Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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To: Mission-Manila <Mission-Manila@cic.gc.ca>
Cc: Pearson.Janis <Janis.Pearson@cic.gc.ca>; 'Rauh, Sharon' <Sharon.Rauh@justice.gc.ca>;
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Subject: APPLICATION FOR LEAVE & JUDICIAL REVIEW - RULE 9 REQUESTED

Importance: High

APPLICATION FOR LEAVE & JUDICIAL REVIEW – RULE 9 REQUESTED
HIGH PRIORITY - REQUIRES IMMEDIATE ATTENTION

PLEASE DO NOT PASTE THIS ENTIRE EMAIL INTO NOTES - ONLY THE PASSAGE BELOW THAT IS WITHIN THE LINES OF ASTERISKS
****PLEASE MAKE NOTE OF ADDITION MADE TO STEP 1****

Name of Applicant:
Visa Office File**:**
Visa Office:
Federal Court Tribunal:
FOSS/UCI:
Immigration Category**:** **TRV**

Carefully follow the **FOUR** steps below.

STEP 1: File review and Confidential Information

Review the entire file. When reviewing the file, answer the following questions.

	Is there material which could be "injurious to national security or to the safety of any person"? (e.g. CONFIDENTIAL correspondence with any of the Tactical Intelligence Divisions, CBSA-NSSD, information supplied by a Designated Investigative Body - normally the Canadian Security Intelligence Service (CSIS) or the RCMP, etc.)
	Is there material which may be exempt from disclosure by reason of solicitor-client, litigation?
	Is there any information obtained by third party (e.g. CBSA, DFAIT, etc.) that may not necessarily be injurious to national security but may still need to be vetted by third party?
	Is there material which may have been identified as exempt from release in the context of a request made under the Access to Information or Privacy Acts?
	Is there material which may be exempt from disclosure by reason of protecting a third-party informant? (poison-penned letters, personal third-party information, etc.)

If you have found any of the material outlined above, please contact LMD **immediately** before proceeding to Step 2. Contact information can be found at the bottom of this email.

STEP 2: Respond to the Rule 9 Request

Pursuant to Rule 9 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, we must provide the Court and the parties with a copy of the reasons for the decision, duly certified, without delay.

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s.19(1)

s.20(1)

The package, referred to as the ''reasons'', must include the following. Verify that you have a complete package by checking the items below.

	The covering letter (referenced below)
	A copy of the refusal letter.
	The GCMS notes up to the decision on (i.e. interview notes and the final review of the case, or paper screening review if the applicant was refused on paper **excluding all notes labelled "entered in error"**).
	IF this is a medical inadmissibility case, the medical information from the IME screen. This must include a screenshot of the IME screen, the Notes from both the General tab and the MOF rationale tab.

When all items above are located, please make a copy of these items on regular sized paper (8.5 x 11) and number all the pages. Please ensure that the top of each page has extra space for a complete fax transmission.

When the copy is ready, prepare the covering letter (precedent is at the end of these instructions):
- Include the date
- Include Embassy Name and Address on the covering letter
- Include fax numbers of counsel for both parties in the cc. portion of the letter
- If the refusal letter is not retained, add "**PLEASE BE ADVISED THAT WE DO NOT RETAIN A COPY OF THE REFUSAL LETTER ON FILE**." to the body of the letter
- Sign the letter (The officer signing this letter is responsible for certifying the content of the Rule 9 response – it is their responsibility to ensure its completeness and correctness)

STEP 3: Facsimile Transmission of Reasons

There is no need to transmit the package by mail, unless: a) the reasons exceed 20 pages, b) there is no fax number for Applicant, or, c) you experience technical difficulties in sending the fax to any party. In those cases, send the packages by express courier.

ACTION	ADDRESS
Send **TWO** COPIES of the reasons (the cover letter is provided below) BY FACSIMILE to the Federal Court	**The Registry** **The Federal Court of Canada** **Thomas D'Arcy McGee Building** **90 Sparks Street, 5th Floor** **Ottawa, Ontario K1A 0H9** **Fax: (613) 947-2141**
Send **ONE** COPY of the reasons (with the same precedent covering letter) BY FACSIMILE to the Applicant, the Respondent and LMD	**Attn: Litigation Management (LMD)** **Case Management Branch** **Citizenship and Immigration** **300 Slater Street, 9th floor**

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	Ottawa, ON **K1A 1L1** **Fax: (613) 954-4285**
Keep proof of successful fax transmission confirmations on file.	

STEP 4: Update GCMS

- Please update the GCMS notes and application history applet with the litigation information. For detailed instructions, please refer to the GCMS online help at:
http://cicintranet.ci.gc.ca/connexion/tools-outils/system/gcms-smgc/reference-eng.aspx
- If the application was finalized in CAIPS and no further action is required, please paste the information in GCMS in the Client screen under the Notes tab. If further processing is required on a former CAIPS file, please create a GCMS application and update the GCMS notes and application history applet.
- Insert the following paragraph into the notes

PLEASE PASTE *ONLY* THE FOLLOWING PARAGRAPH INTO GCMS NOTES!

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Please be advised that an application for leave and judicial review has been filed with the Federal Court of Canada on . The applicant seeks leave to commence an application to quash the decision of the responsible visa officer, dated to refuse the applicant's application for a **temporary** resident visa.

The applicant has made a request for reasons pursuant to Rule 9 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*. Immediate Action Required.

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Please do not hesitate to contact us if you have any questions at all. If you should happen to receive any reply or other communication from the Federal Court, please contact LMD immediately.

CONTACTS	
Litigation Management (LMD)	**Janis Pearson**
Department of Justice	**Sharon Ruah**

Thank you for your attention to this matter,

LMD/Litigation Management

This correspondence may be subject to litigation privilege and/or legal advice privilege. No further disclosure should occur without appropriate authorization. / Cette correspondance pourrait être protégée par le privilège relatif aux avis juridiques et/ou celui attaché au litige. Toute autre divulgation est proscrite sans autorisation des autorités compétentes.

Please prepare the following COVER LETTER:

The Registry
The Federal Court of Canada
Thomas D'Arcy McGee Building