

# Canadian Permanent Residents Face Deportation for First-Time Impaired Driving Conviction (DUI)



[Colin R. Singer](#) July 5, 2018

June 28, 2018 – Canadian permanent residents with an impaired driving conviction can lose their status and be deported under a strict change to the criminal code.

Bill C-46 changes the law so that all impaired driving offences are considered ‘serious criminality’.

The new provisions received Royal Assent on June 21, 2018 and comes into affect 180 days afterwards. It increases the maximum imprisonment for impaired driving to 10 years from five years.



Under immigration law, ‘serious criminality’ offences can result in loss of permanent resident status.

The change comes after an amendment to Bill C-46 proposed by the Senate was rejected by Canadian MPs.

Under the amendment, the serious criminality tag would have been removed from a DUI attracting a sentence of less than six months.

Senators argued the change would mean different treatments for Canadian citizens and permanent residents.

But in rejecting the amendment, MPs said impaired driving could not be treated differently from other ‘serious criminality’ offences.

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## When Could A Permanent Resident Lose Their Status for A DUI Offence?

Following the Bill C-46 changes, a permanent resident convicted for an impaired driving offence can lose their status and face deportation – even for a first-time DUI offence, no matter what the sentence.

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The Canadian Bar Association, Immigration Section, had previously asserted Bill C-46, if passed, would overwhelm the immigration and border control agencies with the increased workload of what will result in a major increase in deportations.

## What are other implications of Bill C-46?

1. Permanent residents who are convicted abroad or who an officer believes has committed an impaired driving offence outside Canada will now be inadmissible for serious criminality. This means loss of PR status with no right of appeal.
2. Persons with foreign impaired convictions will no longer be eligible for deemed rehabilitation.
3. Persons previously deemed rehabilitated will no longer be so; they become **inadmissible again**.
4. Sponsored relatives with an impaired conviction will not have a right of appeal from a refusal by an immigration officer on inadmissibility for an impaired offence.
5. Principal applicants and accompanying dependents convicted of impaired offences may be inadmissible for serious criminality.

The latest available Statistics Canada figures show there were more than 72,000 impaired driving convictions in 2015. Canada's immigration levels plan means more than 300,000 new immigrants are expected to arrive in 2018.

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## How to Overcome Canada Criminal Inadmissibility

### 1. Rehabilitation

In some cases, a person who has committed a lesser, non-serious crime can be [considered deemed rehabilitated](#) by the Canadian government and allowed to enter Canada.

Applicants or dependents with an impaired driving offence will need to wait 5 years from the date of conviction and conclusion of the sentence. They will then be required to apply for rehabilitation.

### 2. Temporary Resident Permit (TRP)

If an inadmissible person's entry into Canada is deemed to be "justified in the circumstances", they can be granted a TRP and allowed to enter Canada for a limited time.

A TRP will have a validity period of between one day and three years depending on the specific circumstances of the person applying for the TRP.

source: <https://www.immigration.ca/canadian-permanent-residents-face-deportation-for-first-time-impaired-driving-conviction-dui/>