

Comments on proposed change to Citizenship regulations with respect to proof of language proficiency

**Ontario Council of Agencies Serving Immigrants (OCASI)
November 14, 2011**

Introduction

The Ontario Council of Agencies Serving Immigrants submits these comments with respect to the October 15, 2011 notice in the Canada Gazette by Citizenship and Immigration Canada to require applicants to provide up-front evidence of language ability of at least Canadian Language Benchmark level 4 in speaking and listening with their citizenship application.

OCASI is the umbrella organization for immigrant and refugee-serving agencies in Ontario. The Council was founded in 1978, and is a registered charity governed by a voluntary, elected Board of Directors. OCASI member agencies provide a broad range of services to immigrants and refugees in Ontario, including language training, citizenship preparation classes, immigrant settlement services and programs to facilitate and promote the economic, social and political integration of immigrants.

OCASI is concerned that the proposed regulation change will become a barrier to citizenship for some permanent residents.

Citizenship

Citizenship is the most important means to allow the full economic, social and political integration of immigrants in Canadian society. It is an important and desirable step for most immigrants. According to Statistics Canada, 91% of immigrants who participated in the Longitudinal Survey of Immigrants to Canada wanted to settle in Canada permanently and become Canadian citizens. The 2006 Census found that 85.1% of eligible foreign-born people were Canadian citizens.

At present, in addition to meeting other criteria, applicants must demonstrate knowledge of English or French in order to qualify for citizenship. OCASI agrees that being able to function in at least one of the two official languages is important for effective settlement and integration. A majority of immigrants who arrive in Canada have ability in one or both official languages and can meet the language requirement for citizenship. According to the 2006 Census, 93.6% of Canada's foreign-born population reported that they could converse in English and/or French. This was also the case for 90.7% of newcomers. (Tina Chui, Kelly Tran and Hélène Maheux. "Immigration in Canada: A Portrait of the Foreign-born Population, 2006 Census: Findings". Statistics Canada, 2007. Catalogue no. 97-557-XIE). 9 out of 10 Canadian residents spoke English or French most often at home. OCASI believes that most permanent residents meet the language requirement for citizenship.

Demonstrating Proficiency

At present, applicants can submit an application for citizenship without paper proof of language facility. OCASI is concerned that the regulation change would exclude applicants that may not have written proof of language ability, and would face barriers in obtaining such proof. The Gazette notice appears to assume that most immigrants would have submitted such proof at the time of application for immigration. While this is true for many immigrants, not all immigrants or refugees are required to submit written proof of language ability. Many immigrants and refugees arrive in Canada without documentation relating to education or language testing. Many would also face barriers in obtaining such documentation and in some cases it may simply not be available.

Labour market integration is the most important priority for most if not all immigrants, regardless of language ability. In fact, many immigrants who do not meet Canadian Language Benchmark 4 work full-time or more than 35 hours a week. Real-life necessities such as full-time work, or full-time care for children or adults can prevent immigrants from accessing language classes. The majority of recent immigrants face challenging economic circumstances during their first ten years in Canada and typically prioritize work over language classes. Some would have no reason to go to, or have easy access to a language testing site or other facility where they can obtain paper-proof of language ability.

Immigrants who live in a small or remote community may not have equal or equitable access to a language testing site or even language training. They may have to travel a long distance in order to be tested. OCASI is particularly concerned about the disadvantage faced by French-speaking applicants who live in an English-speaking community where French-language testing may not be available. We are concerned that immigrants in this situation would be needlessly and unfairly prevented from qualifying for citizenship.

Language ability

While most immigrants speak English or French or both, and many would have acquired the required language ability by the time they meet the other criteria for citizenship, there are some who will not.

Some refugees and sponsored adults between the ages of 18 and 54 may never acquire ability in English or French due to reasons relating to trauma, disability, illness or other personal and unique reasons. Refugees reportedly acquire citizenship at a higher rate than do independent or sponsored immigrants. OCASI is concerned about the minority, however small, that would not meet the language requirement due to circumstances beyond their control.

We are also concerned about the small but significant number of immigrants that would not be able to learn sufficient English or French for several reasons, such as the real-life circumstances of employment or care-giving mentioned earlier.

These immigrants are already active participants in our economy, pay taxes, and are making an important contribution to our communities and society in general. They deserve to have a voice in the political process through voting and to enjoy the rights of citizenship together with the responsibilities which they already fulfil.

The Minister of Citizenship and Immigration currently has the discretion to grant citizenship, on compassionate grounds, to a person who does not have an adequate knowledge of English or French. We urge the government to apply this consideration in the cases mentioned above.

Conclusion

OCASI is most concerned about the proposal to use paper proof of language ability as a screening mechanism to allow or deny access to citizenship. At present, an applicant for citizenship who fails the written test can demonstrate language facility as well as knowledge of Canada at an in-person interview. We urge the government to retain this avenue, thereby allowing an applicant who has language ability but lacks the paper proof, to have fair and equitable access to the citizenship process.

We are also concerned about the prospect of denying citizenship to an applicant who is unable to learn sufficient English or French due to circumstances beyond her or his control.

Citizenship is an important privilege for Canadian residents. We urge the government to remove barriers and find means that would support and facilitate more permanent residents to become citizens.