

How Can You Call Yourself A Canadian Citizen?

You haven't set foot in Canada for 20 years and you think you can just waltz right back into Canada as if you own the place? The simple answer is yes. Once a citizen, always a citizen; and there is only one class of Canadian citizens.

There has been much discussion lately about Canadian citizens returning from abroad after being away for many years. Some Canadian Citizens returning from war-torn Lebanon have been met with skepticism about their commitment to Canada. Michael Ignatieff, the front-runner in the Liberal leadership race and perhaps Canada's next Prime Minister, has had to answer questions about his 30 year absence from Canada. Regardless of their time spent in Canada, they are just as much Canadian citizens as anyone who has lived here all their lives.

There are two ways to become a Canadian Citizen. The most common way is to be born a Canadian citizen. Anyone born in Canada after 1977 is a Canadian citizen. The nationality, immigration status, or time spent in Canada by their parents does not matter. If your first breath is of Canadian air then you are Canadian. Another way to be born Canadian is if you are born outside Canada after 1977 but one of your parents is a Canadian Citizen at the time of your birth then you are a Canadian Citizen. Births abroad after 1977 do not have to be registered at an Embassy or any Canadian official. The child is automatically a Canadian citizen. The government is also taking steps to grant citizenship to children adopted by Canadian citizens.

The other way most people become Canadian citizens is through Naturalization. This is the process where people immigrate to Canada, live in Canada and, after a sufficient period of time, are granted Canadian Citizenship. The period of time a person has to wait depends of their circumstances. Generally, the duration of residence in Canada is three years within a four year period after being landed as a Permanent Resident. To calculate if you qualify for Canadian citizenship you look at the past four years and determine if you have been here for at least three years. However, if the person was here in Canada before being landed as a Permanent Resident, that pre-landing period can count as half-time towards the Citizenship residency. This is applicable to people who came to Canada as Temporary Workers, Temporary Students, Visitors, or refugees and lived in Canada for a few years before being granted Permanent Residence. Any pre-landing time you live in Canada within the four years of applying for Citizenship will reduce the time you have to wait by half of the pre-landing time. For example, if you were landed two years ago, and lived in Canada for two years before that, you have accumulated three years of residency for your Citizenship application.

One area of confusion is whether a person has to be physically in Canada for the full three years before applying for Citizenship. The law says that a person must maintain their primary residence in Canada but need not be physically here for the full three years. This means that if you take a vacation for two weeks you won't have to wait an extra two weeks to apply for citizenship. The problem arises when the time away from Canada is significantly more than two weeks. A Citizenship Judge will decide if you have

maintained your primary residence in Canada for the requisite period or if you ceased to be a resident of Canada during certain periods. Citizenship Judges can be very strict on their interpretation of your residence. Some judges will say that the two week vacation will cause you to wait an additional two weeks before applying for Canadian citizenship. If there is a conflict between what the law says and what the Judge says, the Judge usually wins.

There is a lot more to say about Citizenship law, but the basic rule is that all Citizens, regardless of how they became citizens, are equal. Just like at the airport, you are either a Citizen or not a Citizen, there are no second-class citizens.