

Federal Court



Cour fédérale

Date: 20251010

Docket: IMM-20004-24

Citation: 2025 FC 1686

Ottawa, Ontario, October 10, 2025

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

PAVANJIT KAUR GREWAL

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of an Immigration, Refugees and Citizenship Canada [IRCC] Officer's decision dated October 11, 2024 refusing the Applicant's request to reopen her application for a work permit [Reconsideration Decision].

[2] The work permit application was submitted on September 24, 2022 and was refused on April 9, 2024 because documents in support were found to be fraudulent [Refusal Decision]. The

Officer concluded that the Applicant was inadmissible for misrepresentation pursuant to paragraph 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[3] In seeking reconsideration of the Refusal Decision, the Applicant did not deny that the documents submitted were fraudulent. She instead placed all the blame on her immigration consultant. The Applicant claimed that the consultant refused to allow her to review the application before it was submitted to IRCC, or to give her access to the information or documents submitted on her behalf. She also claimed that the consultant did not share with her a procedural fairness letter from IRCC dated September 20, 2023, or his response dated October 16, 2023. She further claimed that the consultant forged her signature on documents submitted to IRCC.

[4] The Officer was not swayed by the Applicant's explanations. In the Global Case Management System notes, which form part of the reasons, the Officer summarized the Applicant's submissions and noted that the Applicant never declared a representative in her application. The Officer then went on to find as follows:

While client's [sic] are entitled to hire immigration consultants to help them with the process, which officer notes was never declared, it remains the client's responsibility to ensure that they are hiring a reputable consultant that has the expertise, and knowledge to assist. By hiring a consultant, a client gives them responsibility to act on their behalf, for that the client is fully responsible. While it is unfortunate the client encountered difficulties with their consultant, it remains the client's responsibility to ensure the expectations of IRPA are met during the application process.

I have received and reviewed the request, however I am satisfied that there was no error in law, and as such, I will not be re-opening the application as the refusal decision remains the same.

[5] The Applicant submits the Officer failed to consider or apply the innocent error exception applicable to findings of misrepresentation under subsection 40(1) of the IRPA. She argues that it was a reviewable error on the part of the Applicant to fail to conduct a meaningful analysis of the innocent error exception where there was evidence supportive of its application. I disagree.

[6] The innocent error exception is a very narrow one: see *Appiah v Canada (Citizenship and Immigration)*, 2018 FC 1043 at para 18. An applicant needs to demonstrate (i) that *subjectively* the person honestly believes they are not making a misrepresentation; and (ii) that *objectively* it was reasonable on the facts that the person believed they were not making a misrepresentation (*Gill v Canada (Citizenship and Immigration)*, 2021 FC 1441 at para 18).

[7] The purpose of subsection 40(1)(a) is to ensure that applicants provide complete, honest and truthful information, and to deter misrepresentation. A finding of misrepresentation under subsection 40(1) does not require there to be an intent to misrepresent on the part of the applicant. Deliberate and innocent misrepresentations, including those made on “faulty legal advice” have been treated equally by this Court: see *Chen v Canada (Minister of Citizenship and Immigration)*, 2005 FC 678 at para 10.

[8] In *Haghighat v Canada (Citizenship and Immigration)*, 2021 FC 598 [*Haghighat*], the facts are on all fours with those in the present case. The applicant in *Haghighat* did not dispute that a fraudulent passport request letter was submitted but asked the court to recognize the circumstances surrounding the submission, which was that the applicant had been deceived by his immigration consultant and was not aware that the fraudulent letter had been submitted.

Justice Michael Manson found that the circumstances did not absolve the applicant of the consequences of misrepresentation and stated as follows at paragraph 25 of the decision:

This court does not distinguish between innocent misrepresentation and deliberate misrepresentation, including those misrepresentations based on faulty legal advice. While seemingly rigid, the integrity of the immigration system relies on the provision of complete, honest and truthful information. The obligation of a duty of candour cannot be compromised by an applicant's failure to take responsibility for ensuring an application is truthful and complete as required.

[9] In exceptional cases, this Court has found an applicant should not be liable for the actions of their representative, however this is only where the applicant acted reasonably or with sufficient due diligence or care. As stated in *Pandher v Canada (Citizenship and Immigration)*, 2022 FC 687 at para 45:

Of course, it is important to note that to engage a consideration of whether the exception had application in a circumstance where the applicant alleges that the misrepresentation is attributable to the Act of their immigration consultant, an applicant would have to demonstrate to the satisfaction of the visa officer that they were diligent in reviewing their application (including all supporting documents), that it was complete, true, accurate, and final when they signed it, that any alleged subsequent changes were made without their knowledge and, knowledge of the changes was beyond their control.

[10] The innocent error exception has no application here given that the Applicant wholly abdicated her responsibility to ensure that her application was accurate and complete. It is not objectively reasonable for an applicant seeking immigration status in this country to fail to take actions that are within their control, including making all reasonable efforts to verify the truthfulness and accuracy of all information or documentation submitted on their behalf by a consultant or other third party.

[11] The Officer correctly stated that the Applicant was responsible to ensure the expectations of the IRPA were met during the application process. This finding provided a sufficient basis upon which to find the Applicant did not meet the test for misrepresentation.

[12] Despite the able submissions of counsel for the Applicant, I have not been persuaded that the Officer committed any error in refusing to reopen the Applicant's work permit application and confirming that she was inadmissible for misrepresentation. I conclude that the Reconsideration Decision was reasonable. The application is accordingly dismissed.

[13] Given my conclusion above, it is unnecessary to address the Applicant's failure to follow the protocol set out in this Court's *Amended Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection Proceedings* dated June 20, 2025, in order to make allegations of professional incompetence or negligence on the part of her former consultant as a ground for relief in the application. I simply point out that it would be unfair to impute blame on the consultant in this case as there is no indication that he was notified with sufficient details of the serious misconduct allegations and advised that the matter will be pled in this proceeding.

[14] The parties agree that there is no question to certify.

JUDGMENT IN IMM-20004-24

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. There is no question for certification.

"Roger R. Lafrenière"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-20004-24

STYLE OF CAUSE: PAVANJIT KAUR GREWAL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 8, 2025

JUDGMENT AND REASONS: LAFRENIÈRE J.

DATED: OCTOBER 10, 2025

APPEARANCES:

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