



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

CP 11

Search of Records

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Updates to chapter

Listing by date:

Date: 2005-11-23

CP 11, section 3 – Guidelines for sharing client information between citizenship officers and either immigration or Canada Border Services Agency (CBSA) officers

This section has been updated to recognize the requirement by CBSA officers to request a search of citizenship records as required.

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1. Access to citizenship records

1.1. This section is about

This section is about citizenship records, *Privacy Act*, Access to Information Act.

1.2. Authorities

Citizenship Regulations

- Section 29
- Section 31(5)

Privacy Act

Access to Information Act

Info Source

1.3. Context

Information in Citizenship Registration records is defined as 'personal information' by the *Privacy Act*.

Citizenship Registration records cannot be released:
without the written consent of the individual concerned

OR

unless release is under specific guidelines, as set out by the *Privacy Act*.

A person may access information about citizenship policies, guidelines, other records or personal information. Depending on the nature of the request and information required, a person may file a search through the Public Rights Administration Office, Access to Information and Privacy or through a Search of Citizenship Records held in the Case Processing Centre in Sydney, Nova Scotia.

1.4. Information about documents available through Access to

Information request

Information about citizenship records is available through the Public Rights Administration Office.

Requests must be made in writing on the Access to Information Request Form. There is a \$5 fee for each request.

The Access to Information Request Form is available from the:

Public Rights Administration Office
Citizenship and Immigration Canada
Third Floor, 300 Slater Street
Ottawa ON K1A 1L1

Once the form is completed, the application with the \$5 fee for each request is sent to:

Director
Information Management
Public Rights Administration Office
Citizenship and Immigration Canada

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Third Floor, 300 Slater Street
Ottawa ON K1A 1L1

If the search through the Access to Information finds a document, the applicant receives only a copy of that document.

1.5. Personal Information requests

A request by an individual for his or her own record can be made, in writing, under the *Privacy Act*. There is no fee for this service.

Requests must be made in writing, or by using the Personal Information Request Form. Send the completed application form to:

ATIP Coordinator
Case Processing Centre
Citizenship and Immigration
PO Box 7000
Sydney NS B1P 6V6

1.6. Obtaining Record Letter or No Record Letter

An Application for a Search of Citizenship Records can also be made.

The answer will provide the information contained in the citizenship records, but the applicant will not receive a copy of the record.

If a record is located, the applicant will receive a "record letter" which shows how and when an individual acquired citizenship or was naturalized. This letter is not proof of citizenship

If no record is found, the applicant will be given a "no record" letter.

An applicant must submit an Application for Search of Citizenship Records. There is a fee for each request. See Fees and Refunds-Chapter 1.

The application can be sent to:

Case Processing Centre
Citizenship and Immigration Canada
PO Box 7000
Sydney N.S. B1P 6V6

1.7. Third party requests

Information may be shared with third parties if:

written permission by the individual whose record is requested has been given

OR

if the individual has been dead for more than 20 years

OR

if the request falls under the "consistent use" interpretation of the *Privacy Act*.

Questions about interpretation of "consistent use" should be directed to the Case Management Branch ATIP Liaison Officer before the information is released. The address is:

ATIP Liaison Officer
Case Management Branch
Case Review Unit-Citizenship

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Citizenship and Immigration Canada
Sixth Floor, 300 Slater Street
Ottawa ON K1A 1L1

2. Record and No Record letters

2.1. This section is about

This section is about issuing and reasons for issuing Record and No Record letters.

2.2. Authorities

Citizenship Regulations

- Section 28
- Section 29
- Section 31(5)

Privacy Act

Access to Information Act

Info Source

2.3. Context

A Record Letter is issued for a specific reason and for a limited time period. Generally, the letter is valid for one month. A letter may be valid for three months maximum.

There are three basic reasons someone would request a Record Letter;

- the applicant does not have proof of citizenship
 - the applicant has proof but needs a letter saying how and/or when citizenship was obtained
 - a third party asks for citizenship confirmation.
-

2.4. Applicant does not have proof of citizenship

Applicants who do not have any proof of their citizenship may need a record letter:

- for travel purposes
- to obtain social benefits from federal, provincial government or foreign government

Applicants must complete an Application for a Search of Citizenship Records and submit it to CPC Sydney. Applications must include copies of two pieces of identification. Preferably, one should have the applicant's photograph.

There is no fee for a search of records if the person applies at the same time for a replacement certificate or has applied for and is waiting to receive a certificate. See Fees and refunds. All applicants for a record letter are to be advised they should apply for proof of citizenship.

If the information is needed urgently, advise CPC Sydney of the search request.

Issue a Record Letter, after a satisfactory search of citizenship records, to applicants whose certificates have been stolen, lost, or destroyed.

The completed search form and a copy of the Record Letter must be sent to CPC Sydney, if processing is done at the local office.

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If the applicant picks up the Record Letter, ask for identification to confirm the applicant's identity. If a third party picks up the letter, release it only if the third party has written permission from the applicant.

2.5. Record Letter is not a travel document

Tell applicants that a Record Letter is not a travel document but may be issued to obtain a temporary Canadian passport. Border crossing officials may not accept a Record Letter and may refuse permission to cross a border.

Make sure that the applicant understands that the Passport Office makes the final decision to issue a passport. The Passport Office may not accept a Record Letter.

The Passport Office may issue limited validity passports on the basis of a Record Letter or, a Record Letter and a receipt for an application for a replacement certificate. Passport officials will take the letters and return them to CPC Sydney.

Make sure that applicants understand that once the Record Letter has served its purpose, it must be returned to CPC Sydney. If it is not, CIC may refuse to issue another letter in the future.

2.6. Applicants who have proof of citizenship

Applicants who already have proof of citizenship may need a Record Letter:

- for confirmation of citizenship (usually the exact date and manner of acquisition) for a Canadian or foreign official
- for confirmation of citizenship for educational institutions, employers, etc.
- because he or she was issued an undated commemoration certificate (between February 15, 1977 and September 1980) and wants confirmation of the date citizenship was acquired.

2.7. Confirming how, when citizenship acquired

Applicants may be issued more than one letter for a single application for a search of citizenship records.

Applicants must provide evidence that the information is required. Only one letter will be issued for any one purpose. If more than one letter is issued on the basis of one search of citizenship records, only collect one fee.

Applicants must complete an Application for the Search of Citizenship indicating why they need the information, provide personal identification, and pay the required fee.

The completed form and a copy of the Record Letter is sent to CPC Sydney, if processing is completed by the local office.

2.8. Third party requests

Third-party requests are usually made by people researching their family tree or trying to establish a derivative claim to a foreign nationality.

Citizenship record information is personal and protected by the *Privacy Act*.

We issue Record Letters to third parties only if:

the subject has given consent by signing the Search of Records form

OR

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the release of the information is consistent with the purpose for which it was collected, such as Immigration or RCMP investigations

OR

the subject has been dead 20 years or longer.

The party requesting the record completes the form as the applicant and must provide identification and fee.

Do not charge the fee to Government of Canada and provincial government departments or agencies, the RCMP, or the Canadian Armed Forces.

The Access to Information and Privacy (ATIP) representative responds to requests that citizenship officials cannot process because of *Privacy Act* restrictions. See Access to citizenship records.

2.9. Identification needed

All persons, except Immigration officials or the RCMP, requesting information on another individual must provide two pieces of identification (originals or certified true copies) for themselves. Preferably, one should have a photograph of the applicant.

Citizenship officers must be satisfied about the identity of the person making the request.

2.10. Proof of death needed

If the subject of the search has been dead for less than 20 years, proof of death must be provided, such as a death certificate, obituary notice, or memorial card.

2.11. If local office processes, send inquiry to CPC Sydney

If you can release the information under the *Privacy Act*, send the inquiry to CPC Sydney. If the information is needed urgently, advise CPC Sydney.

Once you confirm information and are satisfied you can release it, prepare a Record Letter. Follow the Guide for the Completion of the Record Letter in this section.

Send the completed search form and a copy of the Record Letter to CPC Sydney for retention.

2.12. Requests to be referred to ATIP

If you cannot release the information (because the subject of the search is alive and has not consented to its release or has been dead for less than 20 years) send the request to CPC Sydney, which will send the file to the Access to Information and Privacy (ATIP) representative in NHQ.

Ensure applicants provide detailed reason(s) for their request; if they do not, the ATIP representative may reject the application.

See section 1, [Access to citizenship records](#), above, for more information about releasing personal information to third parties,

Guide for completion of Record letter

2.13. Address letter

Address Record letters to:

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- the Passport Office in all cases where the individual is requesting proof of citizenship for travel purposes. Do not address Record Letters to border crossing officials.
- the agency/institution/organization requesting information for education, employment, social services, etc.
- third parties in third party inquiries

2.14. Information required on Record Letter

Before generating the letter, ensure all required details are entered. All Record Letters indicate:

- family and given names appearing on the person's most recent citizenship certificate
- any other names that the person is or was using
- date and country of birth that appear in citizenship records.
- date citizenship was granted or acquired
- most recent citizenship certificate number
- the purpose for which the letter is being issued
- the validity date

Other information may be required depending on the reason for the letter

- section of former Act individual acquired citizenship under
- section of current Act individual is a citizen under
- certificate number of parent and date of parent's naturalization
- date oath of allegiance, citizenship or oath of renunciation was taken
- type of oath taken
- certificate numbers for any certificates issued
- Letters issued to persons who have a pending application for proof of citizenship will also indicate this fact.

If the person has never had proof of citizenship, provide the following information in the letter:

- subject has never had a citizenship certificate
- subject's claim to citizenship has been established and documented
- applicable section of the legislation and the effective date e.g., Although above-noted has never had a citizenship certificate, it has been established that he/she has been Canadian since birth under section (3)(1)(b) of the *Citizenship Act*.

2.15. Signature

A citizenship officer with full signing authority must sign the letter on behalf of the Registrar for Canadian Citizenship.

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Issuing a No Record letter

2.16. Not a citizen and has not applied for citizenship

Individuals from countries that do not recognize dual citizenship usually ask for No Record Letters. They need evidence that they or their ancestors did not become Canadian citizens and that they have not applied for citizenship so they can obtain passports from their country of origin or establish a derivative claim to citizenship of another country.

Take the same steps as taken as with a Record Letter to prepare a No Record letter. The form must be filled out, identification verified, and fee collected.

Citizenship information is sometimes requested by other government agencies, such as Immigration or CSIS, for an investigation. In these cases, follow the guidelines for third party requests. No fee is required.

3. Guidelines for sharing client information between citizenship officers and either immigration or Canada Border Services Agency (CBSA) officers

3.1. This section is about

Guidelines for sharing client information between citizenship officers and either immigration or CBSA officers. See also ENF4, Section 9.5 – Citizenship record searches

3.2. Background

The *Privacy Act* provides the individual with the right to access his or her personal information. This right, however, must be balanced with the government's right to conduct legitimate investigations in order to prevent fraudulent acquisition of government benefits. Personal information, however, may only be disclosed to someone else with the consent of the individual to whom it relates or when one or more of the criteria in the *Privacy Act* are met.

Requests for personal information, whether in the form of an application for a search of citizenship registration records or a written or verbal enquiry, are often received from immigration and CBSA officers..

3.3. Policy

Disclosure of personal information is permissible under Section 8(2)(a) an 8(2)(b) of the *Privacy Act*. Personal information pertaining to the individual's citizenship file may be shared with immigration and CBSA officers, without the consent of the individual to whom it relates, provided that it is for a purpose consistent with or directly related to the purpose(s) for which it was collected or is in accordance with any Act of Parliament that authorises its disclosure.

3.4. Original Purpose and Consistent Use:

Section 8(2)(a) of the *Privacy Act* provides that personal information may be disclosed for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.

In determining if disclosure falls under consistent use, it is important to consider the department's lines of business. CIC's mandate includes all matters relating to the administration of the programs and policies of citizenship and immigration that are not assigned by law to other departments, branches or agencies of government.

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More specifically, **Personal Information Bank CIC-PPU-050 in Info Source** defines the purpose and consistent use with respect to personal information on the application and assessment for Canadian citizenship as follows:

"For the purpose of administering the *Citizenship Act* and Regulations and other related Acts and for the purpose of confirming the Canadian citizenship status of individuals, information may be shared with the CBSA, the Royal Canadian Mounted Police and the Canadian Security and Intelligence Service for the purpose of conducting security reviews or investigations related to Immigration legislation...and the Immigration Program."

A routine example of consistent use is the disclosure of personal information to the RCMP and CSIS in the form of applications for the grant of citizenship in order to obtain criminal and security clearances. In this case, information is being disclosed to ensure that the individual fulfils specific requirements of the *Citizenship Act*.

A test of whether a proposed use or disclosure is "consistent" might be whether the individual who provided the information would reasonably expect it to be used in the proposed manner. This means that the original purpose and the proposed purpose are so closely related that the individual would expect it to be used for the consistent purpose, even if the use is not spelled out.

3.5. Act of Parliament or Regulation

Section 8(2)(b) of the *Privacy Act* provides that personal information may be disclosed for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure. Where personal information has been disclosed under a broad statutory authority, the description of the relevant Personal Information Bank should be amended to include:

- (a) a reference to the statutory authority and/or regulation governing disclosure;
- (b) a description of the type of information disclosed;
- (c) the purpose of disclosure;
- (d) who has received the information; and
- (e) any conditions respecting the use of the information.

While the *Privacy Act* provides the latitude for a citizenship officer to share personal information pertaining to an individual's citizenship file with an immigration or CBSA officer, as a rule of thumb, only that information that is needed to continue the process should be provided. Before releasing any personal information, an officer should be satisfied that the disclosure is permissible under section 8(2)(b) of the *Privacy Act*. Where disclosure is not based on a consistent use identified in the Personal Information Bank CIC-PPU-050, officers should seek the advice of Public Rights Administration.

3.6. Related topics

See [Chapter 1, Citizenship Lines of Business](#) and [Fees and Refunds](#) (section 3) and [Chapter 6, Prohibitions](#).