

# ***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/81-86; SI/2001-121

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

"Minister" means the Secretary of State for External Affairs; (*ministre*)

"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 Office" means a section of the Department of External Affairs, wherever located, that has been charged by the Minister with the issuing, revoking, withholding, recovery and use of passports. (*Bureau des passeports*) SI/81-86

### *Issuance of passports*

3. Every passport
  - (a) shall be in a form prescribed by the Minister;
  - (b) shall be issued in the name of the Minister on behalf of Her Majesty in right of Canada;
  - (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 the Passport Office forthwith when requested to do so by that office;
  - (e) shall be signed by the person to whom it is issued; and
  - (f) shall, unless it is sooner revoked, expire not later than five years from the date on which it is issued. SI/81-86
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. SI/81-86
5. No passport shall be issued to any person unless an application for a passport is made by that person to the Passport Office in a form prescribed by the Minister. SI/81-86; SI/2001-121
6. An application for a passport by or in respect of a person who was
- (a) born in Canada shall be accompanied by
- (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;
- (b) born outside Canada shall be accompanied by
- (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/81-86; SI/2001-121
7. (1) Subject to subsections (2) to (4), where an applicant applies for a passport in respect of a child,
- (a) the child that is under 16 years of age may be issued a passport if the applicant is
- (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/81-86; 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/81-86; 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/81-86; 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 the Passport Office with the information and material required in the application for the passport and, where applicable, the information required pursuant to section 8. SI/81-86; SI/2001-121
- 8.
- (1) In addition to the information and material that an applicant is required to provide in the application for a passport, the Passport Office may request an applicant to provide further information respecting any matter relating to the issue of the passport. SI/81-86
  - (2) The further information referred to in subsection (1) and the circumstances in which such information may be requested includes the information and circumstances set out in the schedule. SI/81-86

*Refusal of Passports and Revocation*

9. The Passport Office may refuse to issue a passport to an applicant who
- (a) fails to provide the Passport Office 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 serving a term of imprisonment or is forbidden to leave Canada by
    - (i) the terms and conditions of any parole or mandatory supervision imposed under or by virtue of Part II of the Corrections and Conditional Release Act,
    - (ii) the conditions of a probation order made under the Criminal Code, or
    - (iii) the conditions of the grant of a temporary absence without escort from a prison or penitentiary;

- (e) has been convicted of an offence under section 58 of the Criminal Code;
  - (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/81-86; SI/2001-121
10. The Passport Office may revoke the passport of a person on any ground on which it may refuse to issue a passport to that person if he were an applicant and may revoke the passport of a person who
- (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
  - (e) has ceased to be a Canadian citizen. SI/81-86; SI/2001-121
11. When a person has been advised by the Passport Office that a passport in his possession is required to be returned to the Passport Office, he shall forthwith return the passport to the nearest Passport Office. SI/81-86

## ***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. SI/81-86

*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. SI/81-86

*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. SI/81-86

*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. SI/81-86

*Marital Status*

5. REPEALED. SI/81-86; 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. SI/81-86

*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/81-86; 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. SI/81-86

### *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. SI/81-86

### *Delivery of Passports*

10. (1) Where delivery of a passport is made at a Passport Office to an applicant, the applicant may be required to produce a document establishing the identity of the applicant.
- (2) Where delivery of a passport is made at a Passport Office to the agent of an applicant, that agent may be required to produce a letter of consent from the applicant to accept delivery. SI/81-86

### *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. SI/81-86

### *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. SI/81-86