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CANADIAN CONSULAR INSTRUCTIONS

Copy No. 219

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Instructions for the guidance of
Canadian Consular officers
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Instructions for the guidance of
Canadian Consular officers

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CIRCULAR DOCUMENT

OTTAWA, March 18, 1949

CONSULAR NO. 7

Sir,

A copy of Order-in-Council P.C. 808, dated February 22nd, 1949, is enclosed.

2. In consequence of this Order-in-Council, the following amendment to the Consular Instructions is to be made:

Consular Instructions Amendment No. 13.

Delete Article 7.65 c., d., e. and f. and substitute therefor the following:

7.65 c. The endorsement of renewal must be dated and stamped by the officer authorizing the renewal;

d. A Canadian passport issued to a Canadian prior to January 1st, 1947, in which the description of national status is "British Subject" may not be renewed or amended, although it remains valid until its date of expiry. When such a passport is presented for renewal, the bearer, if a Canadian citizen, may be issued with a new Canadian Citizen passport at the cost for renewal (\$2.00). The new passport should be made valid for five years or until the date of final expiry of the original passport whichever is the earlier. It should have an observation inserted in it as follows: "This passport was issued to replace passport No. which was capable of being renewed until..... (Here insert a date ten years from the date of issue of the original passport). It may not be renewed beyond that date."

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e. After the entry of Newfoundland into Confederation, a Newfoundland passport remains valid until its date of expiry as far as the Government of Canada is concerned. However, other countries might not recognize a Newfoundland passport. Consequently, Canadian passport issuing officers should advise every holder of a Newfoundland passport who is a Canadian citizen that he may replace his Newfoundland passport with a new Canadian Citizen passport valid for the same period as the Newfoundland passport which it replaces. Such a replacement is to be made gratis. An observation should be made in the new passport:

To the Heads of
Canadian Posts Abroad

"This passport was issued gratis to replace Newfoundland passport No. which was capable of being renewed until" (Here insert a date ten years from the date of issue of the Newfoundland passport). It may not be renewed beyond that date."

f. The fee on renewal of a passport originally made valid for a period less than the maximum should be such that the total fee for a period of validity of ten years will not exceed seven dollars.

g. Canadian passports held by British Subjects who are not Canadian citizens will not be renewed. The holders will be referred to the nearest Passport Issuing Office of their own country.

h. Notwithstanding sub-section d. above, a Canadian passport, in which the description of national status is "British Subject", may be renewed for short periods when this is necessary to avoid hardships which might be caused by delays incidental to the issuance of new passports. No fee is charged for such a renewal.

Delete Items No. 1, 2 and 3 of Schedule A to Chapter XXI and substitute therefor Items No. 1, 2 and 3 as they appear in P.C. 808 of February 22, 1949.

3. It is understood that you have issued new Canadian Citizen passports since January 1, 1949, after refusing to renew old type British Subject passports. You should now write to the holders of new Canadian passports which have been issued under such circumstances informing them that:

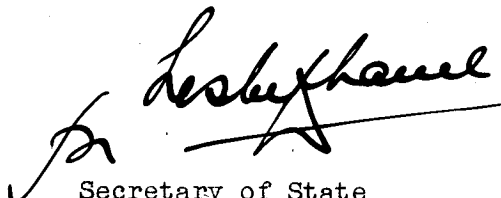
- (a) authority has now been received to issue replacement passports for the cost of renewal; and
- (b) they may be given a refund of \$3.00 if they desire to have their new passports endorsed for limited validity (section 7.65 d), that is, being made valid only for a period ending ten years from the original date of issue of the old type British Subject passport.

A copy of the letter being used by the Passport Office, Ottawa, in this regard is attached for your guidance.

I have the honour to be,

Sir,

Your obedient servant,


Secretary of State
for External Affairs.

P.C. 808

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of FEBRUARY, 1949.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to amend Order in Council P.C. 5310 of December 30, 1947, (Tariff of Canadian Consular fees) and it is hereby further amended effective January 1, 1949, by deleting Items 1, 2 and 3 of Schedule A and substituting therefor the following:

- | | |
|--|---------|
| 1. Issue of a Passport | \$ 5.00 |
| <u>Exceptions</u> | |
| (a) Diplomatic and Official Passports | No fee |
| (b) Passports issued to Canadian citizens to replace British subject type Canadian passports issued prior to January 1, 1947. Validity not to exceed that for which replaced passport was capable of being renewed | \$ 2.00 |
| (c) Passports issued to Canadian citizens to replace Newfoundland passports. Validity not to exceed that of passports being replaced | No fee |
| (d) Passports issued to Canadian citizens to replace expired Newfoundland passports. Validity not to exceed that for which passport being replaced could have been renewed | \$ 2.00 |
| 2. Amendment or endorsement of a Canadian Passport | .50 |
| <u>Exception</u> | |
| Diplomatic and Official Passports | No fee |

The Honourable
the Secretary of State
for External Affairs.

3. Renewal of Passports \$ 2.00

Exceptions

(a) Diplomatic and Official Passports No fee

(b) Renewal of British Subject Passports
under circumstances of urgency to
enable the holder to complete an
immediate journey No fee

(Signed) A.D.P. Heeney

Clerk of the Privy Council.

OTTAWA,

Dear

On February 25, 1949, Mr. L.B. Pearson, the Secretary of State for External Affairs, announced in the House of Commons that:

- (a) Instructions had been given to passport issuing officers that a person who applied for renewal of the old-type Canadian passport, which was in some respects inappropriate because of the inadequate description of national status, would be issued with a standard Canadian citizen passport, for the renewal fee of \$2.00. The new passport would expire ten years from the date of issue of the passport it replaced.
- (b) Provision had been made for a refund of \$3.00 to any person who had applied after January 1st, 1949, for a renewal of his old passport and who had been issued a new passport at a fee of \$5.00. The refund of \$3.00 represents the difference between the renewal fee and the new passport fee.

You will remember that on _____ a standard Canadian citizen passport was issued in your name in replacement of the old type Canadian passport issued to you on _____. Your old passport was capable of being renewed until _____.

I am now writing to ask that you be so good as to let me know, using the form attached and the enclosed addressed envelope, if,

- (a) You wish to keep your new passport with its full five year validity, in which case the fee you paid of \$5.00 is correct and no refund is available, (it can, of course, be renewed for a further five years at the end of the first five year period), or;
- (b) You wish to return your new passport to me so that its total validity may be shortened. If you wish to do this, you will receive a refund of \$3.00 but your new passport will expire ten years from the date on which your old passport was issued.

Yours sincerely,

J.W. O'Brien,
Passport Officer.

File No:

To The Passport Officer,
O T T A W A

I have received your letter of
1949, and in reply state

(a) I wish to retain my new passport and under-
stand that I am not entitled to a refund,

OR

(b) I return my new passport so that its total
validity may be shortened to agree with my
old passport. I request a refund of \$3.00
and return of my passport.

.....
(Name)

.....
(Address)

Please strike out (a) or (b), whichever is
inapplicable. Your reply needs no stamp.

(Keep in book)

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, November 29, 1948.

ISSUANCE OF PASSPORTS TO CANADIAN CITIZENS OUTSIDE CANADA

AFTER 1ST JANUARY, 1949.

(In this memorandum "passport facilities" includes renewal or endorsement of passports, as well as issuance of new passports.)

1. In countries in which there is a Canadian passport office, United Kingdom and Colonial passport issuing officers who receive requests or applications for passport facilities from persons who appear to be Canadian citizens are asked to refer the applicants to the appropriate Canadian passport issuing office in that country, whether it be a Canadian Embassy, High Commissioner's Office, Legation, Consulate, or Canadian Government Trade Commissioner's Office.

2. In countries where there is no Canadian passport issuing office, United Kingdom and Colonial passport issuing officers who receive requests or applications for passport facilities from persons who appear to be Canadian citizens, are asked to transmit such applications to the appropriate Canadian passport issuing office, having in mind, proximity, reliability of means of communication and transference of fees. When there are no difficulties in the way of direct communication from the applicant to the appropriate Canadian passport issuing office, the applicant can be expected to conduct his own correspondence. However, any assistance which can be rendered to applicants for Canadian passports would be greatly appreciated, particularly when there is difficulty in communication.

3. Notwithstanding paragraphs 1 and 2, United Kingdom and Colonial passport offices in places in which there is no Canadian passport office, are asked, in cases of real urgency where delay would be harmful, to exercise their discretion:

- (a) To issue a United Kingdom and Colonies passport to a Canadian citizen in which he will be described simply as a British subject, and
- (b) To renew existing Canadian or British passports held by Canadian citizens.

Such new passports or renewals would be made valid normally only for six months (one year at the most), and the person would be advised to use that period to obtain passport facilities from a Canadian passport office.

4. It is not intended to issue detailed instructions since Canadian and United Kingdom officers in the field will, in consultation, be able to devise mutually advantageous methods of handling and expediting the business with due regard to local conditions.

5. Renewal of existing "British subject" passports of Canadian issue will be refused in Canadian offices excepting gratis for short periods to enable the traveller to reach the appropriate passport issuing office of the Commonwealth country of which he is a citizen.

6. Canadian citizens holding "British subject" passports of any issue will be required to apply for and pay full fee for new Canadian citizen passports when they present such passports for any service in a Canadian passport issuing office. It is not proposed to declare invalid such passports upon any given date.

7. United Kingdom and Colonial passport offices may issue Emergency Certificates to Canadian citizens, under the same rules as are applicable to citizens of the United Kingdom and Colonies. In return, Canadian passport offices may issue Emergency Certificates to non-Canadians who are citizens of the United Kingdom and Colonies. The Canadian regulations regarding Emergency Certificates will be changed to correspond with the United Kingdom regulations on this subject.

8. Canadian passport issuing offices are located at:

<u>Country</u>	<u>City</u>		<u>Post Office Address</u>
Argentina	Buenos Aires	Embassy	Bartolome Mitre, 478
Australia	Canberra	High Commis- sioner	State Circle
Belgian Congo	Leopoldville	Trade Com- missioner	Boite Postale 373
Belgium	Brussels	Embassy	46, rue Montoyer
Brazil	Rio de Janeiro	Embassy	Avenida President Wilson 165, 7th floor
	Sao Paulo	Consul and Trade Commis- sioner	Caixa Postal 6034
Canada	Ottawa	Passport Officer	38 Bank Street
Chile	Santiago	Embassy	Bank of London and South America Bldg.
China	Hong Kong	Trade Commissioner	Post Office Box 126
	Nanking	Embassy	No. 3 Ping Tsang Hsiang
	Shanghai	Commercial Counsellor	27 The Bund
Colombia	Bogota	Acting Trade Commissioner	Apartado 1618
Cuba	Havana	Legation	Avenida de Las Misiones
Czechoslovakia	Prague	Legation	Krakowska 22

<u>Country</u>	<u>City</u>		<u>Post Office Address</u>
Denmark	Copenhagen	Legation	Osterbrogade 26
Egypt	Cairo	Trade Commissioner	Post Office Box 1170
England	London	High Commissioner	Canada House, Trafalgar Square
France	Paris	Embassy	72 Avenue Foch
Germany	Frankfurt	Consul	Canadian Consulate c/o Allied Contacts Section, H.Q., E.U.C.O.M., 145 Fuerstenbergerstr, A.P.O. 757, U.S. Army
Greece	Athens	Embassy	31 Queen Sofia Blvd.
Guatemala	Guatemala City	Trade Commissioner	Post Office Box 400
India	New Delhi	High Commissioner	4 Aurangzeb Road
Ireland	Dublin	High Commissioner	92 Merrion Square West
Italy	Rome	Embassy	Casella Postale 475
Jamaica	Kingston	Trade Commissioner	Post Office Box 225
Japan	Tokyo	Head of Mission	16 Omote-Machi, 3 Chome Minato-Ku
Malaya	Singapore	Trade Commissioner	Post Office Box 845
Mexico	Mexico City	Embassy	Edificio International Paseo de la Reforma, No. 1
Netherlands	The Hague	Embassy	Sophialaan IA
Newfoundland	St. John's	High Commissioner	Circular Road
New Zealand	Wellington	High Commissioner	Government Life Insurance Bldg., Customs Quay
Norway	Oslo	Legation	Fridtjof Nansens Plass 5
Pakistan	Karachi	Acting Trade Commissioner	Post Office Box 531
Peru	Lima	Embassy	Casilla 1212
Poland	Warsaw	Legation	Hotel Bristol
Portugal	Lisbon	Consulate General	Rua Rodrigo Fonseca, 103-4

<u>Country</u>	<u>City</u>		<u>Post Office Address</u>
South Africa	Pretoria	High Commis- sioner	24 Barclays Bank Bldg. Church Square
Sweden	Stockholm	Legation	Post Office Box 14042
Switzerland	Berne	Legation	Thunstrasse 95
Trinidad	Port of Spain	Trade Commis- sioner	Post Office Box 125
Turkey	Ankara	Embassy	211, Ayranci Baclari Kavaklidere
United States	Boston	Consulate	532 Little Bldg., 80 Boylston St.
	Chicago	Consulate	Suite 800, Daily News Bldg., 400 West, Madison Avenue
	Detroit	Consulate	1035 Penobscot Bldg.
	New York	Consulate	620 Fifth Avenue
	San Francisco	Consulate	Kohl Bldg., 400 Montgomery Street
	Washington	Embassy	1746 Massachusetts Ave.
U.S.S.R.	Moscow	Embassy	23 Starokonyushny Pereulok
Yugoslavia	Belgrade	Legation	Garasaninovaso
Venezuela	Caracas	Consulate General	No. 805 Edificio America Esquina Veroes



*Keep in book
(generally Issued)
and unedited*

CIRCULAR DOCUMENT

CONSULAR NO. 31

Ottawa, November 5, 1948.

Sir,

Consular Instructions:
Amendment No. 11

In Circular Document Consular No. 14 of July 19th, 1948, I informed you of the amendment to Order in Council P.C. 4851 respecting the production of passports by persons seeking to enter or land in Canada. I indicated to you in this Circular Document that a travel document or affidavit establishing the identity of the holder thereof could be accepted in lieu of a passport in the case of certain classes of persons.

2. In this connection, I have been asked whether the travel document or affidavit in lieu of a passport could be issued by Canadian Diplomatic or Consular representatives, provided proper evidence is submitted by the applicant. I now attach for your information a copy of despatch No. 322 of October 14th to the Canadian Ambassador in Buenos Aires dealing with the particular case of a Mr. Gregorio Kowalzhuk. The information contained therein can serve to answer this question of issuance of affidavits.

3. You are aware, moreover, that Section 8.03(c) of the Consular Instructions authorized the acceptance of a travel document only in lieu of a passport in the case of an immigrant who has been displaced from his country of origin as a result of the war, and who is not in possession of a valid passport. In view of the passage of Order in Council P.C. 3015 of July 8th, 1948, amending P.C. 4851 of November 26th, 1947, you are requested to amend Article 8.03(c) in your copies of the Consular Instructions to read as follows:

"That a travel document or affidavit establishing the identity of the holder thereof may be accepted in lieu of a passport in the following classes:-

- (a) A woman who has become a British subject by reason of marriage to a British subject domiciled in Canada.
- (b) An alien who is a refugee from his country or origin and who is unable to obtain a valid National passport; provided that every non-immigrant in this

To Heads

...2

of Canadian Posts Abroad.

class is in possession of a document establishing his admissibility to the country from which he is proceeding to Canada, or to some other country.

4. I have asked the Director of Immigration for advice on the interpretation that may be given to the term an "alien who is a refugee from his country of origin". I am now informed that it was not contemplated that the term "refugee" as used in P.C. 3015 would be retroactive to persons displaced from their countries of origin prior to World War II. Generally speaking, the displaced persons of World War I (such as the White Russians) have had sufficient time to establish themselves in some other country and can obtain some sort of identification documents from the country in which they reside.

I have the honour to be,

Sir,

Your obedient Servant,

J. Watson
for Secretary of State
for External Affairs.

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.

marks (and to which is attached a photograph)); if such affidavit also gives particulars of his birth and present nationality; if the applicant satisfies you that he is a refugee; and also if he establishes that it is impossible for him to produce a valid national passport, then you can accept such an affidavit as it were in fact a passport, provided that the applicant is in possession of a document establishing his admissibility to the country from which he is proceeding to Canada, or to some other country.

6. Where an affidavit is accepted in lieu of a passport, it is extremely important that the evidence of re-entry or admissibility should be established beyond any possible doubt. If possible, the right of re-entry should be endorsed on the affidavit by the country of residence. In these cases, when applying to the Department for the issue of a visa, care should be taken to report the evidence of re-entry or admissibility, since without this condition, it will be impossible to accord approval for the issue of a visa.

7. As a general rule it is not considered desirable that affidavits should be prepared by Canadian Consular or Diplomatic representatives, and the provisions of Consular Instructions 19.07 should continue to be observed as heretofore. On the other hand, it should be possible for any applicant to have the affidavit prepared by some lawyer or notary public, if he is provided with the details that should be inserted in such affidavit.

8. The intent of the amendment to P.C. 4851 was to permit refugee aliens to obtain a visa by the production of a travel document or affidavit when they did not possess national valid passports. It was not envisaged that Canadian Consular or Diplomatic representatives would have to issue such affidavits. The amendment provides authority for their acceptance when tendered in lieu of passports in the circumstances indicated, and not authority for their issuance since a Canadian citizen could always get a passport or in extraordinary circumstances would be provided with an Emergency Certificate (See Consular Instructions Article 7.76).

9. The necessary amendment to Section 8.03(c) of the Consular Instructions will be circulated in due course.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) J.W. O'Brien

Secretary of State
for External Affairs.



Ottawa, September 19, 1948.

CIRCULAR DOCUMENT

CONSULAR NO. 23

Consular Instructions-
Amendment No. 10.

Sir,

I have the honour to request you to insert in Chapter VII of your copies of the Consular Instructions, the following article to be numbered 7.07:-

"Canadian passports are the property of the Canadian Government."

2. In accordance with this new article 7.07, the following statement should be inserted at the bottom of the inside front cover immediately under the facsimile signature of all passports henceforth issued by you, and of all Canadian passports which are presented at your post:-

"This passport is the property of the Canadian Government."

A rubber stamp is being prepared, and will be forwarded as soon as possible.

3. This instruction will remain in force until such time as the statement mentioned in paragraph (2) above can be incorporated in the printed form of the passport. You will be duly notified when new passports containing the statement are ready for distribution.

I have the honour to be,
Sir,
Your obedient servant,

J. W. Brown
for Secretary of State
for External Affairs.

To the Heads of
Canadian Posts Abroad.



Ottawa, February 9, 1948

Circular DocumentNo. B. 22

Sir,

Consular Instructions -
Amendment No. 5

I have the honour to enclose one copy of Chapter XXI of the Canadian Consular Instructions entitled "Fees".

Schedule A, "Tariff of Canadian Consular Fees" which is attached to Chapter XXI, is the first comprehensive tariff to be prescribed by the Canadian Government. Hitherto all Consular services, other than those performed in respect of passports and visas, have been charged for at British rates under the authority of Order-in-Council P.C. 2899 of April 18, 1943, Part 3. The authority for the new tariff is Order-in-Council P.C. 5310 of December 30, 1947. A copy is enclosed for your information.

Order-in-Council P.C. 4193, which authorizes passport fees, remains in effect for the time being, although there is some duplication by reason of the first section of the tariff, "Passport and Visa Services."

Officers performing Consular functions, whether with or without Commissions of Appointment, will note that P.C. 5310 is confined to the charging of fees. It does not dispense with the necessity of complying with all the requirements of the Consular Instructions.

Diplomatic Missions having no officer with a Commission of Appointment will be aware that certain Governments may wish to question the propriety of their charging fees in respect of Consular services. It is hoped that Commissions of Appointment may be issued shortly to one or more Diplomatic officers in countries that have no objection to the dual status. If in the meantime an objection is raised by any Government, it should be reported as soon as possible.

A fee stamp system is under consideration. In the meantime payment of the fee should be written in the place of the stamp. Where no fee is payable or where the fee is waived, the word "Gratis" should be inscribed.

I have the honour to be

Sir

Your obedient servant,

J. Leshchance
Secretary of State
for External Affairs

To the Heads of
Canadian Missions Abroad.

(C O P Y)

P. C. 5310

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of DECEMBER, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, is pleased to order and doth hereby order as follows:

1. Canadian consular officers and officers performing consular functions shall charge the fees set forth in Schedule A hereto.
2. The officer rendering the service may waive the fees where he considers such waiver to be in order on the grounds of
(a) destitution of the person to whom the service is rendered,
OR
(b) international courtesy.
3. All fees collected shall be the property of His Majesty the King in right of Canada.
4. The Secretary of State for External Affairs is authorized to institute a system of consular fee stamps for the purpose of collecting the fees authorized herein.

(signed) A. D. P. HEENEY

Clerk of the Privy Council



Ottawa, September 18th, 1947.

CIRCULAR

No. B. 136

Sir,

Canadian Consular Instructions have been prepared as a guide for all officers performing consular work. Whenever an Act, Order-in-Council, or other document is referred to, the original should in all cases be consulted, as these Instructions are intended only as a gloss to assist in the interpretation of the original document.

2. The enclosed instructions are not intended to be exhaustive. This is a first attempt not merely to codify but to outline a consistent policy with respect to consular matters. Many subjects are included on which there has either been no previous instruction or the instruction had been fragmentary and ad hoc.

3. Additional chapters are in preparation and will be issued from time to time. The index indicates what subjects some of these chapters will cover. Chapter VII on the subject of passports has already been forwarded to you.

4. Matters which have already been dealt with in Administrative Instructions are not included in these instructions.

5. These instructions are not binding on the Canadian Consular Service vis-a-vis individuals and do not of themselves create any rights. They are instructions from the Department to its officers and may be varied from time to time except insofar as they are dependent on legislation. If there is any doubt, if the instructions do not appear to cover the situation adequately or if the instructions appear to work an injustice, reference should be made to the Department explaining the situation in detail, naming the articles which have some bearing on the subject, together with recommendations for improvement in the instructions.

6. It is proposed to begin printing these instructions as amended before the end of this year. Comments and recommendations should therefore be forwarded as soon as possible. Suggestions of subjects for additional chapters will be helpful.

...../7.

To the Heads of
Canadian Missions Abroad.

7. These instructions are not confidential and the material contained in them may, upon request, be made available to any person interested.

8. Amendments will be issued as occasion requires. If the amendment is of a major nature, a new page will be issued for substitution.

I have the honour to be,
Sir,
Your obedient servant,

Laurent Beaudry
for the

Secretary of State
for External Affairs.

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INSTRUCTIONS FOR THE GUIDANCE OF
CANADIAN CONSULAR OFFICERS

15-874-422

Dept. of Foreign Affairs
Min. des Affaires étrangères

JUL 8 2009

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Retourner à la bibliothèque du Ministère

Issued under the authority of
The Secretary of State for External Affairs.

CANADIAN CONSULAR INSTRUCTIONS

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CANADIAN CONSULAR INSTRUCTIONS

Amendment No.	Dated	Received	Entered	By
1 ✓	Dec. 10/47	Chap. III Immigration	Jan 31/49.	J. Mc Cord
2 ✓	Dec. 15/47	Chap. III Passports	"	"
3 ✓	Dec. 15/47	Chap. VI National Status	"	"
4 ✓	Dec. 11/47	Chap. XIII Protection of Estates, etc	"	"
5 ✓	Feb. 9/48	Chap. XXI Fees	"	"
6 ✓	Feb. 15/48	Chap. III Passports	"	"
7 ✓	Feb. 16/48	Chap. VII Passports	"	"
8 ✓	Mar. 24/48	Chap. XVI Trade & Commerce	"	"
9 ✓	Sept 8/48	Chap. VI National Status	"	"
10 ✓	Sept. 19/48	Chap. III Passports	"	"
11 ✓	Nov. 5/48	Chap. VIII Immigration	"	"
12 ✓	Dec. 13/48	Chap. III Passports	"	"
13 ✓	March 18/49	Chap VII Passports	March 20/49	T.W.W.
14 ✓	April 11/49	Chap VII Passports	April 17/49	T.W.W.
15 ✓	April 12/49	Chap VII Passports	April 17/49	T.W.W.
16 ✓	Nov. 30/49.	Chap. VII Passports.	Dec. 3/49.	T.W.W.
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CHAPTER I

GENERAL

Terminology

1.01 a. In these instructions the term "consular officer" includes consuls-general, consuls, vice-consuls, consular agents, acting consuls, honorary consuls, and members of diplomatic missions and High Commissioner's offices while performing consular functions.

b. In these Instructions the term "Department" means the Department of External Affairs of Canada.

c. The correct designation of a Canadian consular office is: "The Canadian Consulate (-General)."

d. The correct designation of the head of a Canadian consular office is: "The Consul (-General) of Canada."

1.02)

1.03)

1.04)

1.05) - Spares

1.06)

1.07)

1.08)

1.09)

Coats-of-Arms

1.10. The Canadian Coat-of-Arms is to be displayed if possible over the main entrance to the building occupied by the consulate.

1.11)

1.12)

1.13) - Spares

1.14)

Relation to Diplomatic Representatives

1.15 a. The Canadian Diplomatic representative is, subject to the control of the Department, vested with full authority over consular officers within the same country. A consular officer shall carry out at once instructions received from the diplomatic representative.

b. Consular officers correspond with the central government of the country in which they reside only through the diplomatic representative. They may, of course, correspond direct with the local officials of the central government.

c. Where the consulate is situated in the same city as the Diplomatic Mission, these Instructions must be modified accordingly.

- 1.16)
- 1.17) - Spares
- 1.18)
- 1.19)

Official Seal

1.20. The Official Seal is ordinarily impressed on all documents (other than despatches or ordinary letters) to which consular officers have occasion to affix their signatures in their official capacity. When not in use, the Seal should be kept under lock and key.

- 1.21)
- 1.22) - Spares
- 1.23)
- 1.24)

Procedure for Appointment of Consular Officers

1.25 a. As soon as it has been decided by the Department to appoint a consul a request is made to the Foreign Government for the granting of provisional recognition to the Consular Officer. When this provisional recognition has been obtained a Commission of Appointment is prepared in Ottawa.

b. The Commission of Appointment is forwarded to the consular officer for submission to the Foreign Office of the country to which he is to be appointed. The Foreign Office will then either grant an exequatur or a visa or other form of acknowledgment according to the custom of the particular country concerned.

c. As soon as provisional recognition has been given, the consular officer may enter upon his duties.

Duties on Appointment

1.26 Upon recognition the consular officer shall make it his duty to pay formal visits to the local authorities and to his consular colleagues.

- 1.27)
- 1.28) - Spares
- 1.29)
- 1.30)

Hours

1.31 a. The hours during which a consular office is open for the transaction of business will usually depend upon the local circumstances of the post, e.g., practice of other consular offices, hours of local government, banking and commercial offices.

b. Upon the opening of a post the consular officer will report the hours decided upon and any change made subsequently is to be reported together with a short statement of the reasons for the change.

Inspecting
Officers

1.32 a. From time to time, an officer of the Department will visit each consular office for purposes of inspection. He is to be afforded every assistance and given access to all records. He will be furnished with a letter of authority for the purpose.

b. The duty of the Inspecting Officer is twofold. He is responsible for checking the accounts of the office and is also to offer suggestions for the improvement of office routine. He is available to the officers of the post for consultation and advice on all consular matters.

c. The Inspecting Officer makes a report to the Under-Secretary with respect to each post inspected. This report contains recommendations for the improvement of the efficiency of the post and for the assistance of the personnel stationed there.

1.33 - Spare

Extra-
Official
Employment

1.34 Consular officers of career, may not engage in trading or other business in the country to which they are appointed without the permission of the Department.

Favours

1.35 Consular officers and their families must not accept favours or gifts from the government or individuals of the country to which they are appointed.

1.36)

1.37) - Spares

1.38)

Record
Book

1.39 At each consular office a record book shall be kept in which will be entered any instructions specially affecting the post, as well as notes relating to local procedure, the deposit or surrender of documents, the destruction of archives, and any other information not otherwise recorded in easily accessible form, which is likely to be of interest or practical use to subsequent officers at that post.

1.40 - Spare

Returns

1.41 Where annual returns are required, these will ordinarily be rendered on 1st January. Where quarterly returns are required these will ordinarily be rendered on the first days of April, July, October and January.

1.42)

1.43) - Spares

1.44)

1.45)

CHAPTER VI - NATIONAL STATUS

(Marginal Notes Refer to Sections of the Canadian Citizenship Act)

Canadian Citizenship Act

6.01 a. The Canadian Citizenship Act (1946, Chapter 15) is the principal Act defining the status of Canadian citizens. This Act repealed the Naturalization Act and the Canadian Nationals Act.

Section 45

b. However, as the provisions of the Naturalization Act RSC 1927 c. 138 and of the Immigration Act RSC 1927 c. 93 (as these Acts read on December 31, 1946) will continue for some years to affect the status of persons claiming Canadian citizenship, all officers should be familiar with them.

c. This chapter is not intended to cover all the details of the above mentioned Acts or of any one of them. Reference should always be made to the original Act before making a decision.

Effective Date

6.02 The Canadian Citizenship Act became effective on January 1st, 1947. In consequence that date is of great importance in determining national status.

6.03)

6.04) - Spares

6.05)

Doubtful
Cases to be
referred to
Ottawa

6.06 a. There are certain types of cases where the circumstances surrounding the applicant's national status require more than ordinary investigation or where circumstances of residence combined with national status raise considerations that call for careful study. In addition, there are instances where persons would have their citizenship revoked or would be considered to have lost it if the full facts were known to the authorities in Ottawa.

b. Offices abroad should not without prior approval of the Department decide upon the national status of persons in the following categories:

Section
20

1. Persons granted Certificates of Citizenship and persons who were British subjects with Canadian domicile on December 31st, 1946, who have been resident outside of Canada for six years and whose citizenship has not been extended under Section 20 of the Canadian Citizenship Act; (see 6.12[?] a.)

Section
21 (i) (c)

2. Persons granted Certificates of Naturalization and who have been resident outside of Canada for six years, which may include a period prior to January 1st, 1947 and

Married Women

whose citizenship has not been extended under Section 20 of the Canadian Citizenship Act;

6.07 a. A married woman does not change her national status upon becoming a widow or being divorced.

Proxy Marriages

b. Proxy marriages performed outside of Canada are recognized by the Department, provided such marriages are valid according to the law in force at the place of celebration and provided that according to Canadian law neither party is under a legal incapacity to marry. In view of the difficulty of deciding on "capacity to marry" under Canadian law, each instance of this kind should be referred to the Department. (Of course, proxy marriages after December 31st, 1946, do not affect the national status of women).

Marriage of a
Canadian
Woman to an
Alien

c. The general approach of the Naturalization Act was that "the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien". This was subject to qualification, but the result in recent years has been that where a British woman married an alien, and by the law of his country

acquired his nationality, she automatically lost her British status. In accordance with the general principle that women should be treated on a basis of equality with men for nationality purposes, this general approach has been discarded in the Canadian Citizenship Act. The marriage on or after January 1, 1947, of a Canadian woman to a non-Canadian does not, of itself, affect her Canadian citizenship in any way, whether or not she acquired the national status of her husband by the fact of her marriage. In connection with this matter, the provisions of Sections 16 and 17 (1) of the Act should be carefully noted. It will be observed that under Section 16 acquisition of a foreign nationality by marriage is excepted from the general principle that acquisition of a new nationality causes loss of Canadian citizenship. Thus Canadian citizenship continues notwithstanding marriage on or after January 1, 1947, to an alien and acquisition of his nationality. If however, after such marriage and acquisition, the woman renounces her Canadian

Laws of Foreign
Countries concerning
Married Women

*Should be all
more concise in
writing and
clearer*

citizenship, she thereby ceases to be a Canadian citizen under the terms of Section 17(1). (See 6.25)

d. To ascertain the position of women who married aliens before January 1st, 1947, or whose husbands (being British subjects) were naturalized in a foreign country before January 1st, 1947, it is necessary to ascertain what the relevant law was of the country concerned at the date of the marriage or naturalization. In cases of doubt it is normally necessary to check with the government or representatives of the country involved. Subject to possible changes which may have taken place during the war period in some cases, a woman who married an alien before January 1st, 1947, or whose husband (being a British subject) became naturalized in a foreign country before January 1st, 1947, lost her British status except in the following cases:

1. United States of America:
If the marriage or naturalization took place after 22nd September, 1922, the woman retains her British nationality.

2. France: A woman who married a Frenchman before August 19th, 1927, acquired French nationality and lost British status. If the marriage occurred after August 10, 1927, and before October 20, 1945, the woman is deemed to have retained British nationality, unless before the marriage she made a formal declaration that she desired to acquire French nationality. A woman who married a French national on or after October 20, 1945, acquired French nationality unless, prior to her marriage, she filed a declaration declining it. However, such nationality could be removed from her within six months after the date of marriage by the French Government. In the absence of a declaration by the woman or by the Government, a woman who married a Frenchman in the period from October 20,

1945, to December 31, 1946, will have lost British status. A British woman whose husband was naturalized in France after the 10th August, 1927, retains British nationality.

3. Honduras: A woman who married a Hondurian on or after 15th April, 1936, retains British nationality.
4. Portugal: A woman who married a Portuguese subject outside Portugal retains British nationality unless the marriage was registered in Portugal.
5. U.S.S.R.: A woman who married any Russian (whether a Soviet citizen or a "White" Russian) after 7th November, 1917, or whose husband was naturalized in the U.S.S.R. after that date, retains British nationality.
6. Spain: A woman who married a Spanish national after the 9th December, 1931, retains British nationality, in the absence of option

for Spanish nationality.

7. Armenia: Armenians may be of either Russian or Turkish nationality. In the case of Russian Armenians, the position is as set out in 5 above. In the case of Turkish Armenians, Turkish nationality is acquired except in cases of special decree of the Turkish Government. As a result, a British woman who married a Turkish Armenian is deemed to have retained British nationality only if her husband can produce evidence of the issue of such a decree at a date prior to the marriage.
8. A woman who married a national of any of the following countries, no matter at what date before January 1st, 1947, retains British nationality:

Argentina	Morocco
Brazil	Palestine
Chile	Panama
Columbia	Paraguay
Ecuador	Uruguay
Guatemala	

9. A woman whose husband was naturalized, no matter at what date before January 1st, 1947, in any of the following countries, retains British nationality:

- | | |
|--------------------|-----------|
| Argentina | Guatemala |
| Brazil | Paraguay |
| Chile | Uruguay |
| Dominican Republic | Venezuela |

11. Czechoslovakia: A woman who married a Czechoslovak citizen retains British nationality unless the woman makes application to acquire Czechoslovak citizenship either to the Czechoslovak Ministry of the Interior or to a Czechoslovak diplomatic or consular mission abroad, either prior to or within three months after the marriage. (CEI Amend #9).

10. Hungary: A woman of Jewish race who marries a Hungarian cannot acquire Hungarian nationality by marriage and, if such a woman was a British subject prior to marriage before January 1st, 1947, she retains British nationality.

Children

6.08 a. The national status of a child is not affected by the death of either parent or the divorce of the child's parents.

b. The national status of a child is not affected by the remarriage of the child's mother, after the date of birth.

c. In cases of birth out of wedlock within Canada citizenship arises from the place of birth, and the child is a Canadian

Section 4(b) & 5(b)

citizen. Where, however, a birth out of wedlock occurs outside of Canada, the claim to Canadian citizenship must be made through the national status of the mother. The nationality of the father is irrelevant for the purposes of Canadian law.

d. Adoption does not, by itself, affect the nationality of a child. In cases where a child of alien nationality has been adopted by Canadian citizens, the child does not thereby become a Canadian citizen. It is open to the persons adopting the child in such a case to apply to the Secretary of State of Canada for the issuance of a Certificate of Citizenship to the child under Section 11 (b) of the Act. There is no right to such a Certificate, and its issuance is at the discretion of the Secretary of State.

e. The provisions of Section 8 of the Act may be important in cases where a child has been born abroad to the non-Canadian wife of a Canadian citizen. In cases where the father has died before the birth of the child (and there may be a number of such cases

owing to the war) the child is deemed, by virtue of Section 8, to have acquired Canadian citizenship from his father just as he would if the father were alive at the time of birth. In the case of children born on or after January 1st, 1947, the normal provisions requiring registration in the case of children born abroad will, of course, apply to the children in this category.

Stateless Persons

6.09 Marriage of a Canadian citizen to a stateless person does not change the national status of the Canadian citizen.

Government Officials

Section 10 (4)

6.10 a. Any person employed outside of Canada in the public service of Canada or one of the provinces, other than as a locally engaged person, may include periods of such employment as periods of residence in Canada when making application for a Certificate of Citizenship.

b. This provision does not extend to the wife and children of a person so employed.

Holder of Canadian
Passport

Section 20

6.11 The description of the national status of a person as "Canadian citizen" in a passport is prima facie but not conclusive

Extension of
Canadian Citizenship

Section 20

evidence of Canadian citizenship.

6.12 Spare

6.13 a. Persons who are not natural born Canadians or have not served in the Armed Forces of Canada in time of war automatically lose their citizenship by residence outside of Canada for a period of at least six consecutive years subsequent to January 1st, 1947, unless they come within the exceptions of sub-sections (a) to (f) of Section 20 of the Citizenship Act.

Section 20(f)

b. Citizenship may be extended by endorsement of this fact upon the Certificate of Citizenship or upon the Passport. No such endorsements are to be made prior to January 1st, 1952.

c. To obtain extension of citizenship, the applicant must make a declaration in the presence of a witness who must sign the declaration and also verify the execution of the declaration by affidavit. The applicant must also file an affidavit setting out the circumstances under which the declaration

is made. Declarations are to be made in Form U.

d. The consular officer may grant an extension of not more than two years in the first instance and not more than one year on each subsequent extension. An endorsement of the extension shall be entered in the certificate of citizenship, or if he has no certificate of citizenship, in the passport of the person to whom the certificate of extension is granted. The following formula may be used:

"Canadian citizenship of.....
.....(name).....extended from...
(date).....(to).....(date)....."

Signature of Officer

Name of Embassy,
Consulate, etc."

e. Certificate of extension shall be made in Form U, in duplicate, one copy to be retained in the office of the consular officer, and the other copy to be transmitted directly to the Secretary of State of Canada.

Procedure for Revocation
of Citizenship

Section 21 (1)

6.14 a. When the Department of the Secretary of State of Canada considers that the citizenship of a Canadian citizen may be subject

to revocation, a notice of Intention to Revoke Citizenship is forwarded to the Canadian office abroad.

Section 21 (3) (4)

b. The abovementioned notice should be delivered to the person to whom it is addressed and if possible either an acknowledgment of receipt obtained from him or other documentary evidence obtained to show that it has in fact been delivered. The notice should be accompanied by a letter explaining that an application may be made to have the proposed revocation referred to a Commission of Enquiry in Canada. Any evidence to show why the citizenship should not be revoked may be forwarded for the consideration of the Commission.

c. When a Commission of Enquiry is scheduled to be held a notice to that effect, is sent to all persons whose citizenship is to be reviewed. Appearance may be made by a solicitor or friend. The person whose citizenship is being reviewed may submit affidavits or statements for the consideration of the Commission.

d. The decision of the Commission is communicated through

the Canadian office.

e. Once a Notice of Intention to Revoke Citizenship has been received no travel documents or other consular assistance should be provided the person whose citizenship is being considered for revocation unless such assistance is specifically authorized by the Department. Passports and Certificates of Naturalization or Citizenship should, however, not be impounded until the revocation of citizenship has taken place.

6.15 a. Certificates of Citizenship have been issued by the Secretary of State of Canada under the Canadian Citizenship Act since January 1st, 1947. One person only is included in each Certificate and separate Certificates are required for wives and minor children. In exceptional cases, however, under Section 6 and 11 (c) the names of wives may be included in Certificates of Citizenship. Certificates of Citizenship bear the signatures of the Secretary of State of Canada, the Under-Secretary of State and the Registrar of Canadian Citizenship.

Certificates
of Citizenship
and Naturaliza-
tion

Section 10

Sections 6
and 11 (c)

b. Naturalization Certificates were issued in Canada up to December 31st, 1946. Those in existence are of two kinds:

Section 2 (d)

1. Local Naturalization
Certificates issued by County and Superior Courts under the Act in force prior to January 1, 1915.
2. Certificates issued under the Naturalization Act of 1914 which came into force January 1st, 1915. This Act governed naturalization up to December 31st, 1946. Certificates issued under this Act are on bank-note paper signed by the Secretary and the Under-Secretary of State of Canada, the latter signature being handwritten.

Naturalization
of Married
Women and
Children

6.16 a. Married women were automatically included in Certificates granted to their husbands prior to 1932, even though they were not resident in Canada. From 1932 until January 1st, 1947, it was necessary for married women to make a separate application subsequently, and what was known as a

"Series H Certificate" was issued.

b. Children, if they had entered Canada and were minors, were automatically included in Certificates of Naturalization granted to their fathers prior to January 1st, 1915. From January 1st, 1915, to December 31st, 1946, a father had to request endorsement of children's names if they were to be included.

Certificates of
Proof of Citizenship

Section 39 (1)

P.C. 502 of Feb. 11/47

6.17 a. A Certificate of Proof of Citizenship may be issued by the Secretary of State of Canada to any person who is a Canadian citizen by birth, by residence in Canada, or by naturalization in Canada prior to January 1st, 1947.

b. The petition for a Certificate of Proof of Citizenship must be made in Form J.

6.18 - 6.24 Spares.

Procedure for
Renunciation

Section 17 (1)

6.25 A Declaration of Renunciation of Canadian citizenship for the purposes of Section 17 (1) shall be made on Form S in the presence of a witness who shall verify the execution of the Declaration of affidavit. The person making the Declaration shall also file an affidavit

Declaration of
Renunciation by
wife

Section 23 (3)

Declaration of
Resumption

Section 18 (2)

setting out the circumstances under which the Declaration is made.

6.26 A Declaration of Renunciation of Canadian Citizenship by the wife of a person who has ceased to be a Canadian citizen shall be made in Form V in the presence of a witness who shall verify the execution of the Declaration by affidavit. The person making the Declaration shall also file an affidavit setting out the circumstances under which the Declaration is made.

6.27 A Declaration of Resumption of Canadian citizenship by a person who had ceased to be a Canadian citizen under the circumstances of Section 18 (2) shall be made in Form T in the presence of a witness who shall verify the execution of the Declaration by affidavit. The person making the Declaration shall also file an affidavit setting out the circumstances under which the Declaration is made.

British Subject

Section 26

Admission for
permanent residence

Sections 4, 6, 9(c)

6.28 - 6.35 - Spares.

6.36 Every Canadian citizen is a British subject by Canadian law.

6.37 - Spare

6.38 a. For the purposes of sections 4, 6, and 9 of the Canadian Citizenship Act, the phrase "lawfully admitted to Canada for permanent residence" means that the person has prior to January 1, 1947, at any time been so admitted by the Canadian Immigration authorities. Subsequent residence outside Canada will not alter the fact that a person was lawfully admitted to Canada for permanent residence before January 1, 1947.

b. Carefull distinction must be made between persons who are Canadian citizens under a. and persons who have been "lawfully admitted to Canada for permanent residence" but are not Canadian citizens. Persons in the latter category may lose their right to reentry (i.e. their immigration status) by residence outside Canada.

Law on
Passports

7.01 a. Matters relating to passports have always been regarded in Canada as coming within the prerogative of the Crown.

b. The "Foreign Enlistment Act, 1937" authorizes the Governor in Council, by order or regulation, to issue, restrict, cancel or impound passports, under certain circumstances. No order or regulations, however, has been issued under this Act.

c. The only other statute concerning passports is Section 405 A and C of the Criminal Code.

d. The form of passports, the scale of fees payable, and the regulations under which passports may be issued, renewed, or cancelled have been laid down, from time to time, in Orders in Council and in rulings under the authority of the Secretary of State for External Affairs.

Persons to
Whom Passports
are issued.

7.02 These regulations govern the issuance of Canadian passports to persons who are Canadian citizens under the Canadian Citizenship Act. Canadian Offices abroad issue passports only to Canadian citizens. The Passport Office in Ottawa, however, will issue two kinds of passports - (a) to Canadian citizens, (b) to British subjects who are not Canadian citizens. A supplement to these passport regulations governs the issuance by the Passport Office in Ottawa of passports to British subjects who are not Canadian citizens. Such passports are issued in Canada only.

Definition of
Canadian citizen

7.03 Instructions for determining who is a Canadian citizen are contained in Chapter VI.

Information on
Application Form

7.04 Any person who applies for a passport as a Canadian citizen affirms in his form of application that he believes himself to be a Canadian citizen at the time of application and the form is designed to ensure that its accurate completion will disclose whether this belief is correct. In any case where the loss of citizenship has occurred for any reason, no passport can be issued.

Passports for
Children

7.05 a. Children under the age of sixteen may be included in the passports of either parent or guardian if desired, or, if the child is to travel separately from the parent or guardian, a separate passport may be issued.

b. The names of children under sixteen may be added to a Canadian passport without fee. Photographs of the children are not required but application forms (Form "A" in Canada and Form "D" outside of Canada) must be completed so far as the section on children is concerned. A child may not be included in more than one passport at the same time.

c. Alien children under sixteen accompanying a parent who holds a Canadian passport may be included in the passport provided the approval of the Department has first been received. It is to be noted that a subsequent remarriage of a widowed

*clarify in
next revision*

X

7.05 c. (Cont'd)

mother does not affect the nationality of a child of the first marriage.

Certain cases
to be Referred
to Department

7.06 a. Passports should not be issued without the prior approval of the Department to persons in the following categories:

1. Persons coming within 6.06.b.
2. The wives of persons coming within 6.06.^b ~~A.1. and A.2.~~; if such wives have Canadian citizenship only as the result of marriage and if they come within the residence description indicated.

Persons of dual nationality (including persons having citizenship in two Commonwealth Countries) residing permanently in the country of their second nationality other than married women whose dual citizenship results only from marriage. (CCS Amend # 14).

- ~~3. Persons of dual nationality residing (not merely paying a brief visit) in the country of their second nationality other than married women whose dual nationality results only from the marriage.~~

7.07 - ~~7.30~~ - Spares.

Canadian passports are the property of the Canadian Government. (CCS Amend # 10 - see paras 2+3)

7.08 - 7.30 - Spares

PART II - APPLICATIONS FOR PASSPORTS

Where forms obtained

7.31 All persons applying for the issuance or renewal of passports are required to complete the appropriate application forms and to submit them to the Canadian passports issuing office either in the country in which they are, or to the nearest passport-issuing office. (see 7.51)

Forms in use

7.32 a. The following forms are obtainable printed in either English or French:

- "A" Application for Canadian citizen or British subject passport by all adults in Canada;
- "B" Application for Canadian citizen or British subject passport by children under sixteen years of age in Canada;
- "C" Application for renewal of passport in Canada;
- "D" Application for Canadian citizen passport by all adults outside Canada;
- "E" Application for Canadian citizen passport by children under sixteen years of age outside Canada;
- "F" Application for renewal of passport outside Canada.

b. Detailed instructions for use are contained in each application form and are deemed to be a part of these instructions.

Returns

7.33 a. Offices abroad should forward to the Department the duplicate copy of the application form with one copy of the photograph as an enclosure to the monthly return.

b. The Passport Office, Ottawa, will file all applications so received from offices abroad. Thus a file will be established in Ottawa for each passport issued.

Adopted
Children

7.34 a. Where a child has already been adopted, evidence of such adoption should be provided.

b. If an application is made for a child on adoption probation, the passport should be issued in the child's original name and a notation made on the passport of the name given to the child by the adopting parent. Evidence in writing must be produced from some recognized body, such as the Children's Aid Society, that permission has been granted to take the child abroad.

c. When the applicant is neither the natural nor the adoptive parent evidence should be required that he is the legal guardian of the child. Failing this, approval of the competent welfare authorities should be obtained before issuing a passport for a child on the application of a person who represents himself to be the legal guardian or custodian of the child.

Signature

7.35 a. The applicant must sign the application form and also write a specimen signature in the red patch provided on the form. The signatures must be in ink.

b. If the applicant is unable to write, he should make his mark in lieu of a signature and the voucher must write a covering letter stating that the applicant cannot write. The specimen signature should be completed by the Passport Officer as follows:

"Applicant cannot write"
"le requérant ne peut écrire"

Change of Name

7.36 a. Where the applicant has changed his name, his nationality and identity should be checked with special care. He should submit with his application a certified copy of the legal instrument upon which his claim to another name is based.

b. If the change was not made by legal instrument, he should submit with his application the affidavits of two persons to the effect that he uses the new name exclusively, has so used it for a stated period of time, and is known by such name in the community in which he resides.

can consider final application as each of papers legal document.

c. If a change of surname has been made by legal instrument, the former name should not be shown in the passport. If a change of surname has been made without the authority of a legal instrument, page one should show the former name in the following manner:

"Mr. Henry Smith
also known as Henry Schmidt"
(see 7.62 e). ?

d. Whenever it is considered desirable to indicate in a passport an alternative name by which the holder may be known, the name of the holder on page one should be shown as follows:

Sister Mary Theresa
also known as M. Helene Trudeau

or George William Troop
also known as Georgius Traporic.

e. The passport of a woman married to a man who has changed his name after the marriage should bear the following observation:

"Wife (widow or former wife) of
.....formerly known as

7.36 (Cont'd)

f. Whenever an observation is required in a passport to indicate that a woman has re-assumed her maiden name or any other surname (see 7.41), the observation should be in the following form:

"Wife (widow or former wife) of"

Evidence of
status in
Canada

7.37 a. Within Canada holders of Certificates of Citizenship or Naturalization must forward their certificates with passport application form for examination and return. If the applicant's claim to Canadian citizenship or British nationality depends on a naturalization certificate issued to his or her father or husband that Certificate should if possible be included with the application form for examination and return.

b. Should an applicant be unable to furnish the required certificate he must send a covering letter with his application setting forth full details concerning the date and place of issue and in whose name the certificate was issued and the reasons for non-production.

Evidence of
status
outside
Canada

7.38 a. Outside of Canada evidence of Canadian citizenship must be provided by an applicant for passport. The following documents will normally be satisfactory:

1. In the case of a person born in Canada, or born outside of Canada to a Canadian father, the certificate of birth or infant baptism of the applicant;

2. In the case of a person naturalized in Canada or included in a certificate of naturalization issued to a father or husband, the

7.38 (Cont'd)

naturalization or citizenship certificate;

3. In the case of a woman whose Canadian citizenship results from her marriage, the marriage certificate together with the birth or naturalization certificate of her husband.

b. The documents will be returned. In cases where it is not possible to send the documents indicated above, an explanation of the reason should be given by the applicant in a covering letter, which should provide as complete details as possible concerning the documents in question.

Joint Passports

7.39 a. Joint passports ceased to be issued on January 1st, 1947, in furtherance of the principle of equality of status contained in the Canadian Citizenship Act. Married women must now obtain passports separate from their husbands. Joint passports already issued may, however, be renewed until the normal final expiry date.

b. Children may still be included in the passport of either parent or of a guardian.

Married Women

7.40 A married woman who has been a party to a former marriage or marriages prior to January 1st, 1947, may have changed her national status by the former marriage. In such circumstances, possible changes in her national status because of her marriage should be checked.

Divorced Women

7.41 If a divorced woman has reassumed her maiden name, she should be required to submit the legal instrument authorizing the change or other satisfactory evidence in the same manner as a person who has changed his name. (See 7.36)

7.41 (Cont'd)

Excepting that when a divorced woman has resumed her maiden name and has submitted affidavits of two persons concerning such resumption, it will not be necessary to show her former married name on the passport.

Women Con-
templating
Matrimony

7.42 A woman who intends to be married and to proceed outside the country immediately after the marriage ceremony may complete an application in the name she will bear after marriage, the photographs being also certified in the married name. The applicant must enclose a letter from the clergyman or civil marriage official who is to officiate giving his name and address, the date of the ceremony and stating his willingness to deliver the passport at the conclusion of the ceremony. The passport will be dated as of the day of the ceremony and will be forwarded to him for delivery to the woman at the conclusion of the marriage ceremony. The clergyman or civil marriage official should be required to confirm delivery of the document or to return it to the issuing authority.

7.43)
7.44) Spares.

Classes of
Voucher

7.45 The application must be vouched for by a person falling within one of the following groups: Mayor, Police Magistrate, Minister of Religion, Barrister-at-Law, Solicitor, Notary Public, Manager of Bank. The voucher must have known the applicant for a reasonable period of time.

Additional
classes of
vouchers in
Canada

7.46 Within Canada persons within the following groups may also act as vouchers: Police Officer, Postmaster, Collector of Customs, Physician, Surgeon, Dentist, School Principal, Chartered Accountant, Manager of Trust or Loan Company.

Applicant
unable to
secure voucher
in Canada

7.47 If an applicant for a passport in Canada is unable to secure a voucher, he may furnish a Statutory Declaration in lieu. (See 22.11a) - 7.

Applicant
unable to
secure voucher
outside Canada

7.48 If an applicant for a passport outside Canada is unable to secure a voucher, he may furnish an affidavit in lieu. (See 22.11b) - 7.

Affidavit may
be accepted
in lieu of
voucher

7.49 The Passport Officer may in his discretion accept the declaration or affidavit mentioned in the preceding sections if he is satisfied that the applicant has a valid reason for not being able to secure a voucher, and that he urgently requires a passport.

Voucher not
in authorized
Categories

7.50 The Passport Issuing Officer may in his discretion accept the vouching of a person not within the classes mentioned in 7.45 and 7.46 when he is satisfied as to the identity and bona fides of the applicant.

PART III - ISSUE OF PASSPORTS

Issuance
ordinarily only
to persons
within
country

7.51 a. Passports should be issued ordinarily only to persons who are at the time actually present in the country in which the passport issuing office is located.

b. However, if an application is received from a person resident in a neighbouring country in which there is no Canadian Office, a passport may be issued. In such instances exceptional care must be taken to ensure that the application is genuine and that the identity of the applicant is thoroughly established.

Care when
sent by
mail

7.52 When a passport is sent by mail every precaution must be taken to ensure that it is safely delivered to the person to whom it is directed.

National status
of applicant

7.53 Once issued, a passport is regarded for all ordinary purposes as constituting sufficient proof of the national status of the holder. For this reason, the identity and national status of the applicant must be established beyond all reasonable doubt before a passport is issued.

Description of
National Status

7.54 The following formulae are used on page one of passports to describe national status.

Facts concerning applicant

1. Natural-born Canadian citizen
2. Holder of Certificate of Canadian Citizenship
3. Granted a local Certificate of Naturalization in Canada
4. Granted a Certificate of Naturalization in Canada
5. Included in Canadian Certificate of Naturalization granted to parent

Description of National Status in Passport.

1. Canadian citizen by birth
2. Canadian citizen by Certificate of citizenship
No.....dated.....
3. Canadian citizen under Sec.9(1)(a) of Canadian Citizenship Act.
Local Certificate of Naturalization in Canada dated.....
Issued at.....
4. Canadian citizen under Sec. 9(1)(a) of Canadian Citizenship Act.
Certificate of Naturalization
No.....Series.....Dated.....
5. Canadian citizen under Sec.9(1)(a) of Canadian Citizenship Act.
Certificate of Naturalization
No.....Series.....
Dated.....Issued at.....

Description de l'état national dans un passeport.

1. citoyen canadien de naissance
2. citoyen canadien en vertu du certificat de citoyenneté
No.....délivré.....
3. citoyen canadien en conformité de l'article 9(1)(a) de la Loi sur la citoyenneté canadienne.
Certificat de naturalisation local délivré à
4. citoyen canadien en conformité de l'Article 9(1)(a) de la Loi sur la citoyenneté canadienne
Certificat de naturalisation
No.....série.....délivré le.....à.....
5. citoyen canadien en conformité de l'Article 9(1)(a) de la Loi sur la citoyenneté canadienne.
Certificat de naturalisation
No.....série.....

6. Included in Canadian Certificate of Naturalization granted to husband.
6. Canadian citizen under Sec.9(1)(a) of Canadian Citizenship Act. Certificate of Naturalization No.....Series.....Dated..... Issued at.....
6. citoyen canadien en conformité de l'Article 9(1)(a) de la Loi sur la citoyenneté canadienne. Certificat de naturalisation No.....série..... délivré le.....à.....
7. A married woman who has obtained a Series H Certificate under section 13(5) of the Naturalization Act.
7. Canadian citizen under Sec.9(1)(a) of Canadian Citizenship Act. Certificate under Sec. 13(5) of the Naturalization Act. No..... dated.....
7. citoyen canadien en conformité de l'Article 9(1)(a) de la Loi sur la citoyenneté canadienne. Certificat émis en conformité de l'Article 13(5) de la Loi de naturalisation No..... délivré.....le.....
8. A British subject who had Canadian domicile on December 31, 1946.
8. Canadian citizen under Sec.9(1)(b) of Canadian Citizenship Act.
8. citoyen canadien en conformité de l'Article 9(1)(b) de la Loi sur la citoyenneté canadienne.
9. A woman who, on or before December 31st, 1946, was married to a man who, if the Canadian Citizenship Act had come into force immediately before the marriage, would have been a Canadian citizen under paras. 1,3,4,5 or 8 above, provided that on January 1st, 1947, she was a British subject lawfully admitted to Canada for permanent residence.
9. Canadian citizen under Sec.9(1)(c) of Canadian Citizenship Act. (If the husband's status was acquired under paras. 3,4, or 5 above, the following information is required concerning the husband's naturalization). Certificate of Naturalization No.....Series..... Dated..... Issued at.....
9. citoyen canadien en conformité de l'Article 9(1)(c) de la Loi sur la citoyenneté canadienne. Certificat de naturalisation. No.....série..... délivré le.....à.....

Bona fides

7.55 The Passport Officer must be satisfied of the bona fides of both applicant and voucher.

Photograph

7.56 The applicant's photograph and specimen signature are affixed to the passport and the official seal is impressed in such a manner that it appears partly on each.

Particulars included in passport

7.57 a. The following particulars are written in the passport; holder's name (including Mr., Mrs., or Miss) surname (underlined) the names of any children included in the passport, national status, profession, place and date of birth, country of residence and personal details.

The date on which the passport expires and the date and place of issue are stated in the passport. A married woman is described by her own given names, but her maiden surname should be shown underneath. e.g., Mrs. Mary Smith
(née Wilson)

b. The passport should be completed in either English or French depending upon the language used in the application Form.

c. Non-soluble ink must be used for all writing in a passport.

read down above!

Loss of Passports

7.58 a. In the event of a passport being lost, the Passport Officer may issue a new passport if he is satisfied that the passport is in fact lost and that the loser has complied with the following requirements. If the applicant is proceeding to Canada he should be issued an Emergency Certificate. (See 7.76)

b. The loser should notify the nearest Canadian or British passport office, insert an advertisement in the local newspaper, and inform the local police. In Canada, the R.C.M.P. should also be informed.

7.58 (Cont'd)

c. Application for a new passport on the regular form must be accompanied by a statutory declaration or affidavit stating:

1. Name and address of loser;
2. Passport number and date of issue;
3. Date and manner of losing the passport;
4. Steps taken to try to recover the passport;
5. Reason for applying for new passport;
6. The applicant will turn in old passport to nearest Canadian or British office immediately if it is recovered.

d. A list of Canadian passports reported lost is issued by the Department and circularized to all Offices periodically.

e. Information obtained in Offices abroad concerning lost Canadian passports should be transmitted to the Department in the Monthly Report. (See 7.91)

Mislaid
passports

7.59 Should a passport not have been lost but only be inaccessible, a new passport may be issued, when the destination is other than Canada, with a restricted validity of six months, the reason being stated in an observation in the passport. If the destination is Canada, a new passport should not be issued but an Emergency Certificate may be issued. (See 7.76)

7.60 a. Canadian passports are usually made valid for "All Countries".

b. When it is necessary to restrict the validity of a passport it should be made valid for travel to "All Countries except".

c. Under certain circumstances it will be necessary to restrict the validity of a passport to the country or countries named, e.g., "Valid only for travel to"

d. Canadian passports are automatically valid for travel to Canada. It is neither necessary nor correct to list Canada among the countries for which a Canadian passport is valid.

Period of
Validity

7.61 a. The maximum life of a passport is ten years.

b. Passports issued on and after January 1st, 1947, should normally be issued valid for a period of five years. All passports, whatever their original period of validity, may be renewed for a period of five years or such shorter period as will make the total period of validity from date of original issue not more than ten years. (For renewals see 7.65).

Observations
and
Endorsements

7.62 a. Each observation must be dated and stamped by the Passport Officer who inserts it.

b. A married woman who already holds a passport in her maiden name must make a new application in the ordinary manner to obtain a passport in her married name. Passports cannot be amended or endorsed in such instances.

7.62 (Cont'd)

c. A passport with an endorsement limiting the period of its validity and the countries for which it is valid, may be granted at the discretion of issuing officers, e.g., to a Canadian citizen who has taken the preliminary steps towards acquiring foreign naturalization, but who in the meantime retains his Canadian citizenship to the exclusion of any other. The endorsement should be in the following form:

"This passport is valid only for a period of months when it must be surrendered to the Canadian office at which issued, as the bearer (intends to acquire nationality)".

7.63 - Spare.

Diplomatic and
Official Pass-
ports

7.64 a. Diplomatic passports may be issued to persons within the following categories:

1. The Governor General (if a Canadian citizen) and Lieutenant Governors; passports to be valid for five years;
2. Members of the Federal Cabinet; passports to be valid for five years;
3. The Chief Justice of the Supreme Court of Canada; passport to be valid for five years;
4. Ambassadors, Ministers, High Commissioners and Officers of diplomatic rank serving Canada abroad, including Attaches, Trade Commissioners and Consular Officers; passports to be valid for five years.

7.64 (Cont'd)

5. Canadian officers and representatives on international bodies and other Canadian citizens holding diplomatic or similar status in international organizations recognized by Canada; passports to be valid for the duration of the holder's mission, but not to exceed five years; (su 7.64h)
6. Other officials of the Canadian Government proceeding abroad on a mission of diplomatic character; passports to be valid for the duration of the holder's mission, but not to exceed one year;
7. Wives and minor unmarried children of the above persons travelling with the husband or father or proceeding to join him at a post abroad; passports to be valid for the same period of time as the passport of the head of family;
8. Canadian diplomatic couriers; passports to be valid for the duration of the holder's mission, but not to exceed one year;

b. Official passports may be issued

to persons within the following categories:

1. Permanent Canadian Government officials of non-diplomatic status proceeding on an official mission or to a post abroad; passports to be valid for the duration of the holder's mission, but not to exceed five years;
2. Canadian citizens employed in a non-diplomatic capacity by international bodies or organizations recognized by Canada; passports to be valid for the duration of the holder's mission but not to exceed five years;
3. Wives and minor unmarried children of the above-mentioned classes (1) and (2), travelling with the head of family at Government's expense; passports to be valid for the same period as the passport of the head of family;
4. Justices of the Supreme Court of Canada (except the Chief Justice of Canada) and of the Exchequer Court of Canada, Members of the Senate and House of Commons, when travelling abroad on an official

provided that such persons shall not be given official passports if they are eligible to receive United Nations laissez-passer (CCI Amend #6).

7.64 (Cont'd)

mission of a non-diplomatic character; passports to be issued for the duration of the holder's mission, but not to exceed one year.

c. In issuing diplomatic or official passports to members of families of diplomatic or other officers in accordance with a7 and b3 the requirement "travelling with the husband or father or proceeding to join him at a post abroad" must be rigidly observed. When independent travel is undertaken it must be on an ordinary passport - (See page 5 of diplomatic and official passports). The holding of diplomatic or official passports by persons not strictly entitled to them may very well lead to question on the part of foreign authorities and embarrassment and inconvenience to the traveller. However, the members of families ordinarily resident with officers posted abroad may be permitted to use their diplomatic or official passports for ordinary travel purposes if any serious inconvenience would be occasioned, e.g., the necessity of obtaining a second entry visa for the country of ordinary residence. Should any abuse of the privileges afforded by diplomatic or official passports occur, the travel document should be withdrawn at once and no other document issued until the decision of the Department has been received.

d. Diplomatic and official passports are always issued gratis.

e. The normal passport application and photographs should be submitted by applicants for diplomatic and official passports.

7.64 (Cont'd)

f. Request for diplomatic and official passports for members of the Department in Canada should be made in writing by the Director of Personnel or the Chief Administrative Officer, giving a statement of the applicant's appointment and duties. Officers abroad must be satisfied of the entitlement of the applicant and should usually, except for members of the staff, obtain prior approval of the Department.

g. Applications for diplomatic and official passports from members of other Departments should be accompanied by a letter signed by the Deputy Minister of the Department concerned giving a full statement of the applicant's appointment and duties. Officers abroad may authorize the issue of an official or diplomatic passport without this authority only when they are satisfied beyond any doubt of the correctness of such action, e.g., issuing a replacement for a filled up passport.

h. Applications for diplomatic and official passports for officers and representatives on international bodies, and for other Canadian citizens employed by international organizations recognized by Canada should be accompanied by a letter from a senior official of the international body or organization giving a full statement of the applicant's appointment and duties and indicating whether the applicant's status is considered diplomatic. Diplomatic Passports

7.64 m. When the holder of a diplomatic or official passport is appointed for duty in Canada, or completes the duty abroad for which the passport was issued, diplomatic and official passports held by himself and the members of his family and household are to be returned to the Department. They will be held uncanceled on his file in the Passport Office until such time as they are again required.

7.64 (Cont'd)

will be issued only to the following officers holding appointments in this category:

1. Members of the International Court of Justice;
2. Director General, or its equivalent, as Head of a specialized agency of the United Nations;
3. Secretary General, Assistant Secretary General, or Director of the United Nations.

1. The Passport Office, Ottawa, or Canadian Offices abroad may, when necessary, renew diplomatic and official passports and, when circumstances justify this measure, insert appropriate observations to indicate that the passport is to be made valid beyond the termination of the original status of the bearer as described on page 1. The observation should indicate the bearer's new position and should bear the date and stamp of the Passport Issuing Office.

j. Diplomatic or official passports of members of the Department should normally be made valid for five years. In other cases the passport should be made valid for the duration of the journey or appointment plus reasonable extra time allowances. Usually it will be correct to make such passports valid for one year.

see next pg. ←
Renewal of
Passports

k.
m

1.
7.65 a. An application for renewal of passport should be examined in the same way as an application for a new passport. The renewal is effected by endorsing the passport in the space provided on page 5:

"This passport is hereby renewed, valid until"

2. ~~Passports issued to Canadians prior to 1 January 1947,~~
~~in which the description of national status is "British~~
~~Subject" may not be renewed & however, such passports~~
~~continue to be valid until their date of expiry (CCS Form # 12).~~

Terminology in
Diplomatic and
Official
Passports

7.64 k. Examples of language and procedures to be used in completing Diplomatic and Official passports are given for the guidance of Passport Issuing Officers:

x husband -

"An Officer of the Dept of Ex Aff"

1. The Diplomatic passport of the wife^x of a Canadian Diplomatic Officer should read in part:

Page 1 - "The wife of an Officer of the Department of External Affairs."

Page 6 - Observation "The bearer is the wife of Mr. John Doe, First Secretary at the Canadian Embassy in France."

2. The Diplomatic passport of a Military Attaché should read in part:

Page 1 - "Commander John Doe, O.B.E., D.S.C., R.C.N."

Page 1 - "An Officer of the Royal Canadian Navy."

Page 6 - Observation "The bearer is the Naval Attaché at the Canadian Embassy in the United States of America."

3. The Official Passport of a stenographer or a clerk appointed to a Mission abroad should read in part:

Page 1 - "A member of the Department of External Affairs."

Page 6 - Observation "The bearer is a stenographer (or clerk) at the Canadian Embassy in Chile."

4. The Official passport of a Department of Labour Official who is attending a conference at Geneva should read in part:

Page 1 - "An Officer (or Member) of the Department of Labour."

Page 6 - "The bearer is an adviser to the Canadian Delegation to the International Trade Organization Conference being held at Geneva, April, 1947."

5. Observations should be cancelled and replaced on page 6 or subsequent pages as changes in status or appointment occur.

6. On page 2 of Diplomatic and Official Passports "Canadian Citizen" is the invariable description of national status.

7.65 (Cont'd)

b. The maximum period of renewal is five years and this is the normal period of renewal if the total life of the passport is ten years. If a passport was first issued on January 1st, 1942, and is presented for renewal on January 1st, 1947, it may be renewed for five years until January 1st, 1952. However, if the same passport is presented for renewal on January 1st, 1948, it can be renewed for only four years, i.e., until January 1st, 1952.

7.65 c } see
d } CEI
e } Amend
f } #13

~~c. Excepting for special reasons, e.g., those connected with obtaining visas, a passport cannot be renewed more than six months before the date on which its present validity will expire, e.g., if a passport was issued on July 10th, 1947, and expires on July 10th, 1952, the earliest date on which a renewal can be granted is January 10th, 1952.~~

~~d. The endorsement of renewal must be dated and stamped by the Passport Officer.~~

~~e. The description of national status in a passport should not be altered when it is being renewed. If a Canadian citizen holds a passport (Canadian or British) describing him as a British subject, and if he wishes to be described as a "Canadian citizen" he must apply for a completely new Canadian passport and surrender his old one.~~

< delimit
see Amend #12

~~f. The fee on renewal of a passport originally made valid for a period less than the maximum should be such that the total fee for a period of validity of ten years will not exceed seven dollars.~~

7.67 a. Any person already in possession of a Canadian passport must first surrender it for cancellation before being furnished with a new Canadian passport unless the new passport is diplomatic or official. The cancelled passport is normally returned to the holder.

Handwritten #16

6. Any Commonwealth (other than Canadian) or foreign passport which comes into your hands is to be returned to the holder uncancelled. (CCIA Amend #15)

Refusal of
Passport

7.66 a. A passport is not a recommendation or a certificate of good character. It is a certificate of identity and nationality. Passport Officers refuse to grant a passport to a bona fide applicant only for serious reasons; e.g., insufficient information respecting the Canadian citizenship or the identity of the applicant, a false declaration, or knowledge or, at least, a well-grounded suspicion that the passport is to be used for some unlawful or improper purpose. However, applications within 6.06 and 7.06 received by offices abroad must be approved by the Department before a passport can be issued.

b. If a previous passport has been impounded, the Department must give approval before a new passport is issued.

Surrendered
Passports

7.67 a. ~~Any person already in possession of a passport whether it is a Canadian passport or not must first surrender it before being furnished with a new one.~~

b. ~~Unexpired foreign passports surrendered must be forwarded uncanceled to the Department for disposal, or forwarded to the local representatives of the issuing Government. Expired foreign passports may be returned to the holder uncanceled.~~

c. ~~Passports issued by the following countries should on surrender be forwarded to the Department for transmission to the issuing Government:~~

- ~~1. Union of South Africa~~
- ~~2. Ireland~~

7.67 (Cont'd)

~~d. Passports issued by Canada or any part of the British Commonwealth not included in c must be cancelled on surrender. Normally such passports are returned to their former holders after cancellation.~~

Cancellation
of Passports

7.68 To cancel a passport, each page must be marked "cancelled" with a rubber stamp provided for that purpose. One inch of the upper and lower outer corners of the passport, together with its pages, must be clipped off. The notation "cancelled" must be inserted in the register of passports issued.

Damaged or
Mutilated
Passports

7.69 a. A passport which has been damaged or mutilated by fire, water, etc., to such an extent that it is no longer presentable must accompany the application for a new passport.

b. The application for a new passport must be completed in every respect in the same manner as a first application for a passport. Payment of the full fee is required.

c. Damaged or mutilated passports must be destroyed (See 7.74).

Impounding
of Passports

7.70 a. If there is reason to believe that a person is improperly in possession of a Canadian passport, the passport should be impounded and the Department notified.

b. The passport must be held for safe-keeping by the Mission until instructions for its disposition are received.

Filled
Passports

7.71 a. When all available space in an unexpired passport is already filled by visas, application must be made for the issue of a

7.71 (Cont'd)

new passport, for which a full fee is chargeable. A new passport can, of course, be issued only to a person who is a Canadian citizen.

b. If an unexpired passport, which has been replaced because its pages have been filled, still bears visas which the holder wishes to use before the termination of his journey, the passport may be retained by the holder. A clause must be inserted on the first page of the old passport to the effect that it has been attached to the new one, of which the date, number, and place of issue shall also be noted on that page. Furthermore, an observation must be inserted in the new passport stating that the old passport is attached giving the number, date and place of issue of the old passport.

Spoiled
Passports

7.72 When a blank passport has been inadvertently spoiled in the course of being written, the fact should be duly noted on the register sheet and the spoiled passport destroyed.

Destruction
of Passport
Files

7.73 a. Passport files should be destroyed 13 years after the date of issue of passport.

b. Ottawa Passport Office file indexes and Passport Registers are preserved indefinitely.

Destruction
of Passports

7.74 a. Passports which have been cancelled, spoiled, mutilated or damaged may be destroyed by fire locally.

b. A certificate of destruction must be included in the next monthly return of passports issued.

Amendment of
Passports

7.75 a. Whenever necessary passport issuing officers may amend passports. Such amendments

7.75 a. (Cont'd)

should be made by crossing out the particulars concerned and inserting "See page" where an observation embodying and explaining the amendment is to be inserted.

b. Each amendment must be initialled by the officer making the change, dated and marked with the office stamp.

Emergency
Certificates

7.76 a. An Emergency Certificate may be issued by a Canadian office abroad to a person who requires a travel document for a direct journey to Canada. Application must be made on a form of application for Canadian passport and the applicant must appear from the application to be a Canadian citizen. This document will ordinarily be issued to Canadians abroad who cannot entirely establish their identity and national status, persons who have lost or mislaid their passports, and Merchant Seamen who have been left behind by their ships. Certificates may also be issued to persons coming within paragraph e hereof.

b. Such a Certificate is issued for the sole purpose of providing the holder with a temporary travel document in lieu of a national passport. As soon as the holder reaches Canada it ceases to be valid and must be surrendered to the Immigration authorities at the port of entry.

c. The Certificate should be issued in the form in 22.16.

d. A copy of the Application Form with photograph should be sent to the Department with the Monthly Passport Report (7.91) together with any necessary explanation.

7.76 (Cont'd)

e. An Emergency Certificate may be issued for the purpose of a direct journey to Canada to a woman who became a British subject by marriage to a Canadian before January 1, 1947. The form of the Certificate will be as set out in 22.16 except that the words British subject will be substituted for the words Canadian citizen.

f. When the Emergency Certificate is received in the Department, it is cancelled and retained on the Passport Office files.

Collective
Certificates

7.77 a. Group passports, known as Collective Certificates, may be granted only by the Passport Office, Ottawa, to persons proceeding abroad from Canada as a group, e.g., sailors proceeding to join a particular ship, athletes taking part in a recognized competition, or students taking a definite educational course. The group must remain together on the outward and homeward journeys and during the whole of their stay abroad and be under the personal direction of a member of the party, who is in possession of a valid passport. Such Certificates are not granted to parties travelling on pleasure trips.

b. The leader of the party is responsible for ascertaining that the authorities of the foreign country to which the party is travelling will accept the Certificate in place of separate passports and for obtaining the visa where such is required.

c. The period of validity of a Collective Certificate is for the intended journey only.

Collective
Certificates
for Adults

7.78 a. Applications for Collective Certificates for persons sixteen years of age or over should be made on the regular passport application forms.

b. Collective Certificates for adults are granted in the form of Nominal Rolls and in all cases must contain the photograph, name, place and date of birth of each person who is included. Each person must, of course, be a Canadian citizen.

c. The Nominal Roll is prepared on heavy paper with the Departmental crest, in the form in 22.18.b.

Collective
Certificates
for Children

7.79 a. Applications for Collective Certificates for persons under sixteen should be made in the form 22.18.a.

b. Junior Collective Certificates may include up to forty children under sixteen. They should be constructed in the same manner as Collective Certificates for adults and must bear the photographs, names and dates of birth of all the children included in the Certificate.

7.80)
7.81)
7.82)
7.83) Spares
7.84)
7.85)

Fees

7.86 The fee for issuance of a passport will be refunded if an application is cancelled prior to the writing of the passport.

7.87)
7.88)
7.89) Spares
7.90)

Monthly Reports
to the Depart-
ment

7.91 a. Monthly returns are to be made to the Department consisting of the following:

1. Passport Register Sheets showing passports issued during the month. This list must include ordinary, diplomatic and official passports and emergency certificates.

7.91 (Cont'd)

2. Passport Renewal Register Sheets showing passports renewed during the month. This list must include ordinary, diplomatic and official passports. Any passports in which endorsements, observations or amendments were made without renewal are to be shown on the Passport Renewal Register Sheet.

3. A visa report showing what visas were issued during the month.

4. A combined statement on the appropriate form headed "Statement of Passports and Visas" in respect of ordinary, diplomatic and official passport blanks and visa stamps showing, as appropriate;

- i. Number of each on hand at the beginning of the month.
- ii. Number received during the month.
- iii. Number issued during the month.
- iv. Number spoiled and returned during the month.
- v. Number on hand at the end of the month.
- vi. Ordinary passport fees for the month.
- vii. Ordinary passport renewal fees for the month.
- viii. Visa fees for the month.

5. Duplicate copies of Application Forms with photographs stapled thereto in respect of all passports and Emergency Certificates issued during the month.

6. A list of Canadian passports reported lost during the month including number, name, place and date of issue and circumstance of loss.

b. If there is nothing to report, monthly returns are not required, but the next report rendered must state that it covers the entire period.

7.92 - Spare

7.93 - Spare

Disposition
of Fees

7.94 Upon receipt of the statement of fees the necessary adjustments will be made in Ottawa debiting the account of the Mission and crediting Revenue. The actual fees should be deposited in the Mission's account at suitable times before the end of each month.

CHAPTER VIII

IMMIGRATION

Authority

8.01 a. Immigration to Canada is governed by the provisions of the Immigration Act and Regulations and Orders-in-Council made thereunder.

b. The Immigration Branch is a division of the Department of Mines and Resources, and is in charge of the Director of Immigration.

Detailed Instructions

8.02 Detailed instructions with respect to the granting of immigrant visas are contained in Confidential Despatch No. B. 14 of January 21st, 1947:

Travel Documents

8.03 a. Order-in-Council P.C. 3016 of November 29th, 1938, requires that every person seeking permanent entry to Canada (except b. & c. below) must be in possession of a valid passport.

b. No passport is required if the applicant for visa comes within one of the following categories:

1. Those persons specifically exempted in Section 37 of the Immigration Act:
2. British subjects landing in Canada directly or indirectly from Great Britain or Northern Ireland, the Irish Free State, Newfoundland, New Zealand, Australia, the Union of South Africa, or the United States of America. The term "British Subject" within the meaning of this clause, includes only persons

8.03c. A travel document or affidavit establishing the identity of the holder thereof may be accepted in lieu of a passport in the following classes: -

- (a) A woman who has become a British subject by reason of marriage to a British subject domiciled in Canada.
- (b) An alien who is a refugee from his country of origin and who is unable to obtain a valid National passport, provided that every non-immigrant in this class is in possession of a document establishing his admissibility to the country from which he is proceeding to Canada, or to some other country.
(CCS Amend # 11)

born or naturalized in Canada, Great Britain or Northern Ireland, the Irish Free State, Newfoundland, New Zealand, Australia, or the Union of South Africa;

3. United States citizens.

c. ~~A travel document establishing the identity of the holder may be accepted in lieu of a passport in the case of an immigrant who has been displaced from his country of origin as the result of the war and who is not in possession of a valid passport.~~

Immigrant
Visa

8.04 a. The travel document of every alien immigrant must carry a visa. Such visa may be issued by Canadian or British Diplomatic or Consular Officers.

b. A person not required to be in possession of a passport (See 8.03 b) does not require a visa.

c. Rubber stamps are provided by the Department for use in granting visas. The visa number quoted refers to the file number in Canada.

Definition
of Immigrant

8.05 a. An immigrant is defined in Section 2(h) of the Immigration Act as a person who enters Canada with the intention of acquiring Canadian domicile.

b. Certain classes of persons are from time to time declared admissible within the Regulations (See 8.06).

Admissible
Classes

8.06 Order-in-Council P.C. 695 of March 31st, 1931, as amended, provides that any immigrant may be permitted to land in Canada

provided he otherwise complies with the provisions of the Immigration Act if he is:

- a. A British subject entering Canada directly or indirectly from Great Britain or Northern Ireland, Ireland, Newfoundland, the United States of America, New Zealand, Australia, or the Union of South Africa, who has sufficient means to maintain himself until employment is secured; provided that the only persons admissible under the authority of this clause are British subjects by reason of birth or naturalization in Canada, Great Britain or Northern Ireland, Ireland, Newfoundland, New Zealand, Australia, or the Union of South Africa.
- b. A United States citizen entering Canada from the United States who has sufficient means to maintain himself until employment is secured.
- c. The husband or wife; the son, daughter, brother or sister, together with husband or wife and unmarried children if any; the father or mother; the orphan nephew or niece under 21 years of age; of any person legally resident in Canada who is in a position to receive and care for such relatives. The term "orphan" used in this clause means a child bereaved of both parents.
- d.
 1. An agriculturist having sufficient means to farm in Canada.
 2. An agriculturist entering Canada to farm, when destined to a father, father-in-law, son, son-in-law, brother, brother-in-law, uncle or nephew, engaged in agriculture as his principal occupation who is in a position to receive such immigrant and establish him on a farm.
 3. A farm labourer entering Canada to engage in assured farm employment.
 4. A person experienced in mining, lumbering, or logging entering Canada to engage in assured employment in any one of such industries.
- e. A person entering Canada for the purpose of marriage to a legal resident thereof; provided the prospective husband is able to maintain his intended wife.

- f. A person who, having entered Canada as a non-immigrant, enlisted in the Canadian Armed Forces and, having served in such Forces, has been honourably discharged therefrom.
- g. And provided further that immigrants, as defined in paragraphs 2 and 4 above are destined for settlement to a province which has not signified its disapproval of such immigrants.

Applications for
Permanent entry

8.07 a. Persons admissible within the categories listed in 8.06 a. and b. do not require prior authority, provided they are able to satisfy the Immigration Inspector at the port of entry that they are admissible, i.e.,

1. That they come within the categories listed in 8.06 a. and b.;
2. That they are in good health;
3. That they are of good character;
4. That they are not likely to become public charges.

b. Persons admissible within the categories listed in 8.06 c, 8.06 d, 2,3,4, and 8.06 e, must have the initial application made on their behalf to the Immigration authorities in Canada by the person who is providing settlement arrangements for them.

c. Persons admissible within the categories listed in 8.06 d. 1 should complete applications for permanent entry visas. These applications must then be forwarded to Ottawa. The application may be dealt with at once, however, if satisfactory evidence is produced to show that settlement arrangements in Canada have been provided by the Canadian National or Canadian Pacific Railway. Where an application is forwarded it should contain

full name and address of the applicant, national status, occupation past and present, kind of farming to be taken up in Canada, choice of location and amount of funds available for transfer to Canada.

d. Persons admissible within the category listed in 8.06 f. should complete applications for permanent entry visas. These applications must then be forwarded to the Department for confirmation of the status of each applicant.

e. A person who does not qualify within the admissible classes may be admitted under authority of an Order-in-Council excepting him from the provisions of the Immigration Act. Applications for special consideration may be forwarded with reference to this provision.

Asiatics

8.08 a. The provisions of Article 8.06 do not apply to immigrants of any Asiatic race.

b. Order-in-Council P.C. 2115 of September 16th, 1930, prohibits the landing in Canada of any immigrant of any Asiatic race except the wife or unmarried child under eighteen years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents, provided that this regulation shall not apply to the nationals of any country in regard to which there is in operation a law, a special treaty, or agreement, or convention regulating immigration.

c. The interpretation of Asiatic is to be made on geographical and not ethnic grounds.

Enemy Aliens

8.09 a. Order-in-Council P.C. 1373 of April 9th, 1946, prohibits the entry to or landing in Canada of enemy aliens except such persons as satisfy the Minister of Mines and Resources that they were opposed to the enemy government.

b. Nationals of Germany, Austria, and Japan are at present enemy aliens.

Prohibited Classes

8.10 Persons listed in Section 3 of the Immigration Act are not permitted to land or enter Canada unless they are Canadian citizens or have Canadian domicile.

Procedure in European Countries

8.11 a. Where an officer of the Canadian Immigration Service is stationed as a Consul in a European country, all questions and inquiries relating to admission to Canada arising in that country may be determined by such officer.

b. In other European countries inquiries, applications and appeals should be forwarded to The Commissioner of Emigration for Canada, Sackville House, 40 Piccadilly, London, W.1, England instead of Ottawa.

8.12 - 8.15 - Spare

Forms 55, 55 b.

8.16 a. Applications made by relatives in Canada are on Immigration Forms 55 or 55b and are made to the local Immigration Officer. When the application has been approved, the form is endorsed "Approved" (i.e. settlement

arrangements in Canada are satisfactory) by the District Immigration Superintendent and forwarded to the appropriate Canadian Office abroad. At the same time the applicant in Canada is told to inform the intending immigrant to apply in person to the Office to which the approved form has been forwarded.

Delete Article 8.16b and substitute the following in accordance with Circular Despatch No. B.177 of December 10, 1947 (Canadian Consular Instructions - Amendment No.1):

"8.16 b. Immigrant visas may be granted within twelve months from the date of approval of the Form 55 or 55B by the District Superintendent, unless at the time of examination the visa officer has reason to believe that conditions of settlement in Canada have changed. When more than twelve months have elapsed since that date or where the visa officer is not satisfied that settlement arrangements are still in order the case shall be referred to the Department."

~~visa may be granted to him.~~

Duties of
Examining Visa
Officers

8.17 a. Upon appearing in person to apply for visa, the intending immigrant must satisfy the visa officer in the following matters:-

1. Settlement arrangements in Canada are satisfactory. Approved Forms 55 and 55 b, written undertakings, of the Canadian National or Canadian Pacific Railway Company, regarding agriculturists or special authorizations from the Department may be accepted in satisfaction of this requirement;
2. Bona fides - that he intends to settle permanently in Canada and is not seeking to enter the country for any other purpose;
3. Good health - that he complies with the requirements of the Department of National Health and Welfare. When there is a Canadian medical officer or a doctor approved by the Department of National Health and Welfare the certificate of such officer is required;
4. Financial condition - that he will be able to support himself in Canada until he finds employment;
5. The intending immigrant is likely to become assimilated readily in the Canadian community;
6. Valid travel document (see 8.03).

8.17 (cont'd)

b. Unless the visa officer is satisfied in all these respects, he should refuse to grant the visa.

Fiances and
Fiancees

8.18 Persons admissible under 8.06 e. must complete declaration of intention to marry (Form 243 Imm.).

8.19 - 8.20 Spares.

Medical
Examination

8.21 a. All intending immigrants must produce medical certificates establishing good mental and physical health before a visa may be granted. Such certificates must be signed by a medical practitioner satisfactory to the visa officer.

b. The applicant is required to pay for obtaining this medical certificate except in places where Canadian Medical Officers are located.

- c. 1. Order-in-Council P.C. 2951 of July 31st, 1947, requires that immigrants from all countries where the rate of tuberculosis is higher per capita than in Canada have X-ray films of the chest with Radiologists report to establish that they are free from tuberculosis.
2. The production of either medical cards properly signed by a Canadian Medical Officer or a medical stamp on the passport of the intending immigrant is required by the Immigration Officer at the port of entry. If, however, the intending immigrant is unable for sufficient reason to obtain either of the above, he may produce an X-ray film and Radiologist's report certified by a qualified medical practitioner, although in such cases there is likely to be some delay at the port of entry.
3. The only countries in which the rate of tuberculosis per capita is deemed not to be higher than in Canada are the United States, New Zealand and Australia.

8.22 - 8.24 Spares

Disposition of
Visa Application
Forms

8.25 Unless otherwise specifically directed in this chapter, forms of applications for visa should be retained on the office file.

Monthly Report

8.26 A monthly report of visas granted and refused is forwarded to the Director of Immigration, Ottawa, (Annex A).

No Fee

8.27 There is no charge for an Immigration Visa.

ANNEX A

DEPARTMENT OF MINES AND RESOURCES
IMMIGRATION BRANCH

REPORT OF IMMIGRATION VISAS GRANTED AND REFUSED

Place.....for the month of.....19

VISAS REFUSED

NAME	AGE	Married	Citizenship	Occupation	Reason for Refusal and Remarks
	M.F.	Single			

VISAS GRANTED

(Showing numbers according to country of citizenship)

<u>Citizens of</u>	<u>Number Immigrants</u>	<u>NUMBER NON-IMMIGRANTS</u>			
		<u>Visitor</u>	<u>In transit</u>	<u>Student</u>	<u>Returning Resident</u>

CHAPTER IX

NON-IMMIGRANT ENTRY

Detailed
Instructions

9.01 Detailed instructions with respect to the granting of non-immigrant visas are contained in Confidential Despatch No. B14 of January 21st, 1947.

Travel Documents

9.02 a. All persons, except those listed in b. below, seeking to enter Canada as non-immigrants must be in possession of valid national passports.

b. Persons in the following categories do not require passports:

1. Persons specifically exempted under Section 37 of the Immigration Act, i.e., persons having Canadian domicile, diplomatic and consular officers, members of His Majesty's Forces, etc.
2. British subjects landing in Canada directly or indirectly from Great Britain or Northern Ireland, Ireland, Newfoundland, New Zealand, Australia, the Union of South Africa, and the United States of America. The term "British subject" within the meaning of this clause, includes only persons born or naturalized in Canada, Great Britain or Northern Ireland, Ireland, Newfoundland, New Zealand, Australia or the Union of South Africa.
3. United States citizens.

c. Persons listed in b. above should however, be advised that they must possess documents sufficient to satisfy the Immigration Inspector at the port of entry concerning their identity and national status. It is usually found that a valid national passport is the most convenient document for this purpose.

d. A valid national passport is one which has been issued by a Government recognized by Canada and which will not expire during the proposed period of validity of the visa being requested and which permits the holder to re-enter the country of issue during the period of its validity.

Consular and
Immigration
Visas

9.03 a. The Canadian Government does not require consular visas on the passports of persons intending to visit Canada.

9.03 (Cont'd)

b. Order in Council P.C. 3016 of November 29th, 1938, however, requires that the passport of every alien sailing directly or indirectly from Europe shall carry the visa of a Canadian Office for Immigration purposes. The term "alien" includes all persons, except British subjects (as defined in the Order-in-Council) and United States citizens. *not correct.*

c. Nationals of countries with which Canada has entered into an agreement for the mutual abolition of visas are excepted from the provisions of P.C. 3016.

d. If an alien possesses a visa valid for re-entry to the United States, he does not require a visa for entry to Canada from the United States.

e. Visas may be granted to persons in order that they may secure transit visas for transit through other countries en route to Canada even though Canada does not require such persons to obtain visas.

f. Persons not required to possess passports do not require visas (See 9.02 b).

Period of
Validity of Visas

9.04 a. A visa should ordinarily be made valid for the period requested by the applicant but not to exceed six months, without the prior approval of the Department.

b. The period of validity of the visa is reckoned from the date of entry to Canada and not the date of granting the visa.

c. Visas are valid for only one entry to Canada.

d. Visas should expire at least three months before date of expiry of the passports on which they are granted.

Definition of
Non-Immigrant

9.05 a. Section 2 (h) of the Immigration Act provides that every person entering Canada shall be presumed to be an immigrant unless he belongs to one of the classes of persons therein called the "non-immigrant classes."

b. The Consular Officer should warn every person to whom he grants a non-immigrant visa that the holder of the visa will not be admissible to Canada unless the Immigration Officer at the port of entry considers that he is a bona fide non-immigrant as described in Section 2(h). (See 9.07).

9.05 (Cont'd)

c. Although not included among the "non-immigrant classes" bona fide businessmen are usually deemed to be included as "tourists".

Duty of
Visa Officer

9.06 a. The applicant for a non-immigrant visa must satisfy the visa officer in the following matters:

1. Bona fides - that he proposes to visit Canada for a mere temporary purpose. If he intends to seek employment or has already made arrangements to obtain employment, however temporary, prior approval for entry must be obtained from the Department. (See 9.16).
2. Good health - that he is in apparent good health.
3. Financial condition - that he possesses sufficient funds for his journey or evidence that satisfactory persons in Canada will be responsible for his maintenance. It is important to ensure that the non-immigrant visitor does not become a public charge.
4. That he is not seeking to enter Canada for an improper or unlawful purpose.
5. That he is in possession of a valid travel document, if required. (See 9.02).

b. Unless the visa officer is satisfied in all these respects, he should refuse to grant the visa.

Students

9.07 a. Applicants for entry to Canada as students may be granted non-immigrant visas provided that in addition to the requirements of 9.06 they satisfy the visa officer that they have been accepted by a recognized institution of learning in Canada, and evidence that sufficient funds will be available to Canada for maintenance and to cover all college fees.

b. The period of validity of visas for students will be for the length of time the course of instruction will require.

c. If a parent wishes to bring his child to Canada in order to select an educational institution, the child may be granted a visa for a period of six months. When the institution has been selected, application should be made to the local Immigration Inspector for a student visa.

9.08 - 9.14 Spares.

Monetary and
other
Requirements

9.15 Every visitor must satisfy the Immigration Inspector at the Canadian port of entry that he is in good mental and physical health, possesses sufficient money for the purpose of his journey and does not come within the prohibited Classes, under Section 3 of the Immigration Act.

Employment in
Canada

9.16 Non-immigrant visitors to Canada are not admissible if they have entered into an agreement to accept employment during their stay in Canada or are seeking employment in Canada unless previous approval has been received from the Director of Immigration.

Returning
Residents

9.17 a. A non-immigrant visa may be granted to an alien who has been legally admitted to Canada for permanent residence and who has been absent for a temporary purpose. The visa granted should state that such a person is a "returning resident".

b. Section 3 of the Immigration Act exempts such a person from inclusion within the prohibited classes.

Group Visas

9.18 a. Group visas may be granted on Collective Certificates, provided previous authority has been obtained from the Department in each instance.

b. The Collective Certificate must comply with the following conditions:

1. It must be a valid travel document according to the laws of the country by which it is issued;
2. All persons named in it must be nationals of the country of issue;
3. All persons named in it must be eligible for an ordinary visa. (See 9.06);
4. It must not expire during the proposed period of validity of the visa being requested;
5. It must permit the re-entry to the country of issue of all persons named in it;
6. It must provide that all the persons named in it will travel as a group and that the document is not valid for travel otherwise.

c. A group visa is a single visa stamp and only one fee is chargeable.

9.18 (Cont'd)

d. A group visa is ordinarily issued only to members of organized parties and athletic teams. It will not be issued to unorganized bodies or tourists.

9.19 - Spare

Transit Visas

9.20 a. A Transit Visa for passage through Canada may be granted to any person who does not come within the prohibited classes (See 8.10), provided he has already obtained a visa for the country of ultimate destination, is in possession of through transportation and sufficient funds for his journey.

b. A transit visa requires that the holder shall travel by one of the recognized direct routes to his destination and does not permit stopovers.

9.21) - Spares
9.22)

Applicants for
Permanent entry
to the United
States

9.23 a. United States Immigration law requires that applicants for permanent entry to the United States must have their applications approved by a United States Consul outside of the United States. Arrangements have been made between the Canadian and United States Immigration Departments for Canada to facilitate the obtaining of United States permanent entry visas for such persons who are already residing in the United States but holding only temporary entry visas.

b. The United States Immigration authorities will give pre-examination to certain applicants, e.g., provided they have lived in the United States for a period of five years or a period of one year if they have a near relative already admitted for permanent residence in the United States. In such cases, United States authorities issue a document to the applicant showing that he is re-admissible to the United States. Such applicant does not require a Canadian visa. He is admissible to Canada for a period of ten days merely by presenting his letter of re-admissibility to the Canadian Inspector of Immigration at the border.

c. Visas may not be given to applicants for permanent entry to the United States unless they have been pre-examined or are in possession of a letter showing that they are re-admissible to the United States. A letter of appointment received from a United States Consul in Canada is not sufficient.

9.24 - Spare

Reference not
required

9.25 a. Non-immigrant and transit visas may be granted without prior reference to the Department.

b. In cases of doubt, however, reference may be made to the Department for decision.

9.26 - 9.30 - Spares

DIPLOMATIC AND COURTESY VISAS

Diplomatic Visas

9.31 a. Diplomatic visas are usually granted only to persons holding national diplomatic passports. Diplomatic visas are not, however, automatically granted to all persons who hold diplomatic passports.

b. Diplomatic visas may be affixed to the passports of persons of foreign nationality who are en route to Canada and who come within the following categories:

1. Members of reigning houses and Presidential families;
2. Members of the Diplomatic Services of States;
3. Senior officers of the International Labour Office, Montreal, International Civil Aviation Organization and the United Nations Organization;
4. Consular officers de carriere;
5. Cabinet Ministers and salaried officials on official missions;
6. The wives and families of persons included in classes 2, 3, 4 and 5, if they accompany their husbands;
7. The servants of diplomats when they are travelling with their employers;
8. Special cases.

Form

9.32 a. A diplomatic visa consists of two parts. The upper section indicates that the stamp is a diplomatic visa for Canada, where it is granted and is dated, stamped, numbered and signed by the head of the post.

b. The lower section indicates whether the visa is good for a single journey or whether it is good for all journeys to Canada for as long as the bearer (or the bearer's husband, etc.) holds a designated position in Canada.

Uranus Lt.

Mexico

Fl. O. 27

San Francisco

62. Wilds.

Phineas Goble

9.33 - Spare

Courtesy Visas

amend.

9.34 a. Courtesy visas may be issued to persons who do not hold national diplomatic passports.

b. Courtesy visas may be affixed to the passports of persons of foreign nationality who are en route to Canada and who come within the following categories:

1. Officials of foreign governments not holding diplomatic rank.
2. Members of the staff of the International Labour Office, Montreal, International Civil Aviation Organization and the United Nations Organization.
3. Wives and children of persons included in classes 1 and 2.
4. Wives and children of persons in 9.21 b., 2, 3, 4 and 5 not accompanying the husband or father.
5. The servants of diplomats when they are not travelling with their employers.

Form

9.35 a. A courtesy visa is similar to a diplomatic visa except that the word "courtesy" is inserted in place of the word "diplomatic" in the upper half of the visa.

9.36 - Spare

When Granted

9.37 Diplomatic and courtesy visas are granted only upon request of the Ministry of Foreign Affairs of the country to which the Consul is appointed or of a diplomatic or consular office in that country.

Valid for
Single Journey

9.38 Diplomatic and courtesy visas are, as a rule, made valid for a single journey only.

Prior
Reference

9.39 Diplomatic and courtesy visas may not ordinarily be granted by a consular officer without prior reference to the Canadian diplomatic Mission if there is one in the country.

9.40 - 9.41 Spares

Register

9.42 Details of the issue of diplomatic and courtesy visas are entered in the visa register.

Fee 9.43 No fee is chargeable for diplomatic and courtesy visas.

Privileges 9.44 Diplomatic and courtesy visas entitle their holders to enter Canada without customs or immigration inspection.

9.45 - 9.50 Spares.

LAISSEZ-PASSER

Laissez-passer 9.51 Laissez-passers are sometimes issued in lieu of diplomatic or courtesy visas.

To Whom Issued 9.52 a. Laissez-passers may be issued to the persons enumerated in 9.31 and 9.34.

b. In addition they may be issued to British subjects or Canadian citizens entitled to special consideration on entering Canada.

c. Laissez-passers are usually issued to official employees and members of the household staff of members of Canadian diplomatic and Consular Offices.

Form 9.53 a. Laissez-passers are issued in the form in 22.09.

b. The seal of the Office is affixed to this document, and the laissez-passer is collected from the bearer by a Canadian Immigration or Customs official at the port of entry.

9.54 - 9.60 Spares.

REPORT

Monthly Report 9.61 a. A monthly report is rendered to the Departments of all visas and laissez-passers issued.

b. The report includes number of visa, date of issue, person to whom granted, passport number, etc.

CHAPTER X

Protection of Canadian Citizens
and Canadian Corporations

Definition of
Consular Protection

10.01 Consular protection is primarily the consular function of safeguarding the rights of citizens on foreign soil. These rights include the right to justice, i.e. to be treated under the foreign law without discrimination.

Who may receive
Protection

10.02 a. Consular protection cannot be demanded as a matter of right. It is a privilege which a citizen may request from the Consular Officers of his own country.

b. Consular protection can be granted only to Canadian citizens (see Chapter VI).

c. A person who has dual nationality is not entitled to Canadian consular protection while he is residing or visiting in the country of his second nationality.

d. A person who has been naturalized in Canada will not ordinarily be afforded Canadian consular protection within the limits of the foreign state to which he originally belonged unless he has ceased to be a subject of that state under the laws thereof or in pursuance of a treaty or convention to that effect.

Protection of
Corporate Bodies

10.03 a. Protection may be extended to corporate bodies in a manner similar to that extended to private individuals, if the corporate body can be said to be Canadian.

b. The decision whether, in fact, a corporation can be said to be Canadian must be made after a careful consideration of the particular facts in each case and by looking at the situation of the corporation as a whole. The place of incorporation, the country in which the main business is carried on, the nationality of the stockholders, the nationality of the persons in whom effective control of the corporation is vested are all relevant to the question as to whether the real beneficial interest is Canadian.

c. Generally speaking, a company incorporated in Canada is entitled to protection. This may be refused where the incorporators are largely aliens, or where the majority of the stock is owned by citizens of the country in which protection is sought, or if the corporation does not sufficiently represent Canadian interests.

d. Sometimes a foreign corporation may be entitled to protection on the ground that a substantial interest in the corporation is owned

by Canadian citizens.

e. Whenever possible, confirmation should be obtained from the Department that a particular corporation may be regarded as Canadian.

When Consular
Action Required

10.04 a. As a general rule, if a Canadian citizen receives the benefit of the same laws, administration, protection and means of redress for injuries which the foreign state affords its own subjects, there is no ground for complaint or representation on his behalf, unless the law applied in the particular instance falls below the international standard of civilized justice.

b. In the course of his duties the Consul may, in certain circumstances, appear in a foreign court to protect the interests of a deceased citizen's estate; he may transmit claims of citizens of his country to the local authorities of the foreign state; he may use his good offices to see that justice is done, and that a citizen held in custody pending trial, under certain circumstances, receives assistance in obtaining bail; or he may protect a destitute citizen by financial assistance in certain cases, so as to prevent the citizen infringing vagrancy laws or being deported.

c. Not every injury warrants immediate representation by the Consul. It is only when the individual has suffered flagrant injustice or maltreatment by, or at the direction of, an authority of the foreign state that measures should be taken for his protection. If the injury is received at the hands of individuals or minor officials who cannot be regarded as representing the foreign state, the individual must, in the first instance, rely on the local judicial remedies. Funds should not be advanced in order to provide legal advice or assistance in such instances.

To Whom Representations may be made

10.05 a. The extent of Consular protection is limited. It will be necessary, as a rule, for a Consul to refer to the Canadian Diplomatic Mission or the Department in the country all major matters in which the question of protection arises.

b. Formal consular representations may be made only to the local authorities. Formal consular representations should not be made to any state, provincial or national authorities, unless they have been authorized by the Canadian diplomatic mission in the country or by the Department.

Informal Enquiries

10.06 The making of enquiries on behalf of a Canadian citizen or a Canadian corporation without any formal representation to the local authorities will, in itself, often result in relief from the injuries or injustice complained of.

Prior Approval
Required Before
Making Formal
Representation

10.07 When formal representations are made by the Consul to the local authorities, a copy of such representations should be forwarded immediately to the Department and to the Canadian diplomatic mission in the country.

10.08 - 10.14 Spares.

10.15 All questions of arrest or charges by the local authorities against a Canadian citizen should, in the original instance, be considered as a consular matter. Should it appear that the arrest or the charge are of such a nature and importance to necessitate diplomatic intervention, the Consul should make the enquiries indicated in 10.16 and report the matter immediately to the Canadian diplomatic mission in the country.

Information
Required

10.16 a. If a Canadian citizen reports that he has been arrested and/or charged with an offence by the local authorities, and asks for help, detailed information should be obtained and submitted to the Department.

b. The Information should be obtained from the complainant, his family or friends, and the appropriate local authority. The information should cover the following points among others:

1. The reason for the arrest, the nature of the alleged offence, the probable time-table of the

legal proceedings, the defence facilities available to the accused, the possibility of release on bail.

2. The basis of the person's claim to Canadian citizenship. Is he also a citizen of the foreign country?
3. When and why did he come to the foreign country?
4. Is he financially able to defend himself?

Action to
be taken

10.17 a. The case should ordinarily be referred to the Department by air mail, but telegraph may be used in urgent cases.

b. Except in cases of the utmost urgency and clearest merit, the Consul should not intervene (except to interview) the complainant or to obtain facts from the authorities) without express authorization from the Department.

Action where no
request for
Assistance

10.18 If the arrest of an alleged Canadian should come to the attention of the Consul, otherwise than in the form of a request for help from the person himself, it will be necessary to decide according to the circumstances of each particular case to what extent, if any, further enquiry should be made. If the Consul is satisfied that from the information he has received the Canadian citizen does not need his assistance, he need take no further

....

action, e.g., if the system of law is familiar to the person arrested and the language is understood by him. If the Consular considers that the information which has been brought to his attention justifies him making further enquiries, he should proceed as in 10.16.

10.19 No request should be addressed to the local authorities to have all arrests of Canadian citizens reported to the Consulate, unless the prior approval of the Department has been obtained for making such a request.

CHAPTER XI

DISTRESSED CITIZENS ABROAD
(RELIEF AND REPATRIATION)

Responsibility
of Consul

11.01 a. Destitute citizens have no legal claim to financial assistance. The procedure in the following articles should therefore be considered as an exception to the general rule. The primary responsibility of the Consul is to assist the applicant in obtaining funds from assets or friends in Canada. He is not a relief agency.

b. Occasionally an employer or former employer is legally responsible for the distressed person.

Annual Vote

11.02 To provide for rendering assistance to citizens who become destitute abroad, a small annual vote is included in the estimates of the Department.

Canadian
Citizens

11.03 a. The only persons who can be considered for assistance are Canadian citizens as defined in Chapter VI. (see also 11.21)

b. Canadian citizens ordinarily resident outside Canada should not be given any financial assistance without prior approval of the Department. In Canada such persons are usually a charge upon the municipality.

c. If it is necessary for the Department to confirm the birth in Canada the following information is required:

1. Date and place of birth,
including parish where applicable
2. Date and place of baptism
where applicable
3. Name of father and maiden
name of mother.

*Section covers all the
Dip. and other
papers required, but
not the actual relief*

Local Welfare
Organizations

11.04 The Consul should familiarize himself with all local arrangements for relief and assistance to destitute persons. Ordinarily applicants for assistance should be referred to local welfare authorities, who are equipped to grant financial and other assistance to persons who become destitute in the district.

Emergency
Advances

11.05 a. If, however, by reason of theft of funds or similar emergency a Canadian citizen is destitute, interim financial assistance may be advanced in order that the applicant may telegraph home for funds and obtain inexpensive lodging and food in the meantime. Such assistance may be given on the distinct understanding that there is no commitment to make further advances.

b. A written undertaking to repay must be obtained. If more than one adult is included, e.g., husband and wife, each should sign the undertaking to repay. Signatures must be witnessed (Annex A).

Funds in
Canada

11.06 a. If the person in need of assistance has no funds in Canada which he can obtain by telegraph, inquiry should be made as to what assets he has in Canada and whether any friends or relatives in Canada may be prepared to guarantee the repayment of any funds advanced. (Application form Annex A to this Chapter). A telegram is to be sent to the Department giving in full the name of the applicant, home address, circumstances of destitution, person in Canada who can undertake the repayment and an estimate of amount and the purpose for which it is required.

11.06 b. If there is no person in Canada who can undertake such repayment, this should be stated in the telegram.

c. An endeavour will be made to arrange for the provision of funds for the repatriation of the applicant and the Department will telegraph the Consulate what advances, if any, may be made.

Interim
Advance

11.07 a. Under the procedure outlined in article 11.06 there will inevitably be some delay before a reply is received. It is therefore within the discretion of the Consul to advance in the meantime, against an undertaking to repay, sufficient funds to provide for inexpensive lodging and food.

b. Whenever possible, arrangement for the accommodation itself should be made and the account submitted to the Consul for repayment.

c. If possible, repayment of the advance should be obtained from the recipient before he leaves the country, e.g., if friends in Canada cable funds to him.

Passport to
be impounded

11.08 a. Upon receipt of authority to advance funds, unless otherwise specifically stated in the telegram, the passport of the applicant is to be impounded and forwarded to the Department.

b. An emergency certificate may be issued for the return journey to Canada. (See 7.76). Repatriation should be effected as rapidly as possible.

Advances,
how made

11.09 a. Advances made to destitute Canadians are to be made out of the general funds of the Consulate.

11.09 b. Two copies of receipts for advances should be enclosed as vouchers with monthly report.

c. Unless all the circumstances surrounding the advance of funds can be clearly ascertained from the application and Receipt Form, an explanatory memorandum containing further details should be attached to the form.

Undertakings
to Repay

11.10 a. The undertaking should include the cost of cables and also telegrams, etc., in Canada. The form in Annex A to this Chapter will usually suffice.

b. Advances made for return to Canada are for purpose of providing minimum accommodation and food en route only. (See 11.32 c.).

11.11 - Spare

United States

11.12 Advances may be made in the United States for the purpose of repatriation without prior reference to Ottawa. The Consul must, however, be satisfied that there is a strong likelihood of being able to obtain repayment of the advances made and that it will be more satisfactory to repatriate at once than to maintain the applicant until authority for advance of funds can be obtained.

11.13)
11.14) - Spares

Indians

11.15 a. A Canadian Indian who has become enfranchised under the provisions of The Indian Act is entitled to the same assistance as any other Canadian citizen.

Mental Cases

11.18 If a Canadian travelling abroad has to be detained because of insanity, arrangements should be made at once with relatives or friends for his care. Any assistance possible should be rendered by the Consul in arranging for his return to Canada, but no expenditure should be incurred without the prior approval of the Department.

Burials

11.19 When a Canadian dies abroad the next of kin should be informed at once. Every assistance should be rendered in arranging for the funeral and burial or shipment to Canada of the body. However, if any expenditure is required it must first be authorized by the Department.

Advances

11.20 If friends in Canada, in the circumstances set out in Article 11.16--11.19, are unable to forward the necessary funds at once, they should be advised to make arrangements with the Department in Canada for the advance of funds abroad against their undertaking to repay in Canada.

Dual Nationals and naturalized persons

11.21 a. No advances may be made to dual nationals in the country of their second nationality except in unusual circumstances.

b. Likewise naturalized persons will ordinarily not be given any assistance in the country of previous nationality.

Where Advance not authorized

11.22 When an advance of funds is not authorized and local welfare agencies will not render assistance to the destitute person, he should report to the nearest police or immigration authorities. He will then usually be subject to deportation under the local laws.

Deportation

11.23 a. Upon request from the authorities of a foreign state, the Consul may confirm that a proposed deport is a Canadian citizen readmissible to Canada.

b. He should request the surrender of the passport of the proposed deport and deliver to the departing authorities an Emergency Certificate in lieu (7.76). Fee for Certificate may be waived.

c. No financial responsibility may be undertaken for the return to Canada of a person who is being deported.

11.24)
11.25) - Spares

Funds advanced
by British
Consuls

11.26 a. If an enquiry is received from a British Consul in the country, he should be given the information contained in this Chapter.

b. If, in fact, he has already advanced funds to a destitute Canadian citizen, the amount of the advance may be reimbursed to him against the signed receipts of the destitute person, provided the amount appears to have been reasonably advanced. In case of doubt, the matter should be referred to the Department by despatch.

Seamen

11.27 a. Special provision is made for merchant seamen under the Merchant Shipping Act (See 13.).

b. When a merchant seaman ceases to be eligible for assistance or repatriation as such, he is subject to the provisions of this Chapter.

11.28)
11.29) - Spares
11.30)

Responsibility
of Consuls

11.31 There is a heavy onus of responsibility upon the Consul in the administration of relief. He must decide whether the application is bona fide, how much may be advanced as an emergency measure, how much may be advanced for the return journey to Canada, whether it is necessary to purchase tickets and ensure that the person has actually left the country, etc. He must further impress upon each recipient of an advance that this is a loan which must be repaid and is not an act of government bounty.

Purpose of
Advances

11.32 a. The main purpose of making an advance is to enable the applicant to return to Canada. Loans should not be made to anyone who refuses an actual offer of repatriation, provided he is physically able to undertake the journey.

b. As a rule the applicant should be required to obtain some temporary local employment, in order to provide for his immediate subsistence, unless this is not permitted by local labour legislation or the applicant is physically unable to work.

c. In making advances the principle to be followed is that advances should be made in kind and not in specie. However, the form in Annex A must be completed by the applicant even though a receipt from the supplier of the goods or services is also held.

APPLICATION FOR ADVANCE OF FUNDS

ANNEX "A"

Date

.....
(surname) (given names)

Home Address (St. & No.)
in Canada

Local Address

Occupation

Evidence of Canadian Citizenship (Passport, Citizenship
Certificate, Birth Certificate, etc.)

Date of Departure from Canada and reasons for journey

Bank accounts or other assets

Relatives or Friends in Canada (who may be asked to guarantee
repayment)

Name

Address

Name

Address

Reasons for Application

Purpose for which money will be spent

I hereby certify that the above statements are true and correct.
In consideration of the sum herewith advanced, I hereby promise
and agree to pay to the Canadian Government the sum of
(\$ Can.) on demand, together with such other sums as may
have been expended for telegrams, long distance telephone calls,
etc., on my behalf.

I understand that until repayment of this advance has been made
by me I may not be granted Passport facilities by the Canadian
Government.

Witnessed by)
) (Signature)

)
) (Signature of wife)

Approved by Date

Authority for Advance

Original) with monthly report.
Duplicate)

Duplicate office copy

Quadruplicate applicant

CHAPTER XII
REGISTRATION OF CANADIANS RESIDENT ABROAD

Registration
is Voluntary

12.01 Registration of Canadian citizens resident abroad is entirely voluntary. However, it is desirable that a register should be kept as accurately as possible in order that citizens may be warned to leave the consular district in the event of an emergency and also in order that there may be a prior record of their status should they make application to the Consulate for protection or assistance of any kind.

Announcements

12.02 Suitable announcements regarding registration may be published from time to time in the local newspapers but prior approval should be sought from the Department. With the request for approval there should be included an estimate of the expenditure involved.

Card Index

12.03 a. It is recommended that registrations should be maintained by card index, distinguishing, in particular, persons who may not be entitled to consular protection.

b. The registration card index should include the following particulars concerning each person:

Full name
Date of Registration
Place and Date of Birth
Documents produced as evidence
of status
Present Address
Other nationality, if any
Dates on which the information
has been confirmed.

Transients

12.04 Persons remaining in the country for a period of less than three months should

not be registered. It is, however, desirable to maintain a visitors' book in which transients may record their names and local addresses.

Evidence of
Citizenship

12.05 It is necessary that a valid passport or satisfactory evidence of Canadian citizenship in lieu thereof be produced for examination by each applicant for registration.

Dual
Nationals

12.06 Registration should not be refused to persons of dual nationality residing in the country of their second nationality, even though consular protection will not ordinarily be granted to them.

Annual
Check

12.07 Registration should be kept up-to-date and for this purpose it will be necessary to make whatever form of annual check may be appropriate in the particular district. It should be suggested to all citizens upon registration, that they keep the Consulate advised of any changes in address and also that they confirm their registration annually.

Duplicate
Registration

12-08 Where the circumstances in any particular country, e.g., difficulty of communication, make it desirable, there is no objection to Canadian citizens registering in the nearest Commonwealth Consulate as well as the Canadian Consulate for that district.

12.09 - Spare

No Fee

12.10 No fee is chargeable for registration.

REGISTRATION OF BIRTHS

Required
under Act

12.11 Section 5 of the Citizenship Act provides for the registration of a birth at a Canadian office abroad within two years

after the birth occurs. Only births which have taken place on or after January 1st, 1947, may be registered. (See 6.16.d).

Forms Used

12.12 a. Application form "P" must be completed by either the father or the mother of the child and be filed in duplicate. One copy will be retained in the Consulate and the other copy forwarded direct to the Department of the Secretary of State of Canada.

b. The consular officer, prior to forwarding an application, must require the applicant to provide evidence of the birth of the child and its national status. This will ordinarily mean the production of a local birth certificate and the passport or other document showing the Canadian citizenship of the father (or mother).

c. The Department of the Secretary of State of Canada upon being satisfied that the child is entitled to be registered will issue a Registration of Birth Form "Q" and will send it to the Consulate to be forwarded to the applicant. The application will not be complete until the Certificate has been issued. The main facts concerning each application should be entered in the Register of Births as soon as the application is received. Upon the receipt of the Certificate of Registration of Birth the remaining particulars will be entered in the Register before transmission of the document to the applicant.

Registers to
be maintained

12.13 Registers of Births are to be retained permanently in the Consulates. Where the birth has been registered at the Consulate and evidence thereof is required, a certified extract of the register may be provided to the person whose birth was registered, his parents, or the person who registered the birth. Where considerations of time permit, however, such applicants should be advised to obtain confirmation of the registration from the Secretary of State of Canada.

12.14) - Spares
12.15)

REGISTRATION OF MARRIAGES

Not required

12.16 No central registry of marriages is maintained in Ottawa. Accordingly, it is not necessary to maintain a Register of Marriages at the Consulate. However, it will, of course, be necessary to amend the card index of citizens resident locally.

Record may
be kept

12.17 Upon request, however, a record may be kept of any marriage performed within the consular district upon production of appropriate documents showing that the marriage has been performed in accordance with the local laws.

12.18)
12.19) - Spares
12.20)

REGISTRATION OF DEATHS

Not required

12.21 No central registry of deaths is

maintained in Ottawa. Accordingly, it is not necessary to maintain a Register of Deaths at the Consulate. However, it will of course, be necessary to amend the card index of citizens resident locally.

Record may
be kept

12.22 If the consul should receive a request to have a death recorded in the Consular archives, there is no objection to a suitable record of the fact of death, date, place, etc., being recorded in an appropriate place for possible future reference.

- 12.23)
- 12.24)
- 12.25)
- 12.26) - Spares
- 12.27)
- 12.28)
- 12.29)
- 12.30)

CERTIFICATES

Issue of
Certificates

12.31 Upon request from a person entitled to receive the information, the consul may issue a certificate with respect to any matter which has been recorded in the Consulate.

CHAPTER XIII

MERCHANT SHIPPING AND SEAMEN

Canada Shipping
Act, 1934

13.01 a. The Canada Shipping Act, 1934, in its present form, does not authorize Canadian Consular Officers to deal with Canadian merchant shipping or seamen.

b. Under the Act the British Consul at a foreign port is the Proper Authority to deal with such matters.

British
Consuls

13.02 a. Until such time as Canadian Consular Officers are instructed to act under the provisions of this Chapter, matters affecting Canadian Merchant Shipping and Seamen are to be referred to the nearest British Consul.

b. The authority for the action of the British Consuls and their Instructions are contained in an addendum dated August 22nd, 1937, to Chapter XIX of the British Consular Instructions which reads as follows:

"The Canada Shipping Act of 1934, as amended in 1936, came into force on the 1st August, 1936. The effect of this Act, in so far as His Majesty's United Kingdom consular officers are concerned, is, in brief, to provide for the validity in Canada of services which consular officers perform under the authority of the Merchant Shipping Acts, provided that the services are of a kind contemplated by the Canadian Act and in a form recognized by it. Consular Officers should therefore, on request perform the usual services for Canadian vessels under the United Kingdom Merchant Shipping Acts, charging the usual consular fees.

Consular officers need not at present familiarize themselves with the provisions of the Canada Shipping Act and its divergencies, if any, from the United Kingdom Act. Responsibility for deciding whether the service requested will be recognized in Canada because it is contemplated by the Canadian Act and is done in

13.02 (cont'd)

a form recognized by that Act will rest on the person requesting the service and not on the consular officer who performs it."

13.03 - 13.50 Spares

13.51 a. Distressed Canadian Merchant

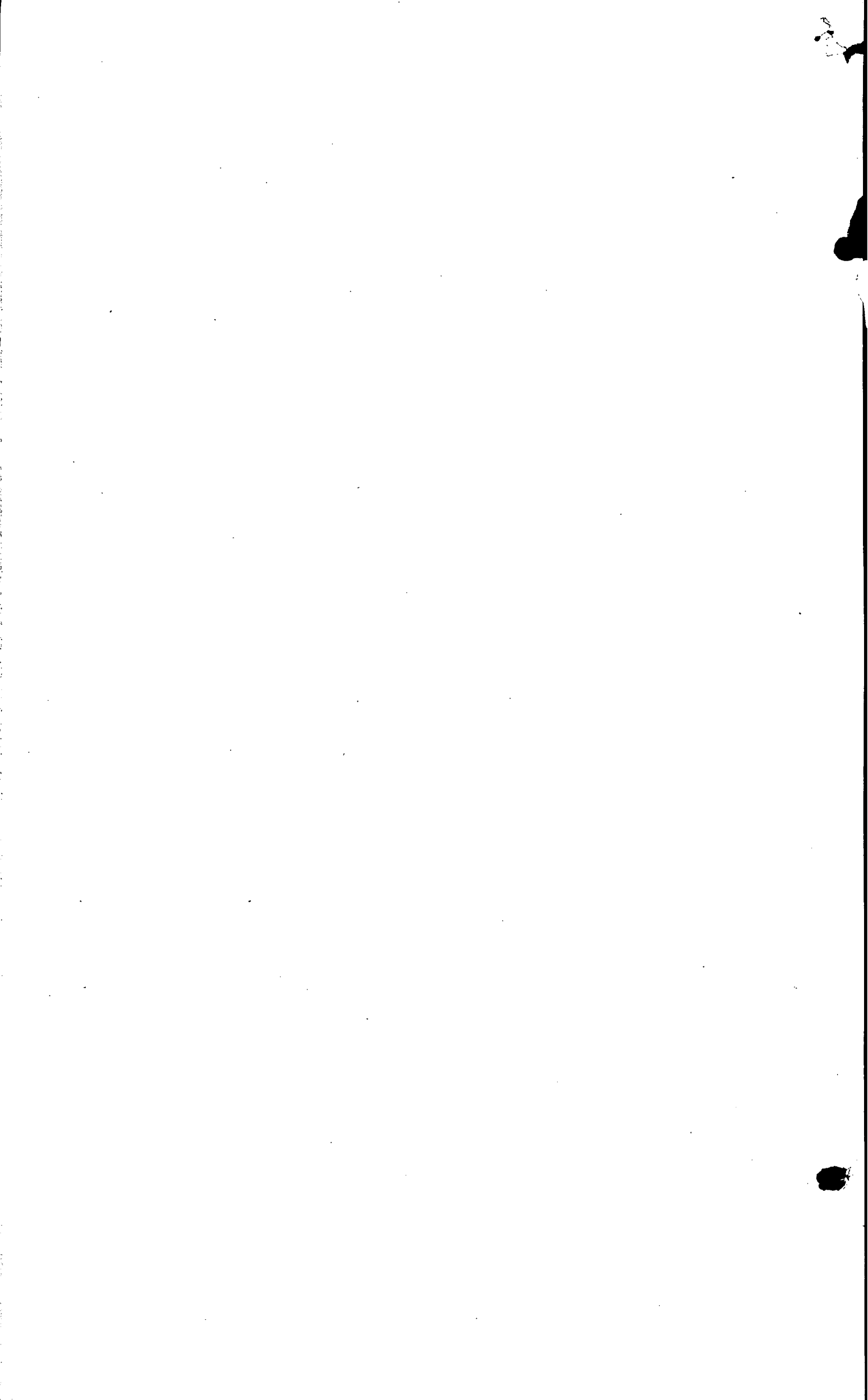
Seamen should apply to the nearest British Consular Officer for assistance.

b. Order-in-Council P.C. 609 of March 23rd, 1937, provides for the issuance of Distressed Seamen Regulations under the provisions of Section 294 of the Canada Shipping Act, 1934. The categories to whom these Regulations apply are:

1. Canadian seamen who have been serving on a Canadian ship;
2. Canadian seamen who have been serving on a foreign ship;
3. Non-Canadian seamen who were domiciled in Canada for a period of twelve months prior to signing on and who have been serving on a Canadian ship. Non-Canadian seamen are entitled only to the terms of the provisions concerning seamen who have suffered shipwreck or illness or have been illegally left behind.

c. The provisions of P.C. 609 may not be recognized by the Master of a ship of United Kingdom Registry until such time as an agreement to this effect has been arranged with the United Kingdom authorities. Meantime, however, British Consular Officers apply United Kingdom distressed seamen Regulations for the benefit of Canadian seamen who fall into distress and apply to them for relief and repatriation.

13.52 - 13.53 Spares.



When ceasing to
be a merchant
Seaman

13.54 a. If three months have elapsed since the seaman left his last ship before he applies for assistance he is not ordinarily entitled to be regarded as a merchant seaman.

b. When a Canadian citizen ceases to be entitled to assistance as a merchant seaman the provisions of Chapter XI apply with respect to relief and repatriation.

CHAPTER XIV

REPRESENTATIONAL DUTIES

Representative
of Canada

14.01 Where there is no diplomatic mission in the same city the consular officer will have certain representational functions. In the eyes of the citizens of the country to which he is appointed he represents the Canadian Government. Accordingly, it is necessary that the consul be discreet both in word and act.

Public Addresses

14.02a. It is inevitable and, from the point of view of Canada, it is desirable that the consul should be called upon to address public gatherings.

b. He, must, however, realize at all times that what he says will be quoted. For this reason it is desirable, if possible, that even apparently innocuous remarks should be critically viewed beforehand by a senior Canadian representative. If there is a diplomatic representative in the country his approval should ordinarily be sought for the making of the speech in the first instance, and whenever possible, for the text of the speech itself.

c. Where the address is to be of any importance it is desirable that the approval of the Department should first be obtained to making the speech and to its general contents.

d. In addition, of course, it is often of considerable value in Canada to be able to release to the Canadian newspapers the fact that an address has been made and the more important statements contained in it.

Press Releases
and
Interviews

14.03 Press releases and interviews are not ordinarily given out by consular officers except upon instructions from the Department. Where there has been an important change in Canadian legislation this will frequently be communicated to the consular officer with an indication that he may make such use of it locally as he deems in the best interest of Canada.

Subject
Material

14.04 There is an Information Division within the Department which can provide material with respect to subjects upon which the consul may desire to speak, and this source of material should be called upon freely.

National Film
Board

14.05 The National Film Board provides many excellent films which the Consul can from time to time arrange to have shown locally with much benefit.

CHAPTER XV

MISCELLANEOUS

Return of
Bodies to Canada

15.01 From to time it is necessary to return to Canada the bodies of deceased Canadians. Arrangements should be made direct by the relatives (in Canada or abroad) of the deceased with the Health Authorities of the Canadian Provinces through which it is necessary to travel.

Collection of
Accounts

15.02 It is not within the responsibilities of the Consular Service to render assistance in the collection of unpaid accounts. Accordingly, Consular Officers should refuse to become involved in any respect in seeking to assist creditors to make collections.

Legal Advice

15.03 a. Requests to Consular Officers for official statements of Canadian law for production in court or for the use of the local government should be referred to the Department.

b. Other requests for statements of, or advice on, Canadian law should be declined and the inquirer should be advised to consult a private lawyer. However, there is no objection to Consular Officers merely calling the attention of inquirers to provisions of Canadian statutes or published regulations.

c. Requests to Consular Officers for advice on the local (i.e. foreign) law should be declined. However, there is no objection to Consular Officers helping.

Canadian citizens by calling their attention to local statutes or published regulations.

15.04 Consular Officers should not endeavour to prepare legal documents, e.g., wills or powers of attorney. The enquirer should be referred to a local solicitor or notary public or such other functionary as may be qualified to perform these services locally.

Custody of
Funds

15.05 a. As a general rule, Consular Officers should not accept any funds for safekeeping. The enquirer should be directed to a local bank or similar organization which provides such service.

b. However, in cases of great emergency, where no other course is reasonably open to the applicant, the Consul may exercise his discretion in accepting funds or valuables for safekeeping for a Canadian citizen. Currency should be counted in the presence of the owner and a receipt in duplicate signed by the Consul and by the owner of the funds or valuables as well. Wherever possible, there should be an independent witness to the entire transaction and a memorandum signed by the witness at the time of the transaction. This latter memorandum should be in duplicate and one copy given to the owner of the property and one copy retained by the Consul. The alternative mode of giving a receipt is to have the money or valuables placed in a container sealed by the person depositing them. The receipt may then be given for "one envelope said to contain money and valuables".

Power of Attorney

15.06 The Consul should not accept appointment under a Power of Attorney on behalf of a private person. The request should be directed to a responsible outside agency to act in the matter.

15.07 a. The Consular Officer should not allow a marriage ceremony to be performed in the Consular premises except in those cases where hardship would result from his refusal to do so. Nothing in this section should be construed as imposing upon any Consular Officer the obligation to allow any such marriage ceremony to be performed in the Consulate.

b. In exceptional cases the Consular Officer may, when requested, allow a marriage ceremony to be performed in the Consulate, provided that one of the contracting parties is a Canadian citizen, and provided that he has assured himself that the requirements of the law of the place of the celebration have been complied with.

c. Before allowing such a marriage ceremony to be performed in the Consulate, the Consular Officer should ascertain the following facts:

1. that the parties to the marriage may lawfully marry according to the *lex loci*;
2. that there is no apparent incapacity in either of the parties as a result whereof the marriage would not be recognized in Canada;

3. that the marriage ceremony is in accordance with the lex loci;
4. that one of the parties at least is a Canadian citizen;
5. that there is nothing savage, scandalous or repugnant to our own laws and customs in the solemnization ceremony.

d. Nothing contained in these Instructions will authorize the Consul to perform a marriage. There is no provision in Canadian law whereby a Canadian Consul may perform a valid marriage.

e. There is no objection to a Consul acting as a witness to a marriage.

Services
rendered to
Dominion and
Provincial
Governments

15.08 Expenses incurred at the direct request of a Department of the Government of Canada or of a Provincial Government Department, (other than requests made through this Department) are ordinarily recovered direct from the Department of Government which authorized the performance of the service. The Department concerned should therefore be billed direct and requested to make payment direct to the Consulate where the money will be accounted for in the ordinary manner.

Certificates
of
Identity

15.09 a. Certificates of Identity are issued in Canada to persons who are stateless or who are unable to obtain appropriate travel documents from the country of their nationality. Apart from specific instructions which may from time to time be given certain Offices, Certificates of Identity are not to be renewed without the prior approval of the Department. Ordinarily they are issued only by the Department to persons resident in Canada who have made application for Canadian citizenship.

b. Certificates of Identity are not passports and do not entitle the holder to protection or assistance.

Refugee Travel Documents

15.10 Travel documents issued in the form approved by the Intergovernmental Committee on Refugees (Agreement of October 15th, 1946) are acceptable in lieu of passports for persons travelling to Canada either for permanent residence or for a visit.

In Transitu Certificates

15.11 a. In Transitu Certificates are required by the Department of National Revenue when goods bona fide exported to Canada from any country pass in transitu through another country in such a manner that any doubt might arise at the Canadian port of entry concerning the bona fides of the direct exportation.

b. The bill of lading for the transportation of the goods to Canada must show the ultimate destination of the goods from the place of original shipment to be a port in Canada, without any contingency of diversion, and the goods must not be entered for consumption or for warehouse or remain unclaimed or remain for any purpose other than their transshipment or transit in any intermediate country.

c. Upon application the Consul may issue in transity Certificates (see 22.30) provided he is satisfied that the provisions of b have been complied with.

d. In transitu Certificates will ordinarily only be required at United States or United Kingdom ports.

15.12 - Spare.

Certificate of
Existence

15.13 a. Whenever it is necessary for a Canadian citizen to establish his identity and the fact that he is still alive, a certificate may be issued for that purpose. These certificates are usually required in order to obtain continued payment of a pension. (See 22.35).

b. Before issuing a Certificate of Existence, the Consul must be satisfied that the applicant has sufficiently identified himself as the person concerned.

with the exception of Consular Officers in the United States
of America, who will follow the 'Instructions for the Guidance
of Canadian Consular Officers in the United States of America
on Trade matters in the absence of duly appointed Trade
Commissioners', dated March 15, 1948, save in so far as they
do not conflict with the articles of this chapter. (CCI Amend #8)

CHAPTER XVI

TRADE AND COMMERCE

16.01 With respect to commercial matters consular officers will ordinarily correspond direct with the Department of Trade and Commerce, Ottawa. However, where it is felt that the information contained is of a general nature a copy should be forwarded to the Department of External Affairs for consideration both from the point of view of economic and political interests.

16.02 a. Officers whether deriving their pay from the External Affairs vote or from the Trade and Commerce vote will in like measure carry out instructions received from either Department with respect to commercial matters.

b. In trade matters the Department of Trade and Commerce only will give directions. However, the Department of External Affairs may from time to time, ask for reports on certain general commercial questions.

16.03 a. For the time being, all consular officers performing trade functions will follow the instructions laid down in the volume of instructions for guidance of the Officers of the Trade Commissioner Service.

b. Officers not deriving their pay from the Trade and Commerce vote will not act in trade matters until specifically instructed to do so.

16.04 Where a Consulate is situated in the same city as a Canadian diplomatic mission, on the staff of which there are commercial counsellors or commercial secretaries, the consular officer will not ordinarily be required to perform duties concerning commercial matters.

CHAPTER XVII

BRITISH CONSULS

17.01 For many years British Consuls have been performing consular functions on behalf of all members of the British Commonwealth. Consequent upon the recognition of the changed status of Canada by the Imperial Conference of 1926, it has become possible to set up diplomatic and consular offices abroad. In fact, it was not until the exigencies of the War of 1939 - 1945 required such action that the first Canadian consular office separate from a diplomatic office came into existence.

17.02 Canada has its own legislation with respect to citizenship, immigration, etc., and has its own policies with respect to commercial matters so that it is no longer appropriate to expect British Consuls to function on behalf of Canadian interests, except where such interests are limited in extent.

17.03 a. In countries where there is no Canadian representative and in sections of large countries in which it is difficult to communicate with the Canadian representative, British Consular Officers will continue to act on behalf of Canada.

b. In districts where there is a British Consul as well as a Canadian office the latter will ordinarily perform all Canadian consular functions. However, in such matters as shipping,

it will be/

it will necessary for some time to come to provide special instructions for certain offices with respect to the extent, if any, to which they may deal with these specialized problems with which the British Consul may be in a better position to deal.

CHAPTER XVIII

TOURISM

Tourists to
be encouraged

18.01 a. The tourist industry has become a vital part of Canada's national economy. Tourists are welcome to Canada.

b. In monetary value, the tourist industry amounts to several hundreds of millions of dollars annually.

c. The cultural aspects of a prosperous tourist trade are of far-reaching importance.

Admissibility
of Tourists

18.02 Tourists are admissible to Canada as non-immigrants and visas, when requested, may be granted without prior reference, see Chapter IX.

Canadian
Government
Travel
Bureau

18.03 a. The Canadian Government Travel Bureau is a division of the Department of Trade and Commerce.

b. The Travel Bureau publishes booklets, maps, etc., which may be obtained upon application.

c. The Travel Bureau maintains a staff of experts on various aspects of tourism. Inquiries concerning specific questions or particular areas may be directed to the Travel Bureau. A close liaison is maintained with Provincial tourist agencies.

Current
Publications

18.04 Current publications of the Travel Bureau include:

"How to enter Canada", which contains information regarding conditions of entry, customs, regulations, aircraft and automobile regulations, admission of pets and plants.

"Canada--Vacations Unlimited" which is profusely illustrated and contains historical notes as well as data regarding hotels, resorts, transportation, facilities, national parks, and outdoor sports.

"Sport Fishing in Canada" which catalogues the species of game fish and where they can be found, with information concerning equipment, guides, etc., of value for beginner or expert.

"With Rod and Reel in Canada" which provides a general outline of fishing prospects in Canada with first-hand reports of conditions on many streams and lakes.

"Canada's Game Fields" which details the locality in which each species of game is found and contains many illustrations.

"Ski-ing in Canada" which describes all the best ski areas with notes on snow conditions, data on championship meets and transportation.

Chapter XIX

LEGAL AND NOTARIAL ACTS

Introductory remarks

Notaries and Solicitors in Canada.

19.01. Notaries public, as a distinct professional body, exist only in the province of Quebec; there is in that province a marked difference between the functions of a notary and those of a solicitor. For instance, certain written acts must be passed before a notary public before they can be effective in relation to third parties, viz; a contract for the sale of land, marriage contracts. Solicitors, however, may draw these documents or draw and pass other written acts. In other Canadian provinces, the distinction between solicitors and notaries public is rather blurred, since the latter are usually notaries public as well as solicitors.

Authority

19.02. A notary public is generally considered as a public official who has the power to draw, pass, keep or issue deeds, contracts, wills, charter-parties and other mercantile transactions and to attest commercial instruments brought to him for public protestation. A solicitor is generally considered as an officer of the Court whose business is to be employed in the care and management of suits coming before the Court; he is also considered as a person who can give legal counsel. A Commissioner for Oaths is a person authorized to administer oaths or to take affidavits, declarations or affirmations.

CONSULAR OFFICERS PERFORMING LEGAL AND NOTARIAL FUNCTIONS

Responsibility

19.03. In the discharge of their functions, solicitors and notaries are expected to display both diligence and the standard of skill of a person holding himself out as qualified so to act. Consular officers discharging quasi-notarial or quasi-legal functions are expected to display the same qualities. Since consular officers are not necessarily qualified in these fields, it is necessary, for their own protection, to restrict their activities. Therefore, consular officers should not perform legal or notarial acts other than those mentioned in 19.05 unless specifically instructed by the Department. Should the Department instruct a consular officer to perform a legal or notarial act, the officer will be given full instruction on the procedure to be followed.

Laws and Conventions to be observed

19.04. When a Canadian consular officer performs quasi-legal or quasi-notarial acts, he must do so in accordance with the law of Canada or the law of the Canadian province or territory in which the act is to be exhibited. He must also ensure that the

performance of such an act in a foreign state does not contravene the law of that state. Hence he should refer to the various conventions on legal procedure which bind Canada, or, where no convention exists, he should ensure that his act is not illegal in the foreign state. Canada is bound by conventions on legal procedure with Austria, Belgium, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Iraq, Italy, Lithuania, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Turkey and Yugoslavia. These conventions have been printed in Canada Treaty Series.

When consul
may perform
certain acts

19.05. The following practical rules, subject to the above mentioned conventions (which must be consulted in each instance), may be of assistance:

- a. Canadian consular officers may do legal acts (such as taking evidence on commission) when they are specifically requested so to do by a Canadian Court. Instructions will normally be issued by the Department in each case.
- b. Canadian consular officers may perform notarial acts (excluding affidavits, etc. mentioned in sub-paragraph (c)) only if they are destined for use in Alberta (see Annex I, page 4). Before performing these acts, they must have specific instructions from the Department.
- c. Canadian consular officers may administer oaths or take affidavits, declarations or affirmations in accordance with the law of Canada or of the provinces. (see Annex I).

TAKING OF AFFIDAVITS

Authority for
taking affida-
vits abroad.

19.06. Consular officers are authorized, by the laws of Canada and of its provinces, to take affidavits abroad. The relevant provisions of these laws are contained in Annex I.

How to take
affidavits.

19.07. In order to assist consular officers who have not had legal experience, the following notes have been prepared for their guidance:

- a. Consular officers should not draw affidavits. These should be drafted by the persons presenting them and should be ready for signature when presented to the consular officer.
- b. The simplest procedure for taking an affidavit is as follows:

The officer taking the affidavit asks the deponent to sign the affidavit. He then asks the deponent either to raise his right arm or to take the Holy Bible in his right hand and to repeat after him: "I swear that the statements made by me in this affidavit are true. So help me God." The officer taking the affidavit then fills in the jurat which he signs. Under his signature, he indicates his official appointment and affixes, in all cases, his seal or the seal of the mission.

c. A specimen jurat would read:

"Sworn before me at the City of)
in the State of United)"JOHN
States of America, this.... day) DOE"
of A.D. 1947"

George Black,
Canadian Consul in Portland, Maine,
(U.S.A.)

d. Consular officers charge the fees fixed in Chapter XXI.

AUTHENTICATION OF DOCUMENTS

Definition

19.08. Authentication can be defined as the act of attesting to the identity of a document or signature and/or of the person signing the document. An authentication can be effected either by a series of certificates the last of which is acceptable to the country in which it is to be used, or by an affidavit if it is acceptable to the authorities interested.

19.09. - Spare

Authentication by foreign consuls in Canada.

19.10. The necessity for authenticating a Canadian document for use in a foreign country arises from the requirements of the law of those countries. Most foreign countries require that its own consular officers authenticate Canadian documents before they can be considered as valid in those countries. A foreign consular officer in Canada who has been asked to authenticate a document may thus require, before he authenticates a Canadian document, the certification of the previous signatures by the Secretary of State for External Affairs; he may be content with the certification by the Governor-General or that of the Lieutenant-Governor and, in some cases, he may be willing to certify the signature and seal of a Canadian notary public. Thus, to give an example, if an Ontarian desired to convey land in Cuba, he should ascertain (through his solicitors) what are the requirements of the Cuban law.

Assuming that the Cuban law requires the authentication of the instrument of transfer by a Cuban consular officer, the degree of authentication will depend on the Cuban consular officer in Canada (a fact which should be ascertained by the person desiring the authentication). It is only when the Cuban consular officer in Canada requires the certification of the Secretary of State for External Affairs that the Department would be called upon to act.

Foreign documents for use in Canada.

19.11. However, the necessity for the authentication by a Canadian Consular officer of a foreign document for use in Canada is not so great. An examination of Annex I will show that most jurisdictions in Canada provide that all affidavits taken outside Canada before a notary public anywhere shall be accepted in evidence provided the document purports to have affixed the seal and signature of such person. (See in particular, however, the law of New Brunswick in Annex I which restricts the taking of such affidavits to matters relating to registration of instruments relating to land). Therefore, Canadian consular officers should encourage persons who desire authentications to use this easy way of having the authenticity of documents sworn to before a notary public in the foreign country concerned when it is to be used in a jurisdiction in Canada which provides for the acceptance in evidence of such affidavits. In each case, however, Canadian consular officers should ascertain the laws of the jurisdiction in Canada from the summary in Annex I and the purpose to which the document is to be put in Canada.

When Canadian consul may authenticate foreign document.

19.12. If a Canadian consular officer finds that the method described in 19.11 cannot be used or that this is not acceptable to the person seeking the authentication and he is called upon to authenticate a document emanating from the foreign local authorities, he may certify the signature and seal of those foreign officers only whose official position, signature and seal are personally known to him.

Form

19.13. a. When a consular officer authenticates a document by certificate, his signature, appointment and seal (or that of the Mission) should be affixed to the document with an indication of the date and place where the document was authenticated.

b. For ease of reference, an example of a consular certificate of authentication is given:

"I certify that Miguel Ponce is known to me to hold the office of Clerk of the Supreme Court in the province of State of..... and that the signature and seal affixed hereto are respectively the

signature of the said Miguel
Ponce and the seal of the said
Supreme Court of

"Peter White"
Canadian Consul General, Lisbon

Lisbon, Portugal,
7 March, 1947.

Summary of
procedure

19.14. The following summary of
practical rules may be of assistance to
assistants to Canadian consular officers:

- a. Whenever the law of the Canadian jurisdiction provides for acceptance in evidence of affidavits, consular officers should attempt to persuade persons seeking authentication to proceed by the means of affidavits sworn before foreign notaries public.
- b. Before authenticating a document, consular officers should check the law of the province where the authentication is to be used (see Annex I).
- c. A consular officer is responsible only for the taking of the affidavit or the preparation of the authentication certificate: it is the responsibility of the person seeking the authentication to present to the consular officer an affidavit ready for completion or a seal and signature which the consul can readily attest.
- d. A record should be kept of all authentications made: the record should contain all details of the authentication, a summary of the purport and purpose of the document and the fees charged.

Seal of office

Used on all
occasions.

19.15. Consular officers are provided with a seal of office. This seal should be affixed on all occasions when a consular officer performs a legal or notarial act or acts as a Commissioner for Oaths, including occasions when a consular officer

- a. completes an affidavit, declaration or affirmation;
- b. attests a will;
- c. authenticates a document either by certificate or affidavit or declaration.

LAWS RELATING TO THE TAKING OF AFFIDAVITS ABROAD

FEDERAL

1. The Canada Evidence Act R.S.C. 1927, C. 59, provides:

"PART III

The Taking of Affidavits Abroad,

47. The provisions of this Part shall extend to the following classes of persons:-

(a) Officers of any of His Majesty's diplomatic or consular services while exercising their functions in any foreign country, including ambassadors, envoys, ministers, charge d'Affaires, counsellors, secretaries, attaches, consuls general, consuls, vice-consuls, pro-consuls, consular agents, acting consuls general, acting consuls, acting vice-consuls and acting consular agents;

(b) Officers of the Canadian diplomatic, consular and representative services while exercising their functions in any foreign country, or in any part of His Majesty's dominions outside of Canada, including, in addition to the diplomatic and consular officers mentioned in paragraph (a), high commissioners, permanent delegates, acting high commissioners, acting permanent delegates, counsellors and secretaries;

(c) Canadian Government Trade Commissioners and Assistant Canadian Government Trade Commissioners while exercising their functions in any foreign country or in any part of His Majesty's dominions outside of Canada.

48. Oaths, affidavits, affirmations or declarations administered, taken or received outside of Canada by any person mentioned in section forty-seven of this Act, shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if they had been administered, taken or received in Canada by a person authorized to administer, take or receive oaths, affidavits, affirmations or declarations therein which are valid and effectual under this Act.

49. Any document that purports to have affixed, impressed, or subscribed thereon or thereto, the signature of any person authorized by this Part to administer, take or receive oaths, affidavits, affirmations or declarations, together with his seal or with the seal or stamp of his office, or the office to which he is attached, in testimony of any oath, affidavit, affirmation or declaration being administered, taken or received by him, shall be admitted in evidence, without proof of the seal or stamp or of his signature or of his official character."

2. SUPREME COURT OF CANADA

The Supreme Court Act, R.S.C. 1927, C. 35, contains the following provisions:

- S. 87. The Governor in Council may by commission empower anyone to take affidavits, etc., in or out of Canada in any Supreme Court proceeding.
- S. 88. Affidavits, etc., in any Supreme Court proceeding may be taken out of Canada before any of the following:

An English commissioner for oaths;
A mayor or notary public anywhere;
A superior Court judge in the Empire;
". . . any consul, vice-consul, acting consul, pro-consul or consular agent of His Majesty exercising his functions in any foreign place and certified under his official seal."

- S. 89. Every such document purporting to have affixed the signature and official seal of any consul, etc., shall be admitted in evidence without proof of such signature or seal or of the official character of such person.

3. EXCHEQUER COURT OF CANADA

Ss. 60, 61 and 62 of the Exchequer Court Act, R.S.C. 1927, C. 34, correspond to the sections cited from the Supreme Court Act.

4. PATENTS

S. 29 of the Patent Act, 1935, C. 32, provides that inventors shall make oaths or affirmations in support of patent applications. Subsection (3) provides:

"Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered."

(NOTE: The question does not arise in copyright and trade mark proceedings.)

5. YUKON TERRITORY

S. 3 of C. 17 of the 1914 Consolidated Ordinances provides that the Commissioner of the Yukon may by commission empower anyone to take affidavits, etc., out of the Territory for use in the Territorial Court.

S. 46 of the Evidence Ordinance, C. 30, provides that affidavits, etc., for use in any Yukon Court, may be taken out of the Territory before any of the following:

"A commissioner authorized by the laws of the Yukon Territory to take affidavits in and for any of the courts of this Territory";

A long list of British officials;

The mayor of any town;

A notary public;

"Consul General, Consul, Vice-Consul, Pro-Consul, or Consular Agent of His Majesty exercising this function in any foreign place or any person acting as such . . ."

S. 46 also provides that any such document purporting to have affixed the official seal and signature of any Consul General, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

6. NORTH-WEST TERRITORIES

S. 3 of C. 24 of the 1898 Consolidated Ordinances provides that the Lieutenant-Governor may by commission empower anyone to take affidavits, etc., out of the Territories for use in the Supreme Court of the Territories.

S. 298 of the Judicature Ordinance, C. 21, provides that affidavits, etc., for use in the Supreme Court may be taken out of the Territories before any of the following:

". . . a commissioner appointed for the purpose of taking affidavits outside of the North-West Territories to be used within the said Territories . . .";

A long list of British officials;

A notary public;

". . . any of Her Majesty's consuls or vice-consuls in any foreign part of Her Majesty's Dominions . . ."

S. 293 also provides that affidavits, etc., taken before consuls or vice-consuls, shall be under their hand and seal, and that the court shall take judicial notice of the seal and signature.

..... PROVINCIAL

PROVINCIAL.

ALBERTA

S. 4 of the Commissioners for Oaths Act, R.S.A. 1942, C. 113, provides that the Lieutenant Governor in Council may by commission empower anyone to take affidavits, etc., out of Alberta, for use in any Alberta Court. Active commissioned officers in His Majesty's military or naval forces are ex officio empowered to take such affidavits (s.5).

S. 8 of the Notaries Public Act, R.S.A. 1942, C. 137, provides:

"(1) Every British Ambassador, envoy, minister, charge d'affaires and secretary of embassy or legation, exercising his functions in any country, and every British consul-general, consul, vice-consul, pro-consul and consular agent exercising his functions in any place may in that country or place administer any oath and take any affidavit and also do any notarial act which any notary public or commissioner to administer oaths can or may do within the Province of Alberta, and every oath, affidavit and notarial act administered, sworn or done by or before any such person, shall be as effectual as if duly administered sworn or done by or before any lawful authority in any part of the Province.

"(2) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorized by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person or of the official character of that person."

S. 45 of the Alberta Evidence Act, R.S.A. 1942, C. 106, provides that affidavits, etc., taken out of Alberta before any of the following shall be valid for all purposes:

A long list of British officials;
A judge, mayor, or notary, of any country;
"a commissioner authorized by the laws of Alberta to take such affidavits . . ."
"any consul, vice-consul, or consular agent of His Majesty exercising his functions . . ."

S. 46 of the Alberta Evidence Act provides that any such document purporting to have affixed the seal and signature of any consul, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

S. 140 of the Land Titles Act, R.S.A. 1942, C. 205, provides that certain affidavits required in land transactions may be taken before:

Certain British officials in the Empire;
"If made in any foreign country, before the mayor of any city or incorporated town, under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before any judge of any court of record or a notary public under his official seal . . ."

BRITISH COLUMBIA

S. 53 of the Evidence Act, R.S.B.C. 1936, C. 90, provides that the Lieutenant Governor in Council may by commission empower anyone to take affidavits, etc., out of British Columbia, for use in any B.C. Court.

S. 56 of the Evidence Act provides that affidavits, etc., taken out of British Columbia before any of the following for use in any B.C. Court, shall be valid:

A long list of British officials;
Officers of His Majesty's Canadian Forces above the rank of Lieutenant-Commander, Major, or Squadron Leader;
A judge, mayor, or notary, of any country; ". . . any Consul, Vice-Consul, or Consular Agent of His Majesty, exercising his functions in any foreign place . . ."

S. 57 of the Evidence Act provides that any such document purporting to have affixed the seal (if any) and signature of any consul, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

MANITOBA

S. 62 of the Manitoba Evidence Act, R.S.M. 1940, C. 65 provides that the Lieutenant-Governor-in-Council may by commission empower anyone to take affidavits, etc., out of Manitoba, for use therein. Commissioned officers in His Majesty's Forces are ex officio empowered to take such affidavits (S.63).

S. 57 of the Manitoba Evidence Act provides that affidavits, etc., taken out of Manitoba before any of the following shall be valid for all purposes:

"a commissioner for oaths without the province";
A long list of British officials;
A judge, mayor, or notary, of any country;
"a consul general, consul, vice-consul, pro-consul or consular agent of His Majesty exercising his functions in any foreign place or any person acting as such . . ."

S. 29 of the Manitoba Evidence Act provides that no proof shall be required of the handwriting or official position of, nor as to the authenticity of any seal used by, any person certifying as to any matter as to which he is by law authorized to certify.

NEW BRUNSWICK

S. 1 of C. 71 of the R.S.N.B. 1927 provides that the Governor in Council may by commission empower anyone to take affidavits, etc., out of New Brunswick, for use in any N.B. Court.

S. 3 of C. 71 provides:

"In addition to the commissioners mentioned in section 1, the several officials and persons authorized by The Registry Act, to take the proof or acknowledgement of the execution of any conveyance out of the Province, may take and administer oaths and receive affidavits, declarations and affirmations in or concerning any cause, matter or thing depending in or concerning any proceeding in any of the Courts mentioned in section 1, in the several places where they are authorized to take such proof or acknowledgement; provided that when any person takes or receives any oaths, affidavits, declaration or affirmation under the authority of this section, his act shall be certified or authenticated in the same manner, and with the same formality in all respects as though such act were the taking by him of the proof or acknowledgement of a conveyance."

S. 3A of C. 71 provides that commissioned officers of or above the rank of Lieutenant Commander, Major or Squadron Leader are empowered to administer oaths, and take affidavits, affirmations and statutory declarations for use in the Province.

S. 4 of C. 71 provides that affidavits taken under the authority of C. 71 shall be valid for all purposes.

S. 7 of C. 71 provides that any affidavit, etc., made under C. 71 may be admitted in evidence without proof of any seal and signature or of the official character, of the person before whom it is taken.

S. 52 of the Registry Act, R.S.N.B. 1927, C. 167 provides:

"(1) Before the registry of any instrument, the execution of the same shall either be acknowledged by the person executing the same, or be proved by the oath of a subscribing witness in the manner following, except as herein otherwise provided, that is to say: . . ." If such acknowledgement is taken or made out of the Province, it may be taken by any of the following:

..... A mayor

A mayor or notary of any country;
British Judges;
"A British Minister, Ambassador, Consul,
Vice-Consul, Acting Consul, Pro-Consul,
or Consular Agent of His Majesty, exercising
functions in any foreign place . . ."

If the proof of the execution of such instrument is taken out of the Province it shall be taken before any of the following:

A mayor or notary of any country;
British judges;
A commissioner for taking affidavits
under C. 71;
"A British Minister, Ambassador, Consul,
Vice-Consul, Acting-Consul, Pro-Consul,
or Consular Agent of His Majesty exercising
his functions in any foreign place. . ."

S. 52 requires that the signature of a British minister, etc., shall be accompanied by his seal of office.

(NOTE: The Registry Act deals with the registration of instruments relating to land.)

NOVA SCOTIA

S. 6 of C. 38 of the R.S.N.S. 1923 provides that the Governor-in-Council may by commission empower anyone to take affidavits, etc., out of Nova Scotia for use in Nova Scotia Courts.

S. 52 of the Evidence Act, R.S.N.S. 1923, C. 225, provides that affidavits, etc., taken out of Nova Scotia before any of the following shall be valid for all purposes:

A Commissioner authorized by Nova Scotia law to take affidavits;
Certain British officials;
A judge, mayor, or notary, of any country;
"A consul general, consul, vice-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, or any person acting as such . . .";
An officer holding a commission in His Majesty's Navy, Army, or Air Force and being on active service in Canada or abroad.

S. 52 also provides that any such document purporting to have affixed the official seal and signature of any consul general, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

The Registry Act, R.S.N.S. 1923, C. 144 deals with the registration of instruments relating to land and provides that the execution of such instruments may be proved by an acknowledgment under oath by the person executing it or by an oath of a subscribing witness. S. 30 provides, in part:

..... "(1)

"(1) Such acknowledgement may be taken or oath administered without the province by,

(a) a commissioner appointed to take affidavits without the province for use in the courts of the province;

(b) a judge of any court of record;

(c) the mayor or recorder of any city or incorporated town;

(d) a notary public;

(e) a minister, consul, vice-consul or consular agent of His Majesty.

(2) Such acknowledgement may be taken or oath administered by one of the functionaries specified in this section residing at or near the place at which such acknowledgement is taken or oath administered . . ."

ONTARIO

S. 6 of the Commissioners for taking affidavits Act, R.S.O. 1937, C. 121, provides that the Lieutenant-Governor may by commission empower any person to take affidavits, etc., out of Ontario for use in Ontario Courts.

S. 38 of the Evidence Act, R.S.O. 1937, C. 119, provides that affidavits, etc., taken out of Ontario before any of the following shall be valid for all purposes:

Certain British officials;
A mayor or notary of any country;
A commissioner authorized by Ontario law to take such affidavits;
"in any foreign place, before any consul, vice-consul, or consular agent of His Majesty exercising his functions . . ."

S. 39 of the Evidence Act provides that any such document purporting to have affixed the seal and signature of any consul, etc., shall be admitted in evidence without proof of such seal and signature or of the official character of such person.

PRINCE EDWARD ISLAND

S. 5 of C. 2 of 1939 provides that the Lieutenant-Governor in Council may by commission empower anyone to take affidavits, etc., out of Prince Edward Island for use in Prince Edward Island.

S. 3(1) of the Affidavits Act, 1939, C. 2, provides that any affidavit, etc., affirmed without the British Empire may be made before:

". . . any British Ambassador, envoy, minister, charge d'affaires, or secretary of embassy or legation exercising his functions in any foreign country, any British Consul General, Consul, Vice-Consul, acting Consul, Pro-Consul, or Consular Agent exercising his functions in any foreign or other place, or before any notary public or a commissioner appointed under the provisions of Section 5."

S. 3(2) of the Act provides that an affidavit, etc., taken without the province but within the Empire may be made before:

". . . any judge of a court of record or before any notary public or a commissioner appointed under the provisions of Section 5."

By S. 4 of the Act, if an affidavit be made without the province before a person not having an official seal, then:

". . . the signature of such person shall be attested by some other person by this Act authorized to take affidavits, affirmations, and acknowledgements, who has an official seal, and under his hand and seal."

S. 14(1) provides that the signature and official seal of office of anyone properly qualified to take an affidavit shall be sufficient proof of the document to which they are attached "without proof of the seal or of his signature or of his official character."

QUEBEC

Article 27 of the Code of Civil procedure provides that the Lieutenant Governor in Council may appoint competent persons residing outside Canada, as commissioners to receive affidavits for use in any court of the Province.

Article 30 of the Code of Civil Procedure provides:

"Like force and effect are given to all affidavits received before a commissioner authorized by the Lord Chancellor or to administer affidavits in England; or before a notary public, under his hand and official seal, or before the mayor or chief magistrate of any city, borough, or incorporated town in Great Britain or Ireland, in any of His Majesty's colonies, or in any province of Canada, or in any foreign country, under the common seal of such city, borough or town; or before any judge of a superior court, in any of His Majesty's colonies or dependencies, or in any province of Canada; or before any consul, vice-consul, temporary consul, pro-consul, or consular agent of His Majesty, exercising his functions in a foreign country."

..... Saskatchewan

SASKATCHEWAN

S. 3(1) of the Commissioners for Oaths Act, C. 14 of 1942, provides that the Lieutenant-Governor-in-Council may appoint persons to administer oaths and take affidavits outside the province. S. 9 provides that commissioned officers on active service of the rank of Lieutenant (Navy), Captain (Army), or Flight Lieutenant (Air Force) may administer oaths and take affidavits outside the province.

S. 45(1) of the Saskatchewan Evidence Act, R.S.S. 1940, C. 67, provides that affidavits, etc., may validly be made outside the province before:

- " . . . a commissioner for oaths without Saskatchewan";
- A list of British officials;
- " . . . a consul general, consul, vice-consul, pro-consul, or consular agent of His Majesty exercising his functions in any foreign place or any person acting as such."
- " . . . a notary public and certified under his hand and official seal wherever made."

S. 45(2) provides that a document purporting to have affixed thereto:

- "the official seal and signature of such
- - - consul, vice-consul, consular agent,
- or notary public."

in testimony of an affidavit, shall be taken prima facie as genuine.

Effective August 1, 1949.

F E E S

CHAPTER XXI

- Tariff of Fees 21.01 The fees provided for in Schedule A to this Chapter shall be charged by any consular officer and by any officer performing consular functions.
- Exhibition of Table 21.02 Every consular officer shall keep in his consular office a copy of the fee table and shall permit any person interested therein to inspect it.
- Limitation 21.03 A consular officer may not, except as herein provided, ask for or take any fee or reward for or on account of any act, thing, or service done, performed, or rendered by him in the execution of his office.
- Recording of Fees Collected 21.04 All consular fees collected in connection with which fee stamps are issued shall be entered on the day the service is performed upon the Cash Blotter for Consular Fees Collected (Form EXT 120). Accounting of fees shall be rendered monthly in accordance with the instructions listed on the reverse of Form EXT 120.
- Inventory 21.05 An inventory of consular fee stamps shall be reported monthly on Form EXT 116 in accordance with the instructions listed thereon. The inventory shall be certified at the end of each quarter of the fiscal year by the Head of the Post.

Amended 1/8/49

Remission
of Fees

21.06 The levy of a fee may only be waived on the ground of the destitution of the person to whom the service is rendered, or as a matter of international courtesy. Exemptions on the latter ground apply to services rendered to Canadian or foreign officials who apply for them in their official capacity. All such services shall be recorded on Form EXT 117.

Fees-
Commonwealth
Naval and
Air Craft

21.07 No consular fees shall be levied in respect of services rendered to naval vessels or aircraft belonging to Commonwealth countries.

Stamp
Denominations

21.08 Adhesive official fee stamps in the following denominations may be obtained from the Department upon requisition:

25¢, 50¢, \$1., \$2., \$5.

Stamp
Requisitions

21.09 Requisitions for fee stamps shall be made by means of Form EXT 113 in accordance with the instructions listed thereon. Insofar as possible, a six months supply should be on hand at all times.

21.10 Spare.

Fee equivalent

21.11 Whenever a consular officer performs any official act for which a fee is paid, he shall affix to the document and cancel fee stamps equivalent in value to the fee prescribed.

Evidence of
Payment

21.12 Fee stamps shall be used for no other purpose than to evidence the payment of the fees set out in the Consular Instructions.

Affixing stamps, documents

21.13 Fee stamps shall be affixed close to the signature, or if this is impractical, at the lower left-hand corner of the document or receipt which is given to the person from whom the fee is collected.

Affixing stamps, Passports

21.14 A fee stamp for the issuance of a passport should be affixed on page 4 on the last line of the section under "Countries for which this passport is valid".

Affixing stamps, Passport renewals, etc.

21.15 A fee stamp for passport renewal, amendment or endorsement, shall be affixed at the place where the renewal, amendment or endorsement appears.

Cancellations

21.16 Fee stamps shall be cancelled by inscribing the date in ink or with a rubber stamp and by the insertion of the initials of the cancelling officer. The dating stamps furnished to consular offices may properly be used for this purpose. The cancellation should extend over the stamp on to the paper adjacent.

21.17 to 21.23 Spares.

Gratis Services

21.24 When an official service is performed for which no fee is collected and no fee stamp is issued, an inscription shall be made on the document "no fee charged", or "no fee prescribed" whichever is applicable. In such cases entry should be made on Form EXT 117.

Damaged Stamps

21.25 All mutilated or damaged fee stamps as well as those removed from improperly

executed documents shall be returned to the Department for credit, affixed to Form 116, Inventory of Consular Fee Stamps. In no circumstances shall a damaged fee stamp be used.

Sale
Prohibited

21.26 Fee stamps shall not be sold to the public uncanceled nor shall they be used in any manner except as herein indicated.

Accounting
of Fees

21.27 All receipts from the sale of fee stamps, as recorded on Form 120, are to be deposited with the accounting officer of the Mission at least once a month. Each deposit is to be noted in the statement of Revenues and Refunds as "Consular fee stamp sales from (date) to (date)".

Fees Received
in Advance

21.28 Consular fees received in advance for services not yet performed or completed and for which no fee stamps have then been issued are to be recorded on Temporary Cash Blotter (Form EXT 119) in accordance with the instructions listed on the reverse side of the form. In all such cases, an unofficial receipt shall be issued to the applicant. These transactions shall be completed and the fees brought to account with the least possible delay.

Amended 1/8/49

TARIFF OF CANADIAN CONSULAR FEESPassport and Visa Services

1.	Issue of a passport	\$ 5.00
	<u>Exceptions</u>	
	(a) Diplomatic and Official Passports	No fee
	(b) Passports issued to Canadian citizens to replace British subject type Canadian passports issued prior to January 1, 1947. Validity not to exceed that for which replaced passport was capable of being renewed	2.00
	(c) Passports issued to Canadian citizens to replace Newfoundland passports. Validity not to exceed that of passports being replaced	No fee
	(d) Passports issued to Canadian citizens to replace expired Newfoundland passports. Validity not to exceed that for which passport being replaced could have been renewed	2.00
2.	Amendment or endorsement of a Canadian Passport	.50
	<u>Exception</u>	
	Diplomatic and Official passports	No fee
3.	Renewal of passport	2.00
	<u>Exceptions</u>	
	(a) Diplomatic and Official Passports	No fee
	(b) Renewal of British Subject Passports under circumstances of urgency to enable the holder to complete an immediate journey	No fee
4.	Issue of Certificate of Identity	5.00
5.	Renewal of Certificate of Identity	2.00
6.	Issue of Emergency Certificate	2.00
7.	Visa of a passport or other document (other than a transit visa) valid for one year or any lesser period	2.00

- | | |
|---|--------|
| 8. Visa of a passport or other document for transit only | No fee |
| 9. Visa of a passport or other document for immigration purposes only | No fee |
| 10. Preparation and completion of affidavit in lieu of a travel document | 5.00 |
| 11. Visa granted to any British subject who is not required by the law of Canada to obtain a visa | No fee |
| 12-20 Spares | |

Notarial Services

- | | |
|---|------|
| 21. For administering an oath or receiving a declaration or affirmation with or without attestation of signature (except oaths taken under Canadian Citizenship Act) | 1.00 |
| 22. For each consular signature attached to an exhibit referred to in an affidavit declaration or affirmation | 1.00 |
| 23. For each alteration or interlineation initialled by a consular officer in any document not prepared by him | .25 |
| 24. For each execution of a Power of Attorney attested by a consular officer | 2.50 |
| 25. Ditto, when two or more persons execute a Power of Attorney at the same time | 5.00 |
| 26. For each execution of a deed, bond, or conveyance, under seal, attested by a consular officer where the value of the property in question does not exceed \$50.00 | .75 |
| 27. Ditto, exceeding \$50.00 | 1.50 |
| 28. Ditto, when two or more persons execute an instrument at the same time, the fee shall not exceed: Value \$50.00 or less | 1.50 |
| 29. Ditto, value over \$50.00 | 3.00 |
| 30. For attaching consular signature and seal, if required, to declarations for purposes of Canadian Government pay, half-pay, pension or allowance | Nil |
| 31. For attaching consular signature to any declaration of existence in cases not covered by item 26. | .50 |
| 32. Ditto, if drawn up by a consular officer | 1.50 |

33. For attesting the signature and/or seal of a foreign authority 2.50
34. For attesting such signature to a document not otherwise provided for 1.00
- 35-50 Spares

MISCELLANEOUS SERVICES

51. For registration of a birth No fee
52. Spare
53. Spare
54. For each search in the Register Book of Births of the Consulate .50
55. For furnishing a certified copy of an entry in the Register Book of Births 1.00
56. Spare
57. For certifying to a copy of any document or part of a document if not exceeding 100 words 1.75
58. If exceeding 100 words, for every additional 100 words or fraction thereof .75
59. Issue or attestation of certificate of origin or other document in support of consignment of goods; irrespective of number of copies and for filing copy No fee
60. For issue of in transit certificate 1.00
- 61-70 Spares
71. For granting any certificate not otherwise provided for, if not exceeding 100 words 3.00
72. If exceeding 100 words, for every additional 100 words or fraction thereof 1.50
73. For making or verifying a translation of a document if under 100 words 1.00
74. Ditto, if over 100 words for each 100 words or fraction thereof 1.00
75. For letter to foreign authorities requesting assistance in obtaining a visa, exit permit, or similar document or service .50
76. For affixing the consular seal where no other fee is authorized 1.00
77. Spare

78.	Spare	
79.	Additional fee for all services rendered elsewhere than at the consular office at the request of the interested parties, for each hour or fraction thereof	1.00
80.	For recording unofficial documents in consulates upon request, for every 100 words or fraction thereof	.50
	With maximum for any one document	2.50
81.	For the administration and distribution, or for either administration or distribution, of the property situate in the country of consular officer's residence, of a Canadian citizen not being a seaman, dying intestate, or if not intestate, when undertaken in the absence of legally competent representatives of the deceased.....	2½% on gross value

FEES PAYABLE UNDER THE PROVISIONS
OF THE CANADIAN CITIZENSHIP ACT

(To be credited to the Department
of the Secretary of State of Canada)

101.	For administering an oath or taking a declaration under the Canadian Citizenship Act	.50.
102.	With petition to the Secretary of State of Canada for a certificate of proof of Canadian citizenship under Section 39 (1) (i) and for a certificate of citizenship under Section 11 (c)	1.00
103.	With petition to the Secretary of State of Canada for a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been granted under the Act	1.00
104.	With petition to the Secretary of State of Canada on behalf of a minor who is a Canadian citizen under Section 11 (b)	1.00
105.	On issue of certified copy of certificate of citizenship of Section 10.03	1.00
106.	On making declaration of alienage, retention, extension or resumption of Canadian citizenship	5.00

CHAPTER XXII

F O R M S

22.01 The examples of forms provided in this Chapter may be adopted to suit the circumstances provided no change is made in essential particulars.

22.02 - 22.05 Spares.

Immigrant
Visas

22.06 Canada

Immigrant Visa

Authority

Issued at

On.....

.....

Visa Officer

Valid for presentation

at Canadian port of Entry

within , , , , months from

date of issue.

Non-Immigrant
Visa

22.07 Canada

Non-Immigrant Visa

For the purpose of

For the period of

Issued at.....

On.....

.....

Visa Officer

Valid for presentation at

Canadian port of entry within

..... months from date of

issue.

22.08 Spare

Laissez-passer

22.09 "The Canadian.....presents his compliments to the Chief Officers of Customs and Immigration at the International Boundary (or the port of entry in Canada) and commends to their good offices the bearer of this letter (here state the name and title of the person concerned, and his purpose in entering Canada).

M..... is holder of..... passport No.

The Canadian..... would appreciate the extension of the usual courtesies and facilities to M"

Affidavit in lieu of Voucher

22.10 If an applicant for a passport in Canada is unable to secure a voucher, he may furnish a Statutory-Declaration, which should take the following form:

"I of..... do solemnly declare that:

1. The statements contained in the attached application for a passport are true and correct;
2. There is no one in Canada, eligible under the Canadian passport regulations to vouch for passport applications, who knows me well enough to vouch for my application. The reason for this is that.....
.....
.....

I hereby make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath and by virtue

of the Canada Evidence Act.

Declared before me)
at..... in the)
Province of.....)
this.....day of.....)
Ad. 19.....)

22.11 - 22.15 Spares.

Emergency
Certificate

22.16 The Emergency Certificate should be issued in the following form on crested paper:

..... This is to certify that...
 . has stated to me that he
 . (she) is a Canadian citizen
 . photo . and that I have no reason
 . to doubt his (her) state-
 ment. This Certificate is
 valid only for the journey
 to Canada leaving within...
 days from the date of issue
 and must be surrendered to
 the Immigration Officer on
 signature of arrival at the border for
 bearer onward transmission to the
 Department of External
 Affairs, Ottawa.

Summary of the statement made by the holder
in proof of his (her) Canadian citizenship

.....
.....
.....

22.17 Spare

Collective
Certificates

22.18 The Nominal Roll is prepared
on heavy paper with the Departmental
crest, in the following form:

Nominal Roll of..... persons, members
of party proceeding to..... on.....
and returning to Canada on.....

(photo) Surname.....
Given names.....
Born at.... on.....
Canadian citizen.....

(photo) Surname.....
Given names.....
Born at.... on.....
Canadian citizen.....

22.19 - 22.24 Spares.

PROTECTION OF ESTATES OF DECEASED PERSONS
AND PROPERTY LEFT TO NATIONALS

Chapter XXIII

Part I - General

Where possible
private channels
to be used

23.01 The general view of the Department is that estate matters, like other private civil matters, should if possible be settled without the intervention of Canadian consular officers. Private persons, and judicial authorities, should be encouraged to use ordinary channels of correspondence rather than to deal through consular officers.

When Consul may
undertake
responsibility

23.02 a. Consular officers should, however, render every assistance in their power for the protection of the property of deceased Canadian citizens or property due to residents of Canada, but they should not undertake the duty of administering or transmitting such property, except where the law of the country precludes any person, even if duly authorized by Power of Attorney, other than the consular officer, from dealing with such estates.

b. A consul must obtain authorization from the Department of External Affairs before undertaking the duty of administering an estate, as distinguished from merely transmitting it.

Transmission
of Proceeds

23.03 a. In most cases a Canadian consul will not be asked to undertake the administration of an estate. This will usually be done by a representative of the heirs or by the appropriate Public Administrator in

the jurisdiction. The consul's duty, in most cases, will be limited to communicating with heirs in Canada, and advising them as to what steps may be taken to protect their possible interest in the estate.

b. After the administration has been completed, the consul may be asked to transmit the proceeds to designated heirs in accordance with the distribution made by the appropriate local authority.

Real and Personal
Property Convention
of 1899.

23.04 a. By Article III of the Real and Personal Property Convention of 1899 between Great Britain and the United States, which was acceded to by Canada on October 21st, 1921, when a Canadian citizen dies in the United States and there are no known heirs or executors in that country, the competent local authorities are required to notify the nearest Canadian consular officer, so that he may immediately forward the necessary information to the persons interested.

b. Under the Convention, the consular officer has the right to appear, personally or by delegate, in all proceedings on behalf of the absent heirs or executors until they are otherwise represented.

23.05-23.09 Spares

PART II

(a) Estates of Canadian Citizens
dying in foreign countries
leaving known heirs

Next of Kin

23.10 Whenever consular officers have reason to believe that there are any next of

kin to the deceased person, either in Canada or elsewhere, they should communicate immediately with them, ascertain their wishes, and endeavour to comply with them, subject to the conditions and limitations specified in these instructions.

Instructions when
not
empowered to act

23.11 If a consular officer is asked to undertake the administration or distribution of an estate, and if the case is one in which he is not empowered under these instructions to do so, he should, in explaining his inability to act, furnish the applicant with the name of a reputable lawyer or agent residing on the spot to whom such duty could be entrusted. The furnishing of the name must be expressly subject to a disclaimer of responsibility.

23.12-23.16 Spares

(b) Property devolving on Residents of Canada from Estates of Persons dying in Foreign Countries.

Recommending
an Attorney

23.17 Where heirs in Canada are interested in being represented in the administration of an estate, consuls should recommend an attorney to represent the heirs, but the recommendation should be expressly subject to a disclaimer of responsibilities.

Remittance of
Proceeds of
Estate

23.18 a. In the case where a consular officer remits the proceeds of the realization of an estate, he should, before making such remittance, satisfy himself that the person concerned is the one entitled to

receive. The consul should obtain a receipt and waiver in the Form in Chapter XXII and any fee which the consul is entitled to charge should be deducted from the remittance.

b. In order to ensure that the person receiving the remittance will sign the waiver, it is necessary to send the remittance through a bank, which can get the waiver signed when completing the remittance; this precaution may be omitted if the amount involved is less than \$200.00.

c. Should a consular officer be in doubt as to the identification of the person entitled, he should consult the Department.

23.19-23.24 Spares

PART III

Estates of persons dying abroad leaving no known heirs or creditors

Bona vacantia

23.25 a. In the case of a Canadian citizen who is domiciled abroad dying intestate and without known kin, his property and effects situate in the country in which he dies may, as bona vacantia, properly belong to the Government of the country.

b. If, however, the proceeds of such an estate are handed to a Canadian consul by the local authority, the consul should not decline to accept them. The property should be retained, and the Department should be advised. The following information should be

furnished:

1. List of all effects constituting the deceased person's estate;
2. Evidence that he died intestate;
3. Steps which have been taken to discover heirs;
4. Length of the deceased person's residence in the country of death.

c. Attempts will be made by the

Department to pursue any information which might lead to the discovery of heirs or creditors in Canada. The assistance of the Royal Canadian Mounted Police may be sought, and appropriate notices can be inserted in the "Canada Gazette".

Disposition
in Canada

23.26 a. If it can be established in which province of Canada the deceased person was last resident, the property will be transmitted to the Public Administrator of that province by the Department of External Affairs.

b. If it is impossible to establish in which province the deceased last resided and if next of kin have been found, the property will be transmitted to the Public Administrator of the province of residence of the heirs by the Department of External Affairs.

c. If no heirs can be found but creditors residing in Canada have appeared, the property will be transmitted to the Public Administrator in the province where the creditors reside by the Department of External Affairs.

Where no heirs
or creditors
in Canada

23.27 If the last residence of the deceased in Canada cannot be ascertained and if no heirs or creditors in Canada are found, the estate should be regarded as belonging to the Crown in right of Canada, and will be paid to the Receiver General of Canada by the Department of External Affairs. Any subsequent claim to the property should be dealt with under the provisions of the Escheats Act R.S.C. 1927, Chapter 58.

23.28-23.30 **Spares**

PART IV

FEES

Fee for
Administration

23.31 When a consular officer is required to be the Administrator of an estate, Fee 81 is charged.

Fee when Admini-
stration not
undertaken

23.32 When it is necessary for a consular officer to take temporary charge of an estate, or to make arrangements for its custody pending a reference to the relatives of the deceased person, he will not charge Fee but should charge Fee 76 for affixing his consular seal, if that is required.

Deduction of
disbursements
costs

23.33 a. When it is merely a case of the distributive shares passing through the hands of a consular officer, the levy of a fee is not justified but all disbursements should of course be deducted before the money is forwarded.

b. If the consular officer has found it essential to use the services of a

lawyer, the latter's fee will constitute a disbursement to be deducted by the consular officer.

Returns

23.34 Consular officers are required to send with their quarterly accounts, a return showing all sums received on account of estates which are administered by them or which pass through their hands.

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Instructions for the guidance of
Canadian Consular officers

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