

# Application for Leave and for Judicial review (Immigration)

TYPICAL STEPS IN AN APPLICATION FOR LEAVE AND FOR JUDICIAL REVIEW – under section 72 of the *Immigration and Refugee Protection Act*, and the *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 <a href="#">5</a> Rule <a href="#">6</a> (if extension of time required) Rule <a href="#">7(1)</a> Form <a href="#">IR-1</a>	Within 15 days if in Canada OR 60 days if outside Canada from date of notification of decision
Applicant	Files Proof of service	Rule <a href="#">7(2)</a>	Within 10 days after service of Application for Leave
Respondent	Serves/Files Notice of Appearance	Rule <a href="#">8(1)</a> Form <a href="#">IR-2</a>	Within 10 days following service of Application for Leave
Registry	Sends request to Tribunal for written reasons (if none provided to applicant)	Rule <a href="#">9(1)</a> Form <a href="#">IR-3</a>	After filing of Application for Leave
Tribunal	Transmits reasons to Parties and Registry OR Gives notice that no reasons exist	Rule <a href="#">9(2)</a>	Without delay
Applicant	Serves/Files Applicant's Record	Rule <a href="#">10</a>	If reasons were received, within 30 days after filing of Application for Leave OR Within 30 days of receiving the reasons or the notice that no reasons exist
Respondent	Serves/Files Affidavits and Memorandum of Argument	Rule <a href="#">11</a>	Within 30 days after service of Applicant's Record
Applicant	Serves/Files Reply Memorandum (if any)	Rule <a href="#">13</a>	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.