

**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**

**Abraham Sam Tin Chung**

Appellant

**REASONS FOR JUDGMENT**

(Delivered orally on the Bench  
at Vancouver, B.C. on May 2, 1997, as edited)

**McKEOWN J.**

The appellant appeals the decision of a Citizenship Judge dated July 10, 1996 refusing his application for citizenship on the basis that he does not meet the requirements of residence for a Canadian citizen under paragraph 5.1(c) of the *Citizenship Act*.

The issue is whether or not the appellant satisfied the residence requirement set out in paragraph 5.1(c).

The appellant landed in Canada on July 31, 1992 from Hong Kong. He came with his wife and four children. Since that time his wife and three children have become Canadian citizens. At the time that the Citizenship Judge heard this matter he had been physically present in Canada for only 377 days prior to his application for citizenship on October 24, 1995. He was short 718 days. His percentage of time spent in Canada has not changed since the application for citizenship.

The facts in this case are somewhat unusual. The appellant works in the deluxe hotel field which is primarily an international field. Executives in this field can expect to

spend the majority of their time away from home and from the country they reside in. In this case, the appellant sold his home and assets in Hong Kong when he moved to Canada. He stayed here for two months before returning to Hong Kong to establish a Canadian subsidiary. He brought all his assets and personal effects with him. He rented an apartment for one year then purchased a home where he still resides today with his wife and four children. The Canadian subsidiary pays his salary and he pays Canadian income tax on all his earnings. He has invested in apartments in the Vancouver area. He has a driver's licence, bank account and health insurance in Canada. Canada is the only country in which the appellant has substantial connections and the one where he has centralized his mode of residence.

The appeal is allowed.

"William P. McKeown"  
Judge

TORONTO, ONTARIO  
May 16, 1997

**FEDERAL COURT OF CANADA**

**Names of Counsel and Solicitors of Record**

COURT NO: T-1913-96

STYLE OF CAUSE: IN THE MATTER OF THE *CITIZENSHIP ACT*,  
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DATE OF HEARING: MAY 2, 1997

PLACE OF HEARING: VANCOUVER, B. C.

REASONS FOR ORDER BY: McKEOWN, J.

DATED: MAY 16, 1997

**APPEARANCES:**

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**FEDERAL COURT OF CANADA**

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