

After the completion of the sentence for a conviction, individuals are often well aware of the challenges they can expect to face in the many facets of their lives as a result of the conviction. When considering the impact that a criminal conviction may have on a person's family life or employability, one factor that has a significant impact on life and leisure after a conviction is often forgotten – the ability to travel outside of the United States.

Canada is a common destination for Americans interested in hunting, fishing, hiking, and sightseeing as well as for conducting business, but Canada has guidelines set in place that restrict the entry to Canada of individuals with certain criminal convictions on their records. Not considering the effects of a conviction on cross-border travel is incredibly common and often leaves Americans with criminal records surprised at the Canadian border when they are denied entry to the country.

Determining whether or not you may be denied entry to Canada at the border for "[criminal inadmissibility](#)" depends on a combination of factors, including the seriousness of the criminal conviction and the length of time since the completion of the sentence. When trying to assess the likelihood of a person being deemed criminally inadmissible, Americans often assume that all misdemeanor convictions are non-serious and will not prevent their entry to Canada.

For the purposes of Canadian immigration, only the classification of the offense in the equivalent Canadian statute in the Criminal Code is considered. Similar to the United States' system of classification that divides offenses into misdemeanors and felonies, the Canadian system divides crimes and offenses into summary (low-level offenses), hybrid (combination offenses), or indictable (high-level offenses) categories. If the conviction on a person's criminal record is equivalent to a Canadian hybrid or indictable offense, they will be criminally inadmissible to Canada and unable to enter the country without special permission. While a single summary (minor) offense will not prevent entry to Canada, multiple summary convictions will. It is important to keep in mind that misdemeanors in the United States are not necessarily summary offenses in Canada, so finding the equivalent Canadian offense is necessary for determining inadmissibility. For example, in many states, a [Driving Under the Influence](#) or a Wet Reckless (DUI/DWI) conviction is considered a misdemeanor, but because DUIs are considered hybrid offenses in Canada, they will cause criminal inadmissibility to Canada. Only the Canadian equivalent of the conviction is considered in determining whether or not a person is inadmissible.

If a person has been convicted of a crime in the United States and is concerned about [inadmissibility to Canada](#), the most important factor for individuals with criminal records to consider is the date of their sentence's completion, as Canadian immigration officers at the border rely heavily on this information. This is of particular importance for individuals who were or are currently on probation, because probation is considered an active sentence and individuals will not be able to enter Canada until after the entirety of their sentence, including probation, is completed. The entirety of the sentence is not considered completed until every aspect of the sentence is done, including the full probation period and the payment of any fees

or fines. Because probation is an ongoing sentence, individuals who are on probation are not eligible to apply for any of the waivers that allow entry to Canada, as these waivers and applications require that the entirety of the sentence be complete. After the completion of all probation, the payment of any fines, and the full completion of all other parts of a sentence, individuals will then again be able to enter Canada if they gain special permission from the Canadian government.

All information about charges, arrests and convictions dating back to an individual's 18th birthday are recorded in the FBI National Crime Information Center's database. A person presenting themselves at a Canadian border (land, airport or sea) may have their background checked when they present their passport. Officers at the ports of entry have access to scanners that will pull up the individual's FBI background check. If the traveller does not have the appropriate documentation, demonstrating that they are not inadmissible to Canada, they are likely to be denied and forced to purchase or find their way back to their country of residence.

Individuals with convictions have two major options that they can pursue to allow them entry to Canada.

First, a [Temporary Resident Permit](#) is an application that after being reviewed by a Canadian immigration officer can grant a person temporary entry to Canada for a set period of time. As soon as the entirety of a person's sentence is completed, they become eligible to apply for a Temporary Resident Permit (TRP) without any sort of extended [waiting period](#). Generally, in order to be granted a TRP the applicant will need to demonstrate a reason for their need to enter Canada, including but not limited to a work or family commitment or emergency situations. As the name suggests, a Temporary Resident Permit is a temporary solution, but individuals can also pursue a permanent option that will completely resolve their inadmissibility to Canada.

A [Criminal Rehabilitation](#) application, if approved, is a solution that permanently resolves inadmissibility to Canada and allows free travel to and from Canada so long as the person is not convicted of a new offense. Individuals become eligible to apply for Criminal Rehabilitation 5 years after the date the entirety of their sentence (including all probation) is completed. Immigration officers consider the degree to which a person has demonstrated that they are rehabilitated and unlikely to offend again on a Criminal Rehabilitation application. Unlike a TRP, which can be assessed at any Canadian border or port of entry, Criminal Rehabilitation applications can only be considered by the Canadian consulate in New York or Los Angeles, where wait times for the review of applications are upwards of one year. Many individuals apply for Criminal Rehabilitation and send their application to the Canadian consulate but also take a Temporary Resident Permit to a port of entry in order to gain entry to Canada while their Criminal Rehabilitation application is being processed in order to expedite the process.

The last significant time frame that should be considered by individuals with a criminal record is the wait time for deemed rehabilitation. If 10 years have passed since the completion

of the sentence for a non-serious offense, individuals can be considered “[deemed rehabilitated by the passage of time](#),” which automatically resolves their criminal inadmissibility to Canada! Crimes that involved bodily harm, such as assault, or monetary value over \$5,000, such as larceny, are considered serious offenses and are not eligible for deemed rehabilitation, so for these individuals a criminal rehabilitation application will be necessary to permanently resolve inadmissibility.

While a criminal conviction in the United States can cause complications for individuals who want to travel to Canada, the option to apply for a Temporary Resident Permit or Criminal Rehabilitation ensures that having a criminal conviction does not completely prevent travel to Canada in the long run. For more [information about inadmissibility](#) or for assistance with the completion of your Temporary Resident Permit or Criminal Rehabilitation application, contact [FWCanada](#).

FWCanada is a Montreal-based immigration law firm that provides professional legal services on Canadian immigration. For more tips and updates on Canadian immigration follow FWCanada on Facebook, Twitter, and LinkedIn.