

**Date: 20080909**

**Docket: T-643-08**

**Citation: 2008 FC 1010**

**Toronto, Ontario, September 9, 2008**

**PRESENT: The Honourable Louis S. Tannenbaum**

**BETWEEN:**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Applicant**

**and**

**RUQIA BANO**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] It is uncontested that the respondent was absent for a two-year single period prior to the application for citizenship, as noted by the citizenship judge when he indicated “732 days out” and “728 days in” in answer to question number four of his decision and notice to the Minister.

[2] The respondent was therefore short 367 days (1095 being required) of residence during the period specified in sec. 5 (1) (c) of the *Citizenship Act*. There is absolutely no reason given by the judge for finding deemed residence notwithstanding what is to be considered an “extensive”

absence during the required period (sec. 5 (1) (c)) set forth in the Act. In my view this constitutes an error of law, and is a sufficient reason to quash and annul the decision.

**ORDER**

**THIS COURT ORDERS that** for the reasons given, the decision of Judge Robert Morrow dated October 20, 2006, is annulled for all purposes.

“Louis S. Tannenbaum”

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Deputy Judge

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

**DOCKET:** T-643-08

**STYLE OF CAUSE:** THE MINISTER OF CITIZENSHIP AND IMMIGRATION  
v. RUQIA BANO

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** September 9, 2008

**REASONS FOR ORDER  
AND ORDER:** TANNENBAUM D.J.

**DATED:** September 9, 2008

**APPEARANCES:**

Sally Thomas  
No Appearance

FOR THE APPLICANT  
FOR THE RESPONDENT  
(SELF-REPRESENTED)

**SOLICITORS OF RECORD:**

JOHN H. SIMS, Q.C.  
Deputy Attorney General of Canada

RUQIA BANO  
Windsor, Ontario

FOR THE APPLICANT  
FOR THE RESPONDENT  
(SELF-REPRESENTED)