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F-4950

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MEMORANDUM TO THE MINISTER

**ENCOURAGING PEOPLE ELIGIBLE FOR AN AGE WAIVER TO WRITE THE
CITIZENSHIP TEST**

FOR DECISION

SUMMARY

- This memorandum is a follow-up to a previous memorandum (F-4720) which outlined two options for increasing the age at which applicants may be exempt from the citizenship language and knowledge requirements.
- This memorandum provides an alternative option consistent with the current age waiver for which no change to the age exemption policy would be required.
- As an alternative to increasing the exemption age, this option would encourage individuals 55 and over to write the test if they so desire by publicizing that they are eligible to do so.
- This option would promote a greater understanding of the rights and responsibilities of citizenship, and would reinforce the importance of official language ability and Canadian values, without requiring significant policy and operational changes. Should you wish to pursue this option to encourage more applicants 55 and over to write the test without changing the current exemption age, we request that you approve the option in this memorandum by signing this memo.

BACKGROUND:

- An earlier memorandum to the Minister provided two options for increasing the age waiver by five or ten years respectively. An increase of ten years was recommended to support the policy objective of promoting a greater understanding of the rights and responsibilities of citizenship and reinforce the importance of official language ability among a greater number of citizenship applicants.

- As explained in the recent memorandum, applicants aged 55 and over are exempt from meeting the language and knowledge requirements outlined in the Citizenship Act, by virtue of a policy established under the authority of section 5(3) of the Act, which provides the Minister with the authority to waive the language and knowledge requirements for any person on compassionate grounds.
- Under current practice, those aged 55 or over who wish to write the test are accommodated however this is not encouraged, nor is the option publicized. Chapter 4, Sec. 7.4 of the *Citizenship Policy Manual* states that “applicants 55 years of age or older do not have to write the test. They may, however, write the test if they wish.” The *Citizenship Policy Manual* is accessible to the public on the CIC internet.
- Several other countries provide age-based waivers for citizenship testing, such as Australia and the United Kingdom. In addition to these, other countries provide a waiver that is based on age and/or years of residence, such as the US and France. The Netherlands and Norway provide education-based exemptions for applicants with secondary or higher education in an official language. The US policy of only exempting long-term residents from the language requirement to the exclusion of the knowledge requirement makes the system less useful in the Canadian context, where for the majority of cases, language and knowledge are assessed simultaneously via the citizenship test. A Dutch-style education-based exemption would not effectively support the objective of promoting knowledge of Canadian values, history and the rights and responsibilities of citizenship. These exempted citizens would meet the language requirement, but their knowledge of civics would not be tested.

CONSIDERATIONS:

- In recognition of the fact that the Minister may wish to promote and encourage people over the age of 55 to write the test without increasing the age waiver, greater efforts can be made to raise awareness of the possibility of people age 55 and over being able to write the test.
- Section 7.4 of the manual also states that “if an applicant 55 years of age or older writes the test and fails, the language and knowledge requirements are automatically waived.” Under an approach of encouraging those 55 and over to write the test, this practice could continue.
- The alternative, of having the test result count, would require applicants to knowingly “opt out” of the existing policy. This would mean if they failed the test, the legislation requires that they have a hearing with a citizenship judge. Citizenship judges are obligated to consider discretion under subsection 15(1) of the *Citizenship Act*, which could lead to a person being granted citizenship under subsection 5(3) (knowledge and language waiver), even if they had previously opted out of the application of the policy in relation to the waiver. In short, having opted out of the age-based waiver policy, they could end up still benefiting from a waiver on humanitarian grounds, through an operationally cumbersome process.
- Permitting those aged 55 and over to write the exam, while continuing to exempt them from the requirement to meet knowledge and language requirements, requires no policy change and

would have minimal operational impacts. Failure to pass the exam would not result in a hearing with a citizenship judge. Since the general public currently has access to this information, only a minor operational change publicizing the existing policy would be required. It is unlikely that much criticism would emerge from such a change given that the current age waiver policy would remain intact.

- If awareness of the existing policy is promoted - through the application form or the website, for example - there could be additional operational pressures on the call centre and the local offices who will need to administer any additional tests and respond to questions. If statistics are required for this group of people, this could potentially result in additional pressures being placed on local offices and CPC Sydney. Despite these potential concerns, the operational impact is not expected to be significant.
- Program integrity could be enhanced if more people decide to write the test after becoming aware that they have the option to do so, since this could result in more people meeting the language and knowledge requirements. Greater exposure to *Discover Canada* would serve the government's objective of promoting acquisition of official languages and knowledge of the rights and responsibilities of Canadian citizenship, which facilitates integration and full participation in Canadian society.
- As the decision to write the test would be voluntary, those aged 55 and over who choose not to write it would not be obligated to do so. For those who choose to write the test, limited feedback of results is available as test-takers receive a "pass-fail" result rather than a score.

RESOURCE IMPLICATION(S):

- Changes to the website and notices may be required.
- Citizenship application forms may need to be changed if the option to write for people 55 and over is to be advertised on them. This could result in more calls to the call centre by people unsure whether they have to write the test or not.
- Depending on how successful the change is in encouraging people 55 and over to write the test, this could result in processing delays at local offices. This is not a significant concern, however.

COMMUNICATION IMPLICATION(S):

- Communication products would need to be developed.

RECOMMENDATION(S):

- Should you wish to promote and encourage people aged 55 and over to write the citizenship test without increasing the age waiver, we recommend you accept the option presented.