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## The dilemma of dual citizenship

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### Abstract (Document Summary)

Since the inception of Canadian citizenship in 1946 (leaving aside its antecedents of earlier immigration and naturalization acts), Canada has never concerned itself with whether a person holds another citizenship. As British subjects, Canadians were dual citizens of sorts. People might have considered themselves "Canadian"; technically, however, they were part of the British Commonwealth and carried British passports. Dual citizenship was not much of an issue because most people who had another citizenship resided in Canada and were quite content to do so.

Countries with restrictive citizenship regimes also have another commonality: They tend to be fairly homogeneous. As a matter of fact, the whole purpose of a restrictive citizenship regime is precisely to preserve that linguo-cultural homogeneity. In accordance with the same logic, these countries also tend to make it next to impossible to acquire dual citizenship: Those choosing dual citizenship are compromising their loyalty and thus must relinquish their original citizenship to acquire another. Such is the case for German citizens who want to take out Canadian citizenship: In general, a German who takes out another citizenship automatically ceases to be a German citizen. Once relinquished, that is, once a conscientious choice is made to exit the community, German citizenship is virtually impossible to reclaim.

Turner's concerns are legitimate, but any policy that is premised on differential citizenship is not. One of the greatest political achievements of modernity is political and civil equality by virtue of citizenship. How readily the lessons of the first half of the 20th century are forgotten. History has taught us what the terrible implications of differential citizenship can look like. There is a dangerous and slippery slope here. Historically, the Canadian citizenship experience and its antecedents are replete with differential treatment for one group or another. The Canadian state has been struggling for decades to redress their grievances and make them full members of the Canadian political community.

### Full Text (1642 words)

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In the wake of the Canadian government's efforts to remove some 50,000 of its citizens from Lebanon, some, such as Conservative MP Garth Turner, have publicly been asking whether there are limits to the Canadian government's obligations vis--vis its expatriates. Turner publicly distinguishes between those who are, in his words, "full-time" citizens and those who supposedly are not full-timers. He is concerned about the sort of precedent the government's current efforts in Lebanon might set with regard to Canadian citizens who may not have resided in Canada for many years, if ever, and whether such citizens should have the same privileges as those who happened to have been caught in Lebanon as "accidental tourists."

Turner has a point. Canada's population is somewhat unique among Western democracies in that one out of five Canadians was not born here. In most Western democracies, such as the United States, that figure is about one in eight. Further amplifying Canada's ethno-cultural diversity is the broad representation of people from many countries around the globe. Most Western democracies have one or two main immigrant groups; that is, most of their immigrants tend to originate in one, possibly two, main regions of the world. While that statement obtains for Canada too, as a proportion of its population Canada has a greater proportion of people from different source countries than just about any other democracy in the world.

This raises a predicament. Canada, as a result of its societal diversity, not only has a considerable proportion of its population living outside the country but those who reside abroad are not, as in the case of many other democracies, concentrated in one country or region. They are scattered around the world. Of course, many of these naturalized citizens came to Canada to flee civil strife or war in the first place. Ergo, many Canadian expatriates have close connections to weak,

failing or failed states.

In light of demographic trends among recent immigrant groups in Canada, the proportion of people with ties to more volatile parts of the world is growing considerably. As a result, the probability that Canada may have to mount more evacuations for expatriates like the one in Lebanon is growing, and the number of people who might be subject to such an evacuation is growing.

Of course, the political and economic costs of such missions are growing accordingly, so the subject is bound to become more prominent and controversial. As such, Turner's contention that the subject warrants public debate is well-founded. What, then, to do about dual citizens?

Since the inception of Canadian citizenship in 1946 (leaving aside its antecedents of earlier immigration and naturalization acts), Canada has never concerned itself with whether a person holds another citizenship. As British subjects, Canadians were dual citizens of sorts. People might have considered themselves "Canadian"; technically, however, they were part of the British Commonwealth and carried British passports. Dual citizenship was not much of an issue because most people who had another citizenship resided in Canada and were quite content to do so.

Yet with the rise of communication technology and the growing ease of transportation, it became easier for dual citizens to return to their country of origin. Some may have left their country of origin because of hostilities; others may have come to Canada in search of economic opportunity. As political and/or economic conditions "back home" improve, immigrants are now more mobile and likely to return to their country of origin, either permanently or to visit family and relatives. But if they have resided in Canada legally for more than three consecutive years, Canada affords them the opportunity to apply for citizenship. Statistics show that a vast proportion of those who qualify avail themselves of that opportunity.

This is not necessarily common practice. Many democracies have far more restrictive citizenship regimes. Some are implicitly restrictive, such as Israel's and those of the Baltic states. Some are explicitly restrictive, such as Germany's, Iceland's, Greece's and Japan's. Incidentally, that is one of the reasons why the number of Germans who had to be evacuated from Lebanon was relatively small. For most Lebanese who reside in Germany do not qualify for citizenship, even though they may have lived there for two or three generations.

In many of these countries, citizenship - with a few exceptions - is open only to those who can document a cultural blood lineage tying them to that country (known as *jus sanguinis*). For those who might qualify as an "exception," these countries have very stringent language requirements, and they also tend to require prospective citizens to "naturalize" their name to one that is "officially" acceptable.

Countries with restrictive citizenship regimes also have another commonality: They tend to be fairly homogeneous. As a matter of fact, the whole purpose of a restrictive citizenship regime is precisely to preserve that *linguo-cultural* homogeneity. In accordance with the same logic, these countries also tend to make it next to impossible to acquire dual citizenship: Those choosing dual citizenship are compromising their loyalty and thus must relinquish their original citizenship to acquire another. Such is the case for German citizens who want to take out Canadian citizenship: In general, a German who takes out another citizenship automatically ceases to be a German citizen. Once relinquished, that is, once a conscientious choice is made to exit the community, German citizenship is virtually impossible to reclaim.

Even countries that do not have a formally restrictive citizenship regime, such as the United States, technically do not permit dual citizenship (although this is a legal grey area because, in practice, the U.S. Immigration and Naturalization Service does not "check" whether someone holds another citizenship).

By contrast, diversity is one of Canada's moral hallmarks. As a result, it is not surprising that Canada has one of the world's most inclusive citizenship regimes. Provided that a prospective citizen meets the fairly broad criteria to become naturalized, Canada does not ask about culture, origin, creed or loyalty. Since all citizens are subject to the same political and civil rights, the intention of this fairly lenient regime is to make it fairly easy to bind people into the Canadian political community, rather than throwing up barriers of exclusion.

According to Turner's suggestion, however, there might be classes of citizenship. This, again, is not necessarily a foreign concept. The British have had classes of citizenship for more than a century. But rather than the state ascribing you a class, a citizen might himself become a "lower-class" citizen by virtue of the amount of time he resides outside of Canada after being granted citizenship.

Turner is floating the idea that the Canadian government might have a lesser obligation vis--vis citizens who, in his words, are no longer "full-time" citizens. That is a curious notion, for under it anyone from singer Shania Twain to many of Canada's ambassadors might have relinquished their "full-time" citizenship. The notion is also highly problematic. How might one operationalize a test as to who is a full-time citizen and who is not, let alone operationalizing a test that would actually be in accordance with Canada's foundational liberal-democratic norms and withstand constitutional challenges under the Charter of Rights and Freedoms (for I trust Turner is not suggesting this issue is so important as to invoke the notwithstanding clause).

Such a restriction might be workable in certain circumstances. The Canadian government might contend that citizens who travel to places for which it has issued an explicit travel advisory are free to make that choice but that by virtue of making that choice, they are implicitly limiting the Canadian government's liability. That is, the Canadian government might have less of an obligation to protect or evacuate an individual intentionally putting himself in harm's way after being advised by the Canadian government not to do so. But prior to the outbreak of hostilities, Foreign Affairs Canada had not issued a travel advisory for Lebanon, at least not one that specifically advised its citizens to avoid the area.

Turner's concerns are legitimate, but any policy that is premised on differential citizenship is not. One of the greatest political achievements of modernity is political and civil equality by virtue of citizenship. How readily the lessons of the first half of the 20th century are forgotten. History has taught us what the terrible implications of differential citizenship can look like. There is a dangerous and slippery slope here. Historically, the Canadian citizenship experience and its antecedents are replete with differential treatment for one group or another. The Canadian state has been struggling for decades to redress their grievances and make them full members of the Canadian political community.

Any policy of discriminating against citizens during an evacuation based on some sort of "full-time" citizenship test would have a disproportionate impact on more recent immigrants, for they have stronger ties with their country of origin and are thus more likely to need the Canadian government's help in a time of crisis than those who are long-established Canadians who no longer have strong ties with their countries of origin and whose countries of origin happen to be advanced liberal democracies that are unlikely to disintegrate overnight.

Is not one of the greatest achievements of this country that, in theory and in practice, we have one of the best records in the world of treating all our citizens equally? At a time when Canada is becoming ever more ethnically and culturally diverse, suggesting there should be differential treatment for any citizen is fundamentally misguided.

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**[Illustration]**

A Canadian evacuee passes his baby to a Cypriot doctor as the Blue Dawn ship arrives from Beirut, Lebanon, in the port of Larnaca, Cyprus on Thursday. The ship had 260 Canadian evacuees on board.

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