

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,  
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),  
GREGORY BURGESS,  
QR (BY THEIR LITIGATION GUARDIAN GREGORY BURGESS)  
PATRICK CHANDLER, PAUL CHANDLER,  
MN (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
OP (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
EMMA KENYON, MARIAN KENYON, ROGER KENYON,  
IJ (BY THEIR LITIGATION GUARDIAN EMMA KENYON),  
VICTORIA MARUYAMA  
CD (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),  
EF (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),  
ALEXANDER KOVACS,  
KL (BY THEIR LITIGATION GUARDIAN ALEXANDER KOVACS),  
THOMAS SETTERFIELD, TIMOTHY SETTERFIELD,  
GH (BY THEIR LITIGATION GUARDIAN TIMOTHY SETTERFIELD),  
DANIEL WARELIS, AND WILLIAM WARELIS**

Applicants

– and –

**ATTORNEY GENERAL OF CANADA**

Respondent

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**RESPONDENT'S FURTHER WRITTEN SUBMISSIONS**

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April 04, 2025

**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada

Ontario Regional Office

National Litigation Sector

120 Adelaide Street West, Suite #400

Toronto, ON M5H 1T1

**Per: Hillary Adams (LSO No.: 57640F)**

Tel: (416) 625-6762

Fax: (416) 954-8982

Email: [Hillary.Adams@justice.gc.ca](mailto:Hillary.Adams@justice.gc.ca)

Service: [AGC\\_PGC\\_TORONTO.IMM@JUSTICE.GC.CA](mailto:AGC_PGC_TORONTO.IMM@JUSTICE.GC.CA)

File: LEX-500074932

Lawyer for the Respondent

TO: **Haki Chambers Global**  
319 Sunnyside Avenue  
Toronto, ON M6R 2R3  
Sujit Choudhry LSO#: 45011E  
Tel: (416) 436-3679  
Email: [sujit.choudhry@hakichambers.com](mailto:sujit.choudhry@hakichambers.com)

Lawyer for the Applicants

CV-21-00 673419-0000

**ONTARIO SUPERIOR COURT OF JUSTICE**

**B E T W E E N :**

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE, AB (by their Litigation Guardian DOUGLAS ROY BROOKE), GREGORY BURGESS, QR (by their Litigation Guardian GREGORY BURGESS) PATRICK CHANDLER, PAUL CHANDLER, MN (by their Litigation Guardian PATRICK CHANDLER), OP (by their Litigation Guardian PATRICK CHANDLER), EMMA KENYON, MARIAN KENYON, ROGER KENYON, IJ (by their Litigation Guardian EMMA KENYON), VICTORIA MARUYAMA, CD (by their Litigation Guardian VICTORIA MARUYAMA), EF (by their Litigation Guardian VICTORIA MARUYAMA), ALEXANDER KOVACS, KL (by their Litigation Guardian ALEXANDER KOVACS), THOMAS SETTERFIELD, TIMOTHY SETTERFIELD, GH (by their Litigation Guardian TIMOTHY SETTERFIELD), DANIEL WARELIS, AND WILLIAM WARELIS**

Applicants

and

**THE ATTORNEY GENERAL OF CANADA**

Respondent

**RESPONDENT’S FURTHER WRITTEN SUBMISSIONS  
(MOTION FOR EXTENSION  
OF THE SUSPENDED DECLARATION OF INVALIDITY)**

**OVERVIEW**

1. In response to this Court’s Order, dated March 13, 2025, the Respondent filed additional evidence outlining the implementation of the expanded interim measure. The expanded interim measure offers discretionary consideration under s. 5(4) of the *Citizenship Act* in both urgent and non-urgent cases for individuals affected by the first-generation limit (“FGL”) and prioritizes processing for individuals born or adopted on or after December 19, 2023 whose Canadian parent has a substantial connection to Canada. Applicants with urgent

circumstances, regardless of when they were born, also continue to be considered for priority processing as per the existing process.

2. In August 2024, the Court was satisfied that the initial interim measure addressed urgent cases of hardship for those whose constitutional rights were being violated through the FGL during the suspended declaration of invalidity. The expanded interim measure acts to further remediate non-urgent cases until new legislation is enacted.

3. The Respondent, therefore, requests that the suspension of the declaration of invalidity, set to expire on April 25, 2025, at 11:59 p.m., be extended for 12 months.

#### **PART I – STATEMENT OF FACTS**

4. The Respondent continues to rely on the facts outlined in its Factum, dated March 6, 2025. In addition to these facts, the Respondent highlights the following.

5. On March 13, 2025, the Honourable Marc Miller, then Minister of Immigration, Refugees and Citizenship, announced an expansion of the interim measure.<sup>1</sup>

6. On March 23, 2025, Parliament was dissolved, triggering a federal general election with a voting day set for April 28, 2025.<sup>2</sup> The Governor General, acting in the name of His Majesty the King, issued a proclamation summoning the next Parliament to meet on May 26, 2025.<sup>3</sup>

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<sup>1</sup> Affidavit of Shawn Riel, sworn April 2, 2025 at para 5 [Riel Affidavit].

<sup>2</sup> Riel Affidavit at para 30.

<sup>3</sup> Riel Affidavit at para 30.

7. On April 1, 2025, IRCC implemented the expanded interim measure.<sup>4</sup> The requirement for urgent circumstances in order to access a discretionary grant of citizenship under s. 5(4) was removed. However, urgent cases will continue to be prioritized. In addition, the expanded interim measure opens consideration for a discretionary grant of citizenship under s. 5(4) of the *Citizenship Act* for:

- i. Those born or adopted prior to December 19, 2023 who are subject to the FGL;
- ii. Those born or adopted on or after December 19, 2023 who are subject to the FGL. Additionally, if their Canadian parent had at least 1095 days (cumulative) of physical presence in Canada prior to their birth or adoption, they will be offered consideration for a discretionary grant on a prioritized basis.
- iii. Certain individuals born before April 1, 1949 who remain subject to the FGL under s. 3(3)(a.1) and s. 3(3)(a.2) of the *Citizenship Act*.
- iv. Those who lost citizenship under s. 8 of the previous *Citizenship Act* as they failed to meet retention requirements.<sup>5</sup>

8. IRCC's public facing communications including webpages and web tools have been updated to reflect the expanded interim measure. The expanded interim measure will operate until remedial legislation is in force.<sup>6</sup>

## PART II – ISSUE

9. Whether the Respondent's evidence is sufficient to warrant extending the suspension of the declaration of invalidity?

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<sup>4</sup> Reil Affidavit at para 9.

<sup>5</sup> Riel Affidavit at para 6.

<sup>6</sup> Riel Affidavit at paras 8-9.

### PART III – ARGUMENT

#### A. THE EXPANDED INTERIM MEASURE WARRANTS EXTENDING THE SUSPENSION OF THE DECLARATION OF INVALIDITY

10. The implementation of the expanded interim measure, and the Respondent's evidence outlining the function and application of the expanded interim measure, are responsive to this Court's concerns regarding non-urgent circumstances of hardship resulting from the FGL. The expanded interim measure attenuates the ongoing effects of the FGL on rights holders because (1) it is more inclusive than the previous interim measure, thereby mitigating concerns of hardship for a larger subset of persons; and (2) it is an effective mechanism for eligible individuals to obtain Canadian citizenship. The expanded interim measure further warrants extending the suspension of the declaration of invalidity.

##### 1. The expanded interim measure offers relief to a larger subset of persons

11. Under the previous interim measure, only those persons who satisfied the urgent processing criteria were eligible for urgent processing under s. 5(4) of the *Citizenship Act*. As of February 2025, 1,170 proof of citizenship applications were received from persons impacted by the FGL. Of these applications, 355 were accepted for urgent processing for consideration of a discretionary grant of citizenship. 815 proof of citizenship applications remained in the non-urgent inventory and were not eligible for consideration under s. 5(4) under the interim measure. That number has since grown to approximately 1,000.<sup>7</sup>

12. The expanded interim measure continues to offer priority processing of s. 5(4) applications identifying urgent circumstances, with approximately 260 applications in the

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<sup>7</sup> Affidavit of Nathan Chevrier, sworn November 29, 2024, at para 60 [Chevrier Affidavit].

priority processing queue.<sup>8</sup> However, the expanded interim measure significantly expands eligibility for priority processing under s. 5(4) to those who were born or adopted on or after December 19, 2023 if their Canadian parent had at least 1095 days (cumulative) of physical presence in Canada prior to their birth or adoption, thereby satisfying the substantial connection to Canada requirement.<sup>9</sup>

13. Notably, the expanded interim measure removes urgent processing criteria as a barrier to consideration for a discretionary grant under s. 5(4). Under the expanded interim measure, a substantial number of individuals impacted by the FGL, but whose applications remain in inventory, now have access to consideration for a discretionary grant of citizenship.<sup>10</sup> Moreover, it is also expected that the Minister and her delegate would consider the Court's decision that those affected by the FGL face special and unusual hardship.

14. This Court confirmed that in assessing whether to extend the suspension of the declaration of invalidity, consideration is given to the impact of the extension on rights holders, including in light of any interim relief that may be available to them during the period of time in which the suspension of invalidity is extended.<sup>11</sup> By providing expanded interim relief to rights holders in non-urgent circumstances until remedial legislation is in force, an extension of the suspended declaration of invalidity will have even less impact on rights holders.

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<sup>8</sup> Riel Affidavit at para 15.

<sup>9</sup> Riel Affidavit at paras 7, 21.

<sup>10</sup> Riel Affidavit at para 16.

<sup>11</sup> *Bjorkquist et al v Canada (AG)*, 2024 ONSC 3554 at paras [12-14](#); *Bjorkquist et al v Canada (AG)*, 2024 ONSC 4322 at para [18](#) [*Bjorkquist* 3].

**2. The expanded interim measure is an effective mechanism to obtain Canadian citizenship for those who are eligible**

15. As outlined in the Chevrier Affidavit, under the previous interim measure, 355 applicants who identified urgent circumstances were accepted for urgent consideration for a discretionary grant of citizenship under s. 5(4) of the *Act*. Out of those being considered, 82 applicants received a discretionary grant of citizenship, a further 182 were still being processed and no applications were refused.<sup>12</sup> In other words, for the applications that were processed to completion, applications qualifying under the previous interim measure had a 100% acceptance rate.

16. This Court found that the previous interim measure sufficiently addressed situations of hardship caused by the ongoing rights violations as a result of the FGL.<sup>13</sup> While this Court expressed concerns for those in situations of hardship that do not qualify as urgent,<sup>14</sup> the expanded interim measure addresses those circumstances. Given the significant expansion of the circumstances that qualify for consideration under the expanded interim measure and the evidence demonstrating the effectiveness of the interim measure in addressing situations of hardship, the expanded interim measure is likely to be an effective mechanism in relieving non-urgent situations for a broad spectrum of circumstances.

**B. NEW INTERVENING EVENTS SINCE MARCH 13, 2025**

17. Since the hearing of this motion on March 13, 2025, there has been another change in circumstances that further justifies extending the suspension of the declaration of invalidity. The dissolution of Parliament on March 23, 2025 triggering a federal general

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<sup>12</sup> Chevrier Affidavit at para 60.

<sup>13</sup> *Bjorkquist 3* at paras [18-19](#); *Bjorkquist et al v Canada (AG)*, 2025 ONSC 1657 at para [4](#).

<sup>14</sup> *Bjorkquist et al v Canada (AG)*, 2024 ONSC 6982 at para [41](#).



election with the voting day set for April 28, 2025 and his Majesty's proclamation of March 23, 2025, summoning the next Parliament to meet on May 26, 2025,<sup>15</sup> are significant intervening events that prevent Parliament from enacting remedial legislation until a new House of Commons is elected and the Houses of Parliament resume sitting. This will not take place prior to the expiry of the suspension on April 25, 2025.

18. Parliament rose for the winter session on December 17, 2024, following this Court's December 12, 2024 hearing, which resulted in the extension of the suspended declaration of invalidity to March 19, 2025, and Parliament has not been in session since. As a result, Parliament has not been able to take any legislative action within the current four-month period of the extension of the suspended declaration of invalidity.

19. Moreover, the next Parliament has been summoned to meet on May 26, 2025, and, therefore, remedial legislation cannot be introduced until Parliament resumes sitting. Even if Parliament resumes on May 26, 2025, it is generally the case that the Senate and the House of Commons only sit until late June before Parliament rises for the summer recess, and it is not likely that Parliament will return from summer break until mid-September, 2025.<sup>16</sup>

20. In light of this context, extending the suspension of the declaration of invalidity is warranted to provide the new government with sufficient time to enact remedial legislation.

### **C. CONCLUSION**

21. The expanded interim measure is responsive to this Court's Order dated March 13, 2025 and sufficiently addresses urgent and non-urgent circumstances of hardship for those

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<sup>15</sup> Riel Affidavit at para 30.

<sup>16</sup> Exhibit "G" to the Riel Affidavit.

affected by the FGL. Moreover, the dissolution of Parliament triggering a general election and proclamation setting May 26, 2025, as the date for the summoning of the next Parliament are significant intervening events constituting a change of circumstances since the March 13, 2025 hearing. Together, these factors justify granting the requested extension of the suspension of the declaration of invalidity.

*Hillary Adams*

Dated: April 4, 2025

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Attorney General of Canada  
Department of Justice Canada  
Ontario Regional Office  
120 Adelaide Street West  
Suite 400  
Toronto, Ontario M5H 1T1  
Fax: 416-954-8982

**Per: Hillary Adams/Kevin  
Spykerman**  
Tel: (647) 625-6762  
File: LEX-500074932  
Lawyers for the Respondent

TO: The Registrar  
Ontario Superior Court of Justice

AND TO: **Hāki Chambers Global**  
319 Sunnyside Avenue  
Toronto, ON M6R 2R3  
Sujit Choudhry LSO#: 45011E  
Tel: (416) 436-3679  
Email: [sujit.choudhry@hakichambers.com](mailto:sujit.choudhry@hakichambers.com)

Lawyer for the Applicants

CV-21-00 673419-0000

**ONTARIO SUPERIOR COURT OF JUSTICE**

**B E T W E E N :**

**SARA ANN BJORKQUIST ET AL**

Applicants  
(Responding Party)

and

**THE ATTORNEY GENERAL OF CANADA**

Respondent  
(Moving Party)

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**RESPONDENT'S FURTHER WRITTEN  
SUBMISSIONS  
(MOTION TO EXTEND SUSPENSION OF  
DECLARATION)**

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**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada  
Ontario Regional Office  
120 Adelaide Street West, Suite 400  
Toronto, ON M5H 1T1  
Fax: (416) 954-8982

**Per: Hillary Adams / Kevin Spykerman**  
Tel: (416) 625-6762/ (647) 354-8538

Lawyers for the Respondent

**BJORKQUIST ET AL**

AND

**ATTORNEY GENERAL OF CANADA**

Applicants

Respondent

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

**RESPONDENT'S FURTHER WRITTEN  
SUBMISSIONS**

**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada  
Ontario Regional Office  
National Litigation Sector  
120 Adelaide Street West, Suite #400  
Toronto, ON M5H 1T1

Per: **Hillary Adams**  
LSO#: 57640F  
Tel: (416) 625-6762  
Fax: (416) 954-8982  
Email: [Hillary.Adams@justice.gc.ca](mailto:Hillary.Adams@justice.gc.ca)  
Service: [AGC\\_PGC\\_TORONTO.IMM@JUSTICE.GC.CA](mailto:AGC_PGC_TORONTO.IMM@JUSTICE.GC.CA)  
Our File: LEX-500074932

Lawyer for the Respondent

Court File No: CV-21-00 673419-0000

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

BETWEEN:

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Applicants

– and –

ATTORNEY GENERAL OF CANADA

Respondent

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**AFFIDAVIT OF SHAWN RIEL**

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I, Shawn Riel, Assistant Director, Program Guidance, Citizenship Branch with Immigration, Refugees and Citizenship Canada, of the City of Ottawa in the Province of Ontario, SWEAR THAT:

1. Since July 2021, I have been employed as Assistant Director, Program Guidance, Citizenship Branch with Immigration, Refugees and Citizenship Canada (“IRCC”). In this position, I am responsible for program management, and functional guidance and operational instructions. As such, I have knowledge of the matters stated herein.

**Citizenship Act, s. 5(4)**

2. In response to the Court’s December 19, 2023 decision, IRCC developed an interim measure which was then expanded to address the impacts of the first-generation limit (“FGL”) through s. 5(4) of the *Citizenship Act*. Subsection 5(4) grants are discretionary, and each case is considered on its own merits, taking into account all relevant factors, based on the following statutory criteria: to alleviate cases of special and unusual hardship, to alleviate cases of statelessness, and/or to reward services of an exceptional value to Canada.

3. Under s. 5(4), the Minister or her delegate may consider any number of factors in exercising their discretion as to whether an applicant satisfies the statutory criteria. How these factors are weighed and considered are within the Minister or her delegate’s discretion, and the onus is on the applicant to satisfy the decision-maker that their unique circumstances merit positive discretion under s. 5(4). However, with respect to “special and unusual hardship”, it is expected that the Minister or her delegate would consider the Court’s decision that those affected by the FGL face special and unusual hardship.

**Interim Measure and Expanded Interim Measure**

4. Within the framework of s. 5(4), the interim measure introduced in May 2024 allowed those impacted by the FGL to request consideration for a discretionary grant of citizenship under s. 5(4) of the *Citizenship Act* when they demonstrated a need for urgent processing, while Parliament considered remedial legislation.

5. To address the impact of delays in passing remedial legislation on March 13, 2025, the Honourable Marc Miller, then Minister of Immigration, Refugees and Citizenship announced

an expansion of the interim measure. Attached and marked as **Exhibit “A”** is former Minister Miller’s statement.

6. The expanded interim measure opens consideration for a discretionary grant of citizenship under s. 5(4) of the *Citizenship Act* to the following non-urgent cases:

1. Those born or adopted prior to December 19, 2023 who are subject to the FGL;
2. Those born or adopted on or after December 19, 2023 who are subject to the FGL.

Additionally, if their Canadian parent had at least 1095 cumulative days of physical presence in Canada prior to their birth or adoption, they will be offered consideration for a discretionary grant on a prioritized basis.

3. Certain individuals born before April 1, 1949 who remain subject to the FGL under s. 3(3)(a.1) and s. 3(3)(a.2) of the *Citizenship Act*.
4. Those who lost citizenship under s. 8 of the previous *Citizenship Act* as they failed to meet retention requirements.

7. The expanded interim measure ensures that applicants for a citizenship certificate (proof of citizenship) in urgent and non-urgent circumstances who are impacted by the FGL will be offered consideration for a discretionary grant of citizenship under s. 5(4). It also allows such individuals who are born or adopted on or after December 19, 2023 to be considered under s. 5(4) on a priority basis if their Canadian parent (or parent who would have been entitled to Canadian citizenship if not for the FGL) can demonstrate a substantial connection to Canada in the form of a cumulative 1095 days of physical presence in Canada prior to the birth or adoption of the child. Applicants with urgent circumstances, regardless of when they are born, also continue to be considered for priority processing as per the existing process.

8. Updates to IRCC websites have been completed, the first page of the English version of each web link is reproduced as **Exhibit “B”** to this affidavit. The updated Program Delivery Instructions referred to below, reflective of the expanded interim measure, are attached as **Exhibit “C”** to this affidavit.

9. On April 1, 2025, IRCC implemented the expanded interim measure announced on March 13, 2025, and the intention of the Minister is that it remain in effect during any further period extending the suspension of the declaration of invalidity of ss. 3(3)(a) and 3(3)(b) of the *Citizenship Act*. IRCC’s webpages (<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship.html>) and web tools <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship/application-first-generation.html> have been updated to reflect the expanded interim measure as follows:

- The requirement for urgent circumstances in order to access a discretionary grant of citizenship under s. 5(4) has been removed. However, urgent cases will continue to be prioritized;
- Details regarding substantial connection assessments for the Canadian parent of those born or adopted on or after December 19, 2023 have been added and “substantial connection” has been defined as having been physically present in Canada for a cumulative total of at least 1095 days prior to the birth or adoption of the child; and
- Prioritized consideration under s. 5(4) on the basis of their parent’s substantial connection to Canada has been noted and is available to all those born or adopted on or after December 19, 2023, including those already in the application inventory.



10. In addition, citizenship forms and letter templates have been updated to reflect the expansion of the interim measure. Attached as **Exhibit “D”** are copies of these letter templates. In addition, a new physical presence and attestation form has been developed that provides all information required to complete the substantial connection to Canada assessment, a copy of which is attached as **Exhibit “E”**.

### **Administrative Triaging of Proof of Citizenship Applications**

11. Under the expanded interim measure, all applications for a citizenship certificate (also known as a proof of citizenship) are triaged by IRCC’s Case Processing Center-Sydney (“CPC-S”) in the order in which they are received by CPC-S, subject to any requests for urgent processing, and are then triaged into the respective processing inventory to be assessed by senior citizenship decision-makers.

12. Applications for a proof of citizenship that are subject to the FGL will be identified, and all such applicants will be contacted and offered consideration for a discretionary grant of citizenship under s. 5(4).

#### **i. Proof of Citizenship Applications Identified for Urgent Processing**

13. Under the previous interim measure, all proof of citizenship applications identified as urgent were processed on a priority basis under s. 5(4). Under the expanded interim measure, applicants with urgent circumstances will continue to be considered for priority processing under s. 5(4). For applications meeting urgent circumstances, CPC-S will send a letter to the applicant advising that the FGL is still in force and asking if they would like consideration for a discretionary grant of citizenship under s. 5(4) on a priority basis. The relevant instructions for requesting consideration under s. 5(4) are provided. If the applicant confirms that they would like

consideration under s. 5(4) and submits the required additional information, the application is referred to senior citizenship decision-makers responsible for assessing and rendering decisions on discretionary grant applications.

14. The senior citizenship decision-makers will then consider these applications on a priority basis under s. 5(4), case-by-case.

15. All citizenship applications previously identified as urgent and already in the priority processing inventory will remain in queue for priority processing under the expanded interim measure. Presently, there are approximately 260 applications in the priority processing queue for s. 5(4) consideration.

**ii. Non-urgent Proof of Citizenship Applications Affected by FGL**

16. Applications that do not qualify for priority processing are considered on a first-in/first-out (“FIFO”) basis. For example, non-priority applications include: (a) citizenship applications for those born or adopted before December 19, 2023, where urgent circumstances have not been identified; and (b) citizenship applications for those born or adopted on or after December 19, 2023 that do not satisfy the substantial connection requirement and where urgent circumstances have not been identified. In addition, all non-urgent applications currently in the inventory will be moved to the FIFO inventory. Presently, there are approximately 1,000 applications in the inventory that will be moved into the FIFO inventory. Applicants may request urgent processing at any time if their circumstances change.

17. For those citizenship certificate (proof of citizenship) applications where urgent processing has not been requested, or where the urgent circumstances have not been demonstrated, CPC-S identifies those that are affected by the FGL and determines whether the applicant was born or adopted on or after December 19, 2023. Where proof of citizenship applications are affected by the FGL, the applicant will be sent a letter advising that the FGL is still in force and asking if they would like to apply for a discretionary grant of citizenship under s. 5(4). The relevant instructions for requesting consideration under s. 5(4) will be provided. For such applicants born or adopted on or after December 19, 2023, the applicant is asked if they would like consideration for prioritized processing based upon a Canadian parent's substantial connection to Canada.

18. Similarly, for all proof of citizenship applications currently in the non-urgent inventory, CPC-S will send a letter to these applicants advising that the FGL is still in force and asking if they would like consideration for a discretionary grant of citizenship under s. 5(4).

19. If the proof of citizenship applicant declines s. 5(4) consideration or they do not respond within 30 days, they are sent a second letter explaining that the current FGL rules remain in effect and they are offered s. 5(4) consideration again. If the applicant declines again or does not respond within 10 days, their proof of citizenship application is then processed in accordance with the *Citizenship Act*. If, in response to the second letter, the applicant indicates that they would like consideration under s. 5(4), CPC-S continues triaging to determine whether the application is eligible for priority processing.

20. All applicants who were born before December 19, 2023, are triaged into the FIFO inventory unless they have indicated urgent circumstances. Applicants who request and are eligible

for urgent processing as determined by CPC-S will be placed within the priority processing queue. If the application does not qualify for urgent processing, CPC-S will notify the applicant in writing and their application will remain in the regular processing inventory. If the applicant requests consideration under s. 5(4), their application for consideration of a discretionary grant under s. 5(4) will be placed into the respective processing inventory for assessment.

**iii. Substantial Connection Assessment**

21. The assessment of a substantial connection to Canada will be used for the purpose of determining who qualifies for priority processing. All proof of citizenship applications for those who were born or adopted on or after December 19, 2023 will be processed on a priority basis where the substantial connection definition is satisfied i.e. applicants whose Canadian parent (or parent who would be entitled to Canadian citizenship if not for the FGL) has a substantial connection to Canada.

22. All applicants born or adopted on or after December 19, 2023 will be sent a letter requesting additional information to determine whether they qualify for priority processing under the substantial connection assessment. Specifically, the applicant is directed to complete a physical presence form and attestation to determine whether the substantial connection requirement is met.

23. Once the physical presence form and attestation are submitted to IRCC, an assessment of the substantial connection submissions is conducted to determine whether the substantial connection requirement is satisfied. The application will then be triaged accordingly. Specifically, if the submissions satisfy the substantial connection requirement, the s. 5(4)

application will be placed into the priority processing inventory for assessment by a senior citizenship decision-maker.

24. Individuals whose Canadian parent (or parent who would be entitled to Canadian citizenship if not for the FGL) does not meet the substantial connection requirement, or who do not respond to the request for information relating to their parent's substantial connection to Canada, will have their application for consideration of a discretionary grant under s. 5(4) placed into the regular processing inventory for assessment by a senior citizenship decision-maker.

#### **Consideration of s. 5(4) Applications**

25. Senior citizenship decision-makers process all triaged s. 5(4) applications based on the inventory prioritization. Applications identified as urgent and those applications that satisfy the substantial connection to Canada requirement are processed on a priority basis. The remaining inventory of applications are processed on a FIFO basis.

26. Following assessment of the application under s. 5(4), the Minister or a delegated decision-maker will render a decision on the application. If the application is approved, the applicant will be granted citizenship.

27. If the application is refused, the applicant will not be granted citizenship under s. 5(4) and a refusal letter is sent to the applicant.

### **Stakeholder Engagement**

28. In preparation for the implementation of the expanded interim measure, IRCC contacted various stakeholders seeking their interest to participate in an information session on the expanded interim measure. The intent of the information session is to proactively communicate the changes to the interim measure to stakeholders who are either directly impacted by the FGL or who have clients impacted by the FGL.

29. The information session is scheduled for April 7, 2025. In total, 17 organizations, groups and/or unique individuals have confirmed their attendance for this session.

### **Canadian Federal Election and House of Commons Sitting Calendar**

30. Following the last hearing of this matter before the Court on March 13, 2025, Parliament was dissolved on March 23, 2025, triggering a federal general election with a voting day set for April 28, 2025. This means that no legislation can be enacted until a new House of Commons is elected and the Houses of Parliament resume sittings. His Majesty's proclamation of March 23, 2025, a copy of which is attached as **Exhibit "F"**, summons the next Parliament to meet on May 26, 2025.

31. Further, while the Senate Sitting Calendar does not provide any details given the dissolution of Parliament, the House of Commons Sitting Calendar – 2025, attached as **Exhibit "G"**, provides details with respect to the days the House is in session to introduce, consider, and pass legislation. Although the Calendar is subject to change, it is generally the case that the Senate and the House of Commons only sit until late June before Parliament rises for the summer recess, to likely return sometime in mid-September 2025.

32. I make this affidavit in support of the Respondent's position in this matter and for no other or improper purpose.

SWORN remotely from the City of Ottawa, in the Province of Ontario, to the Town of Courtice, in the Province of Ontario, on April 4, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

Commissioner for Taking Affidavits

Riel, Shawn

Digitally signed by Riel,  
Shawn  
Date: 2025.04.04 14:10:38  
-04'00'

---

SHAWN RIEL

**This is Exhibit “A”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

**A Commissioner, etc.**





[Canada.ca](#) › [Immigration, Refugees and Citizenship Canada](#) › [Newsroom](#)

# Canada to request a further extension to maintain first-generation limit to Canadian citizenship by descent

From: [Immigration, Refugees and Citizenship Canada](#)

## Statement

**Ottawa, March 13, 2025**—The Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship, issued the following statement:

“Canadian citizenship is highly valued around the world. As Minister of Immigration, Refugees and Citizenship, I’m committed to making the citizenship process as fair and transparent as possible.

The Citizenship Act currently includes a “first-generation limit” to citizenship by descent, which means that children born abroad to Canadian citizens beyond the first generation generally do not acquire Canadian citizenship automatically at birth.

On December 19, 2023, the Ontario Superior Court of Justice declared that key provisions setting out the first-generation limit for those born abroad are unconstitutional.

The government agrees that this law as it currently stands has had unacceptable consequences for Canadians whose children were born outside the country. For this reason, we did not appeal the ruling. On

May 23, 2024, we introduced former Bill C-71, An Act to amend the ~~Citizenship Act~~ (2024) **B-1-1279** to address the Court's decision while upholding the value of Canadian citizenship.

To address delays in passing Bill C-71, I am approving an interim measure to support those affected by the first-generation limit while Parliament considers legislative amendments to the Citizenship Act. Individuals in the following groups will be offered consideration for a discretionary grant of citizenship under subsection 5(4) of the Act:

- those born or adopted before December 19, 2023, who are subject to the first-generation limit
- those born or adopted on or after December 19, 2023, if their Canadian parent had at least 1,095 cumulative days of physical presence in Canada before their birth or adoption (they will be offered consideration for a discretionary grant on a prioritized basis)
- certain individuals born before April 1, 1949, who remain affected by the first-generation limit
- those who lost their citizenship under the former section 8 of the Citizenship Act due to unmet retention requirements

The government was granted an extension to the suspension of the Court's declaration until March 19, 2025. The Government of Canada is now requesting a 12-month extension to provide time to reintroduce former Bill C-71 and allow Parliament to consider and enact the legislation.

**For further information (media only), please contact:**

**Renée LeBlanc Proctor**

Press Secretary

Minister's Office

Immigration, Refugees and Citizenship Canada

B-1-1280

[Renee.Proctor@cic.gc.ca](mailto:Renee.Proctor@cic.gc.ca)

## **Media Relations**

Communications Sector

Immigration, Refugees and Citizenship Canada

613-952-1650

[media@cic.gc.ca](mailto:media@cic.gc.ca)

Search for related information by keyword: [Government and Politics](#) | [Immigration, Refugees and Citizenship Canada](#) | [Canada](#) | [Immigration and citizenship](#) | [general public](#) | [statements](#)

### **Date modified:**

2025-03-13

B-1-27

**This is Exhibit “B”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**

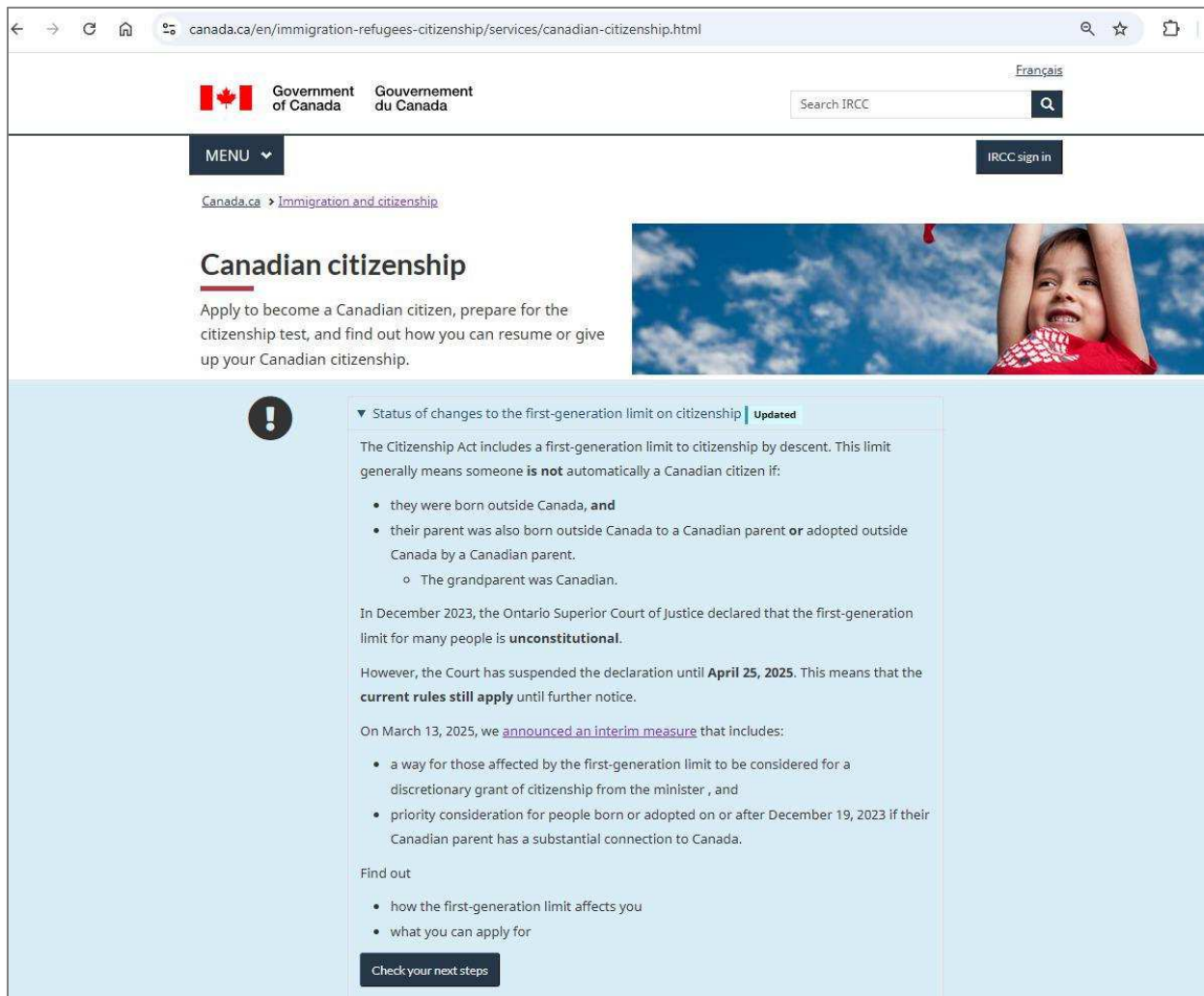
  
Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

**A Commissioner, etc.**

## Citizenship Pages - Banner Message:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship.html>



The screenshot shows the official Government of Canada website for Canadian citizenship. The header includes the Canadian flag, the text "Government of Canada" and "Gouvernement du Canada", a search bar labeled "Search IRCC", and a "Français" link. Below the header is a "MENU" button and an "IRCC sign in" button. The main heading is "Canadian citizenship", followed by a subheading: "Apply to become a Canadian citizen, prepare for the citizenship test, and find out how you can resume or give up your Canadian citizenship." To the right of the text is a photograph of a young child in a red shirt reaching up towards a blue sky with clouds. Below the main heading is a large light blue box containing an information update. It starts with a downward arrow icon and the text "Status of changes to the first-generation limit on citizenship" followed by a green "Updated" tag. The text explains that the Citizenship Act includes a first-generation limit, which generally means someone is **not** automatically a Canadian citizen if:

- they were born outside Canada, **and**
- their parent was also born outside Canada to a Canadian parent **or** adopted outside Canada by a Canadian parent.
  - The grandparent was Canadian.

It then states that in December 2023, the Ontario Superior Court of Justice declared this limit **unconstitutional**. However, the Court has suspended the declaration until **April 25, 2025**, meaning **current rules still apply** until further notice. On March 13, 2025, an [interim measure](#) was announced, which includes:

- a way for those affected by the first-generation limit to be considered for a discretionary grant of citizenship from the minister, and
- priority consideration for people born or adopted on or after December 19, 2023 if their Canadian parent has a substantial connection to Canada.

The box concludes with a "Find out" section listing:

- how the first-generation limit affects you
- what you can apply for


A "Check your next steps" button is located at the bottom of the information box.

## Web Wizard First Page:

[Changes to the first generation limit on citizenship - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship/changes-to-first-generation-limit-on-citizenship.html)

← ↻ 🏠 <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship/changes-to-first-generation-limit-on-citizenship.html> 🔍 A 📄 ☆ ⚙️ | 📄

📄 Web Slice Gallery 📄 2018-2020 Levels Pl... 📄 CBM - Competency... 📄 COVID-19 Protocol... 📄 Delegation of Spen... 📄 Departmental Resul... 🇨🇦 Directive on Leave a...

 **Government of Canada** **Gouvernement du Canada** Français

Search IRCC 🔍

**MENU** ▾

[Canada.ca](#) > [Immigration and citizenship](#) > [Canadian citizenship](#) > [Get proof of citizenship](#)

## Changes to the first-generation limit on citizenship

### Find out what you can apply for

The first-generation limit on citizenship generally means that someone **is not** automatically a Canadian citizen if:

- they were born outside Canada, **and**
- their parent was also born outside Canada to a Canadian parent **or** adopted outside Canada by a Canadian parent.
  - The grandparent was Canadian.

In December 2023, the Ontario Superior Court of Justice declared that the first-generation limit for many people is **unconstitutional**.

The Court has suspended this declaration until **April 25, 2025**. This means that the **current rules still apply** until further notice.

On March 13, 2025, we [announced an expanded interim measure](#) that includes:

- a way for those affected by the first-generation limit to be considered for a discretionary grant of citizenship from the minister
- priority consideration for people born or adopted on or after December 19, 2023 if their Canadian parent has a substantial connection to Canada.

Answer a few questions to:

- check if the first-generation limit affects you or not
- learn how to request consideration for a discretionary grant of citizenship by applying:
  - for a citizenship certificate (proof of Canadian citizenship)
  - to become a Canadian citizen as a person adopted by a Canadian citizen
  - to become a Canadian citizen

**\* Were you born outside Canada? (required)**

☐ Yes

☐ No

## Urgent Application Instruction Page:

### [When and how do I apply urgently for a citizenship certificate?](https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=1558&top=5)

The screenshot shows the IRCC Help Centre website. The browser address bar displays the URL: <https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=1558&top=5>. The page header includes a navigation menu with links to '2018-2020 Levels Pl...', 'CBM - Competency...', 'COVID-19 Protocol...', 'Delegation of Spen...', 'Departmental Resul...', and 'Directive on Leave a...'. Below the menu, the breadcrumb trail reads: [Canada.ca](#) > [Immigration and citizenship](#) > [Help Centre](#) > [All topics](#) > [Citizenship](#).

The main heading is 'Help Centre' with the subtext 'What do you need help with?'. A search bar with a 'Search' button is located below the heading.

The article title is 'When and how do I apply urgently for a citizenship certificate?'. The article is categorized under 'Status of changes to the first-generation limit on citizenship' and is marked as 'Updated'.

The article text states: 'The Citizenship Act includes a first-generation limit to citizenship by descent. This limit generally means someone **is not** automatically a Canadian citizen if'

- they were born outside Canada, **and**
- their parent was also born outside Canada to a Canadian parent **or** adopted outside Canada by a Canadian parent.
  - The grandparent was Canadian.

In December 2023, the Ontario Superior Court of Justice declared that the first-generation limit for many people is **unconstitutional**.

However, the Court has suspended the declaration until **April 25, 2025**. This means that the **current rules still apply** until further notice.

On March 13, 2025, we [announced an interim measure](#) that includes:

- a way for those affected by the first-generation limit to be considered for a discretionary grant of citizenship from the minister, and
- priority consideration for people born or adopted on or after December 19, 2023 if their Canadian parent has a substantial connection to Canada.

Find out

- how the first-generation limit affects you
- what you can apply for

A button labeled 'Check your next steps' is located at the bottom of the article content.

## Apply for a Canadian Citizenship Certificate Page:

[Apply for a Canadian citizenship certificate: Who can apply - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship...)

https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship... 2018-2020 Levels Pl... CBM - Competency... COVID-19 Protocol... Delegation of Spen... Departmental Resul... Directive on Leave a...

### Apply for a Canadian citizenship certificate: Who can apply

1. About the process 2. Who can apply 3. How to apply 4. After you apply

#### Eligibility

You should apply if you want to

- pass down your Canadian citizenship to your child who was born outside Canada
- provide a document that proves your Canadian citizenship (such as to apply for a passport, job, pension, social insurance number, etc.)
- make sure that you're a Canadian citizen
- replace a lost, destroyed or stolen certificate
- update your certificate, such as when you get a legal name change

#### Get a certificate for someone born in Canada

A provincial or territorial birth certificate should be enough to prove Canadian citizenship.  
You may still [apply for a citizenship certificate](#).

#### Get a certificate for someone born outside Canada

▼ Status of changes to the first-generation limit on citizenship Updated

The Citizenship Act includes a first-generation limit to citizenship by descent. This limit generally means someone **is not** automatically a Canadian citizen if:

- they were born outside Canada, **and**
- their parent was also born outside Canada to a Canadian parent or adopted outside Canada by a Canadian parent.
  - The grandparent was Canadian.

In December 2023, the Ontario Superior Court of Justice declared that the first-generation limit for many people is **unconstitutional**.

However, the Court has suspended the declaration until **April 25, 2025**. This means that the **current rules still apply** until further notice.

On March 13, 2025, we [announced an interim measure](#) that includes:

- a way for those affected by the first-generation limit to be considered for a discretionary grant of citizenship from the minister, and
- priority consideration for people born or adopted on or after December 19, 2023 if their Canadian parent has a substantial connection to Canada.

Find out

- how the first-generation limit affects you
- what you can apply for

[Check your next steps](#)



**This is Exhibit “C”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

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**A Commissioner, etc.**

## Updated: Interim measure for citizenship applications affected by the first-generation limit to citizenship by descent

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- [Overview](#)
- [Eligibility](#)
  - [Limits to citizenship by descent under the \*Citizenship Act\*](#)
  - [Exceptions to the first-generation limit](#)
  - [Pathways to citizenship for persons not eligible for citizenship by descent](#)
  - [Substantial Connection Assessment](#)
  - [Urgent processing](#)
  - [Offering consideration for a discretionary grant of citizenship under subsection 5\(4\) of the \*Citizenship Act\*](#)
  - [Applicants who do not respond or do not wish to be considered for a discretionary grant of citizenship](#)

### Overview

The first-generation limit (FGL) to citizenship by descent requirements of the *Citizenship Act* are changing. The FGL generally limits citizenship by descent to persons who are born or adopted to a Canadian parent abroad in the first generation (with some exceptions for children born outside Canada to Crown servants). Until the changes take effect, the current FGL rules remain in force.

On December 19, 2023, the Ontario Superior Court of Justice found that paragraphs 3(3)(a) and 3(3)(b) of the *Citizenship Act* are unconstitutional. The Court's declaration was suspended until further notice. The Court's decision did not address all cohorts of individuals impacted by the FGL including:

- those adopted abroad by Canadian citizens;
- individuals who ceased to be citizens under the former section 8 of the *Citizenship Act*;
- a subset of individuals born before January 1, 1947 or April 1, 1949 (Newfoundland and Labrador) and on those dates only one of the parents was a citizen described in paragraphs 3(1)(o),(p),(q) or (r); and,
- certain individuals whose parents are deceased.

Until the changes take effect, the current rules remain in force for all impacted applicants and this procedure is to be followed.

The following interim measure has been implemented to address proof of citizenship and adoption applications that are impacted by the FGL.

**Scenario 1:** The applicant submits a citizenship application that is subject to the FGL and was born or adopted **before** December 19, 2023.

**Scenario 2:** The applicant submits a citizenship application that is subject to the FGL and was born or adopted **on or after** December 19, 2023.

**Scenario 3:** The applicant has submitted or is submitting a citizenship application that is subject to the FGL and requests urgent processing based on the urgent processing criteria.

The Case Processing Centre – Sydney (CPC-S) at IRCC will apply the following triage criteria:

- For applicants born **before** December 19, 2023, the applicant will be sent a letter providing the option of being considered for a discretionary grant of citizenship under subsection 5(4). Once the subsection 5(4) application is created it will be referred to the senior citizenship decision-maker for regular processing as outlined in this procedure.
- For applicants born **on or after** December 19, 2023, the applicant will be sent a letter providing the option of being considered for a discretionary grant of citizenship under subsection 5(4) and requesting submissions on their Canadian parent's (or parent who would be entitled to Canadian citizenship if not for the FGL) substantial connection to Canada. Substantial connection is defined as the parent having accrued 1,095 days (cumulative) of physical presence in Canada prior to the birth or adoption of their child (the applicant). The subsection 5(4) application will be created and if substantial connection is established, the application will be referred to the senior citizenship decision-maker for priority processing. Where substantial connection is not established, the application will be created and referred to the senior citizenship decision-maker for regular processing as outlined in this procedure.
- For applicants with urgent processing needs, regardless of date of birth, may request and may be eligible for urgent processing priority as determined by CPC-S.

Once the proof of citizenship or adoption application is received at CPC-S, it will be processed in the order of receipt. CPC-S will provide the applicant with a letter that includes:

- a notice that the FGL is still in force;
- the option to request a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act* and the relevant instructions to request the grant; and,
- the option to demonstrate if at least one of their parents who is a Canadian citizen (or would be entitled to Canadian citizenship if not for the FGL) has a substantial connection to Canada, if the applicant was born on or after December 19, 2023. This would allow the applicant to benefit from priority processing.

In the letter, CPC-S will advise the applicant to provide additional documentation to support consideration for a discretionary grant of citizenship under subsection 5(4) and the right of citizenship fee, if applicable, after which the CPC-S office will create the application for subsection 5(4) consideration, triage the application accordingly and will refer the application to the Minister or a delegated decision-maker who will assess the subsection 5(4) application.

- If the subsection 5(4) application is approved, the applicant will be granted citizenship.
- If the subsection 5(4) application is not approved, the applicant will not be granted citizenship.
- If the applicant does not respond to the initial offer to be considered under subsection 5(4) or if the applicant refuses the offer, a second letter will be sent. If the applicant does not respond or refuses the second offer a decision will be made by CPC-S on their proof of citizenship or adoption application in accordance with the *Citizenship Act*.

## Eligibility

### Limits to citizenship by descent under the *Citizenship Act*

Since April 17, 2009, Canadian citizenship by birth outside Canada to a Canadian parent (citizenship by descent) is limited to the first generation.

The FGL means that, in general, persons who were not already Canadian citizens immediately before April 17, 2009, and who were born outside Canada to a Canadian parent or adopted by a Canadian parent are not Canadian or have access to the direct grant of citizenship for adopted persons under section 5.1 of the *Citizenship Act* if:

- their Canadian parent was also born outside Canada to a Canadian parent (the person is therefore the second or subsequent generation born outside Canada) **or**
- their Canadian parent was granted citizenship under section 5.1, the adoption provisions of the *Citizenship Act* (the person is therefore the second generation born outside Canada).

The FGL did not take Canadian citizenship away from any person who was a Canadian citizen immediately before the rules came into effect on April 17, 2009.

### Exceptions to the first-generation limit

The FGL does not apply to a person born outside Canada in the second or subsequent generation if:

- at the time of the person's birth or adoption, their Canadian **parent** was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province or territory (a Crown servant), other than as a locally engaged person; or,
- at the time of their Canadian parent's birth or adoption, the person's Canadian **grandparent** was employed outside Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province or territory (a Crown servant), other than as a locally engaged person.

Clients who think the above exception may apply to them or their children can contact IRCC for further information via the [web form](#) on the IRCC website.

### Pathways to citizenship for persons not eligible for citizenship by descent

Persons who are not eligible for citizenship by descent or a direct citizenship grant for adopted persons under the *Citizenship Act* may use other pathways to citizenship:

- They may be eligible to be sponsored as permanent residents under the *Immigration and Refugee Protection Act*. An application for a grant of citizenship under subsection 5(2) for a minor or a grant of citizenship under subsection 5(1) of the *Citizenship Act* may be submitted as soon as the person becomes eligible.
- If stateless, they may be eligible for a grant of citizenship for stateless persons under subsection 5(5) of the *Citizenship Act*, and may proceed with completing this application: [Applications for Grant of Citizenship for Stateless persons Born to a Canadian Parent – Subsection 5\(5\)](#). Additionally, for use in exceptional cases, the *Citizenship Act* provides the Minister with discretion to grant citizenship under subsection 5(4) to alleviate cases of statelessness. More information can be found here: [Citizenship grants: Statelessness](#).

### Substantial Connection Assessment

Citizenship applicants subject to the first-generation limit who are born or adopted on or after December 19, 2023, and who wish to be considered for a discretionary grant will be asked to demonstrate if at least one of their parents who is a Canadian citizen (or would be entitled to Canadian citizenship if not for the FGL) has a substantial connection to Canada. Substantial connection is defined as the parent having accrued 1,095 days (cumulative) of physical presence in Canada prior to the birth or adoption of their child (the applicant).

The substantial connection assessment will be used for the sole purpose of determining priority processing being offered to applicants whose Canadian parent (or parent who would be entitled to Canadian citizenship if not for the FGL) is substantially connected to Canada as outlined in these instructions.

Individuals born on or after December 19, 2023, whose Canadian parent (or parent who would be entitled to Canadian citizenship if not for the FGL) does not meet the substantial connection assessment will be offered consideration under subsection 5(4) but will not be eligible for priority processing.

Those who do not respond to the letter requesting information relating to their parent's substantial connection will be offered consideration under subsection 5(4) but will not be eligible for priority processing.

Only those who do not respond to or refuse the offer to be considered under subsection 5(4) will have their proof of citizenship or adoption application decided in accordance with the *Citizenship Act*.

**Urgent processing**

IRCC will continue to process Proof of Citizenship applications urgently in [special cases or situations](#). Applications for citizenship for persons adopted by Canadian citizens will continue to be processed on a priority basis.

IRCC will examine requests for urgent processing on a case-by-case basis to ensure the requests qualify for urgent processing. If the application does not qualify for urgent processing, the applicant will be advised in writing, and the application will remain in regular processing. Applicants may re-apply for urgent processing should their circumstances change. Urgent processing is not guaranteed.

**Offering consideration for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act***

Once the subsection 5(4) application is received by the senior citizenship decision-maker, applications will be treated in order of priority followed by those with the earliest date received. The senior citizenship decision-maker will assess the subsection 5(4) application and will render a decision or will contact the applicant if further information is required to complete the application for decision.

Information on subsection 5(4) of the *Citizenship Act* can be found at [Citizenship: Ministerial discretion to grant citizenship in special cases](#).

**Applicants who do not respond or do not wish to be considered for consideration for a discretionary grant of citizenship**

If an applicant elects not to request consideration under subsection 5(4), or does not respond following the second notice from CPC-S, their Proof of Citizenship or Adoption application will be processed in accordance with the *Citizenship Act*.

**This is Exhibit “D”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

**A Commissioner, etc.**





**ENTER DATE, 2025**

**Application: PRXXX**

**UCI: XX**

Dear applicant,

We are contacting you with regard to your recent application for Proof of Citizenship under section 3 of the *Citizenship Act*.

Based on a preliminary review of your application, it does not appear that you are a Canadian citizen pursuant to section 3 of the *Citizenship Act*. We have noted that since you were born outside Canada to a Canadian parent who was also born outside Canada, you are subject to the first-generation limit to citizenship as currently described in the *Citizenship Act*.

As you may be aware, the requirements for the first-generation limit to citizenship by descent are changing. The first-generation limit generally limits citizenship by descent to persons who are born to a Canadian parent abroad in the first generation (with some exceptions of children born outside Canada to Crown servants). Until the changes take effect, the current first-generation limit rules remain in force and Immigration, Refugees and Citizenship Canada (IRCC) can only render decisions on applications under the legislation that is in force at the time of the application is assessed.

We are contacting you at this time because while you *may not* be a citizen as a result of the first-generation limit, we believe that you *may* benefit from future changes to the first-generation limit under the *Citizenship Act*. IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act*, which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

- A signed and dated [Withdrawal letter](#) (CIT0027) for the Proof of Citizenship application.
- A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
- Photographs must be submitted and must meet requirements outlined in the Citizenship Grant [instruction guide](#).
- You are required to pay a \$119.75 right of citizenship fee (more information about paying fees can be found [here](#)).
- You must complete and submit the attached CIT0039 form entitled “Prohibitions Under the *Citizenship Act*. ”
- Security and Criminality checks will need to be completed if you are 14 years of age or older. You cannot become a citizen if you’re prohibited under the *Citizenship Act*. For example, if you are or have been:
  - serving a term of imprisonment, on parole or on probation;
  - you’re serving a sentence outside Canada;
  - you’re charged with, on trial for, or involved in an appeal for an offence under the *Citizenship Act*, or an indictable offence in Canada committed outside Canada that’s equivalent to an indictable offence in Canada;



- you're under a removal order (Canadian officials have asked you to leave Canada);
- you're being investigated for, are charged with, on trial for, involved in an appeal for or have been convicted of a war crime, or a crime against humanity;
- you had a citizenship application refused for misrepresentation in the past 5 years;
- you had your Canadian citizenship revoked (taken away) because of fraud in the past 10 years;
- you've been convicted of an indictable offence in Canada or an offence under the *Citizenship Act*, and if we received your application after June 11, 2015, this conviction took place in the 4 years before the date of your application;
- in the 4 years before the date you sign your application, you were convicted of an offence outside Canada that's equivalent to an indictable offence in Canada. This applies even if you were pardoned or granted amnesty regardless of when your application was received;
- while a permanent resident, you were convicted of terrorism, high treason, treason or spying offences served as a member of an armed force of a country or territory, or an organized armed group, that's engaged in armed conflict with Canada.

If you're not sure whether any of the above situations apply to you, contact your lawyer or arresting police officer.

- If you have spent 183 or more consecutive days outside of Canada in the past 5 years, a foreign police certificate is required.
- For applicants 14 years of age or older, you will be required to attend a Citizenship Ceremony and take the Oath of Citizenship in order to become a Canadian citizen. Information about Citizenship Ceremonies is available [here](#).
- Please note that if you are granted discretionary citizenship, the effective date of your Canadian citizenship will be the day you take the Oath of Citizenship (if you are required to do so).

Should you not wish to be considered for the discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you continue to have the option to request a final decision on your Proof of Citizenship application. However, if you are interested in requesting a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you have **thirty (30) days** from the date of this letter to respond with the requested information. Please send the information by email to:

[IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca](mailto:IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca)

Or by courier to:

IRCC Digitization Centre  
3050 Wilson Ave  
New Waterford NS B1H 5V8  
Canada

Or by mail to the address provided at the end of this letter.

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Sincerely,

**Immigration, Refugees and Citizenship Canada**  
**Case Processing Centre – Sydney**  
**Proof of Citizenship**



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada

**B-1-1296**

**PO Box 10000**  
**Sydney NS B1P 7C1**

c.c. applicant file



**ENTER DATE, 2025**

**Application: PRXXX**

**UCI: XX**

Dear applicant,

We are contacting you with regard to your recent application for Proof of Citizenship under section 3 of the *Citizenship Act*.

Based on a preliminary review of your application, it does not appear that you are a Canadian citizen pursuant to section 3 of the *Citizenship Act*. We have noted that since you were born outside Canada to a Canadian parent who was also born outside Canada, you are subject to the first-generation limit to citizenship as currently described in the *Citizenship Act*.

As you may be aware, the requirements for the first-generation limit to citizenship by descent are changing. The first-generation limit generally limits citizenship by descent to persons who are born to a Canadian parent abroad in the first generation (with some exceptions of children born outside Canada to Crown servants). Until the changes take effect, the current first-generation limit rules remain in force and Immigration, Refugees and Citizenship Canada (IRCC) can only render decisions on applications under the legislation which is in force at the time the application is assessed.

We are contacting you at this time because while you *may not* be a citizen as a result of the first-generation limit, we believe that you *may* benefit from future changes to the first-generation limit under the *Citizenship Act*. IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act*, which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

- A signed and dated [Withdrawal letter](#) (CIT0027) for the Proof of Citizenship application.
- A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
- Photographs must be submitted and must meet requirements outlined in the [Citizenship Grant instruction guide](#).
- You must complete and submit the attached CIT0039 form entitled “Prohibitions Under the *Citizenship Act*.”
- Security and Criminality checks will need to be completed if you are 14 years of age or older. You cannot become a citizen if you’re prohibited under the *Citizenship Act*. For example, if you are or have been:
  - serving a term of imprisonment, on parole or on probation;
  - you’re serving a sentence outside Canada;
  - you’re charged with, on trial for, or involved in an appeal for an offence; under the *Citizenship Act*, or an indictable offence in Canada committed outside Canada that’s equivalent to an indictable offence in Canada;
  - you’re under a removal order (Canadian officials have asked you to leave Canada);



- you're being investigated for, are charged with, on trial for, involved in an appeal for or have been convicted of a war crime, or a crime against humanity;
- you had a citizenship application refused for misrepresentation in the past 5 years;
- you had your Canadian citizenship revoked (taken away) because of fraud in the past 10 years;
- you've been convicted of an indictable offence in Canada or an offence under the *Citizenship Act*, and if your application was received after June 11, 2015, this conviction took place in the 4 years before the date of your application;
- in the 4 years before the date you sign your application, you were convicted of an offence outside Canada that's equivalent to an indictable offence in Canada. This applies even if you were pardoned or granted amnesty regardless of when your application was received;
- while a permanent resident, you were convicted of terrorism, high treason, treason or spying offences served as a member of an armed force of a country or territory, or an organized armed group, that's engaged in armed conflict with Canada.

If you're not sure whether any of the above situations apply to you, contact your lawyer or arresting police officer.

- If you have spent 183 or more consecutive days outside of Canada in the past 5 years, a foreign police certificate is required.
- For applicants 14 years of age or older, you will be required to attend a Citizenship Ceremony and take the Oath of Citizenship in order to become a Canadian citizen. Information about Citizenship Ceremonies is available [here](#).
- Please note that if you are granted discretionary citizenship, the effective date of your Canadian citizenship will be the day you take the Oath of Citizenship (if you are required to do so).

Should you not wish to be considered for the discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you continue to have the option to request a final decision on your Proof of Citizenship application. However, if you are interested in requesting a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you have **thirty (30) days** from the date of this letter to respond with the requested information. Please send the information by email to:

[IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca](mailto:IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca)

Or by courier to:

IRCC Digitization Centre  
3050 Wilson Ave  
New Waterford NS B1H 5V8  
Canada

Or by mail to the address at the end of this letter.

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Sincerely,

Immigration, Refugees and Citizenship Canada  
Case Processing Centre – Sydney  
Proof of Citizenship  
PO Box 10000



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada

**B-1-1299**

**Sydney NS B1P 7C1**

c.c. applicant file



**ENTER DATE, 2025**

**Application: PRXXX**

**UCI: XX**

Dear applicant,

We are contacting you with regard to your recent application for Proof of Citizenship under section 3 of the *Citizenship Act*.

Based on a preliminary review of your application, it does not appear that you are a Canadian citizen pursuant to section 3 of the *Citizenship Act*.

As you may be aware, the requirements for the ‘first-generation limit’ to citizenship by descent are changing. The first-generation limit generally limits citizenship by descent to persons who are born to a Canadian parent abroad in the first generation (with some exceptions of children born outside Canada to Crown servants). Until the changes take effect, the current first-generation limit rules remain in force and Immigration, Refugees and Citizenship Canada (IRCC) can only render decisions on applications under the legislation which is in force at the time the application is assessed.

We are contacting you at this time because while you *may not* be a citizen as a result of the first-generation limit, we believe that you *may* benefit from future changes to the first-generation limit under the *Citizenship Act*. IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act*, which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

- A signed and dated [Withdrawal letter](#) (CIT0027) for the Proof of Citizenship application.
- A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
- Photographs must be submitted and must meet requirements outlined in the [Citizenship Grant instruction guide](#).
- Please note that if you are granted discretionary citizenship, the effective date of your Canadian citizenship will be the date your application is granted.

Should you not wish to be considered for the discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you continue to have the option to request a final decision on your Proof of Citizenship application. However, if you are interested in requesting a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you have **thirty (30) days** from the date of this letter to respond with the requested information. Please send the information by email to:

[IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca](mailto:IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca)

Or by courier to:



IRCC Digitization Centre  
3050 Wilson Ave  
New Waterford NS B1H 5V8  
Canada

Or by mail to the address below.

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Sincerely,

**Immigration, Refugees and Citizenship Canada**  
**Case Processing Centre – Sydney**  
**Proof of Citizenship**  
**PO Box 10000**  
**Sydney NS B1P 7C1**

c.c. applicant file





**ENTER DATE, 2025**

**Application: PRXXX**

**UCI: XX**

Dear applicant,

We are contacting you with regard to your recent application for Proof of Citizenship under Section 3 of the *Citizenship Act*.

Based on a preliminary review of your application, it does not appear that you are described as a citizen under Section 3 of the *Citizenship Act*. We have noted that since you were born outside Canada to a Canadian parent who was also born outside Canada, you are subject to the first-generation limit to citizenship as currently described in the *Citizenship Act*.

As you may be aware, the requirements for the first-generation limit to citizenship by descent are changing. The first-generation limit generally limits citizenship by descent to persons who are born to a Canadian parent abroad in the first generation (with some exceptions of children born outside Canada to Crown servants). Until the changes take effect, the current first-generation limit rules remain in force and Immigration, Refugees and Citizenship Canada (IRCC) can only render decisions on applications under the legislation which is in force at the time the application is assessed.

We are contacting you at this time because while you *may not* be a citizen as a result of the first-generation limit, we believe that you *may* benefit from future changes to the first-generation limit under the *Citizenship Act*. IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act* which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

- A signed and dated [Withdrawal letter](#) (CIT0027) for the Proof of Citizenship application.
- A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
- Photographs must be submitted and must meet requirements outlined in the Citizenship Grant [instruction guide](#).
- The attached substantial connection questionnaire, completed and signed, if you are interested in being considered on a prioritized basis under the [interim measure for citizenship applications affected by the first-generation limit \(FGL\) to citizenship by descent](#).
- Please note that if you are granted discretionary citizenship, the effective date of your Canadian citizenship will be the date your application is granted.

Should you not wish to be considered for the discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you continue to have the option to request a final decision on your Proof of Citizenship application. However, if you are interested in requesting a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you have **thirty (30) days** from the date of this letter to respond with the requested information. Please send the information by email to:



[IRCC.ClientInformation-InformationClient.IRCC@cic.gc.ca](mailto:IRCC.ClientInformation-InformationClient.IRCC@cic.gc.ca)

Or by courier to:

IRCC Digitization Centre  
3050 Wilson Ave  
New Waterford NS B1H 5V8  
Canada

Or by mail to the address at the end of this letter.

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Sincerely,

**Immigration, Refugees and Citizenship Canada**  
**Case Processing Centre – Sydney**  
**Proof of Citizenship**  
**PO Box 10000**  
**Sydney NS B1P 7C1**

c.c. applicant file



**ENTER DATE, 2025**

**Application: PRXXX**

**UCI: XX**

Dear applicant,

We are contacting you with regard to your recent application for Proof of Citizenship under section 3 of the *Citizenship Act*.

**[Select the relevant paragraph]**

On **[date 5(4) Request letter sent]** we sent you letter (enclosed) advising that you may be considered for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act* and asked you to provide additional information, forms and document(s) should you wish to be considered for a discretionary grant of citizenship. You did not provide a response by the specified date.

**OR**

On **[date 5(4) Request letter sent]** we sent you a letter (enclosed) advising that you may be considered for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act* and asked you to provide additional information, forms and document(s) should you wish to be considered for a discretionary grant of citizenship. You responded indicating that you do not wish to be considered for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*. We would like to confirm that this is your final decision before we proceed accordingly.

As it appears that you are not a Canadian citizen because you are subject to the first-generation limit to citizenship by descent, should you not respond to this letter to request a discretionary grant of citizenship, or indicate that you do not wish to be considered for a discretionary grant of citizenship, a final decision will be made on your Proof of Citizenship application in accordance with the *Citizenship Act*.

If you wish to be considered for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act*, you have **ten (10) days** from the date of this letter to submit the required information as outlined in the previous letter enclosed for your reference. Please send the information by email to:

[IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca](mailto:IRCC.ClientInformation-InformationsClient.IRCC@cic.gc.ca)

Or by courier to:

IRCC Digitization Centre  
3050 Wilson Ave  
New Waterford NS B1H 5V8  
Canada

Or by mail to the address provided at the end of this letter.

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.



Immigration, Refugees and Citizenship Canada has additional information on our website about the status of changes to the first-generation limit on citizenship which may be helpful:

Canadian citizenship - Canada.ca: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship.html>

Changes to the first generation limit on citizenship - Canada.ca: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/proof-citizenship/application-first-generation.html>

Sincerely,

**Immigration, Refugees and Citizenship Canada**  
**Case Processing Centre – Sydney**  
**Proof of Citizenship**  
**PO Box 10000**  
**Sydney NS B1P 7C1**

c.c. applicant file



Date: [Click here to enter a date.](#)

UCI: XXXX

Application Number: XXXX

[GIVEN NAME] [FAMILY NAME]

[UNIT] – [STREET NUMBER] [STREET]

P.O.Box: [XXXX]

[CITY] [PROVINCE] [POSTAL CODE]

Dear applicant,

We are contacting you with regard to your request for urgent processing of your application for Proof of Citizenship under section 3 of the *Citizenship Act*.

Your request for urgent processing consideration has been reviewed. Following a review of your submissions, we have determined that your request does not meet the eligibility criteria for urgent processing for special cases or urgencies. As such, your application will remain in regular processing. Should your circumstances change, you may submit another request for urgent processing consideration.

Correspondence with important information on the processing of your application will follow.

Sincerely,

**Immigration, Refugees and Citizenship Canada**  
**Case Processing Centre – Sydney**  
**Proof of Citizenship**  
**PO Box 10000**  
**Sydney NS B1P 7C1**

c.c. applicant file

Date: March 28, 2025

Application Number: «Application\_Num»

UCI: «Formatted\_UCI»



«Given\_Name» «Family\_Name»



C/O [NAME OF PRIMARY PARENT/REPRESENTATIVE]

«PA\_Unit»-«PA\_StreetNum» «PA\_StreetAddr»

«PA\_StreetAddr2»

PO BOX «PA\_POBox»

«PA\_CityTown» «PA\_ProvinceState» «PA\_PostalCode»

Dear «Given\_Name» «Family\_Name»:

This refers to your “Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947) – **Part 1**” which you submitted on behalf of your adopted child or the child you are in the process of adopting.

In order for the child to be granted citizenship, one of the adoptive parents must be a Canadian citizen **at the time of the adoption**. Based on the information and documentation provided at least one of the child’s adoptive parents is currently a Canadian citizen or was a Canadian citizen at the time of the adoption; however, the adoptive parent was born abroad and is currently limited from passing on citizenship by descent due to the first-generation limit rules.

In December 2023, the Ontario Superior Court of Justice declared that the first-generation limit for many individuals is unconstitutional. The Court suspended this declaration meaning the current first-generation limit rules remain in effect until further notice. More information can be found here [Changes to the first generation limit on citizenship - Canada.ca](https://www.canada.ca/en/immigration-refugee-citizenship/news/2023/12/first-generation-limit-constitutionality.html)

Until the first-generation limit rules change, applications affected by the first-generation limit will proceed through an [interim measure](#). More information can be found here [Program delivery update: Interim measures for applications affected by the first-generation limit - Canada.ca](#).

IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act*, which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

1. The “Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947) – **Part 2**”, which can be downloaded and printed from our Web site at <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-canadian-citizenship-adopted-person.html>. **Part 2** of the application must be submitted within three (3) years of the date of this decision letter. Be sure to include all the necessary documents described in the instruction guide and document checklist. All requirements of Part 2 will be assessed and must be met before the application can be considered under subsection 5(4) of the *Citizenship Act*.
2. A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
3. A Canadian Citizenship Certificate Preparation Form which will be used to prepare your child’s citizenship certificate if, and after citizenship is granted. This form must be completed in full and **must include** the full name of your child and one citizenship photograph (please refer to the Citizenship Photograph Specifications form – CIT 0021).

Should you wish not to proceed with the citizenship process through the interim measure, you may withdraw this application. For more information on withdrawing your application please visit [How to withdraw or cancel a citizenship application - Canada.ca](#). Submitting **Part 2** of this application along with a request for consideration under subsection 5(4) of the *Citizenship Act* will be considered as confirmation that you wish for the processing to continue under the interim measure. **Please note, this letter cannot be used as proof of citizenship.**

To continue the citizenship process for your child, please provide the above noted items to the following address:

IRCC Montréal  
1025 St-Jacques  
Montréal, QC, H3C 1G8

**Note:** This letter does not mean that the adopted child has been granted Canadian citizenship nor does it guarantee the child will be granted citizenship. **Part 2** of the application must be submitted before we can make a final decision on the child’s citizenship application. ***This letter is not a travel document.***

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Thank you,

[NAME OF CITIZENSHIP OFFICIAL]

Citizenship Official

Case Processing Centre - Sydney

ADOPTION

PO Box 10030

Sydney NS B1P 7C1

c.c. applicant file



Date: March 28, 2025

Application Number: «Application\_Num»

UCI: «Formatted\_UCI»



«Given\_Name» «Family\_Name»



C/O [NAME OF PRIMARY PARENT/REPRESENTATIVE]

«PA\_Unit»-«PA\_StreetNum» «PA\_StreetAddr»

«PA\_StreetAddr2»

PO BOX «PA\_POBox»

«PA\_CityTown» «PA\_ProvinceState» «PA\_PostalCode»

Dear «Given\_Name» «Family\_Name»:

This refers to your “Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947) – **Part 1**” which you submitted on behalf of your adopted child or the child you are in the process of adopting.

In order for the child to be granted citizenship, one of the adoptive parents must be a Canadian citizen **at the time of the adoption**. Based on the information and documentation provided, at least one of the child’s adoptive parents is currently a Canadian citizen or was a Canadian citizen at the time of the adoption; however, the adoptive parent was born abroad and is currently limited from passing on citizenship by descent due to the first-generation limit rules.

In December 2023, the Ontario Superior Court of Justice declared that the first-generation limit for many individuals is unconstitutional. The Court suspended this declaration meaning the current first-generation limit rules remain in effect until further notice. More information can be found here [Changes to the first generation limit on citizenship - Canada.ca](https://www.canada.ca/en/immigration-refugee-citizenship/news/2023/12/first-generation-limit-constitutionality.html)

Until the first-generation limit rules change, applications affected by the first-generation limit will proceed through an [interim measure](#). More information can be found here [Program delivery update: Interim measures for applications affected by the first-generation limit - Canada.ca](#).

IRCC has determined that individuals who are subject to the first-generation limit may have their application considered under subsection 5(4) of the *Citizenship Act*, which allows the Minister to use his or her discretion to grant citizenship to any person in order to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Grants under this subsection are made in exceptional cases and each case is considered on its own merit. Should you wish to be considered for this grant, please submit the following:

1. The “Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947) – **Part 2**”, which can be downloaded and printed from our Web site at <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/application-canadian-citizenship-adopted-person.html>. Be sure to include all the necessary documents described in the instruction guide and document checklist. **Part 2** of the application must be submitted within three (3) years of the date of this decision letter. All requirements of Part 2 will be assessed and must be met before the application can be considered under subsection 5(4) of the *Citizenship Act*.
2. A letter requesting consideration under subsection 5(4) of the *Citizenship Act* dated and signed. It is important that you indicate which of the criteria (statelessness, special and unusual hardship or exceptional service to Canada) that you believe your situation falls under and provide documentary evidence that you meet this criteria.
3. A Canadian Citizenship Certificate Preparation Form will be used to prepare your child's citizenship certificate if and after citizenship is granted. This form must be completed in full and **must include** the full name of your child and one citizenship photograph (please refer to the Citizenship Photograph Specifications form – CIT 0021).
4. The enclosed ‘Calculating Substantial Connection to Canada’ questionnaire if you are interested in being considered on a prioritized basis under the [interim measure for citizenship applications affected by the first-generation limit \(FGL\) to citizenship by descent](#).

Should you wish not to proceed with the citizenship process through the interim measure, you may withdraw this application. For more information on withdrawing your application please visit [How to withdraw or cancel a citizenship application - Canada.ca](#). Submitting **Part 2** of this application along with a request for consideration under subsection 5(4) of the *Citizenship Act* will be considered as confirmation that you wish for the processing to continue under the interim measure. **Please note, this letter cannot be used as proof of citizenship.**

To continue the citizenship process for your child, please provide the above noted items to the following address:

IRCC Montréal  
1025 St-Jacques  
Montréal, QC, H3C 1G8

**Note:** This letter does not mean that the adopted child has been granted Canadian citizenship nor does it guarantee the child will be granted citizenship. **Part 2** of the application must be submitted before we can make a final decision on the child's citizenship application. ***This letter is not a travel document.***

Please note that you may be contacted by IRCC to provide additional documents or information once your application has been reviewed.

Thank you,

[NAME OF CITIZENSHIP OFFICIAL]

Citizenship Official

Case Processing Centre - Sydney

ADOPTION

PO Box 10030

Sydney NS B1P 7C1

c.c. applicant file

**This is Exhibit “E”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

**A Commissioner, etc.**

# **CALCULATING SUBSTANTIAL CONNECTION TO CANADA TO BE CONSIDERED ON A PRIORITIZED BASIS**

This questionnaire will assist in calculating whether the applicant has a Canadian citizen parent with a substantial connection to Canada in order to process their application under s.5(4) of the *Citizenship Act* on a prioritized basis. To be considered as having a substantial connection to Canada, at least one of the applicant's parents must be a Canadian citizen (or would have been entitled to Canadian citizenship if not for the first-generation limit to citizenship by descent) with 1,095 days (cumulative) of physical presence in Canada before the applicant was born or adopted abroad.

On December 19, 2023, the Ontario Superior Court of Justice declared that provisions setting out the first-generation limit to citizenship by descent for many individuals are unconstitutional. For applicants born on or after December 19, 2023, who are subject to the first-generation limit, IRCC is offering consideration for a discretionary grant of citizenship under subsection 5(4) of the *Citizenship Act* on a prioritized processing basis to applicants if they can demonstrate that at least one of their parents is a Canadian citizen (or would have been entitled to Canadian citizenship if not for the first-generation limit) who has a substantial connection to Canada.

## **APPLICANT'S INFORMATION**

Last Name:

First Name:

## **CANADIAN CITIZEN PARENT'S INFORMATION** *(include the name of the parent with a substantial connection to Canada)*

Last Name:

First Name:

## **Section 1 – Determine the relevant period**

Enter the date the Canadian citizen parent was born in Box A

**Box A:**  
Date (YYYY-MM-DD)

Enter the date the applicant was born in Box B

**Box B:**  
Date (YYYY-MM-DD)

Enter the date the applicant was adopted in Box C (if applicable)

**Box C:**  
Date (YYYY-MM-DD)

**RELEVANT PERIOD = Date in Box A \_\_\_\_\_ to Date in Box B (or Box C instead, if applicable) \_\_\_\_\_.**

**The Canadian citizen parent's substantial connection calculation only requires information within this RELEVANT PERIOD.**

**Section 2 – Calculating substantial connection to Canada between the date of birth of the Canadian citizen parent and the date of birth or adoption of the applicant.**

**Time spent in Canada: Use this information when completing the Canadian citizen parent's (or parent who would have been entitled to Canadian citizenship if not for the first-generation limit) substantial connection calculation.**

Provide a detailed list of all the time the Canadian citizen parent (or parent who would have been entitled to Canadian citizenship if not for the first-generation limit) spent in Canada during the relevant period. Include as much information as possible to ensure an accurate calculation. Once all of the time spent in Canada is listed indicating the day the parent entered Canada and the day they left Canada, calculate the "total # of days in Canada." If you need more space, please continue on a separate piece of paper.

Note: The dates entered Canada and the dates left Canada (i.e. the date on which the parent arrived in Canada and the date on which the parent departed Canada) are counted in the total number of days spent in Canada.

Example calculation:

Date Entered Canada (YYYY-MM-DD)	Date left Canada (YYYY-MM-DD)	Destination in Canada	Reason for time spent in Canada	Total number of days spent in Canada
1985-06-21	1985-06-28	Niagara Falls	Family visit & vacation	8

**Parent's time spent in Canada**

Date Entered Canada (YYYY-MM-DD)	Date left Canada (YYYY-MM-DD)	Destination in Canada	Reason for time spent in Canada	Total number of days spent in Canada
Box C: Total number of days spent in Canada				###

Did any of the time spent in Canada, listed in section 2, include time where the parent was serving a term of imprisonment, under a probation order and/or was a paroled inmate?

☐ Yes

☐ No

**DECLARATION**

I declare that, to the best of my knowledge, the information provided on this form is true, correct and complete.

**PARENT'S/GUARDIAN'S Signature**

(you must type your name or sign inside the box in black ink only)

\_\_\_\_\_  
City

\_\_\_\_\_  
Date (YYYY-MM-DD)

**This is Exhibit “F”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

---

**A Commissioner, etc.**





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› [Publications](#) › [Part II: Vol. 159 \(2025\)](#)

# Proclamation Summoning the House of Commons to Meet on May 26, 2025: SI/2025-59

Canada Gazette, Part II, Volume 159, Extra Number 3

Registration

SI/2025-59 March 24, 2025

CONSTITUTION ACT, 1867

## Proclamation Summoning the House of Commons to Meet on May 26, 2025

Mary May Simon

[L.S.]

Canada

Charles the Third, by the Grace of God King of Canada and His other Realms and Territories, Head of the Commonwealth.

Shalene Curtis-Micallef

Deputy Attorney General

Great Seal of Canada

TO ALL TO WHOM these presents shall come or whom the same may in any way concern,

GREETING:

## A Proclamation

Whereas We are desirous to meet Our People of Canada as soon as may be and to have their advice in Parliament;

WE DO HEREBY, by and with the advice of Our Prime Minister of Canada, under section 38 of the *Constitution Act, 1867*, summon and call together the House of Commons, to meet at Our City of Ottawa, on Monday, May 26, 2025, then and there to have conference and treaty with the Senate.

IN TESTIMONY WHEREOF, We have issued and caused this Our Proclamation to be published and the Great Seal of Canada to be affixed to it.

WITNESS:

Our Right Trusty and Well-beloved Mary May Simon, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, Chancellor and Commander of Our Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

At the City of Ottawa, March 23, 2025, in the third year of Our Reign.

BY COMMAND,

Philip Jennings

Deputy Registrar General of Canada

B-1-66

GOD SAVE THE KING

B-1-1320

B-1-67

**This is Exhibit “G”  
mentioned and referred  
to in the affidavit of  
Shawn Riel Sworn  
remotely on this 4 day of  
April 2025.**



Janet Elizabeth Forbes,  
a Commissioner, etc., Province  
of Ontario, for the Government  
of Canada, Department of Justice.  
Expires February 11, 2028

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**A Commissioner, etc.**

House of Commons Sitting Calendar – 2025

B-1-1322

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	
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16	17	18	19	20	21	22
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29	30					

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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30	31					

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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- Adjournment tabling
- Sitting days (73 in total)
- \* Sitting days with possible extension of sitting hours (S.O. 27(1))
- Subject to change before September 30, 2024 (S.O. 28(2)(b))

**BJORKQUIST ET AL**

AND

**ATTORNEY GENERAL OF CANADA**

Applicants

Respondent

***SUPERIOR COURT OF JUSTICE  
ONTARIO***

Proceeding Commenced at  
TORONTO

**AFFIDAVIT OF SHAWN RIEL**

**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada

Ontario Regional Office National Litigation Sector120

Adelaide Street West Suite #400Toronto, ON M5H 1T1

Fax: (416) 954-8982

Per: **Hillary Adams/Kevin Spykerman**

LSO#: 57640F

Tel: (647) 625-6762

Email: [Hillary.Adams@justice.gc.ca](mailto:Hillary.Adams@justice.gc.ca)

Service: [AGC\\_PGC\\_Toronto.IMM@justice.gc.ca](mailto:AGC_PGC_Toronto.IMM@justice.gc.ca)

Our File: LEX-500074932

Lawyers for the Respondent

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,  
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),  
GREGORY BURGESS,  
QR (BY THEIR LITIGATION GUARDIAN GREGORY BURGESS),  
PATRICK CHANDLER, PAUL CHANDLER,  
MN (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
OP (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
EMMA KENYON, MARIAN KENYON, ROGER KENYON,  
IJ (BY THEIR LITIGATION GUARDIAN EMMA KENYON),  
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CD (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),  
EF (BY THEIR LITIGATION GUARDIAN VICTORIA MARUYAMA),  
ALEXANDER KOVACS,  
KL (BY THEIR LITIGATION GUARDIAN ALEXANDER KOVACS),  
THOMAS SETTERFIELD, TIMOTHY SETTERFIELD,  
GH (BY THEIR LITIGATION GUARDIAN TIMOTHY SETTERFIELD),  
DANIEL WARELIS, and WILLIAM WARELIS**

Responding Parties / Applicants

– and –

**ATTORNEY GENERAL OF CANADA**

Moving Party / Respondent

---

**SUPPLEMENTARY FACTUM OF THE RESPONDING PARTIES / APPLICANTS**

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**PART I – OVERVIEW**

1. The Court has granted four extensions to the suspended declaration of invalidity it issued on December 19, 2023 striking down the second generation limit in sections 3(3)(a) and (b) of the *Citizenship Act*. The suspension now expires on April 25, 2025. The

questions before the Court in its April 11, 2025 hearing are whether to grant a fifth extension, and if so, for how long.

2. On March 13, 2025, the Court rejected the Respondent's request for a 12 month extension from March 20, 2025 until March 20, 2026, and ordered them to file new evidence of the expanded interim measure to confer citizenship on individuals affected by the second generation limit under s. 5(4) of the *Citizenship Act*.<sup>1</sup> According to that evidence, it appears that the expanded interim measure was formally announced by the former Minister on the day of the last hearing – quite possibly, during it.<sup>2</sup>

3. On March 24, 2025, the Governor General dissolved Parliament and issued Election Writs for the 2025 General Election on April 28, 2025.<sup>3</sup> She also summoned Parliament for May 26, 2025.<sup>4</sup> In light of the election, the Respondent has modified the relief they seek – although they neither sought leave to amend their Notice of Motion nor filed a new Notice. They now seek an extension until April 25, 2026, instead of March 20, 2026.<sup>5</sup> If granted, the suspension will total 28 months. This will likely be the longest suspended declaration of invalidity ever granted by a Canadian court.

4. The Applicants reiterate that the Court should dismiss the Respondent's motion and allow the suspension to expire on April 25, 2025. Since the expanded interim measure purports to “mirror” Bill C-71, the suspension no longer appears to serve any purpose.<sup>6</sup>

5. In the alternative, the Court should only grant a three month extension, until July 19, 2025. This extension accounts for the combined effects of the Winter Recess, prorogation,

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<sup>1</sup> *Bjorkquist et al. v. Attorney General of Canada*, [2025 ONSC 1657](#), para [16b](#) [*Bjorkquist 6*].

<sup>2</sup> Affidavit of Shawn Riel (dated April 4, 2025), para 5 and Exhibit A [*Riel Affidavit*].

<sup>3</sup> *Proclamation Dissolving Parliament*: [SI/2025-57](#); *Proclamation Issuing Election Writs*: [SI/2025-58](#).

<sup>4</sup> *Proclamation Summoning the House of Commons to Meet on May 26, 2025*: [SI/2025-59](#).

<sup>5</sup> Respondent's Further Written Submissions, para 3.

<sup>6</sup> Affidavit of Patrick Milord (dated March 5, 2025), para 10 [*Milord Affidavit*].



dissolution, and the 2025 General Election, with a penalty for the Respondent's breach of its duty of "legislative diligence" in failing to treat Bill C-71 as "a priority" on the Parliamentary agenda.<sup>7</sup>

## PART II – FACTS

6. With leave of the Court, the Applicants have filed an affidavit attaching as an exhibit a news release posted on the official website of the Prime Minister's Office and dated March 21, 2025.<sup>8</sup> It states that (emphasis added):

To build a stronger and fairer economy, **he** [i.e. the Prime Minister] **committed to table legislation by July 1, 2025**, to eliminate all federal barriers to interprovincial trade and labour mobility and to remove all federal exemptions under the Canada Free Trade Agreement.

7. The news release is admissible for the truth of its contents under the public document exception to the hearsay rule.<sup>9</sup>

## PART III – LEGAL ARGUMENT

### Issues

8. The Court must answer two questions:
  - a. Should the suspended declaration of invalidity be allowed to expire?
  - b. If not, how long an extension should the Court grant?

<sup>7</sup> *Bjorkquist et al. v. Attorney General of Canada*, [2024 ONSC 6982](#), paras [19-26](#), [36-39](#), [42a](#) [*Bjorkquist* 5].

<sup>8</sup> Affidavit of Mani Kakkar (dated April 8, 2025), Exhibit A. The press release is posted online at: <https://www.pm.gc.ca/en/news/news-releases/2025/03/21/prime-minister-carney-meets-premiers-and-shares-his-plan-build>.

<sup>9</sup> *A.P. v. L.K.*, [2021 ONSC 150](#), paras [147-155](#).

**Issue 1: Should the suspended declaration of invalidity be allowed to expire?**

9. The suspended declaration of invalidity should be allowed to expire, because in light of the extended interim measure, the suspension no longer serves any practical purpose, unnecessarily prolongs this litigation and adds to confusion among applicants for grants of citizenship under s. 5(4) of the *Citizenship Act*.

10. Since June 2024, the Respondent's principal argument for extensions has been that to allow the unconstitutional provisions to fall before Bill C-71 is enacted and proclaimed into force would be inconvenient and burdensome for public administration. This is because the second generation limit would remain in place for individuals beyond the scope of this litigation, such as international adoptees and persons born before April 1, 1949. IRCC would be required to administer two different legal regimes at the same time, applying the second generation limit to some individuals but not others.

11. Whatever the force of this objection, since April 1, 2025, it has not been relevant. The Respondent now concedes that under the expanded interim measure the mere fact of being subject to the second generation limit constitutes "special and unusual hardship" under s. 5(4) of the *Citizenship Act*.<sup>10</sup> **Every** person to whom the second generation limit denies citizenship meets this threshold, and should receive a grant of citizenship under s. 5(4) if they apply. In substance, the second generation limit no longer applies to anyone.

12. If the suspension is allowed to expire, this will only change the form, but not the substance, of this new state of affairs. In practical terms, there will not be two regimes existing side by side, but merely one. The second generation limit will no longer apply to anyone, now through the combination of the declaration of invalidity and the expanded interim measure. This presupposes that the expanded interim measure will continue to

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<sup>10</sup> Riel Affidavit, para 3.

apply to those individuals still subject to the second generation limit until Bill C-71 comes into force, since they will continue to experience a “special and unusual hardship”. The Respondent is now estopped from resiling from this representation, having made it in a sworn affidavit and relied on it in the Court.

13. If anything, if the suspension is allowed to expire, the administrative burden on IRCC will be lessened, since there will no longer be any applications for s. 5(4) grants for biological children of the first generation born abroad. IRCC will be able to devote its scarce resources to applications from the smaller group of individuals still subject to the second generation limit, such as international adoptees.

**Issue 2: How long an extension should the Court grant?**

14. If the Respondent’s request for a fourth extension until April 25, 2026 is granted, the extension will total 28 months. This will likely be the longest suspended declaration of invalidity ever issued by a Canadian court. The only comparable example is *Descheneux*, where the Quebec Court of Appeal granted an extension which brought the suspension to a total of 27 months.<sup>11</sup> However, that context was very different – the reply legislation (Bill S-3) required extensive consultation with Indigenous communities, because it replaced the discriminatory rules governing status under the *Indian Act*, which in turn had enormous implications for Indigenous governance (e.g. voting rights) and on-reserve housing.<sup>12</sup>

15. In *G.*, the Supreme Court held that “the onus to demonstrate the appropriate length of time remains with the government and there is no ‘default’ length of time such as 12

<sup>11</sup> From August 3, 2015 until December 22, 2017: *Procureure générale du Canada v. Descheneaux*, [2017 QCCA 1238](#), para 5.

<sup>12</sup> See the following federal government documents: “[An Assessment of the Population Impacts of Select Hypothetical Amendments to Section 6 of the Indian Act](#)” (September 22, 2017); “[The Government of Canada's Response to the Descheneaux Decision](#)” (January 31, 2018); “[Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship: Report to Parliament June 2019](#)” (June 2019).

months”, and “[i]t is the government’s responsibility to make a case for the length of the suspension it seeks.”<sup>13</sup> In its most recent written filings, the Respondent has neither provided a justification for a 12 month extension, nor adduced evidence to support that request. Both the Applicants and the Court raised this issue in the March 2025 hearing. Not only has the Respondent once again failed to provide arguments or evidence on this point, but it has also requested a longer extension in a procedurally improper fashion.

16. Twelve months is the original length of suspension sought by the government. A further 12 months implies the Respondent is proposing to scrap Bill C-71 and start from scratch. But the Respondent has neither argued that it will fundamentally revisit the approach taken in Bill C-71, nor tendered any evidence to support that proposition. Indeed, the Court should draw the inference from the Respondent’s stated purpose for the expanded interim measure – to “mirror” Bill C-71 – that the Respondent’s plan is to reintroduce Bill C-71 in the next Parliament.<sup>14</sup> There is no justification for requiring 12 months.

17. The question then becomes how long an extension is warranted. In *Carter 2*, the Supreme Court granted a four-month extension to match the length of time Parliament was not in session due to the 2015 General Election, from August 2, 2015 to December 3, 2015.<sup>15</sup> In *Truchon 2*, the Quebec Superior Court granted a four-month extension because of the 2019 General Election, which again matched the length of time Parliament was not in session: it was dissolved on September 11, 2019, resumed sitting on December 5, 2019, and was suspended a week later for Winter Recess until January 27, 2020.<sup>16</sup>

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<sup>13</sup> *Ontario (Attorney General) v. G.*, [2020 SCC 38](#), para [135](#).

<sup>14</sup> Milord Affidavit, para 10.

<sup>15</sup> *Carter v. Canada*, [2016 SCC 4](#), para [2](#) [*Carter 2*].

<sup>16</sup> *Truchon v. Attorney General of Canada*, [2020 QCCS 772](#), para [9](#) [*Truchon 2*].

18. Parliament has not met since December 17, 2024, due to the Winter Recess, prorogation, dissolution and the 2025 General Election. It will not meet again until May 26, 2025. Based on *Carter 2* and *Truchon 2*, the Court should grant a further extension of five months, until September 20, 2025. However, since *Bjorkquist 5* held that the Respondent had breached its obligation of “legislative diligence” by failing to make the passage of Bill C-71 “a priority”, the Respondent has not earned five months. It should only be given three months, until July 19, 2025.<sup>17</sup>

19. After Parliament returns on May 26, 2025, it is currently scheduled to sit until June 20, 2025.<sup>18</sup> But the Prime Minister’s statement that he plans to introduce legislation “by July 1, 2025” suggests that Parliament may possibly sit into July 2025 – no doubt in response to the extraordinary moment in which Canada finds itself. It bears emphasis that there is no legal bar to Parliament sitting well into the summer if it so chooses.

20. Among the first items on the legislative agenda of the new Parliament must be the reply legislation to *Bjorkquist*. To meet its duty of legislative diligence, the Respondent may need to rely on procedural tools like the ones they promised to deploy in *Bjorkquist 4*, but subsequently failed to use. Whatever means they choose, the constitutional duty of “legislative diligence” under section 52 of the *Constitution Act, 1982* requires them to advance that legislation through the Parliamentary process to ensure its enactment by the time the suspension expires.

#### PART IV – ORDER SOUGHT AND COSTS

21. The Court should:

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<sup>17</sup> *Bjorkquist 5*, paras [38](#), [39](#), [42a](#).

<sup>18</sup> Riel Affidavit, Exhibit G.

- a. dismiss the Respondent's request for a fifth extension; or
- b. in the alternative, grant a fifth extension for three months until July 19, 2025; and
- c. order costs to the Applicants on a substantial indemnity basis, whether the Applicants are successful, in whole or part, or the Respondent is successful, in whole or part.

22. The Applicants offer the following submissions in favour of substantial indemnity costs.

23. *First*, the Applicants have had nothing to gain personally from this litigation since August 2024 (*Bjorkquist 4*), when the Court granted constitutional exemptions to the remaining Applicants who had not obtained them in its original ruling.<sup>19</sup> However, they have instructed their counsel to continue to participate in these proceedings – in December 2024 (*Bjorkquist 5*), March 2025 (*Bjorkquist 6*) and this hearing – to advocate for the *Charter* rights of the first and second generation born abroad who would benefit from the declaration of invalidity. If the Applicants had not done so, those current and future Canadian citizens would have been voiceless for many months. Moreover, without the ongoing submissions of the Applicants, it is doubtful that the expanded interim measure would have ever been created.

24. *Second*, the Respondent has modified the relief sought in this hearing without either seeking leave to amend its Notice of Motion or filing a new Notice of Motion. This procedural impropriety warrants sanction by the Court.

25. *Third*, the Respondent has once again requested a 12 month extension with no explanation or evidence to support such a request – even after the Court pointed out this deficiency in the March 2025 hearing. This also warrants sanction by the Court.

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<sup>19</sup> *Bjorkquist et al. v. Attorney General of Canada*, [2024 ONSC 4322](#) [*Bjorkquist 4*].

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 9th day of April, 2025.

A handwritten signature in black ink, appearing to read 'S. Choudhry', with a long vertical stroke extending downwards from the end of the name.

Sujit Choudhry

**BJORKQUIST et al.**  
Responding Parties /  
Applicants

and

**ATTORNEY GENERAL OF  
CANADA**  
Moving Party / Respondent

Court File No: CV-21-00-673419-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
TORONTO

**SUPPLEMENTARY FACTUM OF THE  
RESPONDING PARTIES / APPLICANTS**

**Sujit Choudhry** LSO#: 45011E

**Hāki Chambers Global**

319 Sunnyside Avenue

Toronto ON M6R 2R3

Tel: (416) 436-3679

Email: [sujit.choudhry@hakichambers.com](mailto:sujit.choudhry@hakichambers.com)

Lawyer for the Responding Parties /  
Applicants



**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**SARA ANN BJORKQUIST, DOUGLAS ROY BROOKE,  
AB (BY THEIR LITIGATION GUARDIAN DOUGAS ROY BROOKE),  
GREGORY BURGESS,  
QR (BY THEIR LITIGATION GUARDIAN GREGORY BURGESS),  
PATRICK CHANDLER, PAUL CHANDLER,  
MN (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
OP (BY THEIR LITIGATION GUARDIAN PATRICK CHANDLER),  
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GH (BY THEIR LITIGATION GUARDIAN TIMOTHY SETTERFIELD),  
DANIEL WARELIS, and WILLIAM WARELIS**

Responding Parties / Applicants

– and –

**ATTORNEY GENERAL OF CANADA**

Moving Party / Respondent

---

**AFFIDAVIT OF MANI KAKKAR**

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I, Mani Kakkar, of the city of Toronto, in the province of Ontario, DO SOLEMNLY AFFIRM:

1. I am a member of the Law Society of Ontario, LSO# 65942V.
2. I am co-counsel with Mr. Sujit Choudhry, counsel for the Applicants, on several matters.

3. I attach a press release dated March 21, 2025 posted on the official website of the Prime Minister's Office at <https://www.pm.gc.ca/en/news/news-releases/2025/03/21/prime-minister-carney-meets-premiers-and-shares-his-plan-build> as **Exhibit "A"** to my affidavit.
4. I swear this affidavit for the present proceeding and for no improper purpose.

AFFIRMED remotely by Mani Kakkar of the City of Toronto, before me in the City of Toronto in the Province of Ontario, on April 8, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Mani Kakkar

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Commissioner for Taking Affidavits  
**Sujit Choudhry, LSO #45011E**

This is the **Exhibit “A”** to the Affidavit of Mani Kakkar  
affirmed before me remotely on  
April 9, 2025

“Sujit Choudhry”

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Signature

March 21, 2025  
Ottawa, Ontario

**A3744**

Today, the Prime Minister, Mark Carney, met with provincial and territorial premiers and shared his plan to build one strong Canadian economy.

The trade war brought on by the United States has renewed the urgency to address longstanding barriers that have fragmented our economy and reduced opportunities for Canadians. At the top of the agenda, the Prime Minister updated premiers on the Government of Canada's actions to support workers and businesses affected by tariffs.

To support workers, the new government will:

- Temporarily waive the one-week employment insurance (EI) waiting period.
- Suspend rules around separation for a six-month period, so workers don't have to exhaust severance pay before collecting EI.
- Make it easier to access EI by increasing regional unemployment rate percentages.

To support businesses, the new government will:

- Defer corporate income tax payments and GST/HST remittances from April 2 to June 30, 2025, providing up to \$40 billion in liquidity to businesses.
- Deploy a new financing facility for businesses.
- Provide more funding to Canada's regional development agencies, so they can better support businesses.

The Prime Minister and the premiers agreed that by working together to unlock economic projects and remove barriers, Canada can more than offset the effects of U.S. tariffs – creating higher-paying jobs, maximizing our economic potential, and becoming stronger at home and stronger abroad.

To that end, Prime Minister Carney outlined a suite of measures to develop a national trade and economic corridor. This corridor will drive investment, create jobs, and build economic growth. It will include:

- The creation of a First Mile Fund, building transportation networks to connect energy extraction sites to rail lines and roads. By providing capital to finance these key infrastructure projects across the country, the Government of Canada will expedite project construction and create a more integrated and accessible Canadian economy.
- A "one window" approval process, streamlining approvals for large-scale, national-interest infrastructure projects. This new measure will create clear, predictable, and efficient review processes – with the highest standards for

**A14**

safety, environmental protection, and Indigenous consultation – and reduce uncertainty for investors. **A3745**

- A contribution agreement of up to \$200 million toward the construction, commissioning, and operation of a new Indigenous majority-owned Cedar LNG processing facility. A partnership between the Haisla Nation and the Pembina Pipeline Corporation, this project will create hundreds of highly skilled construction and trades jobs, generate over \$275 million in economic growth, and get Canadian energy to domestic and international markets.
- A \$175 million investment in the Hudson Bay Railway and at the Port of Churchill, in Manitoba. This critical investment in Canadian trade and railway infrastructure will expand and open new transportation corridors, bolster economic growth and reconciliation in the Canadian Arctic and North, and help get Canadian products to global markets.

Furthermore, Prime Minister Carney stressed the imperative to break down barriers to interprovincial trade. To build a stronger and fairer economy, he committed to table legislation by July 1, 2025, to eliminate all federal barriers to interprovincial trade and labour mobility and to remove all federal exemptions under the Canada Free Trade Agreement.

By harmonizing regulations and enhancing labour mobility, Canada can create a truly open Canadian market – one that reduces costs for its businesses and consumers alike. This will help strengthen supply chains, boost productivity, and unlock new opportunities for Canadian companies.

## Quote

“By working together, we can expand and build one more interconnected and resilient Canadian economy. Canadians are ready to show the world that we can cheer for different teams and still be one strong team when it counts.

— The Rt. Hon. Mark Carney, Prime Minister of Canada

## Associated Links

- [Canada-United States relations \(https://www.international.gc.ca/country-pays/us-eu/relations.aspx?lang=eng\)](https://www.international.gc.ca/country-pays/us-eu/relations.aspx?lang=eng)
- [Canada’s response to U.S. tariffs on Canadian goods \(https://www.canada.ca/en/departement-finance/programmes/international-trade-finance-policy/canadas-response-us-tariffs.html\)](https://www.canada.ca/en/departement-finance/programmes/international-trade-finance-policy/canadas-response-us-tariffs.html)

**A15**

- Government of Canada announces support for Cedar LNG  
(<https://www.canada.ca/en/innovation-science-economic-development/news/2025/03/government-of-canada-announces-support-for-cedar-lng.html>)
- Support for the Hudson Bay Railway and Port of Churchill Canada  
(<https://www.canada.ca/en/transport-canada/news/2025/03/support-for-the-hudson-bay-railway-and-port-of-churchill-canada.html>)

A3746

A16

**BJORKQUIST et al.**  
Applicants

and

**ATTORNEY GENERAL OF  
CANADA**  
Respondent

Court File No: CV-21-00 673419-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
TORONTO

**AFFIDAVIT OF MANI KAKKAR**

**Sujit Choudhry** LSO#: 45011E  
**Hāki Chambers Global**  
319 Sunnyside Avenue  
Toronto ON M6R 2R3  
Tel: (416) 436-3679  
Email: [sujit.choudhry@hakichambers.com](mailto:sujit.choudhry@hakichambers.com)

Lawyer for the Applicants