

Federal Court revokes citizenship of human rights violator, but why did it take so long?

By **Sergio R. Karas**

Law360 Canada (February 13, 2026, 11:27 AM EST) -- Canada's immigration and refugee systems are among the most generous in the world. They are designed to protect the persecuted. But those systems depend on a fragile and indispensable foundation: truthful disclosure. The Federal Court's decision in *Canada (Minister of Citizenship and Immigration) v. Sosa Orantes*, 2026 FC 159 makes clear that when that foundation is deliberately undermined, immigration policy itself is placed at risk.

Jorge Vinicio Sosa Orantes first obtained refugee status in Canada and then citizenship in 1992, after having been denied asylum in the United States. He enjoyed the protection of Canada for far too long.



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At its core, *Sosa Orantes* is not simply a reckoning with historical atrocity; it is a warning about systemic vulnerability. Sosa Orantes did not obtain Canadian citizenship because the system knowingly admitted a perpetrator of crimes against humanity. He obtained it because he successfully deceived the refugee and immigration process. The court found that he concealed his service as a Guatemalan Kaibil (an elite special operations wing of the Armed Forces of Guatemala) officer and falsified key aspects of his background throughout his refugee claim, permanent residence application and citizenship process (*Sosa Orantes*, at paras. 19-20).

From an immigration-policy perspective, this distinction is critical. Canada's refugee determination regime is not designed to conduct criminal trials at the border. It is designed to assess eligibility, credibility and admissibility based on information provided by applicants. As the courts have repeatedly emphasized, misrepresentation goes to the heart of admissibility, not merely to credibility. In *Canada (Minister of Citizenship and Immigration) v. Bogutin*, [1998] F.C.J. No. 211, and earlier in *Oberlander v. Canada (Attorney General)*, 2004 FCA 213, the courts confirmed that citizenship obtained through false representation is voidable regardless of the passage of time.

The decision also reinforces Parliament's intent that Canada's immigration system is not used as a

refuge from accountability. Under s. 35(1)(a) of the *Immigration and Refugee Protection Act*, persons are inadmissible where there are reasonable grounds to believe they committed crimes against humanity. The Supreme Court of Canada in *Mugesera v. Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 described this threshold as a “credibly based probability,” not proof beyond a reasonable doubt. Applying that standard, the Federal Court in *Sosa Orantes* relied on eyewitness testimony, military documentation, forensic anthropology and expert historical evidence to conclude that Sosa’s conduct met the statutory definition of crimes against humanity (*Sosa Orantes*, at paras. 12-14).

Critics of revocation sometimes frame such cases as evidence of screening failures. That critique misunderstands how immigration policy functions in practice. No screening regime — however sophisticated — can neutralize deliberate deception. As the Federal Court of Appeal observed in *Oberlander*, immigration officers are entitled to rely on applicants’ sworn answers. When those answers are false, the policy response is not to excuse the deception but to correct its consequences. Citizenship revocation exists precisely for that purpose.

Importantly, *Sosa Orantes* preserves the civil character of immigration enforcement. The court rejected arguments that revocation proceedings trigger criminal-law protections under s. 11 of the Charter, reaffirming prior authority such as *Thanabalasingham v. Canada (Minister of Citizenship and Immigration)*, 2006 F.C.J. No. 20, that citizenship revocation is remedial, not penal (*Sosa Orantes* at para. 21). From a policy standpoint, this distinction is essential: it allows immigration law to safeguard system integrity without collapsing into criminal prosecution by another name and requiring all the evidentiary protections of criminal trials.

The case also illustrates the growing importance of international evidence in immigration policy enforcement. As in earlier revocation cases such as *Canada (Minister of Citizenship and Immigration) v. Seifert*, 2006 288 F.T.R. 1, the court admitted foreign archival material and expert testimony under a flexible necessity-and-reliability framework, including ancient documents and truth-commission records (*Sosa Orantes*; *Sawridge Band v. Canada*, 2004 F.C.J. No. 2095). This evidentiary openness is not exceptionalism; it is a practical response to the realities of transnational conflict and displacement.

There is also a broader policy legitimacy at stake. Public confidence in immigration depends on the perception that the system is fair to applicants and faithful to its humanitarian purpose. Allowing individuals who obtained status through deliberate concealment of mass violence to retain citizenship indefinitely undermines that confidence — and, paradoxically, weakens political support for refugee protection itself. By contrast, decisions like *Sosa Orantes* reinforce the principle that generosity and integrity are not competing values but mutually reinforcing ones.

Seen through an immigration-policy lens, *Sosa Orantes* is not a hardening of Canada’s approach, nor a retreat from humanitarian commitments. It is a reaffirmation of first principles articulated in *Oberlander*, *Bogutin* and *Mugesera*: access to Canada’s immigration and citizenship regime is conditional on honesty. Where that condition is deliberately breached, the law must respond — not out of vengeance, but to preserve the system’s credibility. Citizenship is a powerful legal status, but immigration policy cannot allow it to become the final reward for successful deception.

The question that remains unanswered is why it took so long to strip such an abhorrent individual of citizenship. The process is too arduous, lengthy and complex, and the targets often resort to all kinds of legal manoeuvres to delay it. Most cases take years, if not decades, to be completed. With a refugee system that is currently overwhelmed by claims and implements expedited case reviews, it is time for Parliament to amend citizenship legislation to make it much easier and speedier to revoke citizenship. Canada should not become a refuge for criminals, terrorists and human rights violators.

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