

Federal Court



Cour fédérale

**Date: 20120928**

**Docket: T-799-11**

**Citation: 2012 FC 1136**

**[UNREVISED ENGLISH CERTIFIED TRANSLATION]**

**Ottawa, Ontario, September 28, 2012**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**INTISSAR MANI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

**I. Introduction**

[1] The applicant has not met the basic requirement of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (IRPA), under paragraph 5(1)(c) and according to the evidence submitted to the Court; he has not lived in Canada for three out of the last four years.

## II. Analysis

[2] Intissar Mani, a permanent resident since 2004, is 36 years of age. In its current state, the citizenship application cannot be accepted.

[3] The proof of residency itself must meet the requirements of the Act; that is to say, a period of four years immediately preceding the application for citizenship. From September 10, 2004, to April 14, 2008, there were 1,311 days of residence accumulated and not 1,460.

[4] According to his travel document, his passport, it is evident that this does not establish the required period of physical presence. No other evidence submitted at the time was deemed valid.

[5] The applicant received social assistance, except for a two-month period when he worked part-time; and he cannot remember the name of the company for which he was employed.

[6] According to the evidence at trial, the applicant never attended training courses. No bank transactions, no credit card invoices, no bills, and no leases were adduced as evidence at the time to prove where he was at any given time.

[7] Furthermore, at the time, before that first instance, before the trier of fact, no evidence was adduced as to residence, community activity, volunteer work or social participation.

[8] Thus, the where, when and how he lived in Canada remains ambiguous according to the evidence that was before the decision-maker at first instance. It is the only evidence that remains;

and it was this lack of evidence that informed the decision-maker at first instance in his decision.

(The fact that the applicant had undergone surgery, which might have explained the lack of activities, was not among the evidence considered by the decision-maker at first instance because it had not been raised with supporting evidence.)

### III. Conclusion

[9] Therefore, for all of the foregoing reasons, the citizenship judge's decision is reasonable and the applicant's application for judicial review is dismissed.

**JUDGMENT**

**THE COURT ORDERS** that the applicant's appeal is dismissed. There is no question of general importance to certify.

“Michel M.J. Shore”

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Judge

Certified true translation  
Sebastian Desbarats, Translator

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-799-11

**STYLE OF CAUSE:** INTISSAR MANI v  
THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** Ottawa, Ontario

**DATE OF HEARING:** September 24, 2012

**REASONS FOR JUDGMENT  
AND JUDGMENT:** SHORE J.

**DATED:** September 28, 2012

**APPEARANCES:**

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(ON HIS OWN BEHALF)

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