

T-2292-95

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

SEKOU SISSAKO,

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 a 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. In addition to the periods of absence, the appellant had no more or less permanent residence, which led the judge to conclude that the appellant had not really demonstrated a lifestyle or conduct that might indicate serious ties to Canada or an obvious desire to make Canada his principal residence. In view of the evidence before the judge, her decision may be said to be sound.

On appeal, the appellant submitted additional evidence to satisfy the Court to the contrary. I share the opinion of the *amicus curiae* that, based on this new evidence, the Court may allow the appeal and find that the appellant is entitled to 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-2292-95

STYLE OF CAUSE: CITIZENSHIP ACT
AND
SEKOU SISSAKO

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: JANUARY 28, 1997

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

APPEARANCES:

SEKOU SISSAKO

APPELLANT

JEAN CAUMARTIN

AMICUS CURIAE

SOLICITORS OF RECORD:

JEAN CAUMARTIN
MONTRÉAL, QUEBEC

AMICUS CURIAE