

October 7, 2026 | Immigration Appeal Division Rules, 2022 (SOR/2022-277), referred to below as "Rule" or "R"

1. Background and general principles

The 2022 Rules were made by the IRB Chairperson under IRPA s.161(1), registered on December 15, 2022, and came into force on the 30th day after registration (R107). They repealed the 2002 IAD Rules (SOR/2002-230) and are organized by stage of appeal rather than by type of appeal. They apply to all pending appeals, subject to transitional exceptions (R105).

Rule What it says

R1	Defines the four appeal types: sponsorship appeal (s.63(1)), removal order appeal (s.63(2)–(3)), residency obligation appeal (s.63(4), decision made outside Canada), and Minister's appeal (s.63(5), against an ID decision). A working day excludes Saturdays, Sundays and days IRB offices are closed
R2	Rules are interpreted to resolve every appeal as informally and quickly as fairness and natural justice permit
R3	Where no rule applies, the Division may do whatever is necessary to resolve the appeal effectively, completely and fairly
R4	The Division may act on its own initiative (after notice and a chance to object), change or excuse a requirement, extend or shorten a time limit before it passes, and extend a time limit after it passes
R5	Failing to follow a rule does not make proceedings invalid unless the Division declares them invalid
R6	All communication goes to the registry office

IRPA links: IAD jurisdiction (s.63), no appeal for serious grounds (s.64), H&C limited to family class members (s.65), dispositions (ss.66–69), reopening (s.71), abandonment (s.168(1)), withdrawal as abuse of process (s.168(2)), reasons on request (s.169(e)), court of record and not bound by technical rules of evidence (ss.174–175).

2. Contact information and counsel (R7–R12)

Rule	Requirement
R7(1)–(3)	A party other than the Minister gives their contact information and their counsel's to the Division and the Minister. The appellant provides it with the notice of appeal; a respondent within 20 days of receiving the notice of appeal
R7(4) / R8	Counsel retained later, and any change in contact information, must be provided in writing without delay
R1	For paid representatives (IRPA s.91(2)(a)–(c)), contact information includes the regulatory body and the membership number (e.g., CICC licence number)
R9 + Schedule	Unpaid counsel: the party and counsel both sign written statements that counsel receives no consideration, with counsel's details and the file number
R10	Counsel becomes counsel of record as soon as they provide a document to the Division for a party
R11	To withdraw, counsel first sends a written request to the client and the Minister, then to the Division at least 3 working days before the next proceeding. Otherwise, counsel must appear and ask orally. Counsel stays on record until the Division grants the request
R11(4)	Where a removal order is stayed under s.68, counsel stays on record until they notify the Division in writing that they have ceased to act
R12	A client removes counsel by written notice to the Division, counsel and the Minister; it takes effect when the Division receives it

3. Filing an appeal (R13–R19)

What to file (R13): a notice of appeal with the officer's decision and any written reasons (sponsorship and residency obligation), or the removal order (removal order appeal). Other helpful information may be added. **Shortcut (R14):** a person may hand the notice of appeal to the ID member at the end of the admissibility hearing. **Minister's appeal (R15):** the notice goes to the respondent, the ID and the Division, states the grounds, and includes a statement of how and when it was served.

Appeal type	Deadline for the Division to receive the notice (R16)	Time runs from
Sponsorship	30 days	Receipt of the officer's decision and reasons
Removal order	30 days (unless handed to the ID member under R14)	Receipt of the removal order
Residency obligation (outside Canada)	60 days	Receipt of the officer's decision and reasons
Minister's appeal	30 days	Minister's receipt of the ID decision

Language (R18–R19): the appellant picks English or French in the notice of appeal. In a Minister's appeal, it is the language the person chose before the ID. A party may change language by written notice at least 45 days before the next proceeding.

4. Appeal record (R20–R23)

Appeal	Prepared by / deadline	Contents
Sponsorship	Minister; 60 days after the Division's request	Table of contents, refused PR visa application, sponsorship application and undertaking, relevant documents, written reasons
Residency obligation	Minister; 60 days after the request	Table of contents, relevant documents, the officer's decision and reasons
Removal order made at an examination	Minister; 30 days after the request	Table of contents, removal order, relevant documents, written reasons
Removal order made at an admissibility hearing, and Minister's appeals	Immigration Division; 30 days after the ID receives the notice of appeal	Table of contents, removal order, transcript of the hearing, documents accepted as evidence, written reasons

The Minister also files a statement of how and when the record was given to the appellant (R21(2)). If the record is late, the Division may ask for an explanation or start and decide the appeal without all or part of the record (R23). The 2022 Rules cut the record deadlines from 120 to 60 days and from 45 to 30 days.

5. Disclosure of evidence (R24–R30)

Rule	Requirement
R24	A party that wants to use a document gives it to the other party and the Division. A party with no documents must file a written statement saying so
R25	Every document filed with the Division comes with a statement of how and when it was given to the other party
R26	Documents, or the no-documents statement, must be received within 60 days after the party receives the appeal record
R27	Documents replying to the other party's evidence: at least 30 days before the proceeding

Rule Requirement

R28	Reconsideration of a stayed removal order: documents at least 30 days before the hearing
R29	Late documents may be used only with permission, considering relevance and probative value, whether the deadline could have been met with reasonable effort, prejudice to the other party, and timeliness of the request and the reason for delay
R30	If neither documents nor the statement arrive within 60 days, the Division may declare an appellant's appeal abandoned (IRPA s.168(1)), proceed on the available materials, suspend scheduling, or take other action

6. Documents: form, language and service (R31–R41)

Form (R31–R32): legible, 12-point Times New Roman, Arial or Tahoma, on consecutively numbered letter-size pages (8½ x 11 in.). Several documents are paginated as one and come with a list of documents.

Language (R33–R34): the appellant's documents must be in English or French or come with a translation. The Minister's must be in the language of the appeal or come with a translation. The translator's signed statement gives their name, the language and dialect, and confirms accuracy.

Service (R36): documents go to the registry office the Division specifies; to the Minister's counsel; and to a person's counsel (or the person) and any designated representative. Accepted methods: electronic (if the Division allows), regular or registered mail, courier or priority post, fax (up to 20 pages unless the recipient consents), or by hand. Documents in a public proceeding go on the public record unless a confidentiality application is made under R93.

Electronic documents (R37–R38): e-documents meeting the Division's requirements count as properly provided; an electronic signature satisfies a signature requirement; and a person must keep the paper original for the length of the appeal and produce it on request.

Inability to serve (R39): a party may apply to provide a document another way, or be excused, if they have made reasonable efforts.

Deemed receipt (R40–R41)	When
Paper document received by the Division	Date stamped by the registry office
Electronic document	Date and time shown by the electronic means
Regular mail to a party	7 days after mailing; 20 days if sent to or from outside Canada
Deadline falls on a non-working day	Extended to the next working day

7. Designated representatives (R42–R52)

IRPA s.167(2) requires a designated representative (DR) for a minor or a person unable to appreciate the nature of the proceedings. A DR designated by the ID carries over to the appeal unless the Division decides otherwise (R42).

- **Counsel's duty to notify (R43–R44):** counsel must tell the Division in writing without delay if a DR may be needed for a person under 18 (unless their adult parent's appeal is heard with theirs, or the ID already designated one) or a person unable to appreciate the proceedings.
- **Notice content (R46):** a suitable person in Canada, if known, with contact details; the reasons for designation; and supporting documents.
- **Capacity factors (R47):** whether the person understands the reason for the proceeding and can instruct counsel; their statements and behaviour; expert evidence; and any DR designated in another IRB division.
- **DR criteria (R48):** 18 or older; understands the proceedings; willing and able to act in the person's best interests; no conflict of interest; informed of and willing to fulfil the responsibilities.
- **DR responsibilities (R49):** decide whether to retain and instruct counsel, make or help make decisions, explain each stage, help gather and present evidence (and testify if needed), protect the person's interests, and consult them where possible.

- **Ending (R50–R52):** the Division may end an unsuitable designation; a designation for age ends at 18 (unless also for capacity); and any designation ends when the appeal is allowed, dismissed or the removal order stayed.

8. Interpreters and witnesses (R53–R59)

Rule Requirement

R53	A party needing an interpreter notifies the Division in writing, naming the language and dialect, at least 20 days before the next proceeding. For a witness, give notice together with the witness information
R54	The interpreter takes an oath or affirmation to interpret accurately
R55	Witness information goes to the other party and the Division at least 30 days before the hearing: contact information, purpose and substance of the testimony, time needed, relationship to the party, whether testifying remotely and how. An expert also needs a description of qualifications and a signed summary of testimony
R56	Without proper witness information, the Division may still allow the witness after considering the reason, relevance and probative value, and whether the party has counsel
R57	Summons requested orally or in writing. Factors: testimony necessary for a full and proper hearing, ability to testify, and whether the person agreed to be summoned. The party hand-delivers it, files proof, and pays witness fees under Tariff A of the Federal Courts Rules
R58	A summoned person may apply in writing to cancel the summons (no affidavit required)
R59	Arrest warrant if the witness was served by hand (or is evading service), was paid or offered fees, failed to appear, and is still needed. The warrant includes directions on detention and release

9. Notice to appear and failure to appear (R60–R63)

The Division notifies the parties in writing of the date, time and location, and of any changes (R60). The hearing must be held at least 30 days after the parties receive the notice to appear, unless adjourned or postponed or the parties agree to an earlier date (R61). The Division may order a custodian to bring a detained party to the proceeding (R62).

If a party fails to appear (R63), the Division may declare the appeal abandoned (IRPA s.168(1)), proceed in the party's absence, bar further evidence, questions or submissions, decide on the evidence provided, or take other appropriate action.

10. Informal resolution, ADR and conferences (R64–R73)

Rule	Requirement
R64–R65	The Division may require an informal resolution process. Parties must be ready to resolve, counsel must have authority to settle, everyone participates in good faith and follows directions, and required documents are exchanged. A document exchanged this way counts as disclosure under R26
R66 / R68	Discussions are confidential and cannot be used later or disclosed, unless the information is available elsewhere, relates to an offence or a Rules breach (disclosed only to enforcement authorities), or the person who gave it consents
R67	Documents provided for informal resolution are not confidential and may be used for the rest of the appeal (a change from the 2002 Rules)
R69	ADR conference on the Division's own initiative or at a party's request with reasons; the request is copied to the other party
R70	The facilitator is an IAD member or IRB employee. A member who facilitated may not hear the appeal unless the parties agree
R71	An ADR agreement must be confirmed by the parties or counsel and approved in writing by the Division. It is not confidential
R72–R73	The Division may require a (non-ADR) conference, on its own initiative or at a party's request, to resolve or narrow issues and to help set a date. A written record is made of any decision or agreement

11. Hearings and proceedings in writing (R74–R77)

Conduct (R74): parties may present evidence, question witnesses and make submissions. As part of active adjudication, the Division may narrow the issues (including identifying agreed facts), set the order of issues, direct and limit evidence, limit the number and length of questions, question any witness at any time, and tell the parties if more evidence or witnesses would help.

Excluded witness (R75): no one may tell an excluded witness about evidence given while they were out until they finish testifying, unless the Division allows it.

Submissions (R76): oral at the end of the hearing unless ordered otherwise; the Division may set time limits and identify issues to address.

In writing (R77): the Division may proceed in writing where that is not unfair and no hearing is otherwise required, even without the appeal record. A residency obligation appeal proceeds in writing only if the parties agree.

12. Stays of removal orders (R78–R83)

Under IRPA s.68, the IAD may stay a removal order with conditions on H&C grounds, reconsider the appeal at any time, and the stay is cancelled by law if the person is convicted of a further offence under s.36(1) (s.68(4)).

- **Reconsideration application (R78):** made under R85 without an affidavit, with a statement on whether the stay conditions were met. The response includes the same statement.
- **Own-initiative reconsideration (R79):** the Division notifies the parties in writing, and each party states whether the conditions were met within the time set.
- **Cancellation notice (R80–R83):** the Minister gives notice of a s.68(4) cancellation with the name of the person, the date and place of conviction, the offence and provision, and the sentence if the maximum is less than 10 years, plus proof of service. The Division treats the notice as an application, and the other party responds under R86.

13. Applications (R84–R93)

Application	Key requirements
General (R84–R85)	In writing, without delay. State the decision sought, the reasons, and the other party's position if known. Evidence by affidavit or statutory declaration. Served on the other party with proof of service. Oral applications are allowed only if a written one could not reasonably have been made
Response (R86)	In writing, with affidavit evidence if the application needed one. Must be received within 7 days of receiving the application
Reply (R87)	In writing, received within 5 days of receiving the response
Change of location (R88–R89)	No affidavit needed. At least 30 days before the proceeding. Factors include residence, a full and proper appeal, delay, effect on parties, vulnerabilities, availability of live telecommunication, and operational needs. Appear as scheduled unless granted
Change of date or time (R90–R92)	No affidavit needed. At least 3 working days before (medical reasons or emergencies: without delay), and give at least 6 alternative dates and times. Granted only in exceptional circumstances, considering timeliness, previous changes, the parties' rights, vulnerabilities, complexity and operational needs. A later application after a refusal needs exceptional circumstances supported by new evidence. Appear as scheduled unless granted
Proceeding in private (R93)	Under R85, at least 20 days before the proceeding. Anyone may ask in writing to respond. The Division may take confidentiality measures

14. Withdrawal, reinstatement and reopening (R94–R100)

Step	Rule
Withdrawal (R94)	If no substantive evidence has been accepted, withdraw by notice orally or in writing; this is never an abuse of process. Once substantive evidence is accepted, an application is needed, and withdrawal is an abuse of process (IRPA s.168(2)) if it would likely harm the Division's integrity
Reinstatement (R95–R97)	Appellant applies under R85 with contact information. Allowed for a failure of natural justice or if otherwise in the interests of justice. A repeat application needs exceptional circumstances supported by new evidence
Reopening (R98–R100)	Application under R85 with contact information. Factors: timeliness and the reason for any delay, and why judicial review was not sought. Outside IRPA s.71, reopening requires a breach of natural justice. A repeat application needs exceptional circumstances supported by new evidence
Allegations against former counsel (R98(2))	The application must first be given to the former counsel, then filed with the Division with a statement of how and when counsel was served

15. Constitutional questions and decisions (R101–R104)

Notice of constitutional question (R101): use Form 69 of the Federal Courts Rules or equivalent (name, file number, hearing details, provision challenged, material facts, summary of argument). Serve the Attorney General of Canada and every provincial attorney general (Federal Courts Act s.57) and the other party, file with proof of service, and ensure receipt at least 10 days before the question is argued.

Decisions (R102–R104): a written notice of decision is given for every final decision. Written reasons are given automatically for sponsorship appeal decisions and for stays of removal orders; reasons for other final decisions must be requested in writing (IRPA s.169(e)). A written decision takes effect when the member (or all three members of a panel) signs and dates the reasons; an oral decision when the member (or every panel member) states the decision and reasons.

16. Key numbers

Time limit	What it is	Rule
20 days	Respondent's contact information after receiving the notice of appeal	R7(3)(b)
3 working days	Counsel's request to be removed; change of date or time	R11, R90
30 days	Notice of appeal: sponsorship, removal order, Minister's appeal	R16
60 days	Notice of appeal: residency obligation (decision outside Canada)	R16(c)
45 days	Notice to change the language of the appeal	R19
60 / 30 days	Appeal record: sponsorship and residency / removal and Minister's appeals	R22
60 days	Disclosure (or no-documents statement) after receiving the appeal record	R26
30 days	Reply evidence, stay reconsideration documents, witness information, change of location	R27, R28, R55, R88
20 days	Interpreter request; application for a private proceeding	R53, R93
30 days	Minimum notice before a hearing	R61
7 / 5 days	Response to an application / reply to a response	R86, R87
7 / 20 days	Deemed receipt by mail: in Canada / to or from outside Canada	R40(2)
20 pages	Fax limit without the recipient's consent	R36(5)(d)
10 days	Notice of constitutional question	R101(5)
6	Alternative dates required when asking to change a date	R90(2)(b)

17. Exam traps

- The 60-day appeal deadline applies only to residency obligation decisions made outside Canada. A residency breach found in Canada leads to a removal order, which has a 30-day appeal deadline.
- Disclosure is now due 60 days after receiving the appeal record, not 20 days before the hearing as under the 2002 Rules.
- Missing the R26 disclosure deadline can lead to abandonment, even with no hearing date set (R30).
- Documents exchanged for informal resolution are not confidential, but what was discussed is (R66–R67).
- An ADR facilitator member cannot hear the appeal unless the parties agree (R70(2)).
- Changing the date or time requires exceptional circumstances; until the change is granted, the party must appear (R90(5), R91).
- Withdrawal before any substantive evidence is accepted is never an abuse of process (R94(2)).
- A residency obligation appeal cannot proceed in writing without the parties' agreement (R77(3)).
- Paid representatives must give their regulator's name and membership number; unpaid counsel must file the Schedule statements (R1, R9).
- Counsel stays on record during a stay of removal until they notify the Division they have ceased to act (R11(4)).
- Written reasons are automatic only for sponsorship decisions and stays; otherwise request them in writing (R103).