

Federal Court



Cour fédérale

**Date: 20101019**

**Docket: IMM-4707-09**

**Citation: 2010 FC 1016**

**Ottawa, Ontario, October 19, 2010**

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

**BETWEEN:**

**MUTHUKAMARA THIYAGARAJAH**

**Applicant**

**and**

**THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 for judicial review of the decision denying the applicant's application for permanent resident status based on humanitarian and compassionate grounds (H&C application). This application was heard with another, Court File IMM-4705-09, in which the applicant challenged the decision made by the same officer on his Pre-Removal Risk Assessment (PRRA) application.

[2] In my reasons for Judgment issued this date in IMM-4705-09, I stated my agreement with the submission of the applicant that if IMM-4705-09 was allowed on the basis that the officer failed to address the risks alleged by him, then the application in IMM-4707-09 which raised the same risks must also be allowed.

[3] I allowed the application in IMM- 4705-09 on the basis noted and therefore this application must also be allowed for the reasons given in that file. A copy of the Reasons for Judgment and Judgment in IMM-4705-09 has been ordered to be placed in this Court File.

[4] Given the substantial changes in Sri Lanka, the applicant should be given the opportunity to submit new material in his H&C application before it is redetermined.

[5] Neither party proposed a question for certification and no question is certified.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. This application is allowed, the decision of the officer dated September 2, 2009, is set aside and the applicant's H&C application is remitted to another officer for determination after the applicant has been given an opportunity to make new submissions; and
2. No question is certified.

“Russel W. Zinn”

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Judge

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

**DOCKET:** IMM-4707-09

**STYLE OF CAUSE:** MUTHUKAMARA THIYAGARAJAH v.  
THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 14, 2010

**REASONS FOR JUDGMENT  
AND JUDGMENT BY:** ZINN J.

**DATED:** OCTOBER 19, 2010

**APPEARANCES:**

Micheal Crane FOR THE APPLICANT

Bradley Bechard FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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