

Citizenship revocation, misrepresentation and international atrocity: Sosa Orantes expands current jurisprudence

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Introduction

Canadian citizenship revocation has historically functioned as a mechanism for remedying historical wrongs committed outside Canada but concealed during immigration. Although its doctrinal roots reach back to post-Second World War cases involving individuals linked to Nazi organisations, the Federal Court’s 2026 decision in *Sosa Orantes* demonstrates the modern relevance of revocation in addressing more recent mass-atrocity events.

In *Sosa*, the ministers sought declarations under sections 10.1(1) and 10.5(1) of the Citizenship Act on the basis that Jorge Vinicio Sosa Orantes (1) obtained Canadian citizenship through fraud;^[2] and (2) committed acts outside Canada constituting crimes against humanity.^[3] The Court granted both declarations after extensive findings regarding Sosa’s involvement in the 1982 Las Dos Erres massacre.^[4]

Factual context: from Guatemala to Canada

Sosa’s military background and role in Las Dos Erres

Sosa served as an instructor and sub-lieutenant in the Kaibiles, an elite Guatemalan special operations force engaged in counter-insurgency operations during the country’s internal armed conflict.^[5] Evidence at trial – drawn from eyewitness testimony, military records and forensic findings – confirmed that Sosa directly participated in the December 1982 massacre at Las Dos Erres. The Court found that Sosa supervised Kaibil forces participating in the killings; shot into a well containing living victims to silence a man pleading for a quick death; threw a grenade into the same well while others were alive inside; and ordered subordinates to continue killing, including instructing one soldier to throw a child into the pit, stating, ‘This is a job for men’.^[6] These acts formed part of a ‘widespread and systematic attack’ on the civilian population, meeting the definition of crimes against humanity.

Immigration misrepresentation and acquisition of citizenship

After leaving Guatemala in 1985, Sosa sought asylum in the US (denied) and then applied for refugee status and permanent residence in Canada. In these applications, Sosa concealed his military background, fabricated aspects of his employment and educational history, and provided false answers during interviews with Canadian officials.^[7] The Court found these misrepresentations ‘patently false’ and material to the grant of refugee protection and permanent residence, from which his 1992 citizenship flowed.^[8]

The legal framework for citizenship revocation

Fraud and material misrepresentation (Citizenship Act section 10.1)

The Supreme Court of Canada and the Federal Court of Appeal have consistently held that citizenship may be revoked if obtained through false representation, fraud or knowing concealment of material facts. This standard was affirmed in cases such as *Oberlander v Canada (Attorney General)*^[9] and *Bogutin v Canada*.^[10] These cases emphasised that the materiality of a misrepresentation – not the applicant’s subjective intention – is decisive. In *Sosa*, however, the evidence went further: the Court found knowing and deliberate deception, clearly satisfying the statutory standard.^[11]

Crimes against humanity and inadmissibility (Immigration and Refugee Protection Act section 35(1)(a))

Under section 35(1)(a) of the Immigration and Refugee Protection Act 2001 (IRPA), a person is inadmissible if there are reasonable grounds to believe they committed crimes against humanity. The Supreme Court, in *Mugesera v Canada (Minister of Citizenship and Immigration)*,^[12] characterised this standard as ‘credibly based probability’. The *Sosa* Court cited testimonial, documentary, historical and forensic evidence in concluding that Sosa’s actions met this threshold.^[13]

Comparing Sosa to post-war revocation jurisprudence

Parallels with Oberlander, Katriuk and related cases

The following are clear comparisons with post-war revocation jurisprudence.

- **Misrepresentation as the core basis for revocation:** in cases such as *Oberlander*, *Katriuk*, *Odynsky* and *Bogutin*, the courts confirmed that revocation is grounded in fraudulent acquisition. Sosa’s concealment of his Kaibil service mirrored these precedents.^[14]
- **Use of historical and international evidence:** both Nazi-era cases and *Sosa* relied heavily on foreign archives, military records, expert historians and witness statements. The Court admitted extensive Guatemalan military plans, Truth Commission reports, US declassified intelligence and testimony from specialists.^[15] This approach echoes the evidentiary rulings in *Seifert v Canada (Minister of Citizenship and Immigration)*.^[16]
- **Materiality of misrepresentation:** the Court’s findings in *Sosa* align with the materiality focus in *Oberlander* and *Bogutin*, where the materiality of the misrepresentation was central to the revocation under the Crimes Against Humanity and War Crimes Act.^[17]

Divergences from earlier cases

The following diverge from post-war revocation jurisprudence.

- **Direct participation in killings:** Whereas earlier cases focused on membership in organisations that committed atrocities, *Sosa* was found to have personally shot victims, thrown grenades and ordered killings.
- **Presence of live eyewitnesses and forensic evidence:** Nazi-era proceedings seldom involved surviving eyewitnesses or forensic evidence. In *Sosa*, the presence of a former Kaibil witness, a child survivor and forensic anthropologists created a powerful evidentiary record.
- **Defendant’s strategic absence:** Unlike parties in cases like *Oberlander*, *Sosa* did not attend trial, refused to cross-examine and abandoned his defence, leaving the ministers’ evidence un rebutted.^[18]

Evidence, procedure and the character of revocation proceedings

The Court’s evidentiary rulings affirm that the necessity–reliability framework applies flexibly in revocation cases, especially those involving international atrocities. Many records were admitted as ancient documents, consistent with jurisprudence such as *Sawbridge Band v Canada*.^[19]

As *Sosa* argued that requiring him to testify violated his Charter section 11(c) rights, the Court reaffirmed the civil nature of revocation proceedings – consistent with cases such as *Thanabalasingham v Canada* – holding that section 11 protections attach only to criminal prosecutions.^[20]

Conclusion

Sosa Orantes reasserts that citizenship is not an absolute right when procured via deception. It demonstrates the adaptability of revocation for recent atrocities, drawing on robust investigative tools, forensic science and human-rights documentation. The judiciary’s receptiveness to complex international evidence preserves Canada’s commitment to the integrity of its citizenship regime.^[21]

Sosa Orantes stands within the line of Canadian revocation cases – consistent with the foundational principles in *Oberlander*, *Katriuk* and others – but also signals an evolution by confronting direct perpetration, contemporary atrocities and evidentiary innovations. It confirms that concealment of crimes against humanity disqualifies individuals from the privileges of Canadian citizenship.

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[2] *Minister of Citizenship and Immigration v Jorge Vinicio Sosa Orantes* 2026 FC 159 (extracts from the Agreed Statement of Facts) (*Sosa Orantes*).

[3] See the International Criminal Court definition of crimes against humanity, codified in the Crimes Against Humanity and War Crimes Act RSC 1997 c C-45.

[4] *Sosa Orantes* 2026 FC 159.

[5] *Sosa Orantes* 2026 FC 159 at [56] (discussing Kaibiles in Guatemala).

[6] *Sosa Orantes* 2026 FC 159 at [13]–[14] (detailing Sosa’s acts at Las Dos Erres).

[7] *Sosa Orantes* 2026 FC 159 at [19] (noting concealment of military background).

[8] *Sosa Orantes* 2026 FC 159 at [19] (misrepresentations characterised as ‘patently false’).

[9] *Oberlander v Canada (Attorney General)* [2004] FCJ 213.

[10] *Bogutin v Canada (Minister of Citizenship and Immigration)* 2011 FC 417.

[11] *Sosa Orantes* 2026 FC 159 (court’s findings on deceit).

[12] *Mugesera v Canada (Minister of Citizenship and Immigration)* 2005 SCC 40.

[13] *Sosa Orantes* 2026 FC 159 (inadmissibility findings on crimes against humanity).

[14] See *Oberlander* 1998 FCJ 211, *Canada (Minister of Citizenship and Immigration) v Katriuk* (TD) 1999 3 FC 164, *Canada (Minister of Citizenship and Immigration) v Odynsky* 2001 FCJ 286 and *Bogutin* 2011 FC 417 for analogous contexts of misrepresentation and atrocities.

[15] *Sosa Orantes* 2026 FC 159 (evidentiary description).

[16] *Seifert v Canada (Minister of Citizenship and Immigration)* 2006 FC 270.

[17] Crimes Against Humanity and War Crimes Act 1997.

[18] *Sosa Orantes* 2026 FC 159 (defendant’s absence at trial).

[19] *Sawbridge Band v Canada* 2004 FC 1721.

[20] See *Thanabalasingham v Canada (Minister of Citizenship and Immigration)* 2006 FCJ 20 (holding revocation is civil).

[21] For normative reflections on integrity of citizenship and evidentiary evolution.

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