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Canadian Heritage

Guide and Application Form

**For an *ex-gratia* payment to a person who was
in a conjugal relationship with a now-deceased
Chinese Head Tax payer**

Canada 

GUIDE AND APPLICATION FORM FOR AN *EX-GRATIA* PAYMENT TO A PERSON WHO WAS IN A CONJUGAL RELATIONSHIP WITH A NOW-DECEASED CHINESE HEAD TAX PAYER (APPLICATION FORM ON PAGE 7)

Eligibility requirements for an *ex-gratia* payment to a living person who was in a conjugal relationship with a now-deceased Head Tax payer

Applications will be assessed against specific criteria to determine the eligibility of an applicant. To be eligible for a \$20,000 *ex-gratia* payment, the applicant must:

- have been in a conjugal relationship with a now-deceased person who, at the time of their death, met the following criteria:
 - paid the Head Tax, or on whose behalf the Head Tax was paid, in Canada or in the Dominion of Newfoundland; and
 - was a Canadian citizen, or permanent resident, or, in the opinion of the Minister of Canadian Heritage, had a long-standing connection to Canada;
- be a Canadian citizen, or permanent resident, or, in the opinion of the Minister of Canadian Heritage, have a long-standing connection to Canada; and
- have been alive on or after February 6, 2006.

All criteria must be met to be eligible for an *ex-gratia* payment.

Definition of an *ex-gratia* payment

An *ex-gratia* payment is a payment made voluntarily, for which there is no legal liability on the part of the Crown.

Signatures

Applications can be signed either by the applicant or by a person legally authorized to represent the applicant. Proof must be provided with the application form in the case of a person who is legally authorized to represent the applicant.

Supporting documents must be certified by a Commissioner for Oaths

You must submit a **certified copy** of each of your original documents of proof in support of your application form. Please do **not** provide original documents. An applicant cannot certify copies of their own documents.

Original documents must be presented to a Commissioner for Oaths who will certify that each

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document pertains to the applicant. A Commissioner for Oaths must certify the documents and include his or her name, profession, date and stamp or seal on the certified copy. They must also write in capital letters the following statement on the photocopy they are certifying:

I CERTIFY THAT THIS PHOTOCOPY IS A TRUE COPY OF THE ORIGINAL DOCUMENT, WHICH, TO THE BEST OF MY KNOWLEDGE, HAS NOT BEEN ALTERED IN ANY WAY.

The following, by virtue of their status, may receive oaths:

- court clerks and deputy clerks
- lawyers
- notaries
- mayors, clerks and secretary-treasurers in all municipalities, but only within the limits of their municipality
- justices of the peace

Documentation is required to assist the Department in processing your application. Failure to accurately provide any of the information or documentation requested in the application could result in a delay in processing your request for a payment.

Proof of conjugal relationship

Proof must be provided that the person was ordinarily residing with the Head Tax Payer in a conjugal relationship of some permanence that would be, as an indication, for at least a year.

One of the following could be an example of proof (list not exhaustive):

- Canadian marriage certificate
- Copy of the last will and testament of a Head Tax payer who has died indicating that the applicant is the spouse or the common law partner of the deceased
- Proof of recognition as the surviving spouse or common law partner under another federal, provincial or territorial program, such as the Canada Pension Plan (CPP)

Proof of identity

Acceptable documents for proof of identity (list not exhaustive)

One or more documents should include photo identification, proof of family and given names, date of birth and current address

- Birth Certificate
- Old Age Security Card
- Passport
- Provincial driver's license

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- Provincial health card
- Other Canadian identification card

Information on identity is required to process applications for an *ex-gratia* payment to a person, living on or after February 6, 2006, who was in a conjugal relationship with a now-deceased Head Tax payer. Documents that prove identity are required for both the applicant and the Head Tax payer.

Proof of Canadian citizenship or permanent residence documents

Acceptable documents required for proof of Canadian citizenship or permanent residence/landed immigrant status (list not exhaustive)

Canadian citizenship

One of the following:

- Certificate of Naturalization (issued before January 1, 1947)
- Certificate of Canadian Citizenship (issued between January 1, 1947 and February 14, 1977)
- Registration of Birth Abroad Certificate (issued between January 1, 1947 and February 14, 1977)
- Canadian Passport

Permanent residence/landed immigrant status

One of the following:

- Immigration Record of Landing (form IMM1000)
- Confirmation of Permanent Residence (form IMM 5292)
- Permanent Resident Card (wallet-sized card) (issued June 2002 or later)
- Verification of admission/entry (certified copy of immigration record, issued by Citizenship and Immigration Canada)

If an applicant cannot provide documents to prove he or she is a Canadian citizen or permanent resident, a search of historical records of Citizenship and Immigration Canada and/or Library and Archives Canada will be undertaken, upon the consent of the applicant, to verify his or her personal information provided in the application (see consent #2 on page 11). If the applicant cannot provide documents to prove the Head Tax payer was a Canadian citizen or permanent resident, a search of personal information will be undertaken by the federal partners mentioned above and will be made in accordance with the *Privacy Act*.

If the applicant is not a permanent resident or a Canadian citizen, additional information will be required to determine if the applicant has a long-standing connection to Canada in order to be eligible for the payment. This also applies to a Head Tax payer who was not a permanent

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resident or a Canadian citizen. If this is the case, please contact the Department of Canadian Heritage at 1-888-776-8584.

Proof of Head Tax payment

Acceptable documents or information required for proof of Head Tax payment

- Certified copy of Head Tax certificate
- Head Tax certificate number
- Port of entry
- Ship of entry
- Date of entry

If an applicant cannot provide documents or information to prove that the Head Tax was paid, a search of historical records by Library and Archives Canada and Citizenship and Immigration Canada will be undertaken. Verification involving disclosure of personal information of the Head Tax payer will be made in accordance with the *Privacy Act*.

Proof of death

Acceptable documents required for proof of Head Tax payer's death (list not exhaustive)

One of the following:

- Death certificate
- Obituary notices
- Provincial vital statistics

Documentary evidence that a Head Tax payer is now-deceased must be provided to substantiate the application by an applicant. Verification involving disclosure of personal information of the Head Tax payer will be made in accordance with the *Canada Pension Plan (CPP)*.

Designated beneficiary

In the event the applicant is assessed as eligible to receive a payment but dies prior to the payment being made, a designated beneficiary, not the applicant's estate, will receive the payment. If no beneficiary has been designated in the application form or if the designated beneficiary has also died, no payment will be made.

Privacy statement

The information contained in this form is required for the purpose of issuing an *ex-gratia*

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payment to a person, living on or after February 6, 2006, who was in a conjugal relationship with a now-deceased Head Tax payer. Providing this information is voluntary and not required by law. However, if this information is not provided, an application cannot be processed and no *ex-gratia* payment can be issued.

In order for an *ex-gratia* payment to be processed and issued, Canadian Heritage will need to verify the veracity of the information submitted. The consent section must be signed to allow Library and Archives Canada and Citizenship and Immigration Canada to verify the personal information the applicant has provided (Consent #1, see page 11). Should an applicant be unable to provide some or all supporting documents regarding his or her personal information, a second consent is required to allow a records search by federal partners (Consent #2, see page 11). Concerning the identity and the existence of a conjugal relationship, this is a written request to the Minister of Human Resources and Social Development Canada to disclose personal information to Canadian Heritage as required by the provisions of the *Old Age Security Act* and *Canada Pension Plan* (Request, see p. 11).

Note that verification involving disclosure of personal information of the Head Tax payer will be made in accordance with the *Privacy Act*, *Old Age Security Act (OASA)* and *Canada Pension Plan (CPP)*.

Affidavit

The applicant must take the application form to a Commissioner for Oaths to make oath or declare that the information on the application is true and accurate. Knowingly making a false or fraudulent application could result in criminal prosecution.

Application deadline

The application deadline is March 31, 2008. Where an application is submitted after March 31, 2008, the application may be accepted if the Minister of Canadian Heritage is satisfied that the applicant was unable to submit the application before that date because of facts or circumstances beyond the control of the applicant.

Payment receipt

Eligible applicants will receive one cheque of \$20,000, by mail.

To obtain an application form

Application guides and forms in both official languages (English and French) are available online or by contacting Canadian Heritage at 1-888-776-8584. Application guides and forms are also available at any of the 323 Service Canada centres throughout the country. For the Service

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Canada centre near you, contact the national 1-800-O-Canada call centre at 1-800-622-6232 or for online services, through servicecanada.gc.ca. Service Canada also offers TTY, or teletypewriter service (a telecommunications device for hearing-and speech-impaired persons), at 1-800-926-9105.

Application forms must be completed in English or in French. However, as a reference tool, application forms and guide are available in Chinese from Canadian Heritage (traditional and simplified).

Forms must be mailed to the following address:

**Chinese Head Tax *Ex-Gratia* Payments
Multiculturalism and Human Rights Branch
Department of Canadian Heritage
25 Eddy Street, 11th Floor
Gatineau, Quebec K1A 0M5**

Checklist

<input type="checkbox"/>	Certified proof of applicant's family name(s) and given name(s), date of birth and current address
<input type="checkbox"/>	Certified proof of applicant's Canadian citizenship or permanent residence status
<input type="checkbox"/>	Certified proof of Head Tax payer's family name(s) and given name(s), date of birth and address before death
<input type="checkbox"/>	Certified proof of Head Tax payer's Canadian citizenship or permanent residence status
<input type="checkbox"/>	Certified death certificate of Head Tax payer
<input type="checkbox"/>	Certified proof of Head Tax paid (if not available, then date of entry to Canada or the Dominion of Newfoundland, port of entry or ship of entry)
<input type="checkbox"/>	Certified proof of conjugal relationship
<input type="checkbox"/>	Signature of applicant or legal representative on privacy statement (Request, Consent #1 and Consent #2)
<input type="checkbox"/>	Signature of applicant or legal representative on Affidavit
<input type="checkbox"/>	Signature of Commissioner for Oaths to certify each document of proof
<input type="checkbox"/>	Signature of Commissioner for Oaths to certify the Affidavit
<input type="checkbox"/>	If applicable, certified proof that person is legal representative of applicant

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**APPLICATION FOR AN *EX-GRATIA* PAYMENT TO A PERSON WHO WAS IN A
CONJUGAL RELATIONSHIP WITH A NOW-DECEASED CHINESE HEAD TAX
PAYER**

**NOTE: SUPPORTING DOCUMENTATION MUST
BE CERTIFIED BY A COMMISSIONER FOR
OATHS (see page 1)**

Application No. _____
Protected when
completed

**1. Application completed by person who was in a conjugal relationship with a
now-deceased Head Tax payer or person legally authorized to represent
applicant**

Application on behalf of self Yes

OR

Application by legal representative Yes

IF APPLICATION IS COMPLETED AND SIGNED BY LEGAL REPRESENTATIVE,
ANSWER THE QUESTIONS IN THE FOLLOWING SECTION

2. Contact information of person legally authorized to represent the applicant

CERTIFIED PROOF MUST BE ATTACHED THAT PERSON IS LEGALLY
AUTHORIZED TO REPRESENT THE APPLICANT, SEE PAGE 1 **Proof attached**

Language of correspondence English French

Mr. Mrs. Ms.	Given name(s), in English or French	Family name, in English or French (CERTIFIED PROOF OF IDENTITY REQUIRED, SEE PAGE 2) Proof attached
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Address (No., Street, Apt., R.R. no)

City

Province or Territory

Country

Postal Code

Telephone number

() -

3. Conjugal relationship information (information is mandatory)

Were you in an exclusive conjugal relationship with a now-deceased Head Tax payer?

Yes No

For what period were you in an exclusive conjugal relationship with a now-deceased Head
Tax payer?

YYYY/MM to YYYY/MM

NOTE: CERTIFIED PROOF OF CONJUGAL RELATIONSHIP TO BE PROVIDED,
SEE PAGE 2 **Proof attached**

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4. Information on the applicant's identity (all information is mandatory)			
Language of correspondence		English	French
Mr. Mrs. Ms.	Given name(s), in English or French	Family name, in English or French (CERTIFIED PROOF OF IDENTITY REQUIRED, SEE PAGE 2) Proof attached	
Current address, usual place of residence (No., Street, Apt., R.R. no)			City
Province or Territory		Country	Postal Code
Home telephone number () -			Other telephone number () -
Mailing address, if different from residence, (No., Street, Apt., R.R. no)			City
Province or Territory		Country	Postal Code
Date of birth (CERTIFIED PROOF OF DATE OF BIRTH REQUIRED, SEE PAGE 2) YYYY/MM/DD Proof attached			
City, region and country of birth		Name at birth (if different from above)	
Any other name(s), in English or French, that may have been used in official immigration documents, if applicable			
Details of any legal name changes in Canada, if applicable			
Name, in English or French		Date of change YYYY/MM/DD	Province of residence at time of name change
Details of any legal name changes due to marriage in Canada, if applicable			
Name, in English or French		Date of change YYYY/MM/DD	Province of residence at time of name change

5. Citizenship or permanent residence status of Applicant (all information is mandatory)			
Canadian citizen	Yes	No	Proof attached No proof
Date citizenship was obtained	YYYY/MM/DD		
Permanent resident	Yes	No	Proof attached No proof
Date permanent status obtained	YYYY/MM/DD		
Note: If the applicant is not a Canadian citizen or a permanent resident, additional			

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information will be required to determine their long-standing connection to Canada in order to be eligible. If this is the case, please contact Canadian Heritage at 1-888-776-8584.

6. Information on the identity of the now-deceased Head Tax payer (all information is mandatory)		
Mr. Mrs. Ms.	Given name(s), in English or French	Family name, in English or French (CERTIFIED PROOF OF IDENTITY REQUIRED, SEE PAGE 2) Proof attached
Date of death of Head Tax payer (CERTIFIED PROOF OF DEATH IS REQUIRED, SEE PAGE 4) YYYY/MM/DD Proof attached		
Last address before death (No., Street, Apt., R.R. no)		City
Province or Territory	Country	Postal Code
Home telephone number () -		Other telephone number () -
Date of birth (CERTIFIED PROOF OF DATE OF BIRTH REQUIRED, SEE PAGE 2) YYYY/MM/DD Proof attached		
City, region and country of birth		Name at birth (if different from above)
Any other name(s), in English or French, that may have been used in official immigration documents, if applicable		
Details of any legal name changes in Canada, if applicable		
Name, in English or French	Date of change YYYY/MM/DD	Province of residence at time of name change

7. Head Tax Information (Must be completed to the best of your knowledge)		
The Head Tax was paid by Head Tax payer, or it was paid on his/her behalf Yes		
Head Tax Certificate Number	Year Head Tax was paid	
Head Tax was paid in	Canada	Dominion of Newfoundland
Certified copy of Head Tax Certificate attached:		Yes No
Note: If you do not have a Head Tax Certificate Number or a Certified copy of a Head Tax Certificate, please answer the following questions to the best of your knowledge		
Date of entry of Head Tax payer to Canada or Dominion of Newfoundland YYYY/MM/ DD		Proof attached

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Head Tax payer's port of entry (Proof attached)	Date of Entry YYYY/MM/DD
Head Tax payer's ship of entry	Proof attached

8. Citizenship or permanent residence status of the now-deceased Head Tax Payer (Must be completed to the best of your knowledge)

Canadian citizen	Yes	No	Proof attached No proof
Date citizenship was obtained	YYYY/MM/DD		
Permanent resident	Yes	No	Proof attached No proof
Date permanent status obtained	YYYY/MM/DD		
Note: If the Head Tax payer was not a Canadian citizen or a permanent resident, additional information will be required to determine their long-standing connection to Canada in order for the applicant to be eligible. If this is the case, please contact Canadian Heritage at 1-888-776-8584.			

9. Designated beneficiary

In the event the applicant is assessed as eligible to receive a payment but dies prior to the payment being made, the beneficiary designated below, and not the applicant's estate, will receive the payment.

Designated beneficiary

10. Privacy statement

The information contained on this form is required for the purpose of issuing an *ex-gratia* payment to a person, living on or after February 6, 2006, who was in a conjugal relationship with a now-deceased Head Tax payer. This information is collected under the authority of subsection 4(1) and paragraphs 4(2)(a) and (b) of the *Canadian Heritage Act* and of the *Order Respecting Ex-Gratia Payments to Persons who were in Conjugal Relationships with Now Deceased Chinese Head Tax Payers or to Designated Beneficiaries* (C.P. 2006- 1401, November 23, 2006), and is protected by the provisions of the *Privacy Act*, *Old Age Security Act (OASA)* and *Canada Pension Plan (CPP)*. Providing this information is voluntary and not required by law. However, if this information is not provided, an application cannot be processed and no *ex-gratia* payment can be issued. Information will be collected and stored in a personal information bank and will be accessible to the applicant upon request to the Access to Information and Privacy Secretariat at Canadian Heritage.

In order for an *ex-gratia* payment to be processed and issued, Canadian Heritage will need to verify the veracity of the information submitted.

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Request to disclose personal information:

I, the undersigned, do request in writing that the Minister of Human Resources and Social Development:

- i) disclose my personal information concerning my identify and the existence of my conjugal relationship for verification to Canadian Heritage,
 - ii) disclose my personal information to Canadian Heritage, if I was not able to provide documentation or proof of my conjugal relationship or my identity,
- as required by the provisions of the *Old Age Security Act (OASA)* and *Canada Pension Plan (CPP)*.

Signature of the applicant or representative

Date

Consent #1:

I, the undersigned, do consent to:

- i) the collection of the preceding personal information by Canadian Heritage for the purpose of issuing an *ex-gratia* payment.
- ii) the use of my personal information by Canadian Heritage for such purpose.
- iii) the disclosure of my personal information to Citizenship and Immigration Canada for the purpose of confirming my citizenship/permanent residence record, my identity or the existence of my conjugal relationship, and to Library and Archives Canada for the purpose of verifying my permanent residency record, my identity or the existence of my conjugal relationship.
- iv) the subsequent disclosure to Canadian Heritage of information obtained in the process of confirming my citizenship/permanent residence record, my identity or the existence of my conjugal relationship by Citizenship and Immigration Canada, and verifying my permanent residency record, my identity or the existence of my conjugal relationship by Library and Archives Canada.

Signature of the applicant or representative

Date

Consent #2: If applicant is unable to provide some or all supporting documentation:

If I was not able to provide documentation or proof of my citizenship or permanent residence record, of my identity or the existence of my conjugal relationship with the Head Tax payer, I hereby authorize Citizenship and Immigration Canada, and Library and Archives Canada to review their records for this information and provide it to Canadian Heritage for the purpose of a final decision on the issuance of the *ex-gratia* payment.

Signature of the applicant or representative

Date

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11. Affidavit

I make oath or declare that the statements made in this application are true and accurate to the best of my knowledge. I acknowledge that knowingly making a false or fraudulent application could result in criminal prosecution.

Signature of the applicant or representative

Sworn/Declared before me: in _____ this ____ day of _____ 20____.

Commissioner for Oaths

Title (affix seal or stamp)

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