

Immigration to Canada

DO I NEED AN IMMIGRATION PROFESSIONAL?

Immigration law is complicated. It changes often. Those dealing in Immigration are expected to be experts in the interpretation of the immigration Act and its accompanying regulations. Those involved in this process should be well versed with inquiries, appeals, Judicial reviews, stays, appeals - the process and venues are manifold.

Immigrating to Canada is one of life's greatest and most important decisions. It is advisable that this matter be handled by professionals who have experience and expertise in this field. It is not worth gambling it away by taking a chance and eventually being refused a visa.

Our motto is "Getting it right the very first time". This sums up the reason for hiring us to bring you to Canada. As we have brought literally hundreds of families to Canada, we are well versed with all the procedures and complications of immigration.

When we accept a case for immigration, the candidate would have passed our tough criteria for being qualified for immigration. We do not accept cases, which we feel, will result in a negative result. Hence, all our candidates enjoy the confidence we provide.

As we are physically located in Canada, we are here to receive you physically and re-locate you into the mainstream of the life in Canada. Please see our web site and study the services offered to all landed immigrants.

One of the most often asked questions is "can I apply by myself?". The short answer is, of course, "Yes, you can!". Anyone can pick up a form from the local Canadian Embassy or Consulate and "fill out the forms" themselves! Many Canadian Immigration Sites such as ours or the official Canadian Government site even offers you downloadable forms for you to fill. That being the case, how is it then that so many people choose to seek the services of an immigration professional?

There are many reasons for this. The first step in understanding the need for immigration professional is to debunk a myth! Many people have this notion that all the immigration lawyer or consultant does is type out the form and send it in with the required fee and documents! Let us be very clear that this is the very least of what a competent and reliable professional can and SHOULD do for you.

As in all situations in life - the genuine are always counterfeited by con-men waiting to pounce on the innocent prospective immigrant. But these should not deter a sincere effort to narrow down a choice to those who have been established in this process for a number of years. It is preferable to have a local representative who can be relied on for co-ordinating the whole process.

The fact is that effective representation does increase the likelihood of visa applications being accepted. Visa Officers exercise considerable discretion in approving or refusing applicants. If interviews with Visa Officers are required, clients are briefed in advance. The immigration process is no place for surprises

[Assessing Your Chances of Success in Advance](#)

One of the most important things you need to know when deciding whether to apply for permanent residence to Canada is your chances of success. There are many reasons for this. Firstly, the application process involves the payment of non-refundable government fees, portions of which are non-refundable. Secondly, people who apply usually believe they will succeed and

therefore conduct their affairs in a way which takes this into account. Decisions which are made or which are avoided during this time can prove to be very costly if the application is not successful or if it is significantly delayed.

An experienced immigration professional is able to assess your chances of success with an extremely high degree of certainty before the application is submitted. If the application does not seem viable such an adviser would discourage you from applying at that time or until your circumstances change. With this advice, you can avoid losing the non-refundable portion of your application fees. You will also avoid decisions such as i.e. listing your home and furnishings for sale, not registering the children for school in the new academic year etc.

Providing Second-Opinion to Visa Offices Pre-Application Assessment

More and more applicants are basing their decision solely on the results of a Self-Assessment Kit provided by Canadian visa posts or on a reply given by a visa post to a Pre-Application Questionnaire. This, method although very informative can be un-reliable for several reasons.

Firstly, the role of a Canadian visa post needs to be understood. Its role is not to advocate what is in the best interests of the prospective applicant. That is the role of his/her legal adviser. The role of the visa office is quite different. Its role is to enforce Canada's laws governing the selection of immigrants and to select the best candidates. The immigration professional's role is to highlight the applicant's qualities and to help persuade visa officials that the applicant is worthy of selection and meets all selection criteria. If at first blush you don't appear to qualify for selection, your adviser's role will be to take a second look to see what other alternatives exist to help you make a successful application. Again, this is not something that one should expect the visa officer to do for you any more than you should expect a tax collector to advise you how to arrange your financial affairs in a manner that would expose you to the least amount of income tax!

Secondly, the "self-assessments" can be unreliable because they depend not only on the prospective immigrant's categorization of his qualities including his/her experience, language skills etc. but also on his/her interpretation of the selection rules. This can be quite problematic. For example, a secretary credits herself with the points under the occupation "secretary" and concludes she doesn't qualify. She reaches this conclusion by overlooking the category "executive secretary" for which she is obviously experienced. Or a person records that he speaks English "with difficulty" when his skills could fairly be described as "well" thus entitling him to the extra points he needs to achieve a passing score. Or a person states that he has one year of experience in a particular occupation and is encouraged by the visa post to apply when, in reality, the person's "work experience" was part of his vocational training leaving him with no qualifying work experience within the meaning of Canada's selection criteria. Or finally a person states that he has no criminal record when, in fact, he has a conviction for drunk driving which in Canada is considered a criminal offense even though it is not considered "criminal" in his country of origin. These are just a few examples of people who base an extremely important decision on an opinion which is formed on the basis of information which proves to be unreliable.

Accordingly, and in our experience, many would-be applicants have been discouraged from making such applications when they clearly qualified and many applicants who were encouraged to apply did so only to discover that the documentation which was submitted with their application, or the answers given at their interview provided additional details which showed them ineligible for selection.

An experienced immigration professional will be able to sort out these areas of potential misunderstanding and best ensure that your documents and the answers you will give at your immigration interview will support a successful application before it is submitted.

Providing an Objective Analysis of Your Qualifications

Many of the decisions that visa officers must make are highly discretionary. This is particularly so in the case of applications made under the Business Immigration Program. In the case of an application made under the "entrepreneur category" the visa officer has an enormous amount of discretion. The major question the visa officer has to ask him/herself is "does this applicant have the ability to establish, purchase or make a substantial investment in a business in Canada that will make a significant contribution to the economy". The intending immigrant is rarely possessed with the insight needed to know with a great degree of certainty whether or not he/she can satisfy this test. For example, what factors are considered in assessing "ability", what exactly is a "substantial investment", what does a "significant contribution to the economy" mean?

A similar question is found in the context of applications made under the Independent Category of immigrants. The major question the visa officer has to decide at the applicants interview is whether the applicant and his/her dependents can become "successfully established in Canada" having regard to their "adaptability, motivation, initiative, resourcefulness, and other similar qualities". These are questions that will be addressed and which will in most cases be determinative of the person's application. Therefore, before launching an application it is important to determine whether or not such questions will likely be answered favourably.

Enhancing Marginal Cases

Many, if not most, applications can fairly be described as "border-line cases". The difference between the success or failure of such an application depends largely on the manner in which it is presented or "packaged". An experienced immigration professional will be able to identify what type of information can be supplied to the visa post or what initiatives the applicant can undertake which are most likely to favorably impress the visa officer considering the application. Your adviser might i.e. recommend improving your language skills and the type of documentation to evidence your improved ability; recommend an exploratory visit to Canada; help you improve your knowledge of Canada and its markets; solicit job offers for you and/or your spouse; help explain a lengthy period of unemployment in your work history; make representations that you have rehabilitated yourself since the commission of a crime in your distant past etc. These representations can, and often do, make a decisive impression on the visa officer.

Improving your Chances if Not Qualified

Many times a person who seeks to immigrate to Canada simply does not qualify. In such cases an immigration professional should be willing and able to tell you the reasons why you don't qualify and what avenues are reasonably open to you to change your circumstances to make you qualify. This will prevent you from undertaking changes which you think might help but which, in reality, will have no positive influence on your qualifications.

The most common areas in need of improvement are length of work experience, level of education completed, and language ability. Your adviser should be able to take into account your unique circumstances and identify which areas will yield the greatest increase in your overall point score and in the shortest amount of time. In cases where the applicant has no close relatives living in Canada, the professional can help bring an aunt/uncle/parent etc. to Canada ahead of you which will then entitle you to a "kinship bonus" which will increase your score and which might possibly sustain a successful application. Therefore, even when you know for sure that you don't presently qualify for immigration to Canada there may still be reason to see an experienced immigration practitioner to see how you can become qualified.

Avoiding Costly Mistakes Based on Rumours and Gossip

There is always a plethora of mis-information, rumour, and gossip that is abound everywhere and that people foolishly believe and rely upon to their detriment. Many times half the battle is simply sorting out the facts from the fantasies. Acting on such unreliable information can not only cost you the success of your application, but, more importantly, your credibility in any future application that you might wish to make. Many applicants have concealed the fact that they are married or have children because they are told "it will be easier to get in". Some are told to claim work experience which they do not have since their own occupation is not "in demand" in Canada. Such nonsense goes on and on everywhere and can result only in disappointment when it is discovered, as it often is. Choosing a reliable and honest immigration professional will help you conduct your application in manner which will best ensure its success without having to resort to bad, mistaken, or fraudulent information.

Applying Under the Right Category

Sometimes an applicant has the intention of applying under a particular category in circumstances where it might be more advantageous to apply under a different category. Since a person's qualifications are based on their "intended occupation" in Canada or on their intention to establish or invest in a business it is important to formulate and state an intention that is one which will likely lead to a successful application. For example, a person who is an engineer might qualify for immigration under the "Independent Category" of immigrants or under the "Entrepreneur Category". This will depend on whether or not he/she intends to seek employment as an engineer or if he/she intends on setting up his/her own engineering consulting firm. While priority processing is (presumably) given to business applicants, does it make sense in this case to apply under the business category? There are a number of factors which are important to this decision including the person's previous self-employment or management experience and the fact that if the application is made under the business category, the visa that will be issued upon completion of the application will contain a condition that the person must establish the business within 2 years of arrival in Canada or face removal from Canada. Visas issued under the "Independent Category" do not carry any such conditions of admission. Such considerations need to be taken into account long before the application is made.

Timing the Application Process

In many cases the timing of the application can have a profound effect on its success or failure. Accordingly, having an immigration professional handle your case may help you avoid detrimental timing issues. Generally speaking, a person's qualifications are fixed as of the day the application is submitted. Therefore, even where you have been advised by a visa office that you qualify for immigration that opinion can quickly become affected by the passage of time or changes in your circumstances. For example, a person loses points for every year they exceed the age of 44. Therefore, submitting the application before the next birthday may prevent the loss of points that are critical to the success of the application. A similar concern is where a dependent child is over 19 years of age and close to elimination from the definition of "accompanying dependent". If the application is not timed correctly, (i.e. fast) the application might be successful but the child would not be included as a member of the family unit. Such a "successful" application would, in most cases, be a rather hollow one. An experienced immigration professional will also be aware of any anticipated regulatory changes which might affect an existing client's qualifications. Such an adviser should recommend to the client to submit the application as soon as possible if those changes will adversely affect their qualifications. The application can also be delayed if the anticipated changes in circumstances are favorable to the applicant's circumstances.

Anticipating Problems

A seasoned immigration professional will also help you identify potential problems with your application and provide advice as to how to deal with them in advance. One of the most complex

questions affecting an application involves the medical admissibility of the applicant or one of his/her dependents. Quite often, medical officers reviewing a person's medical reports may form the opinion that a medical condition in the applicant's distant past renders the individual inadmissible to Canada. This can include an irregularity in a person's heart even where there has been no previous heart attack or surgery. An immigration professional who is familiar with immigration case law and procedure can assist you in deciding whether or not to submit the application and, if so, what evidence to acquire to help support the medical admissibility of the candidate or a dependent.

Selecting a Visa Post

Many people are under the mistaken belief that they must submit an application for permanent residence at the Canadian visa post located in their country of nationality or at the visa post servicing such country. Although, this may soon change, this is not presently the case. Accordingly, the intending immigrant may submit their application at any immigrant visa processing center. This results in the need to make a very important strategic decisions since not all visa offices are the same! The quality of service these offices provide is not uniform nor are their respective processing times. Simply put, some are better and faster than others! Your lawyer or consultant should have access to the statistics of each visa post as to the number of cases they handle by category and the time it takes the post to process those applications. He or she should also be familiar with special rules that some visa posts have implemented governing the minimum documentary material needed to begin the processing of such applications. If you must travel out of your own country to attend your immigration interview, you must ensure that you will be able to obtain a visa from the country where the Canadian visa post is located if an interview is scheduled. Your lawyer or consultant should also be able to identify any unusual interpretations or practices of the visa office where you are contemplating sending your application.

The selection of the visa post will affect the length of time of the application process more than any other factor. The range of processing times can vary from anywhere between 4-5 months to 24 months or more.

Providing Interim Advice

What you should and should not be doing during the immigration process depends on the circumstances of each individual case. Your lawyer or consultant should give you advice regarding plans for selling off assets, leaving employment, accumulating sufficient funds to effect your settlement in Canada, improving your knowledge of Canada, conducting exploratory visits to Canada, seeking a temporary work permit pending the processing of your application, planning changes to your marital status or planning pregnancies. Proper advice can help you avoid delaying the processing of your application and risking the viability of the application.

The advantages of seeking professional help in preparing and presenting an immigration application include the following:

It is a basic fact that applications processed by immigration professionals are usually processed faster due to the advisers experience in processing and documenting such applications in such a way as to make it easier for the visa office to process it faster.

If you are immigrating to Canada to achieve more gainful employment or because of some valuable business opportunity, the cost of the advisers fees can easily be justified by the speedier realization of the employment or business opportunity.

The hiring of an immigration professional should free up your time to attend to your business or employment where it would be a more cost-effective use of your time than trying to figure out how to prepare and present your application.

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Most Skilled Worker applicants for permanent resident status are required to attend a selection interview with an immigration officer. Such interviews are held to ensure the information in the application is accurate, to verify documentation, to test language ability, and to help applicants relocate to Canada.

Visa offices may grant certain Skilled Worker candidates an interview waiver, depending on the qualifications of the applicant, the quality of the supporting documentation, and the overall credibility of the applicant. The likelihood of an interview waiver varies from one visa office to another.

Complete documentation with appropriate market survey and statistics for the job category can greatly enhance your chances of a success in getting an immigration Visa.

"CanAm Global Enterprises Inc" is a Canadian Company licensed, registered and incorporated in Canada with more than 10 years experience in immigration. We have a satellite office in Seattle USA for handling immigration services specially under NAFTA and business categories.

Our headquarters is based in Vancouver, BC, Canada; however, we have representation in Toronto who attends to the needs of immigrants arriving in Toronto. Currently we have permanent representation in eleven countries.

One of our main activities in immigration is undertaking and establishing business investment projects in Canada. We have on our board of Directors some of Canada's distinguished business professionals well versed in dealing with a variety of business projects on Government levels.

Over the years we have diversified into the high tech industry with a sister concern based in Toronto which is one of the leading firms in providing e-commerce solutions particularly to fortune 500 companies, like BMW, Royal Bank, Bank of Novo Scotia etc.