

Federal Court



Cour fédérale

Date: 20261001

Docket: IMM-19440-25

Citation: 2026 FC 1216

Toronto, Ontario, October 1, 2026

PRESENT: The Honourable Justice Battista

BETWEEN:

KULDEEP KAUR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS AND JUDGMENT

(delivered orally from the bench on October 1, 2026)

[1] The Applicant’s temporary resident visa was cancelled, and she was subsequently found inadmissible for misrepresentation under section 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[2] After the cancellation of the visa, a procedural fairness letter asked the Applicant to respond to the following statement: “The property valuation report that you submitted in support of your application was verified and confirmed to be fraudulent.”

[3] This statement represents a conclusion rather than an expression of concern or an explanation of reasons for the Officer's concern.

[4] By contrast, the Officer's notes in the Global Case Management System describe the facts underlying the conclusion in more detail. The notes indicate that the property valuation report was determined fraudulent based on its similarity to reports submitted in other applications.

[5] The Applicant was denied the opportunity to become aware of the Officer's concern, and to fairly respond to that concern, based on the general conclusion stated in the procedural fairness letter. Accordingly, the procedural fairness letter breached the high procedural fairness standards required for misrepresentation findings (*Nguyen v Canada (Citizenship and Immigration)*, 2025 FC 1894 at para 2; *Agyemang v Canada (Citizenship and Immigration)*, 2026 FC 30 at paras 47, 62-63; *Odobov v Canada (Citizenship and Immigration)*, 2026 FC 49 at para 17). The application for judicial review is therefore granted.

JUDGMENT in IMM-19440-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, and the decision finding the Applicant inadmissible for misrepresentation under section 40(1)(a) of the *Immigration and Refugee Protection Act* is set aside.
2. There is no question for certification and no order concerning costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-19440-25

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

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 1, 2026

REASONS AND JUDGMENT: BATTISTA J.

DATED: OCTOBER 1, 2026

APPEARANCES:

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Jacob Davidson	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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