



EXAMINATION FOR DISCOVERY

Each side to a law suit has the right to take the discovery deposition of the opposing party. This memorandum is intended as a quick orientation to the process in anticipation of your own attendance for discovery by the opposing party.

BACKGROUND

Most landed immigrants currently have a certificate of immigration status stapled into the passport of their current land of citizenship. This document has no photo identification. As a result of recent security concerns, Citizenship and Immigration Canada now requires landed immigrants returning from foreign travel to have photo identification called a "Permanent Resident Card". After December 31, 2003 this "P.R. Card" will be a required document for permanent residents returning to Canada by any commercial transporter.

APPLICATION FORMS

Although most of the necessary application material and the application guide is available on the Web at (<http://cicnet.ci.gc.ca> in the directory /english/applications/prcard.html), one of the forms namely the "supplementary identification form (IMM5455) must be an original because it contains special features. Accordingly, to obtain the forms you can call the Government of Canada Permanent Resident Card Call Centre at 1-800-255-4541. You will probably be advised of a local Federal Government office location near you.

TIME LIMITS FOR APPLICATIONS

The government has set out a schedule of time limits for your application based on the year that you became a permanent resident of Canada. More recent arriving immigrants are to be processed first. For example, if you arrived in Canada after year 2000, you should submit and have your application processed before April 30, 2003. Please see the government guide, page 4 for a list of the applicable time periods.

PHOTOS

The P.R. Card of course requires a certified photograph. Please request the photographer to only stamp the date on the back of the photographs. Most photographers feel that they have to stamp on it the name of their studio etc. This does not leave us enough room to write in the required wording to certify the photographs. The application guide provides a photo specification sheet that should be taken to the photographer.

DECLARATION IN LIEU OF GUARANTOR

As is required for a passport, you are asked to have a guarantor. The guarantor must be a Canadian citizen and actively employed in a number of professions such as dentist, doctor, lawyer, or be a person in public office, etc. Many landed immigrants have not been in the country long enough to be personally acquainted with people in

this category. The forms therefore permit a Statutory Declaration in Lieu of Guarantor, which must be commissioned or notarized.

OUR FEES

If you have a guarantor, then our involvement is simply to certify copies of two documents being your current passport or other current official identity documents and your current certificate of permanent resident status. (either a "record of landing" or "confirmation of permanent residence"). The latter can be substituted by certain other documents such as a provincial driver's license. It is not mandatory to have a lawyer certify these documents. Certain other listed professions and officials can also certify the documents. When we are asked to do so our fee is \$50.00.

If you do not have a guarantor, then you will have to make the "Declaration in Lieu of Guarantor" referred to above and you will require a Commissioner for Oaths or Notary Public to take your declaration. If you attend on us to do so, we can also assist with the other certifications required. Our fee in this regard is \$100.00.

EXPLANATION OF OUR FEES

When you attend on us, we will review the forms to make sure that they are completed properly. It is our experience that all of this takes a significant amount of time. If our fee were based solely on our hourly rate, in most cases it would be significantly higher, in the area of \$150.00 to \$200.00. Naturally, if there are any problems with the forms after submission, we will not charge for any re-attendance by you at our office to make changes or corrections.

SUMMARY

The law firm of Fleury, Comery is located in an area of Toronto with a significant population of new Canadians. We are grateful for any consultation to assist with these forms, and view it as an opportunity to establish a relationship with potential new clients, as they establish themselves in Canada.