

Notes on Some of the Arrangements Applying to the Canadian Diaspora

These notes were prepared by a member of the Southern Cross Group Committee living Canada. The Internet sources for the material are indicated in the text.

VOTING

If you are a Canadian citizen (other than a member of the Canadian Forces) who now resides outside Canada, you may register to vote using the form in this guide if:

- you have reached the age of 18 by polling day,
- you have been residing outside Canada for less than five consecutive years since your last visit to Canada, and
- you intend to resume residence in Canada.

You are exempt from the five-year limit if you are posted outside Canada as:

- a. an employee of the public service of Canada or of a province; **or**
- b. an employee of an international organization of which Canada is a member, and to which Canada contributes; **or**
- c. a person who lives with an elector described in a or b above; or with a member of the Canadian Forces; or with a civilian employed as a teacher or as administrative support staff in a Canadian Forces school.
- d.

Source:

<http://www.elections.ca/content.asp?section=ins&dir=ire&document=index&lang=e&textonly=false>

SOCIAL SECURITY

Benefits from Canada and Abroad

If you have lived and worked in another country, you may be eligible for social security benefits, either from that country or from Canada.

You may qualify for these benefits:

- if you have lived and worked in a country which has a social security agreement with Canada, and
- if you have paid into the social security plan of that country.

The benefits you may qualify for are:

- retirement, disability or survivor benefits from the other country,
- Canadian Old Age Security pension or Allowance,
- Canada Pension Plan disability or survivor benefits.

If you work in Canada and contribute to the Canada Pension Plan, and your employer sends you to work in another country temporarily, a social security agreement with that country might enable you to:

- continue paying into the Canada Pension Plan for your work in that country,
- have the periods spent in that country considered as residence in Canada for purposes of the Old Age Security Program, and
- be exempt from contributing to the social security plan of the other country.

Objectives of Agreements

- reduce restrictions, based on nationality, which may prevent Canadians from receiving benefits under the social security laws of the other country;
- reduce or eliminate restrictions on paying pensions abroad;
- ensure that Canadians working abroad temporarily continue to pay into the Canada Pension Plan alone. (This means they do not have to pay into two pension plans for the same work);
- make it easier to qualify for benefits by allowing Canadians to combine all pension credits earned in Canada and other countries where they lived or worked.

Canadian Benefits

Old Age Security

If you have lived in Canada for ten years after reaching age 18, you may qualify for the Old Age Security pension or Allowance.

If you have lived in Canada for at least 20 years after reaching age 18, you may collect the Old Age Security pension outside Canada.

Canada Pension Plan

If you have contributed to the Canada Pension Plan for a certain number of years (between 3 and 10, depending on the type of benefit and age of the contributor), you may qualify for a disability pension, and the members of your family may qualify for survivor or child benefits.

You do not need an agreement to qualify for the Canada Pension Plan retirement pension. This is because you can receive a monthly retirement pension at any time after your 60th birthday if you have made at least one valid contribution to the Plan. The amount of the benefit depends on how long and how much you have contributed to the Plan.

Minimum Requirements

Perhaps you have not lived and worked in Canada long enough to qualify for a Canadian pension. If so, Canada counts your pension credits from the other country to help you qualify for a pension.

Pension Amount

Once you qualify, your pension will be based on your residence or your contributions in Canada. This applies to both the Old Age Security Program and the Canada Pension Plan.

Benefits from Another Country

Perhaps you now live in Canada after having immigrated or returned from a country with which Canada has a social security agreement. If so, you may qualify for a pension from that other country.

Minimum Requirements

To receive a pension from another country, you must have lived and paid contributions to the pension plan of that country for a minimum number of years.

If the other country has a social security agreement with Canada, it may consider the time you lived and worked in Canada to help you qualify for a pension from that country.

Pension Amount

Once you qualify, your pension will be based on your residence or contributions in that country.

http://www.hrdc-drhc.gc.ca/isp/internat/intove_e.shtml

Consular publications

'Working Abroad:

Unravelling the Maze'

About 1.5 million Canadians live and work abroad

http://www.voyage.gc.ca/main/pubs/working_abroad-en.asp

CITIZENSHIP

THE RIGHT TO CITIZENSHIP Dual Citizenship

What is meant by dual citizenship?

Every independent nation makes its own decision as to who its citizens are. You possess dual or multiple citizenship when more than one country recognizes you as its citizen.

Unlike the law in effect in Canada up to 1977, the present *Citizenship Act* allows a Canadian citizen to acquire foreign nationality without automatically losing Canadian citizenship. Since February 15, 1977, a Canadian citizen may retain Canadian citizenship, unless he or she voluntarily applies to renounce it and the application is approved by a citizenship judge. The present Act thus makes it possible to have two or more citizenships and allegiances at the same time for an indefinite period.

Consequently, you may have the rights and obligations conferred by each of these countries on its citizens. Whenever you are in a country that recognizes you as a citizen, its laws take priority over the laws of any other country of which you are a citizen. International treaties may, however, allow exceptions to this rule.

A person may have several citizenships at the same time. For example, a person who was born in a country other than Canada, naturalized in Canada, and then naturalized in a third country may be a citizen of all three countries. However, cases of dual citizenship are more common. Although this pamphlet deals primarily with dual citizenship, the information contained in it applies equally to persons who are citizens of more than two countries. The terms "dual citizenship" and "dual nationality" are now used interchangeably

http://www.cic.gc.ca/english/citizen/dualci_e.html

Persons who are citizens

- 3.** (1) Subject to this Act, a person is a citizen if
- (a) the person was born in Canada after February 14, 1977;
 - (b) the person was born outside Canada after February 14, 1977 and at the time of his birth one of his parents, other than a parent who adopted him, was a citizen;
 - (c) the person has been granted or acquired citizenship pursuant to section 5 or 11 and, in the case of a person who is fourteen years of age or over on the day that he is granted citizenship, he has taken the oath of citizenship;
 - (d) the person was a citizen immediately before February 15, 1977; or
 - (e) the person was entitled, immediately before February 15, 1977, to become a citizen under paragraph 5(1)(b) of the former Act.

LOSS OF CITIZENSHIP

No loss except as herein provided

7. A person who is a citizen shall not cease to be a citizen except in accordance with this Part.
1974-75-76, c. 108, s. 7.

Citizens born abroad

8. Where a person who was born outside Canada after February 14, 1977 is a citizen for the reason that at the time of his birth one of his parents was a citizen by virtue of paragraph 3(1)(b) or (e), that person ceases to be a citizen on attaining the age of twenty-eight years unless that person

(a) makes application to retain his citizenship; and

(b) registers as a citizen and either resides in Canada for a period of at least one year immediately preceding the date of his application or establishes a substantial connection with Canada.

1974-75-76, c. 108, s. 7.

Renunciation of citizenship

9. (1) A citizen may, on application, renounce his citizenship if he

(a) is a citizen of a country other than Canada or, if his application is accepted, will become a citizen of a country other than Canada;

(b) is not the subject of a declaration by the Governor in Council made pursuant to section 20;

(c) is not a minor;

(d) is not prevented from understanding the significance of renouncing citizenship by reason of the person having a mental disability; and

(e) does not reside in Canada.

Ministerial discretion to waive requirements

(2) The Minister may, in the Minister's discretion, waive on compassionate grounds the requirements of paragraph (1)(d) or (e).

Certificate of renunciation

(3) Where an application for renunciation is approved, the Minister shall issue a certificate of renunciation to the applicant and the applicant ceases to be a citizen after the expiration of the day on which the certificate is issued or such later day as the certificate may specify

RESUMPTION OF CITIZENSHIP

Resumption by application

11. (1) The Minister shall grant citizenship to any person who, having ceased to be a citizen,

(a) makes an application for resumption of citizenship;

(b) is not the subject of an order of or a declaration by the Governor in Council made pursuant to section 10 or 20 of this Act or section 18 of the former Act;

(c) is not under a removal order; and

(d) has become a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* and has, since having ceased to be a citizen and become a permanent resident, resided in Canada for at least one year immediately preceding the date of the application.

<http://laws.justice.gc.ca/en/C-29/33112.html#rid-33133>

Policies relating to repatriation

<http://www.ccr-aadrc.gc.ca/E/pub/cp/rc4105/rc4105-e.html>

<http://www.ccr-aadrc.gc.ca/E/pub/cm/d2-3-2/d2-3-2-e.html>