



Practice Direction and Order (COVID-19)

March 17, 2020 - Having regard to developments since the Federal Court issued a communication on Friday March 13, 2020, the Court will further restrict the scope of its operations in the coming weeks.

Those developments have included updated advice from both the Chief Public Health Officer and the Chief Human Resources Officer as well as new travel restrictions announced by the Prime Minister. In addition, the Court has been apprised of the significant difficulties being encountered by members of the bar, including both the private bar and government counsel, when attempting to work from home. Some Court staff are encountering similar difficulties.

Extended Suspension Period

All Federal Court hearings previously scheduled to be heard between now and April 17, 2020 (the “Suspension Period”) are being adjourned *sine die*.¹ This includes hearings that were scheduled to proceed by way of a telephone conference.

Likewise, all General Sittings falling within the Suspension Period are cancelled. Matters already made returnable at a General Sittings during that time will be placed on the roll of the first General Sittings that is scheduled to be held at least two weeks after the end of the Suspension Period, for that city.

Exceptions

The Suspension Period is subject to the following two exceptions: (i) urgent matters, and (ii) matters that need to proceed as previously scheduled for exceptional reasons. The Court will determine what constitutes “urgent” and “exceptional” on a case-by-case basis.

By way of guidance only, applications for a stay of release from detention or for a stay of removal from Canada will be considered to be “urgent” if the release or removal is scheduled to occur during the Suspension Period, or within a few days following its termination. Likewise, an application in respect of the seizure of a ship will also be considered to be urgent. Similarly, matters where hardship or substantial financial consequences are likely to result from delay may be considered to be “urgent” or “exceptional.” Such matters will be heard by telephone conference.

Suspension of Timelines

The running of all timelines under Orders and Directions of the Court made prior to March 18, 2020, as well as under the *Federal Courts Rules*, subsection 18.1(2) of the *Federal Courts Act*

¹ For greater certainty, March 18 and April 17 are included in the Suspension Period.

and paragraph 72(2)(c) of the *Immigration and Refugee Protection Act*, is being suspended for the Suspension Period. All other statutory filing deadlines continue to apply. Parties will be able to request an extension of time for deadlines set out in other applicable statutes if they are unable to meet the filing deadlines in light of current circumstances. However, they should refrain from doing so until after the Suspension Period.

Rescheduling

Parties shall provide the Judicial Administrator with their mutual dates of non-availability for the rescheduling of hearings that have been adjourned, no sooner than May 1, 2020 and no later than the close of business on May 15, 2020. Where a matter has previously been placed in case management, please send such dates to the attention of the case management judge.

Electronic Filing and Service of Documents

Parties are encouraged to use the Court's [E-filing portal](#) to file documents, or e-mail (max 25 MB) for urgent documents [FC_Reception_CF@cas-satj.gc.ca]. For more information regarding electronic filing and electronic service of documents between parties, please consult the Federal Court's [Notice to the Profession](#) and [Annex](#) thereto.

Parties who file documents electronically during the Suspension Period are exempted from any requirement to file paper copies.

Personal service of an originating document filed electronically by a party other than the Crown in proceedings brought under the *Immigration and Refugee Protection Act* or the *Citizenship Act* shall be effected by the Registry on the Crown, the Attorney General of Canada or any other Minister of the Crown in accordance with the practice under Rule 133 of the *Federal Courts Rules*, thereby relieving an applicant from the requirement to effect personal service.

Court Facilities

The Court strongly recommends that parties, their counsel, members of the media and the general public refrain from attending to its facilities across the country.

The Court will maintain only a very small skeleton staff during the Suspension Period for urgent and exceptional matters. On-site skeleton staff will not be monitoring registry counters.

Persons wishing to file paper copies of documents are requested to telephone the applicable number indicated in Appendix 1 to this Practice Direction and Order. One of the on-site skeleton staff will then explain how to provide the documents to the Court.

Members of the media and general public seeking access to the Court record can request electronic copies of documents from the Registry at the following e-mail address: media-fct@fct-cf.gc.ca

Cooperation of Counsel

The Court strongly encourages counsel and parties to make a concerted effort to settle their dispute, and, if they are not successful, to cooperate in identifying new dates for hearings or other matters that have been adjourned or postponed.

Ongoing Monitoring of the Situation and Restoration of Regular Operations

The Court will be attentively monitoring this extraordinary situation as it evolves. Parties are encouraged to regularly check the Court's website for updates and for information regarding the restoration of the Court's regular operations.

Flexibility

The Court is committed to being as flexible as reasonably possible in assisting the public to deal with this extraordinary situation and the hardship that it is causing.

Ottawa, Ontario, March 17, 2020.

PRESENT: The Honourable Mr. Chief Justice Paul Crampton

ORDER

THE COURT HEREBY ORDERS THAT:

1. Subject to paragraph 3 below, all hearings previously scheduled to occur between now and April 17, 2020 (the “Suspension Period”) are adjourned *sine die*.
2. All General Sittings falling within the Suspension Period are cancelled. Matters that have been made returnable at a General Sittings during that period will be placed on the roll of the first General Sittings that is scheduled to be held at least two weeks after the end of the Suspension Period, for the city in question.
3. Previously scheduled and new matters that the Court considers to be “urgent” or “exceptional” in nature will be heard by telephone conference, unless the Court determines that an in person hearing is required.
4. Pursuant to Rules 3 and 55 of the *Federal Courts Rules* (the “Rules”), the running of all timelines under the Court’s Orders and Directions, the Rules, subsection 18.1(2) of the *Federal Courts Act* and paragraph 72(2)(c) of the *Immigration and Refugee Protection Act* is suspended for the Suspension Period.
5. Parties shall provide the Judicial Administrator with their mutual dates of non-availability for the rescheduling of hearings that have been adjourned, no earlier than on May 1, 2020 and no later than the close of business on May 15, 2020. Where a matter has previously been placed in case management, such correspondence shall be addressed to the attention of the case management judge.
6. Parties who file documents electronically during the Suspension Period are exempted from any requirement to file paper copies.
7. Notwithstanding Rule 4(2) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, parties who file the originating document electronically in proceedings brought under the *Immigration and Refugee Protection Act* or the *Citizenship Act* may rely on the Registry to serve the document on the Attorney General, similar to the practice under Rule 133, and thus relieving the applicant from the obligation to effect personal service.

Paul Crampton
Chief Justice

APPENDIX 1

PRINCIPAL OFFICE	Federal Court
	613-992-4238 1-800-663-2096 TDD: 613-995-4640
Ottawa (ON)	Fax: 613-952-3653
	613-992-4238 (IMM) Fax: 613-947-2141

Regional Offices

ATLANTIC REGION	Federal Court
	514-283-4820 1-800-663-2096
Montréal (QC)	TDD: 514-283-3017 Fax: 514-283-6004
	418-648-4920
Québec (QC)	1-800-663-2096 TDD: 418-648-4644 Fax: 418-648-4051
	506-452-3016
Fredericton (NB)	1-800-663-2096 TDD: 506-452-3036 Fax: 506-452-3584
	902-426-3282
Halifax (NS)	1-800-663-2096 TDD: 902-426-9776 Fax: 902-426-5514
	709-772-5740
St. John's (NL)	1-800-663-2096 Fax: 709-772-5600
Charlottetown (PE)	1-800-663-2096
	TDD: 902-426-9776
Iqaluit (NU)	Fax: 902-426-5514

**ONTARIO
REGION**

**Federal
Court**
416-973-3356
416-973-2154

Toronto (ON)
1-800-663-2096
TDD: 416-954-4245
Fax: 416-954-5068

**WESTERN
REGION**

**Federal
Court**
604-666-3232
Vancouver (BC)
1-800-663-2096
TDD: 604-666-9228
Fax: 604-666-8181

403-292-5920
Calgary (AB)
1-800-663-2096
TDD: 403-292-5879
Fax: 403-292-5329

780-495-4651
Edmonton (AB)
1-800-663-2096
TDD: 780-495-2428
Fax: 780-495-4681

204-983-2509
Winnipeg (MB)
1-800-663-2096
TDD: 204-984-4440
Fax: 204-983-7636

Regina (SK)
Saskatoon (SK)
Whitehorse (YT)
Yellowknife (NT)
1-800-663-2096