



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

CP 14

Adoption

CP 14 Adoption

**Grant of Canadian Citizenship for Persons
Adopted by Canadian Citizens on or after
January 1, 1947**

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 <i>Regulations</i>	7
3.1. Forms required	9
3.2. Fees.....	9
4. Instruments and delegations	9
4.1. Delegated powers.....	9
4.2. Delegates/designated officers	10
5. Departmental policy.....	10
5.1. Eligibility to apply under section A5.1	10
5.2. Eligibility for children adopted as minors under subsection A5.1(1).....	11
5.3. Factors to be considered under subsection A5.1(1).....	11
5.4. Eligibility for persons adopted as adults under subsection A5.1(2).....	12
5.5. Factors to be considered under subsection A5.1(2):.....	12
5.6. Eligibility for adopted children destined to Quebec under subsection A5.1(3)	12
5.7. Factors are not exhaustive	13
5.8. Names policy	13
5.9. Medical condition of the minor	13
6. Definitions.....	14
7. Procedures for the submission of an application	16
7.1. Application process.....	16
7.2. Multiple adoptions.....	17
7.3. Submitting information regarding a child, and subsequently adopting a different child	17
7.4. Simultaneously submitting citizenship and permanent residence applications.....	17
8. Processing of Part 1 of the application.....	18
8.1. Review of the application by CPC Sydney	18
8.2. Assessing the parent's Canadian citizenship	18
8.3. If Part 1 is approved.....	19
8.4. When is an application refused at Part 1?.....	19
8.5. Multiple IDs in FOSS	19
8.6. The identity of the adopted child is unknown or incomplete adoptions	20
9. Processing of Part 2 of the application.....	20
9.1. Time limit for returning completed Part 2 of the application	20
9.2. The adopted child is a permanent resident	21
9.3. High profile or contentious cases	21
10. Processing and moving files from visa offices to CPC-S to local offices	22
10.1. The adoption was completed abroad and the adopted child is outside Canada.....	22
10.2. The adoption was completed abroad and the adopted child is in Canada.....	23
10.3. The adoption was completed in Canada and the adopted child is in Canada	24
10.4. Processing of Part 2 at CPC-S	24
11. Decision making: assessing the requirements under subsections A5.1(1) and A5.1(2)	25
11.1. Types of scenarios where citizenship may be granted.....	25
11.2. Types of scenarios where citizenship may not be granted.....	25
11.3. Best interests of the child – A5.1(1)(a)	25
11.4. Genuine parent-child relationship – A5.1(1)(b) and A5.1(2)(a)	26
11.5. In accordance with the laws of the country of adoption and of the place of residence – A5.1(1)(c) and A5.1(2)(b).....	27

CP 14 - Adoption

11.6.	Human Resources and Skills Development Canada (HRSDC)'s role with the P/Ts	27
11.7.	Provincial notification letters	28
11.8.	Country of residence of the adopting citizen: Canada.....	29
11.9.	Country of residence of the adopting citizen: outside Canada.....	29
11.10.	Identifying an adoption of convenience/not for the purpose of acquiring a status or privilege – A5.1(1)(d), A5.1(2)(b) and A5.1(3)(b)	30
12.	How to assess the factors related to the requirements of section A5.1 in the decision-making..... process.....	30
12.1.	Home study.....	31
12.2.	The Hague Convention.....	32
12.3.	Notice of agreement to the adoption – Hague Convention cases.....	33
12.4.	Pre-existing legal parent-child relationship.....	33
12.5.	General guidance on assessing the severing of a pre-existing legal parent-child relationship for .. grants of citizenship under subsections A5.1(1) or A5.1(2).....	34
12.6.	Free and informed parental consent.....	36
12.7.	Relative adoptions	36
12.8.	Open adoptions	37
12.9.	Child trafficking and undue gain	37
12.10.	Moratoria on adoptions	37
13.	Quebec adoptions – Subsection A5.1(3)	38
14.	Establishing identity and relationships	38
14.1.	DNA testing.....	40
14.2.	Interviews.....	40
14.3.	The use of GCMS when processing an application	40
14.4.	Applying the principles of natural justice when assessing an application	40
15.	Adoptions finalized in Canada (in a P/T court).....	42
15.1.	Assessing the legality of the adoption	43
15.2.	Receiving letters from the province or territory – “No involvement” rather than “No objection” ...	43
15.3.	Adoptions in Canada and the Hague Convention	43
15.4.	The impact of a provincial or territorial adoption order regarding the requirements under	44
	subsections A5.1(1) and A5.1(2)	44
16.	Guidelines for writing Part 2 refusal letters for citizenship applications subject to section A5.1.....	44
17.	Final decision	46
17.1.	Recording the final decision	46
17.2.	Signature of the citizenship officer.....	47
17.3.	Judicial review	47
17.4.	Preparation and distribution of citizenship certificates	47
17.5.	Transfer of the file to CPC-S for archiving.....	47
17.6.	Refund of the Right of Citizenship fee in case of refusal.....	48
18.	Travel to Canada.....	48
18.1.	Facilitation visa	48
18.2.	Exit permits	49
Annexes	Sample Letters.....	50

CP 14 - Adoption

Updates to Chapter

Listing by date:

2012-04-19

This chapter has been completely reviewed. All previous versions should be discarded.

CP 14 - Adoption

1. What this chapter is about

1.1. This chapter is about

This chapter explains how to assess and process applications for a grant of Canadian citizenship under section A5.1 (grant of Canadian citizenship for persons adopted by Canadian citizens on or after January 1, 1947).

1.2. Where to find other related policies and guidelines

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

Related policies and guidelines	Link
Adoptions (Immigration)	See OP 3
Proof of Citizenship	See CP 10

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 born abroad and adopted by a Canadian citizen after February 14, 1977 to become Canadian citizens without first having to become permanent residents. As a result, the difference in treatment between children born abroad and adopted by Canadian citizens and children born abroad to Canadian parents is minimized.

Bill C-37, an Act to amend the [Citizenship Act](#), received Royal Assent on April 16, 2008, and came into force on April 17, 2009. This amendment expands the eligibility for direct access to citizenship to include children adopted by a Canadian citizen on or after January 1, 1947. However, Bill C-37's first generation limit also affects the adoption provision. For an adopted child to be eligible for a direct grant of Canadian citizenship, he or she must have a Canadian adoptive parent born or naturalized in Canada.

For the obtention of a status in Canada for their adopted child, two processing streams are available to adoptive parents: the immigration process via the [Immigration and Refugee Protection Act](#) and [Regulations](#) (IRPA/IRPR) or the citizenship process via the [Citizenship Act](#) (see section 2.1 of this chapter for more details on the immigration process).

Adoption of minors under [A5.1\(1\)](#)

The adoption must be carried out taking into consideration the following requirements:

- the best interests of the child in question;
- it must create a genuine parent-child relationship that permanently severs the legal ties to the child's biological parents;

CP 14 - Adoption

- it must be carried out in accordance with the laws of the place where the adoption took place and the laws of the country of residence where the adoptive parents resided at the time of the adoption; and
- it must not have been entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship (i.e. an adoption of convenience).

Adoption of adults under [A5.1\(2\)](#)

With respect to adult adoptions, a person adopted by a Canadian citizen while they were 18 years of age or older is eligible for a grant of Canadian citizenship if:

- a genuine parent-child relationship existed before the person turned 18 years of age and at the time of the adoption; and
- the adoption meets the requirements provided for adopted minors ([A5.1\(1\)](#)), with the exception of the best interests of the child.

The intention of the new citizenship process is to have it complement the current immigration process, while minimizing differential treatment of children born abroad and adopted by Canadian citizens and children born abroad to Canadian citizens.

Foreign-born children adopted on or after January 1, 1947 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 on the same day the decision maker (the citizenship officer) approves the application for citizenship. Citizenship is **not** retroactive to the date of the adoption. Once citizenship is granted, a citizenship certificate is issued.

First generation limit and citizenship under section [A5.1](#)

An adopted child who is granted citizenship under section [A5.1](#) will be considered to be the first generation born abroad.

The adopted child's children would not be Canadian at birth if they are born or adopted outside Canada (unless the other parent was born in Canada, or immigrated to Canada and became a citizen by naturalization) and would need to be sponsored as permanent residents before being granted citizenship.

The adopted child's children would be Canadian at birth if they are born in Canada.

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

The option of applying under the [IRPA](#) for permanent residence instead of (or before) citizenship remains available. An adoptive 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).

CP 14 - Adoption

Once the adoption is completed according to P/T adoption laws and an adoption order is issued by the relevant court, the adopted child will be eligible for citizenship under section [A5.1](#) or under subsections [A5\(1\)](#) or [A5\(2\)](#).

The criteria for granting citizenship to foreign-born adopted children of Canadian citizens under the [Citizenship Act](#) and *Regulations* are similar to those for granting permanent resident status to adopted children under the [IRPA/IRPR](#).

First generation limit and permanent residence followed by citizenship under subsection [A5\(2\)](#)

The first generation limit would not affect the adopted child's children. Their children would be Canadian citizens at birth if born outside Canada, as would their children born in Canada.

3. The *Citizenship Act* and *Regulations*

Provision	Reference in Act (A) or Regulations (R)
Canadian citizen parent at the time of adoption	A5.1(1) A5.1(2) A5.1(3) R5.1(2)(b) R5.2(2)(b) R5.3(2)(b) R5.4(2)(b) R5.5(2)(b)(ii)
Adoption took place on or after January 1, 1947	A5.1(1) A5.1(2) A5.1(3) R5.1(2)(e) R5.2(2)(c) R5.3(2)(c) R5.4(2)(e) R5.5(2)(b)(i)
Adopted person was a minor at the time of adoption	A5.1(1) R5.1(2)(e) R5.2(2)(c)
Adopted person was an adult at the time of adoption	A5.1(2) R5.3(2)(c)
Best interests of the child	A5.1(1)(a)

CP 14 - Adoption

Genuine parent-child relationship	A5.1(1)(b)
Genuine parent-child relationship before the child turned 18 and at the time of adoption	A5.1(2)(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	A5.1(1)(c) A5.1(2)(b)
Adoption not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship	A5.1(1)(d) A5.1(2)(b) A5.1(3)(b)
Adoption subject to Quebec law	A5.1(3) A5.1(3)(a)
Notification in writing from the province or territory where adoptive parents reside that it does not object to the adoption	R5.1(3)(a)(i) R5.1(3)(b)(ii) R5.2(3)(a)(i) R5.2(3)(b)(ii) R5.3(3)(a)(i)
Pre-existing parent-child relationship severed by the adoption	R5.1(3)(a)(ii) R5.1(3)(b)(iii) R5.1(3)(c)(iii) R5.2(3)(a)(ii) R5.2(3)(b)(iii) R5.2(3)(c)(iii) R5.3(3)(a)(ii) R5.3(3)(b)
Home study	R5.1(3)(c)(i) R5.2(3)(c)(i)
Hague Convention on adoption	R5.1(3)(b) R5.2(3)(b)
Notification in writing that the country where the adoption took place and the province of the adopted child's intended place of residence approve the adoption as conforming to the Hague Convention	R5.1(3)(b)(i) R5.2(3)(b)(i)

CP 14 - Adoption

Free and informed consent of the adopted child's parents	R5.1(3)(c)(ii) R5.2(3)(c)(ii)
Not for the purpose of child trafficking or undue gain	A5.1(1)(d) A5.1(2)(b) A5.1(3)(b) R5.1(3)(c)(iv) R5.2(3)(c)(iv)

3.1. Forms required

Each applicant must submit an [Application for Canadian Citizenship for a person adopted by a Canadian citizen \(on or after January 1, 1947\)](#).

Form Title	Number
Part 1 – Confirmation of Canadian citizenship of the adoptive parent(s)	CIT 0010
Part 2 – Adoptee's application	CIT 0012
Canadian Citizenship Certificate Preparation Form	CIT 0480

3.2. Fees

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

Processing fee: A processing fee of \$100 (Canadian funds) is charged for each adopted child's application. Once the processing begins, this amount is not refundable.

Right of Citizenship fee: The amount of \$100 (Canadian funds) is charged for each adult adopted person's application (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 Canadian 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

CP 14 - Adoption

status. A citizenship officer is a person authorized in writing to exercise the Minister's authority under citizenship legislation.

4.2. Delegates/designated officers

[Section R2](#) defines various terms used in the *Citizenship Regulations*. The term "citizenship officer" is used throughout the *Citizenship Regulations*.

The authority to determine who may perform the duties of a citizenship officer on the Minister's behalf is delegated to the Registrar of Canadian Citizenship. Individuals, and not positions, are designated as citizenship officers upon successful completion of a training session and of an examination designed to assess their knowledge and understanding of the relevant provisions of the legislation, and following the recommendation of their manager/supervisor (see the delegation instrument for more details).

Additionally, the delegated authority to grant citizenship under section [A5.1](#) relating to adoption is given to citizenship officers in local CICs, Case Processing Centre-Sydney (CPC-S), Case Management Branch and Operational Management and Coordination Branch following a training session and the successful completion of an examination specific to section A5.1, the adoption section. The only exception is Canada-based immigration officers in visa offices who are delegated to grant citizenship under [A5.1](#) by position.

4.2.1 Delegation process for section A5.1 (adoption)

The [Citizenship Delegation Grants - Section 5 \(861N\)](#) course is a prerequisite to the Citizenship Delegation for Grants – Section 5.1 (Adoption) (582N) course.

In order to be delegated for section [A5.1](#) adoption), the citizenship officer must take the three-day adoption training course delivered by the Department.

Following the course, an examination is administered to evaluate the citizenship officer's knowledge, interpretation and application of the relevant sections of the legislation. The delegation exam is made up of two parts: part one consists of short answer questions and part two of writing a decision letter. In order to pass the examination, the individual must achieve a mark of 75% or higher on both parts.

The individual must also complete the Interviewing Techniques (509N) course in order to be delegated.

5. Departmental policy

5.1. Eligibility to apply under section [A5.1](#)

An application under subsection [A5.1\(1\)](#) may be made by:

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

An application under subsection [A5.1\(2\)](#) may be made by:

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

An application under subsection [A5.1\(3\)](#) (Quebec adoptions) may be made by:

CP 14 - Adoption

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

5.2. Eligibility for children adopted as minors under subsection [A5.1\(1\)](#)

All of the following requirements must be met in order for an adopted child to be granted citizenship under subsection [A5.1\(1\)](#)

- the adoption must have taken place on or after January 1, 1947;
- at least one adoptive parent must have been a Canadian citizen born or naturalized in Canada at the time of the adoption;
- the adopted child must have been under 18 years of age at the time of the adoption;
- the adoption must have been in the best interests of the child [[A5.1\(1\)\(a\)](#)];
- the adoption must have created a genuine parent-child relationship [[A5.1\(1\)\(b\)](#)];
- the adoption must have been 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\(1\)\(d\)](#)].

5.3. Factors to be considered under subsection [A5.1\(1\)](#)

When assessing applications against the requirements under subsection [A5.1\(1\)](#), the following factors must be considered (for more details on how to assess these factors, see section 12 of this chapter).

Note : The factors under section [R5.1](#) pertain to adopted children who are under 18 years of age at the time of application, while the factors under section [R5.2](#) pertain to persons who were adopted as children but who are 18 years of age or older at the time of application.

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

- whether a competent authority of the province or territory 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 took place in a country that is a party to the Hague Convention ([refer to the Hague Convention website for the list of contracting states](#)) and where the intended destination of the adopted child is a province or territory:

- whether the competent authority of the country where the adoption took place and of the province or territory 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 or territory 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 [A5.1\(1\)](#):

CP 14 - Adoption

- 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\(3\)\(c\)\(iii\)](#)];
- that 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\(3\)\(c\)\(iv\)](#)] (even if the country of birth of the child is not a signatory to the Hague Convention, child trafficking or undue gain will be assessed within the meaning of the Convention).

5.4. Eligibility for persons adopted as adults under subsection [A5.1\(2\)](#)

All of the following criteria must be met in order for an adopted person to be granted citizenship under subsection [A5.1\(2\)](#):

- the adoption must have taken place on or after January 1, 1947;
- at least one adoptive parent must have been a Canadian citizen born or naturalized in Canada at the time of the adoption;
- the adopted person was 18 years of age or older at the time of the 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 [[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\(1\)\(d\)](#)].

Note : As the Hague Convention refers to the protection of children, it does not apply to adult adoptions.

5.5. Factors to be considered under subsection [A5.1\(2\)](#):

When assessing the criteria under [subsection A5.1\(2\)](#), the following factors must be considered.

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

- whether a competent authority of the province or territory 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 [A5.1\(2\)](#):

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

Note : These factors (sections [R5.1](#) to [R5.3](#)) are not requirements; therefore, the presence or absence of any one or more of these factors would not automatically result in the acceptance or refusal of a particular application for a grant of Canadian citizenship under section [A5.1](#). (for guidance on how to assess these factors, see section 12 of this chapter).

5.6. Eligibility for adopted children destined to Quebec under subsection [A5.1\(3\)](#)

When assessing the criteria under subsection [A5.1\(3\)](#) the following factors must be considered:

CP 14 - Adoption

- the adoption decision made abroad must have taken place on or after January 1, 1947;
- at least one adoptive parent must have been a Canadian citizen born or naturalized in Canada at the time of the adoption;
- the Quebec authority responsible for international adoptions advises, in writing, that in its opinion 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 or privilege in relation to immigration or citizenship [\[A5.1\(3\)\(b\)\]](#).

5.7. Factors are not exhaustive

While subsections [R5.1\(3\)](#), [R5.2\(3\)](#) and [R5.3\(3\)](#) set out a list of factors to be considered in determining whether the requirements listed under subsections [A5.1\(1\)](#) and [A5.1\(2\)](#) have been met, these factors are not exhaustive (see section 12 of this chapter for a more detailed examination of the regulatory factors).

5.8. Names policy

The name to appear on the adopted child'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. For more information on the Names policy, see [CP3 – Establishing Applicant's Identity](#), Section 3 – Name(s)/Change in name(s).

If a legal change of name occurred...	Supporting documents required:
after the adoption but before applying for citizenship	<ul style="list-style-type: none">• a provincial/territorial (P/T) legal change of name document; or• a legal name change document issued by the appropriate authority of the country of residence of the adopted child.
due to marriage	<ul style="list-style-type: none">• a copy of the marriage certificate; AND• at least one other document issued by the appropriate authority of the country of residence of the adopted person showing use of the married name. <p>Examples include:</p> <ul style="list-style-type: none">• a passport• a national identity card• a driver's license, etc.

5.9. Medical condition of the minor

There are no requirements pertaining to the medical condition of adopted children under section A5.1., as there are no such provisions in the *Citizenship Act* for children born to Canadian

CP 14 - Adoption

citizens. However, it is very important for adoptive parents to obtain information in a reliable manner about the child's medical history prior to going ahead with the adoption. Adoptions have failed in the past and even resulted in child abandonment in situations where the prospective family was ill-equipped to deal with the particular medical condition of a child. Although it is not a requirement of section [A5.1](#), in consideration of the best interests of the child, adoptive parents are encouraged to seek a medical examination through a paediatrician or a physician of their choice prior to going ahead with the adoption in order to ensure that they are able to provide their adoptive child with the care he or she requires.

6. Definitions

The following definitions are intended to be used for the purpose of this chapter and the application of its procedures:

Term	Definition
Adopted child	For the purpose of this chapter, the term “adopted child” includes minors, persons who were adopted as children and are now adults, and persons who were adopted as adults.
Adoptive parents	<p>For the purpose of this chapter, the term “adoptive parents” will be used uniformly, but should be understood to include cases where the adoption has been completed and cases where the adoption is in process (prospective adoptive parents).</p> <p>Unless otherwise stated, the adoptive parent refers to the Canadian citizen adoptive parent, and in the case of two Canadian citizen adoptive parents, it refers to both adoptive parents.</p>
Applicant	<p>In the case where the adopted person is under 18 years of age 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 years of age or older at the time of application, the adopted person is the applicant.</p>
Biological parent	The term “biological parent” refers to the natural or legal parent of the child at birth. Where applicable, it could also refer to the legal parent prior to the issuance of an adoption order.

CP 14 - Adoption

FC6	<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 Canadian citizenship under section A5.1 until they have arrived in Canada as permanent residents and the adoption has been finalized in Canada.</p> <p>For more information, refer to IRPR 117(1)(g)</p>
FC9	<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 finalized. Once in Canada and a permanent resident, they are immediately eligible for a grant of Canadian citizenship under section A5.1 after the adoption is finalized or, if under 18, under paragraph A5(2) after the adoption is finalized.</p> <p>For more information refer to the IRPR 117(2) and (3).</p>
Full adoption	<p>An adoption that creates a legal parent-child relationship between the adoptive parents and the adopted child, and completely severs the pre-existing parent-child relationship between the biological parents and the adopted child, with the exception of an adoption by a stepparent.</p> <p>In the case of an adoption by a stepparent, it is not expected that the relationship with the remaining biological or legal parent be severed; only the ties with the parent whose parenting role will be assumed by the stepparent upon adoption must be fully severed.</p>
Guardianship	<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 or adult may remain.</p> <p>Note: Guardianship does not constitute an adoption and does not meet the requirements of section A5.1</p>

CP 14 - Adoption

Hague Convention on Adoption	The <i>Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption</i> sets minimum standards and procedures for adoptions between countries. The Hague Convention is intended to stop unethical adoption practices. It also promotes co-operation between countries and puts in place procedures aimed at minimizing the chance of exploitation of children, biological parents or adoptive parents during the adoption process. For more information regarding the <i>Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption</i> , go to the Hague Convention website .
Probationary Adoptions	Probationary adoption orders provide for a guardianship relationship or 'probationary adoption' for the purpose of a trial relationship between the adoptive parents and the 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 issuance of an adoption order by that country.
Simple adoption	<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 between the adoptive parents and the child and does not meet the requirements of section A5.1.</p>

7. Procedures for the submission of an application

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 \(on or after January 1, 1947\)](#).

This application is made up of two parts: *Part 1 - Confirmation of Canadian citizenship of the adoptive parent(s)* ([CIT 0010](#)) and *Part 2 - Adoptee's application* ([CIT 0012](#)).

Applicable fees or proof of payment must be submitted with Part 1 of the application (see section 3.2 of this chapter for details on fees).

CP 14 - Adoption

7.1.1. Part 1 – Confirmation of Canadian citizenship of the adoptive parent(s) is used to gather information about the adoptive parents and confirm that at least one of them is a Canadian citizen born or naturalized in Canada and was a Canadian citizen at the time of the adoption. Part 1 is also used to gather information about the adoption itself (e.g. whether the adoption took place on or after January 1, 1947 or whether it is in process, whether it involves a Canadian province or territory, etc.). Citizenship cannot be granted to the adopted child based upon Part 1 alone. Part 1 may be submitted after the adoption has been completed or during the process of adoption. However, if it is determined during the assessment of Part 1 that there is no Canadian adoptive parent for the adoption in process – or at the time of adoption for completed adoptions — the adopted child is ineligible for citizenship under section [A5.1](#) and the application must be refused (see section 8.4 of this chapter). 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 born or naturalized in Canada and was a citizen at the time of the adoption, a letter is sent to the applicant indicating where and when to send Part 2 of the application.

7.1.2. Part 2 – Adoptee’s application is used to assess the adoption and may be processed at CPC-S, at a visa office or a local CIC office, depending on the circumstances of the case. The adoption must be completed before Part 2 can be submitted, and the adoption must be assessed before a decision on the adopted child’s application can be made.

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

Once the child has been identified for adoption or the adoption has been finalized, Part 2 may be submitted to the visa office or CPC-S, according to the instructions included in the approval letter for Part 1 from CPC-S. This letter also requests applicants to submit the *Canadian Citizenship 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 to the adopted child. Adoptive parents have two years from the date of the Part 1 decision letter to submit Part 2 to the appropriate office. If adoptive parents do not submit Part 2 within two years, and absent a reasonable explanation for not doing so, the file will be closed (see section 9.1 of this chapter for more details).

The application process is the same for minors ([A5.1\(1\)](#)), adults ([A5.1\(2\)](#)) and Quebec adoptions ([A5.1\(3\)](#)).

7.2. Multiple adoptions

Where adoptive parents are adopting more than one child, a separate application must be submitted and fees paid for each adopted child. For example, if there are two children being adopted, two separate Part 1 applications and two separate Part 2 applications are required, along with the payment of fees for both applications.

7.3. Submitting information regarding a child, and subsequently adopting a different child

If adoptive parents have submitted information regarding a child during the adoption process, but subsequently adopt a different child, there is no need to submit another Part 1 application as long as Part 2 of the application is submitted within the two-year window. In this case, 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 adopted child.

7.4. Simultaneously submitting citizenship and permanent residence applications

Simultaneous applications for the same adopted child under both the [Citizenship Act](#) and the [IRPA](#) may be submitted and received. They will not, however, be processed simultaneously.

CP 14 - Adoption

If simultaneous applications are received, 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.

CPC-S will enter the following NCB 12 in the Field Operations Support System (FOSS): "C-14 application rec'd CPC-S" and enter the date on which it was received.

If the applicant chooses to continue with both applications or does not return the completed and signed *Multiple Applications Insert* to CPC-S, 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 to the applicant. 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 child will be required to make a new citizenship application at a later date if he or she wishes to become a Canadian citizen. Applicants who have paid the Right of Citizenship fee will be eligible for a refund of this fee if they withdraw their citizenship application before CPC-S has commenced processing it (i.e. if an initial evaluation has started).

However, once processing has begun, fees will not be refunded.

Processing times should not be adversely affected by having submitted simultaneous citizenship and permanent residence applications. Visa offices will continue processing permanent residence applications 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 the relevant information from the applicant's permanent residence file would simply be transferred to their citizenship file with no additional processing delays.

8. Processing of Part 1 of the application

8.1. Review of the application by CPC Sydney

CPC-S is responsible for assessing Part 1 of the application.

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

- the correct fee is included;
- 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 born or naturalized in Canada at the time of the adoption (or, if the adoption has not been completed, at least one of the adoptive parents is a Canadian citizen born or naturalized in Canada at the time CPC-S assesses Part 1 of the citizenship application);
- the adoption took place or will take place on or after January 1, 1947.

8.2. Assessing the parent's Canadian citizenship

The procedures to follow when assessing the citizenship of a parent for an application for citizenship of an adopted child under section [A5.1](#) are similar to those for a proof application. See [CP 10 – Proof of Citizenship](#).

CP 14 - Adoption

An application to assess the citizenship of the parent is considered received on the date a completed Part 1 is received by CPC-S (stamped).

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

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

8.3. If Part 1 is approved

If Part 1 is approved, CPC-S sends a letter to the applicant confirming the decision on Part 1 with instructions on where to send Part 2 of the application. If applicable, CPC-S sends a letter to the P/T adoption authority requesting the issuance of a letter of no objection (non-Hague case) and/or a notification of agreement (Hague cases) as required for the proposed adoption. This/these letter(s) is/are necessary to assess Part 2 of the citizenship application.

8.4. When is an application refused at Part 1?

If neither parent is a Canadian citizen born or naturalized in Canada at the time of the adoption and/or at the time CPC-S assesses Part 1 of the application (where the adoption is not completed), the adopted child is not eligible for citizenship under section A5.1 and CPC-S will refuse the application.

If the adoption took place before January 1, 1947, the adopted child is not eligible to be granted citizenship under section A5.1 and the local CIC office will refuse the application.

Adopted children of permanent residents are not eligible for citizenship under section A5.1. If the adoptive parents are permanent residents, they may apply for permanent residence for their adopted child and then subsequently apply for citizenship for the minor under [subsection A5\(2\)](#) at the same time that they apply for their own citizenship. Alternatively, the adoptive parents may apply for citizenship under [subsection A5\(2\)](#) for an adopted minor after they themselves have become Canadian citizens. For more information, [see CP 4 – Grants](#), Section 2 – Grant of Citizenship - [Subsection 5\(2\) of the Act](#).

8.5. Multiple IDs in FOSS

Before creating a new file in the Global Case Management System (GCMS), CPC-S will conduct a search in FOSS to see if the applicant already has a FOSS ID. Where a file is being referred to a visa office (either for processing of Part 2 of the application or for a follow-up), CPC-S will inform the visa office in question if the applicant has an existing FOSS ID. Where multiple IDs exist for an applicant (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 applicant does not exist in GCMS, but the individual has multiple IDs in FOSS, QRC must be notified so that the IDs can be merged. After a merge is completed, the FOSS record can be converted into GCMS .

If the FOSS record has been converted into GCMS and another FOSS ID is found or is created afterwards, this FOSS ID should be added to the FOSS ID field in GCMS. As well, QRC should be asked to merge multiple FOSS IDs so that they may be converted into GCMS. All requests to merge FOSS IDs can be made to Qrc-Merges@cic.gc.ca.

8.6. The identity of the adopted child is unknown or incomplete adoptions

In some cases, the identity or the name of the adopted 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 with or without including the identity of the adopted child. They must state on their application the country in which the adoption will take place.

Applications for which the identity of the adopted child is not included are processed by CPC-S in the same manner as those for which the identity of the adopted child is included.

Part 2 of the application, however, can only be submitted once the adoption process has been completed.

9. Processing of Part 2 of the application

Applicants are responsible for submitting a fully completed Part 2 form once all details of the adoption are known. The applicant may seek the assistance of a guardian, an orphanage or an agency involved in the adoption in the completion of the form and the provision of details of the adopted child's personal information.

The office responsible for assessing Part 2 of the application (the visa office, CPC-S or local office; (see section 10 of this chapter for more details) must verify that:

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

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 state that the completed Part 2 must be submitted to the appropriate office (the visa office, CPC-S or local office) within two years of the date of the decision letter for Part 1. After sending the letter, CPC-S will put the application on hold for 21 months or until Part 2 has been submitted (if submitted before 21 months has elapsed). If Part 2 is still outstanding after 21 months, CPC-S will send a letter to the applicant reminding them of the deadline to submit Part 2 and explaining that the application could be refused if it is not received and the applicant has not contacted CPC-S to request an extension. Following the reminder letter from CPC-S, applicants who request an extension and who provide a reasonable explanation for not submitting Part 2 within the two-year deadline (for instance, delays in the adoption process) should be given an extension (for a maximum of 6 months). Citizenship officers are expected to exercise their best judgement based on the circumstances of the case before refusing an application due to incomplete information/documentation.

Once an application has been refused for incomplete information/documentation, a new Part 1 and Part 2 must be submitted with the appropriate documentation and fees before an adopted child can be granted citizenship under section [A5.1](#).

For the purpose of calculating processing times for service standards of visa offices abroad, the application date to be entered in GCMS is the date that the office receives the Part 2 application or the date a case is referred to the visa office for follow-up.

9.2. The adopted child is a permanent resident

Every year, permanent resident visas are issued to children whose adoptions are to be completed in Canada under provincial/territorial adoption laws (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 for the adoption to be completed. At that point, they are not eligible for citizenship because the adoption has not yet been finalized. Once the adoption has been completed and the parent-child relationship has been created in law, these children are entitled to citizenship under section [A5.1](#), provided that they have been adopted on or after January 1, 1947 by at least one Canadian parent born or naturalized in Canada. As they obtained permanent resident status as children in order to be adopted in Canada and their permanent resident applications were processed outside Canada, the adoptions should meet the requirements that apply under the [IRPA](#), many of which are the same or similar to the requirements of section [A5.1](#). Upon receipt of an application for a grant of Canadian citizenship under section [A5.1](#) and confirmation that the adoption has been completed in Canada, CPC-S will review the application and may grant citizenship if no adverse information or new elements regarding the adoption come to light.

Also, adopted children whose adoptions were completed outside Canada may have entered Canada as permanent residents before section [A5.1](#) 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 citizenship officer may not need to re-evaluate the adoption if the adoption has already been assessed by a visa office through the permanent residence application.

9.3. High profile or contentious cases

High-profile, contentious and sensitive cases arise in many circumstances. The media attention generated by these types of cases underscores the need to deal with them in a timely and discerning manner. The purpose of this directive is to assist citizenship officers in identifying and handling these cases as they arise. High profile, contentious and sensitive cases should all be treated in the same manner.

Case Management Branch (CMB) is responsible for managing effective communication about specific case-related matters. Citizenship officers must report all cases which are potentially high profile to CMB.

If, after reviewing a file or following an event, a citizenship officer determines that a case is or may become high profile, they must follow the procedures outlined below to inform NHQ. Conversely, should it be determined in Canada that an overseas case is or may become high profile, NHQ must advise the relevant visa office.

Procedures

1. Inform and consult with your immediate supervisor/manager once it is suspected that the case has the potential to become a high profile, contentious or sensitive case (for instance, the case has the potential to generate media attention).
2. Inform NHQ by **sending an e-mail to the following distribution list:**
 - the general e-mail box for CMB citizenship: NHQ-Citizenship-Case-Review@cic.gc.ca;
 - the general e-mail box for CMB Immigration Case Review:

CP 14 - Adoption

- Nat-Case-Review@cic.gc.ca;
the general e-mail box for Citizenship Program Delivery and Promotion Division: Nat-Cit-Operations@cic.gc.ca.

The email **must include** the following information:

- **“High Profile Case”** in the subject line;
 - the name, date of birth, file number and/or client identification number (if applicable) of the applicant;
 - a case chronology, including case-specific details and a summary of the reason(s) the case is, or has the potential to be, high profile;
 - any action taken and/or recommendations proposed to resolve the case (if applicable).
3. Prepare an initial case report and follow up, as necessary, with CMB to keep it apprised of any new information as it becomes available; ensure case notes are detailed and suitable for feeding into briefing documents, if required.
 4. After consultation with the visa office, CPC-S or the local office and CMB (if necessary), render a decision on the application. The decision may be rendered by the visa office, CPC-S, the local office or CMB.

It is critical that potentially high profile, contentious or sensitive cases be brought to the attention of Case Review at CMB as soon as possible to ensure that the Department is prepared to explain or justify the treatment given to any specific case. CMB will determine if and when a briefing of senior management is warranted.

10. Processing and moving files from visa offices to CPC-S to local offices

A citizenship application for an adopted child under section [A5.1](#) requires that the adoption be finalized before citizenship can be granted. The *Citizenship Act* does not state where the adoption must be completed. Citizenship officers may need to make determinations on cases where the adoption has been finalized in Canada and/or where the adopted child is already in Canada.

In assessing whether the adoption meets the requirements of the [Citizenship Act](#) and *Regulations*, cases where the adopted child is already in Canada and/or where they have been adopted in a P/T court in Canada require slightly different handling than those where the adoption has been completed abroad.

10.1. The adoption was completed abroad and the adopted child is outside Canada

When the adoption has been completed abroad and the adopted child is abroad, Part 2 of the application will be assessed by the visa office nearest to where the adopted child resides. Once Part 1 has been approved, CPC-S will send a letter to the applicant indicating to which visa office they are to send Part 2. Once a decision has been made, the visa officer will enter the decision in GCMS, as well as on the physical file in the appropriate section of the Part 2 application.

10.2. The adoption was completed abroad and the adopted child is in Canada

When the adoption has been completed abroad but the adopted child is already residing in Canada, Part 2 of the application will be assessed by the visa office nearest to where the adopted child resided while abroad. If, however, the visa officer assessing the file determines that an interview is required, the file may be transferred to CPC-S for a referral to the local office nearest to where the applicant is residing for an interview and final decision.

Requirements for the file to be returned to Canada:

IF the applicant is already in Canada,

AND the visa officer assessing the file has determined that an interview is required in order to make a decision on the file,

AND the visa officer has convoked the applicant for an interview,

AND the applicant is unwilling/unable to travel to the visa office to attend the interview,

THEN the file will be transferred to CPC-S, which will forward the file to the local office nearest to where the adopted child resides in Canada, where a citizenship officer will assess the file, conduct the interview, and make a decision.

When returning the file to Canada, the visa officer must ensure that the physical file includes all relevant notes (including print-outs of electronic notes in the Computer-Assisted Immigration Processing System (CAIPS), if applicable). As well, the visa officer must ensure that they have made the most complete assessment possible based upon the information available to them, and that it has been included in the notes section of GCMS, with a particular focus on:

- whether or not the documents from the source country appear to be genuine;
- whether or not there are any regional fraud or misrepresentation concerns which a citizenship officer may need to consider in making a decision on the file;
- whether or not the adoption order from the source country meets the standards of a full adoption.

A memo must be added to the file stating:

- that this file meets the requirements for processing at a local CIC office in Canada;
- the applicant's name, Client ID and Case ID;
- the name and address of the adoptive parent(s);

CP 14 - Adoption

- the name and contact information of the visa officer who conducted the initial assessment in case the citizenship officer at the local CIC office in Canada has questions.

A note must also be made in GCMS to explain why the file is being transferred to Canada.

10.3. The adoption was completed in Canada and the adopted child is in Canada

In the event that the adoption is completed in a P/T court in Canada and the adopted child is already residing in Canada, CPC-S will send the file to the local office nearest to where the applicant resides. The visa office nearest to the adopted child's last country of residence will remain available for investigative support if needed by the citizenship officer.

10.4. Processing of Part 2 at CPC-S

Some Part 2 applications are only processed at CPC-S. In addition to the application having to meet the criteria below, the adoption must have been completed in one of the countries listed at the end of this section in order for CPC-S to assess Part 2:

the adoption has been completed and the adopted child is residing in Canada on permanent resident status;

OR

the adoption has been completed, the adopted child and the parents are residing outside of Canada and the child is not destined to Canada within 3 to 6 months, and:

- a) the final adoption predates the Interim Measure (July 2001) (see note below for more information on the Interim Measure);
- b) the adopted child was under the age of 5 at the time the adoption was finalized;
- c) the adopted child is not a relative of the adoptive parent(s) by blood or by marriage;
- d) the adoption is a full and complete adoption, and is not subject to a probationary waiting period;
- e) falsification of documentation is NOT a concern;
- f) there are no other concerns regarding the status of the adoption.

Note: The Interim Measure, introduced in July 2001, was intended to facilitate a discretionary grant of Canadian citizenship for adopted children who did not have access to the immigration process due to residency overseas and had no alternative option for becoming Canadian citizens. This measure ended on December 22, 2007 with the coming into force of Bill C14.

If, at any point during the assessment process, problematic issues are identified with an application and it is no longer a straightforward case, CPC-S will transfer the file to a visa office or local office to complete the assessment. The visa office and/or local office will work closely with

CP 14 - Adoption

CPC-S to ensure that all citizenship applications subject to section [A5.1](#) will be processed effectively.

List of countries where CPC-S will process Part 2 (the adopted child is not destined to Canada within 3 to 6 months)

Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the Netherlands, the United Kingdom and the United States of America.

11. Decision making: assessing the requirements under subsections [A5.1\(1\)](#) and [A5.1\(2\)](#)

11.1. Types of scenarios where citizenship may be granted

The following are some typical scenarios that occur where citizenship may be granted:

- the adoption was recently completed abroad. The parents reside in Canada and wish to bring the adopted child to Canada;
 - the adoption is in the process of completion. The parents reside in Canada and wish to bring the adopted child to Canada once the adoption has been completed;
 - the adoption was completed abroad and the adopted child is in Canada. The adopted child is a permanent resident and may be a minor or an adult at the time of applying for citizenship;
 - the adoption was completed abroad and the adopted child continues to reside outside Canada. The adopted child may be a minor or an adult at the time of the adoption;
 - the adoption is in the process of completion, and the parents and child reside outside Canada.
-

Note : In the majority of cases, the adoptive parents are living in Canada and the provincial or territorial authority for adoption of their place of residence has approved 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 application process for a grant of Canadian citizenship under section [A5.1](#) allows the adoptive parents to submit Part 1 of the citizenship application prior to the completion of the adoption abroad.

11.2. Types of scenarios where citizenship may not be granted

The following are the types of scenarios that occur where citizenship may NOT be granted, as the legal ties between the adopted child and the biological parents may not be fully severed:

- adoptions to be completed in Canada;
 - simple adoptions or guardianships;
 - probationary adoptions.
-

11.3. 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 United Nations 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 *Citizenship Regulations* when assessing an application for a grant of Canadian citizenship under subsection [A5.1\(1\)](#) (see applicable subsections and paragraphs under sections [R5.1](#) and [R5.2](#)).

CP 14 - Adoption

All factors set out in the *Citizenship Regulations* are intended to support the assessment of an adoption with respect to the "best interests of the child".

These factors pertain to: a Hague letter and/or provincial 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 from the relevant authority, proper parental consent from the 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. (4th) 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."

11.4. **Genuine parent-child relationship – [A5.1\(1\)\(b\)](#) and [A5.1\(2\)\(a\)](#)**

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

In order to assist citizenship officers in assessing whether or not an adoption has created a genuine relationship between parent and child, they are encouraged to look closely at the nature of the adoption in order to determine:

1. Whether it was a **full** adoption, meaning an adoption that completely severed the adopted child's legal ties with his or her biological parents or previous legal parents and created a new legal parent-child relationship between the adoptive parents and the adopted child. Arrangements other than a full adoption, such as a simple adoption or guardianship order, do not sever the adopted child's legal ties with his or her biological parents. Arrangements which are not "full adoptions" do not satisfactorily demonstrate that a legal parent-child relationship has been established as is intended in paragraphs [A5.1\(1\)\(b\)](#) and [A5.1\(2\)\(a\)](#).

Note : In the case of an adoption by a stepparent, it is not expected that the relationship between the adopted child and the remaining biological or legal parent be severed; only the ties with the parent whose parenting role will be assumed by the stepparent upon adoption must be fully severed (for instance, if a stepfather adopts his spouse's child, then the ties between the child and the biological father must be fully severed, as the stepfather is assuming the parenting role of the biological father upon adoption).

2. The authenticity of the relationship between the adoptive parents and the adopted child. The primary purpose of the adoption should be to establish a parent-child relationship and not of assisting the child in gaining admission to Canada or Canadian citizenship. This should be assessed in conjunction with paragraphs [A5.1\(1\)\(d\)](#) and [A5.1\(2\)\(b\)](#) (see section 11.10 of this chapter for information on adoptions of convenience).

For adult adoptions, a genuine parent-child relationship between the adopted child and the adoptive parents must have existed 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 is adopted as a foster child by his or her foster parents after they turn 18 years of age.

Applicants may be requested to provide additional evidence under [section R28](#) to prove that there was a parent-child relationship before the adopted child turned 18 years of age and at the time they were adopted.

11.5. In accordance with the laws of the country of adoption and of the place of 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 that 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 in establishing that an adoption has been completed or is in accordance with the laws where the adoption took place. The adoption petition is a court document in which the adoptive parents make a formal request for permission to adopt a child. The adoption order is the final court document granting the adoption and severing the legal ties between the adopted child and the biological parents.

Citizenship officers should be particularly vigilant in assessing adoptions where:

- registration of the adoption order is not a legal requirement in the country where the adoption took place;
- the requirements of the country's adoption laws are not followed strictly;
- the country does not authorize international adoptions; or
- the country's adoption laws do not provide for full adoptions.

In any of these circumstances, the citizenship officer must carefully consider whether or not the adoption fully complies with the laws of the country where it took place, creates a genuine parent-child relationship between the adoptive parents and the adopted child, is fraudulent or is otherwise an adoption of convenience.

Laws of the country of residence

Paragraphs [A5.1\(1\)\(c\)](#) and [A5.1\(2\)\(b\)](#) also require that the adoption 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 adoptive parents are considered residents of Canada, citizenship officers must contact the province or territory in question to seek confirmation from the provincial/territorial adoption authority (i.e. request a notice of agreement and/or a letter of no objection regarding the adoption). When it is clear that the adopting citizen's country of residence is not Canada, citizenship officers will have to determine their country of residence based on an assessment of all the circumstances of the case.

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

11.6. Human Resources and Skills Development Canada (HRSDC)'s role with the P/Ts

Human Resources and Skills Development Canada (HRSDC) and its Intercountry Adoption Services (IAS) is the federal department responsible for intercountry adoption issues at the national and international levels. The IAS represents the P/Ts abroad on matters of intercountry adoption, except for Quebec, where the Secrétariat à l'adoption internationale (SAI) plays this

CP 14 - Adoption

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 manages and communicates intercountry adoption issues and information among the P/Ts, other federal departments, foreign authorities and non-governmental organisations, and acts as Canada's federal central authority on intercountry adoption under the Hague Convention.

11.7. Provincial notification letters

P/T adoption authorities have no jurisdiction to consider adoptions that are completed outside of Canada and where, at the time of the adoption, the adoptive parents were not residing in Canada. Therefore, in such situations, P/T adoption authorities will not issue a letter of any kind. Citizenship officers are instructed not to request letters from P/T adoption authorities where the adoptive parents were not residing in Canada at the time of the adoption.

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

Note : Some P/T letters have expiry dates. If a letter expires before a decision is rendered on the adopted child's citizenship application, the citizenship officer assessing the file must request a new letter from the P/T adoption authority.

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 adoption authority, the P/T adoption authority where the adoptive parents reside 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 adoptions completed abroad, 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 adoption authorities will not provide a letter.</p>
Notice (or letter) of agreement/ letter of approval	<p>In Hague Convention cases, the relevant P/T adoption authority will forward a notice of agreement to the relevant visa office, with a copy to the central authority for international adoption in the applicant's country of residence, indicating that the P/T adoption authority agrees to the adoption.</p>

CP 14 - Adoption

Letter of no involvement	<p>Some P/T adoption authorities 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 adoption authority has no legislative authority with respect to the adoption.</p> <p>The purpose of the letter of no involvement is to inform the relevant visa office that an adoption order, which is in accordance with the laws of the place where the adoption took place, is recognized by the P/T adoption authority where the adopting parents reside. It is also an indication that the P/T adoption authority may not have assessed the criteria of the adoption, given that it is not under their jurisdiction.</p>
--------------------------	--

11.8. Country of residence of the adopting citizen: Canada

In Canada, P/T adoption authorities are responsible for adoptions in their province or territory. P/T legislation and procedures protect the rights and welfare of children. P/T adoption authorities normally require that a home study be completed before deciding to approve an international adoption, but not in all cases (i.e. relative adoptions in British Columbia and where the adoptive parents 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. The P/T adoption authority is only involved when the Canadian citizen parent resided in Canada when the adoption took place.

11.9. Country of residence of the adopting citizen: outside Canada

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

Where the adoptive parents reside outside Canada, adopt a child while abroad and then return to Canada, citizenship officers are reminded to be cautious: some adoptive parents might attempt to circumvent P/T adoption laws by claiming to be not resident in Canada at the time of the adoption. For example, the adoptive parents live in Canada but left the country only temporarily, with the intention of returning to Canada after the adoption has been finalized. For instance, some foreign laws will require that the adoptive parents only be in the country of origin of the adopted child for a short period of time (often 3 to 6 months) before the adoption may be finalized. Although the adoptive parents have left Canada, in such a case, they are still considered resident in Canada.

The citizenship officer must determine if the adoptive parents were residing in Canada at the time of the adoption for the purpose of [section A5.1](#) Where the citizenship officer has any doubt as to whether the adoptive parents are considered resident in Canada at the time of the adoption and thus subject to P/T adoption laws, they must contact the P/T adoption authority (see above).

11.10. Identifying an adoption of convenience/not for the purpose of acquiring a status or privilege – [A5.1\(1\)\(d\)](#), [A5.1\(2\)\(b\)](#) and [A5.1\(3\)\(b\)](#)

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

A citizenship officer must form his or her opinion based upon factors which, taken together, could make a reasonably prudent person (balance of probabilities) conclude that the adoption has taken place to circumvent the requirements of the [IRPA](#) or the [Citizenship Act](#).

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

- the circumstances of the adoption;
- the whereabouts of the adopted child's biological parents and the nature of their personal circumstances;
- who was included in the adopted child's household before and after the adoption (i.e. did the adopted child continue to live in the same household as the biological parents even after the adoption);
- whether or not the adoptive parents are supplying financial and emotional support to the adopted child;
- the motivation or reasons for the adoption of the child given by the biological parents and the adoptive parents;
- the authority and influence of the adoptive parents over the adopted child;
- the arrangements and actions taken by the adoptive parents related to caring, providing and planning for the adopted child;
- the supplanting of the authority of the child's biological parents by that of the adoptive parents, meaning that the adoptive parents play the "parenting role" in all aspects of the adopted child's life;
- the relationship between the adopted child and the biological parents before the adoption;
- the relationship between the adopted child and the biological parents after the adoption;
- the treatment of the adopted child versus that of the biological children by the adoptive parents;
- the prevailing social and legal practices governing adoption in the adopted child's home country;
- in a case where the adoption took place a long time ago, documentary evidence demonstrating that the adopted child has lived with the adoptive parents and that they cared for the adopted child.

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

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

12. How to assess the factors related to the requirements of section A5.1 in the decision-making process

Sections [R5.1](#), [R5.2](#), and [R5.3](#) provide a non-exhaustive list of factors to be considered in determining whether the requirements of subsections [A5.1\(1\)](#) and [A5.1\(2\)](#) have been met. These

CP 14 - Adoption

factors are not requirements; therefore, the presence or absence of any one or more of these factors would not automatically result in the acceptance/refusal of a particular application for a grant of Canadian citizenship under [section A5.1](#). Rather, these factors are to be considered and weighed in each individual case, in order to assist citizenship officers in deciding whether or not the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#) have been met for the purpose of granting or refusing an adopted child's application for Canadian citizenship.

The factors set out in the *Citizenship Regulations* are sufficiently precise so as to inform Canadian citizens who are contemplating adopting a child from another country of the considerations which will guide a citizenship officer's decision making when assessing an application for Canadian citizenship made under section [A5.1](#).

The list of factors also allows citizenship officers the necessary flexibility to make appropriate decisions on a wide range of cases under subsections [A5.1\(1\)](#) and [A5.1\(2\)](#). For example, cases may range from an adult who applies for Canadian citizenship after having been adopted at birth to an infant who was recently adopted abroad by a Canadian citizen.

12.1. Home study

Whether or not 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 [A5.1](#) in cases where the adoptive parents resided outside Canada at the time of the adoption. In many jurisdictions, including Canada, an assessment of the prospective adoptive parents and their suitability to adopt is undertaken as a precondition to an adoption. Therefore, citizenship officers are advised to consider whether or not 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 citizenship officer's consideration. In order to ensure that the proper safeguards are in place with respect to the adoption, citizenship officers should verify whether or not a competent authority has completed and approved a home study.

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

There is **no** need to request a home study if this has already been conducted under the adoption laws of the place of residence of the adopting parents (see [A5.1\(1\)\(c\)](#)). If a citizenship officer has no evidence that a home study has been conducted, the officer may:

- if the parents reside outside Canada and adopt outside Canada, request that the parents 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 conducted at all, the officer may:

- make a request to the competent authority or accredited social workers in the place of residence of the adopting parents that a home study be conducted;

CP 14 - Adoption

- 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 in order to determine their suitability as adopting parents.

Note : The absence of an approved home study, while an important consideration, would not in itself be automatic grounds for refusing a citizenship application under section [A5.1](#). Rather, the presence/absence of an approved home study is a factor to be considered in assessing whether or not one or more of the requirements under [section A5.1](#) have been met.

12.2. The 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 adoption authorities have been designated as such central authorities. It is the P/T adoption authorities who must determine whether the Hague Convention on adoption applies in a particular adoption 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 regarding their parental rights; and
 - ◆ the decision to place the child for adoption is not motivated by financial gain.
- The central authority in the adoptive parents' country of residence (receiving country) to ensure that:
 - ◆ the adoptive parents are eligible and suitable to adopt; and
 - ◆ the appropriate authorities have decided that the adopted child will be allowed to enter and live permanently in that country.

In a Hague Convention adoption case, an adoption may be finalized only after the central authorities for adoption of the sending and receiving countries have verified the adoption according to the aforementioned criteria. This verification is initiated by CPC-S's request for the provincial notification letter from the relevant P/T adoption authority.

In Canada, P/T adoption authorities are responsible for determining whether or not the Hague Convention applies in a particular adoption case. If the Hague Convention does apply, the relevant P/T adoption authority will send a notice (or letter) of agreement to CIC. This notice confirms that the adoption conforms to the Convention.

Where the Hague Convention does not apply and the adoptive parents are residing in a P/T at the time of the adoption, the P/T adoption authority will be asked for a letter confirming that they do not object to the adoption (letter of no objection). The letter of no objection indicates that the P/T adoption authority agrees to the adoption, and that all of their requirements have been met with respect to that P/T's adoption laws.

The Hague Convention applies when adoptive parents reside in Canada at the time of the adoption and the country where the adoption takes place has ratified and implemented the Hague Convention (i.e. the Hague Convention has entered into force in that country). If either condition does not apply in a particular adoption case, then the Hague Convention does not apply.

CP 14 - Adoption

There are two principal regulatory requirements that must be met when the Hague Convention applies in a particular adoption case. The central authority of the receiving P/T (the 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.

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

For more information on the Hague Convention and signatory countries, visit:
<http://www.cic.gc.ca/english/immigrate/adoption/hague.asp>

12.3. Notice of agreement to the adoption – Hague Convention cases

After reviewing Part 1 of the citizenship application, CPC-S sends a letter to the relevant P/T adoption authority requesting the issuance of either a letter of no objection (non-Hague Convention cases), or a notice of agreement (Hague Convention cases) for the proposed adoption (see Appendices, letter templates 1 and 2). The P/T adoption authority must make the determination between the two types of cases and inform the visa office or CPC-S accordingly.

A citizenship officer cannot grant citizenship to an adopted child under section [A5.1](#) in Hague Convention cases without a notice of agreement from the relevant P/T adoption authority where the adoptive parents reside.

When a citizenship officer has been notified that the procedures for the adoption and/or the adopted child's transfer to the adoptive parents have/has been completed, the citizenship officer must verify that the adoptive parents have the right to take the adopted child to Canada (often an adoption order). When the citizenship officer has received the adoption order, confirmation that the adoption has been finalized, the citizenship officer may grant citizenship to the adopted child.

Report any problems with Hague Convention cases to Operational Management and Coordination (OMC) (Permanent Resident and In-Canada Protection Program Delivery Division at OMC-GOC-Immigration@cic.gc.ca, Citizenship Program Delivery and Promotion Division at NAT-CIT-Operations@cic.gc.ca) when it is related to functional guidance and/or to Case Management Branch (CMB) at NHQ-Citizenship-Case-Review@cic.gc.ca, when it is case-related.

12.4. Pre-existing legal parent-child relationship

This factor can best be understood in the context of asking whether or not the effect of the adoption is to create a parent-child relationship between the adoptive parents and the adopted child in place of any pre-existing parent-child relationship between the biological parents and the adopted child.

Only full adoptions that create a genuine parent-child relationship in law between the adoptive parents and the adopted child are considered acceptable adoptions for the purpose of Canadian citizenship under section [A5.1](#). Other types of custody arrangements, such as guardianships or simple adoptions, do not terminate pre-existing ties between the adopted child and their biological parents. Citizenship officers must verify that the adoption order in the country where the adoption took place has the effect of severing the pre-existing relationship between the biological parents and the adopted child. This is only applicable where one or both biological parents are still alive. In adoption cases where the biological parents are deceased (the child is orphaned) the citizenship officer may request a death certificate or other official document from the relevant local authorities certifying the parents' deaths.

CP 14 - Adoption

12.5. General guidance on assessing the severing of a pre-existing legal parent-child relationship for grants of citizenship under subsections [A5.1\(1\)](#) or [A5.1\(2\)](#)

Adoption under subsections [A5.1\(1\)](#) and [A5.1\(2\)](#) is intended to mean a full adoption that severs the pre-existing legal parent-child relationship between the biological parents and the adopted child. Sections [R5.1](#), [R5.2](#) and [R5.3](#) provide factors for consideration to assist citizenship officers in determining whether or not the requirements of subsections [A5.1\(1\)](#) and [A5.1\(2\)](#) have been met. One such factor is whether or not the pre-existing legal parent-child ties between the biological parents and the adopted child have been permanently severed by the adoption. Specifically, this factor is listed in the following places in the *Citizenship Regulations*:

Reference to severance of the pre-existing legal parent-child relationship in the <i>Citizenship Regulations</i>			
A5.1(1)	Adopted child is a minor at the time of application	Adoptive parents resided in Canada at the time of the adoption	R5.1(3)(a)(ii)
		Adoption took place in a Hague Convention country	R5.1(3)(b)(iii)
		In all other cases	R5.1(3)(c)(iii)
	Adopted child is over 18 years of age at the time of application	Adoptive parents resided in Canada at the time of the adoption	R5.2(3)(a)(ii)
		Adoption took place in a Hague Convention country	R5.2(3)(b)(iii)
		In all other cases	R5.2(3)(c)(iii)
A5.1(2)	Adoptive parents resided in Canada at the time of the adoption		R5.3(3)(a)(ii)
	In all other cases		R5.3(3)(b)

Assessing the severance of the pre-existing legal parent-child ties between the biological parents and the adopted child serves several purposes. It ensures:

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

An assessment of the severance of ties will only apply where the biological parents of the adopted child, with whom they had a legal parent-child relationship prior to the adoption, are still living. This requirement is not relevant in cases of orphaned or abandoned children, where no pre-existing parent-child relationship exists.

12.5.1. No regulation requiring severance of the pre-existing parent-child relationship for subsection [A5.1\(3\)](#) cases

There is no requirement in the *Citizenship Regulations* for the severance of the pre-existing legal parent-child relationship for grants of citizenship under subsection [A5.1\(3\)](#) (adoptions where the adopted child is destined to the province of Quebec). The requirement for the dissolution/severing of the pre-existing legal parent-child relationship between the adopted child and their biological parents is found in the Quebec Civil Code and is assessed by the Secrétariat à l'adoption internationale (SAI).

12.5.2. New evidence forwarded to provincial and territorial adoption authorities

If, in the course of an assessment of a citizenship application under section A5.1 a citizenship officer uncovers evidence that may lead the relevant P/T adoption authority to reconsider its approval of or non-objection to the adoption, or where a citizenship officer receives new information related to the biological parents' consent to the adoption or child trafficking and/or undue gain issues, this information must be provided to the relevant P/T adoption authority and processing of the application must be suspended until the P/T adoption authority confirms or revises its statement. The *Citizenship Act* and *Regulations* do not contain a provision regarding new evidence similar to [subsection 117\(8\)](#) of the IRPA, but a confirmation or revision of its statement by the P/T adoption authority would be a factor that the citizenship officer should take into account in deciding whether or not the requirements of section [A5.1](#) have been met. The citizenship officer must be satisfied that all relevant requirements of section [A5.1](#) and associated *Citizenship Regulations* have been met before granting citizenship to the adopted child, even if the P/T adoption authority confirms its original approval of or non-objection to the adoption.

12.5.3. Severance of the pre-existing legal parent-child relationship is not a requirement but rather a factor for consideration

An application for a grant of Canadian citizenship under [A5.1](#) can only be refused if it does not meet the requirements of the *Citizenship Act*; a final decision should not be based solely on an assessment of the factors for consideration listed in the *Citizenship Regulations*. The factors listed in the *Citizenship Regulations* are intended to assist citizenship officers in determining whether or not the requirements of section A5.1 have been met.

As a regulatory factor for consideration, the severance of the pre-existing legal parent-child ties between the biological parents and the adopted child should be assessed as an indicator of whether or not an adoption meets the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#).

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 with respect to the adopted child, meets the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#). A simple adoption or a guardianship, where the pre-existing legal parent-child ties between the biological parents and the adopted child are not fully and permanently severed, does not meet the requirements for the granting of citizenship to an adopted child under subsections [A5.1\(1\)](#) or [A5.1\(2\)](#).

12.5.4. Assessing the severing of pre-existing legal parent-child ties

Note : For the purpose of this instruction, the term “biological parent” refers to a legal parent with custody of the adopted child prior to the adoption. In rare instances, this person may not, in fact, be a biological parent of the child.

The adoption laws of some countries indicate that an adoption will fully sever the pre-existing legal parent-child ties between the biological parents and the adopted child. However, where foreign adoption laws are unclear as to whether these ties are fully severed by an adoption,

CP 14 - Adoption

citizenship officers must determine whether or not the adoption meets the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#), based on the information available to them.

12.5.5. An example of assessing severance: inheritance rights

The maintenance of inheritance rights is not generally interpreted as prohibiting a full severance of the pre-existing legal parent-child ties between the biological parents and the adopted child with respect to the *Citizenship Act* and *Regulations*. However, the maintenance of inheritance rights by an adopted child in relation to their biological parents is one of many possible factors that should be considered by a citizenship officer in determining whether or not the pre-existing legal parent-child relationship has been severed. Inheritance rights should therefore be assessed in the overall context of the specific adoption regime of the country in which the adoption took place.

12.6. Free and informed parental consent

In foreign jurisdictions where adoption laws lack clarity about the full and permanent severing of the pre-existing legal parent-child ties between the biological parents and the adopted child, and where the cultural milieu embraces the sharing of parental responsibilities, it is particularly important to ensure that the biological parents fully comprehend that an adoption of a child by Canadian adoptive parents is viewed in Canadian law as fully and permanently severing pre-existing legal parent-child ties between biological parents and adopted children. There have been cases where a vulnerable biological parent did not realize the consequences of the adoption. In these cases, if applicable, citizenship officers should consider whether or not evidence exists establishing that the biological parents of the adopted child have provided their genuine and informed consent to the adoption. This serves to both assess whether or not the pre-existing legal parent-child ties between the biological parents and the adopted child have been severed, and to support a determination of whether or not the adoption is in the best interests of the child. Fundamentally, it is important that the biological parents understand that international adoption entails the establishment of a lifelong, permanent legal relationship between the adoptive parents and the adopted child.

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

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

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

12.7. Relative adoptions

Where the adopted child is related to the adoptive parents, the pre-existing legal parent-child relationship should be severed under the law. While the biological parents should no longer be acting as parents to the adopted child after the adoption has taken place, an ongoing relationship and contact between the adopted child and the biological parents and extended family may still occur. However, the new parent-child relationship between the adopted child and the adoptive parents should be evident and not simply exist in law. Moreover, evidence that the biological parents fully comprehend the effects of a full adoption and that they have provided their consent to the adoption should also support a determination that the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#) have been met.

CP 14 - Adoption

12.8. Open adoptions

In many legal systems, there are typically two main types of adoptions: full adoptions and simple adoptions. As previously mentioned, only full adoptions meet the requirements of subsections [A5.1\(1\)](#) and [A5.1\(2\)](#). An **open adoption** is a variation of a full adoption arrangement where there is disclosure and ongoing contact between the biological parents and the adoptive parents, but where the pre-existing legal parent-child relationship has still been severed. The terms of disclosure and ongoing contact are defined in the adoption order/court document. 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 interests of the adopted child. While in an open adoption, the adopted child may interact with his or her biological parents to varying degrees, the legal parent-child relationship between the adopted child and the biological parents must be severed. It is important not to confuse open adoptions with simple adoptions, which do not sever the legal link between biological parents and the adopted child. It is also important to note that open adoptions do not meet the requirements of subsections [A5.1\(1\)](#) or [A5.1\(2\)](#).

12.9. Child trafficking and undue gain

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

If a citizenship officer suspects that an adopted child was abducted, the officer may:

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

If the relevant P/T adoption authority is not involved (i.e. the adoptive parents reside outside Canada at the time of the adoption and/or the P/T adoption authority has advised that they have no involvement in the assessment of the adoption) and the citizenship officer has evidence that child trafficking has taken place or that there was undue gain in the process (i.e. a child was sold or improper financial gain took place), the citizenship officer should refuse the case on the basis of paragraph [A5.1\(1\)\(a\)](#)

Child trafficking and undue gain contravene most foreign legislation. These cases would therefore not meet the requirements of paragraph [A5.1\(1\)\(c\)](#). If a citizenship officer is considering refusing a case on this basis, the officer **must** contact Citizenship Case Review at Case Management Branch (CMB) by email at NHQ-Citizenship-Case-Review@cic.gc.ca.

12.10. Moratoria on adoptions

Moratoria on adoptions are imposed on countries where there is evidence that satisfactory infrastructure does not exist to ensure that 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 consent, and where prospects for improvement in the country in the absence of international pressure appear remote.

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

When a moratorium on adoptions is imposed on a specific country, P/T adoption authorities will decline to issue letters required by the *Citizenship Regulations* (or the case of adoptions where

CP 14 - Adoption

the adopted child is destined for Quebec, paragraph [A5.1\(3\)\(a\)](#) for a grant of Canadian citizenship to an adopted child under section [A5.1](#). These cases should be refused on the basis of there being no P/T adoption authority approval.

In cases where P/T adoption authority jurisdiction does not apply (e.g. the adoptive parents did not reside in Canada at the time of the adoption, and have undertaken a domestic adoption abroad) there will be no P/T adoption authority involvement, and a moratorium on adoptions will not be enforceable by P/T adoption authorities. In these instances, citizenship officers are responsible for assessing all criteria related to the adoption, and the adoption must be scrutinized carefully by the citizenship officer to ensure that all regulatory requirements are met and that the best interests of the child are protected.

Note : Operational Management and Coordination (OMC) (Permanent Resident and In-Canada Protection Program Delivery Division and/or Citizenship Program Delivery and Promotion Division) will liaise with HRSDC and the P/T adoption authorities regarding countries upon which moratoria on adoptions have been imposed. To view current moratoria, visit HRSDC's website at: http://www.hrsdc.gc.ca/eng/community_partnerships/international_adoption/index.shtml

13. Quebec adoptions – Subsection [A5.1\(3\)](#)

Under the Civil Code of Quebec, adoptions from non-Hague countries can only be fully completed for the purpose of meeting the requirements of Quebec adoption laws once the adoption is recognized by a court in Quebec (reconnaissance du jugement d'adoption étranger), which takes place after the arrival of the adopted child in Quebec (this is not the same situation as an FC6 case – child to be adopted in Canada— as the adoption must have occurred abroad in order for an adopted child to be eligible for a grant of Canadian citizenship under subsection [A5.1\(3\)](#)). Under paragraph [A5.1\(3\)\(a\)](#), citizenship can be granted to adopted children destined to Quebec if the Quebec adoption authority notifies CIC, in writing, that the adoption meets the requirements of Quebec law governing adoptions. The Secrétariat à l'adoption internationale (SAI) is the adoption authority responsible for international adoptions in Quebec. A citizenship officer may grant citizenship if the following criteria have been met:

- The adoption took place outside Canada on or after January 1, 1947.
- The adoptive parents must have been Canadian citizens born or naturalized in Canada at the time of the adoption that took place outside Canada.
- The Quebec authority responsible for international adoptions advises, in writing, that the adoption meets the requirements of Quebec law governing adoptions (Déclaration en vertu de la Loi sur la citoyenneté canadienne).
- The adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.

Note : If citizenship is granted to an adopted child destined to Quebec prior to the child's arrival, and the adoption is subsequently not recognized in a Quebec court ("jugement de reconnaissance de l'adoption"), the adopted child will not lose Canadian citizenship if it has already been granted under subsection [A5.1\(3\)](#).

14. Establishing identity and relationships

[Section R28](#) states that an applicant must provide any additional evidence in connection with their citizenship application that may establish compliance with the *Citizenship Act* and *Regulations*. This includes establishing identity and relationships.

CP 14 - Adoption

The parties to an application for a grant of Canadian citizenship under section A5.1 usually (but not exclusively) refer to the adoptive parents, the adopted child and, if applicable, the adopted child's biological parents or legal guardian. At any point in the process, citizenship officers must be satisfied, on a balance of probabilities, with the evidence accompanying an application for a grant of Canadian citizenship for an adopted child made under [section A5.1](#), pertaining to the identities of the parties and the relationships between them.

The onus is on the applicant to provide evidence of the identities of and relationships between the parties to an application for a grant of Canadian citizenship under section A5.1. Applicants should be advised to answer citizenship officers' questions truthfully, as well as to provide any necessary supporting information and/or documentation requested by a citizenship officer in order to allow them to make an informed decision on the application.

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 provide evidence of their relationships with other people using, for example, birth, baptismal, marriage or adoption certificates.

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

A citizenship officer may consider declarations made by bank officers, religious leaders, police officers or other civic or government officials as an indication of a person's identity or of a relationship. This declaration, however, cannot be made by relatives or friends. While a citizenship 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, citizenship officers should, at a minimum, consider the following factors:

- is the document genuine?;
- 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 predate the application for citizenship?

Documents will vary depending on the applicant's country of residence. Any document on its own may fail to provide evidence of identity or relationship. Documents should be consistent with one another, and weighed according to their reliability and relevance. A citizenship officer may need to compare documents if earlier versions of, for example, household registries, hospital birth records or national identity cards exist. It is important to carefully examine identity or relationship documents which postdate interest in Canadian 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 the same or similar circumstances.

When in doubt, a citizenship officer may consult:

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

CP 14 - Adoption

14.1. DNA testing

Where it is necessary to establish a biological relationship (e.g. to determine if the person giving the child up for adoption is the biological parent) and it cannot be established through documentation, citizenship 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 the natural father, mother or child(ren). If conducted properly, the test is considered a highly reliable means of certifying parentage (see [CP3– Establishing Applicant's Identity](#), Section 5 and [OP1](#), Sections 13 and 14 for details regarding DNA testing procedures and list of accredited laboratories in Canada).

14.2. Interviews

When examining an application made under [section A5.1](#), citizenship officers may request that the applicant or another party to the adoption attend an interview. Citizenship officers should call people for an interview only when it is essential in assessing a citizenship application. Interviews can help to confirm a person's identity and relationships pertinent to the adoption and application. Interviews may also provide answers to questions or concerns raised by the application.

If a citizenship officer suspects an adoption of convenience, an interview with the adoptive parents should be conducted and, if applicable, a separate interview with the biological parents to identify discrepancies. The citizenship officer should ensure that the principles of natural justice and procedural fairness are followed when assessing the file. The citizenship officer should inform the applicant of their concerns and provide them the opportunity to respond to those concerns. The citizenship officer should record all questions posed to the applicant and their answers (see Appendices, letter template 10 for an interview request letter template).

14.3. The use of GCMS when processing an application

It is essential to record in GCMS any relevant processing information related to action taken on a file. The notes recorded in GCMS should include:

- documents requested and date requested;
 - last action taken;
 - any information as to why an application is on hold or processing of it is not yet finalized;
 - the interview date, time and who attended, if an interview is scheduled;
 - interview notes, if applicable;
 - any information pending prior to a decision;
 - if a final decision was made, file notes, thoughts and rationale for that decision.
-

14.4. Applying the principles of natural justice when assessing an application

Unlike the regular process for a grant of citizenship where the citizenship judge is the decision maker, for the citizenship grant process for adoptions, the citizenship officer is the decision maker. As the decision maker, the citizenship officer has to apply the principles of natural justice in the decision-making process. The principles of natural justice exist as a safeguard for individuals in their interaction with the state. These principles stipulate that whenever a person's "rights, privileges or interest" are at stake, there is a duty to act in a procedurally fair manner.

CP 14 - Adoption

The principles of natural justice concern the general manner in which a decision is made. Essentially, procedural fairness does not concern the correctness of the decision. Rather, principles of natural justice help to ensure that the decision maker followed the proper procedure in arriving at his/her decision. The principles of natural justice and procedural fairness are based upon the theory that the substance of a decision is more likely to be fair if the procedure through which that decision was made has been just.

While the principles of natural justice embody several important rules of procedural fairness, the twelve most common rules are the following:

1) Notice

The applicant must be given adequate notice of the nature of the proceedings and of the issue to be decided.

2) Disclosure

Depending on the nature of the case, all evidence to be used against an applicant must be disclosed.

3) Opportunity to present one's case

The applicant must be provided with an opportunity to present whatever evidence he or she wishes to be considered. Note that where the credibility of the individual is at issue, the principles of natural justice and procedural fairness usually require an interview.

4) Opportunity to respond

When the decision maker uses extrinsic evidence not presented by the applicant, the finder of fact must allow the applicant an opportunity to know and respond to the evidence presented.

While a citizenship officer is not always required to draw perceived contradictions to the applicant's attention, there may be instances where a failure to do so may result in a breach of procedural fairness. For example, if a contradiction is so critical as to be decisive in the applicant's case, it is good practice to put the contradiction to the applicant and allow him/her an opportunity to respond.

5) Duty to consider all the evidence

The decision maker is required to consider all of the relevant evidence and information pertaining to a specific case.

6) Right to counsel

CP 14 - Adoption

In some cases, fairness will dictate that the applicant be granted the right to counsel.

7) Right to an interpreter

In some cases, fairness will dictate that the applicant be granted the right to an interpreter.

8) Legitimate expectation

Where a person has been assured by a statutory authority that a particular procedure will be followed, the individual is entitled to that procedure.

9) Right to impartial decision maker/freedom from bias

Procedural fairness is violated when the decision maker is biased or his/her conduct or statements raise a reasonable apprehension of bias.

10) Institutional independence/he who hears must decide

The decision maker must be independent. Institutional independence requires that the person entrusted with making a decision has sufficient decision-making independence such that there is a perception of independence and impartiality.

There is a general requirement that the person who hears the case is the only body that should make a final determination on the case.

11) Delay

The premise is that unreasonable delay may cause prejudice toward the applicant and may therefore breach procedural fairness.

12) The right to reasons

The right to reasons exists particularly where the applicant has a right to make an appeal or to seek judicial review regarding a decision on a case and needs to know the reasons for the decision in order to properly prepare for the appeal or judicial review. The reasons must be sufficiently clear, precise and intelligible to enable the individual to understand the basis of the tribunal's decision.

15. Adoptions finalized in Canada (in a P/T court)

A citizenship application for adopted children under section [A5.1](#) requires that the adoption be finalized before citizenship can be granted to the adopted child. The *Citizenship Act* does not specify where the adoption must be completed. Citizenship officers may need to make determinations on cases where the adoption has been finalized in Canada by a P/T court.

In assessing whether or not an adoption meets the requirements of the *Citizenship Act* and *Regulations*, cases for which adoptions have been completed in Canada require slightly different handling than those for which adoptions have been completed abroad.

15.1. Assessing the legality of the adoption

To meet the requirements of paragraph [A5.1\(1\)\(c\)](#), an applicant must demonstrate that the adoption was in accordance with: 1) the laws of the place where the adoption took place, and 2) the laws of the country of residence of the adopting citizen.

In the case of an adoption finalized in Canada by a P/T court, both 1) and 2) will be the province or territory where the adoption order was issued, rather than the adopted child's country of residence.

The circumstances under which the adopted child became available for adoption in the country of origin may be evaluated, but the focus of such an evaluation should be very clearly linked to requirements under section [A5.1](#).

A citizenship officer may ask whether the circumstances in the country of origin raise questions about the genuineness of the parent-child relationship the motives for the adoption (e.g. was it an adoption of convenience?), the best interests of the child, or whether they have an impact on the adoption's legality in the province or territory where it was completed (e.g. the adopted child did not obtain the required exit permit from the country of origin).

15.2. Receiving letters from the province or territory – “No involvement” rather than “No objection”

The Citizenship Regulations specify that for adoptions where the adoptive parents reside in Canada, the relevant P/T adoption authority should supply a “letter of no objection” regarding the adoption.

However, in cases where the adoption has been completed in the province or territory of residence of the adoptive parents, the relevant P/T adoption authority normally has no ability to issue a “letter of no objection” as they are unable to pass judgement upon a decision already made by a P/T court. In these circumstances, the P/T adoption authority will typically issue a “letter of no involvement”. When coupled with a P/T court adoption order, this “letter of no involvement” is usually considered sufficient to meet the Citizenship Regulations' requirement of the province or territory.

Note that the “letter of no involvement” (when accompanying a P/T court adoption order) is not the same as when a P/T adoption authority refuses to issue a “letter of no objection” because it feels that the adoptive parents have not met their requirements regarding the adoption.

15.3. Adoptions in Canada and the Hague Convention

Regarding adoptions with countries that are a party to the Hague Convention on Intercountry Adoption, the *Citizenship Regulations* state that the competent authorities in the province or territory of destination of the adopted child and the source country must approve the adoption (a Hague Convention letter).

However, the *Citizenship Regulations* specify that this requirement only applies to adoptions which are completed outside of Canada. Hague Convention procedures and letters of approval

CP 14 - Adoption

are therefore not required by the *Citizenship Regulations* when the adoption takes place in Canada.

15.4. The impact of a provincial or territorial adoption order regarding the requirements under subsections [A5.1\(1\)](#) and [A5.1\(2\)](#)

When an adoption is finalized in Canada, a P/T court adoption order can serve as strong prima facie evidence that the first three requirements of sub[section 5.1\(1\)](#) (best interests of the child, genuine parent-child relationship, and that it 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), as well as the first requirement of paragraph [5.1\(2\)\(b\)](#) (that it 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) of the *Citizenship Act* have been met.

Despite the value attached to a P/T court adoption order, a citizenship officer may look beyond it to make an assessment on a citizenship application when circumstances warrant it (e.g. taking into account the particular facts of the case, or the adoption laws of the provincial or territorial jurisdiction where the adoption order was issued). It is important that any refusal that may be made on such a case includes a strong and clear rationale for the decision.

The fourth requirement of subsection [A5.1\(1\)](#) and the third of subsection [A5.1\(2\)](#), that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship, is not considered by the provincial or territorial adoption authority. It is the only requirement that is solely considered and assessed by a CIC citizenship officer.

Subsection [A5.1\(3\)](#) is not used for adoptions which are finalized in Canada. Subsection [A5.1\(3\)](#) pertains to adoptions completed outside of Canada and where the adopted child is destined for the province of Quebec (and for adoptions with a non-Hague country, the adoption abroad has been recognized by a Quebec Court, also known as the “reconnaissance du jugement d’adoption à l’étranger”). Subsection [A5.1\(3\)](#) ONLY applies to adoptions that have been completed outside of Canada.

Note : The policy regarding the treatment of adoptions completed in a Quebec court is currently under development. Instructions will follow at a later date.

16. Guidelines for writing Part 2 refusal letters for citizenship applications subject to section [A5.1](#)

When a citizenship officer makes the decision to refuse a citizenship application subject to section [A5.1](#), a letter is sent to the adoptive parents of the adopted child (or directly to the adopted child, in the case of adult applicants), informing them of the decision and the reasons for the decision.

CP 14 - Adoption

Below are recommendations to assist citizenship officers in writing refusal letters for citizenship applications subject to section [A5.1](#). Sample refusal letters can be found in the attached [Appendices](#).

Do not base refusals solely on the [Citizenship Regulations](#)

Unlike the IRPR for applications under the immigration stream, the *Citizenship Regulations* alone cannot be used to provide reasons for refusing a citizenship application subject to section [A5.1](#). The *Citizenship Regulations* provide citizenship officers with factors for consideration in determining whether or not the requirements of section [A5.1](#) have been met. However, **a failure to satisfy regulatory factors cannot be used as the sole basis for a decision.**

The approval or refusal of an application must be based on the legislative requirements of section [A5.1](#). The reasons for a refusal must be clearly explained to the applicant in a refusal letter. Citizenship officers may incorporate their assessment of the regulatory factors into the refusal letter, as long as those factors are clearly linked to the requirements of section [A5.1](#) that have not been met.

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

While the requirements that must be met in order for an adopted child to obtain Canadian citizenship under section [A5.1](#) are similar to the requirements for adopted children in obtaining permanent residence in Canada under the IRPA, citizenship officers must ensure that they use the correct terminology in writing refusal letters. 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 [A5.1\(1\)\(c\)](#) and [A5.1\(2\)\(b\)](#) require that the adoption be in accordance with the laws of the place where the adoption took place, which, in some circumstances, may be Canada.

Ensure accuracy in citing the *Citizenship Act*

All references to the *Citizenship Act* and *Regulations* must be clearly and accurately cited in refusal letters. Judicial review is permitted for cases that have been refused and, in the past, some files have been returned to CIC for redetermination because the citizenship officer made a typing error when citing sections of the *Citizenship Act* and/or *Regulations*. Citing the correct section of the *Citizenship Act* in refusal letters is also extremely important. When using the sample refusal letters, be sure to use the correct template for the case at hand.

- If the adopted child was **under 18 years of age** when the adoption took place and was not destined to the province of Quebec, subsection [A5.1\(1\)](#) should be cited. Paragraphs (a) through (d) outline the requirements.
- If the adopted child was **18 years of age or older** when the adoption took place and was not destined to the province of Quebec, subsection [A5.1\(2\)](#) should be cited. Paragraphs (a) and (b) outline the requirements.
- If the adoption took place abroad and the adopted child is **destined to the province of Quebec** (regardless of age), subsection [A5.1\(3\)](#) should be cited. Paragraphs (a) and (b) outline the requirements.

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

CP 14 - Adoption

Subsection [A5.1\(3\)](#) (pertaining to adopted children destined to the province of Quebec) does not have associated regulations within the *Citizenship Regulations* specifying the factors that need to be considered.

The associated *Citizenship Regulations* only specify the materials that must be submitted with an application subject to subsection [A5.1\(3\)](#) (e.g. evidence of the date and place of birth of the adopted child, evidence that an adoptive parent was a Canadian citizen at the time of the adoption, etc.). However, unlike the *Citizenship Regulations* associated with subsections [A5.1\(1\)](#) and [A5.1\(2\)](#), subsection [A5.1\(3\)](#) does not have corresponding *Citizenship Regulations* specifying factors regarding informed consent by the birth parent(s) to the adoption or the severance of the pre-existing legal parent-child relationship, etc.

For more information on determining whether or not the pre-existing legal parent-child relationship has been permanently severed by the adoption, see section 12.5 of this chapter.

The relevant sections of the *Citizenship Regulations* include:

- Section [R5.1](#), which applies to applications made under subsection [A5.1\(1\)](#) where the applicant is under 18 years of age on the date of the application;
- Section [A5.2](#) which applies to applications made under subsection [A5.1\(1\)](#) where the applicant is 18 years of age or older on the date of the application, but was under 18 years of age at the time of the adoption;
- Section [R5.3](#) which applies to applications made under subsection [A5.1\(2\)](#)
- Section [R5.4](#) which applies to applications made under subsection [A5.1\(3\)](#) where the applicant is under 18 years of age on the date of the application; and
- Section [R5.5](#) which applies to applications made under subsection [A5.1\(3\)](#) where the applicant is 18 years of age or older at the time of the application.

17. Final decision

17.1. Recording the final decision

After making a final decision on an application under section [A5.1](#), the citizenship officer must include his or her full name, the date and the place of the decision in the decision section of GCMS, as well as on Part 2 of the application as granted or refused. The date of the decision must be the same on Part 2 and in GCMS.

It is essential that priority be given to entering decision information into GCMS so that it is not only available on the paper file. As well, citizenship officers are to attach their decision letters to GCMS records as Microsoft Word documents.

If the application is refused, prepare and send the appropriate refusal letter to the applicant (see Appendices)

If the application is approved, send the approval letter to the applicant. This letter is used by applicants as part of the documentation to support an application for a Canadian passport at a consular office.

Note : The approval letter cannot be used as proof of citizenship. For applicants indicating that they will be applying for a Canadian passport, notification of the decision to grant citizenship should be sent to the appropriate consular office, (see section 18 of this chapter for information on travel to Canada).

CP 14 - Adoption

17.2. Signature of the citizenship officer

The citizenship 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 section “For Official Use Only” at the top of the application. They must also indicate whether citizenship is granted or refused. If citizenship is granted, they must specify whether the citizenship certificate will be sent to a Canadian address or to a visa office outside of Canada.

17.3. Judicial review

An applicant may apply to the Federal Court of Canada for a judicial review of a negative decision on a citizenship application made under section A5.1. There is no leave provision for citizenship cases as there is for cases under the IRPA. This means that if an applicant requests a judicial review, the case will proceed directly to an oral hearing before a Federal Court judge. The applicant has 30 days to apply for a judicial review of the decision on their application from the date the decision was communicated to them (for more information on judicial review, see CP 8 – Appeals).

17.4. Preparation and distribution of citizenship certificates

CPC-S is responsible for the preparation of citizenship certificates for adopted children. They will prepare the citizenship certificate once notification of the decision to approve the application is received from the citizenship officer, with the information and photo provided by the applicant on the *Canadian Citizenship Certificate Preparation Form*. Applicants are requested to submit the *Canadian Citizenship Certificate Preparation Form* and photographs in the letter from CPC-S notifying them of the approval of Part 1 of their application.

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

17.5. Transfer of the file to CPC-S for archiving

Once a final decision has been made on an application for citizenship, the complete file must be sent to CPC-S for archiving. If citizenship is granted, the file may be sent to CPC-S immediately. Once the physical file with the completed Part 2 and the *Canadian Citizenship Certificate Preparation Form* ([CIT0480](#)) is received at CPC-S, citizenship certificate preparation will be initiated.

If citizenship is refused, the visa office or local office should keep the file in its possession for one hundred and eighty (180) days in the event that the applicant requests a judicial review of the application. The period of time allowed for submitting an application for a judicial review is 30 days from the date the decision was first communicated. In the case of a judicial review, the file should be kept by the visa office or local office for the duration of the judicial review period before sending it to CPC-S for archiving.

The visa office should keep a certified photocopy of Part 2 of the application prepared for CPC-S in the event that the original goes astray in the mail. This copy should be kept for two years, as per the standard practice for file retention for other departmental paper files.

CP 14 - Adoption

17.6. Refund of the Right of Citizenship fee in case of refusal

If an application is refused, the applicant has the right to a refund of the \$100 Right of Citizenship fee, if it was paid (the fee only applies to citizenship applications of adults; it does not apply to citizenship applications of minors). The refund will be processed and mailed directly to the applicant by CPC-S at the file archival stage.

18. Travel to Canada

Many cases involve families who intend to return to Canada once all adoption and citizenship procedures have been finalized. Once citizenship has been granted, a citizenship certificate is issued; however, a citizenship certificate is not a travel document. Most applicants will likely want or need to travel to Canada before the citizenship certificate is issued. A Canadian passport or an immigration facilitation visa in the passport of the adopted child's country of origin is required in order to travel to Canada.

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

In situations where it is possible for the adopted child to leave on a Canadian passport, and where consent has been received from the adoptive parents for the adopted child to travel on a Canadian passport, the citizenship officer will notify by e-mail the appropriate consular office. Applicants may apply for a Canadian passport for the adopted child at the consular office responsible for issuing Canadian passports in the country where the adopted child resides, or at the consular office where the visa office that processed the citizenship application is located. The citizenship officer will also provide the adoptive parents with a letter advising them that Canadian citizenship has been granted to the adopted child. Applicants may present this letter to consular officials when applying for a Canadian passport for the adopted child.

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

18.1. Facilitation visa

In certain situations, it is not possible or would cause hardship for the adopted child to apply for and travel to Canada on a Canadian passport. If required, it is possible for the adopted child to obtain an immigration facilitation visa through the visa office once they have been granted Canadian citizenship. The facilitation visa is placed in the passport of the adopted child's country of origin, and will enable them to travel to Canada for the first time. A fee of \$75 is charged for the processing of the facilitation visa.

Applicants must indicate on Part 2 of the application form (or in a separate letter) if they wish to obtain a facilitation visa. In situations where a facilitation visa is the only feasible option for the adopted child to leave their country of residence, visa offices should take appropriate steps to inform applicants of this fact in advance. Applicants should also be advised well in advance that a foreign passport is required in order for the facilitation visa to be issued.

Note that the facilitation visa option is available to all adopted children who are granted Canadian citizenship, as the applicant may not wish to apply for a Canadian passport. However, where an adopted child does not need to travel to Canada immediately and it is possible for them to leave their country of origin on a Canadian passport, they should obtain a Canadian passport. A

CP 14 - Adoption

facilitation visa should not normally be issued unless travel to Canada is imminent and necessary. The document has a one hundred and eighty (180) day validity and is a single-use document. It is important that the visa officer record in GCMS the FOSS ID number under which the facilitation visa was issued.

18.2. Exit permits

Some countries may require adopted children to obtain an exit permit in order for them to leave their country of origin to travel to Canada. This is not a requirement for a grant of Canadian citizenship under section [A5.1](#); however, local procedures should be followed prior to travelling to Canada. The visa office may need to issue a letter confirming that the adopted child was granted Canadian citizenship to support an application for an exit permit.

CP 14 - Adoption

Annexes Sample Letters

1. Letter sent to Provinces/Territories (except for Québec) from CPC-Sydney

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

APPLICANT ID:

Date:

(Provincial authority address)

Dear Sir/Madam,

We received an *Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947)* 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 parents' 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 WHETHER OR NOT IT IS A HAGUE CONVENTION CASE.

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

Officer
Case Processing Centre
Sydney

CP 14 - Adoption

2. Letter sent from CPC-Sydney to Le Secrétariat à l'adoption internationale in Quebec

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

N° du demandeur :

Date :

Madame, Monsieur,

Nous avons reçu une *Demande de citoyenneté canadienne pour une personne adoptée par un citoyen canadien (le ou après le 1^{er} janvier 1947) 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.

Veillez 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. Multiple application insert

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

Case Processing Centre – Sydney (CPC-S)
P.O.Box 10030
Sydney NS B1P 7C1

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

Dear (Applicant's name):

This is in reference to your *Application for citizenship for a person adopted by a Canadian citizen on or after January 1, 1947*. 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.

For more information on the differences between the immigration and the citizenship processes, visit www.cic.gc.ca.

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

CP 14 - Adoption

4. Refusal letter template Part 1 – Adoption took place prior to Jan. 01/47

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

Applicant ID:

Date:

Applicant's address

Dear (Applicant's name):

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)* 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) **[INSERT APPROPRIATE SUBSECTION]** of the *Citizenship Act* as your adoption took place before January 1, 1947.

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 **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."

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 **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."

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 **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.”

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 before January 1, 1947 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.

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.

If you wish to challenge the decision to refuse a grant of Canadian 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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238
Sincerely,

Citizenship Official

CP 14 - Adoption

5. Refusal letter template Part 1 – Adoptive parent not Canadian at the time of adoption - Minor

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

Applicant ID:

Date:

Applicant's address

Dear (Applicant's name):

I have completed the assessment of the *Application for Canadian Citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947)* 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) **[INSERT APPROPRIATE SUBSECTION]** of the *Citizenship Act* as neither of the adoptive parents was a Canadian citizen naturalized or born in Canada 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** 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."

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 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."

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.

If you wish to challenge the decision to refuse a grant of Canadian citizenship, you may make an application for judicial review, which must be filed with the Federal Court. Please note that the
2012-04-19

CP 14 - Adoption

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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

Yours sincerely,

Citizenship Officer

CP 14 - Adoption

6. Refusal letter template Part 1 – Adoptive parent not Canadian at the time of adoption - Adult

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

Applicant ID:

Date:

Applicant's address

Dear (Applicant's name):

I have completed the assessment of the *Application for Canadian Citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947)* 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) **[INSERT APPROPRIATE SUBSECTION]** of the *Citizenship Act* as neither of your adoptive parents was a Canadian citizen naturalized or born in Canada 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** 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."

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** 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."

OR

2012-04-19

58 of 81

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 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.”

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.

If you wish to challenge the decision to refuse a grant of Canadian 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:

The Administrator
Federal Court
Thomas D’Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

Yours sincerely,

Citizenship Officer

CP 14 - Adoption

7. Refusal letter template for first generation parents applying for citizenship for their adopted child

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 (on or after January 1, 1947)* submitted on (date). I am writing to inform you that your application has been refused as your child does not meet the requirements of paragraph 3(1)(c.1) of the current *Citizenship Act* as you are a Canadian citizen (insert appropriate scenario: 3(1)(b), 3(1)(c.1), 3(1)(e), 3(1)(f), 3(1)(g), 3(1)(h), 3(1)(i), 3(1)(j)) in the first generation. Consequently, we are unable to issue a citizenship certificate to (adopted child's name) at this time.

Since April 17, 2009, citizenship by birth outside Canada to a Canadian parent (citizenship by descent) is generally limited to the first generation born outside Canada. This limitation to citizenship by descent also applies to foreign-born individuals adopted by a Canadian parent. This means that children born outside Canada and adopted by a Canadian parent are only eligible for a grant of Canadian citizenship under the adoption provisions of the *Citizenship Act* if:

- the adoptive parent was born in Canada; or
- the adoptive parent became a Canadian citizen by immigrating to Canada and being granted citizenship.

Note that if the citizenship application was submitted prior to April 17, 2009, the first generation limit does not apply.

Section 3 of the *Citizenship Act* describes persons who are citizens.

“3(1) Subject to this Act, a person is a citizen if
(c.1) the person has been granted citizenship under section 5.1 (adoption).”

Subsection 3(3) refers to the first generation limitation and states that “subsection (1) does not apply to a person born outside Canada

(a) if, at the time of his or her birth or adoption, only one of the person's parents is a citizen and that parent is a citizen under paragraph (1)(b), (c.1), (e), (g), or (h), or both of the person's parents are citizens under any of those paragraphs”.

b) if, at any time, only one of the person's parents was a citizen and that parent was a citizen under any of the following provisions, or both of the person's parents were citizens under any of the following provisions:

(i) paragraph 4(b) or 5(b) of the Canadian Citizenship Act, S.C. 1946, c. 15,

(ii) paragraph 5(1)(b) of the Canadian Citizenship Act, S.C. 1946, c. 15, as enacted by S.C. 1950, c. 29, s. 2,

(iii) paragraph 4(1)(b) of the Canadian Citizenship Act, S.C. 1946, c. 15, as enacted by S.C. 1952-53, c. 23, s. 2(1),

2012-04-19

60 of 81

CP 14 - Adoption

(iv) paragraph 5(1)(b) of the Canadian Citizenship Act, S.C. 1946, c. 15, as enacted by S.C. 1950, c. 29, s. 2 and amended by S.C. 1952-53, c. 23, s. 3(1),

(v) paragraph 4(1)(b) of the Canadian Citizenship Act, R.S.C. 1952, c. 33, as enacted by S.C. 1952-53, c. 23, s. 13(1),

(vi) paragraph 5(1)(b) of the Canadian Citizenship Act, R.S.C. 1952, c. 33, as amended by S.C. 1952-53, c. 23, s. 14(1),

(vii) subsection 39B(1) of the Canadian Citizenship Act, R.S.C. 1952, c. 33, as enacted by S.C. 1967-68, c. 4, s. 10, or

(viii) paragraph 4(1)(b) or 5(1)(b) or subsection 42(1) of the former Act.

Children who are not eligible for citizenship under the *Citizenship Act* may be eligible to be sponsored as permanent residents. For information on how to apply for permanent residence, please visit the CIC website at www.cic.gc.ca. An application for citizenship for a child under 18 years of age may be submitted under section 5(2) of the *Citizenship Act* as soon as the child becomes a permanent resident.

If you wish to challenge the decision to refuse a grant of Canadian 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
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General inquiries: (613) 992-4238

Yours sincerely,

Citizenship Officer

CP 14 - Adoption

8. Application returned - Part 2 received while Part 1 was never submitted

(Address of the CPC or visa office)

Applicant ID (if applicable):

File Number (if applicable):

(Applicant's address)

Date:

Dear (Applicant's name):

We have received the *Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947)* **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 form and corresponding instruction guide for 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.

Yours sincerely,

(Insert officer's name)

CP 14 - Adoption

9. Letter to be sent with Part 2 - Application returned because Part 1 was refused

(Address of the CPC or visa office or local office)

Applicant ID (if applicable):

File Number (if applicable):

(Applicant's address)

Date:

Dear (Applicant's name):

We have received the *Application for Canadian citizenship for a person adopted by a Canadian citizen (on or after January 1, 1947)* – **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 form and corresponding instruction guide from our Web site at www.cic.gc.ca.

Yours sincerely,

(Insert officer's name)

CP 14 - Adoption

10. Interview request letter

File Number:

(Insert Address)

Date:

Dear (Applicant'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 person(s) 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 and a contact phone number)

CP 14 - Adoption

11. Procedural fairness letter

(insert address of CIC office)

File Number:

(Insert Applicant's address)

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 (on or after January 1, 1947)* and I am not satisfied that you meet (OR 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

12. Provincial/Territorial letter for adoption concerns

(Because CIC has presence outside Canada, officers may come across information which had not been made available to the provinces when they were making their decision on issuing their letter of no objection regarding the adoption. If CIC uncovers information or evidence that may change the province's position on approving the adoption (for instance child trafficking), officers are to notify the province of this information for them to reconsider their letter. In such cases, this template is to be used.)

File Number:

(Insert Provincial/Territorial Address)

Date:

Dear Sir or Madam,

OBJECT: (Insert adopted person's 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 (on or after January 1, 1947)* 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 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 whether or not you will be withdrawing your approval of the adoption. The processing of 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

13. Letter of approval for Part 2 - Minor

File Number:

(Insert Address)

Date:

Dear (Applicant's name),

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 (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 Canadian 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.

CP 14 - Adoption

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.

Sincerely,

(Insert granting officer's name)

CP 14 - Adoption

14. Letter of approval for Part 2 - Adult

File Number:

(Insert Address)

Date:

Dear (Applicant's name),

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 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 Canadian 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

CP 14 - Adoption

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.

Sincerely,

(Insert granting officer's name)

CP 14 - Adoption

REFUSAL TEMPLATE # 1 - 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*:*

- *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 **[Applicant]**:

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 factual 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;

CP 14 - Adoption

(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**] 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 Citizenship 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 Canadian 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:

CP 14 - Adoption

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

Sincerely,
[Decision-making officer's name]

REFUSAL TEMPLATE # 2 - 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 **[Applicant]**:

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.

CP 14 - Adoption

[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

(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 *Citizenship 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

CP 14 - Adoption

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 Canadian 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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

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

REFUSAL TEMPLATE # 3 - 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 [**Applicant**]:

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.

CP 14 - Adoption

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 Citizenship Regulations in their explanations. See the examples below.]

CP 14 - Adoption

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 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 Canadian 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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

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

REFUSAL TEMPLATE # 4 - 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;***

CP 14 - Adoption

- ***Adoptee is under the age of 18 at the time the application is submitted.***

File Number:

[Insert Address]

Date:

Dear **[Applicant]**:

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.”

CP 14 - Adoption

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 Canadian 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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

Sincerely,
[Decision-making officer's name]

REFUSAL TEMPLATE # 5 -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:
2012-04-19

CP 14 - Adoption

[*Insert Address*]

Date:

Dear [**Applicant**]:

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.**]

CP 14 - Adoption

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 Canadian 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:

The Administrator
Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street, 5th floor
Ottawa, Ontario
K1A 0H9

General Enquiries (613) 992-4238

Sincerely,

[Decision-making officer's name]