

A day in the life of an immigration lawyer

As an immigrant and foreign-trained professional, it only seemed logical that I gravitated towards the practice of immigration law upon being called to the Bar in Ontario. Not that other immigrants and foreign-trained professionals do not have other skills and interests; I just felt that my personal journey and struggles encountered in the process of migrating to Canada furthered my passion and determination to assist others in this oftentimes tricky and complicated area of law.

The process of applying to migrate to Canada appears to be a rather simple and manageable process. The comprehensive Citizenship and Immigration Canada (CIC) website with all the necessary forms, guides and manuals detailing the application process, allows practically anyone who can read and understand English to prepare an immigration application package. In fact, the CIC website emphasizes that hiring a lawyer or consultant is not required in this process.

While the above may be true for the most part, the reality is that many applications get denied for simple (or not-so-simple) errors that could have been avoided if the applicant sought professional legal help in the first place. With the multiple forms, supporting documentation and other requirements (that are often known or familiar only to those who have gone through this process numerous times), it is easy to miss some seemingly insignificant data but which could ultimately spell the difference between success and failure in an application. Aside from the often lengthy processing times, CIC officers are vested with substantial discretion in the decision-making process. It is therefore important to do the application package right at the first opportunity.

All too often, the services of immigration lawyers like myself are only sought when the initial application has been refused or when self-prescribed remedies have failed. It can be especially frustrating when, after some egregious errors have been committed, a client suddenly comes and expects the lawyer to miraculously resolve the issues in a matter of days. During extreme instances, I have even received phone calls seeking assistance just a few hours prior to a person being deported!

While non-lawyers are allowed to represent litigants at the Immigration and Refugee Board, only lawyers can appear before the Federal Court. However, at both levels, there are technical legal rules to be followed and evidentiary burdens to be met. If the lawyer is called upon to assist only at the Federal Court level to seek judicial review and/or a motion to stay the removal order, it will be a very challenging task to obtain a positive ruling if the legal and factual foundation is weak or has been weakened by errors committed earlier on.

Overall, the practice of immigration law can be both fulfilling and frustrating. Whichever way, it is never boring.

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