Deepan Budlakoti’s immigration troubles began with a brawl. In 2009, he was living in the Ottawa-Carleton Detention Centre, serving a four-month sentence for breaking and entering. One day, after Budlakoti had been tossed into solitary confinement for fighting with other inmates, a corrections officer asked about his citizenship. On its face, the question wasn’t strange: the centre is often tasked by the Canadian Border Services Agency (CBSA) with sorting through immigration detainees.

Budlakoti answered that he was Canadian. Born in Ottawa on October 17, 1989, he grew up in the city. His parents moved from India four years before his birth, brought on as cooks and cleaners for the Indian High Commission (IHC). He was thus Canadian by right of jus soli, or “law of the soil,” according to which any child born within a country automatically becomes a citizen of that nation—a principle Canada adheres to.

Citizenship by birth, however, doesn’t apply to the children of diplomatic staff. The officer flagged Budlakoti’s case for review. In May 2010, immigration officials decided there had been a mistake. The Citizenship Act was clear: because employees of foreign governments aren’t subject to the laws of the country they work in, they aren’t entitled to jus soli provisions. Budlakoti was not, and had never been, a citizen. He was stunned. Canada was the only country he’d ever known. His parents were Canadian; his younger brother was Canadian. He had a birth certificate and, over the course of his life, had been issued two passports. If he wasn’t Canadian, what was he?

At twenty-one, Budlakoti suddenly found himself reclassified as a permanent resident—a status that came with risk. A criminal record could have him thrown out of Canada, and later that year, while he was out on parole, his crimes grew more brazen. He was arrested for drug and weapons trafficking and sentenced to three years in jail. Budlakoti’s case was sent to the Immigration and Refugee Board (IRB), now tasked with deciding whether to deport him. He fought back. In a bid to reverse his permanent resident status, Budlakoti’s legal team provided evidence that his parents had quit the IHC in the summer of 1989, months before he was born. The former high commissioner confirmed it. An Ottawa-area doctor also verified that Budlakoti’s parents had begun working for him that summer.

The government produced its own documents. They showed not only that Budlakoti’s father and mother had been employed by the IHC in December 1989 but that his parents’ diplomatic status had only been officially revoked in January 1990, two and a half months after Budlakoti’s birth. Watching all this unfold, Budlakoti felt himself come apart. For every affidavit that supported him, something else undermined his claims.

At the December 2011 hearing, the IRB sided with the government and, because of the “serious criminality” of Budlakoti’s conduct, ordered him removed from the country. After completing his firearms sentence, in December 2012, he was transferred to the CBSA, now responsible for carrying out the deportation order.

That order turned out to be toothless. There was nowhere for Budlakoti to go. He no longer had travel documents and had no permission to enter any other country. India refused to take him. It had no reason to. Budlakoti was never an Indian citizen, nor did he have special grounds to become one. He had no connection to the country and barely spoke Hindi. He had lost his eligibility for Indian citizenship when his parents, deciding to make their home in Canada, opted against registering him with India. Budlakoti had become, in effect, stateless.

By April 2013, the federal government—having run out of options short of recognizing Budlakoti as a citizen—agreed to release him to his parents under strict conditions, which included a 9 p.m. to
9 a.m. curfew. His documents were invalidated, meaning he could no longer work legally or access social or medical services. Officially, he was permanently awaiting deportation. Budlakoti had been cast into what his immigration lawyer, Yavar Hameed, has called a “legal black hole.”

In the years since, Budlakoti has been fighting to stay in Canada. He contends that the details of his parents’ embassy employment are too murky for the government to rule against him; that too little thought has been given to the fact that he was raised entirely in Canada and within its institutions; and that, even if there had been a mistake, it would largely fall on his parents. Budlakoti believes his criminal record is being used as a basis to strip away his citizenship. Portraying himself as a target of bureaucratic overzealousness and racism, he has toured the country on trips paid for by crowdfunding campaigns and has spoken at university campuses alongside prominent immigration and refugee lawyers.

In 2013, a group of sympathetic activists and academics who call themselves Justice for Deepan, or J4D, sprang up in Ottawa to raise awareness of his story; in 2015, members placed “Deepan for Citizen” lawn signs throughout the city. Budlakoti has appealed to the United Nations and visited politicians’ offices. He has appeared on radio, local TV—anywhere that would have him. His ordeal has even been made into a short film called Stateless. The Canadian Civil Liberties Association, Amnesty International, and former Green Party leader Elizabeth May have all written letters of support.

It doesn’t help Budlakoti’s situation that he can’t seem to stay out of trouble. In October 2015, only a few months after the conditions of his deportation order were eased for good behaviour, he was ticketed for going sixty-five kilometres per hour over the speed limit in a rented Chevy Camaro. Then, later that year, he was arrested on drug-trafficking charges. In his apartment, police found a semi-automatic handgun, $3,000 in cash, and 14.4 grams of cocaine. In 2017, he was arrested again, as part of a major anti-gang operation. Labelled a “key player” by Ottawa police, Budlakoti faced a total of eighty-three gun-related charges. According to court filings, he sold weapons to an undercover informant.

Budlakoti’s behaviour frustrates supporters, but it also raises troublesome questions about the way we value citizenship and the advantages it provides. How would it stretch our sense of justice to protect someone like Budlakoti? What does it say about a country if it fails to?

No one else can ever understand the full extent of what I’m going through,” Budlakoti says over the phone from the Ottawa-Carleton Detention Centre, where he has been in custody since 2017. His voice betrays little emotion, and while polite, he has no interest in small talk. He has been speaking about his citizenship ordeal for so long that it has produced a distant self-awareness, as if he were discussing someone else. He describes his cell conditions—shared, with no access to fresh air or daylight. He is shackled when he visits doctors and strip-searched going to and from the courthouse despite being under surveillance for the duration of the trip. Normally lean, Budlakoti has become gaunt, having lost fifty pounds in prison. His legal battles bring his days into sharp focus. ”If I don’t move forward,” he says, “it will drive me, basically, to suicide.”

Those battles have scored very few wins. After the iRB decision, his team took the case to the Federal Court. They argued that, according to international conventions, Budlakoti’s statelessness obligated Canada to provide him with citizenship. The Federal Court ruled against him in 2014. Budlakoti wasn’t stateless, the court said, because he hadn’t exhausted all possibilities—including formally applying for Indian citizenship, even though his criminal record virtually guarantees that he would not receive it. Budlakoti lost his appeal the following year. His defence team believes Budlakoti’s criminality marred his chances; before the case was even heard, the Federal Court of Appeal judge told Budlakoti’s lawyer that his crimes were a strike against his character. After the Supreme Court refused to hear his case, in 2016, Budlakoti turned to the United Nations Human Rights Committee, asking it to hold Canada to account.

“He’s always kind of in survival mode,” says Daniel Cayley-Daoust, a long-standing member of J4D and someone Budlakoti counts as a close friend. “If people can’t follow that pace, it’s hard to tag along.” Cayley-Daoust first learned about the group through his activism against Canada’s migrant-detention system, an experience that made him acutely aware of what it means to be an individual bereft of institutional support. In October 2013, with money a constant worry, Budlakoti’s legal team filed a Federal Court application forcing the government to process a one-year work permit. During this period, he drove a tow truck. When his employer refused to accurately tally his hours, endangering his eligibility for employment insurance, Budlakoti mobilized his union to picket and conduct an all-day “phone zap” that involved union members overwhelming the company with phone calls. Along with fundraising, Budlakoti supplemented his income with day-labour gigs, delivering patio stones and barbecues, taking on roofing jobs, and reselling internet purchases.

“Lots of people get wronged by the state and they give up,” says Stacy Douglas, a legal studies professor at Carleton University who felt compelled to join J4D because she believes the Canadian government has put Budlakoti in an egregious situation. “It’s too hard. You owe thousands of dollars, you lose year after year after year. It’s only tenacious people who win.”

That tenacity hasn’t always been media friendly. On the public-access TV show Talk Local Peel, in an episode uploaded to YouTube in 2014, a caller berated Budlakoti on-air. “He committed a crime to begin with,” she said. “The cockiness, he needs to get rid of. He shouldn’t start now dictating what he thinks and what he sees and how the court should be.”

In person, Budlakoti can be aloof. According to policy worker and J4Der
Karl Flecker, he once insisted on wearing sunglasses indoors for a press conference, seemingly unconcerned about how distant they made him appear. The fact that his legal issues have dragged on for over a decade hasn’t helped either. “The length, struggle, and complexity of the case,” says Flecker, “wore people down quicker than it should have.” Underlining Budlakoti’s defiance, he suggests, is panic. Budlakoti is not, Flecker says, “reaching out with tender fingers but with grappling hooks, because he’s hanging on.”

Despite it all, Budlakoti seems immune to doubt or criticism. A practised speaker, he rarely strays from his message: the absurdity of his ordeal. Budlakoti concedes that his parents failed to include him in their application for citizenship in 1995. But their assumption, based on what they knew and had been told, was that he was already Canadian. That error—one that even the Federal Court of Appeal described as “beyond his control”—has left him adrift, without nationality in his own country and with no place else to call home. In 2018, the UN found that Budlakoti was Canadian and was entitled to the same rights and protections as all citizens. Yet the government seems perfectly willing to let him languish indefinitely.

There have been other setbacks. In 2016, Budlakoti suffered burns across his body while helping repair a friend’s truck. A GoFundMe page launched by J4D shows a bashed right hand with peeling skin. “My face was peeling and blood everywhere. My legs were all burned, my thighs and my calves. It was a bad situation,” he told the Ottawa Citizen a month after the accident. The online campaign raised $7,109 of the $6,000 goal, but Budlakoti had no access to insurance and no steady income, and his hospital bills remain unpaid.

Then there are the self-inflicted wounds. Budlakoti’s 2016 drug-trafficking charge was a blow to J4D, nearly fracturing the group. Douglas was frustrated after receiving the news of Budlakoti’s arrest. “It was a kick to the gut,” she says. Another member, feeling betrayed, left. But, for those who remained, Douglas says, the arrest brought home the fact that Budlakoti is not an easy case and that he can’t be thrown away because he’s difficult or somehow undesirable.

Budlakoti can be grudging about claiming responsibility for his situation. “What can I say? They’re supporting me; they’re helping me,” he says, referring to J4D. “If they feel like I committed a crime and I messed up, I can’t really say anything, right?” He acknowledges his poor choices and blames his circumstances. The J4D members who still support Budlakoti largely view his criminal behaviour through the lens of his child- hood trauma. Budlakoti had a troubled relationship with his father. Elementary school teachers, worried by bruises on his body, alerted the Children’s Aid Society. He was eventually taken in as a ward of the state in his early adolescent years—he bounced from group home to group home and was sexually abused. He ran away, to sleep on benches and forage for food at friends’ houses. “Either I survive or I die,” he says. “Those are the options that I had as a child.”

Budlakoti’s history of neglect, his legal team argues, should be factored into his case—an argument borne out by James Deutsch, previously a staff psychiatrist at the Hospital for Sick Children and today a psychiatry professor at the University of Toronto. Deutsch examined Budlakoti in both 2014 and 2017. “I frequently see criminal behaviours as a component of coping and efforts to recover from experiences of chronic rejection and abuse in young males,” Deutsch wrote in his 2014 report. He also acknowledged that Budlakoti’s legal plight—a situation that, again, appears to have no end in sight—may be exacerbating the PTSD caused by his upbringing. “Prolonged incarceration can often reinforce the prior traumas,” he wrote.

In a 2020 article published in The Journal of Prisoners on Prisons, Budlakoti argues that, just as the Canadian government failed to keep him safe when he was under its care as a child, it continues to demonstrate an indifference to his “humanity” in its refusal to acknowledge his citizenship in the country where he was born. “I am not disposable,” he writes.

The so-called error in Budlakoti’s status was caught during a period of Conservative obsession over protecting the country from bogus citizenship claims and immigration cheats. After Stephen Harper took office, in 2006, his government began to make changes to the naturalization process that, according to one policy expert, made citizenship “harder to get and easier to lose.” Those changes included overhauling the citizenship test with tougher questions (which tripled the failure rate) and raising the application fee from $100 to $530. A tip line was introduced in 2011 to report dubious citizenship claims, and an investigation into marriages of convenience—in which a citizen weds a foreign national solely to help them immigrate—was launched; potentially 11,000 citizens were under watch. Of those, 286 were given notice that their citizenship statuses were in danger. In 2012, Jason Kenney, citizenship and immigration minister at the time, even told the CBC he would favour modifying jus soli citizenship laws.

By then, Budlakoti’s criminality had flattened him into a caricature that neatly embodied Conservative fears about immigration, security, and citizenship fraud—he became, he told reporters, “a scapegoat.” Indeed, in the early days of his case, members of the Conservative Party were not shy about expressing their feelings toward him. “This convicted criminal has never been a Canadian citizen,” said a spokesperson for Chris Alexander, then the new minister...
of citizenship and immigration, in 2013. “He should not have chosen a life of crime if he did not want to be deported from Canada.”

One year later, Alexander introduced Bill C-24, the Strengthening Canadian Citizenship Act, which, among other provisions, allowed the government to strip citizenship from dual citizens convicted of terrorism and treason. Its purpose, Alexander explained, was to “remind individuals that citizenship is not a right, it’s a privilege.” The bill, which became law on June 19, 2014, received broad criticism, much of it focused on the fact that the stated revocations wouldn’t be decided in front of a judge but would be left to ministerial fiat. Groups like the British Columbia Civil Liberties Association argued that, by creating a second class of Canadian nationals, Conservatives were chipping away at the very principles of citizenship.

The idea of being second class resonates with Budlakoti and is bound up with deeply felt allegations that his treatment has been racist, something he also experienced growing up. “You do something and get punished for it,” he says. “Versus another person who does the exact same thing but happens to be white.”

He points to the case of Alexander Vavilov. In 1994, Vavilov was born in Toronto to Russian spies who moved to Canada under false identities. Vavilov grew up believing he was Canadian, having no idea of his parents’ real identities. Vavilov was chipped away at the very principles of citizenship.

T he complexity of Budlakoti’s situation deepens the longer he remains in limbo. There is no obvious procedural remedy for the discrepancy between his parents’ account of their employment and the document trail the government provided. In the decade since the IRB decision, no practical objective has been achieved by revoking his citizenship. It neither erased his crimes nor rehabilitated him. He’s still here. For J4D, India’s outright rejection of Canada’s attempt to send Budlakoti there was a powerful statement. Canada could not simply deny its obligation to its own citizen.

It was this obligation, at least in principle, that the Liberals appeared to take seriously. In 2011, Justin Trudeau wrote a letter offering assistance to Budlakoti, and Budlakoti recalls a positive meeting with Liberal MP Greg Fergus. During the 2015 election, Trudeau promised to repeal Harper’s Bill C-24, linking it to his election slogan “A Canadian is a Canadian.” But, once in office, the Liberals removed the Bill C-24 provisions related to terrorism offences while keeping intact the ability to revoke citizenship without legal hearings. In their first year, they revoked 184 citizenships—almost as many as in the previous twenty-seven years combined. Among those affected, according to the CBC, was a Canadian who arrived in the country as a nine-month-old but whose father had not reported a criminal conviction in his home country. Also served notice was a woman who had fled an abusive husband in Iran but labelled herself single on her application for permanent residency.

It wasn’t until a 2017 Federal Court ruling dismantled the act that the Liberals began taking serious steps toward addressing the question of citizenship. But it seemed the mood had shifted regarding Budlakoti. After Budlakoti’s 2016 arrest, Baljit Nagra, a J4D member and a criminology professor at the University of Ottawa, met with Fergus alongside Cayley-Daoust and Budlakoti’s immigration lawyer. “You could tell he was like, ‘I get it. I agree with you guys that this is ridiculous.’ But he was also like, ‘Deepan needs to stop and stay out of trouble.’” (Fergus didn’t respond to interview requests.)

As Nagra says, “I don’t think any politician wants to touch this. Even though you can tell, when you talk to them one-on-one, they realize that this is wrong. But they don’t want it to be on the headlines: so-and-so MP is trying to get citizenship for a criminal who sold drugs and guns.” A year after Fergus’s warning, Budlakoti would be charged, once more, for selling drugs and guns.

L ast December, the eighty-three charges from Budlakoti’s 2017 arrest were reduced to eighteen. He accepted the weapons-trafficking charges. The evidence was overwhelming. All five firearm sales had
been under surveillance, in areas that ranged from a storage locker to the parking lot of a Farm Boy. An application to stay the proceedings based on entrapment and abuse of process was tossed out this May. The court noted, despite an argument that his statelessness created a unique vulnerability, that Budlakoti could have walked away from the situation at any time.

Still, at thirty-one, Budlakoti keeps fighting. “If I give up,” he says from jail, “they win.” Sentencing is on hold until the court sorts out his allegations of human rights and Charter violations related to his recent custody—he has, he says, been subjected to hundreds of strip searches in the last three years, and his mental health plan is not closely followed. He has tried to make the best of his current stint. He organized a widely reported hunger strike for improved living conditions, has spoken out about Ontario’s expensive prison phone system, and has written editorials to have prisoners released on account of the dangers posed by COVID-19. For supporters, his activism engages the highest principles of citizenship—an argument Deutsch, the psychiatrist, made back in 2014. “Despite his ongoing difficulties,” he wrote, “Deepan shows important signs of the potential for future positive contributions as a citizen.”

Due to COVID-19, Budlakoti hasn’t had many visitors, but his mother came once a month when she was allowed. He is mending his relationship with his father and speaks with both parents once a week. His parents have suffered through a litany of recent health conditions, and he no longer gives them updates on his situation. “It’s just going to provide them pain and grief,” he says. His younger brother visited once, the week after Budlakoti’s arrest. The brothers were living together at the time, and the charges seem to have ruptured their relationship. “I thought we were close,” Budlakoti says. “Clearly, I was mistaken.”

Budlakoti doesn’t think too far ahead. Without health care or legal work opportunities, his future is bleak. According to J4D members, he owes $17,000 in legal fees due to his failed court bids. He now believes he could be stateless forever. Asked about an alternative life where he’d never had his citizenship taken, he describes modest dreams. “I think I would have been living a normal life. Being married, having kids, working nine to five.” He agrees that his troubles wouldn’t have happened had he not been arrested. And, if he had not committed further crimes after 2010, he would likely be eligible for a pardon by now, opening up a plausible path to citizenship.

Budlakoti is not giving up. In response to a 2017 amendment to the Citizenship Act that allows the minister of citizenship and immigration to provide discretionary grants based on statelessness, Budlakoti confirms that his applications are being prepared. He says he will not ask for intervention on humanitarian or compassionate grounds but on what he sees as simple facts. “I am a Canadian. I was born and raised in Canada. I’ve been here my entire life.”

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