

Why Hire an Immigration Consultant in Your Immigration Journey

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The aim of this article is to explain why you should hire an Immigration Consultant in your Immigration Journey and not why you should hire us - Right Path Consultants. The article is a personal account, and the experience and opinions are those of the undersigned and not necessarily those of Right Path Consultants.

I (Baljit Singh – Intern at Right Path Consultants - Mumbai/ and exploring to branch out to Chandigarh Tri city) am currently a PR holder and secured the PR status in July 2024. I started by immigration journey in 2015. Canada appealed to me, so I began researching immigration pathways to Canada. I was in Mumbai, India, and looked for an Immigration Consultant to guide me. However, due to my age of about 47, the local consultants could not offer me an immigration pathway. I nonetheless took the study pathway. The first step was to secure admission to a college or university in Canada. Educational Consultants were neither enthusiastic about guiding me to enroll in Canadian Colleges through them. At the initial meeting, I was often asked if I had the query for enrollment of my son/ daughter, when I told them it was for me, the response was not encouraging. Nonetheless, I pursued the matter and hired Ed Wise Education Consultants. I eventually secured admission to an MBA program in the DeGroot School of Business in Hamilton, Ontario. I applied for a student visa through Ed Wise and was glad to have received it.

I applied for a tourist visa for my wife, daughter, and father. During the process of my daughter's application, I was advised by the Canadian Consulate to apply for a student visa for my daughter. Thus, I had to make a new application at extra cost and time. However, my father's Tourist/travel visa was refused, so I approached my visa consultant in Visakhapatnam. All I was advised to do was wait a while and reapply. I did not receive a satisfactory response. I did some 'out of the box' thinking and submitted an affidavit prepared by my family members, explaining certain compelling reasons for having my father with me in Canada, at least temporarily. I am glad to say that I consider myself lucky to have received visa approval for my father. However, I had to incur re- application fees a second time and a period of anxiety until the visa approval was received.

Upon arriving in Canada and settling in Burlington, Ontario, I looked for an immigration consultant to update myself on the available immigration pathways. I learnt about various pathways, e.g., the Ontario Master's Program, where if one completed a master's program, the applicant would be eligible to apply. I was hopeful about this pathway because the alternate pathway was to join the Labour market (i.e., basically get a managerial job), gain Canadian Experience, and then apply for PR. However, even at this stage, I had not seriously performed a CRS computation or assessed my projected

ranking. It was an oversight in retrospect, but the enthusiasm to immigrate overshadowed these details. I hoped to secure PR under Ontario's Master's program and set the PR immigration issue aside until I completed my MBA. When I was closer to completing my MBA, I made enquiries about the Ontario Master's Program and learnt two things. One was that, if one was successful in placing the name in Ontario's Master Pool, the processing time was between 1 and 2 years due to backlog and program capacity. The second interesting point was that the applications were taken in on first cum first serve basis electronically. The caveat was that the number of applications that could be accepted was limited. All, this sounded achievable, as I would plan to sit at the computer to submit the online application. However, when there are 'many' aspirants hitting the same point/link in the IRCC web portal, it is not uncommon for the applicant's online application to freeze while other applications keep filling the intake. It was disheartening to learn that while one was waiting for the online application to unfreeze, the program intake limit had been reached, and the intake window was closed. Furthermore, without an experience of a previous (same) online application, an individual may not necessarily be sure that they are applying at the right link. I therefore hired a lawyer at a handsome fee of CAD 1000. The lawyer was meticulous in informing me that the program window would open in a day or so, only to be disappointed that, though the Lawyer had decided to 'punch in' my application, the program application window closed in a matter of minutes. During this anxious phase and after losing CAD 1000, I learnt that the availability of options/pathways does not necessarily translate into a strong application opportunity, and that there is 'more to' what is displayed on the web portal. The 'more to' what is displayed on the web portal can only come from experience in the 'immigration market'. Thus, the necessity of a guide, by way of an immigration consultant, was relearned the hard way. This is also not to say that if you hire the services of an immigration consultant, you could be 'hands off'. You will still need to stay up to date on the dynamic immigration pathways and discuss the options with your 'immigration consultant'. It is best to take the services of at least one immigration consultant who has your profile and can make a realistic assessment of any upcoming opportunity.

On arrival in Canada, my wife and daughter were issued visitor records. This visitor record sheet is like a permit document. The document shows a validity period, and it also mentions a message at the bottom 'this document is not valid for reentry'. Reading this message cannot be missed, because it is clear, black, bold, in capital letters, and printed center-aligned just above the footnote. However, when my wife, my daughter, or I read the document, we were always concerned and reassured by the validity period mentioned on it. As luck would have it, my wife and daughter departed Canada on a vacation trip and based on the visitor record, my daughter was not allowed to return to Canada, because though the document was valid by date, it did not authorize reentry into Canada, though it allowed one to legally stay in Canada for the duration of the validity. It never occurred to me that a document issued by Canada on entry would not be eligible for re-

entry even if it was within its validity period. I learnt about the interpretation of the visitor record document the hard way and believe that if I had an immigration consultant just as one has a family doctor, I would have been forewarned not allow my daughter to leave Canada and or apply for renewal of the student/ visitor visa before she left Canada.

However, the above incident was only a 'teaser' to the upcoming challenge, which unfolded as I will explain. After the return of my daughter to Canada was denied, I immediately and confidently applied for a student visa, stating that I am a Post Graduate Work Permit holder in Canada, which is valid for the next three years, and my wife would be with me in Canada, and I applied for my daughter's student visa after seeking admission in a Canadian College. I was genuinely disappointed when my daughter's student visa application was refused. I submitted a new application clarifying how it was expected that my daughter would study in India while my wife and I remained in Canada. It did not make sense to me; however, Canada is concerned about applicants not returning to their home country. I was sincere and genuine about my intention to ensure that my daughter would leave Canada if asked to do so, and in any case, I would not jeopardize my future application for PR by defaulting on an illegal stay of a family member. However, the re-application was again refused, and I made yet another third application, bringing out my predicament that my daughter was being denied international study exposure because my wife and I were in Canada. However, the third application was also refused. I then sought the services of an established lawyer at a fee of about CAD 4000 in 2019, who submitted a more formal legal case submission citing a/ few case laws. However, this application through the lawyer was also refused. At this stage, the option was to go to the Federal Court for a judicial review; however, I could not afford the expense, and certain circumstances had changed, which required me to return to India for some time. While I am doing my Graduate Diploma in Immigration and Citizenship law through Queen's University, Ontario, I am learning that Canada is sensitive to temporary residents returning to their home country before/on completion of their authorized stay, and I understand they do not value commitments or promises, however sincere and genuine they may be. Instead, I now believe that bridges to return to the home country must be strengthened by developing and showing new, binding relationship ties, and by establishing reasons for the temporary applicant to return to India. If the immediate family member (father or mother) is in India, it is generally easy for the 'Officer' to believe that the applicant has a bridge to return to India. However, as in my case, if the parents (especially both) are in Canada, the applicant must make a compelling case for necessarily returning to India, and no measure of commitment, genuine intent, or promises is really valued by the Officer.

On retrospect, if I were to prepare for my daughters application again, I would show that i have a ready furnished, running and unhabituated house available in India (this will make it easier for my daughter to return to India from ready accommodation point of view), transfer some property to my daughter (and emphasis that personal presence is

required in India to process property sale – thus daughter would have a binding requirement to return to India sometime in the future) and also seek affidavits from close family relatives that they value the presence of my daughter and are always available to receive/host my daughter. All that I mentioned is ‘out of the box thinking’ and may not even be proposed by inexperienced consultants. To get a reversal of my senior citizen father's travel visa, I prepared the application in the ‘out of the box thinking’ style, and I am proud to say I was successful. Though this pride vanished when I could not arrange a visa for my daughter.

The purpose of the above matter is to show that one may confidently presume certain things, and when they do not occur, it may lead to phases of anxiety, uncertainty, dejection, and disappointment. It is essential that immigration applications be submitted after detailed consultation with experts in the field, and that application plans be strategized. We need to address the concerns of the ‘Officer’ / Canada to have the highest chance of success in the application.

My son, a Military Officer, has visited us (my wife, daughter, and me) a few times while we were in Canada. Earlier, I had prepared his application. I let my son prepare and submit the new travel visa application through a visa travel agent in Mumbai, presuming that, because he had recently travelled to Canada a few times, getting a visa approval would be a formality. However, I learnt that his visa application had been refused. The refusal letter was discussed with an RCIC. The consultation revealed that my son had not completed certain mandatory information, and some travel dates/ type of work details may not have tallied. The RCIC concluded that my son was lucky to only have his visa refused, because if the Visa Officer had been strict, he (the Visa Officer) could also have concluded that my son had ‘misrepresented’. The penalty for ‘misrepresentation’ is a ban on applying for the next 5 years.

This case has been brought out to convey that if you take an application ‘lightly’, not only could you be refused an application, but you could also be penalized for ‘misrepresentation’. Furthermore, it is clear from jurisprudence (Judicial case law) that misrepresentation need not be intended; even if unintended, it is treated as ‘misrepresentation’ and penalized accordingly.

The challenges I faced above should not in any way suggest that routine immigration is difficult; most sail through the process without significant hurdles. However, it is essential to be sensitive to promulgated meanings, definitions, rules, regulations, and policies, and to be aware of ‘on-ground’ unsaid rules, practically followed processes, and types / formats of documents that are accepted but not necessarily promulgated. There is a definite cost associated with a visa refusal, including the expense of reapplication and the time lost while the application is being processed after reapplying. The best odds

of avoiding the cost of lost time and money are to hire an immigration consultant. This is not to say that you must hire 'Right Path Consultants' but do hire an Immigration Consultant.

Another interesting example, a rather amusing one. I had returned to India for about a year during COVID. When I explored returning, I decided to join the Trucking industry and was 'good' to move to any province. After diligent research, I proposed moving to British Columbia because the Provincial Program indicated that I needed 9 months of Truck driving experience in BC to qualify for the BC PNP. Having understood this aspect, I took a paid consultation service with an authorized consultant in BC, Canada. It was apparent that she did not have exposure to the trucking sector, however because she was an RCIC and the consultation charges were at in the lower range which I could afford, I sought a confirmation from her about my plans to move to BC and eventually apply under the BC PNP – Truck Driver 73300 pathway after earning the Truck Driving License and working for 9 months in BC. The Consultant approved the plan, and just to be sure, I also sought written advice on my proposal. The same was received as discussed. Later, during my Driving Class session in Surrey, BC, my co-student, a seasoned Truck Driver from the UAE working to immigrate to BC, informed me that I would need 2 years of Truck driving experience, of which 9 months must be in BC. This finding was brought to the attention of the earlier immigration consultant, who, upon reviewing the policy, agreed with the statement of my co-student, a truck driver, that I needed a total of 2 years of Truck driving experience, of which 9 months must be in BC. Thus, the Truck Driver's statement was found to be correct compared to that of an RCIC.

The above paragraph is not meant to imply that the RCIC was incompetent, but to show how tricky the instructions, guidelines, and policies can be, and that assessing and monitoring the pathway and progress are critical for a cost-effective and peaceful immigration. I have also come across a video clip in the GDiplCL program where an established RCIC states that Canadian Immigration policies are a moving target, and that in this environment, RCICs must maintain a network amongst other RCICs to remain updated on Immigration Policies.

While you still may not engage the services of an Immigration Consultant, it is essential that you engage an immigration consultant after you get a visa refusal or a Procedural Fairness Letter (PFL). A PFL letter is issued by the Visa Officer to request certain information regarding your application. While the contents/concerns in the PFL may appear innocuous (a simple query), they were asked because they have a significant impact on the decision regarding your application, and therefore, the concerns written and unsaid – both need to be realized/understood well enough. Understanding of the concern is not readily available in any online literature or on the IRCC website; it may only be revealed through experience working on similar PFLs. A PFL is normally time-bound,

and Canada requires that applicants meet the timelines and is not obligated to consider a late response to the PFL.

There is a service fee associated with hiring Immigration Consultants, but it may also be seen as an investment that helps you make measured, confident progress in your immigration journey. I am sure a predictable, peaceful and exciting immigration journey is preferred over an uncertain, anxiety-filled and disappointing one – the way I felt many, many times in my journey. However, though I had a difficult journey, I took it in stride, learnt much from it, and hope my learning will be of use to future prospective applicants.

After having been convinced that you need to hire the services of an immigration consultant, your next query will be how to identify an immigration consultant for your profile and aspirations. I will cover the topic of ‘how to identify an immigration consultant’ in another blog post. I wish prospective applicants the very best in their beautiful immigration journey.