

With Bill C-71, “Lost Canadians” Could Be Found



Bill C-71 amends the *Citizenship Act of Canada* to remove the first-generation limit to Canadian citizenship by descent.

With this limitation removed, a parent who is a Canadian citizen can now pass Canadian citizenship to a child born abroad where the parent was either born in Canada or became a citizen before the child’s birth. Prior to this amendment, Canadian parents born abroad could not pass Canadian citizenship to a child also born abroad.

Bill C-71 was following the Ontario Superior Court of Justice’s finding of the above limitation to be unconstitutional in a decision dated December 19, 2023. Further information on the Court’s decision and Bill C-71 can be found [here](#).

Bill C-71 restores the Canadian citizenship of “Lost Canadians,” being those who would have been Canadian citizens at birth but for the first-generation limit. It also establishes a new framework for citizenship by descent, providing for Canadian citizenship beyond the first generation based on an individual’s “substantial connection” to Canada. To establish “substantial connection” a Canadian parent born abroad must have spent a cumulative 1,095 days (three years) in Canada before the birth or adoption of their child.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Scott Bell](#), [Anna Sigurdson](#)

MLT Aikins LLP