

# **ARE YOU CRIMINALLY INADMISSIBLE TO CANADA?**

Security and enforcement at the Canada-United States border has heightened in recent years. For this reason, more U.S. citizens with past criminal charges or convictions are refused entry into Canada. Canadians with past criminal charges or convictions seeking entry into the U.S. are denied entry as well. In some cases, Canadian immigration officers at ports of entry can allow a person with a criminal record into Canada; however, approval cannot be guaranteed, and a processing fee must be paid.

Almost all convictions (including DUI, DWI, reckless driving, negligent driving, misdemeanour drug possession, all felonies, domestic violence (assault IV), shoplifting, theft, etc) make a person inadmissible to Canada, regardless of how long ago they occurred. For this reason, it is not recommended that persons with past convictions attempt to enter Canada without first obtaining necessary documents. It is always the final decision of officers at ports of entry to decide whether a person is allowed into Canada.

There are several ways individuals can overcome criminal inadmissibility:

- deemed rehabilitation at a Canadian port of entry
- approval of rehabilitation through a Canadian Consulate in the United States
- temporary resident permit through a Canadian Consulate in the United States

## **ARE YOU DEEMED REHABILITATED?**

Persons are eligible to apply for deemed rehabilitation at a port of entry if the following are true:

- There was only one conviction in total or one criminal act
- At least ten years have elapsed since all of the sentences for the conviction were completed (payment of all fees, jail time completed, restitution paid, etc.)
- The conviction would not be considered serious criminality in Canada (most felony convictions in the United States are considered serious criminality in Canada)
- The conviction did not involve any serious property damage, physical harm to any person, or any type of weapon

Deemed rehabilitation is determined at Canadian ports of entry. Please be advised that requesting deemed rehabilitation does not guarantee that the

request will be approved. Should a person wish to be considered for deemed rehabilitation, the following documents may be brought to a port of entry during regular business hours (Monday - Friday between 8 am and 5 pm):

- a completed [application form](http://www.cic.gc.ca/english/applications/rehabil.html) [<http://www.cic.gc.ca/english/applications/rehabil.html>]
- United States passport or birth certificate plus photo identification
- a copy of court documents for each conviction, and proof that all sentences were completed
- a recent [FBI criminal record check](http://travel.state.gov/travel/tips/emergencies/emergencies_1201.html) [[http://travel.state.gov/travel/tips/emergencies/emergencies\\_1201.html](http://travel.state.gov/travel/tips/emergencies/emergencies_1201.html)]
- recent [police certificates](http://www.dfait-maeci.gc.ca/can-am/detroit/visas/police_certificate-en.asp) [[http://www.dfait-maeci.gc.ca/can-am/detroit/visas/police\\_certificate-en.asp](http://www.dfait-maeci.gc.ca/can-am/detroit/visas/police_certificate-en.asp) ] from the state where the conviction(s) occurred and from any state where a person has lived for six (6) months or longer in the last 10 years

**If you are not certain that you are deemed rehabilitated or would prefer to know whether you are criminally inadmissible before your planned trip to Canada, you may apply for rehabilitation at the office in Detroit and submit a non-refundable processing fee. If you meet the requirements for deemed rehabilitation, they will send you a letter to that effect. If you do not, they will process your application for [approval of rehabilitation](http://www.dfait-maeci.gc.ca/can-am/detroit/pdf/IMM%201444e%20.pdf) [<http://www.dfait-maeci.gc.ca/can-am/detroit/pdf/IMM%201444e%20.pdf>]. You must apply well in advance of your trip as routine applications can take six months or more to process.**

## **WERE YOU CONVICTED AS A JUVENILE?**

In Canada, a juvenile offender is someone who is 12 years of age or older but less than 18 years of age. If you were convicted in a juvenile court for an act committed when you were less than 18 years of age, it is possible that you are not criminally inadmissible.

## **DO YOU HAVE CRIMINAL CONVICTIONS IN CANADA?**

If you have one or more criminal convictions in Canada, you must seek a pardon from the National Parole Board of Canada before you will be admissible to Canada. **Do not complete the application form available on this website.** You can request a guide on obtaining a pardon or any additional information from the following address:

Clemency and Pardons Division, National Parole Board  
410 Laurier Avenue West  
Ottawa, Ontario, Canada  
K1A 0R1

Telephone: 1-800-874-2652  
(Callers from Canada and the United States only)  
Fax: 1-613-941-4981

Web: <http://www.npb-cnlc.gc.ca>

(The guide, which contains the application form, can be downloaded from this site)

If you are traveling to Canada, carry a copy of the pardon with you.

**NOTE: If you have had only one or two summary convictions in Canada,** you may be deemed rehabilitated and no longer inadmissible to Canada if:

- 5 years have passed since the sentence imposed was served or to be served
- you have had no subsequent convictions and
- you have not been refused a pardon

## **IS YOUR FOREIGN PARDON RECOGNIZED IN CANADA?**

If you received a pardon or expungement for your conviction in a country other than Canada, it is possible that you are no longer inadmissible to Canada. You should carry the pardon or expungement documents with you when you seek entry into Canada as it is your responsibility to demonstrate to the officer at the Port of Entry that all of your convictions have been expunged or pardoned.

## **ARE YOU ELIGIBLE TO APPLY FOR REHABILITATION?**

You may apply for rehabilitation if at least **five years have passed since the completion of the sentence** imposed for your crime. For example, if you were convicted of driving under the influence, it must be at least five years since your full driving privileges were restored.

**You may apply for rehabilitation at the office in Detroit. You must apply well in advance of your planned trip to Canada, as routine applications**

can take six months or more to process. Complex, non-routine applications can take two years or more to process. In evaluating the application, we will look for evidence that you have taken steps to change your behavior and will no longer pose a potential danger to Canadians.

#### HOW TO APPLY FOR REHABILITATION

[[http://www.dfait-maeci.gc.ca/can-am/detroit/right\\_nav/areyoucriminallyinadmissibleletocanada-en.asp](http://www.dfait-maeci.gc.ca/can-am/detroit/right_nav/areyoucriminallyinadmissibleletocanada-en.asp)]

## WHAT IS A TEMPORARY RESIDENT PERMIT?

If you are not deemed rehabilitated, or you are not yet eligible for rehabilitation, or you are not eligible for a pardon in Canada, you may apply for a temporary resident permit. If justified by **compelling circumstances**, foreign nationals who are inadmissible to Canada, including persons with one or more criminal convictions, may be issued a temporary resident permit allowing them to enter or remain in Canada.

You must apply well in advance of your planned trip to Canada, as routine applications can take up to six months to process. If you have genuine, compelling reasons to enter Canada within a shorter time frame, please enclose a letter which explains your reasons in detail and states the date by which you need to enter Canada. You must also provide evidence to support your need to enter Canada (e.g. a letter from your employer stating how long you have been employed and describing your job and your reason for needing to go to Canada). In evaluating your application, we will weigh your reasons for seeking entry against the potential risk to Canadians.

**If you are not sure of the steps to follow in your specific circumstances, you may send us an enquiry by email, fax or mail [[http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address\\_hours-en.asp](http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address_hours-en.asp)] and we will advise you further.**

#### HOW TO APPLY FOR A TEMPORARY RESIDENT PERMIT

[[http://www.dfait-maeci.gc.ca/can-am/detroit/right\\_nav/areyoucriminallyinadmissibleletocanada-en.asp](http://www.dfait-maeci.gc.ca/can-am/detroit/right_nav/areyoucriminallyinadmissibleletocanada-en.asp)]

## APPLYING IN DETROIT

Please read the following instructions **carefully** before you complete the application form:

- You should submit your application by [mail](http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address_hours-en.asp) [http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address\_hours-en.asp], see [mail procedures](http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address_hours-en.asp) [http://www.dfait-maeci.gc.ca/can-am/detroit/rightnav/address\_hours-en.asp]
- Your application is subject to a NON-REFUNDABLE [processing fee](http://www.dfait-maeci.gc.ca/can-am/detroit/right_nav/areyoucriminallyinadmissibletocanada-en.asp) [http://www.dfait-maeci.gc.ca/can-am/detroit/right\_nav/areyoucriminallyinadmissibletocanada-en.asp]. If your application is refused, the fee will not be refunded.
- The Immigration Section offers service in both of Canada's official languages: English and French. Documents in languages other than English or French must be accompanied by a certified translation.
- If a personal interview is required, you will be notified in writing of the date and time of the interview.
- In order to determine inadmissibility, foreign convictions, acts, or omissions will be equated to Canadian law as if they occurred in Canada.
- You are required to provide us with complete details of charges, convictions, court dispositions, pardons, photocopies of applicable sections of foreign law(s), court proceedings and all other required documents that are listed on the website.
- An officer will determine whether or not you are inadmissible to Canada.
- You will be advised in writing of our final decision.
- **NOTE:** Normal processing time can be **6 months** or more for routine cases. Complex, non-routine cases can take **two years** or more to process.

## FEES

You must submit the processing fee with your application. If it is determined that you are inadmissible for serious criminality, you will be asked to pay the higher processing fee. Please check the website regarding the amount of the processing fee that needs to be paid.