



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 3

Adoptions

Canada

Table of contents

- Updates to chapter 4
- 1 What this chapter is about 6
 - 1.1 Which immigration category this chapter affects 6
 - 1.2 Where to find other related policies and guidelines 6
- 2 Program objectives 6
- 3 The *Immigration and Refugee Protection Act* and its Regulations 6
 - 3.1 Forms required 7
 - 3.2 Fees 7
- 4 Instruments and delegations 8
- 5 Departmental policy 8
 - 5.1 Intercountry adoption process: immigration and citizenship streams 8
 - 5.2 Provincial and federal adoption authorities 9
 - 5.3 Canada’s international commitments on adoptions 9
 - 5.4 Regulatory requirements for adoptions to be valid for immigration purposes 12
 - 5.5 Home study conducted by a competent authority 14
 - 5.6 Provincial notification letters 15
 - 5.7 Provincial or territorial letter of agreement or letter of no objection 16
 - 5.8 Laws of the place where the adoption took place 16
 - 5.9 Adoptions of convenience 17
 - 5.10 Genuine parent-child relationship 17
 - 5.11 Best interests of the child 18
 - 5.12 Laws of the place of residence of the prospective adoptive parents 18
 - 5.13 Child trafficking and undue gain 19
 - 5.14 Suspension or closure of intercountry adoptions by a province or territory 19
 - 5.15 Parents fully and reliably informed about all aspects of a child’s medical condition 20
 - 5.16 Consent of the biological parents 20
 - 5.17 Biological parents cannot be sponsored 21
 - 5.18 Revocation of an adoption 21
 - 5.19 Guardianship 21
 - 5.20 Orphaned relatives 22
 - 5.21 Sponsorships of unnamed children 22

OP 3 Adoptions

5.22 Processing priorities	23
5.23 Relative adoptions.....	23
5.24 Adult adoptions	23
5.25 Humanitarian and compassionate considerations	24
5.26 Surrogacy cases with no genetic or biological link to either prospective parent.....	24
6 Definitions	25
7 Procedure	27
7.1 How to proceed in Hague Convention cases.....	27
7.2 How to proceed in non-Hague Convention cases	28
7.3 Children to be adopted in Canada (FC6) versus adopted children (FC9)	28
7.4 Case Processing Centre procedure for requesting a letter of no objection	29
7.5 Information on the child's medical condition	30
7.6 High-profile or contentious cases.....	30
7.7 Changing a child's name in the IMM 1344 form.....	30
7.8 Multiple adoptions	30
7.9 Simultaneous citizenship and permanent residence applications	30
7.10 Improperly documented arrivals: adoptions	31
7.11 Establishing identity and relationship.....	31
7.12 Identity and relationship documents	31
7.13 Admissibility requirements	31
7.14 Visa issuance	32
Appendix A – Province-specific information for counselling.....	33
Appendix B – Provincial and territorial information and contacts for adoption cases	36
Appendix C – List of countries that have implemented the Hague Convention	37
Appendix D – Sample email sent by the visa office to the provincial or territorial central authority in Hague Convention cases	38
Appendix E Standard process for intercountry adoption: Hague Convention – Parents in Canada.....	39

OP 3 Adoptions

Updates to chapter

Listing by date

2015-11-09

Changes have been made throughout the OP 3 chapter, and any previous version should be discarded. Of particular note are the following substantive changes:

- Section 5.1: A section summarizing the intercountry adoption process versus the immigration and citizenship streams was added.
- Section 5.2: Information on the Intercountry Adoption Services was added.
- Section 5.3: This section was renamed and subdivided to provide updated information on the *Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption* and the *Convention on the Rights of the Child*.
- Section 5.5: This section was updated to clarify when a home study is required. The information on home study found in section 7 was also moved to this section.
- Section 5.7: Information on policy in relation to the letter of agreement or the letter of no-objection was clarified. Section 7.7 Provincial confirmation was removed, and its content was combined with section 5.7.
- Section 5.9: The information on adoptions of convenience found in the sections on policy and procedures of the OP 3 chapter was removed and can be found in the program delivery instructions.
- Section 5.12: The policy on the laws of the place of residence of the prospective adoptive parents was clarified.
- Section 5.13: Information on child trafficking and undue gain was updated to include instructions on contacting Canadian authorities.
- Section 5.14: This section was added to provide information on suspension or closure of adoptions by provinces or territories.
- Section 5.17: Additional information was added to this section to clarify when biological family members cannot be sponsored following a full adoption, including in the situation of an adoption by a step-parent.
- Section 5.18: This section was updated to define what constitutes a revocation of an adoption and to provide additional instructions to assess if the revocation is used to facilitate sponsorship.
- The section Orphaned Relatives was removed, and its content was added to section 7.4.
- Section 5.19: Information in this section was updated to clarify that the current *Immigration and Refugee Protection Regulations* do not include guardianship arrangements under the family class.
- Section 5.20: This section was updated to include the information on the processing of orphaned relatives previously found in section 7.3.
- Section 5.21: This section was updated to include instructions for the sponsorship of unnamed children.
- Section 5.23: This section providing guidance on relative adoptions was added.
- Section 5.25: This section providing guidance humanitarian and compassionate considerations was added.

OP 3 Adoptions

- Section 5.26: This section on surrogacy cases was added.
- Section 6: This section was updated to include additional definitions and clarifications.
- Section 7.3: This section was added to provide instructions on processing applications for children to be adopted in Canada (FC6) versus adopted children (FC9).

2009-04-03

- Section 1.2: A row with a legislative reference to CP 14 was added to the table.

OP 3 Adoptions

1 What this chapter is about

This chapter provides policy and functional guidance for processing permanent residence applications under the family class in the case of intercountry adoptions and orphaned relatives. It explains

- the regulatory requirements for intercountry adoptions to be valid for immigration purposes;
- the role of the provinces and territories in international adoptions;
- the impact of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* on immigration processing; and
- how to process permanent residence applications in the case of intercountry adoptions and orphaned relatives.

1.1 Which immigration category this chapter affects

The policies and guidelines on intercountry adoptions in this chapter apply primarily to applications for permanent resident visas made in the family class category for adopted children, children to be adopted in Canada, and orphaned relatives. However, there may be information of interest to officers processing applications in other categories where the application involves dependent children that have been adopted.

1.2 Where to find other related policies and guidelines

Table 1: For information on related policies and guidelines, see the appropriate reference below.

Processing applications to sponsor members of the family class	IP 2
Processing permanent residence applications for members of the family class living outside Canada	OP 2
Grant of Canadian citizenship for persons adopted by Canadian citizens on or after January 1, 1947	CP 14

2 Program objectives

The intent of the family class program is to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives. In the case of intercountry adoptions, the intent is also to ensure that the best interests of the child are protected.

3 The *Immigration and Refugee Protection Act* and its Regulations

Provision	Reference in the Act or its Regulations
Objective relating to family reunification	A3(1)(d)
Sponsorship of a foreign national	A13

OP 3 Adoptions

Right to appeal a family class refusal	A63(1)
Definition of a dependent child	R2
Definition of the Hague Convention on Adoption	R2
Interpretation of the term “adoption”	R3(2)
Bad faith (adoptions of convenience)	R4(2) R117(1)(g)(i) R117(2)(b) R117(4)(c)
Definition of a member of the family class	R117(1)
Dependent child (including adopted child)	R117(1)(b)
Orphaned child	R117(1)(f)
Child to be adopted in Canada	R117(1)(g)
Adoption under 18	R117(2) R117(3)
Best interests of the child	R117(3)
Adoption over 18	R117(4)
Provincial statement	R117(7)
New evidence	R117(8)
Information on the medical condition of child	R118
Adopted sponsor	R133(5)

3.1 Forms required

The forms required are shown in the following table:

Form title	Number
Application to Sponsor, Sponsorship Agreement and Undertaking	IMM 1344
Generic Application Form for Canada	IMM 0008
Medical Report	IMM 1017
Medical Condition Statement	

3.2 Fees

Each sponsorship application for an adopted child must include the processing fees. For further information, refer to the fees and cost recovery instructions.

OP 3 Adoptions

4 Instruments and delegations

[Subsection A6\(1\)](#) authorizes the Minister of Citizenship and Immigration Canada (CIC) to designate officers to exercise certain powers and to delegate authorities. It also specifies which ministerial authorities may not be delegated, specifically those relating to security certificates or national interest.

Pursuant to [subsection A6\(2\)](#), the Minister of CIC has delegated powers and designated those officials authorized to carry out any purpose of any legislative or regulatory provisions of the *Immigration and Refugee Protection Act* (IRPA) or its Regulations (IRPR) in chapter IL 3, *Designation of Officers and Delegation of Authority*.

5 Departmental policy

5.1 Intercountry adoption process: immigration and citizenship streams

Intercountry adoption is a two-step process: the adoption process and the immigration or citizenship process.

Two streams are available for adoptive parents in order to obtain status in Canada for their adopted child: the immigration process via the IRPA and IRPR, and the citizenship process via the *Citizenship Act*.

The immigration process may be used for dependent children who are under the age of 18 at the time of the adoption [[R117\(2\)](#)], 18 years of age or over [[R117\(4\)](#)], or for children who are to be adopted in Canada [[R117\(1\)\(g\)](#)].

The citizenship process allows Canadian adoptive parents to apply directly for Canadian citizenship for their adopted child. Additional details on the citizenship process can be found in chapter CP 14.

The criteria for granting citizenship to foreign-born adopted children of Canadian citizens under the *Citizenship Act* and its Regulations are similar to those for granting permanent resident status to adopted children under the IRPA and IRPR. Adoptive parents must choose the process that best corresponds to their situation. The main distinctions between the two are summarized in the following table:

	Immigration process	Citizenship process
Who can apply?	An adoptive parent who is a Canadian citizen, a permanent resident who resides in Canada or a Canadian citizen who intends to reside in Canada once the immigration process is complete	An adoptive parent who is a Canadian citizen born or naturalized in Canada at the time of the adoption
Child's status at the end of the process	Permanent resident	Canadian citizen
Foreign citizenship	The adopted person does not lose their foreign citizenship once they become a	In some countries, the adopted person could lose their foreign citizenship once

OP 3 Adoptions

	permanent resident of Canada.	they become a Canadian citizen.
First generation limit	The first generation limit does not apply to the adopted person's children if the children are born outside of Canada.	The first generation limit does apply to the adopted person's children if the children are born outside of Canada.

5.2 Provincial and federal adoption authorities

In Canada, provinces and territories are responsible for adoption and child welfare. Provincial and territorial legislation and procedures protect the rights and welfare of children.

The provincial and territorial jurisdiction is reflected in the IRPR, which requires that the child welfare authority of the province or territory to which the child is destined provide a written statement that they do not object to the adoption. A written statement to this effect is required in all cases where provincial or territorial jurisdiction applies. Provinces and territories require a home study of the prospective adoptive parents before approving intercountry adoptions.

The Intercountry Adoption Services (IAS), a unit within CIC, is Canada's federal central adoption authority under the Hague Convention. The IAS is responsible for intercountry adoption matters at the national and international levels and works directly with provinces and territories to provide information and guidance. However, provinces and territories make the decisions regarding eligibility and assist Canadians in their efforts to adopt. IAS's role in intercountry adoption includes

- facilitating communication and cooperation between adoption authorities at the federal, provincial or territorial, and international levels;
- facilitating issue resolution and developing pan-Canadian responses on matters such as unethical and irregular adoption practices;
- advising on or developing legislation, regulations, policies, procedures, standards and guidelines related to intercountry adoption; and
- collecting and disseminating information specific to intercountry adoption (adoption legislation, policies and practices of countries of origin, statistical data and research).

Information on the responsible central adoption authorities in the provinces and territories can be found on the [CIC website](#). See Appendix A for information on province-specific legislation.

5.3 Canada's international commitments on adoptions

5.3.1 Hague Convention

See also section 6, *Definitions*, and section 7, *Procedure*.

On December 19, 1996, Canada ratified the *Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption* (hereinafter referred to as the Hague Convention).

OP 3 Adoptions

Given that adoption is a provincial or territorial responsibility, Canada extended the application of the Hague Convention to the Canadian provinces and territories progressively, once each jurisdiction had enacted implementing legislation and established a central adoption authority. Since February 2006, the Hague Convention applies across Canada.

Provincial and territorial laws give effect to the Hague Convention.

In Canada, immigration and citizenship legislation has been amended to support Canada's obligations under the Hague Convention and is reflected in the IRPR.

The main principles of the Hague Convention are to

- establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for their fundamental rights;
- establish a system of cooperation between contracting states to ensure that those safeguards are respected, thus preventing the abduction, sale of or traffic in children; and
- secure the recognition in contracting states of adoptions made in accordance with the Hague Convention.

The Hague Convention covers only adoptions that create a permanent parent-child relationship. The Hague Convention applies where a child habitually resident in one Contracting State (the State of origin) has been, is being, or is to be moved to another Contracting State (the receiving State, Canada) either after their adoption in the State of origin by spouses or a person habitually resident in the receiving State (Canada), or for the purposes of such an adoption in the receiving State (Canada) or in the State of origin. If neither condition is met, the Hague Convention does not apply. However, it is generally accepted that States Party to the Hague Convention should extend the application of its principles to non-Hague Convention adoptions. For the current list of countries and their status in regards to the Hague Convention, refer to the [Hague Conference on Private International Law website](#).

Note: The country where the child habitually resides, not the country of the child's nationality, determines whether the Hague Convention applies.

Under the Hague Convention, countries designate a central adoption authority that administers intercountry adoptions in a manner consistent with its provisions. In the case of Canada, the provinces and territories have been designated as such authorities with case management responsibilities. The federal central adoption authority's role is to facilitate communication and cooperation between Canadian central adoption authorities in the provinces and territories and those of foreign governments. The central adoption authorities of the provinces and territories must determine whether the Hague Convention applies to a particular case.

The Hague Convention requires the central adoption authority in the country where the adoption is taking place (sending country) to ensure that

- the child is legally free for adoption;
- institutions and authorities whose consent is necessary for adoption have given their consent freely, in the required legal form and expressed in writing;

OP 3 Adoptions

- the birth parents have consented to the adoption and understand the consequences for their parental rights;
- the decision to place a child for adoption is not motivated by financial gain; and
- the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form and expressed or evidenced in writing.

In addition, the Hague Convention requires the central adoption authority in the adoptive parents' country of residence (receiving country) to ensure that

- the adoptive parents are eligible and suitable to adopt; and
- the appropriate authorities have decided that the child is allowed to enter and live permanently in the receiving country.

In a Hague Convention case, an adoption may be finalized only after the sending and receiving countries have verified the above information. The Hague Convention allows for the adoption to be undertaken in either the state of origin or the receiving state.

See section 7.1 for procedures to be followed in Hague Convention cases. Appendix E provides the complete process for Hague Convention cases, including the roles of Canadian and foreign central adoption authorities.

For the full text of the Hague Convention, refer to the [Hague Conference on Private International Law website](#).

5.3.2 United Nations Convention on the Rights of the Child

Canada is also party to the *United Nations Convention on the Rights of the Child* (CRC). With respect to adoptions, article 21 of the CRC affirms that "States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration".

The Hague Convention gives effect to article 21 of the CRC by adding substantive safeguards and procedures to the broad principles and standards laid out in the CRC. Additionally, Canada's commitments as a party to the CRC exist regardless of whether the child in an intercountry adoption resides in a country that has implemented the CRC.

The IRPR promote consistency in assessing the best interests of children, maintaining Canada's commitments as signatory to both the Hague Convention and the CRC.

OP 3 Adoptions

5.4 Regulatory requirements for adoptions to be valid for immigration purposes

Requirement	Adoption — under 18	To be adopted	Adoption — over 18	References in OP 3	Regulation
	[R117(2)] [R117(3)]	[R117(1)(g)]	[R117(4)]		
Full adoption	Yes	No	Yes	section 6	R3(2)
Home study	Yes	No ¹	No	section 5.5 section 7.5	R117(3)(a)
Free and informed consent of biological parents	Yes	No ²²	No	section 5.16	R117(3)(b)
Genuine parent-child relationship (In the case of an adoption over 18: before the child turned 18 and at the time of adoption)	Yes	No	Yes	section 5.10	R117(3)(c) R117(4)(b)
Adoption in accordance with the laws of the place where the adoption took place	Yes	No	Yes	section 5.8	R117(3)(d) R117(4)(a)
Adoption in accordance with laws of country of residence of adoptive parents	Yes	No	Yes	section 5.12	R117(3)(e) R117(4)(a)
Notification in writing from the	Yes	Yes	No	section 5.6	R117(1)(g)(iii)(B)

¹ Although not an IRPR requirement, a home study is usually required by provincial and territorial central adoption authorities for adoptions to be completed in Canada. See section 5.5 for more information.

² Although consent of biological parents is not an explicit IRPR requirement for adoptions to be completed in Canada, it is a requirement of the Hague Convention. Consent is also required for a child to be legally available for adoption in non-Hague Convention cases for adoption of a child in Canada.

OP 3 Adoptions

province or territory where the adoptive parents reside that the child is authorized to enter and reside permanently in the province or territory (non-Hague Convention countries)					R117(3)(e)
Notification in writing that the country where the adoption took place and the province or territory of the adopted person's intended residence approve the adoption as conforming to the Hague Convention (Hague Convention countries)	Yes	Yes	No	section 5.6	R117(1)(g)(ii) R117(3)(f)
Meet requirements or spirit of Hague Convention	Yes	Yes	No	section 5.13 section 6	A3(3)(f) R117(1)(g)(ii) R117(1)(g)(iii)(A) R117(3)(f) R117(3)(g)
No evidence of undue gain or child trafficking	Yes	Yes	No	section 5.13	R117(1)(g)(iii)(A) R117(3)(g)
Adoption not entered into primarily for the purpose of	Yes	Yes	Yes	section 5.9 section 7.9	R117(1)(g)(i) R117(2)(b)

OP 3 Adoptions

acquiring a status or privilege (not an adoption of convenience)				section 7.17	R117(4)(c) R4(2)
Child placed for adoption or otherwise legally available for adoption	No	Yes (in non-Hague Convention cases)	No	section 7.3	R117(1)(g)(iii)(A)
Adoptive parents have signed a statement stating that they have information on the child's medical condition	Yes	Yes	No	section 5.15 section 7.8	R118

5.5 Home study conducted by a competent authority

An assessment of prospective adoptive parents with respect to their suitability to adopt is undertaken by the provincial or territorial central adoption authority as a pre-condition to an adoption.

For immigration purposes, the IRPR require that, in the case of an adoption completed outside of Canada, a home study be conducted [\[R117\(3\)\(a\)\]](#) by a competent authority. In Canada, competent authorities include provincial and territorial authorities and individuals authorized by those authorities, such as accredited social workers. A letter of no objection or a notice of agreement from the province or territory approving the intercountry adoption confirms that an acceptable home study has been completed. See section 7.5 for case processing centre procedures to request the letter of no objection.

The IRPR do not require a home study in cases where the child is to be adopted in Canada. On the other hand, the Hague Convention requires that central adoption authorities in the receiving State ensure that adoptive parents are eligible and suitable to adopt. Provincial and territorial central adoption authorities normally require a home study for adoptions completed either in the State of origin or in their province or territory and confirm in their letter of no objection or notice of agreement that a home study has been completed.

A home study may not be required by the provincial or territorial central adoption authorities if they have no jurisdiction. Provinces and territories may have no jurisdiction in the following instances: cases where the adoptive parents are not habitual residents of a province or territory at the time of completion of the adoption, cases where the child to be adopted is over 18 years old, and cases of relative adoption (see section 5.23 and Appendix A).

If a letter of no objection has not been provided by the province or territory and an officer does not have evidence that a home study was conducted, the officer should

OP 3 Adoptions

- ask the sponsor to provide proof that a home study has been conducted by an accredited social worker in the province or territory of residence of the parents (provincial or territorial central adoption authorities can provide a list of accredited social workers);
- ask the sponsor to provide proof that a home study was conducted and approved by the local child welfare authority or an accredited social worker in the country of residence of the parents if they reside outside of Canada and the adoption occurred outside of Canada (if it is clear that a home study was not conducted, the officer may request that the sponsor obtain one from a competent authority or accredited social worker in the place of residence of the adoptive parents); and
- refer the sponsor to an International Social Service (ISS) in the country of residence of the parents if no such service is available in the sending state and arrange for a home study to be conducted to determine the suitability of the adoptive parents.

5.6 Provincial notification letters

The following table describes the types of provincial notification letters:

Type of letter	Description
Letter (or notice) of agreement	In Hague Convention cases, the concerned provincial or territorial central adoption authority forwards a letter (or notice) of agreement to the visa office and a copy to the central adoption authority of the applicant's country of residence indicating that the province or territory and the prospective adoptive parents agree to the adoption. This notification establishes that the adoption conforms to the Hague Convention and fulfils the requirements of subparagraph R117(1)(g)(ii) or paragraph R117(3)(f) .
Letter of no objection	<p>Where the Hague Convention does not apply and the adoptive parents reside in a province or territory at the time of the adoption, the central adoption authority of that province or territory is asked for a letter of no objection (confirming that they do not object to the adoption). The letter of no objection indicates that the provincial or territorial authority agrees to the adoption and that all their requirements have been met. This letter is commonly called a letter of no objection and is conclusive evidence as per the IRPR.</p> <p>Clause R117(1)(g)(iii)(B) and paragraph R117(3)(e) require that the central adoption authority in the province or territory of destination state in writing that they have no objection to the adoption.</p> <p>With respect to adopted children, the requirement for a letter of no objection applies only to children adopted abroad by sponsors residing in Canada. If a sponsor resides abroad and an adoption takes place abroad, provincial and territorial central adoption authorities do not normally provide a letter of no objection, as these adoptions are not intercountry adoptions.</p>
Letter of no involvement	Provincial or territorial central adoption authorities occasionally provide a letter of no involvement in cases where a sponsorship application is submitted for an adopted child but the province or territory has no jurisdiction. For instance, this may occur in cases where the adoption was finalized abroad while the adoptive parents resided outside of Canada or in cases of relative adoptions. A letter of no involvement may indicate that

OP 3 Adoptions

	<p>some of the requirements have been met and/or may signal that the province or territory is aware of the adoption and that, if the child is granted permanent resident status, the adoption will be recognized in the province or territory once the child arrives in Canada.</p> <p>Letters stating that the province or territory is not involved with the adoption do not meet any requirements set out in section R117. The letter of no involvement cannot be equated to the approval or letter of no objection from the competent central adoption authority.</p>
--	---

5.7 Provincial or territorial letter of agreement or letter of no objection

As per [subsection R117\(7\)](#), a letter of agreement or a letter of no objection to an adoption issued by a provincial or territorial central adoption authority is to be accepted by a visa officer as conclusive evidence that the requirements under [clause R117\(1\)\(g\)\(iii\)\(A\)](#) for a child to be adopted in Canada or under [paragraphs R117\(3\)\(a\) to \(e\), and \(g\)](#) for an adopted child have been met.

After the written statement (a letter of agreement or a letter of no objection to an adoption) by the central adoption authority is provided to the officer, if the officer receives evidence that the requirements listed below (the list is not exhaustive) have not been met, the processing of the application shall be suspended until the officer provides that evidence to the competent authority of the province or territory and that authority confirms or revises its written statement (see [subsection R117\(8\)](#) for more details). If the province or territory confirms that the letter of agreement or letter of no objection is still valid, the officer must determine whether to issue a visa or refuse the case.

- the child was not legally available for adoption;
- the parents did not give their free and informed consent to the adoption;
- the adoption is for the purpose of child trafficking or undue gain within the meaning of the Hague Convention;
- the adoption did not create a genuine parent-child relationship; or
- the adoption was not in accordance with the laws of the place where the adoption took place.

The letter of agreement or letter of no objection does not indicate whether the adoption is primarily for the purpose of obtaining status or privilege under the IRPA. A visa officer is responsible for making this determination under [subparagraph R117\(1\)\(g\)\(i\)](#), [paragraph R117\(2\)\(b\)](#), or [paragraph R117\(4\)\(c\)](#).

5.8 Laws of the place where the adoption took place

Each country has its own requirements and procedures for intercountry adoptions. In general, unless there is some information to the contrary, the submission of a valid adoption order issued by the competent authority is satisfactory evidence that the applicable foreign legal adoption requirements have been met [[R117\(3\)\(d\)](#)]. The letter of no objection from the province or territory is, as stated in section 5.7, conclusive evidence that the requirements of [paragraph R117\(3\)\(d\)](#) have been met.

Officers should be particularly vigilant in assessing adoptions where

- registration of the adoption order is not a legal requirement;
- the requirements of adoption laws are not strictly followed; and

OP 3 Adoptions

- the country does not authorize international adoptions.

In any of these circumstances, an officer should carefully consider whether the adoption fully complies with the laws of the country where it took place and creates a genuine parent-child relationship and should communicate any concerns to the provincial or territorial central adoption authority (see section 5.10 for more details).

Adoptions legally recognized where they occur are recognized in all provinces and territories of Canada except Quebec. In Quebec, tribunals must grant recognition after the child arrives in Canada (see Appendix A for more details). This process does not have any impact on immigration processing.

An application may be refused if an adoption does not comply with the laws of the country where it occurred, and as a result, a letter of no objection from a province or territory is not issued. In such cases, the child is not adopted and is not a member of the family class.

5.9 Adoptions of convenience

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the *Program Integrity* section.

5.10 Genuine parent-child relationship

In the case of the adoption of a minor child, [paragraph R117\(3\)\(c\)](#) requires that an adoption create a genuine parent-child relationship. In order to meet this criterion, an adoption order must create a genuine parent-child relationship both in law and in fact.

As per [subsection R117\(7\)](#), the letter of agreement or the letter of no objection from the provincial or territorial central adoption authority must be taken as conclusive evidence that this requirement is met.

In the case of an adult adoption, [paragraph R117\(4\)\(b\)](#) requires that a genuine parent-child relationship have existed at the time of the adoption and existed before the child reached the age of 18.

To assess whether an adoption has created a genuine parent-child relationship, officers should look closely at the effects of the adoption to determine

- whether the adoption completely severs the adopted child's former legal ties with their biological parents and creates a new legal parent-child relationship;
- the authenticity of the parent-child relationship, the establishment of which is the primary purpose of an adoption (an adoption must not be a means for a child to gain admission to Canada); and
- whether the adoption is in accordance with the laws of the place where the adoption took place and the laws of the place of residence of the adoptive parents (see section 5.8 and section 5.12 for more information).

An assessment of the severing of pre-existing legal parent-child ties applies only where there are living parents with whom the child has a legal parent-child relationship at the time the adoption takes place.

OP 3 Adoptions

This requirement is not relevant in cases of orphaned or abandoned children, where there is no pre-existing parent-child relationship.

5.11 Best interests of the child

The term “best interests of the child” is a concept found in many legal instruments that deal with children’s issues, such as the Hague Convention and the *Canada Divorce Act*. The Hague Convention contains certain rules to ensure that adoptions take place in the best interests of the child and with respect for their fundamental rights. These rules include the principle of subsidiary (consider solutions in the country of origin first), making sure the child is adoptable, thoroughly evaluating the prospective adoptive parents, and matching the child with a suitable family.

The IRPR require that provincial and territorial central adoption authorities, and in the case of a child who resides in a country that is a party to the Hague Convention, the central adoption authority of that country each provide documentary evidence to satisfy a visa officer that the adoption is in the best interests of the child. This requirement is satisfied by a letter of no objection issued by the provincial or territorial child welfare authority. The letter of no objection is conclusive evidence that the requirements set out in [subsection R117\(3\)](#) have been met in order for the adoption to be considered to be in the best interests of the child.

5.12 Laws of the place of residence of the prospective adoptive parents

[Paragraph R117\(3\)\(e\)](#) requires that adoptions conform to the laws of the place of residence of the prospective adoptive parents.

As a starting point, officers must determine the prospective adoptive parents’ place of residence. In the majority of cases, it is a province or territory in Canada. When it is not clear that the adoptive parents’ country of residence is Canada, officers must determine residency based on an assessment of all the circumstances of the case. The following factors should be taken into consideration:

- whether it can be said that a particular country of residence is the place where the prospective adoptive parents regularly, normally or customarily reside; and
- whether a particular country of residence is the country in which the prospective adoptive parents have centralized their mode of existence.

Parents reside in Canada

When the prospective adoptive parents reside in Canada, the adoption must comply with the applicable adoption laws of the province or territory. Evidence that the adoption complies with the adoption laws of the province or territory in which the prospective adoptive parents reside or intend to reside is stated in writing in a provincial or territorial notification letter (see section 5.6 for more details). Provincial and territorial central adoption authorities are involved only if the adoptive parents reside in Canada when the adoption takes place.

See Appendix A for information on adoption legislation in specific provinces and territories.

OP 3 Adoptions

Parents reside outside Canada

When the prospective adoptive parents are not habitual residents of Canada, the regulatory requirements to issue a permanent resident visa under the family class for an adopted child, a child to be adopted in Canada or an adopted adult must still be met. The provincial or territorial central adoption authorities in Canada do not have jurisdiction and do not provide a letter of no objection.

A person who wishes to sponsor a member of the family class is required to reside in Canada, as per [paragraph R130\(1\)\(b\)](#). A Canadian adoptive parent who resides abroad and has adopted a child outside Canada may be exempt from the requirement to reside in Canada, according to [subsection R130\(2\)](#), if they satisfy immigration officials that they will reside in Canada once their adopted child becomes a permanent resident in Canada. This exemption does not apply to sponsors who are permanent residents, as they are required to reside in Canada to be eligible to sponsor. This exception applies to adopted children who meet the definition of a dependent child under [section R2](#). A sponsor of a child intended to be adopted in Canada does not qualify for the exceptions in [subsection R130\(2\)](#), as the child does not meet the definition of a dependent child.

5.13 Child trafficking and undue gain

Child trafficking and undue gain contravene the laws of most countries. All adoptions should be undertaken in accordance with the intent and spirit of the Hague Convention, even if an adoption is from a country that has not ratified the Convention. If an officer has evidence that child trafficking has taken place or that there was undue gain in the process (a child was sold or improper financial gain took place), the officer should refuse the case on the basis that the requirements were not met according to the spirit and intent of the Hague Convention (see [subparagraph R117\(1\)\(g\)\(ii\)](#), [clause R117\(1\)\(g\)\(iii\)\(A\)](#) and [paragraphs R117\(3\)\(f\) and \(g\)](#) for more information).

Additionally, the officer should inform the appropriate local authorities of the criminal activities (if applicable) and advise the following Canadian authorities:

- the [Canadian central authority for child abduction](#) via the Department of Foreign Affairs, Trade and Development;
- [Our Missing Children](#) via the Canada Border Services Agency; and
- the [provincial or territorial child welfare authority](#) (if the child is in Canada).

5.14 Suspension or closure of intercountry adoptions by a province or territory

In certain circumstances, suspensions or closures of intercountry adoption programs with a country may be the only solution to protect children and their families and to stop unethical or irregular activities in that country. Of primary concern are situations of child abduction and trafficking, the removal of children from their families without proper parental consent, and situations where prospects for improvement in the country in the absence of international pressure appear remote.

OP 3 Adoptions

As provinces and territories have jurisdiction over adoption, CIC, through its Intercountry Adoption Services, works with the provincial and territorial central adoption authorities to reach a pan-Canadian decision to impose a suspension or closure of intercountry adoption activity with a given country. However, provinces and territories can individually close adoptions from certain countries without the consent of the other provinces and territories.

CIC works with provinces and territories to consider the lifting of a suspension when there is sufficient evidence of reform and safeguards to protect the best interests of children in the country.

When a suspension or closure is imposed on adoptions from a specific country, provincial and territorial authorities decline to issue letters required by the IRPR for approval of a case. These cases should be refused on the basis of non-approval of the province or territory.

In cases where provincial and territorial jurisdiction does not apply (e.g., adoptive parents do not reside in a Canadian province or territory at the time of the adoption and have undertaken a domestic adoption abroad), the adoption must be carefully scrutinized to ensure all regulatory requirements are met and the best interests of the child are protected.

The list of countries on which a suspension or closure is imposed is available on the [CIC website](#).

5.15 Parents fully and reliably informed about all aspects of a child's medical condition

[Section R118](#) requires that adoptive parents provide a written statement to the visa office confirming that they have obtained information regarding the child's medical condition. Adoptions have failed and even resulted in child abandonment when the prospective family was not equipped to deal with a particular medical condition or was misinformed.

See section 7.8 for procedures.

5.16 Consent of the biological parents

In all cases of adoption, the genuine and informed consent of the biological parents (where applicable) must be provided [\[R117\(3\)\(b\)\]](#). As per [subsection R117\(7\)](#), the letter of no objection is conclusive evidence that this requirement has been met.

If both parents are alive, both should give consent. In the event that only one parent gives consent to an adoption, the officer must be satisfied that the second parent has no legal rights with respect to the child.

In foreign jurisdictions where some adoption laws lack clarity about the full and permanent severing of ties and where the cultural milieu embraces the sharing of parental responsibilities, it is particularly important to ensure that biological parents fully comprehend that the adoption of a child by Canadian parents is viewed by Canadian law as fully and permanently severing pre-existing parental ties.

OP 3 Adoptions

5.17 Biological parents cannot be sponsored

A full adoption severs a child's legal relationship to their birth parents [\[R3\(2\)\]](#). An adopted child cannot later sponsor a birth parent. A full adoption also has the effect of severing ties to other members of the biological family (brothers, sisters, grandparents, aunts, uncles, nieces, nephews, cousins, etc.).

In the case of an adoption by a step-parent to jointly become the parent of the child of their spouse or partner, the relationship between the child and the remaining biological or legal parent does not have to be severed.

Officers at the case processing centre should try to verify that sponsors submitting an IMM 1344 form for relatives are not in this situation.

If an officer has doubts about a specific case, they should check for an immigration file for the sponsor.

Officers should inform the case processing centre if a child who was adopted outside of Canada has sponsored a birth parent. Case processing centre staff should tell the sponsors they are ineligible, as the biological family members of an adopted person do not qualify as members of the family class.

5.18 Revocation of an adoption

Foreign and Canadian central adoption authorities may revoke foreign adoptions. An adoption revocation is a court decree that voids the adoption order. After the adoption is revoked, the child assumes the status they had prior to the adoption proceedings. If it is evident that revocation occurred in order to facilitate sponsorship, the sponsor is not eligible [\[R133\(5\)\]](#).

During the assessment of the sponsor's eligibility for a family class application, the case processing centre may become aware that the sponsor was previously adopted. In order for the case processing centre to assess whether the sponsor is eligible to sponsor their biological family members, the sponsor must provide a copy of the court decree revoking the adoption.

If an officer is satisfied that revocation was not undertaken in order to facilitate the sponsorship of a biological family member under the family class, the sponsorship may proceed. If a visa officer believes that the reason for revocation was to allow sponsorship of a biological family member under the family class, the officer should request additional information and, if necessary, conduct investigations or interviews, as required, to determine whether it was a revocation of convenience. In some jurisdictions, an adoption cannot be revoked. It is necessary to check with the visa office responsible for the country in which the adoption took place to determine whether revocation is possible.

5.19 Guardianship

The current IRPR do not include guardianship arrangements under the family class. Legal guardians cannot sponsor children under their guardianship as adopted children (see section 6 for more information).

OP 3 Adoptions

In some foreign jurisdictions, the system of guardianship in place neither terminates the birth parent-child relationship nor grants full parental rights to the guardian. If the laws of the jurisdiction where the child resides do not allow for a legal adoption to take place, a letter of no objection from the provincial or territorial central adoption authority may not be issued, and the provisions under the IRPR for either an adopted child or a child to be adopted in Canada may not be met.

However, the laws of some countries that have a guardianship system in place and that do not permit adoptions in their jurisdiction may allow for children to be legally available to be adopted in Canada. In this situation, it may be possible for Canadians and permanent residents to sponsor children to be adopted in Canada.

5.20 Orphaned relatives

Orphaned relatives may be sponsored, provided that they are under 18 years of age, unmarried, not in a common-law relationship and the sponsor's brother, sister, nephew, niece, or grandchild [[R117\(1\)\(f\)](#)].

In all cases of orphaned relatives, officers must request written consent of the appropriate authorities in the child's country of residence before the child may be removed from that country. Written consent of any legal guardians must also be obtained.

Sponsors residing in Quebec must contact the office of the *Ministère de l'Immigration, de la Diversité et de l'Inclusion* (MIDI) for sponsorship requirements in Quebec. The MIDI may approve "engagements" for orphans on receipt of a positive recommendation from a representative from *Centre Jeunesse*, who conducts a home study before making the recommendation.

When an application is received from an orphaned relative, the visa office must

- verify that the child is an orphan, is under 18 years of age on the date that the Case Processing Centre in Mississauga (CPC-M) receives the IMM 1344 form with the correct and complete processing fees, is not a spouse or common-law partner, and is related to the sponsor, as set out in [paragraph R117\(1\)\(f\)](#); and
- issue medical instructions.

Note: The question of guardianship arises in the case of young foreign nationals who are not accompanied or are not destined to a legal guardian. For the child's protection and well-being, officers must request written consent from the appropriate authorities in the child's country of residence before the child may be removed from that country and should counsel sponsors to obtain legal guardianship of the child on the child's arrival in the province or territory of residence.

This ensures that the sponsor has legal obligations towards the sponsored child.

5.21 Sponsorships of unnamed children

Some adopting parents may not have the full name and date of birth of the child to be adopted at the time of application. In this situation, adopting parents should follow the instructions for sponsorship of children who are not yet identified in [Appendix A](#) of the sponsor's guide [[IMM 5196](#)] and complete the

OP 3 Adoptions

IMM 0008 form with as much information as possible. In cases where the name of the child is unknown, adopting parents are asked to leave the name field blank.

The CPC-M treats applications to sponsor unnamed children the same way as it does those for named children.

Officers are encouraged to create unnamed children applications in the Global Case Management System (GCMS) by using the information included in the IMM 0008 form received with the sponsorship application, as follows:

Family name:	the sponsor or adopting parents' last name(s)
Name(s):	blank, "baby", or "child"
Date of birth:	**asterisks**
Gender:	unknown

It is the sponsor's responsibility to notify the appropriate visa office once the child is identified. Visa officers will proceed to update the name of the child in the application originally created in GCMS.

5.22 Processing priorities

Sponsorship applications for an adopted child or child to be adopted, including orphaned relatives, are processed based on priority by the CPC-M and visa offices.

With respect to processing priorities, visa offices should be mindful that cases involving adoption may involve minors who have been abandoned and placed with child welfare authorities, and as a result, are without parental care. Priority should be given to such cases.

5.23 Relative adoptions

Where the adopted child is related to the adoptive parents, the pre-existing legal parent-child relationship should be severed under the law. While the biological parent should no longer be acting as a parent after the adoption has taken place, an ongoing relationship and contact with the biological parent and extended family may still occur. However, the new parent-child relationship between the adopted child and adoptive parents should be evident and not simply exist in law. Moreover, evidence that the biological parents fully comprehend the effects of a full adoption and that they have provided their consent to the adoption should also support a determination that the requirements of the IRPA and IRPR have been met. A home study may not be a requirement for relative adoptions in all provinces and territories.

When relative adoptions are completed in Canada through a provincial or territorial court, the corresponding central adoption authority is not involved and issues a letter of no involvement. A home study may not be a requirement for domestic relative adoptions in certain provinces and territories. The adoption order may be used as evidence that the adoption was in accordance with the laws of the province or territory where it took place.

5.24 Adult adoptions

OP 3 Adoptions

[Subsection R117\(4\)](#) provides for sponsorship of an adopted child of 18 years of age or older. In such cases, the following requirements must be met:

- the adoption must be in accordance with the laws of the location where it takes place; if the sponsor resides in Canada at the time of the adoption, the adoption must be in accordance with the laws of the province or territory in which the sponsor resides;
- a genuine parent-child relationship must have been established before the applicant turned 18 years of age and must continue to exist;
- the adoption must not have been undertaken primarily to gain status or privilege in Canada under the IRPA.

Note: Some provinces and territories do not have laws regarding adult adoption.

In order to be considered a member of the family class under [subsection R117\(1\)](#), a foreign national whose adoption takes place when the child is 18 years of age or older must also satisfy the definition of a dependent child in [section R2](#) (see section 6 for more details).

An example of an adult adoption is when an individual is adopted as a foster child by their foster parent(s) after the individual turns 18 years of age.

Applicants may be requested to provide additional evidence to prove that there was a parent-child relationship before the applicant turned 18 years of age and at the time the applicant was adopted.

5.25 Humanitarian and compassionate considerations

In exceptional cases where the applicant does not meet all requirements of the IRPA and IRPR, the applicant may be exempt from these requirements based on humanitarian and compassionate (H&C) considerations, which take into account the best interests of the child. [Section A25](#) requires officers and delegated authorities to examine H&C factors on the applicant's request. In addition, if an officer believes there are strong H&C factors present in a case, the officer may, on their own initiative and without the applicant having specifically requested it, put the case forward to the appropriate delegated authority to approve the application of [subsection A25\(1\)](#). For further information, refer to the program delivery instructions on H&C considerations.

5.26 Surrogacy cases with no genetic or biological link to either prospective parent

A child born through surrogacy arrangements undertaken by Canadian intending parents who, following a DNA test or disclosure by the intending parents, has been found to have no genetic or biological link to the intending parents, may be adopted by them. The parents may choose to pursue either a citizenship or immigration adoption. In some countries, the surrogacy laws require that the intending parents be named on the birth certificate. In these instances, the child cannot be sponsored as they are not eligible for adoption.

A birth certificate presented in a surrogacy case may show the contracting parents as the birth parents; this is only evidence that the registration of the child's birth was made in the names of the contracting

OP 3 Adoptions

parents, not that there is any legal, genetic or biological relationship. There may also be a declaration from the birth mother surrendering all rights to the child in favour of the contracting parents. This is only valid as a contractual arrangement between those parties; it does not establish that the contracting parents have legal custody of the child or authority to remove the child from the country of origin.

Parents who are Canadian citizens or permanent residents may not be entitled to exclusive custody of the child and may not have the authority to remove the child from the country of origin until a court of competent jurisdiction has granted them that custody and that authority. In cases where there is no genetic or biological link to the Canadian intending parents, the contracting parents should adopt the child by following the standard procedures for international adoption: obtaining sponsorship, a home study, and a provincial or territorial no objection letter.

In exceptional cases where it is not possible for intending parents to adopt the child, facilitation of the child's return to Canada may be made through discretionary citizenship or immigration case processing, including a temporary resident permit (TRP) and H&C permanent resident processing. If the use of H&C considerations for the permanent residence application or the issuance of a TRP is being considered, the officer should take into account factors such as the best interests of the child and the provincial or territorial legislation; some provinces and territories may not recognize the parent-child relationship in surrogacy cases without any genetic link. In the province of Quebec, surrogacy agreements are null and have no legal standing.

For more information on surrogacy, see [Health Canada's prohibitions related to surrogacy](#).

For the guidelines on the interpretation of the term "biological child" in situations where human reproductive technology is used, see OP 2, section 5.14. For instructions on taking into account H&C considerations, see the corresponding program delivery instructions.

For information on citizenship policy in relation to assisted human reproduction, including surrogacy arrangements, see the citizenship program delivery instructions.

6 Definitions

Adoption [R3(2)]	An adoption, for the purposes of the IRPR, means an adoption that creates a legal parent-child relationship and severs the pre-existing legal parent-child relationship. This type of child placement is referred to as a "full adoption".
Biological parent	The term "biological parent" refers to the natural or legal parent of the child at birth. Where applicable, it could also refer to the legal parent prior to the issuance of an adoption order.
Central adoption authority	Under the Hague Convention, states designate a central adoption authority that administers intercountry adoptions in a manner consistent with the provisions of the Convention. In the case of Canada, the provinces and territories regulate adoptions so that each has designated such authority. It is the provincial or territorial central adoption authorities that must determine whether the Hague Convention applies to a particular case. The Hague Conference on Private International Law website provides a list of all central adoption authorities for contracting states.

OP 3 Adoptions

<p>Dependent child R2</p>	<p>The term “dependent child,” in respect of a parent, means a child who</p> <ul style="list-style-type: none"> (a) has one of the following relationships with the parent, namely, <ul style="list-style-type: none"> (i) is the biological child of the parent, if the child has not been adopted by a person other than the spouse or common-law partner of the parent, or (ii) is the adopted child of the parent; and (b) is in one of the following situations of dependency, namely, <ul style="list-style-type: none"> (i) is less than 19 years of age and not a spouse or common-law partner, or (ii) is 19 years of age or older and has depended substantially on the financial support of the parent since before the age of 19 and is unable to be financially self-supporting due to physical or mental condition.
<p>Orphaned child or relative</p>	<p>The term “orphaned child or relative” means a person whose parents are deceased, who is under 18 years of age, who is not a spouse or common-law partner and who is</p> <ul style="list-style-type: none"> (i) a child of the sponsor’s mother or father; (ii) a child of a child of the sponsor’s mother or father; or (iii) a child of the sponsor’s child.
<p>Guardianship</p>	<p>A legal guardian is a person who has the legal authority and the corresponding duty to care for the personal interests of a child or adult. Even if a child has a legal guardian, the relationship between the parents and the child may still remain active.</p> <p>Guardianship does not constitute an adoption (see section 5.19 for more information).</p>
<p>Hague Convention</p>	<p>The <i>Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption</i> sets minimum standards and procedures for adoptions between countries. The Hague Convention is intended to end unethical adoption practices. It also promotes cooperation between countries and puts in place procedures that minimize the chance of exploitation of children, birth parents or adoptive parents during the adoption process.</p> <p>See section 5.3 for more information.</p>
<p>Home study</p>	<p>A home study is a professional assessment of prospective adoptive parents’ suitability to adopt a child.</p>
<p>Intercountry adoption</p>	<p>Intercountry adoption is the adoption of a child living in a different country from the adoptive parent(s).</p>

OP 3 Adoptions

Simple adoption	According to the Hague Convention, a simple adoption is one in which the parent-child relationship that existed before the adoption is not terminated, but a new legal parent-child relationship between the child and their adoptive parents is established, and the adoptive parents acquire parental responsibility for the child. A simple adoption does not meet the requirements of the IRPA and IRPR.
-----------------	---

7 Procedure

7.1 How to proceed in Hague Convention cases

See also section 5.3, section 5.4, section 6 and Appendix E for more information.

The notice of agreement (provincial or territorial letter authorizing the adoption under the Hague Convention) replaces the letter of no objection (see section 5.6 for more information).

In Hague Convention cases, adoptions may be finalized only when the child meets all requirements for obtaining permanent resident status in Canada.

When an application is received in the case of an adoption to which the Hague Convention applies and a notice of agreement is received from the provincial or territorial central adoption authority, visa offices must do the following:

- match up the sponsorship with the application form and notice of agreement from the province or territory;
- issue the medical examination form [IMM 1017], as appropriate;
- promptly notify the provincial or territorial central adoption authority by email (see the list of central adoption authorities in Appendix B and the sample email in Appendix D) when the child meets immigration requirements (see section 5.4); the provincial or territorial central adoption authority will then notify the central adoption authority in the country of origin, which will enable the central adoption authority in the country of origin to finalize the adoption; and
- verify that the sponsors have authority to take the child to Canada once the visa office has been notified by the provincial or territorial central adoption authority that adoption procedures or the child's transfer to the adoptive parents is complete. That authority to take the child to Canada may be either the final adoption order, if the adoption has already taken place, or a custody order, if the adoption will occur in Canada. All adoption cases under the Hague Convention must be approved by the central adoption authority of the country of origin and the receiving province or territory before a permanent resident visa may be issued. If the adoption was not approved by the central adoption authority, sponsors should be advised to contact the provincial or territorial central adoption authority. If the central adoption authorities do not approve the adoption, the visa officer must refuse the application because it does not comply with [subparagraph R117\(1\)\(g\)\(ii\)](#) or [paragraph R117\(3\)\(f\)](#).

OP 3 Adoptions

7.2 How to proceed in non-Hague Convention cases

In cases of adoption in which the Hague Convention does not apply, the requirements of [paragraph R117\(1\)\(g\)](#) or [subsections R117\(2\) and \(3\)](#), including those pertaining to child trafficking, undue gain and adoption of convenience must be met.

When application forms and a sponsorship have been received in a non-Hague Convention case, visa offices should do the following:

- issue medical instructions, as appropriate;
- verify that a home study has been conducted or approved by a provincial, territorial or other competent authority;
- ensure that a letter of no objection from the provincial or territorial central adoption authority where the parent resides is on file ;
- ask the sponsor to follow up with the provincial or territorial central adoption authority if there is no letter of no objection;
- verify that the sponsors have authority to take the child to Canada with either the final adoption order, if the adoption occurs overseas, or a custody order, if the adoption will occur in Canada;
- ensure that immigration requirements are met (see section 5.4); and
- verify that the child has a valid travel document.

7.3 Children to be adopted in Canada (FC6) versus adopted children (FC9)

For most cases, the adoption is completed in the child's country of origin, and an adoption order is issued in that country. The permanent residence application must be processed for an adopted child, according to [subsections R117\(2\) and \(3\)](#), and must be coded as FC9 in GCMS.

In some cases, the adoption order is issued by the Canadian provincial or territorial court after the child arrives in Canada. These applications are processed as children to be adopted in Canada and coded as FC6 in GCMS.

If an application does not have the appropriate immigration category in GCMS, this should be corrected as soon as possible. Using the correct immigration category ensures the application is processed while taking into account the corresponding requirements of the IRPR. Using the correct code also ensures that CIC compiles reliable data on FC9 and FC6 applications.

FC6 cases must meet the regulatory requirements of [paragraph R117\(1\)\(g\)](#). This category can be used for all countries, regardless of whether they follow the Hague Convention.

Although the IRPR do not explicitly require that there be a home study in cases where the child is to be adopted in Canada, the Hague Convention requires that the central adoption authority in the receiving state ensure that prospective adoptive parents are eligible and suitable to adopt. Provincial and territorial central adoption authorities normally require that prospective adoptive parents residing in Canada undergo a home study either for adoptions completed in the state of origin or in their province or territory,

OP 3 Adoptions

and that the provincial or territorial central adoption authority confirm that a home study has been completed in their letter of no objection or notice of agreement.

The spirit of the Hague Convention must also be respected in non-Hague Convention cases. As a result, the requirements involving the best interests of the child in [subsection R117\(3\)](#) must be taken into account for non-Hague Convention FC6 cases.

[Clause R117\(1\)\(g\)\(iii\)\(A\)](#) requires that the child in a non-Hague FC6 case have been placed for adoption or be otherwise legally available for adoption in the country of origin. A legal document or court order giving the legal custody to the adoptive parents for the purpose of adoption in Canada must be provided by the central adoption authority of the country of origin. The best interests of the child test must be met to respect Canada's international obligations in regards to the rights of the child in all cases. The term "otherwise legally available" is not meant to overcome the inability to meet a country's adoption requirements.

For non-Hague Convention FC6 cases, visa offices must ensure that the following requirements are met:

- a letter of no objection from the province or territory;
- a completed home study;
- consent of the central adoption authority in the country of origin;
- a legal document giving the adoptive parents legal custody of the child;
- authorization for adoptive parents to take the child out of the country of origin for the purpose of adoption in Canada;
- a declaration of abandonment and a letter of consent from an orphanage if the child is orphaned or abandoned;
- a letter of consent from the child's biological parents, if applicable;
- no evidence of undue gain or child trafficking;
- no evidence of the adoption being entered into primarily for the purpose of acquiring a status or privilege (not an adoption of convenience); and
- a medical statement.

7.4 Case Processing Centre procedure for requesting a letter of no objection

A letter of no objection or a notice of agreement is not required to begin processing the IMM 1344 form. On receipt of a sponsorship application, CPC-M staff must verify completion of the application, and send a letter to the provincial or territorial central adoption authority requesting issuance of either a letter of no objection (non-Hague Convention cases) or a notification of agreement (Hague Convention cases). The provincial and territorial central adoption authorities make the determination between the two types of cases, inform the mission accordingly, and contact the visa office directly.

There is no requirement for a provincial or territorial statement for children adopted outside Canada when adoptive parents were not residing in a Canadian territory or province at the time of the adoption. The requirement for a provincial or territorial letter outlined in [paragraph R117\(3\)\(e\)](#) indicates the need for a written statement of no objection only if the sponsor resided in Canada at the time the adoption took place.

OP 3 Adoptions

For sponsors residing in Quebec, see Appendix A for more information.

7.5 Information on the child's medical condition

Adoptive parents must provide a written statement in which they acknowledge that they have obtained medical information about the child they have adopted or intend to adopt. A visa officer must be in receipt of this statement before a permanent resident visa may be issued. A medical condition statement is issued to sponsoring parents with other permanent resident application material. They are instructed to sign and return the statement to the mission when they have medical information concerning their child [\[R118\]](#).

7.6 High-profile or contentious cases

This content has been moved as part of our efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions concerning how to handle high-profile, complex, sensitive or contentious cases.

7.7 Changing a child's name in the IMM 1344 form

If a sponsored child is no longer available for adoption, sponsors may ask the CPC-M to replace the name of the child on the IMM 1344 form with the name of another child. The CPC-M must provide the new name to the visa office and the provincial or territorial central adoption authority.

If the visa office is contacted first, they should advise the sponsor to provide the name of the new child to the CPC-M and the provincial or territorial central adoption authority.

The CPC-M does not charge a new processing fee when it replaces a name for this reason.

7.8 Multiple adoptions

Cases may arise where a sponsorship application in support of a child to be adopted is still pending for one unnamed child, and the sponsor is notified that the birth resulted in multiple children or that there are other siblings available for adoption. If the sponsor wants to adopt the second or more children, they must complete a separate IMM 1344 form for each child for submission to the CPC-M with the required documents. The sponsor should write "**SIBLING ADOPTION**" on the envelope to facilitate the cross-referencing of the new application(s) to the existing one.

Payment of fees for all additional new applications is required.

7.9 Simultaneous citizenship and permanent residence applications

Simultaneous applications for the same adopted person under both the *Citizenship Act* and the IRPA may be submitted. For additional information, see CP 14, section 7.4.

OP 3 Adoptions

7.10 Improperly documented arrivals: adoptions

See ENF 4, *Port of entry examinations*.

7.11 Establishing identity and relationship

See OP 2, *Processing members of the family class*.

7.12 Identity and relationship documents

In cases of adoption, the following documents must be provided to the visa office:

- identity documents for the child;
- documents that include names of the biological parents of the child;
- final adoption order (FC9) or custody order to the adoptive parents for the purpose of adoption in Canada (FC6); and
- passport or travel document for the child.

The assessment of relationship refers not only to the legal relationship between the adoptive family and the child but also to the relationship of the child to their biological family.

Officers should request documents such as a birth certificate to ascertain who the biological parents of the child are.

For information on the naming policy, see *Naming procedures: Establishing name records in CIC systems*.

For further information, see OP 2, *Processing members of the family class*.

7.13 Admissibility requirements

Officers must be satisfied that applicants are not inadmissible and meet all requirements of the family class [\[A11\(1\)\]](#).

[Section R30](#) requires foreign nationals who are applying for permanent residence to undergo a medical examination. Instructions on the medical requirement can be found in the *Medical requirements* section.

If an adopted child or a child to be adopted is inadmissible to Canada, the application should be refused. See the following table for details:

Reason for admissibility or inadmissibility	Details
Medical	A child who has been adopted outside Canada or who will be adopted in Canada cannot be found to be inadmissible on the basis of a condition that may cause an

OP 3 Adoptions

	excessive demand on health or social services [A38(2)(a)] . If a child is inadmissible for other medical reasons, the child does not meet immigration requirements, and the adoption cannot be finalized. The provincial or territorial central adoption authority and the sponsor must be notified.
Provincial or territorial letter of no objection	For more information, see section 5.6. If a case is refused on the basis that it does not comply with the requirement that the province or territory issue a letter of no objection as per clause R117(1)(g)(iii)(B) or paragraph R117(3)(e) , there is a right of appeal for the sponsor. However, because the child to be adopted is not a member of the family class as described in subsection R117(1) , the Immigration Appeal Division (IAD) will not consider H&C grounds [A65] . The IAD may not consider H&C considerations unless it has decided that the foreign national is a member of the family class and that their sponsor is a sponsor within the meaning of the IRPR.
Adoption of convenience	See the program delivery instructions on how to identify a relationship of convenience.
Not a member of the family class	If an applicant is not a member of the family class as defined in subsection R117(1) , the application must be refused.

7.14 Visa issuance

Officers may not issue a permanent resident visa to a child adopted from a country that has ratified or acceded to the Hague Convention without a notification of agreement or a letter of non objection from the provincial or territorial central adoption authority.

When a child meets all immigration requirements

- in a case in which the Hague Convention applies, the officer should advise the provincial or territorial central adoption authority that a permanent resident visa will be issued (see Appendix D for more information);
- and has a verifiable travel document, if the sponsors have the authority to take the child to Canada, the officer may issue a permanent resident visa;
- and was adopted in the country of origin, the officer should use code FC9 (child adopted abroad); if the adoption is to take place in Canada, in the province or territory of destination, the officer should use code FC6 (child to be adopted in Canada); or
- in a Hague Convention case, the officer should enter the abbreviation HAG in the special program field in the GCMS application. The HAG special program code will also appear on the Confirmation of Permanent Residence. This identification is necessary because Canada has an obligation to report the number of adoption cases dealt with under the Hague Convention.

OP 3 Adoptions

Appendix A – Province-specific information for counselling

This section provides an overview of legislation in place in Alberta, British Columbia, Ontario, and Quebec that has a direct impact on the processing of adoption cases. This information is part of the counselling to be provided to parents.

Alberta

Subsection 62(3) of Alberta's [Child, Youth and Family Enhancement Act](#) states the following:

“No application for an adoption order shall be filed in respect of a child unless the child is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.”

Therefore, residents of Alberta cannot obtain an adoption order on behalf of a child who is not a permanent resident of Canada. A child who comes to Canada on a temporary resident permit, a temporary resident visa, or a student visa cannot be adopted in Alberta. A Canadian or permanent resident couple who has a legal guardianship order for a child cannot obtain an adoption order if the child has not obtained a permanent resident visa or Canadian citizenship prior to arrival in Canada. By requiring the adoption to be completed prior to arrival in Alberta or by having the adoption arrangements reviewed by an officer outside Canada, Alberta is seeking to ensure that all legal and birth-parent issues are addressed prior to the child's arrival in the province.

British Columbia

[Subsection 48\(1\)](#) of the *British Columbia Adoption Act* states the following:

“Before a child who is not a resident of British Columbia is brought into the province for adoption, the prospective adoptive parents must obtain the approval of a director or an adoption agency.”

The adoption agency must be one licensed by the province.

[Subsection 48\(2\)](#) states the following:

“The director or the adoption agency must grant approval if

- (a) the parent or other guardian placing the child for adoption has been provided with information about adoption and the alternatives to adoption,
- (b) the prospective adoptive parents have been provided with information about the medical and social history of the child's biological family,
- (c) a home study of the prospective adoptive parents has been completed in accordance with the regulations and the prospective adoptive parents have been approved on the basis of the home study, and
- (d) the consents have been obtained as required in the jurisdiction in which the child is resident.”

OP 3 Adoptions

Parents who have not obtained the approval prior to bringing the child to British Columbia are in contravention of the *British Columbia Adoption Act*, and such an offence is punishable under the *Offences and Penalties* section of this Act.

Exceptions to [section 48](#) of the *British Columbia Adoption Act* are made for a child brought into British Columbia for adoption by a relative of the child or by a person who will become an adoptive parent jointly with the child's birth parent and for a child who is a permanent ward of an extra-provincial agency.

Ontario

Under the Ontario *Intercountry Adoption Act, 1998*, the prospective adoptive parents, including those adopting relatives, must

- make an application to adopt with an international adoption agency that is licensed by the Ontario Ministry of Children and Youth Services;
- have an adoption home study completed by an adoption practitioner approved by a Ministry Director; and
- obtain the Ministry Director's approval of their eligibility and suitability to adopt based on the home study report.

It is an offence for an Ontario resident to leave the province to adopt internationally or finalize an international adoption without satisfying each of these requirements. The penalty for contravention of this provision is, on conviction, a fine of up to \$2,000, imprisonment for up to two years, or both.

Only international adoption agencies licensed by the Ministry of Community and Social Services under the *Intercountry Adoption Act, 1998* can operate in Ontario to facilitate international adoptions finalized outside Ontario. It is an offence for any other person or organization to provide this service.

In cases where the child's country of origin requires Ontario's approval before the adoption can be finalized, the proposed adoption placement requires the approval of the Ministry Director.

Quebec

For sponsors residing in Quebec, the CPC-M forwards a copy of the undertaking [IMM 1344] to the *Ministère de l'Immigration, de la Diversité et de l'Inclusion* (MIDI). The CPC-M also sends a letter to sponsors, instructing them to download the MIDI engagement application and submit it directly to the MIDI with a copy of the CPC-M letter.

The MIDI assesses sponsors, and if their requirements are met, issues a Quebec Selection Certificate for the child and sends the required documents to the corresponding visa office for the country of origin. The *Secrétariat à l'adoption internationale du Québec* is responsible for issuing letters of no objection directly to the adopting parents.

The effects of adopting a child domiciled outside Quebec are governed by the Civil Code of Quebec. Adoption procedures must be undertaken by a certified organization. Since February 1, 2006, to override this general rule, the criteria and conditions set forth in the Ministerial Order respecting the adoption

OP 3 Adoptions

without a certified body of a child domiciled outside Québec by a person domiciled in Québec must be met.

Under section 565 of the [Civil Code of Quebec](#),

“[...] A decision granted abroad must be recognized by the court in Québec, unless the adoption has been certified by the competent authority of the State where it took place as having been made in accordance with the *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*.”

As a result, adoptions legally recognized overseas are recognized in Quebec after the child arrives in Canada and when some procedures are completed in Quebec.

If the Hague Convention applies in the child’s country of origin, the adoption judgment issued in that country is simply accepted in Quebec.

If the Hague Convention does not apply in the child’s country of origin, the adoptive parents must have the foreign adoption judgment recognized by the Youth Division of the Court of Quebec for the adoption to be official.

Appendix B – Provincial and territorial information and contacts for adoption cases

Refer to the information provided on Canada's provincial and territorial central adoption authorities on the [Hague Conference on Private International Law website](#).

Appendix C – List of countries that have implemented the Hague Convention

For the current list of countries that have implemented the Hague Convention, refer to the [Hague Conference on Private International Law website](#).

Appendix D – Sample email sent by the visa office to the provincial or territorial central authority in Hague Convention cases

Canadian Embassy
Immigration section
Provincial central authority
Address

Dear Sir or Madam:

Subject: Child's name, date of birth, country of origin, file number; prospective adoptive parents' names

This refers to the application for permanent residence in Canada of [child's name], whom [prospective parents' names] intend to adopt.

As agreed with your Ministry with respect to the processing of an adoption case governed by the *Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*, please be informed that [child's name] now meets the requirements of the *Immigration and Refugee Protection Act* and its Regulations. We invite you to contact the central authority in the child's country of origin and the prospective adoptive parents to initiate the legal procedures for adoption or custody of the child. Please send us your notification of agreement to the adoption proposal if it has not already been sent. A permanent resident visa will be issued to the child when we receive the travel document and the adoption order, if the child was adopted in the country of origin, or a confirmation that the transfer of the child to Canada has been authorized, if the adoption will take place in your province.

Please be assured that the permanent residence application of [child's name] will receive prioritized processing.

Yours sincerely,

Visa officer

c.c.: sponsor

Appendix E Standard process for intercountry adoption: Hague Convention – Parents in Canada

- The prospective adoptive parents contact a province or territory's ministry or a licensed adoption agency.
 - a) The provincial or territorial central adoption authority requests a home study of the prospective parents from a competent authority to determine suitability.
 - b) When the home study is received by the province or territory, the central adoption authority prepares a report on the competency of the prospective adoptive parents and forwards it to the central adoption authority in the country where the child resides.
 - c) The sponsorship process normally begins once a recommendation is made by the province or territory.

- The sponsor submits their sponsorship application to the CPC-M, indicating their intention to adopt. The application names the child to be adopted, or if the child has not been identified, indicates the country where the adoption will take place.
- The CPC-M advises the central adoption authority in the province or territory of intended destination of the sponsor's intent to adopt, provides information related to the child or to the country where the adoption will take place and requests a letter of no objection or notice of agreement.
- The CPC-M creates a permanent residence application in GCMS and forwards the sponsorship recommendation to the visa office.
- The central adoption authority in the country where the child resides reviews the report and information on the prospective adoptive parents, matches the prospective adoptive parents to a child, prepares an adoption proposal and forwards the proposal to the central adoption authority in the province or territory of destination.
- The provincial or territorial central adoption authority reviews and assesses the information related to the child, provides provincial or territorial agreement and submits the information to the prospective adoptive parents for their approval.
- The province or territory prepares a notice of agreement signed by the prospective adoptive parents and forwards it to the visa office and the central adoption authority in the child's country of residence.
- The visa office combines the information on the immigration application, the sponsorship information and the notice of agreement to form a complete file and application.
- The prospective adoptive parents complete and sign the *Medical Condition Statement*, indicating knowledge of the child's health condition, and send it to the visa office.
- The notice of agreement should be considered as fulfilling the requirements of [subsection R117\(2\)](#) unless the visa office has reasonable grounds to believe that the process of the central adoption authority in the child's country of residence lacks integrity or competency (see section 5.7 for more information).
- If the visa office is satisfied with the notice of agreement, the child (applicant) is then assessed against the eligibility criteria.
- The visa office informs the provincial or territorial central adoption authority of the results (e.g., the applicant meets the requirements). The provincial or territorial central adoption authority, in turn, informs the central adoption authority in the child's country of residence.

OP 3 Adoptions

- Adoption procedures are completed by the central adoption authority, and adoption papers are issued and forwarded to the visa office.
- Once the adoption procedures have been completed and the final adoption order is received, the visa officer completes the immigration process and issues a visa.