

August 2017

Portions of Transcripts of Mr. Sean Robertson's Cross-examination

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/amca>

Recommended Citation

"Portions of Transcripts of Mr. Sean Robertson's Cross-examination" (2017). *Applicant's Motion to Compel Answers, November 2008*. 2.
<http://digitalcommons.osgoode.yorku.ca/amca/2>

This Applicant's (moving party) Motion Record is brought to you for free and open access by the Abdelrazik v Minister of Foreign Affairs et al at Osgoode Digital Commons. It has been accepted for inclusion in Applicant's Motion to Compel Answers, November 2008 by an authorized administrator of Osgoode Digital Commons.

1 SEAN ROBERTSON, AFFIRMED:

2 CROSS-EXAMINATION BY PROFESSOR ATTARAN:

3 PROFESSOR ATTARAN: We're here this morning for
4 the Cross-Examination in court file T-727-08 of the
5 Federal Court, the judicial review of Abousfian Abdelrazik
6 against the Minister of Foreign Affairs and International
7 Trade, as amended, and I believe you'd like to read in the
8 amendment, because I don't have it.

9 MS. TURLEY: The amendment, you amended it to the
10 Minister of Foreign Affairs and the Attorney General of
11 Canada as Respondents.

12 PROFESSOR ATTARAN: As amended. We're here for
13 the Cross-Examination of Mr. Sean Robertson.

14 1. Q. Mr. Robertson, have you been sworn or affirmed
15 today?

16 A. Yes, I've been affirmed.

17 MS. TURLEY: Mr. Attaran, before you continue, I
18 would like to put on the record the letter that we
19 received -- it was sent yesterday afternoon but it was
20 only received by us this morning -- from Ms. Audrey
21 Brousseau about you conducting the Cross-Examination, and
22 it was a letter dated October 6th, 2008 advising us that
23 you would be conducting the Cross-Examination today. It
24 does note that you had instructed the Law Society to
25 change your status in order to appear. I understand

1 It's not normally information that Passport Canada shares
2 with Foreign Affairs.

3 164. Q. It's not? Okay. On the next page, which is
4 317...

5 MS. TURLEY: They're cut off on the bottom of this
6 one. Oh, there they are. Okay.

7 PROFESSOR ATTARAN:

8 165. Q. Do you see the 317?

9 A. Yes, I do.

10 166. Q. Under section 520.1, reasons for refusal, it
11 lists that an application for a passport made abroad
12 should be refused from a person who, and then you see
13 conditions A, B and C?

14 A. Yes, I see that.

15 167. Q. Has the passport in this case not been issued
16 because Mr. Abdelrazik does not present sufficient
17 information to establish his identity or Canadian
18 citizenship, which is ground A?

19 MS. TURLEY: Mr. Attaran, I've given you a lot of
20 leeway with respect to this passport issue but I'll go
21 back to my objection before and I'm not going to allow him
22 to answer this, is, with respect to the Notice of
23 Application this isn't a judicial review of any refusal
24 and it's an application with respect to section 6 rights
25 and order of repatriation. There is no issue in the

1 application about the refusal to provide a passport or the
2 reasons underlying it. So I'm going to refuse it. *O*

3 PROFESSOR ATTARAN: He has said that consular
4 services include replacing a lost, stolen, damaged or
5 expired passport. That's in paragraph 7 of his Affidavit.
6 That is a consular service. I'm asking him about whether
7 the consular service has not been provided for any of
8 three reasons in the Manual of Consular Instructions to
9 which he has referred in his Affidavit. So I believe this
10 is highly relevant, Ms. Turley.

11 MS. TURLEY: The reasons for the refusal is not
12 relevant to the Application and I'm not allowing him to
13 answer, and you have your remedy if you don't like that.

14 PROFESSOR ATTARAN: His passport is relevant to
15 repatriation, which is the objective of this Application.

16 MS. TURLEY: It's not listed anywhere in your
17 Notice of Application. You're asking for the remedy of
18 repatriation.

19 PROFESSOR ATTARAN: Repatriation is not...
20 Alright, let me put it this way.

21 168. Q. Can a person be repatriated without a
22 passport, Mr. Robertson?

23 A. It would depend on where they're being
24 repatriated from.

25 169. Q. From Sudan to Canada.

1 A. You would probably need a passport, yes.

2 PROFESSOR ATTARAN: You would need a passport. So
3 I believe questions about getting a passport become--

4 MS. TURLEY: It doesn't meet the refusal. It's a
5 different thing. You're asking questions about why he has
6 not gotten a passport so far and why he may not have had
7 one, which is not on your Application. This is not an
8 application for judicial review with respect to refusal to
9 provide him a passport. I'm not going to argue any more
10 with you, Mr. Attaran. If you don't like that I'm
11 refusing it then you have your remedies and I'm not going
12 to argue with you on the record about it.

13 PROFESSOR ATTARAN: If we have to seek a direction
14 that question be answered, I'll be informing you we'll be
15 seeking costs, perhaps solicitor-client costs, on that
16 application.

17 MS. TURLEY: That's entirely up to you.

18 PROFESSOR ATTARAN: It is our position that
19 because the witness has said a passport would be required
20 for repatriation and the Application concerns repatriation
21 why he does not have a passport is a relevant issue for
22 cross-examination, particularly as the witness has sworn
23 that the provision of a passport is a consular service and
24 he is giving an affidavit and evidence on consular
25 services. Does that induce you to change your mind, Ms.

1 Turley?

2 MS. TURLEY: No.

3 PROFESSOR ATTARAN: Okay. We'll have this marked
4 as an exhibit.

5 EXHIBIT NO. 4: Main Table of Contents from Manual
6 of Consular Instruction.

7 PROFESSOR ATTARAN:

8 170. Q. I'm not going to ask you the reason, to
9 satisfy Ms. Turley's objection, but, Mr. Robertson, are
10 you aware, without disclosing the reason to me, why he has
11 not been given a passport?

12 MS. TURLEY: He doesn't have to answer that
13 either.

O

14 PROFESSOR ATTARAN: Yes he does, as a matter of
15 fact. I'm not asking the reason and your objection has
16 been to the reason being disclosed.

17 MS. TURLEY: Yes.

18 PROFESSOR ATTARAN: I want to know if it is within
19 his knowledge in order that...

20 MS. TURLEY: It's all irrelevant.

21 PROFESSOR ATTARAN: ...the direction can be
22 obtained. Would you please not interrupt me, Ms. Turley,
23 as you've done many times. I'm asking whether he has
24 knowledge of this matter in order that I may have, as you
25 put it, my remedy of, if necessary, applying for a

1 direction that he answer the question.

2 MS. TURLEY: And he doesn't need to answer that
3 because our position is it's irrelevant to the Application
4 as to why the Applicant may have been refused an
5 application.

6 MR. HAMEED: If I may, just so I understand--

7 MS. RICHARDS: No, no, Mr. Hameed you're not here
8 as counsel of record.

9 MS. TURLEY: This isn't a tag team, okay?

10 PROFESSOR ATTARAN: He may speak as you've spoken,
11 Ms. Richards.

12 MS. TURLEY: She hasn't spoken on the record.

13 PROFESSOR ATTARAN: She just did.

14 MR. HAMEED: Sorry, I -- well, I guess I'm on the
15 record now, but your position is that I cannot speak on
16 the record?

17 MS. TURLEY: We got a letter yesterday saying that
18 Mr. Attaran was going to be conducting the Cross-
19 Examination today and that he has the authority to act.
20 This isn't tag team.

21 MR. HAMEED: That's fine. That's fine. Go off
22 the record one second.

23 (OFF RECORD DISCUSSION)

24 PROFESSOR ATTARAN: We're back on the record. Ms.
25 Turley, you're being given notice that this is not, as

1 what you've called, a narrow judicial review application
2 of a decision. This is an Application under the Federal
3 Court Act for a remedy of a constitutional nature--

4 MS. TURLEY: Mr. Attaran, I've given you my
5 position.

6 PROFESSOR ATTARAN: Please do not interrupt me,
7 Ms. Turley, please do not.

8 MS. TURLEY: No, I can interrupt. I can interrupt
9 because this editorializing does not need to go on.
10 You've gone and put numerous diatribes on the record and
11 that is not what the record is for. You're not supposed
12 to be cluttering the record with your editorials and your
13 diatribes. You can save that for the court when you argue
14 the motion.

15 PROFESSOR ATTARAN: It's not necessary to raise
16 your voice, Ms. Turley.

17 MS. TURLEY: Well...

18 PROFESSOR ATTARAN: It is our position that the
19 question should be answered because this is an Application
20 for a constitutional remedy. It is not a judicial review
21 of a government decision.

22 171. Q. In paragraph 18 of your Affidavit you mention
23 that David Hutchings met with the Applicant in December
24 2003. I take it David Hutchings is a DFAIT or was at the
25 time a DFAIT employee?

1 576. Q. Was there one or several escorts on those
2 flights from Lebanon back to Canada?

3 A. I don't know the answer to that question.

4 577. Q. Were there any escorts?

5 A. None to my knowledge. I believe they were
6 charter aircraft. There may have been. I mean there were
7 tens of flights back so who was present on all flights I
8 don't know.

9 578. Q. You don't know?

10 A. No.

11 579. Q. You don't know one way or another whether
12 there were or weren't?

13 A. No.

14 580. Q. Among those repatriated, the thousands of
15 persons repatriated from Lebanon back to Canada, were some
16 of them dual nationals?

17 A. I would -- I would suspect so.

18 581. Q. That seems likely?

19 A. It would seem likely, yes. However, I haven't
20 examined birth records of individuals repatriated.

21 582. Q. Are you aware that a flight reservation was
22 made for Mr. Abdelrazik from Khartoum back to Toronto on
23 Etihad Airways departing on September 15th?

24 MS. TURLEY: We're not answering questions about
25 that. We have previously noted on the record that was a

1 settlement proposal put forward. It's after the
2 litigation and any questions about that would be covered
3 under either settlement privilege, litigation privilege or
4 solicitor/client privilege. *O*

5 PROFESSOR ATTARAN: I'm not asking about the
6 settlement offer. I'm simply asking whether he has
7 knowledge of the existence of an itinerary.

8 MS. TURLEY: It's part of the settlement offer
9 so...

10 PROFESSOR ATTARAN: No, it isn't.

11 MS. TURLEY: ...my objection stands.

12 PROFESSOR ATTARAN:

13 583. Q. I'd like to pass a Globe and Mail article over
14 to you.

15 MS. TURLEY: He's not going to answer questions
16 about that. And we already made our position quite clear
17 that it was improper for that even to be leaked to the
18 Globe and Mail because it was a settlement proposal. *O*

19 PROFESSOR ATTARAN: And I believe the
20 Chief Justice reminded you of Section 2(b) of the Charter
21 on that issue.

22 MS. TURLEY: Not in respect of the settlement he
23 didn't. *O*

24 PROFESSOR ATTARAN: Ms. Turley, I'll put on the
25 record that the letter of August 26th to yourself from

1 Mr. Hameed was not marked without prejudice.

2 MS. TURLEY: It doesn't matter whether it's marked
3 without prejudice or not. It says it's a settlement
4 proposal so that the Application for Judicial Review would
5 be discontinued. That is a clear settlement offer.

6 PROFESSOR ATTARAN: Then what we'll do is this, is
7 as we've done with Exhibits A and B. We're going to
8 attach this --

9 MS. TURLEY: No. I'm not agreeing that it gets
10 because it does not belong on the public record. So that
11 you can bring a separate motion on because it does not
12 belong on the record at all. *O*

13 PROFESSOR ATTARAN: The Globe and Mail article is
14 public record.

15 MS. TURLEY: I'm not agreeing that that goes
16 before Mr. Robertson.

17 PROFESSOR ATTARAN: So you're disagreeing that
18 that even gets in as Exhibit C or as a numbered exhibit?

19 MS. TURLEY: Because you're wanting to ask
20 questions again about your settlement proposal.

21 PROFESSOR ATTARAN: Do you want me to ask my
22 questions on the record now to be dealt with for a motion
23 later?

24 MS. TURLEY: No, because with respect to that,
25 it's a blanket refusal to answer any questions respect of

1 the settlement proposal.

2 PROFESSOR ATTARAN: Okay. Well, I'll just ask my
3 questions and you can object one at a time.

4 584. Q. Are you aware, Mr. Robertson, of a flight
5 reservation that was made for Mr. Abdelrazik on
6 Etihad Airways returning on September 15th from Khartoum
7 to Toronto?

8 MS. TURLEY: He's not answering that question. *O*

9 PROFESSOR ATTARAN:

10 585. Q. Was that itinerary which was provided to
11 Ms. Turley in turn provided to you?

12 MS. TURLEY: He's not answering that question. *O*

13 PROFESSOR ATTARAN:

14 586. Q. Are you aware that there is
15 regularly-scheduled service on Etihad Airways and that
16 Etihad Airways has agreed to carry the Respondent from
17 Khartoum to Canada?

18 MS. TURLEY: He's not answering that but for a
19 different reason why he's not answering that. He's not
20 here to give evidence upon which he didn't even swear in
21 his Affidavit anything about. *O*

22 PROFESSOR ATTARAN: I believe the matter is highly
23 relevant to the relief sought in this Application,
24 Ms. Turley.

25 MS. TURLEY: It's not relevant to the relief

1 sought.

O

2 PROFESSOR ATTARAN: We will be seeking a direction
3 for his re-attendance to answer these and related
4 questions. Before we do so I'd like to advise you we'll
5 be seeking solicitor/client costs unless you are prepared
6 to let some questions go ahead.

7 MS. TURLEY: You're able to do that and I've said
8 to you before we'll take them under and you can bring your
9 motion and maybe we can work it out.

A

10 PROFESSOR ATTARAN: I'm ask you one last time
11 whether you'll agree to have these documents marked as
12 Exhibits C and onward.

13 MS. TURLEY: No, because they don't belong as part
14 of the public record and then you can just simply put them
15 in your record and that's not proper and that will be
16 defeating what our very objection is.

O

17 PROFESSOR ATTARAN: Let's go off the record for a
18 second.

19 (OFF RECORD DISCUSSION)

20 PROFESSOR ATTARAN: Ms. Turley, I am advised that
21 I can mark them so they are available for the motion,
22 notwithstanding your objection so that is what I'll do.

23 MS. TURLEY: You can't mark them just on their
24 own.

25 PROFESSOR ATTARAN: I believe I can for the

1 purposes of a motion and no questions will be pursued --

2 MS. TURLEY: No. You can put them in an affidavit
3 for the motion saying in the transcripts, it says we
4 disagreed that it could go on, you can say what it is, but
5 it's not proper to put it before because the whole issue
6 is that they shouldn't be part of the record. By marking
7 them they become part of the transcript and then part of
8 the record. That's not proper. It doesn't interfere with
9 you being able to put them before the judge.

10 PROFESSOR ATTARAN: So you will not oppose then
11 being part of a motion record at a future date on the
12 basis that they were not marked here. Is that correct?
13 Do I understand you to say that?

14 MS. TURLEY: We'll ask for a sealing order under
15 Rule 151 and 152 of the Federal Court Rules to be marked
16 confidential because they don't belong as part of the
17 public record. They can go in that way. We just want
18 them sealed.

19 I'll just reiterate again, in addition to that, we
20 said before that this is irrelevant. It started after the
21 Application as well so it's not even relevant. Put the
22 issue about settlement privilege aside. It's not even
23 relevant to the Application.

24 PROFESSOR ATTARAN: I hear you although I believe
25 that's a fanciful notion of relevance. I would like to

1 put it in, marked. I will not agree to confidentiality.
2 It is my belief I can put it in without your permission
3 and it will be dealt with at a motion before Tabib or
4 whoever gets it.

5 MS. TURLEY: Prothonatary Tabib?

6 PROFESSOR ATTARAN: Perhaps even in front of
7 Chief Justice Lutfy as to whether Mr. Robertson will be
8 required to reattend to answer questions on the Etihad
9 itinerary and whatever follows from it.

10 MS. TURLEY: I don't agree that you can just
11 simply put it in because, a) it hasn't even been
12 authenticated by him. You can't simply willy nilly put
13 something in the record and I'm refusing for him to answer
14 questions on it. *O*

15 PROFESSOR ATTARAN: And you're refusing for it to
16 be put to him for authentication?

17 MS. TURLEY: I'm refusing for him to answer
18 questions on it, yes, and it can be dealt with on the
19 motion without it being part of this transcript.

20 PROFESSOR ATTARAN: Very well. And the
21 Globe and Mail article? You'll take a similar position on
22 that?

23 MS. TURLEY: Insofar as it deals with the
24 settlement privilege, yes. It's not relevant and it deals
25 with settlement privilege. *O*

1 PROFESSOR ATTARAN: Well, put the article to him
2 and see how far we get then, shall we?

3 MS. TURLEY: Not if you're asking questions about
4 the settlement. *O*

5 PROFESSOR ATTARAN: You can object if I get to
6 that territory.

7 MS. TURLEY: I'm not going to allow you to ask
8 questions on it.

9 MR. ELGAZZAR: Authenticate it.

10 MS. TURLEY: I'm not going to allow him to
11 authenticate it. We can deal with this on the motion.
12 You don't need to have it as part of this to deal with it
13 on the motion.

14 PROFESSOR ATTARAN: Ms. Turley, we will do a
15 motion on this. I'm surprised by your attitude in this
16 matter but I respect your decision and we will deal with
17 it at a later date. It is our position that the letter of
18 Mr. Hameed dated August 26th, 2008 transmitting the
19 itinerary on Etihad Airways is not a confidential
20 document, it was not a settlement offer made in
21 confidence. It was not indicated that it would be without
22 prejudice. It is with prejudice.

23 And if it requires a motion in order for you to
24 agree with what I think is a fairly obvious reality, the
25 Etihad itinerary is public knowledge, it was reported in

1 the Globe and Mail, we will proceed in that matter to
2 satisfy you.

3 587. Q. Mr. Robertson, I put another document to you
4 and I'm certain that we'll have to deal with this one the
5 same way as we've dealt with Exhibits A and B. This is
6 from a Privacy Act release that is not currently in the
7 record. It is an e-mail on which you are copied. And we
8 will just deal with this for authentication purposes.

9 This is an e-mail dated February 29th, 2008
10 disclosed under the Privacy Act.

11 MS. TURLEY: This, to note for the record, has the
12 heading of "Solicitor/Client Privilege" which would point
13 to me that there should have been a redaction under the
14 Access to Information Act. And that when this was
15 received that perhaps the law firm should have advised us
16 about this and let us know that this may be slipped out.

17 PROFESSOR ATTARAN: Obviously the redaction --

18 MS. TURLEY: There is nothing redacted.

19 PROFESSOR ATTARAN: First of all it's the
20 Privacy Act. Second of all obviously the option to redact
21 it was not exercised and, as you point out, nothing has
22 been redacted.

23 MS. TURLEY: Yes, and sometimes people make
24 mistakes and it is noted "Solicitor/Client Privilege" and
25 normally when another lawyer gets a document that is

Manual of Consular Instruction

Main Table of Contents

(A detailed table of contents is included before each chapter)

VOLUME 1 [EAIT 11 (1), CHAPTERS 1 TO 9]

- Foreword
- Alphabetical Index
- 1 Legal Matters
- 2 Protection and Assistance
- 3 Citizenship
- 4 Entry of Pets and Plants
- 5 General Consular Duties and Instruments of Office
- 6 Canadian Shipping and Merchant Seamen
- 7 Honorary Consular Officers
- 8 Consular Contingency Planning
- 9 Canada-Australia Consular Services Sharing Agreement

EXAMINATION OF PASSPORTS

EXAMINER NO. 4

EXAMINATION OF Sean Robertson

ADDRESS OFFICE OF THE

FIELD OFF Oct 7 108

EXAMINER Gilleopie

INITIALS BL

VOLUME 2 - PASSPORTS AND OTHER TRAVEL DOCUMENTS [EAIT 11 (2), CHAP. 1-9 AND Ann. 1-XVI]

- Foreword
- 1 Introduction - Passport Policy
- 2 Application Forms - Basic Examination Requirements
- 3 Application Forms - Special Examination Requirements
- 4 Other Passport Services
- 5 Passport Security - Control Requirements
- 6 Passport Security - Protection of Information and Passport Blanks
- 7 Certificate of Identity
- 8 Procedure for Missions without Automated Writing System and Emergency Services for Missions with Automated Writing System
- 9 Inspection
- 10 Diplomatic and Special Passports

- I Canadian Passport Order and Fee Schedule
- II Data Codes, Examiner Coding and Forms (Automated Missions)
- III Examiner Coding and Important Notice (Non-Automated Missions)
- IV Standard Observations (including Endorsements and Limitations) for MRP
- V Guide for Inscribing Birthplace in Passports
- VI Machine-Readable Passport (MRP) Microcomputer Documentation
- VII Citizenship
- VIII Honorary Consuls - Duties Relating to Passports
- IX Specifications for Photographs
- X Arabic Stamp
- XI Monthly Reports
- XII Check Digit Calculation
- XIII Sample Identification and Observation Labels and Emergency Passport
- XIV Guide for Issuing Passports
- XV Passport Office Locations in Canada
- XVI Prefixes - Passports Issued in Last 10 Years
- index



Chapter 5

CHAPTER 5

PASSPORT SECURITY -
CONTROL REQUIREMENTS

TABLE OF CONTENTS

<u>PASSPORT SECURITY - CONTROL REQUIREMENTS</u>	500
<u>PASSPORT CONTROL LIST</u>	510
<u>REFUSAL OF PASSPORTS</u>	520
REASONS FOR REFUSAL	520.1
REQUESTS FOR INFORMATION FROM JWD	520.2
REFERRAL TO HEADQUARTERS (JWD)	520.3
<u>WITHHOLDING OR REVOKING PASSPORTS</u>	530
<u>SURRENDER OF PASSPORTS</u>	540
CANADIAN PASSPORTS	540.1
SURRENDER OF FOREIGN PASSPORTS	540.2
<u>RECOVERY OF PASSPORTS</u>	550
RECOVERY OF PASSPORTS ABROAD	550.1
<u>REFERRALS TO THE RCMP - FALSE OR MISLEADING STATEMENTS</u>	560
<u>CRIMINAL CODE</u>	561
PROSECUTION RESPONSIBILITY	561.1
<u>FOUND PASSPORTS</u>	570
<u>CANCELLATION OF PASSPORTS</u>	580
<u>500 PASSPORT SECURITY - CONTROL REQUIREMENTS</u>	
<u>510 PASSPORT CONTROL LIST</u>	

1 The name of every person applying for passport facilities (or for financial assistance) should be checked against the Passport Control List (PCL) before any action is taken. The application form should be annotated accordingly in the section reserved for official use. If the applicant's name appears on the list, his/her application should be referred to JWD for decision. This will ordinarily be done by telegram. The most commonly used codes are:

- 20 to 29 Citizenship;
- 30 to 39 Passport Offences;
- 40 to 43 Custody of Children;
- 44 to 46 Multiple losses/damage;
- 50 to 59 Public debt;
- 60 to 69 Loss or misuse.

Chapter 5

520 REFUSAL OF PASSPORTS

1 For grounds to refuse to issue a passport, refer to section 9 of the Canadian Passport Order (P.C. 1981-1472, 4 June 1981).

520.1 REASONS FOR REFUSAL

1 Issuance of passports is to be refused only for serious reasons (see 510). An application for a passport made abroad should be refused from a person who:

- a) does not present sufficient information to establish his identity or Canadian citizenship;
- b) makes, or whose guarantor makes, an oral or written statement, pertinent to establishing his entitlement to a passport, that he or the guarantor knows is false or misleading;
- c) is a child to whom passport facilities would not be granted under the provisions of section 230.

2 The refusal of an officer responsible for passport issuance to issue a passport is subject to confirmation by JWD. Whenever a passport is refused, the circumstances are to be reported to JWD by telegram with a request for confirmation of the action taken.

520.2 REQUESTS FOR INFORMATION FROM JWD

1 For purposes of retrieval of records from the computer, it is essential that all enquiries made to JWD include the applicant's full name (with any variations) and the date of birth.

520.3 REFERRAL TO HEADQUARTERS (JWD)

1 An application for passport and full particulars should be referred to JWD for decision, if the officer responsible for passport issuance is aware that the applicant:

- a) is named in the Passport Control List;
- b) has at any time misused a passport;
- c) shows clear evidence of intending to use the passport to commit an unlawful act;
- d) has paid a fee to the guarantor for the service of guaranteeing the passport application;
- e) stands charged abroad of committing a criminal offence that would constitute an indictable offence had it been committed in Canada, and the government of that country requests that the passport of the accused be revoked in order to prevent his escape from its jurisdiction;
- f) is serving a sentence.

530 WITHHOLDING OR REVOKING PASSPORTS

1 For grounds to revoke a Canadian passport, refer to section 10 of the Canadian Passport Order (P.C. 1981-1472, 4 June 1981).

2 The officer responsible for passport issuance should with a passport that comes into his possession and immediately seek

000317

Chapter 5

instructions from JWD on its revocation, when he has clear evidence that the holder:

- a) obtained the passport in an illegal manner (e.g., by theft or misrepresentation);
- b) is otherwise improperly in possession of it; or
- c) clearly intends to use the passport in the commission of an unlawful act.

3 There may be other circumstances to justify the withholding of a passport pending departmental consultation (see also 420).

540 SURRENDER OF PASSPORTS

540.1 CANADIAN PASSPORTS

- 1 References: Canadian Passport Order (P.C. 1981-1472 4 June, 1981) subsections 3(d), 3(f), 9(g).
- 2 Normally only one passport is to be available to a citizen at a time.
- 3 An applicant who has been issued a passport within the last five years must surrender it for cancellation before a new one may be issued.
- 4 After cancellation, the old passport may be returned to the applicant. If, however, the new passport is required because the applicant's present passport is filled but must be retained by the holder since it bears valid visas, the instructions given in 432 should be followed.
- 5 If a child's name has been included in the passport of any person, that passport must be submitted for deletion of the child's name before the child may be issued a passport or before the child's name may be included in the passport of another person. (Refer also to Children Under Sixteen and Custody of Children).
- 6 The passport of a deceased person should be cancelled by the mission and, if a specific request is received, may be returned to the next of kin. Advise JWD. Otherwise, the passport should be destroyed locally and, if the passport is still valid, a certificate of destruction if to be forwarded to JWD.

540.2 SURRENDER OF FOREIGN PASSPORTS

- 1 If the foreign passport or travel document of the Canadian applicant is submitted with the application for a Canadian passport, it should be returned to the bearer. It is the responsibility of the authorities of the other country to recover their passports from the bearer.

550 RECOVERY OF PASSPORTS

- 1 All cases of recovery of passports should be referred to JWD.

550.1 RECOVERY OF PASSPORTS ABROAD

- 1 A person whose passport has been revoked on instructions 000318 JWD, but who still has possession of the passport, should be told that the passport has been invalidated and that he/she must return