

APPLICATION GUIDE

Air India Flight 182 *Ex Gratia* Payment

INTRODUCTION

The Government of Canada is offering a one-time *ex gratia* payment of \$24,000 to the families of the passengers and crew members who perished on Air India Flight 182.

Ex gratia payments are voluntary, symbolic payments. The Air India Flight 182 *Ex Gratia* Payment is being provided to families in recognition of the suffering families had to endure due to years of unanswered questions relating to the tragedy. This payment is not compensation for the tragedy itself, but is to demonstrate solicitude, recognition and acknowledgement for what families had to endure following the tragedy.

This application guide is meant to assist applicants with completing the Air India Flight 182 *Ex Gratia* Payment Application. The Application consists of three parts:

- 1) Air India Flight 182 *Ex Gratia* Payment Application Form
- 2) Annex A – Family Relationship Information
- 3) Annex B - Appointment of Designated Representative and Consent of Family Member

Public Safety Canada and Service Canada are working together to provide an efficient application process. In order for Public Safety Canada to assess the validity of applications, supporting documents are required.

Please note that when we refer to victim(s) within this application form and guide, we are referring to the passengers and crew members who lost their life in the Air India Flight 182 tragedy.

Before applying, we encourage you to:

- read this document carefully to clearly understand the *ex gratia* payment process and eligibility criteria;
- discuss the application process with family members, so that together you can identify a designated representative who will fill out the application form on behalf of the family; and
- make a decision on how the payment will be distributed.

For more information, please visit www.publicsafety.gc.ca (Remembering Air India Flight 182)

ELIGIBILITY REQUIREMENTS

There will be one payment for each victim of Air India Flight 182.

Applications will be assessed against specific criteria to determine the eligibility of the applicant and/or family member(s). To be eligible for the *ex gratia* payment for each victim, the family member(s) must:

1. be alive at the time of submitting an application;
2. have been alive on the date of the tragedy or born within 300 days thereafter (i.e. on or before April 19, 1986);
3. be a Priority 1 or 2 family member (see table below)
 - a. Priority 1 family member includes the spouse or common-law partner, children and parents of the victim(s); or,
 - b. in the absence of a Priority 1 application, be a Priority 2 family member which includes the siblings, grandparents and grandchildren of the victim(s); and
4. submit all three parts of the application completed in full and the required supporting documents to demonstrate identity and familial relationship to the victim(s) prior to the application deadline of **July 31, 2012**.

PRIORITY 1 FAMILY MEMBERS:	PRIORITY 2 FAMILY MEMBERS:
spouses or common-law partners	siblings
children	grandparents
parents	grandchildren

Though we are encouraging one application on behalf of the family, in the event where more than one application is received on behalf of family members in the Priority 1 list (above), the applications will be considered together and any payment will be divided according to the number of eligible family members represented by each of the competing applications.

Applications from relatives in the Priority 2 list (above), will only be considered if no applications have been received on behalf of family members in the Priority 1 category with regard to the same victim, by the closing date for applications (July 31, 2012).*

APPLYING FOR THE PAYMENT

Each family that lost one or more members of their family in the Air India Flight 182 tragedy will choose a designated representative who will apply for the *ex gratia* payment on their behalf. The designated representative may be either a family

* In exceptional circumstances only, the Minister of Public Safety Canada may consider applications from other relatives not listed in either Priority 1 or 2 list (above), where no valid applications are received by the closing date for applications (July 31, 2012), with regard to a particular victim.

member or an unrelated person – whoever the family chooses to represent them and complete the application on their behalf.

The designated representative will be the point of contact for all written and verbal communication regarding the application. The designated representative must have the written agreement, by completing Annex B, of all eligible family members represented by the application that he/she is to act on behalf of the family. Families are encouraged to work together and submit one application on behalf of all surviving family members of each victim.

In the event that surviving family members of a victim(s) are unable to agree on a designated representative, then multiple applications can be submitted. If accepted as valid, the payment will be divided according to the number of eligible family members represented by each of the competing applications according to the priority lists established.

TIMING OF PAYMENTS

The *ex gratia* payment is a one-time non-taxable (in Canada) payment of \$24,000 (Canadian dollars) to the surviving family of each victim who lost their life in the Air India Flight 182 tragedy. The payment per victim will not exceed \$24,000 whether a single payment or multiple payments (in the case of competing applications) are made.

Payments will be made to the designated representative of the family. The designated representative will then distribute the payment as decided by the family members themselves.

Payments will only be made after the closing date for applications (July 31, 2012), to allow for the possibility of competing applications made on behalf of different family members with respect to the same victim. Should any additional information be required to support the application, the applicant (designated representative) will be contacted.

Complex and competing applications may require additional assessment time. All payments should be made by March 31, 2013.

CONTACT US

If you require assistance or have questions regarding the application and are calling from Canada or the United States please contact the Air India Flight 182 *Ex Gratia* Payment Call Centre: Toll free 1-866-890-6976 or TTY 1-800-926-9105. If you are calling from any other country please contact 1-613-954-3488; collect calls are accepted.

COMPLETING THE APPLICATION AND ANNEXES

Air India Flight 182 Ex Gratia Payment

The following instructions will help you in completing your application form and annexes. If you do not have the complete details for each question, please provide as much information as possible. Please note that where an asterisk (*) is indicated, the information requested is mandatory.

General Instructions

To apply for this *ex gratia* payment, please complete the following documents:

- 1) Air India Flight 182 *Ex Gratia* Payment Application Form
- 2) Annex A – Family Relationship Information
- 3) Annex B - Appointment of Designated Representative and Consent of Family Member

A single application may be made with respect to one or more victims of Air India Flight 182 from the same family.

Please print clearly when filling out this application.

APPLICATION FORM

Part 1: Victim(s) Information (Passengers and Crew of Air India Flight 182)

Complete this section with the first name, family name, and date of birth for each victim for whom you are applying.

Part 2: Applicant Information (designated representative)

The applicant (designated representative) can be a family member or a third party. This individual is chosen to act on behalf of the family and must have the approval of the family members to act on their behalf, receive the *ex gratia* payment, and distribute it as agreed to by the family themselves. The cheque will be issued to the applicant (designated representative) only.

Family Member(s) (including self) – Please select this box if you have been designated to complete the application for an *ex gratia* payment on behalf of one or more family members of a victim of Air India Flight 182 and you are also applying on your own behalf as a family member. **Note** – if you select this box, you must complete Part 1 and Part 2 or Part 3 of Annex A.

Family Member(s) (excluding self) – Please select this box if you have been designated to complete the application for an *ex gratia* payment on behalf of one or more family members of a victim of Air India Flight 182 and you are not a family member of the victim(s) listed in Part 1 of this Application form. **Note** – if you select this box, you must complete Part 1 of Annex A.

Self Only – Please select this box if you are applying as a family member of a victim of Air India Flight 182, but only on your own behalf and you are not applying on behalf of any other family member. **Note** – if you select this box, you must complete Part 1 and Part 2 of Annex A.

Other – Please select this box if you are applying for a victim of Air India Flight 182, and do not fit any of the other categories defined above. **Note** – This is for exceptional circumstances only and will require additional information.

Official Language you wish to use for communication: Please select either English or French as the official language in which you wish to receive communications about your application.

Part 3: Consent of Applicant (designated representative)

Please read the statement carefully about the collection and use of the personal information provided on the application form by Service Canada and Public Safety Canada for the purposes of this *ex gratia* payment. Sign and date this section in the space provided.

The personal information is collected under the authority of the *Order Respecting Air India Ex Gratia Payment* (2011-1238) and the *Order Respecting Ex-Gratia Payment program - Air India Flight 182* (2011-1254) and is protected under the *Privacy Act*.

Providing this information is voluntary and not required by law. However, if consent is not provided, an application cannot be processed and no *ex gratia* payment can be issued.

Part 4: Declaration of Applicant (designated representative)

The applicant (designated representative) is to complete this section by selecting one of the options listed, and sign and date the application form declaring that the information provided in the application form is complete and true to the best of their knowledge and belief.

By choosing one of the options listed, the applicant is declaring that:

No additional family members – there are no additional family members that, to their knowledge, meet the eligibility criteria.

No additional family members who intend to apply – there are additional family members that meet the eligibility criteria but to the applicant's knowledge they are not intending to apply for an *ex gratia* payment. These family members understand that by not including their information on the application, in the event that multiple applications are received for the same victim(s), the amount of the payment will be divided based on the number of family members listed on the application who are assessed as eligible to receive payment according to the priority lists established.

Additional family members who may apply and are not represented by this application – there are additional family members who meet the eligibility criteria who may submit a separate application for the same victim(s).

Part 5: Designated Alternate Payee

In the unlikely event that the applicant is unable to receive payment, payment will be made to the individual named in this section. It is important that the alternate payee understands the agreement of the family in regard to distribution of payment and that all family members represented by this application agree to the appointment of the alternate payee.

In the exceptional event that the designated alternate is also unable to receive the payment, alternate arrangements will be made to ensure that the *ex gratia* payment is received by the eligible family members.

Complete this section with the name, mailing address and telephone number(s) of the Designated Alternate Payee.

ANNEXES

Once the application form has been completed, please proceed to Annex A which details the family information.

Note - all family members named in Annex A must complete and sign the consent form at Annex B. Both of these Annexes are part of the application form.

ANNEX A – FAMILY RELATIONSHIP INFORMATION

All applicants (designated representatives), including those in the “self” category, must complete *Annex A*. The applicant and the family member named in Part 2 of the application form may be the same individual.

Note - When indicating each family member’s relationship to the victim(s), it is ***important*** that the order of referencing the victim(s) in Part 2 and 3 of Annex A match the order in which you listed the victim(s) in Part 1 of the application form.

Note - During the application review period, the applicant may be contacted to provide documents to support the identity and/or documents to support the familial relationship of the family members to the victim(s). **Original documents, certified copies or additional documents may be requested for verification purposes.**

Part 1 of Annex A: Applicant information (designated representative)

Provide the name of the applicant (designated representative) listed on the application in Part 2.

Part 2 of Annex A: Family member information

When the application is completed by a designated representative who is not a family member to the victim(s), at minimum, one family member must be identified who meets the eligibility requirements.

It is recommended that the family select one family member who is the highest according to the Priority lists and for whom meeting the necessary identity and familial relationship requirements is the least burdensome (refer to *Supporting Documents* for additional detail on which documents are acceptable). This may be the individual who already has a document to demonstrate familial relationship to the victim in their possession or the individual who can demonstrate the relationship with only 1 document.

For example:

A sister may have to provide two documents, such as a long form birth certificate for herself and her sibling, to demonstrate that she and the victim share the same parents; whereas a parent may have to provide only one document.

Once the appropriate family member is selected, complete this section with his/her name, family name at birth (if applicable), date of birth, other names by which he/she is known (if applicable), mailing address, telephone number.

Specify the familial relationship to the victim(s) as named in Part 1 of the application.

For example: *The family member lost his wife (victim 1) and son (victim 2):*

* Familial Relationship of Family Member to the Victim (listed in part 1 of application) i.e. Husband of Victim 1. It is important to use the same order as on Part 1 of the application.	
Victim 1: <i>husband</i>	Victim 5:
Victim 2: <i>father</i>	Victim 6:

Part 3 of Annex A: Additional family member(s) information

Completion of this section is only required where you are applying on behalf of more than 1 family member of the victim(s). Complete with each family member's name, telephone number, and mailing address and specify the familial relationship to the victim(s) as named in Part 1 of the application.

For example: *The additional family member lost her mother (victim 1) and brother (victim 2):*

* Familial Relationship to the Victim	
Victim 1: <i>daughter</i>	Victim 5:
Victim 2: <i>sister</i>	Victim 6:

Note - It is recommended that information be provided on all family members represented by the applicant. This information is important and will be used in the event that competing applications are received with respect to the same victim(s).

Note - Family members listed in Annex A may also be contacted during the application review period to support their identity and/or provide support of their familial relationship to the victim(s).

Supporting documents

The family member identified in Part 2 of Annex A must provide documents to support his/her identity and his/her familial relationship to **each** victim listed in Part 1 of the application.

Legible photocopies of the documents will be accepted.

Note - As part of the application process, original documents, certified copies or additional documents may be requested for verification purposes.

IDENTITY

Acceptable documents to support identity must include first and family names, signature and date of birth. Examples include (but are not limited to):

- Citizenship Card
- Valid Passport
- Other federally or provincially issued identity document (ie: Driver's license, permanent residence card, armed forces identification card)
- National Identity cards

FAMILIAL RELATIONSHIP

Acceptable documents to support a familial relationship to the victim(s) listed in Part 1 of the application should, wherever possible, include the name of the victim(s) together with the name of the family member. Examples of acceptable documentation to demonstrate a familial relationship include (but are not limited to):

- Birth certificate indicating parents names
- Adoption Orders & Papers
- Birth Notice
- Baptismal Certificate
- Valid Passport
- Marriage Certificate
- Income Tax returns (listing dependants)
- Letters of Administration
- Obituary Notice
- Last Will and Testament
- Citizenship Forms (such as IMM 1000 form)

A combination of documents may be required in order to demonstrate the familial relationship. The documents must include the name of the victim(s) and the name of the family member.

For example:

- *A brother is applying for payment for his father and sister. To demonstrate familial relationship to his father he provides his long form birth certificate showing his father's name. To demonstrate familial relationship to his sister, he must also submit his sister's long form birth certificate which also shows his father's name to demonstrate the siblings have the same parents. Familial relationship to his sister is demonstrated when the two documents are combined.*

Where the family member's name has changed additional documents may be required to demonstrate familial relationship. This includes but is not limited to marriage certificate, divorce certificate and/or change of name certificate.

In the event that the family member is unable to provide one of the acceptable documents (listed above) to support the familial relationship, the use of a sworn

affidavit may be permitted. A copy of a standard affidavit can be obtained from the website at www.publicsafety.gc.ca (Remembering Air India Flight 182).

Language of documentation

All documentation to support the family member's identity and/or familial relationship must be provided in English or French.

If a document is written in a language other than English or French, the applicant will be responsible for having the document translated into English or French. Both the copy of the original language and translated versions of the documents must be submitted.

ANNEX B – APPOINTMENT OF DESIGNATED REPRESENTATIVE AND CONSENT OF FAMILY MEMBER

Annex B must be completed by each family member listed in Annex A to demonstrate he/she authorizes the appointment of the designated representative to represent him/her for all matters related to the *ex gratia* payment, including distribution of the funds if a payment is issued. The family member must also provide his/her consent to the use and disclosure of his/her personal information for the purposes of issuing the *ex gratia* payment.

The family member must print his/her first and family name in the space provided at the top of the Annex. In the section titled “**Appointment of Designated Representative and Consent of Family Member**” print the family member's name and the name of the designated representative in the space provided. Once completed the family member must sign the form in the presence of at least 1 witness, who must also sign the form. In the event the family member signs with an 'X' a second witness is required. The witness must be someone other than the designated representative or the family member.

The designated representative must sign the section titled “**Undertaking and Declaration of Designated Representative**” to declare that he/or she will be receiving the *ex gratia* payment and will distribute the payment as agreed to by the family members themselves and that he/she has advised the family members of the designated alternate payee.

HOW TO SUBMIT YOUR APPLICATION

To be considered for an *ex gratia* payment the completed application (including Annex A and B) and all required supporting documentation must be submitted prior to the application deadline of **July 31, 2012**. Failure to submit a completed application, required annexes and supporting documentation will result in a delay in the processing of the application and may result in an inability to assess the application and issue payment.

Service Canada will accept your application by mail at the following address:

**Air India Flight 182 Ex Gratia
Payment Processing Centre
Service Canada
PO Box 8232, STN T
OTTAWA ON
K1G 3L4**

Before submitting the application, please use the checklist below to verify all the required annexes have been completed and the required supporting documents are included:

<input type="checkbox"/>	<i>Legible photocopy</i> of the family member's identity document(s) in English or French of the family member listed in Part 2 of Annex A.
<input type="checkbox"/>	<i>Legible photocopy</i> of the document(s) supporting the family member's familial relationship to each victim in English or French of the family member listed in Part 2 of Annex A.
<input type="checkbox"/>	Completed Application, signed by the applicant (designated representative) in both parts 3 and 4.
<input type="checkbox"/>	Annex A – Completed Parts 1 and 2 and any additional family member(s) information in Part 3.
<input type="checkbox"/>	Annex B – one per family member included in Annex A - signed by the family member, with at least one witness signature. The applicant (designated representative) has also signed Annex B.
<input type="checkbox"/>	Application and Annexes - Confirm all mandatory information (*) is provided.
<input type="checkbox"/>	Confirm accuracy of all information provided, including the mailing addresses.