



T-1231-96

OTTAWA, ONTARIO, THIS 26th DAY OF MAY 1997  
BEFORE THE HONOURABLE MR. JUSTICE PINARD

IN THE MATTER OF THE *Citizenship Act*,  
R.S.C. 1985, c. C-29,

AND IN THE MATTER OF an appeal from a decision  
of a Citizenship judge,

AND IN THE MATTER OF

**Suleiman Elias Matar,**

Appellant.

**J U D G M E N T**

The appeal from the decision of a Citizenship judge dated March 29, 1996,  
denying the applicant's application for citizenship, is dismissed.

YVON PINARD

JUDGE

Certified true translation

C. Delon, LL.L.

Yvon Pinard  
Juge  
1997-05-26  
T-1231-96



T-1231-96

IN THE MATTER OF THE *Citizenship Act*,  
R.S.C. 1985, c. C-29,

AND IN THE MATTER OF an appeal from a decision  
of a Citizenship judge,

AND IN THE MATTER OF

**Suleiman Elias Matar,**

Appellant.

**REASONS FOR JUDGMENT**

**PINARD J.**

This is an appeal *de novo* from the decision of a citizenship judge dated March 29, 1996, denying the applicant's application for Canadian citizenship on the ground that he did not meet the residency requirements set out in paragraph 5(1)(c) of the *Citizenship Act*, R.S.C., c. C-29 (the Act), which provides:

5.(1) The Minister shall grant citizenship to any person who

...

(c) has been lawfully admitted to Canada for permanent residence, has not ceased since such admission to be a permanent resident pursuant to section 24 of the *Immigration Act*, and has, within the four years immediately preceding the date of his application, accumulated at least three years of residence in Canada calculated in the following manner:

- (i) for every day during which the person was resident in Canada before his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one-half of a day of residence, and
- (ii) for every day during which the person was resident in Canada after his lawful admission to Canada for permanent residence the person shall be deemed to have accumulated one day of residence;

The appellant was born in Palestine on September 4, 1934, and currently has Lebanese nationality. He entered Canada on December 26, 1990, and obtained permanent resident status on July 13, 1992. He completed his application for citizenship on July 28, 1995, and appeared before the citizenship judge on February 26, 1996.

During the relevant four-year period between July 28, 1991 and July 28, 1995, the date of his citizenship application, the appellant had a total of at least 892 days of absence from Canada, because of the numerous steps he had to take to settle his affairs and obtain compensation after his business was lost at the time of the Iraqi attack on Kuwait.

According to one line of authorities, it is not necessary for a person who applies for Canadian citizenship to be physically present in Canada throughout the 1,095 days that are needed to fulfil the residence requirements set out in paragraph 5(1)(c) of the Act, where there are special or exceptional circumstances.

However, as I have often stated in my earlier decisions, I believe that absences from Canada that are too long, although temporary, during this minimum time period, as in the instant case, run counter to the objective of the residence requirements provided in the Act. The Act already permits a person who has been lawfully admitted to Canada for permanent residence not to reside in Canada for one of the four years immediately preceding the date of his or her application for citizenship (see, for example, *Re Pourghasemi* (1993), 62 F.T.R. 122, *Re John Ting Min Hui* (1994), 75 F.T.R. 81 and *Re Kam Chuen Lau* (February 15, 1996), T-1508-95 (F.C.T.D.)).

I therefore conclude that despite the sympathy I feel for the appellant's situation, he does not meet the residence requirements set out in the Act. Accordingly, the appeal must be dismissed.

OTTAWA, Ontario  
May 26, 1997

\_\_\_\_\_  
YVON PINARD

JUDGE

Certified true translation

  
C. Delon, LL.L.

FEDERAL COURT OF CANADA  
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO: T-1231-96

STYLE OF CAUSE: Citizenship Act  
v. Suleiman Elias Matar

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 15, 1997

REASONS FOR JUDGMENT OF THE HONOURABLE MR. JUSTICE PINARD

DATED: May 26, 1997

APPEARANCES:

Jean Rivard FOR THE APPELLANT

Jean Caumartin AMICUS CURIAE

SOLICITORS OF RECORD:

Jean Rivard FOR THE APPELLANT  
Brossard, Quebec

Jean Caumartin AMICUS CURIAE  
Montréal, Quebec