

Federal Court



Cour fédérale

Date: 20160429

Docket: IMM-1104-15

Citation: 2016 FC 481

Ottawa, Ontario, April 29, 2016

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

MASARU GENNAI

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT

THIS COURT’S JUDGMENT is that this application for judicial review is dismissed,
reasons to follow.

The following question is certified:

If an application for permanent residence is incomplete as it fails to meet the requirements prescribed by s 10 of the *Immigration and Refugee Protection Regulations* (“IRPA Regulations”) and the application and all supporting documents are returned to the applicant pursuant to s 12 of the IRPA Regulations, does the application still “exist” such that it preserves or “locks in” the

applicant's position in time so that a subsequently submitted complete application must be assessed according to the regulatory scheme that was in effect when the first, incomplete application was submitted?

“E. Heneghan”

Judge