



Passport    Passeport  
Canada     Canada

Gatineau, Canada  
K1A 0G3

December 23, 2008

Our file    Notre référence

**A-080186**

Your file    Votre référence

**BY PRIORITY COURIER**

Mr. Yavar Hameed  
Hameed Farrokhazd St-Pierre  
43 Florence Street  
Ottawa ON K2P 0W5

Dear Mr. Hameed,

This is further to a passport application submitted by your client, Mr. Abousfian Abdelrazik, to the Consular Section of the Canadian Embassy, Khartoum on March 9, 2008. I would like to take this opportunity to clarify that this application was incomplete and could not be accepted for processing as it was not accompanied by documentary evidence of citizenship required under section 6(1) of the *Canadian Passport Order* (the *Order*) nor the fee prescribed under the *Passport Services Fees Regulations*. Furthermore, Passport Canada was in possession of information indicating your client's indebtedness to the crown for consular services obtained, and to that effect, our policy indicates that passport services cannot be provided in this circumstance.

Passport Canada's decision to review entitlement to passport services in the name of Mr. Abdelrazik are outlined in the paragraphs below. The entitlement to passport services is within the purview of Passport Canada, therefore our letter to you exclusively addresses passport related matters.

**ISSUANCE OF EMERGENCY PASSPORT FOR REPATRIATION PURPOSES**

Your client was advised on April 2, 2008 that Passport Canada would authorize the issuance of an emergency passport to facilitate his repatriation to Canada. Passport Canada's policy and corresponding directive state that emergency passports are issued for a specific date and routing, therefore, in order for the Consular Section to issue the document, your client needed to provide documentation confirming his travel plans and outline the itinerary. To date, this information has not been provided.

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## DOCUMENTARY EVIDENCE OF CITIZENSHIP

We are prepared to acknowledge that your client is a Canadian citizen, and have obtained confirmation from Citizenship and Immigration Canada in this regard. Section 6(1) of the *Order* requires an applicant to provide proof of citizenship with the application. However, Passport Canada policy states that, when documentary evidence of citizenship cannot be obtained, and upon providing justifications proving the need to travel, we may issue a limited-validity passport. In light of your client's unique circumstances, we are taking a decision to exempt your client from the usual policy requirements that govern passport entitlement and issuance.

## PASSPORT FEES

The *Passport Services Fees Regulations* govern the fees to be charged for passport services provided in Canada and abroad. Section 9(a) of the *Order* provides Passport Canada with the discretionary authority to refuse passport services to a person who fails to provide Passport Canada with a duly completed application for a passport or with the information and material that is required in the application for a passport. The fact that your client has not paid the fees could constitute a motive to refuse his passport application. However upon further review of the *Passport Services Fees Regulations*, we note that section 3(a)(i) indicates that no fee is payable in respect of a passport service performed for a destitute person. We take note of the fact that your client is destitute, as evidenced by his receipt of consular financial assistance by the Government of Canada. To that effect, Passport Canada is prepared to waive the fees in regards to your client's application.

## DEBT TO THE CROWN

As of December 23, 2008, your client owed \$6607.76 for recoverable financial assistance provided to him by DFAIT since December 2006. Section 9(f) of the *Order* provides Passport Canada with the discretionary authority to refuse passport services to a person who is indebted to the crown for expenses related to repatriation to Canada or for other consular financial assistance provided abroad at his request by the government of Canada. This is also confirmed with our policy on Repatriated Persons. However, in accordance with the exempted persons section of the same policy, a person who can satisfy the Department that special circumstances exist which justify the issuance of a passport without repayment of full advances made, could receive passport services. Passport Canada has come to the conclusion that this applies to your client.

## CURRENT SITUATION

The policy and international obligations of the Government of Canada demand that the utmost is done to safeguard the security, value, and integrity of Canadian passports and to prevent threats to national and international security. To meet these objectives, section 10.1 of the *Order*, provides the authority for the Minister of Foreign Affairs to refuse to issue, or to revoke a passport, if he or she is of the opinion that such action is necessary for the national security of Canada or another country. The Investigations Section of Passport Canada (the Section) conducts investigations aimed at determining whether or not grounds exist to recommend passport refusal or revocation. If such grounds exist, a recommendation would be made to the Minister of Foreign Affairs for his decision.

We want to advise you that the Section has initiated an investigation of your client's entitlement to passport services, pursuant to section 10.1 of the *Order* on the basis that he is a person listed in the United Nations Security Council Resolution 1267, Section C, which pertains to individuals associated with Al-Qaida. Because of his listing, your client is subject to a global travel ban.

The process applied by the Section where entitlement is under investigation on national security grounds under section 10.1 of the *Order* is described in Appendix 1. You are invited to familiarize yourself with this process, which has been specifically designed to ensure procedural fairness and compliance with the rules of natural justice. At all times, Passport Canada will ensure that all information permitted by law is disclosed to a person under investigation.


Note that pending the outcome of our investigation, no regular passport services will be provided to your client. However, notwithstanding any of the foregoing, in order to facilitate Mr. Abdelrazik's return to Canada, Passport Canada will issue an emergency passport to Mr. Abdelrazik, upon his submission of a confirmed and paid travel itinerary to the Consular Section of the Canadian Embassy, Khartoum.

attention at the following address:

Security Bureau  
Passport Canada  
70 Crémazie St.  
Gatineau QC J8Y 3P2

Please reference our file number A-080186 as well as your client's full name.

Sincerely,

*fa*   
L. Fernandes  
Director General  
Security Bureau

## APPENDIX 1

### PROCESS BY THE INVESTIGATIONS SECTION OF THE SECURITY BUREAU REGARDING INVESTIGATIONS PERTAINING TO SECTION 10.1 OF THE CANADIAN PASSPORT ORDER

- The individual subject to the investigation is provided with the information upon which the Investigations Section (the Section) began its investigation and given thirty days in which to make submissions to the Section on the facts and preliminary assessment set out by the Section. Any submissions received within thirty days, or absence of a submission, are considered by the Section.
- Once sufficient information is collected and analysed, it is determined whether to issue a passport, or to refer the matter to the Minister of Foreign Affairs who decides whether or not to refuse or revoke the passport, in which case, a first draft of the recommendation is prepared by the Section.
- A copy of this first draft recommendation is provided to the individual who has an additional ten days in which to make submissions to the Section.
- Any submissions received within ten days, or absence of a submission, are considered by the Section and a second draft recommendation to the Minister of Foreign Affairs to refuse or revoke a passport is prepared.
- A copy of this second draft recommendation is provided to the individual who has an additional ten days in which to provide submissions to the Section.
- Any submissions received within ten days, or absence of a submission, are considered by the Section.
- At each stage above, if Passport Canada no longer considers it appropriate to forward a recommendation to the Minister of Foreign Affairs to refuse or revoke a passport, the Section advises the subject that the investigation is concluded .
- At each stage indicated above, the Section may obtain new information from various sources. The new information is provided to the individual, with an opportunity to respond.
- Some information may be considered to be “sensitive information”, within the meaning assigned to that expression by section 38.01 of the *Canada Evidence Act*, and therefore cannot be disclosed to the individual. However, the individual is informed that such information exists and whenever possible a summary of the information may be provided to the individual.

- If, after having considered the submissions pertaining to the second draft recommendation or absence of a submission, the Section considers it
- When a recommendation is made to the Minister of Foreign Affairs to refuse or revoke a passport, the recommendation proposes a period of time not exceeding five years during which time no passport will be issued to the individual. The recommendation further proposes that during the period of withheld service, the individual who believes there has been a new and material change in circumstances since the date of the decision of the Minister of Foreign Affairs may request Passport Canada for a review of the decision. This request should be accompanied by a new passport application with the applicable fee. The Section reviews the request and if it agrees that there has been a new and material change in circumstances, it forwards, with recommendation the request to the Minister of Foreign Affairs for review .
- Upon the receipt of a recommendation from the Director General of the Security Bureau, the Minister of Foreign Affairs makes a written decision, including reasons, whether or not to refuse or revoke a passport and forwards the decision to Passport Canada,
- Once Passport Canada receives a decision from the Minister of Foreign Affairs, a copy of this decision is provided to the individual.
- The decision of the Minister of Foreign Affairs is considered final and will indicate the duration of withheld passport services. In the event the individual would like to dispute the decision, the individual may do so by filing an application for judicial review before the Federal Court of Canada within thirty days of the receipt of the decision.