

Admissibility FAQ

1. What is criminal inadmissibility?

In general, it is a term used to describe a person who will not be allowed to visit or stay in Canada because they have committed or been convicted of a crime in, or outside of, Canada.

2. I was charged with a crime in the United States and found "not guilty." Am I criminally inadmissible?

No. When a court decides you are not guilty of committing a crime, you will *not* be considered criminally inadmissible.

3. I have been charged with a crime but my trial is still under way. Will I be allowed to enter Canada?

No. You are considered criminally inadmissible if:

- you have a trial under way;
- there is a warrant out for your arrest; or
- you have charges pending against you or an officer has credible information that you committed an offence outside Canada.

4. What is rehabilitation?

Rehabilitation means that you lead a stable life and that you are unlikely to be involved in any further criminal activity. If you want to come to Canada, but you have committed or been convicted of a crime, you may apply for rehabilitation to enter Canada.

Requests for rehabilitation should be made at a visa office outside Canada. Such a request usually requires proof that at least five years have elapsed since the end of any sentence imposed (including any period of parole/probation), and that further criminal activity is unlikely.

5. How long will it take to get a decision on my application for rehabilitation?

Applications for rehabilitation can take over a year to process, so make sure you plan for your visit far enough in advance.

6. How much are the processing fees to apply for rehabilitation?

The application fee for rehabilitation is either \$200 or \$1,000 (Canadian dollars) depending on whether, due to the seriousness of the criminal act or conviction, authority from the Minister is required.

7. Are processing fees refundable?

Processing fees are not refundable regardless of the final decision on your application. If your application is refused and you decide you want to apply again, a new processing fee will be required.

8. When am I eligible to apply for rehabilitation?

You are eligible to apply for rehabilitation if:

- you have committed a criminal act outside of Canada (for which you were not charged) and five years have passed since the act; or
- you have been convicted outside of Canada and five years have passed since the end of the sentence imposed.

For example:

In 1989, I was convicted of driving while impaired in the United States. I did not serve any time in prison and I have had no other convictions. Will I be allowed to enter Canada?

Based on your circumstances, it is possible that you would be found by an immigration officer to be rehabilitated under a system called [deemed rehabilitation](#). Deemed rehabilitation applies to people who have one previous conviction dating back more than 10 years. If an immigration officer finds that you are deemed rehabilitated, it is likely that you will be allowed to enter Canada as long as all other requirements are also met.

On June 3, 2003, I was convicted of driving under the influence and had my driver's licence taken away from me for three years. When am I eligible to apply for rehabilitation?

The sentence imposed — which includes the period of licence suspension — ends on June 3, 2006. Count five years from the end date of the suspension or the date your driver's licence is reinstated. You will therefore be eligible to apply for rehabilitation on June 3, 2011.

I was convicted of a crime on December 13, 2002, and received a jail sentence of three months. When will I be eligible to apply for rehabilitation?

You can apply for rehabilitation five years after the end of the sentence imposed. If your three-month jail sentence ended March 13, 2003, you are eligible to apply for rehabilitation on March 13, 2008, as long as no other terms were imposed on your sentence.

I have one conviction for which I was given three years of probation. Do I apply for rehabilitation after my probation is finished?

No. You are not eligible for rehabilitation until five years after the end of the sentence imposed. Since probation forms part of the imposed sentence, you can apply for rehabilitation five years after you *complete* your probation.

9. I am currently on parole. Will I be allowed to enter Canada?

No. Should you wish to come to Canada, you must apply for rehabilitation after your parole ends. You can apply for rehabilitation five years from the completion of parole.

10. What can I do if I must come to Canada but I do not qualify for rehabilitation?

If less than five years have elapsed or if justified by extremely compelling circumstances, people who are inadmissible to Canada *may* be issued a temporary resident permit allowing them to enter or remain in Canada.

Note: Temporary resident permits are only issued in exceptional circumstances, for reasons of national interest or on strong humanitarian or compassionate grounds. **A temporary resident permit may be cancelled at any time.**

11. How can I find out whether an offence committed outside Canada is considered a criminal offence in Canada?

This is a very difficult and complex task. It involves comparing the elements of Canadian law with those of the foreign jurisdiction. It is recommended that you fill out the application for rehabilitation and check off the box "for information only." A visa officer will review the details of your case and assess if you are criminally inadmissible. There is no fee for this type of application.

You may also review the [Canadian Criminal Code](#) to find an equivalent of a foreign offence in Canadian law.