

Federal Court



Cour fédérale

Date: 20141127

Docket: IMM-7208-13

Citation: 2015 FC 899

Ottawa, Ontario, November 27, 2014

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

THANH TAM TRAN

Applicant

and

**THE MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Respondent

ORDER

Further to a judgment I issued on November 4, 2014 (2014 FC 1040), I invited the parties to make submissions regarding a certified question of general importance. Having reviewed those submissions, I am satisfied that the following serious questions of general importance should be stated:

1. Is a conditional sentence of imprisonment imposed pursuant to the regime set out in ss 742 to 742.7 of the *Criminal Code* a “term of imprisonment” under s 36(1)(a) of the IRPA?

2. Does the phrase “punishable by a maximum term of imprisonment of at least ten years” in s 36(1)(a) of the IRPA refer to the maximum term of imprisonment available at the time the person was sentenced or to the maximum term of imprisonment under the law in force at the time admissibility is determined?

“James W. O’Reilly”

Judge