

Strengthening the Value of Citizenship: Neoliberalism, Racism, and Canada's "Citizenship
Fraud Crackdown"

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ABSTRACT

Strengthening the Value of Citizenship: Neoliberalism, Racism, and Canada's "Citizenship Fraud Crackdown"

Bojana Kojic

In July 2011, Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, announced the beginning of the Citizenship Fraud Crackdown, an initiative to revoke, on mass scale, citizenship and Permanent Resident status obtained through fraudulent means. The initiative strived to purge Canada of past, present, and future citizenship fraud on a scale never seen before. The Crackdown cited 11,000 cases of fraud under investigation. Despite its rhetoric of eliminating fraud, the Crackdown failed to uncover wide scale deception in the citizenship program. I evaluate the Citizenship Fraud Crackdown through public discourse analysis, a review of internal Citizenship and Immigration Canada documents, and through interviews with individuals implicated in the investigations. The case study highlights racial and neoliberal underpinnings present in Canadian citizenship, and interesting tensions within citizenship reforms. The first tension is the push to require greater physical presence in Canada, at a time when globalization promotes neoliberal subjects living transnational lives. A second tension is fracturing of citizenship rights along the lines of dual citizens and single-citizens, even though both types of citizens are offered the same protections under the law. I argue the Citizenship Fraud Crackdown represents a form of nation-building that is fueled by racism and facilitated by the neoliberal crime-and-security agenda. I also argue that neoliberalism does not just operate parallel to racism; it is a racist ideology in and of itself.

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CHAPTER 1 - INTRODUCTION: STRENGTHENING THE VALUE OF CANADIAN CITIZENSHIP

The stories that we tell are powerful. They spark our emotions, help us learn, and, most importantly, help us make sense of the world around us. A story can be a factual or fictional account. This does not, in fact, matter; what makes a story powerful is its *reiteration*. Through reiteration stories escalate to ideologies. Bonilla-Silva (2010) eloquently explains:

What makes story lines “ideological” is that story tellers and their audiences share a representational world that makes these stories seem factual. Hence, by telling and retelling these story lines, members of a social group strengthen their collective understanding about how and why the world is the way it is. (p.76)

When stories become ideologies they perpetuate certain ways of thinking and knowing, which in turn upholds social systems and institutions. Bonilla-Silva (2010) argues, for example, that racist structures are upheld through racist ideologies. He traces how the emergence of race in human history formed social structures (a racialized social system) that awarded systemic privileges to Europeans (the people who became white) over non-Europeans (the people who became non-white). In perpetuating ways of knowing and being, stories “legitimate control, or otherwise ‘naturalize’ the social order...especially relations of inequality” (Van Dijk, 1993, p. 256), such as racism, sexism, and other hegemonic discourses. Given the power of stories to create material effects on our lives, it is important to understand what kind of stories frame our understanding of the world.

This research paper is, in essence, an account of the power of stories. I examine the power of stories in facilitating historical changes to immigration and citizenship in Canada. Canada has recently experienced monumental reforms to its immigration system. The changes started in 2007, when the Conservative Party under the leadership of Stephen Harper began

making fast-paced and widespread changes that included every category of immigration and, some argue, were unprecedented in the last 30 years (Alboim & Cohl, 2012).

The face of the changes was then Minister of Immigration, Citizenship and Multiculturalism, Jason Kenney. During his time as Minister, Kenney zealously conveyed the Conservative's commitment to making Canada's immigration system more efficient and secure. In a speech to the Surrey Board of Trade, he summarized the goals of the Conservative Party's reforms:

What we've ended up with is a system where we were losing in the competition for many of the world's best and brightest. Why would they wait seven years to come to Canada if they wanted to go to a developed country when they could get to Australia or New Zealand in six months or less? Now finally, we'll be in the game. And, I believe – if we can offer those opportunities quickly – that we will attract many of the world's best and brightest [...] These are dramatic changes that we're making at the same time that we are reinforcing the integrity of our system. For too long, Canada developed a reputation around the world – particularly amongst the industry of unscrupulous immigration agents overseas – as a soft target for queue jumping, for immigration fraud. And this created the perception that our system wasn't really fair. What we're trying to do is to reinforce the integrity of our system so that there is confidence in Canada. (Citizenship and Immigration Canada [CIC], 2012e)

According to the Minister's speech, the overarching purpose of the widespread changes to Canada's immigration system was to increase Canada's competitiveness for attracting the "best and brightest" immigrants. The Conservative party strived to achieve this goal by coupling faster processing times with higher security measures in its reforms.

Citizenship was one area that was impacted by the reforms. Prior to the Conservative's gaining power in 2006, the *Citizenship Act* had undergone only one major reform since its inception in 1947 - in 1977 it was modified by the Liberal Party (CIC, 2012d). The Liberals tried again to amend the *Act*, from 1993 to 2006, in order to change the revocation process (Anderson, 2008). All of their attempts were unsuccessful. The Conservatives, soon after they came into

power in 2006, began to focus on citizenship too. The culmination of their efforts is the revamping of the *Citizenship Act*. In February 2014, the Conservatives tabled Bill C-24 (2014) *Strengthening Canadian Citizenship Act*, which proposed sweeping changes. The bill received Royal Assent on June 19, 2014, four months after it was introduced, and thus marks the second major reform to citizenship since 1947. The bill created monumental changes, which, among other things, expanded grounds for revocation of citizenship and Permanent Resident (PR) status (see Appendix A for an overview). The Conservatives thus continued the revocation plans that the Liberals had started, but with their own vision. However, before being able to make such monumental changes, the Conservatives needed to prime the Canadian public for what was to come.

The focus of this thesis is an event that led up to the introduction and passing of the historic citizenship reforms introduced by Bill C-24: the Citizenship Fraud Crackdown. The Citizenship Fraud Crackdown was launched in July 2011, when Minister Jason Kenney announced that Canada was beginning the process to revoke, on mass scale, status from individuals who had obtained their citizenship or PR through fraudulent means (CBC News, 2011a). A few months after the launch Kenney announced that the number of individuals under investigation was 11,000 (CBC News, 2012), and described the revocation as “the largest enforcement action ever taken in the history of Canadian citizenship” (Mackrael, 2011). Newspaper articles echoed the rhetoric that fraud was widespread, and employed words such as “rampant,” “tip of the iceberg,” “sweep,” and “crackdown” in their headlines to describe the extra citizenship scrutiny that the government was undertaking. Kenney made it clear: the initiative strived to purge Canada of past, present, and future citizenship fraud on a scale never seen before. The Crackdown never came to a conclusive end; rather, it was taken up and

enshrined in law by Bill C-24 (2014). The Crackdown, thus, is an important initiative in the recent reforms to Canada's immigration system.

Before delving deeper into the Citizenship Fraud Crackdown, I wish to make an important note for the reader. I use the term "Citizenship Fraud Crackdown" as a proper noun to underscore that it is the formal name for the Conservative's initiative to increase citizenship scrutiny. The term "Citizenship Fraud Crackdown" deceptively alludes to the presence of widespread fraud in the citizenship program, which statistics from this research show not to be the case. Therefore, I use this term to preserve the intimidating and misleading tone that surrounds the initiative, while at the same time highlighting that such rhetoric is hollow. The reader needs to keep in mind the hollowness of the term throughout the chapters, and not to internalize the misleading rhetoric.

I compare two narratives that surround the initiative: the narrative of the Citizenship Fraud Crackdown presented in the public discourse and the narratives of the individuals who are entangled in the initiative. The way the Citizenship Fraud Crackdown is presented in the public discourse largely reflects the nation-state's view on citizenship, while the individual narratives reflect citizenship from the perspective of those who have none. In analyzing the Citizenship Fraud Crackdown I uncover how racial and economic logics are embedded within it and how these logics are conjoined in the conceptions of citizenship. Additionally, I examine how this combination of logics is experienced, and responded to, by the individuals who are targeted by the Crackdown. In comparing the two narratives (of the nation-state and of the lived experience of the Crackdown's targets) I uncover how neoliberal and racial logics are embedded within citizenship, and the consequences of this merging. I also highlight the power the public narrative in facilitating historical changes to immigration and citizenship in Canada.

My examination of the Citizenship Fraud Crackdown is particularly insightful for highlighting the convergence of neoliberal and racist ideologies in the citizenship. When evaluating the connection between neoliberalism and race, many scholars suggest that neoliberalism is a separate process from racism, but the two are layered and work in conjunction with each other (Goldberg, 2002; Davis, 2007; Theodore, 2007). Scholars such as Roberts and Mahtani (2007) argue, however, that a more critical analysis of neoliberalism is needed, one that attempts to examine whether neoliberalism *is* racist. The Citizenship Fraud Crackdown is riddled with racial and economic logics and helps build on the literature that attempts to clarify the relationship between race and neoliberalism. Additionally, while the link between neoliberalism and citizenship has been explored by scholars such as Aihwa Ong (1999, 2006), few scholars focus on the intertwining of race with neoliberalism in citizenship discourse. Thus, the investigation of the Citizenship Fraud Crackdown contributes to this important body of literature.

Apart from highlighting racial and neoliberal underpinnings of citizenship, my investigation also highlights the lived experience of those implicated in the Citizenship Fraud Crackdown. Scholars emphasize that in order to understand how hegemonic regimes operate, it is important to focus on the perspective of people who are marginalized by such regimes (Alexander & Mohanty, 1997; Calliste & Sefa Dei, 2000; Shohat, 2002; Mohanty, 2003). Citizenship is embedded with colonialism, capitalism, imperialism, racism and other systems of oppression. Despite these traits, scholars often present citizenship from a privileged perspective: by those who have citizenship. This thesis will attempt to build on the scarce literature (such as Lee, 2012) that investigates citizenship from the perspective of those who have none. By addressing this area that is under-explored by scholars, I intend to contribute to contemporary citizenship studies.

Another reason why studying the Citizenship Fraud Crackdown is important is that it helps understand the current reforms to citizenship. Many components of the Crackdown (such as the focus on revocation, fraud prevention, and upholding residence in Canada) were incorporated in Bill C-24 (2014), and consequently enshrined in law. Thus, by critically analyzing the Citizenship Fraud Crackdown, it is possible to get better insight into the effects of the new *Citizenship Act* as well. This research comes in a timely manner when the Conservatives are redefining citizenship in Canada. It is important to note that many of the immigration reforms implemented by the Harper government were done with minimal public consultation and debate (Alboim & Cohl, 2012; Uechi, 2014). Therefore, it is important to offer an analysis on these reforms and contribute to the building of public discourse about the changes.

The purpose of this research project, as mentioned above, is to provide an in-depth analysis of how the Citizenship Fraud Crackdown is embedded with racial meaning and economic imperative - an entwining of racism and neoliberalism. The research question that guides my analysis is: *How are race and neoliberalism conjoined in the conception of Canadian citizenship?*

The primary research objectives of this project are:

- To provide a critical reflection on the Citizenship Fraud Crackdown.
- To provide an in-depth analysis of how race and neoliberalism converge in present conceptions of citizenship in Canada, through the critical analysis of the Crackdown.
- To understand the experience of those who are implicated in the investigations.

My analysis reveals interesting tensions in the Citizenship Fraud Crackdown. The first tension is the push to require greater physical presence in Canada, at a time when globalization promotes neoliberal subjects living transnational lives. A second tension is the fracturing of citizenship

rights along the lines of dual citizens and single-citizens, even though both types of citizens were once offered similar protections under the law. These tensions contribute to solidifying the relationship between race, nation, and immigration. I conclude that the Crackdown is an exercise in nation-building that is fueled by racism and facilitated by the neoliberal crime-and-security agenda. I also argue that neoliberalism does not just operate parallel to racism; it is a racist ideology in and of itself.

The rest of the thesis is structured as follows: Chapter 2 is an overview of methodology and methods; Chapter 3 is a review of literature in the areas of critical race theory, citizenship, neoliberalism, race, nation, and immigration. Chapter 4 provides a detailed description of the Citizenship Fraud Crackdown. Chapters 5 and 6 present contrasting stories to the Citizenship Fraud Crackdown. Whereas Chapter 5 analyzes how the Crackdown is presented in the public discourse, a narrative that is largely shaped by the nation-state, Chapter 6 exhibits the stories of those entangled in the Citizenship Fraud Crackdown. Chapter 7 concludes with a summary of key findings that result from comparing these two stories, and a reflection.

CHAPTER 2 – METHODOLOGY

My investigation of the Citizenship Fraud Crackdown is a case study. A case study approach is best suited for research that takes place in a specific time and place, and consists of using multiple sources of information to analyze a phenomenon in detail (Creswell, 2007). The purpose of case studies is not so much to create generalizations, or overarching theories, as it is to describe a phenomenon in detail and point out the lessons learned (Creswell, 2007). This type of approach is ideal for exploratory and in-depth research. In attempting to analyze the Citizenship Fraud Crackdown, I use three primary sources: discourse analysis, internal Citizenship and Immigration Canada (CIC) documents obtained through Access to Information and Privacy Act (ATIP) requests, and interviews with individuals affected by the Crackdown. The sections below will cover each of these sources in detail, and conclude with a discussion of how findings are synthesized from the three sources.

DISCOURSE ANALYSIS

In attempting to understand the Citizenship Fraud Crackdown, I analyze the discourses surrounding the initiative. Discourse is defined as “a particular way of representing the world” (Fairclough, 2003, p. 17). Public discourse analysis is relevant to this case study for a number of reasons. First and foremost, much information about the Citizenship Fraud Crackdown is only available in the public discourse (such as CIC media statements, ministerial speeches, and newspaper articles). Apart from these public texts, not much information can be obtained about the Crackdown. CIC justifies the lack of available information by wanting to protect the security

of its investigations. It is important to note that the public discourse on the Crackdown is heavily controlled by the Minister of Immigration, Citizenship and Multiculturalism and the government, because they have the power to choose which information to reveal to the public, and which information not to reveal. The public discourse provides a rich source of information about the Crackdown, and is one of the few sources of information for the public.

Second, an analysis of the public discourse enables a study of the ideological perpetuations surrounding the Citizenship Fraud Crackdown (Fairclough, 2003; van Dijk, 1993, 1998). Bonilla-Silva (2010) argues that racist structures are upheld through racist ideologies. By trying to uncover the ideology/ies that justify the revocation of citizenship, it is possible to understand how racial structures are (re)produced in Canada's immigration and citizenship systems (Bonilla-Silva, 2010). In addition to understanding how racism is perpetuated and upheld in the institution of citizenship, the analysis of the public discourse also allows for uncovering how economic logics (ideologies) are also embedded in citizenship and used as another layer to justify the exclusion of certain groups of people. In perpetuating certain ways of thinking, public discourses can "legitim[ize] control, or otherwise 'naturalize' the social order...especially relations of inequality" (Van Dijk, 1993, p. 256). Van Dijk (1993) suggests that the reproduction of dominance occurs through: i) controlling discourses (text and talk), and ii) influencing the thinking of others through these discourses. The effects of public discourses are important given the wide audiences they reach, and the close relationship between public discourse and policy making.

This brings me to my third reason for choosing to conduct a discourse analysis: many scholars note that policy making is connected with public discourses (Bauder, 2008; Ibrahim, 2005; Mountz, 2004). I define policy making as "a set of actions by public authorities intended to

act on events that are defined as being problematic” (Morrison et al., 2014). One example that highlights the power of discourse to shape policy is an event from 1999, when an unannounced boat of Chinese refugees arrived to the coast of British Columbia seeking refuge. The surprised arrival of the boat sparked public outrage. The CIC was forced to respond quickly and harshly in order to restore its faith in the public eye. Mountz (2004) describes the concern of CIC with responding to the media in its day-to-day functioning, and the extra measures the government took to respond to public controversy. The government invests much time and money to uphold a respectable image of itself in the media (Mountz, 2004), which is understandable given that the federal government’s legitimacy is driven by public opinion.

In addition to being influenced by public discourses, the government also uses discourses to garner support for its policies (Bauder, 2008, Hier & Greenberg, 2002). For example, Ibrahim (2005) notes how the Canadian government portrayed Japanese Canadians as a social threat in World War II, and was able to use such discourse to implement the revocation of their citizenship. Additionally, policy making is a democratic practice which requires public discourse to function. In this light, policy making can be described as “an attempt to manage a field or discursivity” when making decisions (Gottweis, 1998 as cited in Ibrahim, 2005, p. 178). Thus, public discourses have real effects; they can perpetuate ideologies, influence policies, and be controlled by government to garner support for its policies, programs, and actions. It is hard to analyze Citizenship Fraud Crackdown without looking at how it was transmitted, taken up, and transformed in the public discourse.

One limitation of public discourse analysis is that it might not reveal the government’s true intentions. As Bonilla-Silva (2010) notes, racism is not only about intentions, it is about unequal institutional structures. The same can be argued for economic logics: it is important not

only to look at their intent, but also their effects. Thus, even though the government's intention may not be to create a racialized citizenship, it may still well be the consequence of its revocation policy.

SCOPE

In order to capture the public discourse surrounding the Citizenship Fraud Crackdown, I collected texts from numerous sources, ranging from newspaper articles to Minister Jason Kenney's speeches (Table 1). Other sources included CIC media releases and backgrounder reports, all of which can be found on the CIC website. The time period under investigation included the year the Crackdown was announced until the end of August (January 1, 2011 to August 31, 2013).

I did not analyze articles in all newspapers, but rather was selective from where I obtained my articles. In deciding which newspapers to use, I considered their national distribution and readership. The greater distribution and the greater readership of texts, the more impact they have (Fairclough, 2003). The *Globe & Mail* and the *National Post* were included because they are national newspapers and have wide readership. The *Toronto Star*, the *Gazette* [Montreal], and the *Vancouver Sun* were included because these three cities are the major immigrant receiving areas in Canada. Lastly, the *Ottawa Citizen* was included given that it is located in the Nation's capital where the Parliament is situated. Combined together, these newspapers provide a picture of the discourses on a national and local scale, and reach a broad readership. I analyzed all articles in the newspapers, including editorials, opinion pieces, guest columns, and letters-to-the-editor to grasp a full picture of what a typical reader might encounter. Keywords that were used to extract the articles included: "revocation," "fraud," and "citizenship." Most of the articles were associated with the search term "fraud" (a total of 500

results appeared under “fraud”, while only 50 appeared under “revocation”). Of the articles that appeared, only 53 were in regards to the Citizenship Fraud Crackdown.

Table 1: Sources Used in Discourse Analysis

Type of source	Number of items included in analysis
Newspaper articles	53
CIC News releases	9
CIC Backgrounder reports	5
Minister Kenney’s speeches	2

METHODS

Once the relative texts were collected, I read through all the articles and noted preliminary themes that seemed to be present in the documents (Creswell, 2007). After noting preliminary themes, I constructed a description of the case and context, confirmed the themes initially noted, interpreted the information, and finally constructed an in-depth understanding of the case (Creswell, 2007). However, even with a completed discourse analysis, questions remained about the Citizenship Fraud Crackdown, which I supplemented through Access to Information and Privacy Act requests, and interviews.

ACCESS TO INFORMATION AND PRIVACY ACT (ATIP) REQUESTS

Although the public discourse is useful for understanding the purpose, racial and economic operation of the Citizenship Fraud Crackdown, it cannot address all questions. As I mentioned above, not much information is publically available about the Citizenship Fraud

Crackdown. Things that remained hidden from the public discourse included: the process CIC uses to uncover citizenship fraud, how the process to strip persons of status is carried out, and what type of individuals are being implicated in the investigations. To gain more in-depth understanding of these aspects of the Fraud Crackdown, I relied on documents released through the Access to Information and Privacy Act (ATIP).

SCOPE

In gaining ATIP information I decided to request previously released ATIPs, submitted my own request, and reviewed ATIPs available on the Association of Future Canadians' (AFC) website. I requested six previous ATIPs that related to citizenship fraud or the Residence Questionnaire (Appendix B) that were listed on the CIC website. On January 1, 2014, I submitted my own ATIP, in which I requested internal statistics, reports, policies, procedures and other documentation pertaining to CIC's attempts to reduce citizenship fraud and residence fraud. The request was assigned the reference code A-2013-23291. Additionally, the Association of Future Canadians had 11 ATIP files posted on their website, which I reviewed. The three sources of ATIP provided extensive documents relating to the Citizenship Fraud Crackdown.

I expected the submitted ATIP to be processed in the standard time frame of 30 days. In May 2014, I received a letter from CIC indicating that an extension of 90 days was needed to process the request. The reason for the extension was that the request pulled on third party information (including "trade secrets" and/or "financial, commercial, scientific or technical information"). The head of CIC, the Minister, believes the ATIP contains information that would result in "material financial loss or gain" of the third party; "prejudice the position" of a third party; or "interfere with the contractual or other negotiations of a third party." At the time of

writing this report it has been nine months since I made the original request; CIC has not yet processed the ATIP.

METHODS

Despite not being able to gain access to my own ATIP request, the six previous ATIPs I acquired, and the 11 posted on the AFC website, contained valuable information. Together, the six ATIPs comprised a total of 729 pages of internal CIC material, and the 11 AFC documents comprised of 361 pages. The information could not be themed; rather I used it to piece information about the Citizenship Fraud Crackdown that was missing from the public discourse. Chapter 3, which provides a detailed overview of the revocation process, is largely based on ATIP information. One of the most valuable findings from the documents is a profile of the individuals implicated in the fraud investigations (including country of birth and the immigration category through which they entered Canada). This information provided valuable insight into understanding the Citizenship Fraud Crackdown that was absent from the public discourse.

INTERVIEWS

In addition to collecting ATIPs, I conducted interviews with individuals affected by the Citizenship Fraud Crackdown. While the public discourse and ATIP analysis provided information about the purpose and process of the Citizenship Fraud Crackdown, the interviews supplement this information with lived experiences of those implicated in the initiative. It is important to contrast the public discourse/ATIPs with personal narratives of immigration for many reasons. First, the interviews provide an understanding of how the policy has impacted, and could be expected to impact, immigrants living in Canada. Second, according to the

transnational feminist framework, which provides the framework for analyzing the interviews, it is only possible to understand the impacts of the Citizenship Fraud Crackdown by looking at those who it is targeted at (Alexander & Mohanty, 1997; Grewal & Kaplan, 1994; Pratt, 2004). Comparing migrant stories with the public discourse provides interesting contrasts and insights into the image of the Citizenship Fraud Crackdown that is made available to the public.

SCOPE

From December 2014 to June 2014, I conducted semi-structured interviews with seven individuals who had received a Residence Questionnaire. The interviews ranged from thirty minutes to two hours, depending on how much time participants wished to give. The Residence Questionnaire is one of the ways the CIC is attempting to “crack down” on citizenship fraud. Its purpose is to evaluate whether individuals have met the residence requirement for citizenship. Although these individuals were not having their status revoked, they were still entangled in the crackdown, as CIC investigated whether they had met the qualifications for citizenship.

I was not successful in acquiring interviews from individuals who are having their citizenship or PR status revoked. I think this is due to two reasons; the first being that there are very small numbers of revocations taking place, an estimated 250. However, despite the small numbers, I knew people who were connected with individuals threatened with revocation. I think the greatest reason for not being able to find willing interviewees is that a great sense of fear is present in many individuals. The immigrants I spoke with who had received the RQ all had heightened sense of fear, and I can only speculate what levels of fear exist among those whose face the threat of revocation. Other reasons I heard for not wishing to participate include fear of jeopardizing judicial review of their revocation cases. The lack of willing participants sheds light

on the extreme vulnerability immigrants entangled in the Citizenship Fraud Crackdown are experiencing.

I connected with a variety of organizations and individuals in an attempt to find individuals willing to share their stories. I disseminated invitations to the mailing lists of organizations in Montreal (e.g., Immigrant Worker's Centre, Solidarity Across Borders, No One Is Illegal, Women of Diverse Origins, Canadian Council of Refugees, Just Solutions) and Toronto (No One Is Illegal, Refugee Lawyers Association of Ontario). I also connected with journalists who were conducting research on immigration policies. Finally, I attempted to contact individuals who had conducted interviews with the press about their experience with the citizenship application process.

Due to the sensitive nature of the interview topic, and limited sample size of participants, I relied on non-random convenience sampling, using the snow-balling technique, to recruit participants. Evidence suggests snowball sampling is an efficient strategy increasingly used with difficult to reach, ethnically diverse populations (Atkinson & Flint, 2001). Once I had found participants, the snowball sampling approach proved effective in helping spread word about the interviews, and build trust with other participants.

A breakthrough in the interview process occurred when I made contact with the organizer of the Association of Future Canadians, which I heard about through the radio. This organization, based on the Internet, is a group of citizenship applicants and their allies that wish to advocate for a fair and timely process to citizenship (Residence Questionnaire Wordpress, n.d.[b]). It has a membership from across Canada. There were many members of this group who generously shared their story with me and helped spread word to other members or allies.

METHODS

After I completed each interview, I transcribed the conversation. I analyzed the interviews in a similar manner to the public discourse. I read through the transcripts and noted preliminary themes that seemed to be emerging, confirmed the themes initially noted and interpreted the information (Creswell, 2007) using the transnational feminism framework (further explained in the Chapter 3). This framework helped me to better understand the Citizenship Fraud Crackdown.

The combination of discourse analysis, ATIP requests, and personal interviews contributes to a rich understanding of the Citizenship Fraud Crackdown. Each source of information provides a unique perspective, or story, if you will, about the Crackdown: the ATIPs reveal internal workings of the CIC, the public discourse is the public image of the Citizenship Fraud Crackdown created by CIC and transmitted by actors, and the interviews highlight the experiences of those implicated in the investigations. The power of comparing these stories becomes evident throughout the chapters. However, before presenting the findings from each of these three realms, it is important to first set the context for the Citizenship Fraud Crackdown. I am not the first researcher to attempt to study the connection between race, neoliberalism, and citizenship. In the next chapter I turn my attention to the work of previous scholars, in order to contextualize my own case study, and continue where others have left off.

CHAPTER 3 – LITERATURE REVIEW

The purpose of this chapter is to provide an overview of how scholars have attempted to understand and answer the question:

How are race and neoliberalism conjoined in the conception of Canadian citizenship?

In order to answer this question, I engage with literature from critical race theory, literature on race, nation, and immigration, and literature that examines the intersection of neoliberalism and immigration. Figure 1 provides an overview of the various connections that I explore in this chapter.

The primary focus of this research is contemporary immigration to Canada. However, it is difficult to study immigration without taking into consideration its connection to race and nation. Race influences how Canada perceives itself, and also how it perceives other nations; it determines who belongs in its nation and who does not (Goldberg, 2002; Thobani, 2007). Scholars agree that the state fashions and constructs race for purposes of nation-building (Goldberg, 2002), and that Canada is no exception (Austin, 2010; Razack, 2002; Thobani, 2007). For example, Canada's national identity is that of White European settlers who are ostensibly multicultural and accepting of others (Austin, 2010; Thobani, 2007). Immigration laws are one of the most important state tools for managing the racial composition of the nation (Thobani, 2007) and are deeply shaped by assumed connections between nation and race. Thus, it is important when studying the phenomenon of immigration to take into account nation and race.

This section will provide a brief overview of: 1) how the conception of race has changed over time, 2) how conceptions of race have been central to the way nations are understood and defined, and 3) the role of the immigration in creating and reifying the nation-state.

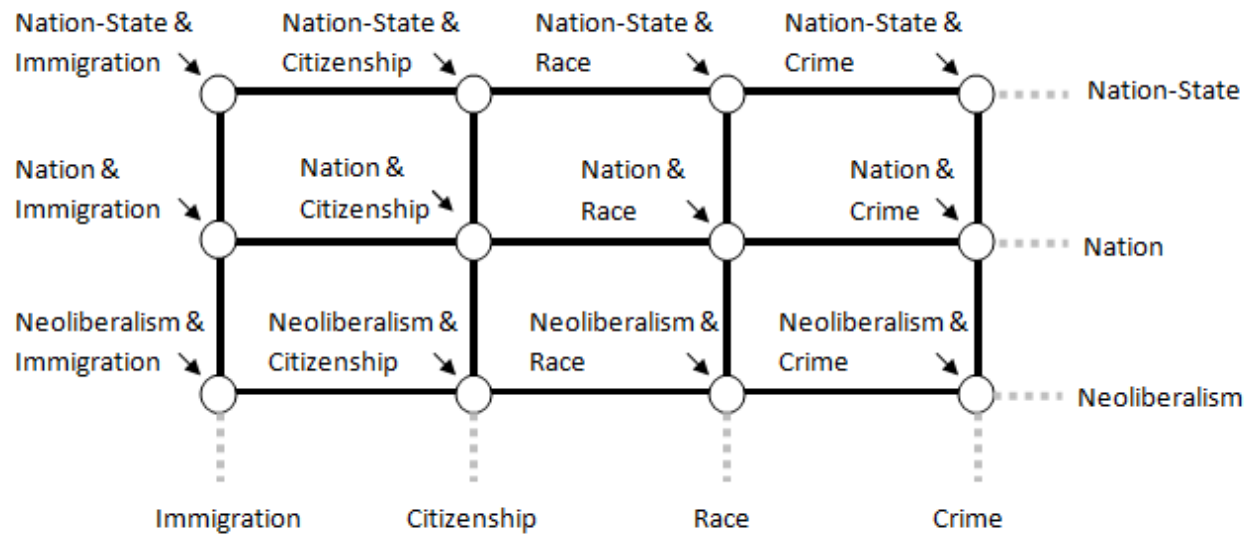


Figure 1: Literature Map

MORPHOLOGY OF RACISM

Race is a changing concept that has yet to be uprooted from society. The concept of race emerged in the 1500s from Western Europe, and coincided with the first stages of colonialism (Goldberg, 1993; Reynolds & Lieberman, 1993). As Western European empires began to expand and voyage to new areas of the globe, they used the term race to describe and differentiate the new peoples they encountered (Goldberg, 1993). Over the centuries, rather than being abolished, racism has taken new forms (Balibar, 1991; Melamed, 2011). After World War II, a pronounced shift in the conception of racism occurred. The shift is described as the move from biological racism (whereby races were believed to differ based on genetic make-up) to cultural racism (whereby races are believed to differ due to their social practices or norms) (Goldberg, 1993; Melamed, 2011). Cultural racism persists today in some form or another, and makes distinctions based on language, religion, norms or customs (Goldberg, 1993). Hall (1996) refers to race as the “floating signifier,” recognizing that it is subject to redefinition and appropriation. What has

remained unchanged in racist logic throughout the centuries is the conviction that certain groups of people (however they are defined, biologically or culturally or otherwise) are superior to others. Superiority cannot be uprooted from racist logic, no matter what form it embodies. It is this concept that makes racism so dangerous because it creates relations of domination and subordination (Razack, 1998). The changing forms of racism reveal that it is a social construction created through material and social processes (Castagna & Dei, 2000; Hall, 1996; Kobayashi & Peak, 1994).

Even though race is artificially constructed, it very much has real effects on individuals being racialized (Bonilla-Silva, 2010; Castagna & Dei, 2000). Racial ideologies are frameworks used by actors to explain and justify the dominance of one “race” over others (Bonilla-Silva, 2010; Razack, 1998). In Canada, given its colonial history, the dominant race is white. The effects of these racial frameworks are made concrete through “the totality of social relations and practices that reinforce white privilege” (Bonilla-Silva, 2010, p. 9). The focus of this study is to portray how the effects of race are made real through conceptualizations of the nation, which delineates racial belonging. Immigration and citizenship laws, which are built on the values of the nation, are consequently embedded with similar practices that enforce white superiority. Although a social construction, racism creates material effects through creating and upholding unequal power relations in society.

Critical race theorists attempt to expose and disrupt how race operates. They work under the shared understanding that race is ingrained in all aspects of life (Milner, 2007). As Goldberg (1997) most eloquently explains:

Racist expressions are normal to our culture, [they] manifest not only in extreme epithets but in insinuations and suggestions, in reasoning and representations, in short, in the microexpressions of daily life. (p. 21)

Racism permeates all facets of society, often without our realization (Kobayashi & Peake, 2000) due to discourses that camouflage and conceal its existence (Melamed, 2011; Thobani, 2007). Due to its pervasiveness, racism is normalized in society. In addition to acknowledging the pervasiveness of racism, critical race scholars attempt to understand how race functions through narratives and counter-narratives with people of colour (Milner, 2007). As a result, a “theme of ‘naming one’s own reality’ or ‘voice’ is entrenched in the work of critical race theorists” (Ladson-Billings & Tate, 1995 as cited in Milner, 2007). In the sections that follow, I summarize how critical race scholars understand the relationship between race, nation, immigration, and citizenship in Canada.

RACE AND NATION

Although race is constructed in many ways, I focus on how the conception of nation depends on constructs of race. Nations are defined as “imagined communities” (Anderson, 1991). Scholars note that the concept of “nation” is always understood in relation to its outsider – the “other” –that does not belong and that simultaneously constitutes a threat (Goldberg, 2002). This external other is often defined in racial terms (Goldberg, 2002; Thobani, 2007). Nations were not always conceived in this way; rather, it was during the time of Western European colonization that race and nation became fused together (Goldberg, 2002). Western European nations gave themselves “white” racial identities, while conferring black, brown, and yellow racial identities upon colonized nations (Austin, 2010). In contemporary times, the existence of the racial “other” continues to perpetuate the existence of the nation (Austin, 2002; Goldberg,

2002; Razack, 2002; Thobani, 2007). Thus, nation as an inherently racial construct was created by colonizing countries.

Colonial conceptions of nationhood are not only racial, but also homogenous (Goldberg, 2002). What this means is that often national identities are conceived of as a single racial identity, rather than multiplicity of racial identities. During the process of establishing new countries, or settler colonies, the European populations excluded and oppressed indigenous groups in order to create single national identity that was racially homogenous (Goldberg, 2002; Thobani, 2007). Canada is no exception. European settlers arriving to the “New World” worked hard to erase the centuries’ presence of First Nations, in order to establish a white national identity, while simultaneously erasing the contribution of people of colour in establishing the new nation (Thobani, 2007). To give but one example of the perpetual erasure of people of colour from the national body, I highlight the case of Mathieu Da Costa. It is little known that Samuel de Champlain hired Mathieu Da Costa, a black man skilled in the Mi'kmaq dialect, to work as a translator and interpreter for him on his excursions to Canada (Johnston, 2001). Mathieu Da Costa played a crucial role in bridging communication between Aboriginals and French explorers, and thus enabling the expansion of European trade and settlement in Atlantic Canada (Johnston, 2001). It is important to note that Da Costa was hired by Champlain, rather than worked as a slave. Despite Da Costa’s important contribution to settler Canada, he is expunged from its national identity. The deliberate erasure of people of colour from Canadian history over centuries reiterates and naturalizes a white Canadian nation. In this construct of the nation, the presence and contribution of other racial groups is atypical and rare, rather than a common occurrence. The conceptualization of nations as homogenous identities stems from the era of colonization.

The colonial-racist conceptions of a pure white nation remained unchanged for a long time; it was only after World War II that certain national definitions began to be reworked and ceased to be explicitly centered upon a single race. Nation-states began to adopt multicultural policies that promoted the inclusion of different races. Because racial distinctions continued to be assumed and asserted, however, the opening of national definitions to multiple races did not imply equal membership in the nation (Thobani, 2007). Scholars identify how different waves of cultural racism were embedded in multiculturalism. During the first wave of cultural racism, called racial liberalism, multicultural frameworks expected individuals to assimilate to certain American cultural norms; those who did not assimilate did not belong in the national identity (Melamed, 2011). During the next wave of cultural racism, called liberal multiculturalism, multicultural discourses promoted tolerance and equal opportunity; in doing so they denied the existence of racism and continued to uphold cultural superiority. In the present time of cultural racism, called neoliberal multiculturalism, views individuals with low human capital as not being valuable citizens of the nation (Melamed, 2011). Hage (2000) explains the reason why multiculturalism fails to provide equal membership in the nation is because it is based on the power of the white population to choose whom it will and will not accept in its national membership. The embedded power within multiculturalism enables nations to continue to inscribe ideas of racial superiority. Although nations are conceived in multi-racial or multicultural terms, they still remain unequal and camouflage different forms of cultural racism.

The perseverance of racial superiority and homogeneity in the conceptualization of nationhood is observed in many contemporary colonial countries. Canada is inherently perceived as a “white” nation despite the adoption of multiculturalism. Canada’s national identity is that of a country whose citizens embrace democracy, multiculturalism, and the promotion of peace.

Austin (2010) and Razack (2002) argue this mythology is still based on a white subject and continues to disenfranchise First Nations and people of colour from Canadian history. Thobani (2007) notes that Canada's mythology has created "exalted subjects" of European decedents, whose values and institutions are preserved at all cost within the nation-state. The amalgamation of race and nation perseveres in Canada in the present day. The reason for this is because nation is an inherently racial concept.

RACE AND NATION-STATE

Central to the establishment and reiteration of the connection between nation and race, of course, is the nation-state. The term nation-state describes a geographic area where the creation of a "common identity" (nation) coincides with the territorial administration of the state (Anderson, 1991). The inextricable relationship between nation and state is embodied in the hyphenation of term "nation-state." The term underscores that each upholds the other; in order for the nation to exist, the state must institutionalize the national identity in its judicial systems, policies and practices; in order for the state to function, it must unite citizens in a common national identity, so that citizens will endow it with power to act on their behalf and protect their interest (Thobani, 2007). In this section, I explore both facets of this relationship between nation and state, and how they uphold race.

One purpose of the state is to unite citizens in a common national identity, so that citizens endow power to the nation-state to act on its behalf. This requires the constant reiteration of national boundaries (Honig, 2001; Nyers, 2006). Given the nation is inherently a racial construct, Goldberg (2002) observes that the "apparatuses and technologies employed by the modern

state...fashion, modify and make concrete the terms of racial expression, as well as racist exclusions and subjugation” (p. 10) that is required to uphold the national identity. As outlined above, the Canadian nation-state is no exception for constructing and perpetuating racialized others (Austin, 2010; Dhamoon & Abu-Laban, 2009; Razack, 2002; Thobani, 2007). The state, in deploying its apparatuses to uphold national identity, upholds the connection between nation and race.

An example of an apparatus that the nation-state uses to establish and uphold its national boundary is immigration laws. By enacting and enforcing immigration laws and borders, the nation-state has the power to render unwanted populations “illegal” (Dauvergne, 2008; Saad, 2013; Weber & Pickering, 2011). The category “illegal” often demarcates individuals that do and do not belong in the nation-state. In doing so, the nation-state portrays them as transgressors and a potential danger to state security, which unites citizens against a common threat. Scholars observe that the illegal discourse replaces discourses of racial others so the non-white other becomes the seemingly raceless criminalized other (Dauvergne, 2008; Sharma, 2006; Pratt 2012; Wright, 2013). Through its control on migration law, the state is instrumental in producing and upholding illegality (Bauder, 2013; Dauvergne, 2008; Goldring & Landolt, 2013; Nevins, 2002; Wright, 2013), which upholds the boundaries of the nation, and unites citizens in a homogeneous identity.

Another purpose of the state is “institutionalizing the national identity” in its operation. Immigration laws offer an example of how national identity is institutionalized. National values determine immigration laws. From European settlers colonizing Canada up until the end of World War II, the primary goal of Canada’s immigration laws was to build a strong nation by increasing the European population (Green & Green, 2004; Walsh, 2008). During this period,

Canada facilitated the migration of whites, which it believed best upheld the values of the nation, and barred entry of people of colour (Walsh, 2008). Current immigration laws continue to be shaped by national values and interests, which are now focused largely on economic prosperity. As national values change with time so, too, do migration policies. Given that this nation, Canada, is inherently white, it follows that the migration laws are shaped by white interests. Migration laws do not just uphold the boundaries of the national identity, they enshrine national (read: racial) values and interests into law.

Mongia (1999) asserts that nationality “is the outcome of how the state rationalizes race and implements a racist agenda [of exclusion]” (546). Critical race scholars agree that the purpose of the nation-state is to uphold the existence of its racial identity that gives it power to act on behalf of its citizens (Goldberg, 2002; Thobani, 2007). The nation-state is a central actor in upholding race and nation (Mongia, 1999).

RACE, NATION-STATE, AND IMMIGRATION

Immigration policies, as I suggested, are one of the most important state tools for managing the racial composition of the nation, and are deeply shaped by assumed connections between nation and race (Hayter, 2004). Immigration policies in Canada, given its history, are white-centric (Calliste 1993; Peake & Ray, 2001; Simmons, 1998). This is witnessed by the fact that only relatively recently (in the late 1960s) were non-European migrants permitted to arrive in Canada in large numbers (Kobayashi, Li & Teixeira, 2012). Immigration controls are established by the nation-state to control its racial composition.

When speaking of immigration, it is important to acknowledge that only a very specific type of immigration leads to the consolidation of nation and state - namely, the immigration of people of colour (Thobani, 2007). Looking at Canada's past and present, only large migrations of people of colour have led to public outcry. There is no public outcry about white Europeans flooding the country and threatening Canada's way of life. It is important to understand that the immigration that worries the nation-state and its citizenry is racial in nature, and that the immigrant is a substitute category for race (Balibar, 1993). It is precisely immigration of different races that threaten to destabilize white national identities that are inscribed in the state.

In her archival research Mongia (1999) uncovers that Canadian government officials created the concept of the nation-state to respond to uncontrolled migration into Canada, specifically from India. Prior to the introduction of the *Canadian Citizenship Act* in 1947, there was legally no such thing as Canadian citizenship (CIC, 2012a). Rather, members of commonwealth countries were British subjects (CIC, 2012a), who enjoyed free movement throughout the Empire on the basis of their shared Imperial citizenship (Mongia, 1999). Based on this free movement, in 1907, a ship carrying 2,000 men from India arrived in Vancouver, British Columbia, wanting to settle in Canada. In an attempt to prevent further immigration of Indians into Canada, the Canadian government asked the British government for permission to implement a passport system which would allow Canada to control migration into its borders. For years Canadian officials petitioned the British Empire to implement the passport system as a means of immigration control. In 1915, Canadian officials persuaded the Empire that each commonwealth country, based on national interests, had the right to control who could mix with its population and who could not. In effect, they argued that based on national identity, each country had the right to control who entered its geographic space. This logic linked national

identity to territory, and in doing so, created the concept of a nation-state. The conception of the nation-state successfully earned Canada the right to gain autonomy in controlling immigration into its borders. As a new state formation, the nation-state emerged as “the first kind of state formation to have a monopoly over migration” (Mongia, 1999, p. 544), and enabled countries such as Canada to prevent unwanted populations from entering its borders.

What can be learned about this piece of history are two things. First, the establishment of the nation-state was created as a response to immigration, and the need to protect national identity. Second, immigration controls are inherently racial in nature. Mongia (1999) further argues:

The passport emerges here as a state document that purports to assign a national identity rather than a racial identity—a mechanism that would conceal race and the racist motivations for controlling mobility in the guise of a reciprocal arrangement between states described as national. (p 553)

When the passport system was established, it embodied and concealed the racist motives of immigration controls. Consequently, it engrained different mobility rights for different racial groups.

Through tracing the establishment of the Canadian passport, Mongia (1999) shows that the nation-state is a concept that was created in response to immigration, and its continued existence depends on its power to control who can enter its territory and who cannot. Also interesting to the emergence of the nation-state is that government officials argued that immigration is fundamental to state sovereignty, and thus supported early notions of state security. State security and immigration continue to be highly linked in the present day, as will become evident in the sections that follow that explore the relationship between neoliberalism and citizenship.

RACE, NATION-STATE, AND CITIZENSHIP

As the section above illustrates, immigration laws are meant to regulate people of colour entering the nation-state. Where does this leave citizenship with respect to the nation-state and race? Dauvergne (2007) argues that, whereas migration law serves to filter who can be a member of the nation-state, and consequently who has formal access to citizenship, the role of citizenship law is to cultivate loyalty and national values in those who are accepted as members of the nation-state. While immigration law is concerned with selection and exclusion, citizenship is used as a nation-building tool. Dauvergne (2007) writes:

The messy policing of the national boundary by inquiring into debt and disease, criminality and qualifications, is left to migration law. Most prosperous contemporary states would not tolerate a citizenship regime that excluded individuals from naturalizing because of having a child with an intellectual disability, being poor, or dropping out of high school. Migration law specializes in precisely this type of distinction. (p. 495)

Compared to immigration law, the exclusionary aspects of citizenship are minimized in public perceptions and discourses. Citizenship law thus works together with migration law to solidify the border of the nation by promoting the established national identity and a sense of belonging within it.

However, it is important to also understand citizenship not just as an institution of the nation-state, but also as a social practice. Even in cases where citizenship is possessed, people may not be able to exercise their rights equally due to the racialized nature of citizenship. Dhamoon and Abu-Laban (2009) use the term “internal foreigners” to describe individuals who, even though they are legal citizens, are not considered legitimate members of the nation-state due to their racial identity. The individuals are often described as foreigners living in the nation-state, and sometimes even a threat to its security. Harder and Zhyznomirska (2012) argue that

Canada's citizenship is embedded with ideas that certain racial and ethnic qualities are more authentic than others. It can thus serve to iterate racial division, cement inequalities, and uphold racial homogeneity within Canada (Thobani, 2007). Even though citizenship provides legal membership to the nation-state, it does not necessarily offer equal membership to everyone. Scholars such as Ahmand & Husband (1993) assert that citizenship is not just a means for defining national identity, but a vehicle for nationalism.

It is in this context that I wish to bring to light the “citizens of convenience debate” from 2006. This debate highlights the racial inequalities present in citizenship. Furthermore, it served as an important predecessor and influencer in the Citizenship Fraud Crackdown. In 2006, the Canadian government evacuated Lebanese-Canadian citizens from Lebanon when the country was attacked by Israel. Soon after their evacuation, public outcry ensued about the use of taxpayer money to evacuate the dual citizens. The debate revolved around the legitimacy of the Lebanese Canadians' claims to citizenship. Discourses portrayed Lebanon as the “real home” of the dual nationals; assumed that all the citizens were recent immigrants to Canada; and insinuated that they were taking advantage of their Canadian citizenship. The dual nationals were thus dubbed “citizens of convenience.” All of these accusations were not based on facts, but rather assumptions. The assumptions represent a racist logic that is suspicious of immigrants and assumes migrants from Lebanon cannot truly be Canadian.

On the other hand, in the same year, there was a case of “Lost Canadians” who had unknowingly lost their Canadian citizenship status after previous changes to the *Citizenship Act*. In contrast to the dual citizens, who had Canadian citizenship, the Lost Canadians had none. However, they were able to invoke their European ancestry to reclaim their Canadian status and effectively exercise their rights to membership in the nation-state. Because they had European

ancestors, their citizenship rights were taken for granted. The Lebanese Canadians had a harder time exercising their rights to citizenship because they weren't viewed as "Canadian enough." The public discourse portrayed the "Lost Canadians" as persons who were unjustly denied their roots, while vehemently disputing the fact that individuals of Lebanese decent could have authentic Canadian roots. An important finding from my analysis of the Citizenship Fraud Crackdown is that even though individuals may have citizenship, racialized and ethnic hierarchies continue to influence how they can exercise their rights (Harder & Zhyznomirska, 2006). Thus, citizenship, like the other apparatuses of the state, is racialized (Dhamoon & Abu-Laban, 2009; Harder & Zhyznomirska, 2012; Razack, 2002; Thobani, 2007).

The sections above summarized how scholars explain the relationship between nation-state, immigration and citizenship. What does the relationship look like in contemporary times that are marked with neoliberalism? This is an area of exploration in the section below.

THE ERA OF NEOLIBERALISM: CONTEMPORARY RACE, NATION, AND IMMIGRATION

The first half of the literature review explored the connection between race, nation and immigration. In this section, I wish to explore how this triad is affected by a contemporary occurrence: neoliberalism. I conceive neoliberalism as an ideology that facilitates the global spread of capitalism, an ideology that has permeated all facets of contemporary life.

Neoliberalism helps internalize and engrain the values of competition, free markets, and survival-of-the-fittest in the conscious of individuals. It became a hegemonic discourse in the 1970s and continues to have profound effects on the organization of our society, including how nation-states control migration and citizenship laws.

Neoliberalism can be studied from three different perspectives: as a new form of capitalism, as an ideology, or as governmentality (Hilgers, 2010). The different perspectives are related in that they acknowledge the primary purpose of neoliberalism is to facilitate the operation and spread of capitalism. In studying the Citizenship Fraud Crackdown, it is useful to evaluate neoliberalism as an ideology and governmentality. Scholars note that, as an ideology, neoliberalism serves to protect and uphold the interests of the dominant group and the economic processes which uphold the dominance of this group (Bourdieu, 1998; Harvey, 2005). As governmentality, neoliberalism is concerned with new forms of control of populations that benefit capitalist arrangements (Foucault, 2004; Ong, 2006). No matter from what perspective scholars choose to study neoliberalism, they all agree that it is a source of inequalities in contemporary societies (Hilgers, 2010).

There are a number of defining characteristics of neoliberal ideology. At its core, neoliberal ideology is about upholding and protecting the economic processes of capitalism. The underlying rationale for neoliberalism is that public resources are best allocated through individuals striving to maximize self-interest in unconstrained markets (Ong, 2006). This rationale results in the withdrawal of government intervention in allocating resources, as markets are deemed to be more efficient mechanisms of distribution (Harvey, 2005). The way economic processes are framed permeates and redefines other aspects of life. For example, neoliberalism instills values of individualism, competitiveness, and self-management in populations (Gough, 2002; Ong, 2006; Peck 2004). In this spirit, individuals are no longer viewed as citizens, but are rather considered entrepreneurs and consumers (Peck, 2004). Scholars argue that neoliberalism is eroding a sense of collectivity (e.g., Ong, 2006). Neoliberal ideology vilifies welfare recipients (Bauder, 2008; Dobrowolsky, 2008) because every individual has the freedom to succeed

economically, and if they are not succeeding, it is because of their failure to self-manage (Aguiar, 2006; Ong, 2006, Abu-Laban, 1998). Neoliberalism considers social inequalities a result of individual failure rather than symptoms of systemic oppression or marginalization from capitalistic modes of operation (Herod & Aguiar, 2006). In addition to emphasizing individual competition, neoliberalism is fraught with discourses of global competition, as regions and countries try to compete with one another in an increasingly globalized world (Ong, 2006; Harvey 2001).

Two big shifts occurred in Canada's immigration system during the rise of neoliberalism. One of the biggest changes to occur in Canadian immigration policy is the introduction of the points system in the 1970s. The adoption of the points system eliminated overtly-racist criteria for immigration selection, and represented the shift in the purpose of immigration from nation-building to economic growth. Also corresponding with the rise of neoliberalism is the adoption of the multiculturalism in Canada, which promoted inclusivity. The rise of neoliberalism is thus associated with the adoption of race-neutral policies in Canada. I would now like to turn my attention to exploring neoliberalism's relationship to immigration and race-neutrality, respectively.

NEOLIBERALISM AND IMMIGRATION

Neoliberalism has had pronounced effects on Canada's immigration policies. It promotes individualism, competitiveness, and self-management in populations (Gough, 2002; Ong, 2006; Peck 2004). In this light, states begin to view individuals less as citizens, but more as entrepreneurs and consumers (Peck, 2004). Additionally, immigrants are viewed as an important source of creativity, entrepreneurship, and investment (Florida, 2002). States are very selective

in deciding which populations to allow into their borders so that they can remain globally competitive. It is in such an environment that the discourses of attracting the “best and brightest” immigrants emerge. Neoliberal ideology also results in the state viewing citizens responsible for their own success. The result is that there is an increasing dualism in immigration policies: they privilege the economic class, while criminalizing or marginalizing lower classes which are viewed as undesirable and undeserving (Ong, 2006; Sparke, 2006; Walsh, 2008). Neoliberalism, therefore, downloads the responsibility for successful immigration onto individuals, and instills values of competition among immigrants and nation-states.

The point-system embodies a number of neoliberal ideals. Its main purpose is to facilitate the immigration of individuals with high capital who are predicted to succeed economically (Arat-Koc, 1999). Other changes it embodies include user-pay policies that put the burden of administration costs on individual applicants, and giving priority entry to highly-skilled and affluent applicants (Walsh, 2008). In 2002, the point system was revised to increase the requirements in areas such as language, education, and work experience (Kobayashi, Li & Teixeira, 2012). Additionally, more immigrant classes were established that conferred different status upon arrival, based on economic categories (i.e., family class, economic class, skilled workers, business immigrants, provincial nominees, live-in-caregivers, seasonal agricultural workers, refugees) (Kobayashi, Li & Teixeira, 2012). The creation of these immigration streams essentially allows for categorization based on perceived economic contribution to Canada. All of these changes represent the shift in the purpose of immigration from nation-building to economic growth, and the instillation of neoliberal ideology in immigration policies.

In addition to an emphasis on attracting the best and brightest, the rise of the neoliberal era has resulted in crime-and-security focus in many fields of immigration policy in Canada. I

would like to focus on this nexus in evaluating the effects of neoliberalism on immigration. The link between immigration and criminality is now well documented in the literature (Dhamoon & Abu-Laban, 2009; Dolbrowsky, 2008; Gilbert, 2007; Nyers, 2009), with scholars terming the phenomenon “crimmigration” (Stumpf, 2006). Pratt (2012) traces the origins of the conflation of criminal justice and immigration with the transition from welfare states to neoliberal states in the 1970s. In 1980s and 1990s legislative reforms in Canada began increasingly linking security and immigration (Ibrahim, 2005; Russo, 2008). In the 1990s a discursive shift occurred from portraying immigrants as deserving migrants to suspected criminals (Pratt & Valverde, 2002). These shifts (toward criminalization and security) coincide with the rise of neoliberalism. Although links between security and immigration have long existed in Canada (Brodie, 2009; Mongia, 1999), there is no doubt that the links between the two are becoming stronger and cemented in the neoliberal era (Aharonson & Ramsy, 2010; Pratt, 2012; Valverde, 2010). Scholars attribute to the link with the criminalization of migration as a hallmark of the neoliberal state (Nevins 2002, 2007), and thus a governmentality of neoliberalism.

What does the merging of criminal law and immigration law look like? Stumpf (2006) outlines three main emergences. First, migration law increasingly has the substance of criminal law. For example, immigration violations are now criminal when they once used to be civil violations; criminal violations are resulting in deportation (representing the use of the immigration realm as punishment in the criminal realm); and there is increased focus on detaining and/or deporting immigrants who are likely to commit crimes that pose a threat to national security (representing the use of immigration law to meet the goals of criminal law). Second, immigration law enforcement is increasingly made to resemble criminal law prosecution. It is for this reason that we note the rise of immigration detention complexes, which

resemble criminal incarceration, but which have less judicial review and indeterminate detention times. Third, immigrant enforcement resembles criminal enforcement. It is for this reason that we see the rise of border patrol agencies, such as the Canadian Border Services Agency (CBSA), that serve as pseudo-police agencies. These agencies have gained the power to police immigrants, and thus blur the lines between controlling immigrant populations and policing. In the current time, immigration and criminal law have become so merged that it is increasingly difficult to differentiate the two.

It is important to note that criminal and immigration law are concerned with two very different realms. Crime has a very specific meaning and connotation; it is meant to address violent actions against a person (such as murder, sexual assault, kidnapping, or threats), or violent actions against a person's property (such as theft, breaking and entering, or fraud) (JusticeBC, n.d.). As such, criminal law is meant to "prevent and address harm to individuals and society from violence or fraud or evil motive" (Stumpf, 2006). Immigration law, on the other hand, is concerned about regulating who may and may not enter the nation-state, the terms of their stay, and when they must leave (Stumpf, 2006). In other words, it regulates the borders of the nation-state, and serves as a gatekeeper for citizenship. Stumpf (2006) observes that the commonality between criminal law and migration law is their ability to delineate belonging in nation-states. Given criminal law's focus on prosecuting violent actions, the merging of criminal law with migration law serves to portray immigrants as perpetrators of violence against the nation-state. This perception, in turn, justifies violent state actions against immigrants.

The rise of crimmigration coincides with the rise of neoliberalism for a number of reasons. The first explanation is neoliberalism uses criminalization as a form of social order. The reasons for this include: to regulate marginalized populations that are disadvantaged by

neoliberal regimes (Aharonson & Ramsy, 2010; Parenti, 2000; Zedner, 2010); to create cheap and vulnerable workforce that neoliberalism favours (Bauder, 2003; Champlin & Hake, 2006; Sharma, 2006; Smolash & Tucker-Abramson, 2011; Walia, 2010); and to keep wealth concentrated in the hands of the wealthy, and to further cement the inequalities between rich and poor (Nevins, 2002; Walia, 2010). The law-and-order agenda thus provides heavy regulation of social order and in doing so upholds the established economic processes that rely on this social order.

Another explanation scholars have for the rise of crimmigration is that neoliberalism can contribute to anti-immigrant sentiments that result from the restructuring of labour markets, dismantling of welfare states, and erosion of social security (Aliverti, 2012). In such a context, the illegal/criminal immigrant becomes the scapegoat for the havoc wreaked upon society by capitalism (Nevins, 2002). As the effects of neoliberalism increase anti-immigrant sentiment, in response, states increasingly try to enforce immigration through criminal law. Criminalization of migrants is used by the state to ease public opinion (Aliverti, 2012; Nevins, 2002) and to show that the state is still in control in times of increased movement in the era of globalization (Aharonson & Ramsy, 2010). Thus, neoliberalism employs the criminal “other” to deflect attention from the harsh effects of capitalism. It feeds the argument that the cure for social ills is to increase security from immigrants, rather than tame capitalism.

A third explanation for the rise of criminal law and immigration is that, together, they serve as an effective tool for nation-building at a time when the state sovereignty is under threat by globalization (Nevins, 2002). Neoliberalism promotes the free movement of goods and capital across borders, which threatens the sovereignty of nation-states. The increased opportunities for movement that result from globalization create threats to national-identity. The rise of

crimmigration thus represents nation-states asserting their sovereignty and national identity. Scholars have observed that one of the few areas of government regulation that has increased during globalization is immigration policies that control the movement of people (Anderson, Sharma & Wright, 2009; Sassen, 1996; Walsh, 2008; Walia, 2010). Thus, while capitalism facilitates the uncontrolled flow of goods, the nation-state is increasingly using new tools, such as criminalization, to heavily control the movement of people. This is because, in time of globalization and loss of sovereignty, immigrant illegality reifies the existence of the nation-state. Without illegality, the identity of the nation-state would be annihilated.

NEOLIBERALISM AND RACE

Neoliberalism, with its focus on upholding capitalism does not take into account systems of oppression individuals may encounter that prevent their economic advancement, such as racism. Even though neoliberalism does not acknowledge the existence of racism, as the sections above showed, race is embedded in the existence and operation of the nation-state, and is manifest in the conceptualization of citizenship (Harder & Zhyznomirska, 2012; Sharma, 2006; Thobani, 2007). How is the relationship between state, nation, and immigration nuanced when neoliberalism is added into the equation?

It is important to note that racism continues to operate in the era marked by neoliberalism. The current immigration system is characterized by the discourse of neoliberalism, where certain individuals are more valued for their capital contributions and other individuals are devalued because of their lack of capital contribution. The framework makes no allusions to overt racist criteria for immigrants entering Canada. However, there are many signs

that racism continues to operate and influence immigration, despite the adoption of race-neutral frameworks such as neoliberalism and multiculturalism.

Shortly after the initial introduction of the points system, Canada's immigration policies became increasingly restrictive in the 1990s (Walsh, 2008). This change was, in part, a result of discontent arising in the Canadian public about large number of immigrants arriving to Canada (Arat-Koc, 1999; Walsh, 2008). Ironically, the rising discontent was also in part fueled by the Reform Party, of which Prime Minister Stephen Harper and Minister Jason Kenney, were a part. At the time the Party spread news of high number of crime perpetrated by immigrants (Arat-Koc, 1999), an issue that Mr. Harper and Mr. Kenney put front and center upon their rise to power in 2006. To calm the apprehensions of the public, the government of the day responded by increasing the criteria for immigration to Canada (Walsh, 2008). The phenomenon indicates that xenophobia and racism continue to persist in the neoliberal era (Ibrahim, 2005). Despite being race-neutral, neoliberal immigration policies continue to be influenced by race.

Other evidence that demonstrates that race remains important in contemporary immigration issues is that new Canadians are often portrayed as a threat to national safety in public discourses (Chan, 2004; Bauder, 2008; Dhamoon and Abu-Laban, 2009; Ibrahim, 2005; Thobani, 2007). For example, Ibrahim (2005) evaluated newspaper coverage of a boat of refugees that arrived from China on the coast of British Columbia in 1999. The newspaper coverage brought into doubt Canada's immigration system by failing to portray the safety of the country (Ibrahim, 2005). Authors note that the discourse of immigration-as-threat is used to support immigration policy changes (Dhamoon & Abu-Laben, 2009; Chan, 2004; Mountz, 2004). Thus, neoliberal immigration policies continue to be influenced by racial discourse, such as immigrants are threats.

Goldberg (2002) suggests that neoliberalism attempts to ignore racial histories and their accompanying inequalities. This type of analysis suggests that neoliberalism is a separate process from racism, but the two are layered and work in conjunction with one another. When evaluating the connection between neoliberalism and race, many scholars take this position (see Davis 2007; Theodore, 2007). This type of analysis examines how the racialized groups are disproportionately affected by neoliberal policies. For example, scholars note that while capital and goods are promoted to travel freely in the era of neoliberalism, human movement is heavily controlled (Anderson et al., 2009; Arat-Koc, 1999; Walia, 2010). The result is that racialized groups have a harder time travelling across borders. Scholars also observe that racialized groups are also disproportionately affected the creation of the illegal/criminal other – which is a production of neoliberal modes of governing. They note that illegality/criminality has replaced discourse of the racial other in immigration (Dauvergne, 2008; Pratt 2012; Sharma, 2006; Wright, 2013). In other words, scholars suggest that while subsuming the racial other into its realm, neoliberalism subsumes the systems of repression embedded within in it, while failing to acknowledge their existence.

Roberts and Mahtani (2007) argue, however, that a more critical analysis of neoliberalism is needed, one in which attempts to examine whether neoliberalism *is* racist. This analysis seems to suggest that neoliberalism does not just operated parallel to racism, but rather that racial conceptions are embedded within it. Hage (2000) refers to the growing immigration detention complexes in nation-states as “ethnic caging,” and argues that the complexes are a material expression of racialized othering (Mountz, 2004). His analysis suggests that although neoliberalism does not acknowledge the presence of race, it still attempts to manage and control

it, similar to past ideologies, but using new tools (i.e., criminality and illegality). The study of how neoliberalism may be raced is relatively underexplored by scholars.

NEOLIBERALISM AND CITIZENSHIP: CANADIAN CITIZENSHIP IN THE CONTEMPORARY ERA

Although scholars are attempting to understand the intersection of neoliberalism and immigration, an area that is relatively underexplored is how neoliberalism intersects with race in the context of citizenship. Citizenship is primarily a white institution that has only recently (in the 1960s) begun to be extended openly to people of colour. In this section I explain how scholars are attempting to understand the infusion of neoliberal ideology and modes of governing in citizenship; what new forms of citizenship this gives rise to; and what the consequences are for individuals.

One effect neoliberalism has on citizenship is creating a dualism between citizenship and criminality. Increasingly, the nation-state characterizes non-citizens as illegal persons or criminals (Dauvergne, 2008). The illegal/criminal other is now a new racial category in immigration (Dauvergne, 2008; Sharma, 2006; Pratt 2012; Wright, 2013).

Another effect of neoliberalism on citizenship is that citizenship is increasingly becoming out of reach for immigrants not viewed as economically productive (Ong, 2006; Sparke, 2006; Walsh, 2008). Seasonal agricultural workers, refugees, and live-in-caregiver programs face lengthier and more difficult paths to citizenship than immigrants in economic classes. Some routes, such as the seasonal agricultural workers program, are altogether blocked off from permanent resident status. Coincidentally, lower-capital immigration streams that have more difficult paths to citizenship largely consist of racialized immigrants from the Global South.

Scholars argue that the capital-based selection criteria in immigration systems inherently prevent people from underprivileged nations from obtaining citizenship (Walsh, 2008). Ong (2006) refers to the phenomenon whereby different individuals are given different rights and entitlements based on their human capital as “differentiated citizenship.” Although people may occupy the same territory, they can have different rights based on their contribution to the economy (Ong, 2006).

Furthermore, the rise of neoliberalism is associated with the rise of precarious status, whereby temporary forms of migration are outpacing the granting of long-term residence that leads to citizenship acquisition. In Canada, temporary foreign workers exceeded permanent residents for the first time in history in 2008 (Statistics Canada, 2010). Additionally, there has been a proliferation of undocumented migrants entering countries such as the United States as the requirements for legal migration are increasing. The proliferation of temporary foreign workers and undocumented immigrants is unprecedented.

Not only is citizenship growing out of reach for larger populations under neoliberal regimes, citizenship itself is being fractured (Stumpf, 2006; Sparke 2006). Stumpf (2006) argues that merging of criminal and immigration law creates “lesser levels of citizenship.” One example is the differentiation between dual citizens and birthright citizens. Deportation and immigrant detention protocols only apply to dual citizens, and require much less thoroughness and evidence for conviction than criminal reviews. Birthright citizens are not only exempt from deportation, but are protected by more stringent judicial reviews when their actions are perceived as threatening. The result is that nation-states are able to expel and punish individuals based on their citizenship status and ethnicity, rather than rigorous criminal judicial review, which is a privilege birthright citizens enjoy. Sparke (2006) notes how the NEXUS pass in the United States has

emerged to privilege business class citizenship that provides greater than ever ease in travelling the world. At the same time, US securitization of citizenship is happening to create an underclass of immigrants that cannot achieve citizenship. Regardless of how the differences to citizenship are perceived, scholars seem to agree that citizenship is increasingly being fractured along racial (Stumpf, 2006) and economic lines (Sparke, 2008; Ong, 2006). Although the changes neoliberalism brings to citizenship are still to be explored, what is clear is that inequalities remain embedded in citizenship today.

Neoliberalism has not just created new inequalities in citizenship; it also operates over existing inequalities. Mongia (1999) observed that upon the establishment of the passport system in Canada, different “nationalities” were given differential mobility rights. The phenomenon largely continues today. A map of citizens who are able to enter Canada without visas reveals a striking visual (Figure 2); only first world citizens, mostly of European ancestry, have free movement into Canada. The majority of the world is excluded from this same privilege. To think that the entire world experiences the privilege of free movement is “colonial behavior” (Spivak, 2008). Thus, neoliberalism does not just create new inequalities in citizenship; it operates on top of existing inequalities.

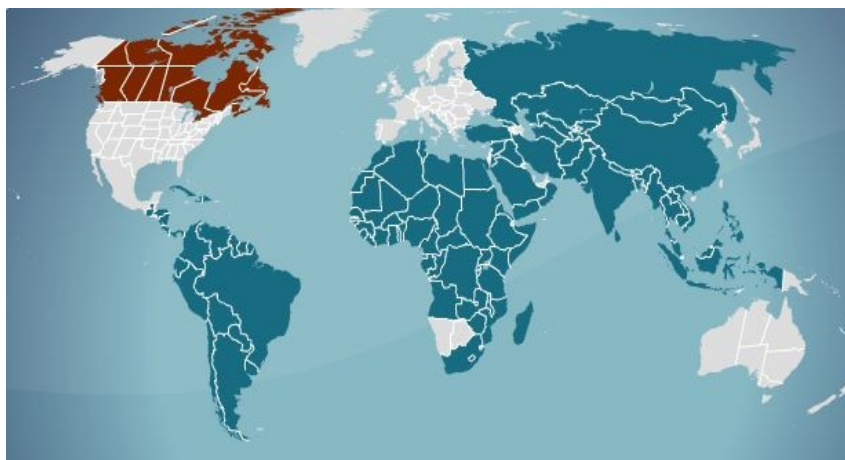


Figure 2: Map of Visa Requirements to Enter Canada by Country

White = Countries whose citizens do not need visa to enter Canada, Blue = Countries whose citizens need a visa to enter Canada (Stray, 2008)

TRANSNATIONAL FEMINISM

One framework that is useful for understanding the changes to citizenship under neoliberal regimes is transnational feminism. Transnational feminism overlaps with critical race theory. Transnational feminism emerged in the 1970s during the rise of neoliberalism and is an anti-racist, anti-capitalist movement. Given its focus on neoliberalism and race, the framework offers many useful insights for this investigation, which attempts to evaluate how neoliberalism and race converge in Canadian citizenship. Its most important contributions include: the call for the identification and critique of capitalism and neoliberalism in all contexts (including citizenship); its focus on the lived experiences of people in the margins; its attempts to contextualize local inequalities within the global flows of power; and, its critical perspective of the nation-state in perpetuating and upholding race. I use this framework in order to understand the workings of the Citizenship Fraud Crackdown.

In recognizing the context of global hegemony of neoliberalism and capitalism, transnational feminism advocates for decolonization through anticapitalist movements (Mohanty, 2003). Decolonization is defined as “active withdrawal of consent and resistance to structures of psychic and social domination” (Mohanty, 2003, p. 9). Transnational feminism sees capitalism as embedded with racist and other forms of social domination. Capitalism thus in turn creates and upholds current organizations of power in society (Mohanty, 2003). By taking an anticapitalist stance, transnational feminism advocates for the critique of the “operation, discourses and values of capitalism, and of their naturalization through neoliberal ideology” (Mohanty, 2003, p.9). Therefore, it views neoliberalism, capitalism, and colonialism as inseparable and in need of questioning in order to eliminate systems of domination. This same approach can be used to study the systems of domination present in citizenship.

It is impossible to understand the current form of citizenship, without understanding its global context. Transnational feminism attempts to understand how global flows of power, embodied in neoliberal and capital regimes, are exerted on the marginalized individual (Alexander & Mohanty, 1997; Grewal & Kaplan, 1994; Pratt, 2004; Pratt & Yeoh, 2003; Razack, 2000). It calls for “an analytic framework that is attentive to the micropolitics of everyday life as well as to the macropolitics of global economic and political processes” (Mohanty, 2003, p. 230). This is relevant to Canadian citizenship because the government is using it as an incentive to attract the world’s best and brightest, which is resulting in the marginalization of growing number of individuals deemed not to be economically desirable. Thus, it is impossible to understand local manifestations of power void of the context of global flows. Transnational feminism attempts to understand both local and global location of actors, and how these layers intersect on the level of the marginalized individual (Mohanty, 2003).

Because of its emphasis on decolonization, transnational feminism places particular emphasis on understanding social justice from the perspective of people in the margins (Alexander & Mohanty, 1997; Calliste & Sefa Dei, 2000; Shohat, 2002; Mohanty, 2003). Scholars argue that it is really only possible to understand the functioning of power in general, and capitalism and colonialism specifically, by looking at their impacts on the marginalized (Alexander & Mohanty, 1997; Mohanty, 2003). As mentioned previously, a goal of this research project is to provide an analysis of citizenship from the perspective of those who have none. Conducting interviews with immigrants who are entangled in the Citizenship Fraud Crackdown allows stories of struggle to emerge that might not otherwise be heard. In the powerful public domain of the media, the voices of the marginalized are rarely represented. Transnational feminism is a framework that is useful for understanding, and contextualizing, these stories. By

focusing on the experiences of individuals in the margins, the framework emphasizes that individuals have agency to resist oppressive or unjust regimes, as opposed to being solely victims (Alexander & Mohanty, 1997; Calliste & Sefa Dei, 2000; Mohanty, 2003; Nagar & Swarr, 2010).

Given that colonization, economic imperialism, and territorial sovereignty are central to its critique, transnational feminism also focuses on the nation-state (Alexander & Mohanty, 1997). It argues that the nation-state upholds capitalism and colonialism through its form and operation. It upholds capitalism by facilitating the movement of capital, and it upholds colonialism by intervening, controlling, and disciplining populations within its borders, and those attempting to cross them. Citizenship is one way in which the state institutionalizes colonialism and capitalism. Transnational feminism argues that the nation-state uses citizenship consciously to manipulate the differences it creates. It uses citizenship to exclude marginalized groups based on their deviance from the universal citizen (Alexander & Mohanty, 1997). The universal citizen is portrayed as loyal to the nation-state, and the subordinate class of noncitizens are portrayed as deviant, non-loyal, and therefore, suspect. In addition to creating and upholding exclusions, the nation-state has the means of organized violence to protect its national security from those who are non-citizens (Alexander & Mohanty, 1997). The “citizenship machinery” is not blind to difference; it purposefully manipulates it (Alexander & Mohanty, 1997).

It also deconstructs cultural racism by arguing for a more comparative approach (Alexander & Mohanty, 1997; Mohanty, 2003). It calls for comparing experiences of people and finding the “interconnectedness of their histories, experiences and struggles” (Mohanty, 2003, p. 242). It rejects the idea that certain cultures are superior to others, but instead tries to study cultures *in relation to one another* (Alexander & Mohanty, 1997; Shohat, 2002). This approach

shifts the focus of analysis from cultural differences to looking at similar social and economic processes and histories, and how they affect groups of people differently (Mohanty, 2003). This approach calls for studying the Citizenship Fraud Crackdown across racial groups, and highlighting how the same action impacts certain groups differently. This type of comparative, or relational approach, allows scholars to study power and oppression, agency and resistance, across contexts (both national and cultural) (Alexander & Mohanty, 1997; Mohanty, 2003). In doing so, it recognizes that the same act of power, applied across different groups, has very different effects. Most importantly, it rejects cultural racism by acknowledging that the unequal effects are not due to cultural inferiority, but rather, to the social, political, and economic context in which they occur.

It should be clear by now that the transnational feminist literature is relevant to this investigation in numerous ways. First, it calls for evaluating local and global contexts hand-in-hand. Citizenship in Canada is now viewed as tool by the government to attract global capital, but the granting of citizenship has acute impacts on the individual level, on the people who are applying for it, and are denied it. Second, it centralizes the perspective of the marginalized, which this thesis will attempt to do by interviewing individuals who do not have Canadian citizenship. Third, it foregrounds and critiques the links between neoliberalism, race and citizenship, themes which are central focus in the analysis of the Fraud Crackdown. Lastly, it calls for a comparative approach across racial groups, and recognizing the similarities and differences in the struggles of different groups. As the chapters below unfold, all of these approaches prove to be highly relevant and insightful for the study of contemporary citizenship in Canada.

In summary, to understand the Citizenship Fraud Crackdown, I draw on literature from critical race theory, nation, immigration and neoliberalism. The literature provides an overview of: 1) how the conception of race has changed over time, 2) how conceptions of race have been central to the way nations are understood and defined, 3) the role of the immigration in creating and reifying the nation-state. Lastly, the literature examines how a new phenomenon, neoliberalism, is layered onto the historical relationships of race, nation, and immigration. I use the Citizenship Fraud Crackdown to build on the literature that examines how race intertwines with neoliberalism.

In doing so, this investigation will contribute to two literature gaps. The first is that scholars need to do more work in understanding how neoliberalism and race work in conjunction with one another (Roberts & Mahtani, 2010). Citizenship studies are one area where this connection can be better explored. While the link between neoliberalism and citizenship has been explored by scholars such as Aihwa Ong (1999, 2006), few scholars focus on the added layer of race intertwining with neoliberalism in citizenship. By adding this additional layer of analysis, I contribute to understanding the relationship between neoliberalism and race, and examine whether they are separate processes, as many scholars suggest, or whether there is another way to characterize their relationship. Second, citizenship is embedded with colonialism, capitalism, imperialism, racism and other hegemonic systems and discourses. Despite these traits, citizenship is often discussed from a privileged perspective: by those who have citizenship. This thesis will attempt to build on the scarce literature (such as Lee, 2012) that examines citizenship from the perspective of those who have none. By addressing areas under-explored by scholars, I hope to contribute to contemporary citizenship studies.

Now, more than ever, is an important time to be studying citizenship in Canada. Under the leadership of the Conservative government, the nation-state has created major reforms to citizenship. The Fraud Crackdown, and the *Citizenship Act* that followed, are embedded with racial and neoliberal underpinnings that must be better examined in order to understand what is happening to citizenship in Canada.

CHAPTER 4 – THE CITIZENSHIP FRAUD CRACKDOWN

It is interesting to note that the first substantial controversy the Conservative government encountered after coming into power was related to citizenship. In July 2006, only a few months after winning the election, the Conservatives were criticized for evacuating Canadians from Lebanon (Harder & Zhyznomirska, 2012). The public discourse dubbed the individuals, who had dual Canadian and Lebanese citizenship, as “citizens of convenience.” The Conservative government was slammed for using tax-payer money to evacuate citizens perceived to be taking advantage of Canada. I outline the “citizens of convenience” controversy as the start of the Conservatives’ obsession to reform citizenship, and situate the Citizenship Fraud Crackdown within this context.

In providing the context of the Citizenship Fraud Crackdown, I begin the first section with an overview of the citizenship changes enacted by the Conservatives, from 2006 to 2014. I then provide a detailed overview of the operation of the Citizenship Fraud Crackdown. The Crackdown is carried out in two ways: the first component of the Crackdown is the revocation of citizenship and Permanent Resident (PR) status, the most publicized portion of the initiative. The second component of the Crackdown is the revision of the Residence Questionnaire, which ensures that citizenship applicants meet the physical residence requirements in Canada. This component of the Citizenship Fraud Crackdown, although less publicized, impacted a number of citizen applicants as well. The chapter, thus, explains how the Citizenship Fraud Crackdown is an extension of the Conservative’s attempts to reform citizenship after the “citizens of convenience” controversy, and details how the Crackdown is operationalized.

THE CONTEXT: OVERVIEW OF PROPOSED AND ENACTED CHANGES TO CITIZENSHIP UNDER THE STEPHEN HARPER CONSERVATIVE GOVERNMENT, 2006 - 2014

Over the course of their time in power, the Conservatives have tabled a number of bills to reform the *Citizenship Act* (Table 2). Those of notable interest are Bill C-37 *An Act to Amend the Citizenship Act* (2007), Bill C-37 *Strengthening the Value of Canadian Citizenship* (2010), and Bill C-24 *Strengthening the Canadian Citizenship Act* (2014). This section will provide a brief overview of these bills and other changes to citizenship under the Conservatives. The changes, for the most part, aimed to prevent the presence of dual citizens who had no ties to Canada, and who only used citizenship for its benefits.

Bill C-37 (2007) was created to address two controversies: the case of the “Lost Canadians” and the “citizens of convenience” controversy. “Lost Canadians” were individuals who unknowingly lost their citizenship due to previous revisions of the *Citizenship Act*. Many individuals were unaware they had lost status until the government of Canada required passports to enter the United States, and the individuals had to file for a certificate of Canadian citizenship or other documentation. The bill restored citizenship to these individuals, who successfully invoked their European ancestry to claim citizenship status. The second purpose of the bill was to calm public controversy concerning the “citizens of convenience” debate that had been sparked by the evacuation of Canadians from Lebanon. Bill C-37 aimed to curb these debates by introducing the first generation rule to citizenship, which bars citizenship to second- and consequent-generations born outside of Canada. In effect, the bill strived to prevent immigrants who lived outside of Canada from passing their citizenship onto subsequent generations. The bill is inherently racialized, as discussed above in Chapter 3, because it embodies a suspicion toward

dual citizens with non-European origins, while considering individuals with European ancestry as de-facto Canadian.

In addition to introducing Bill C-37 (2007), following the “citizens of convenience scandal,” the Conservatives promised to review the practices surrounding the granting of dual citizenship. The Standing Senate Committee on Foreign Affairs and International Trade was tasked with completing this review. In its report, the committee suggested that no changes be made to dual citizenship. Instead, the Committee used a quote from a Department of Foreign Affairs and International Trade (DFAIT) official to outline its stance: “a Canadian is a Canadian; the rule is very clear. However [...] the debate has been launched and the discussion will take place. The challenge before us concerns how to frame that debate” (Standing Senate Committee 2007 cited in Nyers, 2010). The Committee, in its review, supported the idea that dual citizens and birth right citizens should not be differentiated in law.

Despite the recommendations not to make changes to dual citizenship, the Conservatives continued on their quest to reform it. In June 2010, Minister Jason Kenney announced the introduction of the bill, Bill C-37 *Strengthening the Value of Canadian Citizenship* (2010), whose purpose was to further build upon the integrity of the citizenship program as Bill C-37 had started to do. The Conservatives used Bill C-37(2010) to continue to address the problems in citizenship that were perceived, although not confirmed, by the “citizens of convenience” debate (such as dual citizens not physically residing in Canada for long periods of time), and also added new components to the reforms for citizenship (such as cracking down on “crooked consultants”, increasing penalties for citizenship fraud, preventing criminals from becoming citizens, and streamlining the citizenship/PR revocation process). The bill did not get past the second reading at the House of Commons. The Conservatives were able to pass one component of the bill into

law, however, through a separate bill called Bill C-35: *Cracking Down on Crooked Consultants Act* (2010), which created a regulatory body for immigrant consultants. The bill, had it passed, would have created vast changes to citizenship.

Shortly after Bill C-37 died, in July 2011, the Conservatives announced the launch of the Citizenship Fraud Crackdown that is the focus of this study. The purpose of the Crackdown was well-aligned with the intent of Bill C-37, such as reducing citizenship fraud and enforcing physical residence requirements. It is here that I locate the importance of the Citizenship Fraud Crackdown: it was, in fact, used by the Harper government to raise public concern about the integrity of the citizenship program, in order to gain public support for citizenship reforms that had failed to pass. The Conservatives used the Citizenship Fraud Crackdown to address the challenge presented to them by the Standing Committee: how to frame the debate surrounding dual citizenship. The Conservatives decided to frame the dual citizenship discourse using the Citizenship Fraud Crackdown, which perpetuated an image of a citizenship program under threat from a large number of fraudulent immigrants.

Three years after the Citizenship Fraud Crackdown was launched, the Conservatives introduced Bill C-24 *Strengthening the Canadian Citizenship Act* (2014). The bill was very similar to its predecessor, Bill C-37, and strived to protect citizenship from misuse and abuse. It also incorporated many components of the Citizenship Fraud Crackdown (such as defining residence as solely physical, and updating the revocation process in order to allow for faster removal of fraud). Bill C-24 (2014) successfully passed into law in June of 2014, four months after it was introduced. With Bill C-24 (2014), the Conservatives were finally able to pass the changes to citizenship they had long dreamed of since the “citizens of convenience” spectacle, and failed to do through Bill C-37(2010). Bill C-24 (2014) represents the Conservatives’ efforts

coming full-circle, by preventing dual citizens from using their citizenship for its benefits, and thus preventing any further cases of “citizens of convenience.”

In addition to creating new bills to change the citizenship laws, the Conservatives also made changes to the citizenship program through policies and programs (Griffith, 2013). These changes included (CIC, 2012f; Griffith, 2013):

- Creating a new citizenship test guide called *Discover Canada*, written in a much higher level of English than the previous guide (increase from Level 4 English in the previous guide to Level 7-8 English)
- Establishing a new knowledge test (to address anecdotal evidence of cheating on the citizenship test)
- Allowing military personnel to preside in the citizenship ceremonies
- Banning face coverings in citizenship ceremonies
- Changing the citizenship ceremony program folders (including removing the copy of the Charter of Rights and Freedoms, adding an explanation of the importance of the Oath of Citizenship and importance of the monarchy)
- Establishing a citizenship fraud tip line

In general, the changes the Conservatives proposed and enacted through bills and programs, reflected their strong ties to the British Crown, and a view that citizenship was too easy to attain (Griffith, 2013). Broadly speaking, Kenney’s reforms to citizenship represented a change in paradigm from previous Liberal views on citizenship (Griffith, 2013). Whereas the Liberals viewed citizenship as a stepping stone to integration, and thus wanted it to be relatively easy to acquire, Jason Kenney wanted to emphasize that effort and hard work were needed to attain citizenship (Giffith, 2013). And, whereas the Liberals viewed that integrity of citizenship in

terms of assisting with integration, the Conservatives viewed its integrity through the lens of higher standards and more exclusionary measures (Griffith, 2013).

Table 2: Citizenship Reform Bills Made to the Senate by the Conservative Government, 2006 - 2014

Date introduced	Status	Name of bill	Purpose
February 2014	Royal Assent on June 2014	Bill C-24 <i>Strengthening the Canadian Citizenship Act</i>	Created many changes to Citizenship (for overview see Appendix A). The changes focused on the broad areas of focus include: reducing fraud, changing revocation process, increasing efficiency in citizenship application processing.
May 2012 (Reinstated December 2013)	Abandoned	C-425: <i>An Act to amend the Citizenship Act (Honouring the Canadian Armed Forces)</i>	Private member's bill that revised C-232 (below). In addition to proposed fast-tracked citizenship for Canadian armed forces, it added the provision that an individual is deemed to have applied to renounce their citizenship if they engage in act of war against the Canadian armed forces.
June 2010	Did not get past first reading at the House of Commons	Bill C-37: <i>Strengthening the Value of Canadian Citizenship</i>	Cracking down on "crooked consultants", increasing penalties for citizenship fraud, requiring physical presence in Canada in order to meet residency requirements for PR and citizenship, preventing criminals from becoming citizens, streamlining the citizenship/PR revocation process.
June 2010	Royal Assent on March 2011	Bill C-35: <i>Cracking Down on Crooked Consultants Act</i>	Established a regulatory body for immigration consultations.
February 2009 (as S-225) March 2008 (as S-231)	Abandoned	S-231: <i>An Act to amend the Citizenship Act (oath of citizenship)</i>	Private member's bill that proposed to eliminate the federal court and Charter of Rights and Freedoms as a means to make changes to the citizenship oath.
December 2007	Royal Assent on April 2008	Bill C-37: <i>An Act to amend the Citizenship Act</i>	Restored citizenship to "Lost Canadians." Implemented the first-generation rule for citizenship.
April 2006 (Reinstated December 2007)	Abandoned	C-232: <i>An Act to amend the Citizenship Act (service in the Canadian armed forces)</i>	Private member's bill which proposed to fast-track citizenship for Permanent Residents who served in the Canadian armed forces

Source: Parliament of Canada, 2010

THE THRUST: (RE)DEFINING RESIDENCE IN CANADA

During the introduction of the three bills outlined above, the Conservatives were fixated on clearly defining what “residence” in Canada means in order to qualify for citizenship status. Until Bill C-24 (2014) was passed, the *Citizenship Act* did not provide a clear definition of residence.

In the antecedent *Citizenship Act* (1977 – 2013), there were three types of judicial interpretations of residency, due to the term “residence” not being clearly defined (*Canada [Citizenship and Immigration] v. Takla*, 2009). The first, and least commonly used, interpretation of the law was that the *Citizenship Act* was referring to physical presence in Canada. The other two interpretations considered residence in terms of established relations to the nation-state. For example, a second interpretation of the law viewed the *intention* to reside in Canada as sufficient to acquire Canadian citizenship, as long as a certain connection to Canada was maintained. The third, and most dominant interpretation, was that as long as a person’s existence was *centralized* in Canada, he/she was considered to be residing in the country, and meeting the requirements to apply for citizenship.

Citizenship judges were free to interpret the residence requirement in any of these three ways (physical, intentional, or centralized) (*Canada v. Takla*, 2009). The dominant interpretation of residence as centralized existence was often tested through the Koo Test (Table 3), which attempted to examine the quality of connections to Canada. The ambiguity of the term “residence” in the legislation gave flexibility for citizenship judges to grant citizenship to applicants who do not meet the three year physical residency requirement, but nonetheless had established strong ties to the country.

Table 3: The Koo Test

The most common interpretation of “residence” in Canada under the *Citizenship Act* of 1977-2013 was centralized existence. The Koo Test was the most common way for citizenship judges to verify that applicants had met the residence requirements for Canadian citizenship. The test consists of the following questions:

- (1) Was the individual physically present in Canada for a long period prior to recent absences which occurred immediately before the application for citizenship;*
- (2) Where are the applicant’s immediate family and dependents (and extended family) resident;*
- (3) Does the pattern of physical presence in Canada indicate a returning home or merely visiting the country;*
- (4) What is the extent of the physical absences - if an applicant is only a few days short of the 1095 day total it is easier to find deemed residence than if those absences are extensive;*
- (5) Is the physical absence caused by a clearly temporary situation such as employment as a missionary abroad, following a course of study abroad as a student, accepting temporary employment abroad, accompanying a spouse who has accepted temporary employment abroad;*
- (6) What is the quality of the connection with Canada: is it more substantial than that which exists with any other country*

Source: *Canada v. Takla*, 2009

During their reforms to citizenship, the Conservatives made numerous attempts to define residence in Canada as solely *physical presence* in the nation-state. Their first attempt was the mass distribution of the Residence Questionnaire (further elaborated upon below) for citizenship applicants, as part of their Citizenship Fraud Crackdown. The Conservatives made other attempts through tabling Bills C-24 (2010) and C-37 (2014), discussed above, both of which proposed to amend the *Act* to define residence as exclusively physical. Bill C-24 succeeded in changing the definition of residence in the *Act*. The new change means that citizenship judges are no longer able to exercise discretion in cases where applicants do not meet the exact number of physical days of presence in Canada. It also reiterates citizenship as a territorial relation to the nation-

state, as opposed to the other definitions, which looked at the quality of the relationship to the nation-state.

Given the context reforms outlined above, it appears that the Citizenship Fraud Crackdown was a result of the “citizens of convenience” controversy, which resulted in Conservatives attempting to make citizenship more exclusionary, in order to increase its value. The Crackdown also took place at the time when the Conservatives were preoccupied with reiterating citizenship as a territorial relation to the nation-state. The section below provides an overview of the process and operation of the Citizenship Fraud Crackdown.

THE CITIZENSHIP FRAUD CRACKDOWN DESCRIBED

The Citizenship Fraud Crackdown seems to have its origins in the CIC Fraud Action Plan. There are almost no public documents available about the Fraud Action Plan; however, I have come to understand its purpose and scope through snippets of information on the CIC website and through documents released through the Access to Information and Privacy Act (ATIP). It appears that the Citizenship Fraud Action Plan was developed by the Program Integrity Division (PID) of the Citizenship Program, which is responsible for the granting of citizenship (CIC, 2012d). The PID is concerned with risk management, quality insurance, and fraud prevention in the Citizenship Program (CIC, 2012d). The Action Plan’s main aim is preventing individuals from obtaining citizenship through fraudulent means. Despite applicants being able to misrepresent any number of the eligibility requirements for citizenship¹, the Action

¹ The eligibility criteria for citizenship at the time of the Crackdown required that individuals must: be 18 years or older, have valid Permanent Resident status, be fluent in one of the official languages, pass a knowledge test about Canada, have allowed enough time to pass from criminal convictions and prohibitions, and have spent the last 3 out of the 4 years in Canada (CIC, 2014b).

Plan seems to focus primarily on residence fraud. CIC uses the example of people who establish false addresses in Canada and live elsewhere before they apply for citizenship as an example of residence fraud. In January 2010, CIC announced the launch of the Fraud Action Plan “to respond to abuse, particularly organized residence fraud in the Citizenship Program” (CIC, 2013c).

Shortly after the plan was launched, in July 2011, Kenney announced the launch of Citizenship Fraud Crackdown. He explained that thousands of people were suspected of having obtained their citizenship by lying about their residence in Canada. In a July 27, 2011 press conference, Kenney announced CIC was “beginning the process to revoke the citizenship of up to 1,800 citizens who have obtained it fraudulently” (CIC, 2011b). On December 9, 2011, he announced that the number of revocations proceedings had risen to 2,100 and an additional 4,400 individuals were being scrutinized, for a total of 11,000 cases (CIC, 2011d). The media was quick to transmit that cases of “widespread fraud” were present in the citizenship program. Kenney described CIC’s intent to revoke citizenship on a mass scale as “the largest enforcement action ever taken in the history of Canadian citizenship” (Mackrael, 2011). The Conservatives thus continued the revocation discourse the Liberals had started from 1993 to 2006, but garnering much more public attention. From their rhetoric, they appeared to be doing an undertaking never done before: purging Canada of past, present, and future citizenship fraud.

CIC’s focus on residence fraud was sparked by a number of events, including anecdotal information (Griffith, 2013), and the discovery of immigration consultants in Montreal, Halifax and Mississauga who were establishing false addresses for applicants (CIC, 2011a). Interesting to note is that it was also sparked by “citizens of convenience” controversy surrounding Lebanese-Canadians (Griffith, 2013). Together, these three sources were uncertain at best, and

failed to provide a clear picture of the extent of fraud present in the citizenship program. Despite the lack of rigour of their sources, the Conservatives acted swiftly to address residence fraud.

From what can be gathered from newspaper articles and interviews, CIC had a two-pronged approach to the Citizenship Fraud Crackdown. The first approach was to revoke citizenship that was obtained through void means (i.e., misrepresentations or lying about residence), while the second approach was to prevent the granting of citizenship in the first place to false applicants. The latter approach resulted in updating the Residence Questionnaire in May 2012 and handing it out in large numbers to citizenship applicants. Below I discuss each of these two approaches separately.

REVOCATION OF CITIZENSHIP & PERMANENT RESIDENT STATUS

The Citizenship Fraud Crackdown was launched prior to the revisions to the *Citizenship Act*. Thus, this section will explain how the Fraud Crackdown functioned under the *Citizenship Act* of 1977-2013, which was in force at the time. It seems that the Fraud Crackdown will continue into the future, and will be tailored to the new citizenship and PR requirements under the revised *Citizenship Act* of 2014. However, the form of the Fraud Crackdown under the new *Act* is out of the scope of this paper, given that all of its components are yet to come into force.

Under the antecedent *Citizenship Act* (1977-2013), the only grounds for revoking citizenship are cases of “fraud, false representation or knowingly concealing material circumstances” (CIC, 2011c). The transgression can occur at any time in the citizenship/PR process, from obtaining status to maintaining it. Examples of transgressions include misrepresenting residency in Canada in the application for PR or citizenship, or concealing

information that would makes someone ineligible for PR or citizenship status. Since the fraud investigations are concerned with enforcing *physical residency* in Canada, it is important to note that residence obligations are different for citizenship and permanent residence (PR). To uphold PR status, individuals must reside in Canada for a minimum of two years out of five. In order to qualify for citizenship, individuals must reside in Canada for a minimum of three years out of five.

Revocation is not a common phenomenon in Canada. Since 1977, 68 citizenships have been revoked in Canada (CIC, 2011a). In 2010, CIC established a permanent addition to CIC's organizational structure, a new unit of 11 public servants to work full-time on potential revocation cases (CIC, 2011a). After the establishment of the new unit, called the "Integrity Team" (CIC, 2011a), Minister Jason Kenney announced that the number of revocations would increase drastically. Revocation can be applied retroactively (CIC, 2012i), and potentially includes backtracking citizenship applications to identify fraud.

It is important to remember that revocation only affects individuals with dual citizenship, and those who are born outside of Canada. Under citizenship legislation, individuals who have birth-right citizenship cannot have it revoked, nor can individuals born outside of Canada, but that only possess Canadian citizenship. This is because the government cannot render a person stateless. In reality, revocation only affects individuals (immigrants) who do not have citizenship by birth, and who simultaneously hold citizenship from another country.

A person may have either their citizenship or Permanent Resident status revoked, or both. For Permanent Resident revocations, CIC wants to ensure that individuals are meeting the residence requirement to uphold their PR status (i.e., living in Canada two years out of five years). In order to ensure individuals are meeting their PR requirements, they are questioned

about their residency (although CIC does not clarify how exactly). If they are found to not have upheld the requirements, individuals will most likely lose their PR status, and face removal from Canada and/or criminal charges. The decision to revoke PR status may occur while an individual is outside of Canada. If their status is being revoked, individuals have 60 days to file a notice of appeal to the Immigration Appeal Division of the Immigration and Refugee Board. In addition to CIC revoking PR status, the CBSA or IRB *may* issue a removal order to individuals who did not meet the residency requirements of their PR status.² If the person has been issued a removal order, he or she has 30 days to file an appeal to the Immigration Appeal Division of the Immigration and Refugee Board. An individual may apply again for Permanent Resident status if it is revoked; however, the likelihood of being approved is unclear.

For citizenship revocations, the CIC wishes to ensure that individuals meet the residence requirement to apply for citizenship (i.e., lived in Canada for three out of five years) and did not misrepresent any information in their citizenship application. CIC issues a Notice of Intent to Revoke Citizenship to individuals it believes have obtained their status through misrepresentation, and for which it has acquired evidence (CIC, 2011c). Once individuals receive the Notice of Intent to revoke citizenship, they have 30 days to refer their case to the Federal Court and have a hearing in front of a judge (CIC, 2011c). If they do not respond to the Notice of Intent, then they automatically forfeit their citizenship and the revocation process begins (CIC, 2011c). If the Federal court finds the individual innocent, then their case is closed.

² There are three types of removal orders: departure order, exclusion order, and deportation order. The first two are temporary in nature and allow the possibility for return to Canada. The third permanently bars re-entry into Canada, unless the individual obtains written permission from the CBSA. Departure Orders require individuals to leave Canada within 30 days of being served the notice, and to verify their exit with an immigration officer. If individuals respect both directions (exit and verification of exit), they may be able to return to Canada again. The Exclusion Order requires individuals to leave Canada and bars re-entry for one to two years. Departure and Exclusion orders are usually issued for less serious immigration violations. If individuals do not follow the exclusion or departure orders, they automatically become subject to a deportation order, and face significantly reduced likelihood of return to Canada.

If the Federal court finds that a person has misrepresented information in their citizenship application, then the Minister of Citizenship, Immigration and Multiculturalism may submit a report of the case to the Governor in Council for review (CIC, 2011c). The final decision to proceed with revocation is made by the Governor in Council. The revocation itself is carried out through an Order-in-Council. The individual can request that the Federal Court review the decision to revoke citizenship made by the Governor in Council (CIC, 2011c). The process to revoke citizenship, thus involves numerous checks and balances, and is ultimately decided in the court of law.

There revocation of status can take many forms. If misrepresentation occurred in the citizenship application process, but not the permanent resident application, an individual's status will be reverted to Permanent Resident. If, however, the individual did not meet the residence requirement to be a Permanent Resident, then they will lose their Citizenship and Permanent Resident status. Even if an individual did not misrepresent their citizenship application, but misrepresented their Permanent Resident application, they are at risk of losing both. CIC believes that the majority of revocation cases are instances where the individuals meet PR requirements but not citizenship requirements (CIC, 2011a). In cases where an individual loses their citizenship, but not PR status, they can apply for citizenship again five years after the revocation. In cases where parents obtained citizenship through fraudulent means for themselves and their children, both parents and children will also have their citizenship revoked (CIC, 2011a). The revocation of status comes in many permutations.

In addition to revocation and removal, criminal charges may be laid by the RCMP for individuals guilty of not meeting residency requirements. In some cases of PR or citizenship fraud, although not specified which by CIC, violations of the *Citizenship Act* and *Immigration*

and Refugee Protection Act may result in fraud charges under the *Criminal Code of Canada*. If charged under the *Criminal Code*, individuals may be incarcerated and/or receive criminal records. Thus the revocations are a joint effort between CIC, the state's branch that controls migration, the CBSA, the state's border enforcement agency, and the RCMP, the state's national police service. The CBSA and RCMP are responsible for enforcing the *Immigration and Refugee Protection Act*. The RCMP investigates organized crime (CIC, 2011a).

It seems the revocation of citizenship, if it leads to reversion to PR status, and still allows individuals to apply for citizenship once again, is not a harsh penalty. It also appears that the investigations are focused on residency requirements, which do not seem to be dangerous transgressions either. Given the mild nature of the transgressions, it is interesting that CIC employs such harsh, intimidating, and penalizing discourses when talking about "citizenship fraud." The analysis of the discourse surrounding citizenship fraud will be analyzed in the chapters below.

In summary, revocation of status can occur at any time, only applies to immigrants who are dual citizens, and are conducted in cooperation with the nation's policing agencies. This type of approach to reducing fraud is more drastic than the Residence Questionnaire, which is used as a preventative measure and bars granting of citizenship in the first place.

THE RESIDENCE QUESTIONNAIRE (RQ)

The second approach to reduce residence fraud is to detect it before it happens, with the use of the Residence Questionnaire (RQ). The RQ is a tool the CIC uses to ensure that permanent residents meet the three-year physical residency requirement in order to be eligible for

citizenship. The RQ is associated with the first interpretation of “residence” in the *Citizenship Act*, as physical presence in the country.

Although it is not known for how long the RQ has existed, it has been used by CIC as a tool in the citizenship application process since at least 2009. The RQ began to be more widely known after it was updated in May 2012, 11 months after Kenney announced the Fraud Crackdown. The change came as a result of the Audit of the Citizenship Program³ (2011) and also part of the “citizenship modernization” project in CIC (CIC, 2014a). The modernization project includes measures that increase efficiency, consistency, and integrity in citizenship application processing.⁴ The revisions to the RQ included adding new questions, requesting more documents, and changing the reasons for handing out the RQ to citizenship applicants. After its revision, the RQ began to be handed out in large numbers to citizenship applicants.

The purpose of the RQ revision was to ensure that CIC: collected enough evidence of residence in citizenship applications; captured all-encompassing information about an applicant; reduced back and forth communications between CIC and the applicant, and thus decreased processing times; and used the RQ as an integral tool for reducing citizenship fraud. The Minister of Citizenship, Immigration and Multiculturalism described the link between RQ and actions undertaken to reduce citizenship fraud as follows:

The RQ is issued in cases where additional information and documents are needed in order to assist in determining whether or not an applicant meets the

³A four-month Internal Audit of the citizenship program (CIC, 2012d), completed in April 2011, revealed that citizenship applications, among other things, did not collect strong enough evidence of residency in Canada (CIC, 2012a). The Internal Audit seems to focus heavily on residence fraud (see Section 1.1.1 and 3.3.3 of the Audit).

⁴ The modernization project brings to light that CIC did not have consistency in its citizenship program. This is because different citizenship offices used different methods for collecting and building citizenship application files (CIC, 2012c). As a result of the Internal Audit, and the modernization project, a series of major changes to the citizenship application process were implemented in May 2012. These changes included: standardizing the citizenship application through creating a document checklist, standardizing how citizenship judges evaluate non-routine cases pertaining to residency in Canada and prohibitions, and revising the Residence Questionnaire (CIC, 2012a). Perhaps the most significant change to application processing was the revision of the Residence Questionnaire (RQ).

residence requirement for citizenship.... It is a much simpler process to be able to prevent those who are involved in residence fraud from becoming citizens in the first place than to try to revoke citizenship after they have already acquired it. (Parliament of Canada, 2013)

The main result of the revision has been an increase in the number of applicants who receive the Residence Questionnaire. From anecdotal evidence, it appears that the RQ, prior to being changed, was issued to five per cent of citizenship applicants (Residence Questionnaire Wordpress, n.d.[c]). Once revised in May 2012, the issuance rate increased to 22 per cent, with some CIC offices having rates as high as 30 and 50 per cent (Residence Questionnaire Wordpress, n.d.[c]).

The revised RQ created many challenges for CIC and citizenship applicants. For CIC, the processing time for RQs jumped from one and a half years to four years (ATIP 2012-19707, p. 30). The increase is attributed to more time needed to process an RQ case (as more questions had been added to the RQ, increasing the documentation for review), an increase in the number of applicants that received the RQ, combined with CIC office closures and staff decreases (ATIP 2012-19707, p. 30). CIC admitted that it “cast the net too wide” in terms of who receives an RQ, and has reduced the triggers for issuing an RQ to applicants. It later revised the RQ a number of times (September 2012 and October 2013) to fine-tune the triggers and documentation requested. The triggers are not released by CIC in order to ensure integrity of the RQ, however, some initial triggers were accidentally released in an ATIP (Table 4). CIC also created a new form called the *Request for Documentary Evidence of your Residence in Canada*. It serves as an alternative to the RQ and requires much less documentation, thus addressing some of the initial challenges of the revised RQ.

The challenge for citizenship applicants when they receive the RQ is the extensive documentation it requests to prove residency in Canada.⁵ Under the first version of the revised RQ, recipients had to show their work, living, and personal history since arrival, which for some individuals dated back more than 10 years.⁶ Recipients must return the RQ and all supporting documents within 45 business days, or 9 weeks, of its receipt. If they do not return the RQ on time, their citizenship application is deemed abandoned. The timeline is very short for applicants who must acquire documentation from other countries. In addition, applicants who receive the Residence Questionnaire are no longer considered “routine” citizenship applications, and face indeterminate processing times. The indeterminate processing times give the impression that their application is no longer valuable to Canada, and their application is not a priority.

It is interesting to note that the Residence Questionnaire was not a highly publicized component of the Citizenship Fraud Crackdown. The Conservatives used rather vague language when referring to the RQ. Minister Jason Kenney announced in 2011 that 4,400 permanent residents were “flagged” for “further scrutiny” (CIC, 2011d). Given that the major change to the citizenship application was the RQ, it can be speculated the individuals he referred to were RQ recipients. Of those flagged, “nearly 1,400 [had] withdrawn or abandoned their citizenship application because of [the] new scrutiny” (CIC, 2011d). This number increased to 1,894 by the end of January 2014 (Cohen, 2014). It appears that the Residence Questionnaire, although not highly publicized, did affect a large number of citizenship applicants. Furthermore, the RQ recipients were counted among those under investigations for citizenship fraud.

⁵ Some, but not all, documents requested include: children’s immunization records, employment history, proof of income, record of movement from borders, children’s attendance records from school.

⁶ In the first revised version of the RQ, recipients had to provide documentation since their arrival to Canada. For some applicants, this was over 10 years ago. Subsequent revisions of the RQ only asked for documentation 4 years prior to arrival to Canada (which aligns with requirements for meeting citizenship within 4 years of permanent residence in Canada).

Table 4: Residence Questionnaire Triggers

Applicant Characteristics:

A1 – Use of a suspect residential address.

A2 – NCB in FOSS, Warning or Note(s) in GCMS indicating a concern.

A3 – Previous citizenship applications which were not approved, withdrawn, abandoned, renounced or revoked.

A4 – Discrepancy in absences between citizenship application and CIC information during the relevant 4 years period.

A5 – Self-identified as a consultant, self-employed or unemployed, with any travel during the relevant 4 year period.

A6 – Absences to home country to sell land/property or to take care of ill family member during the relevant 4 year period.

A7 – Applicant has self declared having less than 1095 days of physical presence.

Family Characteristics:

B1 – Child born outside Canada during the relevant 4 year period.

B2 – A child has made a non-concurrent minor application.

Documents

C1 – ID (provided in support of application) has been issued within 3 months of date of application.

C2 – Inconsistency between address on ID and address on application form.

C3 – Photograph and/or signature on the application do not resemble photograph and/or signature on identity document.

C4 – NPR time (non permanent resident time) has been used in the calculation of basic residence and the original entry data used does not appear on the IMM 1000, the Confirmation of Permanent Residence or in CIC records

GCMS — Global Case Management System (new CIC computer system)

FOSS — Field Operations Support System (old CIC computer system)

NCB — Non-computer based entry

POE — Port of Entry

NPR time — Non-Permanent Resident time

Source: Residence Questionnaire Wordpress, n.d.(d)

In summary, this section explained the context and goal of the Citizenship Fraud Crackdown and how it is implemented. The goal of the Fraud Crackdown is to purge Canadian citizenship of fraud, particularly relating to residency. The Fraud Crackdown is implemented through revocation of PR and/or citizenship status, and through the distribution of the Residence

Questionnaire to anyone suspected of misrepresenting information in their citizenship application. The Citizenship Fraud Crackdown occurred at a time when the Conservatives were attempting to redefine citizenship by making it more exclusionary and creating stricter definitions of “residence” in Canada. As the subsequent chapters reveal, the Crackdown succeeded in advancing both fronts.

The next chapter will evaluate the image of the Citizenship Fraud Crackdown created by the CIC in the public discourse. In the public discourse I analyze the government’s rationale for the Fraud Crackdown, the image of the “ideal citizen” that is constructed through the discourse, and evaluate the progress of citizenship revocations. Given the little information available about the Fraud Action Plan and Citizenship Fraud Crackdown, the public discourse provides important and rare information about the initiative. In addition to evaluating the public discourse, the chapter will uncover the neoliberal and racial underpinnings that are present in the Conservatives’ conception of citizenship. Thus the chapter also offers a critical analysis of the Citizenship Fraud Crackdown.

CHAPTER 5 – SOUND THE ALARMS

CIC takes the issue of fraud in the immigration and citizenship programs very seriously. Our intent is to apply the full strength of Canadian law, and where evidence permits, to strip permanent resident status or citizenship, seek removal, and/or refer the matter to the Royal Canadian Mounted Police, the RCMP, for a criminal investigation.

- Minister Chris Alexander (Parliament of Canada, 2013)

It is...not only the discursive practices manifested in legal statutes that create identities, but also the way that these practices are infused with societal norms and values. In examining the discursive production of national identity, one needs to examine not only laws per se, but the debates, interpretations, and professed needs and interests that surround legal statutes and the social practices to which these are linked.

- Roxanne Doty, 1996 as quoted in Nevins, 2002, p. 95

The first quote from above is the oft-repeated explanation the Minister of Citizenship, Immigration and Multiculturalism, and CIC officials use when describing the Citizenship Fraud investigations. It can be regarded as a slogan of the initiative, repeated almost word for word on countless occasions. On the surface, the rhetoric paints a picture of the immigration system in general, and institution of citizenship specifically, under threat from immigrants obtaining citizenship fraudulently. Fraud in the immigration system, it argues, is resulting in the granting of citizenship to undeserving (read: criminal) subjects.

The role of immigration controls and citizenship is to uphold the existence of the (white) nation-state. Fraud in the immigration and citizenship program threatens the very process through which the white national identity is protected. If read deeper, the quote seems to suggest that the white nation is being threatened by the non-white other. In other words, the “other” is a threat because it is trying to outsmart the systems the nation has built to regulate it and keep it out. At stake in the Minister’s statement is therefore the process which upholds the existence of

the nation-state; a process that the nation-state protects by reiterating the fine line between citizen and non-citizen, national belonging and abject otherness.

The fraudulent immigrants who are the source of the threat are alluded to as criminals. In alluding to the individuals in this light, the rhetoric de-humanizes them and justifies ample security measures against them. The government wants to *strip* them bare of their rights to the nation-state, and *remove* them from its entity. Stripped of their humanity, the individuals under investigation are portrayed as obfuscated subjects, of great threat, and presumed guilty. They are cast into otherness and have no voice. The quote embodies the harsh, intimidating and retributive tone that the Minister and CIC use whenever they refer to citizenship/PR investigations. The tone not only strikes intimidation and fear in applicants (as I demonstrate in the next chapter), but also criminalizes immigrants in Canada.

Divisions between citizens and “others” have always been essential to the Canadian project. As I noted above, the Canadian nation has historically been produced through the elimination of indigenous and racialized people, the elevation of white subjects to “exalted” status, and the continual policing and subjugation of racialized people (both citizens and non-citizens). At the centre of such delineations is the nation-state which has the power to decide who is a citizen and who is not (Bauder, 2013; Nevins, 2002). While the Citizenship Fraud Crackdown certainly operates on this already established (racial) terrain, it also exemplifies newer dividing practices that have been explored in the literature on immigration and neoliberalism. As many scholars have noted, contemporary immigration/citizenship regimes are generally shaped by the twofold logic of neoliberal ideology. On the one hand, neoliberalism valorizes the “economic subject” in immigration policies, a subject viewed as a source of creativity, entrepreneurship, and investment (Florida, 2002; Peck, 2004); on the other hand, the

logic demonizes unwanted populations, which it views as a threat to the security of the nation-state (read: its established economic processes) (Nevins, 2007; Sparke, 2006; Valverde, 2010; Walia, 2010). The demonization of unwanted migrants has resulted in a “criminalizing and retributive tone [that] is now commonplace in immigration policy making” in Canada (Chan, 2004, p. 34). It appears that the nation-state under neoliberal ideology employs a new duality to uphold national identity: the entrepreneurial subject vis-à-vis the criminal other.

How this newer logic interacts with older racial codes remains a relatively unexplored question. Scholars that do engage in this type of analysis tend to observe that racism operates parallel to neoliberalism (Abu-Laban & Nath, 2007; Melamed, 2010). This type of analysis leads to conclusions that racialized individuals are disproportionately disadvantaged, although not intentionally, by neoliberal regimes. For example, some scholars argue that capital-based selection criteria categorize racialized individuals in less economically valuable migration streams, which face harder avenues for attaining citizenship, or are altogether barred from it (Ong, 2006; Sparke, 2006; Walsh, 2008). Others observe that a growing numbers of non-citizens are portrayed as criminals or illegal, in accord with neoliberal modes of governing, and that this “the criminal/illegal other” is the new racial category in immigration, supplanting previous racial discourses (Dauvergne, 2008; Pratt 2012; Wright, 2013). The literature seems to centre on the argument that neoliberalism is not racist intentionally, but rather that race continues to run parallel to it, although in new forms. Roberts and Mahtani (2010) argue that scholars need to focus on how race is embedded within neoliberalism. In my analysis I take the latter approach and attempt to uncover whether racial logics are embedded within neoliberalism.

This chapter examines the conjoining of racial and economic logics in the Citizenship Fraud Crackdown. My analysis focuses on the public discourse surrounding the Crackdown in

newspaper articles; speeches and interviews from the Minister of Citizenship, Immigration and Multiculturalism; and CIC media releases. Given the highly secretive nature of the Fraud Crackdown, the public discourse is a rich source of information about the initiative. My analysis uncovers: (i) the stated purpose of the Citizenship Fraud Crackdown, (ii) how the Crackdown constructs an image of ideal citizens as both neoliberal and nationalistic subjects, (iii) how the image of the ideal neoliberal-nationalistic citizen is reinforced vis-à-vis the “criminal” other, and (iv) how this “criminal” other operates as a revived “racial” other. The Citizenship Fraud Crackdown, I conclude, is an exercise in nation-building that reifies citizenship as a white institution, and consequently the white national identity. I conceive of nation-building as the “nationalist project of states which aim to hold on to their conceptual hegemony over the [white] nation” (Sutherland, 2005, p. 195). While most scholars argue that racist actions continue to operate under neoliberal regimes; I argue that, neoliberalism is a racist ideology in and of itself. It serves as contemporary tool for perpetuating racial divisions in wealth, power and mobility, while at the same time refuting the existence of racism. Neoliberalism does not just mask racism; it is a new form of racism.

I wish to acknowledge that there are many possible angles from which the public discourse can be analyzed. Given that the Crackdown is partly based on Kenney’s personal ideology and largely anecdotal evidence (Griffith, 2013), it can be interpreted as an expression of Kenney’s personal neoconservative, populist, and white supremacist⁷ views. I will not attempt to focus Kenney’s personal influence in the Citizenship Fraud Crackdown, which is surely great. Rather, I will focus on uncovering the racial and neoliberal underpinnings in the public discourse

⁷ Although Kenney has not openly declared he is white supremacist, this can be concluded from a number of his actions. For example, as Minister of Citizenship, Immigration and Multiculturalism, Kenney refused to give funding to organizations that used the words “racialized,” “white power,” or “oppression” in their project proposals (Griffith, 2013).

that subsume views such as Kenney's and transmit them as part of the status-quo in Canadian policy making.

PURPOSE OF THE CITIZENSHIP FRAUD CRACKDOWN

I begin with an examination of the stated purpose of the Citizenship Fraud Crackdown in the public discourse. The Minister of Immigration and CIC portrays a citizenship and immigration system under threat during times of high immigration. The discourse identifies two types of threat that result from high numbers of immigration. The first threat from high levels of immigration is an increase of fraudulent immigrants. This threat carries the potential to undermine the institution of citizenship, which upholds the white identity. In this context, the nation-state seeks to reinforce and protect the institution of citizenship. A second threat that results from high numbers of immigrants is waning public support for a government that adopts a policy for increased immigration levels. The Conservatives indicate that the Crackdown is occurring at a time when immigration numbers are historically high. The decreased public support for such a policy is an expression of the xenophobia that results when the white national identity is threatened. The waning public support jeopardizes the power of the governing body of the nation-state, the Conservatives. In essence the Crackdown is an exercise in nation-building and of electoral power, which serves to uphold the integrity of citizenship, assure the public that the nation-state is still in control of the processes, and address the perceived though constructed threat to the white national identity.

Historically immigrants have often been the ones portrayed as a threat to national safety (Chan, 2004; Bauder, 2008; Dhamoon & Abu-Laban, 2009; Ibrahim, 2005; Thobani, 2007), which serves as a primary vehicle for nation-building. The discourse of immigrants as threat has

been used since the inception of the Canadian state to create and uphold a sense national identity (Brodie, 2009; Mangia, 1999). For example, the Chinese Head Tax prevented Chinese immigrants from altering “the fundamental composition of the Canadian nation” (Prime Minister Lyon Mackenzie King cited in Green 1976, p. 21). In 1999, immigration policies were changed to address the perceived threat of a boat of Chinese refugees that arrived on the coast of British Columbia (Dhamoon & Abu-Laben, 2009; Chan, 2004; Mountz, 2004). The continual use of threat to uphold the existence of national identity is explained by the fact that every polity has to be continually re-founded in order to reaffirm the allegiance and loyalty of its citizen population (Honig 2001 cited in Nyers, 2006). The Citizenship Fraud Crackdown participates in perpetuating the presence of a threat and in doing so, reifies the national identity.

As I mentioned, the Citizenship Fraud Crackdown was presented as a reaction to high levels of immigration to Canada. The nation-state associates increased immigration to Canada with increased fraudulent migrants. CIC reports explain the context of the Citizenship Fraud Crackdown:

With historically high numbers of new immigrants arriving in Canada, the Government of Canada has introduced a number of significant reforms over the past year to *strengthen the integrity* and economic responsiveness of the immigration system. (CIC, 2012g)

From the quote, it is possible to see that the government associates increased immigration with fraud, which threatens the “integrity” of the system (read: the institution of citizenship). The nation-states ambivalence toward high number of immigrants results from its economy being based on institutions of white privilege, but being dependant on people of colour for its continued prosperity. Given the increasing number of immigrants, the nation-state perceives the institution of citizenship as under threat, and in need of more stringent immigration and

citizenship criteria. In extension, the nation-state views white national identity as being threatened by high number of immigrants.

The nation-state uses the public discourse as a forum to cement the association of increased immigration and threat to white national identity. In all press releases and interviews, Minister Jason Kenney proclaims that citizenship fraud is widespread Canada. Newspaper articles echo and amplify the claim by employing words such as “rampant” and “tip of the iceberg” to describe the presence of fraud. In their headlines they use “sweep” and “crackdown” to describe the unprecedented action the government is taking to eliminate fraud. The strong language gives the impression that fraud is pervasive in the citizenship program, and sounds the alarm to the Canadian public that drastic measures need to be taken by CIC.

The existence of the nation-state, in fact, depends on the existence of a perpetual threat and the nation-state’s ability to diffuse this threat. The public concern that is created as a result of the perceived threat helps mobilize public support for immigration and boundary control which reifies the need and the existence of the nation-state (Nevins, 2002). Without illegality, the identity of the nation-state would be annihilated. The same reasoning can be applied to the Citizenship Fraud Crackdown: the presence of the “criminal” serves to reify the existence of the nation-state.

The public discourse also serves as a forum to promote the Citizenship Fraud Crackdown as the government’s zero-tolerance policy on fraud. The rhetoric serves to show that the nation-state is capable of eradicating this fraud, and thus upholding the institution of citizenship. CIC and Jason Kenney portray a nation-state working hard to protect its citizens. Kenney explains: "This [revocation of citizenship and permanent resident status] is by far - by many orders of magnitude - the largest enforcement action ever taken in the history of Canadian citizenship"

(Mackrael, 2011). Scholars observe that whenever immigration issues become publically contested, the nation-state responds by changing its laws or policies in order to regain the perception of control and to diffuse the issue (Buchignani & Indra 1999, as cited in Chan, 2004). The Citizenship Fraud Crackdown thus serves to convince the public that the nation-state is still in control of the national borders, and to maintain support for its policies.

The Citizenship Fraud Crackdown, by demonstrating the nation-state has the ability to protect the white national identity, also serves to calm public xenophobia and increase support for immigration policies. Minister Jason Kenney explains that

recent efforts to crack down on fraud and abuse in Canada's immigration system, including residency fraud and fraudulent asylum claims, help restore Canadians' faith in the immigration system [emphasis added]. (CIC, 2012j)

The second purpose of the Citizenship Fraud Crackdown, in addition to demonstrating the nation-state is in control, is to restore public faith in the immigration system. Thus, the Crackdown can be considered a political move to calm xenophobia within the nation-state due to high levels of immigrants being admitted into its entity. The xenophobia towards high levels of immigrants entering Canada is masked with the rhetoric that Canada's "generosity" can only extend so far, and suffer so much abuse. Kenney explains:

We want an immigration system that is open to genuine visitors, while at the same time prevents the entry of foreign criminals and *denies them the ability to endlessly abuse our generosity*. (CIC, 2013c)

Kenny argues that Canada must be more selective so as to prevent naturalization of individuals, specifically criminals, into the nation-state who will abuse its generosity, and threaten the institution of citizenship. The Minister goes on to explain that "[r]ecent efforts to crack down on fraud and abuse in Canada's immigration system...*ultimately allow Canada to continue to have the most generous system in the world*" (CIC, 2012j). The rhetoric is paradoxical, and seems to

suggest that if Canada is to continue to be as generous as it is, it must become less generous than it was before. The idea of “abused generosity” is used to cover the public unease that results from high level of immigration, and justify the government’s need to be more selective. It paints a picture of the nation-state as benevolent, and masks any ambivalence towards immigrants. The image of a benevolent society, and its claims of innocence, have been used through the centuries by Canadian nationals to “mask aggressive behaviours that result in “the exaltation of their racial identity as *the* racial identity” (Thobani, 2007, p. 85). The use of claims of innocence and generosity in Citizenship Fraud Crackdown continue this long-lasting ritual.

From the analysis above, it is possible to see that the Citizenship Fraud Crackdown is in reaction to two types of “threat” that result from high numbers of immigrants arriving to Canada. The first is the threat associates increased immigration with increased fraud, which weakens the institution of citizenship from upholding the white national identity. The second threat is that large numbers of immigrants reduce public faith in the governing body of the nation-state. The nation-state uses the Citizenship Fraud Crackdown as a means to show to show that it is still in control of upholding its institutions and protecting the white national identity. By creating the perception of a threat to citizenship, and demonstrating its ability to protect its institutions, the nation-state reifies its existence, and unites the national identity against the perceived threat. Given this aim, the Crackdown is in essence an exercise in nation-building.

THE IDEAL NEOLIBERAL SUBJECT

Given that the purpose of the Citizenship Fraud Crackdown is to protect the white national identity, in this section I evaluation how the nation-state reifies what is it to be “Canadian.” The Crackdown highlights how citizenship is used as a discursive means for

establishing national identity (Dauvergne, 2008; Pratt 2012; Wright, 2013). The Citizenship Fraud Crackdown emphasizes its role in “protecting the value of Canadian citizenship.” In this section, I analyze the “values” that the Crackdown seems to be protecting. The use of citizenship to establish national identity is not a particularly new phenomenon in nation-building. Looking closer, however, it is possible to discern one element that is new in nation-building: how the nation conceives its citizens with neoliberal values. I uncover a portrayal of the ideal Canadian as an individual laden with neoliberal and nationalistic traits. By highlighting the values of citizenship, the Crackdown reifies what it is to be Canadian, and thus facilitates in nation-building. Part of the nation-building agenda, I argue, also requires drawing greater differences between the rights of dual citizens and birth-right citizens.

The neoliberal ideas of following the rules, being good competitors and being deserving are all associated with the ideal citizen in the public discourse. When describing the value of Canadian citizenship Jason Kenney, and other government officials, explain that it is a status that is earned fairly (i.e., by following the rules):

Canadian citizenship ... should be earned by strict compliance with the rules that govern its bestowal. Those who lie and cheat their way into becoming citizens should not be accepted into the Canadian fold. (*Montreal Gazette*, 2012)

The Minister’s rhetoric seems to indicate that anyone who tries to circumvent the citizenship process is in fact undermining the competitive system Canada has established for citizenship. Thus, citizenship is valuable not only because it is attained fairly, but also because it is attained through competitive selection - an outcome of following the rules of the established citizenship regime. The ideal citizen is one who attains their status through following the established rules and competition.

The neoliberal logic of hard work and deserving is also strongly present in the Conservative's broader paradigm of citizenship. Since citizenship is meant only for the best and brightest, the newspaper articles are laced with discourses about who is deserving of citizenship. In one newspaper article, a person argued: "Citizenship, that is something that is earned and I do not see why someone who does not deserve it should get it" (Raj, 2011a). It is important to note that the "deserving" rhetoric is neoliberal in nature (Smith-Carrier & Bhuyan 2010), given that the most competitive individuals should get what they earn. The persistent rhetoric of "deserving" insinuates that those who don't receive citizenship fail to prescribe to material or moral neoliberal ideals (Ong, 2003), and are inferior and potentially dangerous subjects (Chan, 2004). The deserving rhetoric easily slips into labeling unsuccessful citizenship/immigration applicants as criminals and non-contributors to Canadian society (Bhuyan & Smith-Carrier 2012). The reality of being excluded and marginalized from citizenship is completely discounted by neoliberal logic.

We can see how the Citizenship Fraud Crackdown employs neoliberal logic to explain why some people deserve citizenship (i.e., they follow rules, are hard working, and deserving) and others don't (i.e., they cheat, are lazy, and are not deserving). The neoliberal ideas of following the rules, being good competitors and being deserving are all tied together in public discussions about the value of citizenship and the ideal citizen. The newspaper articles argue that individuals without these traits should not be able to attain citizenship, as it decreases the caliber of members Canada accepts into its nation-state.

It is important to note that the Citizenship Fraud Crackdown employs the neoliberal rhetoric in a slightly different way than other discourses. Whereas most immigration discourses employ the rhetoric of deserving to justify individuals from being barred citizenship; the Fraud

Crackdown questions the citizenship of those who have already attained it. Nyers (2006) refers to the process whereby individuals are removed of their rights or legal status as the “unmaking of citizenship.” Usually, citizenship is unmade for dual citizens. The Citizenship Fraud Crackdown is indeed targeted at dual nationals. By increasing scrutiny for dual nationals, the Crackdown highlights how the neoliberal rhetoric of deserving can be used to create precarity in citizenship status itself. Ong (2006) argues that neoliberalism results in the decoupling of citizenship from the territory of the nation-state. The Citizenship Fraud Crackdown reveals the opposite case; the Crackdown serves to solidify citizenship to territory by ensuring individuals are meeting physical residence requirements of citizenship. In doing so, it demarcates greater differences between birth-right and dual citizenship.

The unmaking of citizenship for dual citizens in the neoliberal era is paradoxical because dual citizens are key agents in international trade and development (Shachar, 2006). They have an international advantage in conducting business in foreign countries, where they are familiar with the language, customs, and institutions (Nyers, 2010), and should thus be advantaged by neoliberal regimes. Despite being ideal neoliberal subjects, the Citizenship Fraud Crackdown questions their rights to citizenship.

This phenomenon can be understood by looking at race and economics. Nation-states such as Canada “are having difficulties in reconciling their desire for their citizens to be immersed within increasingly globalized economic, social, and cultural networks” (Nyers, 2010, p. 59). The Canadian nation-state is uneasy about the existence of dual nationals because it leads to questions of where their loyalties lie. The existence of dual citizens brings up questions of how wealth generated by immigrants can be shared across host and home country (Shachar, 2006), and conflicts with the nation-state’s desire “for a unified political subject within a unified

territorial space of the nation-state” (Nyers, 2010, p. 59). Given the ambiguities that surround dual citizenship, nation-states have responded by making “citizenship as indeterminate as non-citizenship” (Nyers, 2006, p. 37) in order to be able to control loyalties and wealth accumulation of immigrants. What we see here is racial agendas (such as viewing with suspicion the loyalties of people of colour) working in tandem with neoliberal agendas to reiterate national identity. By treating dual citizens with more scrutiny, the nation-state ensures that they remain loyal to it, and create the unitary subject they need to uphold the nation-state (Nyers, 2010).

The thrust to create loyalty among dual nationals is seen in Minister Jason Kenney argument: “Canadian citizenship is more than a legal status, more than a passport... We expect citizens to have an ongoing commitment, connection, and loyalty to Canada” (CIC, 2010). The Minister argues that citizenship is valuable because it is given to individuals who are committed to Canada. The discourse surrounding the Citizenship Fraud Crackdown on numerous occasions stresses the utmost importance of loyalty and commitment to Canada, thus attempting to create a unitary subject of its citizens.

In addition to promoting loyalty to Canada, the public discourse is infused with discussions of how citizenship is given to those who exemplify honour. Kenney explains:

For those who simply touch down and try to get a Canadian passport as a ... passport of convenience, who don't pay our taxes but who do consume our social benefits, *I think that's dishonourable*. [emphasis added] (Raj, 2011b)

The emphasis on the honourable character of citizenship holders is not necessarily a neoliberal trait. Rather, it is a national trait. It can be concluded that the “value” of Canadian citizenship refers to a mixture of neoliberal values (competition, best and brightest, most deserving) combined with authentic “Canadian” values (generosity, loyalty, honour). The Fraud Crackdown

is attempting to emphasize both neoliberal and nationalistic associated with citizenship, and reiterate the association between these values in the public's mind.

The Crackdown is presented as preserving the “value of Canadian citizenship.” From the analysis it is possible to see that the “value” which is being referred to is the ability of citizenship to uphold the established (white) national identity, and thus serve as a means of nation-building. The Crackdown uses the image of the ideal citizen as form of nation-building at a time when immigration fraud is perceived to threaten the white national identity. It also promotes nation-building by securing loyalty of dual nationals to Canada. The operation of neoliberal ideology is present in other areas of the Citizenship Fraud Crackdown, however, apart from the conception of the ideal citizen subjects.

THE CRIMINAL/RACIAL OTHER

The image of ideal neoliberal individuals who deserve citizenship is juxtaposed against the image of the non-ideal citizen. In the public discourse non-ideal citizens are portrayed as criminals or fraudsters, and pose a threat to the security of Canadians. The criminal other is needed as a part of nation-building because the construction of the national identity is always understood relative to its other (Chan, 2004; Dhamoon & Abu-Laban, 2009; Honig, 2001). This is seen by the fact that the “other” possesses all the opposite traits of the ideal citizen.

Neoliberal ideology helps frame how the “other” that upholds the national identity is perceived. Scholars observe that while neoliberal ideology “exalts” the economic class, to borrow Thobani's (2007) terminology, it simultaneously criminalizes unwanted classes. Neoliberalism views unwanted populations as a threat to the security of the nation-state (read: its established economic processes) (Nevins, 2007; Sparke, 2006; Valverde, 2010; Walia, 2010).

The abject other, which neoliberalism paints as the criminal other, is viewed as undesirable or undeserving of the rights of ideal subjects (Ong, 2006; Sparke, 2006; Walsh, 2008).

In this section I analyze how the individuals under investigation in Citizenship Fraud Crackdown are portrayed in the public discourse. True to neoliberal modes of governing, the Citizenship Fraud Crackdown criminalizes the individuals. In addition to adopting the neoliberal governmentality of criminalization, I notice another interesting trend in the public discourse: the tendency to bring into question individuals' morals and character. I uncover the identity of the criminal "other" referred to in the Citizenship Fraud Crackdown, and reveal that it is, in fact, the racial "other". This finding reveals that neoliberal and racial conceptions are intertwining to create the image of the "criminal" other. I focus on trying to disentangle whether race and neoliberalism operate separately from one another in the creation of the "criminal other" or whether neoliberalism is raced. I conclude from these observations that the existence of a criminal identity created by the Fraud Crackdown serves to solidify the white national identity embedded in citizenship, and the neoliberalism is indeed raced.

The Criminal Other

The Citizenship Fraud Crackdown works on a number of levels to criminalize immigrants. I begin with an analysis of the rhetoric surrounding the initiative. The term "fraud" belongs to the realm of criminal law, which addresses harmful or violent actions against individuals or societies (Stumpf, 2006). Immigration law, on the other hand, belongs in the realm of civil law (Stumpf, 2006). There are two important divergences between criminal and civil law. First, criminal law addresses "violent actions" while civil law addresses "disputes." As such, transgressions in criminal law are much more solemn in nature. Second, civil law is focused on

matters between private parties, while criminal law is concerned with violations against society, given the violent nature of the transgression. By employing terminology from the realm of criminal law, the Citizenship Fraud Crackdown, insinuates that the matter under investigation is not a dispute about how government laws are applied, but rather, that the matter consists of violent actions or evil motives on the part of the immigrant. Furthermore, these violations are not just committed against the state as a private party, but rather against the whole of society (the nation). By elevating the accusations from the level of the private realm to the national realm, the rhetoric facilitates the goal of nation-building. Furthermore, the term “fraud” de-facto labels individuals under investigation as criminals, even though their guilt has not been proven, while simultaneously the term “crackdown” connotes the presence of pervasive fraud in the citizenship program. The rhetoric of “Citizenship Fraud Crackdown” is thus laden with heavy accusations of guilt, violence, evil motive, and pervasive threat for the individuals under investigation. All of these discourses serve to criminalize.

Criminalization occurs more than through the discourse surrounding the Fraud Crackdown, however: it seems to be embodied in the execution of the initiative and how CIC operates. In the quote found at the beginning of this chapter, the Minister states that the government will conduct a *criminal* investigation of residence misrepresentation. He explains that the citizenship fraud investigations are a joint effort between Citizenship and Immigration Canada (CIC), the Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP). The CIC is the state’s branch that controls immigration, the CBSA is the state’s border enforcement agency, and the RCMP is the state’s national police service. The Citizenship Fraud Crackdown, in its execution, is a joint effort between the policing and immigration agencies in Canada.

The consolidation of immigration and crime is not just found in the execution of the Citizenship Fraud Crackdown; rather it seems to be the rule for how CIC operates. CIC's organizational mission, often attached at the bottom of all news releases, reads:

Building a stronger Canada: Citizenship and Immigration Canada (CIC) strengthens Canada's economic, social and cultural prosperity, helping ensure Canadian *safety and security* [emphasis added] while managing one of the largest and most generous immigration programs in the world. (CIC, 2012j)

The organization's mandate includes safety and security as a key part of immigration, indicating that these realms are linked across the entire organization, not just for the Fraud Crackdown. It is interesting to note how, again, this quote ties economic prosperity with the need for safety and security. It represents the neoliberal logic at work: in order to have economic prosperity, nation-states must increase regulations that control the threat of the "criminal" other. CIC's mission demonstrates that the consolidation of immigration and crime is the norm in the neoliberal era.

Neoliberalism and racism operate in different ways to create the "criminal other." The goal of neoliberalism is to protect the economic processes that uphold capitalism. It achieves this goal through criminalization which regulates populations in order to maintain the social order that upholds capitalism (Aharonson & Ramsy, 2010; Nevins, 2002; Parenti, 2000; Zedner, 2010; Walia, 2010). Neoliberalism views low-capital (read: unwanted) populations as a threat to the security of the nation-states' established economic processes (Nevins, 2007; Sparke, 2006; Valverde, 2010; Walia, 2010). Neoliberalism uses criminalization as a way to justify the exclusion of unwanted populations (Aharonson & Ramsy, 2010; Aliverti, 2012; Dhamoon & Abu-Laban, 2009; Dolbrowsky, 2008; Gilbert, 2007; Nevins, 2002, 2007; Nyers, 2009; Pratt & Valverde, 2002; Stumpf, 2006). The "unwanted" populations that tend to be criminalized by neoliberalism are racial groups. Racism, on the other hand, criminalizes by people of colour by

suspecting that they are being prone to illicit activity and lacking moral character. Neoliberal and racial logics thus overlap in criminalizing people of colour.

In the case of the Citizenship Fraud Crackdown, the presence of citizenship fraud is perceived as resulting in the granting of citizenship to undeserving populations. The criminality of immigrants is painted as threat to society. The threat that the immigrant criminal embodies allows the nation-state to take drastic measures that circumvent democratic processes (Brodie, 2009). Citizenship is increasingly posited along the lines of deserving citizens and criminal others who are denied citizenship (Dauvergne, 2008; Pratt 2012; Wright, 2008). Thus, neoliberal ideology frames abject others as criminals that are unworthy or undeserving, and a threat, which justifies their exclusion. We can see that this logic is at work in the Citizenship Fraud Crackdown.

The criminalizing discourse advances nation-building by facilitating the creation of the “other” which upholds its identity. By criminalizing these individuals, the nation-state portrays them as threats and outsiders. In doing so, it “institutes and reinstitutes markers of national citizenship and belonging” (Dhamoon & Abu-Laban, 2009, p. 166) and thus upholds its identity. The profound accusations of committing horrendous crime and being a threat to society serve to stifle the voices of those implicated in the investigations (as the interviews in Chapter 6 reveal). By stifling their voices, the nation-state is able to portray them any which way it chooses. The criminalizing terminology also places the nation-state in the position of benevolence and in need of protection, which justifies its need to exclude others (Razack, 2002; Thobani, 2007). Thus criminalization works on a number of levels to advance the goals of nation-building.

In addition to creating the image of immigrants as criminals, the Citizenship Fraud Crackdown focuses on the moral character of the immigrants. The discourse argues that the

criminals do not have moral character because they make no sacrifice to obtain their citizenship.

One person argues in a letter to the editor:

We immigrants and our families worked hard, sacrificed much and exercised honesty and integrity in our respective journeys to Canada [emphasis added]. Since arriving, we have continued those same virtues in order to build a better life here. We cherish our citizenship because we appreciate its value - and its cost. Those who want to abuse Canada's generosity and legal systems are offensive to us, what we have done and to who we are. (Attia, 2012)

The individual argues that the value of Canadian citizenship is that an immigrant must make sacrifices in order to attain it. The criminal other breaches this norm, and is thus branded as dishonest and lacking integrity. Not only is the criminal other dishonest, but s/he does not contribute to Canadian society, which is another sign of a lapse of character. Many of the articles explain that the “fraudsters” are avoiding paying Canadian taxes, while at the same time using Canada’s health care, education, and pension system. For example, articles stated:

Many people [who commit residence fraud] benefit from Canada's generosity while living in places where they don't pay income tax, nor do they declare their worldwide income as they are required to under Canadian law, he said. "I know some people who declare their income to be \$30,000 when they live in a \$5 million house and they have a lot of property in Asia. (Raj, 2011b)

In many jurisdictions around the world, simply having a Canadian passport can double your salary. It can give you access to some of the highest quality health care in the world at no cost," [Minister Jason Kenney] said. "It can give your children access to subsidized postsecondary education at our excellent colleges and universities, and, of course, can represent a political insurance policy. (Galloway, 2012)

The quotes above further underscore the amoral character of the accused; instead of contributing their wealth to Canada, the individuals are taking advantage of Canada’s resources. The portrayal of criminals as wasting the nation’s resources, undermining efficiency, and overall threat to security is a well-observed phenomenon in neoliberalism (Abu-Laban, 1998; Chan, 2004; Brown, 1993). However, the phenomenon of questioning the moral character of individuals in

relation to neoliberalism is relatively underexplored by scholars. I provide an explanation for the phenomenon in the sections that follow, which analyzes the contradictions in the neoliberal logic present in the Citizenship Fraud Crackdown.

The Racial Other

In addition to being portrayed as criminals or fraudsters, and amoral characters, non-ideal citizens embody specific racial backgrounds. When talking about who is implicated in the revocation, Minister Jason Kenney, CIC, and newspaper articles refer to specific cultural groups rather than individuals. According to the public discourse, the fraudsters are mostly Middle Eastern groups:

The Iranians, the people from Dubai, the Lebanese, and others, they all have the same story. 'I came to Canada, I spent an hour and half here, I went back and I want to become a citizen. (Raj, 2011a)

There are thousands upon thousands of Canadian passport holders in the Gulf States, the Middle East, India and Hong Kong alone who have never lived in Canada. (Taub, 2012)

It is interesting to note that no white groups are said to be implicated in the fraud. This phenomenon highlights the cultural racism is present in the discourses by identifying certain cultural groups as more likely to be “criminal” than others. The fact that no white racial groups are identified as perpetrators of citizenship fraud naturalizes their rights to citizenship, and re-confirms the whiteness embedded in the institution of citizenship.

The public discourse revives the “citizens of convenience” debate from 2006 to support the rhetoric of unworthy dual citizens “taking advantage” of Canada. The rhetoric itself is laden with racial assumptions that are then transferred into the Citizenship Fraud Crackdown. For

example, one article used the Lebanese evacuation to explain why some immigrants obtain citizenship fraudulently:

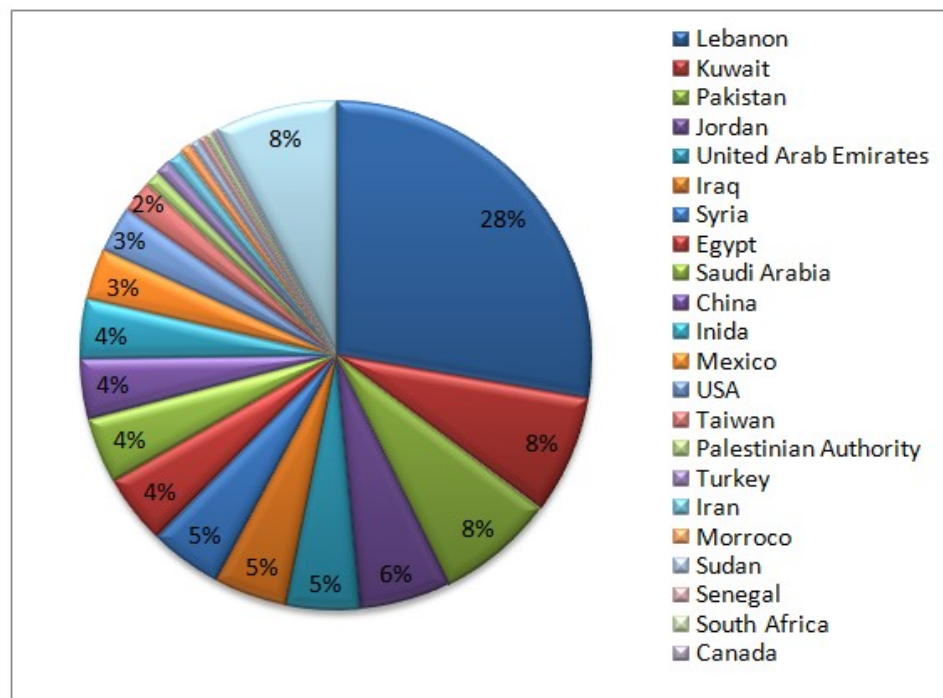
Canadian citizenship can at times be a safety net. Approximately 15,000 passport holders in Lebanon used their citizenship to get out of a war zone in 2006. The federal government spent almost \$100-million bringing them home only to find out that some had rarely, if ever, set foot in Canada and that most returned to Lebanon, their real home, as soon as the situation calmed. (Raj, 2011b)

The quote revives the argument that dual citizens only have Canadian passports for the sake of its privileges, rather than for personal commitment and dedication to Canada (see Harder & Zhyznomirska, 2012). The quote seems to assume that all of the Lebanese-Canadians who were evacuated in 2006 are fraudsters. The discourse also assumes that Lebanese-Canadians can never truly be “Canadian,” and that their home is always elsewhere. Thus, the suspicion towards dual citizens that is embodied the citizens of convenience debate perpetuates into the Citizenship Fraud Crackdown.

Perhaps the most interesting finding from this investigation comes from documents released through the Access to Information and Privacy Act (ATIP). One ATIP in particular (CIC, 2012b) shows that the largest portion of individuals implicated in the citizenship investigations are primarily of Lebanese descent, representing a little more than a quarter of all investigations (Figure 3) (Appendix D). Additionally, 60% individuals under investigation are from the Middle East. Given that one of the triggers for the Fraud Crackdown was the controversy of the Lebanese “citizens of convenience,” is it a coincidence to see that Lebanese-Canadians are disproportionally under investigation in the Crackdown? Are the high numbers of Middle East applicants due to CIC targeting investigations to this racial group, or is there indeed a high rate of misrepresentation from this part of the world? These questions are difficult to answer with the limited information available publically. However, what the statistics clearly

show is that category “criminal/illegal” is a racialized term, especially in the context of immigration. The ATIP also reveals that the Lebanese “citizens of convenience” controversy is subsumed in the Fraud Crackdown. My findings are consistent with scholars that observe that discourses of the criminal other have taken the place of the racial other (Dauvergne, 2008; Pratt 2012; Sharma, 2006; Wright, 2013). Chan (2004) refers to the criminalization of immigrants as the “criminalization of race.” Thus, the criminal other that is used to uphold the neoliberal ideal citizen, is in fact the racial other.

Figure 3: Citizens Implicated in Citizenship Fraud Investigations by Country of Birth (2012)



Source: CIC, 2012b

From the findings above, it appears that the criminal other, that is created by neoliberal logic, is layered onto the image of the pre-existing racial other. Goldberg (2002) suggests that neoliberalism attempts to ignore racial histories and their accompanying inequalities. This type of analysis conceives of neoliberalism as a separate process from racism, with the two being

layered and working in conjunction with one another. While subsuming the racial other into its realm, neoliberalism subsumes the systems of repression embedded within in it, while failing to acknowledge their existence.

I wish to turn my attention to Roberts and Mahtani's (2007) challenge and examine possibility that "neoliberalism is fundamentally raced" (p. 248). I believe that key to understanding how neoliberalism truly operates is by evaluating its instances of incongruity. Scholars note that neoliberal ideologies and processes are fraught with contradictions. Harvey (2005) notes that when "neoliberal principles clash with the need to restore or sustain elite power, then the principles are either abandoned or become so twisted as to be unrecognizable" (p. 19). Mahtani and Roberts (2007) note that neoliberal processes are prone to "moments of eruption of racial discrimination" (p. 248). Given that neoliberalism's primary objective is to keep capital concentrated in the hands of the wealthy (Harvey, 2005), who are coincidentally white, is it quite possible that a goal of neoliberalism is to perpetuate and uphold racist divisions? In this section I highlight the unequal application of neoliberal principles in the Citizenship Fraud Crackdown. By doing so, I show that neoliberalism does not simply "ignore" or "conceal" racism; it is a racist ideology in and of itself.

The first contradiction apparent in the Citizenship Fraud Crackdown is that the majority of individuals implicated in fraud investigations are from the skilled worker immigrant category, also known as economic migrants. The skilled worker category, which is the primary avenue for ideal neoliberal citizens to enter Canada, is thus the target of neoliberal criminalization. The fact that people of colour are criminalized, despite being ideal neoliberal subjects, is explained by racism embedded in neoliberalism, which cannot view them as ideal. As I mentioned earlier, immigration is about people of colour. Immigrants are not necessarily rewarded with the same

privileges and position of power as neoliberal citizens (Roberts & Mahtani, 2007). This is because the neoliberal citizen is imaged as a white citizen, not a citizen of colour (Roberts & Mahtani, 2007).

It is important to note that white people also abuse their citizenship. One example is Conrad Black. Black, although born in Canada, renounced his citizenship in 2001 in favour of British citizenship. Years later, Black was convicted of fraud in the handling of his business matters and served a criminal sentence in the United States. Upon being granted a temporary resident visa to return to Canada, he indicated his intention to apply for Canadian citizenship once again. His statement did not lead to public outcry about the abuse of citizenship. It appears that when white people take advantage of the institution of citizenship, their actions can be justified. The need for the nation-state to strictly regulate the activities of people of colour reveals its apprehension in granting them long-lasting and binding rights to the nation-state.

A second, and more important, contradiction in the Citizenship Fraud Crackdown is that the criminal other, which is meant to be the opposite of the ideal neoliberal citizen, in fact, possesses many neoliberal traits. The public discourse portrays the fraudsters as conniving and mobile citizens who make calculated decisions that serve their best interests. The criminals are also resourceful and creative; they find a way to live in a tax haven while their children have access to the best education and healthcare in the world. This *is*, in fact, what ideal neoliberal citizens do. Yet, they become non-ideal, or criminal, when they threaten to take advantage of Canada's wealth. In other words, they stop being ideal not when they lose their neoliberal traits, but when they fail to act in the interests of the nation-state. I have already established that the nation-state represents the interests of white populations. What can be concluded from this contradiction is that the nation-state will not tolerate people of colour benefiting in large numbers

from its wealth. Failing to act in the interests of the nation-state is, in effect, failing to act in the interests of white power.

Here, we see that the neoliberal ideology only extends for far, to a certain few. Neoliberalism accepts and promotes white populations to use their dual citizenship to take advantage of developing countries. However, immigrants from the Middle East who are doing this face the consequences of the Citizenship Fraud Crackdown. Thus, the inverse does not apply: people of colour cannot use their dual citizenship to take advantage of the white nation-state. It is through promoting one agenda while preventing a similar one that the racist logic of neoliberalism becomes completely exposed.

The rhetoric from the public discourse employs questions of honour and morale as a way to criminalize people of colour who exemplify ideal neoliberal traits. This tactic is a well-observed phenomenon. For example, wealthier business immigrants recruited from Asia by Canada are lauded as ideal migrants because of the economic dimensions of their lives (Mountz, 2004). Whereas wealthier immigrants are rewarded for their economic ambitions, poorer migrants are punished as “greedy” for wanting to increase their wealth (Mountz, 2004). Melamed (2006) argues that “race remains a procedure that justifies the nongeneralizability of capitalist wealth” (p. 2). We see that the Citizenship Fraud Crackdown employs the same double-standard. It uses morals and character to explain why people of colour, who are ideal neoliberal subjects, do not benefit from its principles.

Another indication of the operation of racism is that it appears that non-white people are targeted because the Crackdown is framed partly in terms of loyalty. Racist logic always suspects people of colour being disloyal while at the same time it takes for granted the loyalty of white people (as is demonstrated in the “citizens of convenience”/“Lost Canadians” debate). It

could be that non-white dual citizens *are* using Canadian social services more than white dual citizens. Even if that's true, however, there many things that white people do that are both "disloyal" and costly to the state. There is racism both in the choice of targets for the Crackdown as well as in the conception of the Crackdown itself (i.e., the decision to target disloyal dual citizens, rather than targeting people in general for their costly actions to the nation-state).

By examining the contradictions within neoliberalism, we see that people of colour who attempt to exercise neoliberal ideals and take advantage of capitalist wealth, are criminalized. Neoliberalism actively works to prevent people of colour from attaining wealth that is concentrated in white privilege. Neoliberalism does not just ignore race; it is racist. In the case of the Citizenship Fraud Crackdown, it is possible to observe that neoliberalism uses criminalization as a tool to prevent people of colour from sharing in the (white) wealth neoliberalism protects.

CONCLUSION

I conclude that the Fraud Crackdown is an exercise in nation-building. At times of high immigration, the Conservatives wish to solidify in the public's mind what it means to be a member of the nation-state. Citizenship is a discursive means of establishing national identity (Dauvergne, 2008; Pratt 2012; Wright, 2013). The Citizenship Fraud Crackdown sounds the alarms of the threat of the racial other to the white national identity, and the need to do something about it. In reiterating the national identity, the Crackdown portrays Canadian citizens as individuals who possess both neoliberal and nationalistic traits. The construction of the national identity is always understood in relation to its other, however (Chan, 2004; Dhamoon & Abu-Laban, 2009; Honig, 2001). The Crackdown portrays non-ideal citizens as criminals, a

trademark of neoliberal governmentality. Criminalization of immigrants occurs through the rhetoric surrounding the Crackdown, as well as how it is operationalized. The analysis reveals that criminalization serves the purposes of nation-building by: placing the nation-state in a position of benevolence, creating a criminal “other” which the nation state understands itself in relation to, stifling the voices of those who are being criminalized. The criminalized other is the racial other, indicating that historic practices of drawing the national-identity continue to depend on racial constructions. In conclusion, criminalization facilitates nation-building by reconstituting the boundaries between citizen and non-citizen, national belonging and abject otherness.

Another conclusion of this chapter is that by examining the contradictions within neoliberalism, it is possible to discern how neoliberalism is raced. This revelation occurs in two important moments of neoliberal governmentality. First, criminalization prevents people of colour from behaving as ideal neoliberal subjects because it strives to protect wealth concentrated in white populations. Second, criminalization serves to increase precarity in citizenship for dual citizens who are not born into the white nation-state. From these observations it appears that neoliberalism actively works to prevent people of colour from attaining wealth that is concentrated in white privilege. Neoliberalism does not just ignore race; it is racist.

The implications from the findings are that scholars need to pay close attention to how race and neoliberalism are conjoined and intertwine. Racism is present in this construction of citizenship, and it also gives meaning to the neoliberal construction of the criminal “other.” This seems to suggest that race and neoliberalism operate parallel to one another. However, contradictions in neoliberal principles and practices seem to suggest that neoliberalism is

inherently raced. Scholars need to pay attention to these contradictions as they suggest ways of intervening, provide ways of pulling apart the dominant rationale, and racist operations that neoliberalism denies.

To understand the true power of criminalization, it is important to look at the events that followed the announcement Citizenship Fraud Crackdown. A few months after the investigation of 11,000 individuals was announced, voice began to spread that the Fraud Crackdown had not lived up to its anticipated impact. One newspaper article reported that only 12 revocations had taken place in the 18-month period following the launch of the Crackdown (Levitz, 2013). Another article, written two and a half years after the launch, stated that CIC had made approximately 250 revocation attempts, 90 % of which have ended up in federal court (Cohen, 2014). Given the minimal number of revocations and high incidence of court proceedings, it is reasonable to say the action to uncover and uproot fraud in the citizenship program by CIC was a failure.

This failure could be from one of two reasons: either citizenship fraud is not as widespread as Minister Jason Kenney believed it to be, or CIC's tools were not effective in finding fraud. Would the government really be incapable of finding large magnitudes of fraud? Both Jason Kenney, and current CIC Minister, Jason Alexander, have remained mum about the progress of finding fraud, and CIC continues to use hard-hitting language when questioned about the initiative. The CIC stated that 11,000 individuals were under investigation. Given that the 11,000 individuals is quite marginal to the 150,000 individuals that attain citizenship each year⁸ (CIC, 2014c), I am inclined to say that residence fraud is in fact, not widespread in Canada. The investigations affect 7% of citizenship cases in on year. It is important to remember that the

⁸ This is the average number of grants of citizenship from 2008 to 2012.

Crackdown investigations were retroactive, and considered more than one year of citizenship applicants. This further diminishes the presence of fraud well below 7% in all citizenship cases.

Despite not finding the presence of fraud, the Citizenship Fraud Crackdown was not completely a failure. Two and a half years after the Citizenship Fraud Crackdown was announced, the Conservatives ushered in Bill C-24 (2014). The Crackdown seems to have influenced two very important components of the bill. The first influence was to redefine what qualifies as residence for citizenship. As discussed previously, prior to the passing of Bill C-24 an individual qualified for citizenship if they demonstrated one of three types of residence in Canada: physical residence, centralized existence, or the intention of residence. The Crackdown served to enforce physical residence in Canada as the primary means for obtaining citizenship. Bill C-24 (2014) enshrined this interpretation into law and eliminated any other types of residence from being recognized as a precursor to citizenship. The shift to physical residence in effect increases the threshold for qualifying for citizenship. The implications of this change become clear in the next chapter, which highlights the lived experience of individuals applying for citizenship.

Perhaps the most important influence the Crackdown had on Bill C-24 (2014), however, was inspiring changes to the citizenship revocation process. Minister Chris Alexander explained that during the Citizenship Fraud Crackdown revocation of citizenship was “one of the most time-consuming, document-intensive bureaucratic processes I’ve ever seen” (Wingrove, 2014). The Conservatives seemed to blame the low number of revocations not on the lack of existence of fraud, but at the lack of ease of stripping status from individuals. Their solution was to create a slew of changes to revocation procedures using Bill C-24 (2014). The bill transferred the power to revoke citizenship from the federal court to the hands of Minister of Citizenship, Immigration

and Multiculturalism (CIC, 2014a). This change gives the Minister power to make unilateral decisions on cases, and eliminate the opportunity of the accused to appear in court, except in complex cases (Wingrove, 2014). Transferring the decision making power from the judicial system to the political realm, signals that citizenship is now more politicized than it ever was before. The power to revoke citizenship can now depend on the Minister's political agenda. By eliminating judicial review the opportunity for accused to defend their case becomes increasingly weak. The change effectively decreases the threshold for revoking citizenship, and introduces precarity in the status.

In addition to increasing the ease with which citizenship can be revoked, Bill C-24 (2014) also increased the grounds for revocation. Prior to Bill C-24 (2014), citizenship could only be revoked on the basis of "fraud, false representation or knowingly concealing material circumstances" (CIC, 2011c). The Citizenship Fraud Crackdown worked within these limiting provisions. Bill C-24 (2014) expands the reasons for revocation to include: serving in armed conflict against Canada, and for "terrorism, high treason, treason, or spying offences" (CIC, 2014a).

It is important to note that the birth right citizens cannot have their citizenship revoked. Thus, the precarity that results from revocation only applies to dual citizens. In effect the citizenship reforms result in greater differentiation between birthright and naturalized citizenship. As seen in the public discourse, one reason why the nation-state wishes to increase precarity in dual citizenship is to increase loyalty of dual nationals. The Conservatives favouritism toward birthright citizenship takes the "invidious position that those lucky enough to be born into Canadian citizenship are "more" Canadian than those who strive to acquire it through naturalization" (MacIkin, 2006 cited in Nyers, 2010). In addition to requiring greater

loyalty from naturalized citizens, the increased provisions for revocation also allow the nation-state to more easily expunge unwanted populations from its entity. The Citizenship Fraud Crackdown serves to reiterate the fine line between citizen and non-citizen. In doing so, it contributes to increasingly differentiating between the two.

It is troublesome to observe that such monumental changes encompassed in Bill C-24 (2014) were based on the story of a few individuals suspected of fraud – a story that largely appears to be fictional. The power of the story is explained through its reiteration in the public discourse. Despite the Crackdown investigations failing to uncover fraud, newspaper articles perpetuated the Conservatives rhetoric that fraud was widespread. To their defense, the media did not have any other information given to them by the Conservatives, and additional information had to be obtained through lengthy waits for ATIP requests (at the time of writing this report, I have been waiting 10 months for my ATIP request to be processed). It is interesting to note that although the newspaper articles spread the image of widespread fraud, only a few articles reported on lack of presence of fraud. Thus, the public discourse propagated over-exaggerated allegations of fraud fed to it by CIC. Coupled with the deathly silence of the lack of evidence of fraud, the public discourse contributed to a damaging rhetoric for immigrants in Canada. The impact of the discourse on the Canadian public was high, because the same story was perpetuated across cities, newspapers and diverse readerships. It was a consistent message that echoed countless times to citizens across Canada. It is through its iteration in the public discourse (Fairclough, 2003), that the story that citizenship is under threat became factual, and rendered possible the troubling changes to revocation proceedings.

This false story may have primed the public for creating alarming changes to revocation procedures through Bill C-24 (2014). When the Conservatives first began to reform citizenship

in 2007, they were committed to preventing the misuse and abuse of citizenship by dual residents, a goal that was inspired by the “citizens of convenience” debate. The Standing Senate Committee review on dual citizenship concluded that no changes needed to be made to the provisions of dual citizenship, and that “a Canadian is a Canadian” (Standing Senate Committee 2007 cited in Nyers, 2010). The Committee acknowledged that the task at hand was how to frame the debate surrounding dual citizenship. The Conservatives seemed to address this challenge through launching the Citizenship Fraud Crackdown, which framed citizenship as under threat from dual nationals who abused its privileges. I conclude, given the findings above, that the large magnitudes of “fraudulent” immigrants attempting to “lie and cheat” to attain Canadian citizenship, does not, in fact, exist. The public discourse surrounding the investigations serves to create a false image of citizenship under threat and the false need to increase citizenship criteria in order to maintain the integrity of the status. The Citizenship Fraud Crackdown, through criminalizing dual citizens, helped the Conservative government obtain their long desired goal of reforming citizenship.

The new reforms to the *Citizenship Act* increase the threshold for qualifying for citizenship (through only recognizing physical residence) and decrease the threshold for losing citizenship (through increasing the ease of revocation). The Citizenship Fraud Crackdown thus represents the nation-state pushing for more scrutiny in citizenship applications. With this goal in mind, the nation-state does not see precarity of status as an issue, but rather views citizenship as too easy to obtain and in need of restriction. This view is in stark contrast to the individuals implicated in the Citizenship Fraud Crackdown, as the next chapter highlights.

CHAPTER 6 – LIVING IN THE BREACH: UNHEARD VOICES OF RQ RECIPIENTS

My sense when getting the RQ and looking into it...there seemed to be a lot of rhetoric around raising the value of Canadian citizenship and demanding ... To me it kind of felt like the bad boyfriend that somebody has. I felt that they were treating me badly with the assumption that I would respect them more, but I don't think it works like that.

- Jessica⁹

Precisely because national boundaries are constructed and always contestable, the reproduction of the nation and alien requires constant practice. It occurs continuously in a range of social institutions, such as schools, and media, and in daily routines associated with policing, suspicion, and crossing [borders] or refusal of entry.

- Geoffrey Bennington, 1990 as quoted in Nevins, 2002, p. 177

Whereas the previous chapter focused on the public discourse, in this chapter, I focus on voices absent from the discourse: individuals implicated in the Citizenship Fraud Crackdown. The public discourse focused on the components of the Citizenship Fraud Crackdown that sought to revoke citizenship. A second component of the Citizenship Fraud Crackdown, less discussed in the public discourse, is the Residence Questionnaire (RQ). The RQ is a tool the CIC uses to ensure that permanent residents meet the three-year physical residency requirement to qualify for citizenship. Its role is to prevent citizenship fraud before it happens. From the statistics that the CIC issued, approximately 3,100 individuals were facing citizenship revocation, and 5,000 individuals with Permanent Resident status had been “flagged for additional scrutiny” (CIC, 2012h). Given the statistics, it appears that the RQ affected a larger portion of individuals than the citizenship revocations. The RQ strictly scrutinizes physical presence in the country using the least common, and most stringent, interpretation of “residence” in the *Citizenship Act*. The importance of the shift from defining residence as “centralized existence” to “physical” is highlighted in the interviews. Between December 2013 and February 2014, I interviewed seven

⁹ Note that all names are fictional and have been changed to protect the anonymity of interview participants.

individuals, five of whom were people of colour, who received the Residence Questionnaire (RQ). Some recipients received it before the May 2012 RQ reforms that were part of the Citizenship Fraud Crackdown, and others after. The experiences with the RQ are all similar, and provide valuable insight into what the 11,000 individuals under investigation for citizenship fraud might be experiencing. Their stories provide perspectives on the Citizenship Fraud Crackdown devoid in the public discourse.

The experiences of citizenship applicants, like Jessica mentioned above, portray a very different image of the Citizenship Fraud Crackdown. Transnational feminist scholars argue that it is only possible to truly understand the functioning of neoliberalism, racism, and other hegemonic regimes by focusing on the perspective of those who are marginalized and exploited by such regimes (Alexander & Mohanty, 1997; Calliste & Sefa Dei, 2000; Shohat, 2002; Mohanty, 2003). The interviews reveal this to be the case. It is by sharing the stories of those in the margins that a more critical analysis of the initiative becomes possible. Individuals under investigation experience the nation-state as an abusive entity, or “bad boyfriend.” The individuals implicated in the Crackdown have heightened feelings of fear, vulnerability, stress, and shame. Their stories reveal that they are not criminals with evil-motives that threaten the nation-state, but rather that they yearn to contribute to Canada and be accepted by it. Despite being in a “bad relationship,” they do not want to quit. The emotional stories interviewees shared about their experience with the Citizenship Fraud Crackdown helps to move them out of the abject other category, thus restoring their humanity. Their stories also offer insights into the effects of the Crackdown that are censored from the public discourse.

In order to understand the experience of the RQ recipients, I draw on two bodies of literature. The first body of literature examines precarity within immigration statuses, and

acknowledges the role of the nation-state in creating and upholding these conditions. I adopt a feminist interpretation of precarity, which conceives it as a “politically induced condition of maximized vulnerability and exposure...to arbitrary state violence and other forms of aggression” (Butler, 2009, p.ii). One revelation from the interviews is that the Citizenship Fraud Crackdown creates precarity in citizenship and PR status, thus increasing vulnerability of immigrants. I draw on conditionality theory to pinpoint how precarity is produced in immigration. The theory acknowledges that precarity exists in “the contingency surrounding an individual’s ongoing presence in a legal status category and jurisdiction” (Goldring, & Landolt, 2013, p. 15). In other words legal status can be precarious because there is always the possibility of losing it. Nyers (2006) observes that the nation-state can criminalize and illegalize naturalized citizens similarly to unauthorized immigrants, thus essential shifting them from the category of citizen to illegal. Conditionality theory also recognizes that precarity can arise from the “uncertainty of accessing rights or exercising substantive citizenship” (Goldring, & Landolt, 2013, p. 15). In other words, precarity exists in legal status when individuals are not able to fully exercise the rights they are entitled to, due to racism or other systemic oppression. Scholars agree that conditionality is largely created by the nation-state, which has power to impose and modify conditions for legal status (Bauder, 2013; Dauvergne, 2008; Goldring & Landolt, 2013; Nevins, 2002; Wright, 2013). The interviews, thus, shed light on how the nation-state employs neoliberalism and criminalization to increase precarity in some of its most secure immigration categories (citizenship and Permanent Residence), and how this precarity is experienced.

A second body of literature focuses on the performance of citizenship. In order to be recognized as formal members of the nation-state (i.e., granted citizenship), and uphold their legal status, immigrants must “perform” what is required of them by the nation-state (Butler,

2009). Concretely, they must meet certain legal obligations (such as upholding their physical residence requirements), and uphold social norms (such as being the ideal neoliberal citizens that are portrayed in Chapter 5). Those who do not meet the norms required of them by the nation-state are excluded from formal recognition: the institution of citizenship. The interviewees are, in fact, ideal neoliberal citizens, and in many ways meet the norms that are required of them by the nation-state. Criminalization is a tool that the nation-state uses to compel individuals to perform what it requires of them. The interviewees also expose the violence that is directed at them by the nation-state through criminalization; yet they nonetheless seek accommodation in the entity which oppresses them. Drawing on Brown's (1993) concept of "wounded attachments," I show that individuals often desire that what is excluding or oppressing them. While the first body of literature is useful for understanding how precarity is present in citizenship, and how the nation-state is the primary agent in creating precarity, this second body of literature helps understand the lived experience of individuals who attempt to perform what the state requires of them.

In this chapter I analyze the lived experiences of those implicated in the Citizenship Fraud Crackdown, specifically the Residence Questionnaire. I structure my analysis in three parts; I begin with an analysis of how criminalization is experienced by those it is directed toward. I then move on to an analysis of how the individuals experience Permanent Residency as a precarious status, which severely limits their mobility. In the last section, I examine how the individuals, despite feeling victimized, abused, and excluded from the nation-state, yearn to be accepted by it and continue to support its institutions. They, in effect, participate in nation-building. I conclude by arguing that the nation-state's move to define residency as strictly "physical" increases precarity in Permanent Resident status, and hinders individuals from being the ideal neoliberal subjects that the nation-state desires.

THE RQ EXPERIENCE

Accounts of the RQ experience shed light on how criminalization operates on the level of the individual. The interviews reveal the emotional impact of the Residence Questionnaire; all individuals experience heightened fear, vulnerability, and stress. Their emotions disrupt the construction of individuals implicated in the Citizenship Fraud Crackdown as object subjects by showing their vulnerability and humanity. In disrupting this construction, their stories draw attention to the dehumanizing effects of criminalization. The interviews reveal how criminalization creates fear, which in turn serves to decrease their agency. Many recipients explained that they were reluctant to share their story with others, refrained from inquiring about their case, and complied with the intrusive demands of the RQ, out of fear from being branded as criminal. Additionally, the stories reveal how criminalization leads to over-surveillance and invasion of privacy. Brodie (2009) observes that the security and crime discourse grant governments and elites extraordinary power to circumvent democratic processes. Although scholars have observed the merging of crime and immigration (Aharonson & Ramsy, 2010; Aliverti, 2012; Dhamoon & Abu-Laban, 2009; Dolbrowsky, 2008; Gilbert, 2007; Nyers, 2009; Pratt & Valverde, 2002; Stumpf, 2006), few have examined how criminalization operates on the level of the individual. The experiences of the RQ recipients reveal how criminalization is a powerful tool for controlling populations.

De-/Re-Humanization

One of the most striking themes from the interviews is the emotional impact of the RQ. When describing their experience with the Residence Questionnaire, all individuals described

acute emotional reaction to receiving it. The language of the RQ itself is very neutral, with the RQ stating:

In order to assist the citizenship judge in determining whether you meet the residence requirements under paragraph 5(1)(c) of the Citizenship Act, please complete this questionnaire in detail. Please provide documentary evidence in support of your statements. It is your responsibility to satisfy the citizenship judge that you meet all the requirements of the Citizenship Act and Regulations. (Appendix C)

Despite the neutral language, individuals used words such as “overwhelmed,” “ashamed,” “frustrated,” “panic[ked],” “violated,” and “slap[ped] in the face” to describe their reaction to receiving the RQ. Their emotions strikingly reveal a very human subject at the focus of the Citizenship Fraud Crackdown. Their strong emotion, devoid in the public discourse, disrupts the construction of them as abject subjects. It is only by hearing of their vulnerability first-hand that we become fully conscious of the dehumanizing effects of criminalization.

The emotional reaction from receiving the RQ seems to stem, in part, from the unexpected nature of its receipt. One recipient recounts her reaction to receiving the RQ:

In [date] I got a letter from Citizenship and Immigration Canada. I was very excited because I thought maybe this is my invitation to take the knowledge test. And I opened it and it was the Residence Questionnaire. I was just very confused at first because I didn’t realize what it was. Reading through it a few times, the tone seemed to indicate that they didn’t actually believe I was qualified for citizenship. The level of documentation felt very overwhelming, and almost insulting to me. They requested almost every document from the last eight years of my life. But there was no explanation of why they thought I was so untrustworthy, why everyone else could be trusted without any proof, but not me. (Jessica)

Once individuals submit their citizenship application, they have minimal communication from CIC, and eagerly await invitation for the next phase of the citizenship application process, which is to attend a knowledge test. When they finally receive a long-awaited letter inviting them to

take the citizenship test, they are devastated to find the bitter news it contains: they must provide more documentation to support their application.

The amount of documentation required to complete the RQ is another reason individuals have a visceral reaction to the RQ. One person explains:

Well, until we received it, we knew absolutely nothing about the Residence Questionnaire. We had never heard of it. We got a letter in the mail. We thought “Oh, good, he’s being asked for his citizenship test.” And then we opened it and we said “Good Lord! What is this?” And then we read it in some more detail, and, I – we panicked. We thought “What is this? This is essentially another permanent resident application.” I mean that’s what it felt like – they are asking us to reapply for permanent resident status. (Linda)

First, it was a normal step for me. I thought I have complied with all regulations; I didn’t break any laws so I deserve a timely and proper processing of my application. No clouds on the horizon, I didn’t expect any trouble. Then it turned out to be a disaster with a horrible price tag, and a lot of stress, of waiting, of not knowing, of nothing happening for one year, two years. Very unpleasant, very unhealthy process. (Alexei)

The recipients’ response is not surprising. Applications for permanent residence are more onerous than citizenship applications, given that permanent resident applications serve as the biggest hurdle for immigration to Canada (Dauvergne, 2007). Once the state accepts an immigrant as a permanent resident, the hurdle for citizenship is a low one (Dauvergne, 2007). Whereas individuals who are applying for permanent residents must pass strict screens on criminality, health, education, and employment, to list but a few, individuals who are applying for citizenship must be of age, have an understanding of an official language, meet the residency requirement, have no recent criminal offenses, and pass a knowledge test. Given the lower levels screening criteria and standards, citizenship applications are meant to be cheaper, quicker, and easier than PR applications. Individuals thus expect their citizenship application to be straightforward, but are surprised by the unexpected Residence Questionnaire which complicates

their case. This reaction is in part due to an abrupt disruption in the process for acquiring citizenship.

Given the demanding documentation the RQ requires, the process of completing it is very stressful. The individuals reveal how onerous the RQ is, and the disturbance it causes in their lives:

We spent over a month gathering the documents required for the Residence Questionnaire. Some documents required from [Continent A] took weeks to arrive. All this while my father was dying of cancer and while juggling young children and jobs. The whole process was very stressful and took an emotional toll on the whole family. (Linda)

[The RQ] cost a lot of money, a lot of effort, a lot of time. I've spent maybe several hours on the phone with CIC, just to mention small pieces the problem. (Alexei)

Our experience in general [with the RQ] was horrible, not just for him [the RQ recipient], but for our entire family, including our young children, because it took so much time and energy - physical energy, emotional energy...It was awful. It was awful and *completely* unexpected. (Linda)

The emotional toll of receiving the RQ stems from the fact that it is unexpected, requests extensive documentation and effort to complete, and results in uncertainty about a person's citizenship application. All recipients had strong reactions to receiving the RQ, whether feelings of devastation, frustration, or being overwhelmed.

The stories of struggle and hardship disrupt the construction of those implicated in the Citizenship Fraud Crackdown as abject subjects. As Chapter 5 reveals, the power of criminalization is that erases the humanity of those to which it targets exclusionary measures. In this chapter, one can note that the consequence of dehumanization is that it allows the public to overlook the inhumane treatment of those at the hands of the nation-state. The stories of the RQ recipients are an important reminder that immigration policies, at the end of the day, affect human life (and in doing so decide which lives are worthy, and which lives are discounted). By

erasing the subjectivity of the individuals it targets, criminalization makes it easier for the nation-state to count, control, and expel unwanted populations. Their stories matter.

The stories above highlight the emotional toll of *initially* receiving and completing the Residence Questionnaire. However, individuals did not stop feeling apprehension once they submitted their RQ; their apprehension persisted during the time they waited for their citizenship application to be processed. One reason for their continued apprehension is the lack of transparency surrounding the processing of the RQ. Applicants do not know why they received the RQ, the CIC remains silent about the progress on a case, and individuals cannot reach a CIC officer directly to make inquiries about their application. One individual mentioned that the CIC does not issue confirmation of receipt for the documents requested by the RQ. Thus, applicants can only assume that their response to the RQ has been received, unless they receive news otherwise. In addition to the lack of transparency in processing the RQ, individuals face indeterminate waiting times because their citizenship applications are no longer considered “standard.” Thus, a major source of apprehension for the respondents was the lack of transparency in how CIC processes the RQ and the indeterminate wait time, which stretched out for years. The time that interviewees had been waiting for a decision on their cases ranged from two to four years after applying for citizenship.

With the wait time stretching into years, feelings of stress and vulnerability persisted well after individuals completed the RQ. One recipient explains: “I think they should let us know how it’s [RQ] is progressing. It is very mentally stressful – it gives stress to us [to not know what’s happening].” The only means of communication RQ applicants with CIC are to ask a Member of Parliament to inquire into their case on their behalf, or to submit an Access to Information and Privacy Act to see notes on their file. These avenues, however, contribute very little to the

transparency of the RQ process, and do not reduce apprehension. Thus, the emotional toll of the RQ does not stop once the RQ is submitted; apprehension persists, and even amplifies, as individuals must wait an undefined amount of time.

In addition to feeling apprehension, the result of being trapped in an opaque process results in powerful emotions, ranging from confusion to shame. Confusion results primarily from recipients not being able to understand why they received the RQ, when it will be processed, or what CIC is investigating about them. The recipients explain:

That [receiving the RQ] was confusing to me, because I had the impression that everyone was just believed, and I didn't understand why my signature, my word wasn't enough. I didn't understand what they were concerned about specifically in my case, because they didn't give me any information.
(Jessica)

It was so hard to understand what they are looking for. (Alexei)

In addition to creating confusion, the opaqueness also contributes to feelings of shame. As one person explains:

I think it's pretty normal to feel ashamed in that sort of circumstance [receiving the RQ]. For me there's been the feeling that they know something – like the CIC – knows something about me, that's unspeakable. Because they won't tell me what it is. They won't tell me what triggered the RQ. They won't tell me what their concern is. So in some ways that makes it seem that their concern is so bad that they can't even say it out loud. (Jessica)

As these responses suggest, the feelings of shame associated with the RQ arise partly from the fact that applications are signaled as a non-routine, or “suspicious.” They feel shame in being separated from other applicants, and not being able to obtain citizen like the rest of their colleagues. They feel that they should have been treated normally. They feel that they *are* normal.

Kirby (1997) explains that individuals who are marginalized by the nation-state experience it as a “force that is frequently directed against them, rather than exerted on their

behalf” (Kirby 1997, p. 5). Because the state conceals its decision-making process from applicants, they experience the RQ in a very powerful way, whether through feeling stressed, or victimized (Kirby, 1997, cited in Mountz, 2004). The response to the RQ, which is victimization and stress, is thus a reaction to a general phenomenon that is experienced by marginalized populations, when they feel the nation-state’s power being exercised on them.

The heightened sense of vulnerability and apprehension that individuals display contradicts their construction as “threats” in the Citizenship Fraud Crackdown. Their vulnerability shifts them from realm of abject others to “one of us.” Perhaps it is for this reason that the public discourse did not allow for their voices to be heard; through hearing their stories the public conscience might be awoken, and the nation-state’s undisputed tactics of investigation and control over these individuals might be questioned. By disconnecting individuals who are being maltreated as “one of us,” criminalization gains powerful traction in the disciplining and controlling its targeted populations.

Fear

The opaqueness of the RQ process does more than create apprehension – it fosters fear. This is another example of how criminalization is a powerful tool for controlling populations. All but one interviewee expressed some degree of fear, despite all individuals having high levels of education and language skills (which the neoliberal logic assumes to be very self-sufficient). One person explains how the opaqueness impacted her:

And they never give you a reason for why; we don’t know why we received the RQ. In the same way we don’t know why he wasn’t granted his first visitor’s visa – they never tell you why. So, yeah, you get scared. (Linda)

In the absence of clear answers, individuals describe their apprehension and worry escalating to fear. One person, in search of information about his case, asked his Member of Parliament to inquire about the progress of his citizenship application. When he inquired about his case for a second time, the MP's office told him:

But please don't ask frequently [about the status of your application], every three or four months, otherwise the CIC will suspect your case." So I got scared. Is it not my right to even ask what is happening to my future life? I am still scared. So after that I never went there back. Maybe one year or more has passed, but I never went back to the MP office, and still I am scared to meet this person. Even to meet you - after that experience I was not even sharing anything with anyone. (Parth)

This experience is quite unfortunate. Given the heightened sense of vulnerability the RQ recipient felt previous to approaching the MP's office, the response by the office served to solidify his fears, and dissuade from inquiring further about his case. Feelings of fear meant that some RQ applicants did not want to share their stories at all. For one couple, the spouse who was the Canadian citizen preferred to share their story, while the RQ recipient did not actively participate in sharing his experience, or networking with other RQ recipients. They explained that their fear arose from the constantly changing immigration rules put forth by the Harper government, and the uncertainty of what awaited the husband's status. For them, fear not only stemmed from the opaqueness of the RQ process, but ambiguity about the immigration systems, such as future changes to citizenship, and the uncertainty about status.

Given the strong rhetoric surrounding the Citizenship Fraud Crackdown (that the individuals under investigation are criminals, guilty, and are committing violent actions), it is not surprising that individuals feel intimidated. The heightened rhetoric, coupled with an opaque process of investigation, meant individuals were living under heightened fear. This is another piece of evidence that criminalization is a powerful tool to control people; not only does it justify

the control of populations by dehumanizing them, it serves to strike fear in individuals it is targeting with its measures, and is used to decrease their agency.

Over-Surveillance

Another way that the criminalization is utilized by the nation-state as a powerful tool for controlling populations, the interviews show, is through excessive surveillance. The RQ recipients shed light on the impacts of the nation-state's use of over-surveillance on their lives. Individuals are asked to disclose excessive amounts of personal information in order to prove their residency:

Like I said, they asked for my children's records. That really scared me. They don't have anything to do with it – they're Canadians. (Linda)

The heavy surveillance embedded in the RQ makes individuals feel like they are being watched, which leads to overall sense of being targeted:

I feel like our whole family is being treated with suspicion, because - I don't know why. Because he's a Permanent Resident. Because he comes from [Continent A]. So let me give you an example. His parents sent our children Christmas presents. Which were opened, ripped apart. Like the wrapping paper - ripped up, their names - ripped. All the boxes - opened, you know. And then it was shoved back in the box and sent to us. And I have no idea if that has anything to do with citizenship. And *everything* that gets to us – [this] happens [to]. So for our RQ, we had to get documents from [Country A]. Those were searched. That was by the US, those were searched by the US. So, yeah, it makes you feel, um, like you're under suspicion. And I can't tell you what on Earth we might have done wrong. (Linda)

In addition to speculations about being targeted, many felt that the documents requested by CIC were an invasion of privacy. One reason for this was that RQ recipients are asked to prove residency since they first entered Canada, which for many was over-and-above the five year period under consideration for citizenship:

The law, as I read it, the Citizenship Act, asks for 1095 days [of residency in Canada in order to be eligible for citizenship]. Why should I be having to seek back for things that were over a decade ago? That's a bit too onerous....I mean the fact that they ask for all your bank statements and all your credit card statements, it's a humungous invasion of privacy. (Pablo)

One individual decided to black out or omit personal information because he did not know what would be done with that information, and thought that it was unnecessary for proving residence. For example, he provided income statements from every other month, in an attempt to decrease the workload for the CIC officer, and out of hesitation to provide confidential information. The individual explains:

I said to the [citizenship] judge, I don't know who has access to these papers and whether they're under oath on disclosing this information, or they can talk to anyone they like to. And she said "Of course they are [under oath]." But this was not mentioned in the RQ letter at all, so it was really confusing. Everyone was on his own to make sense of this document, according to their mental abilities. So, what I thought was saving them some work, by not letting them leaf through tons of documents, I just gave them several months in a year to show them I'm still there [in Canada] and I'm still paying expenses. I thought it would be enough, but apparently it wasn't. (Alexei)

The heavy surveillance that is embodied in the Residence Questionnaire leads to individuals feeling targeted, their privacy invaded. Some of the recipients even referred to themselves as "RQ victims" because of the ill-treatment and suspicion they felt from the CIC.

Fear, in addition to reducing agency, served to coerce individuals in complying with the demands that violate their privacy. One individual explained that she felt she had no choice but to provide the documents, despite her frustration in being asked to share personal information:

Nobody else had all of their personal and private documents – that you're told not to share – scrutinized. And then you send it by mail, and somebody else from a totally different country rips open the documents and looks at them. Goes ahead and scans them – who knows that they did with them. That makes you feel violated. But you can't refuse, right? What would happen if we refused, then we would be fraudsters. You know what I mean? It would be assumed – "Oh, you refused to give us what we asked for, you must be someone cheating. (Linda)

This last quote embodies the difficult situation in which RQ recipients find themselves. They must comply with the demands of CIC, otherwise their citizenship application will be deemed abandoned, and they will fall in the category of “fraudsters.” Here, we see how the threat of criminalization serves as a powerful tool for intimidating targeted individuals to comply with the demands of the nation-state.

The criminality discourse serves to greatly limit ability of individuals to respond to unreasonable demands by CIC. Criminalization achieves this end by making those it targets as already presumed guilty. In the case of the RQ, individuals who do not submit the requested documents are described as “abandoning” their application, and thus counted among the fraudulent cases (CIC, 2012h). Criminalization also places the burden on the accused to prove their innocence (Stumpf, 2006). In the case of the RQ, this burden requires providing extensive documents that are considered an invasion of privacy. At the same time that individuals felt victimized by the RQ, the threat of being branded as criminals meant that they could not reject the excessive demands.

The emotional stories interviewees shared about their experience with the Residence Questionnaire help us understand how criminalization functions. Their emotions and fear they experience are in reaction to how criminalization functions: to control and discipline populations through de-humanizing them, striking fear in them, and introducing heavy surveillance in their lives.

Their reactions provide insight into how criminalization operates on the skin of the marginalized, in their shame and trembling, an area that is relatively underexplored in the literature. The interviews, however, offer more than insight into how criminalization functions. Individuals shared their experience of living with Permanent Resident status, which they

perceive as precarious and limiting their mobility. They hope to obtain citizenship in order to mitigate the precarity of their status. In the next section, I turn my attention to the experience of living with Permanent Resident status.

LIVING WITH PERMANENT RESIDENT STATUS

In addition to the emotional impact of the Residence Questionnaire, another prominent theme in the interviews is that Permanent Resident status is experienced as precarious, which stems from the fact that they experience limited mobility with the status. The individual identify two factors of Permanent Resident (PR) status that limit their mobility. The first revolves around the conditions of their legal status; individuals must limit their travel outside of Canada in order to uphold their Permanent Resident status, and in order to meet the residency requirements for citizenship. The second factor of PR status that contributes to their limited mobility is that, unlike citizenship, PR status does not ensure the right to travel without scrutiny to other countries, and does not guarantee the right to return to Canada. The interviews with RQ recipients reveal how precarity, defined as the uncertainty of maintaining legal status and/or being able to fully exercise the rights of legal status, can exist across various immigration categories, including Permanent Resident status. I draw on conditionality theory to explain this phenomenon, which focuses on the nation-state's power to impose and modify the requirements for legal status categories.

Before delving deeper into the precarity associated with PR status, it is important to first understand the nuances between PR status and citizenship. Compared to the different spectrums of immigration statuses in Canada, which range from undocumented to citizen, permanent resident is a relatively secure status. Permanent residence is the precursor to citizenship, and

gives individuals similar rights as citizenship. They can live, work or study in Canada, pay taxes, receive social benefits such as health care, and are protected by the Charter of Rights and Freedoms (CIC, 2013b). However, unlike citizens, Permanent Residents have a status that is contingent on their continual habitation in Canada; they cannot vote or run in elections; are not given preference for Federal jobs; and cannot hold a Canadian passport (CIC, 2013b).¹⁰ In essence, Permanent Residents can live and work in Canada, but are citizens of other countries. They are thus on the periphery of the nation-state, which acknowledges and approves their presence, but does not grant them full membership in its entity. On the surface, the differences between permanent residence and citizenship seem minimal. However, the interviews reveal that this status is experienced precarious, due to limited mobility and feelings of living in the periphery.

Permanent Residents conveyed their limited mobility at a number of points. First, they face reduced mobility in order to maintain their Permanent Resident status. One person explains:

Well I'm certainly not completely mobile. I can travel outside of Canada, but I cannot have long-term travel plans, I cannot have long-term education plans, for example, or an employment plan in the United States, for example...If I go out [of Canada] and I stay out more than three years in a five year period and not be able to come back to Canada. And then it would be like I spent six, seven, eight years, and all this effort and you just got kicked out and you're not a Canadian. So eliminating the probability or possibility of that devastating experience of not being let back in Canada, that itself is bringing more stability. (Milovan)

In addition to having to uphold their status, Permanent Residents also encounter limited mobility in order to be able to meet the residency requirements for citizenship. The individuals I

¹⁰ Other limitations for Permanent Residents include: Not being able to work in high-clearance security jobs (ex – RCMP, CSIS), running or voting on school boards, jury duty, ability to travel without visas to countries that accept Canadian passports, right to Canadian consular services, right of children to study or work abroad, right to obtain citizenship for a child adopted through intercountry adoption (Residence Questionnaire, n.d.)

interviewed were all very reluctant to leave Canada in order to be eligible for citizenship. I highlight three different ways individuals limited their mobility:

After three years [I applied for Canadian citizenship]. Maybe nine to ten days I stepped outside of Canada during these three years, otherwise I never went outside of Canada, nothing. (Parth)

You have to stay in Canada for three years [to apply for citizenship], your PR card is good for five years. There was *no* question that we would have to reapply for another PR card. We didn't think that was going to happen. We were going to apply for citizenship as soon as he was ready. We were very careful – we really stayed here, we didn't take too many vacations, we didn't travel for work. Made the application [for citizenship], now, okay, we're stuck [in the RQ process]. (Linda)

Even after getting RQ-ed, we were hesitating to go to [India] to visit our family. But then we weren't able to wait, so they [my parents and siblings] went, but I haven't still stepped outside of Canada. Since we came here I haven't gone anywhere [seven years]. I personally think that because we're already waiting on the processing of the RQ, what if once that's passed and they see again – oh, you've stepped outside of Canada – and then they'll give more papers, and it will just be a long stretch. (Priya)

The Permanent Residents exemplify how, even though they have a legal status that is relatively secure, they still experience precarity in this status. The precarity results from the need to uphold the residency requirements of the status. This type of precarity is well observed by conditionality theory. Permanent Residence differs greatly from citizenship in that citizens do not have to meet residency obligations in order to uphold their status. Permanent Residents on the other hand, must continually ensure that they are meeting the requirements of their status, or risk having to reapply to immigrate to Canada. They thus hover on the border between acceptance and expulsion in the nation-state.

Finally, and perhaps most importantly, many Permanent Residents encounter mobility challenges because they have a harder time leaving and entering the without a “strong” passport, such as the Canadian one. Depending on what country their passport is from, individuals have to

go through visa applications and extra security checks to go to other countries. One person contrasted the difference between traveling with a Canadian passport:

[Citizenship] gives many privileges to us. It is very easy to fly to the maybe 158 countries without any harassment, without spending time [on visas], whenever you want. (Parth)

Compared to the travelling with a passport from his home country:

If you want to go somewhere you need the visas and the time, the money. If you fly through the airport, you have to go one hour before, you stay in a different line, lots of security check up, lots of questions, and only then can you enter. (Parth)

Whereas travelling as a Canadian citizen is a relatively easy process, citizens of other countries must pass through visa approval and security checks before they can travel to the same places as Canadian citizens.

Another problem emerges when Permanent Residents attempt to return to Canada. Unlike Canadian passport holder, Permanent Residents are not guaranteed the right of return. One person describes the experience of returning to Canada as follows:

I think that when one crosses the border as a non-citizen it's a very different experience than when you cross as a citizen. And there's a level of stress and, this sounds a little intense, but sort of subjugation. I'm very serious when going over borders. I'm very respectful and very – there's a way that I act when I go over the border that has to do with the fact that I know that they don't have to let me in. That I'm essentially accepting the power of the state over my personal life. And there would be a lot of relief in just feeling like "This is my right. This is my right to get in." That would feel pretty great, to feel that I had right as opposed to I was asking for a favour – a favour to be able to return to where I live in my apartment with my husband and daughter. Not to say that I realistically expect to be turned down when I cross the border. But that is a fear and that is a possibility.

As a Permanent Resident I don't have an absolute right to re-enter the country. So when I am re-entering the country there's always the question – the border guard is always assessing whether they believe I have the right to re-enter the country. (Jessica)

The stories highlight the numerous limitations to mobility Permanent Residents encounter: they must limit their mobility in order to uphold their legal status (both PR and citizenship), and they have a more difficult time leaving and entering Canada as a result of not having strong passports.

The restrictions around leaving and entering Canada highlight how colonial differences continue to be entrenched in the passport system. Mongia (1999) observes that the Canadian passport system was established by racist motivations to control the mobility of unwanted populations. In doing so, it inscribes different rights to mobility or different racial groups. Spivak (2008) observes that racist hierarchies remain embedded in the contemporary passport, and that the phenomenon of “free movement” is observed by those with white privilege. The RQ recipients confirm their observations through their lived reality. Whereas the Canadian passport, which represents a white national identity, offers relatively free travel globally, other passports do not. Thus Permanent Residents are limited by the passport that they carry, which inscribes their racial origins, when both leaving and re-entering Canada.

I interviewed individuals who were citizens of the Global North; even though they did not encounter difficulty leaving Canada, they still experienced fear of not being able to re-enter Canada. No matter a person’s country of birth, all Permanent Residents identified three points of limited mobility: the residency requirement for upholding Permanent Resident Status, the residency requirement for qualifying for citizenship, and the fear to travel in the absence of a strong passport and/or the right of return.

Permanent Residents face numerous consequences to their constrained mobility. I would like to now focus on what impacts this had on them. Individuals discussed being excluded from feeling Canadian, the fragmentation of nuclear families with different citizenships, their separation from friends and family in home countries, and their missed opportunities - all

consequences of their limited mobility. Being able to travel freely is part of the Canadian identity. Permanent Residents are excluded from this norm. One person explains:

But they [my children] are asking “Why, dad, do we need the visa [to go to the United States]? We are Canadian... We don’t need a visa, we can go directly, let’s just take the car.” They are living in this mentality, but they are not knowing what is the fact. (Parth)

Even though Permanent Residents may feel “Canadian,” their limited mobility acutely reminds them that they are not; this contributes to them feeling like they are living in the periphery of the nation-state. Immigration discourses and laws have the power to dictate who belongs in that nation-state, and which groups are out of place (Mountz, 2004; Dauvergne, 2008). The differences in mobility individuals encounter reveal the operation of the nation-state’s power on their personhood (Pratt, 1999 cited in Mountz 2004). Their limited mobility serves as a constant reminder that they have not yet been accepted into the powerful entity that is the nation-state.

In addition to delineating citizens from non-citizens, mobility constraints lead to fragmentation of nuclear families in cases where family members have different citizenships. This fragmentation results in family members not being able to travel equally and with the same assurances:

I think it [citizenship] will improve my life in terms of being able to travel with a passport and being able to travel on an equal basis with my wife and my child. It’s not [just about] going to a different line; it’s more having to get visas when traveling elsewhere, etc. We’re all always just going to be a family; we’re going to be a unit. And we’re going to be able to travel together, as a unit, there’s a huge value to that. (Pablo)

My husband’s PR card had expired and his renewal application was caught up in long waits. Now his citizenship application may be delayed for years. In the meantime his parents are aging and he cannot visit them, while our children (both Canadian) are being denied family travel outside of Canada [with their father] and the opportunity to know their grandparents. (Linda)

In addition to fracturing nuclear families, limited mobility results in separation from family and relatives living in other parts of the world. Many of the individuals interviewed travelled outside of Canada to visit extended family only when needed:

My wife had gone to [India] for maybe one month [in a three-year period]. Her mother was very sick and actually when she reached there, after one week she [her mother] expired. So after attending the funeral she came back. So that is the only one time, she has to go, she stepped outside of Canada.
(Parth)

Others contemplated what they would do when family members abroad became sick:

What happens if – my parents live six hours away by car. So what happens if they get sick? They're older. If I leave the country, will I be able to get back in? It's a scary situation feeling like if my parents got sick I would have to choose between going down there and seeing them, and the fear of not being able to get back in and live with my daughter and my husband. So it's, I think the security of knowing one has full mobility rights – is important to me.
(Jessica)

It is interesting to juxtapose the image of the Canadian citizen, a travel-loving, globe-trotting adventurer, who is open to explore the world and all the continents, to the stories above, of Permanent Residents who face reduced mobility, separation from family, and only leave Canada in extreme cases of family sickness or death. The individuals are well-aware of this image, and how they are not part of it. The limited mobility contributes to feelings of living on the periphery of the nation-state, whereby the nation-state accepts their presence, but does not offer full membership rights.

However, for the individuals interviewed, their constrained mobility did more than prevent them from being globe-trotting citizens. The main concern individuals expressed was more substantial in nature; many RQ recipients lamented missed opportunities, such as employment and participation in the democratic process, as they waited for a decision to be made on their citizenship application. One individual had to forfeit an international training

opportunity in order to maintain his Permanent Resident status. Others identified missed opportunities such as: travelling internationally for Canadian companies, completing an education abroad, completing internships/practicums, and applying for Federal jobs. One RQ recipient explains her frustration:

I'm a nursing student. After we graduate we have a choice to work in community- and not just community, there's also the choice you can go internationally and help some countries in Africa or any third-world country where they don't have very good medical care. So we as nurses or doctors – the health care professional team – we go there and we help them. We stay there, we live with them. But I cannot go, because I need visas. It would be a long procedure, unless I'm a Canadian citizen, then it becomes very easy. (Priya)

Another person also explains:

I've applied for citizenship more than three years ago and my application is taking forever. Now that might affect my ability to – it just affects my ability to plan for my life. In the sense that, "Okay, well, what am I doing?" I want to do my graduate studies elsewhere, I want to go to US to do my master's and PhD – but, I can't because I don't know if I do that then what's going to happen to my status as a Permanent Resident. So... and I can't plan, you know. (Milovan)

Individuals felt that they were missing opportunities to grow, develop, and contribute to Canada from their limited status and mobility. Indeed, any of the experiences listed above (working abroad or in government jobs) are ideal experiences for any Canadian to have. Minister Jason Kenney explains the need to have high-capital subjects for the prosperity of Canada: "Today we are a modern economy that needs people who have the human smarts, the human capital in an increasingly competitive global economy" (CBC Radio, 2012). One of the values of citizenship is that it is attained through competitive selection. The irony of Permanent Resident status is that it prevents individuals from continuing to build on their capital, and thus maintain their competitive edge.

The sense of precarity and vulnerability these individuals experience is a stark contrast to the narrative put forth by the Minister Jason Kenney or Chris Alexander. The neoliberal state does not acknowledge or view precarity and vulnerability. Rather, as Chapter 5 demonstrated, it perceives citizenship as too easy to attain, as requiring more restrictions, and higher thresholds to achieve. An irony is that all individuals interviewed exhibited the neoliberal ideal of being high-capital, with university education in areas such as nursing, law, accounting, engineering, and planning, to list but a few. However, the RQ puts them in a position of vulnerability, fear, and/or stress. The delay in processing their citizenship request also results in missed opportunities to contribute to Canada. Thus, the push to attract the best and brightest by increasing thresholds for citizenship and PR status, in effect, serves to create precarity among individuals who clearly fit the neoliberal ideals in many ways.

The seeming contradiction that neoliberal subjects are excluded by the operation of the nation-state can be explained by taking race into consideration. If we accept the argument that neoliberalism is a racist logic, then it follows that neoliberalism rejects people of colour as ideal neoliberal subjects; the conception of being “ideal” is reserved to white subjects. The fact that the Citizenship Fraud Crackdown inhibits people of colour from ideal neoliberal subjecthood is thus not perceived as a problem. Another way to explain the contradiction is to acknowledge that the changes are a result of “fraud” (i.e., of threat) in the immigration system. The purpose of the Citizenship Fraud Crackdown is not so much to ensure that the best and brightest are coming to Canada, but rather, to eradicate fraud. By eradicating fraud, the nation-state ensures that if people of colour are obtaining citizenship, they ought to go through the most rigorous selection process possible, which weeds out a substantial number of people of colour, and thus protects the whiteness inherent in citizenship.

The thrust of the Citizenship Fraud Crackdown is to ensure that PR and citizenship applicants meet the physical residence requirements of their status. With this in consideration, I wish to return for a moment to other interpretations of residence under the *Citizenship Act*. Previous to the Crackdown, physical residence was the least common interpretation of “residence” in citizenship law; rather “centralized existence” in Canada was the most commonly used interpretation. Centralized existence is a much richer consideration of a person’s relationship to the nation-state. It not only takes into account physical presence, but also considers: the qualities of connection to Canada, whether a person’s family resides in Canada, and whether re-entries to Canada constitute a “returning home.” It also gives room for opportunities such as temporary employment or studying abroad that extend beyond the allowed time limits. Whereas physical residence only considers time spent in Canada, centralized existence looks at the quality of time spent in Canada and the quality of the connections made. RQ is a tool to verify physical presence exclusively, and represents a shift from recognizing centralized existence in Canada under the law to only recognizing physical residence.

In February 2014, the seven RQ recipients were waiting an average of three years since applying for citizenship, and without knowing a final decision on their case; this is an average of six years spent as a Permanent Resident. However, it is important to note that most of the individuals resided in Canada for a longer period of time on student visas or work visas. Two interviewees had arrived in Canada when they were in high school and stayed until adulthood. Another individual had been in Canada for nine years in total. Thus, most of the individuals had a long history in Canada. Despite living and residing in Canada for an extended period of time, and in many ways participating in society as citizens, the application for citizenship only recognized three years in Canada as a Permanent Resident. It is in this context that we can

observe that the individuals had “centralized existence” in Canada, even though the short three-year window under consideration in the citizenship application was only concerned with physical residence. By narrowing the definition of residence to exclusively physical, the individuals are barred from the ability to live, work, and train abroad, and bring these skills to Canada. Despite spending an average of six years as Permanent Residents, these individuals have not yet attained their citizen status.

As the experience of the RQ recipients reveals, maintaining physical presence is much harder than maintaining centralized existence. The shift to defining residence as purely physical increases the threshold for maintaining PR status and obtaining citizenship. The nation-state justifies the increase in thresholds by using the criminalization discourse, which portrays citizenship and PR as under threat from encroaching fraudulent immigrants.

From the stories of RQ recipients such as Jessica emerges a picture of ideal neoliberal citizens trapped in a bureaucratic operation of the nation-state, hindered from opportunities, and plagued by feelings of stress, fear, and/or vulnerability. The lived experience of RQ recipients reveals that the boundary between legal statuses is not fixed, that once a person gains legal status, their status is not “safe.” In the context of the RQ, the nation-state shifts the qualifications for citizenship from centralized existence to physical residence. In changing the conditions for citizenship, the nation-state *increases* precarity of PR status. Physical residence fails to take into account quality of connections to Canada, and instead threatens to push individuals to the limits of separation from family, friends, and loved ones; severs their feelings of belonging; and prevents them from making meaningful contribution to Canada.

The way these draconian changes are justified is through the Crackdown’s discourses on the need to reduce criminality and fraud. Thus, we see how criminalization operates not only to

monitor and control populations, and compel their obedience, but also to justify and promote increases in precarity of status. How do individuals perceive the nation-state that criminalizes them? In the next section, I focus on the immigrant's relationship to the nation-state in the context of criminalization.

RELATIONSHIP WITH THE NATION-STATE

The previous two sections examined how criminalization is an effective method of discipline populations, and how it increases the thresholds for unwanted populations to maintain legal status. In this section, I focus on immigrants' relationship to the nation-state in the context of criminalization. The interviews reveal that immigration is a process in which individuals encounter violence on behalf of the nation-state at multiple points in time. Despite this, immigrants do not radically resist the operation of the nation-state; instead they attempt to find accommodation in the exclusionary entity. Individuals view citizenship as a way to mitigate the precarity they experience as Permanent Residents. Their situation is thus a demonstration of what Brown (1993) calls "wounded attachments." I conclude by arguing that contrary to being a threat to national identity, and taking away Canadian values, immigrants are important agents of nation-building.

Immigration involves violence. This violence occurs at various points of interaction with the nation-state. When individuals encounter violence, they witness the unraveling of the national myth of Canada as a generous, open, and welcoming country. There are three points at which violence replaces the national myth, the first usually being the operation of the

bureaucratic immigration system. One person describes her experience with the immigration system as follows:

When I first met him [my husband], it was kind eye-opening. Oh, you mean, everyone can't travel like this [without a visa]? But *now*, [sighs] now I almost feel like this country of mine – where I was born, Canada – I keep thinking it can't surprise me anymore in how differently it treats people. I mean at the political level, not person to person. But then it keeps surprising me. And the RQ is a case in point. (Linda)

Through the experience of applying for visitor visas, permanent residence, and citizenship for her husband, this individual experienced the high level of scrutiny placed on foreigners wanting to enter Canada, a scrutiny she never experienced as a citizen. The immigration system reveals a highly exclusionary and stringent nation-state in operation. In the face of this, immigrants must perform what is required of them, or risk being denied entry. The heightened security and exclusionary criteria is a form of state violence that non-citizens experience.

Another point of contact in which the national myth of generosity and openness begins to unravel – and individuals begin to experience violence – is in interactions with people. Many Canadians are still racist and averse to individuals who do not fit the white Canadian identity.

One person explains encountering such behaviour:

But I still like that honesty. I still like it when dealing with Texans or, you know, Americans who are racist - at least they say it to my face so I know who I'm dealing with. But if you have racism in your subconscious and you don't express it - now that will change how you would treat me. But it's going to be much harder for me to deal with it, because you don't just outright say to me "You look scary to me", or "You look like a terrorist to me", or "You look like this to me – or that." Um, so, yeah, that is some certain aspect of Canadian culture that I don't really appreciate. But anyways, I think there is this hidden, passive situation of some form of hatred towards immigrants. (Milovan)

Through interacting with people, the imagined image of the “nation” of Canada begins to unravel, and show inconsistencies and contradictions, such as racism. Individuals who do not fit norm (or “perform” the norm) of being white, encounter racism.

A third point where the national myth unravels is through the rhetoric of the Immigration Minister in the public discourse. Permanent Residents describe their reaction to the Minister’s rhetoric regarding the Citizenship Fraud Crackdown. I was surprised at how many interviewees pointed out the Minister as a direct source of animosity. One person explains how the Minister’s rhetoric impacted him:

There were some negative experience in the beginning of the immigration process. After I applied and waited for let’s say, one year, it [my perception of Canada] changed. I started to read about the political attitude of Immigration Minister Kenney and the paranoid campaign of looking for fraudsters everywhere, filling up the air with this poisonous suspicion. It was very negative part of the experience, and still is. (Alexei)

In attempting to please the Canadian public about the increased security on citizenship, Minister Jason Kenney alienates immigrants waiting for citizenship. Individuals do not identify with how they are portrayed to be in the public discourse. Moreover, they do not appreciate violent undertones of such rhetoric. It is worth mentioning the criminalization rhetoric turns the violent actions of the nation-state on its head by arguing that immigrants (read: criminals) are perpetrators of violence against the nation-state. While it is difficult for a single person to commit violent actions against an entire nation, it is much more possible for the nation-state to commit violence against individuals.

Despite various points of unraveling of the national myth, immigrants still wish to be part of the myth of what it is to be Canadian. Many of the individuals I interviewed were part of, or had heard of, the Association of Future Canadians. The purpose of the group is to mobilize RQ recipients and their allies to “ensure a fair and timely path to citizenship” and “fight against

unreasonable citizenship delays” (Residence Questionnaire Wordpress, n.d.[b]). In addition to advocating for changes to how citizenship is processed, the network serves as a support group and source of information sharing. The network resists the current way in which citizenship applications are processed, but nonetheless seeks accommodation in the institution of citizenship. The interviewees do not reject the state and its promises. Rather, they wish to obtain their citizenship in order to be recognized as members of the nation-state. Individuals explain how they perform many norms associated with the Canadian national identity, even though they do not receive formal recognition (i.e., citizenship) for it:

They are kids, they do not have that much maturity, but still all the day, the morning, the evening too, they are singing “Oh Canada,” and all these things. Sometimes we are joking with them, “I am Indian.” [And they say] – “No, no, no, we’re Canadian.” So they are believing that they are Canadian, but they don’t know actually that they’re not officially. So sometimes we think we are playing with their emotions. From the morning we are starting our day with “Oh Canada” and they are not knowing they are not officially Canadian.
(Parth)

I feel in many aspects, if not completely, that I’m Canadian. But I can’t get that recognition officially. I don’t really have that much connection to my home country anymore, other than the language I speak still ... I’ve been here since I was 16 and I’m 22 right now ... If I’m not Canadian, what am I? That’s the question. (Milovan)

The individuals expressed that they felt they were “Canadian,” and they seek formal recognition from the nation-state to solidify their identity. In a sense, immigrants are important perpetrators of the national identity. They often expressed feelings of conflicted identity, in that they felt Canadian, but were not granted citizenship. Even though they are performing the norms required of them, they yearn for formal recognition from the nation-state.

Despite their frustrations with the citizenship application process, individuals did not radically question the nation-state. Many of them did not express concern about the RQ itself

which directs many criminalization tactics toward them, such as de-humanization, fear, and over-surveillance. Rather individuals were concerned with its lack of proper administration:

The RQ is not the problem. The processing time is the problem. You need more information? We are ready to provide all the information. (Parth)

As I said, my problem is not about scrutinizing people. My problem is about, you know, dedicating proper resources to it. My problem is, you know, playing with people's emotions while not really being honest about the performance of your scrutinizing strategy. My problem is, you know, about not being honest about things and responsible. If they did it in a responsible way and they scrutinize, I have no problem – they can scrutinize me - as long as it's not going to take me forever to get my citizenship. As long as it's not going to affect me so much in a negative way without getting a thing out of it. (Milovan)

Thus, despite being faced with violence from the state, many individuals do not question the state's power over their lives, but rather accept it. One person explains: "They're assessing whether I'm worthy. That's embarrassing, you know. I would like my worthiness to be so obvious, that it's undeniable." In this quote, the individual explains that she wants the state to acknowledge that she's worthy; she does not question the state's right or ability to question her worthiness. The sense of wishing to be recognized as worthy of citizenship was present in all interviewees.

The RQ recipients are not able to understand their position within the operation of the neoliberal state, and thus critically analyze what is happening to them and why. They are only able to feel anxiety and the desire to be accepted. Brown (1993) writes that in cases of exclusion or marginalization, individuals often desire that what is excluding or oppressing them. In this case, individuals desire to be part of the nation-state, even though it is denying them membership; their impulse is to seek membership into what they are being excluded from, and thus reiterate the power of the nation-state (Brown, 1993). Contrary to the public discourse that immigrants "threaten" the security of the nation-state, it is possible to see that they uphold its

operation and identity, even when it targets exclusionary measures at them. A reason why individuals seek accommodation is because they view citizenship as a way to eliminate the precarity they experience as Permanent Residents.

Their relationship to the nation-state is revealed to be complex and contradictory, with the national myth unraveling in the bureaucratic operation of the Canadian state, and through the public discourse, specifically the rhetoric of the Immigration Minister. Despite experiencing the fractioning of the national myth, individuals still wish to be part of the myth and to be acknowledged as “Canadian.” Immigrants are in fact important agents of nation-building, given that they perform the national identity, and wish to receive formal membership in the nation-state.

CONCLUSION

From the stories of RQ recipients emerges a picture of ideal neoliberal citizens trapped in a bureaucratic operation of the nation-state, hindered from opportunities, and plagued by feelings of stress, fear, and vulnerability. Their stories provide insight into how criminalization is a powerful means of controlling people of colour, and operates through de-humanization, fear tactics, and over-surveillance. Criminalization is signaled by these forms of control in people’s lives. The stories reveal the precarity of Permanent Resident status, which constrains their mobility. The limited mobility, not only separates them from friends and family, but prevents them from being ideal neoliberal citizens. Criminalization, ironically, justifies increasing the residence requirements for citizenship, and consequently increases precarity in PR status, which further prevents individuals from being ideal neoliberal subjects. Individuals’ relationship to the nation-state in the context of criminalization is a complex one. While individuals experience

violence from the nation-state, they still desire to be accepted in its institutions. I conclude that the contingencies surrounding PR status result in neoliberal subjects who cannot attain their full potential. The move to make residence purely physical increases precarity in PR status and prevents individuals from being ideal neoliberal subjects. Criminalization, in its move to heavily regulate and control populations, prevents Permanent Residents from being ideal neoliberal subjects.

In order to better understand individuals' lived experience in the Citizenship Fraud Crackdown, I draw on literature that explores how the nation-state operates in the realm of immigration and precarity, and how individuals respond to the actions of the nation-state. Scholars agree that the nation-state is the primary agent in upholding immigration controls and regulating precarity of status (Bauder, 2013; Dauvergne, 2008; Goldring & Landolt, 2013; Nevins, 2002; Wright, 2013). Conditionality theory, in particular, explains that precarity exists even in legal statuses, as individuals are barred from exercising the rights their status endows, or through changing requirements of legal categories. By increasing the use of the RQ, the nation-state is shifting the requirements of citizenship from centralized existence to physical residence. The nation-state is able to justify these changes on the grounds of perceived threat (Brodie, 2009). Criminality enables the nation-state to justify operating in the exception needed to change the boundaries between legal statuses. Criminalization serves to justify the need to increase these boundaries.

The second body of literature attempts to understand how individuals perform in the context of immigration and precarity. Transnational feminist scholars argue that it is only possible to understand how power functions by looking at how it is expressed on the bodies of the marginalized (Aharonson & Ramsy, 2010; Parenti, 2000; Zedner, 2010). This framework

centers on understanding lived experiences of those implicated in the Citizenship Fraud Crackdown. The individuals experience the RQ in powerful ways because the nation-state conceals its decision-making process (Kirby, 1997 as cited in Mountz, 2004). Even though individuals are hurt by the exclusionary measures of the nation-state, such as the Citizenship Fraud Crackdown, they nonetheless continue to seek membership in the entity that suppresses them. The phenomenon is described by Wendy Brown's (1993) concept of wounded attachments.

In focusing on the voices from the margins, the interviews contradict the criminalizing rhetoric in three important ways. First, they humanize the individuals who are cast into abject otherness by criminal rhetoric. Second, they show that legal status is not "too easy" to attain, rather precarity exists across legal statuses. Third, whereas the criminalizing rhetoric serves to portray immigrants as a threat to the nation-state, the interviews reveal the contrary; immigrants yearn to be accepted by Canada, and support the institutions of the nation-state. By contradicting the rhetoric of the Citizenship Fraud Crackdown, the interviews show how the criminalization functions.

The emotional stories interviewees shared about their experiences with the RQ help to shift them from abject others and restore their humanity. The narratives reveal that the RQ recipients are not criminals with evil-motives, but rather, they are normal humans, with needs, feelings, and dreams, like the rest of us. It is by sharing the stories of those in the margins that the criminalizing rhetoric of the Citizenship Fraud Crackdown begins to lose its hold on the imagination of the members of the nation-state. The stories from the margins reveal stories of aspiration, hope, and desire to contribute to the nation-state.

Individuals explained the precarity of living with Permanent Resident status and their hope for citizenship as a means to mitigate their precarity. However, as Chapter 5 showed, the Citizenship Fraud Crackdown serves to introduce precarity in citizenship, by differentiating between birthright citizenship and dual citizenship. Although immigrants might think that obtaining citizenship is eliminating precarity from their status, they are mistaken. The conditionality of their status persists into even the most secure status – citizenship.

There is a strong connection between the precarity immigrants of the Citizenship Fraud Crackdown experience, and their agency (performativity). Butler (2009) writes:

The question of how performativity links with precarity might be summed up in these more important questions: How does the unspeakable population speak and make its claims? What kind of disruption is this within the field of power? And how can such populations lay claim to what they require? (xii)

In the case of individuals implicated in the Citizenship Fraud Crackdown, one can note that they are in fact provided no voice in the public realm. They are not able to disrupt the criminalizing rhetoric used to portray them. Despite this, the individuals convene on online groups, such as the Association of Future Canadians, which facilitates information sharing and media campaigns. They attempt to support each other as much as possible, and share their voice wherever permitted, whether through intermittent radio, newspaper interviews, or research projects such as this one. However, their stories remain largely unheard.

CHAPTER 7: CONCLUSION

The Citizenship Fraud Crackdown was an initiative announced by Minister Jason Kenney in July 2011. Its main purpose was to eradicate fraud in the citizenship program. The Crackdown claimed to find unprecedented cases of individuals obtaining citizenship through residency fraud, and promised to revoke status on a scale never seen before in Canadian history. In addition to revoking status, a less publicized, secondary, approach to the Citizenship Fraud Crackdown was the revision and increased use of the Residence Questionnaire. The Residence Questionnaire evaluates physical presence in Canada of citizenship applicants. Whereas revocation attempted to eliminate the presence of fraud, the Residence Questionnaire served as a means for deterring fraud. A central component of the Citizenship Fraud Crackdown, thus, was focused on enforcing physical residency in Canada, one of three different interpretations under the *Citizenship Act*. In reality, fraud was found in very few cases, which proved the rhetoric surrounding the initiative to be hollow and misleading.

My goal in studying the Crackdown was to answer the question:

How are race and neoliberalism conjoined in the conception of Canadian citizenship?

The Citizenship Fraud Crackdown is riddled with racial and economic logics that provide insight into the relationship between neoliberalism and race. Kenney often justified the Crackdown as a means of improving Canada's economy by making its immigration system more efficient and secure. The security-efficiency binary reveals strong neoliberal underpinnings present in citizenship. Race also plays an integral part in the Citizenship Fraud Crackdown. Shortly after coming into power, the first controversy the Conservative government faced was the evacuation of Canadians from Lebanon in July 2006 (Harder & Zhyznomirska, 2012). The scandal,

nicknamed the “citizens of convenience controversy,” marked the beginning of their obsession with reforming citizenship. As the chapters above discuss, and as documents obtained from the Access to Information and Privacy Act (ATIP) reveal, the Citizenship Fraud Crackdown was launched in part due to the Lebanese citizens of convenience controversy, and the Crackdown disproportionately affected Lebanese and Middle Eastern citizens. The relationship to the Lebanese-Canadians controversy reveals strong racial underpinning present in Citizenship Fraud Crackdown.

The first part of my investigation consisted of an analysis of the public discourse surrounding the Citizenship Fraud Crackdown (Chapter 5). The finding from analysis - that neoliberalism is associated with the rise of criminalization of immigrants - is consistent to findings from other scholars (Chan, 2004; Dauvergne, 2007; Stumpf, 2006). The investigation is insightful for understanding how criminality functions in relation to citizenship. The crime agenda has increasingly fractured citizenship; there are now growing differences between birth-right citizenship and dual citizenship. Dual citizens may have their citizenship revoked easier than ever and for a growing number of criminal-related reasons, while birthright citizens face immunity from revocation. The comforting provision of “once a citizen, always a citizen” no longer holds for citizens born outside of Canada, meaning the nation-state will always have conditional terms of acceptance for dual citizens. Additionally, dual citizens must spend a regulated amount of time in Canada to qualify for their citizenship, whereas birthright citizens do not. The shift to recognizing only physical residence as a precursor to citizenship serves to tether immigrants physically to the nation-state for prolonged periods of time and increases the qualifications for citizenship. This fracturing of citizenship serves to uphold racialized division in citizenship, as the changes applied to the status are often meant to reduce the rights and

entitlements of the “criminal” (read: racial) other. Presumed criminality is used as a means to justify decreasing the rights and protections of citizenship.

The Citizenship Fraud Crackdown demonstrates how discourses of crime are particularly powerful in garnering public support for anti-immigrant laws and policies. The investigation reveals how a few cases are used to set precedent for far-reaching changes to immigration policies. The Citizenship Fraud Crackdown served to convince the public that an overhaul to the *Citizenship Act* was needed. Many components of the Citizenship Fraud Crackdown were incorporated in new changes to the *Act*, thus enshrining the criminalization of immigrants in law. One of the main influences the Crackdown had was to shift the legal definition of the residence qualification for citizenship from “centralized existence” to physical existence. The Crackdown also resulted in increased Ministerial powers for revoking citizenship. The challenge the Conservatives faced after the citizens of convenience controversy, was how to frame their desire to reform dual citizenship. The Conservatives framed it in the light of criminality and widespread fraud. The power of this rhetoric is revealed by the fact that they were able to make such monumental changes to citizenship.

The discourse analysis reveals that the Crackdown relied on constructions of nation and citizen that are similar to historical conceptions, in that they rely on racialized images of the “other” and the self. What has changed with the rise of neoliberalism is how the racial other is perceived. Whereas before the racial other was perceived through cultural differences, it appears that race now is increasingly delineated through illegality, crime, and the economy. The “illegal” immigrant, or the “fraudster” who is trying to obtain citizenship that is not rightfully his is the new racial conception of “other” which frames how we perceive our nation and our citizens. Neoliberal logic infuses criminality in portrayals of racial “others.” It thus takes up racist goals to

delineate us and them, deserving and non-deserving members of the nation-state. I conclude that the criminalization of immigrants (a neoliberal tool) supports existing racial conceptions of citizenship. In taking the stance that neoliberalism is a racist ideology, and does not just function parallel to racism, I differ from how scholar's view on race and neoliberalism.

The Citizenship Fraud Crackdown is not without its consequences, as the interviews discussed in Chapter 6 reveal. Immigrants who are waiting for their citizenship are prevented from being ideal neoliberal subjects. They experience limited mobility, and face heightened sense of vulnerability and worry. They feel alienated by the discourses and policies that portray them as criminals and wrong doers. The paradox lies in the fact that the nation-state uses these tactics to solidify the national identity for its existing members, but in doing so, it alienates future members of the nation-state. In effect, it undermines the effectiveness of its nation-building tactics. Despite feeling victimized, the individuals still wished to acquire citizenship as a validation of their belonging in the national identity and as a means to eliminate the precarity they experienced as Permanent Residents.

Like Russo (2008), I am inclined to say that the changes to citizenship under the Conservative are not a new trend. Russo (2008) notes that the linking of security and immigration began under Jean Chretien's Liberal government. Where the Conservatives have, perhaps, made a break from other governments is that they have created fast-paced immigration reforms with minimal public consultation, and have consolidated immigration and crime more than any other party. They have managed to consolidate crime and immigration through the rhetoric of the Citizenship Fraud Crackdown, and through the changes in the *Citizenship Act*, which allow for increased grounds of revocation based on criminality.

One factor that I have had trouble understanding is how the Conservatives could set in motion such monumental changes to citizenship based on anecdotal information of citizenship fraud. It is while mulling over this conundrum that I realized the power of story-telling. The “citizens of convenience” story began the Conservatives’ obsession to reform citizenship. It is not possible to emphasize enough that much of the “controversy” surrounding Lebanese dual citizens, namely that they spent large amounts of time living outside Canada, was not evidence-based. Rather, the controversy was fueled by stories that were racist in nature (i.e., that Lebanese individuals can never fully be “Canadian,” and an inherent suspicion towards immigrants who are people of colour). The Conservatives relied on anecdotal evidence of fraud (a story) to set in motion the Citizenship Fraud Crackdown. The Crackdown represents the nation-state fashioning its own story about immigration – a story that sounded the alarms of widespread fraud and threat to citizenship. The Crackdown was successful in garnering public support for a massive overhaul to citizenship, or at least creating a public complacent to the changes. Why was the anecdotal evidence so powerful in setting in motion these chains of events? I believe that the answer lies in the fact that the *perception* that is citizenship under threat is enough to for the nation-state to start heavily investing in nation-building. Sadly, the most important story of all – the voices of those who bear the violence of nation-building – remains unheard. We see with the Citizenship Fraud Crackdown how racist fears (xenophobia of immigrants) of are made into racial narratives (criminals are threatening to take advantage of Canada), which can assist dominant groups to make sense of the world in particular ways, and also justify and defend current racial arrangements (such as the crackdown on fraud, and consequent stripping of rights of dual citizens). Whether these racial narratives are fact or fiction loses importance, as the reiteration of these stories is made material, as the nation-state continues to uphold the connection between

race and nation. The more we are attuned to these stories, the more we can react appropriately and challenge the status quo.

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APPENDIX A: OVERVIEW OF BILL C-24 THE “STRENGTHENING CANADIAN CITIZENSHIP ACT”

Previous <i>Citizenship Act</i> (1977-2013)	<i>Citizenship Act</i> revised under Bill C-24
<ul style="list-style-type: none"> • Residence for three out of four years (1,095 days); • No requirement that resident be physically present; • Time as a non-permanent resident (non-PR) may be counted toward residence for citizenship; • No intent to reside provision 	<ul style="list-style-type: none"> • Requires physical presence for four years (1,460 days) out of the six years; • 183 days minimum of physical presence per year in four out of six years; • Eliminate use of time spent in Canada as a non-permanent resident (non-PR); • Introduce “intent to reside” provision
<ul style="list-style-type: none"> • Adult applicants aged 18–54 must meet language requirements and pass knowledge test; upper age limit of 54 currently established by policy, not in legislation; • Applicants can meet knowledge requirement with assistance of an interpreter 	<ul style="list-style-type: none"> • Requires applicants aged 14–64 to meet language requirements and pass knowledge test; • Applicants must meet knowledge requirement in English or French
<ul style="list-style-type: none"> • Most “Lost Canadians” had their citizenship restored in 2009, but some “Lost Canadians” were not covered by that change and are not eligible for citizenship 	<ul style="list-style-type: none"> • Extends citizenship to “Lost Canadians” born before 1947 as well as their 1st generation children born abroad
<ul style="list-style-type: none"> • Bars getting citizenship from people with domestic criminal charges and convictions 	<ul style="list-style-type: none"> • Expands bar on getting citizenship to people with foreign criminal charges and convictions
<ul style="list-style-type: none"> • Consultants not required to be registered or regulated in order to represent individuals in citizenship manner; • Few tools to deter fraud and ensure program integrity; • Fines and penalties for fraud are a maximum of \$1,000 and/or one year in prison 	<ul style="list-style-type: none"> • Defines who is an authorized representative and provides authority to develop regulations to designate a regulatory body whose members would be authorized to act as consultants in citizenship matters; • Authority to refuse applicant for fraud; fines and penalties for fraud are a maximum \$100,000 and/or five years in prison
<ul style="list-style-type: none"> • Governor in Council (GIC) final decision maker for citizenship revocation 	<ul style="list-style-type: none"> • Gives Citizenship and Immigration Canada (CIC) Minister authority to decide on routine revocation cases • Complex revocation cases such as war crimes, crimes against humanity, security, other human or international rights violations, and organized criminality decided by the Federal Court

Previous <i>Citizenship Act</i> (1977-2013) (continued)	<i>Citizenship Act</i> revised under Bill C-24 (continued)
<ul style="list-style-type: none"> GIC final decision maker on discretionary grants of citizenship 	<ul style="list-style-type: none"> Gives CIC Minister the authority to decide on discretionary grants of citizenship
<ul style="list-style-type: none"> Limited authority to define what constitutes a complete application 	<ul style="list-style-type: none"> Establishes authority to define what constitutes a complete application and what evidence applicants must provide
<ul style="list-style-type: none"> Citizenship grant is a three-step decision-making process 	<ul style="list-style-type: none"> Changes citizenship grant to a single-step process that reduces duplication and improves processing times.
<ul style="list-style-type: none"> No requirement to file Canadian income taxes to be eligible for a grant of citizenship 	<ul style="list-style-type: none"> Requires adult applicants to file Canadian income taxes, as required under the Income Tax Act, to be eligible for citizenship
<ul style="list-style-type: none"> No authority to revoke citizenship for acts against Canada's national interest 	<ul style="list-style-type: none"> Establishes the authority to revoke Canadian citizenship from dual citizens who were members of an armed force or an organized armed group engaged in armed conflict with Canada, and deny it to PRs for the same reasons Authority to revoke Canadian citizenship and deny it to PRs who are convicted of terrorism, high treason, treason, or spying offences, depending on the sentence received
<ul style="list-style-type: none"> No fast-track mechanism for citizenship for members of the military to honour their service to the Canadian Armed Forces and address deployment challenges 	<ul style="list-style-type: none"> Creates a fast-track mechanism for citizenship for PRs serving with—and individuals on exchange with—the Canadian Armed Forces to honour their service to Canada

This chart was adopted from Citizenship and Immigration Canada (2014a)

APPENDIX B: ACCESS TO INFORMATION AND PRIVACY ACT REQUESTS

The following ATIP requests were included in the analysis of the Citizenship Fraud Crackdown:

Request Number	Summary of Request	Disposition	Number of Pages Disclosed
A-2013-11016	Transition binder prepared for the Minister of State for multiculturalism as per July 2013, cabinet shuffle.	Disclosed in part	50
A-2012-19707	I request ALL electronic and physical files, copies of ALL directions, emails, memorandums and guidelines with respect to when and how Citizenship requests residency questionnaires from applicants for grants of citizenship and all information regarding the processing or lack thereof and delay in processing citizenship grant applications where residency questionnaires have been received from January 2011 to January 11 2013.	Disclosed in part	187
A-2012-11322	A complete copy of statistics or other data held by your department on citizenship fraud by province (I want the history of the number of fraud identified, type of fraud, by province, by date and year) from 2006 to present (September 14, 2012).	Disclosed in part	461
A-2011-56246	The following information referenced in Minister Jason Kenney's statement made in Montreal on December 9, 2011: Information, including identifiers, regarding the more than 2,100 individuals that Minister Kenney indicated obtained their citizenship fraudulently and whose citizenship is in the process of being revoked; Information, including identifiers, regarding the nearly 4,400 people with permanent resident status who Minister Kenney indicated are known to be implicated in residence fraud; and Information, including identifiers, regarding the nearly 1,400 people who have withdrawn or abandoned their citizenship applications because of this new scrutiny.	Disclosed in part	17
A-2012-05827	Copies of all briefing notes, memoranda, reports, research and other communications material prepared for the Minister and ministerial staff, as well as all CIC Departmental documentation, including briefing notes, memoranda, question period notes, policy documents with keyword "Residence Questionnaire" from January 1, 2012 to June 19, 2012.	Disclosed in part	14
A-2012-21082	Copy of statistics or other data held by your department permanent residency fraud by province (history of the number of fraud identified, type of fraud, by province, by date and year) from 2006 to present (January 24, 2013). I wish to obtain them classified by category, in a way that makes it easy to compile statistics.	Does not exist	0

The following is the ATIP that I requested, that is yet to be processed:

Request Number	Summary of Request
A-2013-23291	<p>Internal reports, policies, procedures that outline CIC's attempts to reduce citizenship fraud and residence fraud starting January 2011 to present. Including, but not limited, to: CIC Fraud Action Plan (all versions), rationale for the Fraud Action Plan(s), progress report(s) on the Fraud Action Plan(s), CIC research that resulted in departmental action to eradicate citizenship fraud/residence fraud, rationale for updating the Residence Questionnaire (as mentioned in OB 407), progress reports on citizenship fraud and permanent residence fraud investigations that started in 2011. Reports that support the Fraud Action Plan, or that give background information on citizenship fraud, revocations and RQs. Documents which show how the evacuation of Lebanese-Canadians in 2011 ("citizens of convenience") led to actions to reduce citizenship fraud.</p> <p>Statistics on: 1) The fraud investigations (ex – number of revocations, number of cases under investigation, country of origin of cases, successful/unsuccessful revocations), 2) The number of Residence Questionnaires given out to citizenship applicants and citizenships revoked between January 1990 - January 2014 - if possible, include the country of origin of the RQ recipients</p>

For a list of ATIPs collected by the Association of Future Canadians, visit their website:

<http://residencequestionnaire.wordpress.com/cic-documents/>

APPENDIX C: RESIDENCE QUESTIONNAIRE

The following pages contain the five-page Residence Questionnaire that was updated on April 2012, and began to be distributed on May 7, 2012, as part of the Citizenship Fraud Crackdown. The copy of this RQ was obtained from the Association of Future Canadians' website (Residence Questionnaire Wordpress, n.d.[a]), which also contains the RQ version previous to the Citizenship Fraud Crackdown, and a subsequent version from September 2012.



RESIDENCE QUESTIONNAIRE

In order to assist the citizenship judge in determining whether you meet the residence requirements under paragraph 5(1)(c) of the *Citizenship Act*, please complete this questionnaire in detail. Please provide documentary evidence in support of your statements. **It is your responsibility to satisfy the citizenship judge that you meet all the requirements of the *Citizenship Act* and *Regulations*.**

Note: This questionnaire must be completed and supporting documents submitted within 45 days, otherwise the processing of your application will not proceed or may be significantly delayed.

Please complete all sections of the Residence Questionnaire. Attach a separate sheet of paper if you need more space and indicate the number of the question you are answering. If any section(s) do not apply to you, answer not applicable (N/A). Print clearly with a blue or black pen.

For the purposes of this questionnaire: "Arrival date in Canada" means the earlier of:

- I. the date on which you first came to Canada to live or;
II. the date on which you became a Permanent Resident of Canada.

Unless otherwise noted, the documents you must provide should cover the 4 year period immediately before having submitted your application for grant of citizenship application: specifically, from 1982 Year 12 Month 12 Day 1982 Year 12 Month 12 Day

BACKGROUND INFORMATION

BACKGROUND INFORMATION					File no.
Applicant's name					
Year	Month	Day	Country of birth		UCI
Date of birth					

1	What was your arrival date in Canada (the date on which you first came to Canada to live or the date on which you became a Permanent Resident of Canada) and what was your status (permanent resident, visitor, student, worker, refugee claimant, etc.)?	<div> <div> <div>Year</div> <div>Month</div> <div>Day</div> </div> <div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> </div> <div> <div>Date</div> <div>Status</div> </div>
2	On what date did you become a permanent resident of Canada? (See box 45 on your <i>Record of Landing</i> or box 45 on your <i>Confirmation of Permanent Residence</i> .)	<div> <div> <div>Year</div> <div>Month</div> <div>Day</div> </div> <div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> </div> <div> <div>Date</div> </div>
3	Since your arrival date in Canada , list all countries of which you are, or have been, a citizen or national	
4	Since your arrival date in Canada , have you worked, studied or lived in any country other than Canada? If yes, list the countries.	<input type="checkbox"/> No <input type="checkbox"/> Yes ▶
		Countries
5	Since your arrival date in Canada , have you had permanent resident status in another country other than Canada? If yes, which ones?	<input type="checkbox"/> No <input type="checkbox"/> Yes ▶
		Countries
6	Are you in the process of applying for permanent resident or citizenship status in another country?	<input type="checkbox"/> No <input type="checkbox"/> Yes

ABSENCES FROM CANADA

ABSENCES FROM CANADA

Complete this section (questions 7 and 8) and provide the following supporting documents that apply to your situation. All information and supporting documents pertaining to this section must be provided from your **arrival date in Canada** to present.

- section must be provided from your **arrival date in Canada** to present.
- Passports (include colour photocopies of all pages, including blank pages, of all passports and/or travel documents (valid and cancelled) used by you since first arrived in Canada.
Note: all passport stamps, including visas and permits, must be translated into English or French by a Canadian accredited translator.
 - Travel History to Canada can be obtained free of charge by writing to Canada Border Services Agency, 410 Laurier Avenue W, 11th floor, Ottawa, Ontario, K1A 0L8
 - Travel records and/or Records of Movement from all countries for which you have a passport or travel document.

[illegible]

8	<p>If you have less than 1095 days of physical presence, explain the reason for your shortfall of days. Provide supporting documents that apply to your situation, e.g., hospitalization abroad, proof of family member's illness, property/business sale documents, court documents for trials abroad, employment contracts for overseas work, proof of education abroad (for students), contracts for work outside Canada.</p>
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HOME AND FAMILY TIES

Complete this section (questions 9 to 11) and provide the following supporting documents that apply to your situation.

Proof of residence

- Rental/Lease agreements with proof of rental payment
- Title/Mortgage documents
- Property tax assessments
- Municipal/School tax documents
- Residential/Automobile/Tenant Insurance policies

Proof of family presence

- Marriage/Divorce certificates
- Children's birth certificates

9 List (from earliest to most recent), where have you lived since your arrival in Canada?

From (Year/Month/Day)	To (Year/Month/Day)	Address (city/country)	Own/Rent/ Guest/Family (specify)

10 Where have all of your family members (e.g., spouse, common-law partner, children, mother, father, brothers and sisters) lived since your arrival date in Canada?

Family name, given name(s)	Date of birth (Year/Month/Day)	Relationship	From (Year/Month/Day)	To (Year/Month/Day)	Country

11 Since your arrival date in Canada, for each family member of your immediate family (e.g., spouse, common-law partner and children) provide legal citizenship/immigration status in the country they reside. Please include status in Canada (if no status, indicate N/A).

Family name, given name(s)	Status in country where they reside	Date status obtained outside Canada (Year/Month/Day)	Status in Canada	Date status obtained in Canada (Year/Month/Day)

EDUCATION TIES

Complete this section (questions 12 and 13) and provide the following supporting documents that apply to your situation. If any particular area in this section does not apply, please indicate.

Proof of education

- Records to document attendance for yourself, spouse or common law partner and school-aged dependent children such as school transcripts or report card

12 List your education history (inside and outside Canada) since your **arrival date in Canada** starting with your most recent (including language school/classes attended).

From (Year/Month/Day)	To (Year/Month/Day)	Program	Educational institution attended	Address (city/country)

13 If your spouse or common-law partner or children are living in Canada, are they attending school? Please give details.

Family name, given name(s)	Educational institution attended	From (Year/Month/Day)	To (Year/Month/Day)

EMPLOYMENT TIES

Complete this section (questions 14 to 19) and provide the following supporting documents that apply to your situation.

Proof of employment

- Canada Revenue Agency (CRA) complete Notice of Assessment
- CRA T4 Statement of Remuneration Paid
- CRA T5 Return of Investment Income
- Bank/Credit Card statements

14 Prior to your **arrival date in Canada**, did you terminate your employment or business outside Canada? Please give details.

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15 List your work history (inside and outside Canada) since your **arrival date in Canada** starting with your most recent. If you were unemployed, retired, homemaker, etc., please indicate this under "Job Description" and indicate the time period.

From (Year/Month/Day)	To (Year/Month/Day)	Job description	Employer	Address (city/country)

16 If your spouse or common-law partner or children are living in Canada, are they working? Please give details. If they were unemployed, retired, homemaker, etc., please indicate this under "Work" and indicate the time period.

Family name, given name(s)	From (Year/Month/Day)	To (Year/Month/Day)	Job description	Employer

17	If unemployed, retired or homemaker, describe how you have supported yourself financially since your arrival date in Canada.

18						Since your arrival date in Canada, in your personal Canadian income tax returns, did you identify yourself as a "resident of Canada"? If yes, for which years?		
Year	Did you identify yourself as a resident of Canada?		Year	Did you identify yourself as a resident of Canada?		Year	Did you identify yourself as a resident of Canada?	
	Yes	No		Yes	No		Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

19						Since your arrival date in Canada, have you filed income tax or paid income taxes in any other country? If yes, which one(s)?
Year	Country		Year	Country		

PROPERTY AND BUSINESSES INSIDE CANADA

Complete this section (questions 20 and 21) and provide supporting documents related to your Canadian business (including self-employment) that evidence the nature and scale of the business since your arrival date in Canada. For example:

- Corporate income tax documents
- Incorporation and registration documents
- Contracts, invoices and business bank statements
- Letters from suppliers and purchasers
- Logbooks
- Advertising contracts

20					Since your arrival date in Canada, list all property you own or have owned inside Canada.
Type of property	Address (city/province)			Date purchased (Year/Month/Day)	Date sold (Year/Month/Day)

21						Since your arrival date in Canada, list all businesses you own or have owned inside Canada. Indicate if your business has filed income tax returns in Canada and, if so, in which year(s).
Name of company	Type of business	Address (city/province)	Has your business filed income tax returns in Canada?		Year(s)	
			Yes	No		
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		
			<input type="checkbox"/>	<input type="checkbox"/>		

PROPERTY AND BUSINESSES OUTSIDE CANADA

Complete this section (questions 22 and 23) and provide details related to your property and businesses outside Canada.

22 Since your arrival date in Canada, list all property you own or have owned **outside** Canada.

Type of property	Address (city/country)	Date property purchased (Year/Month/Day)	Date sold (if applicable) (Year/Month/Day)

23 Since your arrival date in Canada, list all businesses you own or have owned **outside** Canada.

Name of company	Type of business	Address (city/country)	Date business established (Year/Month/Day)	Date sold (if applicable) (Year/Month/Day)

OTHER


Complete this section (question 24) and provide the following supporting documents that apply to your situation.

- Health records detailing the dates at which medical services were received.
- Immunization records for children

24 Since your arrival date in Canada, describe the nature and extent of your social ties in Canada. Examples of social ties could be active memberships in community or religious organizations, volunteer groups, etc. Provide documents, including letters from organizations describing nature and frequency of community involvement.

DECLARATION

I understand the contents of this form. I declare that the information provided on this form and in the supporting documents is true, correct and complete. I understand that if I make a false declaration, or fail to disclose all information material to my application, I could be charged under the *Citizenship Act* and be liable to a fine or to imprisonment or both, and I could lose my citizenship.

Signature  _____ Date

Year	Month	Day

 Signed at
(city, province, country) _____

Current telephone number _____

Current mailing address (street number, street, city, province, country) _____

Individual, firm or organization that assisted in the completion of this application, if applicable

Name of individual who assisted in completing this application form _____

Name of firm, organization _____

Address (street number, street, city, province, country) _____

Signature of individual _____

Date

Year	Month	Day

APPENDIX D: INDIVIDUALS IMPLICATED IN CITIZENSHIP FRAUD, BY COUNTRY OF BIRTH

Number of Canadian Citizens Implicated in Fraud Investigations, by Country of Birth

Country of Birth	# of Canadian Citizens Implicated in Fraud
LEBANON	885
KUWAIT	240
PAKISTAN	240
JORDAN	184
UNITED ARAB EMIRATES	150
IRAQ	148
SYRIA	146
EGYPT	141
SAUDI ARABIA	132
CHINA, PEOPLE'S REPUBLIC OF	123
INDIA	120
MEXICO	103
UNITED STATES OF AMERICA	93
TAIWAN	64
PALESTINIAN AUTHORITY (GAZA/WEST BANK)	32
TURKEY	32
IRAN	31
MOROCCO	23
SUDAN, REPUBLIC OF	20
SENEGAL	15
SOUTH AFRICA, REPUBLIC OF	15
CANADA	12
LIBYA	10
PHILIPPINES	10
BANGLADESH	9
FRANCE	9
QATAR	9
YEMEN, REPUBLIC OF	9
AFGHANISTAN	8
ISRAEL	8
SOMALIA, REPUBLIC OF	8
ENGLAND	7
RUSSIA	7
SRI LANKA	6
ALGERIA	5
BOSNIA AND HERZEGOVINA	5
ROMANIA	5
VIETNAM, SOCIALIST REPUBLIC OF	5
GHANA	4
ALBANIA	3
COLOMBIA	3
CYPRUS	3
GERMANY, FEDERAL REPUBLIC OF	3
GREECE	3

Source: ATIP A-2012-11322 (CIC, 2012b)

Number of Canadian Citizens Implicated in Fraud Investigations, by Country of Birth

Country of Birth	# of Canadian Citizens Implicated in Fraud
ITALY	3
IVORY COAST, REPUBLIC OF	3
KOREA, REPUBLIC OF (SOUTH)	3
LIBERIA	3
MALAYSIA	3
NIGERIA	3
UKRAINE	3
UZBEKISTAN	3
ZAMBIA	3
EL SALVADOR	2
ERITREA	2
ETHIOPIA	2
FIJI	2
GUATEMALA	2
JAMAICA	2
LATVIA	2
NICARAGUA	2
POLAND	2
TANZANIA, UNITED REPUBLIC OF	2
TRINIDAD & TOBAGO, REPUBLIC OF	2
BAHRAIN	1
BOLIVIA	1
BRAZIL	1
CAMBODIA	1
CÔTE D'IVOIRE, REPUBLIC OF	1
CROATIA	1
CZECH REPUBLIC	1
DOMINICAN REPUBLIC	1
GUINEA, REPUBLIC OF	1
HAITI	1
HONG KONG	1
KAZAKHSTAN	1
KENYA	1
LAOS	1
LITHUANIA	1
MAURITIUS	1
MOZAMBIQUE	1
MYANMAR (BURMA)	1
OMAN	1
PORTUGAL	1
SCOTLAND	1
SERBIA AND MONTENEGRO	1
THAILAND	1
UNSPECIFIED	34

Source: ATIP A-2012-11322 (CIC, 2012b)

Number of Canadian Citizens Implicated in Fraud Investigations, by Country of Birth

Country of Birth	# of Canadian Citizens Implicated in Fraud
TOTAL	3,194

Requestor: Godfrey Tang
 Tracking number: OPS-2012-1840
 Data source: FOSS, GCMS
 Data extract date: September 24, 2012
 RDIMS #3137530

Please note that data more recent than March 31, 2012 have not been publicly released.