



LEGISLATIVE SUMMARY

BILL C-8: AN ACT TO AMEND THE CITIZENSHIP ACT (TRUTH AND RECONCILIATION COMMISSION OF CANADA'S CALL TO ACTION NUMBER 94)

Publication No. 43-2-C8-E

22 October 2020

Eleni Kachulis and Olivier Leblanc-Laurendeau

Parliamentary Information and Research Service

AUTHORSHIP

22 October 2020	Eleni Kachulis	Legal and Social Affairs Division
	Olivier Leblanc-Laurendeau	Legal and Social Affairs Division

ABOUT THIS PUBLICATION

Library of Parliament Legislative Summaries summarize bills currently before Parliament and provide background about them in an objective and impartial manner. They are prepared by the Parliamentary Information and Research Service, which carries out research for and provides information and analysis to parliamentarians and Senate and House of Commons committees and parliamentary associations. Legislative Summaries are revised as needed to reflect amendments made to bills as they move through the legislative process.

For clarity of exposition, the legislative proposals set out in the bill described in this Legislative Summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the House of Commons and Senate, and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent, and come into force.

Any substantive changes in this Library of Parliament Legislative Summary that have been made since the preceding issue are indicated in **bold print**.

© Library of Parliament, Ottawa, Canada, 2020

Legislative Summary of Bill C-8
(Legislative Summary)

Publication No. 43-2-C8-E

Ce document est également publié en français.

CONTENTS

1	BACKGROUND	1
1.1	Truth and Reconciliation Commission of Canada	1
1.2	Public Consultations and Reactions.....	2
2	DESCRIPTION AND ANALYSIS.....	2
2.1	Preamble.....	2
2.2	<i>Citizenship Act</i> (Clause 1)	3
2.3	Coming into Force (Clause 2)	3



LEGISLATIVE SUMMARY OF BILL C-8: AN ACT TO AMEND THE CITIZENSHIP ACT (TRUTH AND RECONCILIATION COMMISSION OF CANADA'S CALL TO ACTION NUMBER 94)

1 BACKGROUND

Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94),¹ was introduced in the House of Commons on 22 October 2020 by the Minister of Immigration, Refugees and Citizenship. The bill aims to modify the Oath or Affirmation of Citizenship, a change requiring an amendment to the *Citizenship Act*.² The current Oath of Citizenship has not been modified in over 40 years.

The Oath of Citizenship is currently presented as follows in the schedule to the *Citizenship Act*:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.

The Oath of Citizenship is a solemn declaration through which applicants swear or affirm their allegiance to the Queen of Canada. It constitutes the final legal requirement for becoming a Canadian citizen.³

Bill C-8 is identical to Bill C-6, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94), which was introduced on 18 February 2020, in the first session of the 43rd Parliament. That bill died on the *Order Paper* when Parliament was prorogued on 18 August 2020.⁴ Bill C-6 was itself almost identical to Bill C-99, An Act to Amend the Citizenship Act, which was introduced on 28 May 2019, in the 42nd Parliament, and died on the *Order Paper* when Parliament was dissolved on 11 September 2019.⁵ Unlike Bill C-99, bills C-6 and C-8 contain a preamble.

1.1 TRUTH AND RECONCILIATION COMMISSION OF CANADA

In 2015, the Truth and Reconciliation Commission of Canada (TRC) presented its six-volume final report and 94 calls to action. The TRC spent six years hearing more than 6,500 witnesses across Canada to shed light on the legacy of residential schools and to pave the way to reconciliation between Indigenous and non-Indigenous peoples. The federal government committed to implementing the calls to action in the areas that fell within its jurisdiction.

In one of two calls to action pertaining to citizenship,⁶ the TRC called upon the federal government to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.⁷

Changing the Oath of Citizenship to account for the above call to action was described as a top priority for the Minister of Immigration, Refugees and Citizenship in the Prime Minister's 2019 mandate letter.⁸

1.2 PUBLIC CONSULTATIONS AND REACTIONS

The development of the bill was guided by consultations with immigrants and Indigenous partners. In 2017, Immigration, Refugees and Citizenship Canada (IRCC) held focus groups with both recent and established immigrants regarding the citizenship oath text proposed in the TRC's calls to action. The overall reaction from the focus groups was positive, but some participants emphasized that the amended oath would need to be accompanied by sufficient education for newcomers about Indigenous peoples and treaties. Others questioned the amendment, concerned that it might create a precedent for other groups wishing to be included in the oath.⁹

In partnership with Crown-Indigenous Relations and Northern Affairs Canada, IRCC also conducted consultations with the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami.¹⁰

Some concerns were raised in the media about the version of the oath proposed in the calls to action. The concerns included questions about the ability of an individual citizen to "faithfully observe ... Treaties with Indigenous Peoples," and criticism that thousands of Indigenous people belonging to nations that did not sign treaties were not reflected in the oath.¹¹

2 DESCRIPTION AND ANALYSIS

2.1 PREAMBLE

The preamble of Bill C-8 recognizes that the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples are constitutionally protected. It also acknowledges the federal government's commitment to responding to the TRC's call to action number 94.

2.2 CITIZENSHIP ACT (CLAUSE 1)

Clause 1 replaces the Oath of Citizenship currently provided in the schedule to the *Citizenship Act* with the following text found in the schedule set out in the bill:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples, and fulfil my duties as a Canadian citizen.

The wording proposed in the bill differs from that recommended by the TRC, insofar as it refers not to “Treaties with Indigenous Peoples” but to “the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples” as recognized and affirmed in section 35 of the *Constitution Act, 1982*.¹²

Aboriginal rights are constitutionally protected collective rights held by Indigenous peoples by virtue of their historic occupation and use of the land as distinct societies with their own practices, customs and traditions. They may include Aboriginal title to the land, self-governing rights, land and resources rights, and social and cultural rights, among other rights. For their part, treaty rights are defined in the historic and modern treaties negotiated between the Crown and specific Indigenous groups.

2.3 COMING INTO FORCE (CLAUSE 2)

Clause 2 establishes that the modified oath comes into force on the day after the bill receives Royal Assent.

NOTES

1. [Bill C-8, An Act to amend the Citizenship Act \(Truth and Reconciliation Commission of Canada's call to action number 94\)](#), 2nd Session, 43rd Parliament.
2. [Citizenship Act](#), R.S.C. 1985, c. C-29, Schedule.
3. Government of Canada, [Oath of Citizenship](#).
4. [Bill C-6, An Act to amend the Citizenship Act \(Truth and Reconciliation Commission of Canada's call to action number 94\)](#), 1st Session, 43rd Parliament.
5. [Bill C-99, An Act to amend the Citizenship Act](#), 1st Session, 42nd Parliament.
6. The Truth and Reconciliation Commission of Canada [TRC] also recommended that the federal government amend the information kit for newcomers and the citizenship test “to reflect a more inclusive history of the diverse Aboriginal peoples of Canada.” Immigration, Refugees and Citizenship Canada [IRCC] is amending the citizenship guide, and changes will inform amendments to the information kit and citizenship test. See TRC, [Truth and Reconciliation Commission of Canada: Calls to Action](#), 2015, para. 93, pp. 10–11; and Government of Canada, [Newcomers to Canada](#).

7. TRC (2015), para. 94, p. 11.
8. Justin Trudeau, Prime Minister of Canada, [Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 13 December 2019.
9. The results of IRCC's consultation activities on the citizenship oath were included in a September 2017 report (not publicly available). See Stephanie Levitz, The Canadian Press, "[Proposed citizenship oath change prompts some to call for more education about Indigenous people](#)," *CBC News*, 28 September 2017; IRCC, [Departmental Results Report 2016–2017](#), 2017, p. 31; and IRCC, [Departmental Results Report 2017–2018](#), 2018, p. 35.
10. Government of Canada, *Newcomers to Canada*.
11. Tristin Hopper, "[One problem with the new citizenship oath: Citizens can't really violate an Indigenous treaty](#)," *National Post*, 6 October 2017.
12. "[Rights of the Aboriginal Peoples of Canada](#)," Part II of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, s. 35.