

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

Richmond L. Estacio

Appellant

REASONS FOR ORDER

(Delivered orally from the Bench
at Toronto, Ontario on March 11, 1997, as edited)

McKEOWN J.

The matter came for hearing before me in Toronto on March 11, 1997.

The appellant appeals a decision of the Citizenship Judge dated July 15, 1996 refusing his application for citizenship on the basis that he did not meet the requirements of residence for a Canadian citizen under paragraph 5(1)(c) of the *Citizenship Act* (the Act). The issue is whether or not the appellant satisfies the residence requirements enunciated in paragraph 5(1)(c) of the Act.

The appellant was born on December 13, 1968 in the Philippines. He entered Canada as a landed immigrant on March 15, 1992. He had completed his third-year of medical studies in the Philippines. He made inquiries at the Toronto office of the College of Physicians and Surgeons of Ontario and he was advised to return to the Philippines to complete his medical degree and that it would also be easier to do his one-year internship in the Philippines.

The appellant returned to Canada on February 9, 1994, having completed his fourth-year of medical studies, which was basically a year of clerkship and then a year of internship. He has not returned to the Philippines since February 9, 1994. He spent

one week's vacation in Miami at Christmas with his family. He resides with his family in North York. His parents are Canadian citizens. He has two brothers and a sister who are living here in Canada: one brother is already a Canadian citizen and the other brother has applied for Canadian citizenship. The appellant is single.

The appellant spends his time in Canada in three different areas: he is a member of the Filipino-Canadian Medical Association; he works as an Amway distributor; and he works as an extra in movies/television. The appellant has stated that he does not intend to return to the Philippines even though he was qualified to practise medicine there. This intention is substantiated by the fact that for the last three years he has not returned to the Philippines even though the opportunities for doctors from other countries are somewhat limited in Ontario at this time.

The appellant has centralized his mode of living in Canada and I am satisfied that he has met the requirements of paragraph 5(1)(c) of the Act and residence in Canada, as required thereunder. Accordingly, the appeal is allowed.

OTTAWA, ONTARIO
April 15, 1997

Judge