

TURNED AWAY

U.S. Customs and Border Protection may know more about your wild and crazy years than you imagine. Criminal lawyer Ted Yoannou talks to *On The Bay* about how to be prepared when crossing the border into the United States.

Ted Yoannou began his legal career at a large Bay Street firm but was quickly drawn towards the human aspects of criminal law while working with Legal Aid in Toronto. Yoannou has been leading his own law firm since the early 1990s, helping people navigate the justice system across the full spectrum of criminal law. When a person contacts Yoannou's team, he knows they're probably in crisis.

"I understand how stressful it is, and I understand that you probably don't know the system very well. So, I want to explain it to you and give you the road map of where this is going and what the options are," he says.

Now more than ever, a brush with the law, no matter how minor, can have long-term consequences—especially for anyone who plans to travel. Yoannou says it's not unusual for Canadians to be denied entry to the United States for something that might have happened 30 or 40 years ago, even if they own property in the U.S. or have travelled there many times before.

ROGER KLEIN: WELCOME TO ON THE BAY, TED. WE ARE SEEING NEWS STORIES ABOUT CANADIANS RUNNING INTO PROBLEMS TRAVELLING TO THE U.S. DO PEOPLE COME TO YOU FOR HELP AFTER BEING TURNED AWAY AT THE U.S. BORDER?

Ted Yoannou: Yes, definitely, and it appears to be happening more frequently. U.S. border agents have access to Canadian records and have broad discretion to turn people away. With increased border security over the past several years, we have many stories of Canadians with records for minor offences such as shoplifting or marijuana possession going back decades now being turned away, even if they were previously able to enter the U.S. without any issue. It's

sometimes like roulette—you may get in four times but on your fifth attempt, you get rejected.

RK: WHAT CAN YOU DO IF YOU ARE TURNED AWAY? DOES CLEARING YOUR RECORD IN CANADA HELP?

TY: Yes and no. We assist many clients in having their records sealed, their police fingerprints and photos destroyed, and obtaining a Canadian Record Suspension (formerly called a pardon). These are all important and worthwhile things to do, but do not guarantee that U.S. border officials will not be able to access past criminal records and still deny entry. Often our clients seek to both clear their Canadian record and obtain a U.S. Entry Waiver.



Photo: Submitted

RK: CAN YOU EXPLAIN WHAT A U.S. ENTRY WAIVER IS AND WHO NEEDS ONE?

TY: The U.S. Entry Waiver is advance permission for an individual to enter the U.S., guaranteeing they will not be denied entry. The waiver process is lengthy (18 to 24 months is currently the usual timeframe) and involves a complicated application process. Any Canadian who wants to travel to the U.S. and who has been denied entry into the U.S. because of a past criminal record, an immigration violation, or has concerns that they may be denied, would be wise to obtain this waiver.

RK: CANADIANS ARE GENERALLY ALLOWED TO STAY IN THE U.S. UP TO SIX MONTHS. WHAT'S GOING ON WITH THE NEW RULES REGARDING CANADIAN SNOWBIRDS AND OTHER LONG-TERM VISITORS TRAVELLING TO THE U.S.?

TY: This is not an easy question.

There has been a lot of information (and misinformation) circulating recently. There are reports that Canadians seeking to stay in the U.S. for 30 days or more are required to fill out forms, pay a fee, be fingerprinted and photographed, etcetera. More recently, the U.S. published a rule indicating all non-U.S. citizens entering and departing the U.S. would be subject to photographs and the collection of biometric information, effective December 26, 2025. By the time this article is published the rules may have changed yet again.

Some standard advice includes: always carry your valid travel documents and identification, prepare for longer wait times at the border, follow updates and advisories from the Canadian and U.S. governments as well as organizations such as the Canadian Snowbird Association, and consider obtaining a Nexus card, which may exempt cardholders from some of these requirements and make border crossings quicker and less stressful. **OKB**