

Date: 19971114

Docket: T-49-97

**BETWEEN:**

**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**

**THI GIA TRAN,**

**Appellant.**

**REASONS FOR JUDGMENT**

(Delivered from the Bench at Toronto, Ontario  
on Wednesday, November 12, 1997, as edited)

**ROTHSTEIN, J.:**

[1] The appellant appears to have a very minimal knowledge of English, and she has some knowledge of Canada. However, I cannot conclude that she has an adequate knowledge of both as required by the *Citizenship Act*.

[2] As best as I can understand from the evidence of the appellant's son, the appellant's husband now is on welfare. The appellant has a minimal part-time job of some sort. Her children are not being

supported by her. It seems they have decided they can afford to leave the family home even though they are both going to school and receiving some sort of government assistance to do so, which apparently includes tuition and living expenses. They have no part-time jobs. I would have thought the appellant would have attempted to influence her children to remain at home to contribute to the economic wellbeing of the family and minimize the family's reliance on public assistance in various forms. These facts cause me not to be satisfied that the appellant really does have a knowledge of the responsibilities associated with being a Canadian citizen. All citizens have a responsibility, to the extent they are able, to be self-sufficient and parents and children should recognize an obligation to assist each other financially when circumstances require. For some reason not explained, the appellant has not herself undertaken these obligations and apparently has not conveyed them to her sons. When these obligations are not met, and there is no reasonable explanation why not, the Court is left with serious doubt that the appellant understands the responsibilities associated with citizenship.

[3] Further, I think that for an appellant, as is the case here, to come before the Court and say that she wants citizenship so that she can vote, and then have an extremely limited knowledge of political parties, political leaders and the like in Canada causes the Court to view with some skepticism the credibility of the appellant.

[4] In the circumstances, I must dismiss the appeal.

[5] Appellant's counsel requested that the Court refer the matter to the Minister for him to exercise his discretion to waive compliance with the requirement of an appellant having knowledge of one of Canada's official languages and a knowledge of Canada under subsection 5(3) of the *Citizenship Act*. However, I am not satisfied, in view of the circumstances here, that this would be an appropriate case

for the Court to refer to the Minister. It is open to the appellant to make that application herself, if she wishes to do so.

"Marshall E. Rothstein"

Judge

TORONTO, ONTARIO  
November 14, 1997

**FEDERAL COURT OF CANADA**  
**Names of Counsel and Solicitors of Record**

DOCKET: T-49-97

STYLE OF CAUSE: 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

THI GIA TRAN

DATE OF HEARING: NOVEMBER 12, 1997

PLACE OF HEARING: TORONTO, ONTARIO

REASONS FOR JUDGMENT BY: ROTHSTEIN, J.

DATED: NOVEMBER 14, 1997

**APPEARANCES:**

Mr. Calvin Huong

For the Appellant

Mr. Peter K. Large

Amicus Curiae

**SOLICITORS OF RECORD:**

G.J. Abols Law Office  
Suite 1900  
700 Bay Street  
Toronto, Ontario  
M5G 1Z6

For the Appellant

Peter K. Large  
Barrister and Solicitor  
610-372 Bay Street  
Toronto, Ontario  
M5H 2W9

Amicus Curiae

**FEDERAL COURT OF CANADA**

**Date: 19971114**

**Docket: T-49-97**

**BETWEEN:**

**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**

**THI GIA TRAN,**

**Appellant**

**REASONS FOR JUDGMENT**