

DEPARTMENT OF EXTERNAL AFFAIRS

AIR MAIL

Ottawa, 14th October, 1948.

NO. 322

Sir,

I refer to your despatch No. 375 of August 11th requesting my comments and suggestions on the affidavit in lieu of passport drawn up for Mr. Gregorio Kowalzhuk. The delay in replying is regretted.

2. The document which you referred to me, although entitled "Affidavit in lieu of passport" is actually in the form of a statutory declaration under the Canada Evidence Act, wherein Kowalzhuk solemnly declares certain facts to be true.

3. P.C. 4851 as amended by P.C. 3015 of July 8th, 1948, indicates in Section 4 that a travel document or affidavit may be accepted in lieu of a passport. In the opinion of the Director of Immigration, in which I concur, a statutory declaration therefore cannot be accepted in lieu of a passport.

4. Hence the affidavit which is required (when an individual (a) is unable to produce a valid national passport), should have for preamble the following:

"Ipresently residing athaving been duly sworn make oath and say"

(b) In the body of the affidavit there should be included:

- (1) the full name of the deponent;
- (2) the date and place of birth;
- (3) the citizenship of the deponent;
- (4) that the deponent swears that he is a refugee from his country of nationality, and unable to obtain a national passport.

(c) The jurat which appears on such an affidavit would be as follows:-

"Sworn before me at the
Of
In the County of
In the Province of
This day 1948.

and the signature of the person before whom the oath is taken. This person could be a Notary Public in the Argentine. If the affidavit was sworn to before a Notary Public it would only be necessary for you to authenticate the signature of the Notary Public. However, under Section 19.05 (c) of the Consular Instructions you are authorized to administer oaths or take affidavits, and if you did so there would not be any necessity for authentication.

5. Accordingly, if an applicant furnishes you with an affidavit establishing his identity (by indicating his height, weight, colour of hair, colour of eyes, build and other identification

The Canadian Ambassador,
Canadian Embassy,
Buenos Aires,
Argentina.