

Sharry Aiken, Catherine Dauvergne, Colin Grey, Gerald Heckman, Jamie Liew & Constance Macintosh, *Immigration and Refugee Law: Cases, Materials, and Commentary*, 3rd ed. (Toronto: Emond Publishing, 2020).

Sharry Aiken, *2026 Casebook Update* (August 24, 2026)

Chapter 1: Introduction

New resources	Immigration, Refugees and Citizenship Canada, <i>2025 Annual Report to Parliament on Immigration</i> Canada, <i>Notice – Supplementary Information for the 2026-2028 Immigration Levels Plan</i> (5 November 2025) Canada, <i>Canada’s Immigration Levels</i> (5 November 2025) Darren Major, “Government dialling back number of temporary residents it allows into Canada” CBC News (4 November 2025)
Relevant Section	Chapter 1, section I (Introduction: The Contemporary Context of Canadian Immigration Law), pp. 2-3.
Link or text	2025 Annual Report: < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/annual-report-parliament-immigration-2025.html > Supplementary Information: < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/corporate-initiatives/levels/supplementary-immigration-levels-2026-2028.html > Canada’s Immigration Levels: < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/corporate-initiatives/levels.html > Major: < https://www.cbc.ca/news/politics/canada-rudcing-temporary-residents-budget-9.6966217 >

Discussion	The most recent IRCC <i>Annual Report</i> provides updated statistics to those in the casebook. The <i>Annual Report</i>'s highlights indicate that in 2024, there were 483,640 new permanent residents (2.5% higher than in 2024). There were 5,031,925 travel documents issued to visitors; 516,275 individuals held study permits (new permits and extensions) of which, only 293,835 were new student permits, with the balance issued to students already in Canada. Canada's overall international student population declined by 4% by the end of 2024. In 2024, a total of 905,440 individuals began working in Canada on new work permits, down from 946,259 in 2023, representing a 4.3% decrease. Among new permanent residents, economic class admissions accounted for 281,615 individuals, or 58%; family-class admissions for 105,990 individuals, or 22%; refugees for 76,685 individuals, or 16%; and humanitarian and compassionate/discretionary admissions for 19,355 individuals, or 4%. The Levels Plan announced in October 2025 included targets of 380,000 new permanent residents per year for three years while increasing the share of economic migrants from 59 per cent to 64 per cent. The plan reduces the target for new temporary resident admissions from 673,650 in 2025 to 385,000 in 2026, and 370,000 in 2027 and 2028. These targets aim to keep permanent resident arrivals at less than one per cent of the population beyond 2027 and reduce the total number of temporary residents to less than five per cent of Canada's population by the end of 2027. According to the Annual Report, the new plan will "restore control, clarity, and consistency to the immigration system, while maintaining compassion in our choices and driving competitiveness in our economy."
-------------------	--

New resource	Statistics Canada, <i>Immigration and Ethnocultural Diversity Statistics</i> (2021)
Relevant Section	Chapter 1, section I (Introduction: The Contemporary Context of Canadian Immigration Law), pp. 2-3.
Link or text	< https://www.statcan.gc.ca/en/subjects-start/immigration_and_ethnocultural_diversity >
Discussion	This page provides a high-level snapshot of immigration-related statistics. It indicates that in 2021, 23% of the Canadian population were immigrants, a total of 8,361,505 people. From 2016 to 2021, the number of immigrants coming to Canada was 1,328,240. Second-generation Canadians amount to 17.6% of the total population.

New resources	Canada, <i>Indigenous Mobility and Canada's International Borders: Reflecting back and looking forward</i> (2024) Sheryl Lightfoot, "Haudenosaunee Passports and Decolonizing Borders" in Lightfoot and Stamatopoulou (eds.) <i>Indigenous Peoples and Borders</i> (Duke University Press, 2023) Olivia Stefanovich, "Immigration minister says he wants to make it easier for Indigenous people to cross borders" CBC News (29 September 2023) Vincent Wong, "After the migrant deaths in Akwesasne, Canadian immigration law must reckon with its colonial history", <i>The Conversation</i> (20 April 2023) APTN News, "Sinixt Nation: A Story of Extinction and Baskets", YouTube 23:50 mins (2 December 2022) Canada, "Temporary measures to reunite families of Indigenous people separated by Canada's border" (9 January 2025)
Relevant Section	Chapter 1, section II (Building a Settler Society and Indigenous Relationships), pp. 21-27
Link or text	Canada: < https://www.canada.ca/content/dam/ircc/documents/pdf/english/corporate/publications-manuals/indigenous-mobility/ibx-report-en.pdf> Lightfoot: < https://www.dukeupress.edu/indigenous-peoples-and-borders>; for students @ Queen's: < https://read-dukeupress-edu.proxy.queensu.ca/books/book/3292/Indigenous-Peoples-and-Borders > Stefanovich: <https://www.cbc.ca/news/politics/miller-international-border-crossings-indigenous-1.6979627> Wong: <https://theconversation.com/after-the-migrant-deaths-in-akwesasne-canadian-immigration-law-must-reckon-with-its-colonial-history-203393> APTN News: < https://www.youtube.com/watch?v=nDXbVf_Jdi4> Canada: <https://www.canada.ca/en/immigration-refugees-citizenship/services/ibx-measures.html>

Discussion	The <i>Indigenous Mobility</i> report documents input provided by First Nations, Inuit, and Metis participants in consultations spearheaded by the federal government. The report proposes a road map for pursuing amendments to the IRPA as well as relevant regulations and policies to address the longstanding border crossing and migration challenges faced by Indigenous peoples on both sides of the Canada-US border. The supplementary resources (Lightfoot, CBC news, Wong and the documentary on the Sinixt Nation) explore the contemporary ramifications of issues the Federal Court of Appeal left unresolved in <i>Watt v Liebelt and Canada</i>, extracted in chapter 1. In early 2025 the federal government announced temporary measures to make it easier for Indigenous people separated by Canada's border to reunite with family in Canada.
New resources	IRCC, “Artificial Intelligence Strategy” (12 March 2026) Canada, “Question Period Note: AI AND AUTOMATION FOR IMMIGRATION DECISIONS” (12 February 2026) Randolph Hahn, “The role of AI in the immigration space”, CILA (22 June 2023) Mario Bellissimo, “This Is Not a Paper, But an Opinion: Rethinking Immigration, Citizenship, and Refugee Adjudication in the Age of AI” CILA (15 June 2026) Petra Molnar, “Migration Management Experiments and Reflections from the Ground Up”, EDRi; and the Refugee Law Lab (November 2020) <i>Welcome Home Immigration Podcast, Episode 11</i>: “How Artificial Intelligence is Influencing the Canadian Immigration Application Process”, Mario Bellissimo in conversation with Chantal Desloges and Cathryn Sawicki (22 August 2023) Steven Meurrens, “Artificial Intelligence and Canadian Immigration” (14 January 2024)
Relevant Section	Chapter 1, Section IV (Key Actors and Institutions), addition of a new topic after H (Supreme Court of Canada): “Artificial Intelligence in Immigration decision making”

Link or text	IRCC, < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/artificial-intelligence-strategy.html > Canada, < https://search.open.canada.ca/qpnotes/record/cic,IRCC-2025-QP-00001 > Hahn: <https://cila.co/the-role-of-ai-in-the-immigration-space/> Bellissimo: < https://cila.co/this-is-not-a-paper-but-an-opinion-rethinking-immigration-citizenship-and-refugee-adjudication-in-the-age-of-ai/ > Molnar: <https://edri.org/wp-content/uploads/2020/11/Technological-Testing-Grounds.pdf> Welcome Home Immigration Podcast: <https://emond.ca/Podcasts/Welcome-Home--An-Immigration-Law-Podcast-(1)/August-2023/Episode-11---How-Artificial-Intelligence-is-Influe> Meurrens: < ">https://meurrensonimmigration.com/artificial-intelligence-and-canadian-immigration/#:~:text=The%20goal%20appears%20to%20be,approval%20of%20straight%2Dforward%20cases.>
Discussion	Artificial intelligence (AI) now has a significant role in Canada's immigration system. It is important to understand the parameters of current uses as well as the ethical, procedural and human rights related concerns of current and prospective uses. A discussion about the use of AI in immigration decision making could be introduced in chapter 1, or could be addressed later, in relation to processing and decision making for specific immigration programs.

Chapter 2: Theoretical Perspectives on Migration

New resource	E. Tendayi Achiume, "Racial Borders" (2022) 110:3 Georgetown LJ 445
---------------------	--

Relevant Section	Chapter 2, Section VI (Gender and Race), pp. 95-103.
Link or text	< https://www.law.georgetown.edu/georgetown-law-journal/in-print/volume-110/volume-110-issue-3-may-2022/racial-borders/ >
Discussion	Achieme argues that contemporary national borders are inherently racial and that race itself may serve as part of the infrastructure of border control. Perhaps most useful to a course in immigration law, she provides a historical overview of the racial nature of migration control (455-464) and detailed exposition of the way that the control of migration and asylum is racially differentiated (464-480).

Chapter 3: Administrative Review

New resource	<i>Canada (Citizenship and Immigration) v. Mason</i> , 2023 SCC 21
Relevant Section	Chapter 3, section IV.D.3 (Substantive Review of Questions of Statutory Interpretation), pp. 238-239 [<i>Mason</i> is also relevant to Inadmissibility (Chapter 6, below).]
Link or text	< https://canlii.ca/t/k0c85 >
Discussion	<i>Mason</i> is a case from the immigration context in which Supreme Court majority affirms the framework from <i>Vavilov</i> for selecting the standard of review and strongly restates Court's commitment, also from <i>Vavilov</i>, to the principle of responsive justification. The case concerned the interpretation of s. 34(1)(e) of the <i>Immigration and Refugee Protection Act</i>. At issue was whether that provision could be grounds for inadmissibility of two permanent residents charged with violent offences with no nexus to national security when those charges had been stayed or subject to a conditional discharge. The Immigration Appeal Division held that s. 34(1)(e) could cover such circumstances. The Federal Court quashed that decision (2019 FC 1251). The Federal Court of Appeal reversed.

	The Court was unanimous in finding that the IAD’s interpretation of s. 34(1)(e) was unreasonable. Jamal J, writing for the majority at the Supreme Court, faulted the IAD for failing to engage with two arguments about statutory context and the consequences of its interpretation raised by Mr. Mason. The majority also held that the IAD unreasonably failed to consider that its interpretation would lead to violations of Canada’s obligation of <i>non-refoulement</i> under Article 33 of the <i>1951 Convention relating to the Status of Refugees</i>, even though that argument had not been raised before it. This was a rare case where there was only one reasonable interpretation, namely that s. 34(1)(e) requires a nexus to national security or the security of Canada. An interesting argument for correctness review in the case, filed by the intervener Canadian Association of Refugee Lawyers (CARL), can be found here. CARL argued that the requirement of a certified question to pursue an appeal to the Federal Court of Appeal implies a legislative intent to have such questions dealt with on a correctness basis. The Supreme Court majority did not accept CARL’s argument. Jamal J found no basis for recognizing the proposed exception to reasonableness review. A concurring opinion by Côté J, on the other hand, found that a new category of correctness review was warranted for legal questions certified pursuant to s. 74(d) of the <i>IRPA</i>.
New resource	<i>Pepa v. Canada (Citizenship and Immigration)</i> , 2025 SCC 21
Relevant Section	Chapter 3, section IV.D.3 (Substantive Review of Questions of Statutory Interpretation), pp. 238-239
Link or text	< https://canlii.ca/t/kcw1j >
Discussion	By a 7-2 majority, the SCC allowed Pepa’s appeal of her removal order and affirmed <i>Vavilov</i>’s robust approach to responsive justification. The Court overturned the IAD’s decision because it relied on a prior interpretation of a predecessor provision and visa revocation caselaw (the question in <i>Pepa</i> concerned visa expiry) rather than doing its own analysis. The majority highlighted three justification failures by the IAD, namely the failure to: (i) justify the relevance of distinguishable precedents; (ii) explain how its proposed interpretation and approach were consistent with the text, context and purpose of the statute; and (iii) consider the personal and harsh impact of its decision on Ms. Pepa – including separation from her family for at least five years – and explain how the decision best reflects the legislature’s intention. The Court concluded that there was a single reasonable interpretation of the statutory provision and returned the matter to the IAD to hear the appeal on the merits with the right to appeal established.

New resources	<i>Canadian Council for Refugees v. Canada (Citizenship and Immigration)</i> , 2023 SCC 17 Chelsea Latremouille, “ <i>Auer v. Auer: Vavilov</i> Prevails in the Review of Subordinate Legislation”, TheCourt.ca (23 December 2024)
Relevant Section	Chapter 3, section IV, subsection D.3 (Substantive Review of Questions of Statutory Interpretation), pp. 233-39 [<i>CCR v Canada</i> is also relevant to Constitutional and International Parameters (Chapter 4, below) and Refugee Protection in Canada (chapter 10, below).]
Link or text	< https://canlii.ca/t/jxp04 > Latremouille: < https://www.yorku.ca/osgoode/thecourt/2024/12/23/auer-v-auer-vavilov-prevails-in-the-review-of-subordinate-legislation/ >
Discussion	Among other holdings in this complex and important decision, Kasirer J., for a unanimous court, rejected a challenge that section 159.3 of the <i>Immigration and Refugee Protection Regulations</i> – which designates the United States as a safe third country – is <i>ultra vires</i> given the criteria for designation in the <i>Immigration and Refugee Protection Act</i> . At para. 54, Kasirer J. reaffirmed that “[r]egulations benefit from a presumption of validity” from <i>Katz Group Canada Inc. v. Ontario (Health and Long-Term Care)</i> , 2013 SCC 64 at para. 25. While this implied that reasonableness review did not apply to the review of regulations, the Court had an opportunity to clarify more recently in <i>Auer v. Auer</i> 2024 SCC 36 , that after <i>Vavilov</i> 2019 SCC 65 , the standard of review for subordinate legislation is reasonableness. In other words, subordinate legislation presumptively attracts the same standard of review as any other administrative decision.

Chapter 4: Constitutional and International Parameters

New resource	<i>Canadian Council for Refugees v. Canada (Citizenship and Immigration)</i> , 2023 SCC 17
Relevant Section	Chapter 4, section II.B.2 (Section 7: Life, Liberty, and Security of the Person), pp. 253-295 [<i>CCR v Canada</i> is also relevant to Administrative Review (Chapter 3, above) and Refugee Protection in Canada (Chapter 10, below).]

Link or text	< https://canlii.ca/t/jxp04 >
Discussion	This is a lengthy ruling by the Supreme Court of Canada on the constitutionality of section 159.3 of the <i>Immigration and Refugee Protection Regulations</i> and paragraph 101(1)(e) of the <i>Immigration and Refugee Protection Act</i>. Section 159.3 designates the United States as a safe country, in accordance with the <i>Safe Third Country Agreement</i>. Section 101(1)(e) makes most claimants entering Canada from the United States ineligible to claim refugee protection. The combined effect of the two provisions is that most claimants coming to Canada from the United States would be returned to that country. It was alleged returnees would face detention and possible <i>refoulement</i> as a result. Writing for the full Court, Kasirer J. touches on many of the issues raised by the cases and discussion in this subsection of the casebook on the application of section 7 of the <i>Canadian Charter of Rights and Freedoms</i> to the <i>Immigration and Refugee Protection Act</i> and its <i>Regulations</i>. We summarize the most important points below. (The next update summarizes the decision’s import for section 15 challenges.) The most broadly significant part of the decision comes in paragraphs 56 to 79, where Kasirer J. discusses how to apply section 7 to a complex legislative scheme like the <i>IRPA</i> and its <i>Regulations</i>. Kasirer J. focuses on the impact of provisions that might act as “safety valves” to the constitutional analysis (paras. 64-66). Such safety valves may either “prevent” or “cure” constitutional defects (paras. 67-68). An example of a preventative provision is s. 159.6 of the <i>Regulations</i>, which bars application of ineligibility under the Safe Third Country Agreement to persons who might face the death penalty in the United States. Examples of curative provisions include deferrals of removal (<i>IRPA</i>, s. 48(2)), temporary resident permits (<i>IRPA</i>, s. 24), and humanitarian and compassionate exemptions (<i>IRPA</i>, ss. 25-25.1). <i>Charter</i> challenges need not directly challenge preventative or curative provisions, but such provisions must be considered as part of the entire legislative scheme in the constitutional analysis (para. 69). Importantly, while Kasirer J. states that preventative provisions might rule out the engagement of section 7 rights, “curative provisions will rarely, if ever, preclude the engagement of s. 7” (para. 71). Curative provisions will instead generally be relevant when considering conformity with the principles of fundamental justice (para. 76). With these statements, Kasirer J. seems to resile from statements in <i>B010 v. Canada (Citizenship and Immigration)</i>, 2015 SCC 58 and <i>Febles v. Canada (Citizenship and Immigration)</i>, 2014 SCC 68 that cast doubt on whether section 7 might be engaged during hearings before the Refugee Protection Division. Instead, he suggests that, as in extradition law, section 7 may “permeate” the entire refugee protection process (para. 73). Later he states that, even if a legislative scheme is overall constitutionally acceptable, it will be open to individual claimants to challenge determinations of

	ineligibility to claim refugee protection on the basis that the decision, and the possible return to the United States or elsewhere, would “shock the conscience” of Canadians (paras. 121-22, 169). These statements of principle seem to have the potential to challenge conclusions reached by the lower courts disclaiming the applicability of section 7 not only with respect to certain refugee decisions, but also with respect to non-refugee decisions, such as <i>Revell v Canada (Citizenship and Immigration)</i>, 2019 FCA 262 (pp. 291-295 of the Casebook). The remaining parts of Kasirer J.’s section 7 analysis are specific to the issues before the Court in this case. Paragraphs 83 to 108 analyze whether section 7 is engaged by s. 101(1)(e) of the IRPA and the designation of the United States under s. 159.3 of the <i>Regulations</i>. The right to liberty is engaged by the risk of detention in the United States (para. 89). The right to security of the person is engaged by <u>conditions</u> of detention faced by some returnees (para. 90). Kasirer J. expressed reservations about the Federal Court judge’s finding that the risk of <i>refoulement</i> from the United States also engaged the right to security of the person, yet proceeded on the assumption that it did (paras. 97-108). Paragraphs 118 to 164 analyze whether there was a violation of the principles of fundamental justice, specifically overbreadth and gross disproportionality. Kasirer J. relies on <i>Canada (Attorney General) v. Bedford</i>, 2013 SCC 72 for the idea that these are principles of instrumental rationality, whose application depends on the characterization of the purpose of the challenged legislation. He finds that the purpose of s. 159.3 of the <i>Regulations</i> is “to share responsibility for fairly considering refugee claims with the United States, in accordance with the principle of <i>non-refoulement</i>” (para. 139). In light of this purpose, Kasirer J. finds that for s. 159.3 of the <i>Regulations</i> to be overbroad, the rules for and conditions of detention in American system would have to be “fundamentally unfair” (para. 142). He finds that they are not (paras. 143-44). Similarly, the detention system in the United States does not meet the “high threshold” for a finding of gross disproportionality (para. 147). Finally, Kasirer J. found that the curative provisions in the <i>Immigration and Refugee Protection Act</i> provide sufficient safety valves to avoid violating the principles of fundamental justice based on the risk of <i>refoulement</i> from the United States (para. 163).
New resources	<i>Canadian Council for Refugees v. Canada (Citizenship and Immigration)</i>, 2023 SCC 17 Jamie Liew, Audrey Macklin & Josh Blum, Sharry Aiken & Colin Grey, Jackie Swaisland, “"Constitutional Cases 2024 (Pt 3A) Immigration and Refugee Law and the Constitution" (2024). <i>Osgoode's Annual Constitutional Cases Conference</i>. 18. [conference video]

Relevant Section	Chapter 4, section II.B.3 (Section 15: Equality Before the Law), pp. 295-304 [<i>CCR v Canada</i> is also relevant to Administrative Review (Chapter 3, above) and Refugee Protection in Canada (Chapter 10, below).]
Link or text	CCR: < https://canlii.ca/t/jxp04 > Jamie Liew et al: < https://digitalcommons.osgoode.yorku.ca/constitutional_cases/18/ >
Discussion	As noted above, this ruling by the Supreme Court of Canada addresses the constitutionality of section 159.3 of the <i>Immigration and Refugee Protection Regulations</i> and paragraph 101(1)(e) of the <i>Immigration and Refugee Protection Act</i>. These provisions implement the <i>Safe Third Country Agreement</i> between Canada and the United States. This update deals with his brief comments on section 15 of the <i>Charter</i>, the constitutional guarantee of equality rights. The appellants argued at Federal Court that section 159.3 of the <i>Regulations</i> indirectly discriminated against refugee protection claimants alleging gender-based persecution. This indirect discrimination arose because of the principles applied by US officials to gender-based claims. Having found an unjustified violation of section 7, however, the Federal Court did not decide the section 15 issue. Nor did the Federal Court of Appeal analyze this issue in reversing the Federal Court's decision. Kasirer J. declined to make the factual findings necessary to resolve the section 15 challenge and remitted the matter to Federal Court. Kasirer J. said very little about this issue, other than a reference to the “novel legal arguments” the section 15 challenge would raise, “such as those relating to causation and equality rights in the international context” (para. 179). In the video resource, a panel of Canadian immigration law scholars and practitioners critique the Supreme Court's decision in <i>CCR</i> and offer reflections on the Court's section 7 and section 15 Charter analysis.
New resources	<i>Bjorkquist et al. v Attorney General of Canada</i>, 2023 ONSC 7152 Canada, “Bill C-3: An Act to amend the Citizenship Act (2025) comes into effect”, Backgrounder (15 December 2025)

Relevant Section	Chapter 4, section II.B.3 (Section 15: Equality Before the Law), pp. 295-304 [<i>Bjorkquist</i> is also relevant to Citizenship (Chapter 11, below)]
Link or text	<i>Bjorkquist</i> : < https://canlii.ca/t/k1vdj > Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/news/2025/12/bill-c-3-an-act-to-amend-the-citizenship-act-2025-comes-into-effect.html >
Discussion	This was a successful Charter challenge to the “second-generation cut-off” rule in s. 3(3) (a) of the <i>Citizenship Act</i> , brought by a group of seven Canadian families. The Ontario Superior Court declared this provision unconstitutional on the basis that it violated both section 15 and section 6 of the Charter and was not justified under section 1. In January 2024, IRCC confirmed that the government would not appeal the Court ruling. The <i>Bjorkquist</i> decision is notable for its recognition of intersectional discrimination. Akbarali J held that s. 3(3)(a) created a distinction based on national origin which impacted first-generation born abroad women differently or “more keenly” because they are women. In late 2025, the government finally amended the <i>Citizenship Act</i> , adopting new rules for citizenship by descent. Lawyers have pointed out gaps that survive the new bill (see, Ch. 11, below).
New resources	<i>Quebec (Attorney General) v Kanyinda</i> , 2026 SCC 7 <i>Da Silveira et al v Minister of Health et al.</i> , 2025 ONSC 6853 Ontario, “Province Prioritizing Medical Residency for Ontario Students” News Release, (17 April 2026)
Relevant Section	Chapter 4, section II.B.3 (Section 15: Equality Before the Law), pp. 295-304
Link or text	<i>Kanyinda</i> : < https://canlii.ca/t/kjm10 > <i>Da Silveira</i> : < https://canlii.ca/t/kh84p > Ontario: < https://news.ontario.ca/en/release/1007311/province-prioritizing-medical-residency-for-ontario-students >
Discussion	Provisions of Quebec’s <i>Reduced Contribution Regulation</i> (“RCR”) excluded refugee claimants from eligibility to participate in provincial subsidized childcare program while permitting other categories of temporary residents (along with citizens and permanent residents). Bijou Cibuabua Kanyinda, a refugee claimant from the Democratic Republic

of Congo, challenged her exclusion from access to subsidized childcare, arguing that the *RCR* violated s. 15(1) of the *Charter*, because it discriminates based on sex, citizenship, and an analogous ground of immigration status. In a landmark majority decision, the Supreme Court held that the *RCR* created adverse effects discrimination based on sex and was not justified under section 1 of the *Charter*. Although facially neutral, the legislative scheme disproportionately burdened female refugee claimants, who are more likely to bear the primary burden of childcare responsibilities. As a remedy, the SCC ordered that refugee claimants should be “read in” to the class of eligible parents under the *RCR*. While the majority declined to recognize immigration status as an analogous ground, the decision is pathbreaking in its recognition of the importance of an intersectional approach to discrimination at both steps of the section 15(1) analysis. Karakatsanis J, writing for the majority, noted that an approach based on substantive equality must acknowledge that “[p]eople in the same protected group may have very different experiences and face unique challenges based on their intersecting identities and realities — including, for example, their race, religion, ethnic background, sex, age, disability, sexual orientation, parental status, socioeconomic status, immigration status, or language abilities” (para 39). Rowe J (concurring) and Côté J (dissenting) warned that adopting an intersectional approach at the first step of the analysis opened a pathway to find discrimination on the basis of unrecognized analogous grounds; while Wagner CJ, in concurring reasons, based his reasons on the recognition of refugee claimant status as a new analogous ground.

Da Silveira, is another significant win for the equality rights of non-citizens. The case concerns an Ontario policy that restricted eligibility for International Medical Graduates (IMGs) to participate in the main residency matching process to those who had completed at least two years of high school in the province. The applicants, both IMGs who met all prior requirements for the residency program, were excluded under the new policy and sought injunctive relief. The Divisional Court applied the three-part test for interlocutory injunctions and rejected every one of the government’s arguments, finding a strong *prima facie* case for breaches of both section 6 and 15 of the *Charter*. Decided before the Supreme Court’s decision in *Kanyinda* was released, the Court held that the policy disproportionately impacted immigrants and racialized communities, constituting adverse effects discrimination under section 15 (paras.18-34). In response to the decision in *Da Silveira*, the Ontario government rescinded the contested policy directive but announced plans to introduce legislation with new eligibility restrictions that would prioritize medical residency positions to applicants with a connection to Ontario – a modified version of the prior policy.

New resource	Canadian Council for Refugees, “Submission on Canada’s compliance with the International Covenant on Civil and Political Rights” (February 2026) United Nations Human Rights Committee, Concluding Observations on Canada, “Treatment of aliens, including migrants, refugees and asylum-seekers”, paras 41 – 42 and 58 (on immigration detention) CCPR/C/CAN/CO/7 (2 April 2026) Social Rights Resources, UN UPR and Treaty Body Reviews and Petitions
Relevant Section	Chapter 4, Section III B (Reports), pp. 324 -25. [also relevant to ch. 7, Immigration Detention; and ch. 10 Refugee Protection, below]
Link or text	Canadian Council for Refugees: <https://ccrweb.ca/en/submission-canada-compliance-ICCPR > UN Human Rights Committee: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCAN%2FCO%2F7&Lang=en > Social Rights Resources: < https://www.socialrights.ca/resources/UN.html >
Discussion	Canada’s recent review by the UN Human Rights Committee illustrates the impact of civil society advocacy at the international level. The Canadian Council for Refugees (CCR) prepared a “shadow” or parallel report for the Committee and participated in Canada’s review in Geneva in March 2026. The Committee’s concluding observations incorporated a number of CCR’s key recommendations. The Social Rights Advocacy Centre’s website provides access to the full text of all of reports, submissions, webcasts, concluding observations and recommendations from recent UN reviews of Canada as well as recent communications against Canada.

Chapter 5: Entry and Border Control

New resource	<i>Canada v. Boloh 1(a)</i> , 2023 FCA 120
Relevant Section	Chapter 5, Section II.A (Right of Entry for Citizens) and Section II.B (The Passport), pp. 329-341
Link or text	< https://canlii.ca/t/jxg3p >
Discussion	<i>Boloh 1(a)</i> addresses the interpretation of section 6(1) of the <i>Canadian Charter of Rights and Freedoms</i>. Canadian citizens detained in Northeastern Syria successfully argued before the Federal Court that under section 6(1) of the <i>Charter</i>, the Canadian government had a positive duty to take steps to rescue them and return them to Canada. The Federal Court of Appeal reversed. Stratas J.A., writing for the Court, stated: [44] Can the Government of Canada voluntarily try, through diplomacy or other means, to help a citizen in distress abroad? Of course it can. But, as a matter of constitutional law, does it have to? Of course not. Subsection 6(1) of the <i>Charter</i>, the right to enter, remain in and leave Canada, is not a golden ticket for Canadian citizens abroad to force their government to take steps—even risky, dangerous steps—so they can escape the consequences of their actions. The case also contains extensive discussions of <i>United States of America v. Cotroni</i>, [1989] 1 S.C.R. 1469 and <i>Divito v. Canada (Public Safety and Emergency Preparedness)</i>, 2013 SCC 47, discussed in Section II.A of the casebook, and <i>Kamel v. Canada (Attorney General)</i>, 2008 FC 338 and <i>Abdelrazik v. Canada (Minister of Foreign Affairs)</i>, 2009 FC 580, discussed in Section II.B. An application for leave to appeal to the Supreme Court of Canada was dismissed in November 2023. Exceptionally, a motion for reconsideration of that application was filed in March 2024 and is still pending: <i>Boloh 1(a), et al. v. His Majesty the King, et al.</i>

New resources	Leah Hamilton & Yvonne Su, “International students cap falsely blames them for Canada’s housing and health-care woes”, <i>The Conversation</i> (25 January 2024) Regulatory Impact Analysis Statement, Canada Gazette, Part I, Volume 158, Number 26: Regulations Amending the Immigration and Refugee Protection Regulations (Designated Learning Institutions), 29 June 2024 CBIE, International Students in Canada Infographic (n.d.) Canada, “2026 provincial and territorial allocations under the international student cap” (25 November 2025) Auditor General of Canada, “International Student Program Reforms” (23 March 2026) Lisa Brunner and Dhitri Mehta, “Pathway promises and policy realities: Lessons from the International Student Reset of Canada” <i>Migration Policy Practice</i>, Vol. XV, No. 1 (April 2026)
Relevant Section	Chapter 5, Section II. F (International Students), pp.358 -372 [insert at the end of Note 3, p. 364]
Link or text	Jones: <https://www.ctvnews.ca/politics/canada-to-reduce-the-number-of-international-study-permits-by-35-per-cent-miller-1.6736298> Hamilton & Su: <https://theconversation.com/international-students-cap-falsely-blames-them-for-canadas-housing-and-health-care-woes-221859> RIAS: <https://www.gazette.gc.ca/rp-pr/p1/2024/2024-06-29/html/reg1-eng.html> CBIE: < https://cbie.ca/media/facts-and-figures/international-students/> Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/2026-provincial-territorial-allocations-under-international-student-cap.html >

	Auditor General of Canada: < https://www.canada.ca/en/auditor-general/our-work/audit-reports/auditor-general-report-2026-international-student-program-reforms.html > Brunner and Mehta: < https://open.library.ubc.ca/soa/cIRcle/collections/facultyresearchandpublications/52383/items/1.0452544 >
Discussion	In early 2024 the federal government announced a series of changes to the international student program as well as an annual cap on study permits in an effort to curb perceived abuses in the program and growing public concern that high numbers of international students exacerbate strains on local infrastructure and are contributing to a national housing crisis. While these views remain contested, the government forged ahead with plans to significantly reduce intake and tighten the rules. Financial eligibility related to proof-of-funds has more than doubled from \$10,000 to \$20,635 and international students have been restricted to a maximum of 24 hours of off-campus work per week. As well, there are new restrictions on open work permits for spouses (only Master's, Doctoral and certain professional degree programs) and access to post-graduation work permits is more restrictive.

New resources	Sharry Aiken, Claire Ellis & Anna Triandafyllidou, “Unpacking Canada's Strong Borders Act: What Bill C-2 Means for Refugees in Canada”, <i>Borders & Belonging: In Conversation</i>, TMU/CERIS (15 July 2025) Carmine Starnino & Wesley Wark, “A Misfire at Birth”: The Trouble with Canada’s So-Called Border Security Law”, <i>The Walrus</i> (31 July 2025) Canada, “Understanding the Strengthening Canada's Immigration System and Borders Act” (21 May 2026) Pablo Policzer and Paula Vargas Lopez, “New immigration law could make Canada less secure, not more”, <i>Policy Options</i> (3 June 2026) Lisa Ruth Brunner, “How will Bill C-12 impact Canadian immigration and refugee protection?” <i>Immigration Policy Decoded</i> (No. 2026-01) (University of British Columbia Centre for Migration Studies, April 2026)
----------------------	---

Relevant Section	Chapter 5, Section III.A (The Canadian Border and Securitization) – [Insert after Note 8. p. 385; also relevant to ch. 10 Refugee Protection]
Link or text	Aiken et al: <https://www.torontomu.ca/cerc-migration/borders-and-belonging/#!/tab-1752595723319-ep--2> Starnino & Wark: < https://thewalrus.ca/border-security-law/> Canada: < https://www.canada.ca/en/services/defence/securingborder/strengthen-border-security/understanding-strengthening-canada-immigration-system-borders-act.html > Policzer and Vargas Lopez: < https://policyoptions.irpp.org/2026/06/bill-c-12-immigration-law-canada-safety/ > Brunner: < https://migration.ubc.ca/wp-content/uploads/sites/42/2026/04/Immigration-Policy-Decoded_2026-1_Bill-C-12-1.pdf >
Discussion	Bill C-2, the <i>Strong Borders Act</i>, an omnibus bill introduced in June 2025, sought to amend a broad range of existing federal laws, including new measures aimed at enhancing border security, law enforcement, cross-border data sharing and surveillance. Facing intense civil society critique, the government split the bill. Its primary immigration and asylum components were repackaged into Bill C-12, the <i>Strengthening Canada's Immigration System and Borders Act</i>, which received royal assent in March 2026. Significantly extending prior securitization efforts, both bills align with wider Western policies aimed at restricting irregular migration and fortifying national borders. Wark characterized Bill C-2 as originally introduced, as a “misfire at birth”, intended to appease the United States; while other scholars assert that the most consequential provisions of Bill C-12 will make Canada less secure and undermine refugee protection.

Chapter 6: Inadmissibility

New resources	<i>Canada (MPSEP) v. Weldemariam</i> 2024 FCA 69 <i>Canada (MPSEP) v. Yihdego</i> 2024 FCA 70
----------------------	---

Relevant Section	Chapter 6, Section III A (1) “Espionage”, p. 416 [insert after the note following the extract of <i>Crenna</i>]
Link or text	<i>Weldemariam</i> : < https://canlii.ca/t/k419v > <i>Yihdego</i> : < https://canlii.ca/t/k419w >
Discussion	In both <i>Weldemariam</i> and <i>Yihdego</i> the Federal Court of Appeal ruled that finding a foreign national inadmissible for espionage requires a direct or indirect link to Canada's national security. These rulings centered on the clause "contrary to the interests of Canada." Both individuals were former members of the Ethiopian Information Network Security Agency (INSA). While INSA engaged in espionage, there was no evidence that either person was personally involved in the espionage or that the agency's acts were directed against Canada. The Court concluded that to render someone inadmissible under the Act, the activities must possess a detrimental nexus to Canada's national security or international relations. Mere membership in a foreign agency that conducts espionage abroad does not automatically make an individual inadmissible to Canada. Crucially, the Court held that s. 34(1) (a) of <i>IRPA</i> should be interpreted in a manner that conforms with Canada’s non-refoulement obligations under the <i>Refugee Convention</i> .

New resource	<i>Mason v. Canada (Citizenship and Immigration)</i> , 2023 SCC 21
Relevant Section	Chapter 6 section III, 2 (Danger to the security of Canada), p. 426 [insert after consideration of <i>Re Zundel</i>]
Link or text	< https://canlii.ca/t/k0c85 >
Discussion	<i>Mason</i> concerns the interpretation of s. 34(1)(e) of the <i>Immigration and Refugee Protection Act</i> . At issue was whether that provision could be grounds for inadmissibility of two permanent residents charged for violent offences with no nexus to national security and in the absence of conviction (ie when the charges are dropped, stayed or otherwise discharged).

	The IAD held s. 34(1)(e) could cover such circumstances. The Federal Court quashed that decision [2019 FC 1251]. The Federal Court of Appeal reversed, endorsing an expansive view of the scope of s. 34 (1)(e) [<i>Canada (Citizenship and Immigration) v. Mason</i>, 2021 FCA 156]. The Factums on Appeal, submitted in relation to the appeal before the Supreme Court offer valuable supplementary reading. The Supreme Court confirmed that inadmissibility under s. 34(1)(e) of the IRPA requires a nexus between the relevant act of violence and with national security or the security of Canada [2023 SCC 21].
New resources	Amendments to section 35 of the IRPA – Human or International rights violations + Legislative Summary of Bill S-204: An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs) + Legislative Summary of Bill S-8: An Act to Amend the Immigration and Refugee Protection Act
Relevant Section	Chapter 6, Section III.B (Crimes against Humanity), p. 442: replace title “Crimes against Humanity” with “International Rights Violations”; and replace the final clause of the first sentence under this heading [“and persons whose entry or stay is restricted pursuant to a decision of an international organization of which Canada is a member (s 35(1)(c))”] with the following clause: “and persons whose entry or stay is prohibited on grounds that they have engaged in any activities relating to the trafficking in human organs (s.35(1)(c.1) or on grounds of sanctions (s.35.1(1)(a), (b) and (c)).
Link or text	IRPA <https://laws.justice.gc.ca/eng/acts/i-2.5/page-6.html#docCont> Bill S-204 <https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/432S204E> Bill S-8 <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/44-1/44-1-S8-E.pdf>
Discussion	Important amendments to the IRPA adding new, distinct grounds of inadmissibility and repealing the former, more general ground concerning decisions of international organizations of which Canada is a member. The first, pursuant to Bill S-204, is aligned with the 2022 amendments to the <i>Criminal Code</i> creating the new offence of trafficking in human organs. The second broadens the scope of inadmissibility based on sanctions. These new grounds of inadmissibility are not covered in the casebook at this time, but it is important to be aware of them, along with the consequential amendments to the IRPR, the <i>Citizenship Act</i> and the <i>Emergencies Act</i> (see the Legislative Summaries noted above for more information).

New resource	<i>Canada (Public Safety and Emergency Preparedness) v. Gaytan</i> , 2021 FCA 163
Relevant Section	Chapter 6, Section III.D (Defences to Inadmissibility), pp. 487-492 [replace FC decision with FCA decision]
Link or text	< https://canlii.ca/t/jhf4b >
Discussion	The Federal Court of Appeal upheld the Federal Court’s finding that the ID and IAD are entitled to consider the defence of duress in inadmissibility proceedings.

New resources	Government of Canada, “Excessive demand on health services and on social services” (May 19, 2023) HIV Legal Network, “Statement” (April 22, 2024)
Relevant Section	Chapter 6, Section III.E (Health Grounds), p. 500
Link or text	Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/standard-requirements/medical-requirements/refusals-inadmissibility/excessive-demand-on-health-social-services.html > HIV Legal Network: < https://paninbc.ca/2024/04/22/hiv-legal-network-is-challenging-the-constitutionality-of-canadas-excessive-demand-regime-in-federal-court/ >
Discussion	The reforms, first introduced via the <i>Temporary Public Policy regarding Excessive Demand on Health and Social Services</i> , were implemented on a permanent basis in 2022. In addition to the reforms noted on p. 500 (seventh line from bottom of page), IRCC has eliminated the 10-year time period from excessive demand calculations. The five-year time period is now universally applied. A constitutional challenge of the “excessive demand” regime is currently pending before Federal Court.

Chapter 7: The Removal Process

New resource	Regulations Amending the Immigration and Refugee Protection Regulations: SOR/2024-11, February 2, 2024
Relevant Section	Chapter 7, Section II A (Types of Removal Orders and their Consequences), p. 526 – add sentence to footnote 19: Amendments to the IRPR in 2024 now stipulate that immigration documents, specifically: eTAs, TRVs, and TRPs, are automatically cancelled whenever a removal order is issued against an inadmissible foreign national. The existing IRPR provisions relating to the automatic cancellation of work permits and study permits when a removal order becomes enforceable have been retained.
Link or text	< https://gazette.gc.ca/rp-pr/p2/2024/2024-02-14/html/sor-dors11-eng.html >
Discussion	The amendment is intended to “streamline internal processes... and improve consistency of application with respect to the cancellation of immigration documents when a removal order has been issued.” [see RIAS, as cited above]

New resources	Immigration Appeal Division Rules, 2022 (SOR/2022-277), came into force January 16, 2023 Immigration Appeal Division Rules and Regulatory Impact Analysis Statement (RIAS), Canada Gazette, Part II, Volume 157, Number 1 (15 December 2022)
Relevant Section	Chapter 7, Section III “Appealing a Removal Order”, p. 534 – add sentence after discussion of the factors considered to stay a removal order: The IAD’s new Rules, implemented in January 2023 (updating the 2002 Rules), establish the procedural rules governing appeals. Key changes include time limit reductions aimed at streamlining the appeal process and avoiding delays; simplified, more accessible language as well as and provisions for electronic submission.
Link or text	IAD Rules: < https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-277/index.html > RIAS: < https://gazette.gc.ca/rp-pr/p2/2023/2023-01-04/html/sor-dors277-eng.html >

Discussion	[see RIAS, as cited above]
New resource	Andrew Duffy, “Judge orders reassessment of decision to deport Ottawa's Mohamed Harkat” <i>Ottawa Citizen</i> (7 June 2026) <i>Harkat v Canada (Citizenship and Immigration)</i>, 2026 FC 719
Relevant Section	Chapter 7, Section VII (Security Certificates), p. 585, [Note after <i>Canada v Harkat</i>].
Link or text	Duffy: < https://ottawacitizen.com/news/judge-orders-reassessment-deport-mohamed-harkat > <i>Harkat v Canada</i>: <<https://canlii.ca/t/klbgj>.
Discussion	After the Supreme Court upheld the security certificate regime and reinstated the Federal Court’s determination that found Harkat to be an active member of the al-Qaida network, a delegate of the Minister of Citizenship and Immigration determined that Harkat should be subject to removal pursuant to section 115(2) of the IRPA – the section that permits the removal of a Convention refugee who is inadmissible on security grounds and in the opinion of the Minister should not be allowed to remain in Canada “based on the nature and severity of acts committed.” Harkat’s judicial review application of that decision was successful. Norris J. concluded that the delegate’s analysis did not reasonably support the conclusion that Harkat made a knowing, voluntary and significant contribution to the criminal attacks on civilians the delegate relied on to conclude that Harkat’s own acts met the high threshold necessary to consider his removal from Canada despite his status as a Convention refugee [<i>Harkat v. Canada</i>, para 223].
New resource	<i>Chairperson Guideline 2: Detention</i> (April 2021)

Relevant Section	Chapter 7, Section VIII (Detention and Detention Review), p. 589, footnote 113, and p. 610 [Notes after <i>Brown v Canada</i>].
Link or text	< https://irb.gc.ca/en/legal-policy/policies/Pages/GuideDir02.aspx >
Discussion	Guideline 2 was amended in 2021 to account for the Federal Court of Appeal’s decision in <i>Brown v. Canada (Citizenship and Immigration)</i>, 2020 FCA 130 [see below] as well as feedback received through national consultations. The IRB’s website has a helpful summary of the key revisions, confirming that Guideline 2 was amended in the following ways: • To clarify that there must be a nexus to an immigration purpose for detention to continue. • To reinforce the Division’s obligation to consider sections 7, 9 and 12 of the <i>Charter</i> in exercising its discretion concerning whether or not detention is warranted. • To confirm that consideration of conditions of detention is an extension of the <i>Charter</i> jurisdiction of the Immigration Division (ID). • To reinforce that the Minister has the legal burden to establish that detention is lawfully justified and that this burden remains with the Minister throughout the detainee’s period of detention. • To reinforce that the Division must decide afresh whether continued detention is warranted at each detention review. • To recognize that there is no obligation on the person concerned to lead fresh evidence between detention reviews for the ID to reach a different result. • To clarify that the Minister must disclose all relevant information in advance of the hearing and in a timely manner. • To clarify that the potential for self-harm should not be a basis for a finding that the person concerned constitutes a danger to the public. • To adjust the <i>Guideline</i>’s section on minors to reflect the codification of best interest of the child considerations in the <i>Immigration and Refugee Protection Regulations</i>. • To outline considerations to be taken into account when determining whether a person concerned is unable to appreciate the nature of the proceedings. • To clarify that a detention review should generally be concluded on the same day that it begins. [See “Publication of the revised Chairperson’s Guideline 2: Detention”, online: <i>Immigration and Refugee Board of Canada</i> <https://irb.gc.ca/en/news/2021/Pages/revised-chairperson-guideline-2.aspx>.

New resource	Annual Detention Statistics—2019–2026
Relevant Section	Chapter 7, Section VIII (Detention and Detention Review), p. 603
Link or text	< https://www.cbsa-asfc.gc.ca/security-securite/detent/qstat-eng.html >
Discussion	An update to include reference to more recent detention statistics. The reference in the last paragraph on this page “...to a high of 8,781 in 2018-19” should be replaced with “... to a high of 9,052 in 2019,” as indicated in the updated report.
New resources	Human Rights Watch, “Canada: All 10 Provinces to End Immigration Detention in Jails” (21 March 2024) Dale Smith, “Concerns raised about immigration detention provisions in federal budget bill”, <i>CBA National Magazine</i> (11 June 2024) CBSA, “CBSA’s designated immigrant station for high-risk detainees now operational in Sainte-Anne-des-Plaines”, News Release (30 July 2025) Public Safety Canada, “Legislation to create enhanced independent review body for the RCMP and the CBSA receives Royal Assent”, News Release (1 November 2024) United Nations Human Rights Committee, Concluding Observations on Canada, “Treatment of aliens, including migrants, refugees and asylum-seekers”, paras 41 – 42 and 58 (on immigration detention) CCPR/C/CAN/CO/7 (2 April 2026) Efrat Arbel, Prasanna Balasundaram, Hanna Gros & Nana Yanful, <i>Race and Racism in Canada’s Immigration Detention System</i> (January 2026); and “Detention Stories”.

	Yanmi, “Canada’s immigration detention system has a racism problem” <i>Border Criminologies</i> , Faculty of Law Blogs, University of Oxford (6 March 2026)
Relevant Section	Chapter 7, Section VIII (Detention and Detention Review), p. 603 (bottom of page)
Link or text	HRW: <https://www.hrw.org/news/2024/03/21/canada-all-10-provinces-end-immigration-detention-jails> Smith: <https://www.nationalmagazine.ca/en-ca/articles/law/in-depth/2024/concerns-raised-about-immigration-detention-provisions-in-federal-budget-bill> CBSA: <https://www.canada.ca/en/border-services-agency/news/2025/07/cbsas-designated-immigrant-station-for-high-risk-detainees-now-operational-in-sainte-anne-des-plaines.html> UN Human Rights Committee: < https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCAN%2FCO%2F7&Lang=en> Arbel et al: < https://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=3835&context=fac_pubs >; <https://www.detentionstories.ca/> Yanmi: < https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2026/03/canadas-immigration-detention-system-has-racism-problem >
Discussion	An important update concerning the longstanding practice of detaining non-citizens in maximum-security provincial jails. Implementation of “immigrant stations” in federal prisons for high-risk detainees – a plan introduced in the federal government’s 2024 budget implementation bill, is underway. The first-ever independent review body for complaints about CBSA’s employees and level of service is finally being established, pursuant to <i>Bill C-20</i> (which received royal assent in October 2024). The lack of a legislated cap on the length of immigration detention was noted as a particular concern in the UN Human Rights Committee’s recent review of Canada’s compliance with its commitments under the International Covenant on Civil and Political Rights; an independent study by Arbel et al

	documents how immigration detention disproportionately impacts racialized people—especially Black men—and calls for a gradual move toward abolition.
New resource	<i>Brown v. Canada (Citizenship and Immigration)</i> , 2020 FCA 130
Relevant Section	Chapter 7, Section VIII (Detention and Detention Review), pp. 605-609 [replace FC decision with FCA decision]
Link or text	< https://canlii.ca/t/j93cf >
Discussion	The Federal Court in this case certified the following question: Does the <i>Canadian Charter of Rights and Freedoms</i> ... impose a requirement that detention for immigration purposes not exceed a prescribed period of time, after which it is presumptively unconstitutional, or a maximum period, after which release is mandatory? (see p. 610 (note 1) of the casebook). The Federal Court of Appeal answered the question in the negative. At the same time, the Court clarified disclosure obligations owed to the detainee, stating that “[a]ll relevant information must be disclosed” and not just “information on which the Minister intends to rely” (para. 142).

Chapter 8: Economic Class

New resource	The National Occupation Classification (NOC)
Relevant Section	Chapter 8, Section III.C (Tools), p. 630

Link or text	< https://noc.esdc.gc.ca >														
Discussion	The NOC was substantially updated in 2021 and implemented in November 2022. It now contains 516 occupations (an increase from 500 in the NOC 2016). The former skill types and levels in the NOC 2016 have been replaced with Training, Education, Experience and Responsibilities (TEER) categories. The new terminology is intended to be more precise, tracking the level of training, of formal education, of experience required to gain entry into each occupation, and the responsibilities associated to it. The second major change revolves around the number of TEER categories. In the new NOC structure, there are six TEER categories, up from the four skill levels in the NOC 2016. Another major change is the structural move from a four-tiered to a five-tiered classification system. NOC codes changed from a 4-digit format to a new 5-digit format. Previously, in order to be eligible for the vast majority of economic classes, an applicant required work experience that fell under NOC skill types 0, A, or B. After the switch, most economic class programs require TEER category 0, 1, 2 or 3. The following table* shows how NOC 2016 skill types compare to TEER categories in NOC 2021: <table> <tr> <th>NOC 2016</th><th>NOC 2021</th></tr> <tr> <td>Skill Type 0</td><td>TEER 0</td></tr> <tr> <td>Skill Level A</td><td>TEER 1</td></tr> <tr> <td>Skill Level B</td><td>TEER 2</td></tr> <tr> <td>Skill Level B</td><td>TEER 3</td></tr> <tr> <td>Skill Level C</td><td>TEER 4</td></tr> <tr> <td>Skill Level D</td><td>TEER 5</td></tr> </table>	NOC 2016	NOC 2021	Skill Type 0	TEER 0	Skill Level A	TEER 1	Skill Level B	TEER 2	Skill Level B	TEER 3	Skill Level C	TEER 4	Skill Level D	TEER 5
NOC 2016	NOC 2021														
Skill Type 0	TEER 0														
Skill Level A	TEER 1														
Skill Level B	TEER 2														
Skill Level B	TEER 3														
Skill Level C	TEER 4														
Skill Level D	TEER 5														

	* The source for this table is: Shelby Thevenot, “How NOC changes affect Express Entry candidates”, CIC News, August 2, 2022; and see “Find your National Occupational Classification (NOC)”, online: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>
New resources	1. “<i>Ministerial Instructions respecting the Express Entry system – current</i>” (25 March 2025) 2. Canada, Immigration, Refugees and Citizenship, “<i>Express Entry</i>” (22 June 2026) 3. Bethany Lindsay et al, “Federal government to remove incentive for foreign workers to reduce fraud in immigration system” (CBC/IJF, 20 December 2024) 4. “<i>Ministerial instructions respecting invitations to apply for permanent residence under the Express Entry system</i>” (22 June 2026)
Relevant Section	Chapter 8, Section III D “Express Entry”, Table 8.3 and Note 34 (p. 636)
Link or text	1. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/express-entry-application-management-system/current.html> 2. <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry.html> 3. Lindsay: < https://www.cbc.ca/news/canada/lmia-points-removed-1.7415467> 4. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/express-entry-rounds.html>
Discussion	Current requirements in relation to Express Entry and a table that lists all the Express Entry rounds to date.

New resources	Julie Resetarits, “Category-based Invitations: Towards an Express Entry Revolution?” (June 6, 2023) Immigration, Refugees and Citizenship Canada. "Regulations amending the Immigration and Refugee Protection Regulations to modernize the federal high skilled classes" (7 April 2026). Andrew Carvajal, "Canada's Express Entry System: A Proposed Reform in Progress". (9 April 2026)
Relevant Section	Chapter 8, Section III D. “Express Entry” (pp. 633-650);
Link or text	Resetarits: < https://www.mccarthy.ca/en/insights/blogs/spotlight-can-asia/category-based-invitations-towards-express-entry-revolution> IRCC: < https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/acts-regulations/forward-regulatory-plan/list/modernize-federal-high-skilled.html > Carvajal: < https://www.carvajal.ca/post/canada-s-express-entry-system-a-proposed-reform-in-progress? >
Discussion & Additional Resources	In 2023, following legislative amendments to the IRPA, the federal government introduced new category-based selection for Express Entry invitations. Candidates are invited to apply for permanent residence based on criteria such as French language ability or work experience in a specific field. Category-based selection aims to target specific economic needs and critical shortages in a defined list of occupations and fields. For 2026, there are ten designated categories: • French-language proficiency • healthcare & social services • science, technology, engineering, and mathematics (STEM) professions • trade occupations • education occupations • transport occupations • physicians with Canadian work experience • senior managers with Canadian work experience • researchers with Canadian work experience • skilled military recruits

The following resources provide additional information and context regarding the category-based invitation rounds:

1. For an overview of all three types of rounds of invitation, see: Government of Canada, Express Entry rounds of invitations”, online: < <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/submit-profile/rounds-invitations.html>>.

2. Amendments to the IRPA were required to launch the new category-based invitation rounds. The amendments were included in the budget bill in 2022: < <https://www.parl.ca/legisinfo/en/bill/44-1/c-19>>.

3. For more information on category-based invitation rounds, see: Government of Canada, And, “Canada launches new process to welcome skilled newcomers with work experience in priority jobs as permanent residents”, News Release, May 31, 2023 < <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/05/canada-launches-new-process-to-welcome-skilled-newcomers-with-work-experience-in-priority-jobs-as-permanent-residents.html>>; and “Express Entry rounds of invitations: Category-based selection” < <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/submit-profile/rounds-invitations/category-based-selection.html>>.

4. For a sample backgrounder on one of the specific fields targeted for the category-based invitation rounds, see: “Category-based selection -Health workers: < <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/06/category-based-selection---health-workers.html>>.

5. A STEM-specific draw is a key plank of a new “Tech Talent Strategy”. See, “Minister Fraser launches Canada’s first-ever Tech Talent Strategy at Collision 2023”, News Release, June 27, 2023 <<https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/06/minister-fraser-launches-canadas-first-ever-tech-talent-strategy-at-collision-2023.html>>.

In spring 2026 IRCC launched a national consultation on regulatory amendments to the Express Entry system, with changes aimed at “modernizing” the federal high skilled classes (Federal Skilled Worker Class, Canadian Experience Class and Federal Skilled Trades Class) coming later this year or possibly 2027.

New resources	“Atlantic Immigration Program (AIP)” (last modified 4 April 2025) “Rural Community Immigration Pilot (RCIP)” (last modified 30 April 2026) “Francophone Community Immigration Pilot (FCIP)” (last modified 30 April 2026) Fragomen, "Canada: Ontario Immigrant Nominee Program Redesign; Phase 1 Launches Workforce Priority Stream" (4 August 2026)
Relevant Section	Chapter 8, III Economic Class Permanent Residents <insert between H (Provincial Nominee Programs) and I (Quebec’s Economic Immigration Programs) Chapter 8, Section III H. “Provincial Nominee Programs”, Notes & Questions, #1 (pp. 680-681)
Link or text	AIP: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/atlantic-immigration.html> RCIP: < https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/rural-franco-pilots/rural-immigration.html> FCIP: < https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/rural-franco-pilots/franco-immigration.html> Fragomen: < https://www.fragomen.com/insights/canada-ontario-immigrant-nominee-program-redesign-phase-1-launches-workforce-priority-stream.html>
Discussion	The AIP is a federal, employer-driven immigration program that aims to help employers recruit skilled foreign workers and international graduates to meet labour market needs in the Atlantic region (New Brunswick, Newfoundland and Labrador, Nova Scotia and Prince Edward Island). The RCIP is a federal program designed to address specific economic and demographic challenges in 14 smaller communities across Canada; the FCIP offers permanent residence to skilled workers who want to work and settle in six participating rural/remote Francophone-minority communities. Ontario has introduced significant changes to the Ontario Immigrant Nominee Program (OINP) as part of a broader redesign of the province’s immigration system. Amendments to the regulations under the <i>Ontario Immigration Act, 2015</i> changed how the OINP may be structured and administered. Ontario states that these changes will improve the province’s ability to respond to key economic and labour market needs.

New resources	1.Canada, “Home Child Care Provider Pilot and Home Support Worker Pilot: Assessing the application against selection criteria” (last modified 9 December 2025) 2. Canada, “Immigrate through the Home Care Worker Immigration pilots” (last modified 23 April 2026) 3.NOC 44100 – Home child care providers – cares for children under the age of 18 NOC 44101 – Home support workers, caregivers and related occupations - provides personal care and companionship for seniors, persons with disabilities and convalescent clients 4.IRCC, “Canada announces new pilot programs to support caregivers and Canadian families, intends to make the caregivers program permanent” News Release (31 March 2025) 5.Canada, “Work Temporarily as a caregiver” (last modified 14 April 2026)
Relevant Section	Chapter 8, III K. Caregivers, pp. 687-688
Link or text	1.Canada: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/economic-classes/pathways-for-caregivers/child-care-provider-support-pilots/assessing-application-selection-criteria.html> 2.Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/home-care-worker-immigration-pilots/child-care-home-support.html> 3.NOC codes: <https://noc.esdc.gc.ca/?GoCTemplateCulture=en-CA> 4.IRCC: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2024/06/canada-announces-new-pilot-programs-to-support-caregivers-and-canadian-families.html> 5.Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/work-temporarily-caregiver.html>

Discussion	In 2023, the Ministerial Instructions (Mis) were amended, reducing the amount of qualifying work experience required from 24 months to 12 months. Qualifying work experience was defined as one year of full-time, paid work in Canada as either Home childcare provider or a Home support worker (could not be a mix of both jobs). Updated codes for these two occupations were included in the NOC 2021. The caregiver program was launched as a five-year pilot. The program closed on June 17, 2024. Earlier the same month the government announced new, enhanced pilot programs that provide caregivers with permanent residence on arrival, eliminating the requirement for caregivers to attain at least 12 months of Canadian work as a precondition for permanent residence. It is also possible to work as a caregiver through the Temporary Foreign Worker Program.
New resources	Darren Major, “Federal government aiming to shrink temporary residents' share of population by 2027” CBC News online (21 March 2024) Globe Newswire, “The Conference Board of Canada: Aggressive Immigration Policy to Slow Growth”, <i>Financial Post</i> (6 December 2024) [Note: The Conference Board of Canada rebranded as Signal49 Research in January 2026] Prabhnor Kaur, “What comes next? Roughly 1.4 million temporary permits in Canada are set to lapse in 2026. Mine is one of them” <i>Toronto Star</i> (12 July 2026) <i>Act Now: Solutions for Temporary and Migrant Labour in Canada</i>, Report of the Senate Standing Committee on Social Affairs, Science and Technology (May 2024) Nick Murray, “UN report on Canada's temporary foreign workers details the many ways they've been abused”, CBC News (14 August 2024) Danièle Bélanger <i>et al</i>, “Emergency Exit or Dead End? An Analysis of the Impacts of the Open Work Permit for Vulnerable Workers in Canada” (November 2024) Amnesty International, “‘Canada has Destroyed Me’: Labour Exploitation of Migrant Workers in Canada” (30 January 2025)

Relevant Section	Chapter 8, Section IV (Temporary Workers), p. 713 [insert after Note 6]
Link or text	Major: <https://www.cbc.ca/news/politics/canada-targets-decrease-temporary-residents-population-1.7151107> Globe Newswire: <https://financialpost.com/globe-newswire/the-conference-board-of-canada-aggressive-immigration-policy-to-slow-growth> Kaur: <https://www.pressreader.com/canada/toronto-star/20260712/281930254735611?srltid=AfmBOoo7w26ZwI6UoTIFTRsretDxOi2Xm9o7CbbUxiRSe8CyDLLH_ZEq> Senate Report:<https://sencanada.ca/content/sen/committee/441/SOCI/reports/2024-05-17_SOCI_Migrant_Report_e.pdf> Murray:< https://www.cbc.ca/news/politics/un-report-abuse-temporary-foreign-workers-canada-1.7293495> Bélanger <i>et al</i>: <https://mwcbc.ca/wp-content/uploads/2024/12/EN-Emergency-Exit-or-Dead-End-Digital.pdf> Amnesty International: < https://amnesty.ca/wp-content/uploads/2025/01/AMR_20_8872_2025-EN.pdf>
Discussion	Concerns have been growing about Canada’s temporary worker programs in recent years. In March 2024, the federal government announced a commitment to reduce the annual visa target for temporary workers by 19% within three years and set a new cap on temporary migration. In a study published in late 2024, the Conference Board of Canada described the government’s steep cuts to non-permanent resident admissions as a “hasty course correction” that will exacerbate labour shortages. By mid-2026, with 1.4 million temporary work permits lapsing and permanent resident admissions capped at 380,000, many temporary workers are facing a "status cliff" with limited pathways to permanent residence. Meanwhile, a Senate Standing Committee report released in May 2024 concluded that Canada’s migrant labour infrastructure is failing migrant workers and “could work better” for employers; a UN report suggested that Canada’s temporary foreign worker program is a “breeding ground for modern slavery” while an Amnesty International study concluded that despite recent changes to the program, labourers in the TFWP remain vulnerable to abuse and

	discrimination. A recent report (Bélanger <i>et al</i>) highlights the ongoing challenges faced by workers navigating the Vulnerable Workers Open Work Permit (VWOWP) program.
--	---

New resources	Benjamin Grubner, “IRCC Announces New Changes for Intra-Company Transferee Work Permits” (15 January 2025)
Relevant Section	Chapter 8, Section IV Temporary Workers, C. When a Work Permit is Required (2. Work Permits in the International Mobility Program), p. 715 [insert a note after reference to “intra-company transferees”]
Link or text	< https://devrylaw.ca/ircc-announces-new-changes-for-intra-company-transferee-work-permits/ >
Discussion	In October 2024, IRCC announced a Program Delivery Update which included significant reforms to the Intra-Company Transfer (ICT) work permit category under the International Mobility Program. The ICT program allows multinational companies to transfer key employees to their Canadian branches. The recent updates refine the eligibility criteria and make it more difficult for foreign employers to move their workers to Canada.

Chapter 9: Family Class

New resource	Megan Gaucher, “Which families belong? Rethinking Canada’s Family Class Program”, Institute for Research on Public Policy (9 July 2026)
Relevant Section	Chapter 9, II Kinship Immigration, p. 765 [insert as Note #4]
Link or text	< https://doi.org/10.26070/z051-gz24 >
Discussion	In a recent policy brief, Megan Gaucher argues that Canada’s current legislative and administrative frameworks continue to privilege the economically self-sufficient, heterosexual, nuclear family model rooted in the

	1976 <i>Immigration Act</i> while migrants who depend on extended kin networks — for caregiving, emotional support and economic stability, among other things — often find no viable route to reunification. Gaucher advances a number of recommendations aimed at modernizing family reunification and better align it with contemporary family life.
--	--

New resource	Government of Canada, “Countries with suspensions or restrictions on international adoptions” (last modified 8 August 2025)
Relevant Section	Chapter 9, Section D, 1. Non-Biological Parents and Children, p. 833
Link or text	< https://www.canada.ca/en/immigration-refugees-citizenship/services/canadians/adopt-child-abroad/restrictions.html# >
Discussion	In addition to the factors immigration officers are directed to consider in relation to international adoptions, a sponsorship application will not be approved if the child’s country of origin is included in IRCC’s list of countries with suspensions or restrictions on international adoptions.

New resource	Government of Canada, “Canada takes steps to responsibly manage the Parents and Grandparents Program” The Canadian Press, “Canada pauses applications for parent, grandparent sponsorship”, CTV News, 15 July 2026
Relevant Section	Chapter 9, Section III E. “Parents and Grandparents” (pp. 838-841)
Link or text	Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/responsibly-manage-parent-grandparent-program.html > The Canadian Press: < https://www.ctvnews.ca/canada/article/canada-pauses-applications-for-parent-grandparent-sponsorship/ >

Discussion	In 2025 IRCC set a target of 10,000 completed applications. The Parent and Grandparents Program (PGP) was reopened on July 28, 2025, for a two-week period. 17,860 individual sponsors were randomly selected and sent invitations to apply and had until October 9, 2025 to submit their applications. 2025 was the fifth consecutive year that the PGP based on a lottery system and limited to profiles from the 2020 pool. In July 2026, the government announced a pause of the PGP program – no new applications would be accepted until further notice while IRCC focused on “managing the pressure responsibly” and reducing processing times. The pause does not change the plan to approve up to 15,000 parents and grandparents for permanent residence in 2026 and 2027 as part of the government’s immigration levels strategy (presumably these individuals will be processed from the backlog of 60,500 applications already in the queue).
-------------------	--

New resource	Government of Canada, “Public Policy for Undeclared Family Members” (last modified 14 May 2025)
Relevant Section	Chapter 9, Section G, Excluded and/or Inadmissible Family Members, “Note”, pp. 870-71
Link or text	Canada:< https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/spouse-partner-children/who-you-can-sponsor/undeclared-family.html >
Discussion	Unless a new policy or permanent regulatory change is introduced, paragraphs 117(9)(d) and 125(1)(d) of the <i>Immigration and Refugee Protection Regulations</i> will apply again in full force on September 11, 2026. This means sponsors who failed to declare a spouse, partner, or dependent child on their original application will face a permanent bar from sponsoring them through the family class.

Chapter 10: Refugee Protection in Canada

New resources	UNHCR, <i>Global Trends report 2025</i> (June 2026)
----------------------	---

Relevant Section	Chapter 10, Section I (Introduction) p. 888
Link or text	UNHCR: < https://www.unhcr.org/media/global-trends-2025-report >
Discussion	Data in this report updates the information cited in the Introduction of Chapter 10. At the end of 2025, there were 117.8 million forcibly displaced people worldwide – including 41.6 million refugees - a modest decline of 3 percent compared to 2024; and 4.7 million asylum seekers, a decrease of 4% compared to 2024. The countries which hosted the largest number of refugees and other people in need of international protection in 2025 were Colombia (2.8 million), Germany (2.7 million), Türkiye (2.4 million), Uganda (1.9 million), the Islamic Republic of Iran (1.7 million), Chad (1.5 million) and Pakistan (1.3 million).

New resources	Regulatory amendment to the Safe Third Country Agreement provisions Canadian Association of Refugee Lawyers (CARL), Bill C-12 <i>Strengthening Canada’s Immigration System and Borders Act</i>, Brief prepared for the Senate Standing Committee on Social Affairs, Science and Technology (February 2026) Canada, “<i>Understanding the Strengthening Canada's Immigration System and Borders Act</i>” (21 May 2026) Bill C-12, <i>the Strengthening Canada's Immigration System and Borders Act</i> Canada Gazette, Part I, Volume 160, Number 25: <i>Regulations Amending the Immigration and Refugee Protection Regulations (Asylum System Reform)</i> Canadian Council for Refugees (CCR), “Comments on C-12 related regulations” (20 July 2026) Canada Gazette, Part I, Volume 160, Number 25: <i>Rules Amending the Refugee Protection Division Rules</i>
Relevant Section	Chapter 10, Section III.B (The Safe Third Country Agreement and Other Canadian Policies), pp. 909-915 [see esp. bottom of p. 914 & 915; see Chapter 5, above]

Link or text	<i>Regulations Amending the Immigration and Refugee Protection Regulations (Examination of Eligibility to Refer Claim)</i>, SOR/2023-58 <https://www.gazette.gc.ca/rp-pr/p2/2023/2023-04-12/html/sor-dors58-eng.html> CARL: < https://sencanada.ca/Content/Sen/Committee/451/SOCI/briefs/2026-02-09_SOCI_SM-C-12_Brief_CARL_e.pdf > Canada: < https://www.canada.ca/en/services/defence/securingborder/strengthen-border-security/understanding-strengthening-canada-immigration-system-borders-act.html > Bill C-12: < https://www.parl.ca/DocumentViewer/en/45-1/bill/C-12/royal-assent > Canada Gazette, Regulations: < https://gazette.gc.ca/rp-pr/p1/2026/2026-06-20/html/reg2-eng.html > CCR: < https://www.ccrweb.ca/sites/ccrweb.ca/files/2026-07/CCR_comments_C-12_regulations_2026.pdf > Canada Gazette, RPD Rules: < https://gazette.gc.ca/rp-pr/p1/2026/2026-06-20/html/reg3-eng.html >
Discussion	Section 159.4 of the <i>Immigration and Refugee Protection Regulations</i> was amended so that the <i>Safe Third Country Agreement</i> (STCA) with the United States applies to refugee protection claimants crossing the land border into Canada at any point, not just to those who cross at land-based ports of entry. This provision only applies to deflect the claimant back to the United States for the first fourteen days after entry. The amendment to the regulations was widely seen as closing a “loophole” in the original STCA and <i>Regulations</i>, under which those who crossed into Canada other than at a port of entry were still eligible to make a claim for refugee protection in Canada. Amongst a raft of other reforms, Bill C-12, which received royal assent in March 2026, makes several amendments to the IRPA that affect the initial stages of the refugee claim process. The most significant change is the introduction of two new bars that block claims from being referred to the Refugee Protection Division. A refugee claim is now ineligible for referral to the RPD if the claim is made: • more than one year after a person’s first entry to Canada after June 24, 2020 – even if the person left Canada and re-entered • 14 or more days after a person entered Canada between ports of entry along the Canada-US land border

	Bill C-12 does not change the Safe Third Country Agreement (STCA). Under the STCA, a person who enters Canada between ports of entry and makes a claim less than 14 days later will continue to be returned to the US, unless they qualify for an STCA exception. The two new eligibility bars are retroactive to June 3, 2025, and apply to any claims made on or after that date, including claims already referred to the RPD which are at risk of being terminated under s.104 of the IRPA. Claimants who are ineligible for referral to the RPD pursuant to these new provisions will be diverted to the paper-based Pre-Removal Assessment procedure. Revisions to the both the Regulations and RPD Rules to support the legislative changes are underway but have not have yet finalized. CARL and the CCR, amongst many other civil society organizations, have been advocating for reforms of the both the bill and its implementing regulations.
New resource	<i>Canadian Council for Refugees v. Canada (Citizenship and Immigration)</i> , 2023 SCC 17
Relevant Section	Chapter 10, Section III.B (The Safe Third Country Agreement and Other Canadian Policies), pp. 909-915
Link or text	< https://canlii.ca/t/jxp04 >
Discussion	In a unanimous decision, authored by Kasirer J., the Supreme Court of Canada found that s. 101(1)(e) of the <i>Immigration and Refugee Protection Act</i> and s. 159.3 of the <i>Immigration and Refugee Protection Regulations</i> do not violate section 7 of the <i>Canadian Charter of Rights and Freedoms</i>. The risk of detention, a one-year bar on claiming asylum, and practices of medical isolation in the United States were all found to raise section 7 interests. However, the principles of fundamental justice were not violated, as the regime was found to not suffer from gross disproportionality or overbreadth. The risk of <i>refoulement</i> would violate section 7 and the principles of fundamental justice, except the risk is mitigated by “safety” valves in the legal regime which provide for curative mechanisms. Kasirer J remitted the question of whether the provisions in question violate section 15 of the <i>Charter</i> back to the Federal Court, as this question had not been decided below. More detail is provided in an update in Chapter 4, above.

New resources	Sharry Aiken & Alex Neve, <i>Refugee “Responsibility Sharing” – Challenging the Status Quo: a special issue of the PKI Global Justice Journal</i> (2023) 7 PKI Global Justice Journal 6. Andy Semotiuk, “Is The U.S. Still Safe? Canada Ponders Safe Third Country Agreement”, <i>Forbes</i> (29 May 2025)
Relevant Section	Chapter 10, Section III.B (The Safe Third Country Agreement and Other Canadian Policies), pp. 909-915 [see esp. bottom of p. 909-911]; addition to Supplementary Reading, p. 1055.
Link or text	Aiken & Neve: <https://globaljustice.queenslaw.ca/news/special-issue-on-refugee-responsibility-sharing-agreements-aug-2023> Semotiuk: <https://www.forbes.com/sites/andyjsemotiuk/2025/05/29/is-the-us-still-safe-canada-ponders-safe-third-country-agreement/>
Discussion	Fourteen short articles by refugee scholars and advocates, together with an editorial introduction by Aiken & Neve, place the Canada-U.S. refugee pact in the wider context of international refugee law and developments globally; while a commentary by journalist Andy Semotiuk suggests that even as America’s “safety” may be suspect due to the Trump administration’s policies, suspending the agreement “could overwhelm Canadian institutions”.

New resources	IRB, “The Refugee Protection Claim Process” Marie Woolf, “Scores of asylum claimants warned they may face deportation after immigration law passes” <i>The Globe and Mail</i> (1 April 2026)
Relevant Section	Chapter 10, Section IV.A (Overview of Refugee Status Determination in Canada), p. 917; p. 920
Link or text	IRB: <https://irb.gc.ca/en/applying-refugee-protection/Pages/index.aspx> Wolf: <https://www.theglobeandmail.com/politics/article-scores-of-asylum-claimants-warned-they-may-face-deportation-after/>

Discussion

Refugee claims can no longer be initiated at an office of Immigration, Refugees and Citizenship Canada (IRCC). They can either be initiated in person at a port of entry or online. Once initiating the online claim, a claimant has 90 days to complete and submit the application.

An estimated 30,000 asylum claims filed between June 3, 2025, and Jan. 31, 2026, will not be allowed to proceed to a hearing before the RPD under the ineligibility measures in Bill C-12. Affected claimants will have access to a Pre-Removal Risk Assessment. The chart below, developed by John Norquay for the GDipICL at Queen’s University, provides a side-by-side comparison of the key procedural differences between a protection hearing before the RPD versus the paper-based PRRA.

Procedural difference	RPD / RAD Process	PRRA Process
Timing of Initiation of Proceedings	Claimants may make a refugee claim upon arrival in Canada or inland at any time prior to the issuance of a removal order. No limitations by country: the countries with a suspension of removal order enforcement have among the highest rates of IRB approval of refugee claims More flexible deadlines: • 45 days to file BOC (POE) – no deadline for inland claims • Failure to file BOC within deadline leads to abandonment hearing and opportunity to explain lateness – if BOC is provided, very likely claim will not be abandoned • Evidence due 10 days prior to hearing	Timing controlled by CBSA – clients may not apply before CBSA contacts them. CBSA will not initiate PRRA if client is from a country to which Canada has suspended enforcement of removal orders.
Access to Counsel and Ability to Obtain Evidence		Tight deadlines (see IRPR s.162): • 15-day deadline to file application • Failure to file application within 15 days leads to enforceability of removal order • 15 further days for all evidence/submissions

		Oral hearing only in limited cases (see IRPA s.113(b) and IRPR s.167) – most cases decided on paper only Result is that no opportunity for the decision-maker to ask clarifying questions to resolve issues Unrepresented PRRA applicants are particularly disadvantaged in that they may not understand what evidence to put in their applications and are not provided an opportunity to meet the decision-maker.
Access to Oral Hearing	Oral hearing in all cases (unless the claim is granted without a hearing)	
Procedural Protections in Hearings	Full procedural protections and governed by the Refugee Protection Division Rules Hearings recorded digitally in all cases Supported by IRB registry staff Right to call witnesses Decision-makers must follow IRB Chairperson's Guidelines which contain special procedural and legal requirements to protect vulnerable clients: - Guideline 3 – Proceedings Involving Minors - Guideline 4 – Gender Considerations - Guideline 8 – Accessibility to IRB Proceedings - Guideline 9 – Proceedings Involving Sexual Orientation, Gender Identity	Highly limited and not governed by any rules of procedure Hearings are not recorded Client and counsel are not permitted to record hearings No right to call witnesses to provide testimony
Protections for Vulnerable Clients		Decision-makers are not directed by IRCC to follow IRB Chairperson's Guidelines which provide for procedural protections and guidance on decision-making to avoid reliance on stereotypes.

	<u>and Expression, and Sex Characteristics</u>	
Decision-Maker	Decided by independent, expert tribunal members Receive significant training, many are lawyers	Decided by IRCC immigration officers – more limited training
Appeal Rights	Appeal to RAD (RCICs can represent) RAD appeals usually decided in 3 months Automatic stay of removal pending RAD decision, and JR of RAD decision if refused RAD can substitute its decision and find a client to be a refugee without the need for a new hearing	Only Judicial Review (JR) to Federal Court (requires lawyer) JR takes one year or longer No automatic stay of removal pending JR – need to bring stay motion in Federal Court When judicial review is successful, Federal Court typically sends the PRRA application back to IRCC for redetermination

New resources	Justin Toh, “Refugee Cessation: The Year Since Galindo Camayo”, CILA (19 December 2022) <i>Canada (M.C.I.) v. Galindo Camayo</i> , 2022 FCA 50 <i>Slepcsik v. Canada (Citizenship and Immigration)</i> , 2025 FC 1840 [pending before the FCA]
Relevant Section	Chapter 10, Section IV.A (Overview of Refugee Status Determination in Canada), p. 921
Link or text	Toh: < https://cila.co/refugee-cessation-the-year-since-galindo-camayo/ > Camayo: < https://canlii.ca/t/jndkg > Slepcsik: < https://canlii.ca/t/kgkv2 >
Discussion	These resources supplement the casebook’s discussion of refugee cessation and highlight the severe consequences of cessation based on reavailing.

New resource	Changes to Chairperson's Guidelines (various)
Relevant Section	Chapter 10, Section IV.A (Overview of Refugee Status Determination in Canada), p. 922
Link or text	< https://irb.gc.ca/en/legal-policy/policies/Pages/chairperson-guideline.aspx >
Discussion	The following changes to the Chairperson's Guidelines have been made: • <i>Guideline 1 – Civilian Non-Combatants Fearing Persecution in Civil War Situations</i> was revoked on January 5, 2022. • <i>Guideline 3 – Child Refugee Claimants: Procedural and Evidentiary Issues</i> will be replaced with a new guideline on <i>Proceedings Involving Minors at the Immigration and Refugee Board</i> on October 31, 2023. • <i>Guideline 4 – Chairperson's Guidelines 4: Women Refugee Claimants Fearing Gendered Persecution</i>, which had not been modified since 1996, were replaced in July 2022 with new guidelines on <i>Gender Considerations in Proceedings Before the Immigration and Refugee Board</i>. • <i>Guideline 9 – Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics</i> were revised in December 2021.

New resource	<i>Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)</i> , 2020 FCA 196
Relevant Section	Chapter 10, Section IV.A (Overview of Refugee Status Determination in Canada), p. 922 (Notes)
Link or text	< https://canlii.ca/t/jblsl >

Discussion	The Federal Court of Appeal confirmed that paragraph 159(1)(h) of the <i>Immigration and Refugee Protection Act</i> authorized the Chairperson to designate decisions that include factual findings as judicial guidelines.
New resource	Cumulative Acts of Discrimination and Persecution: RAD VC1-00029 (September 13, 2021)
Relevant Section	Chapter 10, Section V.G (Cumulative Acts of Discrimination Amounting to Persecution), p. 963
Link or text	< https://www.canlii.org/en/ca/irb/doc/2021/2021canlii140064/2021canlii140064.pdf >
Discussion	The IRB designated this decision as reasons of interest for its analysis of cumulative discrimination with an intersectional approach.
New resource	Replacement of Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution
Relevant Section	Chapter 10, Subsection V.H.3 (Membership in a Particular Social Group), p. 981 [Note 6]
Link or text	< https://irb.gc.ca/en/legal-policy/policies/Pages/GuideDir04.aspx >
Discussion	Guideline Four was reviewed, resulting in its replacement by “Gender Considerations in Proceedings Before the Immigration and Refugee Board” (July 2022).
New resource	Revisions to Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (2021)

Relevant Section	Chapter 10, Subsection V.H.3 (Membership in a Particular Social Group), p. 981, note 7
Link or text	< https://irb.gc.ca/en/legal-policy/policies/Pages/GuideDir09.aspx >
Discussion	These Guidelines underwent a formal evaluation and were revised. A case using the revised Guidelines, which the IRB has designated as a case of interest, is X (Re), 2022 Can KII 133471 (CA IRB), < https://canlii.ca/t/jw1mg >.

Chapter 11: Citizenship

New resource	Nicholas Keung, “Is Canadian citizenship mostly a convenience? A new study counters the myth” <i>Toronto Star</i> (18 May 2025)
Relevant Section	Chapter 11, Section I, Introduction, p. 1058
Link or text	Keung: < https://www.thestar.com/news/canada/is-canadian-citizenship-mostly-a-convenience-a-new-study-counters-the-myth/article_fe492908-20c8-44bf-8058-538af16d6bad.html >
Discussion	A 2025 study confirms that a very small proportion of immigrants shift from having an active to an inactive presence in Canada after acquiring citizenship. For the majority of immigrants, naturalization had little effect on their active presence status. The finding suggests that immigrants who choose to become Canadian citizens are highly committed to staying in Canada.

New resource	Change to Oath of Citizenship
Relevant Section	Chapter 11, Subsection II.C.5 (The Oath), p. 1096

Link or text	<i>Citizenship Act</i> (R.S.C., 1985, c. C-29), Schedule – Oath or Affirmation of Citizenship < https://laws-lois.justice.gc.ca/eng/acts/c-29/page-8.html#h-1304734 >
Discussion	The oath of citizenship was amended by <i>An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada’s call to action number 94)</i> (S.C. 2021, c. 13) to reflect the Calls to Action of the Truth and Reconciliation Commission. The new oath or affirmation of citizenship now reads: I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples, and fulfil my duties as a Canadian citizen.
New resources	<i>Bjorkquist et al. v Attorney General of Canada</i>, 2023 ONSC 7152 [see, Chapter 4 above] Bill C-3, <i>An Act to Amend the Citizenship Act</i> (2025) Canada, “Change to citizenship rules in 2025” (24 December 2025) Randolph Hahn, “Who counts as Canadian? The Charter case reshaping Canadian citizenship”, <i>Inside Policy</i>, Macdonald-Laurier Institute (30 March 2026) Borders Law Firm, “When the Chain Breaks: Scenarios Where Canadian Citizenship by Descent Still Fails After Bill C-3” (31 May 2026)
Relevant Section	Chapter 11, Section II B (Birth to a Canadian Outside Canada (Jus Sanguinis)), pp. 1069-1071
Link or text	<i>Bjorkquist</i>: <https://canlii.ca/t/k1vdj> Bill C-3: < https://www.parl.ca/DocumentViewer/en/45-1/bill/C-3/royal-assent >

	Canada: < https://www.canada.ca/en/immigration-refugees-citizenship/services/canadian-citizenship/act-changes/rules-2025.html > Hahn: < https://macdonaldlaurier.ca/a-charter-challenge-and-the-remaking-of-canadian-citizenship-randolph-hahn-for-inside-policy/ > Borders Law Firm: < https://borderslawfirm.com/when-the-chain-breaks-scenarios-where-canadian-citizenship-by-descent-still-fails-after-bill-c-3/ >
Discussion	An important update to the discussion that starts at page 1069 on the 2009 amendments that restricted the ability of Canadian citizens to pass citizenship on to children born abroad. See also the discussion of <i>Bjorkquist</i> (Chapter 4, above). Bill C- 3 has introduced a substantial connection test to permit a Canadian parent born abroad, who acquires citizenship by descent, to pass on citizenship to their child born abroad. The new test requires the Canadian parent born abroad to demonstrate they have accumulated at least 1,095 days of physical presence in Canada before the birth or adoption of the child. Opinions have been divided on the merits of this reform (see Hahn and Borders Law Firm).