



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

Citizenship Policy Manual

CP 3

Establishing Applicant's Identity

June 2010

Canada

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Updates to chapter

Listing by date:

2010-06-15

Changes have been made to the name and contact information for two approved DNA laboratories in Section 5.7 and 5.8.

2009-11-12

DNA-testing company Molecular World has changed its name to Warnex Pro-DNA Services. Sections 5.7 and 5.8 have been updated accordingly.

2008-11-03

The list of accredited DNA laboratories has been updated in sections 5.7 and 5.8.

2008-01-14

Changes have been made throughout this chapter to update terminology (for example to include references to the Permanent Resident Card and the Confirmation of Permanent Residence, etc.), to update local office procedures given the file requirements directive, and to remove references to grants under 5(2)(b).

The following specific changes have also been made:

Section 1.7 – This section has been updated to incorporate Operational Memorandum (OM) CP 01-06, *Documents issued by the Director of the Civil Registry in the Province of Quebec* (Le Directeur de l'état civil).

Section 4 – This section has been updated to incorporate OM CP 00-06 *Amendments to Date of Birth for Citizenship Purposes*.

Section 5 – Changes have been made to this section, in particular, the list of laboratories accredited by the Standard Council of Canada.

2004-12-08

Sections 5.7 and 5.8 of CP 3 have been amended to incorporate MOLECULAR WORLD INC. which has been accredited by the Standards Council of Canada for DNA testing.

2004-07-22

Section 5 of CP 3 has been amended to incorporate all previous updates including OM CP 03-04 (Amendment to the policy on DNA Testing for citizenship purposes) and OB 006 (Accredited DNA Testing Laboratories). The address and contact information for GENETRACK BIOLABS INC. has also been updated and appears in Section 5.7 of the chapter.

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1. Acceptance of identity documents

1.1 This section is about

- verifying the identity of applicants for a proof, grant, retention, renunciation, resumption of citizenship, and search of records; and
 - when original and certified documents are required and when photocopies are acceptable.
-

1.2. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
<ul style="list-style-type: none">• Paragraph 27(a)• Section 28	<ul style="list-style-type: none">• Section 28

1.3. Policy

There is no need to verify the originals of identity documents for every application.

Verification is necessary if there is any doubt about the applicant's identity or if there are concerns about the validity or authenticity of the identity documents submitted.

1.4. Acceptable documents to show identity

Applicants must be able to prove that they are who they say they are.

Among the documents required for an application, they must provide at least two other documents to establish Identity.

At least one document must have a photograph of the applicant. Use discretion with pre-school-age children.

The following are some, but not all, of the documents that can be used to establish identity. This is not a complete list, and it is not in order of priority:

- age of majority card
- blood donor's card
- Certificate of Indian Status card
- community college or CEGEP diploma
- credit card
- driver 's license
- federal or provincial election enumeration record
- identification card issued by a hospital
- income tax return
- insurance policy (life, auto, home, business)

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- invoice, statement, or bill addressed to an individual
- membership card for a professional group, a trade group, a union, an association, theatre company, etc.
- motor vehicle ownership
- municipal tax, utilities (gas, electricity, water) bill
- passport
- provincial health insurance identification card
- school records
- senior citizen's card
- Social Insurance card
- telephone bill
- travel document
- university degree
- bank card

1.5. True, certified copy acceptable

A true certified copy of a document is acceptable for determining whether or not the content and the nature of the document is adequate. CPC Sydney, local offices, Case Management Branch, judges and the Registrar have the right to request original documents for audit purposes or where the validity of the document is in question.

1.6. When to accept photocopies

Accept photocopies that are not certified true copies only for:

- grant applicants under section 5(1) who will be seen during the application process;
- grant applicants under section 5(2)(a) who are older than 14 years who will be seen during the application process; and
- replacement proof applications.

When in doubt, do not accept photocopies.

1.7. Documents issued by the Director of the Civil Registry in the Province of Quebec (Le Directeur de l'état civil)

Only documents issued by Le Directeur de l'état civil **after** January 1, 1994 are acceptable when applying for a proof, a replacement of a proof document, or a grant of citizenship. Clients submitting documents issued prior to January 1, 1994 should be directed to contact:

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Gouvernement du Québec
Le Directeur de l'état civil
Québec: 418-643-3900
Montréal: 514-864-3900
Other regions: 1-800-567-3900 (toll free)
Web site: <http://www.etatcivil.gouv.qc.ca/en/default.html>
E-mail: etatcivil@dec.gouv.qc.ca

2. Verifying identity

2.1. This section is about

The identification documents applicants must provide to support applications.

2.2. Check names, identity documents

Check the identity of applicants who appear for an interview or test.

Each applicant must bring to the test or interview:

- his or her Record of Landing (IMM 1000) **or** Confirmation of Permanent Residence (IMM 5292 or 5509), **and** Permanent Resident Card (PR card), where applicable;
 - one other identity document that includes a photograph (and preferably a signature);
 - all passports and travel documents in the applicant's possession; and
 - the original of all supporting documents (such as a birth certificate, legal change of name document, etc.) sent with the application.
-

2.3. Ways to verify Identity

If the applicant does not have photo identification:

- have the applicant sign the notice form;
 - compare the signature on the notice form to the signature on identity documents provided by the applicant or to the application form;
 - compare the file photograph against the person in front of the official.
-

2.4. Reschedule test applicants without identification

Applicants must not be allowed to write the test if they cannot prove their identity.

2.5. Verify documents

Citizenship offices must examine the original documents of grant applicants at either a test or interview. When checking passports, examine all stamps against the declaration on the application.

2.6. Accept only certified copies or originals

As most applicants for a citizenship certificate (proof) will not be seen by citizenship officials, only certified copies or originals of documents can be accepted in support of proof applications unless the applicant is applying for a replacement of a certificate.

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2.7. Pick-up or exchange by applicant

If an applicant picks up or exchanges a certificate at a citizenship office, citizenship officials must confirm the applicant's identity.

2.8. Pick-up or exchange by 3rd party

If another person picks up or exchanges a certificate at a citizenship office for an applicant, citizenship officials must confirm the person's identity, that the person is authorized to pickup the certificate or exchange the certificate and have the person sign for the release of the certificate or exchange to a certificate.

3. Name(s) / change in name(s)

Related Topics: See CP 6 Prohibitions, section 1.6, When new clearance needed.

3.1. This section is about

- the name that will appear on the citizenship certificate; and
- change of name.

3.2. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
<ul style="list-style-type: none">• Section 12• Section 13• Paragraph 27(a)• Section 28	<ul style="list-style-type: none">• Section 2• Section 3• Section 4• Section 5• Section 6• Section 7• Section 8• Section 9• Section 10• Subsection 11(2)• Section 28

3.3. Background

Certificates issued before January 15, 1996 may show two names on the certificate. As of January 15, 1996, certificates show one full name only.

Grants

3.4. Name on grant applications filed under 5(1), 5(2)(a) and 11(1)

The name on the certificate will be the name shown on the Immigration document (Record of Landing (IMM 1000), Confirmation of Permanent Residence (IMM 5292 or 5509), or Permanent Resident Card), or a provincial document as listed in Appendix A, found at the end of this chapter.

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Flag name(s) on the Immigration document are not permitted unless they appear on the provincial document. Name(s) referred to in the Remarks area of the Immigration document which indicates "...the names should read..." or "...the client's full name is ..." can be shown on the certificate.

Clients must provide a copy of a provincial document or an approved IMM 1436 – Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292) if they want to use a name other than the name shown on the Immigration document. If the name on the Immigration document and the provincial document are not the same, the applicant must satisfy CIC staff that there is a link between the names. In order to establish the link between names, various documents may be used, which include, but are not limited to, a legal change of name document, a marriage certificate, or an adoption order.

Acceptable provincial documentation is listed in Appendix A.

3.5. First time proof applications filed under section 12

Clients resident in Canada:

The name on the certificate will be the name shown on the person's birth certificate, Immigration document, foreign passport, or provincial document. If the name on the provincial document is not the same as the name on any of the other documents, it is the applicant's responsibility to satisfy CIC staff of the link between the names. In order to establish the link between names, various documents may be used, which include, but are not limited to: a legal change of name document, marriage certificate, or adoption order.

Acceptable provincial documentation is listed in Appendix A.

Clients resident outside Canada:

The name on the certificate will be the name shown on the person's birth certificate, foreign passport, marriage certificate, legal change of name document or, in exceptional cases, the name indicated on a statutory declaration if a legal change of name cannot be obtained.

3.6. Replacement Certificate

Clients resident in Canada

The name on the replacement certificate will be the name shown on the previous certificate, unless the applicant provides a provincial document showing a different name. If the name on the previous certificate is not the same as the name on the provincial document, the applicant must prove to CIC staff that there is a link between the names. In order to establish the link between names, various documents may be used, which include, but are not limited to: a legal change of name document, a marriage certificate or an adoption order.

A certificate issued before February 15, 1977 may show a name with another name in brackets, by which the person is known in the community. The replacement certificate will show the same name as the name on the previous certificate, but not the name in brackets, unless he or she has a provincial document showing the name in brackets.

Certificates issued between February 15, 1977, and January 15, 1996 may show two names on the certificate. The applicant's new certificate will show the name on the front of the certificate (formerly known as the Full Proper Name) or the name that appears on a provincial document, and if necessary, a document to establish the link between the names.

Applicants for replacement certificates may choose either the full proper name, or another name supported by provincial documentation.

Acceptable provincial documentation is listed in Appendix A.

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Clients resident outside Canada:

The name on a replacement certificate will be the name shown on the previous certificate, unless the applicant provides one of the following documents: birth certificate, foreign passport, marriage certificate, legal change of name document, adoption order indicating legal change of name, deed poll or, in exceptional circumstances, the name indicated on a statutory declaration if a legal change of name cannot be obtained.

If the name on the birth certificate or foreign passport is not the same as the name on the previous certificate, the applicant must satisfy CIC staff of the link between the names. In order to establish the link between names, various documents may be used, which include, but are not limited to: a legal change of name document, a marriage certificate or an adoption order.

A certificate issued before February 15, 1977, may show a name with another name in brackets, by which the person is known in the community. The name on the replacement certificate will be the name shown on the previous certificate, but not the name in brackets, unless the person has one of the following documents showing the name in brackets: provincial document showing name, birth certificate, foreign passport, marriage certificate, legal change of name document, adoption order indicating legal change of name, deed poll, IMM 1000 or, in exceptional circumstances, the name indicated on a statutory declaration if a legal change of name cannot be obtained.

If a certificate was issued between February 15, 1977, and January 15, 1996, AND IF it shows two names on the certificate, THEN the applicant will receive a replacement certificate showing the name on the front of the certificate (formerly known as the Full Proper Name) unless the applicant provides a birth certificate, foreign passport, marriage certificate, legal change of name document, adoption order indicating legal change of name, deed poll, provincial document showing name or, in exceptional circumstances, the name indicated on a statutory declaration if a legal change of name cannot be obtained.

3.7. Appendix A – Documents to establish name

- a driver's license issued by a province or territory of Canada
- a legal change of name document issued by a province or territory of Canada, or obtained by court order in Canada (includes deed poll outside Canada)
- vehicle ownership or registration issued by a province or territory of Canada
- age of majority card issued by a province or territory of Canada
- provincial or territorial health card
- senior citizen's identification card issued by a province or territory of Canada
- provincial or territorial enumeration record
- social services card issued by a province or territory of Canada
- adoption order indicating legal change of name issued by a province or territory of Canada
- trade certificate issued by a province or territory of Canada
- birth certificate issued by the province of Quebec indicating birth outside of Canada
- student card or school record

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4. Date of birth and change in date of birth

Related Topics: See CP 6, section 1.6, When new clearance needed.

4.1. This section is about

- the date of birth that will appear on the citizenship certificate;
- changing the date of birth; and
- guidelines to follow when assessing a change of date of birth request.

4.2. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
<ul style="list-style-type: none">• Section 12• Section 13• Paragraph 27(a)• Section 28	<ul style="list-style-type: none">• Section 2• Section 3• Section 4• Section 5• Section 6• Section 7• Section 8• Section 9• Section 10• Subsection 11(2)• Section 28

4.3. Date of birth on grant applications filed under 5(1), 5(2)(a) and 11(1)

The date of birth (DOB) appearing on the citizenship certificate will be based on the Immigration document, that is, the Record of Landing (IMM 1000), Confirmation of Permanent Residence (IMM 5292 or 5509), PR Card, or an approved IMM 1436 – Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292).

When a client asks for a different DOB to appear on the citizenship certificate than that which is on the Immigration document or approved IMM 1436, the client will be asked to submit:

- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464), **AND** refused IMM 1436 from the Query Response Centre (QRC) **AND** documents to substantiate the different DOB; or
- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** a provincial/territorial court order that legally changes the DOB.

4.4. Provincial/territorial court order that legally changes the date of birth

A provincial/territorial court order changing the birth date is basically equivalent to a legal change of name. Therefore, the client does not have to submit an IMM 1436, nor does the client have to

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provide supplementary documents. In these cases, the CPC will inform QRC of the change so that QRC can update their records by entering an NCB in FOSS. The information collected through the questionnaire (CIT 0464) will assist QRC in determining whether an investigation is necessary.

4.5. Request to change date of birth in mid-process

An application is considered in mid-process up until the time the oath is taken. As the objective of the policy is to ensure that citizenship records contain accurate information, citizenship applicants may request a different DOB after submitting an application. However, when a client asks for a change to the date of birth in mid-process, the client will be advised that the application will be returned to CPC-Sydney for assessment and decision AFTER the client has submitted the information from QRC and the completed questionnaire (CIT 0464) with documents, if applicable.

The client is also advised that regardless of whether the new date of birth is approved by QRC or for citizenship purposes, the citizenship application process will be delayed. In all cases where a client submits information about a different DOB, new clearances will be required even where the client decides not to go forward with a change in the DOB or where the request is made but the decision is not to change the DOB.

Please note that corrections to the certificate will be allowed after the oath was taken where there was an administrative error by the Department such as a typographical error. See CP 10, section 4, *Replacing Certificates With Errors*.

4.6. Incomplete date of birth

Some persons enter Canada with an IMM 1000 or Confirmation of PR that lists a partial DOB. This means the IMM 1000 or Confirmation of PR lists only the month and year of birth, or the year only. The most common example is where a person's DOB is listed as ** *** YEAR. In many instances, after entry to Canada, persons obtain provincial/territorial or municipal documents that list a complete date of birth.

Consultations with provinces confirm that the date of birth listed on these documents is not always based on concrete evidence. In some cases, the DOB is issued arbitrarily by the province or municipality (e.g., January 1st or July 1st). Work is ongoing to address this situation from an interdepartmental perspective.

In the interim, the following transitional provision will apply to all cases where the applicant's DOB is incomplete on the IMM 1000 or Confirmation of PR. Where the client indicates a complete date of birth on the application form, but the IMM 1000, Confirmation of PR or PR Card indicates only the year or the month and year, CPC-Sydney will inform the client that the date of birth will be that which appears on the IMM 1000, Confirmation of PR or PR Card. CPC will also inform the client of the process to follow to have a different DOB appear on the citizenship certificate. The client will be given 30 days to respond to the CPC's information. If the client does not respond within 30 days, the certificate will be issued with the incomplete DOB (** *** YEAR) to match the IMM 1000, Confirmation of PR or PR Card. There will also be a note to file in GCMS about the two DOBs. CPC-Sydney will initiate clearances under both DOBs.

4.7. Date of birth on replacement certificate

The date of birth appearing on a replacement citizenship certificate will continue to be that which appears on the citizenship registration file or an approved IMM 1436 form – Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292). When a client asks for a different DOB to appear on the citizenship certificate than that which is on the original citizenship certificate, the client will be asked to submit:

- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** refused IMM 1436 from QRC **AND** documents to substantiate the different DOB; or

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- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** a provincial/territorial court order that legally changes the DOB.

A referral to the Query Response Centre (approved or refused IMM 1436) is required if the date of birth on the previous certificate(s) was taken from the IMM 1000, Confirmation of PR or PR Card.

If the date of birth was not taken from the IMM 1000, Confirmation of PR or PR Card:

- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** amended birth record from a province/territory or original birth documents to establish true identity or true date of birth.

4.8. Date of birth on first-time proof of citizenship certificate

The date of birth appearing on a citizenship certificate will continue to be that which appears on the primary document used to establish the claim to citizenship. In most cases, this will be the provincial/territorial birth certificate or the birth certificate showing parentage issued by another country. When a client asks for a different DOB to appear on the citizenship certificate than that which is on the original birth documents, the client will be asked to submit:

- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** amended birth record from a province/territory or original birth documents to establish true identity or true date of birth; or
- Completed questionnaire Request to Correct a Date of Birth for Citizenship (CIT 0464) **AND** a provincial/territorial court order that legally changes the birth date.

4.9. Decision-making guidelines for changing date of birth

The decision regarding a change to a date of birth will usually be made at the beginning of the process. This means that in most cases, the decision to change the date of birth for citizenship grant or proof applications rests with the Program Support Unit in CPC-Sydney. It is an internal policy at CPC-Sydney to have two officers review a file and documents when a decision may result in a denial of services or a negative decision. The decision, however, rests with one officer.

When a case is referred to Case Management Branch, the case review officer makes the decision. Once a decision has been made regarding the date of birth, the decision will not be revisited by another officer in CPC, Case Management Branch or in the field unless there is evidence to show that the decision-maker was missing relevant information to render the initial decision.

Making a negative decision

When the decision is made to refuse a request for a change to the date of birth, the officer who makes the decision will write a letter to the applicant. The letter will explain why the request is refused and what the client's options are.

Clients may provide further information or evidence to the decision-maker and continue with attempts to change the DOB, or clients may drop the request to change the DOB and simply proceed with the application using the date of birth on the IMM 1000, Confirmation of PR, PR Card or, if applicable (proof applications), in the original citizenship records.

When to approve a request for a change to the date of birth

There are some situations where it is reasonable to expect the decision-maker to approve a request to change a date of birth. The following are examples of when an officer would be expected to approve a date of birth change:

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- **Decision of the Court:** The applicant has had the date of birth corrected through a motion to a court within a province or territory of Canada. This is similar to a Legal Change of Name. In these cases, the applicant will submit the copy of the judgement.
- **Administrative error:** CPC-Sydney issued the certificate with a typographical error. The error may have been as a result of incorrect data entry or because the client transcribed the date of birth incorrectly on the application form and the error was not caught during the application process. Example: Applicant's date of birth per the IMM 1000 or Confirmation of PR is October 12, 1948. The client indicated 1948-12-10 on the application form and this was interpreted as December 10, 1948 on the certificate.
- **DOB as per IMM 1000, Confirmation of PR, or PR Card:** The certificate was issued using a date of birth on a passport or other document and the subject applies to have a certificate with the date of birth as per the IMM 1000, Confirmation of PR or PR Card. Example: Applicant applied for grant of citizenship in 1994 and initially requested a DOB as per the IMM 1000. The certificate was issued using the birth date on the passport, which was different. The applicant requests a replacement certificate with the date of birth that appears on the IMM 1000.

4.10. Factors to consider

Information and documentation

There is no one document or list of documents an applicant may use to substantiate the birth date change. In most cases, it is reasonable to expect the applicant will submit primary documents, including an original birth certificate or amended birth record from their country of birth. In other cases, the evidence submitted will consist of secondary documents such as birth or death notices, affidavits, entries in family records or census records. The decision-maker must review all the evidence submitted. The evidence includes documents and the completed questionnaire and, if applicable, the written decision from the QRC about why they refused the Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292). Some of the factors the officer should consider when reviewing documents include:

- When were the documents issued? Were they issued before the date of landing? Before the acquisition of citizenship?
- From where are the documents issued? Is it a country known for providing reliable documents or are most documents from this country considered to be unreliable?
- Does the document meet the standards for that country?
- Are the answers to the questions in the Request to Correct a Date of Birth for Citizenship (CIT 0464) consistent with the evidence submitted?

Identity and misrepresentation

A change to a person's biographical data can sometimes result in a change to the person's identity. Changes to biographical data could also result in a person gaining an advantage to which they are not otherwise entitled. For example, a person may be changing the birth date in order to access pension benefits sooner than the person would normally be eligible. While the citizenship certificate is to reflect the true identity, the officer making the decision about a birth date change needs to be aware of the consequences of changing a person's identity or biographical data. The following are factors to consider to determine whether there is an identity issue or whether the client may be misrepresenting the information for gain.

- Is this applicant requesting a minor change or a major change to a date of birth?

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- Is this request accompanied by a request to change something else such as a person's name or place of birth?
- Did the applicant initially present a "primary" document from one country and is now presenting another "primary" document from a different country?
- Is the applicant providing a document that they previously claimed was impossible to obtain? How did the applicant obtain this document?
- Does the change affect the person's initial category of immigration to Canada? Does it affect the eligibility for sponsorship (i.e., age for sponsorship)? These cases should be referred to QRC for possible immigration investigation.
- Will the applicant receive benefits as a result of the change (e.g., is suddenly eligible for pension)?

Where the officer reviewing the file has any doubts regarding a person's identity or where the officer suspects there may be misrepresentation, the officer will refer the case with information to Case Management Branch (CMB). In some cases, CMB will refer the case to QRC for possible immigration investigation where it appears the information may have affected the person's initial right to enter Canada or initial right to sponsor or be sponsored.

Other considerations

The following list is not exhaustive but serves to provide the officer with some factors to consider when making a decision about a request to change a birth date. The factors are reflected in the Request to Correct a Date of Birth for Citizenship (CIT 0464) questionnaire.

- **Timing** of application: Why is the client requesting to change the date of birth at this time? When was the error discovered? If the client discovered the error many years ago, why are they requesting a change at this time?
- **Date of issuance** of documents submitted to support new date of birth: Can the client provide documents which predate the date the error was recognized? Are the documents issued as a result of the client recognizing that there was an error?
- **Representation** made to other organizations: Has the client tried to change the date of birth with other Canadian organizations (e.g., driver's licence, health care, pension benefits, school records)?
- **Decision** made by **QRC**: What was the reason for the refusal by QRC? The information provided to QRC may be used in making a determination on the change of the date of birth.
- **Previous steps** taken to modify the DOB: What attempts have been made to modify the DOB? Has the client made continuous attempts to modify the DOB since the error was detected?
- **Motivation** of the person: Are there benefits derived from the change of date of birth?
- **Number** of requests made to modify DOB: Is this the first time the client has tried to modify his DOB? Has the DOB been previously changed, such as with an adjustment certificate?
- **Reliability/Validity** of documents: Are there questions regarding the validity of the documents?

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- **Minor** change vs. **major** change: Is the applicant requesting a change of a few days or many years?

5. Policy and procedures for DNA testing

5.1. This section is about

DNA testing is an acceptable way to establish parentage in cases in which the documentary evidence is insufficient or impossible to find. This section provides:

- a list of laboratories recognized by CIC for DNA testing;
- guidelines for requesting and accepting test results; and
- guidelines for collecting samples inside and outside Canada.

5.2. Policy

CIC started accepting DNA testing in 1991, particularly in sponsorship cases, as proof of filiation between a parent and a child or between brothers and sisters. In September 1996, CIC started accepting DNA analyses as evidence to establish parentage for citizenship.

At this time, CIC recognizes DNA results only from laboratories accredited by the Standards Council of Canada (SCC). These laboratories are listed in section 5.7 of this chapter. When CIC has the ability to assess other laboratories and their testing processes, the DNA policy will be reviewed.

All applications requiring DNA tests should be referred to Program Support at CPC-Sydney.

Parentage test results should have an accuracy level of 99.8% or higher. The results should be sent directly from the lab to CIC and the applicant.

5.3. What is DNA?

DNA (deoxyribonucleic acid) is the genetic material found in virtually every cell of the human body. A basic genetic principle states that half of a child's DNA comes from the mother and the other half comes from the father. The DNA identity test begins with the extraction of DNA from a specimen (blood, skin, saliva, hair, and so on). The analysis consists in comparing genetic profiles. A DNA test can be used to verify familial relationships beyond reasonable doubt, that is, with greater than 99.8% accuracy.

5.4. Circumstances in which DNA testing should be carried out

DNA testing is used for verifying a relationship of parentage. In cases where there are doubts concerning the authenticity of a parent-child relationship after documentary evidence is examined, or when it is absolutely impossible to obtain it, applicants may be informed that the results of a DNA analysis carried out by a laboratory accredited by the SCC are a satisfactory substitute for documentary evidence.

Applications for proof of citizenship under 3(1)(b) of the *Citizenship Act* (the Act) and applications for a grant of citizenship under 5(2)(a) of the Act may, for example, prove to be cases where documentary evidence is unsatisfactory or unavailable.

5.5. What to tell applicants about DNA

It is important to inform applicants that the decision to undergo a DNA test or not, is entirely their own. They must be made to understand that they will have to cover all costs related to this test,

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regardless of the result, i.e. all costs including sample-taking, courier costs for shipping, the laboratory analysis of all samples and the final report submitted directly from the laboratory to CIC and the applicant.

Applicants should be advised that CIC recognizes DNA results only from laboratories accredited by the Standards Council of Canada at this time. Applicants must be given a list of the names, telephone numbers, emails and Web site addresses of the laboratories listed in section 5.7. It is the applicants' responsibility to choose one of these laboratories.

In addition, it must be explained that the government assumes no responsibility for the results of the analysis. The analyses are conducted by private laboratories, which send CIC or offices abroad copies of the results. For laboratories to be able to send the results, the applicant must sign a release and consent form (given directly to the applicant by the laboratory). See section 5.8 for a sample letter.

5.6. Procedures for the collection of samples for testing

Determining which parent will be tested

For citizenship purposes, it is only necessary to establish one parent/child relationship. However, it is preferable to take samples of genetic material from both parents as it facilitates the testing process. The cost to test both parents is often included in the laboratory's regular fee.

With respect to an application for a first time proof of citizenship under sections 3(1)(b) or 3(1)(e) of the Act, the sample should be taken from the parent who was a Canadian citizen at the time the applicant was born. Where the applicant was born after February 14, 1977, the applicant may be subject to loss under section 8 of the Act if the applicant's Canadian parent was also born outside Canada to a Canadian parent. If both parents were Canadian at the time the applicant was born, it would be preferable to choose the parent who was not born outside Canada to a Canadian parent, i.e., a parent who was either born in Canada or naturalized prior to the applicant's birth.

Collecting samples inside Canada

The applicant contacts the laboratory, which explains the procedure to follow. For example, at the time of the sample collection, two passport photographs, identification documentation and fingerprints must be provided.

Collecting samples outside Canada

Note: The following procedures are similar to the Overseas Processing Manual, chapter OP 1, Procedures, section 14: Procedures for DNA testing. The main differences are: 1) it is not necessary to take samples from both parents when obtaining DNA samples for citizenship purposes and 2) a consular officer or visa officer may oversee the sample collection.

Outside Canada, a consular officer or visa officer from the mission must oversee the sample collection of genetic material from one of the parents and the child (applicant).

One of the laboratories listed in section 5.7 will forward a tamper-proof sampling kit (including instructions) to the client or mission (depending on the preference of the mission). Some missions keep a stock of kits that they distribute on notification from the listed laboratory. The kit is self-contained with everything necessary to take, pack, and ship a sample. It also includes instructions for applicants and mission staff witnessing sample taking. Following these instructions ensures the reliability of results from the sample. Officers are responsible for assuring local sample-taking arrangements are tamper-proof.

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The following steps must be followed when samples for DNA testing are taken:

- Provide clients with the names, telephone numbers, e-mail and Web site addresses of the laboratories listed in section 5.7. Applicants or their parents are responsible for choosing the accredited laboratory.
- Applicants must be advised of the following: the laboratories listed in section 5.7 are not required to be physically present in Canada to be accredited by the SCC, and some laboratories may carry out DNA analysis and retain personal information outside of Canada. Should they elect to undergo DNA testing, they may want to inquire with the accredited laboratory of their choice as to whether laws outside of Canada will apply to their personal information, and what measures they have put into place to protect their information (see section 5.8)
- Inform the applicant when and where they must give a sample. Applicants must provide two recent photos (passport-size and quality). The photos form part of the documentation shipped with the sample.
- Applicants must also present documents to establish the identity they claim.
- A consular officer, visa officer or other visa office official, who has to be present when the sample is collected, must:
 - ◆ ensure the person giving the sample is the applicant and the person identified in the sampling kit;
 - ◆ verify that the sample kit has not been tampered with and complete the chain of custody documents for the sample (or witness their completion);
 - ◆ package the sample and documentation according to instructions in the kit;
 - ◆ forward the package to the laboratory by the fastest, most reliable means possible. Ideally, no more than seven (7) days should elapse between the sample-taking and receipt of the sample by the laboratory. Normally, private courier services, paid by the applicant, can deliver samples within this deadline.

5.7. Laboratories recognized by CIC to carry out DNA analysis

The following laboratories have been accredited by the Standards Council of Canada for DNA testing. Clients must be given the names, telephone numbers, e-mail and Web site addresses of **all** the accredited laboratories.

GENETRACK BIOLABS INC.

Toll free telephone: 1-888-828-1899

E-mail: immigration@genetrack.com

Web site: www.genetrack.com

MAXXAM ANALYTICS INC.

Toll free telephone: 1-877-706-7678

E-mail: dna@maxxamalytics.com

Web site: www.thednalab.com

ORCHID CELLMARK INC.

Toll free telephone: 1-800-563-4363

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E-mail: Canada.info@orchid.com
Web site: www.orchidcellmark.com

WARNEX SERVICES PRO-ADN

Toll free telephone: 1-888-988-1888 # 247
E-mail: info@proadn.ca
Web site: www.proadn.ca

WARNEX PRO-DNA SERVICES

Toll free telephone: 1-877-665-9753
E-mail: immigration@prodna.ca
Web site: www.prodna.ca

5.8. Sample letter regarding DNA analysis

dd/mm/yyyy

Name
Address
City, Province, Postal Code

Dear Sir or Madam:

RE: Name/Date of Birth, File No.

Further to your application for a [citizenship certificate (proof of citizenship)] or [grant of Canadian citizenship] concerning the above-mentioned child, on (day/month/year) we requested that you provide us with additional evidence to establish the relationship of parentage between (name), born on (date of birth), and yourself.

Since the documentary evidence you provided when you applied does not enable us to establish parentage between you and the child, and you are unable to obtain other documentary evidence, in lieu of documentary evidence we will accept the results of a DNA analysis carried out by a laboratory accredited by the Standards Council of Canada for DNA testing.

Citizenship and Immigration Canada (CIC) accepts results from the following laboratories accredited by the Standards Council of Canada (SCC): GENETRACK BIOLABS INC., MAXXAM ANALYTICS INC., ORCHID CELLMARK INC., WARNEX MEDICAL LABORATORIES and WARNEX PRO-DNA SERVICES. These laboratories are not required to be physically present in Canada to be accredited by the SCC, and some laboratories may carry out DNA analysis and retain personal information outside of Canada. Should you elect to undergo DNA testing, you may want to inquire with the accredited laboratory of your choice as to whether laws outside of Canada will apply to your personal information, and what measures they have put into place to protect your information.

GENETRACK BIOLABS INC.

Toll Free Telephone: 1-888-828-1899
E-mail: immigration@genetrack.com
Web site: www.genetrack.com

MAXXAM ANALYTICS INC.

Toll free telephone: 1-877-706-7678
E-mail: dna@maxxamanalytics.com
Web site: www.thednalab.com

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ORCHID CELLMARK INC.

Toll free telephone: 1-800-563-4363

E-mail: Canada.info@orchid.com

Web site: www.orchidcellmark.com

WARNEX SERVICES PRO-ADN

Toll free telephone: 1-888-988-1888 # 247

E-mail: info@proadn.ca

Web site: www.proadn.ca

WARNEX PRO-DNA SERVICES

Toll free telephone: 1-877-665-9753

E-mail: immigration@prodna.ca

Web site: www.prodna.ca

You are responsible for covering the costs related to the administration of this test. The Government of Canada assumes no responsibility with regard to the results of these analyses.

Please note that if we do not hear from you by (date), we will make a decision with the information/documentation on hand, which might lead to a refusal of your application.

Yours sincerely,

(Signature)
Citizenship Officer
CPC Sydney

Att.

6. Sex / Change of Sex or Gender Reassignment

6.1. This section is about

- Change of sex

6.2. Authorities

<i>Citizenship Act</i>	<i>Citizenship Regulations</i>
<ul style="list-style-type: none">• Section 6• Section 12• Section 13• Section 28	<ul style="list-style-type: none">• Section 3• Section 4• Section 5• Section 7• Section 8• Section 9• Section 10• Subsection 11(2)

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6.3. Policy

A person who has undergone sex change surgery must produce a statement from his or her surgeon confirming the surgical procedure and a statement from another person to the effect that he or she was known to him or her prior to the surgery and that he or she is one and the same person.

6.4. Primary documentation used to establish gender

Applicants must be able to prove that they are who they say they are. Among the documents required for an application, they must provide at least two other documents to establish identity (i.e. IMM 1000 and birth certificate.)

6.5. Gender on grant applications filed under 5(1), 5(2)(a) and 11(1)

The gender indicated on the certificate will be the sex shown on the person's birth certificate or Immigration document. The client must provide a copy of an approved IMM 1436 form – Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292) if they want to change the gender which appears on the Immigration document. In order to establish that there has been a change of gender, CIC requires a statement from the surgeon confirming the surgical procedure and a statement from another person to the effect that they knew the client prior to the surgery and that the client is one and the same person.

Acceptable documentation is listed in Appendix A, found at the end of this chapter.

6.6. Gender on first-time proof applications filed under section 12

The gender indicated on the certificate will be the same as the one shown on the person's birth certificate or Immigration document. In order to establish that there has been a change of gender, CIC requires a statement from the surgeon confirming the surgical procedure and a statement from another person to the effect that they knew the person prior to the surgery and that this person is one and the same.

Acceptable documentation is listed in Appendix A, found at the end of this chapter.

Gender on replacement certificates

Except in special and unusual circumstances, the applicants must be advised that the information they initially provided to the Department will be the information reflected on documents issued by the Department.

The gender on a replacement certificate will be the one shown on the previous certificate, unless the applicant provides a statement from a surgeon confirming the surgical procedure, as well as a statement from another person to the effect that they knew the applicant prior to the surgery and that this person is one and the same.

Acceptable provincial documentation is listed in Appendix A, found at the end of this chapter.

6.7. Surgical procedures completed

Amendments to gender are not done during the gender reassignment process. In all cases where an applicant wishes to amend the gender on citizenship records, the surgical procedures must be complete. The statement from the surgeon confirming surgical procedure must indicate that the gender reassignment procedures are completed and that the person is now anatomically a male or female.

6.8. Appendix A — Documents to establish gender

The following are some of the documents that can be used to establish gender:

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- official statement from the surgeon who performed gender reassignment surgery;
- statement from person known to applicant prior to sex change surgery;
- birth certificate; and
- Immigration document, that is, the Record of Landing (IMM 1000), Confirmation of Permanent Residence (IMM 5292 or 5509), Permanent Resident Card (PR Card), or an approved IMM 1436 form – Request to Amend Immigration Record of Landing (IMM 1000) or Confirmation of Permanent Residence (IMM 5292).