

Federal Court



Cour fédérale

**Date: 20230301**

**Docket: T-1154-20**

**Citation: 2023 FC 283**

**Ottawa, Ontario, March 1, 2023**

**PRESENT: The Honourable Madam Justice Elliott**

**BETWEEN:**

**ROKO NETANI GUCAKE**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**SUPPLEMENTARY JUDGMENT AND REASONS**

[1] This Supplementary Judgment and Reasons addresses the post hearing submissions of the parties concerning whether or not, in this matter, a serious question of general importance should be certified under paragraph 22.2(d) of the *Citizenship Act* (the “Act”).

[2] The Applicant proposes the following question for certification:

In assessing whether considerations respecting a person’s personal circumstances warrant special relief in light of all the

circumstances of the case, for a citizenship revocation under section 10 of the *Citizenship Act*, is it reasonable for the Minister or their delegate to refuse to consider hard-ship associated with potential removal from Canada?

[3] In support of the proposed question the Applicant submits that the interpretation of paragraph 10(3.1)(a) of the Act directly impacted the outcome of the judicial review. The Applicant had submitted that the scope of the assessment of personal circumstances arises regularly in cases where the Minister decides to revoke a person's Canadian citizenship.

[4] The Respondent submits that the only issue raised in the judicial review was whether the Citizenship Officer's decision was reasonable.

[5] After conducting a reasonableness review, I found the Citizenship Officer did not err in finding consideration of potential foreign hardship in the best interests of the Applicant's children was premature.

[6] The Respondent submits that the alleged hardship associated with removal is a matter under the *Immigration and Refugee Protection Act (IRPA)* and there was no evidence presented by the Applicant that deportation proceedings had been initiated or were contemplated.

[7] The Respondent also submits that hardship due to removal from Canada is not relevant to a citizenship revocation determination because even if citizenship is revoked, it does not entail removal from Canada as there are various processes available under the *IRPA* providing for humanitarian and compassionate considerations should removal proceedings be initiated.

[8] I agree with the Respondent that there is no evidentiary or legal basis to consider hardship on removal in the context of the Applicant's citizenship revocation proceeding.

[9] The proposed certified question is not dispositive nor does it raise a serious question of general importance, therefore the Court declines to certify the Applicant's proposed question.

**JUDGMENT in T-1154-20**

**THIS COURT'S JUDGMENT is that:**

1. No serious question of general importance is certified.

"E. Susan Elliott"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-1154-20

**STYLE OF CAUSE:** ROKO NETANI GUCAKE v MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEOCONFERENCE

**DATE OF HEARING:** MAY 27, 2021

**SUPPLEMENTARY  
JUDGMENT AND REASONS:** ELLIOTT J.

**DATED:** MARCH 1, 2023

**APPEARANCES:**

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Helen Park FOR THE RESPONDENT

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