

Federal Court



Cour fédérale

Date: 20120827

Docket: T-1965-11

Citation: 2012 FC 1019

Calgary, Alberta, August 27, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Applicant

and

ALEJANDRO ARREDONDO

Respondent

REASONS FOR ORDER AND ORDER

[1] The finding of inadequate reasons is reason enough to allow an appeal.

[2] The Citizenship Judge did not address the residence requirements necessary for citizenship, nor had the first-instance judge even summarized of what those essential requirements consist.

[3] The three reasons provided in the decision are wholly inadequate and irrelevant to an application for citizenship under the residency requirements. In addition, they are unintelligible as the inherent reasoning of the Citizenship Judge cannot even be determined.

[4] Therefore, the decision is set aside and the matter is remitted to another Citizenship Judge for consideration anew. This is to ensure that the three residency test requirements under the legislation for citizenship are at the very least, considered (paragraph 5(1)(c) of the *Citizenship Act*, RSC 1985, c H-6).

[5] A decision taken without appropriate analysis and, thus, adequate consideration of legislation cannot be allowed to stand.

ORDER

THIS COURT ORDERS that the decision be set aside and the matter be remitted to another Citizenship Judge for consideration anew.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1965-11

STYLE OF CAUSE: MINISTER OF CITIZENSHIP AND IMMIGRATION
v
ALEJANDRO ARREDONDO

**MOTION HELD VIA VIDEOCONFERENCE ON AUGUST 27, 2012 FROM
CALGARY, ALBERTA AND EDMONTON, ALBERTA**

**REASONS FOR ORDER
AND ORDER** SHORE J.

DATED: August 27, 2012

ORAL AND WRITTEN REPRESENTATIONS BY:

Rick Garvin FOR THE APPLICANT

Party did not appear FOR THE RESPONDENT

SOLICITORS OF RECORD:

Myles J. Kirvan FOR THE APPLICANT
Deputy Attorney General of Canada
Edmonton, Alberta

Party did not appear FOR THE RESPONDENT