

Study Permit Pilot Project

Federal Court

Cour fédérale



Presented by Justice Alan Diner
with

Dupe Oluyomi-Obasi and Warda Shazadi Meighen

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Purpose of the Pilot Project

- Immigration cases in the Federal Court have more than doubled

APPLICATIONS FOR LEAVE (IMMIGRATION)	2019	2020	2021	2022	2023
TOTAL	7,770	6,422	9,762	13,487	16,726

- The Court is committed to improving access to justice by reducing the time from filing to outcome



How?

- By reducing steps in the proceeding
- By requiring fewer documents to be filed
- By removing the need for a hearing
- By focusing on non-complex matters
- In partnership with Justice Canada/IRCC and the members of the Court's Liaison Committee (immigration)



Three major procedural changes

1. No hearings for parties who choose this pilot project's simplified procedure
2. Simultaneous determination of leave and the merits of the judicial review
3. Shortened timeline - entire procedure completed within 5 months rather than 14-18 months

Advantages to the Pilot Project

- Reduces costs for both parties



- Possibility for students to obtain the Court's decision in the same academic year they filed their application





Non-complex Applications for Judicial Review (ALJRs)

Four criteria:

- ① Both parties opt in
- ② A study permit application (and any temporary residence visa (TRV) application associated with the study permit application) was rejected
- ③ Parties agree on underlying facts as supported by the Simplified Certified Tribunal Record (SCTR), namely the application materials provided to IRCC by the Applicant, along with the full reasons for decision



Non-complex ALJRs – cont'd

- ④ The application for leave and judicial review (ALJR) must not include:
- a) Complex factual or legal issues such as:
 - inadmissibility
 - national security, or other issues of similar nature
 - b) A request for an extension of time for filing the ALJR
 - c) A request for a certified question
 - d) Evidence other than the SCTR (e.g. affidavit)



New Simplified Procedure

The *Simplified Submissions Form* is four (4) pages

It replaces all documents that include affidavits and written submissions:

- Applicant's record
- Respondent's record
- Applicant's reply memorandum



Filing criteria

- Via the Electronic Filing System:
<https://efiling.fct-cf.gc.ca/en>
- Select “IMM-MEMORANDUM/FACTUM” for submissions
- Mandatory identification:
“Simplified Judicial Review – Study Permit Pilot Project” in the “handling instructions”



Determination of the application

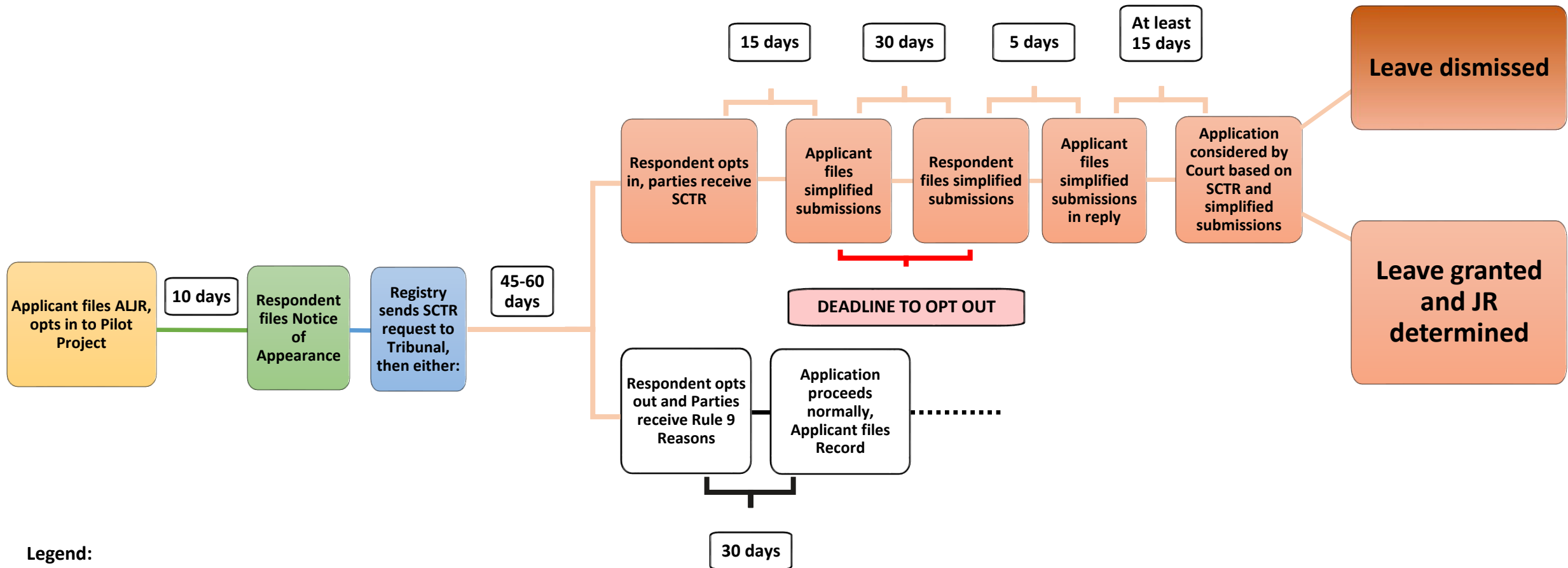
- The Court has three options:
 1. Dismiss leave and dismiss the application (no reasons will be issued)
 2. Grant leave and deny the application (reasons will be provided)
 3. Grant leave and grant the application (reasons will be provided)



Opting out of the Pilot Project

- Either party can request a transfer to the general procedure (motion in writing under Rule 369)
- **Deadline:** before the filing of the Respondent's simplified submissions (p. 3 of the *Form*)
- The Court may also transfer the file to the general procedure

Timeline and Process





Special thanks to

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**Any views expressed are not those of the Department of Justice.*



Questions | Comments
Questions | Commentaires

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