The citizenship revocation process

The ability to revoke a person’s citizenship has always been part of citizenship legislation since the first Canadian Citizenship Act in 1947. It is an important tool for maintaining the integrity of Canadian citizenship.

The current process for citizenship revocation came into force in May 2015, as part of the Strengthening Canadian Citizenship Act. It transferred the authority to revoke a person’s citizenship on grounds of fraud, false representation, or knowingly concealing material circumstances from the Governor in Council to the Minister of Immigration, Refugees and Citizenship. The Minister then delegated that authority to senior decision-makers in the Department.

The Federal Court of Canada is the decision-maker for fraud cases related to concealing serious inadmissibilities for security, human or international rights violations, and organized criminality.

Decisions to revoke citizenship are not taken lightly. Highly trained senior analysts within Immigration, Refugees and Citizenship Canada (IRCC) are delegated the authority to make revocation decisions. IRCC prioritizes the following cases:

- Organized/serious fraud, such as large scale fraud investigations and residence fraud
- Undeclared criminality
- Identity fraud
- Time-sensitive cases, such as when an individual has or is associated with other open applications in the Department (sponsorship, grant, proof, renunciation, passport, etc.)

The following steps determine whether an individual’s citizenship may be revoked on grounds of fraud, false representation, or knowingly concealing material circumstances:

1. **Initial investigation:** IRCC’s Investigations and Exceptional Cases Division liaises with enforcement partners, such as the RCMP and CBSA, and gathers relevant information. It then conducts assessments on a case-by-case basis to determine whether there is evidence to support a possible decision to revoke an individual’s citizenship.

2. **Decision-maker:** The evidence is provided to a separate division of IRCC, where it is reviewed by a senior analyst (decision-maker). The decision-maker reviews all the evidence submitted in the individual’s file, including personal circumstances, and decides whether to issue the Notice of Intent to Revoke.

The Notice of Intent to Revoke must:
- Clearly disclose the evidence that points to potential misrepresentation
• Set out the factors that the decision-maker may consider in deciding whether or not an oral hearing is required
• Provide the individual the opportunity to make submissions, including personal circumstances, as to why their citizenship should not be revoked. The person concerned has 60 days to respond with their submissions.

Personal circumstances include, but are not limited to the:
• Degree to which the individual concerned participated in the fraud
• Age of the individual
• Length of time the person concerned spent in Canada before acquiring citizenship and since becoming a citizen
• Extent of the person’s ties or connection to Canada
• Presence of serious health issues
• Any negative impact the revocation may have on the individual

3. Oral hearing: An oral hearing may be held if the decision-maker decides that one is required based on the following factors set out in the Citizenship Regulations:
   • The existence of evidence that raises a serious issue of the person’s credibility, and/or
   • The person’s inability to provide written submissions

The oral hearing is non-adversarial. It’s an informal process to raise factual issues and seek clarification for any contradictions that the decision-maker may have noted. It also allows the individual an opportunity to respond to questions raised by the decision-maker and make submissions.

4. Decision is rendered: Following the assessment of all of the evidence and personal circumstances, the decision-maker will render a decision to revoke citizenship or not to revoke citizenship. Individuals having their citizenship revoked are notified of IRCC’s decision and provided with written reasons by mail.

These individuals may choose to file an application for leave and judicial review to the Federal Court. Upon review, the Federal Court can uphold the decision or send it back for a redetermination.