



Criminal charges in Canada and your immigration status

If you are charged with a crime in Canada, you have a right to a trial in criminal court. At the trial, a lawyer for the government will try to prove that you are guilty beyond a reasonable doubt. If they cannot prove this, then the court will find you not guilty.

Be sure you know what kind of immigration status you have here. If you are not a Canadian citizen, what the court decides may affect your status. It may lead immigration authorities to take steps to get a “removal order” against you. This is an order to remove you from Canada to another country.

Here are just a few examples of crimes that could affect your immigration status—driving while you are drunk, stealing even if you steal something of little value, assaulting your family or other people, having illegal drugs.

What should I do if I am charged with a crime?

You need legal advice about both criminal and immigration law before you take any steps in the case. If you cannot afford to pay, you may be able to get legal help through Legal Aid Ontario.

Get a lawyer as soon as possible. Tell your lawyer that you are concerned about what the court’s decision will do to your status in Canada.

What can happen to my status?

If you are not a Canadian citizen, you could lose your status for some crimes. It does not matter how long you have lived here.

Immigration authorities may take steps to get a removal order against you.

If you are a Canadian citizen, you cannot be forced to leave Canada, unless you said something that was not true or left out information when you applied for Canadian citizenship or permanent resident status.

What will happen if there is an order to remove me from Canada?

If there is a removal order against you:

- You may be forced to leave Canada and you will need special permission from immigration authorities to come back.
- Your family members who are not Canadian citizens may also have to leave Canada.

What can I do to protect my status and stay in Canada?

Get legal advice right away. If there is a removal order against you, you may be able to appeal to the Immigration and Refugee Board. But there are time limits, so you should act quickly.

If the criminal court decides that you are guilty, you may also have the right to appeal. But again there are time limits, so get legal advice right away.

You could apply to the Parole Board of Canada for a pardon (now called a “record suspension”) if you have completed the punishment the court gave you. There is a waiting period before you can apply.

→ more on page 2 →



If you get the pardon, immigration authorities should treat you as if you were not guilty of the crime. ♦

On these pages, we give only general information. You should get legal advice about your own situation.

How to get help

211 Ontario is an information and referral hotline that gives help in many languages. They take calls 24 hours a day, 7 days a week. They can tell you:

- where to get legal help, and
- how to contact a settlement agency or community agency for other kinds of help.

You could also try contacting a local library or a community legal clinic.

To contact 211 Ontario:

- ☎ Phone..... **211**
- ☎ TTY..... **1-888-340-1001**
- 💻 211Ontario.ca

For more help:

Developed by CLEO (Community Legal Education Ontario/Éducation juridique communautaire Ontario) in collaboration with the CLEO Six Languages Advisory Group, made up of 10 member agencies. This project was funded by the Ontario Trillium Foundation and Legal Aid Ontario. Visit www.cleo.on.ca to download these pages and other legal information. CLEO's **Steps to Justice** website has step-by-step information about common legal problems. Visit www.stepstojustice.ca.