



T-2663-96

**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

Mary Ah Yan Moore,

Appellant

REASONS FOR JUDGMENT

The appellant appeals the decision of a Citizenship judge rendered on November, 7, 1996, refusing her application for Canadian citizenship on the basis that she did not have an adequate knowledge of Canada and the responsibilities and privileges of citizenship as required by paragraph 5(1)(e) of the *Citizenship Act*. The Citizenship Judge also declined to make a recommendation under subsection 15(1) of the *Act* requesting that the Minister exercise her discretion under subsections 5(3) or 5(4) to grant citizenship on compassionate grounds or for reasons of special hardship.

The applicant was born in Vanua Vatu, Fiji on August 30, 1938. She was granted landed immigrant status on September 13, 1967. She attended school in Fiji for eight years and in Canada for three months. She married a Canadian citizen (by birth) in 1966 and has three children. She is presently a nurse's aide and lives in Burnaby B.C. and has been so employed since her arrival. She has never been on social assistance. She has raised three daughters who are Canadian citizens.

On November 7, 1996, the Citizenship Judge found that the applicant did not have an adequate knowledge and understanding of Canada.

In her Notice of Appeal, the applicant appeals the Citizenship Judge's on three grounds:

- 1) Notice with respect to the matters to be addressed before the Citizenship Judge was insufficient
- 2) the Citizenship Judge erred in finding the appellant ineligible for citizenship pursuant s. 5(1)(e)
- 3) the Citizenship Judge erred in declining to exercise her discretion

Counsel advised that from the time her application of December 15, 1992 to the time of the actual hearing (November 7, 1996), the booklet provided to her by Citizenship had changed and she was given very little notice as to her date of attending before the judge.

The appellant appeared before me at Vancouver on October 9, 1997. After being questioned on her background by her counsel, the *amicus curiae* proceeded to make enquiries as to this appellant's knowledge of Canada.

I found her to be credible and, though somewhat hesitant, she was much more knowledgeable than what appears from the decision given by the Citizenship judge. She was aware that there are 10 Provinces in Canada and 2 Territories; she was able to name 9 of the 10 provinces; she knew that Ottawa is the Capital of Canada and Victoria the Capital of British Columbia. She had some difficulty describing three levels of government. When asked about the advantages of being a Canadian citizen, she indicated that you

would have a right to have a Canadian passport and a right to vote. She was aware that once you are eighteen years of age you are entitled to register to vote and that you can attend the pole where you would exercise your franchise. She knew that the Queen's representative in Canada is the Governor General and that each Province represented the Governor General by way of a Lieutenant Governor's office. When questioned about the federal government, she knew that the leader of the country is the Prime Minister; that his name is Chrétien and that he is the leader of the Liberal Party. With respect to local government, she was aware that the N.D.P. Party is in place and that the leader of this party in B.C. was called a Premier. She was aware that Canada Day was celebrated on July 1.

The *amicus curiae* who questioned the appellant was satisfied that this individual had studied diligently since her appearance before the Citizenship judge and we were both satisfied as to her knowledge of Canada and we hereby recommend that the appellant be eligible for citizenship.

The appeal is allowed.



JUDGE

OTTAWA, Ontario
October 22, 1997