IMMIGRATION AND REFUGEE PROTECTION ACT

SHORT TITLE

1 Short title

INTERPRETATION

2 Definitions

OBJECTIVES AND APPLICATION

- 3 Objectives—immigration
 - § 3:1 Case Law

ENABLING AUTHORITY

- 4 Minister of Citizenship and Immigration
 - § 4:1 Case Law
- 5 Regulations
 - § 5:1 Case Law
- 6 Designation of officers
 - § 6:1 Case Law

AGREEMENTS

- 7 International agreements
- 8 Federal-provincial agreements
- Sole provincial responsibility—permanent residents§ 9:1 Case Law
- 10 Consultations with the provinces

PART 1 — IMMIGRATION TO CANADA (SS. 10.01-94)

DIVISION 0.01 — BIOMETRIC INFORMATION

- 10.01 Biometric information
- 10.02 Regulations

DIVISION 0.1 — INVITATION TO MAKE AN APPLICATION

10.1 Application for permanent residence—invitation to apply § 10.1:1 Case Law

- 10.2 Expression of interest—processing
- 10.3 Instructions
 - § 10.3:1 Case Law
- 10.4 Disclosure of information
- 10.5 Consultation process

DIVISION 1 — REQUIREMENTS AND SELECTION

REQUIREMENTS

- 11 Application before entering Canada
 - § 11:1 Case Law
- 11.1 [Repealed 2015, c. 36, s. 170.]
- 11.2 Visa or other document not to be issued
 - § 11.2:1 Case Law

SELECTION OF PERMANENT RESIDENTS

12 Family reunification

SPONSORSHIP OF FOREIGN NATIONALS

13 Sponsorship of foreign nationals

UNDERTAKINGS

- 13.1 Undertaking binding
 - § 13.1:1 Case Law
- 13.2 Undertaking required

REGULATIONS

- 14 Regulations
 - § 14:1 Case Law

MINISTER'S INSTRUCTIONS

- 14.1 Economic immigration
 - § 14.1:1 Case Law

DIVISION 2 — EXAMINATION

- 15 Examination by officer
 - § 15:1 Case Law
- 15.1 Health insurance policy
- 16 Obligation—answer truthfully
 - § 16:1 Case Law
- 17 Regulations

DIVISION 3 — ENTERING AND REMAINING IN CANADA

ENTERING AND REMAINING

- 18 Examination by officer
 - § 18:1 Case Law
- 19 Right of entry of citizens and Indians
- 20 Obligation on entry
 - § 20:1 Case Law
- 20.1 Designation—human smuggling or other irregular arrival
- 20.2 Application for permanent residence—restriction

STATUS AND AUTHORIZATION TO ENTER

- 21 Permanent resident
 - § 21:1 Case Law
- 22 Temporary resident
 - § 22:1 Case Law
- 22.1 Declaration
- 23 Entry to complete examination or hearing
- 24 Temporary resident permit
 - § 24:1 Case Law
- 25 Humanitarian and compassionate considerations—request of foreign national
 - § 25:1 Case Law—Section 25(1)
 - § 25:2 —Section 25(1.2)
 - § 25:3 —Section 25(1.3)
 - § 25:4 —Section 25(2)
- 25.1 Humanitarian and compassionate considerations—Minister's own initiative
- 25.2 Public policy considerations
 - § 25.2:1 Case Law
- 26 Regulations

RIGHTS AND OBLIGATIONS OF PERMANENT AND TEMPORARY RESIDENTS

- 27 Right of permanent residents
 - § 27:1 Case Law
- 28 Residency obligation
 - § 28:1 Case Law
- 29 Right of temporary residents
 - § 29:1 Case Law
- 30 Work and study in Canada
 - § 30:1 Case Law
- 30.1 [Proposed] Publication of employer names and addresses

STATUS DOCUMENT

- 31 Status document
 - § 31:1 Case Law

REFUGEE TRAVEL DOCUMENT

31.1 Designated foreign national

REGULATIONS

32 Regulations

DIVISION 4 — INADMISSIBILITY

- 33 Rules of interpretation
 - § 33:1 Case Law
- 34 Security
 - § 34:1 Case Law
- 35 Human or international rights violations
 - § 35:1 Case Law
- 35.1 Sanctions
- 36 Serious criminality
 - § 36:1 Case Law—Section 36(1)
 - § 36:2 —Section 36(2)
 - § 36:3 —Section 36(3)
- 37 Organized criminality
 - § 37:1 Case Law
- 38 Health grounds
 - § 38:1 Case Law—Section 38(1)
- 39 Financial reasons
 - § 39:1 Case Law
- 40 Misrepresentation
 - § 40:1 Case Law
- 40.1 Cessation of refugee protection—foreign national
- 41 Non-compliance with Act
 - § 41:1 Case Law
- 41.1 [Proposed] Polygamy
- 42 Inadmissible family member
- 42.1 Exception—application to Minister
 - § 42.1:1 Case Law
- 43 Regulations

DIVISION 5 — LOSS OF STATUS AND REMOVAL

REPORT ON INADMISSIBILITY

- 44 Preparation of report
 - § 44:1 Case Law—Section 44(1)

§ 44:2 —Section 44(2)

ADMISSIBILITY HEARING BY THE IMMIGRATION DIVISION

- 45 Decision
 - § 45:1 Case Law

LOSS OF STATUS

- 46 Permanent resident
 - § 46:1 Case Law
- 47 Temporary resident
 - § 47:1 Case Law

ENFORCEMENT OF REMOVAL ORDERS

- 48 Enforceable removal order
 - § 48:1 Case Law
- 49 In force
- 50 Stay
 - § 50:1 Case Law
- 51 Void—permanent residence
- 52 No return without prescribed authorization
 - § 52:1 Case Law

REGULATIONS

53 Regulations

DIVISION 6 — DETENTION AND RELEASE

- 54 Immigration Division
- 55 Arrest and detention with warrant
- 56 Release—officer
- 57 Review of detention
 - § 57:1 Case Law
- 57.1 Initial review—designated foreign national
- 58 Release—Immigration Division
 - § 58:1 Case Law
- 58.1 Release—on request
- 59 Incarcerated foreign nationals
- 60 Minor children
- 61 Regulations

DIVISION 7 — RIGHT OF APPEAL

- 62 Competent jurisdiction
- 63 Right to appeal—visa refusal of family class
 - § 63:1 Case Law

- 64 No appeal for inadmissibility
 - § 64:1 Case Law—Section 64(1)
 - § 64:2 —Section 64(2)
- 65 Humanitarian and compassionate considerations
 - § 65:1 Case Law
- 66 Disposition
 - § 66:1 Case Law
- 67 Appeal allowed
 - § 67:1 Case Law
- 68 Removal order stayed
 - § 68:1 Case Law
- 69 Dismissal
- 70 Decision binding
- 71 Reopening appeal
 - § 71:1 Case Law

DIVISION 8 — JUDICIAL REVIEW

- 72 Application for judicial review
 - § 72:1 Case Law
- 73 Right of Minister
- 74 Judicial review
 - § 74:1 Case Law
- 75 Rules

DIVISION 9 — CERTIFICATES AND PROTECTION OF INFORMATION

INTERPRETATION

- § P1Div9:1 Case Law
- 76 Definitions

CERTIFICATE

- 77 Referral of certificate
 - § 77:1 Case Law
- 77.1 Conditions—inadmissibility on grounds of security
- 78 Determination
- 79 Appeal
- 79.1 Appeal by Minister
- 80 Effect of certificate

DETENTION AND RELEASE

- 81 Ministers' warrant
- 82 Initial review of detention
 - § 82:1 Case Law

- 82.1 Variation of orders
 - § 82.1:1 Case Law
- 82.2 Arrest and detention—breach of conditions
- 82.3 Appeal
 - § 82.3:1 Case Law
- 82.31 Appeal by Minister
- 82.4 Minister's order to release

PROTECTION OF INFORMATION

- 83 Protection of information
 - § 83:1 Case Law
- 84 Protection of information on appeal

SPECIAL ADVOCATE

- 85 List of persons who may act as special advocates
 - § 85:1 Case Law
- 85.1 Special advocate's role
 - § 85.1:1 Case Law
- 85.2 Powers
 - § 85.2:1 Case Law
- 85.3 Immunity
- 85.4 Obligation to provide information
 - § 85.4:1 Case Law
- 85.5 Disclosure and communication prohibited
- 85.6 Rules

OTHER PROCEEDINGS

- 86 Application for non-disclosure
- 86.1 Judicial review
- 87 Application for non-disclosure—judicial review and appeal
 - § 87:1 Case Law
- 87.01 Appeal by Minister
- 87.1 Special advocate
 - § 87.1:1 Case Law

REGULATIONS

87.2 Regulations

DIVISION 10 — GENERAL PROVISIONS

INSTRUCTIONS ON PROCESSING APPLICATIONS AND REQUESTS

- 87.3 Application
 - § 87.3:1 Case Law

APPLICATIONS FOR TEMPORARY RESIDENT VISAS, WORK PERMITS AND STUDY PERMITS

87.31 Order in council

FEDERAL SKILLED WORKERS

87.4 Application made before February 27, 2008 § 87.4:1 Case Law

FEDERAL INVESTOR AND ENTREPRENEUR CLASSES

87.5 Pending applications § 87.5:1 Case Law

LOANS

88 Loans

FEES

89 Regulations

§ 89:1 Case Law

89.01 [Proposed] Fees for rights and privileges—assessments

89.1 Fees for rights and privileges

89.11 Service Fees Act

89.2 Fees—compliance regime

SOCIAL INSURANCE NUMBERS

90 Minister directs special numbers to be issued

REPRESENTATION OR ADVICE

91 Representation or advice for consideration

§ 91:1 Case Law

91.1 Regulations

MATERIAL INCORPORATED IN REGULATIONS

92 Incorporated material

93 Statutory Instruments Act

REPORT TO PARLIAMENT

94 Annual report to Parliament

PART 2 — REFUGEE PROTECTION (SS. 95-116)

DIVISION 1 — REFUGEE PROTECTION, CONVENTION REFUGEES AND PERSONS IN NEED OF PROTECTION

- 95 Conferral of refugee protection
 - § 95:1 Case Law
- 96 Convention refugee
 - § 96:1 Case Law
- 97 Person in need of protection
 - § 97:1 Case Law
- 98 Exclusion—Refugee Convention
 - § 98:1 Case Law
- 98.1 Requirement to report
- 98.2 Regulations

DIVISION 2 — CONVENTION REFUGEES AND PERSONS IN NEED OF PROTECTION

CLAIM FOR REFUGEE PROTECTION

99 Claim

EXAMINATION OF ELIGIBILITY TO REFER CLAIM

- 100 Referral to Refugee Protection Division
- 101 Ineligibility
 - § 101:1 Case Law
- 102 Regulations
 - § 102:1 Case Law

SUSPENSION OR TERMINATION OF CONSIDERATION OF CLAIM

- 103 Suspension
 - § 103:1 Case Law
- 104 Notice of ineligible claim
 - § 104:1 Case Law

EXTRADITION PROCEDURE

105 Suspension if proceeding under Extradition Act

CLAIMANT WITHOUT IDENTIFICATION

- 106 Credibility
 - § 106:1 Case Law

DECISION ON CLAIM FOR REFUGEE PROTECTION

- 107 Decision
 - § 107:1 Case Law

107.1 Manifestly unfounded

§ 107.1:1 Case Law

CESSATION OF REFUGEE PROTECTION

108 Rejection

§ 108:1 Case Law

APPLICATIONS TO VACATE

109 Vacation of refugee protection

§ 109:1 Case Law

DESIGNATED COUNTRIES OF ORIGIN

109.1 Designation of countries of origin

§ 109.1:1 Case Law

APPEAL TO REFUGEE APPEAL DIVISION

110 Appeal

§ 110:1 Case Law

111 Decision

§ 111:1 Case Law

REGULATIONS

111.1 Regulations

DIVISION 3 — PRE-REMOVAL RISK ASSESSMENT

PROTECTION

112 Application for protection

§ 112:1 Case Law

113 Consideration of application

§ 113:1 Case Law

113.01 Mandatory hearing

§ 113.01:1 Case Law

114 Effect of decision

PRINCIPLE OF NON-REFOULEMENT

115 Protection

§ 115:1 Case Law

116 Regulations

PART 3 — ENFORCEMENT (SS. 117-150.1)

HUMAN SMUGGLING AND TRAFFICKING

- 117 Organizing entry into Canada
 - § 117:1 Case Law
- 118 Offence—trafficking in persons
 - § 118:1 Case Law
- 119 Disembarking persons at sea
- 120 Penalties
- 121 Aggravating factors
- 121.1 Definition of "criminal organization"

OFFENCES RELATED TO DOCUMENTS

- 122 Documents
 - § 122:1 Case Law
- 123 Penalty
 - § 123:1 Case Law

GENERAL OFFENCES

- 124 Contravention of Act
 - § 124:1 Case Law
- 125 Penalties
- 126 Counselling misrepresentation
 - § 126:1 Case Law
- 127 Misrepresentation
 - § 127:1 Case Law
- 128 Penalties
 - § 128:1 Case Law
- 129 Offences relating to officers
- 130 [Repealed 2001, c. 32, s. 81(3)(a).]
- 131 Counselling offence
- 132 [Repealed 2001, c. 32, s. 81(3)(c).]

PROSECUTION OF OFFENCES

- 133 Deferral
 - § 133:1 Case Law
- 133.1 Limitation period for summary conviction offences
- 134 Defence—incorporation by reference
- 135 Offences outside Canada
- 136 Venue

FORFEITURE

137 Forfeiture

OFFICERS AUTHORIZED TO ENFORCE ACT

- 138 Powers of peace officer
 - § 138:1 Case Law
- 139 Search
- 140 Seizure
 - § 140:1 Case Law
- 141 Oaths and evidence

PEACE OFFICERS

- 142 Duties of peace officers to execute orders
- 143 Authority to execute warrants and orders

TICKETABLE OFFENCES

144 Prosecution of designated offences

DEBT DUE TO HER MAJESTY

- 145 Debts due
 - § 145:1 Case Law

COLLECTION OF DEBTS DUE TO HER MAJESTY

- 146 Certificates
- 147 Garnishment

TRANSPORTATION COMPANIES

- 148 Obligation of operators of vehicles and facilities
 - § 148:1 Case Law
- 149 Use of information
- 150 Regulations

SHARING OF INFORMATION

150.1 Regulations

PART 4 — IMMIGRATION AND REFUGEE BOARD (SS. 151–186)

COMPOSITION OF BOARD

- 151 Immigration and Refugee Board
- 152 Composition
- 152.1 Oath or affirmation of office
- 153 Chairperson and other members
 - § 153:1 Case Law
- 154 Disposition after member ceases to hold office

- 155 Disposition if member unable to take part
- 156 Immunity and no summons
 - § 156:1 Case Law

HEAD OFFICE AND STAFF

- 157 Head office
- 158 Personnel

DUTIES OF CHAIRPERSON

- 159 Chairperson
 - § 159:1 Case Law
- 160 Absence, incapacity or vacancy

FUNCTIONING OF BOARD

161 Rules

PROVISIONS THAT APPLY TO ALL DIVISIONS

- 162 Sole and exclusive jurisdiction
 - § 162:1 Case Law
- 163 Composition of panels
- 164 Presence of parties
 - § 164:1 Case Law
- 165 Powers of a commissioner
 - § 165:1 Case Law
- 166 Proceedings—all Divisions
- 167 Right to counsel
 - § 167:1 Case Law
- 168 Abandonment of proceeding
 - § 168:1 Case Law
- 169 Decisions and reasons
 - § 169:1 Case Law

REFUGEE PROTECTION DIVISION

- 169.1 Composition
- 170 Proceedings
 - § 170:1 Case Law
- 170.2 No reopening of claim or application
 - § 170.2:1 Case Law

REFUGEE APPEAL DIVISION

- 171 Proceedings
 - § 171:1 Case Law
- 171.1 No reopening of appeal

IMMIGRATION DIVISION

- 172 Composition
- 173 Proceedings
 - § 173:1 Case Law

IMMIGRATION APPEAL DIVISION

- 174 Court of record
 - § 174:1 Case Law
- 175 Proceedings
 - § 175:1 Case Law

REMEDIAL AND DISCIPLINARY MEASURES

- 176 Request
- 177 Measures
- 178 Appointment of inquirer
- 179 Powers
- 180 Staff
- 181 Exceptions to public hearing
- 182 Rules of evidence
 - § 182:1 Case Law
- 183 Right to be heard
- 184 Report to Minister
- 185 Transmission of report to Governor in Council
- 186 Rights not affected

PART 4.1 - ELECTRONIC ADMINISTRATION (SS. 186.1-186.4)

- 186.1 Powers
- 186.2 Conditions for electronic version
- 186.3 Regulations
- 186.4 Clarification

PART 5 — TRANSITIONAL PROVISIONS, CONSEQUENTIAL AND RELATED AMENDMENTS, COORDINATING AMENDMENTS, REPEALS AND COMING INTO FORCE (SS. 187–275)

TRANSITIONAL PROVISIONS

- 187 Definition of "former Act"
- 188 Continuation
- 189 Powers
- 190 Application of this Act
 - § 190:1 Case Law
- 191 Convention Refugee Determination Division

xxii

- § 191:1 Case Law
- 192 Immigration Appeal Division
 - § 192:1 Case Law
- 193 Continuation by Immigration Division
- 194 Refugee Protection Division
- 195 Convention Refugee Determination Division
- 196 Appeals
 - § 196:1 Case Law
- 197 Stays
 - § 197:1 Case Law
- 198 Refugee Protection Division
- 199 Redetermination
- 200 Exclusion
- 201 Regulations

REPEALS

274 Repeals

COMING INTO FORCE

275 Order in council

[SCHEDULE]

Schedule—Sections E and F of Article 1 of the United Nations Convention Relating to the Status of Refugees

§ P5Sch:1 Case Law

IMMIGRATION AND REFUGEE PROTECTION REGULATIONS, CAN. REG. 2002-227

PART 1 — INTERPRETATION AND APPLICATION

DIVISION 1 — INTERPRETATION

- 1 Definitions
 - § IRPR1:1 Case Law
- 1.1 Definition of "agent"—section 148 of the Act
- 2 Interpretation
 - § IRPR2:1 Case Law
- 3 Interpretation—member of a crew
 - § IRPR3:1 Case Law

DIVISION 2 — FAMILY RELATIONSHIPS

- 4 Bad faith
 - § IRPR4:1 Case Law
- 4.1 New relationship

- § IRPR4.1:1 Case Law
- 5 Excluded relationships

PART 2 — GENERAL REQUIREMENTS

DIVISION 1 - DOCUMENTS REQUIRED BEFORE ENTRY

- 6 Permanent resident
- 7 Temporary resident
- 7.01 Nationals of certain countries
- 7.1 Electronic travel authorization
- 8 Work permit
 - § IRPR8:1 Case Law
- 9 Study permit

DIVISION 1.1 — USE OF ELECTRONIC MEANS

- 9.1 Electronic means
- 9.2 Application by electronic means
- 9.3 Deemed receipt by the Minister
- 9.4 Exception—use of other means
- 9.5 Disability
- 9.6 Payment of fees

DIVISION 2 — APPLICATIONS

- 10 Form and content of application
 - § IRPR10:1 Case Law
- 11 Application—other means
 - § IRPR11:1 Case Law
- 12 Return of application
 - § IRPR12:1 Case Law
- 12.001 Request or application at port of entry
- 12.01 Invitation—application for permanent residence
 - § IRPR12.01:1 Case Law
- 12.02 [Repealed SOR/2019-174, s. 4.]
- 12.03 [Repealed SOR/2019-174, s. 4.]
- 12.04 Electronic travel authorization—application by electronic means
- 12.05 Period of validity
- 12.06 Ineligibility
 - § IRPR12.06:1 Case Law
- 12.07 Cancellation
 - § IRPR12.07:1 Case Law

DIVISION 2.1 — COLLECTION AND VERIFICATION OF BIOMETRIC INFORMATION

- 12.1 Collection—claims, applications, and requests
- 12.2 Non-application—persons
- 12.3 Procedure for collection of biometric information
- 12.4 Processing of biometric information
- 12.5 Verification of biometric information—procedure
- 12.6 Exemption—multiple applications or requests
- 12.7 Exemption—biometric information previously provided
- 12.8 Exemption—collection of biometric information impossible or not feasible
- 12.9 Exception
- 12.91 Clarification

DIVISION 3 — DOCUMENTS AND CERTIFIED COPIES

13 Production of documents

DIVISION 4 — DISCLOSURE OF INFORMATION

13.1 Authorized disclosure

DIVISION 4.1 — USE AND DISCLOSURE OF BIOMETRIC INFORMATION AND RELATED PERSONAL INFORMATION

13.11 Disclosure of information

DIVISION 5 — DESIGNATED BODY—INFORMATION REQUIREMENTS

13.2 General requirement

PART 3 — INADMISSIBILITY

DIVISION 1 — DETERMINATION OF INADMISSIBILITY

- 14 Application of par. 34(1)(c) of the Act
- 15 Application of par. 35(1)(a) of the Act
- Application of paragraph 35(1)(b) of the Act
 - § IRPR16:1 Case Law
- 16.1 Application of paragraphs 37(1)(a) and (b) of the Act
- 17 Prescribed period
- 18 Rehabilitation
 - § IRPR18:1 Case Law
- 18.1 Prescribed class
- 19 Transborder crime

- 20 Inadmissibility on health grounds
- 21 Financial reasons
- 22 Misrepresentation
- 22.1 Application of paragraph 41(a) of the Act
- 23 Prescribed circumstances—family members
 - § IRPR23:1 Case Law
- 24 Exception

DIVISION 2 — APPLICATION FOR DECLARATION OF RELIEF UNDER SUBSECTION 42.1(1) OF THE ACT

- 24.1 Application
- 24.2 Required information
- 24.3 Return of application
- 24.4 Closing of file
- 24.5 Change in information

PART 4 — PROCEDURES

DIVISION 0.1 — EXPIRY DATE

24.6 Limitation

DIVISION 1 — VISA ISSUANCE

- 25 When unenforced removal order
- 25.1 General rule—one-step process
 - § IRPR25.1:1 Case Law

DIVISION 1.1 — ISSUANCE OF ELECTRONIC TRAVEL AUTHORIZATION

25.2 Electronic travel authorization not to be issued

DIVISION 2 — AUTHORIZATION TO ENTER CANADA

- 26 Designation of ports of entry
- 26.1 Services at port of entry
- 27 Obligation on entry

DIVISION 3 — CONDUCT OF EXAMINATION

GENERAL

- 28 Examination
- 29 Medical examination
- 30 Exemptions from medical examination requirement
 - § IRPR30:1 Case Law
- 31 Public health

xxvi

TABLE OF CONTENTS

- 32 Conditions
- 33 Public safety
- 34 Excessive demand
 - § IRPR34:1 Case Law
- 35 Transit
- 36 Actions not constituting a complete examination
- 37 End of examination

ALTERNATIVE MEANS OF EXAMINATION

38 Means

PERMITTED ENTRY

39 Entry permitted

CONDUCT OF EXAMINATION MEASURES

- 40 Direction to leave
- 41 Direct back
- 42 Withdrawing application

APPLICATION OF SECTION 23 OF THE ACT

43 Conditions

OBLIGATION TO APPEAR AT AN ADMISSIBILITY HEARING

44 Class

DEPOSITS OR GUARANTEES

- 45 Deposit or guarantee required on entry
- 46 Application
- 47 General requirements
 - § IRPR47:1 Case Law
- 48 Conditions if guarantee posted
- 49 Acknowledgment of consequences of failure to comply with conditions
 - § IRPR49:1 Case Law

DOCUMENTS REQUIRED

- 50 Documents—permanent residents
 - § IRPR50:1 Case Law
- 50.1 Designation of unreliable travel documents
- 51 Examination—permanent residents
 - § IRPR51:1 Case Law
- 52 Documents—temporary residents

PART 5 — PERMANENT RESIDENTS

DIVISION 1 — PERMANENT RESIDENT CARDS

- 53 Document indicating status
 - § IRPR53:1 Case Law
- 54 Period of validity
 - § IRPR54:1 Case Law
- 55 Delivery
- 56 Application for a card
- 57 Applicants
- 58 Providing address within 180 days
- 59 Issuance of new permanent resident card
 - § IRPR59:1 Case Law
- 60 Revocation

DIVISION 1.1 — COLLECTION AND DISCLOSURE OF INFORMATION

60.1 Collection of social insurance number

DIVISION 2 — RESIDENCY OBLIGATION

- 61 Canadian business
 - § IRPR61:1 Case Law
- 62 Calculation—residency obligation

DIVISION 3 — PERMIT HOLDERS

63 Period of permit's validity

DIVISION 4 — PERMIT HOLDER CLASS

- 64 Permit holder class
- 65 Member of class
- 65.1 Becoming a permanent resident

DIVISION 5 — HUMANITARIAN AND COMPASSIONATE CONSIDERATIONS

- 66 Request
 - § IRPR66:1 Case Law
- 67 Applicant outside Canada
- 68 Applicant in Canada
- 69 Accompanying family member outside Canada
- 69.1 Requirements—family member

xxviii

DIVISION 6 — PERMANENT RESIDENT VISA

- 70 Issuance
 - § IRPR70:1 Case Law
- 71 Issuance—particular Quebec selection cases

DIVISION 7 — BECOMING A PERMANENT RESIDENT

- 71.1 Foreign nationals outside Canada
- 72 Obtaining status

DIVISION 8

- 72.1 [Repealed SOR/2017-56, s. 1.]
- 72.2 [Repealed SOR/2017-56, s. 1.]
- 72.3 [Repealed SOR/2017-56, s. 1.]
- 72.4 [Repealed SOR/2017-56, s. 1.]

DIVISION 9 — APPLICATION TO RENOUNCE PERMANENT RESIDENT STATUS

- 72.5 Separate application
- 72.6 Application—conditions
- 72.7 Sponsorship application suspended

PART 6 — ECONOMIC CLASSES

DIVISION 0.1 — GENERAL

72.8 Requirements—family member

DIVISION 1 — SKILLED WORKERS

INTERPRETATION

- 73 Definitions
 - § IRPR73:1 Case Law

GENERAL

74 Criteria

FEDERAL SKILLED WORKERS

FEDERAL SKILLED WORKER CLASS

- 75 Class
 - § IRPR75:1 Case Law
- 76 Selection criteria
 - § IRPR76:1 Case Law
- 77 Conformity—applicable times

SELECTION GRID

- 78 Education (25 points)
 - § IRPR78:1 Case Law
- 79 Official languages
 - § IRPR79:1 Case Law
- 80 Experience (15 points)
 - § IRPR80:1 Case Law
- 81 Age (12 points)
- 82 Definition of "arranged employment"
 - § IRPR82:1 Case Law
- 83 Adaptability (10 points)
 - § IRPR83:1 Case Law

REQUIREMENTS

- 84 [Repealed SOR/2008-202, s. 1.]
- 85 Permanent resident status

TRANSITIONAL FEDERAL SKILLED WORKERS

TRANSITIONAL FEDERAL SKILLED WORKER CLASS

- 85.1 [Repealed SOR/2019-174, s. 8.]
- 85.2 [Repealed SOR/2019-174, s. 8.]
- 85.3 [Repealed SOR/2019-174, s. 8.]
- 85.4 [Repealed SOR/2008-253, s. 8.]
- 85.5 [Repealed SOR/2008-202, s. 2.]
- 85.6 [Repealed SOR/2019-174, s. 8.]

QUEBEC SKILLED WORKER CLASS

- 86 Class
 - § IRPR86:1 Case Law

PROVINCIAL NOMINEE CLASS

- 87 Class
 - § IRPR87:1 Case Law

CANADIAN EXPERIENCE CLASS

- 87.1 Class
 - § IRPR87.1:1 Case Law

FEDERAL SKILLED TRADES CLASS

- 87.2 Definition of "skilled trade occupation"
 - § IRPR87.2:1 Case Law

ATLANTIC IMMIGRATION CLASS

87.3 Class

DIVISION 2 — BUSINESS IMMIGRANTS

INTERPRETATION

- 88 Definitions
 - § IRPR88:1 Case Law

GENERAL

- 89 Artificial transactions
- 89.1 Permanent resident status

QUEBEC INVESTOR CLASS

- 90 Class
 - § IRPR90:1 Case Law
- 91 [Repealed SOR/2016-316, s. 5.]
- 92 [Repealed SOR/2016-316, s. 5.]
- 93 [Repealed SOR/2016-316, s. 5.]
- 94 [Repealed SOR/2016-316, s. 5.]
- 95 [Repealed SOR/2016-316, s. 5.]
- 96 [Repealed SOR/2016-316, s. 5.]

QUEBEC ENTREPRENEUR CLASS

- 97 Class
- 98 [Repealed SOR/2016-316, s. 6.]

START-UP BUSINESS CLASS

- 98.01 Class
 - § IRPR98.01:1 Case Law
- 98.02 Agreements with organizations
- 98.03 Designation
 - § IRPR98.03:1 Case Law
- 98.04 Form of commitment
- 98.05 Minimum investment
- 98.06 Qualifying business
- 98.07 Documentation
- 98.08 Assessment of commitment
- 98.09 Peer review
- 98.10 Substituted evaluation
- 98.11 Inspections—organization
- 98.12 Answering questions and providing documents
- 98.13 Entry to verify compliance

99 [Repealed SOR/2016-316, s. 6.]

SELF-EMPLOYED PERSONS

SELF-EMPLOYED PERSONS CLASS

100 Members of the class § IRPR100:1 Case Law

QUEBEC SELF-EMPLOYED PERSONS CLASS

101 Class

SELECTION CRITERIA

GENERAL

- 102 Criteria
- 102.1 Age (10 points)
- 102.2 Definitions
- 102.3 Official languages

EXPERIENCE

103 "Self-employed person"

ADAPTABILITY

- 104 [Repealed SOR/2016-316, s. 10.]
- 105 Self-employed person

REQUIREMENTS

- 106 [Repealed SOR/2008-202, s. 6.]
- 107 [Repealed SOR/2018-72, s. 5.]

SELECTION

- 108 Application for visa
- 109 Substitution of evaluation
- 109.1 [Repealed SOR/2016-316, s. 13.]
- 109.2 [Repealed SOR/2016-316, s. 13.]
- 109.3 [Repealed SOR/2016-316, s. 13.]
- 109.4 [Repealed SOR/2008-202, s. 7.]
- 109.5 [Repealed SOR/2016-316, s. 13.]

DIVISION 3 [HEADING REPEALED SOR/2017-78, S. 6.]

- 110 [Repealed SOR/2017-78, s. 6.]
- 111 [Repealed SOR/2017-78, s. 6.]
- 112 [Repealed SOR/2017-78, s. 6.]

xxxii

- 113 [Repealed SOR/2017-78, s. 6.]
- 114 [Repealed SOR/2017-78, s. 6.]
- 114.1 [Repealed SOR/2017-78, s. 6.]
- 115 [Repealed SOR/2017-78, s. 6.]

PART 7 — FAMILY CLASSES

DIVISION 1 — FAMILY CLASS

- 116 Family class
- 117 Member
 - § IRPR117:1 Case Law
- 118 Medical condition
- 119 Withdrawal of sponsorship application
- 120 Approved sponsorship application
- 121 Requirements
- 122 Requirements for accompanying family members

DIVISION 2 — SPOUSE OR COMMON-LAW PARTNER IN CANADA CLASS

- 123 Class
- 124 Member
 - § IRPR124:1 Case Law
- 125 Excluded relationships
 - § IRPR125:1 Case Law
- 126 Withdrawal of sponsorship application
- 127 Approved sponsorship application
- 128 Requirements—family member
- 129 Requirements for accompanying family members

DIVISION 3 — SPONSORS

- 130 Sponsor
 - § IRPR130:1 Case Law
- 131 Sponsorship undertaking
- 132 Undertaking—duration
- 133 Requirements for sponsor
 - § IRPR133:1 Case Law
- 134 Income calculation rules
 - § IRPR134:1 Case Law
- 135 Default
 - § IRPR135:1 Case Law
- 136 Suspension during proceedings against sponsor or co-signer
- 137 Undertaking—Province of Quebec

DIVISION 3.1 — COLLECTION AND DISCLOSURE OF INFORMATION

137.1 Collection of social insurance number

PART 8 — REFUGEE CLASSES

DIVISION 1 — CONVENTION REFUGEES ABROAD, HUMANITARIAN-PROTECTED PERSONS ABROAD AND PROTECTED TEMPORARY RESIDENTS

INTERPRETATION

138 Definitions

GENERAL

139	General requirements	
140	Class of family members	
140.1	Application	
140.2	Sponsorship of foreign national—requirement to attach applications	
140.3	Referral requirement	
140.4	Return of documents	
141	Non-accompanying family member	
142	Requirements—family members	
143	Memorandum of understanding	

CONVENTION REFUGEES ABROAD

- 144 Convention refugees abroad class
- 145 Member of Convention refugees abroad class

HUMANITARIAN-PROTECTED PERSONS ABROAD

- 146 Person in similar circumstances to those of a Convention refugee
- 147 Member of country of asylum class
 - § IRPR147:1 Case Law
- 148 [Repealed SOR/2011-222, s. 6.]
- 149 [Repealed SOR/2011-222, s. 6.]
- 150 [Repealed SOR/2012-225, s. 8.]
- 151 Travel document

PROTECTED TEMPORARY RESIDENTS

151.1 Protected temporary residents class

xxxiv

DIVISION 2 — SPONSORSHIP

- 152 Sponsorship agreements
- 153 Sponsorship requirements
- 154 Approval of application
 - § IRPR154:1 Case Law
- 155 Revoking approval
- 156 Ineligibility to be a party to a sponsorship
- 157 Joint assistance sponsorship
- 158 Settlement in the Province of Quebec

DIVISION 3 — DETERMINATION OF ELIGIBILITY OF CLAIM

- Working day
- 159.01 Definition of prior claim
- 159.1 Definitions
 - § IRPR159.1:1 Case Law
- 159.2 Non-application—former habitual residence
- 159.3 Designation—United States
 - § IRPR159.3:1 Case Law
- 159.4 Non-application—ports of entry other than land ports of entry
- 159.5 Non-application—claimants at land ports of entry
 - § IRPR159.5:1 Case Law
- 159.6 Non-application—claimants at land ports of entry and in transit
- 159.7 Temporal operation

DIVISION 3.1 — CLAIM FOR REFUGEE PROTECTION—TIME LIMITS

DOCUMENTS AND INFORMATION

159.8 Time limit—provision of documents and information to officer

HEARING BEFORE REFUGEE PROTECTION DIVISION

159.9 Time limits for hearing

APPEAL TO REFUGEE APPEAL DIVISION

- 159.91 Time limit for appeal
- 159.92 Time limit for decision

DIVISION 4 — PRE-REMOVAL RISK ASSESSMENT

- 160 Application for protection
 - § IRPR160:1 Case Law

Annotated Immigration & Refugee Protection Act

- 160.1 Criterion—exemption from application of paragraphs 112(2)(b.1) or (c) of the Act
- 161 Submissions
- 162 Application within 15-day period
- 163 Applications after the 15-day period
- Application that must be received within 15-day period—certificate
- 165 Subsequent application
- 166 Application at port of entry
- 167 Hearing—prescribed factors
 - § IRPR167:1 Case Law
- 168 Hearing procedure
- 169 Abandonment
- 170 Withdrawal
- 171 Effect of abandonment and withdrawal
- 172 Applicant described in s. 112(3) of the Act
 - § IRPR172:1 Case Law
- 173 Re-examination of stay—procedure
- 174 Reasons for decision

DIVISION 4.1 — DESIGNATED FOREIGN NATIONAL—REQUIREMENT TO REPORT TO AN OFFICER

174.1 Regular reporting intervals

DIVISION 5 — PROTECTED PERSONS—PERMANENT RESIDENCE

- 175 Judicial review
 - § IRPR175:1 Case Law
- 176 Family members
- 177 Prescribed classes
- 178 Identity documents
 - § IRPR178:1 Case Law

PART 9 — TEMPORARY RESIDENTS

DIVISION 1 — TEMPORARY RESIDENT VISA

- 179 Issuance
 - § IRPR179:1 Case Law

HOLDERS OF TEMPORARY RESIDENT VISAS

180 Authorization

xxxvi

APPLICATIONS FOR EXTENSION OF AUTHORIZATION TO REMAIN IN CANADA AS A TEMPORARY RESIDENT

- 181 Circumstances
 - § IRPR181:1 Case Law

RESTORATION OF TEMPORARY RESIDENT STATUS

- 182 Restoration
 - § IRPR182:1 Case Law

DIVISION 1.1 — DECLARATION UNDER SUBSECTION 22.1(1) OF THE ACT

- 182.1 Notice
- 182.2 Written submissions

DIVISION 2 — CONDITIONS ON TEMPORARY RESIDENTS

- 183 General conditions
 - § IRPR183:1 Case Law
- 184 Condition imposed on members of a crew
- 185 Specific conditions
 - § IRPR185:1 Case Law

DIVISION 3 — WORK WITHOUT A PERMIT

- 186 No permit required
 - § IRPR186:1 Case Law
- 187 Business visitors

DIVISION 4 — STUDY WITHOUT A PERMIT

- 188 No permit required
- 189 Expired study permits

DIVISION 5 — TEMPORARY RESIDENT VISA EXEMPTIONS

- 190 Visa exemption—nationality
 - § IRPR190:1 Case Law

PART 10 — VISITORS

- 191 Class
- 192 Visitor
- 193 Conditions

PART 10.1

- 193.1 [Repealed SOR/2014-185, s. 2.]
- 193.2 [Repealed SOR/2014-185, s. 2.]
- 193.3 [Repealed SOR/2014-185, s. 2.]
- 193.4 [Repealed SOR/2014-185, s. 2.]
- 193.5 [Repealed SOR/2008-309, s. 2.]

PART 11 — WORKERS

DIVISION 1 — GENERAL RULES

- 194 Class
- 195 Worker
- 196 Work permit required
 - § IRPR196:1 Case Law
- 196.1 Restrictions
- 196.2 Abuse

DIVISION 2 — APPLICATION FOR WORK PERMIT

- 197 Application before entry
 - § IRPR197:1 Case Law
- 198 Application on entry
- 199 Application after entry
 - § IRPR199:1 Case Law

DIVISION 3 — ISSUANCE OF WORK PERMITS

- Work permits
 - § IRPR200:1 Case Law—Section 200(1)
 - § IRPR200:2 —Section 200(3)
 - § IRPR200:3 —Section 200(5)
- 201 Application for renewal
 - § IRPR201:1 Case Law
- 202 Temporary resident status
- 203 Assessment of employment offered
 - § IRPR203:1 Case Law
- 204 International agreements or arrangements
 - § IRPR204:1 Case Law
- 205 Canadian interests
 - § IRPR205:1 Case Law
- 206 No other means of support
- 207 Applicants in Canada
- 207.1 Vulnerable workers
- 208 Humanitarian reasons
- 209 Invalidity

xxxviii

DIVISION 4 — CONDITIONS IMPOSED ON EMPLOYERS

- 209.1 Definition of "document"
- 209.11 Foreign national—subparagraph 200(1)(c)(ii.1)
- 209.2 Foreign national referred to in subparagraph 200(1)(c)(ii.1)
- 209.3 Foreign national referred to in subparagraph 200(1)(c)(iii)
 - § IRPR209.3:1 Case Law
- 209.4 Conditions imposed on all employers
 - § IRPR209.4:1 Case Law
- 209.5 Circumstances for exercise of powers—sections 209.6 to 209.9
- 209.6 Answering questions and providing documents
- 209.7 Examination of documents
- 209.8 Entry to verify compliance with section 209.2
- 209.9 Entry to verify compliance with section 209.3
- 209.91 Exemption from certain conditions

DIVISION 5 — COLLECTION AND DISCLOSURE OF INFORMATION

- 209.911 Collection of information
- 209.92 Disclosure of information

DIVISION 6 — ADMINISTRATIVE MONETARY PENALTIES AND OTHER CONSEQUENCES FOR FAILURE TO COMPLY WITH CONDITIONS IMPOSED ON EMPLOYERS

INTERPRETATION

209.93 Definitions

PURPOSE

209.94 Purpose of Division

VIOLATIONS

209.95 Violations

RULES APPLICABLE TO VIOLATIONS

209.96 Separate violation—multiple foreign nationals

CLASSIFICATION

209.97 Provisions

ADMINISTRATIVE MONETARY PENALTY AMOUNT

209.98 Administrative monetary penalty amount

PERIOD OF INELIGIBILITY

209.99 Period of ineligibility

TOTAL NUMBER OF POINTS

209.991 Calculation

MULTIPLE VIOLATIONS

209.992 Cumulative amounts

NOTICE OF PRELIMINARY FINDING

209.993	Notice—issuance by officer
209.994	Submissions by employer period
209 995	Correction or cancellation of notice

NOTICE OF FINAL DETERMINATION

209.996 Notice—issuance by officer

LIST OF EMPLOYERS

209.997 Publication of employer's information

PART 12 — STUDENTS

DIVISION 1 — GENERAL RULES

- 210 Class
- 211 Student
- 211.1 Definition of "designated learning institution"
 - § IRPR211.1:1 Case Law
- 211.2 List of provinces
- 212 Authorization

DIVISION 2 — APPLICATION FOR STUDY PERMIT

- 213 Application before entry
- 214 Application on entry
- 215 Application after entry

DIVISION 3 — ISSUANCE OF STUDY PERMITS

- 216 Study permits
 - § IRPR216:1 Case Law
- 217 Application for renewal

TABLE OF CONTENTS

- § IRPR217:1 Case Law
- 218 Temporary resident status

DIVISION 4 — RESTRICTIONS ON STUDYING IN CANADA

- 219 Acceptance letter
- 220 Financial resources
 - § IRPR220:1 Case Law
- 220.1 Conditions—study permit holder
 - § IRPR220.1:1 Case Law
- Failure to comply with conditions

DIVISION 5 — VALIDITY AND EXPIRY OF STUDY PERMITS

222 Invalidity

PART 13 — REMOVAL

DIVISION 1 — REMOVAL ORDERS

- 223 Types of removal order
- 224 Departure order
- 225 Exclusion order
- 226 Deportation order
 - § IRPR226:1 Case Law
- 227 Report—family members

DIVISION 2 — SPECIFIED REMOVAL ORDER

- 228 Subsection 44(2) of the Act—foreign nationals
 - § IRPR228:1 Case Law
- 229 Paragraph 45(d) of the Act—applicable removal order

DIVISION 3 — STAY OF REMOVAL ORDERS

- 230 Considerations
 - § IRPR230:1 Case Law
- 231 Stay of removal—judicial review
- 232 Stay of removal—pre-removal risk assessment
- 233 Stay of removal—humanitarian and compassionate or public policy considerations
 - § IRPR233:1 Case Law
- 234 Application of par. 50(a) of the Act

DIVISION 4 — ENFORCEMENT OF REMOVAL ORDERS

- 235 Not void
- 236 Providing copies
- 237 Modality of enforcement
- 238 Voluntary compliance
 - § IRPR238:1 Case Law
- 239 Removal by Minister
- 240 When removal order is enforced
 - § IRPR240:1 Case Law
- 241 Country of removal
- 242 Mutual Legal Assistance in Criminal Matters Act
- 243 Payment of removal costs

PART 14 — DETENTION AND RELEASE

- Factors to be considered
 - § IRPR244:1 Case Law
- 245 Flight risk
 - § IRPR245:1 Case Law
- 246 Danger to the public
 - § IRPR246:1 Case Law
- 247 Identity not established
- 248 Other factors
 - § IRPR248:1 Case Law
- 248.1 Best interests of the child
- 249 Special considerations for minor children
- 250 Applications for travel documents

PART 15 — PRESCRIBED CONDITIONS

- 250.1 Inadmissibility on grounds of security—conditions
- 251 Immigration Appeal Division—conditions

PART 16 — SEIZURE

- 252 Custody of seized thing
- 253 Notice of seizure—person from whom seized
- 254 Application for return—person from whom seized
- 255 Application for return—lawful owner
- 256 Concurrent applications
- Notice of decision
- 257.1 Automatic return
- 257.2 Conditional return
- 258 Sale or destruction of seized thing

PART	17 —	- TRANSPORTATION

- 258.1 Prescribed persons
- 259 Prescribed documents
- 260 Holding prescribed documentation
- 261 Obligation to hold a person
- 262 Stowaway notification
- 263 Medical examination and treatment
- 264 Prescribed information
- 265 Crew list
- 266 Assembly
- 267 Canadian registered vessels
- 268 Reporting obligation
- 269 Prescribed information
- 270 Notice by Canada Border Services Agency
- 271 Facilities for holding and examination
- 272 Examination on vessels
- 273 Obligation to carry from Canada
- Members of a crew
- 275 Notification
- 276 Notifying commercial transporter
- 277 Relief from obligations
- 278 Removal costs
- 279 Assessment of administration fee
- 280 Administration fee
- Notice of assessment
- 282 Submissions concerning assessment
- 283 Security
- Application of s. 148(2) of the Act
- 285 Object detained or seized
- Notice of seizure
- 287 Sale of a seized object

PART 18 — LOANS

- 288 Definition of "beneficiary"
- 289 Types of loans
- 290 Maximum amount
- 291 Repayment
- 292 Deferred repayment
- 293 No interest on loan

PART 19 — FEES

DIVISION 1 — GENERAL

294 Interpretation

DIVISION 2 — FEES FOR APPLICATIONS FOR AUTHORIZATIONS, VISAS AND PERMITS

ELECTRONIC TRAVEL AUTHORIZATIONS

294.1 Fee—\$7

PERMANENT RESIDENT VISAS

295 Permanent resident visa § IRPR295:1 Case Law

TEMPORARY RESIDENT VISAS

296 Single or multiple entry—\$100297 [Repealed SOR/2014-19, s. 3.]

TEMPORARY RESIDENT PERMITS

298 Fee—\$200

WORK PERMITS

299 Fee—\$155

STUDY PERMITS

300 Fee—\$150

DIVISION 3 — FEES FOR APPLICATIONS TO REMAIN IN CANADA AS A PERMANENT RESIDENT

301 Fee 302 Fee—\$325

DIVISION 4 — RIGHT OF PERMANENT RESIDENCE

303 Fee—\$500

DIVISION 4.1 — OTHER FEES IN RESPECT OF WORK PERMITS

COMPLIANCE REGIME—EMPLOYER FEE

303.1 Fee—\$230

RIGHTS AND PRIVILEGES

303.2 Fee—\$100

DIVISION 5 — FEES FOR OTHER APPLICATIONS AND SERVICES

xliv

TABLE OF CONTENTS

SPONSORSHIP APPLICATION FOR FAMILY CLASSES

304 Fee—\$75

EXTENSION OF AUTHORIZATION TO REMAIN IN CANADA AS A TEMPORARY RESIDENT

305 Fee—\$100

RESTORATION OF TEMPORARY RESIDENT STATUS

306 Fee-\$200

FEES FOR A REQUEST UNDER SECTION 25 OF THE ACT OR AN EXAMINATION OF CIRCUMSTANCES UNDER SECTION 25.2 OF THE ACT

307 Fees

PERMANENT RESIDENT CARDS

308 Fee—\$50

DETERMINATION OF REHABILITATION

309 Fees

AUTHORIZATION TO RETURN TO CANADA

310 Fee—\$400

CERTIFICATION AND REPLACEMENT OF IMMIGRATION DOCUMENT

311 Certification—\$30

AFTER-HOURS EXAMINATION

312 Fee—\$100

ALTERNATIVE MEANS OF EXAMINATION

313 Fee—\$30

IMMIGRATION STATISTICAL DATA

314 Fee for statistical data

315 Travel document

SERVICES IN RELATION TO COLLECTION OF BIOMETRIC INFORMATION

315.1 Fee—\$85

SERVICES IN RELATION TO AN ASSESSMENT FROM THE DEPARTMENT OF EMPLOYMENT AND SOCIAL DEVELOPMENT

315.2 Fee—\$1,000

PART 19.1 — INFORMATION SHARING BETWEEN COUNTRIES

DIVISION 1 — AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE SHARING OF VISA AND IMMIGRATION INFORMATION

315.21	Interpretation
0110.41	THICH DI CLAUIOH

- 315.22 Purpose
- 315.23 Authority to disclose information
- 315.24 Necessary, relevant and proportionate information
- 315.25 Information categories
- 315.26 Destruction of information
- 315.27 Correction of previously disclosed information

DIVISION 2 — ANNEX REGARDING THE SHARING OF INFORMATION ON ASYLUM AND REFUGEE STATUS CLAIMS TO THE STATEMENT OF MUTUAL UNDERSTANDING ON INFORMATION SHARING

- 315.28 Interpretation
- 315.29 Purpose
- 315.3 Authority to disclose information
- 315.31 Necessary, relevant and proportionate information
- 315.32 Method of disclosure
- 315.33 Data elements to be disclosed
- 315.34 Destruction of information
- 315.35 Correction of previously disclosed information

DIVISION 3 — INFORMATION SHARING BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENTS OF AUSTRALIA, NEW ZEALAND AND THE UNITED KINGDOM

- 315.36 Interpretation
- 315.37 Purpose
- 315.38 Making of query
- 315.39 Disclosure of information—query or response
- 315.4 Making of query—permitted purposes
- 315.41 Disclosure of information—permitted purposes
- 315.42 Correction of previously disclosed information

xlvi

315.43 Retention and disposal of information

PART 20 — TRANSITIONAL PROVISIONS

DIVISION 1 — INTERPRETATION

316 Definitions

DIVISION 2 — GENERAL PROVISIONS

317 Decisions and orders made under former Act

DIVISION 3 — ENFORCEMENT

- 318 Terms and conditions
 - § IRPR318:1 Case Law
- 319 Removal order
- 320 Inadmissibility—security grounds
- 321 Reports
- 322 Detention
- 323 Order issued by Deputy Minister
- 324 Release
- 325 Warrants
- 326 Danger to the public
 - § IRPR326:1 Case Law
- 327 Certificates
- 328 Permanent residents
- 329 Visitors and permit holders
- 330 Examination
- 331 Performance bonds and security deposits
- 332 Seizures
- 333 Debts

DIVISION 4 — REFUGEE AND HUMANITARIAN RESETTLEMENT PROGRAM

- 334 Applications for protection abroad
- 335 Family member
- 336 Sponsorship agreements
- 337 Sponsors

DIVISION 5 — REFUGEE PROTECTION

- 338 Refugee protection
- 339 Rejection of a claim for refugee protection
- 340 Ineligibility
- 341 Withdrawal and abandonment
- 342 Eligibility
- 343 Redetermination of eligibility

- 344 Cessation of refugee protection
- 345 Vacation
- 346 Post-determination refugee claimants in Canada class
- 347 Application for landing—Convention refugees

DIVISION 6 — COURT PROCEEDINGS

- 348 Judicial review
 - § IRPR348:1 Case Law
- 349 Other court proceedings
- 350 Decisions referred back
 - § IRPR350:1 Case Law

DIVISION 7 — UNDERTAKINGS

351 Application of the Act to existing undertakings

DIVISION 8 — NON-ACCOMPANYING FAMILY MEMBERS

- 352 Not required to be included
 - § IRPR352:1 Case Law
- 353 Requirements not applicable
- 354 Requirements not applicable
- 355 Family members not excluded from family class
 - § IRPR355:1 Case Law

DIVISION 9 — FIANCÉS

356 Pending applications

DIVISION 10 — FEES

- 357 Remission—right of landing fee
- 358 Fees to be reapplied
- 359 Remission—returning resident permit fee
- 360 Remission—fee for review of family business employment offer

DIVISION 11 — ECONOMIC CLASSES

- 361 Equivalent assessment
 - § IRPR361:1 Case Law
- 362 Investors
- 363 Entrepreneurs

PART 21 — REPEALS AND COMING INTO FORCE

REPEALS

364 Regulations repealed

xlviii

TABLE OF CONTENTS

COMING INTO FORCE

365 Coming into force

[SCHEDULES]

Schedule 1	[Repealed SOR/2020-55, s. 7.]
Schedule 1.01	[Repealed SOR/2018-128, s. 10(2).]
Schedule 1.1	Country [Heading added SOR/2017-246, s. 4 (Sched.).]
Schedule 2	Violations [Heading added SOR/2015-144, s. 9 (Sched.).]
Schedule 3	[Proposed] Information About Persons in a

Reservation System

REGULATIONS DESIGNATING A BODY FOR THE PURPOSES OF PARAGRAPH 91(2)(C) OF THE IMMIGRATION AND REFUGEE PROTECTION ACT, CAN. REG. 2011-142

INTERPRETATION

1

DESIGNATION

2

TRANSITIONAL MEASURES

3

COMING INTO FORCE

4

REFUGEE PROTECTION DIVISION RULES, CAN. REG. 2012-256

INTERPRETATION

1 Definitions

COMMUNICATING WITH THE DIVISION

2 Communicating with Division

INFORMATION AND DOCUMENTS TO BE PROVIDED

CLAIMS FOR REFUGEE PROTECTION

- 3 Fixing date, time and location of hearing
- 4 Claimant's contact information
- 5 Declaration—counsel not representing or advising for consideration

BASIS OF CLAIM FORM

- 6 Claimant's declarations
- 7 Providing Basis of Claim Form—inland claim
- 8 Application for extension of time
- 9 Changes or additions to Basis of Claim Form

CONDUCT OF A HEARING

10 Standard order of questioning

DOCUMENTS ESTABLISHING IDENTITY AND OTHER ELEMENTS OF THE CLAIM

11 Documents

APPLICATION TO VACATE OR TO CEASE REFUGEE PROTECTION

- 12 Contact information
- 13 Declaration—counsel not representing or advising for consideration

COUNSEL OF RECORD

- 14 Becoming counsel of record
 - § RPDR14:1 Case Law
- 15 Request to be removed as counsel of record
- 16 Removing counsel of record

LANGUAGE OF PROCEEDINGS

- 17 Choice of language—claim for refugee protection
- 18 Choice of language—application to vacate or cease refugee protection

INTERPRETERS

- 19 Need for interpreter—claimant
 - § RPDR19:1 Case Law

DESIGNATED REPRESENTATIVES

20 Duty of counsel or officer to notify

DISCLOSURE OF PERSONAL INFORMATION

- 21 Disclosure of information from another claim
 - § RPDR21:1 Case Law

SPECIALIZED KNOWLEDGE

- 22 Notice to parties
 - § RPDR22:1 Case Law

ALLOWING A CLAIM WITHOUT A HEARING

23 Claim allowed without hearing

CONFERENCES

24 Requirement to participate at conference

NOTICE TO APPEAR

- 25 Notice to appear
 - § RPDR25:1 Case Law

EXCLUSION, INTEGRITY ISSUES, INADMISSIBILITY AND INELIGIBILITY

- 26 Notice to Minister of possible exclusion before hearing
- 27 Notice to Minister of possible integrity issues before hearing
- 28 Notice of possible inadmissibility or ineligibility

INTERVENTION BY THE MINISTER

29 Notice of intention to intervene

CLAIMANT OR PROTECTED PERSON IN CUSTODY

30 Custody

DOCUMENTS

FORM AND LANGUAGE OF DOCUMENTS

- 31 Documents prepared by party
- 32 Language of documents—claimant or protected person

DISCLOSURE AND USE OF DOCUMENTS

- 33 Disclosure of documents by Division
- 34 Disclosure of documents by party
 - § RPDR34:1 Case Law
- 35 Documents relevant and not duplicate
- 36 Use of undisclosed documents
 - § RPDR36:1 Case Law

PROVIDING A DOCUMENT

- 37 General provision
- 38 Providing documents to Division
 - § RPDR38:1 Case Law
- 39 How to provide document
- 40 Application if unable to provide document
- 41 When document received by Division

ORIGINAL DOCUMENTS

42 Original documents

ADDITIONAL DOCUMENTS

- 43 Documents after hearing
 - § RPDR43:1 Case Law

WITNESSES

- 44 Providing witness information
 - § RPDR44:1 Case Law
- 45 Requesting summons
 - § RPDR45:1 Case Law
- 46 Cancelling summons
- 47 Arrest warrant
- 48 Excluded witness

APPLICATIONS

GENERAL

49 General provision

HOW TO MAKE AN APPLICATION

50 Written application and time limit

HOW TO RESPOND TO A WRITTEN APPLICATION

51 Responding to written application

HOW TO REPLY TO A WRITTEN RESPONSE

52 Replying to written response

CHANGING THE LOCATION OF A PROCEEDING

- 53 Application to change location
 - § RPDR53:1 Case Law

CHANGING THE DATE OR TIME OF A PROCEEDING

- 54 Application in writing
 - § RPDR54:1 Case Law

JOINING OR SEPARATING CLAIMS OR APPLICATIONS

- 55 Claims automatically joined
- 56 Application to join

PROCEEDINGS CONDUCTED IN PUBLIC

57 Minister considered party

OBSERVERS

58 Observers

WITHDRAWAL

59 Abuse of process

REINSTATING A WITHDRAWN CLAIM OR APPLICATION

- 60 Application to reinstate withdrawn claim
 - § RPDR60:1 Case Law
- 61 Application to reinstate withdrawn application to vacate or to cease refugee protection

REOPENING A CLAIM OR APPLICATION

- 62 Application to reopen claim
 - § RPDR62:1 Case Law
- 63 Application to reopen application to vacate or to cease refugee protection
 - § RPDR63:1 Case Law

APPLICATIONS TO VACATE OR TO CEASE REFUGEE PROTECTION

64 Form of application

ABANDONMENT

- 65 Opportunity to explain
 - § RPDR65:1 Case Law

NOTICE OF CONSTITUTIONAL QUESTION

66 Notice of constitutional question

DECISIONS

- 67 Notice of decision and reasons
 - § RPDR67:1 Case Law
- 68 When decision of single member takes effect

GENERAL PROVISIONS

- 69 No applicable rule
 - § RPDR69:1 Case Law
- 70 Powers of Division
- 71 Failure to follow rule

REPEALS

- 72 Repeal
- 73 Repeal

COMING INTO FORCE

74 S.C. 2010, c. 8

[SCHEDULES]

- Schedule 1 Claimant's Information and Basis of Claim
- Schedule 2 Information to be Provided About the Claimant by an

Officer

Schedule 3 Information and Declarations—Counsel not Representing or Advising for Consideration

REFUGEE APPEAL DIVISION RULES, CAN. REG. 2012-257

INTERPRETATION

1 Definitions

PART 1 — RULES APPLICABLE TO APPEALS MADE BY A PERSON WHO IS THE SUBJECT OF AN APPEAL

FILING AND PERFECTING AN APPEAL

- 2 Filing appeal
- 3 Perfecting appeal

INTERVENTION BY THE MINISTER

4 Notice of intervention

REPLY

5 Reply to Minister's intervention § RADR5:1 Case Law

TABLE OF CONTENTS

EXTENSION OF TIME

6 Application for extension of time to file or perfect

DISPOSITION OF AN APPEAL

7 Decision without further notice

PART 2 — RULES APPLICABLE TO APPEALS MADE BY THE MINISTER

FILING AND PERFECTING AN APPEAL

- 8 Filing appeal
- 9 Perfecting appeal

RESPONSE TO AN APPEAL

10 Response to appeal

REPLY

11 Minister's reply

EXTENSION OF TIME

12 Application for extension of time—Minister

DISPOSITION OF AN APPEAL

13 Decision without further notice

PART 3 — RULES APPLICABLE TO ALL APPEALS

COMMUNICATING WITH THE DIVISION

- 14 Communicating with Division
- 15 Change to contact information

COUNSEL

- 16 Retaining counsel after providing notice
- 17 Declaration—counsel not representing or advising for consideration
- 18 Becoming counsel of record
- 19 Request to be removed as counsel of record
- 20 Removing counsel of record

REFUGEE PROTECTION DIVISION RECORD

21 Providing notice of appeal

LANGUAGE OF THE APPEAL

22 Choice of language

DESIGNATED REPRESENTATIVES

23 Continuation of designation

SPECIALIZED KNOWLEDGE

24 Notice to parties

NOTICE OF CONSTITUTIONAL QUESTION

25 Notice of constitutional question

CONFERENCES

26 Requirement to participate at conference

DOCUMENTS

FORM AND LANGUAGE OF DOCUMENTS

- 27 Documents prepared by party
- 28 Language of documents—person

DOCUMENTS OR WRITTEN SUBMISSIONS NOT PREVIOUSLY PROVIDED

29 Documents or written submissions not previously provided—person

PROVIDING A DOCUMENT

- 30 General provision
- 31 Providing documents to Division
- 32 How to provide document
- 33 Application if unable to provide document
- 34 Proof document was provided
- 35 When document received by division

APPLICATIONS

GENERAL

36 General provision

HOW TO MAKE AN APPLICATION

37 Form of application and time limit

lvi

HOW TO RESPOND TO A WRITTEN APPLICATION

38 Responding to written application

HOW TO REPLY TO A WRITTEN RESPONSE

39 Replying to written response

JOINING OR SEPARATING APPEALS

- 40 Appeals automatically joined
- 41 Application to join

PROCEEDINGS CONDUCTED IN PUBLIC

42 Minister considered party

ASSIGNMENT OF THREE-MEMBER PANEL

43 Notice of order

UNHCR AND INTERESTED PERSONS

- 44 Rules applicable to UNHCR and interested persons
- 45 Notice to Division
- 46 Application by person to participate

WITHDRAWAL

47 Abuse of process

REINSTATING A WITHDRAWN APPEAL

48 Application to reinstate withdrawn appeal

REOPENING AN APPEAL

49 Application to reopen appeal

DECISIONS

- 50 Notice of decision
- 51 When decision of single member takes effect

GENERAL PROVISIONS

- 52 No applicable rule
- 53 Powers of Division
- 54 Failure to follow rules

PART 4 — RULES APPLICABLE TO AN APPEAL FOR WHICH A HEARING IS HELD

FIXING A DATE FOR A HEARING

55 Conference to fix date for hearing

NOTICE TO APPEAR

56 Notice to appear

CONDUCT OF A HEARING

57 Restriction of hearing

PERSON WHO IS THE SUBJECT OF AN APPEAL IN CUSTODY

58 Custody

INTERPRETERS

59 Need for interpreter—person

OBSERVERS

60 Observers

WITNESSES

- 61 Providing witness information
- 62 Requesting summons
- 63 Cancelling summons
- 64 Arrest warrant
- 65 Excluded witness

CHANGING THE LOCATION OF A HEARING

66 Application to change location

CHANGING THE DATE OR TIME OF A HEARING

67 Application to change date or time

ABANDONMENT

68 Abandonment after hearing scheduled

COMING INTO FORCE

69 S.C. 2001, c. 27

[SCHEDULES]

Schedule—Information and Declarations—Counsel not Representing or Advising for Consideration

IMMIGRATION DIVISION RULES, CAN. REG. 2002-229

lviii

TABLE OF CONTENTS

DEFINITIONS

1 Definitions

COMMUNICATING WITH THE DIVISION

2 Communicating with the Division

PART 1 - RULES APPLICABLE TO ADMISSIBILITY HEARINGS

INFORMATION

- 3 Information provided by the Minister
- 4 Change to contact information

WITHDRAWING A REQUEST BY THE MINISTER FOR AN ADMISSIBILITY HEARING

5 Abuse of process § IDR5:1 Case Law

REINSTATING A REQUEST BY THE MINISTER FOR AN ADMISSIBILITY HEARING

6 Application for reinstatement of withdrawn request § IDR6:1 Case Law

DECISION

7 Favourable decision

PART 2 — RULES APPLICABLE TO DETENTION REVIEWS

INFORMATION

- 8 Information provided by the Minister
- 9 Application for early review
- 10 Removal before detention review

DECISIONS

11 Notice to the parties

PART 3 — RULES THAT APPLY TO BOTH ADMISSIBILITY HEARINGS AND DETENTION REVIEWS

INFORMATION RELATING TO COUNSEL

12 Counsel's contact information

COUNSEL OF RECORD

- 13 Becoming counsel of record
- 14 Withdrawal as counsel of record
- 15 Removal of counsel of record

LANGUAGE OF PROCEEDINGS

- 16 Changing the language of proceedings
- 17 Requesting an interpreter
 - § IDR17:1 Case Law

DESIGNATED REPRESENTATIVES

- 18 Duty of counsel to notify the Division
- 19 Requirements for being designated

CONFERENCE

20 Requirement to participate at a conference

FIXING A DATE

21 Fixing a date

NOTICE TO APPEAR

22 Notice to appear

PERMANENT RESIDENT OR FOREIGN NATIONAL IN CUSTODY

23 Order

DOCUMENTS

FORM AND LANGUAGE OF DOCUMENTS

- 24 Documents prepared by party
- 25 Language of documents

DISCLOSURE OF DOCUMENTS

26 Disclosure of documents by a party

HOW TO PROVIDE A DOCUMENT

- 27 General provision
- 28 Providing documents to the Division
- 29 How to provide a document
- 30 If document cannot be provided under rule 29
- 31 When a document is considered received by the Division

WITNESSES

- 32 Providing witness information
 - § IDR32:1 Case Law
- 33 Application for a summons
- 34 Cancelling a summons
- 35 Arrest warrant
- 36 Excluded witness

APPLICATIONS

37 General provision

HOW TO MAKE AN APPLICATION

38 Application to the Division

HOW TO RESPOND TO A WRITTEN APPLICATION

39 Responding to a written application

HOW TO REPLY TO A WRITTEN RESPONSE

40 Replying to a written response

NON-DISCLOSURE OF INFORMATION

41 Application to prohibit disclosure

CHANGING THE LOCATION OF A HEARING

42 Application to change the location of a hearing

CHANGING THE DATE OR TIME OF A HEARING

43 Application to change the date or time of a hearing § IDR43:1 Case Law

JOINING OR SEPARATING HEARINGS

44 Application to join hearings

PROCEEDINGS CONDUCTED IN PRIVATE

45 Application for proceeding conducted in private

PROCEEDING CONDUCTED IN PUBLIC

46 Application for proceeding conducted in public

NOTICE OF CONSTITUTIONAL QUESTION

47 Notice of constitutional question

ORAL REPRESENTATIONS

48 Oral representations

GENERAL PROVISIONS

- 49 No applicable rule § IDR49:1 Case Law
- 50 Powers of the Division
- 51 Failing to follow a rule

COMING INTO FORCE

52 Coming into force

CAN. REG. 2022-277—IMMIGRATION APPEAL DIVISION RULES, $2022\,$

DEFINITIONS

1 Definitions

GENERAL PROVISIONS

- 2 General principle
- 3 No applicable rule
- 4 Powers of Division
 - § IADR4:1 Case Law
- 5 Failure to follow rules

COMMUNICATING WITH THE DIVISION

6 Communicating with Division

CONTACT INFORMATION

- 7 Contact information—party other than Minister
- 8 Change to contact information
 - § IADR8:1 Case Law
- 9 Written statement—unpaid counsel

COUNSEL OF RECORD

- 10 Becoming counsel of record
- 11 Request to be removed
- 12 Removing counsel of record

FILING AN APPEAL

13 Notice of appeal—person § IADR13:1 Case Law

lxii

- 14 Notice of appeal—admissibility hearing
- 15 Notice of appeal—Minister
- 16 Time limit
- 17 Documents provided to Minister

LANGUAGE OF THE APPEAL

- 18 Choice of language
- 19 Changing language

APPEAL RECORD

- 20 Appeal record—sponsorship
- 21 Minister provides appeal record
- 22 Time limit
- 23 Late appeal record

DISCLOSURE OF EVIDENCE

- 24 Disclosure of evidence
- 25 Proof document was provided
- 26 Time limit—60 days
- 27 Time limit—response to evidence
- 28 Time limit for reconsideration—stay
- 29 Time limit not met
- 30 Consequence—failure to disclose

DOCUMENTS

FORM AND LANGUAGE OF DOCUMENTS

- 31 Documents prepared by party
- 32 More than one document
- 33 Language of documents
- 34 Translator's statement

PROVIDING A DOCUMENT

- 35 General provision
- 36 Providing documents to Division
- 37 Providing electronic document
- 38 Electronic signature
- 39 Application—inability to provide document
- 40 Receipt of document by Division
- 41 Extension of time limit—next working day

DESIGNATED REPRESENTATIVES

- 42 Designation—Immigration Division
- 43 Duty of counsel to notify—minor

Annotated Immigration & Refugee Protection Act

- 44 Duty to notify—inability to appreciate proceedings
 - § IADR44:1 Case Law
- 45 Purpose of counsel's notice
- 46 Content of notice
- 47 Factors to consider
- 48 Criteria for designated representative
- 49 Responsibilities of designated representative
- 50 Termination of designation
- 51 End of designation—18 years of age
- 52 End of designation

INTERPRETERS

- 53 Need for interpreter
 - § IADR53:1 Case Law
- 54 Interpreter's oath

WITNESSES

WITNESS INFORMATION

- 55 Providing witness information
- 56 Failure to provide witness information

SUMMONS

- 57 Requesting summons
- 58 Cancelling summons
- 59 Arrest warrant

NOTICE TO APPEAR

- 60 Content of notice
- 61 Date fixed for hearing
- 62 Party in custody
- 63 Failure to appear

APPEAL

INFORMAL RESOLUTION PROCESS

- 64 Participation in informal resolution process
- 65 Obligations of parties and counsel
- 66 Confidentiality of discussions—informal resolution process
- 67 Document not confidential
- 68 Disclosure to responsible authorities
- 69 ADR conference
- 70 Assignment of ADR conference facilitator
- 71 Agreement in ADR conference

lxiv

CONFERENCES

- 72 Requirement to participate in conference
- 73 Written record

CONDUCT OF A HEARING

- 74 General
 - § IADR74:1 Case Law
- 75 Excluded witness
- 76 Oral submissions

PROCEEDING IN WRITING

77 Proceeding in writing

STAY OF REMOVAL ORDER

- 78 Application to reconsider appeal
- 79 Reconsideration on Division's own initiative
- 80 Notice of cancellation of stay
- 81 Proof document was provided
- 82 Notice of cancellation of stay
- 83 Response to notice of cancellation of stay

APPLICATIONS

GENERAL

84 General provision § IADR84:1 Case Law

MAKING AN APPLICATION

85 Form of application and time limit

WRITTEN RESPONSE AND REPLY

- 86 Responding to written application
- 87 Replying to written response

CHANGING LOCATION

- 88 Application
- 89 Factors

CHANGING DATE OR TIME

- 90 Application
 - § IADR90:1 Case Law
- 91 Exceptional circumstances

92 Subsequent application

PROCEEDING CONDUCTED IN ABSENCE OF THE PUBLIC

93 Form of application

WITHDRAWING AN APPEAL

94 Abuse of process

REINSTATING AN APPEAL AFTER WITHDRAWAL

- 95 Application to reinstate withdrawn appeal
- 96 Factors
- 97 Subsequent application

APPLICATION TO REOPEN APPEAL

- 98 Form and content of application
- 99 Factors
- 100 Subsequent application

NOTICE OF CONSTITUTIONAL QUESTION

101 Notice of constitutional question

DECISIONS

- 102 Notice of decision
- 103 Written reasons
 - § IADR103:1 Case Law
- 104 When decision takes effect

TRANSITIONAL PROVISIONS

105 Application

REPEAL

106

COMING INTO FORCE

107 30th day after registration

SCHEDULE

Information and Written Statements—Counsel not Representing or Advising for Consideration

OATH OR SOLEMN AFFIRMATION OF OFFICE RULES (IMMIGRATION AND REFUGEE BOARD), CAN. REG. 2012-255

lxvi

OATH OR SOLEMN AFFIRMATION OF OFFICE

1 Text of the oath or affirmation

REPEAL

2 Repeal

COMING INTO FORCE

3 S.C. 2010, c. 8

FEDERAL COURTS ACT

BARRISTERS, ADVOCATES, ATTORNEYS AND SOLICITORS

- 11 Barrister or advocate
 - § FCA11:1 Case Law

JURISDICTION OF FEDERAL COURT

- 18 Extraordinary remedies, federal tribunals
 - § FCA18:1 Case Law
- 18.1 Application for judicial review
 - § FCA18.1:1 Case Law—Section 18.1(1)
 - § FCA18.1:2 —Section 18.1(2)
 - § FCA18.1:3 —Section 18.1(3)
 - § FCA18.1:4 —Section 18.1(4)
- 18.2 Interim orders
 - § FCA18.2:1 Case Law
 - § FCA18.2:2 —Section 48—former *Immigration Act* (The *Immigration Act*, R.S.C. 1985, c. I-2)
- 18.3 Reference by federal tribunal
- 18.4 Hearings in a summary way
 - § FCA18.4:1 Case Law
- 18.5 Exception to sections 18 and 18.1

JURISDICTION OF FEDERAL COURT OF APPEAL

- 27 Appeals from Federal Court
 - § FCA27:1 Case Law

PROCEDURE

- 48 How proceeding against Crown instituted
 - § FCA48:1 Case Law
- 50 Stay of proceedings authorized
 - § FCA50:1 Case Law

JUDGMENTS OF FEDERAL COURT OF APPEAL

52 Powers of Federal Court of Appeal

§ FCA52:1 Case Law

GENERAL

57 Constitutional questions

§ FCA57:1 Case Law

FEDERAL COURTS RULES, CAN. REG. 98-106

PART 2 — ADMINISTRATION OF THE COURT

COURT FILES

22 Caveat register

SUMMONING OF WITNESSES OR OTHER PERSONS

41 Subpoena for witness

§ FCR41:1 Case Law

PART 3 — RULES APPLICABLE TO ALL PROCEEDINGS

GENERAL

APPEALS OF PROTHONOTARIES' ORDERS

51 Appeal

§ FCR51:1 Case Law

ORDERS AND DIRECTIONS

54 Motion for directions

§ FCR54:1 Case Law

COURT DOCUMENTS

FILING OF DOCUMENTS

72 Irregular documents

§ FCR72:1 Case Law

72.1 Time of filing

72.2 Paper copies—fax or electronic transmission

72.3 Retention and provision of paper copy

lxviii

AFFIDAVIT EVIDENCE AND EXAMINATIONS

AFFIDAVITS

84 When cross-examination may be made § FCR84:1 Case Law

JOINDER, INTERVENTION AND PARTIES

JOINDER

- 104 Order for joinder or relief against joinder
 - § FCR104:1 Case Law
- 105 Consolidation of proceedings
 - § FCR105:1 Case Law

REPRESENTATION OF PARTIES

GENERAL

- 119 Individuals
 - § FCR119:1 Case Law

FILING OF CONFIDENTIAL MATERIAL

- 151 Motion for order of confidentiality
 - § FCR151:1 Case Law
- 152 Marking of confidential material
 - § FCR152:1 Case Law

SUMMARY DISPOSITION

- 167 Dismissal for delay
 - § FCR167:1 Case Law

PART 4—ACTIONS

SUMMARY JUDGMENT AND SUMMARY TRIAL

MOTION AND SERVICE

- 213 Motion by a party
 - § FCR213:1 Case Law

STRIKING OUT PLEADINGS

221 Motion to strike

PART 5 — APPLICATIONS

GENERAL

- 302 Limited to single order
 - § FCR302:1 Case Law
- 312 Additional steps
 - § FCR312:1 Case Law

PART 7 — MOTIONS

- 369 Motions in writing
 - § FCR369:1 Case Law

PART 9 — CASE MANAGEMENT AND DISPUTE RESOLUTION SERVICES

CASE MANAGEMENT

SPECIALLY MANAGED PROCEEDINGS

- 384 Order for special management
 - § FCR384:1 Case Law

PART 10 — ORDERS

- 397 Motion to reconsider
 - § FCR397:1 Case Law
- 398 Stay of order
 - § FCR398:1 Case Law
- 399 Setting aside or variance
 - § FCR399:1 Case Law

PART 11 — COSTS

AWARDING OF COSTS BETWEEN PARTIES

- 404 Liability of solicitor for costs
 - § FCR404:1 Case Law

CAN. REG. 93-22—FEDERAL COURTS CITIZENSHIP, IMMIGRATION AND REFUGEE PROTECTION RULES

1 [Repealed SOR/2002-232, s. 2.]

INTERPRETATION

9

APPLICATION

3

4

lxx

```
Table of Contents
```

§ FCCIRP4:1 Case Law

DEEMED RECEIPT OF DOCUMENTS

4.1

FORM OF APPLICATION FOR LEAVE

F

EXTENSION OF TIME TO FILE AND SERVE APPLICATION FOR LEAVE

6

§ FCCIRP6:1 Case Law

FILING AND SERVICE OF APPLICATION FOR LEAVE

7

NOTICE OF APPEARANCE

8

ANONYMITY ORDER

8.1

OBTAINING TRIBUNAL'S DECISION AND REASONS

q

§ FCCIRP9:1 Case Law

PERFECTING APPLICATION FOR LEAVE

10

§ FCCIRP10:1 Case Law

RESPONDENT'S AFFIDAVITS AND MEMORANDUM OF ARGUMENT

11

§ FCCIRP11:1 Case Law

AFFIDAVITS

12

 $\$ FCCIRP12:1 Case Law

REPLY MEMORANDUM

13

§ FCCIRP13:1 Case Law

DISPOSITION OF APPLICATION FOR LEAVE

```
14
```

§ FCCIRP14:1 Case Law

15

§ FCCIRP15:1 Case Law

16

§ FCCIRP16:1 Case Law

OBTAINING TRIBUNAL'S RECORD

17

§ FCCIRP17:1 Case Law

DISPOSITION OF APPLICATION FOR JUDICIAL REVIEW

18

APPEALS

19 [Repealed SOR/98-235, s. 4.]

20

§ FCCIRP20:1 Case Law

TIME LIMITS

21

§ FCCIRP21:1 Case Law

COSTS

22

§ FCCIRP22:1 Case Law

FEES

23

COMING INTO FORCE

24

SCHEDULE

Form IR-1

Form IR-2

Form IR-3

Form IR-4

Form IR-5

lxxii

CONSOLIDATED PRACTICE GUIDELINES FOR CITIZENSHIP, IMMIGRATION, AND REFUGEE PROTECTION PROCEEDINGS

PREAMBLE

CONSOLIDATED PRACTICE GUIDELINES

OPEN COURT PRINCIPLE – CONFIDENTIALITY AND ANONYMITY REQUESTS

FILING

INFORMAL REQUESTS FOR INTERLOCUTORY RELIEF

SCHEDULING

MOTIONS FOR STAY OF REMOVALS FROM CANADA

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

MOTION FOR AN INTERLOCUTORY STAY OF A RELEASE ORDER PENDING THE RESOLUTION OF THE APPLICATION FOR LEAVE AND FOR JUDICIAL REVIEW

PROTOCOL FOR SEEKING URGENT EXPEDITED PROCEEDINGS OF IMMIGRATION DIVISION DETENTION ORDERS

CERTIFIED QUESTIONS

HEARING

SUBMITTING A MOTION FOR TRANSCRIPT OF TRIBUNAL HEARING

SETTLEMENT DISCUSSIONS IN PROCEEDINGS UNDER IRPA

REQUESTS ON CONSENT FOR ORDERS ON APPLICATIONS FOR JUDICIAL REVIEW

ALLEGATIONS AGAINST FORMER COUNSEL OR ANOTHER AUTHORIZED REPRESENTATIVE IN CITIZENSHIP, IMMIGRATION AND REFUGEE CASES BEFORE THE FEDERAL COURT

ANNEX

APPENDIX I GUIDELINES ISSUED BY THE CHAIRPERSON

Guideline 1	— Civilian Non-Combatants Fearing Persecution in Civil War Situations (Revoked January 5, 2022)
Guideline 2	— Detention
Guideline 3	 Proceedings Involving Minors at the Immigration and Refugee Board
Guideline 4	— Gender Considerations in Proceedings Before the Immigration and Refugee Board
Guideline 6	— Scheduling and Changing the Date or Time of a Proceeding
Guideline 7	— Concerning Preparation and Conduct of a Hearing in the Refugee Protection Division
Guideline 8	— Accessibility to IRB Proceedings — Procedural

Accommodations and Substantive Considerations
Guideline 9 — Proceedings Before the IRB Involving Sexual
Orientation, Gender Identity and Expression, and
Sex Characteristics

APPENDIX II QUÉBEC IMMIGRATION ACT

Chapter	Ι	— Objects
Chapter	II	— Immigration Planning
Chapter	III	— Temporary and Permanent Immigration
Chapter	IV	— Override Power
Chapter	V	— Application Procedure and Management
Chapter	VI	— Participation in Québec Society
Chapter	VII	— Immigration Consultant
Chapter	VIII	— Review of a Decision or Proceeding Before the
		Administrative Tribunal of Québec
Chapter	IX	— Required Fees
Chapter	X	— Delegation and Agreements
Chapter	XI	— Inspection and Investigation
Chapter	XII	Penal Provisions
Chapter	XIII	— Regulations
Chapter	XIV	— Amending Provisions

Transitional and Final Provisions

lxxiv

Chapter XV

APPENDIX III CHAPTER 16 OF THE CANADA-UNITED STATES-MEXICO AGREEMENT (CUSMA)

Chapter 16 — Temporary Entry for Business Persons

APPENDIX IV CANADA-CHILE FREE TRADE AGREEMENT (CCFTA) CHAPTER K

Chapter K — Temporary Entry for Business Persons

APPENDIX V CANADA-COSTA RICA FREE TRADE AGREEMENT

Chapter X — Temporary Entry

APPENDIX VI CANADA-PERU FREE TRADE AGREEMENT

Chapter 12 — Temporary Entry For Business Persons

APPENDIX VII CANADA-COLOMBIA FREE TRADE AGREEMENT

Chapter 12 — Temporary Entry for Business Persons

APPENDIX VIII CANADA KOREA FREE TRADE AGREEMENT

Chapter Twelve Temporary Entry for Business Persons

APPENDIX IX TEXT OF THE COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Chapter Ten Temporary entry and stay of natural persons for business purposes

APPENDIX X CANADA-UK TRADE CONTINUITY AGREEMENT

(CUKTCA)

APPENDIX XI CONSTITUTION ACT, 1982

PART I — CANADIAN CHARTER OF RIGHTS AND FREEDOMS

GUARANTEE OF RIGHTS AND FREEDOMS

1 Rights and freedoms in Canada

FUNDAMENTAL FREEDOMS

2 Fundamental freedoms

DEMOCRATIC RIGHTS

- 3 Democratic rights of citizens
- 4 Maximum duration of legislative bodies
- 5 Annual sitting of legislative bodies

MOBILITY RIGHTS

6 Mobility of citizens

LEGAL RIGHTS

- 7 Life, liberty and security of person
- 8 Search or seizure
- 9 Detention or imprisonment
- 10 Arrest or detention
- 11 Proceedings in criminal and penal matters
- 12 Treatment or punishment
- 13 Self-crimination
- 14 Interpreter

EQUALITY RIGHTS

15 Equality before and under law and equal protection and benefit of law

OFFICIAL LANGUAGES OF CANADA

- 16 Official languages of Canada
- 16.1 English and French linguistic communities in New Brunswick
- 17 Proceedings of Parliament
- 18 Parliamentary statutes and records
- 19 Proceedings in courts established by Parliament
- 20 Communications by public with federal institutions
- 21 Continuation of existing Constitutional provisions
- 22 Rights and privileges preserved

MINORITY LANGUAGE EDUCATIONAL RIGHTS

23 Language of instruction

ENFORCEMENT

- 24 Enforcement of guaranteed rights and freedoms
- 25 Aboriginal rights and freedoms not affected by Charter
- 26 Other rights and freedoms not affected by Charter
- 27 Multicultural heritage

lxxvi

- 28 Rights guaranteed equally to both sexes
- 29 Rights respecting certain schools preserved
- 30 Application to Territories and territorial authorities
- 31 Legislative powers not extended

APPLICATION OF CHARTER

- 32 Application of Charter
- 33 Exception where express declaration

CITATION

34 Citation

Table of Cases

Index