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Becoming and Belonging? Lived experiences of naturalization and the implementation of citizenship law in Germany and Canada

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Becoming and Belonging?

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Lived Experiences of Naturalization and the Implementation of Citizenship Law in Germany and Canada

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The difference between a naturalized citizen and a stateless resident was not great enough to justify taking any trouble, the former being frequently deprived of important civil rights and threatened any moment with the fate of the latter.

Hannah Arendt (2017: 373)

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1 Introduction

It is a cold November night in Toronto, Canada, in 2022. A group of PhD students make their way downtown to a drag show. After queueing for a few minutes, we are asked to show our IDs. One after the other gets waved through until the last one of our group gets out her cell phone and pulls up a scan of her ID. 'That won't work', one of the doormen says straight away. Dana, with a scan of her ID in her hand, looks up at him: 'Why?' – 'We need the real ID. A scan isn't enough'. Our group is now blocking the entrance to the club, looking perplexedly between Dana and the doormen. Some of us start arguing that Dana is obviously older than 19, barraging the doormen now with random facts about Dana's life, trying to convince them to let her in. Dana herself, who moved to Toronto from abroad for her PhD, is quiet and intently watches the doormen take in all the new information. When they continue to shake their heads, she turns to us, effectively ending our discussion with the doormen by saying, 'Just go in without me. It's OK. I'm tired anyway.' A chorus of 'No's!' and frustrated sighs breaks out among our group, but Dana has made her decision. We are to go in and enjoy our night since we already paid. Reluctantly, we wave goodbye as she heads back out towards the street.

We shake our heads as we walk down the entrance steps into the club. Posters advertising 'inclusive events' like LGTBQ+ dance nights hang on the wall. The atmosphere on the dance floor is warm and joyful and excitement about the upcoming drag performances is in the air. There's a sense of irony that I cannot shake. The welcoming ambience only begins inside the club. Entering this safe space is restricted, not just for those who are not yet 19 years old, but also to those who are unable to show an official document. I am in Toronto for fieldwork, so my brain immediately goes to draw parallels from what we just witnessed to the broader experiences of immigrants in Canada I have interviewed: that refugees are granted permanent residence – once their claim for asylum has been accepted, which of course is in most cases only possible if someone has entered Canada physically or sought entry into the territory at a point of entry; that immigrants can access Canada's healthcare system – once they have become permanent residents, a stepping-stone that has become more and more restricted.

I am once again stunned by the simple fact that in Canada, simply being able to be physically present makes all the difference in someone's migration trajectory. What is 'inside' – be it a drag show, access to affordable healthcare or citizenship – is only accessible to those individuals who are able to get past

the gatekeepers into the territory. At the same time, it is often not the law itself that might keep someone from entering a space, but its implementation. Dana *is* older than 19. Granting her access to the club would not be a breach of Ontario's Liquor License and Control Act, which prohibits the sale of liquor to persons under 19. It is the requirement to show photo identification in its original, physical form that leads to her exclusion from the club space. In other words, the implementation of legislation often extends to more than the object being regulated. Alcohol sale restrictions spill over into clubbing age restrictions, which in turn require implementation guidelines. Based on the law as it is written, Dana should have access to the club space, but that is not what she experienced.

It is this gap between the law *on the books* and its ultimate impact on those governed by it, the law *in action*, that is the focus of this dissertation: the space between citizenship law and the notions of formal membership held by naturalized citizens. Based on the lived experiences of new citizens, I examine the process of citizenship acquisition, asking how does an individual acquire a citizenship formally, administratively, and emotionally and how is that citizenship interpreted? The examination is conducted in the form of two case studies of naturalization in Germany and Canada and divided into five parts. The first chapter develops the theoretical basis of understanding naturalization not only as a formal administrative process, but as impacted by an individual's entire migration trajectory, which, in turn, is influenced by legal frameworks beyond citizenship law. Chapter two and three examine the German case first, exclusively from the perspective of new German citizens. This is followed by a joint analysis of both migrants' and caseworkers' experiences. Chapter four focuses on the Canadian case. Chapter five rounds off the thesis through a comparative analysis of German and Canadian new citizens' legal consciousness.

This introductory chapter will first provide a brief introduction to naturalization both in scholarship and legislation, situate this interdisciplinary thesis in the literature it contributes to, elaborate on case selection and methodology as well as positionality, and finally outline the subsequent empirical chapters.

1.1 Naturalization in the Law and in the Literature

Questions regarding formal membership and physical presence have increasingly concerned citizenship scholars. In this modern landscape of voluntary and forced migration, states are pulled between the goal of providing political and civil rights to those who live in their territory long-term and the tension around questions of allegiance concerning those with more than one citizenship. Bauböck has outlined the discrepancy between territorial borders and the boundaries of membership due to people's growing cross-border mobility (2008). One of the questions that emerges from this tension is, how do states

leverage this last 'bastion of sovereign discretion' that is citizenship law into meaningful membership? (Spiro, 2011: 694)

Citizenship law has evolved drastically in liberal democratic states over the past century as globalization has facilitated the mobility of people through both political and technological developments (Aharonson and Ramsay, 2010: 183). Mobility, in turn, has led to an increase in individuals holding more than one citizenship. This effect has been amplified by multiple factors: (1) bilateral agreements negotiating obligations of loyalty concerning dual nationals (such as military service) to only concern one country of nationality (Spiro, 2017); (2) gender-neutral policies of citizenship distribution allowing children to also acquire their mother's nationality; (3) states formerly governed exclusively by ius sanguinis increasingly introducing ius soli provisions to accommodate second and third generation immigrants; (4) the renunciation of nationality when acquiring an additional citizenship being stipulated less and less.

But within citizenship law, naturalization requirements – the conditions set by a nation state for an individual to become a member of its citizenry – have also evolved as more and more people move across national borders and settle in different territories than they hold citizenship of. The formal requirements for legal membership have generally become more open and liberalized, but migrants are simultaneously increasingly asked to demonstrate their worthiness of the status as states 'grant citizenship [... depending] in part on perceptions of their membership and contribution' (Bloemraad et al., 2019: 96). This change is tangible in the growing number of economic requirements for naturalization and the attempts to enforce cultural assimilation by including citizenship tests and integration courses in the process of citizenship acquisition (Orgad, 2020; Stadlmair, 2018). These shifts in naturalization policy have meant that citizenship status is theoretically accessible to more people but only under a growing number of conditions (Goodman, 2010).

While becoming a citizen was long seen as an essential part of the process of integration, newer naturalization regulations put greater emphasis on cultural and civic integration as a prerequisite for formal membership and have made a lack of such integration a sufficient justification for the denial or deprivation of said membership (Gerdes et al., 2012; Joppke, 2010; Mantu, 2018). This fundamental change in governance is a further consequence of the increased perception of immigrants as a security risk (Graebsch, 2019; Van der Woude et al., 2017). An individual is only allowed to gain full membership of a citizenry once they have proven worthy of it. Criminal law and criminal procedures thus play a growing role in the regulation of migration, a development also referred to as crimmigration (Stumpf, 2013).

Citizenship scholarship has spent much time thinking about the nature of citizenship: Marshall's definition of citizenship as an expanding set of rights bestowed by the state on the individual (Marshall, 1950); citizenship as membership of a political community marked by rights, duties, participation and identity (Delanty, 1997; Lupien, 2015); citizenship as a set of dimensions

encompassing legal status, rights and duties, political participation, and a sense of belonging (Bloemraad et al. 2008); citizenship as performance also done by non-citizens (Isin, 2019). A universal definition of citizenship within the literature (nation states do define citizenship in their laws, of course) does not exist and arguably should not as a rigid set of characteristics would cheapen citizenship's fluid, relational component (Tully, 2014).

Citizenship policies in turn are often argued to be a reflection a country's identity – what it values in a citizen – and are commonly used as an indicator of a state's overall approach to immigration (Huddleston and Vink, 2015). As citizenship acquisition marks the final step in the formal integration process, research focusing on the acquisition of citizenship has long tried to identify and evaluate the precise factors that determine whether someone will naturalize. Early literature focused mainly on the 'why' of naturalization, examining reasonings and characteristics of the citizenship applicants – especially Latin American immigrants living in the United States (Grebler, 1966; Jones-Correa, 2001; Yang, 1994). Beyond the individual's personal characteristics, naturalization scholarship has since expanded to include aspects of the immigrant's country of origin (does it allow for dual nationality? Is it a developed nation?) as well as the citizenship policies of the destination state (Bloemraad, 2004; Huddleston, 2020; Vink et al., 2013). The extension of possible determinants of naturalization outcomes within the literature demonstrates a growing understanding that citizenship policies are 'crucial' in determining naturalization outcomes as they govern the conditions under which immigrants are able to naturalize (Vink et al., 2013: 4). It is not simply the individual's motivation (or lack thereof) to become a citizen that matters, but rather the interplay of an array of factors pointing at a conceptual distinction between immigrants' interest and ability to naturalize (Huddleston 2020).

1.2 Research Question and Contribution

As the naturalization literature has evolved, the key questions of 'why' and 'why not' have yet to be comprehensively answered. From a quantitative perspective, Hainmueller et al. highlight naturalization's double selection bias due to 1) the determinants of whether an immigrant applies for naturalization being still largely invisible to scholars and 2) the decision-making procedures of street-level bureaucrats processing naturalization applications remaining similarly in the dark (2017). Birkvad outlines the developing literature centering immigrants' experiences and their meaning making of naturalization and citizenship (2019). He pinpoints a divide between studies finding naturalization decisions driven by 'instrumental' or 'strategic' reasons and those that report emotional and sentimental motivations (see e.g. Aptekar, 2016; Erdal et al., 2018; Gálvez, 2013; Harpaz and Mateos, 2019). Making use of similar categorizations, Witte describes certain migrant groups' reasons for not natural-

izing as 'rather trivial' (Witte, 2018: 13). However, Birkvard's own analysis of immigrant experiences in Norway calls this sharp categorization of motivations into question as immigrants are not easily sorted into either category but rather name both types of reasons for seeking citizenship, that are often deeply intertwined (2019). This finding is consistent with other studies examining how immigrants understand their citizenship (see e.g.Della Puppa and Sredanovic, 2017; Yanasmayan, 2015). In their review of citizenship scholarship, Bloemraad and Sheares highlight that research should move beyond the query of whether citizenship matters and ask why and to whom formal membership is important (Bloemraad and Sheares, 2017). Their call for comparisons across political regimes examining the application of citizenship law is slowly being answered with the 'first comprehensive, comparative study' of naturalization from immigrants' perspective being published in 2021 (Badenhoop, 2021: 14).

This aspect of the 'application of citizenship law' is gaining in salience as Haller and Yanasmayan have introduced the concept of the 'bureaucratic trajectory', denoting both the frequency and intensity of forced-migrant-state interactions throughout their migration trajectory (asylum, welfare, citizenship offices, etc.) (2023). They find that immigrants with 'particularly turbulent bureaucratic trajectories' react strongly towards these bureaucracies either disengaging from them as much as possible – dropping their efforts to naturalize – or engaging fully. This focus on of the effects of bureaucratic encounters on naturalization outcomes further complicates Huddleston's (2020) differentiation between someone's interest and their ability to naturalize. Naturalization regulations detail the 'permeability of the defined citizenry', the accessibility of citizenship status to immigrants, making the understanding of naturalization law and its implementation a crucial part of what citizenship *is* (Price, 2017: 2). It is one thing to extrapolate what kind of citizen is meant to be formed based solely on citizenship policy, but another to comprehend what citizens the actual execution of the policy produces. Andreetta et al. stress the importance of considering procedural dimensions of state-(non)citizen interactions in order to grasp their role in 'reproducing or transforming the inequalities and exclusion that are at the heart of citizenship as a legal status' (Andreetta et al., 2022: 905).

The question thus remains, *how* does an individual acquire a new citizenship? It may be tempting to determine the impact of the naturalization procedure on the individual by examining the existing naturalization requirements and to extrapolate possible challenges and impressions based on these regulations. For example, some people might struggle to learn the official language of their new home, they might be on social or economic benefits and thus not sufficiently financially independent, or they might have committed crimes that disqualify them from naturalizing. On the other hand, new citizens could feel empowered through integration and language courses, studying for and taking a citizenship test might instill or highlight certain values to them that their new home state views as central to its civic nature, and naturalization ceremon-

ies or oaths might impart a sense of allegiance and belonging to a state. However, it is not citizenship policy alone that determines whether someone will become a citizen. Immigrants navigate all kinds of law during their migration trajectory, which can lead to (unintended) interactions between bodies of law. This thesis thus conducts its analysis on the basis of individual migrants' lived experiences as the interplay of legislations becomes tangible and observable in their trajectories. As John Griffiths outlines in his work on *The Social Working of Legal Rules*, legislated rules alone cannot be utilized as a means for social change, but their impact can be understood when examining individuals' behavior on the 'shop floor' or 'street-level', as the public administration scholar would say (Griffiths, 2003; Lipsky, 2010).

Within naturalization scholarship, studies of individuals' experiences and notions of citizenship are often referred to as examining citizenship 'from below' instead of 'imposing some predetermined view' 'from above' (Shinozaki, 2015: 19; see also Maier, 2021; Monforte et al., 2019; Winter, 2021).

This dissertation follows in the tradition of this research approach and asks

How does the naturalization procedure impact new citizens' notions of citizenship?

In answering this question, this dissertation connects and contributes to three main strains of literature. It addresses citizenship studies examining the why and how of naturalization. In order to better understand these processes of citizenship acquisition, as outlined above, I also draw from public administration literature on street-level bureaucrats and discretion as well as socio-legal scholarship concerning crimmigration, procedural justice, and legal consciousness.

The key contributions made are threefold. Firstly, I build a theoretical bridge between naturalization and crimmigration scholarship to highlight the necessity of considering the legal frameworks in which citizenship policies are implemented. After examining the impact of crimmigration systems, particularly regarding questions of legal residence, I argue that taking citizenship policy at face value limits the validity of its analysis. As observed by Haller and Yanasmayan (2023), citizenship outcomes – here, naturalizing or not naturalizing – are not solely determined by the formal naturalization process. Observing naturalization only from the point of the application for citizenship onwards means disregarding, at best discounting, the previous stages of an individual's migration trajectory, such as entry and temporary stay within the destination country, which are not directly governed by citizenship law.

Secondly, I extend the growing naturalization literature by focusing on the perspective of those governed by naturalization policies through the analysis of lived experiences of citizenship acquisition in Germany and Canada. In the German case, my work provides a unique insight in the naturalization procedure as I gather experiences of both new citizens and their caseworkers

at the relevant citizenship offices. Shedding light on both sides of the application for and allocation of formal membership allows for a deeper understanding of naturalization's procedural dimension (Andreetta et al., 2022). Here, I am further able to explore how discretionary power is understood by those imbued with it and perceived by those impacted by it.

Lastly, by making 'real-life vignettes' a part of my interviewing methodology I add to the exploration of vignettes as tools in qualitative interviewing. Traditionally used as stimulus material in quantitative research and most often in the form of hypothetical scenarios (Sampson and Johannessen, 2020; Spalding and Phillips, 2007; e.g. Corser and Furnell, 1992), vignettes based on the lived experiences of my interviewees aided the discussion of socially undesirable behaviors and attitudes within Foreigners' Offices.

1.3 Case Selection, Methodology & Positionality

1.3.1 Naturalization in Germany & Canada

Laws regulating the allocation of citizenship are specific to every nation state, as the constitution of a state's people is crucial to a country's existence and the sovereignty over said set of laws is still viewed as critical (Spiro, 2011). When researching citizenship implementation, the choice of state to examine is thus effectively the selection of the case to be studied. Qualitative case studies serve the in-depth analysis of a bounded system, which in turn denotes 'a single entity, a unit around which there are boundaries' (Merriam and Tisdell, 2016: 38; Smith, 1978). For this dissertation, these bounded systems describe the states within which the respective citizenship laws, whose implementation is to be examined, govern the acquisition of citizenship: the Federal Republic of Germany and Canada. Between these two case studies, Germany constitutes the primary case analyzed with two chapters solely focused on the lived experiences of new German citizens and their caseworkers at the naturalization offices. The Federal Republic is often characterized as the prime example of an 'ethnic' nation due to its citizenship policy being based on the principle of ius sanguinis up until the 1990s (Miller-Idriss, 2006: 543). As stated by Triadafilopoulos, Canada and Germany form a most different cases comparative design with Canada being a 'classical country of immigration' while Germany has been more reluctant to embrace that label (Triadafilopoulos, 2012: 3). Canada constitutes the secondary case with chapter five examining new Canadians' experiences of naturalization. Both countries are home to significant migrant communities, constituting 23 percent of Canada's population and 14 percent of Germany's (Bundeszentrale für politische Bildung, 2023; Government of Canada, 2022). In recent years, the respective naturalization dynamics as well as citizenship policy reforms have furthered the differences in the two state's citizenship regimes: Immigrants in Canada naturalize at a

much higher rate than their German counterparts. 80.7 percent of eligible permanent residents had become Canadians by 2021 compared to the German naturalization rate of 1.1 percent (Die Bundesregierung, 2024; Statistics Canada, 2022). However, Germany has seen a recent uptake in naturalization rates (a trend likely to continue as the country just passed major reforms making citizenship more accessible) while the Institute for Canadian Citizenship reports a 'steep decline' in eligible permanent residents naturalizing within 10 years. In 2021, the relevant share had dropped to 45.7% compared to 67.5% in 2011 and 75.1% in 2001. The overall naturalization rate remains high, but the downturn in naturalizations within 10 years has researchers and policymakers concerned regarding the future of naturalization in Canada.

The two states further offer a compelling comparison based on their approaches to citizenship policy implementation. Even though citizenship legislation remains a federal matter in both cases, the implementation of said policy takes place adversatively. Canada's policy implementation operates centralized through the department of Immigration, Refugees and Citizenship Canada (IRCC) with only limited applicant-caseworker interactions in one of the 23 local offices across the nation. The German bureaucratic apparatus stands in stark contrast to the IRCC: It is fully decentralized with immigration policy being implemented by local municipalities, where formal (and informal) guidelines can differ by state, district government or municipality (Dörrenbächer, 2018). German bureaucratic culture dictates largely in-person operations and client-caseworker interactions with 82 local offices in the state of North-Rhine Westphalia alone.

1.3.2 Methodology

A research design featuring two case studies rather than a single case study allows the researcher to compare results across cases, enabling a comparison of differences and similarities between both cases. Multicase case studies also serve to enhance a study's external validity (Merriam and Tisdell, 2016). The inclusion of an additional case next to the German case study was important to me specifically to avoid possible personal biases having grown up in Germany that could have arisen from knowing its bureaucratic culture from personal experiences. While the data collected during fieldwork did not lend itself to a fully comparative thesis due to my inability to gain access to sufficient IRCC respondents, expanding the analysis beyond the German case was crucial to the quality and validity of the findings concerning both cases.

The empirical foundation of the subsequent chapters is largely made up of 42 in-depth interviews with new German citizens (15), Canadian naturalized citizens (15), German citizenship caseworkers (9), as well as three individuals working for the Canadian government (namely one Canadian Member of Parliament (MP), one employee of the IRCC, and one office staff member of

a Canadian MP). The interviews were conducted between the fall of 2021 and spring of 2023. Interviews took place both in-person in the governmental district of Cologne, Germany, and the city of Toronto, Canada, as well as online as video calls via WhatsApp, Webex and Zoom. New citizen interviewees were recruited by contacting the local migrant support institutions, calls for participants through social media, along with snowballing after the first interviews had taken place.

In-depth semi-structured interviews were a natural fit for my research inquiries. As I was trying to understand possible (unintended) interactions of legal frameworks, I needed a flexible mode of data collection that allowed for unforeseen factors to arise (Legard et al., 2003). I was able to collect not only data that was asked for explicitly but could also 'pursue unanticipated opening[s]' (Martin, 2013: 123). The shape this thesis has taken was very much influenced by this approach. At the outset, I had planned to interview naturalized as well as natural born citizens in the interest of comparing their notions of and feelings toward citizenship. However, after conducting the first few interviews with new German citizens in the fall of 2021, I could not ignore how present their caseworkers were in these interviews. I had planned and asked questions about interactions with street-level bureaucrats, but the extent to which they seemed to matter to my interviewees still surprised me. This led me to pivot away from my initial plan and to focus instead on naturalization itself – to examine the process from both sides and to involve caseworkers.

Caseworkers were recruited through formal inquiries with their respective departments. I contacted the departments via mail, which included a formal cover letter as well as an outline of the research project. Out of the three departments I contacted and later conducted interviews at, I followed up with one via phone call and one in person. My efforts to conduct interviews with Canadian citizenship officers were not as fruitful, as I could only get ahold of one IRCC staffer that was willing to be interviewed. Further inquiries both digitally and via mail remained unanswered or continuously redirected me towards new persons to contact. As will be discussed further in the relevant chapters, these developments somewhat reflect the Canadian approach to citizenship policy implementation: keeping it behind closed doors.

The new citizen interviews as well as those with bureaucrats followed a semi-structured approach that differed in said structure. The naturalized citizen interviews chronicled the participant's migration history starting with their arrival on Canadian or German territory (if they had not been born in Germany) and then focused on the interviewee's recollection of the naturalization process itself. Subsequent questions also focused on when participants felt their new status as citizens had become tangible in their daily lives and to what extent they felt Canadian or German.

The interviews with bureaucrats made use of real-life vignettes. In the first half of the interviews, the German naturalization caseworkers were similarly asked to describe the naturalization process and their role in it. Their summary

of the process was further developed through follow-up questions on some of the procedural details. The second half of the interviews made use of real-life vignettes in an effort to connect the interviews between new citizens and naturalization caseworkers. These anonymized vignettes were based on interactions that respondents who had naturalized in Germany had described to me. Sampson and Johannessen utilized real-life vignettes 'as a way of encouraging participants to recall examples of real events and (...) to explore how commonplace some previously observed experiences were' (2020: 60). After being handed these vignettes, one after the other, caseworkers were encouraged to reflect on the vignettes and the behavior of their colleagues as well as that of the immigrants involved. The utilization of vignettes, which the interviewees knew were based on real events, facilitated a deeper level of conversation than would have otherwise been possible in the one to two hours of interview time with the naturalization caseworkers.

Interviews with German citizens and caseworkers were conducted in German while interviews with their Canadian counterparts took place in English. Any direct quotations by German interviewees in this thesis have been translated by the author. The interviews were transcribed and coded manually through Atlas.ti. Further details on methodological approaches and sampling are outlined in the respective chapters.

1.3.3 Positionality

Contemplations of positionality and reflexivity involve 'self-scrutiny on the part of the researcher' (Bourke, 2014: 1-2). Reflexivity is, as Day states, 'not a magic cure' (2012: 80) for methodological dilemmas, but as a qualitative researcher conducting phenomenological interviews (Seidman, 2013), certain aspects of my identity and life history are worth reflecting on here as they shaped the entire research process – not least my interest in the subject of naturalization. I focus here on the data collection stage as this is the phase of the research where I was most aware of actively navigating facets of my identity and their implications. As a German citizen by birth, who had lived in the Netherlands for more than four years at the beginning of fieldwork, the key identities I was navigating throughout the interviews were of me *as a German* and me *as a migrant*. I noticed throughout the interviews with new citizens that it was easier to build rapport when I was open about the fact that I had also moved to another country. Embracing my identity as a migrant, mentioning my struggles with learning Dutch, and navigating a new culture, seemed to help interviewees understand why I was interested in their experience.

When speaking to naturalized Germans, this shared experience of migration served a dual function. On the one hand, it helped me distance myself from other Germans they would have to interact with and give information to, like

their caseworkers. I wanted to make sure that they did not feel like they were being tested or judged by me on their integration efforts. On the other hand, it helped me express my empathy to their journey while offering them the implicit opportunity to ask me questions about my experiences, which some did. In contrast to these interviews, I leaned more into my German identity when conducting the interviews with German caseworkers. I emphasized my outsider perspective as someone who had not lived in the country for a few years and asked for more tacit knowledge to be verbalized. In this case, I balanced this outsider identity with my experience of living in Germany for the first 22 years of my life and thus being aware of cultural contexts relating to German bureaucracy and German life and work culture.

During my fieldwork in Canada, the implications of my identity on the interviewing process where slightly different. In interviews with naturalized Canadians, I also mentioned my own experiences of migration, but my identity *as a German* became secondary to me *not being Canadian*. Hence, I had more of an outsider's perspective on Canada than I had on Germany. This role as an outsider was particularly apparent during the interviews with Canadian bureaucrats, where I could rely less on an awareness of cultural contexts than I had in Germany.

While analyzing the interview data, re-listening to the interviews and coding the transcripts inductively, while noting down my own expectations, were crucial steps to (1) ensure I did not leave the contextual interpretation of what the interviewees said up to my memory of the conversation and that (2) I was not applying pre-determined categories and definitions to my participants' lived experiences. But as Bourke notes, 'it would be naive on my part to suggest that codes and themes emerged from the sources of data absent of any other influences' (Bourke, 2014: 4).

My dissertation makes use of the terms 'immigrant', 'migrant', 'citizen', 'new' or 'naturalized citizen', etc., but I, the author, do not believe in the natural existence of these categories. This is to say, the nation-state system and all categorizations resulting from and reaffirming its existence have been constructed. Nevertheless, I utilize these categories for the tangible, real-life impact that they have. Studies of a heavily constructed concept such as citizenship easily fall into the trap of methodological nationalism, the naturalization of the nation-state (Moffette and Pratt, 2020; Wimmer and Schiller, 2003). The centering of national citizenship in this dissertation does not signify the endorsement of countries as the natural units of analysis, but rather hinges on the dissertation's main interest into individuals' perceptions and experiences of the acquisition of a nation-state citizenship. While many of the experiences and perceptions documented in this work where heavily shaped by the societies and places they occurred in, namely the Federal Republic of Germany and Canada, I hope to shed light on the fact that they are neither unique to either of these places nor exclusively produced within one nation-state's borders.

1.4 Outline of the Thesis

This thesis consists of five articles, the content of which is briefly sketched here. The first article and second chapter of my dissertation, *Future Citizens between Interest and Ability: A Systematic Literature Review of the Naturalization and Crimmigration Scholarship,* lays the theoretical groundwork for the empirical chapters. Through a systematic literature review of the 140 most-cited papers from the naturalization and crimmigration literatures, I argue for the inclusion of crimmigration as a factor in studies of naturalization. Naturalization research has extended its analysis of the determinants of citizenship acquisition over the years. However, it still lacks the contextualization of immigration law in its relation to criminal law. This review of the crimmigration and naturalization scholarships offers new insights into the underexplored relationship between citizenship policy and the individual migrant, potentially uncovering some of the factors hindering immigrants' ability to seek formal membership – particularly regarding residence requirements. I review the prominent streams of both strands of literature by first utilizing a bibliometric analysis of the respective citations networks and second, by diving into the substantial developments and parallels in naturalization and crimmigration research. A version of this chapter has been published in *Ethnicities* 24(1).

In the third chapter, *'I'm not German, I am a naturalized German'*, I turn to the first case study examining the rationales for naturalization. This chapter is based on 15 semi-structured interviews with new German citizens. The thematic analysis of their lived experiences of citizenship allocation offers unique insights into the motivations of those choosing to apply for citizenship and the bureaucratic and societal factors impacting these motivations. The acquisition of German citizenship is especially potent for third-country nationals, who wish to become or – in the case of British citizens – remain European Union (EU) citizens. Naturalized Germans with another EU nationality often report identifying as a 'European citizen'. For these citizens, naturalization is often not strictly necessary, but nonetheless a freeing step as citizenship law does not only affect migrants through bureaucracy but also through small indignities in everyday life. This chapter has been accepted as part of an edited volume at Palgrave Macmillan.

The subsequent fourth chapter, *The Getting and Granting of Citizenship*, further deepens the German case study introduced in chapter three by including the perspective of naturalization caseworkers. Based on 15 semi-structured interviews with new German citizens reflecting on the naturalization process as well as 9 interviews utilizing 'real-life' vignettes with caseworkers evaluating citizenship applications, this chapter explores the impact of discretionary power and the perception thereof by migrants on the naturalization process. I also identify where bureaucrats have to make use of their discretion and how they wield this power. The interviews with new German citizens add the rare perspective of those depending on the outcome of bureaucratic

decision-making. As the perception of discretion is seldom focused on in studies of policy implementation (Bartels, 2013; Goodsell, 1981), this chapter offers a unique glimpse at both sides of the naturalization process. I find that the creation of implementation guidelines for caseworkers occurs on the state, municipal, departmental and in some cases even on the individual level.

Chapter five, '*Am I really a full Canadian? I'm not': Immigration Experiences of New Citizens in Canada*, introduces the second case study exploring the lived experiences of naturalized Canadians, mirroring chapter three. Based on 15 semi-structured interviews conducted in Toronto, Ontario, I examine experiences of naturalization beyond the formal process of applying for citizenship, highlighting the crucial role of permanent resident status regulations. Canadian citizenship policy operates under the broader human-capital citizenship paradigm (Ellermann, 2020), which shapes not only the naturalization procedure but all immigration related regulations. While the literal Canadian citizenship policy can be interpreted as liberalized over the years, it is permanent residence (PR) that presents the main challenge to those wanting to become Canadian citizens. What used to be a one-step trajectory towards citizenship as the majority of migrants used to arrive with PR on Canadian soil, has been transformed into a two-step trajectory of temporary statuses, which made the attainment of PR into a bureaucratic bottleneck for immigrants. I find that the erosion of (felt) security from deportation under permanent resident status leads many migrants to apply for citizenship in order to minimize their own deportability.

The final chapter *Legal Consciousness of New Citizens* provides a rare comparative case study of naturalization experiences based on 30 semi-structured interviews with naturalized citizens in Canada and Germany. In doing so, it brings together the two case studies. Making use of Ewick and Silbey's approach of studying legal consciousness through the narratives of 'ordinary' people about the law in their daily lives (1998), the analysis pays special attention to the relational dimension of legal consciousness. While Canadian naturalization procedures are implemented through a centralized bureaucracy, this process has been heavily decentralized in Germany. This means that different kinds of relationships are cultivated between new citizens and their state as well as their new citizenry. Hence, this chapter explores where new citizens see themselves in relation to the law and how this perception is further influenced in its relational dimension by the respective state's citizenship policy implementation.

I conclude the dissertation with a reflection on and answer to the central research question as well as the key findings of these five chapters along with their implications for further research as well as the limitations of the study. Finally, a post-script contemplates the 2024 German citizenship law reform that came into force mere weeks before the submission of this thesis.

Before diving into the substantive chapters investigating the naturalization process mainly from the new citizens' perspective, it is important to acknow-

ledge one last point: The focus of much of the analysis lies on the perception of injustices as well as unfair treatment and circumstances of migrants navigating the immigration apparatuses in Germany and Canada. This is not to say that the experiences shared by the interviewees were exclusively difficult or discriminatory. Not one person I spoke to regretted becoming a citizen. For many, immigrating and acquiring citizenship meant feeling more secure in their status and identity. These feelings of security were especially pronounced for those fleeing war or persecution. For others, citizenship status – while imperfect – still imbued them with a feeling of recognition of their identity as German or Canadian. Although frustrations about bureaucratic proceedings and in some cases individual caseworkers were omnipresent, relief and gratitude towards the parts of the system that functioned well were also expressed. This might of course be owed – at least partially – to the fact that this dissertation concentrates on the 'success stories', those individuals that gained citizenship. But nonetheless, it is worth stating that even in an imperfect, often unjust, constructed system that has established borders both between and within territories, naturalization improves people's lives. This means that the procedure's undue challenges and incidences of mistreatment merit special attention. A process as potentially existential for immigrants and central to a modern nation state as naturalization requires the maintenance of procedural justice.

2 Future Citizens between Interest and Ability

A Systematic Literature Review of the Naturalization and Crimmigration Scholarship

2.1 Introduction

In 2006, socio-legal scholar Juliet Stumpf observed two major developments in the relationship between criminal law and immigration law in the United States. Criminal categories were being imported into immigration law while administrative and regulatory characteristics of immigration control were being established in the criminal justice system. In order to describe this increasing interweaving between both systems of law, Stumpf (Stumpf, 2006) coined the term 'crimmigration'. The onset of this entanglement dates back to the 1980s when the United States Congress criminalized behaviors associated with migration – such as hiring undocumented persons – and subsequently facilitated the deportation of non-citizens for criminal offenses (Sklansky, 2012; Stumpf, 2006). A legal framework impacted by crimmigration is able to control migration through the criminal justice system by criminalizing the immigrant and their behavior and by utilizing immigration law for criminal justice purposes (Van Berlo, 2020). The increasing interweaving of criminal law and immigration law has accompanied certain developments such as the perception of migration and the individual migrant as a risk, specifically a security risk. What used to be mainly a discussion of financial burden on the receiving state has been blanketed with the general assumption of security being the decisive factor in policy changes, or as Sklansky put it, the characterization of immigrants changed from the 'freeloading foreigner' to the 'criminal alien' (2012: 196). Recent crimmigration scholarship has highlighted the role of racialization within the functioning of a crimmigration system. Colorblind policies end up harming minorities and people of color to a greater extent than those perceived as belonging to the majority race or ethnicity (Armenta, 2017; Pickett, 2016).

The changes within legal frameworks, as they were first labelled by Stumpf and observed by many socio-legal scholars since, speak to a blind spot within migration scholarship, more specifically research on citizenship and the acquisition of formal membership. Naturalization policies are often used as an indicator of a state's overall approach to immigration (Huddleston and Vink, 2015). The acquisition of citizenship constitutes a major, if not *the* step in the integration process marking the formal inclusion of the migrant into the polity. Hainmueller et al. illustrate in their work on the long-term social integration of immigrants that 'naturalized citizenship is not randomly assigned, but results from a complex double selection process' (Hainmueller et al., 2017: 257).

Research on naturalization and naturalized citizens has thus puzzled with identifying and evaluating the exact factors determining whether or not an individual will naturalize. Firstly, the determinants of whether or not an immigrant applies for naturalization are to a large extent still invisible to scholars. Those never attempting to acquire citizenship might differ in significant ways from those who try and fail or those who succeed. Secondly, the decisions made during the naturalization process by street-level bureaucrats, which effectively select the new members of the citizenry, remain unobserved (Hainmueller et al., 2017). Scholarship on citizenship acquisition is thus confronted with two blind spots: the process leading up to the formal application for citizenship and the discretionary practices of bureaucrats before and during the naturalization procedure.

Anderson outlines the typical trajectory of long-term migration to a Western liberal democracy as 'entry, temporary stay, settlement, and citizenship' (Anderson, 2013). Naturalization and the formal process itself only occur between settlement and the acquisition of formal membership, but before that, aspiring new citizen will have had to go through the steps of entry and temporary stay in order to make it to the settlement stage in the first place. This is to say, the new citizen, at one point in time, had to be granted territorial access to the state and not be subsequently removed from it. As criminal behavior is increasingly punished through immigration law, such as deportation, territorial access is not a given for many migrants – especially those who are branded as criminal aliens through the racialized discourse fueling the intersection of criminal and immigration law (Riva, 2017; Sklansky, 2012). Only observing naturalization from the point of formal application onwards means disregarding or at least discounting the stages of entry and temporary stay and their impact on an individual's migration trajectory.

This chapters seeks to construct a theoretical bridge between the literatures on citizenship and crimmigration in an effort to illuminate these blind spots. Research on the acquisition of citizenship has incorporated a number of determinants of naturalization outcomes but lacks the contextualization of immigration law in its relation to criminal law. I argue that without the inclusion of crimmigration as a factor impacting naturalization, scholarship is unable to accurately use citizenship policies as an indicator of a state's overall approach to immigration – particularly regarding residence requirements. The conceptual utilization of crimmigration in the context of citizenship acquisition offers new insights into the underexplored relationship between citizenship policy and the individual migrant, potentially uncovering some of the factors hindering immigrants' ability to seek formal membership. This chapter reviews the prominent streams of both strands of literature first utilizing a visual analysis of the respective citation networks and second, diving into the substantial developments and parallels in naturalization and crimmigration research. Even though the two fields of scholarship have not yet been in explicit dialogue with one another, they do illustrate similar developments in the realm of

citizenship policy and practice utilizing differing terminologies. I argue that the contextualization of immigration law in its relation to criminal law has to be included in studies of naturalization in order to overcome the literature's blind spot concerning immigrants' lives before their potential application for citizenship. This contextualization can be done most feasibly through the application of the concept of crimmigration within the naturalization scholarship.

2.2 METHODOLOGY

This literature review utilizes a semi-structured approach to examine the two bodies of literature. I examine both fields through a visual analysis of their respective citation networks followed by a substantive analysis of the most-cited papers. In a first step, the 140 most-cited papers relating to crimmigration or naturalization research were determined through the citation data base *Web of Science.*[1]. The bibliographic network created by these papers was then visualized through *R,* utilizing the 'bibliometrix' package, in an effort to determine whether or not any explicit connections between both literatures exist already existed. A full list of all the articles plotted in Figure 1 is listed in Appendix I.

Secondly, I compare the substantive questions posed and results offered by the 30 most-cited papers in both fields of literature published between 2010 and 2020.[2]. The review does not restrict itself to referring only to the top 30 most cited pieces, but also supplements these works with more recent scholarship that simply has not had enough time since its publishing to garner the number of citations a paper from the early 2010s might. These papers are predominantly chosen by their unique positioning within the literature, such as Graebsch's 2019 article on crimmigration in Germany being one of the first of its kind. By doing this, the review follows a semi-structured approach guided by citation statistics and bibliometric-based visualizations in order to accurately reflect the state of art. It bears acknowledging that the utilization of citation-based criteria within a literature review always requires the reproduction of a somewhat problematic status quo, which prioritizes citation statistics as an indicator of the value of a piece of scholarship. However, as the first goal of this review lies in determining whether or not two schools of thought have been in discernable dialogue with one another – and academic dialogue necessitates interaction in the form of citation – I recognize my method as flawed, but view it as the best tool available. I believe that the

1 The search terms used to aggregate the most cited papers were 'crimmigration', 'naturalization' and 'naturalisation'.

2 This time frame was chosen due to crimmigration being a comparatively young concept having been first introduced in 2006 (Stumpf, 2006).

overall argument made here, namely the value added to naturalization scholarship through the inclusion of crimmigration, outweighs these limitations. After a brief examination of the citation networks, this chapterwe will look at the evolution of both fields as well as the substantive parallels between the bodies of research outlining why bridging these scholarships furthers our ability to examine and understand naturalization outcomes.

2.3 Analysis

2.3.1 Bibliometric Connections

The main goal of the bibliometric analysis was to ensure the review did not overlook any already existing explicit connections between the two fields of literature. As naturalization research is mainly based in political science, sociology and public administration, while crimmigration research is conducted almost exclusively by socio-legal scholars, I did not expect to find any clear connections made between the fields or any common scholarly ancestry.

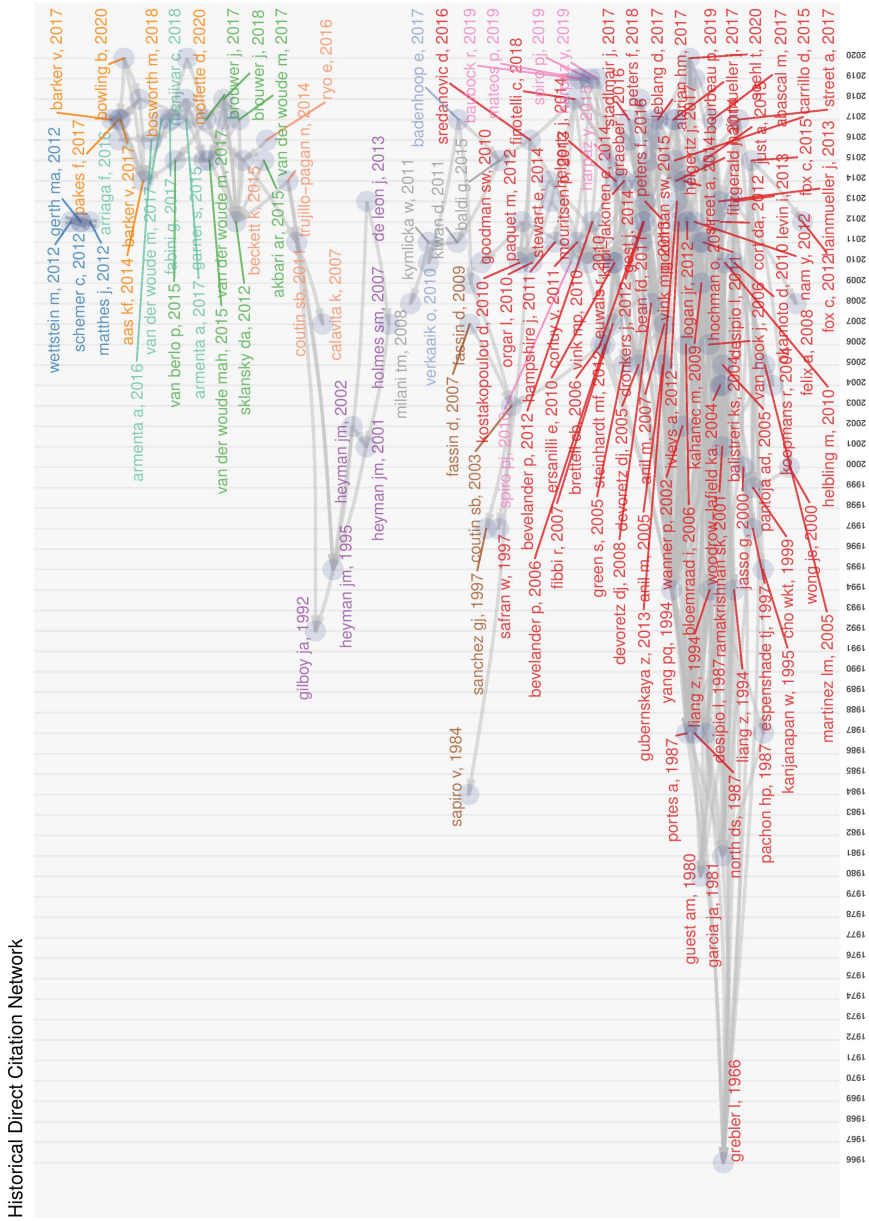

Figure 1: Citation Network of the 140 most-cited articles in the naturalization and crimmigration literatures

Figure 1 visualizes the first broad analysis of the 140 most-cited papers. At the bottom of the historical direct citation network, there is a time bar starting on the left in 1966, with Grebler's paper on the naturalization of Mexican

immigrants in the United States published that year, and stopping in the year 2020 on the right. Even though not all lines expressing direct citations are easily discernable, we are able to detect two separate citation networks. The web consisting of mainly red-labeled articles in the lower half of the diagram illustrates the network created by the naturalization literature while the green-, purple,- and orange-labeled network at the top of the diagram consists of the crimmigration scholarship. It is apparent that the two bodies of literature have not interacted with one another based on Figure 1 as both citation networks are entirely separate from one another.

However, it is worth taking another look at the purple arm of the crimmigration citation network extending from 1992 to 2013, closest to the top of the naturalization citation network. As stated earlier, crimmigration as a term was coined in 2006 and gained in prominence only within the last decade. The purple arm of the network predating that time suggests that these publications are included in the analysis as part of the naturalization literature. Examining the articles constituting this section of the citation network only partially confirms this suggestion. The connection of this set of papers to the crimmigration literature is made by Coutin inand her 2011 article on 'The Rights of Noncitizens in the United States', in which she cites works by Gilboy (1992) and Heyman (1995). Both papers are included in the analysis due to their usage of the term 'naturalization' althoughalbeit that Heyman and Gilboy do not discuss naturalization itself, but rather mention the Immigration and Naturalization Service (INS), a United States agency functioning until 2003 as part of the U.S. Department of Justice, as well as the category of 'immigration and naturalization law' (Heyman, 1995: 268). This circumstance points to more than the limitations of dissertations such as this one that utilize keywords in their sampling: It provides an example of the crimmigration literature drawing from and combining adjacent literatures such as sociology and anthropology when assembling the evidence for the developments accompanying crimmigration.

Gilboy (1992) analyzes the 'Penetrability of Administrative Systems' by examining the interdependence between immigration inspectors and U.S. airlines. She describes a pattern in the decision-making of inspectors as to when they are more likely to release a suspect that depends depending on whether they arrive on a flight at the beginning or at the end of the day. Coutin refers to this article in an effort to demonstrate that the conditions determining noncitizen's rights are also impacted by nonstate agents as shown through the analysis conducted by Gilboy. Heyman's work on the anthropology of bureaucracy studies the world views of INS officers (1995). His article is utilized by Coutin as a source documenting an increase of border control agents being deployed at the border, which she in turn views as evidence of the salience and polarizing character of the subject of 'rights of resident noncitizens' (Coutin, 2011). While both articles do not constitute a substantive part of the naturalization citation network as they are unconnected to the red web

of citations, they do illustrate the variety of literatures influencing crimmigration scholars.

Much more compelling than her citations of scholars using the term 'naturalization' is the fact that Coutin herself published research on the topic of naturalization and is part of its citation network. Her 2003 article 'Cultural logics of belonging and movement', which can be seen colored in brown along the upper edge of the naturalization citation network in Figure 1, explores the experiences of Salvadoran migrants in the U.S. caught between dynamics of exclusion and a rhetoric of inclusion broadcasted through naturalization ceremonies. Even though she has published within both strands of literature, Coutin has not yet incorporated both subjects into a shared piece of research. Her 2013 journal article 'In the Breach: Citizenship and its approximations' reports the experiences of young migrants in the U.S., who became vulnerable to deportation due to criminal convictions. As she recounts these developments, Coutin refers to crimmigration and Stumpf's work in a footnote. This connection comprises the extent to which naturalization and crimmigration literature have been in dialogue with one another, which is to say, they have not done so extensively.

Based on the analysis of the aforementioned visualization of both citation networks, the expectation of no clear connections between the fields as well as no common scholarly ancestry is confirmed. We do see that it is possible to find scholars researching within both fields but direct connections have not been made at this point. The following section will review the evolution of both sets of literature regarding the questions and assumptions guiding the research as well as the substantive contrasts and parallels observed by scholars of both fields.

2.3.2 Substantive Analysis

2.3.2.1 The State of the Art on Naturalization & Crimmigration

The central question ofto scholarship on citizenship acquisition has revolved around the 'why' of naturalization: Why does a person acquire another citizenship? Early works on citizenship acquisition centered around the motivations and characteristics of the individual in question gaining citizenship – particularly Latin American immigrants residing in the United States (Grebler, 1966; Jones-Correa, 2001; Yang, 1994). The set of determinants of naturalization outcomes has since been expanded to include two more dimensions of factors. The second dimension denotes the characteristics of the individual's country of origin such as whether or not it allows for dual citizenship or citizenship renunciation as well as the country's level of development (Bloemraad, 2004; Vink et al., 2013). The third dimension illustrates the citizenship policies of the destination state, particularly the requirements for citizenship status. These

include but are not limited to prerequisite language classes, citizenship or integration courses, naturalization fees, citizenship ceremonies or oaths as well as economic and residential requirements (Goodman, 2010; Huddleston, 2020; Verkaaik, 2010). This framework created by the citizenship laws in the countries of destination is also referred to as the 'opportunity structure' an immigrant acts within (Bloemraad, 2006; Okamoto and Ebert, 2010; Vink et al., 2013).

The inclusion of more and more factors into the analysis of naturalization has also been accompanied by the problematization of certain assumptions underlying the field's scholarship. Research on naturalization often characterizes this step as a 'flick of a switch'. This comparison denotes two supposed aspects of naturalization. It firstly assumes an immediacy of the process. A person: One chooses to naturalize and simply becomes a citizen shortly after. Secondly, it views the change in status as a binary from non-citizen to citizen. These assumptions of immediacy and binarity are emphasized by the lack of studies examining the process of the naturalization itself. More often, naturalization or being a naturalized citizen is used as a category to differentiate between foreign residents, naturalized citizens and natural-born citizens. In their 2018 paper, Peters et al. examine the effect of naturalization on immigrant employment in the Netherlands. Their findings do not reproduce a 'flicked switch' between naturalized immigrants and those that are long-term residents. They conclude that though the finished naturalization process does produce a 'boost' on the labor market, the employment probability of migrants also increases significantly in the years leading up to the acquisition of citizenship. The status change alone does not seem to be the only factor that differentiates individuals within a population from one another.

Schlenker (Schlenker, 2016) utilized a similar categorization of the population in Switzerland, studying the effects of dual nationality on a person's feelings of solidarity towards their citizenry and their self-identification in Switzerland. Her findings also do not indicate that formal status alone matters but also how it was acquired. Swiss citizens that had naturalized were significantly less likely to describe themselves as Swiss, but exhibited greater attachment and solidarity than their natural-born fellow citizens. What seems to matter is not only whether or not a person has citizenship status, but also how they acquired said status. The dichotomous condition of state membership is not necessarily reflective of the multi-facetted individual understandings of membership within the citizenry.

The recent introduction of concepts such as the opportunity structure signals a break from the assumptions much of the older naturalization literature made, particularly the implicit assumption that states create a citizenship and immigration policy that is in a sense fair towards the immigrant, aiming to include rather than exclude.: As long as the immigrant in question demonstrates motivation to integrate and acquire citizenship, then the system will allow for this process to unfold, as integration is associated with positive economic and social outcomes (Hainmueller et al., 2017). This assumption is

partly owed to the fact that early scholars of citizenship acquisition focused on the individual dimension of naturalization and not policy. Formulations such as a naturalization 'payoff' for immigrants, the framing of acquiring citizenship as a mere calculation on part of the migrant as well as the fact that scholars were not explicitly questioning the goals of states' immigration policies demonstrates an implicit notion of naturalization as a beneficial favor for the immigrant offered by destination states.

Scholarship concentrated on determinants of immigrant motivation to gain citizenship rather than factors creating hinderances for them to do so. The inclusion of a concept outlining the systematic opportunities provided to immigrants highlights the growing awareness within the literature that citizenship policies are 'crucial' in determining naturalization outcomes as they regulate the conditions under which migrants can acquire citizenship (Vink et al., 2013: 4). This awareness has most recently translated into the inclusion of not only immigrants' motivation towards citizenship acquisition, but also their ability to do so. Huddleston (2020) illustrates the conceptual difference between an immigrant's interest and ability to naturalize with the latter requiring not only motivation but also eligibility and the capacity to submit a citizenship application. Referring to sociologists Bloemraad and Aptekar, Huddleston views the ability to become a citizen as determined by the 'context of reception' created by bureaucracies and service providers both before and during the formal naturalization process (Aptekar, 2016; Bloemraad, 2002, 2006; Huddleston, 2020).

The addition of the factor of ability into the trajectory of citizenship acquisition also portrays a necessary move away from the 'flicked switch' notion of naturalization. The assumption of immediacy that is part of said image is no longer viable once motivation is not the sole determinant offor an application for naturalization. However, the contextual structure within which the ability of an immigrant to acquire citizenship is shaped should not be limited to institutions and immigration policies. There is ample reason to argue that the inclusion of a broader view of the legal framework, incorporating not just immigration law but also criminal law, as well as their respective implementation, has to be taken into consideration.

Retracing the inclusion of a growing number of dimensions into the analysis of naturalization since the field's inception demonstrates a move away from a focus on individual characteristics of the immigrant and towards the institutional features and policy aspects exhibited by the states immigrants are moving between. Contemporary research has started to look at the relationship between these sets of factors, highlighting a need to explore the impact of immigration policy and practices on the individual migrant – not only in the sense of whether they motivate them to apply for formal membership, but also deliberating whether this structure of opportunity limits immigrants' ability to do so. What remains unchanged is that naturalization studies focus on the process of naturalization from the moment of its formal initiation

onwards. As outlined above, this concentration on the formal procedure of citizenship acquisition neglects the stages of entry and temporary stay of an immigrant's migration trajectory. But what are the factors that remain uncovered when the difficulty of acquiring citizenship is based solely on the existing set of factors used by naturalization scholars?

As naturalization and citizenship policies fall – at least partly – under the jurisdiction of immigration law, recent scholarship has taken to include states' respective policies in their analyses of naturalization developments. Citizenship regimes are commonly categorized as 'restrictive' or 'liberal', exhibiting 'thick' or 'thin' configurations of nationality (Dronkers and Vink, 2012; Goodman, 2010; Orgad, 2010). While contemporary works on naturalization incorporate various factors possibly influencing an individual's pathway towards and through the naturalization process (Huddleston, 2020; Vink et al., 2013), the legal frameworks of destination countries have not been explored beyond the categorization of the laws on the books. However, the contextualization of immigration law in its relation to criminal law has to be included in future naturalization research in order to overcome the literature's blind spot concerning immigrants' lives before their application for citizenship.

The necessity of said contextualization is due to the changing relationship between criminal and immigration law in many Western liberal democracies. Socio-legal scholars of immigration and penality have observed the increasing entanglement of immigration law and criminal law, expressed in the term 'crimmigration' (Sklansky, 2012; Stumpf, 2006). Both systems of law are utilized to regulate membership: The former governs the entry and exit of persons across borders, the latter regulates the conduct within a community (Stumpf, 2011).

Since the inception of the term, crimmigration scholarship has evolved into two main pillars of research: oneOne focusing on the concept itself examining its origins and proliferation through legal structures as well as the public and political discourse and law enforcement (Coutin, 2011; Pickett, 2016; Sklansky, 2012; Van der Woude et al., 2014; Van der Woude and Van Berlo, 2015) and another studying the impact of crimmigration on the treatment of non-citizens by the criminal justice system (Aas, 2014; Armenta, 2016, 2017; Beckett and Evans, 2015; Bosworth et al., 2018; Chacon, 2015; Kirk and Wakefield, 2018; Ryo, 2016; Stumpf, 2011). Contemporary crimmigration scholarship still centers around the North American context with a growing number of studies examining the expansion of crimmigration to other Western democratic states such as the Netherlands, Norway and Germany, which limits the scope of this review (Aas, 2014; Graebsch, 2019; Van der Woude et al., 2014; Van der Woude and Van Berlo, 2015).

In contrast to the field of crimmigration, scholars of naturalization and citizenship, more broadly, have examined the subject from various perspectives in the past ten years: its connection to international law (Orgad, 2010; Spiro, 2011), its impact on social, political and economic integration (Bean et al., 2011;

Ersanilli and Koopmans, 2010; Hainmueller et al., 2017; Peters et al., 2018), the evolution of citizenship policy (Dronkers and Vink, 2012; Fitzgerald et al., 2014; Goodman, 2010; Kostakopoulou, 2010; Verkaaik, 2010; Vink et al., 2013; Vink and De Groot, 2010) and the determining factors of naturalization outcomes (Dronkers and Vink, 2012; Fitzgerald et al., 2014; Hainmueller and Hangartner, 2013; Kostakopoulou, 2010; Okamoto and Ebert, 2010).

Crimmigration research is defined by its ability to connect overarching developments in a country's legal system to – for example – an individual's struggle with local police practices (Beckett and Evans, 2015). These connections can be made due to the three layers through which crimmigration expands: the public and political discourse progressively defining immigrants as a security risk or as criminal aliens (Sklansky, 2012), the legislative layer where criminal and immigration law are 'increasingly merged', and the layer of implementation and enforcement (Van der Woude and Van Berlo 2015: 63). Hence, crimmigration describes a substantive as well as a procedural merger of two legal systems. It shows that it is not only the law as it is written that matters, but also how it is being put into practice, because the implementation of certain policies can entail unforeseen interactions with other pieces of the legal system. These potential interactions are particularly apparent concerning issues of residence. In the following section, I examine the increased importance of legal residence and its connection to deportability, highlighting the inability of policy evaluations, viewing immigration procedures as being independent from other parts of the legal framework, to accurately evaluate the restrictiveness of a state's immigration approach. Even though much of the crimmigration literature has not zeroed in on this issue, it is also evident that not all migrants are equally exposed to the crimmigration system with issues such as racialization impacting the implementation of certain policies.

2.3.2.2 The Case for Connection: The Restrictive Power of Residence Requirements

Stepping away from analyzing the developments within the fields of naturalization and crimmigration concerning key assumptions and research goals, it is essential to now examine the developments within citizenship and immigration policy as observed by the scholarship itself. In the context of naturalization, Vink and De Groot (2010) describe six broad trends in citizenship attribution across Western Europe: Firstly, the descent-based transmission of citizenship by women, men and emigrants has largely been extended. Secondly, many states have granted a path to citizenship for second and third-generation immigrants through ius soli provisions. Thirdly, holding multiple citizenships is an increasingly accepted practice. Fourthly, naturalization requirements such as language and integration courses have been introduced. Fifthly, countries try to avoid statelessness of individuals through their citizenship law. Lastly, EU membership has gained in relevance in the context of citizenship. Concerning crimmigration, Sklansky (2012) illustrates four key developments: First,

immigration violations are increasingly being treated as crimes. Second, criminal behavior is more and more punished through an immigration related consequence such as deportation. Third, immigration proceedings are more often of criminal character than previously. Fourth, immigration law is increasingly enforced through local police forces.

At first glance, these outlines of key developments do not intersect in an obvious manner, but. But there are indeed parallels that can be found between these phenomena. While all six points made by Vink and De Groot (2010) relate to naturalization, the clearest change in the process itself is shown in points (4) and (6). Relating to point (4), integration and naturalization prerequisites, the authors state that 'apart from the required number of years, we notice a restrictive trend towards the requirement of legal residence as a condition for naturalisation' (Vink and De Groot 2010: 726). This observation is not examined more closely, but their categorization of the trend as 'restrictive' demonstrates an acknowledgement of the increased burden put on the immigrant. The number of years required for naturalization has decreased in many states – most notably in Germany from 15 to eight years – but the quality of said residency has changed arguably drastically. While Germany shortened the required time of legal residence significantly, the additional requirement of legality of said residence excludes migrants living in Germany without a residence permit. A person might reside in Germany with only a temporary suspension of deportation (*Duldung*) for years with none of that time counting towards citizenship as naturalization policy requires a residence permit, which a *Duldung* is not categorized as (Act on the Residence, Chapter 1, Section 60a). The naturalization and citizenship literatures do describe residency requirements as exclusive or restrictive the more years of residence are required of the individual who wishes to naturalize (Goodman, 2010: 765). Nevertheless, this understanding is never given the explicit reasoning that the crimmigration literature can provide the vocabulary for.

The potential consequences of the interweaving of criminal law and immigration law on residency can be easily illustrated through the example of the *Secure Communities* program developed by the US Immigration and Naturalization Service. *Secure Communities* automated and established the checking of criminal arrestees' immigration status as routine. Within the first four years following its complete implementation in 2013, more than 180.000 people were deported due to the program (Pickett, 2016). From a naturalization study's perspective, these 180.000 individuals constitute those overlooked due to the double selection bias of only incorporating those initiating the citizenship application process. Their fates demonstrate that evaluating how restrictive a citizenship policy is cannot be limited to solely examining the formal citizenship requirements. Two states might prerequisite six years of residency to apply for naturalization, but if one state reserves itself the right to remove immigrants from its territory for traffic law violations (Armenta, 2017; Pickett, 2016) while the other has established a significantly higher threshold for

deportation, then those respective sets of policy cannot be categorized as equally restrictive,; especially when having been deported constitutes grounds for disqualification from gaining any kind of permanent legal status.

However, crimmigration does not only extendsextend the list of formal reasons for removal from state territory, it also erodes the protections of non-citizens within the criminal justice system and undermines the stability of legal statuses. As Aas observes in her study of the Norwegian criminal justice system, crimmigration functions to produce a differentiation between citizens and non-citizens resulting in a 'more exclusionary penal culture directed at non-citizens' (2014: 521). This consequence manifests itself in the differing procedural treatment and standard of rights afforded non-citizens compared to citizens (Aas, 2014; Graebsch, 2019). In turn, these developments make non-citizens deportable. Their status, whilst allowing them to stay within state territory, remains precarious due to the constant possibility of status revocation (Grabesch, 2019). At the same time, deportability also acts as an incentive for immigrants to aspire to naturalization. Utilizing the conceptual framing provided by Huddleston (2020) of interest and ability, immigrants have a greater interest to apply for citizenship since formal membership status is the only fully protected status. Simultaneously, their ability to achieve their goal is heavily limited as they are treated more harshly by the criminal justice system and are not afforded the same rights and protections as citizens. This set of circumstances produces an immense level of tension for the immigrant as they have to navigate high personal incentive in citizenship acquisition to achieve a secure status but also low ability to do so.

Interestingly, the awareness of the precarity of non-citizen status individuals experience is also discussed in the naturalization literature. Hainmueller et al. acknowledge that even though non-naturalized immigrants holding permanent resident status can feel somewhat secure and protected from expulsion, they only 'enjoy the full protection by the state' once they have gained citizenship (2017: 258). This psychological burden of insecurity is often carried not only by the individual in question, but also other family members. Bean et al.'s 2011 analysis of educational attainment of immigrant children in the United States found that the greatest improvement of a child's academic performance occurred when a parent's status changed from illegal to legal. Residing within a certain territory thus constitutes a challenge to migrants that goes beyond denying themselves the desire to move to another country. Deportability creates an ongoing precarity for the immigrant since their length of residence is not solely determined by whether or not they wish to remain within a certain state, but also by whether or not they are allowed to do so. This explicit description of the challenges inherent in residency requirements has to be made, because it illustrates the importance of examining not only the formal requirement, but also the circumstances that enable or hinder the individual from fulfilling the required length of residence.

Only when scholars are able to contextualize citizenship policy within the legal framework of a nation state and consider the extent to which crimmigration has affected the functioning of said legal system, will they gain insight into the mechanisms active between policy and individual that determine, determining naturalization outcomes. The double selection bias of naturalization studies as described by Hainmueller et al. (2017) can be reduced through the analysis of citizenship policy through the crimmigration frame. Focusing on the interaction of criminal law and immigration law enables the researcher to determine those most affected by these policies and legal system entanglements, thus offering indications of what type of immigrant is excluded from the formal naturalization process.

Another aspect of this set of issues is indeed the question of who is most affected by the crimmigration system. All migrants are impacted to some extent by the concerted functioning of immigration and criminal law, but there is reason to believe that the severity of the impact differs between groups of migrants. In his review of two cornerstones of early crimmigration scholarship, Garner identified 'a reluctance to frame any aspect of these studies in terms of racialization' (2015: 198). Much of the crimmigration literature, especially works set on the European continent, have not engaged with the concepts of race and racialization[3] due arguably to European scholarship's fraught relationship with the concepts, referring more often to 'ethnicity' rather than 'race' (Hellgren and Bereményi, 2022). However, when gathering knowledge on the formulation and implementation of a legal framework that is increasingly intertwining separate bodies of law, the reality that 'race-consciousness and social prejudices based on an individual's phenotype endure in most societies' (Törngren et al., 2021: 768) has to be taken into account. This reality is particularly salient with recent rulings in the Netherlands paving the way for racial profiling to be exempt from anti-discrimination legislation (Salomon, 2022).

Current crimmigration scholarship has highlighted the interaction of systems aiming to target immigrants through criminal law, issues of race, and the racialization of migrants. As Armenta illustrates in the case of Latino immigrants in the US, their deportability is not only rooted in federal immigration policy, but in 'a system of state laws and local law enforcement practices to reinforce Latinos' subordinate status in the racial hierarchy' (2017: 83). Similarly to the aforementioned *Secure Communities* program, which resulted in 180,000 additional deportations, Armenta (2017) elaborates on the 287(g) program, which enables selected state and local law enforcement officers in the US to enforce federal immigration law. Through 287(g), about 8,400 individuals were identified for removal with 98 percent coming from Mexico or Central America. The majority of these individuals were arrested for a traffic violation. The institutional pressure to conduct traffic stops at a high frequency

3 I make use of the definition of racialization as put forth by Hellgren and Bereményi: 'an overt or subtle form of differential treatment based on ethno-racial differentiation' (2022: 3).

'may put officers into contact with all residents, [but] these practices subject only some residents to increased levels of scrutiny' (Armenta, 2017: 92). Race is, to date, an under-researched yet essential aspect of how crimmigration operates. An individual that is able to 'pass' as a member of the majority ethnicity or race will be able to avoid interactions with, for example, law enforcement and hence the crimmigration system more easily than a person whose appearance fits the perpetuated look of someone that 'does not belong'.

The precarity of status, most succinctly summarized by the deportability of the individual, is not only the subject of socio-legal research, it also echoes through naturalization studies. The vulnerability of any status other than citizenship emphasizes the importance of accounting for the make-up of a country's legal framework when evaluating its naturalization policy – especially in a field of study where said policy is often utilized as an indicator of a state's overall approach to immigrant integration (Huddleston and Vink, 2015). Crimmigration, its inherent interaction with racialization, and subsequently the level of deportability a migrant has to navigate, have to be included as factors determining naturalization outcomes.

2.3.2.3 Objectives of Immigration Policies

Naturalization and crimmigration scholarship respectively provide different perspectives on the question as to what goal immigration policies are pursuing. In the previous sections, this chapter outlined the growing awareness within the field of naturalization that citizenship policies play a crucial role in the process of acquiring formal membership, adding further dimensions to the set of determinants. Whereas earlier studies did not explicitly question the purpose of a nation state's immigration policy, recent studies have begun to scrutinize which central goal immigration procedures are serving. In her analysis of current citizenship policy developments in the United Kingdom, Kostakopoulou emphasizes that immigrants are increasingly made solely responsible for the outcome of their integration process creating the 'impression that migrants have been the defaulting party, and must now redress this by being willing and ready to integrate' (2010: 836). The impact of this 'responsibilization' is amplified by the sanctions applied should the individual not succeed in what the state deems integration (Bloemraad et al., 2019): An unsuccessful naturalization application under the British 'probationary citizenship' policy, proposed by the Labour government in 2008, would have led to the individual being asked to leave the country (Kostakopoulou, 2010: 834). Policies such as these do not prioritize the sound integration of immigrants, but rather follow a different outcome: the control of migration. Goodman goes so far as to argue that the main reason for the implementation of civic requirements such as language courses and integration classes is 'to limit and control the inflow and settlement of migrants' rather than to increase immigrants' autonomy (2010: 767). Legal scholar Orgad, when discussing whether certain

religious behaviors should disqualify individuals from acquiring citizenship, seems to unknowingly describe a case of crimmigration: 'Immigration laws are not the appropriate means for resolving [social] tensions (...) The reason is that immigration law is not the appropriate method by which to control a person's religiosity. If she violates the law, civic and criminal sanctions exist' (2010: 95). Orgad thus acknowledges the entanglement of multiple bodies of law. Hence, naturalization scholars portray policy mechanisms that function to either deter immigrants from wanting to enter the country at all or to create reasons for the state to reject their appeals for social or political rights.

Sociologist Armenta (2016) begins her paper on local policing within a crimmigration system by posing the question of what immigration laws are meant to accomplish. Are they meant to restrict unauthorized access to a state's territory or do they serve to include those with subordinate status exhibiting the most vulnerability? The resounding answers from other socio-legal scholars points to the former (Beckett and Evans, 2015; Chacon, 2015; Macklin, 2014; Pickett, 2016; Stumpf, 2011). The clear goal behind the phenomenon of crimmigration is 'greater consolidation of state power vis-â-vis would-be entrants' and would-be citizens (Chacon, 2015: 754). As crimmigration law 'combines and heightens the exclusionary power of criminal and immigration law', it serves the exclusion of the immigrant from equal access to the criminal justice system, society and, ultimately, the state's territory (Stumpf, 2011: 1709). Much like their fellow researchers stemming from the naturalization literature in the context of citizenship policies, crimmigration scholars identify the control of migration as a key objective of the interweaving of criminal and immigration law. In his analysis of threat perceptions of Latinos in the United States, Pickett (2016) pinpoints crimmigration as the mechanism through which anti-Latino sentiment is translated into the removal of Latino non-citizens from the state territory. Here, the US criminal justice system functions as the primary tool to locate and remove immigrants from the United States. Ultimately, scholars of crimmigration view the criminalization of migrants, their detention and eventual deportation as elements of a government strategy of power meant to sustain national sovereignty (Beckett and Evans, 2015; Bosworth et al., 2018). This consolidation of state power is accomplished through the creation of more insecure, liminal legal statuses for non-citizens, forcing those affected into precarious conditions (Chacon, 2015; Bosworth et al., 2018). Much like Kostakopoulou (2015) observed in her analysis of British citizenship reform, the responsibility for the success of the formal integration process is placed on the immigrant in an effort to rid the state of accountability (Coutin, 2011).

Concerning the reasoning as to why states are making these efforts to extend their power over matters of immigration, Bosworth, Franko and Pickering identify the 'proliferation of border control' as a reaction to the increased mobility and globalization of human life across state borders (2018: 46). In this context, we see a significant overlap with a key debate also occurring in the naturalization and, more generally, citizenship literature. How do states

generate meaningful membership when territorial borders are no longer the main delimiters of a citizenry (Bauböck, 2017)? Citizenship scholar Spiro highlights citizenship law as the last 'bastion of sovereign discretion' of the nation state as international law and supranational entities gain in influence (Spiro, 2011: 694).

This consistency across disciplines, the nation state's move towards sovereign power concerning matters of territorial expulsion, seems to denote a compensation of a perceived loss of power at its geographical borders (Shachar, 2020). A dialogue between scholars of crimmigration and naturalization is essential to determine precisely how these efforts of power consolidation affect those most vulnerable.

2.4 Conclusion

Scholarship examining the acquisition of formal membership within a citizenry has expanded over the decades and now takes into account three dimensions of factors: the characteristics of the person immigrating such as their level of education, gender, marital status, age and financial capital; features of their country of origin such as policies concerning dual citizenship and the renunciation of nationality as well as the country's level of development; and aspects of the destination state such as its requirements for naturalization. However, naturalization itself is only studied from the moment the formal process begins, with immigrants who are never able to submit a citizenship application being excluded from most research. I argue that the inclusion of crimmigration, as a concept, into naturalization research offers the opportunity to extend previous analyses of citizenship policy to evaluate not only the policies as they have been formulated, but also in the context of the broad legal framework of the respective nation state and how this context impacts the implementation of said policies.

This first comparative review of the naturalization and crimmigration literatures demonstrates a lack of discernable dialogue between the fields as evidenced by the bibliometric analysis outline above. Nonetheless, a theoretical bridge between both bodies of research helps us understand the factors impacting an individual's ability to naturalize. The increasing interweaving of criminal and immigration law depicted by the concept of crimmigration results in the heightening of criminal and immigration law's exclusionary powers, making any status but citizenship more insecure and formal membership status within the citizenry less attainable. This context has to be considered when classifying states based on their citizenship policies. The same requirement for naturalization in one state – particularly those relating to residency – might be harder to fulfill in another due to a lower threshold as to what warrants one's deportation. Recent crimmigration scholarship indicates that groups negatively affected by racialization are more likely to be subjected to the

crimmigration system, subsequently removed from the territory in question and thus unable to become citizens. These policies thus have to be assessed within their broader legal context, connecting the disciplines of citizenship studies and crimmigration in order to determine who might be systematically deterred from becoming a citizen. The focus of naturalization research has to expand beyond the formal process of citizenship acquisition to include all stages of the migration trajectory. Conversely, creating greater dialogue between the fields of study could serve the understanding of the specific factors driving states' proliferation of exclusionary power within the realm of citizenship and immigration policy.

The limitations of this study point to the future research necessary to fully understand the interaction between crimmigration systems and the racialization of individuals by bureaucrats and other representatives of the state. The literature reviewed in this article and hence the scope of its argumentation are further limited to South-North migration narratives in liberal democratic states, specifically North America and North-Western Europe as the crimmigration scholarship centers around these contexts. The interaction between criminal and immigration law has a significant effect on the implementation of immigration policies as well as on an immigrant's ability to legally reside within a given state and thus to move further along the trajectory of citizenship acquisition. Studies of South-South migration, in particular, and whether these movements have also been affected by crimmigration are pertinent to the progression of this field of study.

3 'I'm not German. I'm a Naturalized German.' Lived Experiences of Citizenship Acquisition in Germany

3.1 Introduction

Citizenship is a disputed concept as scholars have failed to agree upon a single definition of the term (van Steenbergen, 1994; Lupien 2015; Yanasmayan, 2015; Dvir et al. 2018). One of its most prevalent contemporary characterizations was coined by English sociologist Thomas H. Marshall, who defined citizenship as an expanding set of rights bestowed upon an individual by the state (Marshall, 1950). Since his post-war analysis, the Marshallian model has been extensively criticized due to its focus on a white, male working-class perspective and its failure to take immigration into account (Joppke, 1999; Normanand Kymlicka 2005; Benhabib, 2004). In an effort to expand the definition of the term, scholars have referred to citizenship as membership of a political community, which is marked by rights but also duties, participation and identity (Delanty, 1997; Lupien, 2015).

In the second half of the twentieth century, globalization had a significant effect on citizenship law and consequently nationalization practices. It ushered in a number of 'technological and political developments that [facilitated] the mobility of people (...) across national borders' (Aharonson and Ramsay, 2010: 183). Increased migration meant an increase of individuals holding dual nationality, an effect amplified by the fact that through a number of bilateral agreements obligations of loyalty concerning dual nationals (such as military service) were arranged to only concern one country of nationality (Spiro, 2017). Allegiance was therefore no longer an essential duty of the citizen as an individual could hold a dual nationality without being expected to choose one over the other in times of conflict. Dual citizenship has become even more common due to three factors: policies introducing gender-neutrality into citizenship distributions (allowing children to inherit the nationality of their mothers); the inclusion of ius soli principles into ius sanguinis regimes to accommodate second and third generation immigrants; and fewer regulations requiring the renunciation of one's nationality of origin upon naturalization (Brubaker, 1998; Gerdes et al., 2007; Vink and de Groot, 2010).

This growing embrace of dual nationality by Western liberal democracies poses a stark contrast to the long-held citizenship principle of mono nationality. The nation state had grounded its existence on the uniqueness of its nation and the 'special bond' between citizen and state. As more and more people hold bonds with multiple nations, states have had to grapple with the chal-

lenge of finding a new denominator for their citizens' loyalty towards the political community. This tension has resulted in a change of how citizenship is defined both in the political and public discourses. Recent literature has coined the term 'culturalization' of citizenship, denoting a trend 'in which what it is to be a citizen is less defined in terms of civic, political and social rights, and more in terms of adherence to norms, values and cultural practices' (Tonkens and Duyvendak, 2016: 2). It is a development that is reflected in the increase in naturalization requirements, focusing on the cultural and civic dimension of citizenship such as citizenship tests, integration courses and ceremonial oaths (Goodman, 2010; Verkaaik, 2010; Huddleston, 2020).

The social and formal inclusion of migrants into society is no longer seen as a tool of integration, but rather as a security risk (van der Woude et al., 2017; Graebsch, 2019). While becoming a citizen was long seen as an essential part of the process of integration, culturalization of citizenship has further put greater emphasis on integration as a prerequisite for legal membership and hence made a lack of integration a sufficient justification for the deprivation or denial of said membership (Joppke, 2010; Gerdes et al., 2012; Hainmueller et al., 2017; Mantu, 2018). This fundamental change in governance is a reflection of the increased perception of immigrants as a risk factor. An individual is only allowed to gain full formal membership of a citizenry once they have proven to be worthy of it.

The sum of these aforementioned developments regarding the concept of citizenship have resulted in significant changes in the naturalization requirements – the conditions set by a nation state for an individual to become a member of its citizenry – instituted by Western liberal democracies (Hainmueller et al., 2017; Orgad, 2020). The formal requirements of legal membership within a citizenry have become more open or liberalized, but migrants are simultaneously increasingly asked to demonstrate their worth as states 'grant citizenship [... depending] in part on perceptions of their membership and contribution' (Bloemraad et al., 2019). This change is demonstrated by the growing number of economic requirements for naturalization and the attempts of enforcing cultural assimilation by including citizenship tests and integration contracts in the process of citizenship acquisition (Stadlmair, 2018; Orgad, 2020). Sara Wallace Goodman views these shifts in naturalization policy and in the access to citizenship as broadening in one sense (who has access?), but also as narrowing in another sense (under which conditions?) (Goodman, 2010).

Contrary to the extensive array of theoretical and structural studies predicting the downfall of citizenship as an institution, qualitative studies have found that citizenship still holds significance in people's lives (Hurenkamp et al., 2011; Yanasmayan, 2015). Studies such as Miller-Idriss' 2006 analysis of 'ordinary Germans' understandings of citizenship' emphasize that a uniform perception of citizenship encompassing all members of a nation cannot be assumed (Miller-Idriss, 2006: 541). Therefore, especially qualitative studies exploring the perceptions of individual citizens still bear great scientific signi-

ficance: They uncover attitudes and views most other research approaches are unable to.

However, there are only few of these qualitative studies and they tend to focus either on one state or a minority across states (Conover-Johnson et al., 1991; Hurenkamp et al., 2011; Lister et al., 2003; Miller-Idriss, 2006; Yanasmayan, 2015). The scientific as well as the political debate of citizenship has paid only little attention to the experiences of migrants (Yanasmayan, 2015) – although they arguably possess a more detailed perception of citizenship than most natural-born citizens, who typically do not have to spend much time reflecting on their status of nationality. Even fewer studies concentrate on naturalized citizens (Badenhoop, 2021). Current citizenship studies lack the comparative analysis of the individual effects of naturalization policies and procedures (Orgad, 2020). This study examines the lived experiences of those moving through the process of acquiring citizenship based on 15 semi-structured interviews conducted in the fall of 2021 in the governmental district of Cologne. The thematic analysis of these interviews offers unique insights into (1) the motivations of those choosing to apply for citizenship and (2) the sets of bureaucratic and societal structures influencing these motivations. The analysis finds that the acquisition of German citizenship is especially potent for third-country nationals, who wish to become or remain (in case of British migrants) European Union (EU) citizens and who are highly aware of the freedoms and securities granted to citizens of the EU. Those acquiring German citizenship, who already hold an EU nationality, report identifying rather as a 'European citizen' than as a national of either country specifically. For these individuals, naturalization is often not strictly necessary, but nonetheless a freeing step as citizenship law does not only affect migrants through the bureaucracy and greater state system, but also through small indignities in everyday life.

3.2 Methodology

This chapter is based on the thematic analysis of 15 semi-structured interviews conducted with 12 new German citizens and three individuals, who were still in the process of naturalizing. The interviews took place in the fall of 2021 with 13 being conducted in person in the district of Cologne and two taking place as video calls via Whatsapp and Webex. The in-person interviews were conducted in various places including parks, cafes, interviewees' homes or their place of work – always based on the preference of the respective interviewee. Out the of 15 participants seven were women and eight men. Their ages ranged from 24 to 63 years old with an average age of 38 years and a median age of 35. 11 out of the 15 participants were third-country nationals before naturalizing, holding Azerbaijanian (2), Cameroonian, Georgian, Israeli, Serbian, Syrian (2), and Turkish citizenship, respectively. The remaining EU

citizens held Romanian (2) and Spanish (2)[1] citizenship. The interviewees were recruited by contacting the available migrant support institutions in the greater region of Cologne, calls for participants through social media networks as well as snowballing once a couple of interviews had taken place. An average interview lasted between 60 to 80 minutes and consisted of two parts: Firstly, it chronicled the participant's migration history starting either when and why they entered German territory or at birth if they had been born in Germany. Secondly, and depending on how much the respective interviewee had already said on the matter, participants were asked to take the interviewer through their memories of the naturalization process.[2] The interviews were transcribed and coded using an inductive approach through Atlas.ti. All interviews were conducted in German. Any quotations in this chapter have been translated by the author.

3.3 Naturalization in Germany: Prior Work on Motivations and Quotas

Germany constitutes an interesting case for the examination of naturalization as it is often characterized as the prime example of an 'ethnic' nation due to its citizenship policy being based on the principle of *jus sanguinis* up until the late 1990s (Miller-Idriss, 2006: 543).

Before the reforms of the Citizenship and Nationality Law of 1913 and the Alien Act of 1965 in 1999, German citizenship was passed down by descent (Anil, 2005). Germany had publicly defined itself as 'not a country of immigration' with naturalization only being considered 'if a public interest in the naturalization exists' (Koopmans, 1999). The 2021 coalition agreement between the Social Democratic Party of Germany, the Greens and the Free Democratic Party describes Germany as a country of immigration (Bundesregierung, 2021). As of 2022, when the data collection for this chapter was completed, naturalization in Germany requires proof of unrestricted right of residence; proof of habitual, lawful residence in Germany for at least eight years; proof of independent means of securing a living for one's self and one's family; proof of adequate German language skills; passing the naturalization test; one's commitment to the free democratic constitutional order of the Basic Law of the Federal Republic of Germany; the relinquishing of any other (non-EU) nationalities (with certain exceptions) and a fee of 255 Euro (Federal Office for Migration and Refugees, 2018). The residence requirement can be shortened from eight years to seven or six years through by participating in an 'integration course'

1 One of the originally Spanish citizens also holds a UK citizenship.

2 'Would you take me through the naturalization process as you remember it?'; in German: 'Würden Sie mich einmal durch ihre Erinnerungen an den Einbürgerungsprozess mitnehmen?'

and special 'integration achievements'. These achievements can constitute volunteer work or exceptional achievements by the applicant in their work or education.

While, after some hesitancy, Germany now allows migrants to gain citizenship, its naturalization rates remain low compared with other countries even though many immigrants fulfill the requirements for naturalization (Courtman and Schneider, 2021). According to the Federal Statistics Office of Germany, less than 2.5 percent of those fulfilling the requirements for citizenship actually naturalize (Statistisches Bundesamt, 2022). The share of those who acquire German citizenship differs significantly per nationality of origin. Previous research has sought to understand why some migrants do not apply for citizenship and why the differences per nationality are so stark. Thränhardt (2017) identifies the required relinquishing of the applicants' nationality of origin as the main reason why Turkish nationals hesitate to naturalize. Similarily, Weinmann et al. (2012) find that those exempted from renouncing their nationality of origin – such as Iranians, Afghans or Syrians – are more likely to naturalize. Anschau and Vortmann's (2020) survey study shows that the majority of the nationalities that are more likely to naturalize, are those exempted from relinquishing their original citizenship. Furthermore, participants that stated that they had decided against naturalization cited having to give up their first citizenship as the main reason for their decision. When third-country nationals chose to naturalize despite the relinquishment requirement, they reported a significantly higher desire to be seen and accepted as German by mainstream society compared to third-country nationals that chose not to naturalize (Anschau and Vortmann, 2020). Weinmann et al. (2012) found that the willingness to apply for German citizenship increased across nationalities of origin if the immigrant un question. Believed they would be recognized as a German holding the same rights as everybody else.

Besides the issue of dual nationality, scholarship on naturalization in Germany has identified a set of factors affecting an immigrant's decision to apply for citizenship including political interest, a secure residence status, improved labor market opportunities, and the ability to travel for an extended time without losing their rights in Germany (Prümm, 2004; Wunderlich, 2005; Witte, 2018). One such factor is the relationship between the migrant and the street-level bureaucrats they encounter throughout their migration trajectory. Anschau and Vortmann (2020) illustrate that the perceived treatment of applicants by street-level bureaucrats during the naturalization procedure had a notable impact (both positively and negatively) on whether a migrant identified with Germany. The perception of caseworkers as representatives of the German state means that any discriminatory action or felt inequality was seen as direct rejection by the state and hence impedes the migrants' ability to identify with Germany. Dornis (2001) finds that long relationships between applicants and caseworkers have a positive impact on the naturalization procedure.

Caseworkers hold a certain amount of discretion regarding the implementation of citizenship law, the *Staatsangehörigkeitsgesetz* (StAG) in German. The application of the StAG is delegated to the states (*Länder*) within Germany's federal system. Said application requires the interpretation of indefinite legal concepts, which means that the street-level bureaucrats are both interpreting and applying the law – often in consultation within their department (Courtman and Schneider, 2021). Under these circumstances, caseworkers have to use discretionary powers when processing applications for citizenship, which can lead to the development of unintended practices. For the evaluation of whether an applicant is sufficiently financially independent, some naturalization offices include not only reporting on whether someone is receiving social benefits, but also a prognosis as to whether someone will continue to do so in the future. The legal text does not require such a prognosis, but it has become a common practice (Hofmann and Oberhäuser, 2013). Developments such as these indicate that the migrant-caseworker relationship deserves greater scholarly focus. The following analysis will delve into the motivations for naturalization as voiced by the participants of this interview study and connect them to the previously discussed literature.

3.4 Analysis

Each naturalization trajectory holds its own unique set of circumstances and motivations as to why the process was initiated in the first place and how it unfolded. It would be easy to categorize the personal reasons the interviewees mention into 'practical' and 'sentimental' ones. However, this dichotomy would oversimplify the complex sets of reasons most participants have worked through. In the majority of cases, the practical and the sentimental were both present during the decision-making process leading up to a citizenship application. The following sections will take a detailed look at some of the interviewees' sets of motivations and aim to gather them into common themes. The prevalence of bureaucracy and its role throughout the process of naturalization demonstrates just how overbearingly present the bureaucratic state and its representatives are in the lives of migrants. At the same time, the everyday experiences of the exclusivity of citizenship illustrate that it is not only state actors enforcing immigration policy.

3.4.1 Paperwork and Practicalities

> 'It was during my university studies that I decided to [naturalise] actually. (...) At that time, you couldn't get a proper license to practice medicine as a doctor if you were a non-German citizen, only a partial license. (...) That would have meant that I probably wouldn't be able to have my own practice, etc. So, I thought, I'm here anyway and I'm staying here so I might as well naturalise and so... well, I did it.

> That was the actual reason why I did it, because it didn't bother me otherwise, which passport I had. It didn't matter to me.' – Salih[3], 2021

Salih was born and raised by Turkish parents in Cologne. He did not choose to become a German citizen for sentimental reasons, but rather because a set of laws forbid him to practice the job he is qualified for. His reasoning for acquiring citizenship falls into the category of what Prümm (2004) and Wunderlich (2005) describe as labour market opportunities. This case illustrates a person not making a decision based on any emotional motivation, but rather because a set of laws forbid him to practice the job he is qualified for to the full extent. In order to acquire a proper license as a physician, Salih had to relinquish his Turkish citizenship and apply for German nationality instead. At the end of the interview, however, Salih conceded that would he be asked to relinquish his German citizenship now in favour of another one, he would not want to do so. Even though practical reasons were at the forefront of how he remembered his decision to naturalise, a certain emotional connection to Germany was also present. Being forced to make a decision concerning one's citizenship due to changing circumstances, such as Salih was, is not an uncommon occurrence.

Hila moved to Germany from Israel to study psychology and to stay with her partner, who is German. She wanted to become a German citizen for a while, but had been reluctant to apply for naturalization, because she did not want to relinquish her Israeli citizenship. However, a number of administrative as well as personal developments compelled her to re-evaluate:

> 'The problem started when I had the Israeli passport and I think it was always valid for five years with a possible extension of another five years. So, 10 years in total. But then suddenly that wasn't possible anymore, so it was only five years. The embassy was here in Bonn, but then it moved to Berlin. You could take care of everything via mail, but then that wasn't possible anymore either. That was really annoying, especially because my children – I have three girls – also had their passports and of course that wasn't all synchronized, meaning we had to travel to Berlin nearly every year to renew someone's passport. That was really annoying, I've got to say. And... (...) then I got cancer. (...) And then I thought, what happens, when I'm sick and I cannot go to Berlin? Then I don't have a valid passport. (...) And by then it also wasn't nice to go to the Foreigners' Office anymore. It was always so full and... suddenly there where these giants, security guards you know, because people sometimes weren't... well, staying polite... waiting in line and always checking who was there first and that wasn't a nice feeling, really, to be scanned like that. It didn't use to be this way. And then I thought, okay, I don't want to go there every few years. And then I said, okay, I will give up my [Israeli] passport.' – Hila, 2021

3 All names of interviewees have been changed.

In Hila's case, it becomes clear how practical and sentimental motivations interact with one another. The reason for her reluctance to naturalise – having to give up her Israeli citizenship – increasingly outweighed by the bureaucratic hurdles involved in maintaining a valid passport. When these hurdles threatened to become insurmountable due to her cancer diagnosis, she was forced to re-evaluate the worth of her Israeli citizenship. She describes the changing atmosphere in the Foreigners' Office, where she dreaded to go, as her last straw. Wanting to avoid any interaction with the Foreigners' Office is a frequent motivation mentioned by respondents:

> 'Not having to go to the authorities anymore and just being done with it; all that time spent on that was always annoying. That was a great feeling.' – Rohat, 2021

Interestingly, these quotes responses indicate that in some cases feeling fed-up with the bureaucratic system did not hinder the naturalization process as Anschau and Vortmann (2020) had found but acted as a catalyst in a participant's decision to apply for citizenship. In their study of what they coin as the 'bureaucratic trajectory', Haller and Yanaşmayan (2023) similarly highlight that intense or 'turbulent trajectories' can produce a tipping point either pushing migrants to disengage from further bureaucratic procedures or to engage the system one final time to gain citizenship. An extreme case of both being forced into a citizenship decision and wanting to forgo any future interaction with the immigration authorities was recounted by Filiz. She was also born and raised in Germany to Turkish parents, much like Salih. When she applied for a job after turning 16 years old, she realized her residence permit had lapsed 18 months prior. Confused as to what would happen to her, Filiz went to the local immigration offices and was told by the department head that he would do everything in his power to deport her.

> 'I got out of there and – I don't like to cry in front of people – but I got out of there and cried for a while, because I thought that my life was now over. I thought about what I was supposed to do in Turkey. I have, I mean, of course, I have relatives there and I know them maybe from holidays spent with them, but I don't know the life there at all! I don't know what it's like to live there and most of all, I speak Turkish, but not well enough that I could go to school there or anything. I was just like 'fuck, what am I going to do?? My entire life is going to be destroyed if I am deported' and most of all, why would this person speak to me in such a way?!' – Filiz, 2021

Having been frightened by the idea that she might soon be deported to a country she had only visited, Filiz describes doing everything in her power to naturalise as soon as possible – a few years earlier than her older siblings had done. In this case, the interaction with the migration authorities becomes a traumatizing event triggering an emotional motivation to naturalise next

to the practical reasons: never having to interact with that part of the state ever again.

3.4.2 Status and Security

Being subjected to the perceived whims of bureaucracy takes a mental toll on many migrants. Elena came to Germany over 16 years ago but spent about four years living under sufferance (*Duldung*), which constitutes a temporary suspension of deportation. Sufferance status is not a legal residence permit meaning the time spent living in Germany under it does not count toward the eight years of residence required for naturalization.

> '[Living under sufferance] – it feels as if you're in prison. That sounds harsh but that's 100 percent what it is. I felt as if I lived in a prison, but my prison did not have a door.'

> '[Waiting to hear back from the Foreigners' Office] it's the worst feeling. (...) until we had our permanent residence permit, we did not know what would happen. Will they allow us to stay or not? (...) We couldn't take a step forward and we couldn't take a step backward.'
> '[Citizenship] has a good meaning for our family, because we could move freely and easily. That is our goal, to live like normal people.' – Elena, 2021

For those who have not spent their childhood in Germany or hold another EU citizenship, acquiring citizenship is a move towards freedom and personal sovereignty. Being a citizen means no longer having to question the very basis of living in Germany: being allowed to stay. The feeling of having to depend on the bureaucratic system is also perceived as burdensome. For Elena, the waiting periods between submitting an application and awaiting a decision were especially hard. This lack of a consistent relationship with the bureaucrats responsible meant Elena felt powerless and unable to predict the outcome of her status applications.

At the same time, some migrants are sceptical of the stability of the policies they live under. Consequently, citizenship constitutes the most stable type of status to them. Najim fled from Syria to Germany in 2014 and gained German citizenship in 2021 after a two-year long administrative process.

> 'You feel comfortable living here, once you have German citizenship. You feel safe. No danger that you might be... deported or something like that. (...) in Germany, if you work, you're safe [from being deported]. But you never know if the government... *he makes the sound of something collapsing* or you never know when a new government might take power, who might be, for example, against refugees, like now in Denmark. Refugees in Denmark are not safe: Many Syrians were deported and arrested straight away when they arrived back in Syria. And so, you never know... You feel safe once you have the citizenship of the country [you live

> in]. Otherwise, you remain uncertain. (...) Citizenship is the safe option for us, for foreigners, for refugees.' – Najim, 2021

For Najim, the security of his family and being certain that their lives in Germany were secured was his priority. Once he and his wife realized the war in Syria would not be over within a couple of years, they decided to centre their lives in Germany, also because two of their three children were born in Germany and, according to Najim, 'know the German language better than Arabic and so we had the idea to apply for German citizenship':

> 'They are only Syrian by name, but they do not have any Syrian documents. Our documents as well, the Syrian ones, are all void by now and we could do nothing about it.' – Najim, 2021

He describes a main factor as to why Syrian nationals tend to naturalise more often than other nationalities: They still hold Syrian nationality formally, but as they are unable to return home safely to renew their identification, they are not required to relinquish their Syrian citizenship. The security of German citizenship is also perceived by new citizens not only in the status itself, but also in the quality of citizenship. For many interviewees, having German citizenship matters just as much, if not more, outside of German territory. As a German passport allows its holder to enter 194 countries visa-free, it is understandable why so many new citizens are aware of theses privileges as has been documented in the literature (Prümm, 2004; Wunderlich, 2005).

Besides the freedom of travel, new citizens also view holding German citizenship as being under the protection of the German diplomatic services when abroad. Rohat came to Germany when he was three years old with his parents, who were Kurdish Alevis fleeing political tensions in Turkey. He grew up knowing he could naturalise once he turned 18 but only did so when he was in his mid-twenties.

> 'I nearly did an exchange semester in Istanbul. It was all organized, I only needed an apartment, but then the Gezi protests started and that got me thinking. (...) I had read that they were arresting students, who had voiced criticism [against the government]. And then I thought, if anything happens while you're there, then you don't have the German consulate behind you (...) so I cancelled [the semester abroad]. (...) That was definitely one of the reasons to naturalise, this protection from persecution.' – Rohat, 2021

In Rohat's case, his confrontation with the possibility of being arrested during a stay in his country of origin triggered his application for citizenship. He saw himself as better protected when traveling in Turkey as a German citizen, not a Turkish national. This striking trust in German diplomatic strength demonstrates that security through citizenship status does not only matter to migrants when they are on German territory but that it might matter even more when

they leave it. Another interviewee, Carlos, was similarly impacted by the possibility of the protection of a German passport abroad. Carlos held both British and Spanish citizenship, when the United Kingdom voted to leave the EU in 2016. Brexit was the main reason for him to acquire German citizenship, but being able to travel as a German was still an advantage to him.

> 'I would have never applied for a German passport if England hadn't left the EU. (...) My family had put me a bit under pressure to get German citizenship, because of my trips to India. They said that if something happened to me while I was there, it would be easier for them if I had German citizenship. That's the only true advantage, really.' – Carlos, 2021

Hence, new citizens identify German citizenship as the safest status for them to hold both because it secures their right to reside within the country and because it offers them protection when traveling abroad. As far as practical advantages go, security is the most fundamental one. These associations of protection and thus trust into the German state system speak to a deep confidence in the status of citizenship.

3.4.3 Indignities and Implicitness

So far, I have identified cases where the bureaucratic or legal system pressured individuals into making a decision concerning their citizenship status: be it due to job regulations, traumatizing interactions with the immigration services or simply struggling to manage the administrative labour of being a foreigner. Other motivations for citizenship acquisition voiced by interviewees had to do with security of their status within Germany and when travelling abroad. This section of the analysis moves away from these overarching structures to focus on the daily interactions in migrants' lives that reinforce their position as an outsider and can compel them to become German citizens.

Raquel moved to Germany with her family from Spain when she was two years old. She naturalised in 2017, more than fifty years later. During the interview, she recounts an interaction with a postal worker, who refused to hand her a package due to a difference in how her name was stated on the package and how it was documented in her Spanish passport – a frustration she encountered multiple times:

> 'And then sometimes you have a post office worker or a caseworker who will go:
> – 'That doesn't say [her husband's last name]'
> – 'Yes, but I'm married to him.' (...)'
> [She tries to explain the situation to the clerk, but they ask:] 'Well, do you have a certificate documenting that that is really you and that you're allowed to pick up the package?' and I say 'but that's ME!'
> – 'Yes, but you still need a letter of authorization.'

– 'For my own package?'
– 'Yes, how am I supposed to know that that's really you'' – Raquel, 2021

These types of interactions were unpleasant for Raquel. Additional comments about the 'pictures' in her passport and the disbelief at her being Spanish while not having a Spanish accent when speaking German illustrate a routinely infantilizing reaction to her status as a foreigner she experienced. This cycle of having to explain herself repeatedly whenever she had to show any proof of ID, homed in on a feeling of never being fully accepted, not in Germany and not in Spain. Having to show her passport during everyday interactions like accepting mail and still being identified as 'the Spanish girl' made it difficult for her to also represent the German part of her identity. Raquel had instead found a comfortable identity in seeing herself as a European citizen, not forced to decide between the two countries she was otherwise connected to. Even though her nationality was that of an EU member state, Spanish citizenship did not afford her the same degree of social inclusion as German citizenship would. The prior anecdote is starkly contrasted with how Raquel describes running her errands now that she has a German ID to identify herself with:

> 'Whenever I go to the post office now, I put down my German ID. Then I never get the standard question 'oh you're a foreigner; you're Spanish!' *[she claps her hands gleefully]* no 'wow, aren't these pretty pictures in your passport!' or stuff like that. Those things are okay on good days, but on days when I'm already annoyed then I don't need that. (...) I feel much better now, different somehow.' – Raquel, 2021

Being able to simply exist and participate in society without having their belonging questioned based on the form of ID they provide, offers a relief to new citizens. This relief is felt even more strongly by those who emotionally feel that they already are a member of the German citizenry. Filiz describes her realization of not formally belonging into German society, even though she grew up feeling a part of it:

> 'In school, (...) when I had gotten the best grade in German class, the teacher might go 'you lot should be ashamed of yourselves! [Filiz] grew up bilingual, she's Turkish, and yet she writes better German essays than all of you!' and I just thought 'what's going on with you? like... internally?' (...) 'Because of me being politically active, even my *friends* were reproaching me like 'why are you even volunteering? You can't even vote here; you can't change anything. We don't get it'. (...) In those moments I think to myself, I was reduced to [her nationality].'
>
> (...) 'I was really shocked. It was the first time in my life that I realized that I need a legal *title* to just be *here*, in order to *live* here. In the country, that I was *born* in, where I go to school, I still have to proof myself like that? That was hard for me. That really– it truly, truly dawned on me that I am not a part of this society after

> all. Even though I saw myself as part of the community... That was hard in a way. It felt gross. Unpleasant.'
> '(...) If you don't have the citizenship, you're immediately reduced to your origins. Even when you have it, it still happens, but mostly *not. anymore.'* – Filiz, 2021 [emphasis as made by interviewee]

Not holding formal membership meant for Filiz that some accomplishments were mocked. She had to push back against others wanting to deny her her right to volunteer politically: it reduced her identity to a 'country of origin' she had little emotional connection to and erased her identity as a person born and raised in Germany. These experiences demonstrate that the exclusionary power of citizenship is not solely enforced by state actors but pervades everyday interactions between citizens and non-citizens.

> 'I was just happy to do it. Finally, because... a lot of the time it felt like 'ok this is the last time I have to prove anything. Nobody can accuse me now of not being a member of this society'... even though I still get accused of that even now with German citizenship. But for me it was a 'ok, now it's official and no one can take that certainty away from me, which I have, of being formally accepted into this society, because I now have, on all levels, the same rights and duties as everyone else.'

> '[Besides her fears of getting deported], the naturalization went rather smoothly. All the feelings and emotions were the more problematic part of it. This... being confronted with it all... it was the manifestation of my entire conflict of identity within a bureaucratic process. And you were basically told by the system that that is a conflict that you have and *must* have, because you have a migration background. That was the horrible thing about it. The hard thing, because the feeling of being different and not fitting in had mostly come from other people, but not necessarily from a public authority.' – Filiz, 2021

Especially for migrants who had spent their formative years in Germany, being part of German society had become an implicit fact. They saw themselves as a member of the community and expected their membership to be reflected by others. For Filiz, the confrontation with the bureaucrat at the immigration authorities offered her yet another reflection of herself that she did not recognize. People had excluded her verbally from their notions of German society before, but having this exclusion echoed by a public authority figure revealed a whole new level of exclusion to her. These instances of mismatching ideas of membership illustrate that citizenship and the identity tied to it are not only constructed on a formal level, but also in the everyday exchanges between members and non-members of a given society. In Filiz and Raquel, we also see examples of individuals naturalizing with a strong desire to be fully accepted as German similarly to what Anschau and Vortmann (2020) illustrated concerning, specifically, third-country nationals. The wish to be recognized as an equal member of German society functions as a central motivation for

those individuals who already perceive themselves as being part of the German citizenry.

The 'conflict of identity' mentioned by Filiz is another factor that plays into the types of motivations behind individuals choosing to naturalise. Each choice to apply for a new citizenship – particularly when an individual has to relinquish another in return – is always also a question of identity. Some, for example Salih, who stated that it did not matter to him which passport he had do not perceive their formal membership to be constitutive to their identity. Still, a complete removal of citizenship from a person's identity does require the individual to understand and work through what then constitutes their identity. These choices of belonging are often not made by future citizens alone, but are connected to their social surroundings, their families, and their perspectives on the matter:

> 'I don't think I would have done it if my father had been still alive, because... my father was very– I am also very proud of my Spanish citizenship, but for my father this would have been a betrayal. As in, you've betrayed your homeland. Even though you still have it. Even though I still have my Spanish citizenship... But for him it was like that.' – Raquel, 2021

3.5 Conclusion

The motivations behind citizenship acquisition are not easily filed into boxes or categories. For each new citizen, a set of motivations, both practical and sentimental, interact with one another. As the participants' recollections illustrate, when making the decision whether to apply for citizenship, this is not solely done for sentimental reasons relating to a love for one's county of residence or due to a practical calculation of wanting to gain greater rights. Interviewees repeatedly state that one of the reasons for their decision to naturalize was the wish to simply interact less with the bureaucratic system. Some are pushed to make a decision due to changes in regulation or their inability to fulfill certain administrative tasks they used to fulfill easily. To many, the renewal of passports as well as residency permits constitutes more than a simple administrative process. It involves travel (and its costs), emotional capacities to deal with the stress of gathering paperwork and hoping to have done everything according to the rules, as well as time, which has to be dedicated to collect documents, travel, and the actual time facing the public official. Time also has to be taken into account when planning ahead since some applications or extensions can take months if not years to go through. This period of time spent waiting requires further mental facilities to navigate the uncertainty of these waiting periods. Even if the outcome of an application is sure, interviewees still felt stress at not having the official confirmation of the outcome yet since a bureaucratic system reemphasizes the importance of having tangible proof, certainty on paper. New citizens'

reasons for acquiring German citizenship are also often rooted in a hope for greater security. In particular, third-country nationals perceive German citizenship as the safest status for them to hold. From their point of view, formal membership secures their right to reside within the country's territory and offers them protection when traveling abroad.

The motivations and reasonings voiced by the participants of this study corroborate the findings of previous research into the motivations for naturalization. Being able to keep one's first nationality, easier travel, and labor market opportunities all play into the decision whether to naturalize. However, they also demonstrate that the bureaucratic system and in particular the relationship between migrants and caseworkers is highly influential concerning the naturalization process. Studying naturalization from the perspective of the new citizen is not only essential for understanding their relationships with citizenship and the society that they live in, it also offers us an opportunity to examine street-level bureaucracy from the perspective of the client. Research on policy implementation and especially the role of discretion of street-level professionals most often takes the perspective of the bureaucrat. Clients' lived experiences are greatly underrepresented within the scholarship, which results in a lack of knowledge on, firstly, whether clients actively feel bureaucrats' discretionary power and secondly, if so, how they navigate this clear power-imbalance (Bartels, 2013). As we have seen with cases like that of Filiz, a single bureaucrat can have a huge impact on how an individual navigates the questions of formal membership. These findings only further illustrate that further research on discretion from the perspective of the client is highly necessary, particularly in the context of naturalization.

Lastly, examining these narratives of naturalization shows the construction of citizenship and of whether or not someone belongs does not only happen through the administrative apparatus. Everyday interactions between members and non-members of a community hold a similar dynamic able to display both the inclusive as well as the exclusive powers of citizenship:

> 'I'm not German. I am a naturalized German with Spanish citizenship. I don't know, I guess that if you're thinking about it realistically, then that's nonsense, but I think at the end of the day... I am over 50 years old now (...) and I was up till then always only the Spanish girl and I want to still be that until the end of my life. And of course, the Germany nationality is... it makes my life easier. I don't have to explain all they time why I'm Spanish.' – Raquel, 2021

4 The Getting and Granting of Citizenship

Examining the Inequalities of Naturalization Policy Implementation involving Discretion

4.1 Introduction

Filiz[1] is 15 years old when she heads to her local Foreigners' Office hoping to clear up an issue regarding her legal status. Filiz was born in Germany and has lived and gone to school there ever since. Her parents immigrated to Germany from Turkey and both still hold Turkish citizenship – as does Filiz. When she arrives at the Foreigners' Office, she is told by the head official that her legal status lapsed 18 months ago. Filiz was supposed to extend her status, which she was unaware of as her parents hold permanent residency. Her confusion and fear are met with the official's promise that he will do everything in his power to have her deported to Turkey. 'I told him that I wanted to graduate high school and to go to university here, to study law- he said 'something' like I would never be able to do that and that since I was already disobeying the law, I would never become German' (Filiz, 2021). Since this interaction back in 2012, Filiz has become a German citizen and started studying law, but the memory has stuck with her: 'Regardless of that title issue, I always knew that I would naturalize and that I wanted to naturalize. It didn't have to be this way – now that whole thing has a *Gschmäckle*[2] (...) a bitter, bitter aftertaste' (Filiz, 2021). Filiz had never questioned whether she belonged in Germany; she had been born there, seen her siblings naturalize and knew that she wanted to do so as well. The rejection she felt from the head official and thus the Foreigners' Office was the first time she felt it was not just individuals that might question her belonging in Germany, but that the state did so as well.

Filiz' case demonstrates that the formal change of legal status is one thing, but seeking advice from authorities and going through the bureaucratic motions holds its own kind of tension: the interaction with street-level bureaucrats. The naturalization process denotes a major change in a person's life, as the individual becomes a fully integrated political member of the citizenry. Each naturalization holds its own unique set of circumstances and motivations as to why the process was initiated and how it unfolded (for research on motivations to naturalize in the German case see: Prümm, 2004; Weinmann

1 All names of interviewees have been changed.

2 Swabian term deriving from the diminutive of 'Geschmack' (German for flavor/taste) denoting both a meal or food that tastes off and, figuratively, events of a dubious kind.

et al., 2012; Witte, 2018; Wunderlich, 2005). For most applicants in Germany, naturalization happens through communication and exchanges of documents and information with mainly one person: their caseworker at their local naturalization office. Focusing on this often-overlooked relationship, this study explores the impact of discretionary power and its perception by migrants on the naturalization process.

The theoretical and empirical contributions of this chapter are threefold. Firstly, it connects the concept of discretion as it is discussed in the literature on street-level bureaucracies (e.g. in Lipsky, 2010; Zacka, 2017) to its unique legal context in German administrative law (Arai-Takahashi, 2000; Jestaedt, 2016; Wendel, 2016). This added dimension of discretion and the understanding thereof by frontline workers extends previous scholarship exploring the different levels and types of discretion utilized by street-level bureaucrats (eg. Eule, 2016). Secondly, the chapter highlights the relevance of perceptions of discretionary decision-making in the discernment and assessment of procedural justice (Andreetta et al., 2022; Tyler, 2011). As long as migrants feel that discretionary power is utilized in an arbitrary manner, procedural justice is impeded and thus the legitimacy of state practices undermined. Thirdly, the article offers a unique view at the implementation of citizenship policy by utilizing data collected from interviews with both new German citizens as well as their caseworkers at the respective naturalization departments, thus adding to the scholarship examining citizenship 'from below' (Badenhoop, 2017, 2021; Witte, 2018).

Through the use of a bottom-up approach to analyze citizenship policy implementation, I identify where bureaucrats have to make use of their discretion, how they wield this power and how migrants perceive this process, resulting in the following key findings: (1) Caseworkers use their discretionary power not only to decide between alternative outcomes, but also to create their own guidelines for the implementation of citizenship policy. Most of these protocols are created on a departmental level while some individual caseworkers establish additional protocols for themselves. (2) Intense workloads burdening the naturalization departments lead caseworkers to pre-evaluate applications before they have been officially submitted by applicants in order to avoid the issuing of lengthy formal rejections. Some new citizens report having their applications delayed for unfair reasons by their caseworker with one street-level bureaucrat admitting to prolonging the processing of certain applications. (3) Past negative interactions with other bureaucrats from the immigration authorities prime citizenship applicants negatively, making for a potentially tension-filled relationship with their naturalization caseworkers. Ultimately, an overburdened administrative structure unable to ensure comprehensive oversight that requires front-line workers to make decisions utilizing significant discretionary power cannot guarantee procedural justice.

The following section offers a short description of the naturalization process in the German context followed by a closer examination of the concept of

discretion both as a legal concept in German administrative law and its somewhat contradictory role in the administrative reality of policy implementation. I subsequently examine both new citizens' and caseworkers' perspectives on discretion within the naturalization process. The chapter concludes with a discussion and propositions for future research.

4.2 Naturalization in Germany

Germany is often characterized as the prime example of an 'ethnic' nation due to its citizenship policy being based exclusively on the principle of *jus sanguinis* up until the late 1990s (Miller-Idriss, 2006: 543). Preceding the broad reforms of the Citizenship and Nationality Law of 1913 and the Alien Act of 1965 in 1999, German citizenship could only be acquired based on the principle of descent (Anil, 2005). Previously, the state had openly defined itself as 'not a country of immigration' where naturalization would only be considered 'if a public interest in the naturalization exists' (Koopmans, 1999). Only the most recent coalition agreement describes Germany as a country of immigration (Bundesregierung, 2021). As of fall 2023, the German naturalization process includes proof of unrestricted right of residence; proof of habitual, lawful residence in Germany for at least eight years; proof of independent means of securing a living for one's self and one's family; proof of adequate German language skills; passing the naturalization test; one's commitment to the free democratic constitutional order of the Basic Law of the Federal Republic of Germany; the relinquishing of any other nationalities (with certain exceptions) and a fee of 255 Euro (Federal Office for Migration and Refugees, 2018). The eight years of minimum legal residence can be shortened to seven or six years through the participation in an 'integration class' and special 'integration achievements' respectively, which can range from volunteer work to exceptional achievements in one's work or education.

Germany poses an intriguing case for the study of naturalization due to its comparatively low rates of citizenship acquisition in contrast with other countries even though many migrants already fulfill the requirements for naturalization (Courtman and Schneider, 2021). The Federal Statistics Office of Germany estimates that less than 2.5 percent of those fulfilling the requirements for citizenship actually naturalize with naturalization rates differing greatly per prior nationality. Previous research has set out to explain why so many migrants are hesitant to apply for citizenship and why these factors seem to differ per nationality. Thränhardt (2017) finds that Turkish nationals hesitate to gain German citizenship since they would have to relinquish their Turkish citizenship while Weinmann et al. (2012) find that those exempted from having to give up their citizenship of origin – such as Iranians, Afghans or Syrians – show more interest in naturalization. German citizenship law functions under the principle of 'avoidance of multiple citizenship' meaning that new citizens

holding a non-EU citizenship are expected to withdraw from their citizenry of origin upon becoming German citizens. A survey study of naturalized citizens, migrants applying for citizenship and employees of the naturalization offices commissioned by the state of Rhineland-Palatinate found that the majority of nationalities exhibiting high naturalization rates were those nationalities exempted from relinquishing their first citizenship (Anschau and Vortmann, 2020). At the same time, those participants that reported having decided against naturalization cited having to give up their first citizenship as the main reason for their decision. In cases where third-country nationals chose naturalization after all, participants had a significantly higher desire to be seen and accepted as German by mainstream society compared to third-country nationals that did not choose to naturalize (ibid.). In a similar vein, Weinmann et al. (2012) found that the willingness to naturalize in participants across all nationalities increased significantly the more the participant in question presumed that they would be accepted as a German once they held the same rights as everybody else.

Next to the question of dual nationality, research studying naturalization in Germany has identified an array of factors impacting a migrant's decision to naturalize including political interests, a secure residence status, improved labor market opportunities, and an improved ability to travel for an extended time without losing their rights in Germany (Prümm, 2004; Witte, 2018; Wunderlich, 2005). One factor that has only been taken into account in a limited amount of research, is the relationship between the migrant and the street-level bureaucrat working for the immigration and/or naturalization office. Anschau and Vortmann (2020) found that the perceived treatment of migrants by street-level bureaucrats during the naturalization process had a big impact (both positively and negatively) on whether or not a migrant identified with Germany. Their perception of their caseworkers as representatives of the Federal Republic of Germany meant that any mistreatment or discriminatory action was seen as direct rejection by the state of Germany and therefore hindered the migrants' ability to identify as German.

Dornis (2001) finds that long relationships between caseworkers and clients have a positive impact on the naturalization process. How this relationship functions and how migrants perceive this relationship has not been the focus of previous studies. Caseworkers individually and as a team within their departments hold a certain amount of discretion concerning the implementation of citizenship law. Even though the application of the *Staatsangehörigkeitsgesetz* (StAG) is delegated to the *Länder* within Germany's federal system, the federal state formulates regulatory provisions, which are binding and are meant to ensure the uniform application of the law across all agencies and institutions. Regarding the StAG, the last regulatory provision was passed in 2001 and is at this point, according to Hailbronner et al. (2017), only partially practicable. As the application of the StAG requires the interpretation of many indefinite legal concepts, caseworkers rely on guidelines formulated by their state admin-

istration (which differ across the *Länder)* and consultation with colleagues at their local offices (Courtman and Schneider, 2021). These circumstances indicate that caseworkers have to use discretionary powers when handling citizenship application and might derive practices that were not explicitly intended to be developed. When evaluating whether an applicant is able to sustain themselves financially, some naturalization offices have included not only whether or not someone is receiving social benefits, but also a prognosis as to whether someone will continue to receive these benefits in the future. This part of the evaluation is not required in the legal text but has emerged as a common practice (Hofmann and Oberhäuser, 2013). These developments illustrate that the migrant-caseworker relationship deserves greater scholarly focus. The following outlines the relevance of discretion within said relationship nexus.

4.3 Discretion as a Legal Term and an Administrative Reality

As this study examines the role of discretion in the implementation of naturalization policy in Germany, it is necessary to first establish discretion as a legal term in the German context as well as in administrative practice. In the public administration scholarship on street-level bureaucrats (Lipsky, 2010), discretion is often defined as involving 'the power [a public official has] to exert choice among a range of alternatives between which the law does not discriminate' (Zacka, 2017: 33). The literature on interactions between street-level bureaucrats (SLBs) and their clients has mainly focused on the bureaucrats, their decision-making and the ambiguities and uncertainties they have to manage (Harrits and M¿ller, 2014; Raaphorst, 2018; Zacka, 2017). Researchers have examined the tools and strategies used by bureaucrats to mitigate these ambivalences when implementing law such as the oral exchange of traditions and experiences between colleagues (Eule, 2016), the role of administrative guidelines (Vetters, 2019), list-making (Dorondel and Popa, 2014), and producing case files (Hull, 2003; Scheffer, 2007). The perception of discretion itself by clients is seldom at the center of studies of policy implementation, especially regarding immigration and citizenship policy (Bartels, 2013; Goodsell, 1981).

Recent studies have highlighted the interaction between the role of discretion within a bureaucracy and the sociolegal concept of procedural justice, which constitutes state clients' perceptions of just treatment in legal procedures (Andreetta et al., 2022; Borrelli and Wyss, 2022; Nagin and Telep, 2017; Tyler, 2011). The legitimacy of state practices hinges on (non)citizens' perception of procedural justice, which consists of feeling informed about ongoing legal procedures as well as being treated fairly (Borrelli and Wyss, 2022). According to Lipsky (2010: 15), the 'maintenance of discretion contributes to the legitimacy of the welfare-service state'. A perception of discretionary decision-making as fair and just is thus a prerequisite for procedural justice as an abuse of said power indicates arbitrary uses of discretion that do not offer transparency into

the SLB's decision-making and in turn undermine the legitimacy of state practices overall.

However, German administrative law uniquely defines discretion – referred to as *Ermessen*, in German – as authorized to be utilized only where the law explicitly provides for it (Arai-Takahashi, 2000). German legal scholars differentiate between the 'margin of discretion' (*Ermessenspielraum)* and the 'margin of appraisal' (*Beurteilungsspielraum*), which they explicitly do not consider to be the same as discretion. According to German administrative law, discretion requires that the administrative agent or authority has a choice between two legally sound actions. Within a margin of appraisal, there is one correct choice to be made by the agent in question: The determination of indefinite legal concepts by a caseworker – such as 'sufficient proof of identity' or 'sufficient financial independence' in the context of naturalization – only has one correct outcome, which is subject to judicial supervision. Hence, as the law is written as well as in jurisprudence, discretion does not factor into the evaluation of naturalization requirements (Dornis, 2001; Wendel, 2016). Both legal and social scholars have criticized this dichotomy as too far removed from the administrative practice, which *de facto* involves discretionary decision-making by administrators (Arai-Takahashi, 2000; Dornis, 2001; Jestaedt, 2016; Vetters, 2019; Wendel, 2016).

In her analysis of the use of administrative guidelines by bureaucrats implementing immigration policy, Vetters (2019) illustrates how the decision-making processes of caseworkers can move from the 'margin of discretion' to the 'margin of appraisal' and thus to *de facto* discretion. German immigration bureaucrats used to have the ability to reject a person's application for a student visa even if they met all formal requirements. The law explicitly granted this margin of discretion. After this formulation of the law (which was the German implementation of a EU directive) was challenged by the European Court of Justice[3], the new legal text now dictates that a visa must be granted if all requirements are fulfilled (ibid.). Vetters found that bureaucrats preserved their discretionary leeway by adjusting the administrative guidelines for the assessment of whether an applicant met the formal requirements for a student visa. Applications were now rejected on the basis of not fulfilling all necessary requirements, which is subject to the margin of appraisal (Vetters, 2019). As Dornis (2001) further illustrates, not every administrative decision is taken to court either because the administrator decided in the applicant's favor or due to the difficulty and stressors of taking legal action. In this context, discretion is better understood as 'the leeway of officials in the enforcement of rules or implementation of programs' (Dubois, 2014: 39). When studying the German administrative system, it is thus essential to be aware of the simultaneous existence and non-existence of discretion and that,

3 Case C-491/13 *Mohamed Ali Ben Alaya v Bundesrepublik Deutschland* (ECJ 10 September 2014)

as Eule (2016: 58) puts it, 'the decision to exercise discretion itself is a discretionary practice'.

Irrespective of whether discretion functions as the law defines it, this definition is still a foundational piece of administrative training and the education of street-level bureaucrats (Wendel, 2016). This disparity between how law is written and how it functions plays into the perception of caseworkers of themselves who state that they are not utilizing discretionary power while their clients report the opposite. This contrast will be further elaborated on in the empirical section of this chapter. It is essential to keep in mind that caseworkers see themselves as working in clearly delimited spaces of discretion. Furthermore, when taking into consideration the importance of the perception of discretion by clients for state practice legitimacy, as illustrated by the scholarship on procedural justice, it becomes clear that a mismatch in understanding regarding what discretion *is* can have a broader impact on the state's immigration apparatus.

4.4 Methodology

This chapter is based on the thematic analysis of 24 semi-structured interviews conducted with 12 new German citizens, three individuals, who were still in the process of naturalizing, and nine naturalization caseworkers. The interviews took place in the fall of 2021 and spring of 2022 with 22 interviews being conducted in person in the governmental district of Cologne and two taking place as video calls via WhatsApp and Webex. The in-person interviews were conducted in various places including parks, cafes, interviewees' homes, or their place of work – depending on the preference of the respective interviewee.

Seven of 15 new citizens were women and eight were men. Their ages ranged from 24 to 63 years old with an average age of 38 years. In comparison, the average age of all new German citizens who naturalized in 2020 was 33,2 years (Bundeszentrale für politische Bildung, 2022). 11 out of the 15 participants were third-country nationals before naturalizing, holding Azerbaijanian (2), Cameroonian, Georgian, Israeli, Serbian, Syrian (2), and Turkish citizenship respectively. The remaining EU citizens held Romanian (2) and Spanish (2)[4] citizenship. The interviewees were recruited by contacting the available migrant support institutions in the greater region of Cologne, calls for participants through social media networks, as well as snowballing once a couple of interviews had taken place. An average interview lasted between 60 to 80 minutes and consisted of two parts: Firstly, it chronicled the participant's migration history starting either when and why they entered German territory

4 One of the originally Spanish citizens also holds a UK citizenship.

or at birth if they had been born there. Secondly, and depending on how much the respective interviewee had already said on the matter, participants were asked to take the interviewer through their memories of the naturalization process.[5]

At the outset of this study, I had not planned to interview bureaucrats. However, throughout the interviews with new German citizens, it was apparent that their caseworkers played an important if not essential role in the naturalization process. Many interviewees repeatedly mentioned their caseworker by name. The bureaucrats interviewed were recruited through official requests with their department heads. No caseworker was told by their boss to be interviewed by me; instead, my request was circulated in each department. Interviews were conducted in the naturalization departments in Cologne (5 out of 17 possible participants), Bonn (2/5) and Heinsberg (2/2).[6] The interviews with street-level bureaucrats working in the naturalization offices were structured differently than those with new citizens. Similarly, caseworkers were asked to describe the naturalization process and their role in it in the first half of the interview. Through follow-up questions on some of the procedural details, caseworkers were able to elaborate on the typical trajectory of a naturalization procedure. In the second half of the interview, interviewees were handed three separate vignettes to read and to reflect on (see Table 1). These real-life, anonymized vignettes were based on interactions that respondents who had naturalized had had with caseworkers and had described to me. Sampson and Johannessen utilized real-life vignettes 'as a way of encouraging participants to recall examples of real events and (...) to explore how commonplace some previously observed experiences were' (2020: 60). Caseworker interviewees were invited to reflect on the vignettes and the behavior both of their colleagues as well as of the immigrants involved. One of the vignettes illustrated a discriminatory comment made by a caseworker towards one of my interviewees. Reading what all bureaucrat participants assessed as wrongful behavior enabled some caseworkers to talk about shortcomings they had either witnessed or addressed in themselves. Some were able to sympathize with their colleague's outburst. Having vignettes that they knew were based on real interactions made it easier to more quickly get to a deeper level of conversation than would have otherwise been possible in the one to two hours of interview time.

5 'Would you take me through the naturalization process as you remember it?'; in German: 'Würden Sie mich einmal durch Ihre Erinnerungen an den Einbürgerungsprozess mitnehmen?'

6 In Cologne and Bonn, the naturalization departments share a building with the Foreigners' Office while Heinsberg's naturalization department is situated in the rural district's office which also houses further departments. Generally, municipalities can choose to attach their naturalization department either to the Foreigners' Office or the respective Registry Office.

The interviews were transcribed and coded in Atlas.ti using an inductive approach. All interviews were conducted in German. Any interview quotations in this chapter have been translated by the author.

Table 1: English translations of 'real-life' vignettes

Vignette 1	**Vignette 2**	**Vignette 3**
Person A came to Germany at the age of 19 and has been living here for 20 years. She holds Romanian citizenship, is married to a German and has two children, one of which was born in Germany. When she first applies for citizenship, she is told that she will have to attend an additional language course, which she feels is unnecessary. She is advised to speak to another caseworker who will evaluate her German through an interview. During the interview, the caseworker asks her whether they have any pets at home. When she starts to laugh and list off all the animals that they have on their farm, the caseworker joins her in laughing and ends the evaluation with an "Yeah, I've heard enough".	Person B came to Germany at the age of 18 and has been living here for 4 years. She holds Serbian and Montenegrin citizenship and studies at a German university. After getting her student visa extended for another year, she goes to the ministry to pick up the paperwork. Her caseworker hands her the papers and just as she reaches for them, he pulls them back again and says, "You have to be very careful; you need to know what you're doing, you do not want to take advantage of the German state".	Person C came to Germany at the age of 22 and has been living here for 4 years. He holds Cameroonian citizenship and studies computer sciences at a German university. Before every appointment to get his visa extended, C is not sure whether he will get an extension of 6 months, 12 months or maybe 2 years - each has happened, but not in that order. He and his friends have all prepared similarly for these appointments, making sure they have enough money in their bank account and keeping their grades up. Having done a number of extension interviews, C says he still does not know what gets him a longer or a shorter extension.

[a] Vignettes chosen based on their representativeness of common themes and experiences as reported by interviewees. Vignette 1: informality in coping with regulations; vignettes 2 and 3 describe moments taking place between migrants and caseworkers at the foreigners' office and not the naturalization department and signified important dynamics for applicants that applied to the entire migration trajectory.

[b] Utilizing vignettes taking place in other departments allowed for distance between the caseworker-respondents and the behavior they were exposed to through the vignettes, which reduced possible defensiveness. It also meant a lower risk of interviewees identifying a direct colleague's behavior as in many cases the bureaucrat participants were the caseworkers that had processed the new citizen participants' applications for naturalization.

4.5 Analysis

4.5.1 The Trouble with Indefinite Legal Concepts

Discretion – as laid out in previous sections – is an essential part of administrative work, of the implementation of laws and regulations. Bureaucrats are tasked with balancing the law as it was written with the individual reality and set of circumstances of the person in front of them. The ambiguities and

uncertainties involved in said task can cause their own set of pressures on street-level bureaucrats (Raaphorst, 2018). However, most of the interviewees working as naturalization caseworkers rejected the idea that their discretionary power could be an additional stressor. 'We don't have that much freedom of choice at all' (SLB Fischer, 2022), one bureaucrat stated. She elaborated that there were always guidelines to follow, which prevented her from treating two identical cases differently. Her remark reflected what many of her colleagues said: At the end of the day, they were dealing with 'cold, hard facts' (SLB Schmidt, 2022) and that most of the time granting someone citizenship was less of a choice and more of a foregone conclusion as long as an applicant fulfilled the relevant conditions. This perspective is very much in line with how the legal text governing German citizenship acquisition is structured. Paragraph 10 of the StAG dictates that once an applicant fulfills the necessary requirements, naturalization must be granted. There is thus little to no margin of discretion as German administrative law would define it.

In instances where they were granted leeway by the law[7], bureaucrats described it as adding to their enjoyment of their work with one interviewee saying that he had chosen the position for that reason, after working at a different government office for years: 'I thought (...) you have more freedom of choice, more discretion (...) and I thought the topic of naturalization was very interesting.' (SLB Weber). Another bureaucrat went on to say,

> 'What's fun about the job? No process is the same. If you've acquired a lot of knowledge, especially concerning identity verification, doctor's certificates, everything concerning the social code (...) then you can really have a ball with it, let's say that.' – SLB Becker, 2022

What Mr. Becker is referring to is the interpretation of indefinite legal concepts. Indefinite legal concepts have to be concretized by front-line workers in order to determine whether a requirement for citizenship has been met. Requirements such as the residency and language conditions are clearly formulated: a certain number of years, a certain language certificate. Requirements such as a 'verified identity' or 'one's financial independence from the state' are more difficult to concretize. This process falls within the 'margin of appraisal' and does not constitute discretion according to German administrative law. When evaluating whether an applicant fulfills the necessary conditions, interviewees from every naturalization office I visited reported coming together with the other caseworkers in the department to make sure everyone was following similar approaches:

7 Paragraph 8 of the StAG constitutes the 'discretionary naturalization' (*Ermessenseinbürgerung)*, which allows for naturalization after less than 8 years of residence under certain conditions.

> 'That means we are applying the law ourselves and try to delimit the indefinite legal concept (...), to develop discretion-guiding information – and then we have to make sure that everyone on the team is prepared in a way and understands [the issue] so that everyone addresses these legal issues in the same manner' – SLB Neumann, 2022

> 'We got a new form that states, for example, if they have A or B then their identity is [verified]- or if they *don't* have A or B, then their identity isn't verified. (...) I always talk to [a] colleague in those moments and ask, what can we do? Should I send [the client] over to the consulate or...' – SLB Schulz, 2022 [emphasis as made by interviewee]

> 'You can't figure that out on your own. You *always* have to talk to your colleagues. Either your colleagues or your team leader or ideally in a department meeting (...). We used to do that at least once a month. (...) Based on these meetings, we would sometimes come up with standardized provisions' – SLB Hoffmann, 2022 [emphasis as made by interviewee]

Through these meetings, departments had established internal regulations and practices. Two departments had instituted shortcuts for applicants that did not hold the necessary language certificate but had lived in Germany for a long time and spoke fluent German during the consultations with their caseworkers. In one case, for example, these applicants would be sent to a separate department, where their language ability could be evaluated effectively without having to pay for one of the specific certificates. In one naturalization department, caseworkers agreed to only count higher language proficiency (C1 or C2 German) as 'extraordinary integration efforts', which can shorten the residency requirement by a year. Before establishing this rule, caseworkers had struggled to determine whether, for example, volunteering or a hobby in a group setting constituted such an effort. 'No, that's when you have too much discretionary leeway – what is 'integration' anyway?' (SLB Hoffmann, 2022). In this case, the extreme vagueness of the legal exemption led to caseworkers establishing a departmental regulation that reduced 'integration efforts' to solely constitute a higher language proficiency than required for naturalization.

Most interviewees would describe departmental agreements, but one caseworker outlined that he had created his own set of questions that he used to determine whether someone met the 'financial self-sufficiency' requirement. When asked whether his colleagues at the department were using this question catalogue as well, he stated:

> 'Now my colleagues are using the same approach as I am – I hope at least. I came up with my questions myself. They aren't definite. This question catalogue can – will be extended' – SLB Becker, 2022

This personalized question catalogue to determine one of the relevant indefinite legal concepts demonstrates that strategies deployed by caseworkers to cope with these concepts can be found on the departmental as well as the individual level.

Interviewees reported knowing little about other naturalization offices' daily practices and strategies. Some knew individual people who worked for a neighboring city or municipality and others remembered going to inter-departmental events pre-pandemic once a year. These results corroborate Courtman and Schneider's finding of regular deliberative processes within naturalization departments that compensate for the lack of federally issued guidelines (2021). While these responses speak to the somewhat siloed nature of the German administrative structure and to how these administrative processes are supposed to function – uniformly across (at least) departments and efficiently – they portray a different picture than that illustrated by the new citizen interviewees about their experiences with their caseworkers. In the following subsection, we will look at more individualized approaches taken by some bureaucrats and how they have impacted former applicants.

4.5.2 To Process, Or Not To Process

Most of the interviews I conducted with new German citizens could be summarized by how Natasha described her interactions with the naturalization office: 'It was super easy, I gotta say. I did not expect that at all!' (2022). While naturalizations departments often share a building with the Foreigners' Office, the department is not strictly part of it and can also be situated at a registry office. Many participants reported having had bad experiences with the Foreigners' Office prior to applying for citizenship. Two female interviewees described having been refused permanent residence for what they felt were unjust reasons.

> 'The caseworker there said they couldn't grant me permanent residence because ... my income was not enough. Even though... they are supposed to add it up, because I'm married to my husband and she said, 'no that is excluded from your data.' (...) How am I supposed to understand that? My impression is... a lot of the time, they just do what they want to.' – Elena, 2021

Elena's case falls under the indefinite legal concept of 'sufficient financial means', which falls into the caseworkers individual margin of appraisal. However, according to the bureaucrats I interviewed, married women are always considered as sharing income with their partners and do not need to make a significant amount of money on their own. The interaction Elena experienced thus does not fit into what caseworkers describe as their regular practices. Interviewee Zahra encountered a similar situation when she and

her husband applied for permanent residency and only his application was accepted:

> 'That women, she said to me– [that] I basically met all the criteria for permanent residency, I speak German, I have a work contract, all these things, pay slips. (...) everyone in the neighboring city [office] told me I fulfilled the requirements, and she then showed me some small print, some law, that said that each local administration could decide for themselves through discretion' – Zahra, 2022

All new citizen interviewees were very aware of the power imbalance between them and their caseworker. For them, the issue was not only that the bureaucrat could decide over whether their permits were granted or extended, they were also missing the necessary information to explain why bureaucrats were deciding a certain way. In the context of procedural justice, this perceived opacity of the decision-making process indicates a lack thereof as new citizens did not feel sufficiently informed about the ongoing legal procedures (Borrelli and Wyss, 2022). As exemplified by Vignette 3, migrants would create strategies based on their own and other migrants' experiences to cope with the fact that ultimately they felt they had little influence on how their caseworker would decide. When asked to react to the third vignette, caseworkers most often referred to the excessive amount of cases their colleagues at the Foreigners' Office had to cope with and thus would spend less time on each evaluation, making the 'safe' choice of granting shorter extensions for example. One bureaucrat criticized the limited training young caseworkers were getting: 'That's one of these issues. A lot of young people that are now sitting at the Foreigners' Office and have no idea what they are doing' (SLB Fischer, 2022). Besides the Foreigners' Offices being overwhelmed by applications and understaffed, caseworkers took issue with their colleague's limited efforts to explain their decisions to the applicants.

> 'I get the impression sometimes that clients are not being properly informed in these matters. (...) People are left in the dark a bit, I think sometimes, because it isn't communicated ahead of time. (...) Every extension has its reasoning and everyone that would want to hear the reasoning, could hear it, if they inquired with the administration. (...) In my view (...) this process of informing [clients] is a bit inadequate.' – SLB Schmidt, 2022

Mr. Schmidt's statements further highlight the issue of transparency between applicants and caseworkers and thus a lack of procedural justice that takes place by withholding information – be it due to time constraints or strategically. As stated earlier, most applicants did not report feeling mistreated by their naturalization caseworker and had a positive experience in their interactions with them. Most reported having difficulty reaching their caseworker to inquire about their application, especially during the early stages of the Covid-19 pandemic that forced administrative offices to close and the still often paper-

based German bureaucratic system to go remote and digital. However, for many new citizens, the discretionary power of the naturalization caseworker did not only lie in the evaluation or general outcome of an application for citizenship, but in the civil servants' freedom to choose when they would actually process an application. Hani, who had come to Germany as a Syrian refugee 6 years prior to being interviewed and who now works as a welfare administrator, described his confusion at seeing friends and acquaintances, who all met the requirements for a certain status, get said status after vastly different waiting periods: 'Why? In my opinion, it's the people that are employed by the authorities that process the applications. (...) there should be proper oversight that the civil servants are doing their job correctly' (Hani, 2021). Calls for greater oversight were frequent in the interviews with new citizens, who felt less impacted by the requirements themselves and more by the people reviewing whether they met them:

> 'There is this – how do you say that [in German]; the applications end up in... a drawer?[8] (...) If someone complains because their application hasn't been looked at in months, they go: 'oh you are complaining? You are not getting an answer from me!'' – Hani, 2021

Most bureaucrats reported reviewing applications on a 'first come, first served' basis with exceptions being made for urgent cases, where an applicant needed citizenship before an official deadline for a government job or in the aftermath of the 2016 Brexit referendum, when many long-term British residents in Germany applied for German citizenship while they could still become dual nationals and did not have to relinquish their British citizenship. But during an interview with one of the bureaucrats, the interviewee used similar imagery to Hani to convey how he treated applications he thought should not have been submitted:

> 'People who have issues [fulfilling the requirements] – they know that. They generally go to a lawyer and have them represent them. (...) Well, those applications lie dormant in my drawers, where I say, 'no that doesn't work for me''. – SLB Becker, 2022

Admitting to this practice of willfully delaying the processing of an application only occurred once during the caseworker interviews but matched the experiences of several new citizens. Marian had graduated from a German-speaking university in Romania and had acquired a written statement by his employer, the Federal Agency for Technical Relief, of his services to the country, but his caseworker refused to accept his application:

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8 Here to mean 'get swept under the rug' from the German '*etwas in der Schublade verschwinden lassen*', which literally translates to 'making something disappear in a drawer'.

> 'The law allows for [a two-year reduction of the residency requirement], but he didn't want to hear that. All I got to hear was 'well, you can submit the application' – I work in admin, so I know my stuff – 'feel free to submit the application, but you know yourself since you work in admin that I, the caseworker, make the decision and that will not pass my judgement.' I asked why because it's in the law and was told]: 'no, I don't do that.'' – Marian, 2021

These experiences in combination with Mr. Becker's description of his processing approach highlight an important issue in the German naturalization process: While German administrative law generally grants three months of processing time before applicants are authorized to submit an action for failure to act (*Untätigkeitsklage*), the responsible administrative courts are just as overburdened with cases and migrants do not want to risk extending the process even further while possibly souring the relationship with their caseworker. Bureaucrats at the Foreigners' Office, naturalization department and other parts of the administrative structure know how overburdened the entire apparatus is by the number of applications. Hence, individual cases are rarely followed up upon by supervisors. Marian felt he had no other choice than to wait out the required eight years and submit his application once his caseworker allowed for it. Hani, after waiting to hear back from his caseworker for months, submitted his naturalization application on his own hoping that would jumpstart the process. Another few months of no contact went by, and Hani finally contacted his caseworker's supervisor hoping to get an update on his application. After a couple more weeks, Hani finally heard back from his caseworker. He had returned all of Hani's paperwork too him stating that there was an additional document he needed and before Hani had acquired said document, he would not accept the application. In these instances, caseworkers hold a significant amount of informal discretionary power. It is up to them when an application is processed and even though they are not legally allowed to refuse an application they are still able to employ tactics to dissuade clients from submitting their applications.

Vetters' study of the use of administrative guidelines by front-line workers illustrates how bureaucrats had shifted in strategy from rejecting visa applications that theoretically met all requirements to being stricter when evaluating whether someone met the requirements due to the former type of rejections being ruled unlawful (Vetters, 2019). In the case of the naturalization caseworkers, we see the 'rejection' taking place even earlier in the process before an application has even been submitted. Some caseworkers reported advising clients not to submit their applications if they thought the applicant had little chance of succeeding.

> 'Naturalization- ultimately, it's an application- and I am not allowed to tell the person, 'You may not submit an application'. That person is of course allowed to submit the application, but I am allowed to indicate that the application will be denied.' – SLB Weber, 2022

The practice of carefully checking applications *before* accepting them was justified by caseworkers as a consequence of their heavy workload and that the applicant would only lose money in the process if they were to pay the processing fees just to be denied. In the context of an overburdened administrative system, it makes sense that caseworkers would try to avoid the lengthy process of writing up rejections (which must hold up in court), when it is easier and more efficient for them to perform an informal check of the application before it is even submitted. This move into informality, rejecting or halting applications before it is legally even possible, grants the front-line bureaucrat a significant amount of discretion outside of the formal process itself. Most caseworkers might not misuse this discretionary power, but the experiences outlined above demonstrate that they easily could. Ultimately, this finding illustrates that an overwhelmed bureaucratic system pressures caseworkers into informal practices, which in turn offer space for arbitrary processing procedures which harm certain applicants. With informality often comes a certain opacity in procedures which hinders applicants understanding of the process and might trigger perceptions of arbitrariness, in turn undermining procedural justice and thus the legitimacy of state practices (Borrelli and Wyss, 2022).

4.5.3 The Client-Caseworker Relationship

The previous sections have outlined to what extent the legal framework as well as the caseworkers' work environment impact their discretionary power and ultimately their clients. The focus of this section is on the client-caseworker relationship and how the kind of interaction affects migrants' naturalization processes. In the aforementioned case of Filiz, disrespectful treatment by the head official she had turned to for help left her feeling rejected by the German state even years after the event. Out of all the interviews I conducted for this study, she was not the only one detailing difficult experiences of the same sort that had a lasting impact. Natasha, whose interaction with an official at the Foreigners' Office served as the basis for vignette 2, described how she had always felt bad going to the immigration authorities thinking that the officials were always looking for something nefarious that she had done. Referring to the incident described in vignette 2, she said, 'that gesture, of him pulling away my papers so easily, that stayed with me, and I had more moments like that at the Foreigners' Office' (Natasha, 2022).

Natasha's vignette made for a constructive prompt when presented to the caseworkers during the interviews. The insulting remark made by the official was condemned by all interviewees, who emphasized that no civil servant should speak to a client in such a manner. The vignette did offer caseworkers the opportunity to theorize why their colleague had acted in such a manner with some expressing sympathy with their colleague. They described feeling

betrayed or hurt if applicants had lied to them or if they felt the applicant was not putting in enough effort.

> 'And of course, it's burdensome when you want to help someone and the person in front of you says, 'no, I'm taking advantage of this, I know the law very well. (...) You can cut some [of my social assistance], but not everything. And that not everything is enough for me to get by, so I won't get a job. I won't do it.' That hurts your ego of course, you know. Of course, officially [that reaction] is reprehensible, but it does hurt your ego. I get that.' – SLB Schmidt, 2022

The client-caseworker relationship thus has an intersubjective quality to it, which in an overburdened work environment with many stressors has the potential to erupt in an interaction with the applicant. New citizens reported feeling nervous going to the immigration authorities due to prior experiences and the obvious power imbalance between them and their caseworker.

> 'You go [to the Foreigners' Office] with a certain amount of respect because you want to live in this country, you want to stay– you're hoping that you'll be allowed to stay. (...) this power differential that grows out of that... people sense that. And some people sit there and take advantage of their power.' – Filiz, 2021

Caseworkers also noted that some applicants were apprehensive and would tell them about bad experiences they had with other bureaucrats. When asked to theorize why applicants were having such intimidating interactions with colleagues, interviewees mostly referred to their colleagues' workload and the tension felt from some applicants, who, according to the bureaucrats, thought their life was hanging in the balance with each residency permit extension. When a naturalization application would be processed slowly, because additional documents had to be requested and verified, for example, then this dynamic between the overworked caseworker and stressed-out applicant could lead to misunderstandings:

> 'I get the impression sometimes that people are misreading things: We are the *naturalization* office, we're not the naturalization prevention office. – we are working towards the same goal. The naturalization office is not the adversary of the citizenship applicant. It is not my goal to reject you. It is my goal to have you naturalized.' – SLB Schmidt, 2022 [emphasis as made by interviewee]

The interactions with clients could also be personal in a positive manner, where bureaucrats remembered being thanked for their work by former clients and valued applicants showing appreciation for their work. One bureaucrat reported still getting regular calls from former applicants that would inquire concerning friends' issues with residency permits or the immigration authorities more generally. Her work as a naturalization caseworker had made her a trusted person to contact for many of the new citizens she had naturalized

– not only for them personally, but for their social circle. New citizens were quick to also refer to the positive interactions they had had with caseworkers, emphasizing that the negative experiences were individual cases.

Crossley (2022) highlights in his work on the agency-structure problem that social relations and interactions are fundamental to the social structure. He defines institutions such as governmental agencies as being 'nested' within multi-level configurations of relations between humans (Crossley, 2022: 170). In the case of the German naturalization office and more broadly the immigration authorities, we can gauge a similar formational structure: Caseworkers form relations with their clients and each interaction influences the overall relationship clients have towards the institution. It becomes clear that even few negative interactions have a lasting effect on migrants' perception of the administration and thus impact future interactions with said institution. As exemplified by Mr. Schmidt's quote on the misunderstandings between applicants and caseworkers, these dynamics can evolve into a vicious cycle of tensions and distrust that hinders the necessary administrative processes and thus hampers the legal integration of migrants. Viewed through the perspective of procedural justice, this dynamic perfectly demonstrates the interaction between the perception of discretionary decision-making and the legitimacy of state practices.

4.6 Conclusion

This study of both the experiences of new citizens as well as their caseworkers offers new insights into the implementation of citizenship policy adding an essential perspective to the existing naturalization literature. Its inclusion of the legal definition of discretion in German administrative law further extends the understanding of German street-level bureaucracy by connecting legal and social scholarship on discretion (Arai-Takahashi, 2000; Eule, 2016; Jestaedt, 2016; Vetters, 2019; Wendel, 2016; Zacka, 2017). The linking of both sides of the administrative process through real-life vignettes offers a unique view of the implementation of naturalization policy in Germany, extending the still modest catalogue of scholarship on the topic by examining citizenship acquisition 'from below' (Badenhoop, 2017, 2021; Courtman and Schneider, 2021; Witte, 2018).

The preceding analysis offers three key findings: Firstly, caseworkers refer to departmental regulations as well as individually created guidance in order to manage the evaluation of indefinite legal concepts. This process might not be considered discretionary decision-making under German administrative law, yet it *de facto* requires the caseworkers to use discretion in their assessment. Secondly, the immense workload burdening the naturalization offices has led some caseworkers to pre-evaluate applications before they have been officially submitted in order to avoid having to write lengthy formal rejections.

In some instances, new citizens report having their applications delayed for unjust reasons by their caseworkers with one street-level bureaucrat admitting to willfully delaying the processing of certain applications. Thirdly, it is apparent that negative interactions with their caseworkers often have an overall effect on migrants' perceptions of the immigration authorities. Even those interviewees who rejected the idea that their caseworker was representative of the state felt that the administrative system was failing in its duty to supervise front-line workers. The fact that caseworkers reported feeling personally betrayed or hurt by the behavior or attitudes of their clients highlights the personal aspect of the client-caseworker relationship. An overburdened administrative structure, where comprehensive oversight is not possible and front-line workers are required to make decisions using significant discretionary power cannot guarantee procedural justice.

Aside from the differences between naturalization departments regarding the regulations concerning indefinite legal concepts, individual caseworkers have the ability to use guidelines created by themselves. Without regular communication and comparison of these kinds of guidelines with higher-level officials, it is difficult to imagine how equal treatment of each applicant can be ensured. This circumstance is exacerbated by the intense workload and tensions caseworkers are faced with while conversely their clients might be apprehensive towards them due to their past experiences with other caseworkers. A system that allows for such large amounts of discretionary leeway as outlined in the preceding analysis while also having a significant personal dimension to its client-caseworker relations inevitably creates inequalities.

The limitations of this study highlight the future research necessary to gain further understanding of the client-caseworker relationship in the context of migration policy implementation and its interaction with the discretionary powers legally and informally granted to street-level bureaucrats. Future research expanding the scope of this sample beyond the governmental district of Cologne is essential in order to gauge the extent to which different departments and individual officials develop distinctive regulations to cope with their discretionary leeway and whether practices such as the willful delay of processing certain applications are prevalent elsewhere. Conducting qualitative research based on interview data needs to account for certain issues such as social-desirability bias. In this study, the use of real-life vignettes, particularly vignette 2, proved effective in enabling bureaucrats to voice otherwise socially undesirable feelings towards their work and clients. Additional studies are necessary to further evaluate the merit of this interviewing method beyond the sample of this study.

5 'Am I really a full Canadian? I'm not'
Immigration Experiences of New Citizens in Canada

5.1 Introduction

Canadian citizenship is not as in demand as it used to be. The Institute for Canadian Citizenship released new data in February 2023 indicating that the number of recent immigrants choosing to become citizens has been in 'steep decline' with 45.7% of eligible permanent residents naturalizing within 10 years compared to 67.5% in 2011 and 75.1% in 2001. (Hasan, 2023). The Institute's report does not offer any concrete explanations for the outlined decrease but sees the trend on par with similar developments in other *Organisation for Economic Co-operation and Development* (OECD) member states, namely the United States (US), Australia, France, and the United Kingdom (UK) – even though the Canadian trend constitutes the steepest decline out of the group. The institute's prepared comparison of naturalization requirements across these states seems to provide only small differences between these cases. This points towards a difficulty prevalent in studies (particularly comparative ones) of naturalization, namely, that taking citizenship policy at face value limits the validity of said analysis as citizenship outcomes, in this case, naturalizing or not naturalizing, are not solely determined by the formal naturalization process. The observation of naturalization only from the point of the application for citizenship onwards means disregarding, at best discounting, the previous stages of an individual's migration trajectory such as entry and temporary stay within the destination country (Bliersbach, 2024). A naturalization procedure that requires the applicant to hold permanent resident status, as is the case in Canada, has to be evaluated in conjunction with the requirements for permanent residence.

In an effort to combat curtailed analyses of naturalization and to expand existing studies of citizenship acquisition in Canada, this chapter examines experiences of naturalization beyond the formal process of applying for citizenship, thus highlighting the crucial role of permanent resident status regulations. Canadian citizenship policy operates under the broader human-capital citizenship paradigm (Ellermann, 2020), which shapes not only the naturalization procedure but all immigration related regulations. While the literal Canadian citizenship policy can be interpreted as liberalized over the years, it is permanent residence (PR) that presents the main challenge to those wanting to become Canadian citizens. This chapter's analysis of 15 in-depth interviews with new and prospective Canadians conducted in Toronto in the fall of 2022

points to a narrowing of citizenship into its dimension as a legal status at the cost of its dimensions of belonging and political participation and rights (Bloemraad et al., 2008). While none of the immigrants interviewed regretted their decision to come and naturalize in Canada, their experiences throughout their migration trajectory highlight the 'econocentric' character of Canada's immigration policy (Winter, 2021). Their experiences underline a 'human-capital citizenship' (Ellermann, 2020) in which immigrants see themselves reduced to their set of skills and less as a politically empowered new citizen exercising a feeling of belonging.

This chapter aims to extend the limited list of studies examining citizenship acquisition 'from below' focusing on the experiences of those going through the naturalization process (see also: Aptekar, 2016; Badenhoop, 2021; Winter, 2021). Previous studies have often focused on the formal naturalization process as such, but as I have previously argued (Bliersbach, 2024), there is ample reason to extend the scope of analysis to not just begin at the moment of the formal application for citizenship, but even earlier at the outset of a person's migration trajectory. This way, one is able to glean a more comprehensive picture of the challenges and dynamics experienced throughout the naturalization process Questions of access to a state's territory and the accessibility of a status that provides a legal right to remain in said territory are crucial in determining whether an individual will ever be able to apply for citizenship. With migrants moving through a legal system that is increasingly interwoven by crimmigration dynamics (Sklansky, 2012; Stumpf, 2006), scholars cannot take citizenship policy alone at face value but have to examine the broader immigration policy framework. Apart from the expansion of the frame of analysis beyond the formal naturalization process, studying the acquisition of citizenship 'from below' allows for insights into which notions and dimensions of citizenship are most prominent to new citizens. These dimensions are distilled by examining the reasons and motivations given for naturalization as well as interviewees' reflections on the connection between their citizenship status and their self-awareness of 'being Canadian'.

Furthermore, this chapter adds to the existing literature by providing evidence that defensive citizenship (Aptekar, 2016; Gilbertson, 2006; Ong, 2011; Van Hook et al., 2006) calculations are a driving force behind why people choose to naturalize in Canada. The erosion of security from deportation under Permanent Resident status is what motivates many migrants to apply for citizenship in order to minimize their own deportability with some acknowledging that even citizenship no longer constitutes an entirely safe status due to recent policy advancements concerning denationalization in Canada (Macklin, 2014).

The following sections first outline the broad developments in citizenship policies across Western democracies and how those policies impact the character of citizenship as such; second, an introduction to the Canadian immigration system and its requirements for formal membership including their

rationale; third, the methodological section, which is followed by section four analyzing the experiences of naturalization by new Canadian citizens.

5.2 The Dimensions and Developments of Citizenship

5.2.1 General Trends

The historical development of citizenship policies is very much connected to how citizenship is construed. Usually defined as a form of membership in a geographic or political community (Norman and Kymlicka, 2005), citizenship can be divided into four core dimensions: 1) citizenship as a legal status; 2) rights and duties equally imbued to each citizen; 3) political participation; and 4) a sense of belonging (Bloemraad et al., 2008). The legal status dimension centers on who is entitled to the status of citizen and how this status is acquired – be it by birth (*ius soli)*, descent (*ius sanguinis*), or naturalization (Bauböck, 2001; Bloemraad, 2006; Odmalm, 2005). A second dimension studies the legal rights and duties of citizens and questions of equality before the law for all members of a citizenry (Bauböck, 1994; Janoski, 1998; Somers, 2006; Tilly, 1995; Yuval-Davis, 1997). The political participation dimension of citizenship examines who within a state may take part in the governing of the territory from both a historical perspective, highlighting the developments in enfranchisement, and through a contemporary lens, inspecting the interdependences of one's ability to use political rights with social and economic inclusion (Marshall, 1950; Somers, 2005; Yuval-Davis, 1999). Citizenship's fourth dimension, belonging, focuses on the paradoxical constitution of being included and belonging to a group: the exclusion of others without whom a 'we' is not possible (Bosniak, 2001). In their review of normative and empirical debates on (Western) citizenship, Bloemraad et al. outline these dimensions as '[cutting] across each other, reinforcing or undermining the boundaries and content of citizenship' (2008: 156). The authors endorse the utilization of these separate dimensions of citizenship to enable researchers to examine how far immigrants are incorporated into receiving societies.

The regulations and requirements concerning the acquisition of citizenship – and hence the access to its four dimensions – have developed over the past century as naturalization has become a more common phenomenon. Increased migration meant an increase in individuals holding dual nationality, an effect amplified by (1) policies introducing gender-neutrality into citizenship distribution, (2) the inclusion of *ius soli* principles into *ius sanguinis* regimes to accommodate second and third generation immigrants, (3) fewer regulations requiring the renunciation of one's nationality of origin upon naturalization, and (4) a number of bilateral agreements through which obligations of loyalty concerning dual nationals (such as military service) were arranged to only

concern one country of nationality (Brubaker, 1998; Gerdes et al., 2012; Spiro, 2017; Vink and De Groot, 2010).

As more and more people hold bonds with multiple nations, states have grappled with the challenge of defining a new denominator for their citizenry. Some literature has pointed to the 'culturalization' of citizenship meaning that civic, political and social rights have come to define a citizen less than the adherence to certain norms, values and cultural practices (Duyvendak et al., 2016). This development is reflected in the increase in naturalization requirements focusing on the cultural and civic aspects of citizenship such as citizenship tests, integration courses and ceremonial oaths (Goodman, 2010; Huddleston, 2020; Verkaaik, 2010). These new requirements point towards states' efforts to 're-nationalize' citizenship (Joppke, 2019; Winter and Sauvageau, 2015).

While the formal requirements for legal membership within a citizenry have been generally liberalized by most Western nations, migrants are increasingly asked to prove their worth as states 'grant citizenship [... depending] in part on perceptions of their membership and contribution' (Bloemraad et al., 2019: 96) This change is demonstrated by the growing number of economic requirements for naturalization. Citizens are no longer seen as the bearers of rights concerning welfare and employment – as first imagined by social citizenship – but as bearers of human capital, denoting 'the skills and psychocultural attributes associated with high-status and highly paid positions in the global knowledge economy' (Ellermann, 2020: 2516). In a human-capital citizenship system as outlined by Ellermann, the link between membership and its benefits becomes 'conditional and tenuous with rights being transformed into earned privileges' (ibid.). Regarding the four dimensions of citizenship, this means that greater emphasis is put on the legal status dimension of citizenship while especially the aspects of belonging and political participation are deprioritized in favor of economic calculations of an individual's fiscal contribution in exchange for formal membership of the citizenry. The following section will relate the broader developments in Western citizenship policy to the case of Canada.

5.2.2 Naturalization in Canada

In 2021, 405.000 immigrants were admitted to Canada with the federal government aiming to take in 1.3 million migrants by 2024 (Sangani, 2022). In order to apply for Canadian citizenship, prospective applicants must (1) be permanent residents, (2) have been physically present on Canadian soil for at least three out of five years (1095 days) since becoming a permanent resident, (3) have filed an income tax return at least three times out of the last five years prior to the application, and (4) not be under a removal order or inadmissible on security or criminal grounds. Applicants between the ages of 18 and 54

must also take the citizenship test and demonstrate adequate knowledge of English or French (Government of Canada, 1985).

Immigrants entering and wanting to remain in Canada are generally separated into three categories: the economic class, which accounts for about 58% of migrants that have permanently settled on Canadian soil in 2021, the family class, and the humanitarian class (Statistics Canada, 2022; Winter, 2021). The economic class is admitted as skilled workers based on a points system, which was established in 1967 in a move away from Canada's previous 'unabashedly racist' immigration system as a settler colonial state (Nakache et al., 2020; Satzewich, 2016: 240; Winter, 2021). Some scholars have argued that this new 'universal' or 'merit-based' immigration selection policy has done away with racist immigration restrictions by pointing towards the increasingly diverse list of countries of origin of permanent immigrants (FitzGerald and Cook-Mart'n, 2014; Joppke, 2005; Reitz, 2012; Triadafilopoulos, 2012). Other scholarship, in particular coming from a critical race perspective, points towards still existing racial biases among immigration bureaucrats, the geographically unequal distribution of visa processing centers as well as the discrepancies in resources like personnel (Aiken, 2007; Anderson, 1995; Jakubowski, 1997; Simmons, 1999). Racial exclusion is further directed through the focus on education and skills as selection criteria since educational and occupational opportunities are not equally distributed between the Global North and Global South (Elrick, 2021).

Still, the establishment of the points system in the late 1960s marked a liberalization of citizenship policy in Canada that predates the general trend of liberalization in the early 2000s among Western states (Nakache et al., 2020). Throughout the late 1970s and early 1980s, the majority of migrants arrived through the family and humanitarian immigration streams. In an effort to alter the balance between economic and family immigration, the 1980s–2000s saw a number of policy reforms expanding economic admissions while establishing restrictions for family sponsorship. In addition to policy reforms, administrative resources were also redirected from processing family immigration applications to those of business entrepreneurs (Ellermann, 2021).

Recent changes in policy have prioritized economy-driven migration (Dufour and Forcier, 2015; Ellermann, 2020) and efforts to 'strengthen' Canadian citizenship by tightening naturalization requirements and introducing regulations enabling the denationalization of citizens (Winter, 2015) similarly to other North American and European states. While some of the Conservative government's restrictive turn under Prime Minister Stephen Harper was watered down by the liberal Trudeau administration, many policies have remained in place, at least partially (Griffith, 2017). One example concerns when physical presence in Canada counts towards the residence requirement for citizenship: The Harper government had disallowed counting any time spent in Canada prior to becoming a permanent resident towards citizenship. Under Prime Minister Justin Trudeau, applicants may now count 12 hours

of each day within the preceding five-year period that they were present in Canada as a temporary resident or protected person, up to a maximum of 365 days (Government of Canada, 1985). Furthermore, allowing for the revocation of Canadian citizenship has ended the total security of status formal membership used to offer. The rights dimension of citizenship has been thus reduced to set of fickle rights – especially for dual citizens who would not be left stateless if denationalized.

The question thus remains what constitutes citizenship – what is its content? What are its boundaries? – within a system as thoroughly impacted by the human-capital paradigm as in the Canadian case? The subsequent analysis seeks to answer this query. In conjunction with the rise of human-capital citizenship, the developments in Canada point towards a narrowing of citizenship to its legal status dimension at the cost of its dimensions of belonging, political participation, and rights.

5.3 Methodology

The scientific as well as the political debate of citizenship has paid little attention to the experiences of migrants (Yanasmayan, 2015) although migrants arguably possess a more detailed awareness of citizenship than most natural-born citizens, who typically have less cause to reflect on their status and nationality. Even fewer studies concentrate on naturalized citizens (Badenhoop, 2021). This case study contributes to the citizenship and naturalization literature that studies the acquisition of citizenship 'from below', focusing on the experiences of migrants (see also: Aptekar, 2016; Badenhoop, 2021; Winter, 2021). It is based on the thematic analysis of 15 semi-structured interviews conducted with 15 new Canadian citizens and one individual who was still in the process of naturalizing. The interviews took place in the fall of 2022 with seven interviews being conducted in person in the city of Toronto, Ontario, and eight taking place as video calls via Zoom. The in-person interviews were conducted in various places including parks, cafes, interviewees' homes, or their place of work – depending on the preference of the respective interviewee.

Ten out the of 16 interviewees identified as women and six as men. Their ages ranged from 24 to 80 years old with an average age of 41 years, which matches the average age of Canadian citizens, 42.8 years of age (Statistics Canada, 2022). Participants previously held citizenship of Albania (1), Columbia (2), Croatia (1), Ethiopia (2), Germany (1), Ghana (1), Serbia (1), Sri Lanka (1), Turkey (1) the United Kingdom (3), and the United States (2). The interviewees were recruited by contacting the available migrant support institutions in the greater region of Toronto as well as contacting possible gatekeepers through the University of Toronto's criminology and socio-legal studies network, calls for participants through social media, as well as snowballing once

the initial interviews had taken place. An average interview lasted between 60 to 80 minutes and consisted of two parts: Firstly, it chronicled the participant's migration history starting with when and why they entered Canadian territory. Secondly, and depending on how much the respective interviewee had already said on the matter, participants were asked to take the interviewer through their memories of the naturalization process. Subsequent questions also focused on when interviewees had first become aware of their new citizenship in their daily lives and to what extent they felt Canadian. All interviews were conducted in English and then transcribed and coded in Atlas.ti using an inductive approach.

The subsequent analysis of their naturalization experiences highlights new Canadian citizens' struggles with their deportability and the increasing erosion of security of statuses such as permanent residence and citizenship as well as the difficulties with feelings of belonging in a system that prioritizes economic factors and skills.

5.4 Analysis

5.4.1 Deportability and Belonging

Any individual's formal status apart from citizenship comes with a certain level of deportability and thus precarity. Concrete thresholds for deportation vary by state legislation and said state's level of crimmigration as well as the ethnic or racial background of the migrant in question due to crimmigration's inherent interaction with racialization (Bliersbach, 2024; Törngren et al., 2021). On an individual level, deportability puts an omnipresent stressor on migrants and their families (Bean et al., 2011). In her 2016 study of motivations for naturalization comparing the United States and Canada, Aptekar found a stark contrast between new US and Canadian citizens concerning 'defensive naturalization'. Defensive naturalization occurs when 'immigrants seek citizenship to protect themselves from criminalization and anti-immigrant policies' (Aptekar, 2016; Gilbertson, 2006; Ong, 2011). While defensive naturalization was a common theme in interviews with new US citizens, Aptekar states that none of her Canadian interviewees mentioned something relating to becoming a citizen for protective reasons (2016). This finding was not reproduced by this study. While some interviewees reported having felt safe once they had acquired PR, many also spoke of the goal of naturalization being connected to acquiring a secure status and to protect themselves from possible future changes in immigration policy.

Their deportability and dependence on the immigration authorities is omnipresent for migrants. Venera, who followed her sister to Canada from Albania for her last years of high school in 2013 and has lived in Toronto ever since, explains that 'the first thought that comes to mind [is]: 'I'm getting

deported!' That's like the first (...) thought that comes with everything. You know, anytime you hear anything from immigration: 'I'm getting deported!'' (2022). For her, becoming a permanent resident meant 'peace' from a lot of these stressful moments: 'I don't have the passport yet – and that is the end goal (...) to become a Canadian citizen, but now I feel like I have security' (Venera, 2022). She describes fears connected to health care, which is only free for Canadian citizens and permanent residents, and the awareness of having a temporary status, 'I can be kicked out for anything' (ibid.). For Venera, getting PR was the decisive moment in her migration trajectory that offered her relief from deportability. While other interviewees agreed that PR was the more difficult hurdle to clear on the path towards citizenship, many did not share Venera's sense of security. Isaac, who had come to Canada from Ghana describes PR as 'the crucial critical moment' (2022). At the same time, when asked whether he feels like his life has changed in any tangible way since becoming a citizen, he reports:

> 'Nothing has changed (...) apart from that (...) feeling at home now, nobody's going to throw me out, things like that. That would be the only thing, I would say is different. Because when you're a permanent resident, you can still, under some circumstances (...) become a security issue and things like that.' – Isaac, 2022

For Isaac, PR meant a set of new rights such as health care and access to a new range of jobs, but security from deportation was still reserved to citizenship status, in his perception. Isaac's experience indicates that the rights dimension of citizenship has thinned in the sense that also non-citizens can access many decisive rights apart from political ones once they acquire PR. At the same time, the legal status aspect of citizenship takes center stage in migrant's minds as security of status becomes a growing priority in light of their deportability. Other interviewees describe similar 'defensive' motivations for naturalizing. Kamran's family moved to Canada from the United Kingdom when he had just finished secondary school. According to him, becoming a citizen in Canada 'was always the goal' (Kamran, 2022). The young lawyer cites security of status as the motivation to apply for citizenship as soon as possible:

> 'In Canada, the rules are pretty strict, you know. They recently, for example, made a change where even someone convicted of drunk-driving, that becomes a serious criminal offense, which okay, as abhorrent as drunk-driving is, I don't necessarily agree that that should be reason that someone should lose their immigration status in the country, you know, just automatically because of the way the law works. (...) The amount of cases I've come across where people [had] been [permanent residents] in Canada for like a decade, and then they've had the one stupid mistake in their life, which okay, it's a grave mistake, but that shouldn't be reason that suddenly they are being deported from the country, back to a country, which they

> might not even have ties to or might have problems with. So, that was the motivation, just really protection'. – Kamran, 2022

With criminal offenses triggering the revocation of an immigration status being a common occurrence in modern crimmigration systems (Armenta, 2017; Macklin, 2014), Kamran's awareness and worry about being punished through deportation demonstrates the erosion of the supposed security of permanent resident status. The legal status dimension of citizenship is thus again emphasized as the central reason for acquiring formal membership.

The emphasis of citizenship's legal status dimension also affects the other dimensions of citizenship, most clearly the dimension of belonging. Interviewees described having difficulties feeling like they fully belonged to Canada. Asked how far she feels Canadian, Lochani's answer comes fast and clear, 'Not a lot. And (...) that's actually a really nuanced thing because I don't know how many immigrants actually feel fully Canadian. I think their children will. But for me, I don't belong anywhere' (2022). She recounts her time living in the Middle East as a Sri Lankan citizen on temporary status. Talking about Canada again, she says, 'And then here, it's funny but I don't think I'll ever feel free. Maybe I will one day but in my opinion it's difficult for me. Because even in the last 10 years I always carried myself as someone that can get kicked out' (ibid.). She describes seeing fellow immigrants' struggle with depression and other mental health issues that kept them from attending university and ended with them being deported. 'I was still aware of, like, I can't let my depression [take over], like I'll get kicked out' (ibid.). She says she is afraid to jaywalk having seen fines of hundreds of dollars impede a migrant's ability to stay in Canada. Working in immigration, she knows 'too much' to feel fully secure in the North American state: 'See, most people don't know that citizenship can be revoked, and it can. (...) I'm a citizen, yeah, but you can take it away. So, am I really a full Canadian? I'm not' (Lochani, 2022). Lochani's elaborations point to a development in which citizenship is not only increasingly defined by its legal status dimension but is narrowed into it at the cost of – in particular – the dimension of belonging. If an individual's status remains tenuous, or is at least perceived as such, said person is impeded in establishing a feeling of belonging, of being an equal member of the citizenry. The aforementioned experiences of new Canadian citizens also show that defensive citizenship is not only a US phenomenon, but also occurs in Canada.

5.4.2 Human-Capital Citizenship

With the majority of permanent residents in Canada having acquired permanent status through the economic immigration stream, it is important to examine the possible effects of such an econocentric immigration system on how citizenship is valued and perceived by migrants. As outlined above, a

citizenship regime centered around human capital creates a conditional and tenuous membership where rights have become earned privileges (Ellermann, 2020). But what does this mean for the every-day experiences of new citizens? The skill-based point system through which Canada administers most of its selection of immigrants creates first and foremost competition between immigrants. PR is not granted once a person amasses a certain number of points but depends on the entire cohort applying for said status since only a set number of immigrants have their applications approved per round. Interviewees that had gained permanent status through the economic stream outlined their strategic choices in how and when to apply in order to not only maximize their points but to also decrease the likelihood of too many fellow immigrants submitting applications boasting higher point scores.

> 'It's like a Hunger Games sort of thing. (...) You literally have to prove like (...) why are you worthy of this? (...) you have to prove like, why am I better than the next migrant? Which is a very messed up mentality, if you think about it. (...) the point system, like that's what it creates. It creates this competitiveness.' – Venera, 2022

Venera's description of the competition between migrants fostered by the so-called point system corresponds to what Ellerman outlines at the desirability of immigrants coming 'to correspond to their rank in the labour market hierarchy' (2020: 2515). As a safer immigration status and thus reduced deportability is closely tied to an economic sense of deservingness, becoming an equal citizen becomes inextricably bound to one's economic contribution. This condition for inclusion does not necessarily create a significant bond between immigrant and destination country. Coupled with its competitive component between migrants, basing an individual's deservingness to be included on their human capital means impeding them from developing a sense of belonging beyond their economic contribution.

When asked whether she sees her future based in Canada, Venera states,

> 'I don't really have anything that's tying me down (...) I definitely have a life in Canada and belonging in Canada. And things that tie me down, like to a degree, but not a hundred percent. And like, I would also be open to moving from Canada. And that's what I kind of feel like, like, yes, the goal is getting the citizenship. And this is going to sound kind of like, selfish. Yeah, it could be selfish. But like, that was really just the goal. The goal is like, I want the citizenship. Because it will give me like, the stability that I want and the ability to, like, come in and out of Canada whenever I want. But not necessarily to live here forever.' – Venera, 2022

Venera describes a tension between acquiring a formal status that is meant to connect one individual to a certain state and what Canadian citizenship actually does: It offers immigrants a new freedom of movement that also allows them to leave Canada after becoming citizens without losing the ability to

return. The transactional character of Canadian naturalization closely tied to its prioritization of economic requirements in the immigration process once again impedes a sense of belonging to be developed and new citizens considering leaving as soon as their status allows for it.

Rahel had come to Canada in 2016 from Ethiopia through the humanitarian stream. Even though human capital was not the central requirement for her being granted permanent residence, economic factors seem to dominate her considerations of where to reside:

> 'H.B.: Do you see yourself moving to another country at some point or do you think, like, 'really Canada, is it for me right now'?
> Rahel: I think if you asked me this question five years ago, I would tell you yes. Now half, half.
> H.B.: Okay.
> R: So, I think when you grow older, you travel with purpose. If I get a job at a different country, or if I get school opportunities at a different country, yeah, I don't mind relocating. Yeah, but with nothing, no, somebody has to pay the bills. [she laughs]' – Rahel, 2022

Rahel's deliberations clearly focus on her ability to financially sustain herself or to gain additional skills. A feeling of belonging to Canada or ideas of 'home' are not decisive. These prioritizations indicate that a citizenship paradigm focusing on economic factors risks constructing a sense of citizenship in its new citizens that remains void of emotional connection and belonging and is instead built on the transaction of contributions to the state's economy for political rights and security from deportation.

The aforementioned hierarchy established between immigrants within a human-capital citizenship system also exists between Canada's immigration categories of 'economic class', 'family class' and 'humanitarian class'. Zafer had come to Canada from Turkey together with his then boyfriend, first as a student and then later claimed refugee status as it became clear that due to a previous employment working on a project related to the Armenian genocide, he would most likely be imprisoned if he were to return to Turkey.

> '...when I was applying for refugee status, I didn't know there is a huge stigma on being a refugee, maybe I did, but I didn't want to think about it, because I realize that years later, I confess, I was so ashamed of becoming a refugee, because I wanted to be like an economic immigrant, right? (...) like you don't know why I'm ashamed of feeling ashamed, because it was my legal right. (...) And I felt like, you know, I was stealing something from these people, like, you know, I had that one-bedroom apartment, you know, [thinking:] 'I'm renting this apartment and a beautiful white Québécois cannot rent an apartment'. I know it doesn't make sense and I never ever thought I would think like that.' – Zafer, 2022

Zafer's feelings of shame towards his immigration status are clearly related to a logic of deservingness that values individuals based on their economic

contributions. Even though he knew he had the legal right to claim refugee status, he still felt lesser than an economic migrant. Zafer further describes the relief brought by being granted PR: not because it meant a safer status, but because he now could show his PR card and no longer needed to disclose being a migrant when having to identify himself. He further illustrated his frustrations with the role of deservingness within the immigration process when talking about studying Canadian history for his citizenship test:

> 'that's so funny, you feel like, you know, you are a newcomer, so, do you really deserve to be here? They always make you question that because, you need to deserve it, right? I need to be educated, young, have money, so and patience, and etc., etc. So, and after that, like, you know, when you reach 400 points, ding, ding, ding, ding ding, now you deserve to be here. So, but you [colonial settlers] came here, like, 500 years ago' – Zafer, 2022

Zafer describes the incongruity of being made to feel like he did not deserve to be in Canada when the people that made him feel this way never asked for permission when they arrived. In Zafer's case, while the stigmatization of his refugee status is still painful to him, he does see Canada as his home and feels 'existentially grateful for Canada' (Zafer, 2022) due to the Canadian state recognizing his same-sex partnership. Here, a sense of belonging was bolstered by Canadian citizenship offering him additional rights that he was not able to access as a Turkish citizen. It becomes apparent that while a focus on the legal dimension of citizenship can hinder the dimension of belonging, the latter can be strengthened through a strong dimension of citizens' rights.

The analysis of these new citizen interviews clearly indicates that naturalized Canadians are aware of and impacted by the human-capital paradigm dominating Canada's immigration structures. Immigrants' reduction of their sense of self to their economic contribution produces a hierarchy between the migration classes as well as stark competition between economic migrants. Consequently, interviewees reported a lessened sense of belonging as they viewed their naturalization in transactional terms.

5.5 Conclusion

The analysis of 15 in-depth interviews with new and future Canadian citizens finds that both deportability and defensive citizenship constitute major factors in a migrant's decision to naturalize. The focus on the dimension of legal status and the awareness of being disposable to the Canadian state impede feelings of belonging. At the same time, 'earning' formal status is perceived as an increasingly transactional procedure with interviewees noting that once they have gained citizenship, they feel a 'selfish' urge to leave and make use of their new passport by accessing yet another state's territory they were unable to travel to before. These findings align with what Winter formulates as 'the

attribution of citizenship as an earned privilege on the basis of citizenship candidates' successful demonstration of individual human capital' (2021: 302). The analysis further offers extensive evidence for the pervasiveness of the human-capital citizenship paradigm impacting migrant's feeling of deservingness that establishes a hierarchy between classes of migration as well as a sense of competition between individual immigrants.

The findings of this study are limited by the fact that an above-average number of interviewees were lawyers or involved in immigration law. It can thus be assumed that they were more aware of certain complications and obstacles of the immigration system in Canada than the average immigrant might. Interviewing only those who are in the process of naturalizing or already have naturalized of course limits this study's view on possible factors that hinder immigrants from becoming citizens. However, this analysis demonstrates the advantage of expanding the frame of analysis beyond the formal naturalization process. As PR is a requirement for citizenship and the application for PR is much more extensive than citizenship applications, the real bottleneck moment towards formal membership is not the naturalization procedure, but everything that precedes it. Citizenship – at least administratively – is being clearly denoted as a grant given once integration has been accomplished, not as a catalyst of integration. The naturalization procedure is thus institutionally deprioritized leading to long waiting times for what feels for many interviewees like a foregone conclusion since they have already 'earned' their permanent residence. These waiting times and paperwork headaches in turn lead to frustration for new citizens who report having felt less emotional about their naturalization than they expected due to the number of bureaucratic frustrations. An administrative devaluation of the naturalization procedure can thus affect how far becoming a citizen and thus crossing that final boundary towards full integration is meaningful to new citizens. Further research should pay closer attention to these effects of the administrative procedure of naturalization as such on the potential citizen. It also remains to be determined why exactly immigrants in Canada are naturalizing at a lower rate than before.

6 Comparing the Legal Consciousness of New Citizens

Perceptions of Naturalization in Canada and Germany

6.1 Introduction

Citizenship is often described as a state institution guaranteeing equal rights for the members of a citizenry. However, research examining notions and understandings of citizenship by individuals has complicated that description as citizenship intersects 'with race, gender, class, sexuality, disability and other markers of social location to determine the contours of lived realities of citizenship' (Abrego, 2019: 642). In an effort to understand the role of policy procedures in the creation of an individual's citizenship identity, this article examines the legal consciousness of new citizens in Canada and Germany. Based on 30 semi-structured interviews with naturalized citizens conducted in the Greater Toronto Area as well as in the governmental district of Cologne, this chapter explores how new citizens experience their relationship with the law across differing policy implementation systems.

Comparing these two cases with one another offers an interesting opportunity to examine both a centralized and a decentralized implementation system alongside one another. Both countries are federations and have federal laws governing citizenship policy but differ significantly in how far citizenship policy execution is handed down to the lower levels of government. Canadian citizenship policy is implemented by the department of Immigration, Refugees and Citizenship Canada (IRCC). Applications are collected in a central location, checked for completeness, and then send on to one of the IRCC's 23 local offices across the country, where they are fully processed. The German bureaucratic structure passes the implementation of citizenship law all the way down to the municipality level. The *Ausländerbehörden* (ABs; Foreigners' Offices) are run locally by counties and municipalities; North-Rhine Westphalia alone hosts 82 of these offices (Dörrenbächer, 2018). The front-line worker putting law into action is working with the legal text as well as guidelines produced at the federal level, the state level, the district government, their local department, and, as explored in chapter 3, individually crafted guidelines.

These differences in implementation of policies between both countries beg the question whether these discrepancies in how the law is brought into action can affect new citizens' legal consciousness. At face value, the naturalization process produces very different types of relationships between state and citizen. In the Canadian case, the relationship with the state remains mostly anonymized. A deeper sentimental connection is fostered during citizenship

oath ceremonies, when the presiding citizenship judges introduce themselves to the naturalizing citizens and give a speech on the meaning of Canadian citizenship. During the application process, migrants might foster new relationships with their immigration lawyer or consultant, but only rarely with a state official. In contrast, the German system cultivates a different set of relationships as applicants are required to have in-person consultations with their respective caseworker, who will handle their application for citizenship (in most cases, applicants are assigned a caseworker based on their last name). Additionally, having an immigration lawyer is far less common in Germany, but migrants might still foster relationships with, for example, immigration advisors working for foundations or non-governmental organizations.

This chapter contributes to the relevant scholarship on naturalization and legal consciousness by examining two aspects of the legal consciousness of new citizens in Canada and Germany. Firstly, and similar to de Hart and Besselsen (2021), this chapter makes use of Ewick and Silbey's approach of studying legal consciousness through the narratives of 'ordinary' people about the law in their daily lives, differentiating between stories of being *before the law, with the law*, and *against the law* (Ewick and Silbey, 1995, 1998). Secondly, within these narratives, the analysis pays special attention to the relational dimension of legal consciousness (Chua and Engel, 2019; Young, 2014). As the Canadian and German naturalization procedures differ significantly in their approaches to policy implementation, different kinds of relationships are cultivated between new citizens and their state as well as their new citizenry. Hence, this chapter explores where new citizens see themselves in relation to the law and how this perception is further influenced in its relational dimension by the respective state's citizenship policy implementation. I find that (1) in both cases migrants experience the law, at times, as arbitrary, obscure, and as producing inequality while it also explicitly plays a role in how they define what it means to be Canadian or German; (2) what differentiates new Canadians' and new Germans' legal consciousness is their experiences of what part of the state system produces this felt inequality. While Canadians are more likely to see legislation and regulations themselves as unfair, Germans perceive those who implement these regulations to be the creators of inequalities.

The subsequent sections will first offer a brief introduction to German and Canadian Citizenship law followed by a closer discussion of the legal consciousness scholarship and its relational aspect. The analysis then examines both Canadian and German new citizens' legal consciousness. The chapter concludes with a discussion of limitations and propositions for further research.

6.2 Comparing Canadian and German Citizenship Law

Germany and Canada are both Western liberal democracies with citizenships established within the last 100 years. Germany's population is about double that of Canada (82 versus 40 million people), while immigrants in Canada naturalize at a much higher rate than those living in Germany: 80.7 percent of eligible permanent residents had become Canadians in 2021 compared to the German naturalization rate of 1.1 percent (Die Bundesregierung, 2024; Statistics Canada, 2022). Canada has branded itself as a country of immigration and multiculturalism. In contrast, Germany has struggled with the label of an 'immigration country' and governments avoided the self-categorization until recently (Eule, 2016). Both states host significant migrant communities – which make up 23 percent of the Canada's population and 14 percent of Germany's (Bundeszentrale für politische Bildung, 2023; Government of Canada, 2022) – and have seen reforms of their citizenship law in recent decades with Germany being on the precipice of another considerable reform in early 2024.

At the time of writing, the two differ in their requirements for naturalization and contrast each other significantly in the implementation of said policy. Canadian citizenship acquisition requires permanent residence and 1095 days spent on Canadian soil. The applicant must also be free of criminal charges, demonstrate sufficient skill in either French or English, and submit their income tax returns in the years leading up to their naturalization. After an initial evaluation of an individual's file, applicants are asked to take the citizenship test and upon passing this test, they are invited to a citizenship ceremony to take the oath and become a formal member of the nation (Citizenship Act, 1985).

German applicants do not need permanent residence, but they must have lived in the country legally and habitually for at least 8 years, 7 or 6 years depending on certain exceptions. They are also required to demonstrate a B1-level proficiency of the German language and their ability to sustain their life financially without receiving funds from the state. Their legal identity must also be fully proven, which constitutes a distinction to the Canadian trajectory of naturalization. For a migrant in Canada, the application for permanent resident status (PR) constitutes the largest hurdle in terms of paperwork and being able to fully prove their identity. After PR has been granted, applicants are not subject to further inquiry concerning their legal identity. In Germany, however, citizenship applications apply a higher threshold of scrutiny to questions of legal identity than other status applications do. If someone, for example, entered the country without a passport, they may be able to acquire a legal and permanent status to reside in Germany, but in order to become a citizen, they would need to take further steps in order to fully prove their legal identity (Haller and Yanaşmayan, 2023). In this sense, there is a distinct variation in how these formal processes are prioritized by German and Cana-

dian authorities that can be seen in the amount of scrutiny they employ at the stages of naturalization and PR.

In some sense, the formal Canadian citizenship procedure is more straightforward and for most applicants simply boils down to the (re-)submission of documents and a waiting period. If one imagines a person's entire migration trajectory as a certain total of bureaucratic labor that has to be done, then the requirement of PR functions as a forward displacement of workload in the Canadian case. Most of the bureaucratic work has already been done by the time the migrant applies for citizenship. While the German citizenship application is also much more straightforward than those for primary statuses, it can still involve more workload than the Canadian system would allow for. The *Stufensystem* (tier system) of proving one's legal identity requires the caseworker processing the application do more work than a Canadian citizenship officer would have to complete.

Besides these differences in requirements and their effects on the general dynamics of each citizenship trajectory, Canada and Germany differ greatly in the manner of implementation of immigration and citizenship policy. The Canadian system operates centralized through the department of Immigration, Refugees and Citizenship Canada (IRCC). Applications are collected in one location and checked for completeness. Once an application has been formally 'acknowledged as received', it is sent to one of 23 local offices across Canada, where it is processed. Communication with applicants occurs mainly through e-mail, with messages only being signed by an officer's code number, not their name. It is also quite common for migrants to hire a lawyer or immigration consultant, who will handle their application and communication with the IRCC. The German bureaucratic system stands in stark contrast to what was often described by interviewees as the 'black box' of the IRCC: Germany's implementation structure is decentralized with immigration policy being put into action by local municipalities, where formal guidelines for implementation can differ by state, district government or municipality (Dörrenbächer, 2018). The state of North-Rhine Westphalia alone, which hosts about 17 million inhabitants, has 82 local offices (ibid.).

These differences in naturalization policy and implementation structure create a key characteristic that will be explored as influential on migrants' notions of citizenship and law: the relationships cultivated during the naturalization process. Canada's centralized system would be unable to conduct its daily affairs in the way Germany does through in-person consultations. There are simply not enough IRCC offices and staff to handle this type of implementation at their caseload. Consequently, the average applicant in Canada is much further away from the frontline bureaucrats within the IRCC than their counterparts in Germany are from their caseworkers, who they meet and know. It is thus clear that each system is constructed in a way that supports its bureaucratic culture: Germany's local offices operate largely in-person, while

communication between the IRCC and immigrants takes place almost exclusively online.

6.3 Studying Legal Consciousness in a Migration Context

The concept of legal consciousness first emerged in the early 1980s and quickly proliferated throughout socio-legal research – particularly scholarship on the US context – as the commonsense notions of the law (Chua and Engel, 2019; Merry, 1990). One of the most prominent conceptualizations of legal consciousness was coined by Patricia Ewick and Susan Silbey in *The Common Place of Law* (1998). The authors examined how ordinary people talk and think about law in their daily lives and how their perceptions of law impact the way they navigate it. According to Ewick and Silbey, no matter the gender, ethnicity or class of an individual, people view law through three different 'stories': *before the law*, *with the law* and *against the law*. The *before the law* story denotes that someone sees laws as just, impartial, and rational with clear and well-known rules and procedures that are separate from everyday life. People who are *with the law*, so to say, see laws as a resource that can be utilized to serve their own goals. Working *with the law* is a competition that can be played with the appropriate means and resources, such as money and/or a good lawyer. Lastly, those that see themselves positioned *against the law* perceive law as an unjust, oppressive system, which is the product of unequal power. Within this story, law is neither objective nor fair, but rather unreliable and arbitrary. Each of these narratives invokes a different set of normative claims, justifications, and values to express how the law is supposed to function, as well as the constraints on legal action. Therefore, as Ewick and Silbey argue, it is impossible to reject the law as a whole. Criticism of the law requires possessing an ideal of how the law would be fair and just, meaning that even when the law is perceived negatively, its power and hegemony are confirmed. Consequently, people often mention all three narratives of law at the same time, and it is not possible to categorize individuals' overall 'story' of the law.

Due to the plethora of literature examining legal consciousness, researchers have sought to categorize the existing scholarship. Ewick and Silbey's work is part of what Chua and Engels categorize as the Hegemony School of legal consciousness research (2019). Other schools include the Identity school, which focuses on 'the fluidity and multiplicity of legal consciousness and identities' (ibid: 337), and the Mobilization school, where studies aim to understand 'law's potential for transforming society' (ibid: 340). These schools of legal consciousness scholarship differ in their assumptions and objectives but are not clearly delineated with the lines between the categories often blurring.

This study positions itself within the hegemony school with a specific focus on the relational dimension of legal consciousness. In order to fully conceptualize legal consciousness as it is applied here, a short note on the terms 'legal'

and 'consciousness' is necessary: 'Legal' refers to migrants' legal consciousness in relation to state law. Migration trajectories are of course mainly impacted by destination state regulations, but especially concerning citizenship law and matters like dual nationality, country of origin legislation matters as well. Following Chua and Engel's (2019) conception of the term, 'consciousness' here includes both people's perceptions of the law as well as their actions towards it.

Socio-legal scholars agree that legal consciousness is never formed in a social vacuum (Abrego, 2019; Chua and Engel, 2019). However, Young's study of Hawaiian cockfighting (2014), which explores the social processes underlying the understanding of and actions involving the law, was the first piece of scholarship to explicitly address the relational element of legal consciousness. In 2022, Young and Chimowitz extended Young's elaborations on relational legal consciousness in their study of parole boards' decision-making. They differentiate between 'relational legal consciousness' – the umbrella term capturing all ways a person's legal consciousness 'is shaped by their relationships to another person or group' – and 'second-order legal consciousness', a subset of relational legal consciousness, which describes how 'Person A's perceptions of Person B's or Group B's legal consciousness' in turn shapes Person A's perception of the law (2022: 242). Second-order legal consciousness thus specifies an aspect of a relationship between individuals or groups that can influence legal consciousness: how one person thinks another person thinks about the law. Hertogh (2023) differentiates in his quantitative analysis of Dutch welfare recipient's legal consciousness between how clients view official's understanding of the law and how their own legal consciousness is impacted by their relationships with officials.

Within studies of migration, research on legal consciousness has centered on immigrants, in particular undocumented migrants, which points to the scholarship's ambition to highlight the experiences of underrepresented and vulnerable populations (Abrego, 2011; Gleeson, 2010; Güdük and Desmet, 2022). Further legal consciousness research in the field of migration studies includes, as reviewed by Güdük and Desmet (2022), (mixed-status) families and family migration (Abrego, 2019; de Hart and Besselsen, 2021; Kulk and Hart, 2013) as well as return migrants and refugees (Chakraborty et al., 2015; Kubal, 2015). Migrants with other (regular) statuses such as naturalized citizens have not been studied extensively (Güdük and Desmet 2022). When examining the relational dimension of migrants' legal consciousness, scholars have examined family and community ties (e.g. Hirsh and Lyons, 2010; Kulk and de Hart, 2013), but have not taken up second-order legal consciousness regarding state agents or institutions. This chapter contributes to the field of legal consciousness research concerning migration by investigating new citizens' legal consciousness, taking into account second-order legal consciousness through the relationship between citizenship applicants and the state actors they interact with. Comparing the Canadian and German context, this chapter delves into

the connection between the architecture of citizenship policy implementation and individuals' perceptions of their formal membership and how it was granted to them. Firstly, this chapter takes a look at what types of narratives – as developed by Ewick and Silbey – are most prominent in how new migrants reflect on their naturalization process. In a second step, the focus lies on the relational dimension of legal consciousness.

6.4 METHODOLOGY

This comparative case study of the Canadian and German citizenship policy implementation is based on the thematic analysis of 30 semi-structured interviews conducted with naturalized Canadians (16[1]) as well as naturalized Germans (15).[2] It contributes to the citizenship and naturalization literature that studies the acquisition of citizenship 'from below' focusing on the experiences of migrants (see also: Aptekar, 2016; Badenhoop, 2021; Winter, 2021). The interviews took place in 2021 and 2022 and were conducted in-person in the governmental district of Cologne, Germany (13), the city of Toronto, Canada (7), and as video calls via WhatsApp (1), Webex (1) and Zoom (8). The in-person interviews were conducted in various places including parks, cafes, interviewees' homes or places of work, or the interviewer's office – depending on the preference of the respective interviewee. Interviews lasted between half an hour to over three hours. An average interview lasted between 60 to 80 minutes and consisted of two parts. Firstly, it chronicled the participant's migration history starting with when and why they entered Canadian or German territory (if they had not been born in Germany). Secondly, and depending on how much the respective interviewee had already said on the matter, participants were asked to take the interviewer through their memories of the naturalization process. Subsequent questions also focused on when interviewees had first become aware of their new citizenship in their daily lives and to what extent they felt Canadian or German. German new citizens were interviewed in German; Canadian new citizens were interviewed in English. Out of the 31 interviewees, 17 were women and 14 men. Participants previously held 19 different nationalities across Europe (9), the Americas (2), Asia (5), and Africa (3). All interviews were fully transcribed and coded in Atlas.ti.

1 One couple was interviewed together.
2 Of the Canadian interviewees, 12 were fully naturalized and 4 were in the process of doing so; German interviewees were split 12/3.

6.5 Analysis: Black Box vs. Decentralized Discretion

Naturalized citizens have often gained a singular perspective of a country's immigration system, after having completed the typical trajectory of long-term migration though 'entry, temporary stay, settlement, and citizenship' (Anderson, 2013). Examining their understanding of a country's legality offers a unique view on how its laws are made sense of and felt in practice. The subsequent sections first take a look at interviewees' legal consciousness concerning citizenship policies itself, followed by their notions concerning the implementation of said policies.

6.5.1 Understandings and Impact of the Letter of the Law

Structural criticism – expressions of stories oriented *against the law* focusing on the law on the books are present in both groups of interviewees. These frustrations ranged from criticisms of specific aspects within the formalized naturalization process to distaste for the nation state system as a whole. Filiz, who was born to Turkish immigrant parents in Germany and did not qualify for birthright citizenship, remarked, 'I really never understood why I didn't have German citizenship to begin with. That is something that I still do not understand to this day.' For her, having grown up in and finishing high school in Germany, having 'German' as part of her identity had never been a question. The need to apply for and be granted citizenship put her *against the law* in a way that did not reflect her own understanding of herself. 'I take a dim view of the whole concept of nation states and nationalism. To me, the German passport is a piece of paper that puts me into a privileged position. And a position where I, as a German – and I do identify with this country – get to have certain rights and privileges, which I am entitled to. And which I also want to make use of' (Filiz, 2021). There is a clear tension in her distaste for the nation state centered system she lives in and her self-identification as part of one of these states. This ambivalence demonstrates the difficulty of rejecting certain parts of legality. It is so prevalent that even stories of criticism end up reaffirming the law.

Isaac, who immigrated to Canada from Ghana as a PhD student, became a Canadian citizen in 2022. When asked about the citizenship ceremony and the oath he took, which includes a pledge of allegiance to the reigning monarch of the United Kingdom, his answer was a pragmatic one:

> 'I saw it as part of the package. (...) If I had my own way, I'd do it differently. But if I want to be Canadian, I cannot want to (...) change how and what it is to be Canadian. If you get what I mean, I like it and all, but if I had my own way, we shouldn't be swearing allegiance to an individual. If I had my own way, I don't think that is right. And if you're coming from the Global South like me and understand how the Crown and the Empire treated colonies (...) you can begin to see

> why. (...) I understand it, it's the Canadian culture of sustaining that relationship with the British Empire today. (...) I want to be part of this community. (...) So then it's for me to choose. (...) So if I had my own way, would it be different? Yes, but it's not a big deal.' – Isaac, 2022

For Isaac, the formal step of having to swear allegiance to the British monarchy did not necessarily create an injustice as to what was asked of him. Swearing the oath is a necessary 'part of the package' of becoming a Canadian citizen and being part of the community, according to him. In his weighing of interests, the decision to fulfill the condition of the oath positions him *with the law*. According to Isaac, there is a logic to the system he is navigating and even if he does not agree with the system's logic, he chooses to fulfill its requirements in order to access citizenship.

This understanding of the 'logic' of certain parts of citizenship policy was not universal among interviewees. Irina moved from a Balkan state to Toronto as a teenager more than 13 years ago and was able to naturalize in 2022. During her interview, we discussed the Canadian points system, which was established in 1967 and is utilized to admit skilled workers through the economic immigration stream (Elrick, 2021). In 2021, 58% of migrants, who had permanently settled on Canadian soil, had entered the country as part of the economic immigration stream (Statistics Canada, 2022). Irina recalls her pathway towards permanent resident status: 'Throughout the entire permanent residency process one of the biggest stressors is like you're playing this delusional game of your life, where you're like 'oh my gosh, I need to get more points! More points! Like, do I have enough?'' (2022). Her descriptions of coming up with a 'game plan' in order to navigate the points system positions her story clearly as one of being *with the law*. Much like Ewick and Silbey describe it, immigration law is gamified by those navigating it.

Looking back on the process now that she is a citizen, Irina is frustrated by the memories of having to 'score' points: 'It's like playing a game in the dark, you know? You navigate it in darkness with no explanations. Like, there's no logic to this point system. I don't think anyone would be able to tell you, really' (2022). Even though she was able to play the game of the points system successfully, her understanding of it situates her also *against the law*. Without the necessary explanations and no discernable logic, the policy functions arbitrarily to her. Irina further outlines the effect of having to wade through a long and exhausting immigration process that remains at least partially opaque at all times:

> 'Like, at that point people are a little bit disillusioned and I think perhaps less inclined to be as active as citizens as they would be earlier on [if they were formally integrated quicker] (...) If you are shutting me out in every other way and I have to like really prove myself for this, well, it's like, 'I don't want to be part of your club', like by the end of it' – Irina, 2022

The participation in a game, where the rules are not clear to all players lead in Irina's case to her being hindered in easily embracing her new formal identity.

A process experienced as unjust devalues the status gained through it. Stories of being *against the law* in the context of citizenship policy impact new citizens' ability of fully embody their new identity. When asked how far she feels Canadian, Lochani does not hesitate before answering, 'Not a lot. And (...) that's actually a really nuanced thing because I don't know how many immigrants actually feel fully Canadian. I think their children will. But for me, I don't belong anywhere' (2022). Lochani grew up in the Middle East as a Sri Lankan citizen on temporary status. She recounts her experiences there before coming back to the Canadian context: 'And then here, it's funny but I don't think I'll ever feel free. Maybe I will one day but in my opinion it's difficult for me. Because even in the last 10 years I always carried myself as someone that can get kicked out' (Lochani, 2022.). Working in immigration as a law clerk, she says she knows 'too much' to feel fully secure about her status in Canada: 'See, most people don't know that citizenship can be revoked, and it can. (...) I'm a citizen, yeah, but you can take it away. So, am I really a full Canadian? I'm not' (Lochani, 2022). Being a naturalized citizen in Canada thus constitutes a continuous state of being *against the law* for Lochani, as the existences of denaturalization clauses put her on unequal footing to those with birthright citizenship.

Filiz, who had stated as outlined above that the German part of her identity had always belonged to how she saw herself, described her naturalization experience as what could be paraphrased as a state-mandated identity crisis, which included rescinding her Turkish nationality and being told by an official at the Foreigners' Office that he would do everything to have her deported.

> 'The naturalization itself was relatively unproblematic. All the feelings and emotions connected to it were the more problematic bit. This being put on the spot... the manifestation of my identity conflict in a bureaucratic process. And that it's coming from the authorities, that you need to and must have this conflict, because you have a migration background. That was the bad thing about it. The tough thing – because experiences of being 'other' used to come from interactions with regular people, not from the authorities.' – Filiz, 2021

For her, dealing with 'othering' or being excluded by other people had not induced a conflict of identity. She had seen herself as German and viewed naturalization simply as a formal process she would fulfill to also claim this part of her identity legally. But citizenship acquisition constituted not only a formal process but necessitated a questioning of her identity and belonging. It created a chasm between individual and state she had not perceived to exist before.

It is important to highlight that the experiences interviewees shared of their migration history were not all difficult or manifestations of injustice. For many,

gaining access to their destination country (if they had not been born in it) and acquiring citizen rights constituted an alignment with the law that they had not encountered before. Zafer, who had fled to Canada from Turkey in 2016 and submitted his application for citizenship in 2022, illustrated being 'existentially grateful for Canada' (2022). As a gay man, submitting his joint tax returns with his partner meant he was positioned *before the law* in a way he had not been before: 'I went to my accountant, we filled [out] the forms together and I looked at the form and cried. So probably I'm the first person, who cried [over] a tax form. (...) I'm not crying because I'm going to pay taxes, but I was crying because for the first time, I am with a person and I'm in love with him. And [the state says] 'yeah, just give your name' (Zafer, 2022). Natasha, who had come to Germany first as an au pair and then went on to study at and graduate from a German university, described in a similar vein that through all the opportunities she had been given, she had always felt 'very wanted in this country' and had been given 'so much' (2022). For her, becoming a citizen and working for the German state felt like a way to repay the country for the chances it offered her.

In both Canada and Germany, interviewees were most likely to report notions of being positioned *against the law* when discussing citizenship policy and requirements in their destination country. A procedure of citizenship acquisition that was perceived as unjust saw some new citizens being less inclined to fully embrace their new formal identity. Requirements for gaining membership such as the ceremonial oath are understood as more than formalities, but a meaningful part of what it means to be Canadian. At the same time, citizenship rights and privileges still hold enough meaning and importance in interviewees' lives that they continued on their pathway to formal citizenship. It can be observed yet again that the hegemony of the law as illustrated by Ewick and Silbey continues to be omnipresent in migrants' ambivalent notions of immigration policy. At the same time, migration outcomes, specifically the legal inclusion of immigrants as new citizens, still constitute a highly meaningful step to naturalized citizens and are often part of their self-realization.

6.5.2 Understanding the Relationships Built through Implementation

Analyzing the notions of legal consciousness of new citizens in Germany and Canada side by side demonstrates that while the structural differences in how policy is delivered might not impact the stories told about the reigning legality (whether one is *with*, *before* or *against the law*), the mode of implementation – be it centralized or decentralized, personal or impersonal – does impact who individuals see as 'the law' as the implementation systems produce differing sets of relationships between state and migrant.

When talking about the implementation of citizenship policy and its shortcomings, Canadian interviewees would most often refer to 'the IRCC' as the actor they were up against: Kamran, who moved from the UK to Canada in 2011 and now works as an immigration lawyer, states, 'The government is the 'them', you know, it's the behind-the-scenes. (...) and I mean, even for us working in the field, the government agencies make it so difficult to try and communicate with them' (Kamran, 2022). Irina hits a similar tone saying, 'Frequently even lawyers and consultants will tell you like, 'well, the black box that is the IRCC? We don't know!'' (Irina, 2022). Frustrations about the inability to contact the right people at the IRCC in order to get an update for an application and the opaqueness of the organization to an outsider were frequent topics in the interviews with new Canadian citizens. Aweke, who came to Canada from Ethiopia in 2013, describes his ambivalence towards his new home state, 'I am happy that I'm Canadian. (...) I am grateful and happy. Disappointed with the... government, and especially this department, IRCC. Incompetence, to tell the truth (...) and it is very discriminatory (...) It is not predictable. And if it is not predictable, it will create a lot of stress' (Aweke, 2022). It is this inability to anticipate how fast an application will be processed as well as insecurity about how applications are reviewed, which lead to applicants telling stories of being *against the law*.

Whereas Canadian interviewees mainly understood the IRCC as part of the government – which of course is also factually correct as the department is headed by the Minister of Immigration, Refugees and Citizenship – German interviewees often understood the Foreigners' Offices as well as the naturalization departments to be more separate and sometimes in opposition to government and law. Naijm, who was trained as a lawyer in Syria, arrived in Germany in 2014 and naturalized in 2021, recounted how for a part of 2021, local offices where rejecting naturalization applications due to legal uncertainty regarding whether applicants needed B1-level proficiency German overall or to also pass each sub-category of the B1-level exam.

> 'They rejected many applications in that period. Until the legislative amendment on August 18th, that's when [the government] changed it and said that the overall result of the exam matters and not the three separate parts. That means that the local authorities don't have any leeway anymore. This office had required the overall result– another wanted all three parts – now it's clear.' – Najim, 2021

In Najim's – and many fellow new German citizens' – understanding of the policy implementation process, the local authorities have agency. When bringing in second-order legal consciousness, it becomes clear that while the Canadian IRCC is viewed as one actor, be it opaque, that is implementing the will of the government, local authorities implementing immigration policy in Germany appear to have their own objectives and reasons for implementing the same policy in varying ways. In moments of contention, when applicants find themselves *against the law*, the law in question is often not the literal legal

text, but the implementer of said policy: applicants find themselves *against their caseworker.* It is thus the interpretation of the law by the caseworker that creates certain injustices according to how migrants understand the law.

When discussing the state of the current naturalization requirements, in particular financial conditions, Najim further states that even though the law allows for certain exceptions, these exceptions will only apply if the caseworker decides that they do. According to Najim's understanding of the workings of German government offices, this outcome is often unlikely: 'The agency has leeway. Always. They cannot – if they don't want to then they don't do anything. The law is a little slack' (2021). The central assumption of how citizenship law implementation in Germany operates is thus that if offices have discretionary power, then they will use it arbitrarily. Similarly, Rohat, who came to Germany as a small child with his family and grew up in a rural part of Germany, described how his family repeatedly resubmitted their documents for permanent residence but was only granted temporary status until he finished high school. Looking back now, he could not pinpoint what made the exact difference in their last application but he remembered feeling frustrated about its timing: 'Back then I thought 'cool, now that I have the *Abitur* [qualification for university entrance] and can go to university, I get the stupid PR' as if the German authorities were just waiting to see if I was good for anything' (2022). It is once again not the fulfilling of a set of requirements that is perceived as the determining factor for whether one is granted a certain status, but rather that the authorities implementing the regulations control the success of an application.

German interviewees often felt they were at the mercy of a single civil servant's disposition. Elena had come to Germany as an au pair and student in 2005 from Georgia. She recalls having been refused permanent resident status for what she felt was an unjust reason:

> 'The caseworker there said they couldn't grant me permanent residence, because... my income wasn't enough. Even though... they are supposed to add it up, because I'm married to my husband and she said 'no that is excluded from your data' (...) How am I supposed to understand that? My impression is... a lot of the time, they just do what they want to.' – Elena, 2021.

Hani, who had come to Germany as a Syrian refugee in 2015 when he was 25 and now works as a welfare administrator, illustrated how perplexing it was to see friends and acquaintances, who all fulfilled the requirements for a certain status, be granted said status after vastly different waiting periods: 'Why? In my opinion it's the people that are employed by the authorities that process the applications. (...) there should be proper oversight that the civil servants are doing their job correctly' (Hani, 2021). Calls for greater oversight came up often during the interviews with German new citizens, who felt less impacted by the requirements for a status, such as citizenship, but rather by the people deciding whether they met said requirements. Interviewees also

reported experiences of implementation strategies differing between local authorities or between caseworkers. Zahra, who came to Germany as a medical student from Azerbaijan, had to reapply for PR after she had moved from one municipality to another which had a significant effect on her status due to her new caseworker:

> 'That woman, she said to me – I basically met all the criteria for permanent residence, I speak German, I have a work contract, all these things, pay slips. (...) Everyone in the neighboring city [office] told me I fulfilled the requirements, and she then showed me some small print, some law, that said that each local administration could decide for themselves through discretion.' – Zahra, 2022

As evidenced by their perceptions of the implementation of citizenship policy, new German citizens recalled having been *against the law* in the form of the street-level bureaucrat processing their applications. While some Canadian interviewees would mention an imagined person sitting at a computer and looking over their file, they did not assign them as much agency and power as their German counterparts did. In some interactions with street-level bureaucrats, Canadian interviewees reported a frustration with how impersonal these meetings would be. For example, Caroline had become a Canadian citizen after emigrating from the US. Her naturalization certificate, however, was missing one of her middle names compared to her older Ontario ID which proved problematic when she attempted to get a driver's license during a longer stay in British Columbia: 'They had multiple offices around where I was living. And so, I went to one and then I went to another one. I think I've been three times. I think I went to one office once and the other offices twice. And so it was like three, two different offices, three different bureaucrats' (2022). After being refused three times, Caroline contacted her Provincial Parliament Member in hopes of setting up an appointment at the relevant agency where the street-level bureaucrat would have prior knowledge of her situation. 'I want them to know what I'm bringing or what I'm not bringing. (...) And then I want to know who I'm going to see, like I want to see a person who is expecting me and knows all this information' (2022). The scheduled meeting ultimately fell through, but Caroline's inquiry for someone to already know about her situation before she arrives describes the role of a caseworker: A bureaucrat responsible for her case who has all the relevant documents on file and is familiar with her administrative issues. When asked whether she felt that it was an individual or systematic decision to refuse her application for a driver's license, Caroline agreed with the latter: 'They all really, really took very seriously [that] policing' (2022). In contrast to many of the German interviewees, Caroline did not place the blame for the specific decision on the individual frontline bureaucrat.

The decentralized bureaucratic structure of the German policy implementation system thus seemingly creates a distance between the legislator and the implementor of the legislation in the interviewees' legal consciousness.

New German citizens were impacted by their second-order legal consciousness of their caseworkers. Their experiences led them to believe that their caseworker viewed the law as something the bureaucrat got to shape and use at their convenience. How much of the implementation of a policy is visible to immigrants will have an impact on how they make sense of this process. While frustrations with *the law* in the Canadian context focus either on the legal requirements themselves or the IRCC as one entity, these issues in the German context are often influenced by the individual's personal relationship with their caseworker demonstrating the enormous impact of second-order legal consciousness regarding state actors.

6.6 Conclusion

The analysis of the legal consciousness of naturalized citizens in Canada and Germany demonstrates that in both cases migrants employ stories where they are *against the law*. The law and more specifically the requirements for naturalization are often interpreted as being a meaningful part of what it means to be Canadian or German. A key difference that is apparent in the interviews with both new Canadians and new Germans is the emphasis put not only on having an understanding of the law itself, but how individuals come to understand its implementation process. How law is put into action makes a difference to how law is understood – 'the law' being perceived as just not only denotes the rules as they are set up, but also their implementation. Legal consciousness is impacted by both aspects of the legality someone is living in.

Where new citizens' experiences concretely differ is that 'the law' they are up against takes a different shape depending on the national context. In the Canadian case, the law remains more abstract: The IRCC is blamed as an entity and the rules and regulations are often what interviewees see themselves being *against*. The IRCC is understood as the long arm of the legislature with little inherent agency. The opaqueness of the IRCC – and to a large part Canadian citizenship policy implementation as a whole – contributes to feelings of uncertainty and arbitrariness in migrants. In the German context, understandings of where procedural injustices stem from are negotiated through the individual's personal relationship with their caseworker. In this bureaucratic system, the borders between what is due to a literal 'law' and what is due to the person implementing said law has become blurred to migrants. In Germany's decentralized implementation structure, interviewees assign local authorities and individual caseworkers more agency and power than their Canadian counterparts do. The local German authorities are assumed to hold significant discretionary leeway and that they make use of said leeway whenever they see fit and not necessarily in the interest of the immigrants. Some interviewees call on the legislature to formulate regulations in a stricter manner

to reduce the discretionary powers of the implementing agencies. Here, we see a stark contrast to how naturalized Canadians understand the relationship between their legislature and the IRCC.

What becomes apparent is that the bureaucratic structure does not necessarily impact which 'story' of the law is told the most, but that there is a difference in how it is told – the closest point of contact will be the one that is most associated as being what the applicant is up *against*, which can be an impersonal system or a single individual i.e. the caseworker. Every new type of relationship created by the implementation system adds to the relational dimension of migrants' legal consciousness. In their experience, caseworkers hold an immense amount of power that some use at their own whim. In this understanding of the law, impacted by their perceptions of how the responsible frontline bureaucrats see the law, unequal outcomes of immigration policy are due to how it is implemented, not the literal policy as it was formulated.

This rare comparative view of naturalized citizens' legal consciousness offers a new understanding of how state-citizen relations can impact perceptions of legality whenever the state is personified and thus second-order legal consciousness, as coined by Young and Chimowitz (2022), is enabled. It also raises questions concerning the purpose of the respective implementation structures. Firstly, how do the experiences of new Germans locating the root of many injustices in the decision-making of street-level bureaucrats reflect the levers of legal power? Do street-level bureaucrats hold the reigns of citizenship law or do they function as scapegoats within a system that structurally hampers the exclusion of some while aiding others? Conversely, what does a state like Canada gain from keeping its implementation evidently in the dark while putting the focus on its legislators? Future research has the opportunity to home in on these questions as well as broadening the scope of this study geographically beyond the Greater Toronto Area as well as the governmental district of Cologne.

7 Conclusion

7.1 Revisiting the Research Question

This dissertation set out to understand *How the naturalization procedure impacts new citizens' notions of citizenship*. Exploring this question across the preceding five chapters through the analysis of lived experiences of the naturalization process brought forth a number of findings regrading questions of identity, procedural justice, perceptions of discretion, and legal consciousness. Before summarizing these points in more detail, it is worth reflecting on the research question itself.

This project was initially specifically focused on naturalization as a formal process shaped by citizenship law. However, this conceptualization of naturalization only as the formal process of applying for citizenship overlooks important aspects of what naturalization entails. An essential element of understanding the impact of naturalization as an administrative procedure is understanding that it is impossible to examine the effects of naturalization procedures separately from a person's preceding migration trajectory. Formal law and administrative structure might differentiate between these phases, but naturalization as a legal act does not occur in a vacuum. Prospective citizens enter the application procedure having already collected an array of experiences with the state's immigration bureaucracy. Even when asked how they perceived the naturalization procedure itself, this perception always included a reflection of how this part of their formal integration compared to previous steps. The strategies of how applicants approach the naturalization procedure are already impacted by the interactions with the migration bureaucracy they had beforehand. Citizenship law, in turn, might *apply* only in the moment of processing the relevant application, but migrants are often aware of the requirements for citizenship long before applying for formal membership and thus already impacted by the conditions set for full civic integration. If we want to understand how new citizens' notions of citizenship are shaped, we have to conceptualize naturalization not only as a formal procedure but include migrants' intentional efforts towards citizenship before entering the application process. Naturalization and its impact span back further into new citizens' lives than the day they applied for formal membership. The research question this dissertation ended up answering is thus better formulated as

How does naturalization impact new citizens' notions of citizenship?

Based on my research, naturalization impacts new citizens' understanding of citizenship in three ways: through its requirements, its relevance, and its implementation. The formal requirements for naturalization led citizens know what needs to be achieved prior to being able to apply for membership. A focus on economic accomplishments, as is the case for most PR trajectories in Canada, creates both a hierarchy between the classes of migration (with economic migration being valued over immigrating as a refugee) and a sense of competition between migrants as permanent status is a scarce resource given to a set number of people each year. Canada's move away from a one-step model towards citizenship where most migrants had already been granted PR by the time they gained access to Canadian territory and towards a two-step system that first doles out temporary statuses might account for the slow decline in Canadian naturalization rates. In the German case, the requirement of relinquishing one's original nationality serves as a proof of alliance with the state and for some interviewees meant a mismatch between identity and nationality.

The relevance of naturalization describes the tangible difference made by citizenship status in a migrant's life, which lead to the questions, how far is citizenship a choice for additional civic rights and duties and how far is it perceived as a necessity in order to safely continue living in one's country of residence? New citizens in both Germany and Canada report naturalizing due to fears of being deported despite having permanent resident status. In Germany, these fears were voiced by third-country nationals while EU-citizens already tended to feel more secure in their legal status. These results suggest a context in which citizenship constitutes the only status that is perceived as safe is prone to reduce citizenship to its legal dimension and to lessen the sense of belonging states stress is a crucial aspect of citizenship. A growing awareness of the possibility of losing one's formal status through denationalization further depletes understandings of citizenship that go beyond its legal relevance.

The implementation of naturalization impacts notions of citizenship through how implementation is structured and how it unfolds concretely. The respective approaches to citizenship law implementation demonstrate to new citizens what value the state apparatus assigns to the procedure. The specialized naturalization departments in Germany often serve to separate the naturalization procedure from the Foreigners' Office. For many new citizens, applying for citizenship constituted a much smoother process than any prior status application they had to go through. However, the highly decentralized structure of German policy implementation installs caseworkers as the face of the bureaucracy with many new citizens blaming injustices and irregularities of immigration procedures on said caseworkers. In the Canadian case, long waiting times and untransparent proceedings within the IRCC meant that some new citizens viewed naturalization as deprioritized by the Canadian state. This de-prioritization in turn led to frustration for those seeking citizenship

as it denoted a certain disinterest of the state in its newest members. During the naturalization procedure itself, the concrete interactions with the state also influenced new citizens' notions of citizenship. Experiences of perceived inequalities affected migrants' overall perception of the (immigration) authorities and how far these authorities are able to ensure procedural justice.

7.2 Theoretical, Empirical, and Methodological Contributions

This interdisciplinary dissertation connects and contributes to three strains of literature: It addresses citizenship studies examining the why and how of naturalization while drawing from public administration's scholarship on street-level bureaucracy and discretion as well as socio-legal literature regarding crimmigration, procedural justice and legal consciousness. This section details these contributions starting with those of theoretical nature followed by the empirical as well as the methodological contributions made.

7.2.1 Extending the Theory of Citizenship Allocation

The first chapter, *Future Citizens between Interest and Ability*, establishes the theoretical framework for the rest of the dissertation. It focuses on the underexplored relationship between citizenship policy and the individual migrant. The review of the state-of-the-art of the naturalization and crimmigration literatures demonstrates that the inclusion of crimmigration offers insights into how intertwining legal frameworks impact the individual migrant. I conclude that citizenship policy alone is not enough to evaluate a state's approach to citizenship and underscore the claim that an individual's perspective matters as the different legal realms of criminal and immigration law collide in the individual's migration trajectory. By examining citizenship from below, we are able to gauge which factors might be overlooked or falsely deemed irrelevant from above.

This chapter also highlighted the theoretical importance of research on crimmigration. While the concept was only explicitly featured in three out of the five chapters, grasping the dynamics of a crimmigration system was crucial to my understanding of the modern functioning of legal systems. As I illustrate in the literature review of the naturalization and crimmigration scholarship, any evaluation and comparison of citizenship policies has to consider the full legal framework within which these policies are implemented. Immigration law is not fully separate from criminal law but interwoven with it. In other words, migration can be governed through the criminal justice system by criminalizing immigrants and their behavior (Van Berlo, 2020). We are thus only able to fully interpret the workings of immigration legislation once we consider the presence of crimmigration dynamics and can determine

the extent of their pervasiveness. This effect is particularly observable regarding residence requirements for citizenship: The same requirement for naturalization in one country can be significantly harder to fulfill than in another because potential reasons for deportation might range from violent criminal offenses to traffic law violations (Armenta, 2017; Pickett, 2016). The mere amount of time that an applicant is required to reside in the country they seek to gain citizenship in is therefore not a sufficient indicator of the restrictiveness of a state's citizenship law. The necessity to examine citizenship policies in their full legal context only strengthens the argument that the naturalization trajectory as it is experienced by new citizens is not confined to the formal naturalization procedure.

Chapter five, *Comparing the Legal Consciousness of New Citizens*, concludes the dissertation by extending the socio-legal literature on the legal consciousness of migrants – particularly its relational dimension. As coined by Young and Chimowitz, 'second-order legal consciousness' – a subset of relational legal consciousness – shapes a person's perception of the law through said person's understanding of how another person or group perceives legality (Young and Chimowitz, 2022). Prior research had studied the relational dimension of legal consciousness regarding family and community ties while second-order legal consciousness concerning state agents and institutions had not been examined. Through the comparison of new German and new Canadian citizens' legal consciousness, I found that the manner of implementation of citizenship law impacts how naturalized citizens perceive formal membership: How law is put into action makes a difference as to how law is understood. Germany's decentralized implementation structure produces an additional state-(non)-citizen relationship that is not present in the centralized Canadian implementation approach: the caseworker – (non)citizen relationship. In the experiences of new German citizens, their caseworkers hold immense power in formal immigration procedures, which some interviewees feel caseworkers use based on their own subjective assessment. In this perception of the law, impacted by the understanding of how the responsible frontline bureaucrat sees the law, unequal outcomes of immigration policy are due to how and by whom it is implemented not the way the policy itself as was formulated. I thus found that every new relationship created by the implementation structure adds to the relational dimension of migrants' legal consciousness.

7.2.2 Extending the Literature on Citizenship 'From Below'

The central empirical contribution of this thesis is its addition to the growing naturalization scholarship focusing on the experiences of those governed by citizenship law in Germany and Canada. Here, I proceeded with the understanding that if we want to know how people are impacted by naturalization, we first need to know why and when people naturalize – how do people

expect citizenship to impact them? In my second chapter, *'I'm not German. I'm a Naturalized German'*, as well as my fourth chapter, *'Am I Really a Full Canadian? I'm Not'*, I thus focus on the motivations for and expectations of naturalization in Germany and Canada. As implied by the titles of both chapters, the formal inclusion in the citizenry does not automatically result in all-encompassing feelings of belonging for new citizens.

The second chapter explores the questions of *why* and *when* people naturalize, in the German context. Knowing applicants' reasons for naturalization and when these reasons first developed furthers our understanding of which hopes and expectations prospective citizens have when they apply for citizenship. These expectations are either fulfilled or interviewees report feelings of disillusionment. Fulfillment for those with a third-country nationality prior to naturalizing often meant feeling safer in their legal status as citizens. Interviewees repeatedly stated that part of their decision to naturalize was the wish to have fewer interactions with the German bureaucratic system. For many interviewees, the renewal of passports and residence permits constituted more than a simple administrative process. It involved travel time and costs, as well as emotional capacities to deal with the stress of gathering the correct documentation and interacting with their caseworker. No interviewee reported complete disillusionment with the naturalization procedure as everyone I spoke to was glad to have gained citizenship. However, for some interviewees the process itself constituted a state-mandated crisis of identity as they had to give up their prior citizenship. For each new citizen, a set of motivations both practical and sentimental influenced each other – a finding consistent with other studies examining reasons for naturalization (e.g. Birkvad, 2019; Della Puppa and Sredanovic, 2017).

In the same vein as chapter two, my fourth chapter asks the questions of *why* and *when* of naturalization in the Canadian context but also addresses the quality of said citizenship. I find that both deportability and defensive citizenship are major factors in immigrants' decision to naturalize. The focus on the legal dimension of citizenship as well as the awareness of denationalization clauses impede feelings of belonging. The analysis finds ample evidence of the pervasiveness of the human-capital citizenship paradigm (Ellermann, 2020), which influences migrants' feelings of deservingness and establishes a hierarchy between classes of migration as well as a sense of competition between immigrants. Gaining formal status is increasingly perceived as a transactional procedure. We again come back to the central argument that citizenship policy alone is not what determines naturalization experiences and outcomes but also legislation of the prior stages in the migration trajectory. Especially in the Canadian case, citizenship policy is often interpreted as generous while disregarding that pathways to permanent resident status have become longer and more fraught. As PR constitutes a prerequisite of citizenship acquisition, PR policies crucially contribute to an immigrants' naturalization trajectory and thus notions and impressions of Canadian citizenship.

In the case of Germany, my research provides unique insights concerning the naturalization procedure. My third chapter, *The Getting and Granting of Citizenship,* combines lived experiences of both new citizens and their caseworkers at the respective naturalization offices. This analysis of the naturalization process itself focuses on the impact of discretionary power and migrants' perception thereof on naturalization and procedural justice. Here, I found the 'overlooked factors' alluded to in the literature review: (1) the caseworker-applicant relationship and its personal dimension; (2) the differing interpretations of what discretion is among caseworkers and migrants; (3) the differences in guidelines developed and utilized per naturalization department. Starting with the last factor concerning the guidelines consulted by naturalization bureaucrats, I found that caseworkers refer to departmental as well as individually produced guidance in order to navigate the evaluation of indefinite legal concepts. While German administrative law strictly does not consider this process as discretionary decision-making, it *de facto* requires the caseworkers to use discretion in their assessment. Additionally, the intense workload managed by caseworkers has led some frontline bureaucrats to pre-evaluate applications before they have been officially submitted: a strategy to avoid the drafting of lengthy formal rejections, which provides the caseworker with more informal control over the application process as they get to decide when a file will be officially processed. Some new citizens reported having their applications delayed by their caseworkers for unfair reasons and one frontline bureaucrat admitted to willfully delaying the processing of certain applications. The relationship between caseworker and applicant not only impacts the course of the application procedure, but also new citizens' perception of the immigration authorities. Even interviewees who rejected the idea that their caseworker was a representative of the state felt that the administrative system was failing in its duty to supervise frontline workers and to ensure procedural justice.

The final empirical chapter asks where new citizens see themselves in relation to the law and how this perception is influenced in its relational dimension by the respective state's policy implementation approach. We take a rare comparative look at naturalization and legal consciousness in Germany and Canada. Even though both cases vary greatly in their approach to citizenship policy and its implementation, immigrants in both countries view themselves as positioned *against* the law. What the difference in implementation does produce is differing interpretations of where injustice or rather the unfairness of the law is produced. In the Canadian case, interviewees take issue with the letter of the law or the government while seeing the IRCC as the long arm of the legislature. New citizens do not view the IRCC as an independent actor with agency. Conversely, German new citizens often locate the source of injustice to be the implementation process, namely the caseworker. German bureaucracy is not necessarily seen as one with the govern-

ment, but rather able to act independently and having agency of their own, which, according to new citizens, can create inequalities.

7.2.3 Extending Interviewing Methodologies

Chapter three, *The Getting and Granting of Citizenship,* which examines the naturalization procedure from both the perspective of the applicant as well the caseworker, utilizes 'real-life vignettes' to connect the two subsets of interviews as well as to deepen the level of conversation during the exchanges. Vignettes are traditionally used as stimulus material in quantitative research and most often in the form of hypothetical scenarios (Sampson and Johannessen, 2020; Spalding and Phillips, 2007). Here, they were based on caseworker-applicant interactions the new citizen interviewees had experienced. Caseworker interviewees were handed these vignettes one after the other and asked to reflect on their content – specifically the behavior of both their colleagues as well as of the immigrants involved. As one of the vignettes portrayed a situation where a discriminating comment was made by a caseworker, bureaucrat participants could reflect on a case of wrongful behavior. Reading what all caseworker interviewees assessed as mistreatment of the immigrant enabled some of them to talk about shortcomings they had witnessed or addressed in themselves with some being able to sympathize with their colleague's outburst. Being able to state that the vignettes were 'real', which was a question nearly every caseworker asked, gave the discussion of these interactions a certain gravity: Caseworkers could not just state, 'this would never happen'. Having 'real-life' vignettes for the bureaucrats to react to also meant that the naturalized citizens I had interviewed previously were included in these conversations with the caseworkers. The vignettes proved themselves as an effective tool to enable caseworkers to voice otherwise socially less desirable feelings regarding their work or clients.

7.3 Limitations and Future Research

The findings and conclusions of this dissertation have to, of course, be contextualized along the limitations of this qualitative study. I firstly want to address the factor of race and racialization, followed by issues concerning sampling as well as questions that remain unanswered.

While I do touch on racialization and its impact on immigrants in my first chapter, the literature review, it is mainly absent from the remainder of my dissertation. The comparative analysis of perceptions of race across continents can be difficult as understandings of and vocabularies for the discussion of race are highly dependent on local context. For my thesis, this meant that race was an explicitly named and discussed topic in the interviews with new

Canadians. New Germans would describe race implicitly. They would say, 'I don't look German' or refer to their appearance or name as something that signified them as not-German, but they would not use the term 'race' be it the English word or a German equivalent. In Europe, especially in Germany, a skepticism towards the registering of racial categories due to the systematic prosecution of minorities during the Third Reich remains. While a reasonable legacy after the atrocities of the Second World War, a refusal to engage with race now hinders, as Hellgren and Bereményi state, the 'general recognition and examination of racial hierarchies in Europe' (2022: 1). In the case of my dissertation, it was impossible to not see race as a factor in my interviewees' migration trajectories, but as my central research question as well as the questions asked during the interviews were not focused on race, it felt inappropriate for me to interpret it 'into' our conversations where it was not explicitly brought up by the participants – namely, the interviews with new Germans and German caseworkers. As race and racialization permeate notions of nationality and citizenship, it is crucial for naturalization scholars to find avenues to discuss these issues, especially in the European contexts where race as a socially constructed yet impactful concept continues to exist regardless of whether it is engaged with or not.

One of the key findings of this dissertation is the variety in approaches to citizenship policy implementation in Germany across naturalization departments. Besides federal and state-level guidelines, caseworkers also consult implementation protocols created by their own departments and even individually produced guidelines (see chapter four). The results of this study indicate that if such variance can exist within one governmental district, then there is ample reason to suggest that this phenomenon occurs in other municipalities and states as well. However, sweeping generalization cannot be made in qualitative research and merely three naturalization departments were included in this dissertation. Therefore, this finding requires additional research broadening the sample of naturalization departments studied beyond the governmental district of Cologne and the state of North-Rhine Westphalia.

The centralized structure of Canadian citizenship policy implementation lends itself to a higher degree of extrapolation than the decentralized German bureaucracy. However, as Canadian provinces differ in the pathways available to become a permanent resident – for example through Provincial Nominee Programs – as well as their demographic make-up concerning the share of immigrants, studies of naturalization experiences beyond the Greater Toronto Area and Ontario could yield important insights into Canadian citizenship allocation.

Another shortcoming of this research is owed to the fact that I was unable to gain sufficient access to Canadian citizenship officers and thus could not examine the Canadian naturalization process from the bureaucrats' perspective. I remain hopeful that future research projects will be able to open up the 'black box' that is *Immigration, Refugees and Citizenship Canada*. It is also up to sub-

sequent scholarship to hopefully find answers to the question as to why the demand for Canadian citizenship is declining (Hasan, 2023).

Research on migration inevitably deals with the inequalities and injustices of our modern world. This project, in many ways, felt privileged as it focused on the 'success stories', the stories of those that had braved and prevailed over the immigration apparatus. For every new citizen, there are others that remain excluded – either because they are unable or reluctant to obtain citizenship. It thus remains crucial to continue work examining naturalization pitfalls and challenges in order to comprehensively understand why some people cannot or do not become naturalized citizens.

I conclude this dissertation by reiterating the sentiments acknowledged in the introduction: None of the people I spoke to regret their naturalization. Civic inclusion serves as a tool of integration but also enables people to align their felt identity with their legal status and improves lives. Ultimately, a procedure as existentially potent for immigrants and central to the constitution of modern nation states as naturalization requires the assurance of procedural justice.

8 Post-Script

Germany's 2024 Citizenship Law Reform

At the time this thesis is being submitted (July 2024), the biggest overhaul of German citizenship law since the seismic changes of 2000 is coming into force. Parts of the reform unquestionably signal progressive changes in German citizenship policy: the residence requirement has been shortened from eight to five years and – no doubt the most important legal change – applicant no longer have to relinquish their other citizenship(s). Millions of Turkish nationals, many of whom have lived in Germany for decades, will now be able to gain German nationality without giving up their Turkish citizenship. The 'state mandated identity crisis' is, as so succinctly put by my interviewee Filiz, no longer. The next few years will show whether the hurdle of mono-nationality was truly the issue holding back so many residents in Germany from becoming citizens.

But as we have seen in many other democratic states reforming their citizenship law: liberalization rarely comes without drawbacks. Or as Germany's Minister of Justice, Marco Buschmann, summarized the reform: 'The acquisition of German citizenship will be faster in the future – but also more difficult' (Strauss, 2023). When the proposal for the reform was first circulated, the German Institute for Human Rights (DIfM, *Deutsches Institut für Menschenrechte*) flagged the policy changes concerning the financial requirements for naturalization. Prior legislation had allowed for the naturalization of individuals who receive social benefits if 'the recourse to such benefits is due to conditions beyond his or her control'. This exception has been stricken. Instead, the Nationality Act now waives this condition for immigrants who either (1) came to German as a contract worker or as the spouse of a contract worker prior to 1990 (or 'not long after'), (2) have been employed full-time for at least 20 out of the last 24 months, or (3) are the spouse or registered civil partner of a person fulfilling the second condition and live 'with that person and a minor child as a family unit'.

The DIfM notes that the new formulation allows for the discrimination of disabled people unable to be full-time employed, those caring for sick or elderly family members, students attending school or other formal education that does not provide them with a livable wage, as well as single parents whose full-time employment would put their children at risk (DIfM, 2023). Buschmann justified the change stating that financial independence is a key part of integration, which in turn is a requirement 'for the German passport', and that those who are hardworking and diligent should be rewarded (Strauss,

2023). His justification underlines the criticism voiced by the DIfM. Citizens are people who work – if one is unable to work, one cannot be a citizen – and 'work' denotes paid labor, not unpaid labor like care work. It is a worrying development that civic rights will be especially difficult to access for those in the most precarious circumstances. Citizenship based on economic merit in a country of income inequality like Germany, where the poorest 50 percent earned 15.9 percent of all income in 2016, seems grotesque (Frieden et al., 2023).

While the removal of the exception concerning circumstances outside the applicant's control could be (generously) interpreted as an effort to reduce caseworkers' workload, another proposal by the Minister of the Interior, Nancy Faeser, would add significant labor for those working in Foreigners' Offices and naturalization departments. Faeser plans to ease the revocation of residence permits if individuals endorse or express approval of a terror act. Said endorsement does not have to be actively voiced through the creation of content but, according to the drafted government policy, a 'like' on a social media platform would be sufficient (*Tagesspiegel*, 2024). Disregarding the time and expertise needed to effectively screen an applicant's entire online presence, lowering the threshold of an offence triggering deportation to a 'like' expressed through a single click signals the persistence of the securitization of immigration and increased crimmigration. The proposal dismally reiterates my argument made in Chapter 2, crimmigration systems require researchers to evaluate immigration and citizenship policies not only based on their content, but also in how far they are interwoven with criminal law. As Germany makes a significant step towards the civic inclusion of all its long-term residents, those structurally disadvantaged must not be excluded from formal membership and a person's entire existence within a state should not be reduced to a single click.

Summary

Citizenship and our ability to identify ourselves through legal documentation when we want to cross borders or access rights have never been more important. As security concerns are increasingly used to justify the surveillance and monitoring of people's legal identity and status, asking questions concerning the allocation of citizenship and how nation-states determine who belongs to their citizenry has become a vital part of migration scholarship. Naturalization literature has long sought to determine and evaluate the precise factors deciding whether someone will acquire formal membership. Citizenship policies are often argued to reflect a state's identity – what it values in a citizen – and are commonly used as an indicator of a country's overall approach to immigration. Certain challenges can be extrapolated from a state's respective naturalization requirements. Some migrants might struggle to learn a new language, they might be on benefits and hence not financially independent, or they might have committed crimes that disqualify them from naturalizing. However, citizenship law alone does not determine whether someone will become a citizen. Throughout their migration trajectories, migrants navigate all kinds of legislation, which can lead to (unintended) interactions between different bodies of law. This thesis thus conducts its analysis on the basis of migrants' lived experiences as the interplay of legislation becomes tangible and observable in individual trajectories. It examines the implementation of citizenship law by answering the following central research question:

How does naturalization impact new citizens' notions of citizenship?

Based on the lived experiences of new citizens in Germany and Canada, I examine the process of citizenship acquisition asking how one acquires citizenship formally, administratively, and emotionally and how that citizenship is interpreted. This analysis is conducted across five articles and two case studies: Germany and Canada. The first article sets up the theoretical foundation of the dissertation conceptualizing naturalization not only as a formal administrative process, but as being impacted by an individual's entire migration trajectory, which in turn is shaped by legal frameworks beyond citizenship law. Articles two and three focus on the German case illustrating the implementation of citizenship policy first solely from the migrant perspective and second through an analysis of both migrant and caseworker experiences. The fourth

article centers new Canadians' perspectives on naturalization and their sense of belonging. Article five provides a comparative analysis of the legal consciousness of new German and new Canadian citizens.

– *Methodology*

The empirical foundation of this project consists of 42 in-depth interviews with new German citizens (15), Canadian naturalized citizens (15), German naturalization caseworkers (9), and three individuals working for the Canadian government (one Canadian Member of Parliament (MP), one employee of Immigration, Refugees and Citizenship Canada (IRCC), and one office staff member of a Canadian MP). The interviews were conducted during fieldwork in the governmental district of Cologne, Germany, and in the city of Toronto, Canada, between the fall of 2021 and spring of 2023. Interviews with new citizens chronicled the interviewees' migration histories and then focused on the interviewees' memories of the naturalization procedure itself. During the interviews with the German street-level bureaucrats, they were first asked to describe a typical naturalization procedure and their role in it. In a second step, they were asked to a set of three real-life vignettes. These vignettes were based on interactions between applicants and caseworkers as respondents who had naturalized in Germany has described them to me. These vignettes served as a bridge between both sets of interviewees and facilitated a deeper level of conversation than would have otherwise been possible in the one to two hours of interview time with each caseworker. The interviews were transcribed and coded manually in Atlas.ti.

– *Findings*

Research on the acquisition of citizenship has incorporated a number of determinants of naturalization outcomes over the past decades but lacks the contextualization of immigration law in its relation to criminal law. *Chapter 2,* a systematic literature review of the 140 most-cited papers across the naturalization and crimmigration literatures, seeks to construct a theoretical bridge between the disciplines. The term crimmigration describes the increased interweaving of criminal law and immigration law. The chapter reviews the prominent streams of both strands of literature first utilizing a bibliometric analysis of the respective citation networks and subsequently delves into the substantial developments and parallels in naturalization and crimmigration research. I argue that the inclusion of crimmigration as a factor impacting naturalization is essential for citizenship scholarship in order to accurately use citizenship policies as an indicator of a state's overall approach to immigration. Crimmigration developments result in the heightening of criminal and immigration law's exclusionary powers making any status aside from citizenship more insecure and formal membership less attainable for immigrants.

Concretely, this means that the same requirement for naturalization in one country – in particular residence requirements – might be harder to fulfill in another. Two states might prerequisite six years of residence in order to naturalize, but if one state reserves itself the right to remove immigrants from its territory for traffic law violations, while the other has established a significantly higher threshold for deportation, then those respective sets of policy cannot be categorized as equally restrictive. Recent crimmigration scholarship indicates that groups negatively affected by racialization are more likely to be subjected to crimmigration systems, removed from the territory in question and consequently excluded from naturalization.

Chapter 3, titled *'I'm not German, I am a naturalized German'*, turns to the German case study and examines motivations for naturalization of 15 new citizens in the governmental district of Cologne. The story of naturalization in Western liberal democracies in the past decades has been one of liberalization. With women having gained the right to pass on their citizenship to their children, ius soli provisions being added to citizenship regulations, and the holding of multiple citizenships becoming increasingly accepted, states claim to have paved the way for immigrants to gain formal membership. This chapter focuses on the lived experiences of those moving through the process of acquiring German citizenship. The thematic analysis of these interviews offers unique insights into (1) the motivations of those choosing to apply for citizenship and (2) the sets of bureaucratic and societal structures influencing these motivations. The analysis finds that the acquisition of German citizenship is especially potent for third-country nationals, who wish to become or remain (in case of British migrants) EU citizens and who are highly aware of the freedoms granted to citizens of the EU. Naturalization does not only improve new citizens' ability to access other countries through travel but also the quality of said mobility, as interviewees report feeling safer travelling as German nationals. Those acquiring German citizenship, who already hold an EU nationality, report identifying rather as 'European citizens' than as nationals of either country specifically. For non-EU-citizens who grew up in Germany and identified as German, naturalization constitutes tangible evidence of their membership and belonging. However, while they can gain legal recognition and align their legal and personal identities, those who are not perceived as ethnically German are unable to acquire full social recognition – a circumstance some interviewees view as unlikely to change in the future.

Chapter 4 further deepens the German case study by including the perspective of naturalization caseworkers. Based on 15 semi-structured interviews with new German citizens as well as nine interviews utilizing real-life vignettes with caseworkers evaluating citizenship applications, this chapter explores the impact of discretionary power and the perception thereof by migrants on the naturalization process. As the perception of discretion is seldom centered in studies of policy implementation, this chapter offers a unique glimpse at both sides of the naturalization process. The analysis offers three key findings:

Firstly, caseworkers refer to departmental regulations as well as individually created guidance to manage the evaluation of indefinite legal concepts. This process might not be considered discretionary decision-making under German administrative law, yet it *de facto* requires the caseworkers to use discretion in their assessment. Secondly, the immense workload burdening the naturalization offices has led some caseworkers to pre-evaluate applications before they have been officially submitted in order to avoid having to write lengthy formal rejections. In some instances, new citizens report having their applications delayed for unjust reasons by their caseworkers with one street-level bureaucrat admitting to delaying the processing of certain applications. Thirdly, it is apparent that negative interactions with their caseworkers often have an overall effect on migrants' perceptions of the immigration authorities. Even interviewees who rejected the idea that their caseworker was representative of the state, felt that the administrative system was failing in its duty to supervise front-line workers. Caseworkers reporting feeling personally betrayed or hurt by the behavior or attitudes of their clients highlights the personal aspect of the applicant-caseworker relationship. An overburdened administrative structure, where comprehensive oversight is not possible and front-line workers are required to make decisions using significant discretionary power cannot guarantee procedural justice.

'Am I really a full Canadian? I am not', the fifth chapter of the dissertation, shifts the focus to the second case study exploring the lived experiences of naturalized Canadians mirroring *Chapter 3*. Canadian citizenship policy operates under the broader human-capital citizenship paradigm, which impacts not only the naturalization process but immigration legislation overall. While the requirements for Canadian citizenship have been liberalized over the years, it is permanent residence (PR) that presents the main hurdle to those wanting to gain formal membership in Canada. What used to be a one-step trajectory towards citizenship as the majority of migrants arrived with PR on Canadian soil, has evolved into a two-step trajectory of temporary statuses, which turned the attainment of PR into the bureaucratic bottleneck for immigrants. Based on 15 semi-structured interviews conducted in the Greater Toronto Area, Ontario, this chapter examines the experiences of Canadian citizenship acquisition beyond the formal naturalization procedure highlighting the crucial role of permanent resident status regulations. The analysis finds that both deportability and defensive citizenship constitute major factors in the decision whether to naturalize. Immigrants' felt reduction to their economic contributions produces a hierarchy between the migration classes as well as stark competition between economic migrants. Interviewees report a lessened sense of belonging as they view their naturalization in transactional terms. Similarly to *Chapter 3* and the German case, some interviewees voiced doubts whether they would ever be perceived as 'fully' Canadian.

The final empirical chapter, *Legal Consciousness of New Citizens*, provides a rare comparative case study of naturalization experiences finally bringing

together both case studies. Nation state citizenship is often conceptualized as a universally equal status, while migrants' perceptions of citizenship and belonging do not always reflect said normative conception. Based on 30 semi-structured interviews with naturalized citizens in Canada and Germany, this chapter examines two aspects of legal consciousness: Firstly, it makes use of Ewick and Silbey's approach of studying legal consciousness through the narratives of 'ordinary' people about the law in their daily lives differentiating between stories of being before the law, with the law, and against the law. Secondly, the analysis pays special attention to the relational dimension of legal consciousness. As Canadian naturalization procedures are implemented through a centralized bureaucracy while this process has been heavily decentralized in Germany, different kinds of relationships are cultivated between new citizens and their state as well as their new citizenry. Hence, this chapter explores where new citizens see themselves in relation to the law and how this perception is further influenced in its relational dimension by the respective state's citizenship policy implementation. The analysis finds that (1) in both cases migrants experience the law as arbitrary, obscure, and producing inequality; (2) new Canadians' and new Germans' legal consciousness differ in their experiences of which part of the state system produces this felt inequality. While Canadians are more likely to see legislation and regulations themselves as unfair, Germans perceive those who implement these regulations to be the creators of inequalities. Bureaucratic structures do not necessarily impact which 'story' of law is told the most, but that there is a difference in how it is told: The closest point of contact will be the one that is seen as responsible for perceived inequalities, which can be an impersonal system like the IRCC or an individual like a caseworker.

– *General Conclusions and Contributions*

Coming back to the overall research question of the dissertation – how does naturalization impact new citizens' notions of citizenship? – *naturalization impacts new citizens' understanding of citizenship in three ways: through its requirements, its relevance, and its implementation.*

The formal *requirements* for naturalization communicate to citizens what needs to be achieved prior to being able to apply for membership. A focus on economic accomplishments as is the case for most PR trajectories in Canada creates both a hierarchy between the classes of migration (with economic migration being valued over immigrating as a refugee) and a sense of competition between migrants as permanent status is a scarce resource given to a set number of people each year. Canada's move away from a one-step model where most migrants had already been granted PR by the time they gained access to Canadian territory and towards a two-step system that first doles out temporary statuses might account for the slow decline in Canadian naturalization rates. In the German case, the requirement of relinquishing one's

original nationality serves as proof of allegiance with the state and for some interviewees meant a mismatch between identity and nationality.

The *relevance* of naturalization describes the tangible difference made by citizenship status in a migrant's life: In how far is citizenship a choice for additional civic rights and duties and in how far is it perceived as a necessity to safely continue living in one's country of residence? New citizens in both Germany and Canada report naturalizing due to fears of being deported despite having permanent resident status. In Germany, these fears were voiced by third-country nationals while EU-citizens tended to feel more secure in their legal status. A context in which citizenship constitutes the only status that is perceived as safe is prone to reduce citizenship to its legal dimension and to lessen the sense of belonging, which states stress is a crucial aspect of citizenship. A growing awareness of the possibility of losing one's formal status through denationalization further depletes understandings of citizenship that go beyond its legal relevance.

The *implementation* of naturalization impacts notions of citizenship through how implementation is structured and how it unfolds. The respective approaches to citizenship law implementation demonstrate to new citizens what value the state apparatus assigns to the procedure. The specialized naturalization departments in Germany often serve to separate the naturalization procedure from the Foreigners' Office. For many new citizens, applying for citizenship constituted a much smoother process than any prior status application they had to go through. However, the highly decentralized structure of German policy implementation installs caseworkers as the face of the bureaucracy with many new citizens blaming injustices and irregularities of immigration procedures on said caseworkers. In the Canadian case, long waiting times and untransparent proceedings within the IRCC meant that some new citizens viewed naturalization as deprioritized by the Canadian state. This de-prioritization in turn lead to frustration for those seeking citizenship as it denoted a certain disinterest of the state in its newest members. During the naturalization procedure itself, the concrete interactions with the state also influenced new citizens' notions of citizenship. Experiences of perceived inequalities affected migrants' overall perception of the (immigration) authorities and in how far these authorities are able to ensure procedural justice.

The key-contributions of this thesis are threefold: Firstly, the new theoretical bridge between the naturalization and crimmigration scholarships highlights the necessity of considering the legal frameworks in which citizenship policies are implemented. Examining the impact of crimmigration systems, particularly regarding questions of legal residence, I argue that taking citizenship policy at face value limits the validity of said analysis. Citizenship outcomes – naturalizing or not naturalizing – are not solely determined by the formal naturalization process. The observation of naturalization only from the point of the application for citizenship onwards means disregarding, at best discounting, the previous stages of an individual's migration trajectory such as entry and

temporary stay within the destination country, which are not directly governed by citizenship law.

Secondly, I extend the growing naturalization literature centering the perspective of those governed by it through the analysis of lived experiences of citizenship acquisition in Germany and Canada. In the German case, this work provides a unique insight in the naturalization procedure as I gather experiences of both new citizens and their caseworkers at the relevant citizenship offices. Shedding light on both sides of the application for and allocation of formal membership allows for a deeper understanding of naturalization's procedural dimension. Here, I am further able to explore the understanding of discretionary power of those imbued with it and the perception thereof by those impacted by it.

Lastly, by making 'real-life vignettes' a part of my interviewing methodology I add to the exploration of vignettes as tools in qualitative interviewing. Traditionally used as stimulus material in quantitative research and most often in the form of hypothetical scenarios, vignettes based on the lived experiences of my interviewees aided the discussion of socially undesirable behaviors and attitudes within Foreigners' Office.

The focus of this dissertation lies on the perceptions of injustice as well as unfair treatment of migrants navigating the immigration apparatuses in Germany and Canada. I want to stress that this does not mean that the experiences shared by the interviewees were exclusively difficult or discriminatory. Not one person I spoke to regretted becoming a citizen. For many, immigrating and acquiring citizenship meant feeling more secure in their status and identity. These feelings of security were especially pronounced for those fleeing war or persecution. Although frustrations about bureaucratic proceedings and caseworkers were omnipresent, relief and gratitude towards the parts of the system that functioned sufficiently were so as well. This might of course be owed to the fact that this dissertation concentrates on the 'success stories', those that gained citizenship. But nonetheless, it is worth stating that in an imperfect, often unjust system that has established borders both between and within territories, naturalization improves people's lives. Civic inclusion serves as a tool of integration but also enables people to align their felt identity with their legal status. This in turn means that naturalization's undue challenges and incidences of mistreatment merit special attention.

Samenvatting (Dutch Summary)

'ERBIJ KOMEN EN ERBIJ HOREN?
Ervaringen met naturalisatie en de implementatie van de burgerschapswet in Duitsland en Canada'.

Staatsburgerschap en ons vermogen om onszelf te identificeren aan de hand van wettelijke documenten wanneer we grenzen willen oversteken of rechten willen uitoefenen, zijn nog nooit zo belangrijk geweest. Nu veiligheidsoverwegingen steeds vaker worden gebruikt om toezicht en controle op de wettelijke identiteit en status van mensen te rechtvaardigen, is het stellen van vragen over de toekenning van staatsburgerschap en hoe natiestaten bepalen wie tot hun staatsburgerschap behoort, een vitaal onderdeel geworden van de migratiewetenschap.

De literatuur over naturalisatie heeft lang geprobeerd de precieze factoren te bepalen en te evalueren die van invloed zijn op het verwerven van een formeel lidmaatschap. Er wordt vaak gesteld dat het staatsburgerschapsbeleid de identiteit van een staat weerspiegelt – wat deze waardeert in een burger – en dat het vaak wordt gebruikt als indicator voor de algehele benadering van een land ten aanzien van immigratie. Bepaalde uitdagingen kunnen worden afgeleid uit de respectieve naturalisatievereisten van een staat. Sommige migranten kunnen moeite hebben met het leren van een nieuwe taal, afhankelijk zijn van een uitkering en daardoor niet financieel onafhankelijk zijn, of misdaden hebben gepleegd die hen diskwalificeren voor naturalisatie.

De wet op het staatsburgerschap bepaalt echter niet uitsluitend of iemand staatsburger wordt. Tijdens hun migratietrajecten navigeren migranten door allerlei soorten wetgeving, wat kan leiden tot (onbedoelde) interacties tussen verschillende soorten regelgeving. Deze dissertatie analyseert daarom de doorleefde ervaringen van migranten, aangezien het samenspel van wetgeving tastbaar en waarneembaar wordt in individuele trajecten. Het onderzoekt de implementatie van het staatsburgerschapsrecht door de volgende centrale onderzoeksvraag te beantwoorden:

Hoe beïnvloedt naturalisatie de noties van burgerschap van nieuwe burgers?

Gebaseerd op de doorleefde ervaringen van nieuwe burgers in Duitsland en Canada wordt in deze dissertatie het proces onderzocht van naturalisatie door

te vragen hoe men formeel, administratief en emotioneel het staatsburgerschap verwerft en hoe dat staatsburgerschap wordt geïnterpreteerd. Deze analyse wordt uitgevoerd aan de hand van vijf artikelen en twee casestudies: Duitsland en Canada. Het eerste hoofdstuk legt de theoretische basis voor het proefschrift en conceptualiseert naturalisatie niet alleen als een formeel administratief proces, maar ook als een proces dat beïnvloed wordt door het volledige migratietraject van een individu. Dit migratietraject wordt op zijn beurt gevormd door juridische kaders die verder reiken dan het burgerschapsrecht. Hoofdstukken twee en drie richten zich op de Duitse casus en illustreren de implementatie van het staatsburgerschapsbeleid. Hoofdstuk 2 benadert dit uitsluitend vanuit het perspectief van de migrant, terwijl hoofdstuk 3 de ervaringen van zowel de migrant als de *caseworker* analyseert. Het vierde hoofdstuk onderzoekt de perspectieven van nieuwe Canadezen op naturalisatie en hun gevoel van erbij horen. Hoofdstuk 5biedt een vergelijkende analyse van het juridisch bewustzijn van nieuwe Duitse en Canadese burgers.

– *Methodologie*

De empirische basis van dit project bestaat uit 42 diepte-interviews met nieuwe Duitse burgers (15), Canadese genaturaliseerde burgers (15), Duitse naturalisatiemedewerkers (9), en drie personen die voor de Canadese overheid werken (een Canadees parlementslid (MP), een medewerker van Immigration, Refugees and Citizenship Canada (IRCC), en een kantoormedewerker van een Canadees parlementslid). De interviews werden afgenomen tijdens veldwerk in het regeringsdistrict Keulen, Duitsland, en in de stad Toronto, Canada, tussen de herfst van 2021 en de lente van 2023.

Tijdens de interviews met nieuwe burgers werden de migratiegeschiedenissen van de geïnterviewden opgetekend, waarna de nadruk lag op hun herinneringen aan de naturalisatieprocedure zelf. In de interviews met Duitse bureaucraten werd hen eerst gevraagd om een typische naturalisatieprocedure te beschrijven en hun specifieke rol daarin. In een tweede stap werden hen drie levensechte vignetten voorgelegd. Deze vignetten waren gebaseerd op interacties tussen aanvragers en *caseworkers*, zoals beschreven door respondenten die in Duitsland waren genaturaliseerd. De vignetten fungeerden als een brug tussen beide groepen geïnterviewden en faciliteerden een dieper gespreksniveau dan anders mogelijk zou zijn geweest binnen de beperkte één tot twee uur interviewtijd met elke *caseworker*. Alle interviews werden getranscribeerd en handmatig gecodeerd in Atlas.ti.

– *Bevindingen*

Onderzoek naar de verwerving van staatsburgerschap heeft de afgelopen decennia een aantal determinanten van naturalisatieresultaten opgenomen, maar mist de contextualisering van immigratierecht in relatie tot strafrecht.

Hoofdstuk 2, een systematisch literatuuroverzicht van de 140 meest geciteerde artikelen in de literatuur over naturalisatie en crimmigratie, probeert een theoretische brug te slaan tussen de disciplines. De term crimmigratie beschrijft de toenemende verwevenheid van strafrecht en immigratierecht. Het hoofdstuk bespreekt de centrale concepten en inzichten binnen de naturalisatieliteratuur en de crimmigratieliteratuur. Hiertoe wordt eerst een bibliometrische analyse van de respectieve citatienetwerken uitgevoerd, om vervolgens nader in te zoemen op substantiële ontwikkelingen en parallellen binnen naturalisatie- en crimmigratieonderzoek. Het hoofdstuk betoogt dat het in acht nemen van crimmigratie als een factor die naturalisatie beïnvloedt essentieel is voor de burgerschapswetenschap om het staatsburgerschapsbeleid nauwkeurig te kunnen gebruiken als een indicator voor de algehele aanpak van immigratie door een staat. Processen en praktijken van crimmigratie leiden tot een versterking van de uitsluitingsbevoegdheden van het strafrecht en het immigratierecht, waardoor elke status naast het staatsburgerschap onzekerder wordt en formeel lidmaatschap minder haalbaar wordt voor immigranten. Concreet betekent dit dat hetzelfde vereiste voor naturalisatie in de ene staat – in het bijzonder verblijfsvereisten – moeilijker te vervullen kan zijn in een andere staat. Twee staten kunnen een verblijf van zes jaar als voorwaarde stellen om te kunnen naturaliseren, maar als de ene staat zich het recht voorbehoudt om immigranten van zijn grondgebied te verwijderen voor verkeersovertredingen, terwijl de andere een aanzienlijk hogere drempel voor deportatie heeft ingesteld, dan kunnen deze respectieve beleidslijnen niet als even restrictief worden gecategoriseerd. Recent crimmigratieonderzoek geeft aan dat groepen die als gevolg van geracialiseerde crimmigratieprocessen en -praktijken meer kans lopen om verwijderd te worden van het grondgebied in kwestie en bijgevolg uitgesloten te worden van naturalisatie.

Hoofdstuk 3, getiteld *'Ik ben geen Duitser, ik ben een genaturaliseerde Duitser'*, richt zich op de Duitse casestudie en de beweegredenen voor naturalisatie van 15 nieuwe burgers in het regeringsdistrict Keulen. Het verhaal van naturalisatie in westerse liberale democratiën in de afgelopen decennia was er een van liberalisering. Nu vrouwen het recht hebben gekregen om hun staatsburgerschap door te geven aan hun kinderen, *ius soli*-bepalingen zijn toegevoegd aan de regels voor staatsburgerschap en het bezit van meerdere staatsburgerschappen steeds meer wordt geaccepteerd, beweren staten dat ze de weg hebben vrijgemaakt voor immigranten om formeel lid te worden. Dit hoofdstuk richt zich op de doorleefde ervaringen van degenen die het proces van het verwerven van het Duitse staatsburgerschap doorlopen. De thematische analyse van deze interviews biedt unieke inzichten in (1) de motivaties van degenen die ervoor kiezen om het staatsburgerschap aan te vragen en (2) de bureaucratische en maatschappelijke structuren die deze motivaties beïnvloeden. Uit de analyse blijkt dat het verwerven van het Duitse staatsburgerschap vooral belangrijk is voor burgers uit derdelanden, die EU-burgers willen worden of blijven (in het geval van Britse migranten) en die

zich zeer bewust zijn van de vrijheden die aan EU-burgers worden toegekend. Naturalisatie verbetert niet alleen het vermogen van nieuwe burgers om naar andere landen te reizen, maar ook de kwaliteit van die mobiliteit. Geïnterviewden geven aan dat zij zich veiliger voelen als Duits staatsburger. Degenen die het Duitse staatsburgerschap verwerven terwijl ze al een EU-nationaliteit bezitten, melden vaker dat zij zich eerder identificeren als 'Europese burgers' dan als staatsburgers van een specifiek land. Voor niet-EU-burgers die in Duitsland opgroeiden en zich als Duitser identificeerden, is naturalisatie een tastbaar bewijs van hun staatsburgerschap en erbij horen. Hoewel ze wettelijke erkenning kunnen krijgen en hun juridische en persoonlijke identiteit op elkaar kunnen afstemmen, blijven degenen die niet als etnisch Duits worden gezien verstoken van volledige sociale erkenning – een situatie die volgens sommige geïnterviewden waarschijnlijk ook in de toekomst onveranderd zal blijven.

Hoofdstuk 4 verdiept de Duitse casestudie verder door het perspectief van naturalisatiemedewerkers erbij te betrekken. Op basis van 15 semigestructureerde interviews met nieuwe Duitse burgers en 9 interviews met praktijkvignetten van *caseworkers* die aanvragen voor het staatsburgerschap evalueren, wordt in dit hoofdstuk de impact onderzocht van discretionaire beoordelingsvrijheid, en dus macht, en de perceptie daarvan op het naturalisatieproces. De perceptie van de *caseworker* en van de migrant worden hier bij elkaar gezet. Aangezien de perceptie van discretionaire bevoegdheid zelden centraal staat in studies over beleidsimplementatie, biedt dit hoofdstuk een unieke blik op beide kanten van het naturalisatieproces. De analyse levert drie belangrijke bevindingen op: ten eerste verwijzen *caseworkers* zowel naar departementale voorschriften als naar individueel gecreëerde richtlijnen om de evaluatie van juridische concepten van onbepaalde duur te beheren. Dit proces wordt misschien niet beschouwd als discretionaire besluitvorming onder Duits administratief recht, maar toch vereist het *de facto* dat de medewerkers discretie gebruiken bij hun beoordeling. Ten tweede heeft de enorme werkdruk op de naturalisatiebureaus ertoe geleid dat sommige medewerkers aanvragen vooraf beoordelen voordat ze officieel zijn ingediend, om te voorkomen dat ze lange formele afwijzingen moeten schrijven. In sommige gevallen melden nieuwe burgers dat hun aanvragen om onterechte redenen worden vertraagd door hun dossiermedewerkers; één bureaucraat op straatniveau gaf toe dat hij de verwerking van bepaalde aanvragen vertraagde. Ten derde is het duidelijk dat negatieve interacties met hun dossiermedewerkers vaak een algemeen effect hebben op het beeld dat migranten hebben van de immigratiediensten. Zelfs geïnterviewden die het idee verwierpen dat hun dossierbeheerder een vertegenwoordiger van de staat was, hadden het gevoel dat het administratieve systeem er niet in slaagde om toezicht te houden op eerstelijnswerkers. *caseworkers* die rapporteerden dat ze zich persoonlijk verraden of gekwetst voelden door het gedrag of de houding van hun cliënten, benadrukten het persoonlijke aspect van de relatie tussen de aanvrager en de *caseworker*. Een overbelaste administratieve structuur,

waar uitgebreid toezicht niet mogelijk is en eerstelijnswerkers beslissingen moeten nemen met een aanzienlijke discretionaire bevoegdheid, kan procedurele rechtvaardigheid niet garanderen.

'Ben ik echt een volwaardige Canadees? Dat ben ik niet', het vijfde hoofdstuk van het proefschrift, verschuift de focus naar de tweede casestudie waarin de doorleefde ervaringen van genaturaliseerde Canadezen worden onderzocht. Het Canadese staatsburgerschapsbeleid werkt volgens het bredere *human-capital* staatsburgerschapsparadigma, dat niet alleen het naturalisatieproces beïnvloedt, maar ook de immigratiewetgeving in het algemeen. Hoewel de vereisten voor het Canadese staatsburgerschap door de jaren heen zijn geliberaliseerd, is het de permanente verblijfsvergunning (PR) die de grootste hindernis vormt voor diegenen die formeel lid willen worden van Canada. Wat vroeger een traject in één stap naar staatsburgerschap was, aangezien de meerderheid van de migranten met PR op Canadese bodem aankwam, is geëvolueerd naar een traject in twee stappen van tijdelijke statussen, waardoor het verwerven van een PR het bureaucratische knelpunt voor immigranten is geworden. Gebaseerd op 15 semigestructureerde interviews die werden afgenomen in de Greater Toronto Area, Ontario, onderzoekt dit hoofdstuk de ervaringen van het verwerven van het Canadese staatsburgerschap na de formele naturalisatieprocedure, waarbij de cruciale rol van de regelgeving rond de status van permanent ingezetene wordt benadrukt. De analyse stelt vast dat zowel deportabiliteit als defensief burgerschap belangrijke factoren zijn in de beslissing om al dan niet te naturaliseren. Immigranten voelen zich beperkt tot hun economische bijdragen, wat leidt tot een hiërarchie tussen de migratieklassen en een scherpe concurrentie tussen economische migranten. Geïnterviewden geven aan dat ze zich minder verbonden voelen omdat ze hun naturalisatie zien als een transactie. Gelijk aan de Duitse casus zoals beschreven in *hoofdstuk 3*, betwijfelden sommige geïnterviewden of ze ooit als 'volledig' Canadees zouden worden beschouwd.

Het laatste empirische *hoofdstuk 6*, *Wettelijk bewustzijn van nieuwe burgers*, biedt een unieke vergelijkende casestudie van naturalisatie-ervaringen die beide casestudies samenbrengt. Het staatsburgerschap wordt vaak geconceptualiseerd als een universeel gelijke status, terwijl de percepties van migranten over staatsburgerschap en 'erbij horen' niet altijd deze normatieve opvatting weerspiegelen. Op basis van 30 semigestructureerde interviews met genaturaliseerde burgers in Canada en Duitsland, onderzoekt dit hoofdstuk twee aspecten van juridisch bewustzijn: ten eerste maakt het gebruik van de benadering van Ewick en Silbey om juridisch bewustzijn te bestuderen aan de hand van de verhalen van 'gewone' mensen over de wet in hun dagelijks leven. Ten tweede besteedt de analyse speciale aandacht aan de relationele dimensie van juridisch bewustzijn. Aangezien de Canadese naturalisatieprocedures worden uitgevoerd door een gecentraliseerde bureaucratie, terwijl dit proces in Duitsland sterk gedecentraliseerd is, worden er verschillende soorten relaties gecultiveerd tussen nieuwe burgers en hun staat en hun nieuwe burgerij. Daarom wordt

in het hoofdstuk onderzocht waar nieuwe burgers zichzelf zien in relatie tot de wet en hoe deze perceptie verder wordt beïnvloed in zijn relationele dimensie door de implementatie van het staatsburgerschapsbeleid van de respectievelijke staten. Uit de analyse blijkt dat (1) in beide gevallen migranten de wet ervaren als willekeurig, obscuur en ongelijkheid producerend; (2) het juridisch bewustzijn van nieuwe Canadezen en nieuwe Duitsers verschilt in hun ervaringen van welk deel van het staatssysteem deze gevoelde ongelijkheid produceert. Terwijl Canadezen eerder geneigd zijn om de wet- en regelgeving zelf als onrechtvaardig te zien, zien Duitsers degenen die deze regelgeving uitvoeren als de veroorzakers van ongelijkheid. Bureaucratische structuren zijn niet noodzakelijk van invloed op welk 'verhaal' van de wet het meest verteld wordt, maar wel op de manier waarop het verteld wordt: Het dichtstbijzijnde contactpunt is degene die verantwoordelijk wordt geacht voor de waargenomen ongelijkheden, wat een onpersoonlijk systeem kan zijn zoals de IRCC of een individu zoals een *caseworker*.

– *Bijdragen en algemene conclusies*

De belangrijkste bijdragen van dit proefschrift zijn drieledig: ten eerste benadrukt de ontwikkeling van een theoretische brug tussen de naturalisatie- en crimmigratiewetenschappen de noodzaak om de wettelijke kaders waarin het burgerschapsbeleid wordt geïmplementeerd, in ogenschouw te nemen. Het onderzoek toont aan dat de impact van crimmigratiesystemen, met name in relatie tot legaal verblijf, een cruciale rol speelt bij het begrijpen van de resultaten van naturalisatie. Het enkel analyseren van burgerschapsbeleid vanuit een formele en juridische invalshoek zonder de bredere context van migratiewetgeving mee te nemen, beperkt de geldigheid van dergelijke analyses. Naturaliseringsuitkomsten – of iemand al dan niet staatsburger wordt – worden niet uitsluitend bepaald door het formele proces. Het negeren van eerdere fasen van het migratietraject, zoals toegang tot en tijdelijk verblijf in het land van bestemming, resulteert in een onvolledig beeld van de factoren die naturalisatie beïnvloeden.

Ten tweede levert dit proefschrift een bijdrage aan de groeiende naturalisatieliteratuur door het perspectief van degenen die betrokken zijn bij het staatsburgerschapsproces centraal te stellen. Aan de hand van een analyse van de doorleefde ervaringen van nieuwe burgers in Duitsland en Canada biedt dit onderzoek diepgaand inzicht in de praktijk van staatsburgerschapsverwerving. In het Duitse geval worden ervaringen verzameld van zowel nieuwe burgers als *caseworkers* die betrokken zijn bij de toekenning van het staatsburgerschap. Door beide perspectieven te belichten – dat van de aanvragers en dat van de uitvoerende ambtenaren – ontstaat een beter begrip van de procedurele en discretionaire dimensies van naturalisatie. Dit omvat niet alleen de aard van de macht die *caseworkers* uitoefenen, maar ook hoe deze wordt ervaren door de aanvragers.

Tot slot draagt dit proefschrift bij aan de methodologie van kwalitatief onderzoek door het gebruik van 'levensechte vignetten' in interviews. Traditioneel worden vignetten vooral toegepast in kwantitatief onderzoek, vaak in de vorm van hypothetische scenario's. In dit onderzoek zijn de vignetten echter gebaseerd op de doorleefde ervaringen van geïnterviewden. Deze methode bleek bijzonder nuttig om gevoeligheden rondom sociaal ongewenst gedrag en houdingen binnen de kantoren van immigratiediensten bespreekbaar te maken, en droeg bij aan een dieper en meer genuanceerd gesprek tijdens de interviews.

Terugkomend op de algemene onderzoeksvraag van het proefschrift, *beïnvloedt naturalisatie het begrip van burgerschap van nieuwe burgers op drie manieren: door de vereisten, de relevantie en de implementatie ervan.*

De formele *vereisten* voor naturalisatie geven aan burgers weer wat moet worden bereikt voordat ze het staatsburgerschap kunnen aanvragen. Een focus op economische prestaties, zoals het geval is voor de meeste PR-trajecten in Canada, creëert zowel een hiërarchie tussen de migratieklassen (waarbij economische migratie wordt gewaardeerd boven immigratie als vluchteling) als een gevoel van competitie tussen migranten, aangezien de permanente status een schaars goed is dat elk jaar aan een vast – en dus beperkt – aantal mensen wordt gegeven. De overstap van Canada van een eenstapmodel waarbij de meeste migranten al een PR hadden gekregen tegen de tijd dat ze toegang kregen tot het Canadese grondgebied naar een tweestapssysteem waarbij eerst tijdelijke statussen worden toegekend, kan de langzame daling van het Canadese naturalisatiepercentage verklaren. In het Duitse geval dient het vereiste om afstand te doen van iemands oorspronkelijke nationaliteit als bewijs van trouw aan de staat wat sommige geïnterviewden zagen als een discrepantie tussen identiteit en nationaliteit.

De *relevantie* van naturalisatie beschrijft het tastbare verschil dat het staatsburgerschap maakt in het leven van een migrant: in hoeverre is het staatsburgerschap een keuze voor bijkomende burgerrechten en -plichten en in hoeverre wordt het gezien als een noodzaak om veilig te kunnen blijven leven in het land waar men woont? Nieuwe burgers in zowel Duitsland als Canada melden dat ze zich hebben genaturaliseerd uit angst om uitgezet te worden ondanks het feit dat ze een permanente verblijfsstatus hadden. In Duitsland werden deze angsten geuit door burgers van derdelanden, terwijl EU-burgers zich veiliger voelden in hun legale status. Een context waarin het staatsburgerschap de enige status is die als veilig wordt beschouwd, heeft de neiging om staatsburgerschap te reduceren tot uitsluitend zijn juridische dimensie. Dit gaat ten koste van het gevoel van erbij horen, dat door staten zelf wordt gepresenteerd als een cruciaal aspect van staatsburgerschap. Een groeiend bewustzijn van het risico om de formele status door denationalisatie te verliezen, ondermijnt het begrip van burgerschap, dat verder reikt dan alleen de juridische dimensie, nog verder.

De implementatie van naturalisatie heeft een impact op noties van burgerschap door de manier waarop de implementatie is gestructureerd en hoe het zich ontvouwt. De respectieve benaderingen van de implementatie van de burgerschapswetgeving laten nieuwe burgers zien welke waarde het staatsapparaat toekent aan de procedure. De gespecialiseerde naturalisatieafdelingen in Duitsland zijn er vaak op gericht om de naturalisatieprocedure los te koppelen van de vreemdelingendienst. Voor veel nieuwe burgers was het aanvragen van het staatsburgerschap een veel vlotter proces dan elke eerdere statusaanvraag die ze moesten doorlopen. De sterk gedecentraliseerde structuur van de Duitse beleidsimplementatie positioneert *caseworkers* als het gezicht van de bureaucratie. Veel nieuwe burgers wijten onrechtvaardigheden en onregelmatigheden in immigratieprocedures dan ook aan deze *caseworkers*. In het Canadese geval leidden lange wachttijden en ondoorzichtige procedures binnen het IRCC ertoe dat sommige nieuwe burgers naturalisatie beschouwden als een laaggeprioriteerde zaak voor de Canadese staat. Dit laatste leidde op zijn beurt tot frustratie bij diegenen die het staatsburgerschap zochten, omdat het duidde op een zekere desinteresse van de staat in zijn nieuwste leden. De concrete interacties met de staat tijdens de naturalisatieprocedure zelf hadden eveneens invloed op de opvattingen van nieuwe burgers over burgerschap. Ervaringen met waargenomen ongelijkheden beïnvloedden de algemene perceptie van migranten van de (immigratie)autoriteiten en in hoeverre deze autoriteiten in staat zijn om procedurele rechtvaardigheid te garanderen.

De focus van dit proefschrift ligt op de percepties van onrechtvaardigheid en oneerlijke behandeling van migranten die navigeren door het immigratieapparaat in Duitsland en Canada. Het is echter belangrijk te benadrukken dat dit niet impliceert dat de ervaringen van de geïnterviewden uitsluitend negatief of discriminerend waren. Geen van de geïnterviewden gaf aan spijt te hebben van het verkrijgen van staatsburgerschap. Voor velen betekende immigratie en naturalisatie een grotere zekerheid over hun status en identiteit. Deze gevoelens van veiligheid waren met name sterk onder degenen die gevlucht waren voor oorlog of vervolging. Hoewel frustraties over bureaucratische procedures en de interacties met *caseworkers* wijdverbreid waren, werd er ook opluchting en dankbaarheid geuit voor die onderdelen van het systeem die naar behoren functioneerden. Dit kan deels worden verklaard door de focus van dit onderzoek op 'succesverhalen' – personen die het staatsburgerschap daadwerkelijk hebben verkregen. Toch is het de moeite waard om te stellen dat, binnen een imperfect en vaak onrechtvaardig systeem dat grenzen trekt tussen en binnen gebieden, naturalisatie het leven van mensen aanzienlijk verbetert. Naturalisatie dient niet alleen als een instrument voor integratie, maar stelt mensen ook in staat hun gevoelde identiteit beter af te stemmen op hun juridische status. Dit onderstreept het belang van het aanpakken van onnodige obstakels en gevallen van mishandeling in het naturalisatieproces, die speciale aandacht verdienen in zowel onderzoek als beleidsvorming.

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Appendix

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Curriculum vitae

Hannah Bliersbach (Aachen, 1995) graduated from the Gymnasium der Stadt Hückelhoven in 2013 and began her undergraduate studies at the Rheinische Friedrich-Wilhelms-Universität Bonn in that same year. After an Erasmus exchange semester at Leiden University, she graduated in 2017 with a BA in Political Science and Sociology and a minor in English Studies. She subsequently returned to Leiden for her graduate studies obtaining a MSc. (res) in Political Sciences and Public Administration in 2019. Her master thesis analyzed citizenship allocation principles such as *ius nexi* in the context of denationalization. Before starting her PhD, Hannah worked as a workgroup instructor at Leiden University's Institute of Political Science teaching Academic Skills and Statistics.

In April 2020, she joined the Institute of Public Administration and the Van Vollenhoven Institute for Law, Governance and Society as a PhD candidate in the Leiden University research program *Social Citizenship and Migration* under the supervision of prof. dr. Olaf van Vliet and prof. dr. mr. Maartje van der Woude. As part of her PhD trajectory, Hannah attended the Vrije Universiteit Amsterdam Graduate Winter School, the ECPR Winter School and co-founded the *Early Careers Lounge* at the ECPR Standing Group on Citizenship. Her doctoral research took her to fieldwork in both Germany and Canada, where she was a Visiting Junior Fellow at the Centre for Criminology and Sociolegal Studies and a Harney Visiting Research Fellow at the Munk School of Global Affairs & Public Policy at the University of Toronto (Sept-Dec 2022).

As a PhD candidate, Hannah taught several courses on qualitative methodology, socio-legal studies and street-level bureaucracy in both English and Dutch. Since April 2025, Hannah continues her work as a PostDoc at the Van Vollenhoven Institute as part of the research line 'Resilience & Security' of the NWO-funded project *Crafting Resilience*.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2024-2025:

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