



Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

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Please note: This Legal Literacy Activity Form has not been reviewed and approved by the Ontario Task Based Activity Portal Committee

Legal Literacy Activity Title: What is a Criminal Pardon/Record Suspension in Canada?

Date Developed: November 14, 2019

Learner Name:

Date Started:

Date Completed:

Legal Literacy Activity Description: The learner will read about Pardons/Record Suspensions in a John Howard Society brochure. Using an internet search, the learner will locate their local John Howard Society office and determine if their staff can assist with Pardon/Record Suspension applications.

Materials Required:

Pen and paper

Access to a computer and the internet

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

Legal Literacy Activity Title: What is a Criminal Pardon/Record Suspension in Canada?

Legal Literacy Activities:

Task # 1: Please read the sections of the attached John Howard Society brochure relating to Record Suspensions (“What is a Record Suspension?”, “Am I eligible?”, “How do I apply?”).

Task # 2: The John Howard Society provides help with Pardon/Record Suspension applications across Canada. Using an internet search engine (for example, Google), type and click “John Howard Society of Canada” in the search box. On that webpage, locate “Services Across Canada” and click “Learn More”. Please locate the closest John Howard Society office to where you live and read about what services are offered.

Task # 3: Please prepare written answers to the following questions.

1. What is the address and telephone number of your local John Howard Society office?

2. Please list at least 2 services your local John Howard Society office provides.

Task # 4: Please telephone your local John Howard Society office and ask if they assist with Pardon/Record Suspension applications. If they do not, please ask for the contact information for the closest office that does offer the service. Please write the contact information below.

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Answers for Legal Literacy Activities:

The learner will undertake the following activities. Answers to the questions are provided where applicable.

Task # 1: Please read the sections of the attached John Howard Society brochure relating to Record Suspensions (“What is a Record Suspension?”, “Am I eligible?”, “How do I apply?”).

Task # 2: The John Howard Society provides help with Pardon/Record Suspension applications across Canada. Using an internet search engine (for example, Google), type and click “John Howard Society of Canada” in the search box. On that webpage, locate “Services Across Canada” and click “Learn More”. Please locate the closest John Howard Society office to where you live and read about what services are offered.

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1. What is the address and telephone number of your local John Howard Society office?

The answer will vary depending on where the learner lives in Canada.

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The answer will vary depending on where the learner lives in Canada.

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These Legal Literacy Activities: were successfully completed ___ need to be tried again ___

Learner Comments

Instructor (print and signature)

Learner Signature

What is a Record Suspension?

A Record Suspension (formerly called a pardon) is an order that keeps a person's criminal record (of convictions) separate and apart from other criminal records. This means a person's convictions will not be revealed on criminal record checks. It does not erase a criminal record.

Record suspensions allow people who have made positive life changes to be freed from many of the negative impacts of having a criminal record. People **have the right not to be discriminated against** because of a criminal conviction for which they have received a record suspension.

The **Parole Board of Canada** is responsible for granting, denying and revoking record suspensions. If a record suspension is related to a sexual offence, the file will be 'flagged' in the RCMP system and will still be revealed on a vulnerable sector check.

Am I eligible?

As of 2012, you are no longer eligible for a record suspension if you have been convicted of:

- a *Schedule 1* offence (sexual offence involving a child) under the *Criminal Records Act*;
- more than three (3) offences prosecuted by indictment each with a prison sentence of two (2) years or more.

You can apply for a pardon **only** if you meet **all 3 of the following conditions**. There are no exceptions.

1. You have **completed your sentence**, meaning you completed paying any fines, surcharges, compensation and restitution orders, completed any probation orders or conditional sentence, and served all of your sentence including parole/ statutory release;
- ...continued on next page

2. You have met the required wait times:

- **5 years** for a **summary offence** (or a service offence under the *National Defence Act*); or
 - **10 years** for an **indictable offence** (or a service offence under the *National Defence Act* for which you were fined more than \$5,000, detained or imprisoned for more than 6 months).
3. You have been of 'good conduct', **have not been convicted of any new offences**, and have no new charges or outstanding fees (including traffic tickets).

How do I apply?

Get a **Record Suspension Application Guide and Form** from the Parole Board of Canada. Print one out from:

www.pbc-clcc.gc.ca

The application process is described in the Application Guide. Make sure to **follow the instructions carefully**. The process involves:

- Getting your criminal record from the RCMP and local police service for the city or town where you live now (your current address) **AND** for each city or town where you have lived during the last 5 years (if you lived in that city or town for 3 months or more)
- Being fingerprinted
- Paying an application fee (\$631 as of May 2012)

Depending on your conviction and sentence, you may also need to submit your Court Information, Proof of Conviction, Military Conduct Sheet or Immigration documents. There are costs associated with obtaining these documents. **Some Ontario Works offices will pay for part or all of the cost of obtaining a record suspension.**

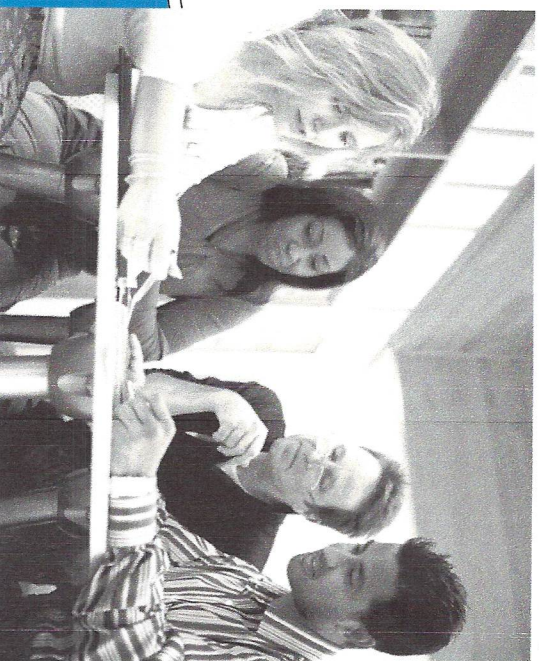
If you have submitted your application after February 2012, the Parole Board of Canada will generally make a decision about your application within 6 months for summary offences, and within 12 months for indictable offences.

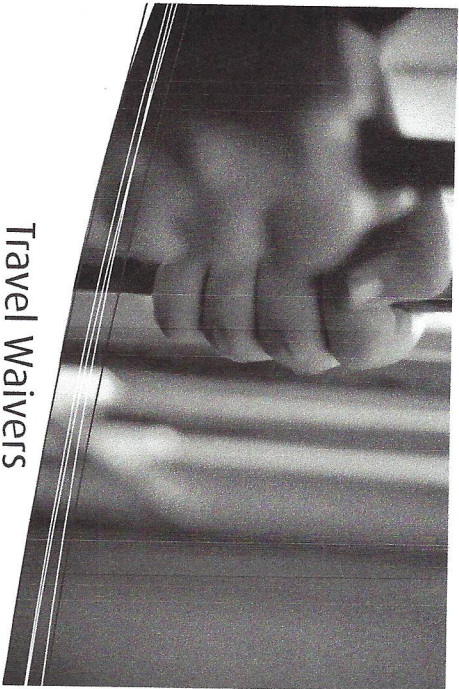
A caution about Private Services

You may have seen ads for companies that say they can get you a record suspension faster, easier or "guaranteed." The truth is, it's **impossible for them to speed up or guarantee the process or outcome**. The eligibility requirements and process are the same for everyone, no matter if they apply through a company or on their own — **everyone gets the same consideration**. You do not have to **pay a private company or a lawyer** to obtain a record suspension, you can go through the process yourself and only pay the document and application fees.

However, if you're having difficulty with the process and would like some assistance, try getting information and help from:

- The Parole Board of Canada helpline (toll-free): **1-800-874-2652**
- Your local John Howard Society (see back of this brochure for John Howard Society Ontario's website address, which has contact information for the office nearest to you). Assistance is provided on a fee-for-service or sliding scale basis. Call your local office for specific information about the services offered there.





Travel Waivers

Certain criminal records may **exclude you from travel** into some countries. A **Waiver** is a document, issued by the country to which you would like to travel, allowing you to enter even if you do not meet the entry requirements. For example, the United States restricts entry for people who have been convicted of certain crimes. You can find a list of what these crimes are at www.cbp.gov

If you have a record of one of these crimes, you will need a **Waiver of Inadmissibility** to enter the US. Never try to travel to the US if you are excluded: you could be detained, fined, charged or incarcerated.

The waiver is issued by US Customs & Border Protection (CBP), an agency of the Department of Homeland Security, and carries a short term. You can apply by filling out **Form I-192** and submitting the required documents. The list of crimes, Application Form and instructions can be found on the **US Citizenship & Immigration website: www.uscis.gov** and the application is submitted at a CBP Port of Entry.

The application process can take **up to a year** and is expensive. The costs will depend on the types of documents you need to submit, but the application itself costs **\$585.00 US** (as of 2012).

If you have obtained a record suspension, you may still need a waiver to travel to the US. Border officials may have access to different kinds of information than Canadian police and **do not recognize a Canadian Record Suspension**. Even a conditional discharge for certain offences can exclude you from entry.

For more information, read the CBP website: www.cbp.gov, contact your nearest Port of Entry, or call the Pearson Airport CBP Centre: **905-676-2606**.

Your local John Howard Society Affiliate is:

John Howard Society

Or contact the John Howard Society of Ontario to find a local Affiliate that can assist you:

w: www.johnhoward.on.ca

e: info@johnhoward.on.ca

t: 416-408-4282

Please note: The information contained within this brochure is current as of May 1st, 2012

Effective, just and humane response to crime and its causes



Record suspensions and Waivers

JohnHoward
SOCIETY OF ONTARIO