

Federal Court



Cour fédérale

Date: 20250604

Docket: IMM-6936-24

Citation: 2025 FC 1011

Vancouver, British Columbia, June 4, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

TASSIN BRAVERMAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, a citizen of the United States, submitted an expression of interest for permanent residence under the Express Entry – Federal Skilled Worker program on August 25, 2023. Within 20 minutes of his original submission, the Applicant re-submitted his profile with updated information. That same day, Immigration, Refugee and Citizenship Canada [IRCC] sent the Applicant two letters. One letter informed him that he was not eligible for the Express Entry

program as he failed to meet the minimum requirements. The other letter stated that he had been accepted into the pool of candidates.

[2] The Applicant purports to seek judicial review of IRCC's refusal to invite him to apply for permanent residence in its Express Entry draw on or about October 10, 2023. The Applicant states that this "decision" was received on March 22, 2024.

[3] Subsection 10.1(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, [IRPA] provides that a foreign national who seeks to enter Canada as a member of a class that is referred to in an instruction under paragraph 10.3(1)(a) may make an application only if the Minister has invited them to do so. Ministerial Instructions applicable at the time explain the invitation process.

[4] In accordance with paragraph 10.2(1)(b) of the *IRPA*, the Minister determines whether "the foreign national occupies the rank required to be invited to make an application and, if so, is to issue the invitation in accordance with [Ministerial] instructions given under paragraph 10.3(1)(l)".

[5] IRCC's August 2023 letter advising the Applicant that he had been placed into the Express Entry pool made clear that there was no guarantee that he would be selected. That was by invitation only:

What happens next

We will rank candidates in the pool and have regular draws to invite top candidates to apply for permanent residence through one of Canada's economic immigration programs. **You must have an invitation from IRCC before you can apply for permanent residence in these programs.**

If you get a high score and are a top-ranked candidate in the Express Entry pool, you will be considered for an invitation to apply. If you are invited to apply, we will send you a message through your account.

[Emphasis in original]

Letter dated August 25, 2023, Certified Tribunal Record [CTR]
at 94

[6] The Applicant argues that, based on his comprehensive ranking score [CRS] on the date of the October draw, he should have been invited to apply for permanent residence. He states that the CRS had since risen and that, as a result, he has been prejudiced.

[7] The fundamental flaw with the Applicant's judicial review application is the lack of evidence. There is no evidence in the CTR about this October 2023 draw and what the requisite CRS for selection was at that time. The Applicant simply asserts that having achieved a score of 511, he should have been invited to apply for permanent residence in that draw. He has not filed any evidence in support of this argument.

[8] In his Application for Leave and for Judicial Review, the Applicant states that IRCC's "decision" to refuse to issue him an invitation in October 2023 "was received on March 22, 2024". This means that the Applicant, or his counsel, must have received some sort of communication, notification, or information on that date to trigger the filing of this application. However, he did not file any evidence about this, nor was Applicant's counsel able to provide any additional information at the hearing.

[9] This application for judicial review is based on mere assertions. In the absence of any evidence about this “decision”, the Court cannot undertake judicial review and determine whether the Applicant’s non-selection was either procedurally unfair or unreasonable.

[10] Based on the foregoing, 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-6936-24

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-6936-24

STYLE OF CAUSE: TASSIN BRAVERMAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: JUNE 2, 2025

JUDGMENT AND REASONS: TURLEY J.

DATED: JUNE 4, 2025

APPEARANCES:

Joshua Slayen	FOR THE APPLICANT
Brett Nash	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Slayen Immigration Law Barristers and Solicitors Vancouver, British Columbia	FOR THE APPLICANT
Attorney General of Canada Vancouver, British Columbia	FOR THE RESPONDENT