



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. 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**. 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 **\$545.00 US** (as of 2010).

If you have obtained a pardon, you still need a waiver to travel to the US. Border officials have access to different kinds of information than Canadian police and **do not recognize a Canadian Pardon**. 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:

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



Pardons and Waivers

Effective, just and humane response to
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SOCIETY OF ONTARIO

What is a Pardon?

A Pardon is an order that keeps a person's criminal record separate and apart from other criminal records. It does not erase a criminal record.

Pardons 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 been pardoned.

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

Am I eligible?

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 completely paying any fines, completed any probation order or conditional sentence, and served all of your sentence including parole/ stat. release;
2. You meet the wait times. If you are unsure, ask the court where you were convicted. It has been:
 - **3** years since you completed your sentence for a **summary offence (other than a sexual offence)**, or
 - **5** years for an **indictable offence (other than a sexual offence)** or a **summary sexual offence**, or
 - **10** years for a **personal injury offence** for which a 2 year or longer sentence was imposed, or an **indictable sexual offence**.
3. You have been of 'good conduct' and **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 **Pardon Application Guide** and **Form** from the National Parole Board. Either print one out from:

www.npb-cnbc.gc.ca

Or request these documents in writing from:

National Parole Board
Ontario office
516 O'Conner Drive
Kingston ON
K7P 1N3

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 every town you have lived in for the past 5 years
- Being fingerprinted
- Paying an application fee

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 Pardon.

The National Parole Board will generally make a decision about your application in 60 days for a summary offence and 180 days for an indictable offence. If you have a potential employer who will confirm in writing that you will be hired upon receiving a pardon, this **may** speed up the process.

Private Pardon services — Should I pay?

You may have seen ads for companies that say they can get you a pardon faster, easier or "guaranteed." The truth is, it's **impossible for them to speed up or guarantee the process**. 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 need to pay** a company or lawyer to obtain a pardon, you only need to pay the document fees.

If you're having difficulty with the process, try getting **free or sliding-scale** help from:

- The National Parole Board helpline (toll-free):
1-800-874-2652
- Your local community centre
- A social worker, teacher, librarian or friend that you trust
- Your local John Howard Society (see back)

