



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# CP 14

## Adoption

## CP 14 - Adoption

Updates to Chapter .....	4
1. What this chapter is about .....	5
1.1. This chapter is about .....	5
1.2. Where to find other related policies and guidelines.....	5
2. Program objectives .....	5
2.1. Immigration process is still an option for Canadian citizen parents .....	6
3. The <i>Citizenship Act</i> and Regulations.....	6
3.1. Forms required .....	7
3.2. Fees.....	7
4. Instruments and delegations.....	7
4.1. Delegated powers.....	7
4.2. Delegates/designated officers .....	8
5. Definitions .....	8
6. Departmental policy .....	10
6.1. Who may apply .....	10
6.2. Eligibility for persons adopted as minors under subsection A5.1(1) .....	10
6.3. Factors to be considered under subsection A5.1(1).....	10
6.4. Eligibility for persons adopted as adults under subsection A5.1(2).....	11
6.5. Factors to be considered under subsection A5.1(2):.....	12
6.6. Eligibility for adopted persons destined to Quebec under subsection A5.1(3).....	12
6.7. Factors are not exhaustive .....	12
6.8. Names' policy .....	12
6.9. Discretionary grant under subsection 5(4) of the Act .....	13
6.10. Medical condition of the minor .....	13
7. Procedures.....	14
7.1. Application process.....	14
7.2. Multiple adoptions.....	14
7.3. Simultaneous citizenship and permanent residence applications.....	14
8. Processing Part 1 of the application .....	15
8.1. Review of the application by CPC Sydney .....	15
8.2. Assessing citizenship of parent .....	15
8.3. Date of application for assessing citizenship of parent .....	15
8.4. If Part 1 is approved.....	16
8.5. When is an application refused at Part 1.....	16
8.6. Multiple IDs in FOSS .....	16
8.7. Unnamed adoptions.....	17
9. Processing Part 2 of the application .....	17
9.1. Time limit for returning completed Part 2 of the application .....	17
9.2. Adopted person is a permanent resident .....	18
10. Assessing criteria under subsections 5.1(1) and 5.1(2) of the Act .....	18
10.1. Types of scenarios where citizenship may be granted .....	18
10.2. Types of scenarios where citizenship may not be granted.....	18
10.3. Best interests of the child – A5.1(1)(a) .....	19
10.4. Genuine parent-child relationship – A5.1(1)(b) and A5.1(2)(a) .....	19
10.5. In accordance with the laws of the country of adoption and residence – A5.1(1)(c) .....	20
and A5.1(2)(b) .....	20
10.6. Country of residence of the adopting citizen: Canada .....	20
10.7. Provincial notification letters .....	21
10.8. Country of residence of the adopting citizen: outside Canada .....	22
10.9. Not for the purpose of acquiring a status or privilege – A5.1(1)(d), A5.1(2)(b) and .....	22
A5.1(3)(b) .....	22
10.10. Identifying an adoption of convenience .....	22
11. Factors to be considered .....	23

## CP 14 - Adoption

11.1.	Home study .....	23
11.2.	Hague Convention .....	24
11.3.	Notification of agreement to the adoption – Hague cases .....	25
11.4.	Pre-existing legal parent-child relationship .....	25
11.5.	Free and informed consent .....	25
11.6.	Child trafficking and undue gain.....	26
11.7.	New evidence after P/T letter received .....	26
11.8.	Moratoria on adoptions .....	26
12.	Quebec adoptions – 5.1(3) of the Act .....	26
13.	Establishing identity and relationship.....	27
13.1.	DNA testing .....	28
14.	Interviews .....	28
15.	High profile or contentious cases.....	28
16.	Final decision .....	29
16.1.	Recording final decision.....	29
16.2.	Signature of the granting officer.....	29
16.3.	Notification of final decision to CPC-S .....	29
16.4.	Preparation and Distribution of citizenship certificate .....	29
16.5.	Transfer of file to CPC-S for archiving .....	30
16.6.	Judicial review .....	30
16.7.	Refund of right of citizenship fee in case of refusal .....	30
17.	Travel to Canada .....	30
17.1.	Facilitation visa.....	30
17.2.	Exit permits .....	31
Appendix	A Sample letters .....	32
Appendix	B Guidelines for Writing Part 2 Refusal Letters for Citizenship Adoption Application.....	63
Appendix	C Supplementary policy guidance on assessing the severing of a pre-existing .....	
	legal parent-child relationship for grants of citizenship under A5.1(1) or A5.1(2) .....	76

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## CP 14 - Adoption

### Updates to Chapter

#### Listing by date:

#### **Date: 2010-06-10**

Appendix B was added to incorporate Operational Bulletin 184 – Guidelines for Writing Part 2 Refusal Letters for Citizenship Adoption Application, February 8, 2010.

Appendix C was added to incorporate Operational Bulletin 183 - Supplementary policy guidance on assessing the severing of a pre-existing legal parent-child relationship for grants of citizenship under A5.1(1) or A5.1(2), February 8, 2010.

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## 1. What this chapter is about

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### 1.1. This chapter is about

This chapter explains how to assess and process applications for a grant of Canadian citizenship under section 5.1 of the *Citizenship Act* (grant of citizenship for persons adopted by Canadian citizens after February 14, 1977).

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### 1.2. Where to find other related policies and guidelines

For information on related policies and guidelines, see appropriate references below.

Related policies and guidelines	Link
Adoptions (Immigration)	See <a href="#">OP 3</a>
Proof of Citizenship	See <a href="#">CP 10</a>

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## 2. Program objectives

Bill C-14, an Act to amend the *Citizenship Act* (adoption), received Royal Assent on June 22, 2007, and came into force on December 23, 2007.

This adoption provision under the *Citizenship Act* allows children adopted outside of Canada after February 14, 1977 by a Canadian citizen to become a citizen without first having to become a permanent resident. As a result, the difference in treatment between children adopted abroad and children born abroad of a Canadian parent is minimized.

The criteria for granting citizenship to foreign-born adopted children of Canadian citizens under the *Citizenship Act* and Regulations is similar to those for granting permanent resident status to adopted children under the *Immigration and Refugee Protection Act* and Regulations (IRPA/IRPR). For the adoption of minors, the adoption must be carried out respecting the best interests of the child. The adoption must create a genuine parent-child relationship that permanently severs the legal ties to the child's biological parents. The adoption must be carried out in accordance with the laws of the place where the adoption took place and the laws where the adoptive parents resided at the time of the adoption. In addition, the adoption must not have been entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship, e.g. an adoption of convenience.

With respect to adult adoptions, a person adopted by a Canadian citizen after 18 years of age is eligible to apply for a grant of citizenship provided a genuine parent-child relationship existed before the person turned 18 and at the time of the adoption. The adoption must also meet the criteria provided for adopted minors, with the exception of best interests of the child. The intention is to have the new process informed by the current immigration process, while minimizing differential treatment of adopted children and Canadian children born abroad.

Foreign-born persons adopted after February 14, 1977 by a Canadian citizen will not be subject to criminal and security prohibitions under the *Citizenship Act*, nor will they have to take the oath of citizenship.

Citizenship is granted the same day that the decision maker approves the application for citizenship. Citizenship is **not** retroactive to the date of adoption. Once citizenship is granted, a citizenship certificate is issued.

**2.1. Immigration process is still an option for Canadian citizen parents**

The option for applying under the IRPA for permanent residence instead of (or before) citizenship remains available. A parent may still choose to sponsor their adopted child as a permanent resident under the IRPA if they wish and apply for citizenship at a later date. In some cases, the adoption is not completed outside Canada, but the country of origin allows the child to travel to Canada with the intention of being adopted. The child can then be adopted in Canada under provincial/territorial (P/T) laws. These cases will continue to be processed under the IRPA, through sponsorship and permanent residence applications (FC6).

Once the adoption is completed under P/T laws and an adoption order is issued, the adopted child will be eligible for citizenship under section 5.1, paragraph 5(2)(a) or subsection 5(1) of the *Citizenship Act*.

**3. The *Citizenship Act* and Regulations**

Provision	Reference in Act (A) or Regulations (R)
Canadian citizen parent at the time of adoption	<a href="#">A5.1(1)</a> , <a href="#">A5.1(2)</a> and <a href="#">A5.1(3)</a>
Adoption took place after February 14, 1977	<a href="#">A5.1(1)</a> , <a href="#">A5.1(2)</a> and <a href="#">A5.1(3)</a>
Adopted person was a minor at the time of adoption	<a href="#">A5.1(1)</a>
Adopted person was an adult at the time of adoption	<a href="#">A5.1(2)</a>
Best interests of the child	<a href="#">A5.1(1)(a)</a>
Genuine parent-child relationship	<a href="#">A5.1(1)(b)</a>
Genuine parent-child relationship before the child turned 18 and at the time of adoption	<a href="#">A5.1(2)(a)</a>
Adoption was done in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen	<a href="#">A5.1(1)(c)</a> and <a href="#">A5.1(2)(b)</a>
Adoption not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship	<a href="#">A5.1(1)(d)</a> , <a href="#">A5.1(2)(b)</a> and <a href="#">A5.1(3)(b)</a>
Adoption subject to Quebec law	<a href="#">A5.1(3)(a)</a>
Notification in writing from the province or territory where adoptive parents reside that it does not object to the adoption	<a href="#">R5.1(3)(a)(i)</a> , <a href="#">R5.1(3)(b)(ii)</a> , <a href="#">R5.2(3)(a)(i)</a> , <a href="#">R5.2(3)(b)(ii)</a> and <a href="#">R5.3(3)(a)(i)</a>

## CP 14 - Adoption

Pre-existing parent-child relationship severed by the adoption	<a href="#">R5.1(3)(a)(ii)</a> , <a href="#">R5.1(3)(b)(iii)</a> , <a href="#">R5.1(3)(c)(iii)</a> , <a href="#">R5.2(3)(a)(ii)</a> , <a href="#">R5.2(3)(b)(iii)</a> , <a href="#">R5.2(3)(c)(iii)</a> and <a href="#">R5.3(3)(a)(ii)</a>
Home study	<a href="#">R5.1(3)(c)(i)</a> and <a href="#">R5.2(3)(c)(i)</a>
Hague Convention on adoption	<a href="#">R5.1(3)(b)</a> <a href="#">R5.2(3)(b)</a>
Notification in writing that the country where the adoption took place and the province of the adopted person's intended residence approve the adoption as conforming to the Hague Convention	<a href="#">R5.1(3)(b)(i)</a> and <a href="#">R5.2(3)(b)(i)</a>
Free and informed consent of the adopted person's parents	<a href="#">R5.1(3)(c)(ii)</a> and <a href="#">R5.2(3)(c)(ii)</a>
Not for the purpose of child trafficking or undue gain	<a href="#">R5.1(3)(c)(iv)</a> and <a href="#">R5.2(3)(c)(iv)</a>

### 3.1. Forms required

Each applicant must submit an [Application for Canadian Citizenship for a person adopted by a Canadian citizen \(after February 14, 1977\)](#).

Form Name	Number
Part 1 – Confirmation of Canadian citizenship of the adoptive parent(s)	<a href="#">CIT 0010</a>
Part 2 – Adoptee's application	<a href="#">CIT 0012</a>
Canadian Citizenship Certificate Preparation Form	<a href="#">CIT 0480</a>

### 3.2. Fees

Each application must include the non-refundable processing fee. See [CP 1, section 3](#), Fees and Refunds.

**Processing fee:** The amount of \$100 (Can) for each adopted person is required for processing. Once the processing begins, this amount is not refundable.

**Right of citizenship fee:** The amount of \$100 (Can) is required for each adult adopted person (if 18 years or older at the time of application). The right of citizenship fee is only refundable if the application is refused or if CIC receives a withdrawal notice from the applicant before the grant of citizenship.

## 4. Instruments and delegations

### 4.1. Delegated powers

Under the provisions of the *Citizenship Act*, the Minister is responsible for granting citizenship, issuing citizenship certificates and for exercising other powers related to Canadian citizenship status. A citizenship officer is a person authorized in writing to exercise the minister's authority under citizenship legislation.

**4.2. Delegates/designated officers**

Program support officers at the Case Processing Centre in Sydney, Nova Scotia (CPC-S), case analysts at Citizenship Case Review in Case Management Branch (CMB), and Canada-based visa officers at missions abroad have been delegated as citizenship officers to grant citizenship under section 5.1 of the *Citizenship Act*.

**5. Definitions**

**Note:** The following definitions are intended for the purpose of this manual and the application of its procedures.

Term	Definition
<b>Adopted child</b>	For the purpose of this policy, the term “adopted child” includes minors, persons who were adopted as children and are now adults, and persons who were adopted as adults.
<b>Adoptive parents</b>	<p>For the purpose of this policy, the term “adoptive parents” will be used uniformly, but should be read to include cases where the adoption has been completed and where the adoption is in process (prospective adoptive parents).</p> <p>Unless otherwise stated, the adoptive parent refers to the Canadian citizen adoptive parent, or if there are two Canadian citizen adoptive parents, refers to both adoptive parents.</p>
<b>Applicant</b>	<p>In the case where the adopted person is under 18 at the time of application, the applicant is the parent or guardian who is making the application on behalf of the minor child.</p> <p>If the adopted person is 18 or older at the time of application, the adopted person is the applicant.</p>
<b>Biological parent</b>	The term biological parent refers to the natural parent or the legal parent at birth. Where applicable, it could also refer to the legal parent prior to the adoption order being made.
<b>FC6</b>	<p>Family Class permanent residence application under the IRPA for an adoption to be completed in Canada. Children sponsored under FC6 are not eligible for a grant of citizenship under section 5.1 until they have arrived in Canada as a permanent resident and the adoption has been finalised in Canada.</p> <p>For more information refer to <a href="#">IRPR 117(1)(g)</a></p>



**CP 14 - Adoption**

<b>FC9</b>	<p>Family Class permanent residence application under the IRPA for an adoption to be completed outside Canada. Children enter Canada as permanent residents after the adoption has been finalised. They are immediately eligible for a grant of citizenship under section 5.1 after the adoption is finalised or, if under 18, under paragraph 5(2)(a) after the adoption is finalised and the child is a permanent resident of Canada.</p> <p>For more information refer to <i>IRPR</i> 117 (2) and (3)</p>
<b>Full adoption</b>	<p>An adoption that creates a legal parent-child relationship and completely severs the pre-existing parent-child relationship.</p> <p>In the case of an adoption by a step parent, we do not expect the relationship with the remaining biological or legal parent to be severed, only the ties with the parent who is being replaced must be fully severed.</p>
<b>Guardianship</b>	<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. Nevertheless, the relationship between the parents and the child may remain active.</p> <p>Note: Guardianship does not constitute an adoption</p>
<b>Hague Convention on Adoption</b>	<p>The <i>Hague Convention on Protection of Children and Cooperation in respect of Inter-Country 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>
<b>Probationary Adoptions</b>	<p>Probationary adoption orders allow a guardianship relationship or 'probationary adoption' for the purpose of a trial relationship between the adoptive parents and child. Probations are generally supervised by a social worker with a requisite number of satisfactory reports to be filed in the child's country of origin prior to finalization of the adoption order by that country.</p>
<b>Simple adoption</b>	<p>An adoption that does not fully sever the legal relationship between the adopted child and the individuals who were, immediately before the adoption, the child's legal parents.</p> <p>A simple adoption does not create a legal and genuine parent-child relationship with the adoptive parents.</p>

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## 6. Departmental policy

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### 6.1. Who may apply

An application under subsection 5.1(1) of the Act may be made by:

- an adoptive parent or legal guardian on behalf of a minor currently under age 18; and
- persons who were adopted as minors, but who have reached 18 years of age.

An application under subsection 5.1(2) of the Act may be made by:

- persons 18 years of age and older who were adopted as adults.

An application under subsection 5.1(3) of the Act (Quebec adoptions) may be made by:

- an adoptive parent or legal guardian on behalf of a minor currently under age 18;
- persons who were adopted as minors, but who have reached 18 years of age; and
- persons 18 years of age and older who were adopted as adults.

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### 6.2. Eligibility for persons adopted as minors under subsection A5.1(1)

All the following criteria must be met in order to be granted citizenship under subsection 5.1(1) of the *Citizenship Act*.

- the adoption must have taken place after February 14, 1977.
- at least one adoptive parent must have been a Canadian citizen at the time of the adoption.
- the adopted child must have been under 18 years of age at the time of adoption.
- the adoption must have been in the best interests of the child [A5.1(1)(a)].
- the adoption created a genuine parent-child relationship [A5.1(1)(b)].
- the adoption was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen [A5.1(1)(c)].
- the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship [A5.1(1)(d)].

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### 6.3. Factors to be considered under subsection A5.1(1)

When assessing the criteria under subsection A5.1(1), the factors below need to be considered.

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**Note:** The factors under section 5.1 of the Regulations are for adopted children who are under 18 years of age at the time of application and the factors under section 5.2 of the Regulations are for persons who were adopted as children but who are 18 years of age or older at the time of application.

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In cases where the Canadian adoptive parent was residing **in Canada** at the time of adoption:

## CP 14 - Adoption

- whether a competent authority of the province where the Canadian adoptive parent resided at the time of adoption, has stated in writing that it does not object to the adoption [R5.1(3)(a)(i) and R5.2(3)(a)(i)].
- whether the pre-existing legal parent-child relationship was permanently severed by the adoption [R5.1(3)(a)(ii) and R5.2(3)(a)(ii)].

In cases where the adoption was in a country that is a party to the Hague Convention on Adoption and where the intended destination of the adopted child is a province:

- whether the competent authority of the country where the adoption took place and of the province of the adopted child's intended destination have stated in writing that they approve the adoption as conforming to the Convention [R5.1(3)(b)(i) and R5.2(3)(b)(i)].
- whether a competent authority of the province where the Canadian adoptive parent resided at the time of the adoption, has stated in writing that it does not object to the adoption [R5.1(3)(b)(ii) and R5.2(3)(b)(ii)].
- whether the pre-existing legal parent-child relationship was permanently severed by the adoption [R5.1(3)(b)(iii) and R5.2(3)(b)(iii)].

In all other cases being assessed under subsection 5.1(1) of the Act:

- whether a competent authority has conducted or approved a home study of the adoptive parents, as the case may be [R5.1(3)(c)(i) and R5.2(3)(c)(i)].
- whether, before the adoption, the biological parents gave their free and informed consent to the adoption [R5.1(3)(c)(ii) and R5.2(3)(c)(ii)].
- whether the pre-existing legal parent-child relationship was permanently severed by the adoption [R5.1(3)(c)(iii) and R5.2(3)(c)(iii)].
- the adoption was not for the purpose of child trafficking or undue gain within the meaning of the Hague Convention [R5.1(3)(c)(iv) and R5.2(3)(c)(iv)].

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### 6.4. Eligibility for persons adopted as adults under subsection A5.1(2)

All the following criteria must be met in order to be granted citizenship under subsection 5.1(2) of the *Citizenship Act*:

- the adoption must have taken place after February 14, 1977.
- at least one adoptive parent must have been a Canadian citizen at the time of the adoption.
- the adopted child was 18 years of age or older at the time of adoption.
- there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption [A5.1(2)(a)].
- the adoption was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen when the adoption took place [A5.1(2)(b) and A5.1(1)(c)].
- the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship [A5.1(2)(b) and A5.1(1)(d)].

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**6.5. Factors to be considered under subsection A5.1(2):**

When assessing the criteria under subsection A5.1(2), the factors below need to be considered.  
In cases where the Canadian parent was residing in **Canada** at the time of adoption:

- whether a competent authority of the province where the adoptive parent resided at the time of adoption, has stated in writing that it does not object to the adoption [R5.3(3)(a)(i)].
- whether the pre-existing legal parent-child relationship was permanently severed by the adoption [R5.3(3)(a)(ii)].

In all other cases being assessed under subsection 5.1(2) of the Act:

- whether the pre-existing legal parent-child relationship was permanently severed by the adoption [R5.3(3)(b)].

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**Note:** These factors are not requirements; therefore, the presence or absence of any one or more of the factors would not automatically result in the acceptance/refusal of a particular application for a grant of citizenship under section A5.1. For guidance on how to assess factors, see section 11 of this chapter.

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**6.6. Eligibility for adopted persons destined to Quebec under subsection A5.1(3)**

When assessing the criteria under subsection A5.1(3), the factors below need to be considered:

- the adoption decision made abroad must have taken place after February 14, 1977.
- at least one adoptive parent must have been a Canadian citizen at the time of the adoption.
- the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the decision outside Canada regarding the adoption meets the requirements of Quebec law governing adoptions [A5.1(3)(a)].
- The adoption was not entered into primarily for the purpose of acquiring a status in relation to immigration or citizenship [A5.1(3)(b)].

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**6.7. Factors are not exhaustive**

While subsections 5.1(3), 5.2(3) and 5.3(3) of the Regulations set out a list of factors to consider in determining whether the requirements listed under subsections 5.1(1) and 5.1(2) of the Act have been met, these factors are not exhaustive. See section 11 for a more detailed examination of the regulatory factors.

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**6.8. Names' policy**

The name to appear on the adopted person's citizenship certificate will be the legal name of the adopted child at the time citizenship is granted. In general, the legal name is taken from the adoption order.

If the applicant is requesting a different name on the citizenship certificate, supporting documentation will be required.

<b>If a legal change of name occurred...</b>	<b>Supporting documents required:</b>
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## CP 14 - Adoption

after the adoption and before applying for citizenship	<ul style="list-style-type: none"><li>• a provincial legal change of name document; <b>or</b></li><li>• a legal name change document issued by the appropriate authority of the country of residence.</li></ul>
due to marriage	<ul style="list-style-type: none"><li>• a copy of the marriage certificate; <b>AND</b></li><li>• at least one other document issued by the appropriate authority of the country of residence showing use of the married name. Examples include:<ul style="list-style-type: none"><li>• a passport</li><li>• a national identity card</li><li>• driver's license, etc.</li></ul></li></ul>

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### 6.9. Discretionary grant under subsection 5(4) of the Act

Persons who submit an application and who were adopted by Canadian citizens between January 1<sup>st</sup>, 1947 and February 14, 1977, are not eligible for a grant of citizenship under section 5.1 of the *Citizenship Act*.

If it is determined at the time Part 1 of the application is assessed that the adoption took place before February 15, 1977, CPC-S will evaluate the application using the factors described in OB 031 Handling Special Cases of Certain People Living in Canada Without Status.

If it appears that the applicant meets the criteria as set out in OB 031, or if the client specifically requests consideration for a discretionary grant, or if the client explains the reason of obtaining Canadian citizenship will alleviate special and unusual hardship or reward services of an exceptional value to Canada, the CPC will forward the application to CMB.

CMB will consider these applications on a case-by-case basis. CMB will either advise the client that they are being considered under subsection 5(4), and if necessary, request additional information and supporting documents, or CMB will return the application to the client with an explanatory letter.

Persons who were adopted by a Canadian citizen between January 1, 1947 and February 14, 1977, who are not referred to CMB by CPC-S, will have their applications returned to them by CPC-S, and will receive a refund of the fees paid. They will be advised, in an accompanying letter (see Appendix A), of the requirements for a regular adult grant of citizenship, including the requirements for obtaining permanent resident status. The letter will also advise them that they may request consideration, in writing, for a discretionary grant under subsection 5(4) of the *Citizenship Act* if they feel they meet the requirements.

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### 6.10. Medical condition of the minor

Under the *Citizenship Act*, there are no requirements regarding medical condition for adopted children, as there are no such provisions for natural-born children. However, it is very important for adoptive parents to be informed in a reliable manner about the child's medical circumstances. Adoptions have failed in the past and even resulted in child abandonment when the prospective family was ill equipped to deal with a particular medical condition. Although it is not a requirement, adoptive parents are encouraged to seek a medical examination through a paediatrician or a physician of their choice in order to ensure they are able to provide their adoptive child the care he or she requires in the child's best interest.

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## 7. Procedures

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### 7.1. Application process

The citizenship application kit for a foreign-born child adopted by a Canadian citizen is titled *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*.

This application is made up of two parts: *Part 1 Confirmation of Canadian citizenship of the adoptive parent(s)* and *Part 2 Adoptee's application*. Applicable fees or proof of payment must be submitted with Part 1 of the application.

***Part 1 Confirmation of Canadian citizenship of the adoptive parent(s)*** is used to gather information on the adoptive parents and establish that at least one of them is a Canadian citizen or was a Canadian citizen at the time of the adoption. Part 1 is also used to gather information on the adoption (e.g. whether the adoption took place after February 14, 1977 or whether it is in process, whether it involves a Canadian province or territory, etc.). Citizenship cannot be granted based on Part 1 alone. However, if it is determined at this point that there is no Canadian adoptive parent at the time of application for in-process adoptions, or at the time of adoption for completed adoptions, or the adoption took place prior to February 15, 1977, the application must be refused because of ineligibility (see section 6.9).

***Part 2 Adoptee's application*** is used to assess the adoption and may be processed at CPC-S or a visa office, depending on the case. The adoption must be assessed before the decision to grant citizenship can be made.

Neither CPC-S nor the visa office will process Part 2 if Part 1 has not been submitted or has been refused. Part 2 will be returned to the applicant with a letter explaining why it has been returned.

The applicant must mail the completed Part 1 to CPC-S. Once CPC-S confirms that one of the adoptive parents is a Canadian citizen or was a citizen at the time of the adoption, a letter is sent to the applicant indicating where and when to send Part 2. Once the child has been identified, Part 2 may be submitted to the visa office or CPC-S (according to the instructions on the Part 1 decision letter). The applicant must also (in the same time as part 2) submit the Certificate Preparation form directly to CPC-S in order for the certificate of Canadian citizenship to be prepared as soon as citizenship has been granted.

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### 7.2. Multiple adoptions

There must be a separate application and fees for each adopted child. If there are two children being adopted, two separate Part 1 applications and two separate Part 2 applications will be required.

If parents have submitted information regarding a child during the adoption process but subsequently adopt a different child, there is no need to send another Part 1 application. However, a new Part 2 application will have to be submitted to the office handling the file so that the office can record the correct particulars of the new child.

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### 7.3. Simultaneous citizenship and permanent residence applications

Simultaneous applications for the same adopted person under both the *Citizenship Act* and the *Immigration and Refugee Protection Act* may be submitted and received.

If simultaneous applications are received, the Case Processing Centre in Sydney (CPC-S) will request that the applicant specify which application they wish to proceed with using the *Multiple Applications Insert*. The insert will be included with the Part 1 decision letter.

## CP 14 - Adoption

The CPC in Sydney will enter the following NCB 12 in FOSS "C-14 application rec'd CPC Sydney" and enter rec'd date. The CPC in Sydney will advise the visa office that Part 1 of the application has been approved and that Part 2 will be forwarded by the applicant to their visa office.

If the applicant chooses to pursue with both applications or does not return the completed and signed *Multiple Applications Insert* to the CPC Sydney, CIC will assess the citizenship application before the permanent residence application. If citizenship is granted, CIC will administratively consider the application for permanent residence as withdrawn at that point and no fees associated with the permanent residence application will be refunded. If the permanent residence application is withdrawn by the applicant prior to being processed by the visa office, a partial refund may apply, however, once processing has commenced, refunds will not be possible.

If the applicant chooses to withdraw the citizenship application and continue with the permanent residence application only, the adopted person will be required to make a new citizenship application if he or she wishes to become a Canadian citizen at a later date. Applicants who have paid the Right of Citizenship fee will be eligible for a refund of this fee if they withdraw the citizenship application.

Processing times should not be adversely affected by having simultaneous citizenship and permanent residence applications. Visa offices will continue processing permanent residence cases in their inventories as usual unless they receive notice from CPC-S that an applicant meets the requirements for citizenship processing and wishes to pursue that avenue. In such cases, it is expected that relevant information from the permanent residence file would simply be transferred over to the citizenship file with no additional processing delays.

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## 8. Processing Part 1 of the application

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### 8.1. Review of the application by CPC Sydney

In general, CPC-S will have the responsibility of assessing Part 1 of the application. CPC-S will also process Part 2 of the application in some situations.

Applicants send Part 1 to CPC-S where a file is created. The application and supporting documents are reviewed to verify that:

- the inclusion of the correct cost recovery fee;
- the forms are completed and signed (including by the minor if 14 years of age or older);
- at least one of the adoptive parents was a Canadian citizen at the time of the adoption (or if the adoption is not completed, at least one of the adoptive parents is a Canadian citizen at the time of the application);
- the adoption took place or will take place after February 14, 1977.

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### 8.2. Assessing citizenship of parent

The procedures to follow on assessing citizenship of a parent are similar to a proof application. See [CP 10 Proof of Citizenship](#).

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### 8.3. Date of application for assessing citizenship of parent

An application to assess the citizenship of the parent is considered received when a completed Part 1 is received by CPC- SYDNEY .

## CP 14 - Adoption

The application is stamped with the date of receipt by CPC-S who will then send an acknowledgement letter to the applicant.

The date of signature as marked on the application is the date of application. However, if the application is post-dated, stale-dated (older than 3 months) or not dated, CPC-S will use the receipt date as the date of the application.

For the purpose of calculating processing times for service standards for missions, the application date to be entered in CAIPS is the date the office receives the Part 2 application or the date a case is referred to the mission for follow-up.

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### 8.4. If Part 1 is approved

If Part 1 is approved, CPC-S sends a letter to the client confirming Part 1's decision with instructions on where to send Part 2 of the application. If it is a case to be processed at a visa office, CPC-S will also send a notification by e-mail to the visa office responsible for the country where the child resides. (See sample e-mail in Appendix A.)

The visa office will create a G file based on the information received from CPC-S. The CAIPS Adoption Module file will be created once Part 2 of the application is received by the visa office.

If applicable, CPC-S sends a letter to the P/T authority requesting issuance of a letter of no objection (non-Hague case) and/or a notification of agreement (Hague cases) as required to the adoption proposal.

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### 8.5. When is an application refused at Part 1

If neither parent is a Canadian citizen at the time of adoption and/or at the time of submitting Part 1 of the application (where the adoption is not completed), the adopted child is not eligible for citizenship and the CIC office will refuse the application.

If the adoption took place before February 15, 1977, the adopted child is not eligible to be granted citizenship under section 5.1 of the Act and the CIC office will refuse the application.

Adopted children of permanent residents are not eligible for citizenship under 5.1 of the Act. If the adoptive parents are permanent residents, they may apply for permanent residence for their adopted child and then apply for citizenship for the child under paragraph 5(2)(a) at the same time as the parents apply for their own citizenship. Alternatively, the parents may apply for citizenship under section 5(2)(a) for a child under 18 years of age after the parents themselves have become citizens.

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### 8.6. Multiple IDs in FOSS

Before creating a client in GCMS, CPC-S will do a search in FOSS. Where a file is being referred to a mission (either as the destination of Part 2 application or as a follow-up), CPC-S will inform the mission in question if the client has an existing FOSS ID. Where multiple IDs are created (for example the issuance of a facilitation visa may create a new FOSS ID), the Query Response Centre (QRC) must be advised so that the IDs can be merged.

If the client does not exist in GCMS, but the GCMS user has found the individual under two different IDs in FOSS, QRC should be notified so that they can do a merge. After a merge is done, the GCMS user can convert that FOSS record into GCMS.

If the FOSS ID has been converted into GCMS, but another FOSS ID exists, or was created afterwards (possibly by CAIPS), the GCMS user should add the new ID to the FOSS ID field in GCMS. As well, QRC should be asked to merge the FOSS ID which was not converted over into GCMS into the one that was.



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**8.7. Unnamed adoptions**

In some cases, the identity or the name of the child may not be known before the adoptive parents are ready to begin the citizenship application process. Adoptive parents may submit Part 1 of the application for named or unnamed children. They must state on their application the country in which the adoption will take place.

CPC-S treats applications for unnamed children the same way as those for named children.

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**9. Processing Part 2 of the application**

Applicants are responsible for sending a fully completed Part 2 of the application once all details are known. The applicant may send the signed Part 2 to a guardian, an orphanage or an agency involved in the adoption for them to complete the form and provide details of the adoptive child's personal information.

The office responsible for Part 2 of the application must verify that:

- at least one parent has been confirmed as being a Canadian citizen in Part 1;
- Part 2 is properly completed and signed by the applicant;
- all requested documents have been submitted;
- a photograph of the adopted child has been attached.

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**9.1. Time limit for returning completed Part 2 of the application**

If Part 1 is approved, included in the Part 1 decision letter from CPC-S are instructions for submitting Part 2. The instructions will state that the completed Part 2 must be submitted to the appropriate office within two years of the date of the letter. CPC-S will put an application on hold for 21 months after sending the letter. If the application is still outstanding after that time, CPC-S will send a letter to the applicant reminding them of the deadline and explaining that the application could be refused if Part 2 is not received and the applicant has not contacted CPC-S to request an extension. Applicants who request an extension and who provide a reasonable explanation should be given an extension. Officers are expected to exercise their best judgement based on the circumstances of the case before refusing an application due to incomplete information/documentation.

It is recommended that the visa office(s) involved also place a 21-month bring forward (BF) on the G file from the date stated in the e-mail notification from CPC-S. If the visa office has not received Part 2 before the BF expires, the visa office will advise CPC-S by e-mail. CPC-S will follow up with the applicant, as above. The visa office may also allow extensions of time.

CPC-S and the visa offices will keep each other updated regarding the two-year period and any extensions allowed.

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**Note:** If the visa office receives Part 2 of the application and cannot find an existing G file under the applicant or the parents' name(s), the visa office has to send an email to CPC-S for verification. Upon confirmation that Part 1 was approved, the visa office will proceed with the application. If CPC-S advises that Part 1 was never received, the visa office will refer the applicant to CPC-S to submit Part 1 of the application and return Part 2 to the applicant as it is not considered as an application by itself.

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Once an application is refused for incomplete information/documentation, a new Part 1 and Part 2 with the appropriate documents and fees will have to be submitted.

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**9.2. Adopted person is a permanent resident**

Every year, permanent resident visas are issued to children whose adoptions are to be completed in Canada under provincial/territorial law (FC6 cases under the IRPA). That is, the adoption is not yet complete when they enter Canada. Therefore, they must acquire permanent resident status to enter Canada in order to be adopted. At that point, they are not eligible for citizenship because the adoption has not yet been finalized. Once the adoption is completed and the parent-child relationship is created in law, these children are entitled to citizenship under section 5.1 of the Act providing they are adopted by at least one Canadian parent after February 14, 1977. Because they obtained permanent resident status as children to be adopted in Canada and were processed outside Canada, the adoption should have met the requirements that apply under the IRPA, many of which are the same or similar to 5.1 requirements. Upon receipt of an application and confirmation that the adoption has been completed in Canada, CPC-S will review the case and may grant citizenship if no adverse information comes to light.

Also, adopted children whose adoption was completed outside Canada may have entered Canada as permanent residents before section 5.1 came into force or because their adoptive parent chose to acquire permanent resident status for the child instead of applying directly for citizenship. In these cases, too, unless adverse information comes to light, the officer may not need to re-evaluate the adoption, if the adoption has already been assessed by a visa office. The adoption would have been assessed for the permanent resident application.

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**10. Assessing criteria under subsections 5.1(1) and 5.1(2) of the Act**

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**10.1. Types of scenarios where citizenship may be granted**

The following summarises the types of scenarios that will occur and where citizenship may be granted:

- Adoption recently completed abroad. Parents reside in Canada and wish to bring child to Canada.
- Adoption in process of completion. Parents reside in Canada and wish to bring child to Canada once adoption complete.
- Adoption completed abroad and child in Canada. Child is a permanent resident and child may be a minor or an adult at the time of the citizenship application.
- Adoption completed abroad and child continues to reside outside Canada. Child may be a minor or an adult at the time of the adoption.
- Adoption in process of completion and parents and child reside outside Canada.

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**Note:** In the majority of cases, the parents are living in Canada and have received provincial/territorial approval of the adoption. The source country of the adopted child must also approve the adoption (and issue an adoption order) before citizenship can be granted. However, the citizenship application process allows the parents to submit the first part of the citizenship application prior to the completion of the adoption abroad. This is similar to the sponsorship application and permanent resident application processes under the *IRPA*.

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**10.2. Types of scenarios where citizenship may not be granted**

The following summarises the types of scenarios that will occur and where citizenship may NOT be granted:

## CP 14 - Adoption

- Adoption to be completed in Canada.
- Simple adoption or guardianship.
- Probationary adoption.

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### 10.3. Best interests of the child – A5.1(1)(a)

The “best interests of the child” is a concept found in many legal instruments that deal with children’s issues such as the Convention on the Rights of the Child, the Hague Convention and the *Divorce Act*. Consideration must be given to the particular factors provided in the Regulations.

All factors set out in the Regulations are intended to support the assessment of an adoption with respect to the “best interests of the child”. These are: a provincial letter or Hague letter, evidence that the adoption is a full adoption and in cases where the adoptive parents resided outside Canada at the time of the adoption, the existence of a home study by the required authority, proper parental consents from biological parents and no evidence of child trafficking.

"In the case of *Gordon v. Goertz*, [1996] 2 S.C.R. 27, McLachlin J. had this to say about the phrase "best interests of the child": "The best interests of the child test has been characterized as "indeterminate" and "more useful as legal aspiration than as legal analysis": per Abella J.A. in *MacGyver v. Richards* (1995), 11 R.F.L. (4<sup>th</sup>) 432 (Ont. C.A.), at p. 443. Nevertheless, it stands as an eloquent expression of Parliament's view that the ultimate and only issue when it comes to custody and access is the welfare of the child whose future is at stake. The multitude of factors that may impinge on the child's best interest make a measure of indeterminacy inevitable. A more precise test would risk sacrificing the child's best interests to expediency and certainty."

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### 10.4. Genuine parent-child relationship – A5.1(1)(b) and A5.1(2)(a)

In order to meet this criterion, the adoption must create a genuine parent-child relationship in law and in fact.

In order to assist officers in assessing whether an adoption has created a genuine relationship of parent and child, officers are encouraged to look closely at the effect of the adoption in order to determine:

1. Whether it was a **full** adoption, meaning an adoption that completely severed the adopted child’s former ties with his or her biological parents or previous legal parents and created a new legal parent-child relationship. Arrangements other than a full adoption, such as a simple adoption or guardianship order, do not sever the adopted child’s ties with his or her biological parents. Arrangements which are not “full adoptions” would not be satisfactory to demonstrate that a legal parent-child relationship has been established as is contemplated in paragraphs 5.1(1)(b) and 5.1(2)(a) of the Act. Note: In the case of an adoption by a step parent, we do not expect the relationship with the remaining biological or legal parent to be severed, only the ties with the parent who is being replaced must be fully severed.
2. The authenticity of relationships between adoptive parents and adopted children. The primary purpose of the adoption should be to establish the parent-child relationship and not for the purpose of assisting that child to gain admission to Canada, or Canadian citizenship. This should be assessed in conjunction with paragraph 5.1(1)(d) and 5.1(2)(b) of the Act.

See **Adoptions of convenience** section 10.10 for more information.

For adult adoptions, there must have been a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption.

## CP 14 - Adoption

An example of an adult adoption is where an individual as a foster child is adopted by his or her foster parent after the individual turns 18 years of age.

Applicants may be requested to provide additional evidence under R28 to prove that there was a parent/child relationship before the applicant turned 18 and at the time the applicant was adopted.

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### 10.5. In accordance with the laws of the country of adoption and residence – A5.1(1)(c) and A5.1(2)(b)

#### Laws of the place where the adoption took place

The onus is on the adoptive parents to provide evidence that establishes the adoption was in accordance with the laws of the place where it took place. In most cases, this evidence will be in the form of an adoption order issued by the competent authority where the adoption took place. The adoption order should be examined to ensure that it conforms to the laws of the country in which the adoption took place. An adoption petition is not satisfactory evidence that an adoption is completed or is in accordance with the laws where the adoption took place.

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;
- the country does not authorize international adoptions; or
- the country's adoption laws do not provide for full adoption.

In any of these circumstances, the officer must carefully consider whether the adoption fully complies with the laws of the country where it took place, creates a genuine relationship of parent-child, is fraudulent or is otherwise an adoption of convenience.

#### Laws of the country of residence

The second part of section A5.1(1)(c) and A5.1(2)(b) requires that the adoption also be in accordance with the laws of the country of residence of the adopting citizen. In the majority of cases it will be readily apparent that the adoptive parents reside in a province or territory of Canada. Where there is doubt that the parents are considered resident in Canada, officers must seek confirmation from the provincial/territorial authorities; i.e. request a letter of approval or no objection. When it is clear that the adopting citizen's country of residence is not Canada, officers will have to determine the country of residence based on an assessment of all the circumstances of the case.

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**Note:** The applicant should not be involved in requesting the letter from the P/T authorities.

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### 10.6. Country of residence of the adopting citizen: Canada

In Canada, provinces and territories (P/T) are responsible for adoptions in their territory. P/T legislation and procedures protect the rights and welfare of children. Provinces require home studies before deciding to approve international adoptions but not in all cases, i.e. relative adoptions in British Columbia and where the parent(s) reside outside Canada.

Where the adoptive parents live in Canada, the adoption must comply with the applicable P/T adoption laws. Evidence that the adoption complies with the adoption laws of the P/T where the adopting citizen resides (or intends to reside) will be stated in writing in a provincial notification letter (See section 10.7). P/T authority is only involved when the Canadian citizen parent resides in Canada when the adoption took place.

Human Resources and Social Development Canada (HRSDC) is the federal department responsible for issues surrounding international adoptions. The Intercountry Adoption Services

## CP 14 - Adoption

(IAS) represents the P/T abroad on matters of inter-country adoption, except for Quebec, where the Secrétariat à l'adoption internationale plays this role. The IAS facilitates the development of intercountry adoption protocols, and promotes the best interests of children adopted from another country by Canadians. It also co-ordinates inter-country adoption issues and information among the P/T, other federal departments, foreign authorities and non-governmental organisations, and acts as the federal central authority under the Hague Convention.

### 10.7. Provincial notification letters

Where an adoption is completed outside of Canada and, at the time of the adoption, the adoptive parents were not resident in Canada, P/T adoption authorities have no jurisdiction to consider the adoption. Therefore, in such situations, P/T adoption authorities will not issue a letter of any kind. Officers are instructed to not request letters from P/T authorities where the Canadian citizen adoptive parent (or parents, as the case may be) were not resident in Canada at the time of the adoption.

There may be situations where adoptive parents seek to avoid P/T involvement in the adoption process, and therefore advise that they were not resident in Canada at the time of the adoption. In cases where the adoptive parent(s) indicate they were not resident in Canada, officers must be satisfied that, at the time of the adoption, the parent(s) was (were) not a resident of Canada. Where there is doubt that the parents are considered resident in Canada, officers must seek confirmation from the provincial/territorial authorities; i.e. request a letter of approval and/or no objection.

Note that some P/T letters have expiry dates. If a letter expires before the decision is rendered, the office responsible for the file must request a new letter from the P/T.

Type of Letter	Description
Letter of no-objection	<p>Where the Hague Convention does not apply and the adoption falls under the jurisdiction of a P/T, the P/T where the adoptive parent resides must state in writing that it does not object to the adoption. This letter is commonly called a "no-objection letter."</p> <p>With respect to adopted children, the requirement for a letter of no-objection applies only to children adopted abroad by adoptive parents residing in Canada. If the adoptive parents reside abroad and an adoption takes place abroad, P/T authorities will not provide a letter.</p>
Notification (or letter) of agreement/letter of approval	<p>In Hague Convention cases, the concerned P/T authorities will forward a notification of agreement to the visa office, with a copy to the central authority of the applicant's country of residence, indicating that the P/T authorities agree to the adoption.</p>
Letter of no-involvement	<p>Some P/T issue a letter of no-involvement ("no-involvement letter") if an adoption is finalized abroad prior to the adopted child's arrival in Canada or where the P/T has no legislative authority in respect to the adoption.</p> <p>The purpose of the letter of no-involvement is to inform the visa office abroad that an adoption order, which is in accordance with the laws of the place where the adoption took place, will be recognized by the adopting parents' P/T of residence. It is also an indication that the P/T may not have assessed criteria respecting the adoption.</p>

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**10.8. Country of residence of the adopting citizen: outside Canada**

Where the adoptive parents live outside Canada, the officer must obtain the assurance from the competent adoption authorities of the country of residence of the parents that the adoption conforms to their law. This is essential to avoid situations such as a child not being allowed to enter that country.

Where the adoptive parents reside outside Canada, adopt a child and return to Canada, officers are reminded to be cautious: some adoptive parents might attempt to circumvent P/T adoption laws by claiming to be non-residents. For example, the parents live in Canada, but left the country only temporarily, with the intention of returning.

The officer must determine if the adoptive parents reside in Canada for the purpose of section 5.1 of the Act. Where the officer has any doubt as to whether the adoptive parents are considered resident in Canada and subject to P/T laws, contact the P/T (see above).

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**10.9. Not for the purpose of acquiring a status or privilege – A5.1(1)(d), A5.1(2)(b) and A5.1(3)(b)**

If the officer determines that the adoption was entered into primarily for the purpose of acquiring status or privilege in relation to immigration or citizenship (i.e. an adoption of convenience), the officer **must** refuse the application.

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**10.10. Identifying an adoption of convenience**

An officer must form his or her opinion on factors which, taken together, could make a reasonably prudent person conclude the adoption has taken place to circumvent the *IRPA* or the *Citizenship Act*.

No formal criteria exist for deciding whether or not an adoption is *bona fide*. Rather, the officer looks at relevant information, which typically might include:

- the circumstances of the adoption;
- the whereabouts of the child's biological parents and the nature of their personal circumstances;
- who was included in the child's household before and after the adoption (e.g. did the child continue to live in the same household as the biological parents even after the adoption);
- Whether the adoptive parents are supplying financial and emotional support;
- the motivation or reasons for the adoption of the child that the biological parents and the adopting parents give;
- the authority and suasion of the adopting parent(s) over the adopted child;
- arrangements and actions taken by the adoptive parent(s) as it relates to caring, providing, and planning for the adopted child;
- supplanting of the authority of the child's biological parent(s) by that of the adopting parent(s);
- the relationship between the adopted child and the biological parent(s) before the adoption;
- the relationship between the adopted child and the biological parent(s) after the adoption;
- the treatment of the adopted child versus that of biological children by the adopting parent(s);

## CP 14 - Adoption

- the prevailing social and legal practices governing adoption in the child's home country;
- in a case where the adoption took place a long time ago, evidence that the child has lived with the adoptive parents and that they cared for the child.

This list of factors is not exhaustive. Some factors may not be applicable to a particular case while other factors not included in this list may be relevant.

The officer must have evidence, documentary or otherwise, to support his or her decision and, in cases of refusal, must include reasons for the decision in the refusal letter. The adoptive parents may apply for a judicial review of the refusal in Federal Court.

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### 11. Factors to be considered

Sections 5.1, 5.2, and 5.3 of the *Citizenship Regulations* provide a non-exhaustive list of factors to be considered in determining whether the requirements of subsections 5.1(1) and 5.1(2) of the Act have been met. These factors are not requirements; therefore, the presence or absence of any one or more of the factors would not automatically result in the acceptance/refusal of a particular application for a grant of citizenship under section 5.1 of the Act. Rather, these factors are to be considered and weighed in each individual case, in order to assist officers in deciding whether or not the requirements of subsection 5.1(1) and 5.1(2) of the Act have been met for the purpose of granting or refusing an application for Canadian citizenship.

The factors set out in Regulations are sufficiently precise so as to inform citizens who are contemplating adopting a child from another country of the considerations which will guide an officer's decision-making when assessing an application for citizenship made under section 5.1 of the Act.

The list of non-compulsory factors also allows officers the necessary flexibility to make appropriate decisions in a wide range of cases under subsections 5.1(1) and 5.1(2) of the Act. Cases will range from an adult who applies for citizenship after having been adopted at birth to an infant who was recently adopted abroad by a Canadian citizen.

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#### 11.1. Home study

Whether a favourable home study was conducted by a competent authority outside Canada is another factor that can be linked to one or more of the requirements set out in section 5.1 of the Act in cases where the adoptive parents resided outside Canada at the time of adoption. In many jurisdictions, including Canada, an assessment of the prospective parents and their suitability to adopt is undertaken as a precondition to an adoption. Therefore, officers are advised to consider whether a favourable home study conducted by a competent authority was required by law and/or was available. It is anticipated that there will be very few cases where a home study has not been conducted or is not available for the officer's consideration. To ensure that the proper safeguards are in place, officers should verify that a competent authority has completed and approved a home study.

In the vast majority of cases, the officer receives a letter of no-objection from the P/T authorities, since they have jurisdiction in child welfare matters in Canada. In a case where the adoptive parent(s) resides in Canada, the P/T letter is an indication that a home study has been conducted and approved, i.e., that the prospective parents are suitable to adopt a child. However, sometimes private adoptions may take place without a proper home study being done, even when the child is destined to Canada. This usually results in a letter of no-involvement by the P/T authorities. Where there are doubts on the reliability of a home study, or in the absence of one, the officer must ensure that the best interest of the child is not at risk.

There is **no** need to request a home study if this has already been done under the laws of the place of residence of the adopting parent (see 5.1(1)(c) of the Act). If an officer has no evidence that a home study has been done, the officer may:

## CP 14 - Adoption

- if the parents reside outside Canada and adopt outside Canada, request that the parent provide proof that a home study was conducted and approved by the local child welfare authorities or accredited social workers where the parents reside.

If no home study was done at all, the officer may:

- request one from the competent authority or accredited social worker in the place of residence of the adopting parents.
- if no such service is available, advise the adopting parents to contact International Social Services in their country of residence to request that a home study be conducted to determine their suitability as adopting parents.

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**Note:** The absence of an approved home study, while an important consideration, would not in itself be automatic grounds for refusing an application. Rather, the presence/absence of an approved home study is a factor to be used in assessing whether or not one or more of the requirements under section 5.1 of the Act have been met.

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### 11.2. Hague Convention

Under the Hague Convention, countries designate "central authorities" that administer inter-country adoptions in a manner consistent with the provisions of the Convention. In the case of Canada, the P/T have been designated as such authorities. It is the P/T authorities who must determine whether the Hague Convention on adoption applies to a particular case.

The Hague Convention requires:

- The central authority in the country where the adoption is taking place (sending country) to ensure that:
  - ◆ the child is legally free for adoption;
  - ◆ the birth parents have consented to the adoption and understand the consequences for their parental rights; and
  - ◆ the decision to place a child for adoption is not motivated by financial gain.
- The central authority in the adoptive parent's country of residence (receiving country) ensure that:
  - ◆ the adoptive parents are eligible and suitable to adopt; and
  - ◆ the appropriate authorities have decided that the child will be allowed to enter and live permanently in the country.

In a Hague Convention case, an adoption may be finalized only after the sending and receiving countries have verified the above information.

In Canada, the P/T authorities are responsible for determining if the Hague Convention applies to a case. If the Hague Convention does apply, the P/T authority will send a notification (or letter) of agreement to CIC. This notification establishes that the adoption conforms to the Convention.

Where the Hague Convention does not apply and the adoptive parents are resident in a P/T at the time of the adoption, the P/T will be asked for a letter confirming they do not object to the adoption (letter of no objection). The letter of no objection indicates that the p/t authorities agree to the adoption and that all their laws have been met.



## CP 14 - Adoption

The Hague Convention applies when an adopting parent lives in Canada and the country where the adoption takes place has ratified and implemented the Hague Convention. If either condition is missing, the Hague Convention does not apply.

There are two principal regulatory requirements that must be met when the Hague Convention applies. The central authorities of the receiving P/T (place where the adoptive parents reside) and the country of origin (where the adoption takes place) must indicate in writing that the adoption conforms to the Convention.

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**Note:** The country where the adoption takes place, not the country of the child's nationality, determines if the Hague Convention applies.

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### 11.3. Notification of agreement to the adoption – Hague cases

After reviewing Part 1 of the application, CPC-S sends a letter to the P/T authority requesting issuance of either a letter of no objection (non-Hague case) or a notification of agreement (Hague cases) to the adoption proposal (see APPENDIX A). The P/T authorities make the determination between the two types of cases and inform the mission or CPC-S accordingly.

An officer cannot grant citizenship in Hague Convention cases without a notification of agreement from the P/T of the adopting parent(s).

When the officer has been notified that the procedures for the adoption or the child's transfer to the adoptive parents are complete, the officer must verify that the adoptive parents have authority to take the child to Canada (often an adoption order). When the officer has received the adoption order, this is confirmation that the adoption has been finalised and the officer may grant citizenship.

Report any problems with Hague Convention cases to Immigration Branch and Citizenship Branch.

### 11.4. Pre-existing legal parent-child relationship

This factor can best be understood in the context of asking whether the effect of the adoption is to create a new parent and child relationship to replace any pre-existing parent and child relationship.

Only full adoptions that create a genuine parent-child relationship in law are acceptable under section 5.1 of the Act. Other types of custody arrangements, such as guardianships or simple adoptions, do not terminate pre-existing ties to the child's biological family. Officers must verify that the adoption order in the country where it takes place has the effect of severing the pre-existing relation. This is only applicable where one or both biological parents are still alive. When the parents are deceased (the child is orphaned) the officer can request a death certificate or other official document from local authorities certifying the parents' death.

### 11.5. Free and informed consent

There have been cases where a vulnerable biological parent did not realise the consequences of the adoption. Therefore, if applicable, officers should consider whether there is evidence that the genuine and informed consent of the biological parents has been provided.

The parental consent process is intended to inform parents that the legal ties with their child will be fully severed by the adoption and that they will have no further rights to the child. This is particularly important in many countries where it is common practice to send children away in the care of others without severing legal parental rights and where parents do not understand the implications of inter-country adoption.

If the officer is not satisfied that such a consent was obtained, the officer may:

- interview the biological parent or any of the persons involved in the process.

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**11.6. Child trafficking and undue gain**

Cases may arise where officers will have evidence that child abduction and/or fraud has occurred. There have been cases where adoptive children were abducted.

If the officer suspects the child was abducted, the officer may:

- interview the biological parent or any of the persons involved in the process.

If the P/T is not involved (i.e. adoptive parent resides outside Canada and/or the P/T has advised they have no involvement) and the officer has evidence that child trafficking has taken place or that there was undue gain in the process (i.e., that a child was sold or that improper financial gain took place), the officer should refuse the case on the basis of section A5.1(1)(a).

Child trafficking and undue gain contravene most foreign legislation. These cases would therefore not meet the requirements of subsection 5.1(1)(c) of the Act. If the officer is considering refusing a case on that basis, the officer **must** contact Citizenship Case Review at Case Management Branch (NHQ-BCM) by email at NHQ-BCM-Division.

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**11.7. New evidence after P/T letter received**

Where an officer receives new information related to the consent of the biological parents, or child trafficking and undue gain issues after the P/T has provided a letter confirming they approve or do not object to the adoption, this information must be provided to the P/T and processing suspended until the P/T confirms or revises its statement. The granting officer must be satisfied that all requirements of the Act and Regulations are met before granting citizenship, even if the P/T confirms its original approval/no objection.

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**11.8. Moratoria on adoptions**

Moratoria on adoptions are imposed on countries when there is evidence that satisfactory infrastructure does not exist to ensure the best interests of adopted children are respected. Of primary concern are situations of child abduction and trafficking, or the removal of children from their families without proper parental consents, and where prospects for improvement in the country in the absence of international pressure appear remote.

Citizenship and Immigration Canada does not have the authority to impose moratoria on adoptions on foreign countries. Rather, only the P/T, by virtue of their authority over adoption matters in Canada, can do so. HRSDC and CIC work together with the P/T to establish consensus on the imposition of moratoria and the conditions under which they will be lifted.

When a moratorium is imposed on adoptions from a specific country, P/T will decline to issue letters required by the Regulations for approval of a case. These cases should be refused on the basis of there being no P/T approval.

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

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**Note:** If the Canadian citizen parent is not residing in Canada, there will be no P/T authority involved, and a moratorium will not be enforceable by P/Ts. In such cases officers are responsible for assessing all criteria. Citizenship Branch will liaise with HRSDC and the P/Ts regarding countries with moratoria on adoptions.

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**12. Quebec adoptions – 5.1(3) of the Act**

Under the Civil Code of Quebec, adoptions from non-Hague countries can only be fully completed for Quebec purposes once the adoption is recognised by a court in Quebec, which takes place

## CP 14 - Adoption

after the arrival of the child. (This is not the same situation as a FC6 case – child to be adopted in Canada as an adoption must have occurred abroad in order to be eligible for application under the *Citizenship Act*). Under paragraph 5.1(3)(a) of the Act, citizenship can be granted to adopted children destined to Quebec if the Quebec authority notifies CIC, in writing, that the adoption meets the requirement of Quebec law. The *Secrétariat à l'adoption internationale* is the authority responsible for international adoptions in Quebec. The officer may grant citizenship if the following criteria have been met:

- The adoption outside Canada must have taken place after February 14, 1977.
- The adoptive parent must have been a Canadian citizen at the time of the adoption that took place outside Canada.
- The Quebec authority responsible for adoptions advises, in writing, that the adoption meets the requirements of Quebec law.
- The adoption was not entered into primarily for the purpose of acquiring status or privilege in relation to immigration or citizenship.

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**Note:** If citizenship is granted to a child destined for Quebec and the adoption is not completed in Quebec court, the adopted child will not lose Canadian citizenship.

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### 13. Establishing identity and relationship

Section 28 of the Regulations states that applicants must provide any additional evidence in connection with the application that may establish compliance with the Act and Regulations. This includes establishing identity and relationships.

The parties to an application usually (but not exclusively) refer to the adoptive parents, the adopted child and, if applicable, the child's biological parents or legal guardian. At any point in the process, officers must be satisfied, on a balance of probabilities, with the identities of the individuals and relationships between the parties on an application made under section 5.1.

The onus is on the person concerned to provide evidence of their identity and relationships. Applicants should be advised to answer officers' questions truthfully as well as provide any necessary supporting information and documentation requested to allow officers to make an informed decision.

Examples of documents to help establish identity include government-issued documents such as a birth certificate, passport, driver's licence, national identity card or health card. Non-governmental documents, such as bank records or employment records, may also be used to establish identity.

Applicants may establish their relationship to other people using, for example, birth, baptismal, marriage and adoption certificates.

Where necessary, applicants may use other types of official records. These can include voter's registration lists, military records, old passports, income tax forms, school records, household registries, hospital records, identity cards and old immigration records.

An officer may consider declarations made by bank officers, religious leaders, police authorities or civic and other government officials as an indication of a person's identity or a relationship. While an officer should consider all information presented, each piece of information should be carefully evaluated on its own individual merits in the context of the application in question. When considering these types of documents, officers should, at a minimum, consider the following factors:

- is the document genuine;

## CP 14 - Adoption

- does it belong to the applicant, or does it come from a third party;
- does it provide evidence of the person's identity or relationship to another person;
- does it pre-date the application for citizenship.

Documents will vary depending on the applicant's country of residence. Any document on its own may fail to establish identity or relationship. Documents should be consistent one with the other and weighed according to their reliability and relevance. The officer may need to compare documents if earlier versions exist of household registries, hospital birth records or national identity cards. Look closely at identity or relationship documents which post-date interest in citizenship or immigration to Canada.

In cases where documents were issued to replace lost or stolen documents, it may help to compare documents, such as adoption decrees, identity cards, etc., with those provided by other applicants in same or similar circumstances.

When in doubt, the officer may consult:

- the visa office responsible for the country where the document was issued;
- the agency which issued the document.

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### 13.1. DNA testing

Where it is necessary to establish a biological relationship (e.g. to determine if the person giving up the child for adoption is the biological parent) and it cannot be established through documentation, officers may suggest that individuals undergo DNA testing.

CIC's policy is to accept positive DNA test results from laboratories accredited by the Standards Council of Canada as valid proof of a parent/child relationship. The test involves the comparison of DNA profiles based on samples taken from persons claiming to be a natural father, mother or child(ren). If properly conducted, the test is considered a highly reliable means to certify parentage (see CP3 section 5 and OP1 section 14).

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## 14. Interviews

When examining an application made under section 5.1, officers may request that the applicant or other party to the adoption attend an interview. Officers should call people for interview only when it is essential to assess the citizenship application. Interviews can help confirm a person's identity and relationships pertinent to the adoption and application. Interviews may also clarify answers to questions.

If you suspect an adoption of convenience, try to interview the adoptive parents and, if applicable, the biological parents separately to identify discrepancies. Be fair to the applicant. Inform them of your concerns and give them a chance to respond to them. Where possible, record all your questions and the answers provided by the applicant.

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## 15. High profile or contentious cases

It is critical that potentially high profile or contentious cases be brought to the attention of Case Review (BCM) at Case Management Branch as soon as possible to ensure that the department is prepared to explain or justify the treatment given to any specific case. BCM will determine if and when a briefing of senior management is warranted. Each visa office and local office should use its usual mechanisms for advising BCM and the head of mission of potential high profile or contentious cases.

## CP 14 - Adoption

High-profile cases may result from a variety of applications and situations. For example, cases involving child trafficking may become high profile or contentious. Also, though there are no criminal or security checks for applications under section 5.1 of the Act, officers might come across cases where there is evidence that the applicant has a criminal record or might cause a security risk, in which case BCM should be alerted.

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### 16. Final decision

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#### 16.1. Recording final decision

After making a final decision, the officer must include his or her full name, the date and the place of the decision in the notes section of CAIPS.

If the case is refused, prepare and send the appropriate refusal letter to the applicant (see Appendix A)

If the case is approved, send the approval letter to the applicant. This letter is to be used by applicants as part of the documentation for application for a Canadian passport at the Consular Office. Note: The letter cannot be used as proof of citizenship. For applicants who indicate that they will be applying for a Canadian passport, notification of the grant decision should be sent to the appropriate consular section(s), (see 18, Travel to Canada).

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#### 16.2. Signature of the granting officer

The granting officer must sign, date, print their name and indicate the place where the decision took place on Part 2 of the application in the designated place at the top of the application in the "for official use only" section.

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#### 16.3. Notification of final decision to CPC-S

Once a final decision has been reached at a mission, the processing office will immediately notify CPC-S by email of the final decision. CPC-S will then enter this information into GCMS. It is important that a high priority be given to entering the information on a grant into GCMS, as a record of the final grant decision will not be available to the port of entry until CPC-S enters this information into GCMS or unless a facilitation visa is issued. The grant of citizenship in CAIPS will not be automatically downloaded to FOSS as GCMS is the system of record for citizenship cases. However, where a facilitation visa is issued, there will be a download to FOSS from CAIPS.

It is important that a high priority be given to entering the information on a grant into GCMS.

---

#### 16.4. Preparation and Distribution of citizenship certificate

CPC-S will be responsible for the preparation of all citizenship certificates. They will prepare the citizenship certificate, once notification is received from the granting office, with the information and photo provided by the applicant on the *Canadian Citizenship Certificate Preparation Form*. The applicant will have been advised by CPC-S to mail the *Canadian Citizenship Certificate Preparation Form* and photographs directly to CPC-S, when Part 2 of the application was submitted.

A citizenship certificate is not required prior to travel to Canada once citizenship has been granted. For applicants returning to Canada, they will likely travel back to Canada before receiving the certificate. CPC-S will prepare and mail the certificate to the mailing address provided by the applicant. For those remaining outside of Canada, the certificate will be mailed to the visa office responsible for the area of residence. The visa office will arrange to have the certificate sent to the applicant either by mail or by courier, depending on the mission's current practice for distributing similar documents.

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### 16.5. Transfer of file to CPC-S for archiving

Once a final decision has been made on the application for citizenship, the complete file must be sent to CPC-S for archiving. If citizenship is granted, the file can be sent to CPC-S immediately. If citizenship is refused, the visa office should keep the file for one hundred and eighty (180) days, as the period allowed for submitting an application for a judicial review is 30 days after the time the decision was first communicated. If there is going to be a judicial review, the file should be kept for the duration of the judicial review period before sending it to CPC-S. When sending files for archiving, missions should provide CPC-S with a print copy of the CAIPS file.

The mission should keep a certified photocopy of the Part 2 grant of citizenship file prepared for CPC-S, in the event the original goes astray. This copy can be kept for two year, as per the norm for other departmental paper case files.

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### 16.6. Judicial review

An applicant may apply to the Federal Court of Canada for judicial review of a negative decision. There is no leave provision for citizenship cases as there are for the IRPA cases. This means that if there is an application for judicial review the case will proceed directly to an oral hearing before a Federal Court justice.

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### 16.7. Refund of right of citizenship fee in case of refusal

When an application is refused, the applicant has the right to a refund of the Right of Citizenship fee of \$100, if paid. The refund will be processed and mailed directly to the client by CPC-S.

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## 17. Travel to Canada

Many cases will involve families who intend to return to Canada once all adoption and citizenship procedures are finalized. Once citizenship is granted, a citizenship certificate is issued, but this does not constitute a travel document. Most applicants will likely want or need to travel to Canada before the citizenship certificate is issued. A Canadian passport or a facilitation visa in the national passport will be needed in order to travel.

Depending on the country where the adopted person resides, it may or may not be possible to issue a Canadian passport for travel to Canada. Some countries of origin do not allow adopted persons to leave on any travel document other than their national passport, in which case a facilitation visa will be required.

Where it is possible to leave on a Canadian passport and where consent has been received from the parents for the adopted child to travel on a Canadian passport, the officer will notify by email the appropriate Consular section(s). Applicants may apply for a Canadian passport at the consular section responsible for issuing passports for Canadians living in the country where their adopted child resides or the consular section of the Canadian government office where the visa office which dealt with their grant application is located. The granting officer will also provide a letter to the parents advising them that citizenship has been granted. This letter will be presented to consular officials by applicants when applying for a Canadian passport.

If the applicant has no intention of travelling in the near future and lives outside of Canada, the case can be processed in the same way as any other application for a person born abroad and the citizenship certificate will be mailed by CPC-S to the mission and forwarded by the mission to the applicant.

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### 17.1. Facilitation visa

In some situations, it is not possible or would cause hardship for the adopted child to apply for and travel to Canada on a Canadian passport. It will be possible to issue a facilitation visa from the Adoption Module in CAIPS once the grant of citizenship has been made, in order to enable

## CP 14 - Adoption

the Canadian citizen adopted person to travel to Canada for the first time. The facilitation visa will be placed in the adopted person's national passport. A fee of \$75 is to be charged for the processing of the facilitation visa. There is no application form to submit in such cases as the facilitation visa will be issued from the Adoption Module, and all the necessary information to issue should already be on the file.

Applicants will indicate in Part 2 of the application form or on a separate letter whether they wish to obtain a facilitation visa. Where facilitation visas will be the only feasible option of leaving the country, missions should take appropriate steps to inform applicants of this fact, and applicants should be advised well in advance that a foreign passport is required for the facilitation visa to be issued.

Note that the facilitation visa option will be available to all applicants who are granted citizenship, as they may not wish to apply for a Canadian passport. However, where an applicant does not need to travel immediately to Canada to take up residence and it is possible to leave on a Canadian passport, they should obtain a Canadian passport. A facilitation visa should normally not be issued unless travel to Canada is imminent and necessary. The document will have a 180 day validity and will be a single use document. Normally the facilitation visa will be issued at the same time as the grant of citizenship, but it will be possible to issue the facilitation visa subsequent to the grant being made without having to reopen the case.

It is important for the visa officer to notify CPC-S of the FOSS ID number under which the facilitation visa was issued so that it can be recorded in GCMS.

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### 17.2. Exit permits

Some countries may require an exit permit in order for the adopted person to travel to Canada. This is not a requirement for the grant of citizenship; however local procedures should be followed before travel to Canada. The visa office may need to issue a letter confirming the grant of citizenship to support an application for an exit permit.

**Appendix A Sample letters**

1. Letter sent to Provinces/Territories (except for Québec)

Case Processing Centre – Sydney  
ADOPTION  
P.O. Box 10030  
Sydney NS B1P 7C1

**Client ID:**

**Date:**

(Provincial authority address)

Dear Sir/Madam,

We received an *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* on behalf of:

**Name of the Child (if known):**

**Date and place of Birth (if known):**

**Country of Residence of Child:**

**Date and place of adoption (if adoption has already taken place):**

The adoptive parent's complete names and address are:

**(Name and address (home and mailing) of the adoptive parents)**

As provided in paragraph 5.1(1)(c) of the *Citizenship Act* and subparagraphs 5.1(3)(b)(i) and (ii) or 5.2(3)(b)(i) and (ii) or 5.1(3)(a)(i) and 5.2(3)(a)(i) of the *Citizenship Regulations*, we request that you send a letter indicating whether or not you object to the adoption. In the case of a Hague Convention adoption case, please also include a Notice of Agreement to the adoption proposal.

Please send your letter(s) to the following address:

**(Address and fax number of the office responsible for processing Part 2)**

PLEASE CLEARLY INDICATE IN YOUR LETTER IF IT IS A HAGUE CONVENTION CASE OR NOT.

Thank you for your prompt attention and co-operation in this matter.

Officer  
Case Processing Centre  
Sydney



## CP 14 - Adoption

2. Letter sent to Province of Québec

**Centre de traitement des demandes – Sydney**  
**ADOPTION**  
**C.P. 10030**  
**Sydney (Nouvelle-Écosse)**  
**B1P 7C1**

**N° du client :**

**Date :**

**Madame, Monsieur**

Nous avons reçu une *Demande de citoyenneté canadienne pour une personne adoptée par un citoyen canadien (après le 14 février, 1977)* pour :

**Nom de l'enfant (si connu) :**

**Date et lieu de naissance de l'enfant (si connu) :**

**Pays de résidence de l'enfant :**

**Date et lieu de l'adoption :**

**Nom et adresse (résidentielle et postale) des parents adoptifs :**

Tel qu'indiqué dans la *Loi sur la citoyenneté* à l'alinéa 5.1(3)(a), nous vous demandons de fournir une lettre nous indiquant que la décision rendue à l'étranger prononçant l'adoption est conforme aux exigences du droit québécois régissant l'adoption.

Veuillez faire parvenir cette lettre à l'adresse suivante:

**(Adresse et numéro de télécopieur du bureau responsable du traitement de la Partie 2)**

Merci de votre collaboration et de l'attention que vous porterez à cette demande.

**Agent**  
**Centre de traitement des demandes**  
**Sydney**

## CP 14 - Adoption

### 3. Sample e-mail to the mission outside Canada-Notification

#### Adoptive parent

Family Name / Given Name:

Adoptive parent - Sex:

Adoptive parent - Date of Birth:

Canadian citizen: Yes or No

#### Second adoptive parent

Adoptive parent - Sex:

Adoptive parent - Date of Birth:

Canadian citizen: Yes or No

#### Marital status

Adoptive parent - Mailing Address:

Adoptive parent - Home Telephone Number: 905-123-4567

Adoptive parent - Fax Number: 905-111-2222

Adoptive parent – email address:

Legal Representative's - Firm Name:

THE GOOD LAW OFFICE

Legal Representative's - Contact Name:

JIM JONES

Legal Representative's - Mailing Address:

123 SKYDOME WAY

TORONTO ONT M4M 4M4

Legal Representative's Telephone Number -

(416) 123-4567

Legal Representative's Fax Number -

(416) 997-6543

Adoptee - Family Name / Given Name:

SMITH, GEORGE

Adoptee - relationship to adoptive parent:  
nephew)

(if relationship existed prior to adoption, i.e.

Adoptee - sex:

M

Adoptee - date of birth:

01 MAR 2007

Adoptee - country of birth:

India

Adoptee – country of current residence

Adoptee - marital status:

Single

Adoptee Mailing Address:

THE LARGE APARTMENT IN THE

COURTYARD

NEW DELHI INDIA 122345

Adoptee - Home Telephone Number:

011 231 54969950

Adoptee - Language Preference:

E

#### Special needs

CPC-S – GCMS File Number:

9570-12345679

Total Cost Recovery Fees Collected:

100.00

Part 1 rec'd at CPC Sydney:

Date of letter to parents (P1 date in CAIPS): 01Jan2008

## CP 14 - Adoption

### 4. Draft Refusal Letter Part 1 – Adoption took place prior to Feb. 15/77

Case Processing Centre - Sydney  
P.O. Box 10030  
Sydney, Nova Scotia  
B1P 7C1

Client ID:

Date:

Clients address

Dear (Client's name):

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* you submitted. I am writing to inform you that your application has been refused as you do not meet the requirements of subsection 5.1(1) OR 5.1(2) OR 5.1(3) of the *Citizenship Act* as your adoption took place before February 15, 1977.

Subsection 5.1(1) of the *Citizenship Act* states that "...the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

- (a) was in the best interests of the child;
- (b) created a genuine relationship of parent and child;
- (c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
- (d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

**OR**

Subsection 5.1(2) of the *Citizenship Act* states that "...the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was at least 18 years of age if

- (a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and
- (b) the adoption meets the requirements set out in paragraphs (1)(c) and (d):
  - (1)(c): was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
  - (1)(d): was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

**OR**

## CP 14 - Adoption

Subsection 5.1(3) of the *Citizenship Act* states that “The Minister shall on application grant citizenship to a person in respect of whose adoption - by a citizen who is subject to Quebec law governing adoptions - a decision was made abroad after February 14, 1977 if

- (a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and
- (b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

As you do not currently meet the requirements for Canadian citizenship under the *Citizenship Act*, there are two options available for you to acquire Canadian citizenship status:

1. apply for permanent residence, and then apply for an adult grant of Canadian citizenship, or
2. apply for a discretionary grant of Canadian citizenship.

### **Application for permanent residence and for an adult grant of Canadian citizenship**

Persons who were adopted by a Canadian citizen between January 1, 1947 and February 14, 1977 must first become permanent residents of Canada, and then meet all the requirements for an adult grant of Canadian citizenship before they can become Canadian citizens. For information on how to apply for permanent residence, and for an adult grant of Canadian citizenship, please visit the CIC website at [www.cic.gc.ca](http://www.cic.gc.ca).

### **Application for a discretionary grant of Canadian citizenship**

To apply for a discretionary grant of Canadian citizenship under subsection 5(4) of the *Citizenship Act*, you must submit an *Application for Canadian citizenship – Adults*. Subsection 5(4) gives the Governor in Council (GIC) the discretionary authority to direct the Minister of Citizenship and Immigration Canada to grant citizenship to any person in cases of special and unusual hardship or to reward services of an exceptional value to Canada. Since you are not a permanent resident, you may leave questions 7(a) and 7(g) of the application blank as they do not apply to you. To request consideration under subsection 5(4) applicants must provide information and supporting documents that demonstrate unusual hardship, or service of an exceptional value to Canada. The information provided in the letter must explain the reasons why you would like your application for a discretionary grant to be considered by the Minister and the GIC. In addition to any other factors which you might wish to mention in the letter, you should specifically indicate in your application whether you are currently living in Canada and for how long.

These applications will be considered on a case-by-case basis. Citizenship may be granted under this provision only where the circumstances of the case warrant such a discretionary grant. Applicants must not be subject to any security or criminal prohibitions in Canada (as outlined in the application kit).

To obtain a decision in respect to either of the options described above, you must make an application, and submit the appropriate documents and fees.

All application kits and forms are available on the CIC website at [www.cic.gc.ca](http://www.cic.gc.ca).

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

**CP 14 - Adoption**

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,

Citizenship Official

## CP 14 - Adoption

### 5. Draft Refusal Letter Part 1 – Adoptive Parent not Canadian at time of adoption - Minor

Case Processing Centre - Sydney  
P.O. Box 10030  
Sydney, Nova Scotia  
B1P 7C1

Client ID:

Date:

Client's address

Dear (Client's name):

I have completed the assessment of your *Application for Canadian Citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* you submitted. I am writing to inform you that your application has been refused as your child does not meet the requirements of subsection 5.1(1) OR 5.1(3) of the *Citizenship Act* as neither of the adoptive parents was a Canadian citizen at the time the adoption took place.

Subsection 5.1(1) of the *Citizenship Act* states that "...the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

- (a) was in the best interests of the child;
- (b) created a genuine relationship of parent and child;
- (c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
- (d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

**OR**

Subsection 5.1(3) of the *Citizenship Act* states that "The Minister shall on application grant citizenship to a person in respect of whose adoption – by a citizen who is subject to Quebec law governing adoptions - a decision was made abroad after February 14, 1977 if

- (a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and
- (b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

As your child does not currently meet the requirements for Canadian citizenship under the *Citizenship Act*, you may wish to consider applying for permanent residence on his or her behalf, and then applying for a grant of Canadian citizenship for your child. For information on how to apply for permanent residence, please visit the CIC website at [www.cic.gc.ca](http://www.cic.gc.ca).

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for

## **CP 14 - Adoption**

filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Yours sincerely,

Citizenship Officer

## CP 14 - Adoption

### 6. Draft Refusal Letter Part 1 – Adoptive Parent not Canadian at time of adoption - Adult

Case Processing Centre - Sydney  
P.O. Box 10030  
Sydney, Nova Scotia  
B1P 7C1

Client ID:

Date:

Client's address

Dear (Client's name):

I have completed the assessment of your *Application for Canadian Citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* you submitted. I am writing to inform you that your application has been refused as you do not meet the requirements of subsection 5.1(1) OR 5.1(2) OR 5.1(3) of the *Citizenship Act* as neither of your adoptive parents was a Canadian citizen at the time the adoption took place.

Subsection 5.1(1) of the *Citizenship Act* states that "...the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

- (a) was in the best interests of the child;
- (b) created a genuine relationship of parent and child;
- (c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
- (d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

**OR**

Subsection 5.1(2) of the *Citizenship Act* states that "...the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was at least 18 years of age if

- (a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and
- (b) the adoption meets the requirements set out in paragraphs (1)(c) and (d):
  - (1)(c): was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
  - (1)(d): was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship."

**OR**



## CP 14 - Adoption

Subsection 5.1(3) of the *Citizenship Act* states that “The Minister shall on application grant citizenship to a person in respect of whose adoption – by a citizen who is subject to Quebec law governing adoptions - a decision was made abroad after February 14, 1977 if

- (c) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions;  
and
- (d) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

As you do not currently meet the requirements for Canadian citizenship under the *Citizenship Act*, you may wish to consider applying for permanent residence, and then applying for a grant of Canadian citizenship. For information on how to apply for permanent residence, please visit the CIC website at [www.cic.gc.ca](http://www.cic.gc.ca).

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Yours sincerely,

Citizenship Officer

## CP 14 - Adoption

### 7. Interview request letter

File Number:

(Insert Address)

Date:

Dear (Client's name),

I am now in the process of assessing your application for Canadian citizenship. In order to complete my assessment, a personal interview is required. The following persons should be present at the interview (Insert who should be at the interview, i.e., birth parent(s), adoptive parent(s), adopted child, etc.).

The interview will take place at (insert processing office address) on (insert date) at (insert time).

Please bring the following items to your interview (if applicable):

(Insert list of items)

If you are unable to attend this interview for any reason, please contact the office as soon as possible to reschedule.

If you are not present at the interview and do not make arrangements for an alternative interview date, I will assess your application with the information available to me which may result in the refusal of your application.

Sincerely,

(Insert processing officer's name)

## CP 14 - Adoption

### 8. Letter of approval for Part 2 - Minor

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that (insert adopted child's name) has been granted Canadian citizenship under section 5.1 of the *Citizenship Act* on (insert date).

#### Citizenship certificate

Now that your child is a Canadian citizen, a citizenship certificate will be mailed to the location indicated on the *Canadian Citizenship Certificate Preparation Form*, either to your mailing address in Canada, to your authorized representative, or, if you reside outside of Canada, to the visa office responsible for processing your application. If you have not yet submitted the *Canadian Citizenship Certificate Preparation Form* to the Case Processing Centre in Sydney, Nova Scotia, the citizenship certificate cannot be prepared. If you need to request the *Canadian Citizenship Certificate Preparation Form*, visit the CIC website or contact the Call Centre from within Canada at 1-888-242-2100.

If there are any changes to the mailing address that you provided at the beginning of the process, please contact the Citizenship and Immigration Canada (CIC) Call Centre or use the CIC website to update your address if you reside in Canada. Contact the CIC visa office responsible for your application if you reside outside of Canada.

#### Travel to Canada

You must obtain a Canadian passport or other travel document for your child to enter Canada. To obtain a Canadian passport you will need to make an application at the appropriate Canadian government office abroad. A citizenship certificate is required to apply for a passport; however, if you are unable to wait for the citizenship certificate to be issued you may apply immediately and our office will facilitate the process by sending confirmation of your grant of citizenship to the appropriate Canadian government office abroad. Our records show that you will be applying at the office in \_\_\_\_\_ (to be filled with location and address of the Consular Office in the same country as the visa office or office in country of applicant's residence). You must also present this letter with your passport application and pay a fee. A waiting period for the passport may also be involved.

It is also possible to travel to Canada using the passport of your child's home country with a facilitation visa. In this situation, your child's foreign passport must be presented to the Canadian visa office that processed the citizenship application to obtain a facilitation visa. A fee will be charged for processing the application for a facilitation visa.

Upon entry to Canada, the new Canadian passport or the foreign passport and facilitation visa must be shown to a Canadian border officer.

Please retain a copy of this letter for your records. This letter is NOT proof of citizenship, nor is it a travel document. It may not be used to obtain social services in Canada.

On behalf of Citizenship and Immigration Canada, I would like to take this opportunity to welcome your child as a Canadian citizen and wish you every success.

**CP 14 - Adoption**

Sincerely,

(Insert granting officer's name)

## CP 14 - Adoption

### 9. Letter of approval for Part 2 - Adult

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that you have been granted Canadian citizenship under section 5.1 of the *Citizenship Act* on (insert date).

#### Citizenship certificate

Now that you are a Canadian citizen, your citizenship certificate will be mailed to the location indicated on the *Canadian Citizenship Certificate Preparation Form*, either to your mailing address in Canada, to your authorized representative, or, if you reside outside of Canada, to the visa office responsible for processing your application. If you have not yet submitted the *Canadian Citizenship Certificate Preparation Form* to the Case Processing Centre in Sydney, Nova Scotia, the citizenship certificate cannot be prepared. If you need to request the *Canadian Citizenship Certificate Preparation Form*, visit the CIC website or contact the Call Centre from within Canada at 1-888-242-2100.

If there are any changes to the mailing address that you provided at the beginning of the process, please contact the Citizenship and Immigration Canada (CIC) Call Centre or use the CIC website to update your address if you reside in Canada. Contact the CIC visa office responsible for your application if you reside outside of Canada.

#### Travel to Canada

You must obtain a Canadian passport or other travel document to enter Canada. To obtain a Canadian passport you will need to make an application at the appropriate Canadian government office abroad. A citizenship certificate is required to apply for a passport; however, if you are unable to wait for the citizenship certificate to be issued you may apply immediately and our office will facilitate the process by sending confirmation of your grant of citizenship to the appropriate Canadian government office abroad. Our records show that you will be applying at the office in \_\_\_\_\_ (to be filled with location and address of the Consular Office in the same country as the visa office or office in country of applicant's residence). You must also present this letter with your passport application and pay a fee. A waiting period for the passport may also be involved.

It is also possible to travel to Canada using the passport of your home country with a facilitation visa. In this situation, your foreign passport must be presented to the Canadian visa office that processed the citizenship application to obtain a facilitation visa. A fee will be charged for processing the application for a facilitation visa.

Upon entry to Canada, the new Canadian passport or the foreign passport and facilitation visa must be shown to a Canadian border officer.

Please retain a copy of this letter for your records. This letter is NOT proof of citizenship, nor is it a travel document. It may not be used to obtain social services in Canada.

On behalf of Citizenship and Immigration Canada, I would like to take this opportunity to welcome you as a Canadian citizen and wish you every success.

**CP 14 - Adoption**

Sincerely,

(Insert granting officer's name)

## CP 14 - Adoption

### 10. Refusal Letter 5.1(1) Minor Adoption, Adult at time of Application

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that your application has been refused for the following reasons.

You and your adoptive parents (as applicable) attended this office on (date) and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision (insert the applicable information).

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection 5.1 (1) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

- (a) was in the best interests of the child;
- (b) created a genuine relationship of parent and child;
- (c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
- (d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information provided in your application, you do not meet the requirements of section(s) (quote section of the Act, e.g. 5.1(1)(c)) the *Citizenship Act* because: (Fully explain why the application does not meet the requirements of the Act. Officers may refer to the following sections of the Regulations in their explanation.)

#### **5.2 (1) An application made under subsection 5.1(1) of the Act in respect of a person who is 18 years of age or more on the date of the application shall be**

- (a) made to the Minister in the prescribed form and signed by the person; and
- (b) filed, together with the materials described in subsection (2), with the Registrar.

(2) For the purposes of paragraph (1)(b), the materials required by this section are

- (a) a birth certificate or, if unobtainable, other evidence that establishes the person's date and place of birth;
- (b) evidence that establishes that a parent of the person was a citizen at the time of the adoption;
- (c) evidence that establishes that the adoption took place after February 14, 1977 and while the person was a minor; and
- (d) two photographs of the person of the size and type shown on a form prescribed under section 28 of the Act and signed by the person.

(3) The following factors are to be considered in determining whether the requirements of subsection 5.1(1) of the Act have been met in respect of the adoption of a person referred to in subsection (1):

## CP 14 - Adoption

**(a) whether, in the case of a person who has been adopted by a citizen who resided in Canada at the time of the adoption,**

- (i) a competent authority of the province in which the citizen resides has stated in writing that it does not object to the adoption, and
- (ii) the pre-existing legal parent-child relationship was permanently severed by the adoption;

OR

**(b) whether, in the case of a person who has been adopted outside Canada in a country that is a party to the Hague Convention on Adoption and whose intended destination at the time of the adoption is a province,**

- (i) the competent authority of the country and of the province of the person's intended destination have stated in writing that they approve the adoption as conforming to that Convention,
- (ii) a competent authority of the province — in which the citizen who is a parent of the person resided at the time of the adoption — has stated in writing that it does not object to the adoption, and
- (iii) the pre-existing legal parent-child relationship was permanently severed by the adoption; and

OR

**(c) whether, in all other cases,**

- (i) a competent authority has conducted or approved a home study of the parent or parents, as the case may be,
- (ii) before the adoption, the person's parent or parents, as the case may be, gave their free and informed consent to the adoption,
- (iii) the pre-existing legal parent-child relationship was permanently severed by the adoption, and
- (iv) there is no evidence that the adoption was for the purpose of child trafficking or undue gain within the meaning of the Hague Convention on Adoption.

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,

[\(Insert decision-making officer's name\)](#)



11. Refusal Letter 5.1(1) Minor Adoption, Minor at time of Application

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977). This letter is to inform you that your application has been refused for the following reasons.

You attended this office on (date) and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision (insert the applicable information).

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection 5.1(1) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was a minor child if the adoption

- (a) was in the best interests of the child;
- (b) created a genuine relationship of parent and child;
- (c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
- (d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information provided in your application, your child does not meet the requirements of section(s) (quote section of the Act, e.g. 5.1(1)(c)) of the *Citizenship Act* because (Fully explain why the application does not meet the requirements of the Act. Officers may refer to the following sections of the Regulations in their explanation.)

**5.1 (1) An application made under subsection 5.1(1) of the Act in respect of a person who is a minor on the date of the application shall be**

- (a) made to the Minister in the prescribed form and signed by
  - (i) a citizen who is a parent of the person, or
  - (ii) a non-citizen parent, or a legal guardian, of the person;
- (b) countersigned by the person if he or she has attained the age of 14 years on or before the date of the application and is not prevented from understanding the significance of the application because of a mental disability; and
- (c) filed, together with the materials described in subsection (2), with the Registrar.

(2) For the purposes of paragraph (1)(c), the materials required by this section are

- (a) a birth certificate or, if unobtainable, other evidence that establishes the person's date and place of birth;
- (b) evidence that establishes that a parent of the person was a citizen at the time of the adoption;

- (c) in the case of an application made by a non-citizen parent or a legal guardian, a certified copy of an order of a court of competent jurisdiction, or other evidence, that establishes that the applicant is a parent or legal guardian of the person;
  - (d) in the case of a person who has attained the age of 14 years on or before the date of the application but has not countersigned the application, evidence that establishes that the person is prevented from understanding the significance of the application because of a mental disability;
  - (e) evidence that establishes that the adoption took place after February 14, 1977 and while the person was a minor; and
  - (f) two photographs of the person of the size and type shown on a form prescribed under section 28 of the Act and signed by the person if he or she has attained the age of 14 years on or before the date of the application.
- (3) The following factors are to be considered in determining whether the requirements of subsection 5.1(1) of the Act have been met in respect of the adoption of a person referred to in subsection (1):
- (a) whether, in the case of a person who has been adopted by a citizen who resided in Canada at the time of the adoption,**
    - (i) a competent authority of the province in which the citizen resides has stated in writing that it does not object to the adoption, and
    - (ii) the pre-existing legal parent-child relationship was permanently severed by the adoption;

OR

- (b) whether, in the case of a person who has been adopted outside Canada in a country that is a party to the Hague Convention and whose intended destination at the time of the adoption is a province,**
  - (i) the competent authority of the country and of the province of the person's intended destination have stated in writing that they approve the adoption as conforming to that Convention,
  - (ii) a competent authority of the province — in which the citizen who is a parent of the person resided at the time of the adoption — has stated in writing that it does not object to the adoption, and
  - (iii) the pre-existing legal parent-child relationship was permanently severed by the adoption, and

OR

- (c) whether, in all other cases,**
  - (i) a competent authority has conducted or approved a home study of the parent or parents, as the case may be,
  - (ii) before the adoption, the person's parent or parents, as the case may be, gave their free and informed consent to the adoption,
  - (iii) the pre-existing legal parent-child relationship was permanently severed by the adoption, and
  - (iv) there is no evidence that the adoption was for the purpose of child trafficking or undue gain within the meaning of the Hague Convention on Adoption.

As a result, you have failed to establish that your child meets the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

CP 14 - Adoption

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,  
(Insert decision-making officer's name)

12. Refusal Letter 5.1(2) Adult Adoption

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that your application has been refused for the following reasons.

You and your adoptive parents (as applicable) attended this office on (date) and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision (insert the applicable information).

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection 5.1(2) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen after February 14, 1977 while the person was at least 18 years of age if

- (a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and
- (b) the adoption meets the requirements set out in paragraphs (1)(c) and (d):
  - 1(c): was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and
  - 1(d): was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship”

Based on the information provided in your application, you do not meet the requirements of section(s) (quote section of the Act, e.g. 5.1(1)(c)) of the *Citizenship Act* because (Fully explain why the application does not meet the requirements of the Act. Officers may refer to the following sections of the Regulations in their explanation.)

5.3 (1) An application made under subsection 5.1(2) of the Act in respect of a person who was adopted while he or she was at least 18 years of age shall be

- (a) made to the Minister in the prescribed form and signed by the person; and
- (b) filed, together with the materials described in subsection (2), with the Registrar.

(2) For the purposes of paragraph (1)(b), the materials required by this section are

- (a) a birth certificate or, if unobtainable, other evidence that establishes the person's date and place of birth;
- (b) evidence that establishes that a parent of the person was a citizen at the time of the adoption;
- (c) evidence that establishes that the adoption took place after February 14, 1977 and while the person was 18 years of age or older; and
- (d) two photographs of the person of the size and type shown on a form prescribed under section 28 of the Act and signed by the person.

(3) The following factors are to be considered in determining whether the requirements of subsection 5.1(2) of the Act have been met in respect of the adoption of a person referred to in subsection (1):

- (a) whether, in the case a person who has been adopted by a citizen who resided in Canada at the time of the adoption,**
  - (i) a competent authority of the province in which the citizen resides has stated in writing that it does not object to the adoption, and
  - (ii) the pre-existing legal parent-child relationship was permanently severed by the adoption; and
- (b) whether, in all other cases,** the pre-existing legal parent-child relationship was permanently severed by the adoption.

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,  
(Insert decision-making officer's name)

13. Refusal Letter 5.1(3) Quebec Adoption, Adult at time of Application

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that your application has been refused for the following reasons.

You and your adoptive parents (as applicable) attended this office on (date) and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision (insert the applicable information).

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection 5.1(3) states:

“The Minister shall on application grant citizenship to a person in respect of whose adoption — by a citizen who is subject to Quebec law governing adoptions — a decision was made abroad after February 14, 1977 if

- (a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and
- (b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information provided in your application, you do not meet the requirements of section(s) (quote section of the Act, e.g. 5.1(1)(c)) of the *Citizenship Act* because (Fully explain why the application does not meet the requirements of the Act. Officers may refer to the following sections of the Regulations in their explanation.)

**5.5 (1) An application made under subsection 5.1(3) of the Act in respect of a person who is 18 years of age or more on the date of the application shall be**

- (a) made to the Minister in the prescribed form and signed by the person; and
- (b) filed, together with the materials described in subsection (2), with the Registrar.

(2) For the purposes of paragraph (1)(b), the materials required by this section are

- (a) a birth certificate or, if unobtainable, other evidence that establishes the person's date and place of birth;
- (b) evidence that establishes that
  - (i) the decision that was made abroad in respect of the adoption took place after February 14, 1977, and
  - (ii) a parent of the person was a citizen at the time of the decision that was made abroad in respect of the adoption; and
- (c) two photographs of the person of the size and type shown on a form prescribed under section 28 of the Act and signed by the person.

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and your application has been refused.

CP 14 - Adoption

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,  
(Insert decision-making officer's name)

14. Refusal Letter 5.1(3) Quebec Adoption, Minor at time of Application

File Number:

(Insert Address)

Date:

Dear (Client's name),

I have completed the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)*. This letter is to inform you that your application has been refused for the following reasons.

You attended this office on (date) and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision (insert the applicable information).

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, paragraph 5.1(3) states:

“The Minister shall on application grant citizenship to a person in respect of whose adoption — by a citizen who is subject to Quebec law governing adoptions — a decision was made abroad after February 14, 1977 if

- (a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and
- (b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information provided in your application, you do not meet the requirements of section(s) (quote section of the Act, e.g. 5.1(1)(c)) of the *Citizenship Act* because (Fully explain why the application does not meet the requirements of the Act. Officers may refer to the following sections of the Regulations in their explanation.)

**5.4 (1) An application made under subsection 5.1(3) of the Act in respect of a person who is a minor on the date of the application shall be**

- (a) made to the Minister in the prescribed form and signed by
    - (i) a citizen who is a parent of the person, or
    - (ii) a non-citizen parent, or a legal guardian, of the person;
  - (b) countersigned by the person if he or she has attained the age of 14 years on or before the date of the application and is not prevented from understanding the significance of the application because of a mental disability; and
  - (c) filed, together with the materials described in subsection (2), with the Registrar.
- (2) For the purposes of paragraph (1)(c), the materials required by this section are
- (a) a birth certificate or, if unobtainable, other evidence that establishes the person's date and place of birth;
  - (b) evidence that establishes that a parent of the person was a citizen at the time of the decision that was made abroad in respect of the adoption;



- (c) in the case of an application made by a non-citizen parent or a legal guardian, a certified copy of an order of a court of competent jurisdiction, or other evidence, that establishes that the applicant is a parent or legal guardian of the person;
- (d) in the case of a person who has attained the age of 14 years on or before the date of the application but has not countersigned the application, evidence that establishes that the person is prevented from understanding the significance of the application because of a mental disability;
- (e) evidence that establishes that the decision that was made abroad in respect of the adoption took place after February 14, 1977; and
- (f) two photographs of the person of the size and type shown on a form prescribed under section 28 of the Act and signed by the person if he or she has attained the age of 14 years on or before the date of the application.

As a result, you have failed to establish that your child meets the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is thirty (30) days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9  
General inquiries: (613) 992-4238

Sincerely,  
(Insert decision-making officer's name)

## CP 14 - Adoption

15. Procedural Fairness Letter

(insert address of CIC office)

File Number:

(Insert Address of applicant's)

Date:

Dear (insert applicant's name),

I am now completing the assessment of your *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* and I am not satisfied that you meet (your child meets) the requirements for Canadian citizenship.

(Explain why the applicant or applicant's child may not meet the requirements for citizenship. Give specific reasons why you are concerned that the application may be deficient.)

Before I make a final decision, I would like to give you the opportunity to submit additional information to address my concerns.

You have sixty (60) days from the date of this letter to submit any additional information to this office at the address noted above. Please ensure that you quote the file number indicated at the top of this letter on any correspondence you submit.

If you choose not to respond with additional information within the specified time period, I will make my decision based on the information before me, which may result in the refusal of your application.

Sincerely,

(Insert processing officer's name)

## CP 14 - Adoption

### 16. Provincial/ Territorial Letter for Adoption Concerns

File Number:

(Insert Provincial/Territorial Address)

Date:

Dear Sir or Madam,

RE: (Insert adopted persons name) adopted by (Insert adoptive parent(s) name(s))

This letter refers to an *Application for a grant of Canadian citizenship by a person adopted by a Canadian citizen (after February 14, 1977)* that we received.

On (Insert date), we received a letter from your Ministry approving the adoption. However, while assessing this particular application, we discovered information that gives us serious concerns regarding the nature of the adoption.

(Detail your concerns about the adoption, i.e., child trafficking, undue gain, best interests of the child. Note that an adoption of convenience should not to be referred to a province or territory as this is a matter within federal jurisdiction)

Given our concerns about this adoption and the documented evidence we have on file that this adoption does not meet the requirements of the Hague Convention, we would like to know if you will be withdrawing your approval of the adoption. The processing on the application will be held until we receive written notification of your decision in light of the new information contained in this letter.

We look forward to hearing from you at your earliest convenience.

Sincerely,

(Insert processing officer's name)

## CP 14 - Adoption

17. Application returned - Part 2 received while Part 1 never submitted

(Address of the CPC or visa office)

Client ID (if applicable):

File Number (if applicable):

(Client's address)

Date:

Dear (Client's name):

We have received the *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* **Part 2 - Adoptee's Application**, that you submitted on (date of application).

There is a two-part process for adopted persons applying for Canadian citizenship. **Part 1** of the application – *Confirmation of Canadian citizenship of the adoptive parent(s)* must be submitted to the Case Processing Centre in Sydney, Nova Scotia by all applicants, along with the required documents and fees. After Part 1 has been assessed, we will send you the results of the assessment and instructions regarding Part 2. We have no record that you submitted Part 1 of the application. Therefore we cannot process the Part 2 you submitted and are returning it to you.

The application Part 1 - *Confirmation of Canadian citizenship of the adoptive parent(s)* can be downloaded and printed from our Web site at [www.cic.gc.ca](http://www.cic.gc.ca). If you are living in Canada, you may also contact the Citizenship and Immigration Canada Call Centre at 1-888-242-2100 (toll-free) to order the application guide and form.

Yours sincerely,

(Insert officer's name)

## CP 14 - Adoption

18. Letter to be sent with Part 2 - application returned because Part 1 was refused

(Address of the CPC or visa office)

Client ID (if applicable):

File Number (if applicable):

(Client's address)

Date:

Dear (Client's name):

We have received the *Application for Canadian citizenship for a person adopted by a Canadian citizen (after February 14, 1977)* – **Part 2** Adoptee's Application that you submitted on [\(insert date of application\)](#).

There is a two-part process for adopted persons applying for Canadian citizenship. Our records indicate that Part 1 of the application *Confirmation of Canadian citizenship of the adoptive parent(s)* that you submitted in relation to the same adoption was refused. Please refer to the letter that was sent to you on [\(date of refusal letter for Part 1\)](#) for more information about the reasons why the application was refused.

The refusal of Part 1 is a refusal of the application. Since your application received a refusal decision in response to Part 1, we will not process Part 2. Therefore, we are returning it to you.

If you wish to submit a new application, a new Part 1 application must be submitted. You can download and print the application from our Web site at [www.cic.gc.ca](http://www.cic.gc.ca). If you are living in Canada, you may also contact the Citizenship and Immigration Canada Call Centre at 1-888-242-2100 (toll-free) to order the application guide and form.

Yours sincerely,

[\(Insert officer's name\)](#)

**CP 14 - Adoption**

19. Multiple Application Insert

**\*\* THIS DOCUMENT CONTAINS IMPORTANT INFORMATION THAT YOU MUST READ \*\***

Case Processing Centre – Sydney  
P.O.Box 10030  
Sydney NS B1P 7C1

Client ID:  
Immigration File Number (if applicable):  
Date:

Dear (Client's name):

This is in reference to your application for citizenship for a person adopted by a Canadian citizen after February 14, 1977. Our records indicate that you previously submitted an application for sponsorship and permanent residence for the adopted person under the *Immigration and Refugee Protection Act (IRPA)*.

If you choose to withdraw your permanent residence application before processing has begun, you may be eligible for a partial refund. If you choose to withdraw the citizenship application and continue with the permanent residence application only, the adopted person will be required to make a new citizenship application if he or she wishes to become a Canadian citizen at a later date. Only the Right of Citizenship fee will be refunded, if paid.

If you do not wish to continue with both citizenship and permanent residence applications, and would like to withdraw one of the applications, please check the appropriate box below, sign where indicated and return this letter to CPC-S at the address indicated above.

I have submitted multiple applications as detailed above and would like to:

- a. withdraw the application for sponsorship and permanent residence; or
- b. withdraw the application for citizenship.

Please note that if you do not give us instructions to act otherwise within 30 days, we will assess your citizenship application before assessing your permanent residence application. If citizenship is granted, we will consider your application for permanent residence as having been withdrawn at that point and no fees associated with the permanent residence application will be refunded.

I have read and fully understood the content of this form.

\_\_\_\_\_  
Signature of adoptive parent/legal guardian  
or the adopted person (if 18 years and older)

\_\_\_\_\_  
Place (Town, city)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

## Appendix B Guidelines for Writing Part 2 Refusal Letters for Citizenship Adoption Application

Operational Bulletin 184 – February 8, 2010

### Issue

A greater number of refused citizenship adoption applications are being sent back for redetermination – not because an incorrect decision has been made – but rather because of the content of the refusal letter itself.

### Background

Citizenship legislation changed in December 2007 to allow Canadian parents who adopt outside Canada to obtain citizenship for their adoptee without first having to obtain permanent resident status.

When an officer makes the decision to refuse a citizenship adoption application, a letter is sent to the parent(s) of the adoptee (or directly to the adoptee, in cases of adult adoptions), informing them of the decision and the reasons for the decision.

Below are recommendations to assist officers in writing refusal letters for citizenship adoption applications. Sample refusal letters can be found in the attached [Annexes](#).

### Do not base refusals on regulations

Unlike the *Immigration and Refugee Protection Regulations* (IRPR), *Citizenship Regulations* cannot be used as reasons for refusing a citizenship application. The *Citizenship Regulations* provide officers with factors for consideration in determining whether the requirements of the *Citizenship Act* have been met. However, **failure to satisfy regulatory factors for consideration cannot be the basis of a decision.**

The approval or refusal of an application must be based on the legislative requirements of the *Citizenship Act*. The reasons for a refusal must be clearly explained to the applicant in a refusal letter. Officers may incorporate their assessment of the regulatory factors into the refusal letter as long as those factors are clearly linked to the legislative requirements of the Act that have not been met.

### Do not use IRPA/IRPR terminology in a citizenship application refusal

While the requirements for adoption under the *Citizenship Act* are similar to the requirements for an adoption under the *Immigration and Refugee Protection Act* (IRPA), officers must ensure that they are using the correct terminology. IRPA/IRPR terminology and definitions may not be used when writing a refusal letter for an application made under the *Citizenship Act*.

For example, IRPR clause [117\(1\)\(g\)\(iii\)\(A\)](#) states that a person must be placed for adoption in the country in which they reside or is otherwise legally available in that country for adoption. This requirement does not appear in the *Citizenship Act*, which in paragraphs [5.1\(1\)\(c\)](#) and [5.1\(2\)\(b\)](#) requires that the adoption be in accordance with the laws of the place where the adoption took place, which, in some circumstances, may be within Canada.

### Ensure accuracy in citing the Act

## CP 14 - Adoption

All references to the Regulations and to the Act must be clearly and accurately cited. A few cases have been returned for redetermination because the officer made a typing error when citing sections of the Act. Citing the correct section of the Act in refusal letters is extremely important. When using the sample refusal letters, be sure to use the correct one for the case at hand.

- If the adoptee was **under the age of 18** when the adoption took place and was not destined to the province of Quebec, subsection [5.1\(1\)](#) of the *Citizenship Act* should be cited. paragraphs (a) through (d) outline the requirements.
- If the adoptee was **18 years of age or older** when the adoption took place and was not destined to the province of Quebec, Subsection [5.1\(2\)](#) of the *Citizenship Act* should be cited. paragraphs (a) and (b) outline the requirements.
- If the adoptee is **destined to the province of Quebec** (regardless of age), Subsection [5.1\(3\)](#) of the *Citizenship Act* should be cited. paragraphs (a) and (b) outline the requirements.

As stated above, an assessment of the regulatory factors in the refusal letter must always be clearly linked to the relevant legislative requirements of the Act that have not been met.

Adoptions under Subsection [5.1\(3\)](#) of the *Citizenship Act* (adoptees destined to the province of Quebec) do not have associated regulations which specify the factors that need to be considered. The associated Regulations only specify what must be submitted with the application (e.g. evidence of citizenship of the adopting parent, evidence of the date and place of birth, etc.). But unlike the regulations associated with subsections [5.1\(1\)](#) and [5.1\(2\)](#) of the Act, subsection [5.1\(3\)](#) does not specify factors for informed consent by the birth parent(s) or the severance of the pre-existing legal parent-child relationship, etc.

For more information on determining whether the pre-existing legal parent-child relationship has been permanently severed by the adoption, see [Operational Bulletin 183](#) (Supplementary policy guidance on assessing the severing of a pre-existing legal parent-child relationship for grants of citizenship under [A5.1\(1\)](#) or [A5.1\(2\)](#)).

The relevant sections of the Regulations include:

- Section [5.1](#) of the *Citizenship Regulations*, which applies to applications made under subsection [5.1\(1\)](#) of the *Citizenship Act* when the applicant is under 18;
- Section [5.2](#) of the *Citizenship Regulations*, which applies to applications made under subsection [5.1\(1\)](#) of the *Citizenship Act* when the applicant is 18 or over at the time of the application, but was under 18 at the time of the adoption;
- Section [5.3](#) of the *Citizenship Regulations*, which applies to applications made under subsection [5.1\(2\)](#) of the *Citizenship Act*;
- Section [5.4](#) of the *Citizenship Regulations*, which applies to applications made under subsection [5.1\(3\)](#) of the *Citizenship Act* when the applicant is under 18; and
- Section [5.5](#) of the *Citizenship Regulations*, which applies to applications made under subsection [5.1\(3\)](#) of the *Citizenship Act* when the applicant is 18 or over at the time of the application.

### **Annex A TEMPLATE REFUSAL LETTER FOR 5.1(1) (Applicant is under 18)**

***This template letter should be used for applications made under subsection [5.1\(1\)](#) of the *Citizenship Act*:***



## CP 14 - Adoption

- **Adoptee was under the age of 18 at time of adoption;**
- **Adoptee is under the age of 18 at the time the application is submitted;**
- **Adoptee is not destined for the province of Quebec.**

File Number:

**[Insert Address]**

Date:

Dear **[Client]**:

I have completed the assessment of your child's Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947). This letter is to inform you that your child's application has been refused for the following reasons.

**If an interview took place:**

You **[and, if applicable, [Name of child being adopted]]** were present in this office on **[date]** and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision:

**[Insert applicable information provided]**

**If an interview did not take place:**

I wrote to you on **[date]** requesting that you provide the following information: **[Insert information requested]**. It was explained that the information was needed in order to make a decision.

**[Since you have not responded to my request, I must make a decision based on the information before me].**

**OR**

**[I have received the information provided by you on [date] by [email/fax/letter]].**

Section [5.1](#) of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection [5.1\(1\)](#) states:

"Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen on or after January 1, 1947 while the person was a minor child if the adoption

(a) was in the best interests of the child;

(b) created a genuine relationship of parent and child;

(c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and

## CP 14 - Adoption

(d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information you have provided [**add if applicable: and during the interview**] your child does not meet the requirements of paragraph(s) [**quote relevant paragraph(s): 5.1(1)(a), 5.1(1)(b), 5.1(1)(c), or 5.1(1)(d)**] of the *Citizenship Act*. In coming to this decision I considered all of the evidence and the factors set out in subsection [5.1\(3\)](#) [**specify relevant paragraphs (a), (b) or (c)**] of the *Citizenship Regulations*.

**[Fully explain why the application does not meet the requirements of the Act. Officers may refer to the relevant Regulations in their explanations. See the examples below.]**

### EXAMPLES:

*I am not satisfied that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. For example, the evidence indicates that...*

*I am not satisfied that the adoption has created a genuine relationship of parent and child. For example, the evidence indicates that the pre-existing legal parent-child relationship has not been permanently severed by the adoption. During the interview, XXXXX provided me with the following details...*

*I am not satisfied that the adoption was in accordance with the laws of [Country where the adoption took place – note that in some cases it may be a Canadian province/territory]. For example: I have not received a letter from [Country’s] Central Adoption Resource Authority which indicates that it approves the adoption as conforming to the Hague Convention on Adoption.*

*I am not satisfied that the adoption was in accordance with the laws of [Country of residence of the adopting parent – if adopting parent is resident in Canada, state the province/territory]. For example: I have not received a letter from the province of XXX which states that they do not object to the adoption...*

*I am not satisfied that the adoption is in XXXXX’s best interests. For example...*

*I also note that there were discrepancies in the evidence, such as...*

As a result, you have failed to establish that your child meets the requirements for a grant of Canadian citizenship and this application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9

General inquiries: (613) 992-4238

## CP 14 - Adoption

Sincerely,  
**[Decision-making officer's name]**

### Annex B TEMPLATE REFUSAL LETTER FOR 5.1(1) (Applicant is 18 or over)

***This template letter should be used for applications made under subsection [5.1\(1\)](#) of the Citizenship Act:***

- **Adoptee was under the age of 18 at time of adoption;**
- **Adoptee is 18 years of age or older at the time the application is submitted;**
- **Adoptee is not destined for the province of Quebec.**

File Number:

**[Insert Address]**

Date:

Dear **[Client]**:

I have completed the assessment of your Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947). This letter is to inform you that your application has been refused for the following reasons.

#### **If an interview took place:**

You **[and, if applicable, [Name of adoptive parent]]** were present in this office on **[date]** and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision:

**[Insert applicable information provided]**

#### **If an interview did not take place:**

I wrote to you on **[date]** requesting that you provide the following information: **[Insert information requested]**. It was explained that the information was needed in order to make a decision.

**[Since you have not responded to my request, I must make a decision based on the information before me].**

OR

**[I have received the information provided by you on [date] by [email/fax/letter]].**

Section [5.1](#) of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection [5.1 \(1\)](#) states:

## CP 14 - Adoption

“Subject to subsection (3), the Minister shall, on application, grant citizenship to a person who was adopted by a citizen on or after January 1, 1947 while the person was a minor child if the adoption

(a) was in the best interests of the child;

(b) created a genuine relationship of parent and child;

(c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and

(d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information you have provided [**add if applicable: and during the interview**] you do not meet the requirements of paragraph(s) [**quote relevant paragraph(s): 5.1(1)(a), 5.1(1)(b), 5.1(1)(c), or 5.1(1)(d)**] of the *Citizenship Act*. In coming to this decision I considered all of the evidence and the factors set out in subsection [5.2\(3\)](#) [**specify relevant paragraph (a), (b) or (c)**] of the *Citizenship Regulations*.

**[Fully explain why the application does not meet the requirements of the Act. Officers may refer to the relevant Regulations in their explanations. See the examples below.]**

### EXAMPLES:

*I am not satisfied that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. For example, the evidence indicates that...*

*I am not satisfied that the adoption has created a genuine relationship of parent and child. For example, the evidence indicates that the pre-existing legal parent-child relationship has not been permanently severed by the adoption. During the interview, XXXXX provided me with the following details...*

*I am not satisfied that the adoption was in accordance with the laws of [Country where the adoption took place – note that in some cases it may be a Canadian province/territory]. For example: I have not received a letter from [Country’s] Central Adoption Resource Authority which indicates that it approves the adoption as conforming to the Hague Convention on Adoption.*

*I am not satisfied that the adoption was in accordance with the laws of the [country/province/territory] of residence of the adopting citizen, [Country of residence of the adopting parent – if adopting parent is resident in Canada, state the province/territory]. For example: I have not received a letter from the province of XXX which states that they do not object to the adoption...*

*I am not satisfied that the adoption is in XXXXX’s best interests. For example...*

*I also note that there were discrepancies in the evidence, such as...*

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and this application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review which must be filed with the Federal Court. Please note that the deadline for

## CP 14 - Adoption

filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.

For more information regarding this process, you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9

General inquiries: (613) 992-4238

Sincerely,  
**[Decision-making officer's name]**

### **Annex C TEMPLATE REFUSAL LETTER FOR 5.1(2)**

***This template letter should be used for applications made under subsection [5.1\(2\)](#) of the Citizenship Act:***

- **Adoptee was aged 18 or over at time of adoption;**
- **Adoptee is not destined for the province of Quebec.**

File Number:

**[Insert Address]**

Date:

Dear **[Client]**:

I have completed the assessment of your Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947). This letter is to inform you that your application has been refused for the following reasons.

#### **If an interview took place:**

You **[and, if applicable, [Name of adoptive parent]]** were present in this office on **[date]** and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision:

**[Insert applicable information provided]**

#### **If an interview did not take place:**

I wrote to you on **[date]** requesting that you provide the following information: **[Insert information requested]**. It was explained that the information was needed in order to make a decision.

**[Since you have not responded to my request, I must make a decision based on the**

**information before me].**

OR

**[I have received the information provided by you on [date] by [email/fax/letter]].**

Section [5.1](#) of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection [5.1\(2\)](#) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person who was adopted by a citizen on or after January 1, 1947 while the person was at least 18 years of age if

(a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and

(b) the adoption meets the requirements set out in paragraphs (1)(c) and (d):

[\(1\)\(c\)](#) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen; and

[\(1\)\(d\)](#) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information provided in your application **[add if applicable: and during the interview]** you do not meet the requirements of paragraph(s) **[quote relevant paragraph(s): 5.1(2)(a), 5.1(2)(b). If quoting 5.1(2)(b), also specify which paragraph of 5.1(1)(c) and/or 5.1(1)(d) is not met]** of the *Citizenship Act*. In coming to this decision I considered all of the evidence and the factors set out in subsection [5.3\(3\)](#) **[Specify paragraphs (a) or (b)]** of the *Citizenship Regulations*.

**[Fully explain why the application does not meet the requirements of the Act. Officers may refer to the relevant Regulations in their explanations. See the examples below.]**

EXAMPLES:

*I am not satisfied that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. For example, the evidence indicates that...*

*I am not satisfied that the adoption has created a genuine relationship of parent and child. For example, the evidence indicates that the pre-existing legal parent-child relationship has not been permanently severed by the adoption. During the interview, XXXXX provided me with the following details...*

*I am not satisfied that the adoption was in accordance with the laws of [Country where the adoption took place – note that in some cases it may be a Canadian province/territory]. For example: I have not received a letter from [Country’s] Central Adoption Resource Authority which indicates that it approves the adoption as conforming to the Hague Convention on Adoption.*

*I am not satisfied that the adoption was in accordance with the laws of [Country of residence of the adopting parent – if adopting parent is resident in Canada, state the province/territory]. For example: I have not received a letter from the province of XXX which states that they do not object to the adoption...*

## CP 14 - Adoption

*I also note that there were discrepancies in the evidence, such as...*

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9

General inquiries: (613) 992-4238

Sincerely,  
**[Decision-making officer's name]**

### **Annex D TEMPLATE REFUSAL LETTER FOR 5.1(3) (Applicant is under 18)**

***This template letter should be used for applications made under subsection [5.1\(3\)](#) of the Citizenship Act:***

- **Adoptee is destined for the province of Quebec;**
- **Adoptee is under the age of 18 at the time the application is submitted.**

File Number:

**[Insert Address]**

Date:

Dear **[Client]**:

I have completed the assessment of your child's Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947). This letter is to inform you that your child's application has been refused for the following reasons.

#### **If an interview took place:**

You **[and, if applicable, [Name of child being adopted]]** were present in this office on **[date]** and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision:

**[Insert applicable information provided]**

If an interview did not take place:

I wrote to you on **[date]** requesting that you provide the following information: **[Insert information requested]**. It was explained that the information was needed in order to make a decision.

**[Since you have not responded to my request, I must make a decision based on the information before me].**

OR

**[I have received the information provided by you on [date] by [email/fax/letter]].**

Section [5.1](#) of the *Citizenship Act* defines who is entitled to a grant Canadian citizenship. Specifically, subsection [5.1 \(3\)](#) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person in respect of whose adoption – by a citizen who is subject to Quebec law governing adoptions – a decision was made abroad on or after January 1, 1947 if

(a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and

(b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.”

Based on the information you have provided **[add if applicable: and during the interview]** your child does not meet the requirements of section(s) **[quote relevant paragraphs(s): 5.1(3)(a) and/or 5.1(3)(b)]** of the *Citizenship Act*.

**[Fully explain why the application does not meet the requirements of the Act. See the examples below.]**

EXAMPLES:

*The Quebec authority responsible for international adoption has not advised that in its opinion that the adoption meets the requirements of Quebec law governing adoptions.*

*I am not satisfied that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. For example: the evidence indicates that... During the interview, XXXXX provided me with the following details...*

*I also note that there were discrepancies in the evidence, such as...*

As a result, you have failed to establish that your child meets the requirements for a grant of Canadian citizenship and your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.



## CP 14 - Adoption

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9

General inquiries: (613) 992-4238

Sincerely,  
**[Decision-making officer's name]**

### **Annex E TEMPLATE REFUSAL LETTER FOR 5.1(3) (Applicant is 18 or over)**

***This template letter should be used for applications made under subsection [5.1\(3\)](#) of the Citizenship Act:***

- **Adoptee is destined for the province of Quebec;**
- **Adoptee is 18 years of age or older at the time the application is submitted.**

File Number:

**[Insert Address]**

Date:

Dear **[Client]**:

I have completed the assessment of your Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947). This letter is to inform you that your application has been refused for the following reasons.

#### **If an interview took place:**

You **[and, if applicable, [Name of adoptive parent]]** were present in this office on **[Date]** and were interviewed by me. During your interview, you provided me with the following details which I considered before making my decision:

**[Insert applicable information provided]**

#### **If an interview did not take place:**

I wrote to you on **[Date]** requesting that you provide the following information: **[Insert information requested]**. It was explained that the information was needed in order to make a decision.

**[Since you have not responded to my request, I must make a decision based on the information before me].**

OR

**[I have received the information provided by you on [date] by [email/fax/letter]].**

Section 5.1 of the *Citizenship Act* defines who is entitled to a grant of Canadian citizenship. Specifically, subsection 5.1 (3) states:

“Subject to subsection (3), the Minister shall on application grant citizenship to a person in respect of whose adoption – by a citizen who is subject to Quebec law governing adoptions – a decision was made abroad on or after January 1, 1947 if

(a) the Quebec authority responsible for international adoptions advises, in writing, that in its opinion the adoption meets the requirements of Quebec law governing adoptions; and

(b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship”

Based on the information provided in your application **[Add if applicable: and during the interview]** you do not meet the requirements of paragraph(s) **[Quote relevant paragraphs(s): 5.1(3)(a) and/or 5.1(3)(b)]** of the *Citizenship Act*.

**[Fully explain why the application does not meet the requirements of the Act. See the examples below.]**

EXAMPLES:

*The Quebec authority responsible for international adoption has not advised that in its opinion that the adoption meets the requirements of Quebec law governing adoptions.*

*I am not satisfied that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. For example: the evidence indicates that... During the interview, XXXXX provided me with the following details...*

*I also note that there were discrepancies in the evidence, such as...*

As a result, you have failed to establish that you meet the requirements for a grant of Canadian citizenship and therefore, your application has been refused.

If you wish to challenge the decision to refuse a grant of citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the deadline for filing an application for judicial review is 30 days from the date the refusal decision was communicated to you.

For more information regarding this process you can contact your legal counsel or the Federal Court at:

Federal Court  
c/o Supreme Court of Canada Building  
Kent and Wellington Streets  
Ottawa, Ontario  
K1A 9H9

General inquiries: (613) 992-4238

**CP 14 - Adoption**

Sincerely,  
**[*Decision-making officer's name*]**

## Appendix C Supplementary policy guidance on assessing the severing of a pre-existing legal parent-child relationship for grants of citizenship under A5.1(1) or A5.1(2)

Operational Bulletin 183 – February 8, 2010

### Background

Adoption under [A5.1\(1\)](#) and [A5.1\(2\)](#) of the *Citizenship Act* is interpreted as a full adoption that severs the pre-existing legal parent-child relationship. The *Citizenship Regulations* provide factors for consideration that will assist the decision-maker in determining whether the requirements of the Act have been met. One such factor is whether the pre-existing legal parent-child ties have been permanently severed by the adoption. Specifically, this factor is listed in paragraphs:

Reference to Severance in the Regulations			
<a href="#">A5.1(1)</a>	Adoptee is minor at the time of application	Adoption took place in Canada	<a href="#">R5.1(3)(a)(ii)</a>
		Adoption took place in Hague Convention country	<a href="#">R5.1(3)(b)(iii)</a>
		Adoption took place elsewhere	<a href="#">R5.1(3)(c)(iii)</a>
<a href="#">A5.1(2)</a>	Adoptee is over 18 at the time of application	Adoption took place in Canada	<a href="#">R5.2(3)(a)(ii)</a>
		Adoption took place in Hague Convention country	<a href="#">R5.2(3)(b)(iii)</a>
		Adoption takes place elsewhere	<a href="#">R5.2(3)(c)(iii)</a>
<a href="#">A5.1(2)</a>	Adoption takes place in Canada	<a href="#">R5.3(3)(a)(ii)</a>	
	Adoption takes place abroad	<a href="#">R5.3(3)(b)</a>	

Assessing the severing of pre-existing legal parent-child ties serves several purposes:

- Ensuring that the best interests of the adopted child are respected;
- Ensuring immigration program integrity by preventing future sponsorship of natural parents; and
- Ensuring that the adoption is a full adoption (as opposed to a simple adoption or guardianship) that meets the eligibility requirement of [A5.1\(1\)](#) or [5.1\(2\)](#).

An assessment of the severing of ties will only apply where there are living parents with whom a child has a legal parent-child relationship at the time an adoption takes place. This requirement will not be relevant in cases of orphaned or abandoned children where there is no pre-existing parent-child relationship.

### No regulation requiring severance for A5.1(3) cases

There is no requirement in the Regulations for the severance of a pre-existing legal parent-child relationship for grants of citizenship under [A5.1\(3\)](#) (adoptions to the province of Quebec). The

## CP 14 - Adoption

requirement for the dissolution of the pre-existing bond of filiation between the child and the child's family of origin is found in the Quebec Civil Code.

### **New evidence forwarded to provincial and territorial authorities**

If in the course of investigations an officer uncovers evidence that may lead the province or territory (P/T) to reconsider its approval or non-objection to the adoption, this information must be provided to the P/T authorities and processing suspended until the P/T confirms or revises its statement. The *Citizenship Act* and its regulations do not contain a provision on new evidence similar to [subsection 117\(8\)](#) of the *Immigration and Refugee Protection Regulations*, but a confirmation or a revision by a P/T authority would be a factor that the citizenship officer should take into account in deciding whether the Act's requirements have been met.

### **Severing of the pre-existing legal parent-child relationship as a factor for consideration**

An application for a grant of citizenship under [section 5.1](#) of the *Citizenship Act* can only be refused if it does not meet the requirements of the *Act*; a final decision should not be based on the assessment of the factors for consideration listed in the *Citizenship Regulations*. The factors listed in the Regulations are intended to assist in determining whether the requirements of the *Act* have been met.

As a regulatory factor for consideration, the severing of pre-existing legal parent-child ties should be assessed as an indicator of whether an adoption meets the requirements of the *Citizenship Act*.

However, it is important to note that only an adoption that is recognized in law as a full adoption, where the adoptive parents have full parental rights, can meet the requirements of subsections [5.1\(1\)](#) or [5.1\(2\)](#) of the *Citizenship Act*. A simple adoption or a guardianship, where pre-existing legal parent-child ties are not fully and permanently severed, does not meet the requirements for the granting of citizenship under the [5.1\(1\)](#) and [5.1\(2\)](#) adoption provisions of the *Citizenship Act*.

### **Assessing the severing of pre-existing legal parent-child ties**

*Note: For the purpose of this instruction the term 'natural parent' refers to a legal parent with custody prior to the adoption. In rare instances this person may not in fact be a natural parent to the child.*

Some foreign adoption laws indicate that an adoption will fully sever the ties with natural parents. However, where foreign adoption laws are unclear as to whether these ties are fully severed by an adoption, officers must determine whether the adoption meets the requirements of the citizenship legislation based on the information available to them.

### **An example of assessing severance: Inheritance rights**

The maintenance of inheritance rights is not generally interpreted as prohibiting a full severing of legal ties for the purpose of the *Citizenship Act* and Regulations. However, the maintenance of inheritance rights by an adopted child in relation to their natural parents is one of many possible factors that should be considered in determining whether the pre-existing legal parent-child relationship has been severed. The presence of this tie would generally not appear, in and of itself, to be grounds that would allow the adopted child to sponsor the parent in the future under the family class nor have a strong case for a humanitarian and compassionate (H&C) request for permanent residence under the *Immigration and Refugee Protection Act*. Inheritance rights should therefore be assessed in the overall context of the specific adoption regime of the country of adoption.

### Free and informed parental consent

It is particularly important in foreign jurisdictions where adoption law lacks clarity about the full and permanent severing of ties, and where the cultural milieu embraces the sharing of parental responsibilities, to ensure that natural parents fully comprehend that the adoption of a child by Canadian parents is viewed in Canadian law as fully and permanently severing pre-existing parental ties. In these cases, it is important to obtain clear evidence that natural parents with legal ties to a child have provided free and informed written consent to the adoption, and that they understand the significance of their actions. This serves to both assess whether pre-existing ties have been severed and to support a determination of whether the adoption is in the best interest of the child. Fundamentally it is important that the natural parents understand that international adoption is a lifelong permanent legal relationship established between the adoptive parents and the adopted child.

### 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 natural parent should no longer be acting as a parent after the adoption has taken place, an ongoing relationship and contact with the natural 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 natural 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 Act have been met.

### Open adoptions

In many legal systems, there are typically two main types of adoptions: full and simple. As has been mentioned above, only full adoptions meet the requirements of [A5.1\(1\)](#) and [A5.1\(2\)](#) of the *Citizenship Act*. An **open adoption** is a full adoption arrangement where there is disclosure and ongoing contact between the natural parents and the adoptive parents, but where the pre-existing legal parent-child relationship has still been severed. It is important not to confuse open adoptions with simple adoptions, which do not sever the legal link.

In an open adoption, interaction between the adoptive child or family and the natural family can vary in frequency and type of contact; it may include regular correspondence, telephone calls, or visits. In the case of older children adopted through an open adoption arrangement, the adopted child may have emotional attachments to one or more natural relatives with whom ongoing contact may be in the best interest of the child. While in an open adoption the adopted child may interact with his or her natural parents to varying degrees, the legal parent-child relationship with the former parents must be severed.

### Refusals

The refusal letter should state the section of the *Citizenship Act* under which the applicant has been refused, the reason for the refusal and the information considered in reaching this decision. While reference should be made in the refusal letter to the regulatory factors which support the decision, the letter should clearly state that the refusal is under the *Citizenship Act* rather than the Regulations.

For more information and guidelines on successfully writing refusal letters for citizenship adoption applications, please see [Operational Bulletin 184](#) (Guidelines for writing Part 2 refusal letters for citizenship adoption applications).