

Federal Court



Cour fédérale

Date: 20250122

Docket: IMM-14563-23

Citation: 2025 FC 131

Toronto, Ontario, January 22, 2025

PRESENT: The Honourable Justice Battista

BETWEEN:

NAVNEET KAUR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(Delivered orally from the bench on January 22, 2025.
Edited for syntax and grammar.)

[1] The Applicant was determined to be inadmissible for misrepresentation pursuant to paragraph 40(1)(a) of *the Immigration and Refugee Protection Act*, SC 2001, c 27, after the language test results she submitted were revoked by the language testing centre and verified as fraudulent. These results were submitted in support of her study permit application.

[2] Prior to the refusal of the application, the Applicant was provided with an opportunity to respond to the misrepresentation concerns through a procedural fairness letter. Her response to the procedural fairness letter indicated that she was shocked to be informed of this concern, and that

she had used these test results in support of previous applications that had been refused. She denied that the language test results were fraudulent.

[3] The Applicant alleges, first, that procedural fairness was breached because the visa officer did not conduct a thorough investigation in order to determine the date of the revocation of the results. The Applicant alleges that the onus was on the visa officer to conduct a “thorough investigation.”

[4] Procedural fairness was not breached because the results were provided by the Applicant through a contract she signed with a private third party, the language testing centre. The onus of conducting “a thorough investigation” was on the Applicant, not on the visa officer.

[5] Second, the Applicant states that the decision was unreasonable because it omits the date that the language test results were revoked. I agree with the Respondent that the timing of the revocation was not relevant to the conclusion of misrepresentation drawn from the existence of fraudulent test results.

[6] Finally, the Applicant argues that the submission of the fraudulent scores was “an innocent mistake.” It appears that this issue has been raised for the first time in the context of this judicial review application because the Applicant did not clearly refer to a mistake in her response to the procedural fairness letter. In any case, there is no factual basis provided by the Applicant, either in response to the procedural fairness letter or before this Court, substantiating the allegation that the fraudulent language results were submitted mistakenly.

JUDGMENT in IMM-14563-23

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no order regarding costs and no question for certification.

“Michael Battista”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14563-23

STYLE OF CAUSE: NAVNEET KAUR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HEARD BY VIDEOCONFERENCE

DATE OF HEARING: JANUARY 22, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: JANUARY 22, 2025

APPEARANCES:

Harkamal Singh	FOR THE APPLICANT
Stephen Jarvis	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Harkamal Singh Barrister and Solicitor London, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT