

Can a “Record Suspension” cease to have effect?

Yes, if a person is subsequently convicted of:

- an indictable offence under a federal act or regulation of Canada;
- an offence punishable either on indictable or summary conviction; and
- if the PBC is convinced by new information that the person was not eligible for a “Record Suspension” at the time it was granted or issued.

In the above-mentioned circumstances, the records of the offences will again be kept with the other conviction records.

How does a person apply for a “Record Suspension”?

A person must obtain a “Record Suspension” Application Guide. The Guide outlines how to obtain required documents such as the criminal record, local police records check(s) and other pertinent information. An applicant does not need a lawyer or representative to apply for a “Record Suspension”.

For assistance, an applicant may call the PBC’s Info Line toll-free at 1-800-874-2652 or by email at suspension@pbc-clcc.gc.ca.

Do I need a lawyer or a representative to apply for a “Record Suspension”?

You do not need a lawyer or a representative to apply for a “Record Suspension”. The “Record Suspension” Guide includes step-by-step instructions on how to apply for a “Record Suspension”, as well as the “Record Suspension” forms. The PBC gives equal consideration to all “Record Suspension” applications received - whether they are submitted by an individual or by a representative from a private agency. Submitting your “Record Suspension” application through an agency or lawyer will not improve your chances of being granted a “Record Suspension”. The PBC is not affiliated with any “Record Suspension” agencies.

For [more information](#) or for further assistance, applicants can call the PBC's Info Line toll-free at 1-800-874-2652, or by email at suspension@pbc-clcc.gc.ca.

Source: <http://www.pbc-clcc.gc.ca/infocntr/factsh/pardon-eng.shtml>

This information provided by The Salvation Army is a simple outline of legal information and process. It is not intended to give legal advice or substitute for legal counsel in any way.

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Giving Hope Today

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Pardon

Now known as

“Record Suspension”

(Information from the Parole Board of Canada)

“Record Suspension” - As of March 13, 2012, the term “Pardon” is replaced with the term “Record Suspension”.

What is a “Record Suspension” (previously known as “Pardon”)?

A “Record Suspension” allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated they are law-abiding citizens, to have their criminal record kept separate and apart from other criminal records. Under the *Criminal Records Act (CRA)*, the Parole Board of Canada (PBC) may grant, deny, or revoke “Record Suspensions” for convictions under federal acts or regulations of Canada.

What is the effect of a “Record Suspension”?

All information pertaining to convictions will be taken out of the Canadian Police Information Centre (CPIC) and may not be disclosed without permission from the Minister of Public Safety Canada. The CRA applies only to records kept within federal departments and agencies. However, many of the provincial and municipal law enforcement agencies cooperate by restricting access to their records once notified that a “Record Suspension” has been granted or issued.

The *Canadian Human Rights Act* forbids discrimination based on a record suspended conviction. This includes services a person needs or the opportunity to work for a federal agency. The CRA states that no employment application form within the federal public service may ask any question that would require an applicant to disclose a conviction. This also applies to a Crown corporation, the Canadian Forces, or any business within the federal authority.

What are the limitations of a “Record Suspension”?

- A “**Record Suspension**” does not erase the fact that a person was convicted of an offence.
- A “**Record Suspension**” does not guarantee entry or visa privileges to another country.
- Courts and police services, other than the Royal Canadian Mounted Police (RCMP), are under provincial and municipal legislation. This means that they do not have to keep records of convictions separate and apart from other criminal records.
- The CRA lists certain sexual offences. If a person was pardoned for such offences, his/her record will be kept separate and apart, but his/her name will be flagged in the CPIC computer system. This means a person will be asked to let employers see his/her record if this person wants to work with children or with groups that are vulnerable because of their age or disability. The flag is applied regardless of the date of conviction or the date a pardon was granted or issued.
- A sentence may have included various prohibition orders imposed under the *Criminal Code*, such as a driving or firearms prohibition order. A “**Record Suspension**” will not cancel these prohibition orders.

Will a “Record Suspension” erase my prohibition order?

No. A “Record Suspension” has no effect on a prohibition order.

Who may apply for a “Record Suspension”?

A person may apply for a “Record Suspension” if he/she was convicted of an offence under a federal act or regulation of Canada. A person may apply even if he/she is not a Canadian citizen or a resident of Canada. A person may also apply if he/she was convicted in another country and transferred to Canada under the *Transfer of Offenders Act*.

Are any offences ineligible?

Yes. You are not eligible for a “Record Suspension” if you have been convicted of:

- a *Schedule 1* Offence (sexual offence involving a child) under the *Criminal Records Act*;
- more than three (3) offences prosecuted by indictment each with a prison sentence of two (2) years or more.

How much does it cost to apply for a “Record Suspension”?

The PBC charges \$631 to process a “Record Suspension” application (Certified cheque, bank draft or money order, payable to the Receiver General of Canada). You are also responsible for additional fees related to getting the following: fingerprints, copy of your criminal record, court documents, and local police record checks.

When can a person apply for a “Record Suspension”?

Before a person is eligible to apply for a “Record Suspension”, he/she must have:

1. completed all sentences, and
2. waited a certain period from the completion of all sentences.

When is a sentence completed?

- When a person has paid all fines, surcharges, costs, restitution and compensation orders in full;
- When a person has served all sentences of imprisonment, conditional sentences, including parole and statutory release;
- When a person has satisfied his/her probation order(s).

What is the waiting period?

- 5 years for a summary offence (or a service offence under the *National Defence Act*).
- 10 years for an indictable offence (or a service offence under the *National Defence Act* for which you were fined more than \$5,000, detained or imprisoned for more than 6 months).

Does a person have to apply for a “Record Suspension” if given an absolute or conditional discharge?

No. A person does not need to apply for a “Record Suspension” if his/her criminal record consists only of absolute or conditional discharges. Absolute or conditional discharges handed down by the court on or after July 24, 1992 will automatically be removed from the CPIC computer system one year (absolute discharge) or three years (conditional discharge) after the court decision. For discharges given before July 24, 1992, to be removed from the record, a person must contact the RCMP at the following address:

“Record Suspension” & Purge Services
Information & Identification Services
Royal Canadian Mounted Police
P.O. Box 8885 Ottawa, ON K1G 3M8 (613) 998-6158
http://www.rcmp-grc.gc.ca/crimrec/pandp_e.htm

Can a “Record Suspension” be denied?

Yes, for example, if the PBC finds that a person is not of good conduct. However, he/she may reapply after one year.

Can a “Record Suspension” be revoked?

Yes. The PBC may revoke a “Record Suspension” if:

- The person is later convicted of a summary offence under a federal act or regulation of Canada;
- The PBC finds that the person is no longer of good conduct; or
- The PBC learns that a false or deceptive statement was made, or relevant information was concealed at the time of the application.

In the above-mentioned circumstances, the records of the offences will again be kept with the other conviction records.