

Canada Immigration Remedies and Options

IMPORTANT: The legal information contained in this sheet is intended to present the main remedies and options generally available in matters of immigration in Canada. **It is not intended to serve as legal advice or to replace the legal opinion provided by a lawyer.**

IMMIGRATION REMEDIES IN CANADA

Options available in case of refusal

When an **application to immigrate to Canada** is **refused**, whether it is a **visa**, a **family sponsorship**, an **application for permanent residence** or a **refugee claim**, there are different **remedies** depending on the **type of refusal** and the **reasons given**. Some **refusal** allow you to **appeal the decision**, others allow you to **request a review** or **submit a new application with corrected evidence**.

Official Government Resources

- [Immigration, Refugees and Citizenship Canada \(IRCC\)](#): For checking application status, forms and processing time.
- [Federal Court of Canada – Immigration and Refugee Protection](#): For judicial reviews or challenges of IRCC decisions, etc.
- [Immigration Appeal Division \(IAD\)](#): For appeals related to family sponsorship, etc.
- [Refugee Appeal Division \(RAD\)](#): To challenge decisions regarding refugee protection or claims, etc.

Find an immigration lawyer or consultant:

- [Law Society of Ontario](#)
- [Local Legal Clinics](#)
- [Immigration Consultant](#)

The **table** below shows the main **types of refusals**, the **possible remedies**, the deadlines and how to proceed in each situation.

Type of application	Possible remedies	Deadline / Conditions
Temporary visa (visitor, student, temporary worker)	New application with additional information or documents OR Judicial review in the Federal Court (error of law or procedure)	New application: no delay Federal Court: 30 days of the initial refusal decision

Type of application	Possible remedies	Deadline / Conditions
<p>Family sponsorship (spouse, common-law partner, dependent children, parents, grandparents, other family members)</p>	<p>Appeal to the Immigration Appeal Division (IAD) of the Immigration and Refugee Board (IRBC)</p> <p style="text-align: center;">OU</p> <p>Judicial review in the Federal Court (error of law or procedure)</p>	<p>IAD: 30 days after the initial decision of the refusal</p> <p>Federal Court: 30 days after the initial decision of refusal</p>
<p>Asylum Application/Refugee Protection</p>	<p>Appeal to the Refugee Appeal Division (RAD) of the IRBC</p> <p style="text-align: center;">OU</p> <p>Judicial review in the Federal Court (error of law or procedure)</p>	<p>RAD: 15 days after the initial decision of refusal</p> <p>Federal Court: 30 days after the initial decision of refusal</p>
<p>Permanent Residence – Humanitarian and Compassionate consideration</p>	<p>Judicial review in the Federal Court (error of law or procedure)</p>	<p>Typically 15 to 30 days depending on the type of refusal after the initial decision of the refusal</p>
<p>Study permit</p>	<p>New application with additional information or documents</p> <p style="text-align: center;">OR</p> <p>Judicial review in the Federal Court (error of law or procedure)</p>	<p>New application: no delay</p> <p>Federal Court: 15 to 30 days after the initial decision of the refusal</p>
<p>Work Permit</p>	<p>New application with additional information or documents</p> <p style="text-align: center;">OR</p> <p>Judicial review in the Federal Court (error of law or procedure)</p>	<p>New application: no delay</p> <p>Federal Court: 15 to 30 days after the initial decision of the refusal</p>

Type of application	Possible remedies	Deadline / Conditions
Provincial Nominee Program (e.g. Ontario NOI)	New application with additional information or documents OR Judicial review in the Federal Court (error of law or procedure)	New application: no delay Federal Court: 15 to 30 days after the initial decision of the refusal
Express Entry	New application with additional information or documents OR Judicial review in the Federal Court (error of law or procedure)	New application: no delay Federal Court: 15 to 30 days after the initial decision of the refusal
Canadian Experience Class (CEC)	New application with additional information or documents OR Judicial review in the Federal Court (error of law or procedure)	New application: no delay Federal Court: 15 to 30 days after the initial decision of the refusal

IMMIGRATION APPLICATION REFUSED

General information

When an immigration application is refused in Canada, several options may be considered depending on the type of application and the reasons for the refusal.

1. Understand the reasons for refusal:

- The refusal letter sent by **Immigration, Refugees and Citizenship Canada (IRCC)** usually specifies the decision with the reasons why your application was rejected and if this option is available to you, how to appeal the decision.

2. Explorer les options possibles

- Depending on the situation, several actions may can be considered, for example:
 - Submit a **new application** after correcting or improving the documents;
 - Filing an **appeal** if the law allows it (for example, to the Immigration Appeal Division, for certain types of decisions);
 - Apply for **judicial review** to the Federal Court of Canada if an error of law or process is suspected.

3. Get legal advice

- It may be helpful to consult with a lawyer or an immigration consultant to assess the most appropriate options based on the circumstances of the case.

4. Timelines and processes

- Processing times vary depending on the chosen pathway. A review or appeal can take several months, sometimes more than a year.

LEGAL AID

Consult a lawyer or consultant

It is highly recommended that you **consult with an attorney or authorized immigration consultant** when facing a refusal or wish to challenge a decision. A qualified professional can:

- Assess the reasons for the refusal and determine the possible remedies.
- Assist in preparing an appeal or application for judicial review.
- Ensure that all documents and evidence are properly submitted to maximize the chances of success.
- Advise on the specific timelines and procedures to be followed for each type of application.

The Ontario Legal Information Centre provides free confidential legal information and referral services to persons whose legal issue is in Ontario. The Centre offers services in French and in English. Make an **appointment online** or call us at 1-844-343-7462 (toll-free).



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