

New Language Rules for Canadian Citizenship Applicants Announced

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On September 28, 2012, the Minister of Citizenship, Immigration and Multiculturalism announced that citizenship applicants will now be required to provide up-front objective evidence of their language ability at the time of their citizenship application. The effective date of this change is November 1, 2012.

According to Paragraph 5(1)(d) of the *Citizenship Act* (R.S.C., 1985, c. C-29), an applicant for a grant of Canadian citizenship must have an adequate knowledge of one of the official languages of Canada. Adequate knowledge is defined as the ability to speak and understand basic statements and questions in the given language.

All adult applicants 18 to 54 years of age who are applying for Canadian citizenship are assessed on their ability to communicate in English or French. Currently, language ability is assessed by a written citizenship test; an applicant who fails the written test must pass an oral interview with a citizenship judge.

Citizenship and Immigration Canada (“CIC”) officials also confirm some of the basic information on the application for citizenship with the applicant 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 passed on to the citizenship judge. The judge may then take this information into consideration when determining whether the applicant meets the language requirement.

There is currently no procedure in place to objectively test the language abilities of Canadian citizenship applicants. Under the new rules, applicants will now be required to submit objective evidence that they have achieved the Canadian Language Benchmark level 4, in speaking and listening, when they file their application. Acceptable evidence of language ability may include the following:

- The results of a CIC-approved third-party test;

- Evidence of the applicant's completion of secondary or post-secondary education in English or French; or
- Evidence that the applicant has achieved the appropriate language level in certain government-funded language training programs.

The requirement for adult applicants to provide objective evidence of language ability with their citizenship submission applies to applications received as of November 1, 2012. After that date, CIC will return any citizenship application, filed by an applicant between the ages of 18 and 54, which does not include objective evidence of language ability.