

Application for Leave and for Judicial review (Citizenship)

TYPICAL APPLICATION FOR LEAVE AND FOR JUDICIAL REVIEW – Section 22.1 of the *Citizenship Act* and *Federal Courts Citizenship, Immigration and Refugee Protection Rules*

| Who | Does what | Rule and Form | When |
|------------|--|--|---|
| Applicant | Serves/Files Application for leave and for judicial review | Rule 5 Rule 7(1) Rule 6 (if extension of time required) Form IR-1 | Within 30 days after notification of decision |
| Applicant | Files Proof of service | Rule 7(2) | Within 10 days after service of Application |
| Respondent | Serves/Files Notice of Appearance | Rule 8(1) Form IR-2 | Within 10 days after service of Application |
| Registry | Sends request to Tribunal for written reasons (if none provided to applicant) | Rule 9(1) Form IR-3 | After filing of Application |
| Tribunal | Provides reasons to Parties and Registry OR Gives notice that no reasons exist | Rule 9(2) | Without delay |
| Applicant | Serves/Files Applicant's Record | Rule 10 | If reasons were received, within 30 days after filing of Application OR Within 30 days of receiving the reasons or the notice that no reasons exist |
| Respondent | Serves/Files Affidavits and Memorandum of Argument | Rule 11 | Within 30 days after service of Applicant's Record |
| Applicant | Serves/Files Reply Memorandum (if any) | Rule 13 | Within 10 days after service of the Respondent's Memorandum of Argument. |

Leave application considered by the Court

If leave is **refused**, decision cannot be appealed.

If leave is **granted**, the Court sets a date for hearing of the application for judicial review / provides timelines for production of the tribunal record and filing by parties of any additional documents.

IMPORTANT: All documents other than the Application for Leave and for Judicial Review must be filed with proof of service.