

**IN THE MATTER OF THE *CITIZENSHIP ACT*
R.S.C., 1985, c. C-29**

**AND IN THE MATTER OF an appeal from the
decision of a Citizenship Judge**

AND IN THE MATTER OF

Mirna E. Garcia,

Appellant

REASONS FOR JUDGMENT

The appellant appeals the decision of a Citizenship judge rendered on March 21, 1995, refusing her application for Canadian citizenship on the basis she did not have an adequate knowledge of Canada and the responsibilities and privileges of citizenship as required by paragraph 5(1)(e) of the *Citizenship Act*. The Citizenship Judge also declined to make a recommendation under subsection 15(1) of the *Act* requesting that the Minister exercise her discretion under subsection 5(3) or 5(4) to grant citizenship on compassionate grounds or for reasons of special hardship.

The appellant was born in Tela Atlantida, Honduras on March 6, 1961. She entered Canada on August 13, 1987, and was granted landed immigrant status on March 22, 1991. She is single and has two children both born in Honduras. One child was granted landed immigrant status at the same time as the appellant while the second was granted status on March 22, 1991.

The appellant appeared on her own behalf before the Court at Vancouver, October 9, 1997. After being sworn in, the *amicus curiae* questioned this appellant on her knowledge of Canada and I must say that both myself and the *amicus curiae* were greatly impressed. This appellant made a great effort to learn and become more knowledgeable of Canada and was not hesitant in her answers and we were both very pleased and felt I should allow this appeal.

As an example, when being questioned, she was able to name all ten Provinces and two Territories; she knew that the Capital of Canada is Ottawa and the capital of British Columbia is Victoria. She was also aware of something that most do not seem to grasp, that there are three levels of government of Canada, the federal, provincial as well as municipal and she even suggested that when it is not a provincial, it is a territorial government. When questioned on voting, she said that you have to be a Canadian citizen, be eighteen years of age, would have to be enumerated and would then attend the poles. She knew that the Governor General of Canada is Mr. Roméo Leblanc; she knew that Queen's representatives in Provinces are called Lieutenant Governors; she knew the name of the Lieutenant Governor of British Columbia.

She was also asked about the leaders of Canada; she knew it is a Prime Minister, that his name is Mr. Chrétien, that he belongs to the Liberal Party. She knew that in British Columbia Mr. Clark is called a Premier and that he is head of the N.D.P. Party.

In conclusion, asked about the rights that you obtain by becoming a Canadian citizen, she stated that you have a right to vote, you live in a country that has the freedom of expression and religion, you are given a passport that allows you to come and go freely from this country and anywhere in the world. With respect to responsibilities, she said one should obey the laws of Canada; work together as a community and work for the best interest of the country.

I was extremely pleased to see that this appellant had studied as well as she has. There is no doubt in my mind that she will be an excellent citizen and this appeal is allowed.

JUDGE

OTTAWA, Ontario
October 23, 1997