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Accessibility Victory for Deaf Citizenship Applicants

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Paul Smith, Silent Voice Settlement Program Worker

Introduction - Citizenship Regulations Changes

In November 2012, Citizenship and Immigration Canada (CIC) announced new language rules for citizenship requiring applicants to provide up-front evidence of language ability of at least Canadian Language Benchmark (CLB) level 4 in **speaking** and **listening** English or French.

Backgrounder – Proof of Language Ability Requirements for Citizenship

Since the Canadian Citizenship Act of 1947, adult applicants for citizenship have been required to have an adequate knowledge of Canada's official languages, English or French. This requirement reflects the importance of language ability to newcomers' successful integration.

Under the old system, applicants submitted an application for citizenship without paper proof of language proficiency and took a multiple choice written test that evaluated language competency as well as knowledge of Canada. The written test was deemed an inadequate method for assessing language as it did not assess listening and speaking language skills.

New Language Rules for Citizenship Applicant

The proposed amendments to the Citizenship Regulations – the new language rules – would require applicants to provide upfront proof of *speaking and listening* proficiency in English or French at CLB Level 4 with their citizenship application. With a CLB-4 level in English or French, an individual can take part in short, everyday conversations; understand simple instructions, questions and directions; and use basic grammar, sentence structures and verb tenses. The CIC suggested the following as written proof of language ability proficiency: results of a CIC-approved third-party test; evidence of completion of secondary or post-secondary education in English or French; or evidence of achieving the appropriate language level in certain government-funded language training programs.

Concerns on Proposed Change to Citizenship Regulations with Respect to Proof of Language Proficiency

Silent Voice was deeply concerned that the proposed regulation change would create significant barriers to citizenship for a minority group – culturally Deaf permanent residents – since they would not meet the language requirement in *speaking* and *listening* proficiency and citizenship would be denied due to circumstances beyond their control. Citizenship is the most important means to allow the full economic, social and political integration of immigrants in Canadian society. Deaf applicants, with a severe to profound hearing loss or with little or no residual hearing, cannot realistically comply with the listening and speaking criteria of the proposed regulation as they are unable to hear spoken language and the ability to hear speech is linked to the ability to

produce speech.

As a Silent Voice employed settlement program worker, I, along with Kelly MacKenzie, executive director of Silent Voice, submitted the concerns with regard to the new language rules that could deny Deaf applicants citizenship, and requested a CIC consultative initiative. The consultative initiative with CIC proved incredibly productive through teleconference and email correspondences. CIC consulted with other organizations of and for Deaf people across the country. The outcome was removing the listening and speaking barrier faced by Deaf permanent residents applying for citizenship.

Revised Proof of Language Ability Requirements – Waiver of the Language Requirements

In March 2013, CIC announced that it had modified the new language requirements, for Deaf applicants. The applicants are given opportunities to request a waiver of the *listening* and *speaking* language requirements, supported by evidence of an audiologist report (an audiogram and letter) issued by a Canadian audiologist attesting that they are Deaf and have severe to profound hearing loss, with little or no residual hearing, including an explanation as to whether, and to what extent this impacts their ability to listen and/or to speak.

Silent Voice is grateful to CIC for its receiving our concerns, conducting a consultative process, and its commitment to ensuring that the new proposed language rules do not impose a barrier to citizenship on Deaf applicants across Canada.

Settlement Program at Silent Voice

The following segment was provided by Silent Voice

Offered since 2009, the Silent Voice Settlement Program, funded by Citizenship and Immigration Canada, is an innovative program that provides direct and essential services, in American Sign Language (ASL), to support Deaf immigrants in settling and integrating into Canadian society. This service, provided in ASL, focuses on orientation to useful and accurate information needed when making settlement decisions, and understanding life in Canada, its laws, rights, responsibilities and how to access community resources. We do so in the following ways:

Needs Assessment and Referrals

- Assess Deaf Immigrants' needs, resources, strengths and barriers
- Work with newcomers to set goals, priorities and develop a case plan
- Refer and/or accompany newcomers to other service providers
- Follow-up with newcomers and service providers to ensure newcomers received the services required

Information and Awareness Services

- Provide information, including information about Canadian society including Ontario's legal system, employment, labour market opportunities, health care, housing, education and other topics
- Offer group orientation and information sessions on a wide-variety of topics

Language Learning and Skills Development

- Provide information about language programs in the community such as Language Instruction for

Newcomers to Canada (LINC), Deaf Workforce Literacy, and Deaf Academic Upgrading
- Refer to the most-appropriate language program for language assessment and enrollment

Employment-Related Services

- Provide pre-employment workshops, as well as one-on-one assistance that helps newcomers to develop the skills needed to find employment such as resume and cover letter writing, internet job search skills, job interview preparation and enhanced occupation-specific language training
- Provide information sessions on employment-related issues such as employment standards (hours of work, minimum wage, payroll records)

Community Connections

- Assist newcomers in establishing contacts and developing networks within their community
- Provide support to newcomers on an individual basis through mentor matching or through participation in focus groups, connection to volunteering and community activities
- Provide orientation on settlement needs of newcomers to service providers and employers.

Support Services

The following support services are provided:

- Limited ASL-English interpretation service is available to facilitate interaction between the newcomer and the community
- Translation service of documents from written English into American Sign Language or from American Sign Language into written English
- Assistance to newcomers in filling out forms and applications
- Assistance to newcomers by helping them to define their settlement needs and assist in problem solving by identifying resources available to them

About Silent Voice Canada

Silent Voice is a not-for-profit charitable organization founded in 1975. We are the only organization in the GTA offering community- and family-based support to Deaf adults, youth, children, and their families, in American Sign Language (ASL). We are dedicated to improving communication and relationships between Deaf and hearing family members and Deaf and hearing members of our communities.

Silent Voice Services

Deaf Adult Services Programming includes one-to-one support, free tax clinic to low income families, housing program, settlement services, and parenting programming.

Child and Family Services include the Sign Language Summer Program (SLSP) summer day camp; Deaf children and youth sports, recreation, and leadership programming; and the Family Communication Program.

www.silentvoice.ca

Cultural and Linguistic Minority Group

The following segment was provided by Silent Voice

Deaf people are required to provide upfront documentary evidence, such as an audiogram, to verify their hearing ability to several local, provincial, and federal governmental and other agencies in order to be eligible for accommodation, such as what is described in this article, as well as for funding sources or credits or other processes. However, it is worth noting that Deaf people who identify as members of a cultural and linguistic minority group, as indicated through the value and use of a signed language at its core, do so without regard to their audiogram or a measure of hearing loss.

A close-knit and interconnected group, Deaf Canadian residents share and value a common language, American Sign Language (ASL) or la langue des signes québécoise (LSQ), and culture (the components of which are language, values, traditions, norms and identity) – Deaf culture.

Deaf culture and signed languages are interrelated. ASL and LSQ are visual cultural languages of Deaf people, with their own syntax, semantics and pragmatics. Signed languages are highly valued by the Deaf community because they are visually accessible. Identity is one of the key components of culture, and of the whole person. It addresses acceptance that a person is Deaf and proud of his or her culture, language, and being a contributing member of that society.

Deaf individuals may or may not use auditory technology, such as hearing aids or cochlear implants. Many Deaf people use computer and text messaging communication technology, as well as visual alerting systems (systems that notify by flashing light and/or strong vibration sounds in their immediate environment - from the doorbell or phone ringing, to a baby’s crying.)

In fact, Deaf people share not only a common culture – language, identity, heritage – but similar experience of navigating a world in which most people hear. The Deaf community is a living testament to the human ability to adapt and make productive, wholesome and happy lives despite obstacles and resistance from the world around them. Deaf people do not need to verify their hearing ability to be accepted into the Deaf community. They are not concerned about the results mapped on an audiogram or their ability to speak or hear spoken language. Their level of hearing loss, from mild to profound, does not dictate membership in this cultural and linguistic minority group.