

# ABDBI-IM Reconsideration Requests

---



 [TR SOP Index](#)

 [Ref SOP Index](#)

 [PR SOP Index](#)

 [GCMS](#)

 [Chinook](#)

 [ABDBI Wiki MAIN](#)

## Contents

---

[Summary](#)

[Frequency](#)

[Receiving Reconsideration Requests](#)

[Assessing Reconsideration Requests](#)

[Decision](#)

[Action and GCMS Note](#)

[Response to Applicant](#)

[PDI](#)

## Summary

---

When receiving a negative decision on their applications, applicants may submit a reconsideration request if they believe there was an error in fact, in law or in procedural fairness during the processing of their application. An applicant's dissatisfaction or disagreement with the decision does **not** by itself qualify as a reason to reconsider. There are no deadlines to submit a reconsideration request. However, the passage of time between the date of the original decision and the date of the reconsideration request is to be taken into consideration when deciding whether to reconsider a decision.

## Frequency

---

Reconsideration requests are actioned on an ongoing basis. When a reconsideration request is received, the request should be reviewed within 30 days.

## Receiving Reconsideration Requests

---

Requests for reconsideration are received via Webform. Any requests received by email or via other means should be referred back to the webform. However, high profile reconsideration (i.e. received via MP Requests, HOM or MPM) will be considered without referring the applicant to the webform.

Clients must clearly request reconsideration of the decision for the request to be forwarded. General complaints / expressions of displeasure will not be considered as reconsideration requests.

- The Client Experience Unit (CEU) should first upload the reconsideration request under Incoming Correspondence:

Item(s)	Requested	Created	Updated	Assigned
UCI	Party ID	Birth	User Date	Status
		Client Enquiry	2021/01/28	Received
		Reconsideration	2021/12/13	Received

  

Step	Name	Assisted By	Associated Date
401881048	401051040 1		2020/12/13 08:27:08 PM

- In the Travel Itinerary field, CEU should add the note: RECONSIDERATION REQUESTS
- CEU assigns the file to the decision-maker. If the decision-maker is no longer in the office, please assign to Unit Manager.
- CEU also sends an Outlook Task to the officer.
- CEU adds Org ID O144210269178 under Association in GCMS.
- CEU sends a standard reply to the applicant:

Dear XXX

*Thank you for your email regarding the refusal of your recent application to Canada. We realize that this decision may come as a disappointment to you.*

*Your request for reconsideration of the refusal of your application has been forwarded to a Migration Officer for review. This delegated official will review the contents of your message, the application and the refusal decision.*

*Based on a review of all of these factors, they will consider whether an error in fact, in law, or in procedural fairness has occurred and whether or not your file will be re-opened.*

*Your request will be reviewed within 30 days of this email. If the Migration Officer determines the decision was rendered with no error in fact, law, or procedural fairness, this message will serve as notification of the review and you will receive a reply to this effect. No further reconsideration requests will be considered without the submission of a new application.*

*Should the Migration Officer decide to re-open your file, you will be contacted with information on next steps.*

*Thank you for the interest you have shown in Canada.*

Regards,

Client Experience Team

IRCC Abu Dhabi

United Arab Emirates

## Assessing Reconsideration Requests

As per the *Kurukkal v. Canada*, *functus officio* does not apply to decisions made by immigration officers. This means that officers are not barred from considering new information after a final decision is made.

Applications would primarily be re-opened in the case of an error in fact, law, or procedural fairness. However, other compelling new information could on occasion result in the re-opening of an application.

Note that an error in fact could include an absolute statement that is inaccurate (e.g. “no travel” or “no ties”). This is why it is better to avoid absolute statements (e.g. use “limited ties”).

Failure to consider important information on a file could be considered an error in law as it ties into the standard of reasonableness under common law. **Examples of this are varied** but could include:

- indicating no compelling purpose without addressing fact that applicant has a significant professional or personal purpose (e.g. that applicant is an academic attending a conference, that applicant wishes to visit a family member, etc.);
- indicating no significant travel when applicant has travelled extensively (e.g. to USA, Europe, UK, or Australia as possible examples);
- indicating limited funds while failing to consider a significant element of the financial documents on file.

Note also that questioning an applicant’s credibility triggers procedural fairness. It is therefore recommended to use instead “not satisfied”.

An A40 decision requires procedural fairness. Officers are encouraged to use A40 for documented fraud as it signals the complexity of our case load to NHQ and deters future misrepresentation from clients. The response to the the procedural fairness letter must be fully reviewed and taken into consideration before refusing a case, as otherwise, this may lead to a reconsideration request being granted.

Finally, note that lack of travel history cannot be considered an adverse factor unless the travel history is actually adverse (overstaying, illegal work, etc.). A lack of travel history can be considered as an absence of a positive factor. E.g., “Applicant has not demonstrated significant travel history, a factor that would have been weighed favourably had it been demonstrated.” Variations on this theme also work.

Officer has the option to discuss reconsideration request with supervisor. MPM, DPM and Unit Manager will periodically review reconsideration requests to monitor quality of decision making.

Decision	Action and GCMS Note	Response to Applicant
<p><b>Denying a Reconsideration Request</b></p>	<ul style="list-style-type: none"> <li>If the officer chooses <b>not to re-open</b> the application, officer to add the following case note in GCMS:  <i>Reconsideration request reviewed on its substantive merits. No error in fact, law, or procedural fairness noted. Decision stands.</i></li> </ul> <p>Officer to inform CEU via the ABDBI (IMMIGRATION) mailbox or by completing the Outlook Task. CEU will send a response to the applicant.</p>	<p>Dear Sir/Madam,</p> <p>Your request for reconsideration of the refusal of your application has been reviewed. The delegated official has reviewed the contents of your message, the application and the refusal decision. Based on a review of all of these factors, an error in fact, in law, or in procedural fairness has not occurred and your file will be not be re-opened.</p> <p>No further reconsideration requests will be considered within this application.</p>
<p><b>Granting a Reconsideration Request</b></p>	<ul style="list-style-type: none"> <li>If the officer chooses <b>to re-open</b> the application, officer to enter a short note explaining the decision.</li> <li>The Officer makes a new decision (eligibility or final).</li> <li><b>If applicant will receive correspondence</b> as a result of this new decision (e.g. passport request, meds request, or docs request), no direct response to reconsideration request required. (This is different from MP reps, Ministerial Enquiries, etc. which require a response no matter the outcome of next steps).</li> <li><b>If applicant will not immediately receive correspondence</b> as a result of this new decision (e.g. VIT / comprehensive security screening required), officer to inform CEU via the ABDBI (IMMIGRATION) mailbox that the application is re-opened and pending additional steps (e.g. VIT / comprehensive security screening required).</li> </ul>	<p><b>If a reconsideration request has been granted</b> but that the applicant does not receive a regular processing correspondence immediately (e.g. passport request, meds request, or docs request), the following response is sent to the client from the CEU team to via the ABDBI (IMMIGRATION) mailbox .</p> <p>Dear Sir/Madam,</p> <p>Please note that your request for reconsideration has been reviewed by the delegated official. Your application has been re-opened. Your application is currently undergoing background checks.*</p> <p>(* if applicable)</p>
<p><b>Error noted but no change in decision</b></p>	<ul style="list-style-type: none"> <li>If the officer finds an error in the GCMS notes or in the refusal letter, but it does not alter the final outcome of the case, the officer should update the notes in the following manner:  <i>Reconsideration request reviewed. I have identified an error in my assessment [or notes, or refusal letter...], but this does not alter my decision on this application. Notes should have read: [...].</i></li> </ul>	<p>Where the refusal letter is incorrect, an updated version would need to be sent. Use the <b>Other grounds</b> of the letter to explain the reason for the second letter.</p>

- CEU uploads the response under Incoming Correspondence in the same Reconsideration Line.
- CEU changes the status of the correspondence to **Replied**.

Item(s) Requested	Party ID	Date	Create Date	Status	Category
Reconsideration	[REDACTED]	2021/01/26	2021/01/26	Received	Reconsideration
Travel History	[REDACTED]	2019/09/14	2019/09/14	Received	Travel History
Passport/Travel Docum...	[REDACTED]	2020/09/14	2020/09/14	Received	Passport/Travel Documents
Schedule 1	[REDACTED]	2019/09/14	2019/09/14	Received	Schedule 1
Marriage Certificate / G...	[REDACTED]	2019/09/14	2019/09/14	Received	Marriage Certificate / G...
Additional Family Info 1	[REDACTED]	2019/09/14	2019/09/14	Received	Additional Family Info 1
Purpose of Travel - Other	[REDACTED]	2019/09/14	2019/09/14	Received	Purpose of Travel - Other
Functi. group	[REDACTED]	2019/09/14	2019/09/14	Received	Functi. group
Passport photos	[REDACTED]	2019/09/14	2019/09/14	Received	Passport photos
2015/250 Application	[REDACTED]	2019/09/14	2019/09/14	Received	2015/250 Application

**PDI**

Reconsideration of a refused temporary residence application (<http://cicntranet.ci.gc.ca/connexion/tools-outils/temp/visa/processing-traitement/reconsider-refusals-reexamen-refus-eng.aspx>)

This page was last edited on 1 April 2021, at 05:42.