2026

Immigration, Refugee and Citizenship Law Moot

Concours de plaidoirie en droit de l'immigration, des réfugiés et de la citoyenneté

RESPONSES TO REQUESTS FOR CLARIFICATION

ENGLISH VERSION

Concours de Plaidoirie IRC Law Moot

The Immigration, Refugee and Citizenship Law Moot's 2026 Official Problem is prepared by the members of the Moot's Content Committee:

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Q1. The French problem says:

"Toutes les questions soulevées dans les motifs rendus par le décideur administratif et par la Cour fédérale doivent être abordées par les représentant(e)s de la partie appelante ou de la partie intimée dans leurs observations. Les représentant(e)s peuvent soulever dans leurs observations des arguments qui ne sont pas mentionnés dans les motifs, mais uniquement s'ils se rapportent aux questions identifiées dans les décisions antérieures."

The English version says:

"All the issues raised in the reasons given by the administrative decision-maker and Federal Court should be addressed by counsel for the Appellant or Respondent in their submissions. Counsel may advance arguments not referenced in the reasons in their submissions, but only if they relate to the issues identified in the previous decisions."

Can you please confirm that this paragraph simply means that you have to address both certified questions, i.e. that the teams cannot abandon or concede one of the questions during their pleadings?

A1. Both certified questions are to be addressed as are the other two issues raised in the Federal Court judgement. The teams are to treat this as if they are in an appellate proceeding where questions have been certified and are properly before the Court. Teams have latitude as to the arguments to put forward, but are expected to advance/defend all four issues raised in the Federal Court judgment.

Q2. What was the full content of the PFL received by Bob? Can you reproduce it?

It would be important to know the content of the PFL received by Bob and to reproduce it for us, as it would help us determine whether Bob was able to respond effectively with the information contained in the PFL. This goes to the core of the first question to see whether procedural fairness was given to Bob and whether he was able to respond effectively to IRCC's allegations and meet the case at hand without the need to reveal the identity of the "poison pen," pursuant to the officer's reliance on informer privilege. The moot problem only states that the officer sent a PFL to Bob with his inadmissibility concerns, but it would be pertinent to know how the allegations were stated in the PFL and have a copy of its content to properly analyze whether procedural fairness was met.

A2. Further content or summary of the content of the procedural fairness letter will not be provided. A summary of the content of the PFL was provided in the GCMS notes attached to the IRCC officer's decision in the entry dated 2024/08/12. This summary is accurate and complete as to the information provided to the Client, Bob Bennett.

Q3. Was Bob represented by duly authorized counsel when he filled out the application documents for his PR?

This would be important to know, because if Bob was not represented by duly authorized counsel through the process of applying for permanent residency, it would be possible that Bob did not understand the scope of the question "list 'any charge or conviction'". There could be many reasons why Bob did not think to disclose his charge in the form, including the fact that it was dropped relatively quickly--before the case even went to trial. Therefore, it could have been an innocent mistake. Conversely, if he had a lawyer accompanying him through the process, they probably would have known to clarify with Bob the scope of the charge.

Furthermore, his non-disclosure is used by the IRCC to discount his credibility and reject his version of events, thereby lending it a certain weight in deciding whether the Officer's factual conclusions under s. s.36(2)(c) were unreasonable.

At the moment, we just know that "Client and counsel sent a negative decision letter by email," following the rejection of the application. However, we are unsure if counsel was present during the completion of the application, as well.

A3. Assume that Bob was represented by counsel throughout the proceeding as there is no separate GCMS entry indicating that a previous counsel withdrew or that a counsel has been newly added to the matter. In addition, new information or facts may not be introduced at appeal through official pleadings and the parties are confined to the facts from the underlying proceeding as found in the record. As per the Official moot problem instructions, "Counsel may advance arguments not referenced in the reasons in their submissions, but only if they relate to <u>the issues identified</u> in the previous decisions."

Q4. In paragraph 3 of the Federal Court's decision, it is stated that the Applicant submitted his application for permanent residence in April 2024. In the GCMS notes, however, it is stated that the application for permanent residence was received on November 5, 2023. Please clarify the date of submission and receipt of the permanent residence application.

Explanation: The clarification is necessary to understand the chronology of facts. The timeline for submission of the application is also important in understanding what facts would have been disclosed in the application.

A4. As per the GCMS notes, the initial application for permanent residence was filed on November 5 2023. The medical examination, security, and criminality clearance were completed in April 2024.

A correction to the moot problem will be issued such that paragraph 3 reads, "In November 2023, he submitted an application for permanent residence under the Federal Skilled Class."

Q5. Are the teams expected to treat the UK justice system as a "strong democracy," or is this a fact that can be contested?

Explanation: The Federal Court's reasons rely on the premise that the UK is a "strong democracy", and this assumption drives their conclusion that Canada should defer to the outcome of the UK criminal process in applying s.36(2)(c) of the IRPA. However, the moot problem does not specify whether this characterization is an accepted fact or merely the Federal Court's view, open to challenge by the parties. Clarification of this point directly affects the answer to the second certified question and potential arguments regarding the weight that should be given to the withdrawal of charges in the UK in the interpretation of s. 36(2)(c) of the IRPA.

A5. For the purposes of the moot, the Crown Court of Canada will take judicial notice that the United Kingdom is a strong democracy.

Q6. Will the judges be provided with the *IRPA* for reference during oral submissions?

Explanation: We are seeking clarification because pursuant to rule 64, mooters may not submit any material whatsoever directly to judges. However, the wording of the statute is germane to the legal issues and it is necessary to know whether judges will have access to provisions in the *IRPA* during the moot or whether these provisions should be outlined in an appendix to the factum.

A6. All judges are provided with the relevant sections from *IRPA* for reference during oral submissions.