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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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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 regarding 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 under-explored 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.

