

Federal Court



Cour fédérale

Date: 20250904

Docket: IMM-8024-24

Citation: 2025 FC 1462

Toronto, Ontario, September 4, 2025

PRESENT: Madam Justice Pallotta

BETWEEN:

SYED ZAIN ADNAN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant, Syed Zain Adnan, applied to sponsor his grandmother to Canada as a permanent resident after receiving an invitation under the 2023 Parents and Grandparents Program (PGP). He seeks judicial review of an April 30, 2024 letter from Immigration, Refugees and Citizenship Canada (IRCC) that rejected his sponsorship application because it was incomplete and did not meet the 2023 PGP requirements for processing.

[2] IRCC had sent a letter dated March 6, 2024, stating that the application was incomplete and did not meet the requirements for processing because the following items were missing or incomplete: (i) Mr. Adnan was using a representative but he did not file a use of representative form; (ii) his grandmother's form for additional family information was not fully completed (the letter explained what it had to include); (iii) his grandmother was widowed and his grandfather's death certificate was required as proof.

[3] The March 2024 letter gave Mr. Adnan 30 days to provide the documentation and stated that if he could not provide one or more of the documents by the deadline, he was required to provide a detailed explanation for each missing document together with any other evidence to satisfy the requirement. The letter warned that a failure to respond by the deadline would mean that the application would not be accepted into the 2023 PGP program and it would be returned as unprocessed.

[4] According to the April 2024 letter, items (ii) and (iii) above remained incomplete. The letter explained that Ministerial Instructions issued pursuant to section 87.3 of the *Immigration and Refugee Protection Act*, SC 2001, c-27 [IRPA] contain specific directions for PGP applications; such applications must be complete to be accepted into processing. The letter also explained that applications must be reviewed for completeness and incomplete applications must be returned together with all supporting documents: *Immigration and Refugee Protection Regulations*, SOR/2002-227, ss 10-12.

[5] Mr. Adnan submits that the Ministerial Instructions are accommodating processing instructions to facilitate the immigration goal of family reunification, and the PGP policy allows visa officers to consider applications that are not complete. Mr. Adnan states that he met all the crucial requirements for processing.

[6] Mr. Adnan argues that the IRCC officer assigned to his case did not review the response that his immigration consultant filed following the March 2024 letter, which showed that item (ii) was, in fact, submitted within the 30 days; a decision will not withstand judicial review if parts of the evidence are not considered or are misapprehended and findings do not follow from the evidence: *Dandachi v Canada (Citizenship and Immigration)*, 2016 FC 952 at para 23. The only missing document was the death certificate, which Mr. Adnan had given to his consultant but was not filed due to inadvertence. Mr. Adnan states that the missing information would not have impacted his application because there was other evidence of his grandfather's death that was before the officer, and if the application had continued to be processed he could have filed the death certificate.

[7] Mr. Adnan states that the closure of the application terminated the possibility of sponsoring his elderly grandmother and was extreme. Relying on *Campana Campana v Canada (Citizenship and Immigration)*, 2014 FC 49, he states this required clearer reasoning than a statement that his application was incomplete.

[8] For reasons that substantially agree with the respondent's submissions, I must dismiss Mr. Adnan's application for judicial review.

[9] I agree with the respondent that the April 2024 letter is not a decision that is subject to judicial review. To return an application for non-compliance with Ministerial Instructions is not a refusal, but rather a return of the application without processing: *IRPA*, s 87.3. This return does not constitute a matter that is reviewable under section 18.1 of the *Federal Courts Act*, RSC 1985, c F-7: *Sadeghian v. Canada (Citizenship and Immigration)*, 2024 FC 1144 at paras 7-11; see also *Sheikh v Canada (Citizenship and Immigration)*, 2020 FC 199 at paras 67-71 and *Gennai v Canada (Citizenship and Immigration)*, 2017 FCA 29 at para 6.

[10] This point is dispositive of the application for judicial review.

[11] In any event, even if the April 2024 decision constitutes a reviewable decision to refuse the application, Mr. Adnan bears the burden of establishing that the decision suffers from sufficiently serious shortcomings such that it cannot be said to exhibit the requisite degree of justification, intelligibility, and transparency: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 100. Mr. Adnan has not met this burden.

[12] I do not agree that the officer had discretion to consider Mr. Adnan's sponsorship application even though it was incomplete. The officer was required to follow the Ministerial Instructions for the PGP, and to return the incomplete application. The officer provided an opportunity to remedy the incomplete application within 30 days and reasonably returned the application because it was still incomplete. I am not persuaded that the officer overlooked that Mr. Adnan had submitted item (ii), the additional family information form. The April 2024 letter

states that item (ii) was incomplete, not that it was missing. Furthermore, there is no dispute that at least the death certificate was missing.

[13] In my view, *Campana Campana* is distinguishable and does not assist Mr. Adnan. The issue in that case was different—it was whether an incomplete application can be said to “exist” as of a particular date for the purpose of deciding whether an old or amended regulatory provision applied. I would add that the question of whether an incomplete application “exists” was later resolved by the Federal Court of Appeal in *Gennai*, where the court held that an incomplete application is not an application within the meaning of *IRPA* (see *Verma v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 488 at paras 12-14).

[14] It is unfortunate that Mr. Adnan’s sponsorship application was returned, but the officer was following the law and the PGP policy. There is no basis for the Court to intervene.

[15] This case does not raise a question for certification.

JUDGMENT IN IMM-8024-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question for certification.

"Christine M. Pallotta"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8024-24

STYLE OF CAUSE: SYED ZAIN ADNAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 5, 2025

JUDGMENT AND REASONS: PALLOTTA J.

DATED: SEPTEMBER 4, 2025

APPEARANCES:

Veena G. Gupta	FOR THE APPLICANT
Bradley Bechard	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Nanda & Associate Lawyers Professional Corporation Barristers and Solicitors Mississauga, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT