

Major Research Paper:

**THE PROMISE OF DUAL CITIZENSHIP AND ITS EFFECT
ON A MIGRANT'S CHOICE TO IMMIGRATE**

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Abstract:

As the world continues to be interconnected with its population becoming increasingly mobile, examination of existing immigration and naturalization policies is important in determining their relevancy to modern times. This paper asks whether the promise of dual citizenship as a result of a state's naturalization process affects one's decision of where he or she may immigrate and whether or not he or she will remain in the host country.

The study was carried in the following manner. First, relevant literature was reviewed regarding the purpose of immigration, the differences between permanent residency and citizenship, and the practicalities of dual citizenship. A comparative study was then performed, considering the similarities and differences between Canada's and Germany's immigration and naturalization regimes. It was determined that the promise of dual citizenship through one's naturalization may be influential to immigrants in cases where an additional citizenship may afford rights and welfare benefits, visa-exempt travel, and continued access to one's country of origin while allowing for an immigrant's potential integration into the state where they may naturalize.

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1. Introduction

Perhaps the most recent, regarded event to prescribe a dialogue on dual citizenship in Canada was the evacuation of 15,000 Canadian citizens—many of whom held multiple citizenships—from Lebanon in July 2006. Following the commencement of conflict between Israel and Lebanon, Canadian citizens who were in Lebanon, whether for travel or residence, sought assistance from Canadian authorities to evacuate them from the war-torn area. In total, the evacuation cost \$94 million. Spread out over 15,000 people, that is a cost of over \$6,000 per evacuee. As consular assistance to citizens abroad is typical during an armed crisis, what was particular to note was that many of those seeking to evacuate and come to Canada had few ties to the country beyond that of their Canadian passports (Chant, 2006, p. 1).

Following the Lebanese evacuations, public discourse began on whether immigrants who naturalized and later left Canada should cease to be Canadian and/or whether or not immigration and naturalization procedures need to be further restricted. As the world becomes more and more interconnected and mobile, policymakers will begin to question the relevance of existing immigration and citizenship policies in modern times.

This paper investigates whether the promise of dual citizenship as a result of a state's naturalization process affects one's decision of where he or she may immigrate and whether or not he or she will remain in the host country. As a result, profiles of migrants may be developed regarding whether or not they see the possibility of dual citizenship as an incentive for immigration and from which regions such migrants will originate. In order for Canada to remain

competitive in attracting high-skilled immigrants, dual citizenship may be used as an incentive to garner the particular immigrants whom the economy needs.

Dual citizenship is an instance in which a person holds citizenship status in more than one state. This may occur at birth¹, through marriage² or via naturalization. For the purposes of this paper, discussion will be centred on dual citizenship as a product of the naturalization process. In this case, naturalization indicates an active choice unlike dual citizenship acquired at birth. However, dual citizenship as a result of one's acquisition of a new citizenship via application arises only when one's original and newly adopted states both allow for dual citizenship to occur and the renunciation of existing citizenships is not a requirement of the naturalization process.

To assess the effects that the promise of dual citizenship may bear on one's decision of where to immigrate, I will conduct a comparative study of two different immigration regimes: one that is highly restrictive (Germany) and one that fosters inclusion (Canada). In the case of Canada, with a residency requirement of only three years and the potential for dual citizenship, it pales in comparison to the rigidity of its German counterpart which limits the acquisition of citizenship to those who have been a resident for eight years and does not allow for naturalized citizens to hold additional citizenships except for certain exceptional circumstances³. For the purposes of this study, the definition of an immigrant will be restricted to that of an economic migrant who has

¹ Dual citizenship at birth occurs if a state applies the principles of either *jus soli* or *jus sanguinis* in the acquisition of citizenship. *Jus soli* grants citizenship based on one's birthplace. Whereas, under the principle of *jus sanguinis*, citizenship is inherited from parents to their children, regardless of birthplace.

² In some instances, a person acquires the nationality of his or her spouse under the principle of *jus matromonii*. This differs from naturalization in that the acquisition of citizenship is automatic and is not as a result of an application.

³ Germany has been less tolerant of dual citizenship only allowing for it to occur in select cases including: (1) German nationals who apply for permission, *Beibehaltungsgenehmigung*, to retain their German citizenship before naturalizing into a foreign state are eligible to become dual citizens. (2) Exceptions are made for foreign nationals who wish to naturalize but will face hardships in renouncing their existing citizenship(s). (3) Children of German citizens born outside of Germany who automatically acquire another citizenship at birth (Naujoks, 2009, p. 1).

already obtained lawful permanent resident status in his or her adopted country. This does not include undocumented workers, asylum seekers nor those who have used a filial relationship to obtain permanent resident status.

This paper will be organized as follows: Chapter 2 will present a review of relevant literature, discussing the purpose of immigration, the differences between permanent residency and citizenship and an analysis of existing views on the practicalities of dual citizenship.

Chapters 3 and 4 will outline the elements of the immigration regimes of Canada and Germany, respectively. Emphasis will be placed on each state's annual immigration targets, the source countries of their immigration populations, the differences in rights bestowed to citizens as compared to permanent residents, the requirements of their naturalization processes and on the permissibility of dual citizenship.

Chapter 5 will present an analysis of the findings from the comparative study and will explain in the cases in which dual citizenship may be relevant to an immigrant's decision to naturalize.

Lastly, Chapter 6 will conclude the paper, summarizing its main arguments and providing some brief policy recommendations.

2. Literature review

This literature review chapter is meant to provide a foundation for my comparative study of Canada's and Germany's naturalization regimes. Section 2.1 will explore the relevant models that demarcate a state's citizenship and naturalization policies. This in turn will help to explain why states choose their policies for immigration, naturalization and citizenship. Section 2.2 will explain the differences between the status of noncitizen and citizen. By establishing the differences between these classifications, it will help to understand why the possibility of citizenship is an important factor for an immigrant in deciding his or her future in his or her adopted country. Section 2.3 will outline the benefits and disadvantages of dual citizenship and its relationship to the practice of circular migration. By studying how dual citizenship and migration affect both migrants and source and receiving countries, one can recognize the impact that the possibility of dual citizenship after naturalization poses upon an immigrant's choice of destination country and/or his or her decision of whether or not to naturalize. Lastly, Section 2.4 will explain how this literature review relates to the study's research question.

2.1 Relevant models of citizenship and naturalization policies

Before assessing the merits of a state's immigration, naturalization and citizenship policies, it is important to recognize the rationales behind why states choose between restrictive and inclusive regimes. For this endeavour, I will consider the works of James Hampshire (2011) and Asaf Levanon and Noah Lewin-Epstein (2010).

Hampshire (2011) has studied the variations amongst naturalization policies and has defined four criteria that encompass each state's naturalization process. These criteria include: *residency*;

language proficiency; toleration of dual nationality; and civic or cultural knowledge tests (p. 954). Variations in naturalization policies regarding these aforementioned criteria lead to Hampshire's designation of two types of naturalization policy regimes—liberal minimalist and nationalist—each characterized by their interpretation of what qualities or efforts an immigrant must exhibit or demonstrate in order to become a citizen.

Liberal minimalists see restrictions beyond that of residency requirements (i.e. citizenship tests, renunciation of existing citizenships, knowledge of the official language, etc.) as unjust policies. Under this view, those who have already been admitted as lawful permanent residents should not be discriminated with regards to their prospects for naturalization, as “an extended period of residence” contributes to one’s “moral claim to citizenship” and access to “full voting rights” under the guise of the principles of representative democracy (Hampshire, 2011, pp. 957-959).

Nationalists, on the other hand, seek to preserve national identity through naturalization policies. Such tactics for the safeguarding of a nation’s language, culture and identity include the imposition of civic or cultural tests, the assessment of language proficiency and the renunciation of existing citizenships before a foreigner may become a naturalized citizen—of which this latter restriction will be the focus of our study. Yet, Hampshire (2011) argues that if the decline of a state’s national identity is of concern, exclusionary criteria should be developed for the admission of immigrants and not for the naturalization of lawful permanent residents.

National policies reflect the goal of immigration for a state. Both liberal minimalists and nationalists see immigrants as human capital resources. Liberal minimalists see those who come

as having an equal opportunity to be a citizen. Nationalists see only those who will accept existing social standards set forth as those worthy of citizen status (pp. 961-963).

Levanon and Lewin-Epstein (2010) explain that citizenship regimes evolve from “distinctive traditions of nationhood”. These include the pluralist, the exclusionary and the assimilationist models. Pluralist regimes grant citizenship via *jus soli*⁴ and provide immigrants with equal rights. Exclusionary regimes, as their name suggests, restrict citizenship to only those who embody the ethnicity and the culture of the state. In this case, exclusionary regimes bestow citizenship typically via *jus sanguinis*⁵. Assimilationist models are a median in between the aforementioned ideologies of pluralist and exclusionary policies as they bestow citizenship upon those born within the state whilst incorporating immigrants as citizens who pay “the price of cultural assimilation” (p. 421).

In reference to this paper’s study, Canada will assume the classification of a liberal minimalist and a pluralist regime and Germany will be classed as both a nationalist and an exclusionary regime. Further discussion of the reasons for the assignment of these classifications will be presented in Chapters 3 and 4.

2.2 *Noncitizen status vs. citizen status*

To understand the importance of citizenship over that of permanent residency, one must consider the benefits and responsibilities that citizenship bestows upon citizens beyond those extended to permanent residents. The research of Sune Lægaard (2010) and Francesca Mazzolari (2009) will

⁴ Citizenship derived from birthplace.

⁵ Citizenship derived from one’s bloodline or ethnic background.

help to analyze the importance of the naturalization process to an immigrant's participation in their adopted society and the benefits that naturalization provides immigrants over an alien status.

Lægaard (2010) in his discussion of social cohesion and naturalized citizenship explains the differences amongst the process of an immigrant's admission, residence, naturalized citizenship and integration. This cycle begins with an immigrant's "access to the territory" whereby he or she receives the necessary permits for residence and work. Residence is what governs the potential for the later two stages of naturalized citizenship and integration, as, in most cases, one cannot expect to naturalize and/or to integrate without first taking up residence. Naturalized citizenship provides immigrants with "a more secure legal status with a fuller set of rights and duties than residence". He explains that during the immigration process and through one's residence immigrants undergo integration—"a social process whereby immigrants become 'part of' the society" (p. 453)

We can infer from Lægaard (2010) that citizenship seems to be the logical end to the immigration process. He explains that in terms of *societal integration* it is only after a period of residence that an immigrant may begin the process to become a citizen. Yet, it is naturalization policies and protocols which are meant to safeguard the institution of citizenship from social cohesion—"to limit access to the rights and duties enjoyed by citizens, but also to affirm and strengthen the special normative and affective bond and community among citizens" (p. 456). In this case, Lægaard suggests that states should take measures to integrate immigrants by offering

such things as language and cultural training to would-be future citizens ultimately before the point in which they decide to naturalize (pp. 456-460).

From the perspective of immigrants, Mazzolari (2009) describes the naturalization process as “an immigrant’s gateway for political participation”. An immigrant decides to naturalize based “on the perceived benefits and costs of naturalization and the weights attached to them” (p. 169). As such, the process of naturalization from the perspectives of immigrants is one of “a utility-maximizing framework”. In this case, an immigrant who is eligible to become a citizen in their host country will naturalize “if the benefits [of the new citizenship] exceed the costs [of the naturalization process]”. The benefits of naturalization are those political and social rights from which permanent residents are excluded, including, but not limited to, voting, holding public office, *residential security*⁶ and possessing a passport. An immigrant may not only incur financial costs of naturalization but also the burdens of the process including the renunciation of existing citizenships (p. 172).

Mazzolari (2009) also suggests that the status of citizen “may provide greater employment opportunities” for immigrants as a requirement for jobs in the public service or those dealing with national security but may also alleviate discrimination in the hiring process. For example, an immigrant job candidate’s naturalization may be seen by potential employers as a commitment to the state beyond that of simply residence as well as indicative that one is legally eligible to work (p. 186).

⁶ Residential security is a privilege of citizenship; whereby a citizen may not be deported. In many cases, those with permanent residence status may have their residency revoked as a result of minor crimes or misdemeanors as well as failure to adhere to all the requirements of continued maintenance of their permanent resident status (Mazzolari, 2009, p. 173).

Naturalization provides a succession to the relationship between an immigrant and the destination country. It provides a long-term commitment between an individual and a state by providing the individual with full social and political membership in the polity. The enhanced status of naturalized citizen over that of alien or permanent resident allows for the realization of an immigrant's potential future in his or her destination country.

2.3 Dual citizenship and circular migration

Modern practices of migration are altering one's understanding of immigration and naturalization policies. In particular, migrants are maintaining continued ties with their countries of origin through dual citizenship and circular migration.

Irene Bloemraad (2004) depicts three models in describing the impact of dual citizenship on citizenship and identity: (1) traditional, (2) transnational and (3) postnational. First, the traditional model recognizes that the classical understanding of citizenship considers it to remain a relationship between an individual and one state—either one's country of origin or one's destination country for immigration. Those who foster this view acknowledge that immigrants will naturalize and some may claim dual citizenship; however, over time, only one of their citizenships will prevail with regards to an immigrant's attachment to his or her adoptive country or his or her country of origin. Second, the transnational model recognizes that individuals, in particular immigrants, will live their lives beyond the constraints of a state's borders and therefore will be excited to reap the benefits that dual citizenship offers them. The view of transnational scholars is that as more and more states break down the barriers to an individual's

ability to hold more than one citizenship, those who qualify for dual citizenship will increasingly have their dual nationalities recognized. Lastly, the postnational model considers traditional citizenship to have a diminished relevance as individual rights are being bestowed in many states universally on all persons regardless of citizenship. In this case, the desire for dual citizenship will diminish as well as for naturalization as many of the benefits of both practices have been absorbed into such universal declarations of rights (p. 398).

For the purposes of this study, the transnational model will be used as the basis for the comparative analysis of Canada and Germany, as it reflects the reality that an immigrant's life may be split between personal connections in his or her country of origin as well as his or her destination country. We can reject the other models offered by Bloemraad (2004) as the traditional model does not consider the realities of present migration and the postnational negates the purpose of this study on the value offered by a particular or multiple citizenships.

Dovelyn Rannveig Agunias and Kathleen Newland (2007) affirm this selection of the transnational model in their study of circular migration, contending that studies have indicated that migrants "do want and intend to return to their countries of origin, either on a temporary or a permanent basis". However, such a return may or may not be realized due to continued insecurity in one's country of origin, insecurity of one's status in his or her host country if not yet a naturalized citizen or a loss of interest in returning to one's country of origin (pp. 1-2). They explain that migrants are autonomous individuals and describe them as "not just passive participants but active agents of their own mobility" (p. 3).

Lisong Liu (2012) writes of such an agency in his description of selective citizenship. In selecting one's citizenship through naturalization, a migrant is declaring his or her autonomy. He explains that for migrants, particularly those coming from poorer countries, certain passports exhibit privilege and/or prestige. In this regard, the option of dual citizenship through naturalization provides immigrants with the opportunity to benefit from the acquisition of a passport from their chosen state of immigration whilst allowing them to retain the citizenship of their existing citizenship.

Amelie Constant and Douglas S. Massey (2002) depict a similar picture in describing a migrant's agency in a discussion paper prepared for the Institute for the Study of Labor (IZA). They recognize that, according to economic theory, migrants are "rational self-interested agents" who "migrate wherever the expected present value of total benefits is greater than the total costs of migration, subject to information constraints" (p. 10). These potential benefits include higher earnings, family and cultural ties, better climate, sentimental bonds with a region, and political regimes. However, a migrant must also take into account the cost of such a move including out-of-pocket expenses, income foregone while moving, and "the psychological burden [of] leaving familiar surroundings and adapting to a new culture and language" (p. 10). Similar to weighing the costs and the benefits of the naturalization process, migrants must use a profit-maximization in their decision of whether or not to continue the process of migration or to remain settled in a particular state.

From the onset of one's initial international migration, Constant and Massey (2002) explain that a migrant has the potential for three possible futures: (1) to remain in the destination country

either as a permanent resident or a naturalized citizen; (2) to settle in another country restarting the immigration process; or (3) to resettle in one's country of origin (p. 4). They describe this concept as out-migration; whereby, "migrants are inherently more prone to move because they have already moved once". After having already immigrated once, migrants are better informed of the economic, social and cultural conditions of both their host countries and their countries of origin (pp. 10-11).

Similarly, Hampshire (2011) found that renunciation policies during naturalization do not necessarily cause immigrants to be completely undivided between their countries of origin and their newly adopted countries. Instead, there is the potential for the inhibition of inherent activities that dual citizenship provides benefits to both sending and receiving countries. These include: the transmission of remittances, the encouragement of naturalization and the possibility for return migration (p. 967).

Dual citizenship lowers the costs of obtaining political rights for immigrants as it provides immigrants with the security of being able to maintain continued ties with their countries of origin. Such ties facilitated via dual citizenship enables circular migration by allowing for naturalized citizens to maintain ties to their countries of origin as well as access to its labour markets thereby broadening one's economic horizons. In this case, human migration is no longer a one-time event, whereby, an economic migrant may in effect travel between his or her country of origin and one or more destination countries.

2.4 Relationship of literature to this study

To understand the differences between restrictive and inclusive naturalization regimes, one must first consider the objectives of migration and naturalization before assessing the implications that both circular migration and dual citizenship have on a state's immigration goals. Immigrants seek opportunities abroad when the prospects seem better than those in their countries of origin. States seek immigrants to improve their supply of human capital and later bestow citizenship upon those who both fulfill the requirements of naturalization and have the desire to become a citizen. The rationale for why an immigrant may choose to naturalize and what factors impact both their decision to do so as well as a state's naturalization requirements may help to explain the importance that a state policy regarding dual citizenship exudes on the success of a state's immigration endeavours. In this sense, the following comparative study of Canada's and Germany's immigration and naturalization policies will seek to depict the merits and the drawbacks of inclusive and exclusive regimes.

3. Canada

Canada is a land that was built on immigration. As a settler society, such international migration has fostered public attitudes in Canada to be open to multiculturalism and has called less for immigrants to assimilate than has been the case in other states which share similar histories of immigration such as the United States. This chapter will describe the results of Canada's inclusive immigration and naturalization efforts and how the possibility of dual citizenship reduces the costs of naturalization. Section 3.1 will explain Canada's tradition of extending automatic birthright citizenship and how recent reforms have sought to safeguard the integrity of such transmission. Section 3.2 will describe the various ways in which people immigrate to Canada, focusing primarily on the procedures for the admission of economic migrants. Section 3.3 will outline the differences between the benefits and rights afforded to permanent residents and citizens. Section 3.4 will consider the extent of the naturalization process and the possibility of dual citizenship for naturalized Canadian citizens.

3.1 An introduction to Canadian citizenship

Canadian citizenship was first established with the 1947 Citizenship Act, bestowing citizenship on virtually all persons born in Canada via the principle of *jus soli*, whereby citizenship is granted on the basis of birthplace. Children of noncitizen Canadians will not only receive Canadian citizenship but also may potentially receive the citizenship(s) of their parents—thereby, becoming dual citizens. There also is the possibility of dual citizenship for existing citizens as Canadian citizens do not lose their Canadian citizenship as a result of the act of

naturalization into another state⁷ (Citizenship and Immigration Canada, 2009d). In addition, Canadian citizens living abroad have the right to pass their citizenship onto their children as well as children born abroad have the right to acquire the nationality of the state of their birth and any other citizenships which their parents may hold. Such transmission of citizenship is known as citizenship by descent or *jus sanguinis*. In the case of Canada, however, recent amendments to the Citizenship Act have limited transmission of citizenship to one generation born outside of Canada. Subsequent generations born to Canadians abroad who themselves were not born in Canada on or after 17 April 2009 will be required to apply for permanent residence before being eligible to receive Canadian citizenship⁸. Table 3-1 illustrates the most common applications of the automatic transmission of Canadian citizenship at birth.

⁷ Prior to 15 February 1977, many Canadians who naturalized into a foreign state lost their Canadian citizenship. However, many citizenships were restored through the reforms to the *Immigration Act* which came into force on 17 April 2009.

⁸ Citizenship and Immigration Canada (CIC) (2012b) notes that in some cases children born abroad to Canadian citizens in the second generation born abroad may end up being stateless persons as a result of the new immigration provisions. For example, if a child is born abroad to two Canadian parents who themselves both were born outside of Canada and are unable to pass on their Canadian citizenship automatically nor is the child eligible to receive the citizenship of the jurisdiction where his or her birth took place, the child would be rendered stateless. In this case as well as those under similar circumstances, CIC suggests that parents petition for a stateless child to come to Canada under humanitarian or compassionate grounds—particularly where travel may be an issue due to the lack of a passport for the child.

Table 3-1. Canadian citizenship acquisition for children born in Canada or born to Canadian citizens abroad

	Birthplace of child	Birthplace of parent(s)	Eligibility for Canadian citizenship
<i>Case #1</i>	Canada	Does not matter	Automatic at birth
<i>Case #2</i>	Outside of Canada	Canada	Automatic at birth with registration at a Canadian embassy
<i>Case #3</i>	Outside of Canada	Outside of Canada but is a Canadian citizen	<p>For births occurring before 17 April 2009: Births needed to be registered with Canadian authorities and, in some cases, the child may have needed to have taken steps to retain his or her citizenship.</p> <p>For birth occurring on or after 17 April 2009: The child must apply for permanent residence and travel to Canada. If child is under age 23 upon arrival in Canada, he or she may apply for naturalization without being subject to the normal three year residency requirement. All other regular requirements for naturalization will need to be met in order to qualify for citizenship.</p>

Source: Citizenship and Immigration Canada (2012b)

Note: This table is a simplified picture of the transmission of Canadian citizenship as it applies in most cases. Other cases, such as birth of children to Canadians citizens stationed overseas for diplomatic or military reasons may utilize different criteria to determine one's eligibility for citizenship.

3.2 Canada's immigration profile

Canada admits approximately 250,000 immigrants annually as permanent residents through three immigration streams: economic, family and protected persons classes (Citizenship and Immigration Canada, 2011a, pp. 13-17). In 2010, two-thirds of the 280,681 admitted in 2010 were economic migrants, which will be the focus of our study. As Table 3-2 depicts, a large segment, totalling 35 percent of Canada's immigrants, originated from East Asia. It is interesting to note that although the United States is Canada's closest neighbour and does, in fact, rank fifth

amongst source countries for permanent residents to Canada, it only accounts as the source country for 3 percent of permanent residents to Canada.

Applicants for permanent residence as skilled workers and professionals must qualify according to Canada's point system which assess a candidate's chances for integration into the Canadian labour force. Changes to the point system will take place in late 2012, as a stronger focus will be placed on an applicant's language skills (Keung, 2012). In addition, applicants must demonstrate education, work experience and that they have the financial means to support themselves and any dependents for at least six months or possess an offer of employment from a Canadian employer (Citizenship and Immigration Canada, 2012g).

Table 3-2. Origin of permanent residents to Canada, 2010

Source country	Number of immigrants
Philippines	36,578 (13%)
India	30,252 (11%)
People's Republic of China	30,197 (11%)
United Kingdom	9,499 (3%)
United States	9,243 (3%)
All other countries	164,912 (59%)

Source: Citizenship and Immigration Canada (2010c)

3.3 Benefits allocated to permanent residents and citizens

Permanent residents and citizens are afforded many of the same benefits including civil rights bestowed in Canada's Charter of Rights and Freedoms as well as "equal access to health and social services" (Picot & Hou, 2011, p. 9). However, and despite what its name suggests, the status of permanent resident falls short of one's permanent inclusion in Canadian society. This is evident in the gap between the rights of a permanent resident and those of a citizen. Citizens, unlike permanent residents, are bestowed the rights of voting, running for public office, holding a Canadian passport and residential security (Picot & Hou, 2011, p. 9).

Perhaps the most inclusive right of citizenship over that of permanent resident status is the right to participate in Canada's democratic process through the acts of voting and/or running for public office. Certain sensitive positions (i.e. national security) require security clearances that are only open to Canadian citizens. Likewise, preference is afforded to citizens over noncitizens in federal public service positions.

Permanent residents have open access, at least in theory, to Canada's labour market but must renew their status as a permanent resident every five years. As is the case for citizens, permanent residents may enter and exit Canada freely.

However, permanent residents must be present physically in Canada for 2 years (730 days) or risk losing their permanent resident status upon time for its renewal after 5 years. Likewise, permanent residence is dependent upon a permanent resident's clean criminal record (Citizenship and Immigration Canada, 2011b; 2012i). As Mazzolari (2009) suggested, citizenship alleviates

this lack of *residential security*, as a citizenship may not be revoked due to periods of non-residence nor criminal offences⁹. In addition, a Canadian passport offers visa-free travel to many destinations, diplomatic assistance, as well as access to the labour market of the United States via NAFTA TN visas (Bureau of Consular Affairs, n.d.). Canadian citizens also have certain rights as members of the British Commonwealth including the right to vote in elections if they are resident in the United Kingdom (The Electoral Commission, n.d.).

3.4 Naturalization and dual citizenship

Picot and Hou (2011) have determined that by 2006 Canadian citizenship rates had risen to 79 percent, an 11-percent increase since 1970, before changes to Canadian citizenship law enabling for most cases of naturalized dual citizenship to occur (p. 7). Between 2006 and 2010, Canada granted Canadian citizenship to just under 1 million persons, including 143,577 persons in 2010¹⁰ (Citizenship and Immigration Canada, 2012c; 2011a, p. 28). Table 3-3 presents the birthplace origins of these new Canadians, and, compared to Table 3-2 which described the citizenship of immigrants to Canada during the same year, it is interesting to note that the top three source countries for immigrants are also the top three source countries for new citizens.

Permanent residents may apply for Canadian citizenship after holding permanent resident status for three years or 1,095 days during the previous four years from the date of the application¹¹.

⁹ Naturalized citizens may be deported and have their citizenship declared null should it be proved that their applications for citizenship were contracted fraudulently. Recent efforts to crack down on fraudulent immigration applications will be discussed in Section 3.4.

¹⁰ There is a discrepancy between the number of persons granted citizenship as listed in Citizenship and Immigration Canada (CIC)'s 2011 Annual Report to Parliament (143,329 persons) and number as shown in numbers released from CIC Operational Databases on *Open Data* (143,577 persons), as shown in Table 3-3.

¹¹ The three-year requirement as a permanent residence may be reduced if the applicant held a temporary residence permit prior to becoming a permanent resident. In this case, the time in Canada accrued prior to the attainment of permanent resident status would be worth the equivalent of 50 percent of time as a permanent resident if it occurred

Parents and legal guardians may apply on behalf of those under age 18 if they themselves are already Canadian citizens or are also applying or naturalized citizenship at that same time as the child. In this case, children need not necessarily meet the three-year residency requirement for naturalization. Besides residence and an application and grant of citizenship fee of \$200, applicants for naturalization must demonstrate the following:

1. Knowledge test: Canada's knowledge test for applicants for citizenship charges candidates for naturalization with the responsibility of knowing "the rights and responsibilities of citizenship, such as the right and responsibility to vote in elections" as well as "Canada's history, values, institutions and symbols".
2. Criminal record: Applicants for citizenship must not have been convicted of a criminal offence nor a violation of the *Citizenship Act* during the three years prior to one's application for naturalization. Likewise, those currently charged with such offences or those who have been ordered to leave Canada are ineligible for citizenship. In general, one must have a clean criminal record and not be under investigation nor on parole or probation to be eligible for citizenship. Time during incarceration does not count towards one's residency requirement for citizenship.
3. Language abilities: Candidates for citizenship must "have adequate knowledge" of one of Canada's two official languages—English or French. Such language abilities will be assessed through the aforementioned knowledge test and "interaction" with Citizenship and Immigration Canada staff and/or one's interview with a citizenship judge (Citizenship and Immigration Canada, 2012b; 2012d; 2012f).

within the four years prior to the application for citizenship. Thus, one year of temporary residence before permanent residence would be counted as six months toward the three-year requirement. (Citizenship and Immigration Canada, 2012e).

Since 1977, Canada no longer requires those seeking to naturalize to renounce their former citizenships. Naturalized Canadians may find themselves as dual citizens if their former countries of citizenship allow for dual citizenship and/or do not consider naturalization into a foreign state to be grounds for expatriation. However, this has not hindered the suggestion that some may have taken advantage of Canada's leniency with regards to this policy of non-renunciation for naturalization, only to receive the benefits of Canadian citizenship but not contribute to Canada by way of residence, taxes, etc., instead choosing to reside outside of Canada. Canadian Member of Parliament Garth Turner dubbed these persons, in wake of the 2006 evacuations of Canadian citizens from Lebanon, as *Citizens of Convenience* (Turner, 2006).

Yet, non-renunciation along with Canada's allowance for its own citizens to naturalize into foreign states without threat of the loss of Canadian citizenship, as previously stated, allow for Canadian citizens to maintain and/or to create ties outside of Canada. In fact, estimates suggest that over 2 million Canadians reside outside of Canada and over half are residents of the United States, Hong Kong, the United Kingdom and Australia ("Estimated", 2009). However, one thing about Canada's voting laws is their exclusionary aim toward Canadians who decide to reside abroad. Canadian citizens who are resident outside of Canada for 5 years are ineligible to vote until they re-establish residence in Canada. This is important because dual citizens—particularly those who are naturalized Canadians—may decide to take up residence in their other country of residence and will be subject to the 5-year requirement, losing their enfranchisement until they return to Canada (Elections Canada, 2008).

In recent years, Canada’s conservative government has sought to tighten controls on the acquisition of naturalized citizenship including plans to terminate the citizenship of 2,100 Canadians who naturalized under fraudulent means—many of whom never intended to make contributions to or to live in Canada. The same investigation is targeting 4,400 permanent residents for similar offences (Raj, 2011; “Canada”, 2011).

The next chapter will present Germany’s restrictive regime for naturalization and its goal of granting citizenship to only those who dedicate themselves to integrating into German society, adopting its language and culture and permanently living in Germany.

Table 3-3. Birthplace of newly naturalized Canadian citizens, 2010

Country of birth	Percent of new citizens
India	18,961 (13%)
People’s Republic of China	13,413 (9%)
Philippines	11,608 (8%)
Pakistan	8,062 (6%)
Colombia	3,811 (3%)
All other countries	87,722 (61%)

Source: Citizenship and Immigration Canada (2012c)

4. Germany

Germany, unlike Canada, boasts a cultural and linguistic tradition that spans many centuries. As we will see in this chapter, the retention of its national character is evident in its immigration and naturalization policies and in the fact how the mandated renunciation of former citizenships increases the costs of becoming a German citizen. Section 4.1 will provide a discussion of the ways in which cultural protections play out with regards to the transmission of citizenship. Section 4.2 will profile Germany's immigration scheme and how its membership in the European Union affects its policies. Section 4.3 will explain the limits of permanent residence status in Germany and the benefits realized through naturalized German citizenship. Section 4.4 will gage the realities of Germany's naturalization process with special emphasis on its requirement of the renunciation of former citizenships thereby shutting out immigrants from the possibility of dual citizenship through naturalization.

4.1 An introduction to German citizenship

German citizenship has been primarily rendered at birth via the *jus sanguinis* model in which one must have a German-citizen parent. Recent reforms, which came into effect in 2000, have introduced a variant of *jus soli*, known as the "optional principle" or *Optionspflicht*. Now, children born to foreigners in Germany may receive German citizenship and any other citizenship they may be eligible for via *jus sanguinis*. To be eligible for German *jus soli* citizenship, a child's parents must have been a legal resident for eight years and have held a permanent resident title¹² for at least three years. However, between the ages of 18 and 23, such persons must choose to retain either German citizenship or their other citizenship(s), but not more than one. Failure to provide proof of the loss of their other citizenship(s) by age 23 will

¹² Permanent resident titles will be discussed in Section 4.2.

cause one to lose his or her German citizenship (Mancini & Findlay, 2008, p. 578; Naujoks, 2009, p. 1; Faist, Gerdes, & Rieple, 2004, p. 928; Winter, 2004, p. 7).

Germany has been less tolerant of dual citizenship only allowing it to occur in select cases including: (1) German nationals who apply for permission, called *Beibehaltungsgenehmigung*, to retain their German citizenship before naturalizing into a foreign state; (2) those seeking to naturalize into Germany who can demonstrate that the loss of their original citizenship(s) may lead to hardships in doing so or an act of renunciation will not be recognized by the foreign state; (3) children of German citizens who acquire citizenship automatically at birth; and (4) EU nationals as of 2007 are not required to renounce their former citizenships as a requirement of naturalization¹³ (Embassy and Consulates General of the Federal Republic of Germany in Canada, n.d.; Winter, 2004, pp. 7-8, 10; Naujoks, 2009, p. 1). Table 4-1 illustrates the most common applications of the transmission of German citizenship at birth with special attention to the potential that one may hold another citizenship besides that of German citizenship.

¹³ Naujoks (2009) notes that the laws of one's country of origin may continue to prohibit dual nationality despite this policy change (p. 7, note 4).

Table 4-1. German citizenship acquisition for children born in Germany or born to German citizens abroad

	Birthplace of child	Citizenship of parent(s)	Child is a German citizen?	Child has dual citizen with Germany and another state?
<i>Case #1</i>	Germany	German	Yes	Only if dual citizenship is acquired via <i>jus sanguinis</i> .
<i>Case #2</i>	Germany	Non-German	Births before 2000: No Births since 2000: Only if at least one parent had resided in Germany for 8 years and has held a resident permit for 3 years.	After 2000: Only until age 23 when child must decide which one citizenship they shall retain.
<i>Case #3</i>	Outside of Germany	German ^a	Births before 2000: Automatic citizenship Births since 2000: Registration of birth required within one year of birth.	Only if additional citizenship(s) are acquired automatically at birth.

Source: Embassy and Consulates General of the Federal Republic of Germany in Canada

Note: This table is a simplified picture of the transmission of German citizenship as it applies in most cases. Other cases, such as birth of children to German citizens stationed overseas for diplomatic or military reasons may utilize different criteria to determine one's eligibility for citizenship.

[a] Before 1975, if a child's parents were unmarried at the time of his or her birth, German citizenship could only be transmitted by a father.

4.2 Germany's immigration profile

Germany has long been seen as a country closed to immigration, particularly since its suspension of foreign recruitment in 1973. This view may need to be reviewed as recent estimates released by the German Labor Office project that 2 million immigrants will be required to fill the need for approximately 6 million skilled workers in such areas as computer science, mathematics, engineering and medicine by the year 2025 (Auswärtiges Amt, 2011; Dick, 2012).

EU nationals have the right of freedom of movement across EU member states such as Germany without the need for residency permits¹⁴. Nationals of countries other than EU-member states, the European Economic Area or Switzerland must obtain a residence title in order to hold resident status in Germany. Germany offers three types of resident titles: (1) a residence permit—*Aufenthaltserlaubnis*, (2) a permanent settlement permit—*Niederlassungserlaubnis*, and (3) a permit for permanent right of residence-EC—*Erlaubnis zum Daueraufenthalt-EG*. A residence permit is a renewable temporary right of residence in Germany allowing a foreign national to either study, to seek refuge or, if specifically designated on the permit, to work. After five years of possession of a residence permit, an immigrant may obtain a permanent settlement permit which allows for residence and access to the German labour market without a time limit¹⁵. A permit for permanent right of residence-EC goes one step further than a permanent settlement permit, allowing a migrant access to other EU member states as well as unlimited residence in Germany¹⁶ (Bundesamt für Migration und Flüchtlinge, 2012; 2011b).

Economic migrants who hail from non-EU nations must obtain a residence permit before accessing the German labour market. Special concessions to the process are made for those deemed to be “highly-qualified persons”, researchers and entrepreneurs. Contract and seasonal work is available in Germany; however, will not apply to this present study (Bundesamt für Migration und Flüchtlinge, 2010).

¹⁴ Certain restrictions continue to be imposed upon Bulgarian and Romanian nationals during the transitional period since their 2007 entrance into the EU (European Commission, n.d.).

¹⁵ Certain conditions must be met in order to obtain a permanent settlement permit. This includes the demonstration of the financial security of the applicant and his or her dependents, knowledge of the German language and a clean criminal record. In certain circumstances some of these conditions may be waived including that of a highly skilled immigrant (Bundesamt für Migration und Flüchtlinge, 2012).

¹⁶ A migrant may not hold both a permanent settlement permit and a permit for right of permanent residence-EC at the same time. Immigrants who hold certain immigrant statuses are not eligible for a permit for right of permanent residence-EC, in particular, those who are refugee claimants (Bundesamt für Migration und Flüchtlinge, 2012).

In accordance with EU policy initiatives, Germany has recently introduced a Blue Card program for easier immigration protocols for economic migrants from non-EU nations. The Blue Card visa allows for a stay of three years in Germany with the possibility of conversion to permanent residency with continued work experience. For those Blue Card holders who acquire German language skills, the validity of their Blue Card may be extended by two years. The program allows for financially independent, non-EU nationals to come to Germany for up to six months to seek employment. For those who receive an offer of employment of at least 44,800 euros for most occupations and at least 35,000 euros for occupations in high demand, an application for a Blue Card visa may be made. This is a decline from a previous requirement of an offer of at least 66,000 euros for labour market entrance of non-EU nationals. In addition, for those who find jobs that do not meet the aforementioned income thresholds, non-EU nationals may petition Germany's state employment agency for proof that "there was no unemployed German who could do the same job". However, if no one can be found to fill the position within two weeks, the foreigner may fill the position (Kinkartz, 2012; "Opportunities", 2012; Dick, 2012).

At the same time, recent trends toward "populist, anti-immigrant" politics across the European continent have not skipped Germany. Concerns that immigrants seek to change the face of Germany as many continue to speak languages other than German and practice other religious and cultural traditions than their ethnic German counterparts. This is reflective to Germany's foreign population at the end 2011 of about 6.9 million persons, including over 1.2 million non-Germans who were born in Germany, which accounts for about 8.5 percent of Germany's total population. Table 4-2 outlines the origins of Germany's foreign population (Clark, 2010; Statistisches Bundesamt, 2012b; 2012c).

Like other European leaders, German Chancellor Angela Merkel has declared *'Multikulti'* or multiculturalism to be a failure. Her statement of this at an October 2010 youth gathering of her Christian Democratic Union political party followed the release of results from a think tank study noting that a survey of public opinion suggested that Germans had grown tired of multiculturalism. The findings indicated that 30 percent of those surveyed *believed Germany was 'overrun by foreigners'*¹⁷. However, despite Merkel's comments, she maintained in the same speech that Germany would remain receptive to outsiders even if it took them some time to adapt to the German language (Clark, 2010). Yet, for those who reject immigration as the answer to Germany's labour shortages, increased training for the unemployed and more education for young people are seen as a more reasonable domestic intervention (Schneider, 2001, p. 352; Crossland, 2007). Nevertheless, with a German birthrate that has been in decline 11 out of the last 12 years, a net migration rate in 2011 that was the highest since 1996 as well as a 2.6 percent increase in foreign arrivals in 2011—most notably, foreigners from other EU states, accounting for 88 percent of new arrivals—and continued EU influence on Germany's immigration policies, the admission and integration of immigrants will likely remain a debatable topic for years to come (Statistisches Bundesamt, 2012d; 2012e; Gessat, 2012).

¹⁷ The study was conducted by the Friedrich Ebert Foundation and surveyed Germans on such topics as whether or not the practice of Islam should be restricted and how influential were Jewish persons in German society.

Table 4-2. Foreign population as of 31 December 2011, place of birth and selected citizenships

Citizenship	Total	Born in Germany	Born abroad
Total	6,930,896	1,266,215	5,664,681
Europe	5,509,282	1,126,324	4,382,959
EU-27	2,599,190	400,470	2,198,720
Greece	283,684	75,957	207,727
Italy	520,159	156,644	363,515
Austria	175,926	25,283	150,643
Poland	468,481	17,475	451,006
EU-candidate countries	1,912,534	581,101	1,331,433
Croatia	223,014	49,664	173,350
Turkey	1,607,161	514,283	1,092,878
EEA-states/Switzerland	45,350	6,701	38,649
Rest of Europe	952,208	138,052	814,156
Bosnia and Herzegovina	153,470	26,482	126,988
Russian Federation	195,310	7,115	188,195
Africa	276,070	34,238	241,832
America	223,675	8,784	214,891
Asia	854,957	78,314	776,643
Australia and Oceania	13,077	509	12,568
Stateless, unknown or not specified	53,835	18,046	35,789

Source: Central Register of Foreigners, Statistisches Bundesamt (2012b)

4.3 Benefits allocated to German citizens

As stated in the previous section, depending upon one's residence title, a foreigner may be able to reside, work and/or study for a temporary period or be the holder of an unlimited residence permit which would allow the holder to remain indefinitely in Germany. However, to understand the reasons for which a person may decide to become a naturalized German citizen, we must first understand what rights are bestowed to German citizens. These include:

1. *The right to possess a German passport.* Germany's national passport affords citizens with diplomatic assistance should they run into trouble whilst travelling or residing abroad as well as access to other EU states with protocols in place for free movement of persons.
2. *The right to receive social benefits.* For example, until recently EU nationals were eligible to receive welfare benefits whilst searching for jobs; however, as of February 2012, all noncitizens are ineligible to receive long-term unemployment benefits shortly after their arrival in Germany.
3. *The right to vote and to run for public office.*
4. *The right to work for the German civil service.*
5. *The right to invoke "certain fundamental rights" articulated in the German Constitution—Grundgesetz or Basic Law—including the freedoms of assembly, association, movement and occupation* (Winter, 2004, p. 3; "Germany", 2012).

As we will see in the next section, Germany's requirements for naturalization are extensive to the point that only those seeking to permanently remain in Germany need apply. However, for those who may seek to remain in Germany and, by and large, contribute to society, their options for inclusion without naturalizing or while serving the needed residency requirement for naturalization are extremely limited.

4.4 Naturalization and dual citizenship

Germany has a more restrictive naturalization process as compared to Canada with regards to residency and renunciation of existing citizenships. In order to become a German citizen,

one must have resided in Germany for eight years, renounce all existing citizenships unless an exception may be claimed, prove proficiency in the German language, commit to the constitution and pass a citizenship test on German history and culture. It is interesting to note that the residency requirement was greatly reduced with the reforms that came into effect in 2000, as naturalizations before the reforms had required applicants to have completed 15 years of residence to qualify for citizenship (Bundesamt für Migration und Flüchtlinge, 2011a; Winter, 2004, p. 10).

Naturalized citizenship is available to anyone over 16 years of age¹⁸ who hold an “unrestricted right of residence” for a fee of 255 euros¹⁹ and meet the following criteria²⁰:

1. Applicants must pass the naturalisation test, *Einbürgerungstest*, assessing their “knowledge of the legal and social order, and living conditions in Germany”.
2. Applicants must have been resident in Germany for at least the preceding eight years from their application for citizenship²¹.
3. Applicants must demonstrate “independent means” of supporting themselves without reliance on social assistance programs such as welfare or unemployment benefits.
4. Applicants must possess “adequate German-language skills”.
5. Applicants must have a clean criminal record.

¹⁸ If under age 16, an application for naturalized citizenship must be made by an applicant’s parent (Bundesamt für Migration und Flüchtlinge, 2011a).

¹⁹ Children attached to a parent’s application are only levied a EUR 51 fee for naturalization (Bundesamt für Migration und Flüchtlinge, 2011a).

²⁰ The web site for the German Federal Office for Migration and Refugees states that discretionary naturalization may be granted in cases whereby an applicant may not showcase all of the criteria for naturalization but “there is a public interest” in one’s naturalization (Bundesamt für Migration und Flüchtlinge, “2011a).

²¹ The length of necessary residence may be reduced to seven years in the case that the applicant successfully attended an integration course and to six years under “special integration measures” (Bundesamt für Migration und Flüchtlinge, 2011a).

6. Applicants must be prepared to honour the Basic Law of the Federal Republic of Germany.
7. Applicants must have renounced or lost their former nationalities (Bundesamt für Migration und Flüchtlinge, 2011a).

Germany was ranked in the top three of EU-member states for citizenship acquisition, accounting for 12 percent of all naturalization instances in 2009²². However, with regards to the naturalization rate in accordance to the population of foreign residents, Germany ranked below the average of all 27 EU-member states (Sartori, 2011, pp. 2-3). An explanation for why this may be the case lies in the reality of its strict naturalization policy. Germany sees immigrants as outsiders, placing a high price on national membership—the nullification of one’s identity as a citizen of his or her country of origin—through its requirement of the renunciation of past citizenships. Yet, for those who do pay the price, inclusion in German society is not necessarily definitive.

Ruth Mandel (2008) writes that for some immigrants who naturalize—particularly those of Turkish origin, Germany’s largest ethnic minority—German citizenship in reality is only a legal status. For many, the status of being a German and being recognized as such by the ethnic German population is a feat that is unattainable. This reality, in turn, is a potential counterargument for an immigrant to renounce his or her citizenship in order to naturalize. In fact, for those who do naturalize, many have managed to obtain exceptions to the rule and in 2010 almost 60,000 newly naturalized German citizens retained their original citizenships (Statistisches Bundesamt, 2012a). Tables 4-3 and 4-4 indicate that countries of origin and the

²² Sartori (2011) notes that certain countries were not accounted for in this ranking due incompatible data.

number of retained original citizenships of recent naturalized German citizens. The next chapter will provide an analysis of how Germany's aforementioned figures and policies compare to those of Canada and what conclusions may be drawn from the two different regimes.

Table 4-3. Former citizenship of newly naturalized German citizens, 2009

Country of former citizenship	Percent of new citizens
Turkey	25.6%
Iraq	5.3%
Serbia	4.3 %
Poland	4.0%
Afghanistan	3.7%
All other countries	57.0%

Source: Sartori (2011)

Table 4-4. Naturalized German citizens, 2010, and retention of original citizenships

Citizenship	Total	With former citizenship retained		With former citizenship lost	
		number	%	number	%
Total	101,570	59,930	53.1	47,640	46.9
Europe	58,263	27,130	46.6	31,133	53.4
<i>EU</i>	14,783	14,363	97.2	420	2.8
Poland	3,789	3,787	99.9	2	0.1
Romania	2,523	2,471	97.9	52	2.1
<i>Other Europe</i>	15,449	5,138	33.3	10,311	66.7
Russian Federation	2,753	902	32.8	1,851	67.2
Turkey	26,192	7,247	27.7	18,945	72.3
Ukraine	3,118	629	20.2	2,489	79.8
Africa	9,835	6,124	62.3	3,711	37.7
Morocco	2,806	2,806	100.0	–	–
America	4,149	3,211	77.4	938	22.6
Asia	27,715	17,390	62.7	10,325	37.3
Iraq	5,228	4,129	79.0	1,099	21.0
Iran	3,046	3,046	100.0	–	–
Australia and Oceania	88	75	85.2	13	14.8
Stateless, unclear	1,520	–	–	1,520	100.0

Source: Statistisches Bundesamt (2012a)

5. Analysis

As Chapters 3 and 4 have illustrated, Canada and Germany both have taken different stances on their policies of immigration and citizenship. This chapter will consider the benefits and consequences of the two regimes. Sections 5.1 and 5.2 will analyze the impact of Canada's and Germany's immigration, citizenship and naturalization regimes, respectively, considering the existing literature reviewed in Chapter 2. Section 5.3 will consider the groups for whom a naturalization policy requiring for the renunciation of existing citizenships, thereby, prohibiting dual citizenship for immigrants may influence one's decision of where to immigrate and those for whom the promise of dual citizenship bears no consequence.

5.1 Canada

While both Canada and Germany offer clear paths to citizenship, Canada's three-year residency requirement and lack of a renunciation of former citizenships provides a lower cost of attaining naturalized citizenship status than that of Germany. A citizenship rate estimated at nearly 80 percent and annual naturalizations that equate to roughly two-thirds of the number of annually admitted permanent resident immigrants, clearly illustrates that there are few barriers to citizenship (Picot and Hou, 2011, p. 7; Citizenship and Immigration Canada, 2010c; 2012c).

Canada clearly represents Hampshire's liberal minimalist model for citizenship as other than its citizenship test and the demonstration of an immigrant's conversational language competencies, residency is the major component of Canada's naturalization process. However, the lack of a

renunciation requirement does not exempt those who do not wish to give up their original citizenships from attaining the benefits of naturalized citizenship²³.

The pluralist model depicted by Levanon and Lewis-Epstein also is characteristic of Canada as it is evidenced by Canada's disposition of granting citizenship via *jus soli* to all persons born in Canada, regardless of the nationality nor the immigrant status of a child's parents. Likewise, Canada bestows equal rights to permanent residents and citizens, as well as many who find themselves within its jurisdiction, with the exceptions of voting, holding a Canadian passport, working in the government or in positions where a sensitive security clearance is required and residential security whereby a citizen may not be subject to deportation.

It is interesting to note that whilst Canada's *jus soli* provision of citizenship adheres to the philosophy of the pluralist model the recent changes to the transmission of citizenship to children born to Canadian citizens abroad exude an exclusionary tone. It is understandable that Canada would want to guard against the possibility that a continuous transmission of citizenship may lead to (or may have led to) persons possessing Canadian citizenship having no real ties to Canada. Whereas, in order to have qualified for citizenship via *jus sanguinis*—even under the new restrictions whereby those of the second generation who are born abroad must naturalize after travelling to Canada as a permanent resident in order to acquire Canadian citizenship—one must, in any case, have a Canadian-citizen parent. However, someone born in Canada to two noncitizen parents automatically acquires Canadian citizenship without any demonstration of ties to Canada.

²³ Only those whose countries of origin do not permit dual citizenship from occurring or expatriate those citizens whom naturalize into a foreign state would be excluded from the potential of dual citizenship via naturalization into Canada.

Yet, it is Canada's practice of allowing all citizens to possess multiple nationalities as well as to permit immigrants to retain their original citizenship that allows for equality between those who acquire citizenship at birth and those who receive citizenship via naturalization when it comes to the ability of possessing more than one nationality. Section 5.2 will describe how Germany's citizenship and naturalization regimes do not possess such equalities when it comes to the provision of dual citizenship.

5.2 Germany

As Canada in only recent years has begun to safeguard the transmission of Canadian citizenship, Germany continues to lead a regime that harbours German citizenship as an ideal of ethnicity and national character. This is evident in Germany's policy stances against dual citizenship. However, as was indicated in Chapter 4 through claimed exceptions to Germany's citizenship laws, a large number of persons continue to be found exempt of renouncing their existing citizenships in order to naturalize.

Germany's citizenship model is tied to German language, culture and demonstrated residence is reflective of Hampshire's nationalist model. Germany's emphasis on protecting the status quo of what embodies Germanic culture is evident in its process for naturalized citizenship with its emphasis on excluding those whose language, culture and values do not reflect mainstream German culture. This study does not consider the value of the content of tests required for naturalization such as those presented in the cases of Canada and Germany. Though, an

assessment of their contribution to naturalization processes would be valuable to future study on the issue of inclusive and restrictive immigration and naturalization regimes.

The integration and naturalized citizenship policies of Germany is indicative of both exclusionary and assimilationist regimes as described by Levanon and Lewis-Epstein. It is indicative of an exclusionary model because only those willing to give up their existing citizenship(s) may become a naturalized citizen. In addition, if one qualifies for German *jus soli* citizenship, he or she must, by age 23, choose between the citizenships of his or her parents and German citizenship or lose his or her right to German citizenship, the *Optionspflicht* model. Whereas, those born to German parents, regardless of a child's or parents' birthplace, would need not choose between German and any other citizenships automatically acquired at birth—however, in some cases, registration with the German authorities within one year of the child's birth is required.

Assimilationist tendencies are concentrated in Germany's naturalization process. For example, in order to naturalize, one must demonstrate cultural and linguistic knowledge as well as renounce one's original citizenship(s). It is this latter requirement of the German naturalization process that denotes the necessity that an immigrant must forgo his or her original identity as a member of the society of his or her place of birth or the origin of his or her family. It is this notion that only when one breaks from his or her heritage, will he or she be afforded membership in the German state despite all the additional necessities of the naturalization process. Logically, it is this difference between a state that requires renunciation as a part of its naturalization process and one that does not that influences which types of immigrants that may favour a state's

immigration and naturalization regimes that offer the possibility of dual citizenship. Section 5.3 will discuss this argument further, emphasizing the groups to whom the possibility of dual citizenship may or may not be seen as an incentive for immigration.

5.3 Policies concerning dual citizenship and renunciation

The possibility of dual citizenship as a result of naturalization exists in two parts: (1) an immigrant's country or countries of original citizenship(s) must allow for dual citizenship to occur and must not expatriate citizens who naturalize into a foreign state and (2) the receiving state where an immigrant chooses to naturalize must not require the renunciation of existing citizenships as a part of the naturalization process. This shows that in dual citizenship that results from naturalization sending states wish for those who emigrate to have the potential to maintain ties as well as to possess the ability to return in the future. For receiving states, immigrants are not required to give up their existing national identities. One's dedication towards his or her new state and naturalized citizenship is exhibited through residency, demonstration of language skills and knowledge of national history and culture. Yet, the existence of an openness or a closure to dual citizenship for immigrants offers two potential pools of immigrants—(1) those for whom the possibility of dual citizenship offers incentives for immigration and (2) those for whom dual citizenship presents no perceived benefits.

Dual citizenship offers clear benefits and opportunities to business professionals who may frequently travel to or seek business opportunities or jobs in one's country of origin or among multiple countries in a multinational effort. In addition, dual citizenship is an attractive option for immigrants who have family members remaining in their countries of origin and would

appreciate easy access for visits and, if necessary, the ability to return to care for family members.

It is interesting to note that Germany does allow for dual citizenship to occur through naturalization or through the *Optionspflicht* model if it can be demonstrated that a hardship may be faced due to one's renunciation of their existing citizenship. Examples of such hardships include: the ability to hold property, to collect inheritance, an exorbitant fee to renounce one's citizenship or a state's policy denial of renunciation altogether. If the German government will accept an immigrant's claim of a hardship, dual citizenship may be allowed. On the other hand, the possibility of dual citizenship for immigrants offers little incentives to those who hail from states whose passports offer visa exemptions to many international destinations. Particularly, in the case of Germany, those travelling on an EU passport, with the current exception of Bulgarian and Romanian nationals²⁴, are afforded many collective rights through their states' memberships in the EU. This includes the right to keep their existing citizenship should they choose to naturalize—as long as the state where they already hold citizenship allows for dual citizenship to occur (Naujoks, 2009, p. 1). Yet, even though EU nationals enjoy this potential for dual citizenship, their right to freedom of movement throughout the Union as well as protections asserted through collective agreements are most likely a greater draw in their decision to immigrate to Germany since they already enjoy many rights that citizens already possess. In fact, the year 2011 saw an 88-percent increase in migrants from the EU member states, including “significant growth in the number of Poles and Hungarians coming to Germany in 2011” (Gessat, 2012).

²⁴ I consider Bulgarian and Romanian nationals to not be included in this category until restrictions imposed on them following the entry into the EU are lifted in 2014. Until then they do not enjoy the full rights to freedom of movement throughout the Union like nationals from other EU member states.

It is also logical to think that immigrants who hail from nations which prohibit the practice of dual citizenship or expatriate those citizens who willingly naturalize into a foreign state would not be among those who choose to become citizens of their respective destination countries. However, two of the largest countries which contribute to both Canada's source of permanent residents as well as to newly naturalized Canadian citizens are China and India which both prohibit dual citizenship. Both countries though have administered in recent years programs allowing for former nationals as well as their descendants to return to work, to live and/or to invest—perfect examples of a trend towards state support for circulation migration, albeit ones that do still exclude dual citizenship from their structures.

6. Conclusion and policy recommendations

The preceding chapters have sought out to consider the benefits and the consequences of strict and inclusive immigration and naturalization regimes, in particular, focusing on a state's policy of dual citizenship for naturalized citizens. Chapter 2 analyzed the relevant literature on the additional rights that naturalized citizenship provides an immigrant with a more secured status than that of permanent residency. In addition, attention was placed on the impact that transnational migration has had upon many states' acceptance of dual citizenship. Chapters 3 and 4 explored the immigration, naturalization and citizenship regimes of Canada and Germany and the extent of their tolerance for dual citizenship. Canadian citizenship affords the same rights to those who acquire citizenship at birth as those who naturalize, including the right to possess more than one citizenship. Germany instead places emphasis on how one acquires his or her citizenship—whether through naturalization or birth to Germans or to non-Germans in Germany—to determine if one may possess more than one citizenship.

Subsequently, Chapter 5 presented an analysis of the material discussed in the preceding chapters and came to the conclusion that the promise of dual citizenship as a part of the immigration and naturalization processes may influence those who would benefit from dual citizenship in the following cases: where a large amount of rights and welfare benefits are afforded to citizens over noncitizens, where immigrants whose original citizenships include visa restrictions on travel and where immigrants would like to remain tied to their country of origin to reap the benefits of easy entry as well as access to the labour market and/or business opportunities. On the other hand, where the promise of dual citizenship likely has little influence would be in cases where an immigrant's country of origin does not allow for dual citizenship and where immigrants are

citizens of the EU and have immigrated to another EU member state and hold many of the same rights already afforded to citizens.

Both Canada and Germany do set out clear paths to citizenship with varying degrees of similar requirements for naturalization. Yet, a major difference continues to be each state's policy stance on dual citizenship and whether or not they require the renunciation a part of a path to naturalized citizenship.

Citizenship should be equal no matter how one has acquired his or her citizenship—particularly, with regards to one's ability to be a dual national. This should extend as well to the transmission of citizenship, particularly, to births that occur outside a child's parents' country or countries of origin and in areas where parents are noncitizens of the jurisdiction of their child's birth.

Few states including Canada recognize an automatic, unrestricted provision of *jus soli* citizenship. The argument against such an automatic acquisition of citizenship is the propensity for birth tourism. This was a noted concern when Germany was developing their *jus soli* model of citizenship for children born to non-German citizens in Germany. However, in the case of Canada, its model of *jus sanguinis* citizenship for children born abroad to Canadian citizens was the subject of the recent amendments to Canada's Citizenship Act, whereby, automatic transmission of citizenship was limited to only one generation born abroad and a process was established for subsequent generations to have access to citizenship after establishing residence in Canada and naturalizing. Nothing was adopted that expressly addressed the propensity of birth tourism. Germany instead allowed for the children whose parents met certain residency

guidelines to receive German citizenship, but be required to provide evidence by age 23 that any other citizenship acquired at birth had been renounced or to seek an exemption to this rule to prevent the loss of German citizenship. This, in turn, disallowed children born in Germany to foreigners—who had already established through multiple years of residency an intention of remaining in Germany—the potential for holding dual citizenship after age 23.

Both Canada's and Germany's recent efforts at re-defining the models of transmission of Canadian and German citizenship, respectively, have addressed some concerns about people taking advantage of easy access to citizenship for descendants of Canadian and German citizens; however, both regimes have created, in my opinion, further obstacles for future generations to endure, as multinational marriages and migration increase. Some children of Canadians born abroad may become stateless; whereas, children born in Germany to non-German citizens will have to choose between the citizenship of their parents' ethnic origins and German citizenship, despite the potential that they are not and may never be fully integrated into German society on account of a gap between cultures. In addition, both regimes create different sublevels of citizenship within Canadian and German citizenships; whereby citizenship status is favoured by birthplace or a parent's citizenship, respectively. For Canadian citizenship, this means that any person born in Canada—regardless of his or her parents' immigration or citizenship status—may transmit his or her Canadian citizenship to his or her children, thereby, possessing full rights to transmit citizenship. German citizenship, on the other hand, affords only those born to German citizens—regardless of birthplace—the chance of being a dual citizen without needing to make a choice by age 23.

One cannot underestimate the value of dual citizenship in the current age of increased migration. For immigrants, dual citizenship allows for not only one's potential integration into a receiving state but also continued access to one's country of origin. Logically, it should be realized that the more restrictions that a country places upon its immigration process will make economic migrants more hesitant and less likely to choose that state as their destination for migration.

Thomas Faist, Jürgen Gerdes and Beate Rieple (2004) have described dual citizenship as a path-dependent process, whereby, as states continue to accept dual citizenship, its practice becomes further legitimized. Canada has allowed for immigrants to hold more than one passport since 1977. Yet, for Germany, despite the nation's reservations against dual citizenship, almost half of those who have naturalized in recent years have kept their original citizenship through claiming an exemption. In turn, one cannot say that in Germany dual citizenship does not exist. It does but only in select cases. For Canadians, the possibility of dual citizenship holds true to be a right of citizenship, available to all, regardless of birthplace or how one acquires his or her Canadian citizenship.

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