

Federal Court



Cour fédérale

Date: 20251023

Docket: IMM-18297-24

Citation: 2025 FC 1717

Toronto, Ontario, October 23, 2025

PRESENT: Mr. Justice Brouwer

BETWEEN:

SUKHPREET KAUR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Sukhpreet Kaur is a 28-year old citizen of India who applied for a study permit in order to pursue graduate studies in British Columbia. Her application was rejected by an Officer with Immigration, Refugees, and Citizenship Canada [IRCC] on September 20, 2024, on the basis of misrepresentation.

[2] Prior to refusing her application, the Officer sought to confirm the International English Language Testing System [IELTS] score from the report she had submitted with her application, but their search yielded no results. The Officer gave Ms. Kaur an opportunity to demonstrate that she had not misrepresented her test score through a Procedural Fairness Letter, but in response Ms. Kaur simply submitted a different test result and provided no explanation for the apparently non-genuine report she submitted originally. The Officer therefore rejected her application on grounds of misrepresentation contrary to section 40(1)(a) the *Immigration and Refugee Protection Act*, SC 2001, c 27, as a result of which Ms. Kaur was also barred from Canada for five years (*IRPA*, s 40(2)(a)).

[3] Ms. Kaur sought judicial review of the decision, arguing that the Officer had erred by entering the wrong test score number from the IELTS report and unreasonably rejecting her application on an incorrect basis. To demonstrate the error, she swore an affidavit that included as an exhibit a copy of the IELTS report that she asserted she had submitted to IRCC.

[4] In preparation for this hearing the Court observed that contrary to the Applicant's argument, the IELTS report number that the Officer had sought to confirm matched the number on the IELTS report that had been submitted by the Applicant, which was contained in the Certified Tribunal Record [CTR]. However, the Court also noticed that the version of the IELTS report that had been adduced in the Application Record, although identical to the report in the CTR in almost every respect, contained a different report number and had different results.

[5] At the outset of the hearing, Applicant's counsel was invited to explain this discrepancy. He appeared genuinely taken by surprise, as did Respondent's counsel, by what appeared on its face to be a glaring problem that fully rebutted the Applicant's position.

[6] The Applicant's counsel first asserted that he had never received the CTR so was not aware of any discrepancy, despite evidence that the CTR had been emailed to him at his proper email address on June 23, 2025. The Court recessed so that the Registry could re-send him the CTR and he could review and compare the relevant pages. Upon resumption, the Applicant's counsel conceded the discrepancy between the IELTS report contained in the CTR and the version in his Application Record, and agreed that the Officer had in fact properly entered the number of the IELTS report that had been submitted to IRCC. The Applicant's counsel had no explanation for the inclusion of a version of the IELTS report in the Application Record that was different from what had actually been submitted to IRCC and asserted that the responsibility for the discrepancy possibly lay with a consultant in India. He then resiled from his argument that the Officer had unreasonably rejected the application but asked the Court to relieve Ms. Kaur from the five-year bar anyway because she is a very intelligent student and the refusal would harm her career.

[7] As I advised the parties at the close of the hearing, I am dismissing the application. The Applicant has failed to identify a reviewable error, in the absence of which this Court lacks jurisdiction to grant the Applicant the relief she seeks.

[8] Further, counsel for the Applicant is cautioned to exercise greater diligence in the future, both with respect to the receipt and review of CTRs prior to hearings and with respect to the materials he places before this Court. In this case, the resources of the Court as well as those of the Respondent were spent preparing for and conducting a hearing on a matter that the Applicant's counsel, with proper diligence, should have recognized had no foundation and no chance of success.

JUDGMENT in IMM-18297-24

THIS COURT'S JUDGMENT is that:

1. The Application for judicial review is dismissed.
2. There is no question for certification.

"Andrew J. Brouwer"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-18297-24

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

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 8, 2025

JUDGMENT AND REASONS: BROUWER J.

DATED: OCTOBER 23, 2025

APPEARANCES:

Gurkanwarpal Rehal	FOR THE APPLICANT
Afreen Sharma	
Pavel Filatov	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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