

Many newcomers hope to one day become Canadian citizens. One of the great benefits of citizenship status is the absolute right to enter and remain in Canada. As a Canadian citizen, you cannot be forced to leave Canada, unless you said something that was not true or left out information when you applied for Canadian citizenship or permanent resident status. Permanent residents, however, can be deported for a variety of reasons no matter how long they have lived here.

A successful citizenship applicant must have “an adequate knowledge” of either English or French, and applicants between the ages of 18 and 54 must pass a test, which is supposed to demonstrate an understanding of the responsibilities of citizenship and a knowledge of Canada, including its history and values. For some applicants, these requirements pose significant barriers.

# Barriers to Citizenship

## How ESL teachers can help



Oscar is a refugee who suffers from post-traumatic stress disorder and panic attacks, works 60 hours a week to support his family, and struggles to learn English in the evenings. He has been unable to attain the language standard needed to pass the citizenship test.

Celia has lived in Canada for 15 years and raised three children alone. She was never taught to read in her first language and has just discovered that she has a learning disability. She has not been able to meet the knowledge requirements of the citizenship test.

With legal help, Oscar and Celia may be able to apply successfully for accommodations that will enable them to pass the test, or for a waiver of requirements on compassionate grounds.

These two examples illustrate the barriers some newcomers face. With legal advice and help exercising their legal rights, applicants may be able to overcome these barriers and obtain citizenship. Many community legal clinics (funded by Legal Aid Ontario) offer advice and representation in citizenship cases for people with low incomes. At the end of this article, there is information about referring people to clinics.

ESL and citizenship classes help people prepare for the citizenship test by teaching them language skills as well as the subject matter in the citizenship study guide.

But there are other ways in which teachers can help people who may have difficulty with the citizenship test.

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1. **You can tell learners about the right to request that special needs be accommodated.** For example, a person with a visual disability can ask to have an oral interview instead of a written test. Some people may need to do the test orally because of a low literacy level. Those who suffer from post-traumatic stress or anxiety may need to take the test in a relaxed setting. A request for accommodation should be made in writing. An applicant should be prepared to provide evidence of their special needs and how those needs could be met.
2. **You can tell learners about the right to request a “waiver” of the language and knowledge requirements on compassionate grounds.** Someone who gets a waiver can be granted citizenship without having to pass the citizenship test. A request for a waiver should be made in writing. Citizenship and Immigration Canada will ask for a medical opinion to support a request for a waiver.
3. **You can help a learner who is seeking accommodation or a waiver by providing evidence of the efforts they have made to learn.** For example, a learner’s attendance at ESL programs is evidence that they have tried to learn.
4. **You can tell learners about the right to appeal a decision refusing an application for Canadian citizenship.** An appeal must be filed in the Federal Court within 60 days of the negative decision. The Federal Court will not hear new evidence so it is important to have made the written request for accommodation or a waiver and to have provided supporting evidence with the application.

5. **You can refer learners for legal help.** A community legal clinic may be able to give advice or represent someone who needs help making a request for accommodation, a request for a waiver, or appealing a negative decision on a citizenship application. If a clinic does not handle citizenship cases, they may be able to refer people elsewhere for help. To find the legal clinic that serves your area you can go to **www.yourlegalrights.on.ca** and click on “**Find Services**” at the top of the page. You can also go to the Legal Aid Ontario (LAO) website at **www.legalaid.on.ca** or call LAO at one of the numbers listed below:

Toll free.....1-800-668-8258  
 Toronto area.....416-979-1446  
 Toll-free TTY .....1-866-641-8867  
 Toronto area TTY ....416-598-8867



This is general information only. It is not a substitute for legal advice in a particular situation.

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