Immigration Lawyer vs. Consultant

Choosing to temporarily or permanently immigrate to Canada is often one of the biggest decisions a person makes. When making this decision, one must consider whether they have submitted all the proper documents, any medical/criminal history and the like. Small errors can delay a file for months and even cause an outright rejection. Often times, while many choose to submit these applications on their own, others prefer to hire a representative, as a rejected application can incur significant consequences such as having to appeal the rejected application or reapply, which could take years. Furthermore, many applicants won’t even know if they made a mistake on their application until months later.

Hiring a lawyer for your immigration needs as opposed to a consultant can be highly beneficial for various reasons. Licensed lawyers are individuals who are permitted to perform legal functions such as draft legal documents, interpret and apply legal statutes, etc. Lawyers are regulated by each of their respective provinces and qualifying as a lawyer requires significant years of schooling followed by the successful completion of law administrative exams and training under an experienced lawyer. Once admitted to practice law, lawyers are strictly regulated by the Law Society of Upper Canada and have many rules imposed on them including fiduciary duties, etc.

As lawyers have had to undergo significant training, they are required to uphold a high professional standard at all times and are very familiar with immigration law. Almost all immigration lawyers are required to keep up-to-date on developments in the law and policy that can impact your application and they are also well connected with the industry.

“Through the Canadian Bar Association (CBA), immigration lawyers receive the support and resources of a national association with more than 38,000 members. Lawyers remain at the forefront of changing immigration laws and policies through educational courses and support they receive from the CBA and its Immigration Law Section”

Furthermore, an applicant can be confident that hiring a lawyer to file their immigration file will entail preparing submissions that clearly address the applicable issues and address points which are not always obvious to the lay applicant. On the other hand, immigration consultants do not have to go the same level of rigorous training to enter their profession and do not have any legal training are often unable to determine the complexities behind the law. For example, there may be many instances where an affidavit may be required for a successful application that an ordinary applicant or a consultant may not be aware of. Many consultants claim to be experts yet have insufficient training to advise and represent their clients. Immigration consultants are also not closely scrutinized to the same standard as lawyers, thus allowing cases of fraud to be more prevalent amongst immigration consultants. Over the years, due to the lack of regulation in the profession, there have been many instances of malpractice by Immigration Consultants in Canada and hiring a lawyer helps ensure that you will not be subjected to fraud or malpractice.

As lawyers have a thorough and detailed understanding of the laws and regulations, which are constantly being revised and modified from time to time and have such a strong support network, they are better suited for fulfilling your immigration needs!