



# Criminal charges in Canada and your immigration status

If a Canadian criminal court convicts you of a crime, this can affect your immigration status in Canada. If you are convicted, you will have a criminal record.

There are only two ways a court can convict you of a crime:

1. You plead guilty. This is when you admit to a judge in court that you committed the crime. You should always get legal advice before deciding to plead guilty.
2. You plead not guilty, but a judge or jury decides that you are guilty after a trial.

If you are convicted, whether this affects your immigration status depends on:

- the crime you are charged with, and
- the sentence that you get.

And in some situations, just being **charged** with a crime can affect status.

## 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.

If you cannot afford to pay for a lawyer, 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 a criminal conviction 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. This is an order to remove you from Canada to another country.

**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 made against you, you may be able to appeal it to the Immigration and Refugee Board. But there are time limits, so act quickly.

If you get a criminal conviction, you may also have the right to appeal it in criminal court. But again there are time limits, so get legal advice right away.

If you get a criminal conviction, you could apply to the Parole Board of Canada for a record suspension, which used to be called a pardon.

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But before doing this, you must have completed the sentence the court gave you, including paying any fines in full.

And after you complete your sentence, you have to wait some more time before you can apply. There is also a fee.

For more information about record suspensions, visit [www.canada.ca/en/parole-board/services/record-suspensions.html](http://www.canada.ca/en/parole-board/services/record-suspensions.html).

If you get a record suspension, immigration authorities should treat you as if you were not convicted of the crime. ♦

**Criminal charges can affect your immigration status in many ways. 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.

To contact 211 Ontario:

- ☎ Phone..... **211**
- ☎ TTY..... **1-888-340-1001**
- 💻 **[211Ontario.ca](http://211Ontario.ca)**

You could also try contacting a local library, a community legal clinic, or a criminal duty counsel office.

To find the legal clinic or criminal duty counsel office that serves your area, you can contact Legal Aid Ontario (LAO) at:

- ☎ Toll-free..... **1-800-668-8258**
- ☎ Bell Relay..... **1-800-855-0511**
- 💻 **[legalaid.on.ca](http://legalaid.on.ca)**

**For more help:**

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