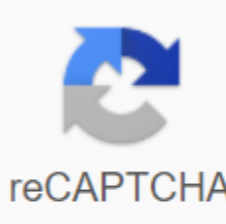


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Jaskirat Singh Sidhu did not speak to reporters on Thursday after lawyers upheld his sentence, but we learned more about thirty years in court. Sarah Komadina with details. Paul Jefferson: Yes, I helped [inaudible0:00:03], but at the same time, he is a human being who... He's not a serial killer. He didn't go to kill anyone that day. Jon McComb: Paul Jefferson's thoughts. He's a ticket parent to the Humboldt Broncos. Talking about Jaskirat Singh Sidhu at a sentence hearing last week and questions remain about the fate of the truck driver who caused the deadly Humboldt bus crash. He will be sentenced on March 22 to 29 dangerous driver's licenses, causing death. Mr. Sidhu is a permanent Canadian resident, but not a citizen. Any sentence of more than six months makes him liable for his deportation back to his native India. Would it be a sentence of a few years, or many years, to make him eligible to be deported to India and is that the appropriate answer in this type of case? Joining us now from Calgary is immigration attorney Raj Sharma. Mr. Sharma, I'm glad you're on our schedule. Raj Sharma: My pleasure. Jon McComb: Tell me, because virtually all people who come to Canada from another country, unless they become citizens, are responsible for deportation if they commit a serious crime. First of all, how often does this happen? Raj Sharma: Jon, it happens all the time. Jon McComb: Isn't it? Raj Sharma: Whether you are a permanent resident or a foreign national, for example, whether you are a student or a temporary foreign worker, they actually have lower thresholds. It is quite a bit easier to deport a foreign national student or a temporary foreign worker than it is for a permanent resident. Permanent residents have more rights. The starting point, of course, is Section 36 of the Immigration Refugee Protection Act. If you are convicted of a crime in Canada, carrying with it a maximum sentence of 10 years or more or a sentence of six months or more has been imposed, then you can be found inadmissible in Canada. Now, inadmissibility is not necessarily equal to deportation. Jon McComb: Okay, explain the difference. Raj Sharma: Well, an officer has to write a report. The report is called the report of Section 44. It's a kind of information for the police that initiates the deportation process. So Mr. Sidhu, for example, he is guilty plea and carry punishments with her 10 years or more and he is likely to be sentenced to six months or more, so an officer has whether or not to write a report. If the officer writes the report, then it will lead to an order for removal. Now he will then have a right of appeal to the Immigration Appeal Division is where they can consider humanitarian and compassionate a factor. Raj Sharma: So there's some kind of connection to Vancouver with all this. It's the case of Beant Singh Khosa and his friend Bhalru who were running down Marine Drive Street and killing a woman in Vancouver. They were sentenced two years less. They received two-year sentences with eight suspended sentences. They were then... they appealed, they lost their call. They were deported and went all the way to the Supreme Court of Canada. It's kind of an introspection, that's where we get some kind of understanding as to what might happen to Mr. Sidhu. Jon McComb: What was the end result of this case? Remind us. Raj Sharma: In the case of Khosa, they were both deported. Jon McComb: Yes. Raj Sharma: In this case, there is a way, for example, there are two ways for Mr. Sidhu to avoid deportation. Number one is that after his conviction, you could then file a case with the officer in charge and say, don't write the report. His deportation would be disproportionate in view of all the circumstances. This is a very unique case. Mr. Sidhu was not street racing like Khosa and Bhalru. He wasn't drunk like some other cases that I've seen as well. Moral culpability is different and one approach is not to write the report. Raj Sharma: The second approach to keeping his call, you could have some kind of very creative sentencing approach. You could actually ask the sentencing judge, sentence him to 16 consecutive sentences of six months less a day and that will get you close to eight years in prison, but it will retain a right of appeal to the Immigration Appeal Division. Jon McComb: In a situation like this, because it would seem to me that yes, there is case law, but I mean, a tragedy like this doesn't happen on a regular basis. Raj Sharma: Fortunately, yes. Jon McComb: Yes, fortunately for sure. The fact that he pleaded guilty to all charges, accepted responsibility for what happened and you know, there was no drugs or alcohol involved, he wasn't on the phone. I mean, all kinds of things. Does that play in, do these factors, are considered as part of a possible deportation order? Raj Sharma: Yes, I mean, the officer can consider these factors in deciding or not to write a report and Jon, I tell you, I represent an individual here in Calgary, he was drunk, he was driving an Escalade, he t-boned a taxi, killing the taxi driver and passenger. He was from Mexico and I asked the officer for his discretion, I asked the officer not to write the report. He did his sentence from 4 to 5 years and an important family here, many remorse and the officer finally decided not to initiate removal proceedings against him. This may certainly be the same result for Mr Sidhu. Deportation is not an earlier conclusion, despite the formulation of the law. Jon McComb: Yes and would he deport immediately or spend his time in a prison in India or would he serve his sentence here and then be deported? Raj Sharma: No, the way our system is that the individual will serve his time here and then be removed from Canada. Jon McComb: Okay, Mr. Sharma, I appreciate your time this morning and your understanding of that. Thank. Raj Sharma: Thank you. CTV Saskatoon Published Tuesday, January 29, 2019 11:08AM CST Last updated Tuesday, January 29, 2019 3:17PM CST Jaskirat Singh Sidhu, The driver of the truck that hit the bus carrying the Humboldt Broncos hockey team arrives for the second day of the sentencing hearings on Tuesday, January 29, 2019, in Melfort, Sask. (Ryan Remiorz/The Canadian Press) Inconsistencies in Jaskirat Sidhu's logbook will not be possible when the new rules take effect in 2020.

Until then, all truck drivers in Canada will have an electronic logbook, which is currently only required by drivers going to America. This paper journal is very easy to handle because some drivers want to drive several miles and it makes sense to them because you're paid miles, said Alexander Crizzle, an assistant professor at the University of Saskatchewan School of Public Health who studied trucker health and safety. Sidhu would have been taken off the road for 72 hours due to dozens of log-board violations he had been stopped and inspected on the day of the Humboldt Broncos bus crash, according to an RCMP review of his log went to court on Monday. The review found a total of 70 violations of the federal and provincial logbook and travel inspection between March 26 and April 6, 2018. Drivers should mark the time and location of when they start, the destination, time and distance they drive, when they take breaks and how long they are to prevent fatigue, Crizzle said. However, drivers often mis-document numbers, he said. Companies with a productive driver who receive tasks at their destination faster do not apply the rules, but it is also difficult for them or for the police to if a logbook was manipulated, he said. The RCMP report, written by Chief Of Vehicle Enforcement Specialist Sean Mustatia and District Law Enforcement Supervisor Tyrell Digness, noted strong concerns about the jaskirat Singh Sidhu timeline day on April 6, 2018, as there are unanswered questions as a result of the incomplete log that day. Sidhu suffered seven violations on April 6. He did not indicate whether his truck had defects, and failed to sign his name on his travel inspection report. Investigators at the RCMP said Sidhu did not identify any locations after he left Saskatoon that day. Assuming he left the Carrot River at 3:30 p.m., which is 50 kilometers from the crash site, Sidhu should have reached the intersection around 4:00 p.m. This leaves about 58 minutes to be found in his diary. Sidhu would have travelled 341.7 kilometres from Saskatoon to the Carrot River to the crash site - but his mileage showed 373.5 kilometres travelled that day, leaving 31.8 kilometres unaccounted for by Sidhu's diary, the report said. The journal also shows Sidhu took a five-hour break upon arrival at Carrot River, which is not a common practice in the industry, the report said. In order to request his time off, the driver must stop working or be relieved of responsibility by the car carrier. Sidhu, 29, has pleaded guilty to 16 counts of dangerous driving that causes death and 13 counts of dangerous driving that causes personal injury on January 8. The sentencing hearing continues on Tuesday. Tuesday.

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