



Reconsideration Requests vs Judicial Reviews: Key Differences Explained



In Canadian immigration law, applicants who receive adverse decisions can challenge or review the outcomes.

Reconsideration requests and judicial reviews stand out as distinct processes, each with its specific purpose and approach.

Understanding the differences between these legal remedies is crucial for determining the right course of action when faced with an unfavorable immigration decision.

It is always advisable to consult experienced [Immigration Lawyers](#) in Toronto or GTA, for addressing all Canadian immigration related requests and reviews

What is a Reconsideration Request?

A reconsideration request is a direct appeal to the decision-making officer or government body to review their previous decision.

This process is typically informal and involves submitting written documentation that demonstrates why the original decision was incorrect.

Key features of reconsideration requests:

- **Who handles it?** The original decision-maker or their office reviews the request.
- **Basis for filing:** Reconsideration is often sought when new evidence or overlooked facts emerge, or if an error is believed to have been made in applying the law or

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policy.

- **Timeline:** These requests are time-sensitive and must usually be filed shortly after the original decision is issued.

Reconsideration requests are suitable for errors that can be easily rectified or for presenting new information that could change the outcome of the case. While this approach does not involve court proceedings, it still requires a well-prepared submission, often crafted with the help of an immigration lawyer consultation to strengthen the case.

What is a Judicial Review?

A judicial review, on the other hand, is a legal process handled by the Federal Court of Canada. It examines whether the decision-making process adhered to the fairness of the procedure and the principles of administrative law. This process does not reassess the

facts of the case but focuses on whether the decision-maker followed proper procedures and made a reasonable decision.

Key features of judicial reviews:

- **Who handles it?** A judge at the Federal Court oversees the review.
- **Basis for filing:** Applicants can seek judicial review if they believe the decision-maker acted unfairly, violated procedural rights, or failed to correctly interpret or apply the law.
- **Timeline:** Judicial reviews must be initiated within strict time limits, typically 15 days for decisions made within Canada or 60 days for decisions made outside the country.

Judicial reviews are a more formal process and require legal expertise.

Partnering with a legal immigration lawyer experienced in Federal Court matters is essential to presenting a strong case.

Comparing Reconsideration Requests and Judicial Reviews

While both processes offer a chance to address adverse decisions, their applications differ significantly.

Reconsideration requests are generally faster, less formal, and suited for cases involving minor errors or new evidence.

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Judicial reviews, however, are more complex and focus on procedural and legal errors, requiring a higher level of legal expertise

Key distinctions include:

- **Formality:** Reconsideration is informal, while judicial review involves court proceedings.
- **Decision focus:** Reconsideration looks at the merits of the decision, while judicial review assesses the fairness of the decision-making process.
- **Legal representation:** Judicial reviews almost always require the assistance of an experienced immigration lawyer, while reconsideration requests may or may not.

When to Seek Legal Advice

Deciding between a reconsideration request and a judicial review can be challenging. Factors such as the nature of the error, the urgency of the situation, and the potential impact on the applicant's immigration status must be carefully considered.

Consulting with a skilled immigration lawyer in Toronto can provide clarity and ensure that the right course of action is taken.

Professional legal advice is particularly valuable when preparing a judicial review, as Federal Court rules and procedures must be followed precisely. For reconsideration requests, a lawyer can help present compelling arguments and relevant evidence to support the application.

Why consult The Law Office of Tià Sherene McCalla?

Counted among prominent Immigration Lawyers in Toronto, Tià Sherene holds in-depth knowledge of Canadian immigration law to guide clients through challenging decisions.

Whether filing a reconsideration request or pursuing a judicial review, our team takes a detail-oriented approach to strengthen your case. With our expertise, we aim to help you achieve the most favorable outcome possible.

When it comes to immigration challenges, consulting the right legal partner is mandatory. [Contact The Law Office of Tià Sherene McCalla](#) today to explore your immigration journey.

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