

CANADA / JUDGMENT

Boit v. Canada (Citizenship and Immigration)

2026 FC 325

COURT

Federal Court

DECIDED

10 March 2026

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Boit v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-10 Neutral citation 2026 FC 325 File numbers IMM-19973-24 Decision Content Date: 20260310 Docket: IMM-19973-24 Citation: 2026 FC 325 Ottawa, Ontario, March 10, 2026 PRESENT: The Honourable Madam Justice Blackhawk BETWEEN: BRIAN KIPTOO BOIT Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I.

Overview [1] This is an application for judicial review of a decision of an officer of Immigration Refugees and Citizenship Canada (“IRCC”) (the “Officer”), dated October 8, 2024, that denied the Applicant’s application for permanent residence under the Spousal Sponsorship Class (“the Decision”) on the basis that the Applicant is inadmissible pursuant to section 72(1)(e)(i) of the Immigration and Refugee Protection Regulations, SOR/2002-227 (“IRPR”) due to a finding of misrepresentation pursuant to subsection 40(1)(a) of the Immigration and Refugee Protection Act, SC 2001, c 27 (“IRPA”).

- [2] The Applicant argues that the Decision is unreasonable because the Officer erred in finding that the Applicant failed to disclose information concerning their use of a representative.
- [3] The Respondent argues that the Decision is reasonable and that the Applicant’s arguments amount to a collateral attack of a decision made on January 9, 2024 in respect of the Applicant’s prior application for a Temporary Resident Visa (“TRV”), which is not properly before this Court in the present Application.
- [4] For the reasons that follow, this application is dismissed. II. Background [5] The Applicant is a citizen of Kenya.
- [6] On December 28, 2022, the Applicant married Sharon Kibet in Kenya. The Applicant’s spouse is a Canadian citizen.
- [7] On October 25, 2023, the Applicant received a letter from IRCC indicating that a decision had been made in respect of his application for a TRV and that his passport was required to finalise processing. A multiple entry visitor visa, valid from October 25, 2023 to November 7, 2027, was added to his passport.

- [8] On November 20, 2023, the Applicant's visitor visa was cancelled.
- [9] On November 27, 2023, the Applicant was advised by letter that an officer had reasonable grounds to believe that the Applicant had not been truthful in his TRV application; that the Applicant failed to declare that his application was facilitated by a paid representative.
- [10] The Applicant traveled to Canada using the visitor visa added to his Kenyan passport on December 1, 2023.
- [11] On January 9, 2024, the Applicant applied for permanent residence under the Spousal Sponsorship Class.
- [12] On October 8, 2024, the Applicant's application was refused because of the earlier finding of misrepresentation in respect of the Applicant's TRV application. III. Issues and Standard of Review [13] The parties submit, and I agree, that the standard of review applicable to the Decision in this case is reasonableness (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov] at paras 25, 86).
- [14] Reasonableness review is a deferential standard and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (Vavilov at paras 12–15, 95). The starting point for a reasonableness review is the reasons for decision. Pursuant to the Vavilov framework, a reasonable decision is “one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker” (Vavilov at para 85).
- [15] To intervene on an application for judicial review, the Court must find an error in the decision that is central or significant to render the decision unreasonable (Vavilov at para 100).
- [16] The sole issue in this application is the reasonableness of the Officer's decision. IV. Analysis [17] The following statutory framework guides the analysis in respect of misrepresentations made in the context of an immigration application.
- [18] Section 16(1) of the IRPA states that a person making an application must answer all questions put to them truthfully and must produce all evidence and documents the officer requires to assess their application.
- [19] Section 40(1)(a) of the IRPA sets out that “a permanent resident or foreign national is inadmissible for misrepresentation for directly or indirectly misrepresenting or withholding material facts” that could induce an error in the administration of the IRPA. Pursuant to section 40(2)(a) of the IRPA, persons found to be in violation of section 40(1) of the IRPA are inadmissible for a period of five years.
- [20] Finally, I note that section 51 of the IRPA underscores the duty of candor applicable to persons seeking permanent residency.

- [21] This legislative backdrop informs the Court's assessment of the reasonableness of the Decision at issue in this Application.
- [22] The Applicant argues that the Officer made a reviewable error in their assessment of the admissibility of the Applicant. In particular, the finding that the Applicant failed to disclose information concerning their representative who assisted with his TRV application.
- [23] The Respondent argued that the decision was reasonable. The Respondent notes that the Decision at issue in the current application is not the decision dated January 9, 2024—the finding of a misrepresentation—but rather, the denial of the spousal sponsorship application. The Respondent further argued that the Officer's reasons clearly set out that the Applicant was inadmissible due to the previous finding of misrepresentation.
- [24] The notes contained in the Global Case Management System ("GCMS"), which form part of the reasons, state: Based on the review of all documentation on file, the PA's immigration history and adverse information, and the response to the PFL provided on 2024/09/19, I am not satisfied that the client is not inadmissible for Misrepresentation pursuant to 40(2)(a) of the Act. The Applicant continues to be inadmissible to Canada for a period of 5 years from the date of the decision made on 2024/01/09 on his TRV application.
- [25] The Decision letter to the Applicant dated October 8, 2024 states: It has been determined that you do not meet the requirements for immigration to Canada. ... I have reason to believe that you are inadmissible to Canada on the grounds of Misrepresentation. Based on the review of all documentation on file and additional information provided on 2024/09/19, I am not satisfied that you are not inadmissible for Misrepresentation pursuant to 40(2)(a) of the Act. You continue to be inadmissible to Canada for a period of 5 years from the date of the decision made on 2024/01/09 on your TRV application and has rendered you inadmissible for this application for Permanent Residence under the Spouse, Common Law, partner in Canada Class.
- [26] The Applicant argued that they were not under any obligation to disclose information concerning Ghost consultants or persons who are not described in the IRPR at section 10(2). Further, the Applicant argued that an applicant may change their reasons for staying in Canada.
- [27] With respect, both arguments advanced by the Applicant are without merit. I agree with the Respondent that the Applicant's arguments amount to a collateral attack of the decision concerning the finding of misrepresentation in respect of his TRV application. To be clear, that decision is not before me in the context of the present application. The Applicant had an opportunity to judicially review that decision but did not. He cannot now, through the present application, indirectly challenge the finding of a misrepresentation or the consequences that follow that decision. I am persuaded by the Respondent's submissions that the Officer had no jurisdiction to grant the relief sought by the Applicant, namely, to reconsider the finding of misrepresentation.

- [28] The Applicant did not establish that the Decision to deny the application for permanent residence under the Spousal Sponsorship Class was unreasonable.
- [29] Considering the finding of misrepresentation in respect of the Applicant's TRV application and the resulting five-year period of inadmissibility, in my view, the Decision is reasonable.
- [30] I understand that the Applicant is of the view that the consequences that follow the finding of misrepresentation are unduly harsh. I also appreciate that the Decision impacts the Applicant's spouse and child. The Applicant argued that the Officer failed to consider his circumstances and his explanation concerning the representative who assisted with his TRV application. However, the consequences of the finding of misrepresentation does not in and of itself render the present Decision unreasonable.
- [31] Further, I will note, that this Court has underscored that applicants are generally responsible for the consequences that follow their choice of representation; *Sandhu v Canada (Citizenship and Immigration)*, 2026 FC 212 at para 20.
- [32] Finally, I will note that the Applicant seeks his costs in respect of this Application. As noted by the Respondent, Rule 22 of the Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22 clearly set out that costs are not to be awarded absent special circumstances. The Applicant has not established that special circumstances arise in this Application that would justify an award of costs. V. Conclusion [33] The Officer reasonably found that based on a prior finding of misrepresentation the Applicant is inadmissible and accordingly, the Decision to deny his application for permanent residence under the Spousal Sponsorship Class is reasonable.
- [34] The parties did not raise questions for certification and I agree there are none. JUDGMENT in IMM-19973-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. No question is certified. No award as to costs. "Julie Blackhawk" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-19973-24 STYLE OF CAUSE: BRIAN KIPTOO BOIT v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: January 26, 2026 JUDGMENT AND REASONS: BLACKHAWK J. DATED: March 10, 2026 APPEARANCES: Lisana Walks For The Applicant Teresa Ramnarine For The Respondent SOLICITORS OF RECORD: Looney Tooney Barrister and Solicitor Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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