



Filing an immigration appeal?

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Filing an immigration appeal?

The Immigration Appeal Division (IAD) hears appeals on immigration-related matters, including sponsorships, removal orders and residency obligations.

To find out how to make an immigration appeal and the broader appeal process, please select the situation that applies to you:

A. I sponsored a family member and their application for permanent residence was refused

Starting a sponsorship appeal

If you have sponsored a family member whose application for permanent residence was refused, you may want to appeal that decision to the Immigration Appeal Division (IAD) in order to explain why the visa application should be accepted. This is known as a sponsorship appeal (subsection 63(1) of IRPA).



Who can appeal?

You can appeal to the IAD if you are a permanent resident or Canadian citizen who made an application to sponsor a family member to immigrate to Canada and the visa application was refused by Immigration, Refugees and Citizenship Canada (IRCC).

Who cannot appeal

You cannot appeal if the person you sponsored was found inadmissible to Canada because of:

- Serious criminality, which is defined as having
 - Been punished in Canada by a sentence of six months or more of imprisonment, or
 - Been convicted of an offence outside Canada that would be punishable in Canada by a maximum term of imprisonment of at least ten years, or
 - Committed an act outside Canada that would be punishable in Canada by a maximum term of imprisonment of at least ten years.
- Organized crime
- Security grounds
- Violations of human or international rights,
- Misrepresentation (unless the person you sponsored is your spouse, common-law partner or child)



How to start an appeal

You have 30 days after receiving the refusal letter to appeal to the IAD.

To file a sponsorship appeal, you must submit:

- B.** I received a removal order from the Immigration Division after an admissibility hearing or during an examination by an immigration officer

How to start a removal order appeal

If you have received a removal order, you may be able to appeal your removal to the Immigration Appeal Division (IAD) in order to explain why you should be able to stay in Canada. This is known as a removal order appeal (subsections 63(2) and 63(3) of the IRPA).

Who can appeal?

In order to make a removal order appeal, you must have received a removal order and you are:

- A permanent resident of Canada
- A foreign national with a permanent resident visa, or
- A Convention Refugee or Protected Person

Who cannot appeal

You cannot appeal if the person you sponsored was found inadmissible to Canada because of:

- Serious criminality, which is defined as having
 - Been punished in Canada by a sentence of six months or more of imprisonment, or
 - Been convicted of an offence outside Canada that would be punishable in Canada by a maximum term of imprisonment of at least ten years, or
 - Committed an act outside Canada that would be punishable in Canada by a maximum term of imprisonment of at least ten years.

- Organized crime
- Security grounds
- Violations of human or international rights



How to start an appeal

You have 30 days after receiving the refusal letter to appeal to the IAD.

To file a sponsorship appeal, you must submit:

- C. I applied for permanent resident travel document at an overseas vis office and the application was refused.

How to start a removal order appeal

Generally, the Immigration and Refugee Protection Act (IRPA) requires permanent residents to be physically present in Canada for at least 730 days out of every five years. If you are a permanent resident who is outside Canada and a visa officer (also outside Canada) finds that you did not meet your residency obligation, you may lose your permanent resident status. You can appeal the decision to the Immigration Appeal Division (IAD) in order to explain why you should keep your permanent resident status. This is known as a residency obligation appeal (subsection 63(4) of the IRPA).



Who can appeal?

You can make a residency obligation appeal if a Canadian overseas visa office found that you did not meet your residency obligation as a permanent resident.

Who cannot appeal

There are no restrictions or exceptions to make a residency obligation appeal. However, if you received a removal order inside Canada because you did not meet your residency obligation, you will need to make a removal order appeal.

How to start an appeal

You have 60 days after the refusal to appeal to the IAD.

To file a residency obligation appeal, you must submit:

- A completed Notice of Appeal form **for each person** in your family affected by the decision
- Two copies of the decision from the overseas visa office

D. I received a decision from the Immigration Division allowing me to stay in Canada, but I have found out that Minister has appealed that decision.

Want to know if your case has merits? Call us today on

(905) 662-1818

Responding to an appeal

If the Immigration Division decides that you are not inadmissible and can remain in Canada, the Minister of Public Safety can appeal to the Immigration Appeal Division (IAD) within 30 days of the decision. This is known as a Minister's appeal (subsection 63(5) of the IRPA). You can participate in the appeal in order to explain why you should be able to stay in Canada.

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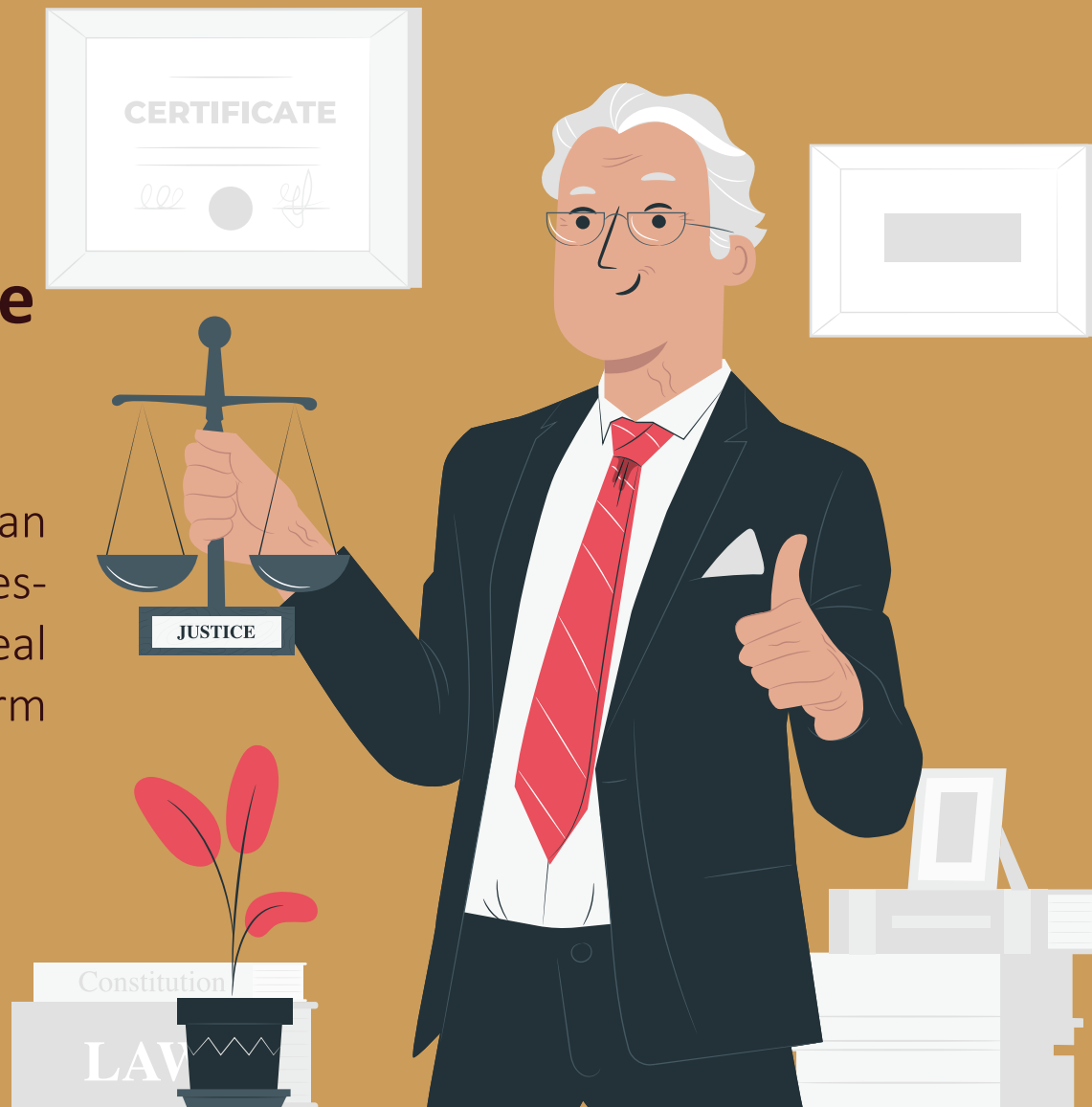
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Want to know if your case has merits?

Call us today on **(905) 662-1818** for an assessment and for answers to any questions that you may have on the appeal process. You could also fill the online form on our website or email us at **info@thehillfield.com**



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