

Untangling The Law

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IMMIGRATION LAW AND CRIMINAL CONVICTIONS

If someone wants to come to Canada but has a foreign criminal record, is this a problem?

The answer, in many cases, is "yes". However, whether this is a big problem depends on whether the crime committed is "equivalent" to a Canadian crime.

How do I know if a foreign crime is "equivalent" to a Canadian one?

In order to do this, you have to compare the precise wording of the Canadian law to the wording of the foreign law. After that, you have to determine what the "essential ingredients" of both the offences are to see if the foreign crime is "equivalent".

In some cases, it is necessary to look what actually happened to figure out whether the crime the person committed is "equivalent" to a Canadian crime.

If a person is convicted of an equivalent Canadian crime, can he/she still come to Canada?

Just because a person has been convicted of an "equivalent" crime does not mean that he/she cannot enter Canada. Canada recognizes that criminals can be rehabilitated. Whether a person is eligible for "rehabilitation" depends on the number of things including: the number of crimes committed, the type of crimes, and, the seriousness of the crime, the severity of the sentence, the risk the person is to reoffend, and whether the individual's life has changed for the better.

If a person has completed his/her sentence more than 10 years ago, he/she may be eligible for "deemed rehabilitation". If it has been more than 5 years since the sentence, he/she may be eligible for "individual" rehabilitation. Please note that it is

not the number of years that passes that determines whether one is eligible. People who have committed serious or multiple crimes may never be eligible for rehabilitation.

If a person's sentence ended less than 5 years ago, is there any chance he/she can come to Canada?

Individuals whose sentences ended less than 5 years ago may be eligible for a temporary resident permit to come to Canada. Whether a temporary resident permit will be granted will be based on a number of factors. In addition to the factors looked at for rehabilitation, the purpose of travel to Canada will also be looked at.

This Article is prepared for general information purposes only and is intended to provide comments for readers and friends of the Filipino Journal. The contents should not be viewed as legal advice or opinion.

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Valentine's Day Greetings



JoanJinxChielKath happy hearts Day Bff's ... love you guys



For Jeremy Gaco
"May St. Valentine bless us with the cupid of love and warmth of romance. Happy Valentine's Day My Boo!"

By: Rhea Gaco



For Susie Llana
"To the Greatest Wife in the Whole Wide World Happy Valentines, My Love!"
Reynaldo L. Llana



Valentines Day Greetings. Yolly and Resty Lacson

FREE IMMIGRATION SEMINAR

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The **Canadian immigration** system is complex and far from perfect. The free seminar will cover many topics, such as how to deal with criminal records, medical problems, misrepresentations and marriages and adoptions of convenience.

Keynote Presenter - **Reis Pagtakhan**

Canad Inns Polo Park
Saturday, February 26

Registration: 12:30pm
Presentation: 1:00pm
Q & A: 2:00pm



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