure that the applicant has signed his or her photographs and that the signature matches the applicant's signature on the application. See form CIT 0021E, Citizenship Photograph Specifications.

## CP 4 - Grants

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### 1.12. Age requirement - paragraph 5(1)(b) of the Act

The age of majority for citizenship is 18. However, a 17-year-old could apply under subsection 5(1) of the Act in anticipation of meeting the adult age requirement by the time the file is referred to a judge for a decision.

A minor who cannot meet the requirements of paragraph 5(2)(a) of the Act may decide to apply under subsection 5(1) of the Act and request a waiver of the age requirement. See section 3, *Minor applying as an adult under subsection 5(1), of the Act* below.

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### 1.13. Applicant sign and date form

The application must be signed and dated by the applicant. See the policy on Accepting Applications at [http://www.ci.gc.ca/cicexplore/english/guides/om\\_nso/2001/cp/cp01-02.htm](http://www.ci.gc.ca/cicexplore/english/guides/om_nso/2001/cp/cp01-02.htm)

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### 1.14. Oath

An applicant who has been granted citizenship under subsection 5(1) must take the oath of citizenship, unless the requirement to take the oath has been waived. See CP 7 - Waivers.

The oath of citizenship must be administered in Canada by an authorized person.

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### 1.15. Abandonment

There is no provision in the Act for the non-approval of an application for failure to appear for a test or oral interview. However, the application may be considered to have been abandoned. See CP 13, section 5, Abandonment.

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### 1.16. Related Topics

See CP 3, section 3, Name, change in name, and section 4, Date of birth, changing date of birth.

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## 2. Grant of citizenship paragraph - 5(2)(a) of the Act

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### 2.1. This section is about

This section is about an application filed on behalf of a minor (person under 18 years of age).

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### 2.2. Authorities

#### ***Citizenship Act***

- Paragraph 5(2)(a)
- Subsection 3(2)
- Subsection 5(3)
- Section 20
- Section 22
- Section 24

#### ***Citizenship Regulations***

- Subsection 3(4)
- Section 20
- Section 21
- Section 22
- Section 28

## CP 4 - Grants

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### 2.3. Requirements

The minor must be a permanent resident of Canada and the child of a Canadian citizen. In order to be granted citizenship under 5(2)(a) of the Act, the minor child must have either a living natural or adoptive Canadian parent.

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### 2.4. Prohibitions

The minor must not be subject to the prohibitions contained in sections 20, 21 and 22 of the Act.

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### 2.5. Policy

The application for citizenship for a concurrent minor may be filed at the same time as an application for the parent(s) is filed, or filed when at least one parent is a Canadian citizen (non-concurrent).

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### 2.6. Concurrent applications

When an application is submitted at the same time as an application for one or both parents:

- process the applications together;
  - schedule the family to attend the citizenship ceremony and take the oath together.
- 

### 2.7. Non-concurrent applications

Canadian citizen parents or a legal or *de facto* guardian can make an application on behalf of a child for the grant of citizenship.

If the minor is under 14 years of age when the application processing is complete, CPC Sydney may grant citizenship and send the certificate to the applicant's last-known address.

If the minor is 14 years of age or older, the minor must take the oath. The local citizenship office may grant citizenship and schedule the minor for a citizenship ceremony.

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### 2.8. Signature on application for a minor under 14

The application form for a minor under 14 years of age must be signed and dated by either parent, a legal or *de facto* guardian, or any other person having legal custody of the minor.

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### 2.9. Signature on application for minors 14 years of age and older

The application form for a minor, 14 years of age or older, must be signed by either parent, a legal or *de facto* guardian, or any other person having legal custody of the minor, and be countersigned by the minor.

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### 2.10. Documents with application

The application for a grant of citizenship for a minor must include clear and legible photocopies of the following:

- the minor's Canadian immigration record/paper (either the *Record of Landing* (IMM 1000) or *Confirmation of Permanent Residence* (IMM 5292)) and both sides of the Permanent Resident Card (PR Card) if the minor has one;



## CP 4 - Grants

- acceptable proof of parentage;
- acceptable proof of the date and place of birth of the minor;
- two pieces of personal identification for the minor, such as provincial or territorial health insurance card, foreign passport, etc. If the child is under school age, personal identification, such as hospital or immunization record, etc.;
- acceptable proof that one or both of the minor's parents are Canadian citizens, if the application is not filed concurrently with one or both parents;
- two citizenship-size photographs of the child. If the child is 14 years of age or older, he or she must sign the photographs.

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### 2.11. Establishing parentage: Grant of citizenship

A minor child, who is a permanent resident, must have a living natural or adoptive parent who is a Canadian citizen in order to be granted Canadian citizenship.

If parentage has been assessed for immigration purposes, filiation will be presumed to be established for citizenship purposes as well. Where possible, citizenship processes will not duplicate work previously conducted during an immigration process.

#### Policy

#### Documents establishing parentage for a grant of citizenship

The following documents (photocopies) can be accepted to establish parentage between a child and a parent who is either a Canadian citizen or has a concurrent application for citizenship:

- the child's birth certificate showing the name of the child and the name of the parent;
- the child's adoption order showing the name of the child and the name of the adoptive parent;
- parent's passport, if the child is listed on the passport;
- child's passport, if the parent is listed on the passport;
- Record of Landing (IMM 1000), Confirmation of Permanent Residence (IMM 5292), FOSS, CAIPS, or other immigration records;
- DNA test results if requested by a departmental person (see CP 3, Establishing Applicant's Identity, for more information);
- a statutory declaration from the parent applying on behalf of the child only under all the following conditions:
  1. according to immigration records,
    - parentage has been established to the child's other parent who is not applying for citizenship at the same time as the child, and

## CP 4 - Grants

- the parent who is applying for citizenship on behalf of the child has been identified as the spouse or the common-law partner of the child's other parent
2. there is no information or evidence indicating that the parent-child relationship does not exist
3. there is a reasonable and objectively verifiable explanation related to circumstances in the child's country of birth for the inability to obtain a birth certificate or the other documents indicating parentage as stated above, e.g.,
  - the central authority that normally issues birth records in the place where the child was born was not recording birth information at the time the child was born
  - the central authority is unable to issue birth records at the time the citizenship application is made
  - the child's birth record information was never recorded for other reasons (e.g. child may have been excluded from the registration process due to the child's nationality)
  - the child or one of his/her parents is a protected person who may be unable to obtain a birth certificate for the above reasons or for reasons related to their need for protection
4. the statutory declaration is made in person before a citizenship officer
5. the citizenship officer is satisfied that the parent-child relationship exists.

### **Statutory declaration**

The statutory declaration should include as much information as possible, including the reasons why a birth certificate is unobtainable. CP 12, section 4, provides guidelines on accepting statutory declarations. At a minimum, the declaration made by the parent applying on behalf of the child should include the following:

- file number and/or case ID;
- child's name, date of birth, city/town and country of birth;
- parent's name, date of birth, city/town and country of birth
- parent's reason(s) for being unable to obtain a birth certificate for the child;
- signature of parent;
- name and signature of the citizenship officer witnessing the declaration;
- date of the declaration;

## CP 4 - Grants

- acknowledgment that the parent making the declaration understands that if he or she makes a false declaration, the child's citizenship certificate could be taken away and the parent could be charged under the *Citizenship Act*.

### Procedure

Information provided to applicants

Request applicants to submit a birth certificate or an adoption order showing parentage with their application for a grant of citizenship.

### Verifying parentage at CPC Sydney

CPC Sydney verifies that parentage can be established. In the case where a birth certificate or an adoption order has not been submitted with the application, CPC Sydney will check whether parentage may be established using a passport or from information on the Record of Landing (IMM1000), Confirmation of Permanent Residence (IMM 5292), FOSS, or CAIPS.

Where parentage cannot be established from the information on file or through available immigration information, CPC Sydney will request that the applicant submit either a birth certificate showing the name(s) of the parent(s), an adoption order showing the name(s) of the adoptive parent(s), the parent's passport, or the child's passport.

If the parent indicates that he or she cannot obtain a birth certificate for the child and the parent does not have any of the other documents listed above indicating parentage, CPC Sydney will:

- refer the file to the local office under a covering memo indicating that it appears one or more of the criteria for accepting a statutory declaration may apply, or;
- inform the parent of the option to provide DNA test results, if the case does not meet the criteria for accepting a statutory declaration.

### Verifying parentage at the local office

File referred for a statutory declaration or not

After receiving the file from CPC Sydney, the local office schedules the parent for an interview to make a statutory declaration before a citizenship officer and requests that the parent bring any documents in his or her possession that may help demonstrate that the parent is the parent of the child, e.g., school records, medical records, photographs, etc.

### Other cases

Where parentage was only established with one parent at CPC Sydney and that parent's application is non-approved, withdrawn or abandoned, the local office determines if parentage can be established to the other parent, providing the other parent is a Canadian citizen or has an application in process.

### DNA

Applicants may be advised of the option to submit DNA test results if there is information suggesting there is no filiation or where a citizenship officer is not satisfied that a parent-child relationship exists.

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## 2.12. Documents showing parent's citizenship

Acceptable documents to establish a parent's citizenship are:

- a parent's birth certificate confirming the parent's birth in Canada;

## CP 4 - Grants

- Registration of Birth Abroad certificate;
- Canadian citizenship certificate.

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### 2.13. No language, knowledge requirements or residence requirement

Applicants under 18 years of age are not required to demonstrate adequate knowledge of either French or English, knowledge of Canada, or the rights and responsibilities of citizenship. Minors are not subject to the three-year residence requirement for adults.

#### **Exception**

A minor applying as an adult must demonstrate an adequate knowledge of either French or English, knowledge of Canada, and the rights and responsibilities of citizenship and meet the residence requirement. Related Topic: See section 3, *Minor applying as an adult under subsection 5(1)*, of the Act below.

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### 2.14. Granting a concurrent application

If the application for a minor is filed concurrently with one or both parents, grant the minor's application only AFTER the parent's application is approved and the parent has taken the oath of citizenship. If the parent is not approved, the child cannot be granted citizenship.

If the judge does not approve the application from the parent claiming parentage, the minor's application cannot be granted. There is no refund of the minor's application fee.

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### 2.15. Application not filed concurrently

If the application for a minor is not filed concurrently with one or both parents, but one or both parents are citizens, CPC Sydney may grant citizenship and mail the certificate to the applicant's last-known address for a minor under 14 years of age. For a minor 14 years of age or older, the application is forwarded to the local office for the grant and so that the applicant can take the oath of citizenship..

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### 2.16. Who may apply for a child

Only a legal guardian may apply for citizenship on behalf of a child. A legal guardian is usually the parent unless another person has been given guardianship over the child.

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### 2.17. When a legal guardian may apply

A legal guardian, other than the parent, may apply for citizenship on behalf of the child ONLY when one of the parents (natural or adoptive) is already a Canadian citizen.

**Example:** Parent is a Canadian citizen but resides in another country. Legal guardian may apply on behalf of the child.

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### 2.18. Taking the oath

Minors under 14 years of age are not required to take the oath of citizenship.

Minors 14 years of age and older must take the oath unless they are prevented from understanding the oath because of mental disability. See CP 7 - Waivers.

A minor cannot take the oath if prohibited under sections 20 and 22 of the Act.

A minor outside Canada can take the oath before a foreign service officer.

## CP 4 - Grants

Once the minor has taken the oath, he or she must sign the oath form.

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### 2.19. Minor will be 18 before citizenship can be granted

If a minor is 17 years old and there is sufficient time to process the application, CPC Sydney will tag the file URGENT. Both CPC Sydney and the local office will try to rapidly process the applications of the parents and the minor. Urgent clearances may be requested. See CP 6 - [Prohibitions](#)

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### 2.20. Minor turns 18 before citizenship is granted

If the minor turns 18 before citizenship is granted, he or she must apply again as an adult. The file is processed as an URGENT file. The applicant must pay the difference in the fee between the application for a minor and the application for an adult. See CP 1, section 3, [Fees](#) and Refunds.

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### 2.21. Prohibitions

Permanent resident status is verified for all minor applicants. For minors under 16, criminal and security clearances are not requested. Criminal and security clearances are required for minors 16 years of age and older. If there is an indication of a prohibition for a minor, refer the applicant's file to Case Management Branch. See CP 6 - [Prohibitions](#).

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## 3. Minor applying as an adult under subsection 5(1) of the Act

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### 3.1. This section is about

This section is about the procedure for a minor applying for citizenship as an adult.

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### 3.2. Authorities

#### Citizenship Act

- Subsection 5(1)
- Subsection 5(3)

#### Citizenship Regulations

- Section 3
- Section 4
- Section 15

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### 3.3. Guideline

It is rare for a minor to apply for a grant of citizenship as an adult.

Judges must review an application by a minor applying as an adult for waiver consideration under subsection 5(3).

Refer a waiver consideration for a minor applying as an adult to Case Management Branch for a decision. If the waiver is granted, return the file to the local office for completion of decision by the judge.

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### 3.4. Basis for grant

Applications for minors applying as adults should only be granted when the Minister grants a waiver of the requirements.

See CP 7 - [Waivers](#).

## CP 4 - Grants

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### 3.5. Application

#### **Adult application form used**

A minor applying as an adult for a grant of citizenship completes the adult application form.

#### **Minor must sign**

A minor 14 to 17 years old and who is applying as an adult must sign the application form.

#### **Additional information needed**

Along with the adult application form and required documents, the minor must provide the following additional information:

- full names, dates and places of birth for his or her natural or adoptive parents;
- full name, date and place of birth for his or her legal guardian(s);
- reason for applying as an adult.

#### **CPC Sydney requests documents**

If CPC Sydney receives an application from a minor applying as an adult without the required information, CPC Sydney asks the applicant for the additional information.

#### **Documents needed**

The applicant must provide:

- the minor's Canadian immigration record/paper (either the Record of Landing (IMM 1000) or *Confirmation of Permanent Residence* (IMM 5292)) and both sides of the Permanent Resident Card (PR Card) if the applicant has one;
- two separate pieces of identification;
- information and documents about the guardianship, or lack of guardianship.

#### **Fee**

The application must include the \$200 fee. If citizenship is not granted, \$100 is refunded. See CP 1, section 3.6, Right to [Citizenship Fee](#).

#### **Procedure and process same as adult**

The mail-in procedure and process for a minor applying as an adult is the same as for an adult.

The only difference is the need for additional information. If the judge wishes to approve the application, he or she must at least recommend a waiver of the age requirement.

#### **Same clearance procedure**

The clearance procedure for a minor applying as an adult is the same as the clearance procedure for an adult applicant.

See CP 6 - [Prohibitions](#).

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### 3.6. Waivers for minors

#### **Waiver of certain requirements**

## CP 4 - Grants

A minor applying for citizenship as an adult will not meet all the requirements for citizenship.

A citizenship judge must consider a waiver of the requirements that the minor does not meet.

### **Compelling reasons to waive requirements**

Usually, requests for a waiver are accepted if the minor requires citizenship for:

- social benefits
- employment
- educational purposes
- education aid
- urgent travel on a Canadian passport.

### **Residence requirement rarely waived**

The Minister may waive the residence requirement in special circumstances for minors. The residence requirement for citizenship is rarely waived.

### **Age, knowledge, and language requirements may be waived**

The Minister may waive the age, language, or knowledge requirements for a minor applying as an adult.

### **Oath waived for minors under 14 years of age**

The Minister automatically waives the requirement to take the oath for minors under the age of 14 applying as adults. For minors 14 years of age or older, there must be a compelling reason to waive the oath requirement.

### **Waiver of oath because of mental disability**

The applicant must clearly understand what is involved in becoming a Canadian citizen. This includes the possible effect of becoming a Canadian citizen, such as the loss of other nationality or succession rights.

Only the Minister can waive the oath requirement.

### **Minister's delegate**

Officers in Case Management Branch may act for the Minister in cases of waivers for minors. Refer all applications to Case Management Branch where judge recommends a waiver for minors.

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## 3.7. Scenarios

For each scenario, "parents" means natural or adoptive parent (s)

### **Parents deceased (orphan):**

- applicant must provide evidence that his or her parents are deceased
- minor must sign the application if the applicant is 14 years of age or older and have the legal guardian countersign the application;
- the legal guardian must sign the application, if the applicant is under 14 years of age;

## CP 4 - Grants

- applicant must include a legal document confirming that the person acting on behalf of the child has legal guardianship;
- applicant must explain and support any request for a waiver.

### Parents living:

- minor must sign the application, if the applicant is 14 years of age or older and have the legal guardian countersign the application;
- the legal guardian must sign the application, if the applicant is under 14 years of age;
- applicant must include a legal proof document confirming that the person acting on behalf of the child has legal guardianship;
- applicant must explain and support any request for a waiver.

### No Canadian parents (failed adoption):

- minor must sign the application, if the applicant is 14 years of age or older, and have the legal guardian countersign the application;
- the legal guardian must sign the application, if the applicant is under 14 years of age;
- applicant must include a legal proof document confirming that the person acting on behalf of the child has legal guardianship of the child;
- applicant must explain and support any request for a waiver.

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## 4. Grant of citizenship - Paragraph 5(2)(b) of the Act

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### 4.1. This section is about

This section is about granting citizenship to a person born outside Canada between January 1 1947, and February 14, 1977, inclusively, in wedlock to a Canadian mother or out of wedlock to a Canadian father. Although paragraph 5(2)(b) expired on August 14, 2004, these procedures will remain until all applications in process (postmarked on or before August 14, 2004) have been completed and a decision rendered.

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### 4.2. Background on paragraph 5(2)(b) of the Act

The original intent of paragraph 5(2)(b) of the 1977 Act was to correct the inconsistencies of the 1947 Act. The 1947 Act said that only the responsible parent (see note below) could pass citizenship on to his or her child. The responsible parent of a child born in wedlock was the father; the responsible parent of a child born out of wedlock was the mother.

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**Note:** Responsible parent was the father, except where the child was born out of wedlock and was living with the mother, or where the mother was widowed or had been awarded legal custody of the child by court order.

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## CP 4 - Grants

In 1977, paragraph 5(2)(b) was enacted to allow for the grant of citizenship to children born in wedlock, outside Canada to a Canadian citizen mother, providing the child was born between January 1, 1947 and February 14, 1977 inclusively. Persons filing for a grant of citizenship under this section were subject to the Act's prohibitions. Applications had to be cleared by CSIS, RCMP and Immigration. Applications could be rejected if a person was prohibited under sections 19, 20, 21 or 22 of the Act. Applicants, once approved, had to take the oath of citizenship.

Three court decisions have changed the original intent of this section. First, in the case of *Glynos v. Canada*, [1992] 3 FC 691 (C.A.), the Federal Court ruled that a person is entitled to regain citizenship derived through the mother that was automatically lost under the 1947 Act, because the person's father lost his Canadian citizenship by becoming a citizen of a foreign country. Second, in the case of *Benner v. Canada*, [1997] 1 SCR 358. the Supreme Court ruled that persons applying under 5(2)(b) are not subject to the prohibitions nor to the requirement to take the oath of citizenship. Third, in the case of *Augier v. Canada*, [2004 ] FC 613, paragraph 5(2)(b) was extended to persons born out of wedlock to Canadian fathers.

### **Glynos v. Canada (supra)**

The case of *Glynos v. Canada* concerned an applicant born to a Canadian mother and a Canadian father. The birth was registered in accordance with paragraph 5(1)(b) of the 1947 Act. The applicant's father became a naturalized citizen of the United States when the applicant was three years old. The applicant's mother did not become a U.S. citizen. Under sections 15 and 20 of the 1947 Act, the father lost Canadian citizenship when he became a U.S. citizen. Because the father lost his citizenship, so did his child.

Later, the applicant's mother, who was still a Canadian citizen, applied for a proof of citizenship on behalf of her child under paragraph 5(2)(b) of the Act. The mother's application was denied and the denial appealed to the Federal Court of Canada.

### **Benner v. Canada (supra)**

An applicant for the grant of citizenship under paragraph 5(2)(b) could not become Canadian because the applicant was prohibited on criminal grounds. The refusal of the application was taken to the Supreme Court of Canada. On February 27, 1997, the Supreme Court ruled that paragraph 5(2)(b) of the 1977 Act was discriminatory. The decision said that it allowed for different treatment for children born in wedlock outside Canada between January 1, 1947 and February 14, 1977 inclusively, in comparison with children born of a Canadian father during the same period. Also, it stated that paragraph 5(2)(b) creates a distinction not allowed under the Charter. It suggests that children born in wedlock to Canadian mothers and non-Canadian fathers are more dangerous than children born to Canadian fathers, since paragraph 5(2)(b) applicants are subject to the prohibitions under the Act and are required to take the oath of citizenship. The Supreme Court clearly said that persons wishing to obtain citizenship through the mother couldn't be refused on criminal grounds.

In September 1997, the Supreme Court rendered its decision ruling that such applicants would no longer be subject to paragraphs 3(1)(c), 12(3), 19, 20, 22 of the Act and Section 20 of the Regulations.

### **Augier v. Canada (supra)**

The case of *Augier v. Canada* concerned an applicant seeking citizenship through his Canadian father while born out of wedlock outside Canada to a non-Canadian mother. The Federal Court agreed to CIC settling the case by changing the interpretation of paragraph 5(2)(b) to include the reference to a father. Therefore, since May 17, 2004, paragraph 5(2)(b) of the Act reads as follows:

5. (2) The Minister shall grant citizenship to any person who:

## CP 4 - Grants

...

- (b) was born outside Canada, before February 15, 1977, of a mother **or a father** who was a citizen at the time of his birth, and was not entitled, immediately before February 15, 1977, to become a citizen under subparagraph 5(1)(b)(i) of the former Act, if, before February 15, 1979, or within such extended period as the Minister may authorize, an application for citizenship is made to the Minister by a person authorized by regulation to make the application.

As a result, any person who was born outside Canada between January 1, 1947 and February 14, 1977 inclusively, to a Canadian father out of wedlock could apply for a facilitated grant by August 14, 2004. This does not mean that these persons had an automatic entitlement to citizenship. They had to establish parentage and provide all necessary documents.

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### 4.3. Authorities

<b>Canadian Citizenship Act (1947)</b>	<b>Citizenship Act (1977)</b>	<b>Citizenship Regulations</b>
<ul style="list-style-type: none"><li>• Paragraph 5(1)(b)</li></ul>	<ul style="list-style-type: none"><li>• Paragraph 5(2)(b)</li><li>• Subsection 4(3)</li><li>• Section 28</li></ul>	<ul style="list-style-type: none"><li>• Section 5</li><li>• Section 20</li><li>• Section 21</li><li>• Section 28</li></ul>

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### 4.4. Requirements of the Act

The requirements to be met are to be found in the Supreme Court decision of *Benner vs. Canada (supra)* in 1996 . This Supreme Court decision means that in assessing a 5(2)(b) application, sections 3(1)(c), 12(3), 19, 20 and 22 of the Act, and 20 of the Regulations, regarding the prohibitions and the oath requirement, shall be read as not applying to paragraph 5(2)(b). Also, after a Federal Court decision on May 17, 2004 (*Augier v. Canada (supra)*), the interpretation of 5(2)(b) was amended to include persons born out of wedlock to Canadian fathers.

The requirements to be met for a grant of citizenship under 5(2)(b) are:

- born in wedlock outside Canada between January 1, 1947 and February 14, 1977 inclusively;
- mother was a Canadian citizen at the time of the applicant's birth;
- father was not a Canadian citizen at the time of the applicant's birth.

**OR**

- born out of wedlock outside Canada between January 1, 1947 and February 14, 1977 inclusively;
- father was a Canadian citizen at the time of the applicant's birth;
- mother was not a Canadian citizen at the time of the applicant's birth.

**OR**

- born in wedlock outside Canada between January 1, 1947 and February 14, 1977 inclusively;

## **CP 4 - Grants**

- father was a Canadian citizen at the time of the applicant's birth;
- acquired citizenship through his or her father.

### **AND**

- lost citizenship as a result of the father's actions

### **AND**

- mother was a Canadian citizen at the time of the applicant's birth

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#### **4.5. No oath required**

There are no language, knowledge or residence requirements for a grant of citizenship under 5(2)(b) of the Act. Applicants are not subject to prohibitions, nor is an applicant required to take the oath of citizenship.

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#### **4.6. Form**

Each applicant had to submit an Application for Citizenship under 5(2)(b). The application must be postmarked on or before August 14, 2004.

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#### **4.7. Fee**

Each application must include the non-refundable processing fee and the right of citizenship fee. The right of citizenship fee is refunded if, for any reason, the applicant does not acquire citizenship (for example, applicant withdraws application, applicant does not meet requirements, etc.).

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#### **4.8. Documents**

Each application for a grant of citizenship must include certified true copies or originals of the following:

- birth certificate showing name of Canadian parent
- if applicable, evidence mother was married at time of applicant's birth;
- evidence that the other parent was not a citizen at time of birth;
- evidence of Canadian parent's citizenship at time of birth;
- two pieces of personal identification, such as a driver's licence, medical card, passport, etc.

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#### **4.9. Translation of documents**

Any document that is not in English or French must be accompanied by the English or French translation and by an affidavit from the person who completed the translation. See CP 12, section 2, Translation of foreign documents.

## CP 4 - Grants

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### 4.10. Photographs

The applicant must provide two identical citizenship-size photographs with his or her application. Photographs must be signed. Check to make sure that the applicant has signed the photographs and that his or her signature matches the one on the application. See form, Citizenship Photograph Specifications, (CIT 0021).

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### 4.11. Applicant signs and dates form

The application must have been signed and dated by the applicant on or before August 14, 2004.

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### 4.12. Abandonment

There is no provision for the non-approval of an application for failure to provide documents. However, the application may be considered to have been abandoned. See CP 13, [section 5 - Abandonment](#).

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### 4.13. Overview of the process

**The process is as follows:**

- the application is received at CPC Sydney;
  - CPC Sydney verifies documentation;
  - if the person meets all the requirements, an officer at CPC Sydney approves the application (grants citizenship);
  - the certificate of citizenship is mailed directly to the applicant.
- 

### 4.14. Effective date

Grants of citizenship under paragraph 5(2)(b) of the *Citizenship Act* are effective as of the date they are approved (granted) by the officer.

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### 4.15. Expiration of paragraph 5(2)(b)

Paragraph 5(2)(b) of the 1977 Act was originally to expire on February 15, 1979. Paragraph 5(2)(b), as well as the transitional provision of 4(3) have been extended for one- or two-year periods since that time but expired on August 14, 2004.

Only applications postmarked on or before August 14, 2004 can be processed for grant of citizenship under paragraph 5(2)(b).

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## 5. Assessing language and knowledge - written test

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### 5.1. This section is about

This section is about the written test used to assess the applicant's ability to communicate in English or French, and his or her knowledge of Canada and the responsibilities and privileges of citizenship.

## CP 4 - Grants

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### 5.2. Authorities

#### ***Citizenship Act***

- Paragraph 5(1)(d),
- Paragraph 5(1)(e)
- Section 27

#### ***Citizenship Regulations***

- Section 14
  - Section 15
- 

### 5.3. Applicants between 18 and 54 years of age write the test

All applicants 18 to 54 years of age applying for citizenship must write the citizenship test. An applicant who fails the written test must pass an oral interview with a citizenship judge on the knowledge and language requirements.

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### 5.4. Applicants 55 years of age or older

Effective as of April 18, 2005, the language and knowledge requirements are waived for all citizenship applicants who are 55 years of age or older. Previously, the language and knowledge requirements were waived for those 60 years or older.

Applicants 55 years of age or older do not have to write the test. They may, however, write the test if they wish. If an applicant 55 years of age or older writes the test and fails, the language and knowledge requirements are automatically waived. Do not schedule the applicant 55 years of age or older for an oral interview to test knowledge and language.

See CP 7 - [Waivers](#).

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### 5.5. Assessment based on the publication *A Look at Canada*

CPC Sydney mails to all adult applicants for a grant of citizenship a copy of *A Look at Canada*, the study guide. The citizenship test is based on *A Look at Canada*.

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### 5.6. Language, knowledge requirements

#### **Language**

Applicants for a grant of Canadian citizenship must have an adequate knowledge of either English or French. This means being able to communicate in everyday situations, such as shopping, using public transport, understanding simple questions, and conveying information reliably.

#### **Literacy not required**

Applicants do not have to be literate.

#### **Knowledge**

Applicants for a grant of citizenship must show that they have an adequate knowledge of Canada and the rights and responsibilities of citizenship. The citizenship test asks questions about voting, Canada's history, geography, and government; and about the rights and responsibilities of Canadian citizenship. All questions are based on the study guide *A Look at Canada*.

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## CP 4 - Grants

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### 5.7. Notifying applicants

Send each applicant for a grant of citizenship a Notice to Appear - To Write a Citizenship Test [CIT 0023E], by regular mail, at least 14 days before the test date.

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**Note:** You must notify applicants about the test at least a week before the date of the test. Mailing notices 14 days before the test date ensures that applicants receive their notices a week before the test date.

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#### **Include in notice**

Include the following information in the notice to appear about the test:

- the date and time of the test;
- the place of the test;
- that the test will be a written test;
- the identification and supporting documents the applicant must bring to the test.

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### 5.8. Applicant does not appear for written test

There is no provision in the *Citizenship Regulations* that allows for abandonment for failure to appear for the written test.

If an applicant is sent a notice to appear for a written test and fails to respond, the local office must, after having sent one or more notices by regular mail (at the discretion of the local office), request that the applicant appear for an oral interview with a citizenship judge.

See CP 13, section 5, [Abandonment](#).

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### 5.9. Language assessment

#### **Policy**

CIC officials confirm some of the basic information on the application for citizenship with the client at the time of testing. Where there is an indication that the applicant does not comprehend basic spoken statements and/or questions, this information is to be passed on to the citizenship judge. The judge may then take this information into consideration when determining whether the applicant meets the language requirement pursuant to paragraph 5(1)(d) of the *Citizenship Act*.

#### **Principles**

- *Responsibility* - Judges must approve each adult application before it can be granted. The role of the test administrator is to gather information and evidence regarding a citizenship applicant before a file is referred to a citizenship judge for decision. CIC officials do not assess language. The test administrator is, however, responsible for identifying to the judge, any person who appears to have no knowledge of one of Canada's official languages, or appears not to comprehend oral statements.
- *Relevancy* - Questions and statements must be relevant to the task of confirming information provided by the client on his/her application for citizenship.
- *Consistency* - What is asked and how it is asked should be consistent across the country.

#### **Language assessment procedures**

## CP 4 - Grants

### What?

At the time of testing, test administrators will verify information pertaining to the citizenship application by asking the client to respond to statements and/or questions related to the basic personal information indicated on the application form.

**Example:** What is your name? What is your address? How long have you been in Canada?

Where possible, it is recommended that test administrators use aids at hand, such as the application form and landing document.

**Example:** I notice that you were out of Canada several times over the last two years. Can you tell me when you were away? Why were you away? Where were you?

In most cases, verification can be accomplished through the use of three or four questions. If this is the case, and the applicant clearly understood the questions, there is no need to place a note on file regarding language capability.

### When?

Gathering information relevant to the judge's file can be done at any time in the process but is typically done at *check-in* before the citizenship test is administered or after the client has completed the test. It is recommended, however, that information be gathered at check-in as this affords the test administrator the opportunity of accomplishing an additional task - identification of the applicant.

If a local office chooses to verify information with the client **after** the written test has been completed, it is recommended that applicants be advised of this requirement in the oral instructions given prior to writing the test.

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**Note:** If, at any time throughout the citizenship process, the client is unable to respond to simple statements regarding his or her application, it is the CIC official's responsibility to place that information on file for the judge's consideration (i.e., noted on the Citizenship Application Review Form - CARF). For example: the applicant remained standing when asked to be seated; didn't complete the information requested on the covering sheet of the written test; or didn't respond appropriately during a telephone conversation prior to test or as a result of a quality assurance interview.

---

### How?

Where there is an indication that the applicant does not have a basic command of the language, this information is to be identified on the CARF form. A notation "L" should be placed on the CARF to indicate to the judge that the client has been identified as one who may have difficulty communicating in one of Canada's official languages. It is then up to the citizenship judge to indicate whether he or she wishes to conduct an oral interview with the client. Where a client clearly understood the questions, there is no need to place a note on the file regarding language capability.

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**Note:** Even if the client has passed the written test, it is up to the judge to determine whether a hearing is necessary to assess the applicant's oral comprehension and ability to respond to oral statements.

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When posing questions, every effort should be made to ensure the applicant's privacy and dignity are respected. Ideally, the room should be set up in such a way that an applicant's responses are not overheard by others.

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## 5.10. The written test

### Purpose of the test

## CP 4 - Grants

The written test determines if the applicant:

- meets the minimum language requirement for citizenship, as paragraph 5(1)(d) of the Act requires;
- has a sufficient knowledge of Canada and of the rights and responsibilities of citizenship, as paragraph 5(1)(e) of the Act requires.

### Format of test

All citizenship tests are developed by Integration Branch. Questions and pass marks are approved by the Minister. Current tests are in multiple-choice format. Tests consist of 20 questions.

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### 5.11. Mandatory citizenship test questions

The *Citizenship Act* requires that all applicants for Canadian citizenship have an adequate knowledge of Canada and of the responsibilities and privileges of citizenship. Paragraphs 15 (a), (b) and (c) of the *Citizenship Regulations* set out the criteria to determine whether someone meets these requirements. Paragraph 15 (a) includes the right to vote and run for elected office; paragraph 15 (b) includes voting procedures and paragraph 15 (c) includes a general knowledge of Canada.

Citizenship judges determine whether an adult applicant meets the requirements set out in the *Citizenship Act* and Regulations. To facilitate the evaluation of an applicant's knowledge of Canada and of the privileges and responsibilities of citizenship, adult applicants are assessed through the use of a written, multiple-choice test, the results of which are provided to a judge. Applicants who receive an overall mark, set by the Minister, are generally considered to pass the test. Once an applicant has passed the test, it remains the judge's decision to approve the application. The applicant's test must be available for review by the citizenship judge before the application can be approved.

### Marking methodology

In order to pass the written test, citizenship applicants must correctly answer a minimum of 12 out of 20 questions. The following mandatory questions must be answered correctly as part of the overall score. Two (2) questions related to paragraph 15(a) of the *Citizenship Regulations* and one (1) question related to paragraph 15(b). Paragraph 15(a) requires an understanding of the right to vote and run for elected office. Paragraph 15(b) requires an understanding of voting procedures.

### Procedure

Each of the six versions of the citizenship test has five questions pertaining to paragraphs 15 (a) and (b) of the *Citizenship Regulations*. These questions have been identified on the tests and are grouped together at the end of each test for ease of marking.

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### 5.12. Administering the test

The following is the procedure for administering the citizenship test:

Step	Action
1	Verify each applicant's identity. If you cannot verify an applicant's identity, do not allow the applicant to write the test. See CP 3, Establishing Applicant's Identity.
2	Experience shows that there should be two monitors for each group of 50 applicants.
3	Make sure that:



## CP 4 - Grants

- only those taking the test are in the test room;
  - couples and friends do not sit together;
  
  - the tests are pre-sorted so people sitting next to each other receive different versions of the test.
- 4 After all applicants are seated, distribute the tests.
- 5 Give applicants their instructions, either orally or with a video. Tell the applicants:
- that language interpretation is not allowed (this does not apply to sign language interpreters for people with a hearing impairment);
  - that if they talk during the test, copy another applicant's test, refer to notes or books, or otherwise cheat or appear to cheat, you will ask them to leave without finishing the test;
  - that they have one-half hour to write the test.
- 6 Answer all questions from the applicants before starting the test.
- 7 During the test, do not interrupt or talk to the applicants unless absolutely necessary.
- 8 When the test period ends, make sure that all copies of the test are collected.

### **If you suspect cheating**

If you suspect cheating, take the test away from the applicant and schedule an oral interview for the applicant.

### **Passing the test**

Citizenship applicants must correctly answer a minimum of 12 out of 20 questions AND correctly answer two questions related to paragraph 15(a) of the *Citizenship Regulations* and one (1) question related to paragraph 15(b) of the Regulations as part of the overall score. Once an applicant has passed the test, it remains the judge's decision to approve the application.

### **Recording marks**

Enter the applicant's mark on the CARF (Citizenship Application Review Form).

### **Applicants who pass**

If the applicant passes the written test, the applicant's test is placed on file for the judge to review with the CARF. The applicant's test is shredded after citizenship is granted.

### **Applicant fails**

If the applicant fails the test, an oral interview with a citizenship judge is scheduled.

The completed test is placed in the applicant's file for the judge.

The test is not to be reviewed with the applicant

The test is not to be reviewed with an applicant, whether the applicant has passed or failed.

## CP 4 - Grants

### Integration Branch may ask for tests

The Citizenship Division of Integration Branch occasionally asks in advance for tests to sample results. Tests for both approved and non-approved applicants can be requested.

### Tests are secure documents

The integrity of the citizenship testing process is compromised when the tests are released in public records. The tests themselves are considered as protected/secret material. Tests must be kept in a secure place and the order of questions must be changed on a regular basis depending on the frequency of use. CIC receives many requests from the media, elected officials and members of the public for copies of the tests. Under no circumstances should tests be released. Questions about the citizenship tests must be sent to Citizenship Division, Integration Branch.

Failed tests for non-approved clients are retained on file so that the actual questions a person was not able to answer can be provided as evidence if an appeal is warranted. However, the tests themselves are meant to be kept exempt from the certified tribunal record. See CP 8, Appeals.

The *A Look at Canada* does not refer to specific tests; only that tests are based on material in the book. The list of questions at the back of the book is not in the same format as the questions on the test. The questions in the book serve as a learning tool for clients.

### Citizenship tests and judge question sheet for file retirement

- The citizenship test must be kept (micro-filmed) when the applicant has failed the test.
- When the applicant has passed the test, the test is not to be destroyed until the judge has reviewed the application and the results have been entered in the Global Case Management System (GCMS). The applicant's test is to be shredded after citizenship is granted.
- The judge's question sheet must be kept (micro-filmed), regardless of whether the applicant has failed or passed the test.

See CP 13, section 9, File Retirement

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## 5.13. "A look at Canada" and "Citizenship tests" in Braille

### This section is about

This section provides details on the various alternative formats available to people who are visually impaired. It specifies the procedures for administering citizenship tests in these formats.

### Background

Not everyone who is visually impaired can read Braille. However, most Braille readers prefer their documents in Braille format rather than audio versions. To assist these clients, the Integration Branch is now offering both the study guide *A Look at Canada* and the citizenship test in Braille format.

Clients who are visually impaired should be given every opportunity to demonstrate they meet the requirements of the *Citizenship Act*. In the past, clients who could not use the conventional or the large print test were automatically sent for an interview with a citizenship judge. Clients with visual impairment may, upon request, choose to use the Braille test.

### A Look at Canada

CPC-Sydney sends all citizenship applicants the booklet *A Look at Canada*. This booklet is available in alternative formats. People who are visually impaired can specify in section 2 "Special needs" of the form, Application for Canadian citizenship – Adults (CIT 0002E), that they are visually impaired and can request the booklet in various formats:

- audio version

## CP 4 - Grants

- large print
- Braille integral.

### **Citizenship test**

The written test is used to assess applicants' ability to communicate in English or French and their knowledge of Canada and the responsibilities and privileges of citizenship. All the questions in the citizenship test are based on information provided in *A Look at Canada*.

The citizenship test is available for visually impaired persons, on request, in the following alternative formats:

- large print
- Braille integral.

People who are visually impaired and who are unable to take the conventional written test or test in large print format may be referred upon request for a personal interview with a citizenship officer to take the Braille test if they can read Braille integral.

### **Personal interview with a citizenship judge**

People who are visually impaired and who are unable to take the conventional written test, large print or Braille format, must be referred for an interview with a citizenship judge.

### **Citizenship test – Braille**

The citizenship test has been produced in Braille Integral and, on request, may be administered to people who are visually impaired. The citizenship Braille test should be administered during a personal interview with a citizenship officer. The applicant can circle their response to the questions directly on the Braille test.

### **Notice to applicants requesting the test in Braille**

It is suggested that people who are visually impaired be notified by telephone of the date, time and location of the written test in Braille with the officer and of any documents they must bring. The officer should inform applicants that a regular written notice confirming the appointment will be sent by mail.

The written notice must be sent to the applicant by regular mail at least 14 days before the date of the test in Braille with the officer.

Once notice of the test in Braille has been given, the citizenship officer must e-mail Integration Branch, Citizenship Division, to obtain the Braille version of the citizenship test at least 10 days before the written test date, at the following address: [Nat-Citizenship-Policy/Nat-Politique-Citoyennete@cic.gc.ca](mailto:Nat-Citizenship-Policy/Nat-Politique-Citoyennete@cic.gc.ca).

Integration Branch will send to the local office the Braille test and the correction sheet by registered mail.

### **Applicants who do not attend the written test in Braille with the officer**

See section 5.8, Applicant does not appear for written test, above

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#### **5.14. Administering the written test - Braille**

The procedure for administering the test in Braille to applicants is to:

- ensure that a citizenship officer will be available throughout the test;

## CP 4 - Grants

- reserve a separate room to administer the test;
- verify the applicant's identity;
- accompany and guide the applicant to the test room, as required;
- give the applicant the instructions orally;
- allow for an additional 45 minutes to administer the test in Braille.

### Length of the test in Braille

Reading a text in Braille generally takes twice as long as reading the same text in traditional formats. The citizenship officer or test administrator must extend the testing period by 45 minutes to allow people who are visually impaired the time necessary to complete the test.

### Presence of a guide dog

The presence of a guide dog is permitted at all times. The guide dog is considered a working tool for the person who is visually impaired. The dog should not be disturbed at any time unless the person who is visually impaired instructs otherwise.

### Passing the test

Citizenship applicants must correctly answer a minimum of 12 out of 20 questions AND correctly answer two questions related to subsection 15(a) of the *Citizenship Regulations* AND one question related to subsection 15(b) as part of the overall score.

### Recording Braille test or mark

Enter the applicant's mark on the Citizenship Application Review Form (CARF).

### Applicants who pass the Braille test

If the applicant passes the test and the judge reviews the test and approves the application and the applicant is granted citizenship, the applicant's test is shredded.

### Applicants who fail the Braille test

If the applicant fails the Braille test, the applicant is scheduled for an oral interview with a citizenship judge. The Braille test should be placed in the applicant's file for the judge.

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## 6. Assessing language and knowledge - oral interview

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### 6.1. This section is about

This section is about the oral interview for applicants who fail the written test.

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### 6.2. Authorities

#### *Citizenship Act*

- Paragraph 5(1)(d),
- Paragraph 5(1)(e)

#### *Citizenship Regulations*

- Section 14
- Section 15

## CP 4 - Grants

- Section 27

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### 6.3. Purpose

The oral interview for applicants who fail the written test assesses the applicant's ability to communicate in English or French, and the applicant's knowledge of Canada and the responsibilities and privileges of citizenship.

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### 6.4. Use for residence

If the applicant is also a residence and/or prohibition case, deal with residence and/or prohibition in the same interview.

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### 6.5. Interview is new test

The oral interview is a new test of the applicant's language and knowledge capabilities.  
Keep the applicant's failed written test in his or her file.

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### 6.6. Verifying identity

The applicant's identity is verified before beginning the oral interview.  
See CP 3, section 2, Verifying identity.

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### 6.7. Procedure to notify applicants

#### Notifying applicants

A notice of the oral interview is sent to the applicant, by regular mail, at least 14 days before the interview date.

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**Note:** Applicants must be notified about the interview at least a week before the date of the test. Mailing notices 14 days before the interview date ensures that applicants receive their notices a week before the interview date.

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#### Information included in the notice

The following information is to be included in the notice:

- the date and time of the interview;
- the place of the interview;
- that the applicant will be appearing before a citizenship judge for an oral interview;
- the identification and supporting documents the applicant must bring to the interview;
- why an oral interview is necessary.

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### 6.8. If applicant doesn't appear for interview

If an applicant does not appear for a scheduled oral interview, see the procedures in CP 13, section 5, Abandonment.

## CP 4 - Grants

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### 6.9. Procedure following oral interview

#### **Applicant passes**

An applicant qualifies for citizenship if he or she passes both the language and knowledge tests, and meets all other requirements for citizenship. The judge's decision and the judge's question sheet must remain in the applicant's file.

#### **Applicant fails**

If the applicant fails the language and knowledge tests in the oral interview, the written test, the judge's decision and the judge's question sheet are placed in the applicant's file.

#### **Waiver**

The citizenship judge must decide whether to recommend a waiver of the requirements if the applicant fails either or both the language and knowledge tests in the oral interview. See CP 7, Waivers.