CITIZENSHIP IN CANADA: ‘WE’RE CREATING MORE OBSTACLES THAN WE SHOULD’

NINETTE KELLEY

Ninette Kelley is a former senior officer with the UN High Commissioner for Refugees. She is the author of *People Forced to Flee: History, Change and Challenge* (2022) and previously served in several senior management positions with the UN agency for refugees in Geneva, Beirut and New York. In Canada, she served eight years on the Immigration and Refugee Board and held various policy roles with international humanitarian agencies focusing on development, immigration and refugee issues. She is also the co-author of *The Making of the Mosaic: The History of Canadian Immigration Policy* (2010), with Michael Trebilcock, and they are currently writing a book on contemporary Canadian immigration policy. Her other publications are in the areas of human rights law, citizenship, refugee protection, gender-related persecution, and the *Canadian Charter of Rights and Freedoms*. She is a lawyer by training.

Ninette Kelley spoke with Randy Boswell, guest editor of this edition of Canadian Issues, *in December 2023*

What comes to mind for you when we think about citizenship in Canada?

When we take in the whole object of bringing in immigrants to Canada – and it's in the objectives of our immigration act[1] – they're supposed to contribute to our communities. And we are, in turn, supposed to do everything that we can to help integrate them into our community. And so citizenship, in a sense, is the end of a long process for people who make the application, who come, who take the time they need to settle and meet the requirements of the *Citizenship Act*, and then they get citizenship.

What we've seen, I think, should cause us to worry, because in the last five or six years, citizenship rates have plummeted. And they've plummeted due to a number of different factors. It's unclear, because it still needs to be assessed, but one is that when the Conservatives came into power (2006), they made a lot of amendments to the act and regulations because they thought that immigrants were

abusing the system. And among them were to raise the requirements of citizenship – things that the Liberals (in power after 2015) have kept in place.

REQUIREMENTS MORE DIFFICULT

So the requirements to become a citizen became much more difficult. The language requirements, the citizenship tests – which, I think last summer, there was a survey that said most Canadians would not pass. The fees for citizenship became higher. So this has really, I think, created a dampening effect on people acquiring citizenship. And the problem is that there are studies in Europe, for example, which show that citizenship also hastens integration. So by not helping people become full citizens – by not encouraging that project, by creating barriers to it – I think we are working against the objectives of our own act and institutions. And we need to take a hard look at that.

Now, I also have to say, it's not always the case that it's barriers keep people from becoming citizens. The other thing is that we have (immigrants from) countries that come in here, like Chinese immigrants, who are not able to have dual citizenship. So some of them may delay – and they make up a large proportion of our immigrants. It's unclear what the reasons are.

But the fact is, we've got a decline in citizenship rates, and we need to look at it. We've also put in, I think, punitive laws... In 2006, during the Lebanese crisis, there were a lot of Lebanese Canadians that sought to be evacuated from Lebanon to Canada. Some of them had not spent much time in Canada, and they were labeled abusers. And in a swing to stop this, the government imposed what's called a second-generation ban, so that if you were born outside of Canada, and your child is born outside of Canada, that child can't be a Canadian citizen. Makes a lot of sense in one sense, except now we live in an international world where we have people working in international agencies and for multicultural and multinational organizations. We have a lot of Canadians who are living abroad (and who) still consider themselves Canadian, still contribute to Canada, (and they) may come back. But yes, this law is a kind of a punitive law that prevents that from being transmitted. It's a small point, but I really think it's time that we looked at Canadian citizenship much more closely.

Because it is a privilege, but it is also a right. And do we understand the importance of newcomers gaining Canadian citizenship? What does that do to our communities, and are our laws presently facilitating it or creating obstacles to that? From what I can see, I think we're creating more obstacles than we should.

We, as a country, celebrate – and our government touts – the high rate of immigration. I know it's contentious in some parts of the public conversation, but generally speaking, we recognize we need immigration to prosper as a nation. But you're saying there's a distinction between just bringing people in and then processing them successfully to become citizens?

There's a need for... anchoring them here, too. Because there's a high rate of emigration, too. I think the last survey showed that 35 per cent or more of recent arrivals are leaving. And that's for a lot of reasons. That can be an inability to be reunited with their families. That can be discrimination in

the workforce. Like maybe they don't like it here. I don't know. The point of this (new) book that I'm writing (on contemporary Canadian immigration policy) is that these things are interconnected. And we need to do much more transparent and deep study and analysis than we've done so far. Right now, immigration policy, and to some extent citizenship policy, is being determined by the ministries responsible. Their acts have given them wide latitude to change and adjust policy without the kind of informed public discussion, debate and study that characterized our processes – at least in immigration legislation – in the 1970s, '80s and '90s. That is completely no longer the case. And that is, I think, a significant worry.

Fundamentally, why is it that we want to bring immigrants in, and we want them all – as many as possible – to become citizens? In Canada, it seems generally, we want to continuously enhance our population this way. But there are a lot of countries – and sometimes here, too – where this is highly contentious.

Immigrants are great. I mean, I've worked my whole life for immigrants. I think there are serious arguments to be made that there is an economic need, there is an aging population. There is, you know, all of these things – that immigrants bring prosperity, and that's certainly been (the case) in the past. And I don't think anyone doubts that that's also the way of the future.

I think where the debate happens right now is (in determining) how many immigrants and how quickly we should be bringing them in. Is there enough infrastructure support – healthcare, housing, that kind of thing – to manage a doubling in numbers that we've seen in the last few years? Are we prepared for that? Do we have the settlement services in place to ease the transition? So, I think it's not a question as to whether or not we need immigrants. I think it's how many, and on what basis are we deciding the proportion of economic and permanent to temporary and that sort of thing. That is (what is) getting people a little bit nervous, and wanting to look more closely at (this issue). And, as citizens, we all have an obligation to pay more attention to that, while still embracing the notion that we are in a country of immigrants. We've done well by that. And we should in the future, as well.

NOTES

1 The legislation that structures immigration policy in Canada is the *Immigration and Refugee Protection Act* of 2001. The Act stipulates that the objectives of immigration are:

a) to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;

b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada; **(b.1)** to support and assist the development of minority official languages communities in Canada;

c) to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada;

d) to see that families are reunited in Canada;

e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society;

f) to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces; **f.1)** to maintain, through the establishment of fair and efficient procedures, the integrity of the Canadian immigration system;

g) to facilitate the entry of visitors, students and temporary workers for purposes such as trade, commerce, tourism, international understanding and cultural, educational and scientific activities;

h) to protect public health and safety and to maintain the security of Canadian society;

i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks; and

j) to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.