Federal Court Cour fédérale

Date: 20250602

Docket: IMM-513-24

Citation: 2025 FC 990

Vancouver, British Columbia, June 2, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

AJIT PAL SINGH MINHAS

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS
(Delivered orally from the Bench on June 2, 2025)

[1] The Applicant seeks judicial review of an immigration officer's decision refusing his application for permanent residence under the Provincial Nominee – Express Entry program and determining that he was inadmissible to Canada for five years for misrepresentation under paragraph 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*].

[2] As the Applicant acknowledges, the officer had four reasons for their misrepresentation finding:

(i) The Applicant's proof of residing near his workplace was not credible.

(ii) The bank statements showing the Applicant's employment income did not match previously provided bank statements.

(iii) The Applicant's salary documentation provided was not credible. The last two pay slips show signs of forgery as the employer signatures do not match.

(iv) The Applicant and his wife failed to disclose prior visa refusals.

[3] The Applicant asserts that the officer misapprehended the evidence related to the first three findings above about his work experience. I do not agree. The officer's assessment of the evidence was transparent, justified, and intelligible. The Applicant is asking the Court to reweigh this evidence, which is inappropriate on judicial review: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 125 [*Vavilov*]. As a result, there is no legal basis to interfere with these three findings.

[4] With respect to the undisclosed temporary residence visa refusals, I agree with the Applicant that the officer failed to address his submissions. In response to the officer's October 2023 inquiry asking for an explanation for the omission, the Applicant replied that it was "an honest mistake". More specifically, he stated that he "mistakenly believed that the question concerning refusals pertained solely to permanent residency refusals". In my view, these statements are sufficient to invoke the innocent mistake exception.

[5] This Court has consistently determined that where an applicant contends that a failure to disclose was an honest mistake, officers are required to assess whether the innocent mistake exception applies: *Aria v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 1800 at para 2; *Singh v Canada (Citizenship and Immigration)*, 2024 FC 1369 at para 25; *Patel v Canada (Citizenship and Immigration)*, 2023 FC 614 at paras 12–16; *Rawat v Canada (Citizenship and Immigration)*, 2023 FC 476 at paras 31, 34, 37–39; *Markar v Canada (Citizenship and Immigration)*, 2022 FC 684 at paras 22–29; *Gill v Canada (Citizenship and Immigration)*, 2021 FC 1441 at paras 2, 21, 23, 26. The officer failed to do so here.

[6] While the officer referred to the Applicant's October 2023 explanation in their refusal letter, the officer failed to engage with the Applicant's evidence that he misunderstood the question. Rather, the officer based their misrepresentation finding on the Applicant's further explanation provided in response to a November 2023 procedural fairness letter. In that letter, the Applicant added that his father was the one who worked with the representative to submit the application on his behalf. The officer noted that applicants are nonetheless responsible for the information provided by their representative.

[7] I do not accept the Respondent's argument that the Applicant's account was "evolving" such that the officer could disregard his first explanation. Indeed, it was reasonable for the Applicant to assume that the officer would take his explanation about inadvertence into account in making their final decision. The November 2023 procedural fairness letter gave the Applicant an opportunity to provide additional evidence. In that respect, his explanation about the use of a representative was supplemental. It did not replace what the Applicant had previously stated about

misunderstanding the question about past visa refusals. In other words, the two explanations were not mutually exclusive.

[8] Ultimately, however, the officer's error is inconsequential. Remitting the matter for redetermination would serve no useful purpose as it would have no bearing on the Applicant's five-year inadmissibility to Canada: *Vavilov* at para 142. This is because the officer's misrepresentation determination was grounded in all four findings set out in paragraph 2 above. As explained, I find that the other three findings are reasonable.

[9] For these reasons, the application for judicial review is dismissed. The parties did not raise a question for certification, and I agree that none arises.

JUDGMENT in IMM-513-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question for certification.

"Anne M. Turley"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-513-24
STYLE OF CAUSE:	AJIT PAL SINGH MINHAS v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	VANCOUVER, BRITISH COLUMBIA
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