

# Citizenship Rules: How Long, How Hard, And How Fair Are the Processes?

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## ABSTRACT

Citizenship is more than just a legal status; it is a gateway to political participation, social inclusion, and long-term security. However, globally, states regulate access to citizenship through rules that determine how long applicants must reside, how challenging the process is, and how decisions are made to conform with standards. Therefore, this review paper examines citizenship acquisition rules while also comparing liberal (free) democracies, including Canada, the United States, the United Kingdom, and selected European Union states. Most importantly, it asks three major questions: how long does citizenship take, how hard is it to obtain, and how fair are the processes in practice? Hence, drawing on legal theory, policy reports, and justice, the paper argues that while states have legal rights in regulating membership, prolong, complex, or unnecessary processes risk undermine fairness, equality, and the rule of law.

**Keywords:** Citizenship, naturalization, immigration law, fairness, residence requirements, comparative law

## INTRODUCTION

Citizenship rules matter a lot because they determine who fully is a member in a political community and on what terms. For individuals, citizenship provides long-term security, voting rights, access to public institutions, and protection from removal. However, for governments, it is an expression of sovereignty and national identity. This is because citizenship affects both personal lives and public institutions. Therefore, the rules governing how it is acquired requires a careful legal and policy cross-examination (Shachar, 2009).

Citizenship processes have significantly changed over the past twenty years. Residence requirements is lengthy, language and knowledge tests have been formalized, and administrative inspection has intensified. At the same time, applicants often face delayed processing times, no right of appeal, and widespread management decision. These trends have raised concerns among lawyers, policymakers, and scholars about whether citizenship systems remain fair, accessible, and in consonant with the rule of law (Bauböck, 2010; Joppke, 2007).

Conversely, this paper examines citizenship rules through three major practical questions that show the impacts faced by applicants and their legal advisers. Firstly, how long does citizenship take from meeting eligibility requirements to receiving a final decision? Long waiting periods and administrative delays can affect family unity, mobility, and economic stability. Secondly, how hard is it to obtain citizenship? Major requirements such as language proficiency, knowledge tests, fees, and “character” assessments may promote integration in theory, but in practice they can operate as setbacks for long-established residents. Thirdly, how fair are citizenship decision-making processes? Procedural fairness, transparency, and availability of solutions are essential where decisions have transformative consequences (Baker v Canada (Minister of Citizenship and Immigration), 1999).

While the analysis adopts a comparative approach, Canada operates a central place in this review. Recent constitutional review, administrative law decisions, and legislative reforms, in relation to citizenship by descent, processing delays, and standards of judicial review have reshaped Canadian citizenship law and practice.

These developments have direct impacts for legal practitioners advising clients, challenging refusals, or seeking solutions for unrealistic delay. Also, they place Canada within a broad international trend in which courts inspect citizenship rules for compliance with equality and procedural justice principles (Howard, 2009).

Furthermore, this paper positions citizenship law within ongoing policy debates and the everyday realities of legal practice. It balances legal interpretation with policy discussion, thereby drawing on case law, statutes, and comparative studies to assess whether the current citizenship regimes have a balance between state interests and individual rights. By doing so, this review paper aims to contribute to ongoing framework discussions and to invite further research and practice-based engagement on how citizenship processes can be made more efficient, inclusive, and fair for all.

## Conceptual Framework

In law, citizenship is often defined as a formal relationship between an individual and a state. However, in traditional understanding, citizenship establishes a legal bond that grants a person certain rights such as the right to vote or to remain in the country and carry out corresponding duties, including obedience to the law and, in some cases, civic participation (Kelsen, 1945). In other words, citizenship is primarily a legal status, created and regulated by legislation.

Conversely, present day scholars argue that citizenship should also be understood as a form of social and political membership. Following this method, citizenship shows a person's genuine connection to a community built through residence, participation, family life, and contribution, rather than merely formal compliance with legal criteria (Bauböck, 2015). However, this understanding has influenced how courts and policymakers think about fairness, inclusion, and equality in citizenship law.

Generally, at the global level, citizenship is acquired through three main pathways. First, is citizenship based on birth within a state's territory (*jus soli*). The second is citizenship transmitted through parentage (*jus sanguinis*). The third pathway, and the major focus of this review paper, is naturalization. Naturalization allows non-citizens to become citizens after meeting statutory requirements set by the state, such as a minimum period of lawful residence, language proficiency, knowledge of civic institutions, and a demonstration of good character (Howard, 2009).

Although naturalization requirements are framed in neutral and objective terms, their application often raises concerns about belonging and exclusion. Residence rules may be disadvantageous to people with uncertain legal status or interrupted migration histories. However, language and knowledge tests may affect older migrants, refugees, or individuals with lack of formal education distinctively. Hence, "good character" assessments, which often involve a lot of administrative preference, can lead to unpredictable results (Joppke, 2007). As a result, citizenship law does not only regulate access to status; it also shapes who deserves full membership in the political community.

Furthermore, understanding citizenship as both a legal status and a form of social membership provides a framework for evaluating modern immigration systems. It also highlights the pressure between state control over borders and the principles of fairness, equality, and inclusion that supports democratic societies. This conceptual framework informs the analysis that follows in assessing whether current citizenship processes are balanced, transparent, and in agreement with laid down goals of integration and social cohesion.

## How Long Does Citizenship Take?

One of the most common questions asked by prospective citizens is how long the process will take. In reality, the answer is shaped by two separate but connected factors. First, how long an applicant must live in a country before becoming eligible, and second, how long government authorities take to process the application once it is submitted. However, these factors determine whether citizenship is a standard protocol or an long term uncertainty.

## Residence requirements

Residence requirements are a central feature of naturalization systems in most self-governing nations. They ensure that applicants have developed a sufficient connection to the country before being granted citizenship. For instance, in Canada, the *Citizenship Act* requires permanent residents to be physically present in the country for at least three years within a five-year period before applying for citizenship (Citizenship Act, RSC 1985, c C-29). This approach shows a moderate residence procedure when compared to other regions.

However, the United States imposes a long waiting period. Most applicants must hold legal permanent resident status for five years before applying for naturalization, although this period is reduced to three years for spouses of United States citizens (Immigration and Nationality Act § 316). In contrast, most European countries adopt various residence requirements. For example, Germany requires eight years, although this period may be shortened for applicants with strong language skills or successful integration. France, on the other hand requires five years of residence respectively (Howard, 2009).

Furthermore, governments often justify longer residence requirements, stressing that they allow time for social integration, cultural adaptation, and civic attachment. However, research suggests that many immigrants integrate socially and economically well before they become eligible for citizenship. Studies by the Organisation for Economic Co-operation and Development demonstrate that employment participation, language acquisition, and community involvement often become stable within the first few years of residence (OECD, 2011). From this point of view, extended residence requirements may delay formal recognition of belonging rather than promote integration itself.

## Processing Times

Even after an applicant meets the residence requirement, citizenship is not often granted quickly. However, administrative processing times play a significant role in determining how long the overall process takes. For instance, applications will undergo background checks, security screening, verification of residence history, among others, which can contribute to delays. During periods of high application demands or administrative deficiency, backlogs can add months or even years to processing timelines.

Additionally, Canadian courts have acknowledged that too much delays in immigration and citizenship matters is capable of raising fairness concerns. For instance, in *Baker v Canada (Minister of Citizenship and Immigration)*, the Supreme Court of Canada stressed that administrative decision-making must comply with principles of procedural fairness, especially where decisions have serious consequences for individuals (Baker, 1999). Although *Baker* did not directly involve citizenship processing delays, its principles have informed subsequent judicial review of delayed administrative inaction.

Furthermore, from my point of view, delayed processing times often create uncertainty with practical consequences, including limitations on the freedom of movement, employment opportunities, and political participation. For legal practitioners, delays raise questions about accountability and available solutions, such as appeal and writ of mandate (*mandamus*). As a result of this, the duration of time citizenship takes is not just an administrative issue but a legal and policy concern in relation to fairness and the rule of law.

## How Difficult Is It to Obtain Citizenship?

Beyond waiting periods and processing delays, citizenship can be difficult to obtain because of the substantial and unnecessary requirements applicants must meet. These requirements are often used as tools for promoting integration and civic responsibility. Also, they can significantly create barriers for certain groups of persons, and introduce uncertainty into the decision-making process. However, some of these challenges include language and knowledge testing, as well as the assessment of “good character.”

## **Language and knowledge tests**

Language proficiency and civic knowledge tests are some of the conditions for obtaining citizenship in a constitutional government. However, governments often justify these requirements for the fact that a shared language and basic understanding of national institutions support communal bond and democratic participation. From this view point, testing is framed as a requisite for those seeking to obtain permanent residence.

In Canada, applicants between certain age bracket must demonstrate an adequate knowledge of English or French and also pass a written citizenship test covering Canadian history, values, institutions, and symbols. However, standard testing procedures also exist in the United Kingdom and Australia respectively despite appearing neutral and modest.

However, some persons claim that language and knowledge tests often act as barriers rather than integration tools. Research shows that such tests is disadvantageous to older migrants, refugees, and individuals with lack of formal education, even when they are socially and economically integrated (Joppke, 2007). In some cases, the tests emphasize memorization of historical facts or symbolic knowledge rather than practical civic engagement or everyday participation in community life.

These concerns raise important questions about proportionality. If the goal of citizenship testing is to promote integration, then requirements that screen out long-term residents who work, raise families, and contribute to their communities may undermine that objective. As a result, the difficulty of citizenship is shaped not only by what is tested, but by how success and failure are defined.

## **Good Character and Administrative Discretion**

Another major source of difficulty in obtaining citizenship is the requirement that applicants demonstrate “good character”. This requirement exists in most citizenship policies and is aimed at ensuring that new citizens respect the law and shared societal norms. However, unlike residence or language requirements, good-character assessments are often not clearly stated and entirely optional.

In Canada and comparable regions, factors such as criminal records, tax compliance, or past immigration violations may affect an applicant’s eligibility. While serious criminal conduct may reasonably justify refusal, problems arise when minor violations, and inconsistently applied standards lead to negative decisions. Also, the lack of clear statutory guidance gives decision-makers significant freedom, which can result in uneven results across similar cases.

Scholars have long warned that broad administrative discretion in citizenship decisions risks weaken legal certainty and equality before the law. Moreso, Dauvergne (2008) argues that subjective evaluations of moral worth can reflect discretionary judgments rather than consistent legal principles, thereby making outcomes difficult to predict or challenge. Therefore, for applicants, this uncertainty can be troubling given the high risks involved. On the other hand, for practitioners, it complicates legal advice and increases reliance on judicial review as a corrective measure.

Furthermore, language testing and good-character requirements demonstrate that the difficulty of obtaining citizenship is not just a function of formal eligibility criteria. It is also shaped by how rules are interpreted, enforced, and justified. Therefore, assessing how hard citizenship is to obtain requires close attention to both legal standards and administrative practice.

## **How Fair Are Citizenship Processes?**

Fairness is central to any legitimate citizenship system. Because citizenship decisions affect an individual’s security, identity, and participation in public life, the processes by which those decisions are made must meet high standards of procedural justice and equality. Even where eligibility rules are clearly set out in legislation, unfair administration can threaten confidence in the system and produce unfair results.

## Procedural Fairness

Procedural fairness requires that decision-making processes be transparent, timely, and responsive to the affected parties. In Canadian administrative law, the duty of procedural fairness applies whenever a decision has serious consequences for an individual. Citizenship decisions however meet this threshold, as they determine whether a person gains permanent security of status and full membership in Canadian society (*Baker v Canada (Minister of Citizenship and Immigration)*, 1999).

At least, procedural fairness in citizenship matters requires that applicants understand the criteria being applied, receive reasons for unfavourable decisions, and have a meaningful opportunity to respond to concerns raised by decision-makers. However, delays, unexplained refusals, or reliance on undisclosed information can undermine these principles.

Despite these requirements, citizenship applicants often face limited avenues for review. In Canada and many comparable nations, refusals are generally challenged through judicial review rather than appeal on the merits. Judicial review focuses on legality, reasonableness, and procedural fairness, rather than whether the decision was “correct” in a substantive sense.

While this model respects administrative autonomy, it can also limit effective oversight, especially where standards such as “good character” are applied inconsistently. As a result, accountability depends mostly on the quality of reasons and the willingness of courts to investigate administrative reasoning.

## Equality and Non-Discrimination

Even where procedures are formally fair, citizenship systems may still produce different results. Citizenship rules are often framed in neutral terms, but their effects may cause burden to certain groups. High application fees, strict documentation requirements, language standards, and digital-only processes can exclude low-income applicants, refugees, persons with disabilities, and racialized communities (Shachar, 2009).

From an equality stand point, citizenship should not function as a reward reserved for those with economic advantage or formal education. Instead, it should demonstrate genuine connection and participation in the community. When otherwise long-term residents are excluded because of structural barriers rather than lack of commitment, the legitimacy of citizenship rules is called into question. These concerns are acute in constitutional democracies committed to substantive equality and inclusion.

## Recent Canadian Cases and Policy Developments

Recent Canadian jurisprudence and legislative reform demonstrate how fairness concerns are reshaping citizenship law as follows:

### *Pepa v Canada (Citizenship and Immigration)*, 2025 SCC 21

In *Pepa v Canada (Citizenship and Immigration)*, the Supreme Court of Canada provided important clarification on judicial review and remedies in citizenship-related decisions. While affirming Parliament’s authority over citizenship, the Court emphasized that decisions under the *Citizenship Act* remain subject to the rule of law and meaningful judicial review. Also, the Court recognized that citizenship determinations engage individual interests, including security of status and political membership, and therefore require careful administrative reasoning (*Pepa*, 2025).

Conversely, the Court confirmed that the presumptive standard of review is reasonableness, but stressed that reasonableness must be applied thoroughly. Therefore, decision-makers must provide a rational and connective chain of analysis linking the evidence to statutory criteria, especially where credibility, compliance, or character assessments are central. The Court also warned that template reasoning threatens procedural fairness and public confidence (*Pepa*, para 68).

With regards to remedies, *Pepa* is significant. The Court acknowledged that prolonged administrative delay can amount to a constructive refusal and confirmed that “mandamus” remains an appropriate remedy where statutory duties are unnecessarily delayed. At the same time, the Court emphasized proportionality, encouraging reviewing courts to provide solutions that both respect institutional roles and ensure applicants are not left without meaningful relief (*Pepa*, paras 91–97).

### **Citizenship by Descent and the “Second-Generation Cut-Off”**

Fairness concerns have also driven constitutional challenges to citizenship by descent rules. In *Bjorkquist v Canada (Attorney General)*, 2023 ONSC 7152, the Ontario Superior Court held that the first-generation limit on citizenship by descent violated section 15 of the *Canadian Charter of Rights and Freedoms*. The Court found that the difference between Canadians born abroad and those born in Canada is disadvantageous and failed to show modern family and mobility patterns.

Furthermore, the Court rejected arguments based on administrative convenience or fears of disenfranchisement, emphasizing substantial equality and lived experience. Although the declaration of invalidity was suspended to allow Parliament to respond, the decision enhance the judiciary’s role in ensuring that citizenship rules align with constitutional equality principles.

### **Legislative Response: Bill C-3**

Parliament responded to sustained litigation and constitutional pressure through Bill C-3, *An Act to amend the Citizenship Act*, which came into force in December 2025. The legislation extended access to citizenship for individuals who were previously excluded by the first-generation limit and provided mechanisms for logical recognition of citizenship. The amendments reflect the acknowledgment that earlier rules operated harshly and inconsistently with Charter values.

However, for practitioners, Bill C-3 introduces new considerations, including proof-of-citizenship applications, transitional cases, and the interpretation of any remaining connection-based criteria. While the framework address many inequities, their implementation is likely to generate further administrative law disputes concerning eligibility determinations and processing delays.

### **Administrative Delay and Accountability**

Federal Court jurisprudence continues to recognize unreasonable delay in citizenship processing as a legitimate issue. Courts have reiterated that while not every delay warrants intervention, prolonged inactivity, especially where applicants have met all statutory requirements may justify mandamus. Most importantly, courts have clarify that generalized backlogs or resource limitations do not automatically excuse extended delays.

Meanwhile, at the administrative level, Immigration, Refugees and Citizenship Canada (IRCC) has introduced updated processing-time tools and backlog reduction strategies. While these initiatives improve transparency, judicial decisions suggest that transparency alone does not cure unfairness where individual applications stagnate. Together, these developments signal growing judicial expectations that citizenship administration be efficient, accountable, and fair.

### **Comparative Insights and Emerging Trends**

Notably, a comparative examination of systems of government in a democratic government highlights several trends and emerging discussions. One major development is the rise of “earned citizenship.” Under this model, applicants are expected to demonstrate not only residence but also active engagement within the society, economic contribution, language proficiency, knowledge of civic institutions, and moral or “good character” standards (Bauböck, 2010). Politically, this approach is often framed as promoting integration and rewarding commitment to the host society.

However, there are several risks associated with earned citizenship. By linking membership to performance or perceived merit, states risk transforming citizenship from a fundamental legal status into a conditional privilege. This shift can heighten inequalities and disadvantage individuals who, despite long-term residence or social integration, may not meet certain criteria (Shachar, 2009). Experts argue that stressing on merit-based measures threatens the principle that citizenship should show genuine membership and belonging, rather than a transactional reward.

At the same time, comparative trends indicate that some jurisdictions are actively pursuing reforms to make citizenship processes fairer and more accessible. Examples include reducing application fees, simplifying documentation requirements, introducing flexible or alternative pathways to demonstrate language and civic knowledge, and recognizing various forms of integration, such as community engagement or economic participation (Howard, 2009; OECD, 2011). These frameworks suggest that it is possible to uphold state sovereignty and security while strengthening inclusiveness and procedural fairness.

In Canada, these global movement cut across domestic reforms such as Bill C-3, which facilitate the access for second-generation applicants and recognized historical inequities in the application of citizenship laws. Similarly, judicial inquiry in cases like *Pepa v Canada* has reinforced the expectation that administrative processes must be transparent, reasonable, and fair. Together, these developments shows a movement toward balancing legal standards, policy objectives, and human rights considerations in the design and implementation of Immigration and integration policies

In short, comparative analysis stress that citizenship is no longer merely a static legal status; it is increasingly shaped by policy choices, administrative practices, and societal expectations. Furthermore, emerging trends illustrates the potential for governments to design systems that reward integration without undermining fundamental rights, and to reconcile state interests with the principles of fairness, equality, and inclusivity.

## **RECOMMENDATIONS**

Based on the analysis of citizenship processes and comparative trends, several reforms could improve fairness, accessibility, and legitimacy. While recognizing the state's interest in regulating citizenship, reforms should prioritize clarity, inclusiveness, and procedural justice to ensure that citizenship truly reflects membership rather than conditional privilege.

### **Match residency requirements to realistic integration timelines**

Current residence requirements in many jurisdictions, including Canada, often exceed the time necessary for applicants to show meaningful social, economic, and cultural integration. Policymakers should consider adjusting residence entry to reflect empirical evidence about how quickly newcomers integrate into society. However, more flexible residence periods could reduce unnecessary delays, enable timely recognition of belonging, and reduce the social and economic costs associated with prolonged waiting periods.

### **Design Substantive Requirements to Support Inclusion**

Language proficiency, civic knowledge tests, and other substantive criteria should serve as tools for integration rather than as barriers to membership. Therefore, governments should ensure that these assessments are accessible, relevant, and culturally sensitive. Additionally, measures taken could include providing several pathways to demonstrate competence, offering exemptions or accommodations for older migrants, refugees, or those with lack of formal education, and emphasizing practical civic understanding over learning by heart. Such approaches would help ensure that deserving applicants are not excluded by arbitrary or strict standards.

### **Strengthen Procedural Safeguards and Accountability**

Procedural fairness is essential to maintaining public confidence in citizenship systems. Decision-makers should provide clear, detailed reasons for refusals, especially when caution is exercised in areas such as good character assessments. However, broader appeal rights or simplified judicial review mechanisms could enhance

accountability and provide applicants with meaningful recourse where errors or delays occur. In addition, administrative transparency, such as updated processing-time reporting and timely communication with applicants, should be reinforced to reduce uncertainty and improve trust in the system.

### **Incorporate Lessons from Comparative and Domestic Developments**

Reforms should also reflect emerging lessons from both Canadian experience and international practice. Recent judicial guidance, such as *Pepa v Canada*, demonstrates the importance of rigorous reasoning, corresponding solutions, and protection against unnecessary delay. Legislative changes like Bill C-3 demonstrate the value of addressing historical injustice and adapting rules to the realities of modern, transnational families. Drawing on these lessons, policymakers can design citizenship processes that balance state interests with fairness, equality, and inclusiveness.

In summary, reforming citizenship law and practice requires a multi-dimensional approach. By adjusting residence requirements, making substantive criteria inclusive, and strengthening procedural fairness, governments can ensure that citizenship is not only a legal status but also a meaningful recognition of belonging and contribution. With this, such reforms will enhance the legitimacy of the system, strengthen social cohesion, and respect the fundamental rights of applicants.

## **CONCLUSION**

Citizenship law is not merely an abstract set of rules; it has consequences for individuals, families, and society. This review has highlighted that while Canada's citizenship framework has evolved to address fairness and inclusion through judicial investigation in cases such as *Pepa v Canada* and legislative reforms like Bill C-3, significant challenges remain. Delays in processing, uneven application of optional standards, and socio-economic barriers continue to affect applicants' access to citizenship and raise questions about equality, transparency, and the rule of law.

Going further, the analysis is a testament of the need for sustained attention from lawyers, policymakers, and scholars. Also, practitioners play an important role in identifying and challenging procedural irregularities, advising clients on emerging rules such as proof-of-citizenship mechanisms, and managing optional assessments like the "substantial connection" test. Therefore, policymakers must continue to refine residence, language, and knowledge requirements to ensure they reflect real integration timelines and do not inadvertently exclude deserving applicants. Hence, scholars and researchers can provide major insights into the lived experiences of applicants, the impacts of administrative delays, and the effectiveness of reforms.

In conclusion, this paper calls for a collaborative and proactive approach to citizenship law. Monitoring implementation, advocating for clearer procedural fairness, and evaluating real-world experience are essential steps toward a system that is both efficient and fair. Also, Contributions to organizations that offer empirical data, comparative perspectives, or actionable guidance for practitioners are valuable. By combining conceptual analysis with practical insight, the legal community can help ensure that Canadian citizenship remains a meaningful and accessible marker of belonging for all eligible residents.

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