



Frequently Asked Questions

What is a pardon?

A pardon (also known as a record suspension) can only be granted by the Parole Board of Canada. Once you receive a pardon your criminal record will be kept separate and apart from other criminal records the Canadian Police Information Centre (CPIC) database. This means that a criminal record search will reveal no convictions.

Who can apply for a pardon?

- Anyone who is charged with criminal offence in Canada
- A Canadian citizen who was convicted in another country and transferred to Canada under the Transfer of Offenders Act

If you are one of the above, you can apply for a pardon after you have completed your sentence, waited either 5 (summary offence) or 10 years, and (indictable offence) paid any fines or surcharges associated with your sentence.

Can you receive a pardon for any criminal offence?

No. You are not eligible to receive a pardon if you were convicted of a Schedule 1 Offence; (a sexual offence against a minor) over 3 indictable offence convictions, each with a sentence of 2 years or more and a life sentence (25 years imprisonment).

I read somewhere that the Canadian Government is getting rid of pardons. Is this true?

No. In March of 2012, an amendment was made to the Criminal Records Act; this led to a number of changes regarding pardons in Canada. The changes meant that a pardon would now be known as record suspension; the eligibility times (to apply) were increased; you could not apply if you committed a Schedule 1 offence (a sexual offence involving a minor) and the Parole Board application fee was increased from \$150 to \$631. Despite all of the changes, a pardon still has the same significance; it seals your criminal record which your convictions will not be revealed during a criminal records search.

What is the difference between a pardon and a record suspension?

The changes mentioned above are the only difference; our organization chooses to use the term “pardon” because it is the term most of the public are familiar with.

If I apply for a pardon and my application is rejected by the Parole Board of Canada, when can I apply again?

You must wait **1 year** from the date of a negative decision to re-apply.



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Can a pardon be revoked?

Yes. When you receive a pardon your record is suspended not erased; if you are charged with a crime again or frequently have negative interactions with law enforcement, the Parole Board of Canada can revoke your pardon, and you will have a criminal record again.

Do I have to be Canadian Citizen to apply for a pardon?

No. If you were convicted of a crime in Canada, you are eligible to apply for a pardon after you have completed the waiting period.

How long do I have to wait after my sentence to apply for a pardon?

To be eligible to apply for a pardon, you must wait 5 (summary offence) or 10 years (indictable offence) from the time of your sentence was completed. If there were any fines or surcharges related to your conviction(s), they must be paid before the waiting period can begin.

If I receive a pardon, and stay out of trouble with law enforcement, can my past record ever be revealed?

If you apply for a job or a volunteer position, you will be the subject of a police vulnerable sector check. In this instance, for safety reasons, your past criminal record can be revealed to a prospective employer. Nevertheless, don't forget, you must consent to this or any type of background check.

Who can access my criminal record?

Your criminal record can only be accessed by law enforcement agencies and Canadian court officials: Judges and Crown attorneys. Anyone else, whether it is your neighbour or your employer, needs your consent to access your criminal record.

Is it illegal to discriminate against someone who has received a pardon?

Yes. Section 3 of the Canadian Human Rights Act prohibits discrimination against those who have been granted a pardon/record suspension. Further, most provincial human rights legislation includes similar sections that prohibit discrimination on the same bases.

If I received a discharge (conditional or absolute) or was found not guilty in court, do I need to apply for a pardon?

No. If a Conditional or Absolute Discharge is the only thing on your record, you do not need to apply for a pardon. If your discharges occurred after July 24th, 1992, and you were not convicted of anything else, they were automatically removed by the RCMP after a period of 1(Absolute Discharge) or 3 (Conditional Discharge) years respectively. If you received a discharge before this date, contact a counsellor today.



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***Do I need a pardon if I was charged as a youth under the Youth Criminal Justice Act?
(Formerly the Young Offenders Act)***

No. A youth conviction does not require you to apply for a pardon; your conviction will be sealed after a period of 3 or 5 years. The waiting period depends on the severity of your crime. Nevertheless, if you re-offend as an adult, before the 3 or 5 year waiting period expires, then you will have to apply for a pardon to remove your youth and adult record. Contact a counsellor for more information about pardons and youth convictions.

If I receive a pardon can I cross the border into the United States?

Unfortunately, a Canadian pardon is not recognized in the United States. If you have received a pardon, you can still be turned away at the United States boarder. Contact a counsellor today to find out what your options are.

Where can I get more information on pardons?

To get more information on pardons visit the Parole Board of Canada's website at: <http://www.pbc-clcc.gc.ca> Or by phone at: 1-800-874-2652 (toll-free)