



September 10, 2019

## RESIDENCY ELIGIBILITY REVISION V.3

### A. BIRTHRIGHT STATUS FOR THE TOURNAMENT OF HEARTS & BRIER ONLY

Curling Canada's residency eligibility rules for the **Brier and Tournament of Hearts ONLY** - including the provincial / territorial playdown processes leading to those national championships - have been updated to include **Birthright Status**. This revision will be effective immediately beginning with the 2019-20 curling season.

**POLICY:** Canadians that have moved away from the province / territory where they were born are now eligible to play for that province / territory under the **Birthright Status**. The player **must** be a bona-fide resident in Canada to claim this exemption.

#### Birthright Special Circumstances:

##### 1) Nunavut Territory / Northwest Territories

- a) A player born before April 1, 1999 anywhere in the Northwest Territories that is now considered part of the Territory of Nunavut may claim birthright for **either** the Northwest Territories **or** Nunavut. If a player claims one or the other Territory will determine their Territory of birth for the remainder of their career.
- b) A player born in the Territory of Nunavut on April 1, 1999 or later may claim birthright for Nunavut **only**.

##### 2) Medical

- a) Often mothers are transferred to a bigger hospital / clinic in another province or territory by doctor's orders or to be close to family support. The birth certificate in this case would note the province or territory of the hospital / clinic where they were born. A player may provide a letter from the provincial / territorial health care provider (of the mother's residence) indicating that when they were born, they had health care coverage from the said province / territory of their mother's residence. The player will be granted birthright status in this case. If you cannot provide the letter, you may not claim Birthright for the province / territory where your mother lived but may claim Birthright based on your birth certificate.



### 3) **Border Towns / Northern Ontario**

- a) Canadians born in border towns such as Lloydminster (which has geographical boundaries in both Saskatchewan and Alberta) will be assigned a *'birthright home Member Association'* based on the province / territory indicated on their government documentation.
- b) The current Ontario and Northern Ontario border for curling will determine if a player was born in Northern Ontario or Ontario. If the town/city of the athlete's birth has a curling club, then they will be considered as born in the affiliation of that club. If the town / city of birth does not have a curling club, they will be assigned to the member association with the closest affiliated club to their birth town / city. *(Any disputes will be resolved by Curling Canada.)*

### 4) **Born outside of Canada**

- a) Canadian citizens not born in Canada **will not be** eligible for this option unless they can provide the government letter noted in bullet 2) *Medical*.

### 5) **Full-time Students**

- a) Full-time students in good standing attending a recognized post-secondary educational institute, may play in the **Tournament of Hearts** or the **Brier** in one (1) of these four (4) jurisdictions:
  - i) for the province or territory where they are attending school, **or**;
  - ii) for the province or territory where they maintain their residence of record, **or**;
  - iii) for the province or territory where they were born, **or**;
  - iv) for any province or territory as a Free Agent.*Note: students may be required to provide proof of registration and academic standing.*

### 6) **Miscellaneous**

- a) An individual may only participate in the playdown process for the Tournament of Hearts or the Brier in **one (1)** province or territory in a specific championship season.
- b) Where eligible, Canadians may play for different member associations year to year. For example, in 2019-2020 they play in territory 'A' where they were born. Then in 2020-2021, they choose to play in province 'B' where they reside.



- c) Free Agents, athletes using the birthright option, and student-athletes are allowed to participate in any other event they are eligible for in the province or territory where **they reside or have declared as their residence**. For example, a player residing in province 'A' chooses to be a free agent in province 'B' for the Tournament of Hearts. In the same season, this player can participate in the 4-person Mixed competition for province 'A'.

## **B. Residency & Eligibility rules for the Tournament of Hearts and Brier leading to the respective World Curling Federation (WCF) championships will be updated as follows:**

### **An athlete in competition for the Tournament of Hearts or Brier (at all levels):**

- 1) Must be a Canadian citizen.
- 2) Must be a **bona fide resident** of the province / territory they intend to represent. Member Associations may allow Canadian citizens who are residents of border towns in the United States, and who are active members in good standing of affiliated Canadian curling clubs, to participate.
- 3) **Birthright:** born in the province / territory in which they intend to represent.
- 4) Must not have competed for any other member country in any World Curling Federation competition (at any level) the previous two curling seasons (a curling season is determined as September 1 to May 31).
- 5) May be a **Free Agent**. A Free Agent is a citizen and a resident anywhere in Canada who chooses to compete in any of the fourteen (14) member associations. (*note: both affected Member Associations must approve any Free Agent.*)

### **C. Teams in competition for the Tournament of Hearts or Brier (at all levels):**

- 1) If one (1) player on a team of four (4) players is a free agent, the other three (3) players (including any alternate player) **must be bona-fide residents** in the province or territory and/or must have **Birthright Status**.
- 2) If a free agent is not used, all players on a team of four (4) players **must be bona-fide residents** in the province or territory and/or must have **Birthright Status**. Any alternate **may** be a Free Agent.



- 3) All four (4) or five (5) team members may claim birthright status.
- 4) Must be a member in good standing of the same affiliated curling club. (*Member Associations may adjust this to one or more affiliated curling clubs.*)

## D. PROOF OF RESIDENCY

To ensure that all individuals are treated equally, an individual must be able to provide proof to be considered a **resident** or to have **birthright status** for playdown purposes.

An individual claiming to be a bona fide **resident** of a province or territory whose playdown structure he or she wishes to enter, must be able to provide a minimum of three (3) of the following four (4) items to the Member Association (if requested):

- a) Current Driver's Licence (or valid travel picture ID) from that province / territory;
- b) Current Health Care Card from that province/territory;
- c) Letter from employer confirming employment within the province/territory;
- d) Statement from landlord (if renting) or bank (if owned) confirming residency within the province / territory – a copy of a property tax invoice for non-mortgaged property is also adequate. Recommend a statutory declaration be obtained.

*Note: In addition to providing the above documentation, an individual must spend the majority of their non-compete time in the province / territory in which they are claiming to be a bona fide resident.*

To participate in any Curling Canada Championship, **individuals MUST be bona fide residents** of the province or territory in which they wish to enter play prior to **September 1<sup>st</sup>** of the year preceding the championship season. This time frame may be shortened in the following circumstances:

- a) Transfer due to employment
- b) School attendance
- c) Military service and transfer



Exemptions may be made in exceptional circumstances if granted by the two (2) Member Associations affected:

- a) Individuals live within a short distance of a provincial / territorial boundary;
- b) Individuals that reside in province / territory “A” and conduct the majority of their work outside of province / territory “A”, may represent province / territory “A” on the assumption that they can validate that the majority of their non-work and non-train/compete time is spent in province / territory “A”.
- c) Individuals that have a primary residence in province / territory “A”, a temporary / secondary residence in province / territory “B”, and who conduct the majority of their work in province territory “B”, may represent province / territory “B” on the assumption that they can validate that the majority of their work-related time is spent in province / territory “B”. The individual must be able to provide positive proof that their predominant employment from September 1<sup>st</sup> to May 31<sup>st</sup> of the curling season the exemption is being requested, will be located with the geographical area of the Member Association they wish to represent.

## E. PROOF OF BIRTH

The athlete will produce a valid birth certificate or valid passport or a letter from the provincial / territorial health care provider (of the mother’s residence) indicating when they were born that they had health care coverage from the said province / territory of their mother’s residence. Curling Canada will keep a permanent digital record of each athlete’s birth province or territory as part of our athlete database.

## F. PROOF OF ACADEMIC STANDING

A student may be requested to provide proof of registration and academic standing.

## G. PROCESS FOR EXEMPTION REQUESTS FOR RESIDENCY OPTION

- a) Exemption requests must be received by Curling Canada and the respective Member Associations **a minimum of thirty (30) days prior to the Member Association’s deadline for entry to the first stage of the championship in question.**



- b) Detailed information noted in **D. Proof of Residency** will be required with the exemption request.
- c) The respective Member Associations will review all information and approve or deny the application.
- d) If Member Associations cannot agree on a decision, a committee that includes the following three individuals will make the decision and their ruling will be considered final:
  - i) Chief Executive Officer, Curling Canada;
  - ii) Director, High Performance, Curling Canada;
  - iii) Vice-Chair of the Operations Advisory Council (must be an Executive Director of one of the fourteen (14) Member Associations).
- e) Individuals who have employment in two (2) curling jurisdictions may be required to participate in a formal interview that will include the identified employer, a representative of the Member Associations and the Director, High Performance, Curling Canada.
- f) Individuals that meet exemption criteria will be considered bona fide residents of the province / territory granting the exemption. They are not considered free agents.

In the case when a team enters the Provincial / Territorial Canadian Championship playdown process and is found **not** to be following the residency rules, the entire team risks being suspended for **one (1) year** from Curling Canada and Member Association sanctioned events. Suspension shall only be implemented subsequent to due process and it is determined that residency and/or exemption related information has been provided in a fraudulent manner.

## **H. PROCESS FOR RESIDENCY CHALLENGES**

It is understood that the residency rules will be national in scope and, in the event the rules are challenged, Curling Canada will assist in the defense of any challenge at the Member Association level and/or protect Curling Canada's interest and its costs, as the Associations mutually deem appropriate. **Note: there is not a process to challenge birthright or student enrollment.**



## I. WHEREABOUTS PROGRAM

Curling Canada's "whereabouts" program will be implemented as required to provide confirmation that a team member follows established residency and/or exemption criteria and to ensure all related documentation / statements that the individual has provided are valid.

The protocol for the "whereabouts" program is as follows:

- a) It is brought to the attention of a Member Association that a team member(s) may not be compliant with the residency / exemption criteria.
- b) If the Member Association agrees, they shall work together with Curling Canada in an effort to establish confirmation that the individual is compliant.
- c) The individual(s) shall be contacted and asked to confirm that the documentation / statements provided are accurate / valid and to establish that they are aware of the potential consequence of having provided fraudulent documents and/or statements.
- d) The Member Association and Curling Canada shall then determine if further confirmation is warranted and if so, the Director, High Performance will implement Curling Canada's Whereabouts Program.
- e) The individual will be contacted and requested to participate in Curling Canada's Whereabouts Program and their team will be advised. Failure to grant approval will result in the individual being deemed not to be complying.
- f) The whereabouts program is intended to establish the exact location of the individual on a 24/7 basis and therefore the individual must be a willing participant in providing proof positive as to the credibility of their claim to be following the residency rules.
- g) The Whereabouts Program will make use of any reasonable means possible and available to establish that the individual in question is in fact in compliance with the residency rules. This will be done with the approval of the individual in question. Failure to grant approval will result in the individual being deemed not to be complying.
- h) If it is established that the individual is deemed not to be complying, they will be provided the opportunity to participate in Curling Canada's Appeal Process, which will be implemented in a timely manner by the Director, High Performance. **(END)**