

Court File No.: IMM-7743-26

FEDERAL COURT

BETWEEN:

[REDACTED] and
[REDACTED]

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION
and THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondents

MOTION RECORD OF THE APPLICANTS

Motion for extension of time and directions accepting reply materials

Date: Montreal, June 16, 2026

Filed by: [REDACTED] Applicant, for herself and, subject to the
Court's directions, as mother of the minor Applicant [REDACTED]
[REDACTED]

Address for service: [REDACTED]
[REDACTED]

Telephone: 514-247-0798

Email address for electronic service: vmgtz36@gmail.com

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NOTICE OF MOTION (FORM 359)

TO: The Administrator, Federal Court, Montreal Registry

AND TO: Counsel for the Respondents, Department of Justice Canada

THE APPLICANTS will make a motion in writing under Rule 369 of the Federal Courts Rules for an order regularizing and accepting the reply materials submitted to the Court's e-filing system on June 4, 2026.

The moving parties are [REDACTED] and [REDACTED]
[REDACTED] the Applicants.

The Applicants seek an order:

1. to the extent necessary, extending the time, nunc pro tunc to June 4, 2026, to file the reply materials in relation to motion documents #7 and #14;
2. directing the Registry to accept and place on the Court file the Reply memorandum and Acknowledgment of receipt submitted through e-filing under confirmation number 2026-06-04-002 [REDACTED];
3. if necessary, giving directions under Rule 121 or otherwise so that this filing issue may be determined in the interests of justice without treating [REDACTED] as having unrestricted authority to represent the minor Applicant;
4. in the alternative, granting such directions or relief from irregularity as the Court considers just under Rules 53, 54, 55, 56, 60, 72 and 72.1;
5. no costs; and
6. such further and other relief as the Court considers just.

The grounds for this motion include Rules 3, 6, 8, 53, 54, 55, 56, 60, 72, 72.1, 73, 80, 81, 119, 121, 143, 359, 363, 364, 367 and 369 of the Federal Courts Rules, and Rules 4 and 22 of the Federal Courts Citizenship, Immigration and Refugee Protection Rules.

The grounds are that the reply materials were served on the Department of Justice within the motion reply period on June 3, 2026 before 5:00 p.m.; the Department of Justice acknowledged receipt the same day; the same materials were submitted by e-filing on June 4, 2026 with proof or acknowledgment of service; and any one-day filing irregularity should be cured under Rule 8 and the Court's procedural powers.

Accepting the reply materials causes no practical prejudice to the Respondents because they received the materials within the reply period. Refusing acceptance would prejudice the Applicants, including a self-represented mother and a minor Applicant with **disability**, by preventing their timely-served reply from being considered in motions concerning an urgent temporary remedy while the underlying refugee-protection judicial review remains pending. The June 3 reply materials already requested directions concerning counsel or representation because [REDACTED] cannot realistically protect her own procedural position alone, and still less the minor Applicant's position, without directions from the Court.

The following documentary evidence will be used: the affidavit of Victor Manuel Gutierrez Verduzco; the single Exhibit A attached to that affidavit; Docket IDs 19 and 28; motion documents #7 and #14; the e-filing confirmation 2026-06-04-002 [REDACTED] and the Department of Justice acknowledgment of receipt dated June 3, 2026, already submitted with the reply materials and in the Respondents' possession.

This motion record does not reproduce duplicate copies of materials already in the Court file, in the e-filing record, or in the Respondents' possession. The only reproduced exhibit is Exhibit A.

Date: Montreal, June 16, 2026

[REDACTED]
Applicant, self-represented, for herself and, subject to the Court's directions, as mother of the minor Applicant

[REDACTED]
Telephone: 514-247-0798
Email: vmgtz36@gmail.com

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Respondents

AFFIDAVIT OF VICTOR MANUEL GUTIERREZ VERDUZCO

I, Victor Manuel Gutierrez Verduzco, of the City of Montreal, Province of Quebec,
AFFIRM:

1. I am the father of the minor Applicant [REDACTED] [REDACTED] request, and with her authorization, I have assisted with practical logistics in this Court file, including organizing documents, translation support, email transmission, and technical e-filing steps. I do not make legal decisions for [REDACTED] or for the minor Applicant.
2. I am not a lawyer and I do not purport to act as a lawyer. This affidavit is limited to procedural facts within my personal knowledge or based on documents I reviewed.
3. On May 28, 2026, the Respondents served motion materials in relation to motion documents #7 and #14.
4. On June 3, 2026, at approximately 4:58 PM Eastern Time, the Applicants' reply materials were served by email on the Department of Justice at immigrationMB@justice.gc.ca and Alexander.Menticoglou@justice.gc.ca.
5. On June 3, 2026, at approximately 5:06 PM Eastern Time, the Department of Justice acknowledged receipt of the attached materials with the wording: "I acknowledge receipt of the attached."
6. On June 4, 2026, at approximately 2:54 PM Eastern Time, the same reply materials and the acknowledgment/proof of service were submitted through the Court's e-filing system under confirmation number 2026-06-04-002 [REDACTED] with my practical assistance.

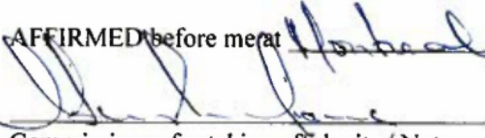
COMMISSAIRE À L'ASSERMENTATION
Gershmine Pierre
199978
FOUR LE QUÉBEC 13
16 June 2026

7. On June 15, 2026, I received Court/Registry notices stating that the Reply memorandum and Acknowledgment of receipt were not accepted for filing at that time and were sent to the Court for directions.
8. I understand from the Court file entry that Registry communication was placed on file on June 15, 2026 regarding motion documents #7 and #14.
9. I also reviewed Docket ID 19, placed on file on May 21, 2026, which records that a document was accepted under reserve despite a Rule 80(3) exhibit defect. I refer to that entry only because it appears on the Court's own docket and concerns treatment of procedural irregularities in this file.
10. I acted in good faith. On May 19, 2026, the Montreal Registry responded to my email about filing a Rule 109 motion and stated that documents had to be transmitted by the electronic filing system and already accompanied by proof of service. I understood that proof of service or acknowledgment should accompany filing. A copy of that Registry email is attached as Exhibit A.
11. On June 3, 2026, the service email stated that the same materials were being submitted to the Court for filing that day. The Applicants intended that the materials be placed before the Court. The filing was completed through e-filing on June 4, 2026 with proof/acknowledgment of service. This paragraph states the sequence of events and my good-faith understanding that proof of service had to accompany filing.
12. The June 3 service email was signed by [REDACTED] on her own behalf and, subject to the Court's directions, as mother of the minor Applicant. This motion does not ask the Court to treat me as a representative of [REDACTED] or of the minor Applicant; I depose only to procedural facts and practical assistance.
13. I do not attach duplicate copies of the reply materials, the acknowledgment/proof already submitted under confirmation number 2026-06-04-0021 [REDACTED] the e-filing notices, docket entries, or motion documents #7 and #14 because those materials are already in the Court file, in the e-filing submission record, or in the possession of the Respondents. The only exhibit attached to this affidavit is Exhibit A.
14. The Department of Justice had the reply materials within the reply period and acknowledged receipt on June 3, 2026. To my knowledge, the one-day interval before e-filing did not change the content of the reply materials and did not deprive the Respondents of notice.

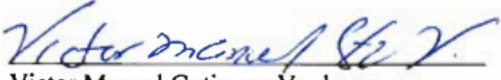
COMMISSAIRE D'ASSERMENTATION
Gershmine Pierre
199978
POUR LE QUÉBEC 2/3
16 Jun 2026

15. I make this affidavit in support of the Applicants' motion to extend time and regularize acceptance of the reply materials, and for no improper purpose.

AFFIRMED before me at Montreal, on 16 June, 2026.



Commissioner for taking affidavits / Notary



Victor Manuel Gutierrez Verduzco



Court File No.: IMM-7743-26

FEDERAL COURT

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- and -

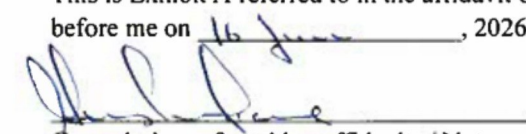
THE MINISTER OF CITIZENSHIP AND IMMIGRATION
and THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

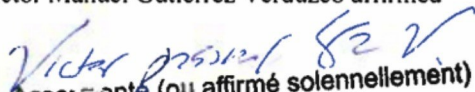
Respondents

EXHIBIT A

Registry email dated May 19, 2026. This is the only exhibit reproduced in this motion record.

This is Exhibit A referred to in the affidavit of Victor Manuel Gutierrez Verduzco affirmed before me on 16 June, 2026.


Commissioner for taking affidavits / Notary


Assermenté (ou affirmé solennellement)
devant moi, à Montréal,
ce 16^e jour du mois de juin 20

COMMISSAIRE À L'ASSERMENTATION
Germaine Pierre
199978

POUR LE QUÉBEC 2/12

Motion Record — Rule 109 Intervention — IMM-7743-26 (Self-represented)

2 mensajes

Victor Gtz <vmgtz36@gmail.com>

18 de mayo de 2026 a las 5:54 p.m.

Para: Victor Gtz <vmgtz36@gmail.com>, MTL_Reception@fct-cf.ca

I am filing the attached in Federal Court file IMM-7743-26 (Morales-Ochoa et al v. The Minister of Citizenship and Immigration and The Minister of Public Safety and Emergency Preparedness).

Two documents:

1. Motion Record (61 pages) – motion for leave to intervene under Rule 109, in writing under Rule 369.
2. Form 141A (signed 18 May 2026) – consent to service by electronic transmission under Rule 139(1)(e).

I am Victor Manuel Gutierrez Verduzco, the proposed intervener, self-represented, at [REDACTED]

I will serve DOJ counsel today and file the Affidavit of Service afterwards.

2 archivos adjuntos **Motion-Record-Rule-109-IMM-7743-26.pdf**
10311K **Form-141A-IMM-7743-26.pdf.pdf**
803K

MTL_Reception <MTL_Reception@fct-cf.ca>

19 de mayo de 2026 a las 9:49 a.m.

Para: Victor Gtz <vmgtz36@gmail.com>

CC: MTL_Reception <MTL_Reception@fct-cf.ca>

Good morning,

According to the lasted consolidated directive the documents have to be transmitted by electronic filing system: <https://www.fct-cf.ca/en/pages/online-access/e-filing> and be already accompanied by proof of service.

Please call **514-283-4820** if you have any questions.

Thank you,

L-R Movila

Agent principal du greffe par intérim | Acting Senior Registry Officer

Service administratif des tribunaux judiciaires

Courts Administration Services

[Texto citado oculto]



POUR LE QUÉBEC 1/2

16 Jun 2026

Court File No.: IMM-7743-26

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COURT FILE AND DOCUMENT REFERENCES

1. Docket ID 28: Registry communication placed on file June 15, 2026 regarding motion documents #7 and #14. This is already on the Court file.
2. Docket ID 19: Registry memorandum placed on file May 21, 2026 accepting a document under reserve despite a Rule 80(3) exhibit defect. This is already on the Court file.
3. Motion doc#7: Victor Manuel Gutierrez Verduzco proposed intervention motion. This is already on the Court file and identified in docket ID 28.
4. Motion doc#14: Applicants' motion in writing for interim/directions relief. This is already on the Court file and identified in docket ID 28.
5. Confirmation 2026-06-04-0021773730920: e-filing submission number for the Reply memorandum and Acknowledgment of receipt/proof of service submitted on June 4, 2026. The confirmation and submitted document names are part of the e-filing submission record.
6. Department of Justice acknowledgment of receipt dated June 3, 2026: this was already submitted as the Acknowledgment of receipt/proof of service under the June 4 e-filing confirmation and is in the possession of the Respondents.
7. Exhibit A to the affidavit: Registry email dated May 19, 2026. This is the only document reproduced as an exhibit in this motion record because it is not otherwise shown by the docket entry itself.

Court File No.: IMM-7743-26

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Respondents

WRITTEN REPRESENTATIONS

PART I - FACTS

1. The Applicants seek a limited procedural order extending time and directing acceptance of reply materials that were served on the Respondents within the motion reply period and submitted to e-filing the next day under confirmation number 2026-06-04-002 ██████████
2. The Respondents served motion materials on May 28, 2026. The reply materials were served on the Department of Justice by email on June 3, 2026, at approximately 4:58 PM Eastern Time, before 5:00 p.m. The Department of Justice acknowledged receipt at approximately 5:06 PM Eastern Time.
3. The same reply materials and proof/acknowledgment of service were submitted through e-filing on June 4, 2026, at approximately 2:54 PM Eastern Time.
4. The filing concern is therefore narrow: the Respondents had timely notice and receipt; the Court received the same materials one day later with proof of service.
5. The explanation is a good-faith procedural misunderstanding in a self-represented immigration Court file where Victor provided practical assistance to ████████ with service, translation support and e-filing logistics. The May 19, 2026 Registry email, attached as Exhibit A, was sent in response to Victor's Rule 109 filing in the same Court file. Victor understood it as a Registry instruction that filings had to be transmitted by e-filing and already accompanied by proof of service. The June 3 service email stated that the same materials were being submitted to the Court for filing that day, and the filing was completed through e-filing on June 4 with proof/acknowledgment of service.

PART II - ISSUE

6. The issue is whether the Court should extend or regularize the time for filing the reply materials by one day and direct the Registry to accept the materials already submitted under confirmation number 2026-06-04-002 [REDACTED]

PART III - LAW AND ARGUMENT

7. FCCIRPR Rule 4 makes the relevant Federal Courts Rules applicable in this immigration leave and judicial review proceeding, except where inconsistent with the immigration rules. FCCIRPR Rule 21 confirms that time limits under those Rules may be varied only by order of a judge or associate judge.

8. Rule 8 permits the Court to extend a period fixed by the Rules, and a motion for extension may be brought before or after the period has expired.

9. Rule 369 governs written motions, including the moving party's reply and the Court's ability to determine the motion after the reply is filed or the reply period expires. The requested order is necessary because, absent regularization, the Applicants' reply to the Respondents' materials concerning motion documents #7 and #14 may not be before the Court when those written motions are determined. Rule 6 governs computation of short periods. To the extent the reply period expired on June 3, 2026, the June 4 e-filing was a one-day filing irregularity, not a failure to give notice to the Respondents.

10. Rule 143 supports treating service by email before 5:00 p.m. as service on June 3, 2026. The Respondents acknowledged receipt on June 3, 2026. The service issue is therefore not the source of the requested extension; the narrow issue is the one-day filing irregularity after timely service.

11. Rule 73 explains why proof of service mattered: a document required to be served must not be filed without proof that it has been served. The Applicants served the reply materials within time and filed/submitted the same materials with proof/acknowledgment the next day.

12. Rule 363 requires facts relied on in a motion that do not appear on the Court file to be set out in an affidavit. The affidavit attaches only Exhibit A, the May 19 Registry email, because the other procedural materials are already on the Court file, in the e-filing record, or in the Respondents' possession.

13. Rules 53, 54, 55, 56 and 60 allow the Court to give directions, impose just terms, dispense with compliance in special circumstances, and cure irregularities where the interests of justice require it. Here, the Respondents were served in time and acknowledged receipt. No substantive prejudice arises to the Respondents from

regularizing the filing date by one day.

14. The prejudice runs the other way. This is not an ordinary administrative timetable issue, and it is not a request to decide the merits of the refugee claim. The reply materials concern an urgent temporary remedy sought to operate while the underlying refugee-protection judicial review remains pending. The practical purpose of that remedy is interim: to address the Applicants' asserted present exposure and the position of a minor Applicant with **disability** while the Court has not yet determined the underlying judicial review. If the reply materials are not accepted, [REDACTED] and the minor Applicant lose the benefit of a reply that was served on the Respondents within the reply period in motions directed at temporary protection and practical fairness before final determination. That result is disproportionate where the consequence of exclusion is not merely a late paper, but further delay in consideration of urgent temporary relief that is meant to operate before a final decision, not after months of unresolved exposure.

15. Rule 72 permits a Registry officer to refer a question to the Court for directions, and Rule 72.1 addresses the filing date of electronic documents once accepted. The requested order fits the status already communicated by the Registry: the materials were sent to the Court for directions. The Court's e-filing guidance also directs parties to contact the Registry if no response is received within 72 hours after submission; here, the materials were submitted on June 4, 2026, and were not communicated as sent to the Court for directions until June 15, 2026. Any delay after submission did not prejudice the Respondents.

16. The Hennelly factors support the extension. The Applicants had a continuing intention to file; the reply is arguable; the Respondents were served and acknowledged receipt within time; no prejudice to the Respondents or to the Court arises from regularizing the June 4 submission; and the prejudice to the Applicants is real if the reply is excluded from consideration of the urgent temporary remedy. The one-day interval resulted from a good-faith attempt to comply with service/proof requirements, followed by e-filing after timely service and acknowledgment by the Respondents.

17. Rule 119 is subject to Rule 121. [REDACTED] is self-represented and the minor Applicant is involved. The Applicants do not ask the Court to treat [REDACTED] as having unrestricted authority to represent the minor Applicant contrary to Rule 121. The June 3 service email used the formulation "on her own behalf and, subject to the Court's directions, as mother of the minor Applicant," and the June 3 reply materials requested directions concerning counsel or representation. Any Rule 121

concern should therefore be addressed by directions in the interests of justice, not by refusing to consider a one-day filing regularization motion where the Respondents were served in time.

18. The Court file also records at Docket ID 19 that a document in this file was accepted under reserve despite a Rule 80(3) exhibit defect. The Applicants rely on that entry only as a proportionality and even-handedness point: a one-day filing irregularity after timely service should not prevent the Court from considering the reply materials.


19. *Pintea v Johns*, 2017 SCC 23, supports a fair approach to self-represented litigants as an equity consideration, but the Applicants do not rely on self-representation as a substitute for the Rule 8 extension test. The Applicants also rely on Rule 3 proportionality and, in this immigration proceeding, FCCIRPR Rule 22 regarding costs.

20. The Applicants do not ask the Court to decide the merits of the underlying judicial review through this motion. The request is limited to acceptance and regularization of reply materials already served on the Respondents, and to any directions needed so that the filing issue can be determined in the interests of justice.

PART IV - ORDER SOUGHT

21. The Applicants ask for the order set out in the Notice of Motion and Draft Order, without costs.

Date: Montreal, June 16, 2026



Applicant, self-represented, for herself and, subject to the Court's directions, as mother of the minor Applicant

Court File No.: IMM-7743-26

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Respondents

DRAFT ORDER

THIS COURT ORDERS that:

1. To the extent necessary, the time to file the Applicants' reply materials in relation to motion documents #7 and #14 is extended nunc pro tunc to June 4, 2026.
2. The Registry shall accept for filing and place on the Court file the Reply memorandum and Acknowledgment of receipt submitted through e-filing under confirmation number 2026-06-04-002 [REDACTED]
3. The filing issue may be determined without prejudice to any further directions the Court may give concerning representation of the minor Applicant under Rule 121.
4. In the alternative, the Registry and the parties shall follow any further direction of the Court regarding the regularization of those reply materials.
5. There shall be no costs.

Judge / Associate Judge