

REFUSAL ENQUIRIES: APPLICATIONS FOR REFUGEE RESETTLEMENT



Citizenship and Immigration Canada

There is no automatic right to reconsideration of a Visa Officer's decision on an application for refugee resettlement. When a negative decision is rendered, the refusal letter sent to a resettlement refugee applicant will provide the reasons why the application was refused. This constitutes a final decision on the application, as under the *Immigration and Refugee Protection Act*, the Visa Officer has sole authority to make a decision on the merits of a case. The applicant has the right to challenge a decision by seeking leave for judicial review of the Federal Court.

REASONS TO CONTACT THE MISSION

Should a sponsor (or applicant) believe that the visa officer erred in his/her decision, they can contact the relevant Visa Office. They can do so by emailing the Visa Office directly with their question or concern. The Visa Office should normally respond within 30 days. Any application submitted in the prescribed manner must be assessed against the Canadian program criteria and if the person meets the criteria, they must be issued a visa. There is no mechanism for appeal of a decision in a refugee resettlement application. However if a sponsor (or applicant) believes the process to arrive at a decision is not fair and reasonable, or there is a technical irregularity, the applicant may apply for leave for a judicial review by the Federal Court.

REASONS TO CONTACT CASE MANAGEMENT BRANCH (CMB)

If the Visa Office has not responded within 30 calendar days, the sponsor (or

applicant) may contact Case Management Branch (CMB), National Headquarters at Case-Review-im-enquiry@cic.gc.ca. CMB will follow-up with the Visa Office to ensure that the enquiry was received, and that a response will be forthcoming. When contacting CMB, the sponsor must include the Consent to Release Form signed by the applicant.

It is important to note that CMB does not have the authority to instruct the Visa Office to re-open a finalized case, to alter a Visa Officer's decision, or to make a determination on the substance of the case or application. CMB's role is to facilitate communication between the sponsor (or applicant) and the Visa Office.

SEEKING JUDICIAL REVIEW

A refugee resettlement applicant who is refused and believes that the process to arrive at the decision was not fair and reasonable, can seek leave for judicial review before the Federal Court of Canada (Trial Division). The applicant has 60 days after being notified of the Visa Officer's decision to apply for leave and judicial review. In certain circumstances, the Court may extend this deadline.

A judicial review of a decision is not an appeal on the merits of the case. The Court cannot substitute its decision for that of the decision-maker. Rather, the Court examines the process that led to the decision and determines if the process was fair and reasonable.

cic.gc.ca

