

# Citizenship by descent after Bill C-3

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# Topics

C-3 in context

Areas of uncertainty:

- Q on Q problem

- Death of a parent problem

- How far back?

Practical issues in completing applications:

- Hard Questions on Cit 001

- Birth Certificate Application Procedures

# Citizenship prior to 2009

- Citizenship by descent has long been an element of British and Canadian nationality law including the 1914 Nationality Act.
- However, prior to 1977, citizenship by descent was limited in many ways, and could be easily lost.
- In most cases, citizenship could be acquired only through a Canadian father, required registration, and would be lost through nationalization in a foreign country.
- These restrictions were mostly eliminated in the 1977 Citizenship Act, but not retroactively.

**As a result, prior to 2009, many persons with parents born in Canada, much less second generation and beyond, were not Canadian citizens.**

# The 2009 and 2014 Amendments

- As a result of the 9-11 attacks in the United States, the United States imposed passport requirements on Canadians for the first time. This led to an increased demand for Canadian passports.
- Many persons discovered, to their surprise, that they were not Canadian citizens. **They became known as "Lost Canadians."**
- As a result of the 2009 and 2014 amendments to the Citizenship Act, almost everyone with a parent born in Canada became a Canadian citizen, retroactive to birth.
- At the same time, the 2009 amendments imposed a **first generation limit on citizenship by descent**. This meant you could not inherit citizenship from your citizen parent, if that parent was born outside Canada. This did not apply to persons who were already citizens, but only to those born after April 17, 2009. No one lost their citizenship.

# Bill C-3

In December 2023, in the case of *Bjorkquist v. Canada*, the Ontario Superior Court declared the first generation limit violated the Canadian Charter of Rights with respect to parents who had a substantial connection to Canada.

- The Court suspended the declaration of invalidity to allow Parliament to pass Charter compliant legislation.
- After numerous delays caused by new elections and the limitations of a minority government, Parliament enacted Bill C-3, which came into force on December 15, 2025.
- **Bill C-3 removed the first generation limit entirely as to persons born before December 15, 2025.**
- Persons born on or after December 15, 2025 are still subject to the first generation limit, unless their citizen parent can demonstrate 1,095 days of physical presence in Canada prior to the person's birth.

# The Q on Q Problem

This problem arises in most or all cases where there are two generations born outside Canada before January 1, 1947. Here is an example:

- Lestat was born in Quebec in 1892. Lestat immigrated to New Orleans in the United States in 1915. He became a permanent resident of the United States and never naturalized as a U.S. citizen.
- His son, Armand, was born in New Orleans in 1925. Armand died in 2016.
- Armand's daughter Claudia was born in New Orleans in 1946. Claudia is living.
- Claudia's daughter Rowan was born in New Orleans in 1970. Rowan is living.

# Is Claudia a citizen?

**Lestat is a citizen** under paragraph 4(a) of the Canadian Citizenship Act, 1946.

Armand did not become a citizen on January 1, 1947, because he was neither a minor nor a permanent resident of Canada. However, **he became a citizen under paragraph 3(1)(q) of the current Act**, which came into force on June 11, 2015, because he was born to a parent who became a citizen under the Canadian Citizenship Act, 1946, but he did not. Armand became a citizen retroactive to January 1, 1947.

## What about Claudia?

**She is not described by paragraph 3(1)(q)**, because her parent became a citizen under the 2014 amendments, not under the 1946 Act. **She is not a citizen under 3(1)(g) either**, because her father was not a citizen at the time of her birth, since no one was a citizen before January 1, 1947. **If Claudia is not a citizen, then Rowan and her descendants are not citizens either.**

## What if Claudia had been born a year later, in 1947?

Then she **would** be a citizen under paragraph 3(1)(g), since she was born before February 15, 1977 to a parent who was a citizen at the time of her birth.

# Death of Parent Problem

There are no fewer than *five* subsections of section 3 titled “Citizen despite death of parent.” Here is one of them:

## 3(1.2), **Citizen despite death of parent**

A person who would not become a citizen under paragraph 1 (b), (g), (h), (o), or (p) for the sole reason that, on the coming into force of this subsection, his or her parent – referred to in one of those paragraphs – is deceased, is a citizen under that paragraph if that parent, but for his or her death, would have been a citizen under any of paragraphs (1)(k) to (n).

# Illustration of death of parent issue

- Robert was born in Ontario in 1902. He naturalized in the United States in 1920. He did not become a Canadian citizen on January 1, 1947, because he had lost his status as a British subject. He died in 1952. But for his death, Robert would be a citizen under paragraph 3(1)(k), which came into force on June 11, 2015.
- Robert's daughter Susan was born in New York in 1932. Susan died in 2016. Susan became a citizen on June 11, 2015, under 3(1)(o,) as the child of a citizen under 3(1)(k), retroactive to January 1, 1947. Susan is a citizen despite the death of Robert, by virtue of 3(1.2).
- Susan's son Alberto was born in Ohio in 1962. Alberto is a citizen under 3(1)(g), because Susan is now deemed a citizen at the time of Alberto's birth.
- **But assume Susan died in 2013**, and so did not become a citizen on June 11, 2015. Then 3(1.2) does not apply to Alberto, because Susan would have been a citizen under 3(1)(o), not 3(1)(k) to (n).

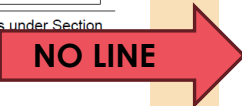
# **#1 RULE TO REMEMBER**

**ALWAYS USE THE CURRENT VERSION OF CIT 0001**

# MAJOR DIFFERENCES BETWEEN VERSIONS

## 12-2025 VERSION

## 01-2026 VERSION



Date of death (YYYY-MM-DD) (If applicable)

Date of death (YYYY-MM-DD) (If applicable)

**Note:** if you, or the minor that you are applying for, is claiming citizenship by descent through a great-grandparent, please follow the instructions under Section 9 at the end of this document.

**10 Additional citizenship information**

Have you ever lived in Canada?  No: skip to section 11  Yes

If Yes, on what date did you first enter Canada to live  Date (YYYY-MM-DD) \_\_\_\_\_ or  I was born in Canada

**11 Were you born before 1977?**

No: skip to section 13  Yes: fill out this section

Were you absent from Canada for 1 year or longer before 1977?  No  Yes: fill out this section

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)	Reason

CIT 0001 (12-2025) E

Date of death (YYYY-MM-DD) (If applicable)

Date of death (YYYY-MM-DD) (If applicable)

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**11 Were you born before 1977?**

No: skip to section 13  Yes: fill out this section

Were you absent from Canada for 1 year or longer before 1977?  No  Yes: fill out this section

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)	Reason

CIT 0001 (01-2026) E

# Hard Question #1 on Cit 001

Is (or was) parent 1 a citizen of a country or territory other than Canada before 1977?

No

Yes

If Yes, give details: (country or territory, date of citizenship, description of how citizenship/nationality was obtained and/or recognized, etc.)

# A person can become a U.S. citizen in 4 ways:

1. Birth in the United States
2. Birth outside the United States to a U.S. citizen parent
3. Naturalizing as an Adult
4. As a derivative of one, or both, parent's naturalization, while the person is a minor.

How can you tell? → Use [U.S. Naturalization Chart](#)

# Hard Question #2 on Cit 001

## B - Parent 1's Citizenship Status - Continued

Parent 1's citizenship certificate number, if applicable

On what date did parent 1 first enter Canada to live? (YYYY-MM-DD)

Did parent 1 leave Canada for more than 1 year before 1977?

Yes

No

If Yes, give details

From (YYYY-MM-DD)	To (YYYY-MM-DD)	Destination (Country or territory)

## Entry/Immigration Records:

1. Border Crossing Cards
2. U.S. Declaration of Intention to Naturalize
3. Petition for Naturalization
4. Green Cards
5. Ask your client!

# Border Crossing Card:

No. of <del>entries</del> <b>MANIFEST</b> Part of <b>Arrival</b> <b>Newport</b> <b>Vermont</b> <b>Date</b> <b>April 25, 1902</b>				
Family name <b>VALOIS</b>	Given name <b>Philias</b>			
C.I.V. No.	Place and date of issue	Bar on and subdivisions Act of 1924:	Quota country charged	E.P. No.
Place of birth (town, country, etc.) <b>St. Marcell P.Q. 12/29/02</b>	Age	Vrs.	Sex	H. I. Origin in <b>W. D. HOME</b>
Language or dialect <b>French</b>	Nativity <b>Canada</b>	Last permanent residence (town, county, etc.) <b>St. Marcell P.Q. Canada</b>		
Name and address of nearest relative or friend in country whence applicant came <b>Certificate of Registry No. 264567 issued August 16, 1946</b>				
Ever in U.S. From	Where	Passage paid by		
<b>CO File No. (unknown)</b>	<b>Boston File No. 0200/21157</b>			
Destination, and name and complete address of relative or friend to join there				
Money shown	Ever arrested and deported, or excluded from admission		Purpose in coming and time remaining	
Height	Weight	Complexion	Hair	Eyes
Distinguishing marks				
Support and date of landing, and name of ship				Case No. Identification card No.
Admitted by	Previously admitted at	Date	Present disposition	Present disposition, P.I.
				<b>RR</b>
U. S. DEPARTMENT OF JUSTICE, Immigration and Naturalization Service. Form 5-400 (Ed. 1941) 19-5113				

U.S. Dec

turalize:

No. 52676

Form 2202-L  
U. S. DEPARTMENT OF LABOR  
NATURALIZATION SERVICE 1 103169

TRIPPLICATE  
(To be given to the person making  
the Declaration)

# UNITED STATES OF AMERICA

## DECLARATION OF INTENTION

Invalid for all purposes seven years after the date hereof

United States of America } In the United States District Court  
District of Rhode Island } ss: }  
-of-

I, Mary Stewart Nelson McLaren, aged 39 years,  
occupation house-wife, do declare on oath that my personal  
description is: Color white, complexion medium, height 5 feet 0 inches,  
weight 126 pounds, color of hair brown, color of eyes blue  
other visible distinctive marks none

I was born in Glasgow, Scotland  
on the 13 day of February, anno Domini 1890; I now reside  
at 91 Chandler Ave Pawtucket, Rhode Island  
(Give number, street, city or town, and State)

I emigrated to the United States of America from Glasgow, Scotland  
on the vessel Laurentian; my last  
(If the alien arrived otherwise than by vessel, the character of conveyance or name of transportation company should be given)  
foreign residence was Glasgow, Scotland; I am married; the name  
of my <sup>wife</sup>husband is Hugh; <sup>she</sup>he was born at Scotland  
and now resides at Pawtucket, P.I.; I will before being admitted to citizenship  
~~it is my bona fide intention to~~ renounce forever all allegiance and fidelity to any foreign  
prince, potentate, state, or sovereignty, and particularly ~~to~~ by name, to the prince, potentate,  
State, or sovereignty of which I may be at the time of admission a citizen or

~~of whom I am now a~~ subject; I arrived at the port of Boston  
in the State of Mass., on or about the 27 day  
of May, anno Domini 1907. I am not an anarchist. I am not a

polygamist nor a believer in the practice of polygamy; and it is my intention in good faith  
to become a citizen of the United States of America and to permanently reside therein:  
SO HELP ME GOD.

*Mary Stewart Nelson McLaren*  
(Original signature of declarant)

Subscribed and sworn to before me in the office of the Clerk of  
said Court this 19 day of June, anno Domini 1908

[SEAL]

*Mary R. E. Hall*  
Deputy Clerk of the U.S. District Court.

By \_\_\_\_\_ Clerk.

No 139300

U.S

on:

To the Honorable the DISTRICT Court of THE UNITED STATES of PROVIDENCE, RI.

The petitioner of ADELARD ROY hereby filed, respectfully shows:

(1) My place of residence is 65 Chestnut St., Cent. Falls My occupation is loomfixer

(2) I was born in St. Sebastien, Can. on Jan. 11, 1903 My race is French

(4) I declared my intention to become a citizen of the United States on April 29, 1932 in the Superior Court of Hampden Co. at Springfield, Mass.

(5) I am married. The name of my wife or husband is Fernande

we were married on July 4, 1935 at Holyoke, Mass. & he was born at Weedon, Canada on Jan. 31, 1911

at Newport, Vt. on Sept. 22, 1922 for permanent residence therein, and now resides at Central Falls, R.I. I have no children, and the name, date, and place of birth, and place of residence of each of said children are as follows:

(6) My last foreign residence was St. Sebastien, Canada I emigrated to the United States of America on May 31, 1924

was at Island Pond, Vt. under the name of Adelard Roy on May 31, 1924 on the vessel GTR

(7) I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to

THE BRITISH EMPIRE

(9) I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, since May 31, 1924 and in the County of Providence this State, continuously next preceding the date of this petition, since Nov. 1934, being a residence within said county of at least six months next preceding the date of this petition.

(10) I have not heretofore made petition for Naturalization: Number and such petition was denied by that Court for the following reasons and causes, to wit:

Attached hereto and made a part of this, my petition for citizenship, are my declaration of intention to become a citizen of the United States, certificate from the Department of Labor of my said arrival, and the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, and that my name be changed to

I, your petitioner, being duly sworn, depose and say that I have read this petition and know the contents thereof, that the same is true of my own knowledge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my full, true name.

Adelard Roy (Signature and true signature of petitioner)

AFFIDAVITS OF WITNESSES

Laurent Thibeault occupies night foreman residing at 30 Lincoln Ave., Central Falls, R.I., and Eugene Laferriere occupies weaver residing at 57 Lincoln Ave., Central Falls, R.I.

Adelard Roy, the petitioner above mentioned, since Nov. 1934 and that to his personal knowledge the petitioner has resided in the United States continuously preceding the date of filing this petition, at which this affidavit is a part, to wit, since the date last mentioned, and at Central Falls, R.I. in the County of Providence this State, in which the above-entitled petition is made, continuously since Nov. 1934 and that he has personal knowledge that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that in his opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

Laurent Thibeault Eugene Laferriere (Signatures of witnesses)

Subscribed and sworn to before me by the above-named petitioner and witnesses in the office of the Clerk of said Court at Providence this 19 day of June, Anno Domini 1936. I hereby certify that certificate of arrival No. 1-83520 from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with declaration of intention No. 31622 of such petitioner, has been by me filed with attached to, and made a part of this petition on this date.

Mary P. J. Hance Deputy Clerk

No. 17500

# Birth Certificate Applications

# Ontario

Births **before 1919**, order a copy of a registration from [Ontario Archives](#).

- Publicly available records

Births **1919 or later**, order a certified copy of birth registration through [Service Ontario](#).

- If applying for the birth certificate of a deceased person → the next of kin (parents, spouse/common-law partner, children, siblings), executor or estate trustee and/or administrator are eligible to apply.
- If ALL the next of kin are deceased → extended next of kin (aunts, uncles, first cousins, grandchildren, grandparents, nephews, nieces) or their authorized representative may apply
- These applications require a [guarantor](#) who is a Canadian citizen who has known the applicant for at least two years and is active in a designated profession. If a Canadian guarantor is not available, then an alternate guarantor may be used if they have known the applicant for at least two years and is active in a designated profession.
- Can submit the application form online and then mail or email (to Service Ontario [Customer Care E-Form](#)) in the supplementary documents (generated forms, death certificate, birth certificate of applicant, required letters of the applicant and alternate guarantor) or you can mail the application form and supplementary documents together at once.

# Quebec

The checklist for the CCC application explicitly requires a **post 1994 Quebec birth certificate from the Directeur de l'état civil**. Even if the client has a Quebec birth certificate, but it is before 1994, you still need to order the modern version.

Civil registration of births began in **1926**, as an alternative to church records, but was not required. Everything before was church or synagogue records. The Directeur de l'état civil was created in 1994 and implemented the modern civil registration system.

The Directeur de l'état civil Application:

- You need to provide a completed application form (Application for a Certificate or Copy of an Act, see <https://www.etatcivil.gouv.qc.ca/publications/DCCA-Birth.pdf> ).
- If the person is living → they will need to provide a valid I.D. and valid proof of address
- If the person is deceased → you will need to provide an **original of the person's death certificate**. If the death occurred outside of Quebec, the death certificate must be translated into French by a certified Quebec translator who is a member of the OTTIAQ (see - <https://ottiaq.org/en> )
  - It may be helpful to provide a copy of the baptismal record, synagogue record, or Court document if available. The Directeur de l'état civil will then create a birth certificate for them.
  - Must also include proof of relationship and reason for application.

# Saskatchewan

- For births that occurred **more than 100 years ago**, order a certificate through [eHealth Saskatchewan Genealogy Index](#).
- For births that occurred **less than 100 years ago**, apply for birth certificate online or by mail through [eHealth Saskatchewan](#).
  - Person applying for their own certificate must include an identification document.
  - If applying for the birth certificate of a deceased person → the applicant must be the personal representative of the estate and the will or estate letters of administration must be included in the application.

# Nova Scotia

Nova Scotia started registering births in 1864 but stopped in 1877.

From 1877 to October 1908, the government did not record births. Some births were registered later, so Nova Scotia archives has a very small number of delayed birth registrations for births that happened during this period.

Contact [Nova Scotia Archives](#) to order birth registrations for births that occurred between 1864-1877, delayed registrations of birth for births that occurred between 1830-1924, and birth registrations for births that occurred between 1908-1925.

For births that occurred from 1926 to present, order birth certificate through [Nova Scotia Vital Statistics](#).

- If applying for a birth certificate for a person who is still living → the person can apply, their parent/guardian can apply, and an authorized agent or person who has known the person for more than a year (consent form is necessary), and their lawyer can apply.
- If applying for a birth certificate for a deceased person, the executor or trustee of the estate may apply with proof.

# British Columbia

For births **before 1903**:

- [BC Archives](#) have baptismal records from 1836-1888 and birth registration records from 1854-1903.

For births **after 1903**:

- Order online or by mail through [British Columbia Vital Statistics](#).
- If applying for the birth certificate for person who is still living → use form VSA 430 by mail or [online](#). You can request to have the birth certificate sent directly to your office and not the client. Person can also give written authorization for another applicant to apply.
- If applying for the birth certificate of a deceased person → use form VSA 413. A parent or relative (son, daughter, sister, brother, spouse, grandparent, grandchild) is eligible to apply.
  - Include copy of death certificate and copy of applicant's birth certificate as proof of relationship.
  - You can request to have the birth certificate sent directly to the office and not the client.

# New Brunswick

For birth registrations and late registrations of births for births that occurred between 1800-1929 order records through the [Provincial Archives of New Brunswick](#).

For births registrations that are not available through archives, order online or by mail through [New Brunswick Vital Statistics](#).

- If applying for the birth certificate for a person who is still living → they can consent to releasing the birth certificate to whoever they choose on the application form.
- If applying for the birth certificate for a deceased person → you need to supply their death certificate and know the necessary information on the application form (dates of birth and names of parents, including mother's maiden).
  - Applicant can be child or grandchild (proof of relationship is not required).
  - It is also important to indicate that the reason for application is to obtain citizenship.

# Prince Edward Island

- Baptismal records are available for births that occurred between 1777-1923 through Prince Edward Island's [PARO Collection](#).
- It is possible to request a [Search of Vital Records](#) for a birth that occurred in the past 120 years before applying for a birth record to confirm that the record exists.
  - This search will indicate whether a birth record exists for the person but will not provide any details of the record.
  - If the record does exist, you can then apply for it separately.
- If applying for the birth certificate for a person who is **still living** → the person or an applicant that has been given written authorization can apply for the birth certificate.
- If applying for the birth certificate for a **deceased person** → you must include the birth certificates to prove the lineage from the person on the certificate to the applicant.
  - Must also include person's death certificate.
  - Documents must be originals or notarized copies.

# Newfoundland

Government mandated registration of births began in 1891. There are church records for births before 1891.

- [Familysearch.org](https://www.familysearch.org) has a lot of digitalized copies of birth registrations and church records from before 1892 and into the 1900s.

For births that occurred from 1892 to present, order birth certificate online or by mail through [Newfoundland and Labrador Vital Statistics](#).

- Any person can apply for [Certified Copy of Birth Registration](#) if the **birth occurred over 100 years ago**. Need to include applicant's government issued photo ID and proof of death.
- If applying for the birth certificate for a person who is **still living** → they can apply with one piece of photo ID or two pieces of other ID.
  - The person can also give consent to an applicant they have known for at least one year.
- If applying for the birth certificate for a **deceased person** → a spouse, adult child, and adult sibling can apply for the certificate.
  - Must include proof of death and proof of relationship. The executor or administrator of the person's estate can also apply.

# Alberta

Birth registrations for births that took place between **1870 -1906** are available at the [Provincial Archives of Alberta](#).

- Can be ordered online.

For records that are **less than 120 years old**, order birth certificate through [Alberta Vital Statistics](#).

- If applying for the birth certificate for a person who is **still living** → they can apply or their *Canadian* lawyer can apply on their behalf (a Law Society card and a letter from the lawyer on their letterhead are included with the application).
- If applying for the birth certificate for a **deceased person** → next of kin (parent, sibling, child, step-child, spouse or partner) can apply. However, grandchild **does not** qualify as next of kin. Proof of death and proof of relationship must be included.
  - If there is no living next of kin, any relative can then apply. Proof of death and proof of relationship must be included in application.
  - A person named in the will can also apply. They must include proof of death and copy of the will in the application.

# Manitoba

For births that are **100 years or older**, request a copy of the record [Manitoba Genealogical Searches for Unrestricted Records](#).

Births that occurred **less than 100 years ago** can be ordered online or by mail through [Manitoba Vital Statistics](#).

- If applying for the birth certificate for a person who is **still living** → they can apply and they can also appoint a representative by including written authorization.
- If applying for the birth certificate for a **deceased person** → a spouse, child, parent, and sibling can apply for the certificate.
  - Must include proof of death and proof of relationship.

**Thank You**