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Canadian Passport Order

ORDER RESPECTING CANADIAN PASSPORTS

Short Title

1. This Order may be cited as the *Canadian Passport Order*. SI/81-86

Interpretation

2. In this Order,

"Act" means the Citizenship Act; (*Loi*)

"applicant" means a person who is at least 16 years of age who applies for a passport; (*requérant*) SI/2001-121

"former Act" means the Canadian Citizenship Act; (*ancienne Loi*)

"Minister" means the Minister of Foreign Affairs; (*ministre*) TR/2004-113

"passport" means an official Canadian document that shows the identity and nationality of a person for the purpose of facilitating travel by that person outside Canada; (*passeport*)

"Passport Canada" means a section of the Department of Foreign Affairs and International Trade, wherever located, that has been charged by the Minister with the issuing, refusing, revoking, withholding, recovery and use of passports. (Passeport Canada) SI/2004-113; SI/2006-95

Issuance of passports

3. Every passport
 - (a) shall be in a form prescribed by the Minister; SI/2004-113
 - (b) shall be issued in the name of the Minister on behalf of Her Majesty in right of Canada; SI/2004-113
 - (c) shall at all times remain the property of Her Majesty in right of Canada;
 - (d) shall be issued on the condition that the bearer will return it to Passport Canada without delay after Passport Canada requests it; SI/2006-95

*** Administrative Version of the *Canadian Passport Order* - June 28, 2006 ***

- (e) shall be signed by the person to whom it is issued; and
 - (f) shall be issued for any period not exceeding five years from the date on which it is issued. SI/2006-95
- 4.
- (1) Subject to this Order, any person who is a Canadian citizen under the Act may be issued a passport.
 - (2) No passport shall be issued to a person who is not a Canadian citizen under the Act.
 - (3) Nothing in this Order in any manner limits or affects Her Majesty in right of Canada's royal prerogative over passports. SI/2004-113
 - (4) The royal prerogative over passports can be exercised by the Governor in Council or the Minister on behalf of Her Majesty in right of Canada. SI/2004-113
5. No passport shall be issued to any person unless an application is made to Passport Canada by the person in the form and manner established by Passport Canada and containing the information, materials and declarations specified by Passport Canada. SI/2001-121; SI/2006-95
- 6.
- (1) Passport Canada may require that an application for a passport by or in respect of a person who was SI/2006-95
 - (a) born in Canada be accompanied by SI/2006-95
 - (i) a certificate of Canadian citizenship granted or issued to the person under the Act or the former Act,
 - (ii) a certificate of naturalization granted to the person under any Act that was in force in Canada at any time before the 1st day of January, 1947, or
 - (iii) a certificate of birth issued to the person by a province or by a person authorized by a province to issue such certificates; SI/2001-121
 - (b) born outside Canada be accompanied by SI/2006-95
 - (i) a certificate of Canadian citizenship granted or issued to the person under the Act or the former Act,
 - (ii) a certificate of naturalization granted to the person under any Act that was in force in Canada at any time before the 1st day of January, 1947,

- (iii) a certificate of registration of birth abroad issued to the person by the Registrar of Canadian Citizenship pursuant to the former Act, or
 - (iv) a certificate of retention of Canadian citizenship issued to the person by the Registrar of Canadian Citizenship pursuant to a declaration of retention of Canadian citizenship made by the person pursuant to regulations made under the former Act. SI/2001-121
- (2) However, Passport Canada may accept or request any other material or any information if Passport Canada is of the opinion that these material or information demonstrates, or help to demonstrate, the identity and Canadian citizenship of the person. SI/2006-95
7. (1) Subject to subsections (2) to (4), where an applicant applies for a passport in respect of a child, SI/2001-121
- (a) the child that is under 16 years of age may be issued a passport if the applicant is SI/2001-121
 - (i) the parent of the child,
 - (ii) where the parents of the child are divorced or separated, the custodial parent, or
 - (iii) the legal guardian of the child; or
 - b) despite paragraph 3(f), where the child is under three years of age, the passport shall expire no later than three years after the date on which it is issued, unless the passport is sooner revoked. SI/2001-121
- (2) No passport shall be issued to a child under 16 years of age where the parents of the child are divorced or separated and there is a court order made by a court of competent jurisdiction in Canada or a separation agreement the terms of which grant the non-custodial parent specific rights of access to the child, unless the application for the passport is accompanied by evidence that the issue of a passport to the child is not contrary to the terms of the court order or separation agreement. SI/2001-121
- (3) No passport shall be issued to a child under 16 years of age where there is a court order made by a court of competent jurisdiction in Canada in respect of the child the terms of which restrict the movement of that child to a judicial district specified in the order, unless the court order is revoked or is varied to permit the child to travel outside Canada. SI/2001-121

- (4) No passport shall be issued to a child under 16 years of age unless the applicant who applies for the issue of a passport to the child provides to Passport Canada the information and material required in the application for the passport and, if applicable, the further information referred to in section 8. SI/2001-121; SI/2006-95
- 8. (1) In addition to the information and material that an applicant is required to provide in the application for a passport or in respect of the delivery of passport services, Passport Canada may request an applicant and any representative of the applicant to provide further information, material, or declarations respecting any matter relating to the issue of the passport or the delivery of passport services. SI/2006-95
- (2) The further information, material and declarations referred to in subsection (1) and the circumstances in which they may be requested include the information, material, declarations and circumstances set out in the schedule. SI/2006-95
- 8.1 (1) Passport Canada may convert any information submitted by an applicant into a digital biometric format for the purpose of inserting that information into a passport or for other uses that fall within the mandate of Passport Canada. SI/2004-113; SI/2006-95
- (2) Passport Canada may convert an applicant's photograph into a biometric template for the purpose of verifying the applicant's identity, including nationality, and entitlement to obtain or remain in possession of a passport. SI/2004-113; SI/2006-95

Refusal of Passports and Revocation

- 9. Passport Canada may refuse to issue a passport to an applicant who SI/2006-95
 - (a) fails to provide Passport Canada with a duly completed application for a passport or with the information and material that is required or requested
 - (i) in the application for a passport, or
 - (ii) pursuant to section 8;
 - (b) stands charged in Canada with the commission of an indictable offence;
 - (c) stands charged outside Canada with the commission of any offence that would, if committed in Canada, constitute an indictable offence;
 - (d) is subject to a term of imprisonment in Canada or is forbidden to leave Canada or the territorial jurisdiction of a Canadian court by conditions imposed with respect to SI/2006-95

- (i) any temporary absence, work release, parole, statutory release or other similar regime of absence or release from a penitentiary or prison or any other place of confinement granted under the *Corrections and Conditional Release Act*, the *Prisons and Reformatories Act* or any law made in Canada that contains similar release provisions, SI/2006-95
 - (ii) any alternative measures, judicial interim release, release from custody, conditional sentence order or probation order granted under the *Criminal Code*, or any law made in Canada that contains similar release provisions, or SI/2006-95
 - (iii) any absence without escort from a penitentiary or prison granted under any law made in Canada; SI/2006-95
- (d.1) is subject to a term of imprisonment outside Canada or is forbidden to leave a foreign state or the territorial jurisdiction of a foreign court by conditions imposed with respect to any custodial release provisions that are comparable to those set out in subparagraphs (d)(i) to (iii); SI/2006-95
- (e) has been convicted of an offence under section 57 of the *Criminal Code* or has been convicted in a foreign state of an offence that would, if committed in Canada, constitute an offence under section 57 of the *Criminal Code*; SI/2006-95
- (f) is indebted to the Crown for expenses related to repatriation to Canada or for other consular financial assistance provided abroad at his request by the Government of Canada; or
- (g) has been issued a passport that has not expired and has not been revoked. SI/2001-121
10. (1) Passport Canada may revoke a passport on the same grounds on which it may refuse to issue a passport. SI/2006-95
- (2) In addition, Passport Canada may revoke the passport of a person who SI/2006-95
- (a) being outside Canada, stands charged in a foreign country or state with the commission of any offence that would constitute an indictable offence if committed in Canada;
 - (b) uses the passport to assist him in committing an indictable offence in Canada or any offence in a foreign country or state that would constitute an indictable offence if committed in Canada;
 - (c) permits another person to use the passport;

(d) has obtained the passport by means of false or misleading information; or SI/2001-121

(e) has ceased to be a Canadian citizen.

10.1 Without limiting the generality of subsections 4(3) and (4) and for greater certainty, the Minister may refuse or revoke a passport if the Minister is of the opinion that such action is necessary for the national security of Canada or another country. SI/ 2004-113

11. When a person has been advised by Passport Canada that a passport in their possession is required to be returned to Passport Canada, they shall without delay return the passport to the nearest office of Passport Canada. SI/2006-95

SCHEDULE

ADDITIONAL INFORMATION

Name

1. Where an applicant applies for a passport in a name that is
 - (a) other than the applicant's legal name,
 - (b) different from the name set out in
 - (i) the applicant's birth certificate,
 - (ii) certificate of citizenship, or
 - (iii) any other document required in respect of a passport under this Order, the applicant may be required to submit additional documents or affidavits in clarification thereof.

Address

2. Where an applicant provides as an address a Canada Post Office Box number or a General Delivery address, the applicant may be required to provide an explanation for such address or to provide a permanent address.

Date of Birth

3. Where the date of birth of an applicant set out in an application for a passport differs from the date of birth in that applicant's birth certificate, further evidence of the date of birth of the applicant may be required.

Sex

4. (1) Where the sex indicated in an application for a passport is not the same as that set out in that applicant's birth certificate, the applicant may be requested to provide an explanation.
- (2) Where an application for a passport indicates that a change of sex of the applicant has taken place, the applicant may be requested to submit a certificate from a medical practitioner to substantiate the statement.

Marital Status

5. REPEALED. SI/2001-121

Loss of Citizenship

6. Where the information submitted in an application for a passport indicates that the applicant may have, at any time, ceased to be a Canadian citizen, information may be required from that applicant to establish that the applicant is a Canadian citizen.

Passports for Children

7. Where an applicant referred to in subsection 7(1) of this Order applies for the issue of a passport to a child referred to in that subsection, the applicant may be required to submit evidence, in the form of affidavits, statutory declarations or otherwise, to substantiate the applicant's eligibility to make such an application. SI/2001-121

Missing Canadian Passports

8. Where there is in existence a valid Canadian passport in respect of an applicant and that applicant is unable to produce it, the applicant may be required to provide a statement explaining the circumstances in respect of the missing passport together with such affidavits or statutory declarations as are necessary to establish that the passport is missing and the reasons therefor.

Marriage

9. (1) Where a female applicant married an alien prior to January 1, 1947, additional information may be required to establish whether the applicant is a Canadian citizen.
- (2) Where a female applicant who is married and in possession of a valid passport issued to her in her maiden name requests that her married name be added to the passport, the applicant may be required to produce her marriage certificate.

Delivery of Passports

10. (1) If delivery of a passport is made at an office of Passport Canada to an applicant, the applicant may be required to produce a document establishing the identity of the applicant. SI/2006-95
- (2) If delivery of a passport is made at an office of Passport Canada to the representative of an applicant, the representative may be required to produce a letter of consent from the applicant to accept delivery as well as a document establishing the identity of the representative. SI/2006-95

Applicants who have been Refused Passports

11. Where an applicant has previously applied for a passport and the issue of a passport to that applicant has been refused, information may be required from the applicant to establish that the applicant is eligible to be issued a passport.

Proof of Guardianship

12. Where the application for a passport is in respect of a child and the applicant is the legal guardian of the child, information may be required to establish proof of guardianship of that child.

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Note from Passport Canada - Legal Services

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the Acts as passed by Parliament, which are published in the “Assented to” Acts service, Part III of the Canada Gazette and the annual Statutes of Canada, and

the regulations, as registered by the Clerk of the Privy Council and published in Part II of the Canada Gazette.

The above mentioned publications are available in most public libraries or on this site:

<http://www.parl.gc.ca/common/bills.asp?Language=E>

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