

# **Case Processing Centre Edmonton Service Delivery Sector**

## **Requests for Reconsiderations**

### **STANDARD OPERATING PROCEDURES**

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## Document revision history

Version	Date	Revised By	Nature of Revisions
1.0	03/12/2024	Richelle Tatarin	Updated SOP for CPCE
2.0	24/01/2025	Richelle Tatarin	Updated SOP for CPCE

## Background

A request for reconsideration is a request made by any party to an application to have the officer, who rendered a decision, review their decision. In the event that the officer is not available to review their own decision, another officer must review it on their behalf. This decision, like any other decisions made by an officer, is reviewable at the Federal Court and as such, it is essential that the officer documents the request, documents submitted and the rationale behind their reconsideration decision. There is no limit to the number of reconsideration requests which may be requested and each request for reconsideration can be challenged at the Federal Court.

## How are Reconsiderations Handled?

Reconsiderations are submitted through Webform, MP enquiries, and Representatives letters and are received by the Client Service Unit (CSU). Some reconsiderations may come through e-mail directly to a team's mailbox and are handled by the team that receives them.

CSU reviews all reconsiderations that come from the Client Support Centre (CSC) and forwards the reconsideration, where further action is required or additional information has been submitted, to the officer who rendered the decision, copying their supervisor. The supervisor is responsible for re-assigning the reconsideration to a different officer if the initial officer will not be available. In the event that the officer is no longer employed at CPC-E, or their email is deactivated as they are on long term leave, the CSU will send the request to the supervisor normally assigned to that employee.

Officers are responsible for actioning reconsideration requests within 2 days. Supervisors are to follow-up to ensure the officer has completed the reconsideration. This will help to reduce further enquiries on the same application.

Officers who receive a reconsideration request on an application that is being litigated must contact the CPC-E Litigation Team in OSU to discuss further steps prior to making their reconsideration decision.

## What needs to be reviewed and how do I make a decision?

Officers must review all documentation provided in the request for reconsideration, including new information. This is done in two stages:

**Stage 1 (request for reconsideration):** Should the file be reopened: in this initial stage, the officer must review whether there are sufficient grounds to merit reopening the application and rendering a new decision. This does not mean that the application will be approved, it just means that there are sufficient grounds to “quash” the original decision or review it for other reasons set out in the PDI. If there are not sufficient grounds to reopen the file, then the request is denied. If there are sufficient grounds, then the officer moves on to stage 2.

**Stage 2 (new decision):** If the officer determines that sufficient grounds exist to reopen the file, then they have quashed the old decision and must now render a new decision. Approving the request for reconsideration does not mean that the decision will be positive. It only means that sufficient grounds exist to merit reopening the file and that a new decision will be rendered.

A client can request reconsideration of any decision not just a refused decision. To help with reconsideration refusals, officers should review the PDI on reconsiderations located at <https://cicintranet.ci.gc.ca/connexion/tools-outils/temp/visa/processing-traitement/reconsider-refusals-reexamen-refus-eng.aspx>

## Procedures - Reconsiderations

A reconsideration request of a decision occurs anytime an authorized party (applicant or authorized representative) requests that an officer review their decision regarding a file. They may specifically use the word “reconsideration” or may allude to the fact that they would like the decision revisited. In either case, the officer has a duty to review their request.

There is no limit to the number of reconsideration requests which may be requested. It is important to remember that decisions on requests for reconsideration are subject to judicial review.

### **Process:**

- I. The CSU officer will change the status of the initial reconsideration enquiry in Incoming Correspondence to “Received” and “Completed” or “Received” and “Replied” for MP enquiries.
- II. **Tracking:** The CSU officer starts a Reconsideration Item in incoming correspondence for tracking purposes in GCMS. For the teams that receive reconsideration through another avenue, that team is responsible for changing the status of the initial reconsideration enquiry as per step 1 above and for creating the tracking reconsideration request. *This means that for every reconsideration request, an application will have two reconsideration lines in incoming correspondence (one created by the call centre and one created by CPC-E).*

A new reconsideration Item line must be created for each reconsideration request on an application.

- a. From the application screen, go to Correspondence sub tab → Incoming sub tab → Click New → Under Item field, type “Reconsideration” → Press Tab to confirm the selection → Leave the status as Not Started until the reconsideration decision is made.
- b. CSU will assign the reconsideration to the officer responsible (under Assigned to) and send the officer the request.

*Note: there is no need to change any “due date” as the status updated date is changed automatically and this will be used to pull applications where officers have not completed the reconsideration request within timelines.*

s.16(1)(c)

s.21(1)(a)

s.21(1)(b)

Due Date	Status	Via
2018/01/05	Not Started	
2018/01/04	Requested	
2017/12/13	Received	
2017/12/13	Cancelled	
2017/12/13	Provided	
2017/12/13	Rejected	
2017/12/13	Completed	
2017/12/13	Received	

- III. CSU sends the reconsideration request to the officer via direction slip or the paper application.
- IV. Review: Officer reviews their decision and determines whether they made a sound decision based on the information provided to them at the time and considers the new information provided. Officers should review the PDI for information on how to assess a reconsideration request. It can be found <https://cicintranet.ci.gc.ca/connexion/tools-outils/temp/visa/processing-traitement/reconsider-refusals-reexamen-refus-eng.aspx>

### Refuse to Reconsider

Refuse request for reconsideration: If the officer is satisfied that their decision is correct and that there are not sufficient grounds to reconsider, then their decision stands:

I. Notes: Reconsideration notes should come in 3 parts

- a)
- b)
- c)

See Annex for example of note

II. Communicate: Send the Reconsideration Refused letter (previous Decision Upheld letter) found in the T:Drive as an "information letter"

Reconsideration Refused (En)

Reconsideration Refused (Fr)

III. Track: Update the status of the reconsideration correspondence in GCMS to "Rejected"

Due Date	Status	Via
2018/01/05	Not Started	
2018/01/04	Requested	
2017/12/13	Received	
2017/12/13	Cancelled	
2017/12/13	Provided	
2017/12/13	Rejected	
2017/12/13	Completed	
2017/12/13	Received	
2017/12/13	Received	
2017/12/13	Received	

Agree to Reconsideration

Approve request for reconsideration: If you are satisfied that grounds exist to reopen the file.

Action:

- I. Reopen: The status of the application must be re-opened. From the application screen, go to History sub tab → Application Status → Select Re-Opened for App Status.
- II. Track: Update the status of the reconsideration correspondence in GCMS to "Completed".

Due Date	Status	Via	Via D
2018/01/05	Not Started		
2018/01/04	Requested		
2017/12/13	Received		
2017/12/13	Cancelled		
2017/12/13	Provided		
2017/12/13	Rejected		
2017/12/13	Completed		
2017/12/13	Received		

- III. **Notes:** enter notes indicating why there are sufficient grounds to reconsider the application.
- IV. **Communicate:** Send a letter advising of the re-opening of the application found in the T:Drive as an “information letter” in Outgoing Correspondence..
  - [Reconsideration Granted \(EN\)](#)
  - [Reconsideration Granted \(Fr\)](#)
- V. **New decision:** a new decision should now be rendered. Please note that agreeing to reopen the file does not mean that you are necessarily approving the decision – simply that new information is relevant that merits consideration or that an error had been made. . . Request additional information if required to render your decision. If no information required from the client, once you approve the application, an automatic approval letter will be sent to the applicant. If refusing the application, send a refusal letter advising of the decision.
  - ❖ Enter notes and render your decision as you normally would; i.e. restart as if it were a new file.

## Annex A: Examples of Potentially Valid Reasons for Granting a Reconsideration (non-exhaustive)

- Documents were not properly uploaded to GCMS or were received prior to the decision but uploaded after the decision.
- The request for documents letter was never sent and was left at “generate” (i.e. client did not receive the request).
- Client was refused solely for not having complied with a request for documents/fees and is requesting reconsideration within a reasonable time period (generally thirty days of receiving the refusal letter).
- The officer did not justify their decision on a balance of probabilities – reconsiderations can be granted if the officer rendered an incorrect decision.
- The officer failed to take into consideration information on the file. If there is relevant information in GCMS that the officer did not mention in their note, then we have to assume that the information was not taken into consideration.
- Incorrect dates applied to determine status.
- An error or omission by the officer.
- Refusal reasons in notes do not match the refusal reasons in the letter.

**s.16(1)(c)**

**s.21(1)(a)**

**s.21(1)(b)**

Annex B: Example Notes (do not use as a template)

**Reconsideration Denied:**

**Reconsideration Granted:**