

Date: 20080909

Docket: T-642-08

Citation: 2008 FC 1009

Toronto, Ontario, September 9, 2008

PRESENT: The Honourable Louis S. Tannenbaum

BETWEEN:

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Applicant

and

MUHAMMAD SADIQ

Respondent

REASONS FOR ORDER AND ORDER

[1] It is uncontested that the respondent was absent for a two-year single period prior to the application for citizenship, as noted by the citizenship judge when he indicated “732 days out” and “728 days in” in answer to question number four of his decision and notice to the Minister.

[2] The respondent was therefore short 367 days (1095 being required) of residence during the period specified in sec. 5 (1) (c) of the *Citizenship Act*. There is absolutely no reason given by the judge for finding deemed residence notwithstanding what is to be considered an “extensive”

absence during the required period (sec. 5 (1) (c)) set forth in the Act. In my view this constitutes an error of law, and is a sufficient reason to quash and annul the decision.

ORDER

THIS COURT ORDERS that for the reasons given, the decision of Judge Robert Morrow dated October 20, 2006, is annulled for all purposes.

“Louis S. Tannenbaum”

Deputy Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-642-08

STYLE OF CAUSE: THE MINISTER OF CITIZENSHIP AND IMMIGRATION
v. MUHAMMAD SADIQ

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: September 9, 2008

**REASONS FOR ORDER
AND ORDER:** TANNENBAUM D.J.

DATED: September 9, 2008

APPEARANCES:

Sally Thomas
No Appearance

FOR THE APPLICANT
FOR THE RESPONDENT
(SELF-REPRESENTED)

SOLICITORS OF RECORD:

JOHN H. SIMS, Q.C.
Deputy Attorney General of Canada

MUHAMMAD SADIQ
Windsor, Ontario

FOR THE APPLICANT
FOR THE RESPONDENT
(SELF-REPRESENTED)