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## Liberals introduce ‘citizenship by descent’ legislation

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A section of the nearly 400 new Canadians from 65 countries, take oath of citizenship at a ceremony in Toronto, on Friday, July 19, 2024. THE CANADIAN PRESS/Chris Young

New legislation introduced today would extend citizenship by descent rules beyond the first generation.

Bill C-3, An Act to amend the Citizenship Act, would automatically give citizenship to anyone who would be a citizen today if not for the [first-generation limit](#). Under the current rules, a Canadian citizen born outside Canada cannot pass their citizenship to their child who was also born outside the country.

The new legislation would allow access to citizenship beyond the first generation so long as the parent has spent at least 1,095 cumulative days, or three years, physically in Canada prior to the birth of their child.

A news release from the federal government says the law would work “in a way that is inclusive and protects the value of Canadian citizenship.”

Vancouver immigration lawyer Ryan Neely welcomes this legislation, saying it resolves issues that failed to be addressed 10 years ago.

“The proposed legislation appears to cure the issues for the few remaining ‘Lost Canadians’ that were not addressed through the 2009 and 2015 changes to the Act,” he told CTV News.

The new amendment reverses a change made by then-Conservative prime minister Stephen Harper, which prohibited Canadians born abroad from passing citizenship to their children unless they were born in Canada.

Two years ago, the Ontario Superior Court declared the first-generation limit for many people is unconstitutional. The government opted not to appeal the ruling, but the limit continued to apply after the court suspended its declaration.

Cutting off immigration to those after the first generation is not an uncommon position in other places, says Toronto-based immigration lawyer Heather Segal, but this new amendment may be a suitable change for Canadians.

“Allowing a cohort of second-generation individuals to acquire citizenship may be appropriate as their parents may continue to have ties, including family in Canada, and their kids want to maintain their connection to Canadian heritage via citizenship,” Segal told CTV News.

A bill to amend the Citizenship Act – bill C-71 -- was introduced last May by Justin Trudeau’s government but had not received royal assent.

Neely adds that, should this new legislation pass, it will create an “unknown, but significant number of Canadian citizens around the world.”

“Foreign nationals who had been seeking to come to Canada as permanent residents before, but who may have been unable to meet the stringent points requirements under the current assessment tools, may now find that they are already Canadian citizens if they are able to trace a direct descendant to Canada, or the Dominion of Canada prior to 1947,” Neely said, adding that this new legislation may redefine the scope of Canadian identity.

## Potential immigration processing backlog

With the possibly of a flood of new Canadians, both lawyers worry about Immigration, Refugees and Citizenship Canada’s (IRCC) capacity to process a significant number of new applications.

Neely says the government must ensure that the agency’s systems are “equipped to handle the influx of applications.”

Segal echoes that notion, saying it may create a “floodgates issues.”

According to the IRCC’s website, as of April 30, there are currently more than 2 million applications in their inventory, of which 242,500 are for citizenships.


The backlog stands at 760,200 applications.

According to the agency’s data, the IRCC’s backlog has more than halved since 2022.

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