

***TRANS I.D.
CLINIC
PROCESS &
DOCUMENT
CHECKLIST***

This booklet does not contain a complete statement of the law in the area and changes in the law may occur from time to time. Anyone needing specific advice on his or her own legal position should consult a lawyer.

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CHANGE OF SEX DESIGNATION

Transitioning is a process in which a person changes their gender presentation, coming out as a transgender person. Generally, there are 3 types of transition:

Legal Transition is when a person may choose to have their legal documents updated to reflect their name and gender (i.e. birth certificate, provincial/federal I.D., or Social Insurance Number).

Social Transition is when a person may choose to change their name, clothing style, pronouns, or other forms of personal expression/attributes to reflect their name and gender.

Medical Transition is when a person may choose to medically transition to reflect their name and gender; such as through hormone replacement therapy or gender confirming surgeries.

This document deals primarily with the process of Legal Transition. This document will attempt to accomplish this goal by outlining the general process of transitioning and required documents for individuals from New Brunswick, as well as those from other Provinces or international residents.

Additionally, the document will attempt to clarify the process of transitioning when there are special circumstances.

WHAT TO EXPECT WHEN GOING THROUGH THE PROCESS CHANGING YOUR LEGAL SEX DESIGNATION:

The process of changing your legal sex designation is fairly simple. The majority of the process consists of the collection of original legal documents (such as your Birth Certificate, Provincial I.D.'s, and Medicare Records) if you're from New Brunswick. The cost of changing your gender marker on your New Brunswick birth certificate is completely free. However, fees do exist for other legal documents and supporting documents you may need to gather prior to submitting your application for a gender marker change on your birth certificate. You do not need to disclose your legal sex designation to friends, family or organizations.

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CHANGE OF NAME

Your given legal name (often also called your first legal name) are the names that come before your legal family name (also called your last name). Your given legal name includes both your first and middle name(s).

There are separate application processes for changing your given name [first name(s)] and your last name.

If you change your legal name, you will still need to use the official name change certificate to individually change your name with all businesses and associations you are connected to. This includes banking information, mailing information, school and employment registration, etc.

The requested name must be acceptable under the regulations (for example, a person cannot change their name to one that is confusing because it is the same as a public figure's); additionally, you must return all previous birth certificates and change of name certificates.

WHO CAN APPLY TO HAVE THEIR LEGAL NAME CHANGED IN NEW BRUNSWICK:

Anyone who has lived in New Brunswick for at least the past three months. You can change your name more than once.

What if I was born in New Brunswick but live in another province or territory?

You can apply to have your name legally changed in the province you are currently living in. However, your application requires an original copy of your birth certificate. If you do not have one, you will need to contact Service New Brunswick to order one.

What if I am under 16 years old?

Your application must be filled out by one of your parents or your guardian and you need the consent of both legal parents.

CHANGING YOUR LEGAL SEX DESIGNATION VS. YOUR LEGAL NAME

While both processes are common and often important for the transitioning process for an individual, you are not required to do both. The choice is up to the individual if they want to participate in one, the other, or both. The following are key differences between the two:

CHANGING YOUR LEGAL SEX/GENDER MARKER:

When changing your legal sex designation, it means you are changing the gender marker on your New Brunswick birth certificate. Afterwards, you will also need to update your Provincial photo I.D.s (e.g. Drivers' Licences) and Medicare records. While the application to apply, change, and be issued a new birth certificate is completely free, costs for updating other documents are possible. In New Brunswick, options to choose by the end of 2019 will be M, F and X. Some Federal IDs such as Canadian passports, also, have a third "X" option.

If you were born outside New Brunswick, you can still apply for a gender marker change here. It would apply to other Provincial I.D.'s. You will be issued a "Certificate of Change" which can be used to update your other identification documents (e.g. Nova Scotia Birth Certificate).

CHANGING YOUR LEGAL NAME:

Addressing trans persons with their correct pronoun and respecting someone's pronouns is crucial for their identity, personal autonomy, and mental health. Completing a legal name change can help people who are transgender to avoid everyday deadnaming when presenting their IDs, whether it's at the hospital, at school, or at your neighborhood bar.

Vital Statistics is legally required to publish all registered name changes in the New Brunswick Royal Gazette, per section 10(2) of the Change of Name Act, if an applicant is 18 years of age or older. The Registrar may do away with publication if you can show that this will unduly prejudice you such as by harming you in some way or putting you in danger. The Registrar may dismiss your request if they feel it does not meet the special circumstances. If you are worried about being "outed" by the publication, state this explicitly in your application.

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THINGS TO CONSIDER IN THE PROCESS

THINGS TO FIRST CONSIDER WHEN CHANGING YOUR LEGAL SEX/GENDER MARKER:

There are several things to consider when changing your gender marker on legal documents in New Brunswick. These include location of birth, age of the applicant*, collection of legal documents, access to services, and costs.

*Is now the right time? Timing of changing your legal sex designation can influence the process depending if you are under the age of 16 (if so, consent is required by each person who has legal care and custody of the applicant).

The clinic and this document will help with the process of identifying required materials and make it more accessible to individuals that are transitioning.

THINGS TO FIRST CONSIDER WHEN CHANGING YOUR LEGAL NAME:

Many people choose to put the name they use regularly rather than their legal name on their resume, or choose to use their first and/or middle initial and their last name (for example, “J. Wright”). This will be the first impression a potential employer has of you, so you should consider that when deciding what name you put on your resume while also considering possible consequences such as having your resume out you, or an eventual conversation if you need to provide a legal name for payroll, insurance, etc. Make sure your references know which name you are using on your resume.

UPDATING SEX/GENDER MARKERS ON FEDERAL DOCUMENTS

While the majority of the documents you will change are provincial (birth certificate, driver's license, medicare, etc), you will also need to change any federal documents you possess, like your passport.

Canada has three options for gender markers on your passport: F (female), M (male), X (unspecified). Currently, other federal IDs like SIN do not have updated forms to include X, but will make note on your file if that is your chosen identifier, and update in the future. If you are changing your legal sex/gender marker, you still must update SIN records and if you chose X, you will receive a confirmation letter once the system is fully updated and your SIN officially lists X as a gender/sex marker.

UPDATING NAMES ON FEDERAL DOCUMENTS

While the majority of the documents you will change are provincial (birth certificate, driver's license, medicare, etc), you will also need to change any federal documents you possess, like your passport.

CHANGING YOUR PASSPORT NAME:

The federal name change application can be filled out to change the name on your passport at the same time you are applying for an X (note, this requires a full new application and will invalidate any previous passports no matter expiry date). To complete this process, you will require a copy of your Canadian birth certificate or citizenship certificate.

CHANGING YOUR SIN NUMBER NAME:

Your SIN card name must change whenever you change your name. To do so, it is required you present in person, an original birth certificate or Canadian citizenship paper and a supporting document which can include a name change certificate from your province.

NEXT STEPS:

If you **changed your first name** on documents, you must inform the Canada Revenue Agency (CRA). If you have just changed your first name, you must call 800-959-8281 to advise the CRA. You will need to identify yourself on the phone, so will require your Social Insurance number, full address and latest tax return.

If you changed **both your first name and your last name**, you must advise the CRA of such a change in writing. You need to put together a package containing either a name change certificate from a provincial or territorial vital statistics department or a court order issued under an act on change of name to your tax centre. You must add a cover letter that includes the following information:

- Your former names
- Your new names
- Your social insurance number
- Your signature

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INFORMATION FOR NON-CITIZENS

Non-citizens may change their given name(s) to a name of their choice on departmentally issued documents if the circumstances follow the exceptions provided in the instructions on the exception to the naming policy:

Where a permanent resident is not able to obtain a name change on the required documents because of provincial legislation or they cannot alter their passports from their country of origine because of reasons beyond their control (etc. war) or undue hardship (etc. fees are too large), being stateless.

IRCC will, in the specified circumstances and where required evidence is established, change a client's given name(s) on departmentally issued documents to a new name requested by the client. The purpose of this exception is to accommodate clients who are unable to obtain a name change on the required documents issued by the province or territory in which they reside and by their country of nationality.

People who change their name or gender on their permanent resident card can obtain a Verification of Status (VOS) document that links their previous and new names or gender identifiers from the IRCC. This can facilitate obtaining services under the new name or gender. The Verification of Status document will say that the name of person used to be XX but is now YY, and/or that the gender was changed.

The application is submitted by email. Applications are expected to be processed in 10 business days.

Several exceptions to this eligibility can be found on: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/identity-management/exceptions.html>. If these exceptions are relevant, a statutory declaration stating the impossibility of meeting the requirements will need to be presented during the contact with the IRCC.

CHANGING YOUR SEX/GENDER MARKER DOCUMENT CHECKLIST

FOR BIRTH CERTIFICATE:

- An application for a change of sex designation completed by the individual requesting the change.
- A written statement from the applicant that the applicant has assumed, identifies with and intends to maintain the gender identity that corresponds with the change requested.
- A written statement provided by the following health professionals: physician, psychologist, nurse practitioner, registered nurse or social worker who affirms the sex shown on the applicant's birth certificate does not correspond with the applicant's gender identity.
- Submit all previous birth certificates to office.

FOR PASSPORT:

If your passport expires in more than six months (no new passport needed):

- Apply to renew your passport to get the "X" gender identifier printed in it.
- Two new passport photos

If your passport expires in six months, or has already expired:

- Apply to renew your passport to get the "X" gender identifier printed in it.
- Two new passport photos

FOR SIN:

- Fill out the SIN application form
- Provide an original birth certificate and supporting document such as a name change certificate in person with your application.

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CHANGING YOUR LEGAL NAME

DOCUMENT CHECKLIST

FOR BIRTH CERTIFICATE:

- All original birth certificates that have ever been issued to you.
If you do not have your birth certificate because it was lost or destroyed, you will need to provide a signed letter explaining why you cannot provide your original birth certificate(s).

For children under 16, you must include a long form birth certificate with your application. The long form certificate is not necessary for adult first name changes. For children over 12 but under 16, the application form includes a section for the child to provide their written consent to the name change.

- Previous Name Change Documents (if any). You must return all original documents from the issuing authority (e.g. 'Certificate of Change of Registered Name' or 'Court Order').

- A completed application form (for adults 16 and over or for children under 16). Sworn, signed, and stamped/sealed before a commissioner of oaths.
Filled out by you (the applicant) if you are 16 years or older;
Filled out by a parent/guardian if you are 15 years or younger (must have consent of all parents/legal guardians).

- If you are over 18, an attached criminal record check from your local police department or RCMP detachment.

- A declaration by a sponsor other than a family member who has known you at least two years and can confirm the information in your application is true;

- All applicable fees.

If you are from another province/territory:

Service New Brunswick will notify the Vital Statistics agency in the province or territory where your birth and other records are located. You will be responsible for any additional charges updating your birth certificate and other records through that provincial agency.

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CHANGING YOUR LEGAL NAME

DOCUMENT CHECKLIST

FOR PASSPORT:

- A completed Application form (go through application for a new passport, rather than renewal).
- Your new birth certificate

FOR SIN:

- Your new birth certificate (original)
- A supporting identity document such as a name change certificate from your province.

FOR UNB SCHOOL ID:

- Fill in Registrar's Office Name Change Form (name must be changed legally under a provincial Name Change Act)
- Provide name change certificate provided by government or the court order that authorized the change.

CHANGING YOUR NAME AND SEX/GENDER IN IRCC DOCUMENTS CHECKLIST

Permanent residency card

Your current PR card to submit.

When supporting documents are possible, include one of the following:
Passport with your new name from home country with the VOS linking document (instructions below), certificate of identity or travel document

When documents are impossible, include one of the following:

A photocopy of previous identity card
A statutory declaration signed by you and another signed by someone who has known you before arriving or someone from an organization representing people from your country of origin

Two photos less than 6 months old in an envelope with your name on it

If also changing your sex or gender marker, please include the relevant application.

Obtaining VOS after a name change

Submit an email to IRCC.unspecifiedX-Xnonspecificie.IRCC@ic.gc.ca with the subject line of: a request for VOS as name-linking document

Include following information in the email:

Your unique client identifier (UCI)
Your previous and current full name;
Your date of birth (month-day-year) and country of birth;
A fee payment receipt

Pay fee

Note- other documents may also need to be changed which require other documents. Please consult with a legal professional or your immigration officer.

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CHANGING THE NAME AND SEX/GENDER OF A CHILD DOCUMENTS CHECKLIST

FOR BIRTH CERTIFICATE (NAME)

- Complete Change of Name for Children form.
- Complete form for long form birth certificate if also changing surname.
- Submit all previous copies of birth certificates.

BIRTH CERTIFICATE (SEX/GENDER MARKER):

- Complete Change of Sex Designation-Child form.
- The written permission for every person who has custody of the child, or notification served to the non-consenting person on their right to consent to the planned change and their rights as a parent/guardian to the child.
- If the child is older than 12, they must provide a written statement that they have assumed, identify with and intend to maintain this identity. This statement must be witnessed (signed).
- A written statement from a physician or psychologist who has treated the child that states the child has the capacity to make this decision.
- Return all previous birth certificates.

Fee List

Change of Gender or Sex Marker

| | |
|------------------------|-------|
| Birth certificate | \$0 |
| <i>Passport</i> | |
| 5 year adult passport | \$120 |
| 10 year adult passport | \$160 |

Drivers License \$0

Medicare Card \$0

SIN Card \$0

Change of Name

NB Provincial Name Change Certificate

First name \$115

First and last name \$130

First and last name without long form birth certificate \$175

Passport

5 year adult passport \$120

10 year adult passport \$160

Drivers License \$0

Medicare Card \$0

SIN Card \$0

UNB Student ID \$0 (may need to pay \$15 for replacement card)

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