



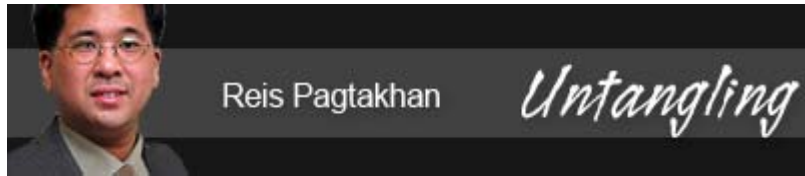
- HEADLINES
- LOCAL NEWS
- PHILIPPINE NEWS
- CANADIAN NEWS
- EDITORIALS & OPINIONS
- ENTERTAINMENT
- COMMUNITY
- SPORTS
- TRAVEL
- JOB MARKET
- EMPLOYMENT ADS



Palaisi
su|do|ku
Click here for solution

te! a Friend f t M... March 20 - April 05, 2009 | Volume 23, Number 6

Main > Editorials and Opinions



Immigration Law: The Importance of Being Truthful in an Application

If a person makes a "misrepresentation," an immigration application can be refused. In fact, if an immigration officer finds out later that a permanent resident has made a misrepresentation in the original application, his/her permanent residency may be taken away. In some rare cases, the Canadian government has taken away citizenship of people who immigrated to Canada because of a misrepresentation made in an original application.

What is a "misrepresentation"?

Under the law, a person can be found guilty of misrepresentation by lying, answering a question falsely in an application form, providing false documents, withholding a fact, or failing to answer. For example, a person who shows up at the airport with someone else's passport and claims it as his own will have made a misrepresentation.

Another example is the case of a vehicle with four individuals that arrives at a port of entry. If the driver is asked if all the occupants in the vehicle are Canadian citizens and then he replies "yes," when in fact one of the passengers is not and has remained silent, that passenger has made a misrepresentation by





withholding facts.

What if I didn't mean to make a misrepresentation?

A person may be found guilty of misrepresentation even if the misrepresentation is unintentional. For instance, if you have been arrested and put in jail for the night, you would have to answer "yes" to the question "Have you ever been detained or put in jail?" If your answer was "No," because you were never convicted, you could still be found guilty of a misrepresentation, simply because—convicted or not—the fact remains that you have been jailed.



What if someone else makes the misrepresentation for me?

It does not matter who makes a misrepresentation. If a relative, friend, lawyer, or consultant makes a misrepresentation when they are doing something on your behalf, you may still be found guilty of making a misrepresentation.



Will every misrepresentation cause a problem?

No. Only misrepresentations of a "relevant matter" may cause a problem.



What is a relevant matter?

A "relevant matter" is something that, if misrepresented, could cause an immigration officer to follow incorrect procedures. For instance, if a person fails to indicate in an immigration application for permanent residence that s/he is married, an officer may not order an immigration medical for that person. In that case, the misrepresentation would have caused the officer to follow incorrect procedures.



Here are examples of mistakes that are not usually considered misrepresentations.

- A person who indicates the current year as her year of birth; or reverses the date and month of birth in an application form
- A person who indicates being single, when in fact s/he is widowed
- A person who fails to disclose the birth of a child given up for adoption

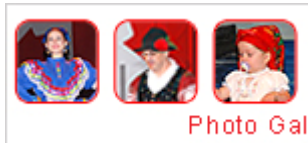


If I am accused of making a misrepresentation, what should I do?

If you are accused of making a misrepresentation, the first thing you need to do is determine if the mistake is relevant. If it is irrelevant, you may not face any consequences. In order to do this properly, you might have to research the cases that the courts have decided on this matter.



In most cases, the Government will give you some time to respond to such allegations of misrepresentation. Responding to this promptly and duly is important. If the misrepresentation may be relevant, the options available to you may be limited. In some cases, persons guilty of misrepresentation are prohibited from applying for a visa for a period of time. In cases in which the person is already in Canada, the person may be forced to leave. Getting someone familiar with the law on misrepresentation, someone who can give good advice, is very important.



If I applied to come to Canada and was refused because of misrepresentation, may I apply again?

In most cases, people found guilty of a misrepresentation may apply again after waiting some time. However, if you decide to apply again, you should know that the immigration officer will have access to information from your old files and will most likely know that you lied previously. As a result, you should ensure that any subsequent application is prepared with extra carefulness. In most cases, you will want to address the old lie, to emphasize your good intent and that you are not hiding anything.

This article is prepared for general information purposes only and is intended to provide comments for readers and friends of Filipino Journal. The contents should not be viewed as legal advice or opinion. If you have specific questions concerning immigration law, you should discuss them with a legal advisor of your choice. Reis Pagtakhan is a lawyer with the law firm of Aikins, MacAulay &

Thorvaldson LLP. He practices in the areas of immigration law and corporate and commercial law. His direct line is 957-4640. If you like to know more about Pagtakhan or Aikins, you may visit the firm's Web site: www.aikins.com.

other stories:

- > [Ano ang Paborito Mong Kulay?](#)
- > [Councilors Mike Pagtakhan and Russ Wyatt formally recognize Chinese Canadians in Winnipeg](#)
- > [Nood Po Tayo, part 7](#)
- > [Praise the Colonizers of Dreams](#)
- > [The Quagmire of Corruption](#)
- > [The Wave Splashes Eternal](#)
- > [This Too Shall Pass](#)

© Copyright 1987-2006. The Filipino Journal
All rights reserved. powered by VerosMedia.
[Privacy Policy](#) | [Terms of Use](#) | [Disclaimer](#)

[News](#) | [Advertise](#) | [Classifieds](#) | [Archives](#) | [Subscribe](#) | [Survey](#) | [Contact](#)
[About Us](#) | [Business Opportunity](#) | [Employment](#) | [Site Map](#)