

Response to Procedural Fairness Letter – Statutory Ineligibility & Preservation of Rights

Date: 2026-10-07

To: [IRCC / CBSA Officer Title or Department]

Re: Response to Procedural Fairness Letter / Notice of Ineligibility

Client Name: [Client Name]

UCI: [UCI Number] | File / Claim Number: [File Number]

Dear Officer,

1. Request for Disclosure of Records

We write on behalf of [Client Name] regarding the Procedural Fairness Letter dated [PFL Date] asserting potential ineligibility under [Statutory Provision, e.g., IRPA s. 101(1)(b.1) / s. 101(1)(b.2)]. As the letter references internal records stating [Client Name] entered Canada on [Entry Date] at [Port of Entry Location], we formally request full disclosure of the underlying source records and entries relied upon by the decision-maker to ensure a complete opportunity to respond.

2. Factual Submissions & Supporting Affidavit

[Client Name] is not factually described by the ineligibility provision cited. Specifically, [Client Name]'s entry and physical presence timeline differ from the summary set out in the PFL. Attached is the sworn Affidavit of [Client Name] detailing the precise chronology of entry, travel documents, and supporting evidence.

3. Request for Oral Interview

Should the decision-maker entertain concerns regarding the credibility of the statements in [Client Name]'s affidavit or prior entry records, we request that an oral interview be convoked to assess credibility fairly, in accordance with the principles set out in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817.

4. Reservation of Constitutional & Legal Arguments

It is our position that [Statutory Provision] of the *Immigration and Refugee Protection Act* is inconsistent with Sections 7 and 15 of the *Canadian Charter of Rights and Freedoms*, and is incompatible with Section 2(e) of the *Canadian Bill of Rights*. We understand that IRCC/CBSA officers lack administrative jurisdiction to issue declarations of constitutional invalidity (*R. v. Conway*, 2010 SCC 22; *Covarrubias v. Canada*, 2006 FCA 365). We submit this response to preserve [Client Name]'s right to advance these arguments before the Federal Court on an application for judicial review should an adverse decision be rendered.

Enclosures:

Sworn Affidavit of [Client Name] with supporting travel records and identity documents