36120

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

B E T W E E N :

MICHAEL MCATEER; SIMONE E.A. TOPEY

AND DROR BAR-NATAN

APPLICANTS
(Appellants in the Court below)

– AND –

THE ATTORNEY GENERAL OF CANADA

RESPONDENT
(Respondent in the Court below)

RESPONDENT'S RESPONSE TO THE APPLICATION FOR LEAVE TO APPEAL

(Pursuant to r. 27 of the *Rules of the Supreme Court of Canada*)

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PART I – **OVERVIEW AND STATEMENT OF FACTS**

A. OVERVIEW

1. This case is about a single issue: the applicants' objection to taking the oath of citizenship[1] solely because of the reference to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors (Queen) within that oath. The applicants are republicans, anti-monarchists and in one case, a Rastafarian. They, along with others who filed supporting affidavits, attested to their willingness to take an oath of citizenship, provided that reference to the Queen was omitted. Their objection was based on their personal beliefs that the Queen represented tyranny, colonial oppression, racial prejudice and, in one case, the head of Babylon. They attested to having no difficulty swearing an oath of citizenship in all other respects.

2. Both the Ontario Court of Appeal and the Superior Court application judge rejected the applicants' claims under the *Canadian Charter of Rights and Freedoms* for reasons based upon the applicants' misapprehension of the reference to the Queen of Canada and Her Heirs and Successors within the oath. In doing so, the courts below applied well-established principles of statutory interpretation and constitutional law, which the applicants do not contest or even address. The courts below recognized the Queen's role as more than a mere symbol, but also as the repository of legislative and executive power in

[1] The wording of the oath of citizenship is reproduced in Part VII of this factum.

Canada: that she in some respects personifies the state itself, and represents democracy and the rule of law.[2] The applicants' misapprehension of the Queen's role and their mistaken view of the meaning of the oath raises no issue of public importance and does not provide a rational basis for a constitutional remedy.

3. The applicants submit that this application represents an opportunity for the Supreme Court of Canada to rule on the broader issue of the ability of government, generally, to compel individuals to take an oath, and when that oath might violate the *Charter*. This broad issue was not raised in either of the courts below, and the record was not created in relation to this different issue. As a result, the record cannot support the new inquiry. The applicants' submission that this case represents a test case for oaths generally is a bare attempt to create an issue of public importance where there is no record that might support such broad determination.

4. The claims under s. 2(a) of the *Charter* were rejected on the basis that the applicants objected to the very embodiment of the principles that the *Charter* was meant to foster. The oath references a symbol of national values, which enriches society as a whole, and does not undermine the rights and freedoms that the society and its head of state represent.

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[2] Application for Leave to Appeal (Application Record), Tab 3B, Reasons of the Ontario Court of Appeal (O.C.A.), per Weiler, Lauwers and Pardu JJ.A., Tab 3B, pages 54-55, paras. 51-52.

5. No issue of public importance arises with reference to the Court of Appeal's analysis of s. 1, which, in any event, is made in the alternative. The applicants concede that the oath has a pressing and substantial objective. There can be no issue that the Queen is rationally connected to the oath of citizenship. The Court applied well-established principles in its proportionality analysis.

B. JUDGMENTS OF THE ONTARIO COURT OF APPEAL AND THE ONTARIO SUPERIOR COURT

6. Both the application judge[3] and the Ontario Court of Appeal[4] discussed at some length the legislative history of the oath of citizenship,[5] and the meaning of the reference to the Queen within the oath of citizenship, in the context of Canada's political history and constitutional structure. Both levels of court concluded that the applicants' objection to taking an oath to the Queen was based on a misapprehension of the role of the Queen at the apex of Canada's constitutional order and as such, did not warrant a constitutional remedy.

7. The application judge found that their freedom of expression was violated because the oath constituted "compelled speech," but found that that it was justified under s. 1. The Ontario Court of Appeal dismissed the applicants' appeal with respect to ss. 2(a) and 15 of the *Charter* and allowed the

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[3] Application Record, Reasons for Decision of Morgan J., Ontario Superior Court, (Ont.S.C.), Tab 3B, pages15-17, paras. 13-20 and pages 25-27; paras. 56-68.

[4] Application Record, O.C. A, Tab 3D, pages 49-58, paras. 24-62.

[5] The applicants are for the first time referring to the oath of citizenship as a "pledge." This term appears nowhere in the legislation or in the decisions of the courts below. The respondent will continue to refer to it by its legislative description: the oath of citizenship.

respondent's cross-appeal with respect to the finding under s. 2(b). It held that the purpose of the oath was not to control expression and that to the extent that it had an effect on their freedom of expression, it was not an effect that warranted constitutional disapprobation. The Court of Appeal also upheld the application judge's findings under s. 1, in the alternative.

C. FACTS INCORRECTLY ASSERTED BY THE APPLICANTS

8. There is no evidence before the Court that the applicants "meet all of the criteria for Canadian citizenship and would be entitled to certificates of citizenship if they applied," as stated at paragraph 5 of their memorandum of argument. Neither Michael McAteer nor Simone Topey has ever made an application for citizenship.[6] Consequently, it is premature for the applicants to make the assertion. The applicant Dror Bar-Natan has applied for citizenship and, provided all of the conditions for eligibility remain satisfied, he may be entitled to it once he takes the oath.[7] It is true that none of the applicants may become Canadian citizens, even assuming eligibility, without taking the oath of citizenship.

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[6] See s. 5 of the *Citizenship Act* (R.S.C., 1985, c. C-29), outlining the requirements for acquiring Canadian citizenship.

[7] The applicants refer to paragraph 5 of the decision of the application judge at which point the reasons state only that the applicants "depose" that they have otherwise qualified. Their own opinions aside, eligibility for citizenship is subject to section 5 of the *Citizenship Act*. See the affidavits of Michael McAteer, Application Record, Tab 5E, Simone Topey at Tab 5B, pages 111-112, para. 8, and Dror Bar-Natan, Tab 5A, page 109, para. 11.

PART II – **QUESTION IN ISSUE**

9. There is no issue of public importance that warrants review by this Court. The issue before the Court of Appeal was a narrow one, confined by its factual context, which was resolved based on well-established principles of statutory interpretation and constitutional law.

PART III – **ARGUMENT**

A. APPLICATION OF WELL-ESTABLISHED PRINCIPLES OF STATUTORY INTERPRETATION

10. The Court of Appeal applied well-established principles of statutory interpretation to the meaning of the oath and specifically to the meaning of the Queen within the oath of citizenship. It applied the purposive approach that was set out in *Rizzo and Rizzo Shoes*[8] and also the principle that courts are reluctant to accept interpretations which violate the notions of rationality, coherence, fairness or other legal norms.[9] It concluded that the interpretation maintained by the applicants was inconsistent with the history, purpose and intention behind the oath. The applicants do not challenge the decision of the courts below on this key issue.

B. OATHS IN GENERAL WERE NEVER IN ISSUE IN THE COURTS BELOW

11. The applicants claim that this case presents a test case and this Court's "first chance to assess when a ceremonial pledge, such as compelled by

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[8] *Rizzo and Rizzo Shoes Ltd. (Re)*, [1998] 1 S.C.R. 27, para. 21.

[9] Application Record, O.C.A., Tab 3D, pages 50-58, paras. 28-62.

many Canadian laws, violates the *Charter*."[10] This represents a bare attempt to expand the issues in this case to those that were not before the Courts below, i.e., oaths in general. It is evident from the reasons of the Ontario Court of Appeal and the Superior Court that they were concerned with the specific oath in question and its purpose, history and intention. Furthermore, the applicants have not made a general objection to taking the oath of citizenship. Their sole objection is to the inclusion of reference to the Queen within the oath.

12. The jurisprudence of this Court is clear on this point: constitutional issues are not to be determined in the abstract or in a factual vacuum.[11]

13. The affidavit of Christa Big Canoe filed for the first time on this application for leave is improper in that it seeks to raise a new issue of public importance, concerning a different oath which was not before the court appealed from, the issue being the position of First Nations vis-à-vis the Queen.[12]

C. THE NATURE OF THE OATH DOES NOT SEEK TO CONTROL EXPRESSION

14. The Court of Appeal found that the oath of citizenship as it exists promotes the values for which Canada stands, which include freedom of expression

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[10] Application Record, Memorandum of Argument of the Applicants, page 73, para. 2.

[11] *BellExpressVu v. Rex*, 2002 SCC 42, para. 59; [2002] 2 S.C.R. 559, para. 58; *Moysa v. Alberta (Labour Relations Board)*, [1989] 1 S.C.R. 1572.

[12] *Ballard Estate v. Ballard Estate*, [1991] S.C.C.A. No. 239, File No. 22495.

as one of the features of modern democracy and, as such, unequivocally point to a purpose, which far from violating the *Charter*, flows from it.[13]

15. The applicants' argument that they oppose the "symbol" of the Queen although they would be prepared to adhere to the values of Canada is internally contradictory, as the Queen is the embodiment of the state and its democratic values.[14] As found by the Court of Appeal, neither the substance of the oath nor its history support the proposition that it has a purpose that violates the *Charter*. It would in fact be antithetical to the meaning of the oath to the Queen, a repository of Canada's executive and legislative authority, Canada's head of state and the embodiment of the Crown in Canada, if the very purpose of the oath was to control expression.

16. This, amongst other arguments raised, reflects the applicants' misunderstanding of the role of the Queen in Canada's constitutional order and political history, and consequently, what they are being asked to swear allegiance to: not to the Queen in her personal, individual capacity, but to the Crown, to the institution of the state that the Queen has come to represent.[15]

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[13] Application Record, O.C.A., Tab 3D, page 60, para. 74, citing *Reference re Same-Sex Marriage*, 2004 SCC 79.

[14] Application Record, O.C.A., Tab 3D, page 60, para. 74.

[15] Application Record, O. C..A., Tab 3D, pages 54-5, paras. 48-52

17. The Court of Appeal rejected the applicants' argument that the effect of the oath was to violate their freedom of expression.[16] The Court adopted the methodology outlined in *Lavigne*,[17] which in turn analysed earlier decisions of the Court, including *Slaight Communications*. The principles in *Lavigne*, extracted from these earlier decisions, necessitate a further inquiry as to whether an individual is publicly identified with the impugned "message" and whether there is an opportunity to disavow it. This inquiry emanated from the very principles underlying the s. 2(b) guarantee.[18]

18. The Court of Appeal relied upon this Court's decision in *R. v. Khawaja*[19] as providing further reinforcement for Justice Wilson's analysis of the s. 2(b) guarantee. It observed that, logically, if a "chilling effect" is relevant to establishing a violation of freedom of expression, the corresponding right to disavow the message is relevant to negating a violation.[20]

19. Contrary to the applicants' submission, the Court of Appeal does not create new law; rather, it draws on Supreme Court jurisprudence on the nature of the protection offered by s. 2(b). There is nothing in the well-established jurisprudence such as *Irwin Toy*, *Slaight Communications*, or *Lavigne* referred to above, followed in the Court of Appeal's decision, that would suggest that a

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[16] The Court of Appeal overturned the application judge's finding that the oath constituted a violation of the applicants' s. 2(b) freedom; however the application judge found that the violation was justified under s. 1.

[17] *Lavigne v. OPSEU*, [1991] 2 S.C.R.211.

[18] Application Record, O.C.A., pages 61-63, paras. 75-86.

[19] *R. v. Khawaja*, 2012 SCC 69, [2012] 3 S.C.R 555.

[20] Application Record, Tab 3D, O.C.A., page 61, para. 77.

violation of s. 2(b) is established merely because an individual objects to the wording of an oath contained within a statutory provision, based on a mistaken notion of what that oath means. In fact, to the contrary, this Court has stated that an incorrect understanding of a provision cannot ground a finding of unconstitutionality[21] – precisely what the applicants urge this Court to accept.

20. There is no conflation of s. 1 within the analysis of s. 2(b), as asserted by the applicants. The dicta in *Irwin Toy*[22], adopted by the Supreme Court in *Lavigne* and by the Court of Appeal here, stand for the well-established principle that the breadth of expressive freedom that is protected is necessarily circumscribed by a consideration of whether the effect of a restriction pertains to the underlying values of s. 2(b). Those values include the pursuit of truth, participation in social and political decision-making and diversity in forms of self-fulfillment.[23] The purpose of the s. 2(b) guarantee is accordingly built into a consideration of whether a violation has been established. The Court of Appeal applied settled principles in considering that it was the very words of the oath, including the Queen at the head of Canada's constitutional order that encompassed constitutional rights and freedoms and supported the applicants' very right to dissent.[24]

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[21] *R. v. Khawaja*, *supra*, para. 82.

[22] *A.G. (Que) v. Irwin Toy*, [1989] 1 S.C.R. 927.

[23] *Ibid*., pages 978-979.

[24] Application Record, O.C.A., pages 61-62, paras. 78-80.

21. Contrary to the applicants' submissions, there is no confusion on the part of the Court of Appeal in rejecting the challenge under s. 2(b). The Court of Appeal disagreed with the application judge's finding, and set aside his decision on that point, hence there is no "conflicting" decision. The argument that the Court of Appeal has departed from a 1945, pre-*Charter* ruling on religious rights is without merit, as the 1945 decision in *Donald* dealt with the scope of a legislated religious exemption (in the context of public school ceremonies). There is no religious exemption from the requirement to take the oath of citizenship in the *Citizenship Act* nor has there ever been. In fact, the oath is entirely secular, as found by the application judge and confirmed by the Court of Appeal.

22. The applicants' misunderstanding of the meaning of the oath persists too in their assertion that the oath is "purely ceremonial" and does not bear any "subsequent legal obligation" of allegiance, because one can "recant" the oath without this act having any impact on their Canadian citizenship.[25] This is an apparent argument for the oath's diminished importance. This misses the mark, however, as the key point made by the Court of Appeal is that taking the oath of allegiance to the embodiment of the Canadian state, together with its democratic institutions and tradition of dissent means precisely that one is allowed the right to lawful dissent without fear of sanction.

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[25] Application Record, Memorandum of Argument of the Applicants, page 75, para. 7.

23. There is no evidence in the record that would support their position that they do not have a meaningful opportunity to express their views of what they believe the meaning of the oath to be, or to disavow what they perceive to be its meaning.[26]

24. As noted by the Court of Appeal, the appellants' subjective belief that in taking the oath, it would be hypocritical for them to work within the bounds of democracy to change our form of government, cannot be used to trump the objective fact that they are entirely free to express their opinions.[27]

D. DECISION IN *SYNDICAT NORTHCREST V. AMSELEM* IS NOT RELEVANT

25. The applicants rely on *Syndicat Northcrest v. Amselem*[28] in arguing that an issue of public importance arises in this case. However, that decision is irrelevant to the determination of the claims asserted here – whether freedom of religion or freedom of conscience. Neither the respondent nor the court below doubted the genuineness of the applicants' respective beliefs nor were the claims rejected for not falling within the category of religious or conscientious belief. The claims were rejected as being based on the applicants' misapprehension of the role of the Queen in the oath.

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[26] Application Record, Tab 5C, Affidavit of Ashok Charles, page 114, paras. 9-10, attesting that he joined the Citizens for a Canadian Republic after having taken the oath of citizenship; See also O.C.A., page 62, para. 79, discussing Mr. Charles' affidavit.

[27] Application Record, O.C.A., page 62, para. 80.

[28] *Syndicat Northcrest v. Amselem*, 2004 SCC 47.

26. The courts below dismissed the applicants' s. 2(a) *Charter* claims because the applicants objected to the very embodiment of the principles that the *Charter* was meant to foster. The Court of Appeal adopted the findings of the application judge based on the *Reference re Same-Sex Marriage*[29] that the furtherance of *Charter* rights cannot undermine the very principles the *Charter* represents. The "oath of citizenship (…) references a symbol of national values," the Queen, and as such, it "enriches society as a whole, and does not undermine the rights and freedoms that the society and its head of state foster and represent."[30]

27. Furthermore, because their subjective interpretation of the oath was inaccurate, any interference with their religious or conscientiously held beliefs did not amount to a non-trivial and non-insubstantial interference with their beliefs (be they religious or conscientious beliefs).[31] There was no objective component to the claim of a s. 2(a) breach.

28. The Court of Appeal addressed the applicants' complaint that the application judge dealt solely with the religious objection and omitted reference to the conscientious objection claims. The appellate court properly concluded that the analysis of the application judge applied equally to both objections and would

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[29] *Reference re Same-Sex Marriage*, [2004] 3 S.C.R. 698.

[30] Application Record, Tab 3D, O.C.A., pages 68-69, para. 111.

[31] *Ibid*., page 69, para.113, referencing *Alberta v. Hutterian Brethren*, 2009 SCC 37, para. 32.

have led to the same result.[32] No issue of public importance arises in that respect.

29. The applicants do not challenge the Court of Appeal's application of the well-established principles of statutory interpretation to the oath of citizenship. They nonetheless seek to elevate their misunderstanding of what the oath and the Queen signify by describing their interpretation as a "reasonable understanding" as it is consistent with the "plain meaning" of the oath. Their argument that there is no single objective interpretation of a statutory provision, because symbolism "depends on the individual," cannot be sustained in light of principles such as the rule of law. Subjective, personal interpretations of the law would render the law incoherent, particularly if given constitutional primacy. Simply attributing a different meaning to the Queen as urged by the applicants cannot alter Canada's constitutional order. There is no authority to support the notion that the Queen's role in Canada's constitutional order is determined by individual personal belief.

E. SETTLED LAW THAT EMPIRICAL EVIDENCE IS NOT A NECESSARY COMPONENT OF THE S. 1 ANALYSIS

30. After finding no *Charter* violation requiring justification, the Court of Appeal found in the alternative that, in any event, a s. 1 justification had also been made out. There is also no issue of public importance raised in relation to that alternative finding as it was based on well-settled jurisprudence. In particular, the

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[32] *Ibid*., page 70, paras. 117-119.

appellate court applied settled law relating to the evidence required under s. 1 of the *Charter*, contrary to the applicants' arguments.

31. As noted by the Court of Appeal, the applicants took no real issue with the legislative objective of expressing commitment to the country or the characterization of this objective as pressing and substantial. Their sole objection was to the Queen as a measure of accomplishing this objective. The Court of Appeal found that requiring would-be citizens to express a commitment to the quintessential symbol of our political system and history serves a pressing and substantial purpose.[33] The applicants now question the legitimacy of this objective on the basis that it is "vague" but fail to elaborate what is vague about Canada's constitutional and political structure, the Queen at its apex, and the importance of demonstrating commitment to Canada's values by would-be citizens. Instead the applicants appear to rely on this Court's decision in *Sauvé* dealing with an entirely different issue (rights of prisoners to vote).

32. With respect to the rational connection branch of the s. 1 analysis, the Court of Appeal held that it was "hardly irrational to choose the Queen as a reference point" for the oath, particularly since the other aspects of the oath such as the promise to observe the laws of Canada and fulfil the duties of citizenship indirectly reference the Queen in any event.[34]

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[33] Application Record, Tab 3D, O.C.A. pages 64-65, paras. 91-92.

[34] *Ibid*., page 65, paras. 95-96.

33. The Court of Appeal adopted the application judge's findings on the minimal impairment analysis, applying well-established principles set down by this Court: the impairment of their freedom was minimal since the reference to the Queen – properly understood – is a commitment to democratic values, one of which is equality. The Court also referred to the authorities of this Court in concluding that the impugned measures need not be the least impairing means available, as long as they fall within a range of reasonable alternatives.[35]

34. In its discussion of s. 2(a), the Court of Appeal applied settled law in its reasons why a constitutional exemption or other opting out procedure was unacceptable. It found that such exemption would undermine the societal value or common good derived from a universal religious-neutral declaration. As such, it would fundamentally change the nature of the legislation, be inconsistent with the intention of Parliament and an unacceptable intrusion into the legislative sphere.[36]

35. As for the proportionality aspect of s. 1, this Court has ruled that experience, common sense, or reason and logic may bridge the empirical gap.[37] The Court of Appeal in this case affirmed the application judge's application of common sense to the facts.[38] Those facts included the applicants' misapprehension of the meaning of the oath on one hand, and the place of the

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[35] *Ibid*., page 66, paras. 97-98.

[36] *Ibid*., pages 69-70, para. 116.

[37] See *Thomson Newspapers Co. v. Canada*, [1998] 1 S.C.R. 877; *A.G. (Can.) v. Harper*, [2004] 1 S.C.R. 827.

[38] Application Record, Tab 3D, O.C.A., pages 66-67, paras. 100-102.

Queen in Canada's constitutional structure on the other. Moreover, the application judge was "right to consider whether the appellants' position as to the deleterious effects of the state action had a modicum of credibility or at least made logical sense."[39] The applicants' arguments on the proportionality aspect of s. 1 are based on their continued misapprehension of what the oath of citizenship signifies. No issue of public importance arises in this respect.

36. In summary on this issue, if the oath of citizenship does indeed "put a message in the mouths" of prospective Canadians as asserted by the applicants, then it is a rights-affirming message and for that reason is justified under s. 1.

37. In conclusion, a manifestly wrong interpretation of a legislative provision cannot ground a *Charter* violation, particularly when what is objected to is the very embodiment of the state and its constitutional and democratic principles. There is no constitutional or principled basis for legislation to yield to an applicant's contrary and mistaken views of the meaning of such provision and no issue of public importance arises as a result.

PART IV – **SUBMISSIONS CONCERNING COSTS**

38. No costs are sought by the respondent, Attorney General of Canada.

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[39] Application Record, Tab 3D, O.C.A., pages 66-67, para. 101.

PART V – **NATURE OF ORDER SOUGHT**

39. The respondent, Attorney General of Canada, requests that this application for leave to appeal be dismissed without costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Toronto this 4th day of November 2014.

Kristina Dragaitis

Of Counsel for the Respondent
Attorney General of Canada

PART VI – **TABLE OF AUTHORITIES**

CITATION	**Cited at Paragraph**
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PART VII – **STATUTES RELIED ON**

Canadian Charter of Rights and Freedoms, *Constitution Act, 1982*, Schedule B to the *Canada Act, 1982* (U.K.), 1982, c. 11

CANADIAN CHARTER OF RIGHTS AND FREEDOMS Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law: GUARANTEE OF RIGHTS AND FREEDOMS Rights and freedoms in Canada **1.** The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.	CHARTE CANADIENNE DES DROITS ET LIBERTÉS Attendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit : GARANTIE DES DROITS ET LIBERTES Droits et libertés au Canada **1.** La *Charte canadienne des droits et libertés* garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique.
FUNDAMENTAL FREEDOMS **2.** Everyone has the following fundamental freedoms: (*a*) freedom of conscience and religion; (*b*) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;	LIBERTES FONDAMENTALES **2.** Chacun a les libertés fondamentales suivantes: *a*) liberté de conscience et de religion; *b*) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;

Citizenship Act, R.S.C. 1985, c. C-29

5. (1) The Minister shall grant citizenship to any person who	**5.** (1) Le ministre attribue la citoyenneté à toute personne qui, à la fois :

(*a*) makes application for citizenship; (*b*) is eighteen years of age or over; (*c*) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, and has, within the four years immediately preceding the date of his or her application, accumulated at least three years of residence in Canada calculated in the following manner: (i) for every day during which the person was resident in Canada before his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one-half of a day of residence, and (ii) for every day during which the person was resident in Canada after his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one day of residence; (*d*) has an adequate knowledge of one of the official languages of Canada; (*e*) has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and (*f*) is not under a removal order and is not the subject of a declaration by the Governor in Council made pursuant to section 20.	*a*) en fait la demande; *b*) est âgée d'au moins dix-huit ans; *c*) est un résident permanent au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés* et a, dans les quatre ans qui ont précédé la date de sa demande, résidé au Canada pendant au moins trois ans en tout, la durée de sa résidence étant calculée de la manière suivante : (i) un demi-jour pour chaque jour de résidence au Canada avant son admission à titre de résident permanent, (ii) un jour pour chaque jour de résidence au Canada après son admission à titre de résident permanent; *d*) a une connaissance suffisante de l'une des langues officielles du Canada; *e*) a une connaissance suffisante du Canada et des responsabilités et avantages conférés par la citoyenneté; *f*) n'est pas sous le coup d'une mesure de renvoi et n'est pas visée par une déclaration du gouverneur en conseil faite en application de l'article 20.
12. (1) Subject to any regulations made under paragraph 27(*i*), the Minister shall issue a certificate of citizenship to any citizen who has made application there for.	**12.** (1) Sous réserve des règlements d'application de l'alinéa 27*i*), le ministre délivre un certificat de citoyenneté aux citoyens qui en font la demande.

(2) When an application under section 5 or 5.1 or subsection 11(1) is approved, the Minister shall issue a certificate of citizenship to the applicant. (3) A certificate issued pursuant to this section does not take effect until the person to whom it is issued has complied with the requirements of this Act and the regulations respecting the oath of citizenship.	(2) Le ministre délivre un certificat de citoyenneté aux personnes dont la demande présentée au titre des articles 5 ou 5.1 ou du paragraphe 11(1) a été approuvée. (3) Le certificat délivré en application du présent article ne prend effet qu'en tant que l'intéressé s'est conformé aux dispositions de la présente loi et aux règlements régissant la prestation du serment de citoyenneté.
SCHEDULE *(Section 24)* OATH OR AFFIRMATION OF CITIZENSHIP I swear (*or* affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen.	ANNEXE *(article 24)* SERMENT DE CITOYENNETÉ Je jure fidélité et sincère allégeance à Sa Majesté la Reine Elizabeth Deux, Reine du Canada, à ses héritiers et successeurs et je jure d'observer fidèlement les lois du Canada et de remplir loyalement mes obligations de citoyen canadien.