

Article 24. (nouveau). — La femme cambodgienne légitimement mariée à un étranger, conserve sa nationalité et la transmet aux enfants issus du mariage, sauf si l'époux est Français, auquel cas elle devient Française pendant la durée du mariage et recouvre, à la dissolution de celui-ci, la nationalité cambodgienne.

La femme cambodgienne, légitimement mariée à un étranger, ne peut valablement contracter ou ester en justice sans autorisation maritale.

Article 25. Néanmoins, tout individu né d'une mère cambodgienne ou d'une métisse cambodgienne et d'un étranger antérieurement au 5 septembre 1934, date d'application de l'Ordonnance du 5 juin 1934 sur la nationalité, aura, sans autre condition, le droit de revendiquer la nationalité cambodgienne.

Cette revendication s'opère par une déclaration expresse formulée devant le Mékhum du domicile de l'intéressé et si ce dernier habite la Ville de Phnom-Penh, devant le Chef de Quartier de son domicile. Cet Officier d'état civil transmet ladite déclaration par l'intermédiaire du Sala-Khet au Résident de France d'où dépend sa circonscription ou directement au Résident-Maire de la Ville de Phnom-Penh, s'il est Chef de Quartier. Ces fonctionnaires, à leur tour, adressent, après une enquête, la demande à la Résidence Supérieure qui provoque, si la condition imposée par l'alinéa qui précède, est remplie, une Ordonnance Royale rendue en Conseil des Ministres, autorisant l'inscription de l'intéressé sur les listes de contrôle de la population cambodgienne.

Article 26. Perdent la qualité de Cambodgien :

1. Le Cambodgien qui acquiert une nationalité étrangère sur sa demande et après autorisation des Gouvernements cambodgien et français ;
2. Le Cambodgien qui, sans autorisation des Gouvernements cambodgien et français, prend du service militaire hors de l'Indochine française, pour un gouvernement autre que le Gouvernement français ;
3. Le Cambodgien qui, ayant accepté des fonctions publiques conférées par un gouvernement étranger, les conserve nonobstant l'injonction des Gouvernements cambodgien et français de les résigner dans un délai déterminé.

13. Canada

CANADIAN CITIZENSHIP ACT OF 1946 AS AMENDED IN 1949, 1950, AND 1951.¹
AN ACT RESPECTING CITIZENSHIP, NATIONALITY, NATURALIZATION AND STATUS OF ALIENS.

SHORT TITLE

Section 1. This Act may be cited as the *Canadian Citizenship Act, 1946*, c. 15, s. 1.

INTERPRETATION

Section 2. In this Act.

(a) "alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject or citizen of the Republic of Ireland ;

¹ Revised Statutes, 1952, Chapter 33.

(b) "Canadian citizen" means a person who is a Canadian citizen under this Act;

(c) "Canadian ship" means a Canadian ship as defined in the *Canada Shipping Act*, and includes an aircraft registered in Canada under the *Aeronautics Act* and regulations made thereunder;

(d) "certificate of citizenship" means a certificate of citizenship granted under this Act;

(e) "certificate of naturalization" means a certificate of naturalization granted under any Act that was in force in Canada at any time before the 1st day of January, 1947;

(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 by the Governor in Council as a court under this Act, means the said person;

(g) "country of the British Commonwealth" means for the purposes of this Act a country listed in the First Schedule or a country declared for the purposes of this Act to be a country of the British Commonwealth of Nations by proclamation issued under this Act, and includes, in the case of any such country, all colonies, dependencies or territories thereof;

(h) "Court" means any Superior, Circuit, County or District Court, and includes in the Province of Quebec any district magistrate, and, in the Northwest Territories and in the Yukon Territory, any stipendiary magistrate or any other person designated by the Governor in Council under this Act;

(i) "disability" means the incapacity of a minor, a lunatic or an idiot;

(j) "domicile", for the purposes of this Act, means the place in which a person has his home or in which he resides and to which he returns as his place of permanent abode and does not mean the place where he resides for a mere special or temporary purpose, and "Canadian domicile" means such domicile maintained in Canada for at least five years;

(k) "foreign", as applied to a country, does not include a country listed in the First Schedule or the Republic of Ireland; as applied to a government, does not include the government of such country or Republic; and as applied to a nationality, does not include the nationality of such country or Republic;

(l) "Minister" means the Minister of Citizenship and Immigration;

(m) "minor" means a person who has not attained the age of twenty-one years; and

(n) "responsible parent" means the father, but where the father is dead, or where the custody of a child has been awarded to his mother by order of a court of competent jurisdiction, or where a child was born out of wedlock and resides with the mother, "responsible parent" means the mother. 1946, c. 15, s. 2; 1950, c. 29, s. 1.

Section 3. Where a person is required to state or declare his national status, any person who is a Canadian citizen under this Act shall state or declare himself to be a Canadian citizen and his statement or declaration to that effect is a good and sufficient compliance with such requirement. 1946, c. 15, s. 3.

PART I

Natural-born Canadian citizens

Section 4. A person born before the 1st day of January, 1947 is a natural-born Canadian citizen

(a) If he was born in Canada or on a Canadian ship and had not become an alien before the 1st day of January, 1947; or

(b) If he was born outside of Canada elsewhere than on a Canadian ship and his father, or in the case of a person born out of wedlock, his mother

(i) Was born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth, or

(ii) Was, at the time of that person's birth, a British subject who had Canadian domicile,

if, before the 1st day of January, 1947, that person had not become an alien, and has either been lawfully admitted to Canada for permanent residence or is a minor. 1946, c. 15, s. 4.

Section 5. (1) A person born after the 31st day of December 1946, is a natural-born Canadian citizen,

(a) If he is born in Canada or on a Canadian ship; or

(b) If he is born outside of Canada elsewhere than on a Canadian ship and

(i) His father, or in the case of a child born out of wedlock, his mother, at the time of that person's birth, is a Canadian citizen, and

(ii) The fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may, under the regulations, authorize in special cases.

(2) Subsection (1) does not apply to a person if, at the time of that person's birth, his responsible parent

(a) Is an alien who has not been lawfully admitted to Canada for permanent residence; and

(b) is

(i) A foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,

(ii) An employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or

(iii) An employee in the service of a person referred to in subparagraph (i). 1950, c. 29, s. 2.

Section 6. (1) A person who is a Canadian citizen under paragraph (b) of section 4 or under paragraph (b) of subsection (1) of section 5 ceases to be a Canadian citizen upon the expiration of one year after he attains the age of twenty-one years unless, after attaining that age and before the expiration of the said year,

(a) He asserts his Canadian citizenship by a declaration of retention thereof, registered in accordance with the regulations; and

(b) Being a national or citizen of a country other than Canada, he files in accordance with the regulations a declaration renouncing the nationality or citizenship of that country.

(2) A person who has ceased to be a Canadian citizen by virtue of subsection (1) may, with the permission of the Minister in any case, file a declaration of resumption of Canadian citizenship and, where he comes within paragraph (b) of subsection (1), a declaration of renunciation, and he thereupon again becomes a Canadian citizen. 1950, c. 29, s. 3.

Section 7. Every foundling, who is or was first found as a deserted infant in Canada, shall, until the contrary is proved, be deemed to have been born in Canada. 1946, c. 15, s. 7.

Section 8. Where a child is born after the death of his father, the child shall, for the purposes of this part, be deemed to have been born immediately before the death of the father. 1946, c. 15, s. 8.

PART II

Canadian citizens other than natural-born

Section 9. (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if

(a) That person was granted, or the name of that person was included in, a certificate of naturalization and had not become an alien before the 1st day of January, 1947,

(b) That person immediately before the 1st day of January, 1947, was a British subject who had Canadian domicile; or

(c) That person, being a woman other than a woman who comes within paragraph (a) or (b),

(i) Before the 1st day of January, 1947, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section 4 or a Canadian citizen as provided in paragraph (a) or (b), and

(ii) On the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

(2) A person who is a Canadian citizen under subsection (1) shall be deemed, for the purposes of section 19, to have become a Canadian citizen,

(a) Where he was granted, or his name was included in, a certificate of naturalization, on the date of the certificate;

(b) Where he is a Canadian citizen by reason of being a British subject who had Canadian domicile, on the date he acquired Canadian domicile; and

(c) In the case of a woman to whom paragraph (c) of subsection (1) applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date.

(3) For the purposes of this section, a certificate of naturalization, granted under any Act in force in Canada before the 1st day of January, 1915, subject to the qualification described in section 24 of the *Naturalization Act*, chapter 77 of the Revised Statutes of Canada, 1906, or a qualification to a like effect, shall be deemed never to have been subject to that qualification. 1950, c. 29, s. 4.

Section 10. (1) The Minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the Court that,

(a) Either he has filed in the office of the Clerk of the Court for the judicial district in which he resides, not less than one nor more than five years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

(b) He has been lawfully admitted to Canada for permanent residence therein;

(c) He has resided continuously in Canada for a period of one year immediately preceding the date of the application and, in addition, except where the applicant has served outside of Canada in the armed forces of Canada during time of war or where the applicant is the wife of and resides in Canada with a Canadian citizen, has also resided in Canada for a further period of not less than four years during the six years immediately preceding the date of the application;

(d) He is of good character;

(e) He has an adequate knowledge of either the English or the French language, or, if he has not such an adequate knowledge, he has resided continuously in Canada for more than twenty years;

(f) He has an adequate knowledge of the responsibilities and privileges of Canadian citizenship; and

(g) He intends, if his application is granted, either to reside permanently in Canada or to enter or continue in the public service of Canada or of a province thereof.

(2) Notwithstanding the provisions of subsection (1), the Minister may, in his discretion, grant a certificate of citizenship to any person who is a British subject and who makes to the Minister a declaration that he desires such certificate and who satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1); but in any case where, in the opinion of the Minister, there is a doubt as to whether the applicant possesses the said qualifications, the Minister before granting such a certificate may refer the declaration and the material in support thereof to the Court in the judicial district in which the declarant resides, and the declaration shall thereupon be dealt with as an application under subsection (1).

(3) The Minister may, in his discretion, grant a certificate of citizenship to a woman, upon her application therefor, who

(a) By virtue of any law of Canada in force at any time before the 1st day of January, 1947, had, by reason only of her marriage to an alien or the acquisition by her husband of a foreign nationality, ceased to be a British subject; and

(b) If this Act had come into force immediately before the said marriage or acquisition, would have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen; and, from the date of taking the oath of allegiance, the applicant shall, without affecting the nationality or citizenship she had prior to that date, be deemed to be a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen, according as she would under paragraph (b) have been a natural-born Canadian citizen or a Canadian citizen other than a natural-born Canadian citizen.

(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was

(a) A natural-born Canadian citizen under section 4 or 5; or

(b) A British subject who was born in Canada or on a Canadian ship or, if born elsewhere than in Canada or on a Canadian ship, whose father, or in the case of a person born out of wedlock, whose mother was either born in Canada or on a Canadian ship and had not become an alien at the time of that person's birth or was at the time of that person's birth a British subject who had Canadian domicile, and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other

than marriage, if such person applies for a certificate of citizenship and, in the event that at the time of his application he is a national or citizen of a country other than Canada, files with his application a declaration renouncing such nationality or citizenship and satisfies the Minister that he

- (i) Has resided continuously in Canada for a period of one year immediately preceding the date of his application; and
- (ii) Possesses the qualifications prescribed by paragraphs (b), (d), (e), (f), and (g) of subsection (1).

(5) The Minister may, in his discretion, grant a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been, granted under this Act, on the application of the said person,

(a) If the said person is the responsible parent of the child, and

(b) If the child was born before the date of the certificate granted to the said person and has been lawfully admitted to Canada for permanent residence.

(6) Any period during which an applicant for a certificate of citizenship has served in the armed forces of Canada or was employed outside of Canada in the public service of Canada or of a province thereof, otherwise than as a locally engaged person, shall be treated as equivalent to a period of residence in Canada for the purposes of subsections (1), (2) and (4).

(7) No period during which an applicant for a certificate of citizenship was confined in or an inmate of any penitentiary, gaol, reformatory, prison, or asylum for the insane, in Canada, shall be counted as a period of residence in Canada for the purposes of subsections (1), (2) and (4). 1950, c. 29, s. 5.

Section 11. (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the granting of such certificate shall not be deemed to establish that the person to whom it is granted was not previously a natural-born or other than natural-born Canadian citizen.

(2) The Minister may, in his discretion, upon application, grant a certificate of citizenship to a person who has been lawfully admitted to Canada for permanent residence and who, at any time in a province of Canada pursuant to the law of that province then in force,

(a) Has been adopted, if the adopter or, in the case of a joint adoption, the male adopter is a Canadian citizen; or

(b) Has been legitimized, if the person legally recognized as the father of the legitimated person by such legitimation is a Canadian citizen.

(3) Without restricting the operation of subsection (2), the Minister may, in his discretion, upon application, grant a certificate of citizenship to a minor in any special case whether or not the conditions required by this Act have been complied with and whether or not the case comes within subsection (2). 1950, c. 29, s. 6.

Section 12. A certificate of citizenship granted to any person under this part, other than to a minor under the age of fourteen years, shall not take effect until the applicant has taken the oath of allegiance set

forth in the second schedule, and thereupon the said person shall become a Canadian citizen. 1946, c. 15, s. 12.

Section 13. Except as provided by this Act in the case of minors, a certificate of citizenship shall not be granted to any person under a disability. 1946, c. 15, s. 13.

Section 14. An applicant whose application has been rejected by the Court or by the Minister may make another application under section 10 after the expiration of a period of two years from the date of such rejection. 1950, c. 29, s. 7.

PART III

Loss of Canadian citizenship

Section 15. (1) A Canadian citizen, who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada, thereupon ceases to be a Canadian citizen.

(2) Subsection (1) does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case, the Minister may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen and he shall be deemed to have ceased to be a Canadian citizen either at the date of the said acquisition or at the date of the order as the Minister may therein direct. 1950, c. 29, s. 8.

Section 16. Where a natural-born Canadian citizen, at his birth or during his minority, or any Canadian citizen on marriage, became or becomes under the law of any other country a national or citizen of that country, if, after attaining the full age of twenty-one years, or after the marriage, he makes, while not under disability, and still such a national or citizen, a declaration renouncing his Canadian citizenship, he thereupon ceases to be a Canadian citizen. 1950, c. 29, s. 8.

Section 17. (1) A Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada, thereupon ceases to be a Canadian citizen.

(2) This section does not apply to a Canadian citizen who, under the law of another country, became a national or citizen of such country when it was at war with Canada. 1950, c. 29, s. 8.

Section 18. A Canadian citizen, other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honourably discharged therefrom, ceases to be a Canadian citizen if he resides outside of Canada for a period of at least six consecutive years exclusive of any period during which,

- (a) He is in the public service of Canada or of a province thereof;
- (b) He is a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates;
- (c) He resides outside of Canada on account of ill-health or disability;
- (d) He is the spouse or minor child of, and resides outside of Canada for the purpose of being with a spouse or parent who is a Canadian

citizen residing outside of Canada for any of the objects or causes specified in paragraphs (a) to (c) inclusive;

(e) He is the spouse of and resides outside of Canada for the purpose of being with a spouse who is a natural-born Canadian citizen; or

(f) His Canadian citizenship is certified to be extended by endorsement of his certificate of citizenship, or if he has no certificate of citizenship, of his passport, by an officer authorized under the regulations to do so, which endorsement shall state that the Canadian citizen appeared before such officer prior to the expiration of the said period of six years and established

- (i) That his absence from Canada was of a temporary nature, and
- (ii) That he intended in good faith to return to Canada for permanent residence as a Canadian citizen,

and shall be in such form and may extend his Canadian citizenship for such period as may be prescribed by regulation. 1950, c. 29, s. 8.

Section 19. (1) The Governor in Council may, in his discretion, order that any person other than a natural-born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that the said person either

(a) Has, during any war in which Canada is or has been engaged, unlawfully traded or communicated with the enemy or with a subject of an enemy state or has been engaged in or associated with any business which to his knowledge is carried on in such manner as to assist the enemy in such war;

(b) Has obtained a certificate of naturalization or of Canadian citizenship by false representation or fraud or by concealment of material circumstances;

(c) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than six years ordinarily resident out of Canada and has not maintained substantial connexion with Canada;

(d) Has, since becoming a Canadian citizen or being naturalized in Canada, been for a period of not less than two years ordinarily resident in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada and has not maintained substantial connexion with Canada;

(e) If out of Canada, has shown himself by act or speech to be disaffected or disloyal to Her Majesty; or

(f) If in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty to Her Majesty.

(2) The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister, he is satisfied that such person has, when not under a disability,

(a) When in Canada and at any time after the 1st day of January, 1947, acquired the nationality or citizenship of a foreign country by any voluntary and formal act other than marriage;

(b) Taken or made an oath, affirmation or other declaration of allegiance to a foreign country; or

(c) Made a declaration renouncing his Canadian citizenship.

(3) The Minister before making a report under this section shall cause notice to be given or sent to the last known address of the person in respect of whom the report is to be made, giving him an opportunity of claiming that the case be referred for such inquiry as is hereinafter

specified and if said person so claims in accordance with the notice, the Minister shall refer the case for inquiry accordingly.

(4) An inquiry under this section shall be held by a commission constituted for the purpose by the Governor in Council upon the recommendation of the Minister, presided over by a person appointed by the Governor in Council who holds or has held high judicial office, and shall be conducted in such manner as the Governor in Council shall order; but any such inquiry may, if the Governor in Council thinks fit, instead of being held by such commission, be held by the superior court of the province in which the person concerned resides, and the practice and procedure on any inquiry so held shall be regulated by rules of court.

(5) The members of any commission appointed under this section shall have all such powers, rights and privileges as are vested in any superior court or in any judge thereof on the occasion of any action in respect of

(a) Enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise, and the issue of a commission or a request to take evidence abroad;

(b) Compelling the production of documents; and

(c) Punishing persons guilty of contempt;

and a summons signed by one or more members of the commission may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Where the Governor in Council, under this section, directs that any person cease to be a Canadian citizen, the order shall have effect from such time as the Governor in Council may direct and thereupon the said person shall cease to be a Canadian citizen. 1950, c. 29, s. 8; 1951, c. 12, s. 1.

Section 20. (1) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 15, 16 or 17, the child thereupon ceases to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(2) Where the responsible parent of a minor child ceases to be a Canadian citizen under section 18 or 19, the Governor in Council may, in his discretion, direct that the said child shall cease to be a Canadian citizen if he is or thereupon becomes, under the law of any country other than Canada, a national or citizen of that country.

(3) Where the Minister, in his discretion, permits a person, who as a minor child ceased to be a Canadian citizen, to make a declaration in accordance with the regulations, that he wishes to resume Canadian citizenship and the said person makes the declaration within one year after attaining the age of twenty-one years or within such longer period as the Minister may allow in special circumstances, such person, upon the acceptance of his declaration by the Minister, again becomes a Canadian citizen. 1950, c. 29, s. 8.

PART IV

Status of Canadian citizens and recognition of British subjects

Section 21. A Canadian citizen is a British subject. 1946, c. 15, s. 26.

Section 22. A Canadian citizen other than a natural-born Canadian citizen is, subject to the provisions of this Act, entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject and, on and after becoming a Canadian citizen, subject to the provisions of this Act, has a like status to that of a natural-born Canadian citizen. 1946, c. 15, s. 27.

Section 23. (1) Every person who, under an enactment of a country listed in the First Schedule, is a citizen of that country, has in Canada the status of a British subject.

(2) Every person having in Canada the status of a British subject may be known as a British subject or as a Commonwealth citizen; and in this Act and in any other enactment or instrument, the expression "British subject" and the expression "Commonwealth citizen" have the same meaning.

(3) Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject. 1950, c. 29, s. 10.

PART V

Status of aliens

Section 24. (1) Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born Canadian citizen; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born Canadian citizen.

(2) This section does not operate so as to

(a) Qualify an alien for any office or for any municipal, parliamentary or other franchise;

(b) Qualify an alien to be the owner of a Canadian ship;

(c) Entitle an alien to any right or privilege as a Canadian citizen except such rights and privileges in respect of property as are hereby expressly given to him; or

(d) Affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the 4th day of July, 1883, or in pursuance of any devolution by law on the death of any person dying before that day. 1946, c. 15, s. 29.

Section 25. An alien is triable at law in the same manner as if he were a natural-born Canadian citizen. 1946, c. 15, s. 30.

PART VI

Procedure and evidence

Section 26. An application 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. 1946, c. 15, s. 31.

Section 27. An application for a certificate of citizenship shall be filed with the Clerk of the Court and shall be posted by the Clerk in a conspicuous place in his office, or as otherwise prescribed by regulation, continuously for a period of at least three months before the application is heard by the Court. 1946, c. 15, s. 32.

Section 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 an opposition in which shall be stated the grounds of his objection. 1946, c. 15, s. 33.

Section 29. The applicant for a certificate of citizenship shall produce to the Court such evidence as the Court may require that he is qualified and fit to be granted a certificate under the provisions of this Act, and shall personally appear before the Court for examination unless it is established to the satisfaction of the Court that he is prevented from so appearing by some good and sufficient cause. 1946, c. 15, s. 34.

Section 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, a certified copy of the decision shall be transmitted by the Clerk of the Court to the Minister together with the application and such other papers, documents and reports as may be required by regulation. 1946, c. 15, s. 35.

Section 31. When the Minister receives a decision of the Court under section 30 and thereupon, in his discretion, grants a certificate of citizenship, he shall send the certificate to the Clerk of the Court by whom such decision was forwarded, or as otherwise prescribed by regulation, and upon the applicant taking the oath of allegiance, the Clerk shall deliver the certificate to the applicant after having endorsed thereon the date of the taking of the oath of allegiance which date shall be the date of the certificate of citizenship. 1950, c. 29, s. 12.

Section 32. The Minister, with the approval of the Governor in Council, 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. 1946, c. 15, s. 37.

Section 33. The Court, in the conduct of proceedings under this Act, shall, by appropriate ceremonies, impress upon applicants the responsibilities and privileges of Canadian citizenship. 1946, c. 15, s. 38.

PART VII

General

Section 34. (1) The Governor in Council may make regulations generally for carrying into effect the purposes and provisions of this Act, and in particular with respect to the following matters:

(a) The forms to be used under this Act including the form and manner of registration of declarations and of certificates;

(b) The time within which the oath of allegiance is to be taken after the issue of a certificate of citizenship;

(c) The persons before whom the oath of allegiance may be taken and the persons before whom any declarations under this Act may be made;

(d) The form in which the taking of oaths of allegiance is to be attested and the registration thereof;

(e) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;

(f) The imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;

(g) The expedient and fitting procedure to be followed in the conduct of proceedings before the Court to impress upon applicants the responsibilities and privileges of Canadian citizenship;

(h) The manner of proof of any qualification required for the grant of a certificate of citizenship under this Act;

(i) The manner of proof of Canadian citizenship and the granting of special certificates for such purpose;

(j) The registration of births of persons born outside of Canada and the extension of certificates of citizenship;

(k) The surrender and cancellation of certificates of citizenship or certificates of naturalization where the holder thereof has ceased to be a Canadian citizen or British subject by reason of revocation or otherwise under this Act or under an Act that was in force in Canada at any time before the 1st day of January, 1947, as the case may be; and

(l) For the delivery up and retention of certificates of citizenship or certificates of naturalization for the purpose of determining whether the holder thereof is entitled thereto.

(2) The Governor in Council may

(a) Authorize the issue of a proclamation declaring that any part of Her Majesty's dominions not listed in the first schedule is a country of the British Commonwealth for the purposes of this Act, and

(b) Designate persons in the Northwest Territories and in the Yukon Territory who shall constitute Courts for the purposes of this Act. 1946, c. 15, s. 39; 1950, c. 29, s. 14.

Section 35. Any declaration made under this Act or under any Act heretofore in force may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Minister or by any person authorized by him in that behalf, without proof of such authorization, and the production of the declaration or copy shall be evidence of the contents thereof and of the person therein named as declarant having made the declaration at the date therein mentioned. 1946, c. 15, s. 40.

Section 36. A certificate of citizenship or a certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer

or persons authorized to issue such certificate of citizenship or such certificate of naturalization or by any person authorized by such officer or person in that behalf, without proof of such authorization. 1946, c. 15, s. 41.

Section 37. Entries made in any register in pursuance of this Act or under any Act heretofore in force may be proved by such copies and certified in such manner as may be directed by the Minister, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Minister, authorized to be inserted in the register. 1946, c. 15, s. 42.

Section 38. Where any question arises under this Act as to whether any person had Canadian domicile immediately prior to the 1st day of January, 1947, the question shall be determined by the same authority and in a like manner as if it arose under the *Immigration Act* and the determination thereof in such manner shall be final and conclusive for the purposes of this Act. 1946, c. 15, s. 43.

Section 39. (1) A person who was a British subject on the 1st day of April, 1949, and

(a) Was born in Newfoundland,

(b) Was naturalized under the laws of Newfoundland, or

(c) Had Newfoundland domicile on the said 1st day of April,
is a Canadian citizen.

(2) A person who is a Canadian citizen by virtue of paragraph (a) of subsection (1) is a natural-born Canadian citizen.

(3) A person who is a Canadian citizen by virtue of paragraph (b) of subsection (1) shall be deemed to have been naturalized under the laws of Canada, and a certificate of naturalization issued under the laws of Newfoundland shall be deemed to have been issued under the laws of Canada at the date thereof.

(4) A person who is a Canadian citizen by virtue of paragraph (c) of subsection (1), shall be deemed to have become a Canadian citizen on the day he acquired Newfoundland domicile.

(5) For the purposes of this Act, residence in Newfoundland shall be deemed to be residence in Canada and Newfoundland domicile means domicile in Newfoundland for at least five years. 1949, c. 6, s. 46.

Section 40. Where a person ceases to be a Canadian citizen, a Commonwealth citizen or a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act or thing done or omitted before he ceased to be a Canadian citizen, a Commonwealth citizen or a British subject. 1950, c. 29, s. 17.

Section 41. A person who

(a) For any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular;

(b) Uses another person's certificate of citizenship or certificate of naturalization to personate that other person; or

(c) Knowingly permits his certificate of citizenship or certificate of naturalization to be used to personate himself;

is guilty of an offence and is liable on summary conviction in respect of each offence to imprisonment, with or without hard labour, for a term not exceeding three months. 1950, c. 29, s. 17.

Section 42. A person who violates a provision of this Act or the regulations for which violation no other fine or imprisonment is provided

in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 29, s. 17.

Section 43. Where, in any Act of the Parliament of Canada or any order or regulation made thereunder, any provision is made applicable in respect of

(a) A "natural-born British subject" it shall apply in respect of a "natural-born Canadian citizen";

(b) A "naturalized British subject" it shall apply in respect of a "Canadian citizen other than a natural-born Canadian citizen"; or

(c) A "Canadian national" it shall apply in respect of a "Canadian citizen";

under this Act, and where in any Act, order or regulation aforesaid any provision is made in respect of the status of any such person as a Canadian national or British subject it shall apply in respect of his status as a Canadian citizen or British subject under this Act. 1946, c. 15, s. 45.

Section 44. (1) Notwithstanding the repeal of the Naturalization Act and the Canadian Nationals Act, this Act is not to be construed or interpreted as depriving any person who is a Canadian national, a British subject or an alien as defined in the said Acts or in any other law in force in Canada of the national status he possessed on the 1st day of January, 1947.

(2) This Act is to be construed and interpreted as affording facilities for any person mentioned in subsection (1) if he should so desire to become a Canadian citizen if he is not a natural-born Canadian citizen as defined in this Act, and if he possesses the qualifications for Canadian citizenship as defined in this Act.

(3) Naturalization proceedings that were commenced under the Naturalization Act but not completed before the 1st day of January, 1947, may be continued as proceedings for a grant of a certificate of citizenship under this Act and, for this purpose, an application for naturalization or a declaration of intention to become naturalized under the Naturalization Act and regulations shall, respectively, be deemed to have the same effect as an application for the grant of a certificate of citizenship or a declaration of intention to become a Canadian citizen under this Act.

(4) Every certificate of citizenship granted after the 1st day of January, 1947, pursuant to an application for naturalization made before that date is valid unless it is or has been revoked or the holder thereof otherwise ceases or has ceased to be a Canadian citizen. 1946, c. 15, s. 46; 1950, c. 29, s. 19.

FIRST SCHEDULE

Australia.	Pakistan.
Canada.	Southern Rhodesia.
Ceylon.	Union of South Africa.
India.	United Kingdom.
New Zealand.	1950, c. 29, s. 21.

SECOND SCHEDULE

Oath of Allegiance

I, A.B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her Heirs and Successors, according to law, and

that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

So help me God.
1946, c. 15, Second Sch.

14. Ceylon

(a) CITIZENSHIP ACT, NO. 18 OF 21 SEPTEMBER 1948.
AN ACT TO MAKE PROVISION FOR CITIZENSHIP OF CEYLON AND FOR
MATTERS CONNECTED THEREWITH.¹

Section 1. This Act may be cited as the Citizenship Act, No. 18 of 1948, and shall come into operation on such date as may be appointed by the Minister by order published in the *Gazette*.

PART I. CITIZENSHIP OF CEYLON

Section 2. (1) With effect from the appointed date, there shall be a status to be known as "the status of a citizen of Ceylon".

(2) A person shall be or become entitled to the status of a citizen of Ceylon in one of the following ways only:

- (a) By right of descent as provided by this Act;
- (b) By virtue of registration as provided by this Act or by any other Act authorizing the grant of such status by registration in any special case of a specified description.

(3) Every person who is possessed of the aforesaid status is hereinafter referred to as a "citizen of Ceylon". In any context in which a distinction is drawn according as that status is based on descent or registration, a citizen of Ceylon is referred to as "citizen by descent" or "citizen by registration"; and the status of such citizen is in the like context referred to as "citizenship by descent" or "citizenship by registration".

Section 3. A citizen of Ceylon may, for any purpose in Ceylon, describe his nationality by the use of the expression "Citizen of Ceylon".

PART II. CITIZENSHIP BY DESCENT

Section 4. (1) Subject to the other provisions of this part, a person born in Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) His father was born in Ceylon, or
- (b) His paternal grandfather and paternal great grandfather were born in Ceylon.

(2) Subject to the other provisions of this part, a person born outside Ceylon before the appointed date shall have the status of a citizen of Ceylon by descent, if:

- (a) His father and paternal grandfather were born in Ceylon, or
- (b) His paternal grandfather and paternal great grandfather were born in Ceylon.

Section 5. (1) Subject to the other provisions of this part, a person born in Ceylon on or after the appointed date shall have the status of a citizen of Ceylon by descent if at the time of his birth his father is a citizen of Ceylon.

¹ Ceylon, Acts of Parliament, 1948.