

## US AND FOREIGN ENTERTAINERS WITH PREVIOUS CRIMINAL ACTIVITY ENTRY/PERFORMANCE IN CANADA

### GENERAL INFORMATION:

If it has been less than five years since a charge or conviction, persons will be deemed “criminally inadmissible” to Canada and a Temporary Resident Permit is required instead of filing for a work permit (LMO).

The Temporary Resident Permit should be applied for a minimum of two months prior to the intended work in Canada. Most permits are processed within 28 days, but there is no processing time guarantee. Some border officers have issued these permits on location, but the true requirement is for this permit to be obtained PRIOR TO entry to Canada. It would be taking a risk to appear at the border and expect a permit will be issued on the spot.

It is suggested the process of preparing the application be commenced as soon as possible, as there is much outside information that must be obtained and filed in support of the Temporary Resident Permit.

Although this permit is typically issued for a specified, often short period, the Permit may be issued for up to three years and extended before expiry.

If the offence committed was **DUI** in most situations, especially when a minimum of five years has not elapsed, persons are **not** deemed admissible, meaning a Temporary Resident Permit is **required**. To be certain, especially when there has been more than one DUI charge or if the accident was very serious (i.e. causing severe injury/death) a Canadian Consulate should be contacted as early as possible to ensure the Temporary Resident Permit is not necessary.

### **If the person has been:**

**Charged but not convicted:** Temporary Resident Permit is NOT required.

**Charged & Awaiting Trial - or - Warrant for Arrest:** Temporary Resident Permit is required, but may not be granted until AFTER the conclusion of the trial.

**On Parole:** Five years after the completion of the parole period, the person may apply for Rehabilitation (explained further below).

### General Rule of Thumb:

If five years have not passed since the end of the sentence and the person can prove urgent/compelling reasons for entry to Canada [i.e. work/livelihood] within the next 6 months, the person must apply for a Temporary Resident Permit to enter Canada.

If five years have passed since the end of the sentence, the person may be eligible for “Individual Rehabilitation”, but must provide proof they have lead a stable life and are unlikely to commit criminal acts in future. Individual Rehabilitation requires the filing of an application and payment of processing fees. **Applications for Individual Rehabilitation can take over one full year to process**, and will cost \$200-\$1000.

If a minimum of five years, but as many as ten years have passed since the end of the sentence, and depending on the nature of the offence, the person may be eligible for “Deemed Rehabilitation”. Deemed Rehabilitation may be denied depending on the number of offences committed, and in Canada the same offence must carry less than a 10 year prison sentence.

**No application process is necessary for Deemed Rehabilitation**, but it is advisable to contact a Canadian Consulate PRIOR TO entry to Canada, a person who does not qualify will not be permitted entry.

## **PROCESS & DOCUMENTS REQUIRED for “CRIMINALLY INADMISSIBLE” PERSONS:**

- Completed form: **Application for Temporary Resident Permit** (attached).
- Photocopies of the biometric (personal information) page of your passport.
- Two passport size photographs no older than six months.
- Criminal clearance certificate from National police authorities in all countries lived in for at least six months since reaching the age of 18, including an FBI certificate for the United States Citizens. **The clearance certificate must be based on a fingerprint check.**
- State and local police certificates from all jurisdictions lived in within the USA covering at least the most recent six month period.
- Three letters of reference from responsible citizens (i.e. parole board, public officials, respectable private citizens (doctor, lawyer, teacher/professor, etc., none having any previous criminal history).
- A copy of the conviction certificate or court docket showing the sentence imposed.
- A copy of the statute(s) under which the conviction falls.
- A personal description of the events giving rise to the offence (including any extenuating circumstances).
- A letter from a US employer – or in the case of the music industry, a US-based booking agent, manager, record label. The letter must include a brief job description, length of service and current salary. Again, in the case of a professional musician a statement on what instruments are performed and length of time as a musician or tenure in various bands.
- If your driver’s license was suspended as a result of your conviction, official proof of restoration of full privileges and of the date of restoration.
- You must also provide, as applicable, official proof of payment of fines, discharge from probation, and/or satisfaction of community service.
- Fees**

The fee for a Temporary Resident Permit must be submitted with your application. This fee *may* vary from one Consulate to the next, so please call before mailing or appearing at the Consulate with your application. The minimum fee will be \$200 (over/above the cost of any work permit).

Payment may be issued by money order, bank draft or certified cheque, payable to: **Canadian Consulate General**. Payment may be made by cash only when applying in person.

## **HOW TO APPLY**

Submit your completed application by mail or in person. If applying in person, you must do so between the hours of 8:30 and 10:00 AM Monday – Friday.

No application receives immediate consideration. The consulate will contact the applicant when the application has reached the review stage. **Processing times may be lengthy.**

**Submit or Bring the Application Along With ALL Required Supporting Documentation and Fees to any of the following Consulate Locations:**

Canadian Consulate General  
Immigration Section  
3000 HSBC Centre  
**Buffalo**, New York 14203-2884  
**716-858-9500**

Canadian Consulate General  
Immigration Section  
Suite 1100  
600 Renaissance Center  
**Detroit**, Michigan 48243-1798  
**313-567-2340**

Canadian Consulate General  
Immigration Section  
550 South Hope Street, 9<sup>th</sup> Floor  
**Los Angeles**, California 90071-2627  
**213-346-2700**

Canadian Consulate General  
Immigration Section  
1251 Avenue of the Americas  
Concourse Level  
**New York**, New York 10020-1175  
**212-596-1628**

Canadian Consulate General  
Immigration Section  
Suite 600  
1501 4<sup>th</sup> Avenue  
**Seattle**, Washington 98191-4328  
**206-443-1777**

Canadian Consulate General  
Immigration Section  
501 Pennsylvania Ave., N.W.  
**Washington**, D.C. 20001  
**202-682-1740**

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