



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

Chapter ENF 14

Criminal Rehabilitation

1. What this chapter is about

The aim of this chapter is to provide functional direction and guidance to CIC officers, managers and others concerning the deemed rehabilitation and rehabilitation provisions for persons who have been described in section 36 of the *Immigration and Refugee Protection Act*.

Policies and procedures are outlined for officers at NHQ, local CIC offices and missions who will be providing recommendations and rendering decisions on applications for Deemed Rehabilitation and Rehabilitation.

This chapter includes guidelines to determine criminal equivalencies, foreign monetary values, documentation, and the calculation of the prescribed period of time, as well as factors to assess the decision on rehabilitation and the risk of recidivism.

2. Program objectives

Persons who have committed criminal acts are inadmissible to Canada.

In order to overcome this inadmissibility in meritorious cases, the Act provides authority for the Minister and delegated authorities to approve rehabilitation for persons described for serious criminality in A36(1)(b) and A36(1)(c), and described for criminality in A36(2)(b) and A36(2)(c).

The objectives of the Act with respect to rehabilitation are to:

- protect the health and safety of Canadians and to maintain the security of Canadian society, and
- promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons, including refugee claimants, who are criminals, serious criminals or security risks;

The Act is to be construed and applied in a manner that:

- furthers the domestic and international interests of Canada, and
- ensures that decisions taken under the Act are consistent with the *Canadian Charter of Rights and Freedoms*.

3. The Act and Regulations

Reference should be made to the *Immigration and Refugee Protection Act* and to the *Regulations* for full and complete wording of the texts, as the following references may contain abridged versions.

Immigration and Refugee Protection Act	
Omissions	Act
<ul style="list-style-type: none">• The facts that constitute inadmissibility under section 36 include facts arising from omissions, and• include facts for which there are reasonable grounds to believe that they have occurred.	A33

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A permanent resident or a foreign national is inadmissible On grounds of serious criminality for	Act A36(1)
<ul style="list-style-type: none"> in Canada; having been convicted of an offence under an Act of Parliament; punishable by a maximum term or imprisonment of at least 10 years, or a term of imprisonment of more than 6 months has been imposed; 	A36(1)(a)
<ul style="list-style-type: none"> outside Canada; having been convicted of an offence that, if committed in Canada, would constitute an offence under an Act of Parliament; punishable by a maximum term of imprisonment of at least 10 years; 	A36(1)(b)
<ul style="list-style-type: none"> outside Canada; committing an act that is an offence in the place where it was committed and that, if committed in Canada, would constitute an offence under an Act of Parliament; punishable by a maximum term of imprisonment of at least 10 years. 	A36(1)(c)

A foreign national is inadmissible On grounds of criminality for	Act A36(2)
<ul style="list-style-type: none"> in Canada; having been convicted of an offence under an Act of Parliament; punishable by way of indictment, or convicted of 2 offences under any Act of Parliament not arising out of a single occurrence; 	A36(2)(a)
<ul style="list-style-type: none"> outside Canada; having been convicted of an offence that, if committed in Canada, would constitute an indictable offence under an Act of Parliament, or having been convicted of 2 offences not arising out of a single occurrence that, if committed in Canada, would constitute offences under an Act of Parliament; 	A36(2)(b)
<ul style="list-style-type: none"> outside Canada; committing an act that is an offence in the place where it was committed and that, if committed in Canada, would constitute an indictable offence under an Act of Parliament. 	A36(2)(c)

The following provisions govern Subsections (1) and (2) of the Act	Act A36(3)
An offence that may be prosecuted either	A36(3)(a)
<ul style="list-style-type: none"> summarily, or by way of indictment is deemed to be an indictable offence, even if it has been prosecuted summarily;	
Inadmissibility under A36 (1) and (2) may not be based on a conviction in respect of	A36(3)(b)

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<p>which</p> <ul style="list-style-type: none"> a pardon has been granted and has not ceased to have effect or been revoked under the <i>Criminal Records Act</i>; or there has been a final determination of an acquittal; 	
<p>Matters referred to in (1)(b), (1)(c) and (2)(b), (2)(c) do not constitute inadmissibility in respect of a permanent resident or foreign national who</p> <ul style="list-style-type: none"> after the prescribed period, satisfies the Minister that they have been rehabilitated, or is a member of a prescribed class that is deemed to have been rehabilitated; 	A36(3)(c)
<p>A determination of whether a permanent resident has committed an act described in paragraph (1)(c) must be based on a balance of probabilities;</p>	A36(3)(d)
<p>Inadmissibility under (1) and (2) may not be based on an offence designated as</p> <ul style="list-style-type: none"> a contravention under the <i>Contraventions Act</i>, or an offence under the <i>Young Offenders Act</i>. 	A36(3)(e)

Regulations - Immigration and Refugee Protection Act	Regulation
For the purposes of paragraph 36(3)(c) of the Act, the prescribed period is 5 years	R17
After the completion of an imposed sentence, in the case of the matters referred to in paragraphs 36(1)(b) and (2)(b) of the Act, if the person has not been convicted of a subsequent offence other than an offence designated as a contravention under the <i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i> ; and	R17(a)
After committing an offence, in the case of matters referred to in paragraphs 36(1)(c) and (2)(c) of the Act, if the person has not been convicted of a subsequent offence other than an offence designated as a contravention under the <i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i>	R17(b)
For the purposes of paragraph 36(3)(c) of the Act, the class of persons deemed to have been rehabilitated is a prescribed class	R18(1)
The following persons are members of the class of persons deemed to have been rehabilitated:	R18(2)
Persons who have been convicted outside Canada of an offence that if committed in Canada would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of less than 10 years, Or who committed an act outside Canada that is an offence in the place where it was committed and that if committed in Canada would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of less than 10 years, if	R18(2)(a)
At least 10 years have elapsed from the completion of the imposed sentence and, at the time of examination, the person has not been convicted of a subsequent offence, Or has not committed an act outside Canada that is an offence in the place where it was committed and that if committed in Canada would constitute an offence under an Act of Parliament, other than an offence designated as a contravention under the <i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i> , or	R18(2)(a)(i)
At least 10 years have elapsed since the commission of the offence and, at the time of examination, the person has not been convicted of a subsequent offence, or has not committed an act outside Canada that is an offence in the place where it was committed and that if committed in Canada would constitute an offence under an Act of Parliament, other than an offence designated as a contravention under the	R18(2)(a)(ii)

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<i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i>	
Persons convicted outside Canada of two or more offences, not arising out of a single occurrence, that, if committed in Canada, would constitute summary conviction offences under any Act of Parliament, if <ul style="list-style-type: none">at least five years have elapsed since the sentences imposed were served or to be served, provided that the person has not been convicted of a subsequent offence other than an offence designated as a contravention under the <i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i>; and	R18(2)(b)
Persons convicted in Canada under any Act of Parliament of two or more summary conviction offences not arising out of a single occurrence, if <ul style="list-style-type: none">at least five years have elapsed since the sentences imposed were served or to be served,provided that the person has not been refused a pardon for the offences andhas not been convicted of a subsequent offence other than an offence designated as a contravention under the <i>Contraventions Act</i> or an offence under the <i>Young Offenders Act</i>	R18(2)(c)
The following fees are payable for processing an application for a determination of rehabilitation under paragraph 36(3)(c) of the Act:	R309
In the case of a foreign national inadmissible on grounds of serious criminality under paragraph 36(1)(b) or (c) of the Act - \$1000	R309(a)
In the case of a foreign national inadmissible on grounds of criminality under paragraph 36(2)(b) or (c) of the Act - \$200	R309(b)

3.1. Forms

The forms required are shown in the following table:

Form title	Form number
Permanent Resident Visa	IMM 1000
Rehabilitation Application Kit	IMM 1444
Information on the Processing Fees	IMM 5310
Kit number only for Applying for Approval of Rehabilitation - Persons who are Inadmissible to Canada because of Past Criminal Activity	IMM 5312

4. Instruments and delegations

Rehabilitation approval is the authority from the Minister or delegated authority to overcome the inadmissibility of persons who have been convicted of criminal offences or have committed criminal acts outside Canada. Regulations provide the authority to delegate approval of criminal rehabilitation to the following:

Minister	Officer
A36(1)(b)	A36(2)(b)
A36(1)(b) in combination with A36(2)(b)	A36(2)(c)
Immigration Program Manager	Manager/Assistant Manager
A36(2)(b)	A36(2)(b)
A36(2)(c)	A36(2)(c)

Applications for rehabilitation, controversial or contentious cases, and requests for advice are to be forwarded to NHQ at:

Coordinator
Rehabilitation Unit
Case Review (BCM)

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Case Management Branch
Jean Edmonds Tower North
300 Slater Street, 6th floor
Ottawa, Ontario
K1A 1L1
Telephone 613-957-3736
Fax 613-957-2608
E-mail Nat-Case-Review@cic.gc.ca

5. Departmental policy

5.1. Criminal inadmissibility

Persons who are described under A36(1)(a), (b) or (c), and A36(2)(a), (b) or (c) are criminally inadmissible to Canada.

The Act introduces the deemed rehabilitation class of persons who are described under A36(2)(b) and (c).

The Act provides authority for the Minister to approve the rehabilitation of persons described in A36(1)(b) or (c) and A36(2)(b) or (c). The granting of rehabilitation removes the grounds of inadmissibility, and is granted for meritorious cases when the Minister or the delegated authority is satisfied that the person concerned meets certain criteria, has been rehabilitated, and is highly unlikely to become involved in any further criminal activities.

The National Parole Board has the authority to grant and issue pardons to persons described in A36(1)(a) and A36(2)(a) who have been convicted in Canada of an offence under an Act of Parliament punishable by way of indictment. Neither deemed rehabilitation nor rehabilitation can be granted for these offences.

For further guidance, refer to ENF 2 – Evaluating Inadmissibility.

Officers should consult the Immigration Classified (IC) 1 chapter, *Security and Criminal Screening of Immigrants*, on cases that may have security, criminal, organized crime, war crimes and crimes against humanity implications.

5.2. Deemed rehabilitation – essential elements

For the purposes of paragraph 36(3)(c) of the Act and section 17(1) of the Regulations, the class of persons deemed to have been rehabilitated is prescribed as a prescribed class.

A person may still be inadmissible based on offences that occurred prior to the offence(s) for which the deeming provisions apply.

Deemed rehabilitation elements – indictable offence	
Conviction for offence	Commission of act or omission
Foreign National	Foreign National
Outside of Canada	Outside of Canada
Described in A36(2)(b)	Described in A36(2)(c)
Equivalent to an indictable offence under an Act of Parliament	Equivalent to an indictable offence under an Act of Parliament
Punishable by term of imprisonment of less than 10 years	Punishable by term of imprisonment of less than 10 years
At least 10 years have elapsed since completion of sentence	At least 10 years have elapsed since commission of act or omission
At time of examination, person has not been convicted of any subsequent offences	At time of examination, person has not committed any subsequent acts or omissions
Not equivalent to a contravention under the	Not equivalent to a contravention under the

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<i>Contraventions Act</i>	<i>Contraventions Act</i>
Not equivalent to an offence under the <i>Young Offenders Act</i>	Not equivalent to an offence under the <i>Young Offenders Act</i>

Deemed rehabilitation elements – 2 or more summary offences	
Conviction for offence	Commission of act or omission
Foreign National	Foreign National
Outside of Canada	Outside of Canada
Described in A36(2)(b)	Described in A36(2)(c)
Equivalent to an offence under an Act of Parliament	Equivalent to an offence under an Act of Parliament
2 or more summary offences, not arising out of a single occurrence	
At least 5 years have elapsed since completion of sentence	At least 5 years have elapsed since commission of act or omission
At time of examination, person has not been convicted of any subsequent offences	At time of examination, person has not committed any subsequent acts or omissions
Not equivalent to a contravention under the <i>Contraventions Act</i>	Not equivalent to a contravention under the <i>Contraventions Act</i>
Not equivalent to an offence under the <i>Young Offenders Act</i>	Not equivalent to an offence under the <i>Young Offenders Act</i>

Deemed rehabilitation elements – 5 year passage of time - In-Canada offences
Foreign National
In Canada
Described in A36(2)(a)
Convicted of 2 or more summary offences under any Act of Parliament not arising out of a single occurrence
At least 5 years have elapsed since the sentences imposed were served or to be served
Person has not been refused a pardon by the National Parole Board for the offences
At the time of examination, person has not been convicted of any subsequent offence
Not a contravention under the <i>Contraventions Act</i>
Not an offence under the <i>Young Offenders Act</i>

5.3. Individual rehabilitation – essential elements

If a person who was convicted of an offence or who has committed an act or omission does not meet the eligibility criteria for deemed rehabilitation, that person may be eligible to apply for rehabilitation. The client should be adequately counselled on the criminal inadmissibility criteria, and whether or not they meet the criteria to apply either for rehabilitation under the *Immigration and Refugee Protection Act* or a pardon under the *Criminal Records Act*.

The application of the criminal rehabilitation provisions in the Act is at the discretion of the Minister or the Minister's delegate, but these provisions do not constitute a right for persons who are criminally inadmissible to be considered under them. The officer is not required to counsel applicants on the existence or application of these provisions, but in the interests of procedural fairness, applicants should be provided with an application kit if they appear to meet the eligibility criteria and request information or an application for rehabilitation.

Although officers do not have the authority to approve rehabilitation, they may nonetheless provide the client with an opinion on eligibility, and indicate whether a positive or a negative recommendation would be submitted to the delegated authority.

When a negative recommendation is likely, the officer should advise the client that the processing fee will not be refunded if the application is refused. If a client wants to submit an application for

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rehabilitation after being provided with a negative recommendation, an officer cannot refuse to accept an application for rehabilitation by the client.

The application for criminal rehabilitation should be processed simultaneously, if a client has submitted an application for a temporary or permanent resident visa. If a client requests rehabilitation after a refusal of a visa application, the client would have to submit another visa application.

Rehabilitation elements – Minister's decision	
Conviction for offence	Commission of act or omission
Permanent Resident or Foreign National	Permanent Resident or Foreign National
Conviction outside of Canada	Committed act or omission outside of Canada
Described in A36(1)(b) or A36(2)(b)	Described in A36(1)(c) or A36(2)(c)
Equivalent to an offence under an Act of Parliament	Equivalent to an offence under an Act of Parliament
Punishable by term of imprisonment of less than or more than 10 years	Punishable by term of imprisonment of less than or more than 10 years
At least 5 years have elapsed since completion of sentence	At least 5 years have elapsed since commission of act or omission
No convictions for any subsequent offences	No subsequent acts or omissions
Not equivalent to a contravention under the <i>Contraventions Act</i>	Not equivalent to a contravention under the <i>Contraventions Act</i>
Not equivalent to an offence under the <i>Young Offenders Act</i>	Not equivalent to an offence under the <i>Young Offenders Act</i>

6. Definitions

Act (aka act of commission)

An act is something done or performed, especially voluntary; a deed; the process of doing or performing; an occurrence that results from a person's will being exerted on the external world; any event which is subject to the control of the human will.

Hybrid offence

A hybrid offence is one that may be prosecuted either by way of indictment or summary. A hybrid offence is deemed to be an indictable offence, even if the Crown has elected to proceed by way of summary conviction.

When a foreign statute equates to an offence in Canada that may be prosecuted either by way of indictment or summary, it shall be considered to be equivalent to an indictable offence, regardless of the procedure chosen by the foreign prosecutor.

Omission (aka act of omission or negative act)

The failure to do something that is legally required; a non-occurrence that involves the breach of a legal duty to take positive action; takes the form of either a forbearance or an omission.

Rehabilitation

The *Immigration and Refugee Protection Act* does not define "rehabilitation".

Black's Law Dictionary defines rehabilitation as "*The process of seeking to improve a criminal's character and outlook so that he or she can function in society without committing other crimes.*"

Within the immigration context, the Federal Court of Appeal has described the rehabilitation decision as an assessment of possible future comportment based on actions, attitudes and behaviour since conviction.

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Rehabilitation may be demonstrated by the passage of time and through an examination of the person's activities and lifestyle – both pre and post offence – but does not mean that there is no risk of further criminal activity – only that the risk is assessed to be highly unlikely.

The person's reasons for wanting to come to Canada, e.g., sponsorship by spouse, are not factors in assessing rehabilitation but may be important factors in determining whether to facilitate the application.

7. Procedure for deemed rehabilitation

7.1. When is deemed rehabilitation applicable?

Following are some examples of when the deemed rehabilitation provisions apply:

2 or more summary offences [A36(2)(b)]

+ passage of time of at least 5 years

= Deemed rehabilitation (no fee)

Deemed rehabilitation applies to overcome inadmissibility based on 2 or more A36(2)(b) summary offences, if the prescribed period of time of at least 5 years has elapsed.

A person is not criminally inadmissible for having committed one single summary offence.

Indictable offence [A36(2)(b)] + no subsequent offences

+ passage of time of at least 10 years

= Deemed rehabilitation (no fee)

Deemed rehabilitation applies to overcome inadmissibility based on one single A36(2)(b) indictable offence, if the prescribed period of time of at least 10 years has elapsed.

1 Indictable offence [A36(2)(b)] + 1 previous summary offence

+ passage of time of at least 10 years

= Deemed rehabilitation (no fee)

Deemed rehabilitation applies to overcome inadmissibility based on one A36(2)(b) indictable offence, where the person had committed one previous summary offence, if the prescribed period of time of at least 10 years has elapsed since the commission of the indictable offence.

Individual rehabilitation granted + subsequent indictable offence [A36(2)(b)]

+ passage of time of at least 10 years

= Deeming provisions (no fee)

In a case where individual rehabilitation had been granted, deeming provisions apply to the subsequent indictable offence, if the prescribed period of time of at least 10 years has elapsed.

After the granting of individual rehabilitation, one subsequent offence would not remove the effect of the rehabilitation granted to overcome that earlier offence.

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7.2. When is deemed rehabilitation not applicable?

The deemed rehabilitation provisions cannot be used to overcome inadmissibility for offences in the following situations:

- if the prescribed period of time of 5 years has not elapsed - for a person who has committed 2 or more summary offences; or
- if the prescribed period of time of 10 years has not elapsed - for a person who has committed one indictable offence; or
- person has committed one indictable offence, and then committed a subsequent summary or indictable offence; or
- person was deemed rehabilitated, and then committed a subsequent offence: any subsequent offence has the affect of removing the application of the deeming provisions for any earlier offence(s).
- an indictable offence pursuant to A36(1)(b) or A36(1)(c).

7.3. At a port of entry

If a person seeking entry to Canada at a POE admits to any criminal convictions, acts or omissions, or if the officer suspects that a criminal history exists, the officer must follow the following steps to determine if the client meets the criteria for deemed rehabilitation:

- determine the criminal history by a thorough examination of the person;
- conduct criminal checks during the interview, to the extent possible;
- evaluate the person's criminal history against the criteria for deemed rehabilitation;
- determine if the person is coming to Canada for a legitimate purpose: to study, work, visit or tourism;
- determine the probability that the person will become involved in criminal activities or will be law-abiding while in Canada.

After the officer has determined that a person qualifies for deemed rehabilitation to overcome inadmissibility under A36(2)(b) or (c), the officer:

- shall not complete an A44 report with respect to criminal inadmissibility, as the person seeking entry is not a member of that class of inadmissible persons;
- is not required to issue a Temporary Resident Record nor to enter information in FOSS/NCMS on the person's convictions;
- may, however, as is the case for all temporary residents, issue a Temporary Resident Record (TRR) or enter information in FOSS/NCMS on a foreign national who is a frequent traveller to Canada in order to assist in future examinations, or for any other enforcement concerns. A notation shall be added in the Remarks section of the TRR with respect to the deemed rehabilitation under A36(2)(b).

If it appears that a person may meet the criteria for deemed rehabilitation, but the officer is not satisfied of the person's eligibility for deemed rehabilitation on the basis of the available information or evidence, the officer may complete a A44 report.

After a determination that a person who is criminally inadmissible does not meet the criteria for deemed rehabilitation, the options available to an officer are to:

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- allow the person to leave; or
- recommend a Temporary Resident Permit; or
- prepare a A44 report, and refer the case to the Minister's delegate who may refer the person to an admissibility hearing at the Immigration and Refugee Board (IRB); or
- counsel the subject to make an application for individual rehabilitation at the POE; or
- counsel the subject to make an application for individual rehabilitation at a Canadian visa office.

7.4. Applications at a visa office

If a person applying for a temporary or permanent resident visa, or for a student or work permit, admits to any criminal convictions or acts or omissions, or if the officer suspects that although a criminal history exists, the person may qualify for rehabilitation, the officer must:

- interview the person to determine the person's criminal history;
- conduct criminal checks, to the extent possible, or request the person to provide documentation that establishes details of the conviction;
- evaluate the person's criminal history against the criteria for deemed rehabilitation;
- determine if the person is seeking to enter Canada for a legitimate purpose: to immigrate, study, work, visit or tourism;
- assess the probability that the person will become involved in criminal activities or will be law-abiding while in Canada.

If an officer determines that a person, who has applied for a temporary resident visa (TRV) or a permanent resident visa (IMM 1000), qualifies for and is deemed rehabilitated to overcome inadmissibility under A36(2)(b) or (c), the officer shall add a notation in the Remarks section of the TRV or the IMM 1000 with respect to the deemed rehabilitation under A36(3)(c).

Persons who do not satisfy the officer that they meet the criteria for deemed rehabilitation may be advised to make an application for individual rehabilitation.

8. Procedure for individual rehabilitation at CIC or visa office

- Office/visa office provides Rehabilitation Application Kit (IMM 1444) to client;
- Officer counsels client on the process and ensures that application is signed, dated and that all mandatory documentation, including a copy of the foreign statute, is attached;
- An interview may be required to clarify and assess any contradictions or inconsistencies of the information provided by the client. The client is advised that the purpose of the interview is to address the above concerns in order to render a recommendation on the application. If credibility is questionable and the client cannot provide satisfactory explanations, the officer may make outside inquiries to obtain third-party information;
- The officer provides the applicant with a copy of all information included in the submission to the decision-maker, and allows the applicant the opportunity to respond;

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- Part C of the application is to be completed by the recommending and reviewing officers;
- The officer provides recommendation to NHQ or the delegated decision-maker; and
- Part D of the application is to be completed by the recommending officer after the decision is made.

9. Procedure: Rehabilitation Application Kit

A client who has been determined to be inadmissible should be provided with a Rehabilitation Application Kit which contains:

- Kit number only for Applying for Approval of Rehabilitation - Persons who are Inadmissible to Canada because of Past Criminal Activity (IMM 5312E);
- Application for approval of rehabilitation (IMM 1444E);
- Instructions on how to complete the form;
- Information on the processing fees (IMM 5310E).

Application kits, and telephone numbers and addresses are available from:

- <http://www.cic.gc.ca>
- Call Centres in Canada
- Canadian Immigration Centre (local office)
- Mission (High Commission, Embassy or Consulate)

The kit has been developed to record all necessary information pertaining to the request for rehabilitation. Incomplete applications and fee will be returned to the applicant. The completed application kit, originals of all mandatory documentation and the fee must be sent to the appropriate authority at the local or NHQ level.

All documentation and submissions must be in written format. Material not in this format, e.g., photos or videos, will be returned to the applicant with the notification that they cannot be considered.

10. Procedure: Procedural fairness

In the extensive case law from the the courts on procedural fairness in immigration processing, it has been well established that an applicant is entitled to:

- know the case to be met;
- have an opportunity to present evidence relevant to the case, and
- provide a response to facts or new information that will be considered by the decision-maker, and to have the evidence fully and fairly considered.

The evolution of this doctrine in immigration litigation has resulted in the following rules for the processing of rehabilitation applications:

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The decision-maker must render the decision based on complete information. Therefore, all documents provided by the applicant must be forwarded to the decision-maker for consideration. A covering memorandum provided to the decision-maker, that summarizes the contents of the documentation without the primary documentation, is not sufficient.

With the exception of information that must be exempted for security reasons, the applicant is entitled to receive and comment on any relevant documents obtained by the officer that will be considered by the decision-maker. In the comments section of the IMM 1444, the recommending officer must confirm that the applicant was provided with this opportunity.

The applicant must be advised of the issues raised by the recommending officer and have the opportunity to respond to those issues.

An officer cannot refuse to accept an application for rehabilitation if an application for admission is in progress.

11. Procedure: Interview considerations

Single minor offence: An interview may not be required in cases where an applicant has little difficulty convincing the officer of their rehabilitation when it appears that the offence was an isolated event, out of character for the individual, and not indicative of a pattern of criminal behaviour.

Multiple or more serious offences: Applicants involved in the following types of offences may require an interview and a thorough assessment of their background:

- pattern of offences that suggests a criminal lifestyle;
- use of weapons or explosives;
- violence or hostage-taking;
- sexual assault;
- substance or alcohol abuse;
- use of force;
- trafficking of narcotics, and
- fraud.

12. Procedure: Documentation

12.1. Mandatory documentation

The onus is on the client to ensure that the documentation provided clearly establishes the date at which the sentence was completed, and that the prescribed period of time has elapsed since the completion of the sentence:

- criminal clearance certificates from the appropriate authorities in areas where the applicant has resided for a period of 6 months or more during the past 10 years, unless the circumstances of the case warrant that one be requested for a lesser period of residence;

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- clients who have resided in the U.S.A. must also obtain a police record from the FBI, and a State certificate from each State in which they have resided during the past 10 years;

Note: Refer to IR 4 for addresses of police authorities in all countries.

- original or certified true copies of conviction certificates for all convictions. If the conviction certificate does not include sufficient information to establish the nature of the offence, court records or transcripts should be obtained;
- where the person alleges to be a juvenile offender, a copy of the foreign statute establishing special measures for young offenders and evidence that the conviction was dealt with under these measures must be provided;
- if the officer is satisfied that the client has unsuccessfully exhausted all avenues in attempting to obtain conviction certificates, a statutory declaration from the client which must describe the offence(s) in as much detail as possible may be provided, with an explanation of the reasons why the client was unable to obtain a conviction certificate;
- where there is no conviction, the client must sign a statutory declaration that describes the act or omission in detail;
- a copy of the foreign statute which states the section and elements of the offence that the person committed or for which the person was convicted. Officers should request a copy from the applicant only if the statute is not available in the office;
- applicant's written statements, as requested in questions 15 and 17 of the IMM 1444;
- RCMP criminal clearance certificate (in-Canada applicants only).
- Documentation that establishes the client's identification must also be submitted:
- photocopy of passport, which shows name, date of birth and country of birth;
- photocopy of driver's license and birth certificate (only for US citizens who acquired US citizenship at birth).

12.2. Optional documentation

- certificate or letter of rehabilitation;
- probation or parole officer's reports;
- judge's comments, including recommendation for parole;
- pardons which do not annul convictions retroactively;
- victim impact statement, or other court records that would indicate physical or psychological harm done to the victim and evidence of remorse or restitution; and
- letters of recommendation from public officials or respected private citizens.

Note: Documents not in English or French must be accompanied by a certified translation.

13. Procedure: Determining criminal equivalency

In order to determine the ground of inadmissibility, the foreign offence must be equated with a Canadian federal statute.

The Federal Court of Appeal has ruled that three methods can be used to determine criminal equivalency:

- compare the elements of the Canadian and foreign statutes;
- examine the circumstances to determine whether the acts of which a person was convicted abroad or the acts or omissions committed could result in a conviction in Canada; or
- combination of the two above.

13.1. Canadian statute considerations

- equivalent Canadian statute must be an Act of Parliament;
- municipal and provincial statutes are not applicable;
- contempt of court, which is based in common law is not applicable;
- the Canadian statute must be in force at the time that the criminal equivalency is done;
- if wider than the foreign statute, compare the elements of the statutes to establish equivalency;
- if narrower than the foreign statute, examine the circumstances and documents pertaining to the offence, including the arrest report, charges, or statement from the offender;
- all Canadian equivalents should be used in support of the refusal when the foreign offence equates with more than one Canadian equivalent; and
- no legal requirement to find the equivalence that is the most similar and make a decision on that provision only.

13.2. Foreign statute considerations

NHQ can provide assistance in determining criminal equivalence if a copy of the foreign statute is faxed, containing the section and elements of the offence that the person committed or for which the person was convicted.

- Where the foreign offence is wider than the Canadian statute, examine the circumstances of the offence to determine if it would fall within a more specific Canadian statute.
- Where there is a difference between the charge and the conviction, e.g., as the result of plea-bargaining to a lesser charge, the conviction, not the charge, should form the basis of the equivalency.
- No equivalents exist for offences which may have an equivalent Canadian statute, but taken within the context that the offence occurred, would not likely result in a conviction in Canada.

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In-Canada applicants should contact their embassy or consulate if they are having difficulty obtaining a copy of the foreign statute. If this is not possible, the officer should contact the visa office for assistance.

Overseas applicants can obtain foreign statutes from law libraries, the courthouse where the offence occurred, lawyers, or local police authorities. An Internet search of the following web sites may be of assistance in locating foreign statutes:

- <http://www.washlaw.edu/forint/forintmain.html> - Washburn University School of Law Library provides links to primary foreign and international legal resources
- http://www.odccp.org/adhoc/crime/uncjin_links/uncjin_Links_%20010329.pdf – United Nations Crime Prevention and Criminal Justice Programme Network
- <http://www.accesstolaw.org/default.asp> - Legal sources selected and annotated by Inner Temple Library which is most extensive in covering the UK and Commonwealth countries
- <http://www.wings.buffalo.edu/law/bclc/resource.htm> – Buffalo Criminal Law Center provides access to criminal law material from both the United States and throughout the world, including criminal codes, criminal procedure codes and enforcement codes
- <http://insight.mcmaster.ca/org/efc/efc.html> - Registration and membership required for this site. The mandate of Electronic Frontier Canada (EFC) is to conduct research into issues and promote public awareness in Canada regarding the application of the Charter of Rights and Freedoms to information technologies
- <http://www.findlaw.com> – FindLaw is a search engine which provides sources for legal issues based on the country, subject, etc.

14. Procedure: Conversion of foreign monetary values for criminal equivalence

Monetary values must be converted from foreign to Canadian currency so that criminal equivalence can be established for cases in which:

- an amount was affixed to the theft, fraud, or property crime;
- a fine was imposed or paid;
- there is a value of restitution.

The exchange rate in effect at the time of the application should be used. Examine also the equivalent offence under the current Canadian statute.

The Bank of Canada provides exchange rates back to 1990 at <http://www.bankofcanada.ca>

Statistics Canada provides exchange rates prior to 1990 at <http://www.statcan.ca/>

The Currency Site provides exchange rates at <http://www.oanda.com/convert/classic>

15. Procedure: Commission of act or omission

A36(1)(c) and A36(2)(c) render inadmissible persons who have committed an act that occurred outside Canada which did not result in a conviction.

An "act" is something done, a completed action, something that happened, an event or circumstance.

An "omission" is a failure to do something, including the deliberate failure to act.

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These provisions provide a means to prevent the admission of criminals who have not yet been convicted or who are fleeing prosecution. These provisions cannot be used in cases where a conviction has been registered, but the officer is unable to find the appropriate evidence.

In determining whether the provisions should be applied, the following case elements must be established:

- reasonable grounds exist to believe that an act has taken place;
- the act occurred outside Canada;
- the act is an offence under the laws of the country where it occurred, and the offence has a Canadian equivalent.

Pursuant to A33, the facts that constitute inadmissibility under A36 include facts arising from omissions for which there are reasonable grounds to believe they may have occurred, or are occurring.

Note: For commission of act provisions, refer to ENF 2.

16. Procedure: Calculation of the start date of the 5-or 10-year period

Act: the date on which the act occurred.

Conviction: the date of the end of the sentence.

Conviction and sentence *in absentia*: not eligible for rehabilitation because the sentence has not been completed.

Imprisonment without parole: the date the term of imprisonment is completed.

Parole: the date on which parole ended.

Probation: the date of the end of the sentence, even if probation, and terms and conditions were imposed.

Supervised Release: the date is based on the termination date of the supervised release.

Suspended Driver's License: the period of suspension is included in the sentence. If there is imprisonment, the period of rehabilitation begins at the end of the completed sentence or at the end of the period of suspension, whichever is later.

Suspended sentence: the date of conviction.

Suspended sentence with fine: the date on which the fine was paid, which includes any other costs, such as surcharges, court costs, restitution and compensation costs ordered by the Court. In the case of varying payment dates, the rehabilitation period starts on the date of the last payment.

Suspended imprisonment: the date of the end of the term of imprisonment that was suspended. For example, in the case where the judge imposes a sentence of one month, but suspends the execution of the order for 2 years, the rehabilitation period would begin one month after sentencing.

Suspension or probation longer than 5 years: could result in a situation where the person is eligible to apply for rehabilitation under the Act while still subject to the jurisdiction of a foreign court. Such applications can be submitted, but the Minister may refuse to grant rehabilitation until the applicant has complied with the terms of the suspended sentence or probation. As a 2nd application with a 2nd processing fee would be required, applicants in such circumstances should be advised to wait until they are no longer under the jurisdiction of the foreign court.

17. Procedure: Criminal profile description and rehabilitation factors

The following tables describe five different criminal profiles, which may be useful in determining a recommendation for rehabilitation, and evaluating the risk of recidivism.

To determine the type of profile that best describes the applicant when assessing whether the applicant is rehabilitated, take into account the rehabilitation factors for each of the five types of profiles.

Description	Type of profile				
	1	2	3	4	5
Relatively stable lifestyle	X				
Offence generally motivated by an isolated event, and may be viewed as a temporary lapse	X				
Unlikely to get involved in further criminal activity	X				
Minimal offence history	X	X			
Well established in the community	X	X			
History may include: <ul style="list-style-type: none"> sexual offences; drug or alcohol abuse; serious emotional disturbance; assault offences; applicants deny or minimize their problems; they require counselling or therapy to attain rehabilitation. 		X X X X X X			
Lack social and vocational skills			X		
Intellectual deficits may contribute to their problems			X		
Criminal behaviour may be a result of their inability to succeed, and strong tendency to be led by more sophisticated associates			X		
Little foresight about the consequences of their behaviour—high element of impulsiveness and tendency not to learn from their mistakes			X		
Display a fair degree of comfort with a criminal lifestyle				X	
Pattern of long-term involvement with criminal activities				X	
Motivated by need to prove their ability to manipulate people and "beat the system"				X	
Crimes are generally motivated towards material gain				X	
Superficial guilt: tendency to deny or minimize personal problems and to assign blame for criminal activity to others or circumstances				X	
Rehabilitation is difficult: often require counselling/therapy.				X	
Numerous changes in residence and inability to provide consistent financial support					X
Instability in employment, family life and living situation—general lack of direction in their life and marital problems					X
Habitual involvement in drugs and/or alcohol					X
Serious emotional problems and negative self perceptions					X
Considerable number of arrests for summary offences					X
Inability to deal appropriately with personal problems may prevent them from acquiring and maintaining steady employment					X
Require substance-abuse counselling					X

Rehabilitation factors	Type of profile				
	1	2	3	4	5

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Understanding of the offence	X	X	X	X	X
Responsibility taken for the offence	X	X	X	X	X
Contrition/evidence of remorse	X	X	X	X	X
Restitution to the victim, where applicable	X	X	X	X	X
No negative contact with the law	X	X	X	X	X
Psychological or drug/alcohol (substance abuse) counselling		X	X	X	X
Completed rehabilitation program: drug/alcohol/sexual abuse/assault		X	X	X	X
Life-skills training, and improved survival and social skills			X	X	X
Education/employment training			X	X	X
Stable employment pattern			X	X	X
New social groups			X	X	X
Involvement in non-manipulative relationships and pro-social activities				X	
Stable marriage/family life/living arrangement			X	X	X

18. Procedure: Requests for additional information from applicant

Where additional information is requested from the applicant, a period of 30-60 days should be provided to permit the applicant to obtain the required information. The applicant should be advised that if their response has not been received by that date, their application will be submitted to the decision-maker to render a decision on the basis of the information available.

In instances where additional information is received after the application has already been sent to NHQ, the documentation should not be refused; it should be forwarded to NHQ. However, explain to the client that there are no guarantees that the additional information will be considered.

If additional information from the applicant arrives too late for NHQ to consider it with the application, the letter of refusal should contain this explanation. If the applicant wishes to have the additional information considered, a new application would have to be submitted.

19. Procedure: Processing fee

Prescribed fees for processing rehabilitation applications are in Schedule 1 of the *Fees Regulations*. Fees shall be collected and a receipt issued to the applicant after a properly completed application is received. There are no exemptions to the payment of this fee.

Applicants who are unable or unwilling to pay the fee immediately should be advised to return when they are able or prepared to do so as an application cannot be accepted without the processing fee. Applications that do not include the fee or include an incorrect fee should be returned to the applicant with an explanation that the application cannot be processed until the full fee is paid.

Note: For detailed information on fees, refer to IR 5.

20. Procedure: Submission of rehabilitation application

The rehabilitation submission must include the following:

- offence and sentence imposed;
- conversion into Canadian funds of amount of fine imposed;
- date and place of occurrence;

- date and place of conviction;
- circumstances leading up to the commission of the offence;
- motives for the offence;
- details on how the offence was perpetrated;
- degree of violence involved, including the use of weapons;
- degree of harm done to the victim, either physical or psychological;
- level of cooperation with authorities following arrest;
- applicant's acceptance of responsibility for the offence and any evidence of remorse or restitution to the victim;
- explanation from applicant, if version inconsistent with official record;
- response from the applicant in reply to information obtained or issues raised by the officer;
- recommendations from the recommending and reviewing officers.

21. Procedure: Officer's recommendation at POE, CIC & visa office

Based on the available documentation, the information provided by the client in interview, the overall comportment of the applicant, and guidance provided in this manual, the officer can formulate a recommendation on rehabilitation. If doubt exists that the applicant has been rehabilitated, the officer should propose a negative recommendation.

If the client has not provided all additional documentation requested by the officer, the recommendation must be based on the available information. Regardless of the recommendation of the reviewing officer, all supporting documents and the application form must be submitted to the appropriate decision-maker.

In cases where the interviewing and reviewing officers have recommendations which differ, they can review and assess the case against the rehabilitation factors outlined in this manual, and complete part C of the IMM 1444.

22. Procedure: Implementing the decision

22.1. Rendering and recording the decision

Case Review (BCM), Case Management Branch, will review the application for accuracy and completeness, then forward the submission and its own recommendation to the Minister for a decision on whether to grant rehabilitation to the applicant.

After the Minister has rendered a decision on the rehabilitation application, BCM will forward the Minister's decision by e-mail or fax to the responsible office, which will then advise the applicant.

Part D of the IMM 1444 must be completed, signed and dated by the originating office, and it will then be the official record of decision on file.

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22.2. Advising the client of a positive decision

If the decision is positive, the client should be advised by letter and provided with instructions on how to proceed with their application for admission.

Applicants for temporary entry should be given an approval letter for presentation at Canadian ports of entry.

Sample letters are provided in the Appendix.

If an application for rehabilitation is accepted, the processing of the application for admission until the final decision is received is suspended, even if the matter appears straightforward.

22.3. Advising the client of a negative decision

If the decision is negative, the client should be advised by letter of the refusal of the application for admission, but there is no requirement for reasons to be given.

If the rehabilitation period has not elapsed, calculate the date and explain to the client when a new application can be submitted.

Sample letters are attached in the Appendix.

The application for admission should not be held in abeyance until compliance with eligibility requirements.

Note: If the case merits exceptional consideration, refer to IP 12 or OP 19 for a temporary resident permit.

Suspend all other processing.

23. Procedure: Entering rehabilitation requests into FOSS/NCMS

Enter all requests for rehabilitation originating in Canada in the WIP (Work in Process) screen.

Indicate whether the application was approved or refused, and the date of the decision.

Create an NCB to facilitate future visits in the case of a foreign national:

- "16 – DEEMED REHAB A36(2)", or
- "17- REHAB GRANTED A36(1)"

24. Procedure: Should applicant be considered under the *Young Offenders Act*

Young offender applicants must be considered in a manner consistent with Canada's *Young Offenders Act* when determining criminal equivalency.

If the applicant was treated as a young offender in a foreign jurisdiction that has young offender provisions, and no conviction was recorded, the applicant is deemed not to have a conviction. However, if the applicant was transferred to adult court, the applicant does have a conviction.

If a young offender system is in place in another country where the age of majority differs from that in Canada, it would be necessary to determine whether the offence, if committed in Canada, would be transferrable to adult court. If not, the applicant should be processed as a young offender.

When the foreign jurisdiction does not have young offender provisions, the officer must examine the circumstances of the offence to determine whether the applicant would have been dealt with

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in juvenile or adult court in Canada. In order to make this evaluation, the following questions must be addressed:

Has the person committed an offence that would have been prosecuted under the *Young Offenders Act* in Canada? Section 553 of the *Criminal Code* includes the following offences:

- theft;
- fraud;
- possession of stolen goods;
- bookmaking;
- driving while disqualified;
- commits mischief, where value of property does not exceed \$5,000.

Factors, as outlined in subsection 16(1) of the *Young Offenders Act*, under which a youth court would consider whether the trial should be transferred to adult court?:

- person is 14 years of age or older;
- offence is indictable, and not listed in CC.553;
- an application for transfer to adult court has been made;
- offender is not described in 16(1.01) of the *Young Offenders Act*, i.e., persons 16 or 17 years of age who have been charged with murder, attempted murder, manslaughter, and aggravated sexual assault.

If the conditions in subsection 16(1) of the *Young Offenders Act* are met, are the circumstances of the offence such that the case would have been transferred to adult court? Subsection 16(2) of the *Young Offenders Act* outlines the following factors to consider when deciding whether the trial of a young offender should be transferred to adult court:

- circumstances and seriousness of the offence;
- character, age, and maturity of the offender;
- availability of treatment or correctional resources;
- any previous convictions.

Note: The *Young Offenders Act* and the *Criminal Code of Canada* are accessible on the Department of Justice Web site: <http://www.canada.justice.gc.ca>

25. Procedure: Pardons for convictions in Canada

Persons who are described in A36(1)(a) or A36(2)(a), based on a criminal conviction for an offence under an Act of Parliament or a Regulation made under an Act of Parliament, are not eligible to apply for rehabilitation but may apply to the National Parole Board for a pardon.

Application guides and additional information can be obtained from:

Clemency and Pardons Division
National Parole Board
410 Laurier Avenue West
Ottawa, Ontario K1A 0R1
Telephone 1-800-874-2652 (Canada and U.S.A. only)
Fax 613-941-4981
Web site <http://www.npb-cnlc.gc.ca>

For an application for a pardon to be considered, the following period of time must have elapsed after the expiration of any sentence, term of imprisonment, or period of probation, and the payment of a fine, surcharge, restitution, or compensation order imposed:

- 5 years for an offence prosecuted by indictment, or a service offence within the meaning of the *Criminal Records Act*, paragraph 4(a)(ii). The National Parole Board may grant a pardon if it is satisfied that the applicant, during the 5-year period, has been of good conduct and not been convicted of an offence under an Act of Parliament or a Regulation made under an Act of Parliament;
- 3 years for an offence punishable on summary conviction, or a service offence within the meaning of the *National Defence Act*, other than a service offence referred to in paragraph 4(b)(ii) of the *Criminal Records Act*. The National Parole Board may issue a pardon if the applicant, during the 3-year period, has not been convicted of an offence under an Act of Parliament or a Regulation made under an Act of Parliament.

A person who has been granted a pardon will be given a letter, signed by the Chairperson of the National Parole Board, that lists the conviction(s) for which the pardon was granted, and is proof that a pardon was granted. A pardon is evidence that the Board was satisfied that the applicant has been of good conduct and that the conviction for which the pardon was granted or issued should no longer reflect adversely on the applicant.

Unless subsequently revoked or has ceased to have effect, a pardon requires the judicial record of the conviction to be kept separate and apart from other criminal records and removes any disqualification to which the person is subject by reason of the conviction, by virtue of the provisions of any Regulation or Act of Parliament. Pardons are not necessarily final and can cease to have effect by operation of law or through revocation by the National Parole Board.

26. Procedure: Pardon and criminal rehabilitation both required

Persons who have committed criminal acts or have been convicted of criminal offences both in Canada AND abroad, and are described under one of A36(1)(a), (b) or (c) AND one of A36(2)(a), (b) or (c) require an approval of rehabilitation AND a pardon to overcome their criminal inadmissibility.

The application for rehabilitation should not be submitted until after a pardon has been obtained from the National Parole Board. The only exception is for a client who has one single summary conviction in Canada; in this case, the application for rehabilitation can proceed if the person provides evidence that an application for a pardon was submitted to the National Parole Board.

27. Procedure: Pardons outside Canada

The effect of a foreign pardon does not necessarily render the person admissible to Canada.

The following factors must be taken into account:

- If the country's legal system is based on similar foundations and values as Canada's, the foreign legislation must be examined to determine whether the effect of the pardon is to erase a conviction or merely recognize that rehabilitation has taken place. If the latter case, the applicant is inadmissible and an application for rehabilitation should proceed.
- In the vast majority of cases, the applicant should be able to produce a copy of the pardon.
- The UK *Rehabilitation of Offenders Act* automatically pardons eligible individuals without the person having to apply if the person has been sentenced to a term of imprisonment of less than thirty months.
- Canadian courts are not bound by a pardon in which there is an absence of evidence as to the motivating considerations that led to the grant of a pardon by another state jurisdiction.
- The nature of the offence of hijacking provides a solid rationale to depart from the principle that a pardon granted by another jurisdiction, whose laws are based on a foundation similar to Canada's, should be recognized in Canada.

28. Procedure: Roles and responsibilities in individual rehabilitation process

Role	Responsibility
Client	<ul style="list-style-type: none">• completes parts A and B of the IMM 1444; signs and dates it;• provides copies or originals of all documents (and translations if documents are not in English or French);• attends interview(s) and provides other documents as requested;• submits the application and full processing fee to the appropriate immigration office.
Delegated decision-maker (local offices, missions)	<ul style="list-style-type: none">• conducts review of application and documents;• analyzes relevant factors essential for the approval or refusal of the application;• renders a decision;• provides guidance to officers on complex or difficult cases.
National Headquarters (NHQ)	<ul style="list-style-type: none">• reviews application and documents;• analyzes relevant factors essential for the approval or refusal of application, and prepares recommendation;• submits case to Minister with all documentation, including client submissions;• forwards Minister's decision to the office/visa office that processed the application;• provides assistance and clarification with respect to criminal rehabilitation or equivalencies;

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	<ul style="list-style-type: none">• provides guidance to officers on complex or difficult cases.
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Appendix A

Application kit - visa applicant

Dear Sir/Madam:

This is in reference to your application for admission to Canada. Based on the information that you have provided, it appears that you are criminally inadmissible to Canada.

The *Immigration and Refugee Protection Act* contains provisions which provide for the rehabilitation of persons who have committed criminal offences outside of Canada. In order to be eligible to be considered for rehabilitation, at least five years must have elapsed since the completion of any sentence imposed or the payment of a fine.

If you wish to be considered for rehabilitation, you must complete the enclosed application form and provide the required documentation. Please ensure that you follow the enclosed instructions carefully, and provide all the documentation and the processing fee. If your application form is not complete, it will be returned to you.

Your application for admission to Canada will be held in abeyance for a period of 60 days pending receipt of your application. If we do not receive complete documentation and the processing fee from you by -----200_, we will assume that you do not intend to apply for rehabilitation under Canada's *Immigration and Refugee Protection Act*. Your application for admission will be decided based on information available at that time.

Yours sincerely,

Appendix B

Incomplete application kit

Dear Sir/Madam:

This is in reference to your application for criminal rehabilitation recently received at this office.

We cannot proceed with your application because all the documentation that we require has not been provided. Specifically, we require ----- . Therefore we have returned your application form with supporting documentation and the cost recovery fee.

We will hold your application for admission to Canada in abeyance for an additional 30 days pending receipt of the complete application. If we do not hear from you by ----- 200_, we will assume that you do not wish to pursue your application for rehabilitation, and a decision on your application for admission to Canada will be based on information available at that time.

Yours sincerely,

Appendix C

Ineligible applicant

Dear Sir/Madam:

This is in response to your application for criminal rehabilitation under Canada's *Immigration and Refugee Protection Act*. We have reviewed your application and the documents that you have provided. You are inadmissible to Canada under subsection ----- of the *Immigration and Refugee Protection Act* which reads -----.

Unfortunately you are not eligible to be considered for rehabilitation because, based on the documentation you have provided, five years have not elapsed since the completion of your sentence. You will have completed this five-year waiting period on ----- 200_. You may wish to submit a new application at that time.

(Add admission/visa refusal letter if appropriate.)

Yours sincerely,

Appendix D

Approval - permanent resident

Dear Sir/Madam:

This is in reply to your application for criminal rehabilitation under Canada's *Immigration and Refugee Protection Act*.

I am pleased to inform you that your application has been approved.

The effect of this decision is that you are no longer described in ----- of the *Immigration and Refugee Protection Act* because of (your conviction in ----- for the offence of -----on ----- 200_.) or (the offence of ----- that you committed in ----- on -----200_.)

Please note that this approval of this application for rehabilitation does not exempt you from any other requirements of the *Immigration and Refugee Protection Act* or Regulations.

Yours sincerely,

Appendix E

Approval – foreign national

Dear Sir/Madam:

This is in reply to your application for criminal rehabilitation under Canada's *Immigration and Refugee Protection Act*.

I am pleased to inform you that your application has been approved.

The effect of this decision is that you are no longer described in ----- of the *Immigration and Refugee Protection Act* because of (your conviction in ----- for the offence of ----- on ----- 200_.) or (the offence of ----- that you committed in ----- on -----200_.)

As this is the only document that will be issued establishing your rehabilitation under the *Immigration and Refugee Protection Act*, I urge you to guard it safely and to carry a photocopy with you whenever you travel to Canada.

Please note that approval of this application for rehabilitation does not exempt you from any other requirements of the *Immigration and Refugee Protection Act* or Regulations.

Yours sincerely,

Appendix F

Refusal - permanent resident/foreign national

Dear Sir/Madam:

This is in reply to your application for criminal rehabilitation under Canada's *Immigration and Refugee Protection Act*.

Your application and supporting documentation have been thoroughly and sympathetically reviewed. Unfortunately, the (Minister) or (Manager/Program Manager who has the delegated authority to approve rehabilitation) is not satisfied that you are rehabilitated.

The effect of this decision is that you remain inadmissible to enter Canada because you are a person described in ----- of the Act which reads -----.

(Add admission/visa refusal letter if appropriate.)

Yours sincerely,