

Quick Guide to Pardons in Canada

Under the **Criminal Records Act (CRA)**, anyone with a criminal conviction in Canada regardless of their immigration status may apply for a Canadian pardon for one or more of their crimes once three to five years have elapsed. Pardons are issued by the [National Parole Board](#) (NPB). A pardon does not mean that a criminal record is wiped out although it will be taken out of the Canadian Police Information Centre (CPIC) and your criminal record will not show up on any checks of the public records in Canada. The Solicitor General of Canada always retains the ability to disclose information on past crimes regardless of your pardon.

Qualifying for a Pardon

- ❖ It is not necessary to be a Canadian citizen or permanent resident to apply for a Canada pardon.
- ❖ It is also possible to apply for a pardon if the convicted person was sentenced to a crime committed in another country and has transferred to Canada under the Transfer of Offenders Act.
- ❖ It is not necessary to apply for a pardon if a criminal record consists of an absolute or conditional discharge. Criminal records of this nature are automatically removed from the CPIC database one year after an absolute discharge has been granted and three years for a conditional discharge.
- ❖ For summary offences three years must elapse from the day all fines, costs and compensation awards were paid and all jail or community services, probation orders and parole periods were completed.
- ❖ For indictable offences and those citizens who qualify under the Transfer of Offenders Act the period is five years.
- ❖ Citizens convicted under the National Defence Act must also wait five years if they were fined over \$2,000 or if they served over six months in jail or were dismissed from the Canadian Forces. All other National Defence penalty applicants must wait three years before applying.
- ❖ Pardon applicants must demonstrate that they have lived as law-abiding citizens over the required three to five year period.
- ❖ The National Parole Board consults with a number of agencies including law enforcement agencies like the Royal Canadian Mounted Police (RCMP) who inform not only of convictions but also of alleged or suspected criminal behaviour.
- ❖ The NPB also consider private allegations, providing there is more than one, against an individual applying for a pardon as well as provincial offences and stayed, dismissed or withdrawn charges.

Revoking or Denying a Pardon

- ❖ The NPB has the power to deny a pardon if the applicant does not qualify under the grounds of good behavior or if the requisite time from fines being paid and sentences served is less than the required three to five year period.
- ❖ When this happens the applicant is notified and has 60 days to either represent themselves or to find legal representation to defend their case.
- ❖ Revoked or denied applicants may be entitled to a hearing.
- ❖ Applicants may reapply for a pardon after one year.
- ❖ Even when a pardon has been granted the NPB can revoke the pardon if the applicant does not continue to display good behavior as a law-abiding citizen for example if convicted of a federal act or regulation of Canada.
- ❖ Pardons are also annulled if the NPB find errors on an application for a pardon.

Restrictions of a Canada Pardon

- ❖ Pardons from Canada are not recognized worldwide for example the United States do not recognize Canada pardons.
- ❖ Pardoned convictions are not kept separate from police services (excepting the RCMP) and court services.
- ❖ If a citizen was pardoned for a sex offence crime their record will be kept apart from other criminal records but the record will be flagged on the Canadian Police Information Centre CPIC database and will be disclosed to anyone who makes a public record check for a person wishing to work with children or vulnerable groups.
- ❖ Pardons do not cancel out any bans made at the time of a conviction for example a driving or firearms ban will remain in place despite the pardon.

Granted Pardons

- ❖ If an application for a pardon is successful, the applicant's criminal record is removed from the Canadian Police Information Centre (CPIC). Thus whenever a criminal record check is performed the pardoned record will not show up.
- ❖ The Solicitor General of Canada retains the authority to divulge information on previous pardoned crimes. This happens rarely – 99% of people pardoned continue to display all of the merits of law-abiding citizens.
- ❖ Persons who receive a pardon must confirm that they had a criminal record for which they have received a pardon.

Pardon Forms and Fees

- ❖ The NPB charge a fee of \$50 to process each pardon application.

- ❖ It is vital that all applicants take time to carefully and correctly fill out the pardon application form.
- ❖ Applications are denied if the NPB deem that the application form is inaccurate.
- ❖ Application forms are available from the [national and regional offices of the NPB](#), RCMP, provincial police stations and court offices. Application forms should be sent to the [Clemency and Pardons Division](#) at the National Parole Board in Ottawa.

[Canada Pardon Application Form](#)

[Fingerprint form RCMP C-216C](#)

Supplementary Information

The following information must be included with all pardon applications:

- Criminal Record or a Certification of No Criminal Record, which can be obtained from the RCMP. The fee for this service is \$25 and each applicant must submit their fingerprints on the Fingerprint form RCMP C-216C that states clearly that they are applying for a pardon.
- Proof of Convictions in the event that some of your criminal convictions do not appear on your criminal record from the RCMP. This information can be obtained from the arresting police office or the court that made the sentence. The proof of conviction document must detail the offence, the date and court, which gave out the sentence, the sentence received.
- Court declaration stating that all fines, costs and compensation in the last 15 years have been paid.
- Military Conduct report for applicants who are or were in the Canadian Forces obtainable from the [Director Military Careers Administration and Resource Management](#) DMCARM. For applicants currently serving in the Canadian Forces, military conduct letters are valid for six months only.
- Police record checks from the local police for every address where you lived for 6 months or more since convicted. Use the Local Police Records Check form to request this information. Applicants who have lived overseas in the last five years must apply to the local police station in the town and country they lived in. A letter of good conduct will suffice in this instance.
- Citizenship and immigration documents for applicants who were not born in Canada
- Enclose the fee (\$50) payable to the Receiver General for Canada as a certified cheque, money order or banker's draft.

Pardon Time-Lines

- ❖ Getting a pardon is a lengthy process requiring much information gathering.

- ❖ Pardons for summary offences are dealt with more quickly than those for indictable offences especially if the crime committed was many years prior to applying for a pardon.
- ❖ Generally the timeline for processing a Canada pardon is 12 to 18 months but each case is considered on an individual basis.