

How I Became an Immigration Lawyer

It is amazing how your background and your experiences in life can shape your interests and career. Take my background and experiences for example.

My father immigrated to Canada in 1912. My mother came to Canada following World War II. My uncle Emil and Aunt Helen both immigrated to the United States in 1948. Since my aunt and uncle helped my parents raise me, I lived the first part of my life in Edmonton then moved down to Los Angeles for high school. My childhood was filled with stories from family members about how they immigrated to Canada and the United States. What is more, by the time I was a teenager, I was both a Canadian citizen by virtue of my birth as well as an American permanent resident with a green card by virtue of the fact that I was living with my aunt and uncle. I myself had crossed the U.S.-Canada border some two dozen times regularly dealing with immigration issues while traveling.

In 1967, I enrolled at the University of British Columbia in Vancouver ultimately graduating from the Faculty of Law in 1972. After articling with a lawyer in Toronto, in the summer of 1975 I returned to the United States to work for two years at the United Nations in New York. While there, I successfully wrote the New York State bar exam. If I was not yet interested in immigration law, the events that followed made me enter the field as a matter of sheer survival, if not interest.

After writing the New York exam in July, I returned to Vancouver to visit my mother until my call to the New York bar in November 1977. That was a fateful trip. When I flew back to New York I encountered a problem at the Toronto International Airport.

As I entered U.S. customs, I produced my Canadian birth certificate, my airplane ticket and my customs declaration form. The officer asked where I was headed. I told him New York City. He then asked what was the purpose of my trip? I said I was going to be called to the State Bar of New York. This answer seemed to trouble the immigration officer – for some reason he just didn't believe me. So he asked if he could see the contents of my wallet. I was flustered and asked him whether it was proper for him to intrude into my personal life like that. He answered if I wanted to get on this flight I would have to give him my wallet. So I did.

I already mentioned earlier in this article that I had a green card. I kept that green card when I returned from Los Angeles to Vancouver in 1967 and had it in my wallet at the Toronto airport that day. The immigration officer didn't like that at all! Also, I had a New York driver's license. It was a chauffeur's license since you could get a chauffeur's license in New York by paying an extra dollar when you registered. (I thought, why not? You never know, it might come in handy some day). Serious mistake.

With those documents in hand, he said "Let's go over to secondary inspection (read torture chamber) where I can ask you a few more questions (read hot seat with spotlight and interrogation)". Trouble! I'd rather have a root canal.

How I Became an Immigration Lawyer

By Andy J. Semotiuk

myworkvisa.com

Andy@myworkvisa.com

If you've ever had trouble with an immigration officer at the border you'll know what I went through next. Our "show down" was intense. His tone was condescending. His attitude was arrogant. His approach was closed-minded. His demeanor was haughty. His appraisal of my situation was way off. But these types feed on fear – like sharks they frenzy as soon as they encounter anyone who shows any sign of loss of emotional control. Woe to anyone who displays a flash of anger!

The man asked me what I was doing with a green card. I told him I use to live in the United States and was planning to ask an immigration lawyer in New York about whether it was still valid. That didn't go over so good. The immigration officer then pointed to my driver's license and pointed out that "This is a chauffeur's driver's license". I answered "Yes....so?"

He then accused me of illegally driving taxis in New York City. I answered "No, I am going to New York City to be called to the bar of the State of New York". He didn't seem to believe me. I even pulled out papers indicating that I was being called. He gave me an incredulous look, then told me he is taking my documents and denied my entry into the United States. I pleaded that I needed to be in the United States by the next day since I was being called to the New York bar. He said that was not his problem. End of discussion.

I could not believe what was happening. (It was like "The Twilight Zone.") I sulked. I wondered why me? Depressed, I left the airport. Was I down? Hell no!

I decided to contact the US Embassy in Ottawa to intervene with the US immigration officer at the Toronto International Airport to facilitate my entry. I managed to persuade the officials at the US Embassy to call the relevant immigration officer, (Richard Scrouse I believe his name was) and the next day I was at the airport speaking to him again.

The officer said he would allow me into the United States if I signed the declaration surrendering my green card essentially admitting that I was no longer a resident of the United States. (This was a trick they use to get immigrants to surrender their green cards by holding up the bait of permission to enter as a visitor – "just sign here" and you are "in." The only problem is you are signing away your possible right to permanent resident status without being fully informed of your rights) I bought it! I decided that I needed to do this because of the urgency of my presence in New York. The officer gave me back my driver's license, took away my green card and I got on the plane. We were both happy – except I couldn't help but feel like I was fleeced.

After being called to the State Bar of New York, I reflected on my experience with this immigration officer. I was completely disgusted but there was not much that I could do about it. The experience was such a source of irritation to me, however, that I decided to go talk to some immigration lawyers to see how I could get started working in this field. I was not going to allow these guys to push me around like that again. I decided to become an immigration lawyer!

Since I was now a member of the Ontario and New York bars, it seemed like a natural thing for me to get involved in the immigration area. There were a lot of people who were coming south to New York and others who were going north into Ontario and other parts of Canada and I could help these people. I established offices both in New York, on Park Avenue, and in Toronto on

How I Became an Immigration Lawyer

By Andy J. Semotiuk

myworkvisa.com

Andy@myworkvisa.com

Bay Street. I shared these offices with other members of the bar, and began working in the area of U.S. and Canadian immigration. Some of my clients today have been my clients for over 30 years and first came to me back then.

From 1977 to 1979 I practiced law in New York City, and Toronto, traveling back and forth. But then one day I decided to pull up my roots and migrate westward to Western Canada.

Practicing in Edmonton, Alberta in the early 1980's one day a number of Fijian refugees came to our office. The 1987 military coup in Fiji had displaced several hundred Indo-Fijian refugees and many of them ended up escaping to Canada arriving in Edmonton. They were looking for legal representation in upcoming "political asylum" or as they are called in Canada "refugee" hearings. I resolved that I would represent them, and ultimately became responsible for some 300 asylum claimants in 1989. That experience helped me to gain a first hand insight into what a refugee experiences in abandoning his home country and coming to North America. I found that the people who took the events the hardest were the richest of the refugees. In one case, for example, I had a client who was a millionaire back in Fiji. He lost his fortune when he was forced out of the country. This man had been shaken to the core even though really he was no more affected by what was going on than any other Fijian and he had everything he needed to quickly get back on his feet in Canada.

Meanwhile, I did not give up on my efforts to regain my green card. I made a new application to US immigration seeking to gain a green card based on family sponsorship that went nowhere. I applied on a work basis, again, no luck. My later applications for work permits under the NAFTA free trade agreement were successful but I was often questioned while crossing the border.

I have had no shortage of immigration "showdowns" at the border crossings in North America and elsewhere. I suspect I will encounter these all my life whenever I travel anywhere. On each occasion, no matter how well I know the law, I always tense up and brace for the worse. Fortunately, I have gotten better at it over the years. I now get great satisfaction in sharing what I have learned with clients to make it easier to go through similar experiences for them too.

In short, my life experience has often been involved in applications for immigration benefits, primarily to the United States. These experiences have left me with an understanding of the plight and difficulties that immigrants have in getting permission to enter and stay in the United States or Canada. I put this knowledge to work for my clients every day when I come to the office. My reward is to know that from time to time my help in an immigration case changes someone's life for the better and that his or her descendents will forever enjoy a better life because of what I did.