

**Practice Direction and Order (May 9, 2023 amendment)****Proceedings under the *Immigration and Refugee Protection Act* and the *Citizenship Act*****Termination of Administrative Practice: Deemed Discontinuance****and****Simplified Process for Extension of Time**

In 2022, the Court received a record number of applications under the *Immigration and Refugee Protection Act* and the *Citizenship Act*. The higher caseload levels are continuing in 2023. Given the Court's limited judicial and registry resources, this is leading to rapidly increasing backlogs and delays in processing of files by the Registry and then adjudication by the Court. This situation was exacerbated by the federal labour conflict in April 2023.

In many cases, the Applicant files a motion for an extension of time to perfect the Application for Leave and Judicial Review ("ALJR"). In some cases, the motion is filed after the deadline prescribed under Rule 10 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules (FCCIRPR)* has passed. Furthermore, there remain many cases in which the Applicant has neither requested an extension nor perfected the ALJR long past the deadline, effectively abandoning the proceeding.

The historical practice of the Registry was to wait at least 40 days beyond the prescribed time under Rule 10(1). Then, these matters were referred to the Court for dismissal by Order under Rule 14 if (a) the file remained unperfected and (b) no motion had been filed for an extension of time. However, this practice required the Registry to divert its limited resources to process large numbers of files for consideration by the Court.

The Court therefore issued a [Notice](#) on December 6, 2022, establishing a "new administrative practice" regarding proceedings that, given the passage of time, appeared to have been abandoned. A minor amendment to the Notice was made on December 22. The Court's objective was to reduce the growing backlog in the Registry. Regrettably, due to unforeseen consequences, the Notice did not achieve its desired effect.

Termination of Administrative Practice: Deemed Discontinuance of ALJR

As of the date of this Notice, the deemed administrative discontinuance practice is terminated.

Simplified process for an Extension of Time

A simplified and flexible procedure is being implemented by Special [Order](#), which follows this Practice Direction. This will simplify the process to perfect the ALJR.

The Applicant may, within 30 days of the expiry of the time set out in Rule 10(1), file its record at the Registry of the Court provided that it is accompanied by a Notice of consent to an extension of time to perfect the Application for leave signed by both parties (see [annex](#)).

If the opposing party does not consent to the extension of time, a formal motion record will be required.

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.

Registry Process

The Registry will resume the former practice of referring the unperfected cases to the Court and issue a certificate of decision to parties.

Unperfected files will not be referred to the Court until the expiration of both the timeline under Rule 10(1) and the 30 day period covered by the Special Order or any other extension of time granted by the Court, as the case may be.

In any event, the file will not be referred to the Court until the adjudication of any pending motion for extension of time.

Paul S. Crampton
Chief Justice

Ottawa, Ontario, May 9, 2023

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

WHEREAS the Court has received a record number of applications in 2022 and 2023 under the *Immigration and Refugee Protection Act* and the *Citizenship Act*, resulting in an increasing case backlog and consequent delays 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*;

ORDER

THE COURT HEREBY ORDERS THAT:

In proceedings under the *Immigration and Refugee Protection Act* and the *Citizenship Act*, the deadlines prescribed under Rule 10(1) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules* may be extended by a further 30 days. The Applicant may, within 30 days of the expiry of the time set out in Rule 10(1), file its record at the Registry of the Court provided that it is accompanied by a Notice of consent to an extension of time to perfect the Application for leave, signed by both parties.

Paul S. Crampton

Chief Justice

ANNEX: NOTICE OF CONSENT TO EXTENSION OF TIME

(General Heading – use Form 66)

(Complete only if the parties have consented to an extension of time pursuant to the Practice Direction & Order of the Chief Justice dated May 9, 2023.)

This Notice is being submitted on consent of both parties, who agree to the following extension of time:

Rule 10(1) – revised deadline (additional 30 days): *(insert new date)*

Signature (Applicant)

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

Date

Signature (Respondent)

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

Date