

Federal Court



Cour fédérale

Date: 20130611

Docket: T-283-12

Citation: 2013 FC 639

Ottawa, Ontario, June 11, 2013

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Applicant

and

JING LIU

Respondent

REASONS FOR FURTHER ORDER AND ORDER

[1] The Court had ordered that the appeal be granted and the matter remitted to the same Citizenship Judge, if available. It was hoped that such a remedy, directed at the deficiencies in the original decision, could yield an expeditious re-determination.

[2] That specific remedy has become impossible because the original Citizenship Judge's mandate has expired and there is no continuing authority to deal with matters which arose during the judge's mandate. Thus, the Citizenship Judge is not available.

[3] Therefore, this matter must be referred back to a different citizenship judge for re-determination. The Court makes no comment on which judge should be responsible for the re-determination; a transfer to another judge is apparently in place.

[4] Therefore, the Order of this Court shall now read:

THIS COURT ORDERS that the appeal is granted. The matter is referred back for re-determination by another judge.

ORDER

THIS COURT ORDERS that the appeal is granted. The matter is referred back for re-determination by another judge.

“Michael L. Phelan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-283-12

STYLE OF CAUSE: THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

and

JING LIU

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: November 20, 2012

**REASONS FOR FURTHER
ORDER AND ORDER:** PHELAN J.

DATED: June 11, 2013

APPEARANCES:

Ms. Ada Mok FOR THE APPLICANT

Ms. Shelley Levine FOR THE RESPONDENT

SOLICITORS OF RECORD:

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