



## 4-5 GEORGE V.

### CHAP. 44.

An Act respecting British Nationality, Naturalization and Aliens.

[Assented to 12th June, 1914.]

**H**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 77,  
1906, cc. 31,  
45,  
1908, c. 48.

### PART I

#### NATURAL-BORN BRITISH SUBJECTS.

**1.** The following persons shall be deemed to be natural-born British subjects, namely:—

Definition of  
natural-born  
British sub-  
ject.

- (a) Any person born within His Majesty's dominions and allegiance; and,
- (b) Any person born out of His Majesty's dominions, whose father was a British subject at the time of that person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted; and,
- (c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

**2.** A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

**3.** Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act. Imp. Bill, s. 1.

## PART II.

## NATURALIZATION OF ALIENS.

Certificate of  
naturaliza-  
tion.

**2.** The Secretary of State of Canada may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State of Canada,—

- (a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and,
- (b) that he is of good character and has an adequate knowledge of either the English or French languages; and,
- (c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

2. The residence required by this section is residence in Canada for not less than one year immediately preceding the application, and previous residence, either in Canada or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.

3. The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State of Canada, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

4. A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.

5. The Secretary of State of Canada may in any special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application. Imp. Bill, s. 2.

Effect of cer-  
tificate of  
naturaliza-  
tion.

**3.** A person to whom a certificate of naturalization is granted by the Secretary of State of Canada shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and as from the date of his naturalization have to all intents and purposes the status of a natural-born British subject.

4. The Secretary of State of Canada may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. Imp. Bill, s. 4.

Special certificate in case of doubt.

5. Where an alien obtains a certificate of naturalization, the Secretary of State of Canada may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

Persons under disability.

2. The Secretary of State of Canada may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, although the conditions required by this Act have not been complied with.

3. Except as provided by this section, a certificate of naturalization shall not be granted to any person under disability. Imp. Bill, s. 5.

6. An alien who has been naturalized before the passing of this Act may apply to the Secretary of State of Canada for a certificate of naturalization under this Act, and the Secretary of State of Canada may grant to him a certificate on such terms and conditions as he may think fit. Imp. Bill, s. 6.

Persons previously naturalized.

7. Where it appears to the Secretary of State of Canada that a certificate of naturalization granted by him has been obtained by false representations or fraud, the Secretary of State of Canada may by order revoke the certificate, and the order of revocation shall have effect from such date as the Secretary of State of Canada may direct.

Revocation of certificate of naturalization.

2. Where the Secretary of State of Canada revokes a certificate of naturalization he may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up the certificate shall be liable on summary conviction to a fine not exceeding five hundred dollars. Imp. Bill, s. 7.

Power of Government of British possessions to grant certificates of Imperial naturalization.

**8.** The Secretary of State and the Government of any British possession shall have the same power to grant a certificate of naturalization under or pursuant to the provisions of the *British Nationality and Status of Aliens Act, 1914*, as the Secretary of State of Canada has under this Act and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly with the substitution of the Secretary of State or the Government of the possession for the Secretary of State of Canada, and the United Kingdom or the possession for Canada, and also in a possession where any language other than French is recognized as on equality with the English language with the substitution of that language for the French language.

2. Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State of Canada under this Act.

**9.** The next preceding section shall not apply to any of the Dominions specified in the first schedule of this Act, unless the Legislature of that Dominion adopts Part II of the *British Nationality and Status of Aliens Act, 1914*.

### PART III.

#### GENERAL.

##### *National Status of Married Women and Infant Children.*

National status of married women.

**10.** The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien. R.S., c. 77, s. 32. Imp. Bill, s. 10.

Status of widows.

**11.** A woman who, having been a British subject, has by or in consequence of her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be a British subject. R.S., c. 77, s. 33. Imp. Bill, s. 11.

Status of children.

**12.** Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child, on

that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country:

Provided that where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

2. Any child who has so ceased to be a British subject may within one year after attaining his majority make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject. R.S., c. 77, s. 34. Imp. Bill, s. 12.

### *Loss of British Nationality.*

**13.** A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization or by any other voluntary and formal act becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject. Imp. Bill, s. 13.

Loss of British nationality by foreign naturalization.

**14.** Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

Declaration of alienage.

2. Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject. Imp. Bill, s. 14.

**15.** Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by order in council, to declare that the convention has been entered into by His Majesty; and from and after the date of the order any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid. R.S., c. 77, s. 8. Imp. Bill, s. 15.

Power of naturalized subjects to divest themselves of their status in certain cases.

Saving of obligations incurred before loss of nationality.

**16.** Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation duty or liability in respect of any act done before he ceased to be a British subject. Imp. Bill, s. 16.

### *Status of Aliens.*

Capacity of alien as to property.

**17.** Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject:

Proviso.

Provided that this section shall not operate so as to,—

1. Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
2. Qualify an alien to be the owner of a British ship; or
3. Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
4. Affect an estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the fourth day of July, eighteen hundred and eighty-three, or in pursuance of any devolution by law on the death of any person dying before that day. R.S., c. 77, ss. 4, 5, 6, 7. Imp. Bill, s. 17.

Trial of alien

**18.** An alien shall be triable in the same manner as if he were a natural-born British subject. Criminal Code, s. 922. Imp. Bill, s. 18.

### *Procedure and Evidence.*

Application to court.

**19.** An alien desiring to be naturalized shall apply for a decision establishing that he is qualified and fit to be naturalized under the provisions of this Act:—

In Ontario.

(a) in Ontario, to the court of general sessions of the peace of the county in which the alien resides, or to the court of assize and *nisi prius* during its sittings in such county;

In Quebec.

(b) in Quebec, to any circuit court within the territorial limits of the jurisdiction of which the alien resides;

In Nova Scotia.

(c) in Nova Scotia, to the Supreme Court, during its sittings in the county in which the alien resides, or to the county court having jurisdiction in such county;

- (d) in New Brunswick, to the circuit court, in the county In New Brunswick.  
in which the alien resides, or to the county court  
having jurisdiction in such county;
- (e) in British Columbia, to the Supreme Court of British In British Columbia.  
Columbia, during its sittings in the electoral district  
in which the alien resides, or to the court of assize and  
*nisi prius* during its sittings in such electoral district,  
or to the county court of such electoral district;
- (f) in Manitoba, to the Court of King's Bench during its In Manitoba.  
sittings in the judicial district within which the alien re-  
sides; to a judge of the Court of King's Bench, sitting in  
court in the judicial district within which the alien  
resides; or to the county court during its sittings in the  
division within which the alien resides;
- (g) in Prince Edward Island, to the Supreme Court of In Prince Edward Island.  
Judicature, during its sittings in the county within  
which the alien resides, or to the court of assize and  
*nisi prius* during its sittings in such county, or to the  
county court of such county;
- (h) in Saskatchewan or Alberta, to the Supreme Court Alberta.  
sitting in the judicial district in which the alien resides,  
or to the district court in such district;
- (i) in the Yukon Territory, to the Territorial Court, In Yukon.  
during its sittings in the circuit within which the alien  
resides;
- (j) in the Northwest Territories to such authorities or In N.W.T.  
persons as the Governor in Council may prescribe.  
R.S., c. 77, s. 54.

**20.** The application shall be delivered at the office of Posting of application.  
the clerk or other proper officer of the court during office  
hours, and such application shall be posted by such clerk  
or other proper officer in a conspicuous place in his office;  
the applicant shall also post up a copy of such application  
in a conspicuous place in the post office nearest to his place  
of residence. Both such notices shall be posted up at least  
three months before the application is heard by the court.  
R.S., c. 77, s. 17.

**21.** At any time after the filing of any such application Opposition to application.  
and previous to the hearing of the application, any person  
objecting to the naturalization of the alien may file in court  
an opposition in which shall be stated the grounds of his  
objection. R.S., c. 77, s. 18.

**22.** The applicant shall produce to the court such Proof of qualification.  
evidence, that he is qualified and fit to be naturalized  
under the provisions of this Act, as the court may require,  
and shall also personally appear before the court for exam-  
ination

ination unless it is established to the satisfaction of the court that he is prevented from so appearing by some good and sufficient cause.

Order for  
naturaliza-  
tion.

**23.** If the court decides that the alien is a fit and proper person to be naturalized and possesses the required qualifications, a certified copy of such decision shall be transmitted by the clerk of the court to the Secretary of State of Canada together with the application and such other papers, documents and reports as may be required by any regulation made hereunder.

Issue of  
certificate of  
naturaliza-  
tion.

**24.** The Secretary of State of Canada may thereupon in his absolute discretion issue a certificate of naturalization, which certificate shall be in duplicate, and shall send the same to the clerk of the court to whom the application for naturalization was made. Upon the applicant taking and subscribing the oath of allegiance the clerk shall deliver one original to the applicant and the other shall be filed of record in the court.

Oath of  
allegiance.

Regulations  
by Secretary  
of State.

**25.** (1) The Governor in Council may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:—

- (a) the forms to be used for the purposes of this Act including the form and registration of certificates of naturalization granted by the Secretary of State of Canada;
- (b) the form and registration of declarations of alienage and declarations of resumption of British nationality;
- (c) the time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization;
- (d) the persons by whom the oath of allegiance may be administered and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;
- (e) the form in which the taking and subscription of oaths of allegiance are to be attested;
- (f) the registration of oaths of allegiance;
- (g) the persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;
- (h) the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath.



2. Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force as if it had been enacted therein. Imp. Bill, s. 19.

**26.** The Governor in Council shall have power to appoint commissioners to take oaths under this Act. Commissioners to take oaths.

**27.** Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State of Canada or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned. Imp. Bill, s. 20. Evidence of declarations.

**28.** A certificate of naturalization issued under this Act or under the *British Nationality and Status of Aliens Act, 1914*, or under any Act or law passed by or in force in any British possession in which Part II of the said *British Nationality and Status of Aliens Act, 1914*, has been adopted or is in force may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the officer or person authorized to issue such naturalization certificate or by any person authorized by such officer or person in that behalf. Evidence of certificates of naturalization.

**29.** Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State of Canada, and the copies of any such entries shall be evidence of any matters, by this Act or by any regulation of the Governor in Council or of the Secretary of State of Canada, authorized to be inserted in the register. Imp. Bill, s. 22. Evidence of entries in registers.

**30.** If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labour for any term not exceeding three months. Imp. Bill, s. 23. Penalty for false representation or statement.

**31.** The oath of allegiance shall be in the form set out in the Second Schedule to this Act. Imp. Bill, s. 24. Form of oath of allegiance.

## Supplemental.

Saving for letters of denization.

**32.** Nothing in this Act shall affect the grant of letters of denization by His Majesty. Imp. Bill, s. 25.

Definitions.

**33.** In this Act, unless the context otherwise requires—

"British subject."

(a) The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted;

"Alien."

(b) The expression "alien" means a person who is not a British subject;

"Certificate of naturalization."

(c) The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any Act repealed by this or any other Act;

"Disability."

(d) The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot;

"Territorial waters."

(e) The expression "territorial waters" includes any port, harbour, or dock;

"Secretary of State."

(f) The expression "Secretary of State" means one of His Majesty's Principal Secretaries of State for the time being.

Clerk of certain courts defined.

2. For the purposes of this Act the clerk of the peace of any county in Ontario shall be deemed to be the "clerk" of the General Sessions of the Peace of that county, and the prothonotary of the Supreme Court of Nova Scotia for any county shall be deemed to be the "clerk" of that court in relation to matters arising in or dealt with respect to such county.

Name of child in certificate.

3. Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, such child shall for the purposes of this Act be deemed to be a person to whom a certificate of naturalization has been granted. Imp. Bill, s. 27.

Naturalization for three years under R.S. 1906, c. 77.

**34.** Sections 17, 18 and 19 of chapter 77, Revised Statutes, 1906, are amended by striking out the words "Except in the provinces of Saskatchewan and Alberta" at the beginning of each said sections, and section 20 of the said chapter 77 is repealed.

2. At any time within three years from the date of the coming into force of this Act, any alien who is resident in Canada on such date may be naturalized under the provisions of the Acts mentioned in the third schedule to this Act upon complying with the requirements under the said Acts, but no other person shall be so naturalized, and after the expiration of three years from the said date the said Acts shall be repealed to the extent specified in the second column of the said schedule.

Short title.

**35.** This Act may be cited as *The Naturalization Act, 1914.*

**36.** This Act shall come into operation on the first day of January, nineteen hundred and fifteen. Imp. Bill, s. 28. <sup>Commencement.</sup>

## SCHEDULES.

### FIRST SCHEDULE.

#### LIST OF DOMINIONS.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

Newfoundland. Imp. Bill.

### SECOND SCHEDULE.

#### OATH OF ALLEGIANCE.

"I, A.B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his Heirs and Successors, according to law. So help me GOD." Imp. Bill. <sup>Cf. 33 Vict. c. 14. s. 9.]</sup>

### THIRD SCHEDULE.

Title or Short Title.	Extent of Repeal.
The Naturalization Act, Revised Statutes of Canada, 1906, chapter 77.....	The whole.
The Naturalization Amendment Act, 1907, Statutes of 1907, chapter 31.....	The whole.
An Act to amend the Statute Law in its application to the provinces of Saskatchewan and Alberta, Statutes 1907, chapter 45.....	Section 2.
An Act to amend the Naturalization Act, Statutes of 1908, chapter 48.....	The whole.

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