

Federal Court



Cour fédérale

**Date: 20140228**

**Docket: T-892-13**

**Citation: 2014 FC 204**

**Ottawa, Ontario, February 28, 2014**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**FADI SHANNIS**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**  
**(Delivered orally on November 7, 2013)**

[1] On March 18, 2013, Senior Citizenship Judge George Springate denied the Applicant's application for citizenship (the Decision) because he concluded that the Applicant was not credible and that he had not established on the balance of probabilities that he was actually living in Canada on the days he claimed to have been here.

[2] The problems the Citizenship Judge identified with the application were as follows:

1. The Applicant had no passport for the relevant period. He explained that it was kept by Syrian authorities when he applied for a new one.
2. The Applicant's declaration of 349 days absent was not true. CBSA supplied evidence showing that there were two other re-entries on July 4 and October 4, 2008, but there was no information about the length of the trips. This was of concern since the Applicant at that time had only 16 days of time abroad available before his application for citizenship would have been denied.
3. The Applicant never worked in Canada, even though he was given permanent residence as a skilled worker. Evidence indicated that he told CBSA that he did not work because he was not sure he was staying in this country.
4. The Applicant had not engaged in any social activities or made any social ties in Canada.
5. The Applicant alleged that he came from a wealthy Syrian family, yet:
  - Before May 2008 he rented an apartment in Halifax for his family for \$425.00 a month, However, there was no letter of residence from the rental property company that typically provides such letters and no bank statements showing local activities or payments of rent after the first year.

- After May 2008, he and his wife and two children lived with a friend in Huntsville.
- There was no letter from the friend or anyone else in Huntsville confirming his residence. His family apparently lived on \$1,500.00 a month sent from Syrian relatives.
- His car was a Honda Civic with 150,000 miles on its odometer. It was worth approximately \$6,000.00.
- His bank's statements showed only monthly automatic withdrawals for car insurance and cable TV.

[3] The Applicant told an Immigration Officer that he left Canada with his family in November 2008 to live in Syria.

[4] In addition to the evidence described above there was further evidence that suggested a possibility of residence. There was a wireless account for the Huntsville address and there was evidence that a child was in day care in Huntsville from June to October 2008.

[5] Against this background the issues in this appeal pursuant to section 14(5) of the *Citizenship Act* (R.S.C. 1985, c. C-29) are as follows:

*Issue #1*

[6] Was the Decision unreasonable because the Citizenship Judge failed to consider all the evidence?

[7] In my view, the Citizenship Judge carefully reviewed the evidence which accompanied the Applicant's application for citizenship and searched in vain for fundamental proof of residence. Absent a passport he looked for letters from the Halifax landlord and from the Applicant's friend in Huntsville confirming residence. Absent those, he looked for an employer and failing that he looked for social ties. There was no such evidence. In my view, the Citizenship Judge's treatment of the evidence was entirely reasonable.

*Issue #2*

[8] Was the Decision unreasonable because the Citizenship Judge focused on minor matters and specifically the two undeclared absences which CBSA indicated ended on July 4 and October 4, 2008?

[9] It is important to note that no explanations were before the Citizenship Judge. He was not told why the absences were unreported and he was not given an idea of the length of the trips. By his own calculations the Applicant only had 16 days available before his application for citizenship would fail. In these circumstances, it cannot be said that the undeclared absences were minor.

*Issue #3*

[10] The Applicant says that the Decision is unreasonable because the Citizenship Judge did not consider the best interests of the Applicant's children. Leaving aside whether such a duty exists, the Record is clear that the Citizenship Judge received absolutely no evidence to indicate that there were any existing problems or future concerns regarding the Applicant's children. Accordingly, the Applicant cannot succeed on this issue.

*Issue 4*

[11] Respondent's counsel asks me to strike the affidavits filed by the Applicant or on his behalf on the basis that they include evidence which was not before the Citizenship Judge. I agree, and an order will be made striking the Affidavits.

**ORDER**

**THIS COURT ORDERS that:**

1. For these reasons, the appeal is hereby dismissed;
2. The following Affidavits are hereby struck from the Record:
  - i. An Affidavit of Dimitra Diamantakou dated June 17, 2013 attaching four documents as exhibit A;
  - ii. An Affidavit of Dimitra Diamantakou dated June 17, 2013 attaching many documents; and
  - iii. The third Affidavit of the Applicant dated July 16, 2013.

“Sandra J. Simpson”

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Judge

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

**DOCKET:** T-892-13

**STYLE OF CAUSE:** FADI SHANNIS V THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 7, 2013

**REASONS FOR ORDER  
AND ORDER:** SIMPSON J.

**DATED:** FEBRUARY 28, 2014

**APPEARANCES:**

Robert Gertler FOR THE APPLICANT

Asha Gafar FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Robert Gertler FOR THE APPLICANT  
Barrister & Solicitor  
Toronto, Ontario

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of Canada