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Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings

June 26, 2026

AMENDMENTS HISTORY	
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Consolidated Practice Guidelines

These Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings are to be read in conjunction with the Consolidated General Practice Guidelines, which are posted on the Court website ([Notices](#)).

In the event of a conflict, these Guidelines prevail over the Consolidated General Practice Guidelines.

Preamble

These guidelines are to be interpreted in a manner that seeks to secure the just, most expeditious and least expensive determination of every proceeding on its merits. They are intended to complement and not derogate from the [Federal Courts Rules](#) [the FCR]. A judge or associate judge [previously referred to as prothonotary] retains the discretion to depart from these guidelines having regard to the particular circumstances of a given case.

These guidelines serve to identify best practices and clarify the Court's expectations related to procedures for Applications under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [the FCCIRPR] related to matters arising under the [Citizenship Act](#) and the [Immigration and Refugee Protection Act](#) [IRPA]. They have been developed in consultation with the Federal Court Citizenship, Immigration, and Refugee Law Bar Liaison Committee [the Committee], which provides a forum for dialogue, to review litigation practices and rules, and to discuss potential efficiencies and improvements in the Court's processes. Committee minutes are available on the Court web site [Liaison Committees page](#), along with the names of Committee members. Comments or suggestions regarding these Guidelines are welcome and may be sent via Committee representatives or at information@fct-cf.ca.

Additional Procedural Resources for Litigants

The [Court's website](#) provides numerous resources for litigants – see the [Representing Yourself](#) tab, which provides procedural timelines, detailed procedural practice guides, information about [Finding Legal Help](#), and clarification regarding [Who May Represent You in Federal Court](#).

Consolidation

These guidelines consolidate and replace the following documents:

- Practice Direction and Special Order – Backlog in processing applications for leave and judicial review (May 14, 2025)
- Settlement Discussions in Proceedings under the *Immigration and Refugee Protection Act* (December 17, 2021)

- Practice Guidelines – Immigration and Refugee Proceedings: Urgent Stay Motions for Removals from Canada (February 18, 2021)
- Stay of Release from Detention Protocol (November 30, 2020)
- Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings (November 5, 2018)
- Scheduling Practice for the Hearing of Applications (October 24, 2018)
- Applications for judicial review under the *Immigration and Refugee Protection Act* and the *Citizenship Act*: Hearing Time (October 29, 2015)
- Requests for Consent Orders on Applications under the *Immigration and Refugee Protection Act* (April 18, 2006)

Open Court Principle – Confidentiality and Anonymity Requests

1. Pursuant to the open court principle, the general rule in Canada is that court hearings are open to the public and may be reported in full. Applications brought under the FCCIRPR are therefore normally on the public record, with all documents publicly accessible, even though they are not currently accessible online. Only the Court Files (docket) and Reasons for Decision are available via the Court's website.

However, pursuant to section 151 of the FCR, on motion, the Court may order that all or part of the Court record shall be treated as confidential. Furthermore, pursuant to subsection 8.1(2) of the FCCIRPR, a party to an application for leave may make a written request, in Form IR-5, that the Court make an order that all documents that are prepared by the Court and that may be made available to the public (for example, the [online docket](#) and any [decision](#) of the Court in the proceeding) be amended and redacted to the extent necessary to make the party's identity anonymous. The request is determined at the same time, and on the basis of the same materials, as the application for leave.

If a party to an application requests an anonymity order under section 8.1, until the request is determined, the parties' materials shall anonymize the identity of the requesting party and the identity of the requesting party will be anonymized in any documents prepared by the Court that may be made available to the public.

Filing

2. **Electronic filing.** Parties shall use the [Court's Electronic Filing System \(E-Filing Portal\)](#) to file all electronic documents that do not contain confidential information. (Confidential information is subject to the special provisions in paragraph 19 c) of the [Consolidated General Practice Guidelines](#)). Subject to the special circumstances described in the

Registry's auto-reply e-mail (the Court specifically directs it, it is for filing confidential documents, a notice on the Federal Court's website allows it, or written authorization is given by the Registry), electronic documents will be processed in the order in which they were received, and stamped as of the date they were submitted, aligning with the process for paper copies.

In processing an application, the Registry evaluates and establishes compliance with the deadlines set out in paragraph 72(2)(b) of the IRPA or paragraph 22.1(2)(a) of the *Citizenship Act*, as of the time the application was first submitted. The Registry also determines if the required elements of subsection 5(1) of the FCCIRPR have been respected. If the Registry notes that the application is not compliant because (i) the deadlines have passed and no extension of time was requested or (ii) there are missing elements in the application, the Registry will ordinarily request corrections from the applicant. In doing so, the Registry will instruct the applicant to (i) request an extension of time when resubmitting the application, as determined in section 6 of the FCCIRPR, and (ii) explain the reason for the delay. If the deadlines under IRPA and the *Citizenship Act* were initially respected, the applicant should indicate that the apparent delay is attributed to the late processing by the Registry. The request for extension of time will be considered by the Court when leave is determined.

Although there is no cost to use the [E-filing portal](#), fees under Tariff A of the FCR still apply.

The requirements set out at paragraph 19 of the [Consolidated General Practice Guidelines](#) regarding page numbering, bookmarks and Optical Character Recognition (OCR) shall be followed.

3. **Setting out grounds pursuant to paragraph 5(1)(f) of the FCCIRPR.** If practicable, an application for leave prepared in accordance with section 5 of the FCCIRPR should set out the legal bases and material facts that support granting the relief sought; however, an application that simply recites the grounds of review listed in subsection 18.1(4) of the *Federal Courts Act* will not, for that reason alone, be refused for filing.

Whether in connection with a request for interlocutory relief or in support of an application, the moving party's written representations or memorandum of fact and law should list the grounds of review in relation to material facts. The Court will consider any such further elaboration of the grounds of review in determining whether to grant interlocutory relief or an application, as the case may be.

4. **Backlog in processing applications for leave and judicial review.** The Federal Court continues to experience an unprecedented increase in immigration-related applications for leave and judicial review. Combined with budget restrictions and insufficient resources,

this surge is placing considerable strain on the Court's Registry and has affected the Registry's ability to process documents promptly.

To minimize impacts on litigants of longer processing times and to significantly reduce the number of motions for an extension of time, the Court is implementing proactive measures by way of Special Orders, the most recent of which is dated June 26, 2026.

The Special Order applies to all unperfected applications for leave and for judicial review.

The Registry has not experienced the same delays in processing documents filed by respondents, or in reply. As a result, the Special Order only applies to applicant's records.

- a) **Extension of time to file an Applicant's Record.** Under the [Special Order](#), applicants are granted an extension of time of 90 days after the deadlines prescribed under subsection 10(1) of the FCCIRPR to perfect an application for leave without the need for consent from the opposing party.

Paragraph [61](#) of these Guidelines states that an applicant shall perfect an application for leave seeking an order of mandamus within 30 days after filing the application. Under the [Special Order](#), applicants seeking an order of *mandamus* are also granted an extension of time of 90 days to perfect an application for leave without the need for consent from the opposing party.

The [Special Order](#) does not vary or amend the 30-day deadline set out in subsection 10(1) of the FCCIRPR. The Court therefore expects that, where possible, applicant's records will be presented for filing within the applicable deadlines set by subsection 10(1) of the FCCIRPR and paragraph [61](#) of these Guidelines.

Due to delays in the registry's processing of applications for leave, when an applicant cannot perfect their application for leave within the usual applicable deadlines set by the FCCIRPR and paragraph [61](#) of these Guidelines, the applicant is expected to file their documents well before the 120-day deadline expires. This will help to ensure that the Registry has adequate time to process the documents, and the applicant can address any deficiencies noted by the Registry before the expiration of the 120-day deadline.

- b) **Further Extensions of Time.** Given the significant extension of time granted by the Special Order and given the requirement in subsection 72(2)(d) of IRPA that applications for leave be adjudicated without delay, it is expected that further extensions of time to perfect an application for leave will only be requested where extraordinary or unforeseen circumstances can be demonstrated. Where an applicant requires a further extension of time beyond that provided in the [Special Order](#), a formal motion is required, even if the other party consents to the extension. In addition to

meeting the other requirements of the test in *Canada (Attorney General) v Hennelly* [1999] FCJ No 846, applicants must provide a complete explanation for the entirety of the delay.

5. **Judicial review of visa decisions – Timeline for filing an application (paragraph 72(2)(b) of the IRPA).** Applicants should indicate clearly in the application for leave and judicial review whether the judicial review relates to a matter arising in Canada (application filed within 15 days) or a matter arising outside Canada (application filed within 60 days).

6. **Delays in Legal Aid Funding – Request for Reconsideration of an Order Dismissing an Application for Delay.** The Court sometimes receives motions for reconsideration under section 397 of the FCR (of Orders dismissing leave) in which the applicant submits that the file had not been perfected due to delayed confirmation of legal aid funding.

Pursuant to the principles of finality and *res judicata*, section 397 of the FCR does not provide authority to the Court to decide a leave application a second time. Rather, reconsideration is confined to the matters described in that section.

In cases where a party is waiting for approval of legal aid funding before perfecting an application for leave and judicial review, the onus is on the party, or prospective counsel, to bring this fact to the attention of the Court before the application is dismissed for delay.

The Court should be notified by letter copying opposing counsel, including evidence of the expected or typical timeline for a decision by the legal aid body. In such circumstances, the Court will consider the letter and, if appropriate, defer dismissal of the application for a short period of time (not exceeding twenty-one (21) days).

7. **Joining members of the same family.** Section 302 of the FCR states that “unless the Court orders otherwise, an application for judicial review shall be limited to a single order in respect of which relief is sought.” However, applicants who are members of the same family (i.e. principal applicant and their dependants) and whose matters arise from substantially similar facts or circumstances may be permitted to submit a single application for leave and judicial review. Parties that are unrepresented may refer to the Order at [Annex C](#) below allowing an adult to be the principal applicant representing their dependants. This approach is intended to promote efficiency and consistency in the processing and adjudication of closely related claims. Family members wishing to proceed in this manner must clearly indicate their familial relationship and the common factual and legal basis for their applications at the time of filing. The order at [Annex C](#) does not permit a non-lawyer to represent a litigant in a proceeding in which the non-lawyer is not a party.

In the event that the application sets out that the applicants have not received the written reasons of the tribunal, the Registry will send the tribunal a request as per section 9 of the

FCCIRPR for each decision and the timeline to perfect the application subject to section 10 will start when the tribunal written reasons have been received for all applicants.

Informal requests for interlocutory relief

8. Parties should refer to the [Consolidated General Practice Guidelines](#), which include specific guidelines for submitting informal requests for interlocutory relief. Beyond the circumstances described in those guidelines, parties are required to submit a formal motion record, pursuant to Part 7 of the FCR, for interlocutory requests.

Scheduling

9. **Non-availability prior to the issuance of an order granting leave.** Prior to the issuance of an order granting leave, parties may file, within the timeframe for filing a section 13 of the FCCIRPR reply, a joint letter setting out their non-availability in the one hundred and twenty (120) days that follow the last day for filing of a reply for the hearing on the merits. The Judicial Administrator will attempt to accommodate such non-availability. The principal criteria for non-availability are:
 - (a) prior scheduled vacation leave or a previously scheduled hearing before a Superior Court. Note that the Court's schedule will normally take precedence over previously scheduled matters before an administrative tribunal, however, if provided sufficient notice, the Court will endeavour to schedule around Immigration Appeal Division hearings; and
 - (b) serious illness.
10. **Non-availability following the issuance of an order granting leave.** Within seven (7) days of issuance of the order granting leave, a party may request, by way of letter to the Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:
 - (a) confirm that all parties either consent to the request or do not oppose the request;
 - (b) briefly set out all facts and submissions relevant to the request; and
 - (c) set out the availability of all parties within six (6) weeks of the scheduled date.
11. Scheduling changes outside the timeframes above may be requested by way of motion.

Motions for Stay of Removal from Canada

These guidelines address three matters: (1) the form and timing of stay motions; (2) the contents of motion records; and (3) urgent motions for a stay or removal.

12. Service, filing and scheduling. Pursuant to subsection 362(1) of the FCR, motions are to be served and filed at least three days before the date set out in the notice for the hearing of the motion. Pursuant to subsection 362(2), the Court may hear a motion on less than three days' notice if all parties consent or if the moving party satisfies the Court of the urgency of the motion. Subsection 35(2) of the FCR permits informal requests for the scheduling of hearing time and dates for motions not returnable at general sittings.

13. Form and content:

- a. The notice of motion and the motion record must be in conformity with the FCR.
- b. Related and relevant prior immigration decisions involving the applicant or his/her immediate family members should be provided by the applicant within their motion record (for example, RPD, RAD, PRRA or H&C decisions and past requests for deferral of removal). If such related decisions are not provided, an explanation must be given for the failure to do so.
- c. Each party must clearly address the tripartite test for an injunction (*RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311; *R v Canadian Broadcasting Corp*, 2018 SCC 5) in the context of the alleged facts and their own circumstances. Written submissions must be focused. Irrelevant boilerplate or outdated submissions should be avoided.
- d. When bringing a stay, the motion should be considered as a standalone proceeding. The Motion Record should include everything required by the Court to make its decision, but only those portions of the application record or other documents that are necessary to support the motion, such as specific pages of a country condition document. It is not acceptable to simply state, for example, that the country conditions documents are found at pages 100-250 of the motion record.
- e. The Motion Record must be succinct and sufficiently condensed to enable the Court and the parties to address the principal issues during the hearing. The Court recognizes that each case is distinct and that, on occasion, the circumstances may be such that it may be necessary to include a larger number of documents in the Motion Record to support the motion of a stay of removal. However, situations in which more than one hundred pages of materials may be required to support a motion for stay of removal should be considered to be exceptional. Where a Motion Record exceeds this page limit, the party submitting the record should explain why all the documents in the record are required for the adjudication of the stay motion. This explanation should be provided in a letter accompanying the Motion Record when it is submitted for filing. In the absence of a satisfactory explanation for why a Motion Record exceeding one hundred pages is required, the Court may direct that a replacement Motion Record consistent with this guideline be prepared and filed.

- f. A party's written representations submitted in a stay motion should include pinpoint references to the materials in the Motion Record(s) relied on by that party, including relevant page, paragraph numbers and, if reasonably possible, hyperlinks.
 - g. The Court has seen instances where applicants fail to meaningfully address one or more branches of the tripartite test. This includes instances where applicants simply state that they are relying on the submissions made and materials filed in the underlying application for judicial review. In such circumstances, an accompanying affidavit in the stay motion sometimes attaches as an exhibit the whole of the application record, which is often voluminous. The Court has also seen instances where lengthy and detailed written representations are made which reference a voluminous underlying application record(s) or related proceedings. Such practices do not align with these guidelines and are discouraged.
 - h. The parties should not request the Registry to copy and bring to the Court's attention related files or motions. The Motion Record as filed in the stay motion must speak for itself.
 - i. The parties should refrain from filing extensive books of authorities in support of a stay. The case law upon which a party relies should be identified in the written representations, which in turn should provide paragraph number citations, hyperlinked if possible. Referenced authorities which are included in the Common List of Authorities found on the Court website shall be deemed to be included in the book of authorities (see: [Common List of Authorities for Immigration and Refugee Law](#) and [Deferrals and Stays of Removal](#)).
- 14.** It bears underscoring that the filing of extremely voluminous materials in support of a stay motion or materials that do not address the legal test for a stay is strongly discouraged. Among other things, this may also be contrary to the interests of justice, as it can adversely impact the Court's ability to efficiently conduct the required analysis within the time constraints.
- 15. Urgent motions.** The Court recognizes that there are circumstances where an applicant has no alternative but to bring a last minute, or urgent, motion to stay their removal from Canada. Such unavoidable urgent stay motions may be necessary, for example, when a direction to report for removal is issued for an imminent removal date, leaving an applicant with little time to retain and instruct counsel and to bring a stay motion. The Court considers such circumstances to be distinct from those where removal has been anticipated for some time and/or there is sufficient time between the service of a direction to report and the scheduled removal date to permit a stay motion to be set down to be heard on a non-urgent basis. These matters are not inherently urgent because they could be set down

to be heard in accordance with subsection 362(1) of the FCR. These may be avoidable last-minute stay motions, which are discouraged, as they are not in the interests of justice¹.

16. In circumstances where a motion for a stay of removal cannot reasonably be brought on at least three days' notice, the applicant should alert the Court and the respondent in writing of the anticipated urgent motion as soon as the decision to bring a motion is made. The moving party must submit a written request for a special hearing date pursuant to subsection 35(2) of the FCR. The section 35 letter should address the following:

- a) The date the applicant was informed of the intended removal;
- b) The removal date/time;
- c) Why the motion needs to be heard on an urgent basis, including an explanation for any delay in bringing on the motion;
- d) The date and time when the moving party's motion record will be filed;
- e) Availability for a hearing of the motion; and
- f) Any other relevant information.

The default mode of hearing for urgent motions is by videoconference and the default length is one hour. If the applicant seeks a different mode or length, the letter should also address the following:

- a) Whether the motion is expected to last more than one hour and, if so, why;
- b) Whether an in-person hearing is requested and, if so, why; and
- c) If an in-person hearing is requested, the location of the hearing.

Failure to provide a satisfactory explanation for the need to file a last-minute urgent motion may result in the Court declining to hear the matter.

17. Duty counsel for the Department of Justice are typically available only until 9:00 p.m. Accordingly, **urgent motions filed after 9:00 p.m. for removal early the next day** are, in effect, brought on an *ex parte* basis. This practice is strongly discouraged. It should not be expected that the Court will hear such motions in the absence of compelling and

¹ See, for example, *Beros v Canada (Citizenship and Immigration)*, 2019 FC 325; *Khan v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1275 [Khan]; *Ocaya v Canada (Citizenship and Immigration)*, 2019 Canlii 8561 (FC); *Miranda v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 1057; *Garnit c Canada (Sécurité publique et Protection civile)*, 2024 CF 651; *Singh v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 650; and *Charles v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 735

unavoidable circumstances. Given the practical “*ex parte*” nature of such motions, an elevated duty of full and frank disclosure will apply.

18. The Court recognizes that applicants sometimes make a **timely request to the Canada Border Services Agency (CBSA) seeking to have their scheduled removal deferred**, but do not receive a response to their request before they begin to run out of time to access the Court. In such circumstances, an application for judicial review together with a related stay motion premised on an anticipated negative decision will be accepted for filing at all Registry offices of the Federal Court. Based on past experience, the requested deferral decision is usually received prior to the hearing of the stay motion. However, in recognition of the fact that this may not always occur, it is open to applicants to include, in the underlying application for leave and judicial review and the motion, a summary request for an alternative remedy of *mandamus* in the event that the deferral decision is not issued by CBSA prior to the hearing of the stay motion. When the deferral decision is received after the written materials have been filed but prior to the hearing of the stay motion, the parties can present arguments about the deferral decision orally and are not required to amend the application for leave and judicial review, so long as the articulation of the grounds for review in the application for leave and judicial review is broad enough to encompass those arguments.

Judicial Review of Decisions by the Immigration Division of the Immigration and Refugee Board related to Detention: Motion for an interim stay of a release Order

The following Guidelines address the procedure to be followed where the Minister of Public Safety and Emergency Preparedness (Minister) intends to seek an order in the Federal Court (Court) staying an order for release from detention made by the Immigration Division (ID) of the Immigration and Refugee Board of Canada. These Guidelines begin by addressing the steps to be taken when seeking an urgent interim stay of a release order. They then address the steps to be taken when seeking an interlocutory stay of the release order, pending the determination of the Minister’s application for leave and for judicial review.

19. **Unrepresented Respondents.** The Court recognizes that Respondents who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.
20. **Electronic Service and Filing.** In addition to filing documents via the E-Filing Portal, if the Respondent is not represented by counsel, the parties’ documents may be served and filed electronically at the electronic address provided by the Registry.
21. Once a decision is made to bring a motion for an interim stay of release in the Court, counsel for the Minister shall inform the Registry by phone (see telephone listing below) of

the pending motion, contact the Respondent's counsel (if represented) as soon as possible, and make the best efforts to notify the Respondent (if unrepresented).

- a. If an urgent request for an interim stay of release order is brought when the **Registry office is closed** – see [After hours telephone listing](#) [Urgent requests only]
 - b. If a request for an interim stay of release order is brought when the **Registry office is open** – see [Regular hours telephone listing](#)
22. **Letter.** The Minister shall file at the electronic address provided by the Registry a letter under subsection 35(2) of the FCR requesting an urgent interim order staying the ID's release order. The letter shall include relevant facts, explain the grounds for the requested relief and provide a brief summary of the arguments justifying that relief pending the determination of the interlocutory motion for a stay of release. The Minister shall provide the letter to the Respondent's counsel (if any) or the Respondent (if unrepresented).
23. **Respondent's position.** The Respondent's counsel shall inform the Court and the Minister as soon as possible of the Respondent's position on the request for an urgent interim stay of release and, if applicable, their availability for an urgent hearing.
24. **Hearing.** In deciding an opposed request for an interim stay of release, the Court will endeavour to hold a teleconference or videoconference hearing. Where it is not reasonably possible to schedule a hearing on the request for an interim injunction at a mutually convenient time, the Court may decide the matter without a hearing, bearing in mind such factors as the procedural fairness rights owed to both parties, the timing of the Respondent's potential release from detention, whether the Respondent is represented by counsel, and the reachability and availability of the Respondent or counsel (if any).
25. **Audio recording and transcript.** The Immigration Division (ID) shall provide the Court and the parties' counsel with an audio recording of its proceedings no later than 24 hours following its order for release. The ID shall provide a transcript of the decision portion of its proceedings within 4 business days of its order for release. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.
26. **Interim stay.** If the Court orders an interim stay of release, the Court will ordinarily set a date for the hearing of the interlocutory motion to stay the release order. The hearing of the interlocutory stay motion will generally be held within 7 days of the order granting the interim stay of release; however, if that is not possible, it will be scheduled as soon as reasonably practicable thereafter. The parties may consent to a different timeline. The parties will be given the opportunity to file motion records.

If, during the interim stay of release stage of this process, the Minister did not serve and file an Application for Leave and for Judicial Review in respect of the release decision

being challenged, the Minister shall do so as soon as possible thereafter, and in any event prior to the hearing of the interlocutory motion.

Motion for an interlocutory stay of a release Order pending the resolution of the Application for Leave and for Judicial Review

27. At the request of either party or on its own motion immediately after deciding the interlocutory motion for a stay of release, the Court may decide to vary the time limits prescribed by the FCCIRPR.
28. If the Court grants leave in the underlying Application for Leave and for Judicial Review, the Court will provide a date for the hearing and set out the due dates for the parties' additional written submissions and affidavits. If the Court hears the judicial review application prior to the Respondent's next detention review, this would be with a view to judgment being issued, if reasonably possible, before the ID makes a decision at that next detention review.

Urgent expedited proceedings of Immigration Division detention Orders

The following Guidelines address the procedure to be followed where the Immigration Division (ID) of the Immigration and Refugee Board of Canada makes a detention order and the applicant (detainee or counsel acting on their behalf) seeks to challenge that order in the Court by way of an urgent expedited judicial review proceeding. When the decisions under review are Immigration Division orders for continued detention, it may be in the interests of justice to permit an application to be fully litigated in a substantially abridged timeline, given the liberty interests at issue.

29. **Expediting Proceeding.** An applicant seeking to expedite the judicial review of an ID detention order in the Court shall, as soon as possible, inform the Court Registry by phone (see telephone listing below) and the Department of Justice, on behalf of the Minister of Public Safety and Emergency Preparedness (Minister), by phone or by email (telephone lists and email addresses are available at the links below), of the pending request.

Federal Court Registry:

- a. [After hours telephone listing](#) [Urgent requests only]
- b. [Regular hours telephone listing](#)

Department of Justice – [Regional Offices](#)

30. The applicant shall file an Application for Leave and for Judicial Review and serve and file a letter under subsection 35(2) of the FCR, requesting an urgent remote teleconference or

videoconference with the Court. As described below, the Application for Leave and for Judicial Review may be served and filed electronically.

31. The subsection 35(2) letter shall include relevant facts, including the date of the detention order and the date of the next ID detention review, and provide a brief summary of the arguments that might justify expediting the judicial review proceeding, addressing factors such as the interests of justice, the procedural fairness rights owed to both parties, the applicant's diligence in pursuing an urgent judicial review, and the availability of the applicant for a hearing to be scheduled on an expedited basis. The applicant's subsection 35(2) letter must also indicate that the applicant consents, pursuant to paragraph 74(b) of the IRPA, to an expedited judicial review hearing.
32. The Minister shall inform the Court and the applicant as soon as reasonably possible of the Minister's position on the request for an urgent expedited judicial review proceeding and their availability for both the urgent remote conference sought in the applicant's subsection 35(2) letter and for an urgent hearing of the judicial review should the Court so order. If the Minister does not oppose the request, the Minister also shall expressly consent, pursuant to paragraph 74(b) of the IRPA, to an expedited judicial review hearing.
33. The Court will endeavour to hold a remote conference to determine whether to grant the request to expedite the judicial review proceeding. Where it is not possible to schedule a remote conference at a mutually convenient time for the parties (or their respective counsel) and the Court, the Court may decide the matter on the basis of the parties' written submissions.
34. If the Court grants the request for an urgent expedited judicial review proceeding, it may vary the time limits prescribed by the FCCIRPR, to grant leave in the underlying Application for Leave and for Judicial Review, or reserve the leave decision for disposition at the time of the expedited judicial review hearing.
35. The Court will provide a date for the judicial review hearing, set out the due dates for the parties' written submissions and affidavits, and make other orders or directions as necessary on any other matter, including the production of a certified tribunal record, that would facilitate the just and expeditious determination of the proceeding. If the Court hears the judicial review application prior to the applicant's next detention review, this would be with a view to judgment being issued, if possible, before the ID makes a decision at that next detention review.
36. Upon being informed by the Court Registry of an applicant's urgent request to expedite the judicial review proceeding, within 24 hours the ID shall provide the Court and the parties

with an audio recording of the ID proceedings,² and within four business days the ID shall provide a transcript of the decision portion of its proceedings. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.

- 37. Service and Filing.** To facilitate the efficient and expeditious disposition of the matters addressed herein, the parties' submissions and other communications between and among the parties and the Court may be served and filed electronically. Documents for the Court should be filed via the Court's [E-Filing portal](#), or in special situations, at the electronic address³ provided by the Registry.
- 38. Unrepresented applicants.** The Court recognizes that applicants who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.

Certified questions

- 39.** Pursuant to paragraph 74(d) of the IRPA, "an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question" [emphasis added]. Parties are expected to make submissions regarding paragraph 74(d) in written submissions filed before the hearing on the merits and/or orally at the hearing. Where a party intends to propose a certified question, opposing counsel shall be notified at least five (5) days prior to the hearing, with a view to reaching a consensus regarding the language of the proposed question.

Where a party fails to comply with this Practice Guideline, the Court may refuse to consider the merits of the proposed certified question: see *Medina Rodriguez v Canada (Citizenship and Immigration)*, 2024 FC 401; and *Matharu v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 902.

Hearing

- 40. Hearing time.** The default maximum hearing time for most applications for judicial review under the IRPA or the *Citizenship Act* is ninety (90) minutes. However, since September 2, 2025, judicial review applications involving decisions concerning study permits, work

² The Court understands that, while the ID will strive to consistently provide an audio recording within 24 hours, some delays may be possible.

³ If provided with an e-mail address, note that the maximum Registry e-mail size is 25 MB. However, conversion of attachments into e-mail format adds up to about 30% of the original document size, so an 18 MB attachment will come close to the maximum email size limit. Consequently, if filing documents by e-mail, it is recommended that larger PDF documents (i.e., over 18 MB) be split into smaller parts before sending. Please consult sections 3.2.1.1 and 6.8 of our E-filing Guide for information on reducing the size of PDF documents: <https://www.fctcf.gc.ca/en/pages/online-access/e-filing-resources>

permits and temporary residence visas will have a default hearing time of forty-five (45) minutes. (See paragraphs [63-65](#) below.)

In its Order granting leave, the Court may schedule a shorter or longer hearing if the circumstances warrant. A party may request additional time as follows:

(a) Before leave is granted:

- (i) By the applicant: As a cover note to the perfected application for leave (filed under section 10 of the FCCIRPR);
- (ii) By another party: As a cover note or in the Respondent's Affidavit(s) or Memorandum of Argument (filed under section 11 of the FCCIRPR);

(b) After leave is granted:

- (i) If the request is for thirty (30) additional minutes of hearing time or less, by making an informal request in writing, or orally at the beginning of the hearing. This shall be accompanied by an indication as to whether the other party consents to the request;
- (ii) If the request is for more than thirty (30) additional minutes of hearing time, by filing a formal motion record as set out in Part 7 of the FCR. This request, if granted, may require an adjournment of the hearing.

Submitting a Motion for Transcript of Tribunal Hearing

- 41. An applicant wishing to file a motion requesting that the Court Order the tribunal to produce a transcript of any oral hearing may include this request, including the grounds in support of the request, within their Perfected Application (section 10 of the FCCIRPR). The Respondent may respond to the request in their section 11 Affidavits and Memorandum of Argument.
- 42. The request shall then be determined on the basis of the same materials as the application for leave.

Settlement discussions in proceedings under IRPA⁴

- 43. To promote the efficient resolution of Applications for Leave and Judicial Review brought under section 72 of IRPA, the Court has established procedures to facilitate settlement discussions between parties in appropriate cases. These procedures are intended to ensure

⁴ Initially launched on a pilot basis only for Toronto proceedings, the Court has endorsed the special procedures to facilitate settlement and expanded them nationally starting on October 4, 2021.

that settlement efforts occur at an early stage and to avoid last-minute discontinuances that undermine the efficient use of judicial and party resources.

In cases in which the Court is inclined to grant leave, other than *mandamus* cases, a production Order will be issued by the Court before the Application for Leave is formally adjudicated⁵. The Order will require the tribunal to provide parties and the Court with a copy of its Certified Tribunal Record (CTR) within 21 days of receipt of the Order.

If leave is granted, each party shall, within 15 days of the date of the Order granting leave, assess the possibility of settling the Application. Where both parties consider settlement appropriate, they shall engage in settlement discussions within this period. This 15-day period constitutes the primary opportunity to resolve the matter.

If no settlement discussions occur, the Respondent shall file a Notice of Non-Settlement (see optional template in [Annex A](#)). If settlement discussions do occur, the Respondent shall file a statement setting out the outcome of settlement discussions.

If a settlement is reached, the parties shall immediately notify the Court and take all necessary steps to discontinue the Application or seek a Judgment on consent (see below). Any settlement is expected to be finalized within this 15-day “settlement window.”

A notice of discontinuance shall be filed without delay once the decision to discontinue has been made. Failure to promptly advise the Court of a decision to discontinue (whether as a result of a settlement or otherwise) results in the unnecessary use of limited judicial resources and may impair the efficient administration of justice.

- 44. Discontinuance (on Consent).** Where an Application for Judicial Review relating to a decision by or on behalf of the Minister is settled, the parties will generally agree to have the underlying decision re-determined and discontinue the application before the Court. In such cases, the parties shall promptly file a Notice (see optional template in [Annex A](#)) confirming that the proceeding is discontinued on the basis of settlement. The Notice, together with reasons for consent (which do not need to be filed with the Court), shall be transmitted by a client representative to the relevant office.
- 45. Discontinuance (Unilateral).** In some circumstances, whether following settlement discussions or even prior to such discussions, an applicant may discontinue an Application without reaching any agreement with the Respondent on terms related to the discontinuance. In such cases, section 166 of the FCR applies: “A party shall file a

⁵ The Court advised at the October 24, 2024 Bench and Bar Liaison Committee meeting that it would remove *mandamus* applications from the settlement project by no longer requesting the CTR by production order in advance of the order granting leave. In cases where the Court is granting leave, the order will include an order for the CTR. The Court encourages parties to continue settlement discussions in cases involving *mandamus* applications.

declaration of settlement or a notice of discontinuance in Form 166 in a proceeding that has been concluded other than by a judgment or discontinuance on consent.”

Requests on Consent for Orders on Applications for Judicial Review

46. Informal Motion for Judgment (on Consent). If parties agree to settle an Application for Judicial Review in respect of a decision of the Immigration and Refugee Board, it is common practice for parties, on consent, to bring a motion requesting a Judgment of the Court to set aside the decision of the Board and return the matter for redetermination. Parties may seek leave, by way of Notice (see optional template in [Annex A](#)), to be relieved from the requirement to bring a formal motion record if the following requirements are met. In particular, the Notice should:

- a. confirm that all parties consent to the request;
- b. set out the facts relevant to the request;
- c. provide the parties’ submissions relevant to the request; and
- d. include a recital of the exact relief sought (draft consent Judgment).

The facts relevant to the request should include an indication of which of the grounds set forth in subsection 18.1(4) of the *Federal Courts Act* applies. Counsel should submit the draft order and consent to the Registry.

47. Generally, the Court will dispose of an application for judicial review in accordance with the draft order and consent without the necessity of an appearance. However, if a judge is of the view that the consent should be further justified, counsel will be notified and given an opportunity to do so. In such circumstances, the following procedures shall be followed:

- a. The judge will direct the Registry to notify counsel of the time and manner in which the justification should be given.
- b. If the judge is of the opinion that it is inappropriate to issue an order based on the consent, that judge will hear and determine the application for judicial review on its merits as scheduled or after granting a reasonable adjournment, if required.

48. If counsel are unable to submit a draft order and signed consent in advance of the scheduled hearing date, the following procedures shall be followed:

- a. Both counsel should appear at the hearing and be prepared to respond to any questions or concerns which the presiding judge may have regarding the order requested.

- b. If the presiding judge is of the opinion that it is inappropriate to issue an order based on the consent and the oral representations of counsel, that judge will hear and determine the application for judicial review on its merits after granting a reasonable adjournment, where appropriate.

Allegations against former counsel or another authorized representative in Citizenship, Immigration and Refugee Cases before the Federal Court.

49. Where an applicant alleges professional incompetence, negligence, or other conduct on the part of his or her former legal counsel or other authorized representative as a ground for relief in an application for leave and judicial review under the IRPA or in an application brought under the *Citizenship Act*, the guidelines set out below should be followed. For those purposes, “authorized representative” includes an immigration consultant, paralegals, a notary who is a member in good standing of the *Chambre des notaires du Québec* and a member in good standing of a body designated under subsection 91(2) of the IRPA and subsection 21.1(2) of the *Citizenship Act*. The purpose of these Guidelines is solely to assist the Court in its adjudication of applications in which such allegations are made.
50. **Requisite Steps.** Prior to pleading incompetence, negligence or other conduct on the part of former legal counsel or other authorized representative as a ground for relief, current counsel must satisfy him/herself, by means of personal investigations or inquiries, that there is some factual foundation for the allegation. In addition, current counsel must notify the former counsel or authorized representative in writing with sufficient details of the allegations and advise that the matter will be pled in an application described above. The written notice must advise the former counsel or authorized representative that they have seven days from receipt of the notice to respond. Along with this notice, and in cases where privilege may be applicable, current counsel must provide the former counsel or authorized representative with a signed authorization from the applicant releasing any privilege attached to the former representation along with a copy of this Protocol. This practice is strongly encouraged for stay motions time permitting.
51. Current counsel should, unless there is urgency, wait for a written response from the former counsel or authorized representative before filing and serving the application record. If the former counsel or authorized representative intends to respond he or she must do so, in writing to current counsel, within seven days of receipt of the notice from current counsel.
52. If after reviewing the response of the former counsel or authorized representative and any other available information, current counsel believes that there may be merit to the allegations, current counsel may file the application or appeal record with the Court. Any

perfected application which raises allegations against the former counsel or authorized representative must be served on the former counsel or authorized representative and proof of service be provided to the Court. The application will be served on the respondent in the normal course.

53. Where current counsel is investigating the allegations against the former counsel or authorized representative and it becomes apparent that his or her pursuit of this investigation may delay the perfection of the application record beyond the timelines provided for by the FCCIRPR, current counsel may apply by motion for an extension of time to perfect the record.
54. If the former counsel or authorized representative wishes to respond to the allegations made in the record, he or she may do so in writing by sending a written response to current counsel and to counsel for the Respondent within ten days of service of the application or such further time as the Court may direct.
55. Current counsel who wish additional time to respond to the communication received from the former counsel or authorized representative shall file a motion under section 369 of the FCR for an extension of time and for leave to file further written submissions with respect to the new material received. Any relevant evidence shall be included in the motion record and filed by way of affidavit, including any response from the former counsel or authorized representative, and all documentation of a complaint made to the appropriate provincial or federal governing body.
56. If no response from the former counsel or authorized representative is received within ten days of service, and no extension of time has been granted, current counsel must advise the Court and the respondent that no further information from the former counsel or authorized representative has been received. The Court will then base its decision on the application for leave on the material filed by the applicant and the respondent, without providing any notice to the former counsel or authorized representative.
57. **Steps upon Leave Being Granted.** If, upon reviewing the materials filed, the Court decides to grant leave, the following procedure will apply:
 - i. Current counsel will provide a copy of the order granting leave or the order(s) setting the matter down for hearing to the former counsel or authorized representative forthwith.
 - ii. If the former counsel or authorized representative wishes to participate in the proceedings, he or she may make a motion pursuant to sections 109 and 369 of the FCR for leave to intervene. It is presumed that in most cases, if leave to intervene is granted to the former counsel or authorized representative, written submissions will be permitted.

Mandamus Applications

58. Paragraph 5(1)(h), sections 9 and 10 of the FCCIRPR are based on the premise that the applicant is seeking judicial review of a decision that has already been made by a tribunal. paragraph 5(1)(h) indicates that an application for leave “shall set out ... whether or not the applicant has received the written reasons of the tribunal.” If an application for leave sets out that the applicant has *not* received the written reasons of the tribunal, section 9 of the FCCIRPR then indicates that “the Registry shall, without delay, send the tribunal a request in Form IR-3” This form requests the tribunal to send a copy of the decision or order at issue and the written reasons for it, or a notice indicating that no reasons were given or reasons were given but not recorded. The deadline for perfecting the application for leave is 30 days after receiving either the written reasons or the notice under paragraph 9(2)(b).
59. However, the FCCIRPR do not appear to contemplate the situation where the tribunal has not yet made a decision, and the applicant wishes to file an application seeking an Order of the Court compelling the tribunal to render a decision (an application for *mandamus*). The same is true with respect to Form IR-1.
60. Therefore, where the applicant seeks an order of *mandamus* to compel a tribunal to make a decision, and even if the application states that the applicant hasn't received written reasons from the tribunal, the Registry will not send a request to the tribunal pursuant to section 9 of the FCCIRPR.
61. **Section 10 of the FCCIRPR – Perfecting the Application for Leave.** The applicant shall perfect the application for leave within 30 days after filing the application.
62. **Multiple filings.** The Court has been advised that, on occasion, multiple applications for leave and for judicial review have been filed in different registry offices concerning the same outstanding decisions, seemingly in an effort to expedite the processing of the application. The Court is also aware that some applicants are submitting subsequent *mandamus* applications after failing to perfect an earlier one or following an initial refusal by the Court, and without providing a reasonable explanation. The Court strongly discourages such practices, which may constitute an abuse of process. Parties engaging in such conduct may be subject to cost consequences.

Study and work permit, temporary resident visas

63. On September 26, 2024, the Court announced a [pilot project](#) aimed at streamlining the adjudication of study permit applications. **The project was paused on June 30, 2025.** The Court is now assessing whether to extend, expand or permanently terminate the pilot project.
64. **Reduced hearing time. Since September 2, 2025,** applications brought under section 72 of the IRPA to review decisions regarding study permits, work permits, and temporary resident

visas will have a default maximum hearing time of forty-five (45) minutes. However, in its order granting leave, the Court may schedule a shorter or longer hearing, if the circumstances warrant. A party may also request additional time.

65. Reduced written submissions. Submissions in relation to these types of decisions will be limited to 20 pages, pursuant to the Special Order attached in [Annex C](#) below.

66. Requests for extended hearing time

- a. **Before Leave is Granted.** On request by a party submitted as a cover note to the perfected application for leave (filed under section 10 of the FCCIRPR) or to the Respondent's Affidavits and Memorandum of Argument (filed under section 11), the Court may for special reasons schedule the hearing for longer than 45 minutes.
- b. **After Leave is Granted.** If a party considers that additional time is needed for the oral hearing of a judicial review application under the IRPA, a request for an extended hearing may be made:
 - (i) If the request is for 30 additional minutes or less – upon consideration of an informal request in writing, or orally at the beginning of the hearing, including an indication as to whether the other party consents to the request, the Court may allow the additional time.
 - (ii) If the request is for more than 30 additional minutes – this request, if granted, might require adjournment of the hearing; therefore, such requests shall be made by filing a formal motion record as set out in Part 7 of the FCR.

Applications determined in writing

67. The Federal Court is facing an unprecedented increase in workload, which has significantly strained its capacity to process and determine cases efficiently. This surge in filings has resulted in prolonged delays in processing documents, scheduling hearings, and delivering timely decisions. The backlog is compounded by limited resources, including staffing shortages and technological constraints, which hinder the court's ability to respond promptly to the needs of parties seeking justice.

68. In an effort to streamline the processing of applications and reduce the time and resources required for resolution, the Court encourages parties to consent to have their matters determined based solely on written representations, without the need for an oral hearing.

69. Eligibility: This option is available since September 2, 2025 for all applications for judicial review under the FCCIRPR. Parties may opt for this procedure if:

- a. All parties are represented by a solicitor;
- b. All parties consent to this method of resolution;
- c. All documents required for the matter to be determined are available electronically; and
- d. Neither party proposes a question for certification.

- 70. Procedure:** Parties wishing to proceed on this basis, in the event that leave is granted, must file a joint request by letter with the Court through the E-Filing portal under the selection “IMM - Request for Determination in Writing” in the document type menu. The request shall be submitted no later than 10 days after the filing of the Certified Tribunal Record.
- 71. Review and Decision:** A judge will be assigned to the case. The judge will review the written submissions and issue a decision based on the materials filed. No further oral arguments will be considered unless the Court determines it is necessary.
- 72. Right to reply:** In the order granting the application for leave, the judge will include the possibility for the applicant to file a reply to the respondent’s further memorandum of arguments.

ANNEX A – NOTICES

NOTICE #1: NOTICE OF NON-SETTLEMENT

(General Heading – use Form 66)

Pursuant to the Order of the Federal Court granting leave in the within application for judicial review and requiring the parties to consider the possibility of settlement within 15 days of receiving the Order, the parties advise that:

- ☐ The parties have not agreed to settle the within application for judicial review.
OR
☐ The parties have not completed settlement discussions and will file a further Notice of Settlement Status within 15 days of today's date.

This Notice is being submitted by the Respondent.

Signature

Date

**(Name, address, telephone and fax number
of solicitor or party)**

NOTICE #2: NOTICE OF DISCONTINUANCE

(General Heading – use Form 66)

(Complete only if the application for judicial review is being discontinued and the parties are NOT requesting an Order of the Court.)

(check only one box)

- ☐ The applicant wholly discontinues this application for judicial review, without any consent agreement, pursuant to section 166 of the *Federal Courts Rules*, SOR/98-106.
OR
- ☐ The parties have agreed to settle this application for judicial review and Discontinue the application. The applicant requests that the within application be immediately discontinued on consent of the Respondent, without the filing of a Notice of Discontinuance in Form 166. This Notice shall be transmitted by a client representative to the relevant office.

CONFIRMATION OF CONSENT

This Notice is being submitted by or on behalf of the (insert submitting party) (check only one box):

- ☐ On consent of all parties.
- ☐ On another basis *(provide details below)*:

(If not submitted on consent, a copy of this Notice of Discontinuance must be sent by the submitting party to the other party.)

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

NOTICE #3: NOTICE OF SETTLEMENT and REQUEST for JUDGMENT ON CONSENT

(General Heading – use Form 66)

(Complete only if the parties have agreed to settle the application for judicial review and are requesting a Judgment of the Court.)

The parties have agreed to settle this application for judicial review and request a Judgment of the Court. The parties agree that the within application be settled for the following reasons. The federal board, commission or other tribunal (check the boxes that apply):

- ☐ acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ☐ failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;
- ☐ erred in law in making a decision or an order, whether or not the error appears on the face of the record;
- ☐ based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- ☐ acted, or failed to act, by reason of fraud or perjured evidence;
- ☐ acted in any other way that was contrary to law.

(Identify any agreed-upon errors in the decision under review and/or breaches of procedural fairness and/or other grounds for settlement)

As a result, the parties request that the Federal Court issue a Judgment on Consent in the form attached as [Annex B](#) to this Notice, without a formal motion record or further correspondence from the parties, having regard to section 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court's practice regarding informal requests on consent for interlocutory relief. The parties recognize that the Court may, for any reason, require a formal motion record or further information.

This Request is being submitted by or on behalf of the *(insert submitting party)* on consent of all parties. *(If each party submits the Request separately, a copy must be sent to the other party; or a single joint copy, signed by both parties, may be submitted.)*

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

ANNEX B – JUDGMENT ON CONSENT

Date: YYYYMMDD

Docket: IMM-XX-YY

City, Province, (long date format, e.g. November 10, 2018)

PRESENT: The Honourable Mr. Justice XX

BETWEEN:

XXXXXX

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT ON CONSENT

UPON informal motion in writing for Judgment, brought on consent of the parties, dated (*insert date*);

AND UPON considering section 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court's practice regarding informal requests on consent for interlocutory relief;

AND UPON reviewing the Notice of Settlement Status filed and the Reasons for Settlement identified therein;

AND UPON noting the parties' agreement that (*insert Reasons for Settlement*);

AND UPON noting the consent of the parties; and

AND UPON being satisfied that [Choose (i) [it is in the interests of justice that the requested relief be granted] OR (ii) [that the Tribunal erred by (*identify the basis for the consent*

agreement, as set forth in subsection 18.1(4) of the Federal Courts Act)] OR (iii) [there are grounds to grant the relief sought];

THIS COURT’S JUDGMENT is that this motion and the application for judicial review are granted. The underlying decision (*include date of decision*) is set aside, with the matter to be re-determined by (*identify the decision-maker*).

“XXXX”

Judge

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ANNEX C – SPECIAL ORDERS

Reduced length of memorandum of fact and law

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS subsection 70(4) of the FCR provides that, unless otherwise ordered by the Court, a memorandum of fact and law shall not exceed 30 pages;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT the submissions of the applications brought under section 72 of the IRPA to review decisions on study permits, work permits, and temporary resident visas shall be limited to 20 pages.

Paul S. Crampton

Chief Justice

Single filing of Application for leave and judicial review for members of the same family

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS the Court intends to promote a more efficient and consistent approach in the processing and adjudication of related claims by applicants from the same family;

AND WHEREAS section 119 of the *Federal Courts Rules* provides that an individual may represent him or herself or be represented by a solicitor;

AND WHEREAS section 121 of the *Federal Courts Rules* requires that a minor must be represented by a solicitor unless the Court in special circumstances otherwise ordered;

AND WHEREAS section 302 of the *Federal Courts Rules* requires that an application for judicial review be limited to a single decision in respect of which relief is sought, unless otherwise ordered;

SPECIAL ORDER

THE COURT HEREBY ORDER THAT:

- 1- Immediate family members may challenge more than one decision in a single application for leave and for judicial review where the decisions being challenged have a common factual and legal basis.
- 2- The application for leave and for judicial review must indicate the applicants' precise familial relationship, and the common factual and legal issues to be determined.
- 3- In the event the notice of application for leave and for judicial review challenges more than one decision, and the applicants are not represented by a lawyer, one applicant may be designated as the representative for the family. The notice of application for leave and for judicial review shall clearly indicate which applicant has been designated as the representative and provide the contact information for that person. The designated applicant is deemed to represent and speak on behalf of all applicants, and shall be responsible for service and filing of all documents in the proceeding. All communications from the Court and the respondent shall be sent to that applicant only. This applies to a parent representing minor children.

- 4- Nothing in this order precludes the respondent from objecting to multiple decisions being challenged in single application for leave and for judicial review, or objecting to one adult applicant representing other applicants. In the event of such objection, the onus is on the applicants to demonstrate that multiple decisions should be challenged in a single application for leave and for judicial review and/or one adult applicant should be able to represent the other applicants.

Paul S. Crampton
Chief Justice

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Backlog in processing applications for leave and judicial review

DATE: 20260626

Ottawa, Ontario, June 26, 2026

PRESENT: The Honourable Acting Chief Justice Martine St-Louis

WHEREAS the Court continues to experience an unprecedented increase in immigration-related applications for leave and for judicial review under the *Immigration and Refugee Protection Act* and the *Citizenship Act*;

AND WHEREAS filings are forecasted to continue to be at unprecedented levels, placing additional pressure on the capacity of the Court's Registry and affecting the Registry's ability to process documents promptly;

AND WHEREAS the Court has concluded that it is necessary to implement changes to the procedure under the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT:

In proceedings under the *Immigration and Refugee Protection Act* and the *Citizenship Act*, the deadlines prescribed under subsection 10(1) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, which pertain to the perfection of an application for leave, are extended by 90 days.

THEREFORE

- (a) The Orders of May 9, 2023, May 14, 2025 and December 31, 2025 pertaining to extensions of time on consent are hereby rescinded.
- (b) Where an application sets out that the applicant has received the tribunal's written reasons pursuant to paragraph 9(2)(a) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, the applicant shall perfect the application by complying with subsection 10(2) within 120 days after filing the application.
- (c) Where an application sets out that the applicant has not received the tribunal's written reasons, the applicant shall perfect the application within 120 days after receiving either

the written reasons, or the notice under paragraph 9(2)(b) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, as the case may be.

Martine St-Louis
Acting Chief Justice

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Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings

December 31, 2025

AMENDMENTS HISTORY	
Original	June 24, 2022
Paragraphs 55-59	June 29, 2023
Paragraphs 2, 3, 5, 37, 38, 41, 57-60, 61-64, 65-70, Annexes B and C	June 20, 2025
Paragraphs 1, 3, 4, before 12, 13e), 16, 18, 69, Annex C	December 31, 2025

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Consolidated Practice Guidelines

These Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings are to be read in conjunction with the Consolidated General Practice Guidelines, which are posted on the Court website ([Notices](#)).

In the event of a conflict, these Guidelines prevail over the Consolidated General Practice Guidelines.

Preamble

These guidelines are to be interpreted in a manner that seeks to secure the just, most expeditious and least expensive determination of every proceeding on its merits. They are intended to complement and not derogate from the [Federal Courts Rules](#) [the FCR]. A judge or associate judge [previously referred to as prothonotary] retains the discretion to depart from these guidelines having regard to the particular circumstances of a given case.

These guidelines serve to identify best practices and clarify the Court's expectations related to procedures for Applications under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [the FCCIRPR] related to matters arising under the [Citizenship Act](#) and the [Immigration and Refugee Protection Act](#) [IRPA]. They have been developed in consultation with the Federal Court Citizenship, Immigration, and Refugee Law Bar Liaison Committee [the Committee], which provides a forum for dialogue, to review litigation practices and rules, and to discuss potential efficiencies and improvements in the Court's processes. Committee minutes are available on the Court web site [Liaison Committees page](#), along with the names of Committee members. Comments or suggestions regarding these Guidelines are welcome and may be sent via Committee representatives or at information@fct-cf.ca.

Additional Procedural Resources for Litigants

The [Court's website](#) provides numerous resources for litigants – see the [Representing Yourself](#) tab, which provides procedural timelines, detailed procedural practice guides, information about [Finding Legal Help](#), and clarification regarding [Who May Represent You in Federal Court](#).

Consolidation

These guidelines consolidate and replace the following documents:

- Practice Direction and Special Order – Backlog in processing applications for leave and judicial review (May 14, 2025)
- Settlement Discussions in Proceedings under the *Immigration and Refugee Protection Act* (December 17, 2021)

- Practice Guidelines – Immigration and Refugee Proceedings: Urgent Stay Motions for Removals from Canada (February 18, 2021)
- Stay of Release from Detention Protocol (November 30, 2020)
- Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings (November 5, 2018)
- Scheduling Practice for the Hearing of Applications (October 24, 2018)
- Applications for judicial review under the *Immigration and Refugee Protection Act* and the *Citizenship Act*: Hearing Time (October 29, 2015)
- Requests for Consent Orders on Applications under the *Immigration and Refugee Protection Act* (April 18, 2006)

Open Court Principle – Confidentiality and Anonymity Requests

1. Pursuant to the open court principle, the general rule in Canada is that court hearings are open to the public and may be reported in full. Applications brought under the FCCIRPR are therefore normally on the public record, with all documents publicly accessible, even though they are not currently accessible online. Only the Court Files (docket) and Reasons for Decision are available via the Court's website.

However, pursuant to section 151 of the FCR, on motion, the Court may order that all or part of the Court record shall be treated as confidential. Furthermore, pursuant to subsection 8.1(2) of the FCCIRPR, a party to an application for leave may make a written request, in Form IR-5, that the Court make an order that all documents that are prepared by the Court and that may be made available to the public (for example, the [online docket](#) and any [decision](#) of the Court in the proceeding) be amended and redacted to the extent necessary to make the party's identity anonymous. The request is determined at the same time, and on the basis of the same materials, as the application for leave.

If a party to an application requests an anonymity order under section 8.1, until the request is determined, the parties' materials shall anonymize the identity of the requesting party and the identity of the requesting party will be anonymized in any documents prepared by the Court that may be made available to the public.

Filing

2. **Electronic filing.** Parties shall use the [Court's Electronic Filing System \(E-Filing Portal\)](#) to file all electronic documents that do not contain confidential information. (Confidential information is subject to the special provisions in paragraph 19 c) of the [Consolidated General Practice Guidelines](#)). Subject to the special circumstances described in the

Registry's auto-reply e-mail (the Court specifically directs it, it is for filing confidential documents, a notice on the Federal Court's website allows it, or written authorization is given by the Registry), electronic documents will be processed in the order in which they were received, and stamped as of the date they were submitted, aligning with the process for paper copies.

In processing an application, the Registry evaluates and establishes compliance with the deadlines set out in paragraph 72(2)(b) of the IRPA or paragraph 22.1(2)(a) of the *Citizenship Act*, as of the time the application was first submitted. The Registry also determines if the required elements of subsection 5(1) of the FCCIRPR have been respected. If the Registry notes that the application is not compliant because (i) the deadlines have passed and no extension of time was requested or (ii) there are missing elements in the application, the Registry will ordinarily request corrections from the applicant. In doing so, the Registry will instruct the applicant to (i) request an extension of time when resubmitting the application, as determined in section 6 of the FCCIRPR, and (ii) explain the reason for the delay. If the deadlines under IRPA and the *Citizenship Act* were initially respected, the applicant should indicate that the apparent delay is attributed to the late processing by the Registry. The request for extension of time will be considered by the Court when leave is determined.

Although there is no cost to use the [E-filing portal](#), fees under Tariff A of the FCR still apply.

The requirements set out at paragraph 19 of the [Consolidated General Practice Guidelines](#) regarding page numbering, bookmarks and Optical Character Recognition (OCR) shall be followed.

3. **Setting out grounds pursuant to paragraph 5(1)(f) of the FCCIRPR.** If practicable, an application for leave prepared in accordance with section 5 of the FCCIRPR should set out the legal bases and material facts that support granting the relief sought; however, an application that simply recites the grounds of review listed in subsection 18.1(4) of the *Federal Courts Act* will not, for that reason alone, be refused for filing.

Whether in connection with a request for interlocutory relief or in support of an application, the moving party's written representations or memorandum of fact and law should list the grounds of review in relation to material facts. The Court will consider any such further elaboration of the grounds of review in determining whether to grant interlocutory relief or an application, as the case may be.

4. **Backlog in processing applications for leave and judicial review.** The Federal Court addressed an unprecedented increase in immigration-related applications for leave and judicial review in a Practice Direction dated May 14, 2025. This surge has placed considerable strain on the Court's Registry, impacting its ability to process cases promptly.

To maintain access to justice and minimize delays for litigants, the Court is implementing proactive measures by way of a [Special Order](#) to support the Registry and manage the growing caseload effectively.

- a) **Extension of time to file an Applicant's Record.** To ensure that the Registry's delays in processing applications for leave and for judicial review do not cause prejudice to the parties, a [Special Order](#) is put in place. Under the Special Order, an applicant may perfect an application for leave and judicial review within an additional 45 days after the deadlines prescribed under subsection 10(1) of the FCCIRPR without the need for consent from the opposing party.

This timeline is applied to all unperfected applications for leave and judicial review.

- b) **Further Extensions of Time.** Where the applicant requires a further extension of time beyond that provided in the Special Order, a formal motion record will be required.

- 5. **Judicial review of visa decisions – Timeline for filing an application (paragraph 72(2)(b) of the IRPA).** Applicants should indicate clearly in the application for leave and judicial review whether the judicial review relates to a matter arising in Canada (application filed within 15 days) or a matter arising outside Canada (application filed within 60 days).

- 6. **Delays in Legal Aid Funding – Request for Reconsideration of an Order Dismissing an Application for Delay.** The Court sometimes receives motions for reconsideration under section 397 of the FCR (of Orders dismissing leave) in which the applicant submits that the file had not been perfected due to delayed confirmation of legal aid funding.

Pursuant to the principles of finality and *res judicata*, section 397 of the FCR does not provide authority to the Court to decide a leave application a second time. Rather, reconsideration is confined to the matters described in that section.

In cases where a party is waiting for approval of legal aid funding before perfecting an application for leave and judicial review, the onus is on the party, or prospective counsel, to bring this fact to the attention of the Court before the application is dismissed for delay.

The Court should be notified by letter copying opposing counsel, including evidence of the expected or typical timeline for a decision by the legal aid body. In such circumstances, the Court will consider the letter and, if appropriate, defer dismissal of the application for a short period of time (not exceeding twenty-one (21) days).

- 7. **Joining members of the same family.** Section 302 of the FCR states that “unless the Court orders otherwise, an application for judicial review shall be limited to a single order in respect or which relief is sought.” However, applicants who are members of the same family (i.e. principal applicant and their dependants) and whose matters arise from

substantially similar facts or circumstances may be permitted to submit a single application for leave and judicial review. Parties that are unrepresented may refer to the Order at [Annex C](#) below allowing an adult to be the principal applicant representing their dependants. This approach is intended to promote efficiency and consistency in the processing and adjudication of closely related claims. Family members wishing to proceed in this manner must clearly indicate their familial relationship and the common factual and legal basis for their applications at the time of filing. The order at [Annex C](#) does not permit a non-lawyer to represent a litigant in a proceeding in which the non-lawyer is not a party.

In the event that the application sets out that the applicants have not received the written reasons of the tribunal, the Registry will send the tribunal a request as per section 9 of the FCCIRPR for each decision and the timeline to perfect the application subject to section 10 will start when the tribunal written reasons have been received for all applicants.

Informal requests for interlocutory relief

8. Parties should refer to the [Consolidated General Practice Guidelines](#), which include specific guidelines for submitting informal requests for interlocutory relief. Beyond the circumstances described in those guidelines, parties are required to submit a formal motion record, pursuant to Part 7 of the FCR, for interlocutory requests.

Scheduling

9. **Non-availability prior to the issuance of an order granting leave.** Prior to the issuance of an order granting leave, parties may file, within the timeframe for filing a section 13 of the FCCIRPR reply, a joint letter setting out their non-availability in the one hundred and twenty (120) days that follow the last day for filing of a reply for the hearing on the merits. The Judicial Administrator will attempt to accommodate such non-availability. The principal criteria for non-availability are:
 - (a) prior scheduled vacation leave or a previously scheduled hearing before a Superior Court. Note that the Court's schedule will normally take precedence over previously scheduled matters before an administrative tribunal, however, if provided sufficient notice, the Court will endeavour to schedule around Immigration Appeal Division hearings; and
 - (b) serious illness.
10. **Non-availability following the issuance of an order granting leave.** Within seven (7) days of issuance of the order granting leave, a party may request, by way of letter to the Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:

- (a) confirm that all parties either consent to the request or do not oppose the request;
- (b) briefly set out all facts and submissions relevant to the request; and
- (c) set out the availability of all parties within six (6) weeks of the scheduled date.

11. Scheduling changes outside the timeframes above may be requested by way of motion.

Motions for Stay of Removals from Canada

These guidelines address three matters: (1) the form and timing of stay motions; (2) the contents of motion records; and (3) urgent motions for a stay or removal.

12. **Service, filing and scheduling.** Pursuant to subsection 362(1) of the FCR, motions are to be served and filed at least three days before the date set out in the notice for the hearing of the motion. Pursuant to subsection 362(2), the Court may hear a motion on less than three days' notice if all parties consent or if the moving party satisfies the Court of the urgency of the motion. Subsection 35(2) of the FCR permits informal requests for the scheduling of hearing time and dates for motions not returnable at general sittings.

13. Form and content:

- a. The notice of motion and the motion record must be in conformity with the FCR.
- b. Related and relevant prior immigration decisions involving the applicant or his/her immediate family members should be provided by the applicant within their motion record (for example, RPD, RAD, PRRA or H&C decisions and past requests for deferral of removal). If such related decisions are not provided, an explanation must be given for the failure to do so.
- c. Each party must clearly address the tripartite test for an injunction (*RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311; *R v Canadian Broadcasting Corp*, 2018 SCC 5) in the context of the alleged facts and their own circumstances. Written submissions must be focused. Irrelevant boilerplate or outdated submissions should be avoided.
- d. When bringing a stay, the motion should be considered as a standalone proceeding. The Motion Record should include everything required by the Court to make its decision, but only those portions of the application record or other documents that are necessary to support the motion, such as specific pages of a country condition document. It is not acceptable to simply state, for example, that the country conditions documents are found at pages 100-250 of the motion record.
- e. The Motion Record must be succinct and sufficiently condensed to enable the Court and the parties to address the principal issues during the hearing. The Court

recognizes that each case is distinct and that, on occasion, the circumstances may be such that it may be necessary to include a larger number of documents in the Motion Record to support the motion of a stay of removal. However, situations in which more than one hundred pages of materials may be required to support a motion for stay of removal should be considered to be exceptional. Where a Motion Record exceeds this page limit, the party submitting the record should explain why all the documents in the record are required for the adjudication of the stay motion. This explanation should be provided in a letter accompanying the Motion Record when it is submitted for filing. In the absence of a satisfactory explanation for why a Motion Record exceeding one hundred pages is required, the Court may direct that a replacement Motion Record consistent with this guideline be prepared and filed.

- f. A party's written representations submitted in a stay motion should include pinpoint references to the materials in the Motion Record(s) relied on by that party, including relevant page, paragraph numbers and, if reasonably possible, hyperlinks.
- g. The Court has seen instances where applicants fail to meaningfully address one or more branches of the tripartite test. This includes instances where applicants simply state that they are relying on the submissions made and materials filed in the underlying application for judicial review. In such circumstances, an accompanying affidavit in the stay motion sometimes attaches as an exhibit the whole of the application record, which is often voluminous. The Court has also seen instances where lengthy and detailed written representations are made which reference a voluminous underlying application record(s) or related proceedings. Such practices do not align with these guidelines and are discouraged.
- h. The parties should not request the Registry to copy and bring to the Court's attention related files or motions. The Motion Record as filed in the stay motion must speak for itself.
- i. The parties should refrain from filing extensive books of authorities in support of a stay. The case law upon which a party relies should be identified in the written representations, which in turn should provide paragraph number citations, hyperlinked if possible. Referenced authorities which are included in the Common List of Authorities found on the Court website shall be deemed to be included in the book of authorities (see: [Common List of Authorities for Immigration and Refugee Law](#) and [Deferrals and Stays of Removal](#)).

- 14.** It bears underscoring that the filing of extremely voluminous materials in support of a stay motion or materials that do not address the legal test for a stay is strongly discouraged. Among other things, this may also be contrary to the interests of justice, as it can adversely

impact the Court's ability to efficiently conduct the required analysis within the time constraints.

- 15. Urgent motions.** The Court recognizes that there are circumstances where an applicant has no alternative but to bring a last minute, or urgent, motion to stay their removal from Canada. Such unavoidable urgent stay motions may be necessary, for example, when a direction to report for removal is issued for an imminent removal date, leaving an applicant with little time to retain and instruct counsel and to bring a stay motion. The Court considers such circumstances to be distinct from those where removal has been anticipated for some time and/or there is sufficient time between the service of a direction to report and the scheduled removal date to permit a stay motion to be set down to be heard on a non-urgent basis. These matters are not inherently urgent because they could be set down to be heard in accordance with subsection 362(1) of the FCR. These may be avoidable last-minute stay motions, which are discouraged, as they are not in the interests of justice¹.
- 16.** In circumstances where a motion for a stay of removal cannot reasonably be brought on at least three days' notice, the applicant should alert the Court and the respondent in writing of the anticipated urgent motion as soon as the decision to bring a motion is made. The moving party must submit a written request for a special hearing date pursuant to subsection 35(2) of the FCR. The section 35 letter should address the following:
- a) The date the applicant was informed of the intended removal;
 - b) The removal date/time;
 - c) Why the motion needs to be heard on an urgent basis, including an explanation for any delay in bringing on the motion;
 - d) The date and time when the moving party's motion record will be filed;
 - e) Availability for a hearing of the motion; and
 - f) Any other relevant information.

The default mode of hearing for urgent motions is by videoconference and the default length is one hour. If the applicant seeks a different mode or length, the letter should also address the following:

- a) Whether the motion is expected to last more than one hour and, if so, why;

¹ See, for example, *Beros v Canada (Citizenship and Immigration)*, 2019 FC 325; *Khan v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1275 [Khan]; *Ocaya v Canada (Citizenship and Immigration)*, 2019 Canlii 8561 (FC); *Miranda v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 1057; *Garnit c Canada (Sécurité publique et Protection civile)*, 2024 CF 651; *Singh v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 650; and *Charles v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 735

- b) Whether an in-person hearing is requested and, if so, why; and
- c) If an in-person hearing is requested, the location of the hearing.

Failure to provide a satisfactory explanation for the need to file a last-minute urgent motion may result in the Court declining to hear the matter.

17. Duty counsel for the Department of Justice are typically available only until 9:00 p.m. Accordingly, **urgent motions filed after 9:00 p.m. for removal early the next day** are, in effect, brought on an *ex parte* basis. This practice is strongly discouraged. It should not be expected that the Court will hear such motions in the absence of compelling and unavoidable circumstances. Given the practical “*ex parte*” nature of such motions, an elevated duty of full and frank disclosure will apply.
18. The Court recognizes that applicants sometimes make a **timely request to the Canada Border Services Agency (CBSA) seeking to have their scheduled removal deferred**, but do not receive a response to their request before they begin to run out of time to access the Court. In such circumstances, an application for judicial review together with a related stay motion premised on an anticipated negative decision will be accepted for filing at all Registry offices of the Federal Court. Based on past experience, the requested deferral decision is usually received prior to the hearing of the stay motion. However, in recognition of the fact that this may not always occur, it is open to applicants to include, in the underlying application for leave and judicial review and the motion, a summary request for an alternative remedy of *mandamus* in the event that the deferral decision is not issued by CBSA prior to the hearing of the stay motion. When the deferral decision is received after the written materials have been filed but prior to the hearing of the stay motion, the parties can present arguments about the deferral decision orally and are not required to amend the application for leave and judicial review, so long as the articulation of the grounds for review in the application for leave and judicial review is broad enough to encompass those arguments.

Judicial Review of Decisions by the Immigration Division of the Immigration and Refugee Board related to Detention: Motion for an interim stay of a release Order

The following Guidelines address the procedure to be followed where the Minister of Public Safety and Emergency Preparedness (Minister) intends to seek an order in the Federal Court (Court) staying an order for release from detention made by the Immigration Division (ID) of the Immigration and Refugee Board of Canada. These Guidelines begin by addressing the steps to be taken when seeking an urgent interim stay of a release order. They then address the steps to be taken when seeking an interlocutory stay of the release order, pending the determination of the Minister’s application for leave and for judicial review.

- 19. Unrepresented Respondents.** The Court recognizes that Respondents who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.
- 20. Electronic Service and Filing.** In addition to filing documents via the E-Filing Portal, if the Respondent is not represented by counsel, the parties' documents may be served and filed electronically at the electronic address provided by the Registry.
- 21.** Once a decision is made to bring a motion for an interim stay of release in the Court, counsel for the Minister shall inform the Registry by phone (see telephone listing below) of the pending motion, contact the Respondent's counsel (if represented) as soon as possible, and make the best efforts to notify the Respondent (if unrepresented).
- a. If an urgent request for an interim stay of release order is brought when the **Registry office is closed** – see [After hours telephone listing \[Urgent requests only\]](#)
 - b. If a request for an interim stay of release order is brought when the **Registry office is open** – see [Regular hours telephone listing](#)
- 22. Letter.** The Minister shall file at the electronic address provided by the Registry a letter under subsection 35(2) of the FCR requesting an urgent interim order staying the ID's release order. The letter shall include relevant facts, explain the grounds for the requested relief and provide a brief summary of the arguments justifying that relief pending the determination of the interlocutory motion for a stay of release. The Minister shall provide the letter to the Respondent's counsel (if any) or the Respondent (if unrepresented).
- 23. Respondent's position.** The Respondent's counsel shall inform the Court and the Minister as soon as possible of the Respondent's position on the request for an urgent interim stay of release and, if applicable, their availability for an urgent hearing.
- 24. Hearing.** In deciding an opposed request for an interim stay of release, the Court will endeavour to hold a teleconference or videoconference hearing. Where it is not reasonably possible to schedule a hearing on the request for an interim injunction at a mutually convenient time, the Court may decide the matter without a hearing, bearing in mind such factors as the procedural fairness rights owed to both parties, the timing of the Respondent's potential release from detention, whether the Respondent is represented by counsel, and the reachability and availability of the Respondent or counsel (if any).
- 25. Audio recording and transcript.** The Immigration Division (ID) shall provide the Court and the parties' counsel with an audio recording of its proceedings no later than 24 hours following its order for release. The ID shall provide a transcript of the decision portion of its proceedings within 4 business days of its order for release. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.

26. **Interim stay.** If the Court orders an interim stay of release, the Court will ordinarily set a date for the hearing of the interlocutory motion to stay the release order. The hearing of the interlocutory stay motion will generally be held within 7 days of the order granting the interim stay of release; however, if that is not possible, it will be scheduled as soon as reasonably practicable thereafter. The parties may consent to a different timeline. The parties will be given the opportunity to file motion records.

If, during the interim stay of release stage of this process, the Minister did not serve and file an Application for Leave and for Judicial Review in respect of the release decision being challenged, the Minister shall do so as soon as possible thereafter, and in any event prior to the hearing of the interlocutory motion.

Motion for an interlocutory stay of a release Order pending the resolution of the Application for Leave and for Judicial Review

27. At the request of either party or on its own motion immediately after deciding the interlocutory motion for a stay of release, the Court may decide to vary the time limits prescribed by the FCCIRPR.
28. If the Court grants leave in the underlying Application for Leave and for Judicial Review, the Court will provide a date for the hearing and set out the due dates for the parties' additional written submissions and affidavits. If the Court hears the judicial review application prior to the Respondent's next detention review, this would be with a view to judgment being issued, if reasonably possible, before the ID makes a decision at that next detention review.

Urgent expedited proceedings of Immigration Division detention Orders

The following Guidelines address the procedure to be followed where the Immigration Division (ID) of the Immigration and Refugee Board of Canada makes a detention order and the applicant (detainee or counsel acting on their behalf) seeks to challenge that order in the Court by way of an urgent expedited judicial review proceeding. When the decisions under review are Immigration Division orders for continued detention, it may be in the interests of justice to permit an application to be fully litigated in a substantially abridged timeline, given the liberty interests at issue.

29. **Expediting Proceeding.** An applicant seeking to expedite the judicial review of an ID detention order in the Court shall, as soon as possible, inform the Court Registry by phone (see telephone listing below) and the Department of Justice, on behalf of the Minister of Public Safety and Emergency Preparedness (Minister), by phone or by email (telephone lists and email addresses are available at the links below), of the pending request.

Federal Court Registry:

- a. [After hours telephone listing](#) [Urgent requests only]
- b. [Regular hours telephone listing](#)

Department of Justice – [Regional Offices](#)

30. The applicant shall file an Application for Leave and for Judicial Review and serve and file a letter under subsection 35(2) of the FCR, requesting an urgent remote teleconference or videoconference with the Court. As described below, the Application for Leave and for Judicial Review may be served and filed electronically.
31. The subsection 35(2) letter shall include relevant facts, including the date of the detention order and the date of the next ID detention review, and provide a brief summary of the arguments that might justify expediting the judicial review proceeding, addressing factors such as the interests of justice, the procedural fairness rights owed to both parties, the applicant's diligence in pursuing an urgent judicial review, and the availability of the applicant for a hearing to be scheduled on an expedited basis. The applicant's subsection 35(2) letter must also indicate that the applicant consents, pursuant to paragraph 74(b) of the IRPA, to an expedited judicial review hearing.
32. The Minister shall inform the Court and the applicant as soon as reasonably possible of the Minister's position on the request for an urgent expedited judicial review proceeding and their availability for both the urgent remote conference sought in the applicant's subsection 35(2) letter and for an urgent hearing of the judicial review should the Court so order. If the Minister does not oppose the request, the Minister also shall expressly consent, pursuant to paragraph 74(b) of the IRPA, to an expedited judicial review hearing.
33. The Court will endeavour to hold a remote conference to determine whether to grant the request to expedite the judicial review proceeding. Where it is not possible to schedule a remote conference at a mutually convenient time for the parties (or their respective counsel) and the Court, the Court may decide the matter on the basis of the parties' written submissions.
34. If the Court grants the request for an urgent expedited judicial review proceeding, it may vary the time limits prescribed by the FCCIRPR, to grant leave in the underlying Application for Leave and for Judicial Review, or reserve the leave decision for disposition at the time of the expedited judicial review hearing.
35. The Court will provide a date for the judicial review hearing, set out the due dates for the parties' written submissions and affidavits, and make other orders or directions as necessary on any other matter, including the production of a certified tribunal record, that would facilitate the just and expeditious determination of the proceeding. If the Court hears the judicial review application prior to the applicant's next detention review, this would be

with a view to judgment being issued, if possible, before the ID makes a decision at that next detention review.

36. Upon being informed by the Court Registry of an applicant's urgent request to expedite the judicial review proceeding, within 24 hours the ID shall provide the Court and the parties with an audio recording of the ID proceedings,² and within four business days the ID shall provide a transcript of the decision portion of its proceedings. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.
37. **Service and Filing.** To facilitate the efficient and expeditious disposition of the matters addressed herein, the parties' submissions and other communications between and among the parties and the Court may be served and filed electronically. Documents for the Court should be filed via the Court's [E-Filing portal](#), or in special situations, at the electronic address³ provided by the Registry.
38. **Unrepresented applicants.** The Court recognizes that applicants who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.

Certified questions

39. Pursuant to paragraph 74(d) of the IRPA, "an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question" [emphasis added]. Parties are expected to make submissions regarding paragraph 74(d) in written submissions filed before the hearing on the merits and/or orally at the hearing. Where a party intends to propose a certified question, opposing counsel shall be notified at least five (5) days prior to the hearing, with a view to reaching a consensus regarding the language of the proposed question.

Where a party fails to comply with this Practice Guideline, the Court may refuse to consider the merits of the proposed certified question: see *Medina Rodriguez v Canada (Citizenship and Immigration)*, 2024 FC 401; and *Matharu v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 902.

² The Court understands that, while the ID will strive to consistently provide an audio recording within 24 hours, some delays may be possible.

³ If provided with an e-mail address, note that the maximum Registry e-mail size is 25 MB. However, conversion of attachments into e-mail format adds up to about 30% of the original document size, so an 18 MB attachment will come close to the maximum email size limit. Consequently, if filing documents by e-mail, it is recommended that larger PDF documents (i.e., over 18 MB) be split into smaller parts before sending. Please consult sections 3.2.1.1 and 6.8 of our E-filing Guide for information on reducing the size of PDF documents: <https://www.fctcf.gc.ca/en/pages/online-access/e-filing-resources>

Hearing

- 40. Hearing time.** The default maximum hearing time for most applications for judicial review under the IRPA or the *Citizenship Act* is ninety (90) minutes. However, since September 2, 2025, judicial review applications involving decisions concerning study permits, work permits and temporary residence visas will have a default hearing time of forty-five (45) minutes. (See paragraphs [63-65](#) below.)

In its Order granting leave, the Court may schedule a shorter or longer hearing if the circumstances warrant. A party may request additional time as follows:

- (a) Before leave is granted:
 - (i) By the applicant: As a cover note to the perfected application for leave (filed under section 10 of the FCCIRPR);
 - (ii) By another party: As a cover note or in the Respondent's Affidavit(s) or Memorandum of Argument (filed under section 11 of the FCCIRPR);
- (b) After leave is granted:
 - (i) If the request is for thirty (30) additional minutes of hearing time or less, by making an informal request in writing, or orally at the beginning of the hearing. This shall be accompanied by an indication as to whether the other party consents to the request;
 - (ii) If the request is for more than thirty (30) additional minutes of hearing time, by filing a formal motion record as set out in Part 7 of the FCR. This request, if granted, may require an adjournment of the hearing.

Submitting a Motion for Transcript of Tribunal Hearing

- 41.** An applicant wishing to file a motion requesting that the Court Order the tribunal to produce a transcript of any oral hearing may include this request, including the grounds in support of the request, within their Perfected Application (section 10 of the FCCIRPR). The Respondent may respond to the request in their section 11 Affidavits and Memorandum of Argument.
- 42.** The request shall then be determined on the basis of the same materials as the application for leave.

Settlement discussions in proceedings under IRPA⁴

43. To assist with the efficient resolution of Applications for Leave and Judicial Review brought under section 72 of IRPA, the Court has developed procedures to facilitate settlement discussions between parties in appropriate cases.

In cases in which the Court is inclined to grant leave, other than *mandamus* cases, a production Order will be issued by the Court before the Application for Leave is formally adjudicated⁵. The Order will require the tribunal to provide parties and the Court with a copy of its Certified Tribunal Record (CTR) within 21 days of receipt of the Order. If leave is granted, each party shall, within 15 days of the date of the Order granting leave, consider the possibility of settling the Application, and if both agree that it is appropriate, they shall engage in settlement discussions. If no settlement discussions take place, the Respondent shall file the Notice of Non-Settlement (see optional template in [Annex A](#)). If settlement discussions take place, the Respondent shall file a statement of the outcome of settlement discussions, and if a settlement is reached, the parties shall immediately inform the Court and take necessary steps to discontinue the Application or request a Judgment on consent (see below). Settlements, if they are to take place, are encouraged to be finalized within this 15-day “settlement window.”

44. **Discontinuance (on Consent).** If parties settle an Application for Judicial Review in respect of a decision by or on behalf of the Minister, it is common practice simply to agree to have the underlying decision re-determined and discontinue the application before the Court. It is recommended that a Notice (see optional template in [Annex A](#)) be filed with the Court indicating that the parties discontinue the proceeding based on a settlement. The Notice, along with reasons for consent (which do not need to be filed with the Court), shall be transmitted by a client representative to the relevant office.
45. **Discontinuance (Unilateral).** In some circumstances, whether following settlement discussions or even prior to such discussions, an applicant discontinues the Application without having reached any agreement with the Respondent on terms related to the discontinuance. If so, section 166 of the FCR applies: “A party shall file a declaration of settlement or a notice of discontinuance in Form 166 in a proceeding that has been concluded other than by a judgment or discontinuance on consent.”

⁴ Initially launched on a pilot basis only for Toronto proceedings, the Court has endorsed the special procedures to facilitate settlement and expanded them nationally starting on October 4, 2021.

⁵ The Court advised at the October 24, 2024 Bench and Bar Liaison Committee meeting that it would remove *mandamus* applications from the settlement project by no longer requesting the CTR by production order in advance of the order granting leave. In cases where the Court is granting leave, the order will include an order for the CTR. The Court encourages parties to continue settlement discussions in cases involving *mandamus* applications.

Requests on Consent for Orders on Applications for Judicial Review

46. Informal Motion for Judgment (on Consent). If parties agree to settle an Application for Judicial Review in respect of a decision of the Immigration and Refugee Board, it is common practice for parties, on consent, to bring a motion requesting a Judgment of the Court to set aside the decision of the Board and return the matter for redetermination. Parties may seek leave, by way of Notice (see optional template in [Annex A](#)), to be relieved from the requirement to bring a formal motion record if the following requirements are met. In particular, the Notice should:

- a. confirm that all parties consent to the request;
- b. set out the facts relevant to the request;
- c. provide the parties' submissions relevant to the request; and
- d. include a recital of the exact relief sought (draft consent Judgment).

The facts relevant to the request should include an indication of which of the grounds set forth in subsection 18.1(4) of the *Federal Courts Act* applies. Counsel should submit the draft order and consent to the Registry.

47. Generally, the Court will dispose of an application for judicial review in accordance with the draft order and consent without the necessity of an appearance. However, if a judge is of the view that the consent should be further justified, counsel will be notified and given an opportunity to do so. In such circumstances, the following procedures shall be followed:

- a. The judge will direct the Registry to notify counsel of the time and manner in which the justification should be given.
- b. If the judge is of the opinion that it is inappropriate to issue an order based on the consent, that judge will hear and determine the application for judicial review on its merits as scheduled or after granting a reasonable adjournment, if required.

48. If counsel are unable to submit a draft order and signed consent in advance of the scheduled hearing date, the following procedures shall be followed:

- a. Both counsel should appear at the hearing and be prepared to respond to any questions or concerns which the presiding judge may have regarding the order requested.
- b. If the presiding judge is of the opinion that it is inappropriate to issue an order based on the consent and the oral representations of counsel, that judge will hear and determine the application for judicial review on its merits after granting a reasonable adjournment, where appropriate.

Allegations against former counsel or another authorized representative in Citizenship, Immigration and Refugee Cases before the Federal Court.

49. Where an applicant alleges professional incompetence, negligence, or other conduct on the part of his or her former legal counsel or other authorized representative as a ground for relief in an application for leave and judicial review under the IRPA or in an application brought under the *Citizenship Act*, the guidelines set out below should be followed. For those purposes, “authorized representative” includes an immigration consultant, paralegals, a notary who is a member in good standing of the *Chambre des notaires du Québec* and a member in good standing of a body designated under subsection 91(2) of the IRPA and subsection 21.1(2) of the *Citizenship Act*. The purpose of these Guidelines is solely to assist the Court in its adjudication of applications in which such allegations are made.
50. **Requisite Steps.** Prior to pleading incompetence, negligence or other conduct on the part of former legal counsel or other authorized representative as a ground for relief, current counsel must satisfy him/herself, by means of personal investigations or inquiries, that there is some factual foundation for the allegation. In addition, current counsel must notify the former counsel or authorized representative in writing with sufficient details of the allegations and advise that the matter will be pled in an application described above. The written notice must advise the former counsel or authorized representative that they have seven days from receipt of the notice to respond. Along with this notice, and in cases where privilege may be applicable, current counsel must provide the former counsel or authorized representative with a signed authorization from the applicant releasing any privilege attached to the former representation along with a copy of this Protocol. This practice is strongly encouraged for stay motions time permitting.
51. Current counsel should, unless there is urgency, wait for a written response from the former counsel or authorized representative before filing and serving the application record. If the former counsel or authorized representative intends to respond he or she must do so, in writing to current counsel, within seven days of receipt of the notice from current counsel.
52. If after reviewing the response of the former counsel or authorized representative and any other available information, current counsel believes that there may be merit to the allegations, current counsel may file the application or appeal record with the Court. Any perfected application which raises allegations against the former counsel or authorized representative must be served on the former counsel or authorized representative and proof of service be provided to the Court. The application will be served on the respondent in the normal course.

53. Where current counsel is investigating the allegations against the former counsel or authorized representative and it becomes apparent that his or her pursuit of this investigation may delay the perfection of the application record beyond the timelines provided for by the FCCIRPR, current counsel may apply by motion for an extension of time to perfect the record.
54. If the former counsel or authorized representative wishes to respond to the allegations made in the record, he or she may do so in writing by sending a written response to current counsel and to counsel for the Respondent within ten days of service of the application or such further time as the Court may direct.
55. Current counsel who wish additional time to respond to the communication received from the former counsel or authorized representative shall file a motion under section 369 of the FCR for an extension of time and for leave to file further written submissions with respect to the new material received. Any relevant evidence shall be included in the motion record and filed by way of affidavit, including any response from the former counsel or authorized representative, and all documentation of a complaint made to the appropriate provincial or federal governing body.
56. If no response from the former counsel or authorized representative is received within ten days of service, and no extension of time has been granted, current counsel must advise the Court and the respondent that no further information from the former counsel or authorized representative has been received. The Court will then base its decision on the application for leave on the material filed by the applicant and the respondent, without providing any notice to the former counsel or authorized representative.
57. **Steps upon Leave Being Granted.** If, upon reviewing the materials filed, the Court decides to grant leave, the following procedure will apply:
- i. Current counsel will provide a copy of the order granting leave or the order(s) setting the matter down for hearing to the former counsel or authorized representative forthwith.
 - ii. If the former counsel or authorized representative wishes to participate in the proceedings, he or she may make a motion pursuant to sections 109 and 369 of the FCR for leave to intervene. It is presumed that in most cases, if leave to intervene is granted to the former counsel or authorized representative, written submissions will be permitted.

Mandamus Applications

58. Paragraph 5(1)(h), sections 9 and 10 of the FCCIRPR are based on the premise that the applicant is seeking judicial review of a decision that has already been made by a tribunal. paragraph 5(1)(h) indicates that an application for leave “shall set out ... whether or not the

applicant has received the written reasons of the tribunal.” If an application for leave sets out that the applicant has *not* received the written reasons of the tribunal, section 9 of the FCCIRPR then indicates that “the Registry shall, without delay, send the tribunal a request in Form IR-3” This form requests the tribunal to send a copy of the decision or order at issue and the written reasons for it, or a notice indicating that no reasons were given or reasons were given but not recorded. The deadline for perfecting the application for leave is 30 days after receiving either the written reasons or the notice under paragraph 9(2)(b).

59. However, the FCCIRPR do not appear to contemplate the situation where the tribunal has not yet made a decision, and the applicant wishes to file an application seeking an Order of the Court compelling the tribunal to render a decision (an application for *mandamus*). The same is true with respect to Form IR-1.
60. Therefore, where the applicant seeks an order of *mandamus* to compel a tribunal to make a decision, and even if the application states that the applicant hasn't received written reasons from the tribunal, the Registry will not send a request to the tribunal pursuant to section 9 of the FCCIRPR.
61. **Section 10 of the FCCIRPR – Perfecting the Application for Leave.** The applicant shall perfect the application for leave within 30 days after filing the application.
62. **Multiple filings.** The Court has been advised that, on occasion, multiple applications for leave and for judicial review have been filed in different registry offices concerning the same outstanding decisions, seemingly in an effort to expedite the processing of the application. The Court is also aware that some applicants are submitting subsequent *mandamus* applications after failing to perfect an earlier one or following an initial refusal by the Court, and without providing a reasonable explanation. The Court strongly discourages such practices, which may constitute an abuse of process. Parties engaging in such conduct may be subject to cost consequences.

Study and work permit, temporary resident visas

63. On September 26, 2024, the Court announced a [pilot project](#) aimed at streamlining the adjudication of study permit applications. **The project was paused on June 30, 2025.** The Court is now assessing whether to extend, expand or permanently terminate the pilot project.
64. **Reduced hearing time. Since September 2, 2025,** applications brought under section 72 of the IRPA to review decisions regarding study permits, work permits, and temporary resident visas will have a default maximum hearing time of forty-five (45) minutes. However, in its order granting leave, the Court may schedule a shorter or longer hearing, if the circumstances warrant. A party may also request additional time.

65. Reduced written submissions. Submissions in relation to these types of decisions will be limited to 20 pages, pursuant to the Special Order attached in [Annex C](#) below.

66. Requests for extended hearing time

- a. **Before Leave is Granted.** On request by a party submitted as a cover note to the perfected application for leave (filed under section 10 of the FCCIRPR) or to the Respondent's Affidavits and Memorandum of Argument (filed under section 11), the Court may for special reasons schedule the hearing for longer than 45 minutes.
- b. **After Leave is Granted.** If a party considers that additional time is needed for the oral hearing of a judicial review application under the IRPA, a request for an extended hearing may be made:
 - (i) If the request is for 30 additional minutes or less – upon consideration of an informal request in writing, or orally at the beginning of the hearing, including an indication as to whether the other party consents to the request, the Court may allow the additional time.
 - (ii) If the request is for more than 30 additional minutes – this request, if granted, might require adjournment of the hearing; therefore, such requests shall be made by filing a formal motion record as set out in Part 7 of the FCR.

Applications determined in writing

- 67.** The Federal Court is facing an unprecedented increase in workload, which has significantly strained its capacity to process and determine cases efficiently. This surge in filings has resulted in prolonged delays in processing documents, scheduling hearings, and delivering timely decisions. The backlog is compounded by limited resources, including staffing shortages and technological constraints, which hinder the court's ability to respond promptly to the needs of parties seeking justice.
- 68.** In an effort to streamline the processing of applications and reduce the time and resources required for resolution, the Court encourages parties to consent to have their matters determined based solely on written representations, without the need for an oral hearing.
- 69. Eligibility:** This option is available since September 2, 2025 for all applications for judicial review under the FCCIRPR. Parties may opt for this procedure if:
- a. All parties are represented by a solicitor;
 - b. All parties consent to this method of resolution;

- c. All documents required for the matter to be determined are available electronically; and
- d. Neither party proposes a question for certification.

70. Procedure: Parties wishing to proceed on this basis, in the event that leave is granted, must file a joint request by letter with the Court through the E-Filing portal under the selection “IMM - Request for Determination in Writing” in the document type menu. The request shall be submitted no later than 10 days after the filing of the Certified Tribunal Record.

71. Review and Decision: A judge will be assigned to the case. The judge will review the written submissions and issue a decision based on the materials filed. No further oral arguments will be considered unless the Court determines it is necessary.

72. Right to reply: In the order granting the application for leave, the judge will include the possibility for the applicant to file a reply to the respondent’s further memorandum of arguments.

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ANNEX A – NOTICES

NOTICE #1: NOTICE OF NON-SETTLEMENT

(General Heading – use Form 66)

Pursuant to the Order of the Federal Court granting leave in the within application for judicial review and requiring the parties to consider the possibility of settlement within 15 days of receiving the Order, the parties advise that:

- ☐ The parties have not agreed to settle the within application for judicial review.
OR
☐ The parties have not completed settlement discussions and will file a further Notice of Settlement Status within 15 days of today's date.

This Notice is being submitted by the Respondent.

Signature

Date

**(Name, address, telephone and fax number
of solicitor or party)**

NOTICE #2: NOTICE OF DISCONTINUANCE

(General Heading – use Form 66)

(Complete only if the application for judicial review is being discontinued and the parties are NOT requesting an Order of the Court.)

(check only one box)

- ☐ The applicant wholly discontinues this application for judicial review, without any consent agreement, pursuant to section 166 of the *Federal Courts Rules*, SOR/98-106.
OR
- ☐ The parties have agreed to settle this application for judicial review and Discontinue the application. The applicant requests that the within application be immediately discontinued on consent of the Respondent, without the filing of a Notice of Discontinuance in Form 166. This Notice shall be transmitted by a client representative to the relevant office.

CONFIRMATION OF CONSENT

This Notice is being submitted by or on behalf of the (insert submitting party) (check only one box):

- ☐ On consent of all parties.
- ☐ On another basis *(provide details below)*:

(If not submitted on consent, a copy of this Notice of Discontinuance must be sent by the submitting party to the other party.)

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

NOTICE #3: NOTICE OF SETTLEMENT and REQUEST for JUDGMENT ON CONSENT

(General Heading – use Form 66)

(Complete only if the parties have agreed to settle the application for judicial review and are requesting a Judgment of the Court.)

The parties have agreed to settle this application for judicial review and request a Judgment of the Court. The parties agree that the within application be settled for the following reasons. The federal board, commission or other tribunal (check the boxes that apply):

- ☐ acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ☐ failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;
- ☐ erred in law in making a decision or an order, whether or not the error appears on the face of the record;
- ☐ based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- ☐ acted, or failed to act, by reason of fraud or perjured evidence;
- ☐ acted in any other way that was contrary to law.

(Identify any agreed-upon errors in the decision under review and/or breaches of procedural fairness and/or other grounds for settlement)

As a result, the parties request that the Federal Court issue a Judgment on Consent in the form attached as [Annex B](#) to this Notice, without a formal motion record or further correspondence from the parties, having regard to section 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court's practice regarding informal requests on consent for interlocutory relief. The parties recognize that the Court may, for any reason, require a formal motion record or further information.

This Request is being submitted by or on behalf of the *(insert submitting party)* on consent of all parties. *(If each party submits the Request separately, a copy must be sent to the other party; or a single joint copy, signed by both parties, may be submitted.)*

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

ANNEX B – JUDGMENT ON CONSENT

Date: YYYYMMDD

Docket: IMM-XX-YY

City, Province, (long date format, e.g. November 10, 2018)

PRESENT: The Honourable Mr. Justice XX

BETWEEN:

XXXXXX

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT ON CONSENT

UPON informal motion in writing for Judgment, brought on consent of the parties, dated (*insert date*);

AND UPON considering section 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court's practice regarding informal requests on consent for interlocutory relief;

AND UPON reviewing the Notice of Settlement Status filed and the Reasons for Settlement identified therein;

AND UPON noting the parties' agreement that (*insert Reasons for Settlement*);

AND UPON noting the consent of the parties; and

AND UPON being satisfied that [Choose (i) [it is in the interests of justice that the requested relief be granted] OR (ii) [that the Tribunal erred by (*identify the basis for the consent*

agreement, as set forth in subsection 18.1(4) of the Federal Courts Act)] OR (iii) [there are grounds to grant the relief sought];

THIS COURT’S JUDGMENT is that this motion and the application for judicial review are granted. The underlying decision (*include date of decision*) is set aside, with the matter to be re-determined by (*identify the decision-maker*).

“XXXX”

Judge

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ANNEX C – SPECIAL ORDERS

Reduced length of memorandum of fact and law

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS subsection 70(4) of the FCR provides that, unless otherwise ordered by the Court, a memorandum of fact and law shall not exceed 30 pages;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT the submissions of the applications brought under section 72 of the IRPA to review decisions on study permits, work permits, and temporary resident visas shall be limited to 20 pages.

Paul S. Crampton

Chief Justice

Single filing of Application for leave and judicial review for members of the same family

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS the Court intends to promote a more efficient and consistent approach in the processing and adjudication of related claims by applicants from the same family;

AND WHEREAS section 119 of the *Federal Courts Rules* provides that an individual may represent him or herself or be represented by a solicitor;

AND WHEREAS section 121 of the *Federal Courts Rules* requires that a minor must be represented by a solicitor unless the Court in special circumstances otherwise ordered;

AND WHEREAS section 302 of the *Federal Courts Rules* requires that an application for judicial review be limited to a single decision in respect of which relief is sought, unless otherwise ordered;

SPECIAL ORDER

THE COURT HEREBY ORDER THAT:

- 1- Immediate family members may challenge more than one decision in a single application for leave and for judicial review where the decisions being challenged have a common factual and legal basis.
- 2- The application for leave and for judicial review must indicate the applicants' precise familial relationship, and the common factual and legal issues to be determined.
- 3- In the event the notice of application for leave and for judicial review challenges more than one decision, and the applicants are not represented by a lawyer, one applicant may be designated as the representative for the family. The notice of application for leave and for judicial review shall clearly indicate which applicant has been designated as the representative and provide the contact information for that person. The designated applicant is deemed to represent and speak on behalf of all applicants, and shall be responsible for service and filing of all documents in the proceeding. All communications from the Court and the respondent shall be sent to that applicant only. This applies to a parent representing minor children.

- 4- Nothing in this order precludes the respondent from objecting to multiple decisions being challenged in single application for leave and for judicial review, or objecting to one adult applicant representing other applicants. In the event of such objection, the onus is on the applicants to demonstrate that multiple decisions should be challenged in a single application for leave and for judicial review and/or one adult applicant should be able to represent the other applicants.

Paul S. Crampton
Chief Justice

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Backlog in processing applications for leave and judicial review

DATE: 20251231

Ottawa, Ontario, December 31, 2025

PRESENT: The Honourable Acting Chief Justice Martine St-Louis

WHEREAS the Court received an extraordinary and unprecedented surge in the number of applications in 2024 under the *Immigration and Refugee Protection Act* and the *Citizenship Act*;

AND WHEREAS filings year-to-date in 2025 are even higher, and are forecasted to continue to be at unprecedented levels, placing additional pressure on the capacity of the Court's Registry and potentially contributing to longer processing times for litigants;

AND WHEREAS the Court has concluded that it is necessary to implement changes to the procedure under the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT:

In proceedings under the *Immigration and Refugee Protection Act* and the *Citizenship Act*, the deadlines prescribed under subsection 10(1) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, which pertain to the perfection of an application for leave, are extended by 45 days.

THEREFORE

- (a) The Orders of May 9, 2023 and May 14, 2025 pertaining to extensions of time on consent are hereby rescinded.
- (b) Where an application sets out that the applicant has received the tribunal's written reasons pursuant to paragraph 9(2)(a) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, the applicant shall perfect the application by complying with subsection 10(2) within 75 days after filing the application.
- (c) Where an application sets out that the applicant has not received the tribunal's written reasons, the applicant shall perfect the application within 75 days after receiving either

the written reasons, or the notice under paragraph 9(2)(b) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, as the case may be.

Martine St-Louis
Acting Chief Justice

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Amended Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings

June 20, 2025

AMENDMENTS HISTORY	
Original	June 24, 2022
Paragraphs 55-59	June 29, 2023
Paragraphs 2, 3, 5, 37, 38, 41, 57-60, 61-64, 65-70, Schedule B and C	June 20, 2025

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Consolidated Practice Guidelines

These Amended Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings **take effect on June 23, 2025** and are to be read in conjunction with the Consolidated General Practice Guidelines, which are posted on the Court website ([Notices](#)).

In the event of a conflict, these Guidelines prevail over the Consolidated General Practice Guidelines.

Preamble

These guidelines are to be interpreted in a manner that seeks to secure the just, most expeditious and least expensive determination of every proceeding on its merits. They are intended to complement and not derogate from the [Federal Courts Rules](#) [the “FCR”]. A judge or Associate Judge [previously referred to as prothonotary] retains the discretion to depart from these guidelines having regard to the particular circumstances of a given case.

These guidelines serve to identify best practices and clarify the Court’s expectations related to procedures for Applications under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [the “FCCIRPR”] related to matters arising under the [Citizenship Act](#) and the [Immigration and Refugee Protection Act](#) [“IRPA”]. They have been developed in consultation with the Federal Court Citizenship, Immigration, and Refugee Law Bar Liaison Committee [the “Committee”], which provides a forum for dialogue, to review litigation practice and rules, and to discuss potential efficiencies and improvements in the Court’s processes. Committee minutes are available on the Court web site [Liaison Committees page](#), along with the names of Committee members. Comments or suggestions regarding these Guidelines are welcome and may be sent via Committee representatives or at information@fct-cf.ca.

Additional Procedural Resources for Litigants

The [Court web site](#) provides numerous resources for litigants – see the [Representing Yourself](#) sub-menu, which provides procedural timelines, detailed procedural practice guides, information about [Finding Legal Help](#), and clarification regarding [Who May Represent You in Federal Court](#).

Consolidation

These guidelines consolidate and replace the following:

- Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings (November 5, 2018)
- Practice Guidelines – Immigration and Refugee Proceedings: Urgent Stay Motions for Removals from Canada (February 18, 2021)

- Applications for judicial review under the Immigration and Refugee Protection Act and the Citizenship Act: Hearing Time (October 29, 2015)
- Requests for Consent Orders on Applications under the Immigration and Refugee Protection Act (April 18, 2006)
- Scheduling Practice for the Hearing of Applications (October 24, 2018)
- Stay of Release from Detention Protocol (November 30, 2020)
- Settlement Discussions in Proceedings under the Immigration and Refugee Protection Act (December 17, 2021)

Open Court Principle – Confidentiality and Anonymity Requests

1. Pursuant to the open court principle, the general rule in Canada is that court hearings are open to the public and may be reported in full. Applications brought under the *FCCIRPR* are therefore normally on the public record, with all documents publicly accessible, even though they are not currently accessible online. Only the Court docket and Reasons for Decision are available via the Court web site. However, pursuant to [Rule 151](#) of the *FCR*, on motion, the Court may order that all or part of the Court record shall be treated as confidential. Furthermore, pursuant to [Rule 8.1\(2\)](#) of the *FCCIRPR*, a party to an application for leave may make a written request, in [Form IR-5](#), that the Court make an order that all documents that are prepared by the Court and that may be made available to the public (for example, the [online docket](#) and any [decision](#) of the Court in the proceeding) be amended and redacted to the extent necessary to make the party's identity anonymous. The request is determined at the same time, and on the basis of the same materials, as the application for leave.

Filing

2. **Electronic filing.** Parties shall use the [Court's E-filing portal](#) to file all electronic documents that do not contain confidential information. (Confidential information is subject to the special provisions in paragraph 19 c) of the [Consolidated General Practice Guidelines](#)) Subject to the special circumstances described in the auto-reply e-mail (the Court specifically directs it, it is for filing confidential documents, a notice on the Federal Court's website allows it, or written authorization is given by the Registry), electronic documents will be processed in the order in which they were received, and stamped as of the date they were submitted, aligning with the process for paper copies.

In processing an application, the Registry evaluates and establishes compliance with the deadlines set out in s.72(2)(b) of the *IRPA* or s.22.1(2)(a) of the *Citizenship Act*, as of the time the application was first submitted. The Registry also determines if the required

elements of Rule 5(1) of the *FCCIRPR* have been respected. If the Registry notes that the application is not compliant because (i) the deadlines have passed and no extension of time was requested or (ii) there are missing elements in the application, the Registry will ordinarily request corrections from the applicant. In doing so, the Registry will instruct the applicant to (i) request an extension of time when resubmitting the application, as determined in Rule 6 of the *FCCIRPR*, and (ii) explain the reason for the delay. If the deadlines under *IRPA* and the *Citizenship Act* were initially respected, the applicant should indicate that the apparent delay is attributed to the late processing by the Registry. The request for extension of time will be considered by the Court when leave is determined.

Although there is no cost to use the [E-filing portal](#), fees under [Tariff A](#) of the *FCR* still apply.

The requirements set out at paragraph 19 of the [Consolidated General Practice Guidelines](#) regarding page numbering, bookmarks and Optical Character Recognition (OCR) shall be followed.

3. **Judicial review of visa decisions – Timeline for filing an application (paragraph 72(2)(b) of the *IRPA*).** Applicants should indicate clearly in the application for leave and judicial review whether the judicial review relates to a matter arising in Canada (application filed within 15 days) or a matter arising outside Canada (application filed within 60 days).
4. **Delays in Legal Aid Funding – Request for Reconsideration of an Order Dismissing an Application for Delay.** The Court sometimes receives motions for reconsideration under Rule 397 (of Orders dismissing leave) in which the Applicant submits that the file had not been perfected due to delayed confirmation of legal aid funding.

Pursuant to the principles of finality and *res judicata*, Rule 397 does not provide authority to the Court to decide a leave application a second time. Rather, reconsideration is confined to the matters described in that Rule.

In cases where a party is waiting for approval of legal aid funding before perfecting an application for leave and judicial review, the onus is on the party, or prospective counsel, to bring this fact to the attention of the Court before the application is dismissed for delay.

The Court should be notified by letter copying opposing counsel, including evidence of the expected or typical timeline for a decision by the legal aid body. In such circumstances, the Court will consider the letter and, if appropriate, defer dismissal of the application for a short period of time (not exceeding twenty-one (21) days).

5. **Joining members of the same family.** Rule 302 states that “unless the Court orders otherwise, an application for judicial review shall be limited to a single order in respect or

which relief is sought.” However, applicants who are members of the same family (i.e. principal applicant and their dependants) and whose matters arise from substantially similar facts or circumstances may be permitted to submit a single application for leave and judicial review. Parties that are unrepresented may refer to the Order at [Schedule C](#) below allowing an adult to be the principal applicant representing their dependants . This approach is intended to promote efficiency and consistency in the processing and adjudication of closely related claims. Family members wishing to proceed in this manner must clearly indicate their familial relationship and the common factual and legal basis for their applications at the time of filing. The order at [Schedule C](#) does not permit a non-lawyer to represent a litigant in a proceeding in which the non-lawyer is not a party.

In the event that the application sets out that the applicants have not received the written reasons of the tribunal, the Registry will send the tribunal a request as per Rule 9 *FCCIRPR* for each decision and the timeline to perfect the application subject to Rule 10 will start when the tribunal written reasons have been received for all applicants.

Informal requests for interlocutory relief

6. Parties should refer to the [Consolidated General Practice Guidelines](#), which include specific guidelines for submitting informal requests for interlocutory relief. Beyond the circumstances described in those guidelines, parties are required to submit a formal motion record, pursuant to Part 7 of the *FCR*, for interlocutory requests.

Scheduling

7. **Non-availability prior to the issuance of an order granting leave.** Prior to the issuance of an order granting leave, parties may file, within the timeframe for filing a Rule 13 reply, a joint letter setting out their non-availability in the one hundred and twenty (120) days that follow the last day for filing of a reply for the hearing on the merits. The Judicial Administrator will attempt to accommodate such non-availability. The principal criteria for non-availability are:
 - (a) prior scheduled vacation leave or a previously scheduled hearing before a Superior Court. Note that the Court’s schedule will normally take precedence over previously scheduled matters before an administrative tribunal, however, if provided sufficient notice, the Court will endeavor to schedule around Immigration Appeal Division hearings; and
 - (b) serious illness.
8. **Non-availability following the issuance of an order granting leave.** Within seven (7) days of issuance of the order granting leave, a party may request, by way of letter to the

Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:

- (a) confirm that all parties either consent to the request or do not oppose the request;
- (b) briefly set out all facts and submissions relevant to the request; and
- (c) set out the availability of all parties within six (6) weeks of the scheduled date.

9. Scheduling changes outside the timeframes above may be requested by way of motion.

Motions for Stay of Removals from Canada

These guidelines are intended to address two concerns. The first is the failure of some applicants to bring motions for stays of removal as soon as possible. The second is the form and content of stay motions.

10. Service, filing and scheduling. Pursuant to Rule 362(1) of the *FCR*, motions are to be served and filed at least three days before the date set out in the notice for the hearing of the motion. Pursuant to Rule 362(2), the Court may hear a motion on less than three days' notice if all parties consent or if the moving party satisfies the Court of the urgency of the motion. Rule 35(2) permits informal requests for the scheduling of special hearing time and dates for motions.

11. Form and content

- a. The notice of motion and the motion record must be in conformity with the *FCR*.
- b. Related and relevant prior immigration decisions involving the applicant or his/her immediate family members should be provided by the applicant within their motion record (for example, RPD, RAD, PRRA or H&C decisions and past requests for deferral of removal). If such related decisions are not provided, an explanation must be given for the failure to do so.
- c. Each party must clearly address the tripartite test for an injunction (*RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311; *R. v. Canadian Broadcasting Corp.*, 2018 SCC 5) in the context of the alleged facts and their own circumstances. Written submissions must be focused. Irrelevant boilerplate or outdated submissions should be avoided.
- d. When bringing a stay, the motion should be considered as a standalone proceeding. The Motion Record should include everything required by the Court to make its decision, but only those portions of the application record or other documents that are necessary to support the motion, such as specific pages of a country condition

document. It is not acceptable to simply state, for example, that the country conditions documents are found at pages 100-250 of the motion record.

- e. The Motion Record must be succinct and sufficiently condensed to enable the Court and the parties to address the principal issues during the hearing. The Court recognizes that each case is distinct and that, on occasion, the circumstances may be such that it may be necessary to include a larger number of documents in the Motion Record to support the motion of a stay of removal. However, situations in which more than one hundred pages of materials may be required to support a motion for stay of removal should be considered to be exceptional.
 - f. A party's written representations submitted in a stay motion should include pinpoint references to the materials in the Motion Record(s) relied on by that party, including relevant page, paragraph numbers and, if reasonably possible, hyperlinks.
 - g. The Court has seen instances where applicants fail to meaningfully address one or more branches of the tripartite test. This includes instances where applicants simply state that they are relying on the submissions made and materials filed in the underlying application for judicial review. In such circumstances, an accompanying affidavit in the stay motion sometimes attaches as an exhibit the whole of the application record, which is often voluminous. The Court has also seen instances where lengthy and detailed written representations are made which reference a voluminous underlying application record(s) or related proceedings. Such practices do not align with these guidelines and are discouraged.
 - h. The parties should not request the Registry to copy and bring to the Court's attention related files or motions. The Motion Record as filed in the stay motion must speak for itself.
 - i. The parties should refrain from filing extensive books of authorities in support of a stay. The case law upon which a party relies should be identified in the written representations, which in turn should provide paragraph number citations, hyperlinked if possible. Referenced authorities which are included in the Common List of Authorities found on the Court website shall be deemed to be included in the book of authorities (see: [Common List of Authorities for Immigration and Refugee Law](#) and [Deferrals and Stays of Removal](#)).
12. It bears underscoring that the filing of extremely voluminous materials in support of a stay motion or materials that do not address the legal test for a stay is strongly discouraged. Among other things, this may also be contrary to the interests of justice, as it can adversely impact the Court's ability to efficiently conduct the required analysis within the time constraints.

13. **Urgent motions.** The Court recognizes that there are circumstances where an applicant has no alternative but to bring a last minute, or urgent, motion to stay their removal from Canada. Such unavoidable urgent stay motions may be necessary, for example, when a direction to report for removal is issued for an imminent removal date, leaving an applicant with little time to retain and instruct counsel and to bring a stay motion. The Court considers such circumstances to be distinct from those where removal has been anticipated for some time and/or there is sufficient time between the service of a direction to report and the scheduled removal date to permit a stay motion to be set down to be heard on a non-urgent basis. These matters are not inherently urgent because they could be set down to be heard in accordance with Rule 362(1). These may be avoidable last minute stay motions, which are discouraged, as they are not in the interests of justice¹. The Court may refuse to hear last-minute stay applications where there is no satisfactory explanation for the delay in bringing the matter forward (*Khan* at para 11).
14. In circumstances where a motion for a stay of removal cannot reasonably be brought on at least three days notice, the applicant must alert the Court and the respondent in writing, of the anticipated urgent motion as soon as the decision to bring a motion is made. The letter shall request a special hearing date pursuant to Rule 35(2), and provide a satisfactory explanation for any delay in bringing on the motion justifying the need for urgency. In addition, the letter must identify the applicant, the date they were informed of their intended removal, the removal date/time, the underlying application for judicial review, the date and time that the motion record will be filed, the proposed hearing dates and times, and any other relevant information. Failure to provide a satisfactory explanation for the need to file a last-minute urgent motion may result in the Court declining to hear the matter.
15. Duty counsel for the Department of Justice are typically available only until 9:00 p.m. Accordingly, **urgent motions filed after 9:00 p.m. for removal early the next day** are, in effect, brought on an *ex parte* basis. This practice is strongly discouraged. It should not be expected that the Court will hear such motions in the absence of compelling and unavoidable circumstances. Given the practical “*ex parte*” nature of such motions, an elevated duty of full and frank disclosure will apply.
16. The Court recognizes that applicants sometimes make a **timely request to the Canada Border Services Agency (“CBSA”) seeking to have their scheduled removal deferred**, but do not receive a response to their request before they begin to run out of time to access the Court. In such circumstances, an application for judicial review together with a related stay

¹ See, for example, *Beros v. Canada (Citizenship and Immigration)*, 2019 FC 325; *Khan v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1275 (“*Khan*”); *Ocaya v Canada (Citizenship and Immigration)*, 2019 Canlii 8561 (FC); *Miranda v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 1057; *Garnit c. Canada (Sécurité publique et Protection civile)*, 2024 CF 651; *Singh v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 650; and *Charles v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 735

motion premised on an anticipated negative decision will be accepted for filing at all Registries of the Federal Court. Based on past experience, the requested deferral decision is usually received prior to the hearing of the stay motion. However, in recognition of the fact that this may not always occur, it is open to applicants to include, in the underlying application for leave and judicial review and the motion, a summary request for an alternative remedy of *mandamus* in the event that the deferral decision is not issued by CBSA prior to the hearing of the stay motion.

Judicial Review of Decisions by the Immigration Division of the Immigration and Refugee Board related to Detention: Motion for an interim stay of a release Order

The following Guidelines address the procedure to be followed where the Minister of Public Safety and Emergency Preparedness (“Minister”) intends to seek an order in the Federal Court (“Court”) staying an order for release from detention made by the Immigration Division (“ID”) of the Immigration and Refugee Board of Canada. These Guidelines begin by addressing the steps to be taken when seeking an urgent interim stay of a release order. They then address the steps to be taken when seeking an interlocutory stay of the release order, pending the determination of the Minister’s application for leave and for judicial review.

17. **Unrepresented Respondents.** The Court recognizes that Respondents who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.
18. **Electronic Service and Filing.** In addition to filing document via the E-Filing Portal, if the Respondent is not represented by counsel, the parties’ documents may be served and filed electronically at the electronic address provided by the Registry.
19. Once a decision is made to bring a motion for an interim stay of release in the Court, counsel for the Minister shall inform the Registry by phone (see telephone listing below) of the pending motion, contact the Respondent’s counsel (if represented) as soon as possible, and make best efforts to notify the Respondent (if unrepresented).
 - a. If an urgent request for an interim stay of release order is brought when the **Registry office is closed** – see [After hours telephone listing](#) [Urgent requests only]
 - b. If a request for an interim stay of release order is brought when the **Registry office is open** – see [Regular hours telephone listing](#)
20. **Letter.** The Minister shall file at the electronic address provided by the Registry a letter under Rule 35(2) of the *FCR* requesting an urgent interim order staying the ID’s release order. The letter shall include relevant facts, explain the grounds for the requested relief and provide a brief summary of the arguments justifying that relief pending the

determination of the interlocutory motion for a stay of release. The Minister shall provide the letter to the Respondent's counsel (if any) or the Respondent (if unrepresented).

21. **Respondent's position.** The Respondent's counsel shall inform the Court and the Minister as soon as possible of the Respondent's position on the request for an urgent interim stay of release and, if applicable, their availability for an urgent hearing.
22. **Hearing.** In deciding an opposed request for an interim stay of release, the Court will endeavor to hold a teleconference or videoconference hearing. Where it is not reasonably possible to schedule a hearing on the request for an interim injunction at a mutually convenient time, the Court may decide the matter without a hearing, bearing in mind such factors as the procedural fairness rights owed to both parties, the timing of the Respondent's potential release from detention, whether the Respondent is represented by counsel, and the reachability and availability of the Respondent or counsel (if any).
23. **Audio recording and transcript.** The Immigration Division ("ID") shall provide the Court and the parties' counsel with an audio recording of its proceedings no later than 24 hours following its order for release. The ID shall provide a transcript of the decision portion of its proceedings within 4 business days of its order for release. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.
24. **Interim stay.** If the Court orders an interim stay of release, the Court will ordinarily set a date for the hearing of the interlocutory motion to stay the release order. The hearing of the interlocutory stay motion will generally be held within 7 days of the order granting the interim stay of release; however, if that is not possible, it will be scheduled as soon as reasonably practicable thereafter. The parties may consent to a different timeline. The parties will be given the opportunity to file motion records.

If, during the interim stay of release stage of this process, the Minister did not serve and file an Application for Leave and for Judicial Review in respect of the release decision being challenged, the Minister shall do so as soon as possible thereafter, and in any event prior to the hearing of the interlocutory motion.

Motion for an interlocutory stay of a release Order pending the resolution of the Application for Leave and for Judicial Review

25. At the request of either party or on its own motion immediately after deciding the interlocutory motion for a stay of release, the Court may decide to vary the time limits prescribed by the *FCCIRPR*.
26. If the Court grants leave in the underlying Application for Leave and for Judicial Review, the Court will provide a date for the hearing and set out the due dates for the parties'

additional written submissions and affidavits. If the Court hears the judicial review application prior to the Respondent's next detention review, this would be with a view to judgement being issued, if reasonably possible, before the ID makes a decision at that next detention review.

Urgent expedited proceedings of Immigration Division detention Orders

The following Guidelines address the procedure to be followed where the Immigration Division ("ID") of the Immigration and Refugee Board of Canada makes a detention order and the Applicant (detainee or counsel acting on their behalf) seeks to challenge that order in the Court by way of an urgent expedited judicial review proceeding. When the decisions under review are Immigration Division orders for continued detention, it may be in the interests of justice to permit an application to be fully litigated in a substantially abridged timeline, given the liberty interests at issue.

- 27. Expediting Proceeding.** An Applicant seeking to expedite the judicial review of an ID detention order in the Court shall, as soon as possible, inform the Court Registry by phone (see telephone listing below) and the Department of Justice, on behalf of the Minister of Public Safety and Emergency Preparedness ("Minister"), by phone or by email (telephone lists and email addresses are available at the links below), of the pending request.

Federal Court Registry:

- a. [After hours telephone listing](#) [Urgent requests only]
- b. [Regular hours telephone listing](#)

Department of Justice – [Regional Offices](#)

- 28.** The Applicant shall file an Application for Leave and for Judicial Review and serve and file a letter under Rule 35(2) of the *FCR*, requesting an urgent remote teleconference or video conference with the Court. As described below, the Application for Leave and for Judicial Review may be served and filed electronically.
- 29.** The Rule 35(2) letter shall include relevant facts, including the date of the detention order and the date of the next ID detention review, and provide a brief summary of the arguments that might justify expediting the judicial review proceeding, addressing factors such as the interests of justice, the procedural fairness rights owed to both parties, the Applicant's diligence in pursuing an urgent judicial review, and the availability of the Applicant for a hearing to be scheduled on an expedited basis. The Applicant's Rule 35(2) letter must also indicate that the Applicant consents, pursuant to section 74(b) of the *IRPA*, to an expedited judicial review hearing.

30. The Minister shall inform the Court and the Applicant as soon as reasonably possible of the Minister's position on the request for an urgent expedited judicial review proceeding and their availability for both the urgent remote conference sought in the Applicant's Rule 35(2) letter and for an urgent hearing of the judicial review should the Court so order. If the Minister does not oppose the request, the Minister also shall expressly consent, pursuant to section 74(b) of the *IRPA*, to an expedited judicial review hearing.
31. The Court will endeavor to hold a remote conference to determine whether to grant the request to expedite the judicial review proceeding. Where it is not possible to schedule a remote conference at a mutually convenient time for the parties (or their respective counsel) and the Court, the Court may decide the matter on the basis of the parties' written submissions.
32. If the Court grants the request for an urgent expedited judicial review proceeding, it may vary the time limits prescribed by the *FCCIRPR*, to grant leave in the underlying Application for Leave and for Judicial Review, or reserve the leave decision for disposition at the time of the expedited judicial review hearing.
33. The Court will provide a date for the judicial review hearing, set out the due dates for the parties' written submissions and affidavits, and make other orders or directions as necessary on any other matter, including the production of a certified tribunal record, that would facilitate the just and expeditious determination of the proceeding. If the Court hears the judicial review application prior to the Applicant's next detention review, this would be with a view to judgment being issued, if possible, before the ID makes a decision at that next detention review.
34. Upon being informed by the Court Registry of an Applicant's urgent request to expedite the judicial review proceeding, within 24 hours the ID shall provide the Court and the parties with an audio recording of the ID proceedings,² and within four business days the ID shall provide a transcript of the decision portion of its proceedings. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.
35. **Service and Filing.** To facilitate the efficient and expeditious disposition of the matters addressed herein, the parties' submissions and other communications between and among the parties and the Court may be served and filed electronically. Documents for the Court should be filed via the Court's [e-filing portal](#), or in special situations, at the electronic address³ provided by the Registry.

² The Court understands that, while the ID will strive to consistently provide an audio recording within 24 hours, some delays may be possible.

³ If provided with an e-mail address, note that the maximum Registry e-mail size is 25 MB. However, conversion of attachments into e-mail format adds up to about 30% of the original document size, so an 18 MB attachment will

36. **Unrepresented Applicants.** The Court recognizes that Applicants who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.

Certified questions

37. Pursuant to paragraph 74(d) of the *IRPA*, “an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question” [emphasis added]. Parties are expected to make submissions regarding paragraph 74(d) in written submissions filed before the hearing on the merits and/or orally at the hearing. Where a party intends to propose a certified question, opposing counsel shall be notified at least five (5) days prior to the hearing, with a view to reaching a consensus regarding the language of the proposed question.

Where a party fails to comply with this Practice Guideline, the Court may refuse to consider the merits of the proposed certified question: see *Medina Rodriguez v Canada (Citizenship and Immigration)*, 2024 FC 401; and *Matharu v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 902.

Hearing

38. **Hearing time.** The default maximum hearing time for most applications for judicial review under the *IRPA* or the *Citizenship Act* is ninety (90) minutes. However, commencing September 2, 2025, judicial review applications involving decisions concerning study permits, work permits and temporary residence visas will have a default hearing time of forty-five (45) minutes. (See paragraphs [61-63](#) below.)

In its Order granting leave, the Court may schedule a shorter or longer hearing if the circumstances warrant. A party may request additional time as follows:

- (a) Before leave is granted:
 - (i) By the applicant: As a cover note to the perfected application for leave (filed under Rule 10 of the *FCCIRPR*);
 - (ii) By another party: As a cover note or in the Respondent’s Affidavit(s) or Memorandum of Argument (filed under Rule 11 of the *FCCIRPR*);

come close to the maximum email size limit. Consequently, if filing documents by e-mail, it is recommended that larger PDF documents (i.e., over 18 MB) be split into smaller parts before sending. Please consult sections 3.2.1.1 and 6.8 of our E-filing Guide for information on reducing the size of PDF documents:
<https://www.fctcf.gc.ca/en/pages/online-access/e-filing-resources>

(b) After leave is granted:

- (i) If the request is for thirty (30) additional minutes of hearing time or less, by making an informal request in writing, or orally at the beginning of the hearing. This shall be accompanied by an indication as to whether the other party consents to the request;
- (ii) If the request is for more than thirty (30) additional minutes of hearing time, by filing a formal motion record as set out in Part 7 of the *FCR*. This request, if granted, may require an adjournment of the hearing.

Submitting a Motion for Transcript of Tribunal Hearing

- 39. An Applicant wishing to file a motion requesting that the Court Order the tribunal to produce a transcript of any oral hearing may include this request, including the grounds in support of the request, within their Perfected Application (Rule 10 of the *FCCIRPR*). The Respondent may respond to the request in their Rule 11 Affidavits and Memorandum of Argument.
- 40. The request shall then be determined on the basis of the same materials as the application for leave.

Settlement discussions in proceedings under IRPA⁴

- 41. To assist with the efficient resolution of Applications for Leave and Judicial Review brought under section 72 of *IRPA*, the Court has developed procedures to facilitate settlement discussions between parties in appropriate cases.

In cases in which the Court is inclined to grant leave, other than *mandamus* cases, a production Order will be issued by the Court before the Application for Leave is formally adjudicated⁵. The Order will require the tribunal to provide parties and the Court with a copy of its Certified Tribunal Record (CTR) within 21 days of receipt of the Order. If leave is granted, each party shall, within 15 days of the date of the Order granting leave, consider the possibility of settling the Application, and if both agree that it is appropriate, they shall engage in settlement discussions. If no settlement discussions take place, the Respondent shall file the Notice of Non-Settlement (see optional template in [Annex](#)). If settlement discussions take place, the Respondent shall file a statement of the outcome of settlement

⁴ Initially launched on a pilot basis only for Toronto proceedings, the Court has endorsed the special procedures to facilitate settlement and expanded them nationally starting on October 4, 2021.

⁵ The Court advised at the October 24, 2024 Bench and Bar Liaison Committee meeting that it would remove *mandamus* applications from the settlement project by no longer requesting the CTR by production order in advance of the order granting leave. In cases where the Court is granting leave, the order will include an order for the CTR. The Court encourages parties to continue settlement discussions in cases involving *mandamus* applications.

discussions, and if settlement is reached, the parties shall immediately inform the Court and take necessary steps to discontinue the Application or request a Judgment on consent (see below). Settlements, if they are to take place, are encouraged to be finalized within this 15-day “settlement window.”

42. **Discontinuance (on Consent).** If parties settle an Application for Judicial Review in respect of a decision by or on behalf of the Minister, it is common practice simply to agree to have the underlying decision re-determined and discontinue the application before the Court. It is recommended that a Notice (see optional template in [Annex](#)) be filed with the Court indicating that the parties discontinue the proceeding based on a settlement. The Notice, along with reasons for consent (which do not need to be filed with the Court), shall be transmitted by a client representative to the relevant office.
43. **Discontinuance (Unilateral).** In some circumstances, whether following settlement discussions or even prior to such discussions, an Applicant discontinues the Application without having reached any agreement with the Respondent on terms related to the discontinuance. If so, Rule 166 of the *FCR* applies: “A party shall file a declaration of settlement or a notice of discontinuance in Form 166 in a proceeding that has been concluded other than by a judgment or discontinuance on consent.”

Requests on Consent for Orders on Applications for Judicial Review

44. **Informal Motion for Judgment (on Consent).** If parties agree to settle an Application for Judicial Review in respect of a decision of the Immigration and Refugee Board, it is common practice for parties, on consent, to bring a motion requesting a Judgment of the Court to set aside the decision of the Board and return the matter for redetermination. Parties may seek leave, by way of Notice (see optional template in [Annex](#)), to be relieved from the requirement to bring a formal motion record if the following requirements are met. In particular, the Notice should:
- a. confirm that all parties consent to the request;
 - b. set out the facts relevant to the request;
 - c. provide the parties’ submissions relevant to the request; and
 - d. include a recital of the exact relief sought (draft consent Judgment).

The facts relevant to the request should include an indication of which of the grounds set forth in s. 18.1(4) of the *Federal Courts Act* applies. Counsel should submit the draft order and consent to the Registry.

45. Generally, the Court will dispose of an application for judicial review in accordance with the draft order and consent without the necessity of an appearance. However, if a judge is

of the view that the consent should be further justified, counsel will be notified and given an opportunity to do so. In such circumstances, the following procedures shall be followed:

- a. The judge will direct the Registry to notify counsel of the time and manner in which the justification should be given.
 - b. If the judge is of the opinion that it is inappropriate to issue an order based on the consent, that judge will hear and determine the application for judicial review on its merits as scheduled or after granting a reasonable adjournment, if required.
46. If counsel are unable to submit a draft order and signed consent in advance of the scheduled hearing date, the following procedures shall be followed:
- a. Both counsel should appear at the hearing and be prepared to respond to any questions or concerns which the presiding judge may have regarding the order requested.
 - b. If the presiding judge is of the opinion that it is inappropriate to issue an order based on the consent and the oral representations of counsel, that judge will hear and determine the application for judicial review on its merits after granting a reasonable adjournment, where appropriate.

Allegations against former counsel or another authorized representative in Citizenship, Immigration and Refugee Cases before the Federal Court.

47. Where an applicant alleges professional incompetence, negligence, or other conduct on the part of his or her former legal counsel or other authorized representative as a ground for relief in an application for leave and judicial review under the *IRPA* or in an application brought under the *Citizenship Act*, the guidelines set out below should be followed. For those purposes, “authorized representative” includes an immigration consultant, paralegals, a notary who is a member in good standing of the *Chambre des notaires du Québec* and a member in good standing of a body designated under subsection 91(2) of the *IRPA* and section 21.1(2) of the *Citizenship Act*. The purpose of these Guidelines is solely to assist the Court in its adjudication of applications in which such allegations are made.
48. **Requisite Steps.** Prior to pleading incompetence, negligence or other conduct on the part of former legal counsel or other authorized representative as a ground for relief, current counsel must satisfy him/herself, by means of personal investigations or inquiries, that there is some factual foundation for the allegation. In addition, current counsel must notify the former counsel or authorized representative in writing with sufficient details of the allegations and advise that the matter will be pled in an application described above. The

written notice must advise the former counsel or authorized representative that they have seven days from receipt of the notice to respond. Along with this notice, and in cases where privilege may be applicable, current counsel must provide the former counsel or authorized representative with a signed authorization from the applicant releasing any privilege attached to the former representation along with a copy of this Protocol. This practice is strongly encouraged for stay motions time permitting.

49. Current counsel should, unless there is urgency, wait for a written response from the former counsel or authorized representative before filing and serving the application record. If the former counsel or authorized representative intends to respond he or she must do so, in writing to current counsel, within seven days of receipt of the notice from current counsel.
50. If after reviewing the response of the former counsel or authorized representative and any other available information, current counsel believes that there may be merit to the allegations, current counsel may file the application or appeal record with the Court. Any perfected application which raises allegations against the former counsel or authorized representative must be served on the former counsel or authorized representative and proof of service be provided to the Court. The application will be served on the respondent in the normal course.
51. Where current counsel is investigating the allegations against the former counsel or authorized representative and it becomes apparent that his or her pursuit of this investigation may delay the perfection of the application record beyond the timelines provided for by the *FCCIRPR*, current counsel may apply by motion for an extension of time to perfect the record.
52. If the former counsel or authorized representative wishes to respond to the allegations made in the record, he or she may do so in writing by sending a written response to current counsel and to counsel for the Respondent within ten days of service of the application or such further time as the Court may direct.
53. Current counsel who wish additional time to respond to the communication received from the former counsel or authorized representative shall file a motion under Rule 369 for an extension of time and for leave to file further written submissions with respect to the new material received. Any relevant evidence shall be included in the motion record and filed by way of affidavit, including any response from the former counsel or authorized representative and documentation of a complaint made to the appropriate provincial or federal governing body.
54. If no response from the former counsel or authorized representative is received within ten days of service, and no extension of time has been granted, current counsel must advise the Court and the respondent that no further information from the former counsel or authorized representative has been received. The Court will then base its decision on the application for leave on the material

filed by the applicant and the respondent, and without any further notice to the former counsel or authorized representative.

55. Steps upon Leave Being Granted. If, upon reviewing the materials filed, the Court decides to grant leave, the following procedure will apply:

- i. Current counsel will provide a copy of the order granting leave or the order(s) setting the matter down for hearing to the former counsel or authorized representative forthwith.
- ii. If the former counsel or authorized representative wishes to participate in the proceedings, he or she may make a motion pursuant to Rule 109 and Rule 369 for leave to intervene. It is presumed that in most cases, if leave to intervene is granted to the former counsel or authorized representative, written submissions will be permitted.

Mandamus Applications

- 56.** Rules 5(1)(h), 9 and 10 of the *FCCIRPR* are based on the premise that the Applicant is seeking judicial review of a decision that has already been made by a tribunal. Rule 5(1)(h) indicates that an application for leave “shall set out ... whether or not the applicant has received the written reasons of the tribunal.” If an application for leave sets out that the applicant has *not* received the written reasons of the tribunal, Rule 9 then indicates that “the Registry shall, without delay, send the tribunal a request in Form IR-3” This form requests the tribunal to send a copy of the decision or order at issue and the written reasons for it, or a notice indicating that no reasons were given or reasons were given but not recorded. The deadline for perfecting the application for leave is 30 days after receiving either the written reasons or the notice under Rule 9(2)(b).
- 57.** However, the *FCCIRPR* do not appear to contemplate the situation where the tribunal has not yet made a decision, and the applicant wishes to file an application seeking an Order of the Court compelling the tribunal to render a decision (an application for *mandamus*). The same is true with respect to Form IR-1.
- 58.** Therefore, where the applicant seeks an order of mandamus to compel a tribunal to make a decision, and even if the application states that the applicant hasn't received written reasons from the tribunal, the Registry will not send a request to the tribunal pursuant to Rule 9.
- 59. Rule 10 Perfecting the Application for Leave.** The applicant shall perfect the application for leave within 30 days after filing the application.
- 60. Multiple filings.** The Court has been advised that, on occasion, multiple applications for leave and for judicial review have been filed in different registry offices concerning the

same outstanding decisions, seemingly in an effort to expedite the processing of the application. The Court is also aware that some applicants are submitting subsequent mandamus applications after failing to perfect an earlier one or following an initial refusal by the Court, and without providing a reasonable explanation. The Court strongly discourages such practices, which may constitute an abuse of process. Parties engaging in such conduct may be subject to cost consequences.

Study and work permits, temporary resident visa

61. On September 26, 2024, the Court announced a [pilot project](#) aimed at streamlining the adjudication of study permit applications. **The project is being paused on June 30, 2025.** The Court will then assess whether to extend, expand or permanently terminate the pilot project.
62. **Reduced hearing time. Commencing September 2, 2025,** applications brought under section 72 of the *IRPA* to review decisions regarding study permits, work permits, and temporary resident visas will have a default maximum hearing time of forty-five (45) minutes. However, in its order granting leave, the Court may schedule a shorter or longer hearing, if the circumstances warrant. A party may also request additional time.
63. **Reduced written submissions.** Submissions in relation to these types of decisions will be limited to 20 pages, pursuant to the Special Order attached in [Schedule B](#) below.
64. **Requests for extended hearing time**
 - a. **Before Leave is Granted.** On request by a party submitted as a cover note to the perfected application for leave (filed under Rule 10 of the *FCCIRPR*) or to the Respondent's Affidavits and Memorandum of Argument (filed under Rule 11), the Court may for special reasons schedule the hearing for longer than 45 minutes.
 - b. **After Leave is Granted.** If a party considers that additional time is needed for the oral hearing of a judicial review application under the *IRPA*, a request for an extended hearing may be made:
 - (i) If the request is for 30 additional minutes or less – upon consideration of an informal request in writing, or orally at the beginning of the hearing, including an indication as to whether the other party consents to the request, the Court may allow the additional time.
 - (ii) If the request is for more than 30 additional minutes – this request, if granted, might require adjournment of the hearing; therefore, such requests shall be made by filing a formal motion record as set out in Part 7 of the *Federal Courts Rules*.

Applications determined in writing

65. The Federal Court is facing an unprecedented increase in workload, which has significantly strained its capacity to process and determine cases efficiently. This surge in filings has resulted in prolonged delays in processing documents, scheduling hearings, and delivering timely decisions. The backlog is compounded by limited resources, including staffing shortages and technological constraints, which hinder the court's ability to respond promptly to the needs of parties seeking justice.
66. In an effort to streamline the processing of applications and reduce the time and resources required for resolution, the Court encourages parties to consent to have their matters determined based solely on written representations, without the need for an oral hearing.
67. **Eligibility:** This option is available **commencing September 2, 2025** for all applications for judicial review under the *FCCIRPR*. Parties may opt for this procedure if:
- a. All parties consent to this method of resolution;
 - b. All documents required for the matter to be determined are available electronically; and
 - c. Neither party proposes a question for certification.
68. **Procedure:** Parties wishing to proceed on this basis, in the event that leave is granted, must file a joint request by letter with the Court through the E-Filing portal under the selection “IMM - Request for Determination in Writing” in the document type menu. The request shall be submitted no later than 10 days after the filing of the Certified Tribunal Record.
69. **Review and Decision:** A judge will be assigned to the case. The judge will review the written submissions and issue a decision based on the materials filed. No further oral arguments will be considered unless the Court determines it is necessary.
70. **Right to reply:** In the order granting the application for leave, the judge will include the possibility for the applicant to file a reply to the respondent’s further memorandum of arguments.

ANNEX

NOTICE #1: NOTICE OF NON-SETTLEMENT

(General Heading – use Form 66)

Pursuant to the Order of the Federal Court granting leave in the within application for judicial review and requiring the parties to consider the possibility of settlement within 15 days of receiving the Order, the parties advise that:

- ☐ The parties have not agreed to settle the within application for judicial review.
OR
☐ The parties have not completed settlement discussions and will file a further Notice of Settlement Status within 15 days of today's date.

This Notice is being submitted by the Respondent.

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

NOTICE #2: NOTICE OF DISCONTINUANCE

(General Heading – use Form 66)

(Complete only if the application for judicial review is being discontinued and the parties are NOT requesting an Order of the Court.)

(check only one box)

- ☐ The Applicant wholly discontinues this application for judicial review, without any consent agreement, pursuant to Rule 166 of the *Federal Courts Rules*, SOR/98-106.
- OR
- ☐ The parties have agreed to settle this application for judicial review and Discontinue the application. The Applicant requests that the within application be immediately discontinued on consent of the Respondent, without the filing of a Notice of Discontinuance in Form 166. This Notice shall be transmitted by a client representative to the relevant office.

CONFIRMATION OF CONSENT

This Notice is being submitted by or on behalf of the (insert submitting party) (check only one box):

- ☐ On consent of all parties.
- ☐ On another basis (*provide details below*):

(If not submitted on consent, a copy of this Notice of Discontinuance must be sent by the submitting party to the other party.)

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

**NOTICE #3: NOTICE OF SETTLEMENT and
REQUEST for JUDGMENT ON CONSENT**

(General Heading – use Form 66)

(Complete only if the parties have agreed to settle the application for judicial review and are requesting a Judgment of the Court.)

The parties have agreed to settle this application for judicial review and request a Judgment of the Court. The parties agree that the within application be settled for the following reasons. The federal board, commission or other tribunal (check the boxes that apply):

- ☐ acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ☐ failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;
- ☐ erred in law in making a decision or an order, whether or not the error appears on the face of the record;
- ☐ based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- ☐ acted, or failed to act, by reason of fraud or perjured evidence;
- ☐ acted in any other way that was contrary to law.

(Identify any agreed-upon errors in the decision under review and/or breaches of procedural fairness and/or other grounds for settlement)

As a result, the parties request that the Federal Court issue a Judgment on Consent in the form attached as Schedule “A” to this Notice, without a formal motion record or further correspondence from the parties, having regard to Rule 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court’s practice regarding informal requests on consent for interlocutory relief. The parties recognize that the Court may, for any reason, require a formal motion record or further information.

This Request is being submitted by or on behalf of the *(insert submitting party)* on consent of all parties. *(If each party submits the Request separately, a copy must be sent to the other party; or a single joint copy, signed by both parties, may be submitted.)*

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

SCHEDULE “A”

Date: YYYYMMDD

Docket: IMM-XX-YY

City, Province, (long date format, e.g. November 10, 2018)

PRESENT: The Honourable Mr. Justice XX

BETWEEN:

XXXXXX

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT ON CONSENT

UPON informal motion in writing for Judgment, brought on consent of the parties, dated (*insert date*);

AND UPON considering Rule 3 of the Federal Courts Rules and, *mutatis mutandis*, the Court’s practice regarding informal requests on consent for interlocutory relief;

AND UPON reviewing the Notice of Settlement Status filed and the Reasons for Settlement identified therein;

AND UPON noting the parties’ agreement that (*insert Reasons for Settlement*);

AND UPON noting the consent of the parties; and

AND UPON being satisfied that [Choose (i) [it is in the interests of justice that the requested relief be granted] OR (ii) [that the Tribunal erred by (*identify the basis for the consent agreement, as set forth in subs. 18.1(4) of the Federal Courts Act*)] OR (iii) [there are grounds to grant the relief sought];

THIS COURT’S JUDGMENT is that this motion and the application for judicial review are granted. The underlying decision (*include date of decision*) is set aside, with the matter to be re-determined by (*identify the decision-maker*).

“XXXX”

Judge

ARCHIVED

SCHEDULE “B”

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS Rule 70(4) of the *FCR* provides that, unless otherwise ordered by the Court, a memorandum of fact and law shall not exceed 30 pages;

SPECIAL ORDER

THE COURT HEREBY ORDERS THAT the submissions of the applications brought under section 72 of the *IRPA* to review decisions on study permits, work permits, and temporary resident visas shall be limited to 20 pages.

Paul S. Crampton

Chief Justice

SCHEDULE “C”

Date: 20250620

Ottawa, Ontario, June 20, 2025

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS the Court intends to promote a more efficient and consistent approach in the processing and adjudication of related claims by applicants from the same family;

AND WHEREAS Rule 119 of the *Federal Courts Rules* provides that an individual may represent him or herself or be represented by a solicitor;

AND WHEREAS Rule 121 of the *Federal Courts Rules* requires that a minor must be represented by a solicitor unless the Court in special circumstances otherwise ordered;

AND WHEREAS Rule 302 of the *Federal Courts Rules* requires that an application for judicial review be limited to a single decision in respect of which relief is sought, unless otherwise ordered;

SPECIAL ORDER

THE COURT HEREBY ORDER THAT:

- 1- Immediate family members may challenge more than one decision in a single application for leave and for judicial review where the decisions being challenged have a common factual and legal basis.
- 2- The application for leave and for judicial review must indicate the applicants' precise familial relationship, and the common factual and legal issues to be determined.
- 3- In the event the notice of application for leave and for judicial review challenges more than one decision, and the applicants are not represented by a lawyer, one applicant may be designated as the representative for the family. The notice of application for leave and for judicial review shall clearly indicate which applicant has been designated as the representative and provide the contact information for that person. The designated applicant is deemed to represent and speak on behalf of all applicants, and shall be responsible for service and filing of all documents in the proceeding. All communications from the Court and the respondent shall be sent to that applicant only. This applies to a parent representing minor children.

- 4- Nothing in this order precludes the respondent from objecting to multiple decisions being challenged in single application for leave and for judicial review, or objecting to one adult applicant representing other applicants. In the event of such objection, the onus is on the applicants to demonstrate that multiple decisions should be challenged in a single application for leave and for judicial review and/or one adult applicant should be able to represent the other applicants.

Paul S. Crampton
Chief Justice

ARCHIVED



Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings

June 24, 2022 (amended June 29, 2023)

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Preamble

These guidelines are to be interpreted in a manner that seeks to secure the just, most expeditious and least expensive determination of every proceeding on its merits. They are intended to complement and not derogate from the [Federal Courts Rules](#) [the “FCR”]. A judge or Associate Judge [previously referred to as prothonotary] retains the discretion to depart from these guidelines having regard to the particular circumstances of a given case.

Further, these guidelines serve to identify best practices and clarify the Court’s expectations related to procedures for Applications under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [the “FCCRPR”] related to matters arising under the [Citizenship Act](#) and the [Immigration and Refugee Protection Act](#) [“IRPA”]. They have been developed in consultation with the Federal Court Citizenship, Immigration, and Refugee Law Bar Liaison Committee [the “Committee”], which provides a forum for dialogue, to review litigation practice and rules, and to discuss potential efficiencies and improvements. Committee minutes are available on the Court web site [Liaison Committees page](#), along with the names of representatives. Comments or suggestions regarding these Guidelines are welcome and may be sent via Committee representatives or to its Secretary at media-fct@fct-cf.gc.ca.

Additional Procedural Resources for Litigants

The [Court web site](#) provides numerous resources for litigants – see the [Representing Yourself](#) sub-menu, which provides procedural time-lines, detailed procedural practice guides, information about [Finding Legal Help](#), and clarification regarding [Who May Represent You in Federal Court](#).

Consolidation

These guidelines consolidate and replace the following:

- Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings (November 5, 2018)
- Practice Guidelines – Immigration and Refugee Proceedings: Urgent Stay Motions for Removals from Canada (February 18, 2021)
- Applications for judicial review under the Immigration and Refugee Protection Act and the Citizenship Act: Hearing Time (October 29, 2015)
- Requests for Consent Orders on Applications under the Immigration and Refugee Protection Act (April 18, 2006)
- Scheduling Practice for the Hearing of Applications (October 24, 2018)

- Stay of Release from Detention Protocol (November 30, 2020)
- Settlement Discussions in Proceedings under the Immigration and Refugee Protection Act (December 17, 2021)

Consolidated Practice Guidelines

These Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection matters are to be read in conjunction with the consolidated guidelines listed below, which are posted on the Court website ([Notices](#)).

In the event of a conflict, the order of precedence to be assigned is as follows:

- (a) Consolidated Covid-19 Practice Directions;
- (b) Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection matters; and
- (c) Consolidated General Practice Guidelines.

Open Court Principle – Confidentiality and Anonymity Requests

1. Pursuant to the open court principle, the general rule in Canada is that court hearings are open to the public and may be reported in full. Applications brought under the [FCCIRPR](#) are therefore normally on the public record, with all documents publicly accessible, even though they are not currently accessible online. Only the Court docket and Reasons for Decision are available via the Court web site. However, pursuant to [Rule 151](#) of the *FCR*, on motion, the Court may order that all or part of the Court record shall be treated as confidential. Furthermore, pursuant to [Rule 8.1\(2\)](#) of the [FCCIRPR](#), a party to an application for leave may make a written request, in [Form IR-5](#), that the Court make an order that all documents that are prepared by the Court and that may be made available to the public (for example, the [online docket](#) and any [decision](#) of the Court in the proceeding) be amended and redacted to the extent necessary to make the party's identity anonymous. The request is determined at the same time, and on the basis of the same materials, as the application for leave.

Filing

2. **Electronic filing.** Documents may be filed electronically via the e-filing portal on the Court web site [<https://www.fct-cf.gc.ca/en/pages/online-access/e-filing>]. Although there is no cost to use the [e-filing portal](#), fees under [Tariff A](#) of the *FCR* still apply.

The requirements set out in the Practice Direction (COVID-19) (see latest version on [Notices](#) page) regarding page numbering, bookmarks and Optical Character Recognition (OCR) ought to be followed.

3. **Judicial review of visa decisions – Timeline for filing an application (15 or 60 days under paragraph 72(2)(b) of the [IRPA](#)).** Applicants should indicate clearly in a cover letter accompanying the notice of application when it is submitted for filing whether the judicial review relates to an “Inland Application” or “Application arising outside Canada” and whether the applicant is in Canada or abroad.
4. **Delays in Legal Aid Funding – Request for Reconsideration of an Order Dismissing an Application for Delay.** The Court sometimes receives motions for reconsideration under Rule 397 (of Orders dismissing leave) in which the Applicant submits that the file had not been perfected due to delayed confirmation of legal aid funding.

As written and interpreted according to the principles of finality and *res judicata*, Rule 397 does not provide authority to the Court to decide a leave application a second time.

In cases where a party is waiting for approval of legal aid funding before perfecting an application for leave and judicial review, the onus is on the party, or prospective counsel, to bring this fact to the attention of the Court before the application is dismissed for delay.

The Court should be notified by letter copying opposing counsel, including evidence of the expected or typical timeline for a decision by the legal aid body. In such circumstances, the Court will consider the letter and, if appropriate, defer dismissal of the application for a short period of time (not exceeding twenty-one (21) days).

Informal requests for interlocutory relief

5. Parties should refer to the Consolidated General Practice Guidelines (posted on the [Notices](#) page), which include specific guidelines for submitting informal requests for interlocutory relief. Unless they follow these guidelines, parties are required to submit a formal motion record, pursuant to Part 7 of the [FCR](#), for interlocutory requests.

Scheduling

6. **Non-availability prior to the issuance of an order granting leave.** Prior to the issuance of an order granting leave, parties may file, within the timeframe for filing a Rule 13 reply, a joint letter setting out their non-availability in the one hundred and twenty (120) days that follow the last day for filing of a reply for the hearing on the merits. The Judicial Administrator will attempt to accommodate such non-availability. The principal criteria for non-availability are:

- (a) prior scheduled vacation leave or a previously scheduled hearing before a Superior Court. Note that the Court's schedule will normally take precedence over previously scheduled matters before an administrative tribunal, though if provided notice, the Court will endeavor to schedule around Immigration Appeal Division hearings; and
 - (b) serious illness.
7. **Non-availability following the issuance of an order granting leave.** Within seven (7) days of issuance of the order granting leave, a party may request, by way of letter to the Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:
- (a) confirm that all parties either consent to the request or do not oppose the request;
 - (b) briefly set out all facts and submissions relevant to the request; and
 - (c) set out the availability of all parties within six (6) weeks of the scheduled date.
8. Scheduling changes outside the timeframes above may be requested by way of motion.

Motions for Stay of Removals from Canada

These guidelines are intended to address two concerns. The first is the failure of some applicants to bring motions for stays of removal as soon as possible. The second is with the form and content of stay motions.

9. **Service, filing and scheduling.** Pursuant to Rule 362(1) [FCR](#), motions are to be served and filed at least three days before the date set out in the notice for the hearing of the motion. Pursuant to Rule 362(2), the Court may hear a motion on less than three days' notice if all parties consent or if the moving party satisfies the Court of the urgency of the motion. Rule 35(2) permits informal requests for the scheduling of special hearing time and dates for motions.
10. **Form and content**
- a. The notice of motion and the motion record must be in conformity with the [FCR](#).
 - b. Related and relevant prior immigration decisions involving the applicant or his/her immediate family members should be provided by the applicant within their motion record (for example, RPD, RAD, PRRA or H&C decisions and past requests for deferral of removal). If such related decisions are not provided, an explanation must be given for the failure to do so.
 - c. Each party must clearly address the tripartite test for an injunction (*RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311; *R. v. Canadian Broadcasting Corp.*, 2018 SCC 5) in the context of the alleged facts and their own circumstances. Written

submissions must be focused. Irrelevant boilerplate or outdated submissions should be avoided.

- d. When bringing a stay, the motion should be considered as a standalone proceeding. The Motion Record should include everything required by the Court to make its decision, and only those portions of the application record or other documents that are necessary to support the motion, such as specific pages of a country condition document. It is not acceptable to simply state, for example, that the country conditions documents are found at pages 100-250 of the motion record.
- e. The Motion Record must be succinct and sufficiently condensed. The Court recognizes that each case is distinct and that, on occasion, the circumstances may be such that it may be necessary to include a larger number of documents in the Motion Record to support the motion of a stay of removal. However, situations in which more than one hundred pages of materials may be required to support a motion for stay of removal should be considered to be exceptional.
- f. A party's written representations submitted in a stay motion should include pinpoint references to the materials in the Motion Record(s) relied on by that party, including by providing relevant page, paragraph numbers and, if reasonably possible, hyperlinks.
- g. The Court has seen instances where applicants fail to meaningfully address one or more branches of the tripartite test. This includes instances where applicants simply state that they are relying on the submissions made and materials filed in the underlying application for judicial review. In such circumstances, an accompanying affidavit in the stay motion sometimes attaches as an exhibit the whole of the application record, which is often voluminous. The Court has also seen instances where lengthy and detailed written representations are made which reference a voluminous underlying application record(s) or related proceedings. Such practices do not align with this guideline and are discouraged.
- h. The parties should not request the Registry to copy and bring to the Court's attention related files or motions. The Motion Record as filed in the stay motion must speak for itself.
- i. The parties should refrain from filing extensive books of authorities in support of a stay. The case law upon which a party relies should be identified in the written representations, which in turn should provide paragraph number citations, hyperlinked if possible. Referenced authorities which are included in the Common List of Authorities found on the Court website shall be deemed to be included in the book of authorities (see: [Common List of Authorities for Immigration and Refugee Law](#) and [Deferrals and Stays of Removal](#)).

11. The filing of extremely voluminous materials in support of a stay motion or materials that do not address the legal test for a stay is strongly discouraged. Among other things, this may also be contrary to the interests of justice, as it can adversely impact the Court's ability to efficiently conduct the required analysis within the time constraints.
12. **Urgent motions.** The Court recognizes that there are circumstances where an applicant has no alternative but to bring a last minute, or urgent, motion to stay their removal from Canada. Such unavoidable urgent stay motions may be necessary, for example, when a direction to report for removal is issued for an imminent removal date, leaving an applicant with little time to retain and instruct counsel and to bring a stay motion. The Court considers such circumstances to be distinct from those where removal has been anticipated for some time and/or there is sufficient time between the service of a direction to report and the scheduled removal date to permit a stay motion to be set down to be heard on a non-urgent basis. These matters are not inherently urgent because they could be set down to be heard in accordance with Rule 362(1). These may be avoidable last minute stay motions, which are discouraged, as they are not in the interests of justice (see, for example, *Beros v. Canada (Citizenship and Immigration)*, 2019 FC 325; *Khan v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1275 ("Khan"); *Ocaya v Canada (Citizenship and Immigration)*, 2019 Canlii 8561 (FC); *Miranda v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 1057). Accordingly, the Court may refuse to hear last-minute stay applications where there is no satisfactory explanation for the delay in bringing the matter forward (*Khan* at para 11).
13. In circumstances where a motion for a stay of removal cannot reasonably be brought on at least three days notice, the Court and the respondent shall be alerted, by way of letter from the applicant, of the anticipated urgent motion as soon as the decision to bring a motion is made. That letter shall request a special hearing date pursuant to Rule 35(2), and provide a satisfactory explanation for any delay in bringing on the motion justifying the need for urgency. In addition, the letter must identify the applicant, the date they were informed of their intended removal, the removal date/time, the underlying application for judicial review, the date and time that the motion record will be filed, the proposed hearing dates and times, and any other relevant information. Failure to provide a satisfactory explanation for the need to file a last minute urgent motion may result in the Court declining to hear the matter.
14. Duty counsel for the Department of Justice are typically available only until 9:00 p.m. Accordingly, **urgent motions filed after 9:00 p.m. for removal early the next day** are, in effect, brought on an *ex parte* basis. This practice is strongly discouraged. It should not be expected that the Court will hear such motions in the absence of compelling and unavoidable circumstances. Given the "*ex parte*" practical nature of such motions, an elevated duty of full and frank disclosure will apply.

15. The Court recognizes that applicants sometimes make a **timely request to the Canada Border Services Agency (“CBSA”) seeking to have their scheduled removal deferred**, but do not receive a response to their request before they begin to run out of time to access the Court. In such circumstances, an application for judicial review together with a related stay motion premised on an anticipated negative decision will be accepted for filing at all Registries of the Federal Court. Based on past experience, the requested deferral decision is usually received prior to the hearing of the stay motion. However, in recognition of the fact that this may not always occur, it is open to applicants to include, in the underlying application for leave and judicial review and the motion, a summary request for an alternative remedy of *mandamus* in the event that the deferral decision is not issued by CBSA prior to the hearing of the stay motion.

Judicial Review of Decisions by the Immigration Division of the Immigration and Refugee Board related to Detention: Motion for an interim stay of a release Order

This protocol addresses the procedure to be followed where the Minister of Public Safety and Emergency Preparedness (“Minister”) intends to seek an order in the Federal Court (“Court”) staying an order for release from detention made by the Immigration Division (“ID”) of the Immigration and Refugee Board of Canada. In particular, the first part of this protocol addresses the steps when seeking an urgent interim stay of a release order, and the subsequent part addresses the steps when seeking an interlocutory stay of the release order, pending the determination of the Minister’s application for leave and for judicial review.

16. **Unrepresented Respondents.** The Court recognizes that Respondents who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.
17. **Electronic Service and Filing.** If the Respondent is represented by counsel, the parties’ documents may be served and filed electronically. Documents for the Court should be filed at the electronic address provided by the Registry.
18. Once a decision is made to bring a motion for an interim stay of release in the Court, counsel for the Minister shall inform the Registry by phone (see telephone listing below) of the pending motion, contact the Respondent’s counsel (if represented) as soon as possible, and make best efforts to notify the Respondent (if unrepresented).
- a. If an urgent request for an interim stay of release order is brought when the **Registry office is closed** – see [After hours telephone listing \[Urgent requests only\]](#)
 - b. If a request for an interim stay of release order is brought when the **Registry office is open** – see [Regular hours telephone listing](#)

19. **Letter.** The Minister shall file at the electronic address provided by the Registry a letter under Rule 35(2) of the [FCR](#) requesting an urgent interim order staying the ID's release order. The letter shall include relevant facts, explain the grounds for the requested relief and provide a brief summary of the arguments justifying that relief pending the determination of the interlocutory motion for a stay of release. The Minister shall provide the letter to the Respondent's counsel (if any) or the Respondent (if unrepresented).
20. **Respondent's position.** The Respondent's counsel shall inform the Court and the Minister as soon as possible of the Respondent's position on the request for an urgent interim stay of release and, if applicable, their availability for an urgent hearing.
21. **Hearing.** In deciding an opposed request for an interim stay of release, the Court will endeavor to hold a teleconference or videoconference hearing. Where it is not reasonably possible to schedule a hearing on the request for an interim injunction at a mutually convenient time, the Court may decide the matter without a hearing, bearing in mind such factors as the procedural fairness rights owed to both parties, the timing of the Respondent's potential release from detention, whether the Respondent is represented by counsel, and the reachability and availability of the Respondent or counsel (if any).
22. **Audio recording and transcript.** The ID shall provide the Court and the parties' counsel with an audio recording of its proceedings no later than 24 hours following its order for release. The ID shall provide a transcript of the decision portion of its proceedings within 4 business days of its order for release. The Registry of the ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.
23. **Interim stay.** If the Court orders an interim stay of release, the Court will ordinarily set a date for the hearing of the interlocutory motion to stay the release order. The hearing of the interlocutory stay motion will generally be held within 7 days of the order granting the interim stay of release; however, if that is not possible, it will be scheduled as soon as reasonably practicable thereafter. The parties may consent to a different timeline. The parties will be given the opportunity to file motion records.

If, during the interim stay of release stage of this process, the Minister did not serve and file an Application for Leave and for Judicial Review in respect of the release decision being challenged, the Minister shall do so as soon as possible thereafter, and in any event prior to the hearing of the interlocutory motion.

Motion for an interlocutory stay of a release Order pending the resolution of the Application for Leave and for Judicial Review

24. At the request of either party or on its own motion immediately after deciding the interlocutory motion for a stay of release, the Court may decide to vary the time limits prescribed by the [FCCIRPR](#).
25. If the Court grants leave in the underlying Application for Leave and for Judicial Review, the Court will provide a date for the hearing and set out the due dates for the parties' additional written submissions and affidavits. If the Court hears the judicial review application prior to the Respondent's next detention review, this would be with a view to judgement being issued, if reasonably possible, before the ID makes a decision at that next detention review.

Protocol for seeking urgent expedited proceedings of Immigration Division detention Orders

This protocol addresses the procedure to be followed where the Immigration Division ("ID") of the Immigration and Refugee Board of Canada makes a detention order and the Applicant (detainee or counsel acting on their behalf) seeks to challenge that order in the Court by way of an urgent expedited judicial review proceeding. Applications for leave and judicial review typically take many months to be adjudicated. When the decisions under review are Immigration Division orders for continued detention, it may be in the interests of justice to permit an application to be fully litigated in a substantially abridged timeline, given the liberty interests at issue.

26. **Expediting Proceeding.** An Applicant seeking to expedite the judicial review of an ID detention order in the Court shall, as soon as possible, inform the Court Registry by phone (see telephone listing below) and the Department of Justice, on behalf of the Minister of Public Safety and Emergency Preparedness ("Minister"), by phone or by email (telephone lists and email addresses are available at the links below), of the pending request.

Federal Court Registry:

- a. [After hours telephone listing](#) [Urgent requests only]
- b. [Regular hours telephone listing](#)

Department of Justice – [Regional Offices](#)

27. The Applicant shall file an Application for Leave and for Judicial Review and serve and file a letter under Rule 35(2) of the [FCR](#), requesting an urgent remote conference with the Court. As described below, the Application for Leave and for Judicial Review may be served and filed electronically.

28. The Rule 35(2) letter will include relevant facts, including the date of the detention order and the date of the next ID detention review, and provide a brief summary of the arguments that might justify expediting the judicial review proceeding, addressing factors such as the interests of justice, the procedural fairness rights owed to both parties, the Applicant's diligence in pursuing an urgent judicial review, and the availability of the Applicant for a hearing to be scheduled on an expedited basis. The Applicant's Rule 35(2) letter must also indicate that the Applicant consents, pursuant to section 74(b) of the *IRPA*, to an expedited judicial review hearing.
29. The Minister shall inform the Court and the Applicant as soon as reasonably possible of the Minister's position on the request for an urgent expedited judicial review proceeding and their availability for both the urgent remote conference sought in the Applicant's Rule 35(2) letter and for an urgent hearing of the judicial review should the Court so order. If the Minister does not oppose the request, the Minister also shall expressly consent, pursuant to section 74(b) of the *IRPA*, to an expedited judicial review hearing.
30. The Court will endeavor to hold a remote conference to determine whether to grant the request to expedite the judicial review proceeding. Where it is not possible to schedule a remote conference at a mutually convenient time for the parties (or their respective counsel) and the Court, the Court may decide the matter on the basis of the parties' written submissions.
31. If the Court grants the request for an urgent expedited judicial review proceeding, it may vary the time limits prescribed by the *FCCIRPR*, to grant leave in the underlying Application for Leave and for Judicial Review, or reserve the leave decision for disposition at the time of the expedited judicial review hearing.
32. The Court will provide a date for the judicial review hearing, set out the due dates for the parties' written submissions and affidavits, and make other orders or directions as necessary on any other matter, including the production of a certified tribunal record, that would facilitate the just and expeditious determination of the proceeding. If the Court hears the judicial review application prior to the Applicant's next detention review, this would be with a view to judgment being issued, if possible, before the ID makes a decision at that next detention review.
33. Upon being informed by the Court Registry of an Applicant's urgent request to expedite the judicial review proceeding, within 24 hours the ID will provide the Court and the parties with an audio recording of the ID proceedings,¹ and within four business days the ID will provide a transcript of the decision portion of its proceedings. The Registry of the

¹ While the ID will strive to consistently provide an audio recording within 24 hours, some delays may be possible arising from the current coronavirus pandemic.

ID or of the Federal Court will set up a SharePoint folder for circulation of the audio recording and transcript.

34. **Service and Filing.** To facilitate the efficient and expeditious disposition of the matters addressed herein, the parties' submissions and other communications between and among the parties and the Court may be served and filed electronically. Documents for the Court should be filed via the Court's e-filing portal,² or in special situations, at the electronic address³ provided by the Registry.
35. **Unrepresented Applicants.** The Court recognizes that Applicants who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.

Certified questions

36. Pursuant to paragraph 74(d) of the [IRPA](#), "an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question" [emphasis added]. Parties are expected to make submissions regarding paragraph 74(d) in written submissions filed before the hearing on the merits and/or orally at the hearing. Where a party intends to propose a certified question, opposing counsel shall be notified at least five (5) days prior to the hearing, with a view to reaching a consensus regarding the language of the proposed question.

Hearing

37. **Hearing time.** The default maximum hearing time for an application for judicial review under the [IRPA](#) or the [Citizenship Act](#) is ninety (90) minutes.

In its Order granting leave, the Court may schedule a shorter or longer hearing if the circumstances warrant. A party may request additional time as follows:

- (a) Before leave is granted:
- (i) By the applicant: As a cover note to the perfected application for leave (filed under Rule 10 of the [FCCIRPR](#));

² See Federal Court E-Filing portal: <https://www.fct-cf.gc.ca/en/pages/online-access/e-filing#cont>

³ If provided with an e-mail address, note that the maximum Registry e-mail size is 25 MB. However, conversion of attachments into e-mail format adds up to about 30% of the original document size, so an 18 MB attachment will come close to the maximum email size limit. If filing documents by e-mail, it is recommended that larger PDF documents (i.e., over 18 MB) be split into smaller parts before sending. Please consult sections 3.2.1.1 and 6.8 of our E-filing Guide for information on reducing the size of PDF documents: <https://www.fctcf.gc.ca/en/pages/online-access/e-filing-resources>

(ii) By another party: As a cover note or in the Respondent's Affidavit(s) or Memorandum of Argument (filed under Rule 11 of the [FCCIRPR](#));

(b) After leave is granted:

- (i) If the request is for thirty (30) additional minutes of hearing time or less, by making an informal request in writing, or orally at the beginning of the hearing. This shall be accompanied by an indication as to whether the other party consents to the request;
- (ii) If the request is for more than thirty (30) additional minutes of hearing time, by filing a formal motion record as set out in Part 7 of the Rules. This request, if granted, may require an adjournment of the hearing.

Submitting a Motion for Transcript of Tribunal Hearing

- 38. An Applicant wishing to file a motion requesting that the Court Order the tribunal to produce a transcript of any oral hearing may include this request, including the grounds in support of the request, within their Perfected Application (Rule 10). The Respondent may respond to the request in their Rule 11 Affidavits and Memorandum of Argument.
- 39. The request shall then be determined on the basis of the same materials as the application for leave.

Settlement discussions in proceedings under IRPA⁴

- 40. To assist with the efficient resolution of Applications for Leave and Judicial Review brought under section 72 of [IRPA](#), the Court has developed procedures to facilitate settlement discussions between parties in appropriate cases.

In cases in which the Court is inclined to grant leave, a production Order will be issued by the Court before the Application for Leave is formally adjudicated. The Order will require the tribunal to provide parties and the Court with a copy of its CTR within 21 days of receipt of the Order. If leave is granted, each party shall, within 15 days of the date of the Order granting leave, consider the possibility of settling the Application, and if both agree that it is appropriate, they shall engage in settlement discussions. If no settlement discussions take place, the Respondent shall file the Notice of Non-Settlement (see optional template in [Annex](#)). If settlement discussions take place, the Respondent shall file a statement of the outcome of settlement discussions, and if settlement is reached, the parties shall immediately inform the Court and take necessary steps to discontinue the

⁴ Initially launched on a pilot basis only for Toronto proceedings, the Court has endorsed the special procedures to facilitate settlement and expanded them nationally starting on October 4, 2021.

Application or request a Judgment on consent (see below). Settlements, if they are to take place, are encouraged to be finalized within this 15-day ‘settlement window.’

41. **Discontinuance (on Consent).** If parties settle an Application for Judicial Review in respect of a decision by or on behalf of the Minister, it is common practice simply to agree to have the underlying decision re-determined, and discontinue the application before the Court. It is recommended that a Notice (see optional template in [Annex](#)) be filed with the Court indicating that the parties discontinue the proceeding based on a settlement. The Notice, along with reasons for consent (which do not need to be filed with the Court), shall be transmitted by a client representative to the relevant office.
42. **Discontinuance (Unilateral).** In some circumstances, whether following settlement discussions or even prior to such discussions, an Applicant discontinues the Application without having reached any agreement with the Respondent on terms related to the discontinuance. If so, Rule 166 applies: “A party shall file a declaration of settlement or a notice of discontinuance in Form 166 in a proceeding that has been concluded other than by a judgment or discontinuance on consent.”

Requests on Consent for Orders on Applications for Judicial Review

43. **Informal Motion for Judgment (on Consent).** If parties agree to settle an Application for Judicial Review in respect of a decision of the Immigration and Refugee Board, it is common practice for parties, on consent, to bring a motion requesting a Judgment of the Court to set aside the decision of the Board and return the matter for redetermination. Parties may seek leave, by way of Notice (see optional template in [Annex](#)), to be relieved from the requirement to bring a formal motion record if the following requirements are met. In particular, the Notice should:
 - a. confirm that all parties consent to the request;
 - b. set out the facts relevant to the request;
 - c. provide the parties’ submissions relevant to the request; and
 - d. include a recital of the exact relief sought (draft consent Judgment).

The facts relevant to the request should include an indication of which of the grounds set forth in s. 18.1(4) of the [Federal Courts Act](#) applies. Counsel should submit the draft order and consent to the Registry.

44. Generally, the Court will dispose of an application for judicial review in accordance with the draft order and consent without the necessity of an appearance. However, if a judge is of the view that the consent should be further justified, counsel will be notified and given an opportunity to do so. The following procedures should be followed:

- a. The judge will direct the Registry to notify counsel of the time and manner in which the justification should be given.
 - b. If the judge is of the opinion that it is inappropriate to issue an order based on the consent, that judge will hear and determine the application for judicial review on its merits as scheduled or after granting a reasonable adjournment, if required.
45. If counsel are unable to submit a draft order and signed consent in advance of the scheduled hearing date, the following procedures should be followed:
- a. Both counsel should appear at the hearing and be prepared to respond to any questions or concerns which the presiding judge may have about the order requested.
 - b. If the presiding judge is of the opinion that it is inappropriate to issue an order based on the consent and the oral representations of counsel, that judge will hear and determine the application for judicial review on its merits after granting a reasonable adjournment, where appropriate.

Allegations against former counsel or another authorized representative in Citizenship, Immigration and Refugee Cases before the Federal Court.

46. Where an applicant alleges professional incompetence, negligence, or other conduct on the part of his or her former legal counsel or other authorized representative as a ground for relief in an application for leave and judicial review under the [IRPA](#) or in an application brought under the [Citizenship Act](#), the protocol set out below should be followed. For the purposes of this protocol, “authorized representative” includes an immigration consultant, paralegals, a notary who is a member in good standing of the Chambre des notaires du Québec and a member in good standing of a body designated under subsection 91 (5) of the [IRPA](#) and section 21.1 of the [Citizenship Act](#). The purpose of this protocol is solely to assist the Court in its adjudication of applications in which such allegations are made.
47. **Requisite Steps.** Prior to pleading incompetence, negligence or other conduct on the part of former legal counsel or other authorized representative as a grounds for relief, current counsel must satisfy him/herself, by means of personal investigations or inquiries, that there is some factual foundation for the allegation. In addition, current counsel must notify the former counsel or authorized representative in writing with sufficient details of the allegations and advise that the matter will be pled in an application described above. The written notice must advise the former counsel or authorized representative that they have seven days from receipt of the notice to respond. Along with this notice, and in cases where privilege may be applicable, current counsel must provide the former counsel or authorized representative with a signed authorization from the applicant releasing any

privilege attached to the former representation along with a copy of this Protocol. This practice is strongly encouraged for stay motions time permitting.

48. Current counsel should, unless there is urgency, wait for a written response from the former counsel or authorized representative before filing and serving the application record. If the former counsel or authorized representative intends to respond he or she must do so, in writing to current counsel, within seven days of receipt of the notice from current counsel.
49. If after reviewing the response of the former counsel or authorized representative and any other available information, current counsel believes that there may be merit to the allegations, current counsel may file the application or appeal record with the Court. Any perfected application which raises allegations against the former counsel or authorized representative must be served on the former counsel or authorized representative and proof of service be provided to the Court. The application will be served on the respondent in the normal course.
50. Where current counsel is investigating the allegations against the former counsel or authorized representative and it becomes apparent that his or her pursuit of this investigation may delay the perfection of the application record beyond the timelines provided for by the [FCCIRPR](#), current counsel may apply by motion for an extension of time to perfect the record.
51. If the former counsel or authorized representative wishes to respond to the allegations made in the record, he or she may do so in writing by sending a written response to current counsel and to counsel for the Respondent within ten days of service of the application or such further time as the Court may direct.
52. Current counsel who wishes to respond to the communication received from the former counsel or authorized representative must file a motion under [Rule 369](#) for an extension of time and for leave to file further written submissions with respect to the new material received. Any relevant evidence shall be included in the motion record and filed by way of affidavit, including any response from the former counsel or authorized representative and documentation of a complaint made to the appropriate provincial or federal governing body.
53. If no response from the former counsel or authorized representative is received within ten days of service, and no extension of time has been granted, current counsel must advise the Court and the respondent that no further information from the former counsel or authorized representative is being submitted. The Court shall then base its decision on the application for leave on the material filed by the applicant and the respondent, and without any further notice to the former counsel or authorized representative.

54. Steps upon Leave Being Granted. If, upon reviewing the materials filed, the Court decides to grant leave, the following procedure will apply:

- i. Current counsel will provide a copy of the order granting leave or the order(s) setting the matter down for hearing to the former counsel or authorized representative forthwith.
- ii. If the former counsel or authorized representative deems his or her further participation in the proceedings necessary, he or she may make a motion pursuant to [Rule 109](#) and [Rule 369](#) for leave to intervene. It is presumed that in most cases, if leave to intervene is granted to the former counsel or authorized representative, written submissions will be permitted.

Mandamus Applications (June 29, 2023 amendment)

55. Rules 5(1)(h), 9 and 10 of the [FCCIRPR](#) are based on the premise that the Applicant is seeking judicial review of a decision that has already been made by a tribunal. Rule 5(1)(h) indicates that an application for leave “shall set out ... whether or not the applicant has received the written reasons of the tribunal.” If an application for leave sets out that the applicant has *not* received the written reasons of the tribunal, Rule 9 then indicates that “the Registry shall, without delay, send the tribunal a request in Form IR-3” This form requests the tribunal to send a copy of the decision or order at issue and the written reasons for it, or a notice indicating that no reasons were given or reasons were given but not recorded. The deadline for perfecting the application for leave is 30 days after receiving either the written reasons or the notice under Rule 9(2)(b).
56. However, the Rules do not appear to contemplate the situation where the tribunal has not yet made a decision, and the applicant wishes to file an application seeking an Order of the Court compelling the tribunal to render a decision (an application for *mandamus*). The same is true with respect to Form IR-1. In many cases, the applicant selects the option indicating that the applicant has not received the reasons, but Rule 9 then requires the Registry to send Form IR-3 to the tribunal, causing unwanted delays waiting for the tribunal to confirm that no decision or reasons exist.
57. Therefore, for applications in the nature of *mandamus*, in which the applicant seeks an Order compelling a tribunal to render a decision, the following guidelines are provided.
- 58. Rule 5 (1)(h) and Rule 9.** An application for leave shall be in accordance with Form IR-1 and may set out either:

“The Applicant has not received written reasons of the tribunal” [which will trigger the normal Rule 9 process] OR

“The Applicant has not received written reasons of the tribunal and is not seeking such reasons under Rule 9 as no decision has been rendered yet” [which would alert the Registry *not* to initiate the Rule 9 process].

- 59. Rule 10 Perfecting the Application for Leave.** If the Application for Leave indicates “The Applicant has not received written reasons of the tribunal” – The applicant shall perfect the application for leave within 30 days after receiving either the written reasons, or the notice under Rule 9(2)(b), as the case may be.

If the Application for Leave indicates “The Applicant has not received written reasons of the tribunal and is not seeking such reasons under Rule 9 as no decision has been rendered yet” – the applicant shall perfect the application for leave within 30 days after filing the application.

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ANNEX

NOTICE #1: NOTICE OF NON-SETTLEMENT

(General Heading – use Form 66)

Pursuant to the Order of the Federal Court granting leave in the within application for judicial review and requiring the parties to consider the possibility of settlement within 15 days of receiving the Order, the parties advise that:

- ☐ The parties have not agreed to settle the within application for judicial review.
OR
☐ The parties have not completed settlement discussions and will file a further Notice of Settlement Status within 15 days of today's date.

This Notice is being submitted by the Respondent.

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

NOTICE #2: NOTICE OF DISCONTINUANCE

(General Heading – use Form 66)

(Complete only if the application for judicial review is being discontinued and the parties are NOT requesting an Order of the Court.)

(check only one box)

- ☐ The Applicant wholly discontinues this application for judicial review, without any consent agreement, pursuant to Rule 166 of the *Federal Courts Rules*, SOR/98-106.
- OR
- ☐ The parties have agreed to settle this application for judicial review and Discontinue the application. The Applicant requests that the within application be immediately discontinued on consent of the Respondent, without the filing of a Notice of Discontinuance in Form 166. This Notice shall be transmitted by a client representative to the relevant office.

CONFIRMATION OF CONSENT

This Notice is being submitted by or on behalf of the (insert submitting party) (check only one box):

- ☐ On consent of all parties.
- ☐ On another basis *(provide details below)*:

(If not submitted on consent, a copy of this Notice of Discontinuance must be sent by the submitting party to the other party.)

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

**NOTICE #3: NOTICE OF SETTLEMENT and
REQUEST for JUDGMENT ON CONSENT**

(General Heading – use Form 66)

(Complete only if the parties have agreed to settle the application for judicial review and are requesting a Judgment of the Court.)

The parties have agreed to settle this application for judicial review and request a Judgment of the Court. The parties agree that the within application be settled for the following reasons. The federal board, commission or other tribunal (check the boxes that apply):

- ☐ acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ☐ failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;
- ☐ erred in law in making a decision or an order, whether or not the error appears on the face of the record;
- ☐ based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- ☐ acted, or failed to act, by reason of fraud or perjured evidence;
- ☐ acted in any other way that was contrary to law.

(Identify any agreed-upon errors in the decision under review and/or breaches of procedural fairness and/or other grounds for settlement)

As a result, the parties request that the Federal Court issue a Judgment on Consent in the form attached as Schedule “A” to this Notice, without a formal motion record or further correspondence from the parties, having regard to Rule 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court’s practice regarding informal requests on consent for interlocutory relief. The Court may, for any reason, require a formal motion record or further information.

This Request is being submitted by or on behalf of the *(insert submitting party)* on consent of all parties. *(If each party submits the Request separately, a copy must be sent to the other party; or a single joint copy, signed by both parties, may be submitted.)*

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

SCHEDULE “A”

Date: YYYYMMDD

Docket: IMM-XX-YY

City, Province, (long date format, e.g. November 10, 2018)

PRESENT: The Honourable Mr. Justice XX

BETWEEN:

XXXXXX

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT ON CONSENT

UPON informal motion in writing for Judgment, brought on consent of the parties, dated (*insert date*);

AND UPON considering Rule 3 of the Federal Courts Rules and, *mutatis mutandis*, the Court’s practice regarding informal requests on consent for interlocutory relief;

AND UPON reviewing the Notice of Settlement Status filed and the Reasons for Settlement identified therein;

AND UPON noting the parties’ agreement that (*insert Reasons for Settlement*);

AND UPON noting the consent of the parties; and

AND UPON being satisfied that [Choose (i) [it is in the interests of justice that the requested relief be granted] OR (ii) [that the Tribunal erred by (*identify the basis for the consent agreement, as set forth in subs. 18.1(4) of the Federal Courts Act*)] OR (iii) [there are grounds to grant the relief sought];

THIS COURT’S JUDGMENT is that this motion and the application for judicial review are granted. The underlying decision (*include date of decision*) is set aside, with the matter to be re-determined by (*identify the decision-maker*).

“XXXX”

Judge

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Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings

June 24, 2022

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Preamble

These guidelines are to be interpreted in a manner that seeks to secure the just, most expeditious and least expensive determination of every proceeding on its merits. They are intended to complement and not derogate from the [Federal Courts Rules](#) [the “FCR”]. A judge or Associate Judge [previously referred to as prothonotary] retains the discretion to depart from these guidelines having regard to the particular circumstances of a given case.

Further, these guidelines serve to identify best practices and clarify the Court’s expectations related to procedures for Applications under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) [the “FCCRPR”] related to matters arising under the [Citizenship Act](#) and the [Immigration and Refugee Protection Act](#) [“IRPA”]. They have been developed in consultation with the Federal Court Citizenship, Immigration, and Refugee Law Bar Liaison Committee [the “Committee”], which provides a forum for dialogue, to review litigation practice and rules, and to discuss potential efficiencies and improvements. Committee minutes are available on the Court web site [Liaison Committees page](#), along with the names of representatives. Comments or suggestions regarding these Guidelines are welcome and may be sent via Committee representatives or to its Secretary at media-fct@fct-cf.gc.ca.

Additional Procedural Resources for Litigants

The [Court web site](#) provides numerous resources for litigants – see the [Representing Yourself](#) sub-menu, which provides procedural time-lines, detailed procedural practice guides, information about [Finding Legal Help](#), and clarification regarding [Who May Represent You in Federal Court](#).

Consolidation

These guidelines consolidate and replace the following:

- Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings (November 5, 2018)
- Practice Guidelines – Immigration and Refugee Proceedings: Urgent Stay Motions for Removals from Canada (February 18, 2021)
- Applications for judicial review under the Immigration and Refugee Protection Act and the Citizenship Act: Hearing Time (October 29, 2015)
- Requests for Consent Orders on Applications under the Immigration and Refugee Protection Act (April 18, 2006)
- Scheduling Practice for the Hearing of Applications (October 24, 2018)

- Stay of Release from Detention Protocol (November 30, 2020)
- Settlement Discussions in Proceedings under the Immigration and Refugee Protection Act (December 17, 2021)

Consolidated Practice Guidelines

These Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection matters are to be read in conjunction with the consolidated guidelines listed below, which are posted on the Court website ([Notices](#)).

In the event of a conflict, the order of precedence to be assigned is as follows:

- (a) Consolidated Covid-19 Practice Directions;
- (b) Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection matters; and
- (c) Consolidated General Practice Guidelines.

Open Court Principle – Confidentiality and Anonymity Requests

1. Pursuant to the open court principle, the general rule in Canada is that court hearings are open to the public and may be reported in full. Applications brought under the [FCCIRPR](#) are therefore normally on the public record, with all documents publicly accessible, even though they are not currently accessible online. Only the Court docket and Reasons for Decision are available via the Court web site. However, pursuant to [Rule 151](#) of the *FCR*, on motion, the Court may order that all or part of the Court record shall be treated as confidential. Furthermore, pursuant to [Rule 8.1\(2\)](#) of the [FCCIRPR](#), a party to an application for leave may make a written request, in [Form IR-5](#), that the Court make an order that all documents that are prepared by the Court and that may be made available to the public (for example, the [online docket](#) and any [decision](#) of the Court in the proceeding) be amended and redacted to the extent necessary to make the party's identity anonymous. The request is determined at the same time, and on the basis of the same materials, as the application for leave.

Filing

2. **Electronic filing.** Documents may be filed electronically via the e-filing portal on the Court web site [<https://www.fct-cf.gc.ca/en/pages/online-access/e-filing>]. Although there is no cost to use the [e-filing portal](#), fees under [Tariff A](#) of the *FCR* still apply.

The requirements set out in the Practice Direction (COVID-19) (see latest version on [Notices](#) page) regarding page numbering, bookmarks and Optical Character Recognition (OCR) ought to be followed.

3. **Judicial review of visa decisions – Timeline for filing an application (15 or 60 days under paragraph 72(2)(b) of the [IRPA](#)).** Applicants should indicate clearly in a cover letter accompanying the notice of application when it is submitted for filing whether the judicial review relates to an “Inland Application” or “Application arising outside Canada” and whether the applicant is in Canada or abroad.
4. **Delays in Legal Aid Funding – Request for Reconsideration of an Order Dismissing an Application for Delay.** The Court sometimes receives motions for reconsideration under Rule 397 (of Orders dismissing leave) in which the Applicant submits that the file had not been perfected due to delayed confirmation of legal aid funding.

As written and interpreted according to the principles of finality and *res judicata*, Rule 397 does not provide authority to the Court to decide a leave application a second time.

In cases where a party is waiting for approval of legal aid funding before perfecting an application for leave and judicial review, the onus is on the party, or prospective counsel, to bring this fact to the attention of the Court before the application is dismissed for delay.

The Court should be notified by letter copying opposing counsel, including evidence of the expected or typical timeline for a decision by the legal aid body. In such circumstances, the Court will consider the letter and, if appropriate, defer dismissal of the application for a short period of time (not exceeding twenty-one (21) days).

Informal requests for interlocutory relief

5. Parties should refer to the Consolidated General Practice Guidelines (posted on the [Notices](#) page), which include specific guidelines for submitting informal requests for interlocutory relief. Unless they follow these guidelines, parties are required to submit a formal motion record, pursuant to Part 7 of the [FCR](#), for interlocutory requests.

Scheduling

6. **Non-availability prior to the issuance of an order granting leave.** Prior to the issuance of an order granting leave, parties may file, within the timeframe for filing a Rule 13 reply, a joint letter setting out their non-availability in the one hundred and twenty (120) days that follow the last day for filing of a reply for the hearing on the merits. The Judicial

Administrator will attempt to accommodate such non-availability. The principal criteria for non-availability are:

- (a) prior scheduled vacation leave or a previously scheduled hearing before a Superior Court. Note that the Court's schedule will normally take precedence over previously scheduled matters before an administrative tribunal, though if provided notice, the Court will endeavor to schedule around Immigration Appeal Division hearings; and
 - (b) serious illness.
7. **Non-availability following the issuance of an order granting leave.** Within seven (7) days of issuance of the order granting leave, a party may request, by way of letter to the Judicial Administrator copied to all parties, that the scheduled hearing date be adjourned to another date. The letter must:
- (a) confirm that all parties either consent to the request or do not oppose the request;
 - (b) briefly set out all facts and submissions relevant to the request; and
 - (c) set out the availability of all parties within six (6) weeks of the scheduled date.
8. Scheduling changes outside the timeframes above may be requested by way of motion.

Motions for Stay of Removals from Canada

These guidelines are intended to address two concerns. The first is the failure of some applicants to bring motions for stays of removal as soon as possible. The second is with the form and content of stay motions.

9. **Service, filing and scheduling.** Pursuant to Rule 362(1) [FCR](#), motions are to be served and filed at least three days before the date set out in the notice for the hearing of the motion. Pursuant to Rule 362(2), the Court may hear a motion on less than three days' notice if all parties consent or if the moving party satisfies the Court of the urgency of the motion. Rule 35(2) permits informal requests for the scheduling of special hearing time and dates for motions.
10. **Form and content.**
- a. The notice of motion and the motion record must be in conformity with the [FCR](#).
 - b. Related and relevant prior immigration decisions involving the applicant or his/her immediate family members should be provided by the applicant within their motion record (for example, RPD, RAD, PRRA or H&C decisions and past requests for

deferral of removal). If such related decisions are not provided, an explanation must be given for the failure to do so.

- c. Each party must clearly address the tripartite test for an injunction (*RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311; *R. v. Canadian Broadcasting Corp.*, 2018 SCC 5) in the context of the alleged facts and their own circumstances. Written submissions must be focused. Irrelevant boilerplate or outdated submissions should be avoided.
- d. When bringing a stay, the motion should be considered as a standalone proceeding. The Motion Record should include everything required by the Court to make its decision, and only those portions of the application record or other documents that are necessary to support the motion, such as specific pages of a country condition document. It is not acceptable to simply state, for example, that the country conditions documents are found at pages 100-250 of the motion record.
- e. The Motion Record must be succinct and sufficiently condensed. The Court recognizes that each case is distinct and that, on occasion, the circumstances may be such that it may be necessary to include a larger number of documents in the Motion Record to support the motion of a stay of removal. However, situations in which more than one hundred pages of materials may be required to support a motion for stay of removal should be considered to be exceptional.
- f. A party's written representations submitted in a stay motion should include pinpoint references to the materials in the Motion Record(s) relied on by that party, including by providing relevant page, paragraph numbers and, if reasonably possible, hyperlinks.
- g. The Court has seen instances where applicants fail to meaningfully address one or more branches of the tripartite test. This includes instances where applicants simply state that they are relying on the submissions made and materials filed in the underlying application for judicial review. In such circumstances, an accompanying affidavit in the stay motion sometimes attaches as an exhibit the whole of the application record, which is often voluminous. The Court has also seen instances where lengthy and detailed written representations are made which reference a voluminous underlying application record(s) or related proceedings. Such practices do not align with this guideline and are discouraged.
- h. The parties should not request the Registry to copy and bring to the Court's attention related files or motions. The Motion Record as filed in the stay motion must speak for itself.

- i. The parties should refrain from filing extensive books of authorities in support of a stay. The case law upon which a party relies should be identified in the written representations, which in turn should provide paragraph number citations, hyperlinked if possible. Referenced authorities which are included in the Common List of Authorities found on the Court website shall be deemed to be included in the book of authorities (see: [Common List of Authorities for Immigration and Refugee Law](#) and [Deferrals and Stays of Removal](#)).
11. The filing of extremely voluminous materials in support of a stay motion or materials that do not address the legal test for a stay is strongly discouraged. Among other things, this may also be contrary to the interests of justice, as it can adversely impact the Court's ability to efficiently conduct the required analysis within the time constraints.
12. **Urgent motions.** The Court recognizes that there are circumstances where an applicant has no alternative but to bring a last minute, or urgent, motion to stay their removal from Canada. Such unavoidable urgent stay motions may be necessary, for example, when a direction to report for removal is issued for an imminent removal date, leaving an applicant with little time to retain and instruct counsel and to bring a stay motion. The Court considers such circumstances to be distinct from those where removal has been anticipated for some time and/or there is sufficient time between the service of a direction to report and the scheduled removal date to permit a stay motion to be set down to be heard on a non-urgent basis. These matters are not inherently urgent because they could be set down to be heard in accordance with Rule 362(1). These may be avoidable last minute stay motions, which are discouraged, as they are not in the interests of justice (see, for example, *Beros v. Canada (Citizenship and Immigration)*, 2019 FC 325; *Khan v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1275 ("Khan"); *Ocaya v Canada (Citizenship and Immigration)*, 2019 Canlii 8561 (FC); *Miranda v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 1057). Accordingly, the Court may refuse to hear last-minute stay applications where there is no satisfactory explanation for the delay in bringing the matter forward (Khan at para 11).
13. In circumstances where a motion for a stay of removal cannot reasonably be brought on at least three days notice, the Court and the respondent shall be alerted, by way of letter from the applicant, of the anticipated urgent motion as soon as the decision to bring a motion is made. That letter shall request a special hearing date pursuant to Rule 35(2), and provide a satisfactory explanation for any delay in bringing on the motion justifying the need for urgency. In addition, the letter must identify the applicant, the date they were informed of their intended removal, the removal date/time, the underlying application for judicial review, the date and time that the motion record will be filed, the proposed hearing dates and times, and any other relevant information. Failure to provide a satisfactory explanation for the need to file a last minute urgent motion may result in the Court declining to hear the matter.

14. Duty counsel for the Department of Justice are typically available only until 9:00 p.m. Accordingly, **urgent motions filed after 9:00 p.m. for removal early the next day** are, in effect, brought on an *ex parte* basis. This practice is strongly discouraged. It should not be expected that the Court will hear such motions in the absence of compelling and unavoidable circumstances. Given the “*ex parte*” practical nature of such motions, an elevated duty of full and frank disclosure will apply.
15. The Court recognizes that applicants sometimes make a **timely request to the Canada Border Services Agency (“CBSA”) seeking to have their scheduled removal deferred**, but do not receive a response to their request before they begin to run out of time to access the Court. In such circumstances, an application for judicial review together with a related stay motion premised on an anticipated negative decision will be accepted for filing at all Registries of the Federal Court. Based on past experience, the requested deferral decision is usually received prior to the hearing of the stay motion. However, in recognition of the fact that this may not always occur, it is open to applicants to include, in the underlying application for leave and judicial review and the motion, a summary request for an alternative remedy of *mandamus* in the event that the deferral decision is not issued by CBSA prior to the hearing of the stay motion.

Judicial Review of Decisions by the Immigration Division of the Immigration and Refugee Board related to Detention: Motion for an interim stay of a release Order

This protocol addresses the procedure to be followed where the Minister of Public Safety and Emergency Preparedness (“Minister”) intends to seek an order in the Federal Court (“Court”) staying an order for release from detention made by the Immigration Division (“ID”) of the Immigration and Refugee Board of Canada. In particular, the first part of this protocol addresses the steps when seeking an urgent interim stay of a release order, and the subsequent part addresses the steps when seeking an interlocutory stay of the release order, pending the determination of the Minister’s application for leave and for judicial review.

16. **Unrepresented Respondents.** The Court recognizes that Respondents who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.
17. **Electronic Service and Filing.** If the Respondent is represented by counsel, the parties’ documents may be served and filed electronically. Documents for the Court should be filed at the electronic address provided by the Registry.

18. Once a decision is made to bring a motion for an interim stay of release in the Court, counsel for the Minister shall inform the Registry by phone (see telephone listing below) of the pending motion, contact the Respondent's counsel (if represented) as soon as possible, and make best efforts to notify the Respondent (if unrepresented).
 - a. If an urgent request for an interim stay of release order is brought when the **Registry office is closed** – see [After hours telephone listing](#) [Urgent requests only]
 - b. If a request for an interim stay of release order is brought when the **Registry office is open** – see [Regular hours telephone listing](#)
19. **Letter.** The Minister shall file at the electronic address provided by the Registry a letter under Rule 35(2) of the [FCR](#) requesting an urgent interim order staying the ID's release order. The letter shall include relevant facts, explain the grounds for the requested relief and provide a brief summary of the arguments justifying that relief pending the determination of the interlocutory motion for a stay of release. The Minister shall provide the letter to the Respondent's counsel (if any) or the Respondent (if unrepresented).
20. **Respondent's position.** The Respondent's counsel shall inform the Court and the Minister as soon as possible of the Respondent's position on the request for an urgent interim stay of release and, if applicable, their availability for an urgent hearing.
21. **Hearing.** In deciding an opposed request for an interim stay of release, the Court will endeavor to hold a teleconference or videoconference hearing. Where it is not reasonably possible to schedule a hearing on the request for an interim injunction at a mutually convenient time, the Court may decide the matter without a hearing, bearing in mind such factors as the procedural fairness rights owed to both parties, the timing of the Respondent's potential release from detention, whether the Respondent is represented by counsel, and the reachability and availability of the Respondent or counsel (if any).
22. **Audio recording and transcript.** The ID shall provide the Court and the parties' counsel with an audio recording of its proceedings no later than 24 hours following its order for release. The ID shall provide a transcript of the decision portion of its proceedings within 4 business days of its order for release. The Registry of the ID or of the Federal Court will set up a Sharepoint folder for circulation of the audio recording and transcript.
23. **Interim stay.** If the Court orders an interim stay of release, the Court will ordinarily set a date for the hearing of the interlocutory motion to stay the release order. The hearing of the interlocutory stay motion will generally be held within 7 days of the order granting the interim stay of release; however, if that is not possible, it will be scheduled as soon as reasonably practicable thereafter. The parties may consent to a different timeline. The parties will be given the opportunity to file motion records.

If, during the interim stay of release stage of this process, the Minister did not serve and file an Application for Leave and for Judicial Review in respect of the release decision being challenged, the Minister shall do so as soon as possible thereafter, and in any event prior to the hearing of the interlocutory motion.

Motion for an interlocutory stay of a release Order pending the resolution of the Application for Leave and for Judicial Review

24. At the request of either party or on its own motion immediately after deciding the interlocutory motion for a stay of release, the Court may decide to vary the time limits prescribed by the [FCCIRPR](#).
25. If the Court grants leave in the underlying Application for Leave and for Judicial Review, the Court will provide a date for the hearing and set out the due dates for the parties' additional written submissions and affidavits. If the Court hears the judicial review application prior to the Respondent's next detention review, this would be with a view to judgement being issued, if reasonably possible, before the ID makes a decision at that next detention review.

Protocol for seeking urgent expedited proceedings of Immigration Division detention Orders

This protocol addresses the procedure to be followed where the Immigration Division ("ID") of the Immigration and Refugee Board of Canada makes a detention order and the Applicant (detainee or counsel acting on their behalf) seeks to challenge that order in the Court by way of an urgent expedited judicial review proceeding. Applications for leave and judicial review typically take many months to be adjudicated. When the decisions under review are Immigration Division orders for continued detention, it may be in the interests of justice to permit an application to be fully litigated in a substantially abridged timeline, given the liberty interests at issue.

26. **Expediting Proceeding.** An Applicant seeking to expedite the judicial review of an ID detention order in the Court shall, as soon as possible, inform the Court Registry by phone (see telephone listing below) and the Department of Justice, on behalf of the Minister of Public Safety and Emergency Preparedness ("Minister"), by phone or by email (telephone lists and email addresses are available at the links below), of the pending request.

Federal Court Registry:

- a. After hours telephone listing [**Urgent requests only**]

b. Regular hours telephone listing

Department of Justice – Regional Offices

27. The Applicant shall file an Application for Leave and for Judicial Review and serve and file a letter under Rule 35(2) of the [FCR](#), requesting an urgent remote conference with the Court. As described below, the Application for Leave and for Judicial Review may be served and filed electronically.
28. The Rule 35(2) letter will include relevant facts, including the date of the detention order and the date of the next ID detention review, and provide a brief summary of the arguments that might justify expediting the judicial review proceeding, addressing factors such as the interests of justice, the procedural fairness rights owed to both parties, the Applicant's diligence in pursuing an urgent judicial review, and the availability of the Applicant for a hearing to be scheduled on an expedited basis. The Applicant's Rule 35(2) letter must also indicate that the Applicant consents, pursuant to section 74(b) of the IRPA, to an expedited judicial review hearing.
29. The Minister shall inform the Court and the Applicant as soon as reasonably possible of the Minister's position on the request for an urgent expedited judicial review proceeding and their availability for both the urgent remote conference sought in the Applicant's Rule 35(2) letter and for an urgent hearing of the judicial review should the Court so order. If the Minister does not oppose the request, the Minister also shall expressly consent, pursuant to section 74(b) of the IRPA, to an expedited judicial review hearing.
30. The Court will endeavor to hold a remote conference to determine whether to grant the request to expedite the judicial review proceeding. Where it is not possible to schedule a remote conference at a mutually convenient time for the parties (or their respective counsel) and the Court, the Court may decide the matter on the basis of the parties' written submissions.
31. If the Court grants the request for an urgent expedited judicial review proceeding, it may vary the time limits prescribed by the FCCIRPR, to grant leave in the underlying Application for Leave and for Judicial Review, or reserve the leave decision for disposition at the time of the expedited judicial review hearing.
32. The Court will provide a date for the judicial review hearing, set out the due dates for the parties' written submissions and affidavits, and make other orders or directions as necessary on any other matter, including the production of a certified tribunal record, that would facilitate the just and expeditious determination of the proceeding. If the Court hears the judicial review application prior to the Applicant's next detention review, this would be with a view to judgment being issued, if possible, before the ID makes a decision at that next detention review.

33. Upon being informed by the Court Registry of an Applicant's urgent request to expedite the judicial review proceeding, within 24 hours the ID will provide the Court and the parties with an audio recording of the ID proceedings,¹ and within four business days the ID will provide a transcript of the decision portion of its proceedings. The Registry of the ID or of the Federal Court will set up a Sharepoint folder for circulation of the audio recording and transcript.
34. **Service and Filing.** To facilitate the efficient and expeditious disposition of the matters addressed herein, the parties' submissions and other communications between and among the parties and the Court may be served and filed electronically. Documents for the Court should be filed via the Court's e-filing portal,² or in special situations, at the electronic address³ provided by the Registry.
35. **Unrepresented Applicants.** The Court recognizes that Applicants who are unrepresented by counsel may need extra attention and assistance to help ensure a fair, expeditious, and efficient resolution of the proceedings.

Certified questions

36. Pursuant to paragraph 74(a) of the [IRPA](#), "an appeal to the Federal Court of Appeal may be made only if, in rendering judgment, the judge certifies that a serious question of general importance is involved and states the question." [emphasis added] Parties are expected to make submissions regarding paragraph 74(a) in written submissions filed before the hearing on the merits and/or orally at the hearing. Where a party intends to propose a certified question, opposing counsel shall be notified at least five (5) days prior to the hearing, with a view to reaching a consensus regarding the language of the proposed question.

Hearing

37. **Hearing time.** The default maximum hearing time for an application for judicial review under the [IRPA](#) or the [Citizenship Act](#) is ninety (90) minutes.

¹ While the ID will strive to consistently provide an audio recording within 24 hours, some delays may be possible arising from the current coronavirus pandemic.

² See Federal Court E-Filing portal: <https://www.fct-cf.gc.ca/en/pages/online-access/e-filing#cont>

³ If provided with an e-mail address, note that the maximum Registry e-mail size is 25 MB. However, conversion of attachments into e-mail format adds up to about 30% of the original document size, so an 18 MB attachment will come close to the maximum email size limit. If filing documents by e-mail, it is recommended that larger PDF documents (i.e., over 18 MB) be split into smaller parts before sending. Please consult sections 3.2.1.1 and 6.8 of our E-filing Guide for information on reducing the size of PDF documents:

<https://www.fctcf.gc.ca/en/pages/online-access/e-filing-resources>

In its Order granting leave, the Court may schedule a shorter or longer hearing if the circumstances warrant. A party may request additional time as follows:

(a) Before leave is granted:

- (i) By the applicant: As a cover note to the perfected application for leave (filed under Rule 10 of the [FCCIRPR](#));
- (ii) By another party: As a cover note or in the Respondent's Affidavit(s) or Memorandum of Argument (filed under Rule 11 of the [FCCIRPR](#));

(b) After leave is granted:

- (i) If the request is for thirty (30) additional minutes of hearing time or less, by making an informal request in writing, or orally at the beginning of the hearing. This shall be accompanied by an indication as to whether the other party consents to the request;
- (ii) If the request is for more than thirty (30) additional minutes of hearing time, by filing a formal motion record as set out in Part 7 of the *Rules*. This request, if granted, may require an adjournment of the hearing.

Submitting a Motion for Transcript of Tribunal Hearing

- 38. An Applicant wishing to file a motion requesting that the Court Order the tribunal to produce a transcript of any oral hearing may include this request, including the grounds in support of the request, within their Perfected Application (Rule 10). The Respondent may respond to the request in their Rule 11 Affidavits and Memorandum of Argument.
- 39. The request shall then be determined on the basis of the same materials as the application for leave.

Settlement discussions in proceedings under IRPA⁴

- 40. To assist with the efficient resolution of Applications for Leave and Judicial Review brought under section 72 of [IRPA](#), the Court has developed procedures to facilitate settlement discussions between parties in appropriate cases.

⁴ Initially launched on a pilot basis only for Toronto proceedings, the Court has endorsed the special procedures to facilitate settlement and expanded them nationally starting on October 4, 2021.

In cases in which the Court is inclined to grant leave, a production Order will be issued by the Court before the Application for Leave is formally adjudicated. The Order will require the tribunal to provide parties and the Court with a copy of its CTR within 21 days of receipt of the Order. If leave is granted, each party shall, within 15 days of the date of the Order granting leave, consider the possibility of settling the Application, and if both agree that it is appropriate, they shall engage in settlement discussions. If no settlement discussions take place, the Respondent shall file the Notice of Non-Settlement (see optional template in [Annex](#)). If settlement discussions take place, the Respondent shall file a statement of the outcome of settlement discussions, and if settlement is reached, the parties shall immediately inform the Court and take necessary steps to discontinue the Application or request a Judgment on consent (see below). Settlements, if they are to take place, are encouraged to be finalized within this 15-day 'settlement window.'

41. **Discontinuance (on Consent).** If parties settle an Application for Judicial Review in respect of a decision by or on behalf of the Minister, it is common practice simply to agree to have the underlying decision re-determined, and discontinue the application before the Court. It is recommended that a Notice (see optional template in [Annex](#)) be filed with the Court indicating that the parties discontinue the proceeding based on a settlement. The Notice, along with reasons for consent (which do not need to be filed with the Court), shall be transmitted by a client representative to the relevant office.
42. **Discontinuance (Unilateral).** In some circumstances, whether following settlement discussions or even prior to such discussions, an Applicant discontinues the Application without having reached any agreement with the Respondent on terms related to the discontinuance. If so, Rule 166 applies: "A party shall file a declaration of settlement or a notice of discontinuance in Form 166 in a proceeding that has been concluded other than by a judgment or discontinuance on consent."

Requests on Consent for Orders on Applications for Judicial Review

43. **Informal Motion for Judgment (on Consent).** If parties agree to settle an Application for Judicial Review in respect of a decision of the Immigration and Refugee Board, it is common practice for parties, on consent, to bring a motion requesting a Judgment of the Court to set aside the decision of the Board and return the matter for redetermination. Parties may seek leave, by way of Notice (see optional template in [Annex](#)), to be relieved from the requirement to bring a formal motion record if the following requirements are met. In particular, the Notice should:
 - a. confirm that all parties consent to the request;
 - b. set out the facts relevant to the request;

- c. provide the parties' submissions relevant to the request; and
- d. include a recital of the exact relief sought (draft consent Judgment).

The facts relevant to the request should include an indication of which of the grounds set forth in s. 18.1(4) of the [Federal Courts Act](#) applies. Counsel should submit the draft order and consent to the Registry.

- 44. Generally, the Court will dispose of an application for judicial review in accordance with the draft order and consent without the necessity of an appearance. However, if a judge is of the view that the consent should be further justified, counsel will be notified and given an opportunity to do so. The following procedures should be followed:
 - a. The judge will direct the Registry to notify counsel of the time and manner in which the justification should be given.
 - b. If the judge is of the opinion that it is inappropriate to issue an order based on the consent, that judge will hear and determine the application for judicial review on its merits as scheduled or after granting a reasonable adjournment, if required.
- 45. If counsel are unable to submit a draft order and signed consent in advance of the scheduled hearing date, the following procedures should be followed:
 - a. Both counsel should appear at the hearing and be prepared to respond to any questions or concerns which the presiding judge may have about the order requested.
 - b. If the presiding judge is of the opinion that it is inappropriate to issue an order based on the consent and the oral representations of counsel, that judge will hear and determine the application for judicial review on its merits after granting a reasonable adjournment, where appropriate.

Allegations against former counsel or another authorized representative in Citizenship, Immigration and Refugee Cases before the Federal Court.

- 46. Where an applicant alleges professional incompetence, negligence, or other conduct on the part of his or her former legal counsel or other authorized representative as a ground for relief in an application for leave and judicial review under the [IRPA](#) or in an application brought under the [Citizenship Act](#), the protocol set out below should be followed. For the purposes of this protocol, "authorized representative" includes an immigration consultant, paralegals, a notary who is a member in good standing of the Chambre des notaires du Québec and a

member in good standing of a body designated under subsection 91 (5) of the [IRPA](#) and section 21.1 of the [Citizenship Act](#). The purpose of this protocol is solely to assist the Court in its adjudication of applications in which such allegations are made.

47. **Requisite Steps.** Prior to pleading incompetence, negligence or other conduct on the part of former legal counsel or other authorized representative as a grounds for relief, current counsel must satisfy him/herself, by means of personal investigations or inquiries, that there is some factual foundation for the allegation. In addition, current counsel must notify the former counsel or authorized representative in writing with sufficient details of the allegations and advise that the matter will be pled in an application described above. The written notice must advise the former counsel or authorized representative that they have seven days from receipt of the notice to respond. Along with this notice, and in cases where privilege may be applicable, current counsel must provide the former counsel or authorized representative with a signed authorization from the applicant releasing any privilege attached to the former representation along with a copy of this Protocol. This practice is strongly encouraged for stay motions time permitting.
48. Current counsel should, unless there is urgency, wait for a written response from the former counsel or authorized representative before filing and serving the application record. If the former counsel or authorized representative intends to respond he or she must do so, in writing to current counsel, within seven days of receipt of the notice from current counsel.
49. If after reviewing the response of the former counsel or authorized representative and any other available information, current counsel believes that there may be merit to the allegations, current counsel may file the application or appeal record with the Court. Any perfected application which raises allegations against the former counsel or authorized representative must be served on the former counsel or authorized representative and proof of service be provided to the Court. The application will be served on the respondent in the normal course.
50. Where current counsel is investigating the allegations against the former counsel or authorized representative and it becomes apparent that his or her pursuit of this investigation may delay the perfection of the application record beyond the timelines provided for by the [FCCIRPR](#), current counsel may apply by motion for an extension of time to perfect the record.

51. If the former counsel or authorized representative wishes to respond to the allegations made in the record, he or she may do so in writing by sending a written response to current counsel and to counsel for the Respondent within ten days of service of the application or such further time as the Court may direct.
52. Current counsel who wishes to respond to the communication received from the former counsel or authorized representative must file a motion under [Rule 369](#) for an extension of time and for leave to file further written submissions with respect to the new material received. Any relevant evidence shall be included in the motion record and filed by way of affidavit, including any response from the former counsel or authorized representative and documentation of a complaint made to the appropriate provincial or federal governing body.
53. If no response from the former counsel or authorized representative is received within ten days of service, and no extension of time has been granted, current counsel must advise the Court and the respondent that no further information from the former counsel or authorized representative is being submitted. The Court shall then base its decision on the application for leave on the material filed by the applicant and the respondent, and without any further notice to the former counsel or authorized representative.
54. **Steps upon Leave Being Granted.** If, upon reviewing the materials filed, the Court decides to grant leave, the following procedure will apply:
- i. Current counsel will provide a copy of the order granting leave or the order(s) setting the matter down for hearing to the former counsel or authorized representative forthwith.
 - ii. If the former counsel or authorized representative deems his or her further participation in the proceedings necessary, he or she may make a motion pursuant to [Rule 109](#) and [Rule 369](#) for leave to intervene. It is presumed that in most cases, if leave to intervene is granted to the former counsel or authorized representative, written submissions will be permitted.

ANNEX

NOTICE #1: NOTICE OF NON-SETTLEMENT

(General Heading – use Form 66)

Pursuant to the Order of the Federal Court granting leave in the within application for judicial review and requiring the parties to consider the possibility of settlement within 15 days of receiving the Order, the parties advise that:

- ☐ The parties have not agreed to settle the within application for judicial review.
OR
☐ The parties have not completed settlement discussions and will file a further Notice of Settlement Status within 15 days of today's date.

This Notice is being submitted by the Respondent.

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

NOTICE #2: NOTICE OF DISCONTINUANCE

(General Heading – use Form 66)

(Complete only if the application for judicial review is being discontinued and the parties are NOT requesting an Order of the Court.)

(check only one box)

- ☐ The Applicant wholly discontinues this application for judicial review, without any consent agreement, pursuant to Rule 166 of the *Federal Courts Rules*, SOR/98-106.
- OR
- ☐ The parties have agreed to settle this application for judicial review and Discontinue the application. The Applicant requests that the within application be immediately discontinued on consent of the Respondent, without the filing of a Notice of Discontinuance in Form 166. This Notice shall be transmitted by a client representative to the relevant office.

CONFIRMATION OF CONSENT

This Notice is being submitted by or on behalf of the (insert submitting party) (check only one box):

- ☐ On consent of all parties.
- ☐ On another basis (*provide details below*):

(If not submitted on consent, a copy of this Notice of Discontinuance must be sent by the submitting party to the other party.)

Signature

**(Name, address, telephone and fax number
of solicitor or party)**

Date

**NOTICE #3: NOTICE OF SETTLEMENT and
REQUEST for JUDGMENT ON CONSENT**

(General Heading – use Form 66)

(Complete only if the parties have agreed to settle the application for judicial review and are requesting a Judgment of the Court.)

The parties have agreed to settle this application for judicial review and request a Judgment of the Court. The parties agree that the within application be settled for the following reasons. The federal board, commission or other tribunal (check the boxes that apply):

- ☐ acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
- ☐ failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe;
- ☐ erred in law in making a decision or an order, whether or not the error appears on the face of the record;
- ☐ based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it;
- ☐ acted, or failed to act, by reason of fraud or perjured evidence;
- ☐ acted in any other way that was contrary to law.

(Identify any agreed-upon errors in the decision under review and/or breaches of procedural fairness and/or other grounds for settlement)

As a result, the parties request that the Federal Court issue a Judgment on Consent in the form attached as Schedule “A” to this Notice, without a formal motion record or further correspondence from the parties, having regard to Rule 3 of the *Federal Courts Rules* and, *mutatis mutandis*, the Court’s practice regarding informal requests on consent for interlocutory relief. The Court may, for any reason, require a formal motion record or further information.

This Request is being submitted by or on behalf of the *(insert submitting party)* on consent of all parties. *(If each party submits the Request separately, a copy must be sent to the other party; or a single joint copy, signed by both parties, may be submitted.)*

Signature

**(Name, address, telephone and fax
number of solicitor or party)**

Date

SCHEDULE "A"

Date: YYYYMMDD

Docket: IMM-XX-YY

City, Province, (long date format, e.g. November 10, 2018)

PRESENT: The Honourable Mr. Justice XX

BETWEEN:

XXXXXX

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT ON CONSENT

UPON informal motion in writing for Judgment, brought on consent of the parties, dated (*insert date*);

AND UPON considering Rule 3 of the Federal Courts Rules and, *mutatis mutandis*, the Court's practice regarding informal requests on consent for interlocutory relief;

AND UPON reviewing the Notice of Settlement Status filed and the Reasons for Settlement identified therein;

AND UPON noting the parties' agreement that (*insert Reasons for Settlement*);

AND UPON noting the consent of the parties; and

AND UPON being satisfied that [Choose (i) [it is in the interests of justice that the requested relief be granted] OR (ii) [that the Tribunal erred by (*identify the basis for the consent agreement, as set forth in subs. 18.1(4) of the Federal Courts Act*)] OR (iii) [there are grounds to grant the relief sought];

THIS COURT’S JUDGMENT is that this motion and the application for judicial review are granted. The underlying decision (*include date of decision*) is set aside, with the matter to be re-determined by (*identify the decision-maker*).

“XXXX”

Judge

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