

**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

Cheung Ming (Michael) Leung

Appellant

REASONS FOR JUDGMENT

(Delivered orally on the Bench
at Vancouver, B.C. on April 29, 1997, as edited)

McKEOWN J.

The appellant appeals the decision of the Citizenship Judge dated November 10, 1995, 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 satisfied the residence requirements enunciated in paragraph 5(1)(c) of the Act.

The appellant landed in Canada on August 20, 1990. He had sold all his assets, except his house, which he was attempting to sell in Hong Kong. He moved his personal and financial assets to Canada, and his wife and he had a room at his sister's for two years until he bought a house in Richmond in March of 1992. The two children moved from the sister's house and the appellant and his wife came back from Hong Kong in September 1992 and lived there, basically, full time since that time.

The appellant had sought a job with a Canadian company after selling his company in Hong Kong. He was hired by a Canadian company, Book Art Ltd., which promised to move him back to Toronto but the company wanted him to supervise their overseas printing operations located in Hong Kong. It became apparent to the

appellant in 1991 that the Canadian company was not going to move him back and he arranged to leave the company in August 1992.

In 1993, with some partners, he founded a book shop in the Vancouver area specializing in Chinese newspapers and publications and in 1994 he founded a second company, with other partners, to establish another shop in MetroTown in the Vancouver area. In 1995 he established a trading business.

Although, as stated by the Citizenship Judge, he was short 585 days to the required 1,095 days, it is clear that he has established residence in Canada. In 1992 he had the full intention of establishing his life here from 1990. This intention has been amply confirmed by the fact that since 1993 he has spent the majority of his time here in Canada. In 1993 he was absent 30 days; in 1994, 24 days; in 1995, 40 days; and 70 days in 1996. He has no connection with any other country. It is clear that his most substantial connection was to Canada even in the period 1990 to 1992.

His wife and children are Canadian citizens. I am satisfied that the appellant has met the requirements of paragraph 5(1)(c) of the Act and has established residence in Canada, as required thereunder. Accordingly, the appeal is allowed.

William P. McKeown
Judge

OTTAWA, ONTARIO
June 16, 1997