

Federal Court



Cour fédérale

Date: 20170227

Docket: IMM-2797-16

Citation: 2017 FC 244

Vancouver, British Columbia, February 27, 2017

PRESENT: THE CHIEF JUSTICE

BETWEEN:

HARPREET KAUR

Applicant

And

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered orally)

[1] This Application for judicial review concerns a decision [the Decision] of a visa officer regarding the Applicant's application for permanent resident status as a member of the Federal Skilled Worker Class.

[2] However, a preliminary issue raised is whether the Applicant, Harpreet Kaur, should have sought an extension of time within which to bring this Application. That issue turns on when Ms. Kaur received the Decision.

[3] In her Application for Leave and for Judicial Review, Ms. Kaur indicated that she was notified of the Decision on June 23, 2016. However, in her written representations, she stated that she received the Decision “on or about November 27, 2015.” According to the computer notes that form part of the Decision, the Decision was communicated to Ms. Kaur on the latter date.

[4] At the hearing of this Application, Ms. Kaur’s counsel conceded that the Certified Tribunal Record [CTR] indicates that the Decision was communicated to Ms. Kaur on November 27, 2015. When asked whether the Applicant is suggesting that the CTR is inaccurate with respect to this issue, he replied in the negative.

[5] When asked whether Ms. Kaur has a reasonable explanation for why this Application was filed approximately five months beyond the 60-day limit set forth in paragraph 72(2)(b) of the *Immigration and Refugee Protection Act, SC 2001, c 27*, counsel again replied in the negative.

[6] It appears that the “immigration consultant” to whom the Decision was initially sent either was unaware of the 60-day time limit, or inadvertently failed to advise Ms. Kaur of that limit, due to an “oversight.”

[7] In my view, neither of those explanations constitutes a reasonable explanation for the delay in filing this Application.

[8] In the absence of any other explanation for that delay, an extension of time as required by Rule 6(1) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 would not have been granted. However, Ms. Kaur did not even request such an extension.

[9] Accordingly, this Application will be dismissed.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. This Application is dismissed.
2. There is no question of general importance to certify.

"Paul S. Crampton"
Chief Justice

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-2797-16

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

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: FEBRUARY 27, 2017

JUDGMENT AND REASONS: CRAMPTON C.J.

DATED: FEBRUARY 27, 2017

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