

Crossing the border into Canada



Entry into Canada

While the vast majority of travellers to Canada should experience no problems if their affairs and documentation are in order, Canadian border officials do reserve the right to refuse entry to anyone for sufficient grounds. In this respect, travelling to Canada is no different than crossing any other international border. Grounds for refusal can include a criminal record (including an impaired driving conviction), serious health concerns, misrepresentation, and other concerns.

What to do if you have a criminal record

While it's obvious that serious criminal records will restrict your ability to cross any border, convictions for misdemeanors like theft, impaired driving or dangerous driving may also restrict your ability to enter Canada. However, there are steps you can take to help overcome these travel restrictions. There are four ways to ensure a criminal record does not affect your ability to travel to Canada:

- 1) **Deemed Rehabilitation (passage of time)**
- 2) **Individual Rehabilitation**
- 3) **Record Suspension (a pardon)**
- 4) **Temporary Resident Permit**

1) Deemed Rehabilitation:

Deemed rehabilitation essentially means enough time has passed since your offence that you are automatically considered rehabilitated and therefore not inadmissible to Canada. You do not have to apply to be deemed rehabilitated, but you can choose to be assessed at a Canadian embassy, consulate or Visa office ahead of time to be sure that you qualify. You can also be assessed at the port of entry (border crossing) at the time of your travel, if you are comfortable waiting until the last-minute. There is no fee for deemed rehabilitation. Whether you qualify for deemed rehabilitation will depend on the nature and circumstances of your criminal record, but **generally speaking** someone with a record of one, single non-violent crime will be deemed rehabilitated if at least 10 years have passed since the completion of the sentence. For more detailed information, please visit <http://www.cic.gc.ca/english/information/inadmissibility/rehabilitation.asp>

2) Individual Rehabilitation:

If at least five years have passed since the completion of your sentence for a single, non-violent crime, you **may** be eligible to apply to be considered rehabilitated. Canadian immigration officials who review your application must also be satisfied that you are no longer a risk to reoffend. There is a fee to apply for rehabilitation. The application cannot be done at the border crossing and must be processed prior to your trip. The success of your application will depend on the nature and circumstances of your criminal record and your conduct since the offence. For more detailed information, please visit <http://www.cic.gc.ca/english/information/applications/rehabil.asp>

3) Record Suspension:

If you have already received a discharge, expungement or pardon for your record, it **may** apply in Canada. Check with your nearest Canadian embassy, consulate or Visa office to see whether your pardon is eligible.

4) Temporary Resident Permit:

This permit can help you overcome any inadmissibility (including a criminal record). You may apply for a TRP through a Canadian Visa office in advance of your trip. There is a fee to apply, and the success of an application is not guaranteed. The application can also be done at a border crossing as you enter Canada, although visitors are cautioned not to rely on this process, as it is last-minute and success is not guaranteed. For more detailed information, please visit <http://www.cic.gc.ca/english/information/inadmissibility/permits.asp>

Legal assistance

Crossing an international border can be a complicated matter if you have a criminal record, but that certainly doesn't mean it's not possible. Legal assistance can go a long way in helping you complete the application processes properly and with the greatest chance of success. If you would like to inquire about the services of a lawyer who specializes in assisting clients with border crossings, please contact the Manitoba Lodges & Outfitters Association at 1-800-305-0013, or your lodge/outfitter, for a referral.

Questions

If you have any questions about your admissibility to Canada, please contact the Canadian Border Information Service at 204-983-3500.

Visas

American citizens and permanent residents of the U.S. do not require a Visa to visit Canada on vacation. Residents of many other countries, including Germany, France, the U.K., and Japan, are also exempt from Visa requirements. However, residents of some other countries, including China, do require a Visa to enter Canada.

To see whether you require a Visa to enter Canada, please visit www.cic.gc.ca

Identification

A passport is not technically required for Americans to enter Canada by land, but is **highly recommended**. Proof of citizenship (such as a birth certificate) along with photo identification or an enhanced driver's licence may be sufficient when arriving by land (ie driving). **However**, a passport is required when arriving in Canada by air and sometimes when travelling within Canada by air as well. To see identification requirements for visiting Canada, please visit www.cbsa.gc.ca. To see identification requirements for Americans travelling abroad and returning home, please visit www.travel.state.gov

Travelling with children

Parents who share custody of their children should carry copies of the legal custody documents. It is also recommended that you have a consent letter from the other custodial parent to take the child on a trip out of the country. The parents' full name, address and telephone number should be included in the consent letter. When travelling with a group of vehicles, parents or guardians should arrive at the border in the same vehicle as the children. Adults who are not parents or guardians should have written permission from the parents or guardians to supervise the children. For blank, sample consent letters, please contact the Manitoba Lodges & Outfitters Association at 1-800-305-0013.

Other border crossing tips

- Plan ahead. Vacations should be an exciting and relaxing time. If your documentation and applications are in order ahead of time, you will rest much easier. The last minute can often be too late, depending on your situation.
- Respect the border. Remember that there are never any guarantees. Proper applications and authorizations can eliminate risks like criminal inadmissibility, but don't forget there are other reasons travellers can be denied entry, such as lying to border officials or attempted smuggling.
- Don't forget about Fluffy. While you and your children may be good to go, what about your pets? Do they have the proper vaccinations (rabies, for example) and paperwork? For more information, please visit <http://travel.gc.ca/returning/customs/pets>
- Relax. If your affairs are properly arranged and you're honest with officials, you should have no border troubles.
Welcome to Canada, and have a great time!