

**Practice Direction and Special Order****Constitutional Challenges to Sections 101(1)(b.1) and 101(1)(b.2) of the*****Immigration and Refugee Protection Act*****August 20, 2026**

The Federal Court has received a significant number of applications for leave and judicial review challenging the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2) of the *Immigration and Refugee Protection Act* (IRPA), provisions enacted through Bill C-12, the *Strengthening Canada's Immigration System and Borders Act*. These applications raise substantially similar constitutional issues and seek similar relief.

The volume and complexity of these proceedings are placing considerable demands on the Court's judicial and Registry resources. To promote the just, most expeditious and least expensive determination of these proceedings, and to ensure consistent and efficient case management, the Chief Justice has issued a Special Order designating all current and future applications challenging the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2) of the IRPA as specially managed proceedings.

Special Management of C-12 Applications

Under the Special Order:

- All current and future applications for leave and judicial review challenging the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2) of the IRPA (the "C-12 Applications") are designated as specially managed proceedings.
- Associate Judge Kirkland G. Shannon and Justice Love Saint-Fleur are assigned as Case Management Judges for these proceedings.
- All current and future C-12 Applications are placed in abeyance and all timelines are suspended pending further Order or Direction of a Case Management Judge.
- Applicants may seek an anonymity order under Rule 8.1 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules* by filing Form IR-5.
- Upon receipt of Form IR-5 and pending a decision on leave, the Registry will provisionally anonymize Court-generated documents using the applicant's initials.
- Applicants in existing C-12 Applications have 30 days from the date of the Special Order to file Form IR-5 if they wish to benefit from provisional anonymization.

Federal Court



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Distribution of the Special Order

The Registry has been directed to place a copy of the Special Order on the Court file of every current and future C-12 Application and to provide a copy to each applicant upon the filing of such an application.

Parties and counsel are encouraged to review the Special Order carefully and to monitor any further directions issued by the Case Management Judges.

Alan S. Diner
Chief Justice

Federal Court



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**Constitutional Challenges to sections 101(1)(b.1) and 101(1)(b.2) of the
*Immigration and Refugee Protection Act***

Date: 20260820

Ottawa, Ontario, August 20, 2026

PRESENT: Chief Justice Diner

WHEREAS a high number of applications under the *Immigration and Refugee Protection Act* (IRPA) have been filed that challenge the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2), which were brought into law by Bill C-12, the *Strengthening Canada’s Immigration System and Borders Act* (An Act respecting certain measures relating to the security of Canada’s borders and the integrity of the Canadian immigration system and respecting other related security measures);

AND WHEREAS the number of such applications seeking the same or essentially the same relief is placing unprecedented pressure on the capacity of the Court and of the Court’s Registry;

AND WHEREAS in accordance with Rules 3 and 47 of the *Federal Courts Rules* and the Court’s inherent jurisdiction to control its own process, the Court has concluded that certain measures must be taken to secure the just, most expeditious and least expensive outcome of these proceedings;

AND WHEREAS due to the number of such similar or identical applications and their complexity, the Court has concluded that all current and future applications for leave and judicial review that seek to challenge the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2) shall be designated as specially managed proceedings in accordance with Rule 384 of the *Federal Courts Rules*;

AND WHEREAS the Court has concluded that the said applications should be specially managed as a group;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT:

1. Pursuant to Rule 384 of the *Federal Courts Rules*, all current and future applications for leave and judicial review that challenge the constitutionality of section 101(1)(b.1) and/or section 101(1)(b.2) of the *Immigration and Refugee Protection Act* (the “C-12 Applications”) shall continue as specially managed proceedings.



2. Pursuant to Rule 383 of the *Federal Courts Rules*, Associate Judge Kirkland G. Shannon and Justice Love Saint-Fleur are assigned as Case Management Judges of the C-12 Applications, though motions and requests for interlocutory relief may be adjudicated by other members of the Court, as directed by the Judicial Administrator.
3. All current and future C-12 Applications are hereby placed in abeyance, with all timelines being suspended, pending further Order or Direction of a Case Management Judge.
4. Any applicant in a C-12 Application may request an anonymity Order pursuant to Rule 8.1 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules* by filing Form IR-5.
5. Upon receipt of a Form IR-5, and pending a decision on leave, the Registry shall provisionally anonymize any documents hereafter prepared by the Court, using the applicant's initials to identify the individual.
6. For C-12 Applications currently before the Court, applicants shall have 30 days from the date of this Order to file a Form IR-5, failing which no anonymity Order will be provisionally applied to their file.
7. The Registry is directed to place a copy of this Order in the Court File for each current and future C-12 Application and to provide a copy of same to each current and future applicant upon the filing of a C-12 Application.

Alan S. Diner
Chief Justice