

T-2188-95

OTTAWA, ONTARIO, THIS 3rd DAY OF FEBRUARY 1997

PRESENT: THE HONOURABLE MR. JUSTICE JOYAL

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

GEORGE BACHOURA,

Appellant.

J U D G M E N T

The appellant's appeal is allowed. He is therefore entitled to Canadian citizenship.

L. Marcel Joyal

JUDGE

Certified true translation

C. Delon, LL.L.

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of a Citizenship judge,

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Appellant.

REASONS FOR JUDGMENT

JOYAL J.

The appellant has appealed from the decision of a Citizenship judge holding that the appellant was unable to meet the requirement set out in paragraph 5(1)(c) of the *Citizenship Act*. That provision requires a period of at least three years' residence in Canada during the four years immediately preceding the date of the citizenship application.

The Citizenship judge did say in her judgment that in her interview with the appellant she had expressed doubts as to his periods of residence and absence in recent years, but that he had not provided sufficient evidence to satisfy her that he met the requirements of the Act.

As often happens, counsel for the appellant then took over the case, and was able to provide the Court with additional evidence of his client's establishment in Canada at the hearing.

In my view, and in the eyes of the *amicus curiae*, that additional evidence is such that it satisfies the Court that the appellant's periods of absence are not such as would create a reasonable doubt as to his establishment in Canada.

Accordingly, with the agreement of the *amicus curiae*, I allow the appeal and declare that the appellant is entitled to Canadian citizenship.

L. Marcel Joyal

JUDGE

O T T A W A, Ontario
February 3, 1997.

Certified true translation

C. Delon, LL.L.

FEDERAL COURT OF CANADA
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO: T-2188-95

STYLE OF CAUSE: CITIZENSHIP ACT
AND
GEORGE BACHOURA

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: JANUARY 28, 1997

REASONS FOR JUDGMENT OF JOYAL J. DATED FEBRUARY 3, 1997

APPEARANCES:

MARC CHÉNARD FOR THE APPELLANT

JEAN CAUMARTIN AMICUS CURIAE

SOLICITORS OF RECORD:

MARC CHÉNARD FOR THE APPELLANT
MONTRÉAL, QUEBEC

JEAN CAUMARTIN AMICUS CURIAE
MONTRÉAL, QUEBEC