

Backgrounder on Applying for Rehabilitation to Enter Canada

This article was compiled from information supplied by NWOTA and the Citizenship and Immigration Canada

In response to concerns expressed by the tourist industry in Northern Ontario about the length of time Applications for Rehabilitation are taking to process, the following changes have been instituted.

Effective immediately, persons who are inadmissible to Canada because of past criminal convictions may apply for a Letter of Rehabilitation to either office of Citizenship and Immigration Canada in Thunder Bay (807-624-2158) or Fort Frances (807-274-3818). Either office will forward a kit modified slightly from the one available on the website.

The information should be read thoroughly to be sure of eligibility to apply. The three important points are:

- the criminal activity occurred outside Canada.
- the person is described in A19(2)(a.1). Convicted of an offense that had it occurred in Canada would constitute an offense that may be punishable by way of indictment under any Act of Parliament and a maximum term of imprisonment of less than ten years can be imposed. Examples of offenses which fall within this area; DUI/DWI and theft under \$5000.
- the statutory five-year waiting period has passed (since completion of sentence).

New Rules After June 28th, 2002

On June 28th, 2002, the Immigration and Refugee Protection Act will be proclaimed into law. The new act provides for a prescribed class of person that is deemed to have been rehabilitated. The new regulation takes into account the time lapsed since the conviction.

Commission/Convictions that are more than 10 years old.

After 10 years has lapsed since the completion of the imposed sentence, the person is deemed to have been rehabilitated. They may enter Canada & do not have to pay the \$200 Cdn fee.

Commission/Convictions that are between 5 and 10 years old.

If between 5 and 10 years has lapsed since the completion of the imposed sentence, the person must be rehabilitated in order to enter Canada. They must phone the Citizenship and Immigration Canada in Thunder Bay (807-624-2158) or Fort Frances (807-274-3818) and ask for a Rehabilitation Kit. They must follow the instructions in the kit, attach all the documents outlined on the checklist and mail to either office with the \$200 Cdn processing fee. Visitors should apply early so they are not disappointed. The Fort Frances and Thunder Bay offices are the only offices providing this service. This is a one time \$200 Cdn fee (provided they do not commit another offense). You may still apply in person at a port of entry to Canada, but applying in advance will save time at the border.

Commission/Convictions that are less than 5 years old.

Persons who have a conviction which are more recent than 5 years cannot be rehabilitated. They require special consideration and would proceed by either applying for a Minister's Permit at a Canadian Consulate (which could take more than 18 months) or presenting themselves for examination at a port of entry requesting either discretionary entry or a Minister's Permit. Either of the options would require a recommendation by the examining officer and concurrence by a senior officer before approval can be granted.

In either case a fee of \$200 Cdn is applicable.

If the visitor wants to cross the border without the Minister's Permit they are not guaranteed to enter Canada, but if they follow certain suggestions, they may increase their chances of entering. The person will have a better chance if they:

- Call ahead to the Fort Frances border; they will be given an indication of likelihood of their admittance to Canada.
- Only have one offense and it does not include: any offense where weapons were used or an assault occurred; no one was injured as a result of a drinking & driving accident; or where serious damage occurred.
- Have a reservation at a resort and have proof of the reservation with them (i.e. confirmation letter)
- Cross when an Immigration officer is present (Fort Frances - 7 days a week from 8 am to midnight, Rainy River - 5 days a week)
- Be truthful and give complete information.

Persons who find themselves in this situation must understand that the possibility of being refused is much higher when there is less time between the date of the conviction and when seeking entry because it is more difficult to conclude that the individual has accepted responsibility for the offense or made changes to his lifestyle.

In all cases your guests should be told to handle themselves professionally and use good manners.

These new rules go into effect June 28, 2002. Although these are the proposed guidelines, they are not set in stone and are subject to change. Please call Fort Frances or Thunder Bay with any further questions.