

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: CANADA

Canada is a federal State made up of 10 provinces and 3 territories. In addition to a federal Central Authority, a Central Authority has been designated for each province and territory. The functions of the provincial and territorial Central Authorities extend to their respective jurisdictions.

This is Canada's main Country Profile. It primarily contains information on matters of federal responsibility, such as ratification of the Convention, immigration, citizenship and criminal law. It also contains responses on other matters where the information presented is common to all the provinces.

A Country Profile for each of the provinces and territories is presented separately as an annex to the main Country Profile. These Profiles contain information on intercountry adoption and related issues, which are of provincial responsibility and specific to each jurisdiction.

The contact information for the federal, provincial and territorial Central Authorities is provided below.

PROFILE UPDATED ON: July 2021

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	The Minister of Immigration, Refugees and Citizenship Canada is the designated federal Central Authority for Canada.
	Represented by:
	Intercountry Adoption Services

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.



Immigration, Refugees and Citizenship Canada
Acronyms used: IAS
Address: 300 Slater St
Ottawa, Ontario, K1P 6A6
Telephone: +1 (613) 297-5706
Fax: +1 613-948-8172
E-mail: Erin.ODonoughue-Given@cic.gc.ca
Website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/canadians/adopt-child-abroad.html>
Contact person(s) and direct contact details (please indicate language(s) of communication): Erin O'Donoughue-Given, Deputy Director (English and French)

If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

(by alphabetical order)

Alberta: See Annex 1

Ministry of Children's Services, Adoption Services

10th Floor, Sterling Place

9940 106th Street

Edmonton, Alberta, T5K 2N2

Telephone: + 1 (780) 422-0178

Fax: + 1 (780) 427-2048

Email: CS.AdoptionServices@gov.ab.ca

Website: <https://www.alberta.ca/adoption.aspx>

Anna Perry, Senior Manager (English)

British Columbia: See Annex 2

Ministry of Children and Family Development (MCFD)

PO Box 9705 STN PROV GOVT

Victoria, British Columbia, V8W 9S1

Telephone: +1 (250) 387-1317

Fax: +1 (250) 356-1864

Email: MCF.AdoptionsBranch@gov.bc.ca

Website: <https://www2.gov.bc.ca/gov/content/life-events/birth-adoption/adoptions/how-to-adopt-a-child/adopt-from-another-country>

Rena Bacy, Provincial Director of Adoption (English)

Manitoba: See Annex 3

Department of Families, Child and Family Services Branch

777 Portage Avenue

Winnipeg, Manitoba, R3G 0N3

Telephone: +1 (204) 945-7274

Fax: +1 (204) 948-2949

Email: lorna.hanson@gov.mb.ca



Website: https://www.gov.mb.ca/fs/childfam/intercountry_adoption.html
Lorna Hanson, Acting Executive Director, Child Protection Branch (English)
Heather Hilo, Intercountry Adoption Specialist / Central Adoption Registrar (English)
+1 (204) 945-5514

Newfoundland and Labrador: See Annex 4
Department of Children, Seniors and Social Development (CSSD)
PO Box 8700
St. John's, Newfoundland and Labrador, A1B 4J6
Telephone: +1 (709) 729-3527
Fax: +1 (709) 729-1853
Email: JenniferSullivan@gov.nl.ca
Website: <https://www.gov.nl.ca/cssd/adoption/>
Jennifer Sullivan, Provincial Director of Adoptions (English)

New Brunswick: See Annex 5
Department of Social Development (SD)
2nd floor, 551 King Street
Fredericton, New Brunswick, E3B 1E7
Telephone: +1 (506) 444-2859
Fax: +1 (506) 453-2082
Email: connie.folkins@gnb.ca
Website: http://www2.gnb.ca/content/gnb/en/departments/social_development/adoption.html
Connie Folkins, Provincial Consultant Adoption (English)

Northwest Territories: See Annex 6
Department of Health and Social Services
PO Box 1320
6th Floor, NGB, 5015 49th Street
Yellowknife, Northwest Territories, X1A 2L9
Telephone: +1 (867) 767-9061 ext 49866
Fax: +1 (867) 873-7706
Email: Colette_Prevost@gov.nt.ca
Website: <https://www.hss.gov.nt.ca/en/services/adoption>
Colette Prevost, Executive Director of Child and Family Services (English)

Nova Scotia: See Annex 7
Department of Community Services
PO Box 696
Halifax, Nova Scotia, B3J 2T7
Telephone: +1 (902) 424-3205
Fax: +1 (902) 424-0708



Email: Mary.Craig@novascotia.ca

Website: <https://www.novascotia.ca/coms/families/adoption/index.html>

Mary Craig, Manager of Adoption Services (English)

Nunavut: See Annex 8

Department of Family Services (DFS)

PO Box 1000, Station 1240

Iqaluit, Nunavut, X0A 0H0

Telephone: +1 (867) 975-5227

Fax: +1 (867) 975-5298

Email: AHaramincic@gov.nu.ca

Website: <https://www.gov.nu.ca/family-services/information/adoption>

Arijana Haramincic, Director of Adoptions (English and French)

Ontario: See Annex 9

Private and International Adoption Unit

Ministry of Children, Community and Social Services

6th Floor, 101 Bloor Street West

Toronto, Ontario, M5S 2Z7

Telephone: +1 (416) 327-4736

Fax: +1 (416) 212-6799

Email: Rory.Gleeson@Ontario.ca

Website: <https://www.ontario.ca/page/adoption>

Rory Gleeson, Director (English)

Prince Edward Island: See Annex 10

Department of Social Development and Housing (DSDH)

PO Box 2000

161 St. Peter's Road

Charlottetown, Prince Edward Island, C1A 7N8

Telephone: +1 (902) 368-6515

Fax: +1 (902) 620-3776

Email: kmhpeck@ihis.org

website: <https://www.princeedwardisland.ca/en/information/social-development-and-housing/adoption>

Kelly Peck, Director of Child Protection (English)

Québec: See Annex 11

Secrétariat à l'adoption internationale (SAI) (Intercountry Adoption Secretariat)

201 Crémazie Street East, Office 1.01

Montréal, Québec, H2M 1L2

Telephone: +1 (514) 873-5226 or 1 (800) 561-0246

Fax: +1 (514) 873-0157



Email: adoption.quebec@msss.gouv.qc.ca

Website: http://adoption.gouv.qc.ca/en_accueil

Geneviève Poirier, Acting Director General and Secretary for intercountry adoption (French)

Saskatchewan: See Annex 12

Ministry of Social Services (MSS)

10th Floor, 1920 Broad Street

Regina, Saskatchewan, S4P 3V6

Telephone: +1 (306) 787-5698

Fax: +1 (306) 798-0038

Email: Shannon.Huber@gov.sk.ca

Website: <https://www.saskatchewan.ca/residents/births-deaths-marriages-and-divorces/births-and-adoptions/adoption>

Shannon Huber, Director, Operational Support (English) - +1 (306) 787-5698

Bev Jaigobin, Manager, Adoption Services (English) - +1 (306) 798-0496

Stephanie Heide, Supervisor, Post Care Services (English) - +1 (306) 798-1571

Kevin Kane, Assistant Supervisor/Intercountry Adoption Worker (English) - +1 (306) 787-7997

Stephanie Ross, Intercountry Adoption Worker (English) - +1 (306) 787-2786

Yukon: See Annex 13

Family and Children Services Branch

Department of Health and Social Services

Suite 401, 4114 4th Avenue

Whitehorse, Yukon, Y1A 4N7

Telephone: +1 (867) 667-3002

Fax: +1 (867) 393-6204

Email: Tanya.MacKenzie@yukon.ca

Email: cleo.smith@yukon.ca

Website: <https://yukon.ca/en/legal-and-social-supports/childrens-services/find-out-about-adopting-child>

Tanya Mackenzie - Manager, Family Resource Unit (English)

Cleo Smith, Coordinator of Adoptions (English)

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Date of ratification: December 19, 1996</p> <p>Dates of entry into force:</p> <p>April 1, 1997 for British Columbia, Prince Edward Island, Manitoba, New Brunswick, and Saskatchewan;</p> <p>November 1, 1997 for Alberta;</p> <p>August 1, 1998 for the Yukon;</p> <p>October 1, 1999 for Nova Scotia;</p> <p>December 1, 1999 for Ontario;</p> <p>April 1, 2000 for the Northwest Territories;</p> <p>September 1, 2001 for Nunavut,</p> <p>December 1, 2003 for Newfoundland and Labrador; and</p> <p>February 1, 2006 for Québec.</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>In Canada, adoption is an exclusive provincial responsibility. As such, it is provincial and territorial laws that give effect to the Convention in Canada. Relevant implementing laws, regulations and procedural rules have been enacted in each province and territory. Please consult the Country Profile of each jurisdiction.</p> <p>Issues of immigration and citizenship - which are related to the Convention - are governed by federal laws and regulations.</p> <p>Immigration and Protection of Refugee Act: http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-1.html</p> <p>Immigration and Refugee Protection Regulations: http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-1.html</p> <p>Citizenship Act: http://laws-lois.justice.gc.ca/eng/acts/C-29/index.html</p> <p>Citizenship Regulations: http://laws-lois.justice.gc.ca/eng/regulations/SOR-93-246/index.html</p> <p>Citizenship Regulations, No. 2: http://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-124/index.html</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<input type="checkbox"/> Bilateral agreements (please specify): <input type="checkbox"/> Non-binding memoranda of understanding (please specify): <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
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PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>Functions of the Federal Central Authority:</p> <p>The Minister of Immigration, Refugees and Citizenship Canada (IRCC) is the designated Federal Central Authority for the Convention. In practice, this responsibility is exercised by the Intercountry Adoption Services (IAS) team of the Department. IAS does not have case management responsibilities. Its role is to facilitate communication and cooperation between adoption authorities in Canada and those of foreign governments. This includes sharing the knowledge and experience gained in the area of intercountry adoption. IAS also facilitates issue resolution and the development of pan-Canadian responses to matters such as unethical and irregular adoption practices. Finally, it facilitates research and collects relevant information, including on the policies and practices of countries of origin.</p>

5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.

FEDERAL GOVERNMENT

Immigration, Refugees and Citizenship Canada

The Department of Immigration, Refugees and Citizenship Canada manages the processes that allow children adopted by citizens or permanent residents of Canada to enter and remain in Canada as permanent residents or Canadian citizens.

Global Affairs Canada

Global Affairs Canada (GAC), through its offices abroad, provides consular services and establishes and maintains diplomatic relations with foreign governments. In the area of intercountry adoption, it may be called upon to assist the competent authorities in Canada by gathering and sharing information on the law and practices in States of origin or by gathering information needed to resolve complex issues that may come up in specific cases, as well as by referring families to legal and social services. Through its missions abroad, GAC also participates in an exchange of information and in discussions with foreign missions of other States on common concerns in the area of intercountry adoption.

6. National accredited bodies⁴

a) Has your State accredited its own adoption bodies?

See Arts 10-11.

N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵

Yes

No – **go to Question 8**

b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶

c) Please briefly describe the role of national accredited bodies in your State.

6.1 The accreditation procedure (Arts 10-11)

⁴ “National accredited bodies” in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter “GGP No 2”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	

6.2 Monitoring of national accredited bodies⁷

a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	
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b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸

7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	

e) For how long is authorisation granted?	
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input type="checkbox"/> No</p>

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

<p>provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))

Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition</i> to the requirements of the State of origin?	<input type="checkbox"/> Yes – please specify: <input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.
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10. The best interests of the child and subsidiarity (Art. 4 b))

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	<input type="checkbox"/> Yes – please specify: <input type="checkbox"/> No
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11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?	<input type="checkbox"/> Yes – please provide the definition used in your State: <input type="checkbox"/> No – the definition used in the State(s) of origin is determinative.
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12. The nationality of children who are adopted intercountry¹³

Do children who are adopted intercountry to your State acquire the nationality of your State?	<input type="checkbox"/> Yes, always. Please specify: (i) At what stage nationality is acquired by the child: ; and (ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, e.g., the making of the final adoption decision): <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents (“PAPs”), whether the child loses
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¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

	<p>his / her nationality of the State of origin): In Canada, while adoption matters fall exclusively under provincial jurisdiction, citizenship matters fall exclusively under federal jurisdiction and the rules governing citizenship are contained in the Citizenship Act ("Cit. Act") and Citizenship Regulations ("Cit. Regs"). The Cit. Act provides for two ways in which an adopted child of a Canadian citizen can acquire Canadian citizenship: general grant through naturalization or direct grant.</p> <p>General grant of Canadian citizenship to minors through naturalization (adopted or natural born):</p> <p>Subsection 5(2) of the Cit. Act is the general grant through naturalization provision. It reads:</p> <p>(2) The Minister shall grant citizenship to any person who is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is the minor child of a citizen, if</p> <p>(a) an application for citizenship is made to the Minister by a person authorized by regulation to make the application on behalf of the minor child; and</p> <p>(b) the person has, subject to the regulations, no unfulfilled conditions under that Act relating to his or her status as a permanent resident.</p> <p>(See response to question 22 on how a child can become a permanent resident of Canada).</p> <p>Both natural born and adoptive parent-child relationships are eligible for a grant of Canadian citizenship pursuant to this provision. A person who is granted citizenship pursuant to section 5(2) can pass Canadian citizenship to their children.</p> <p>Section 5.1(1) of the Cit. Act is the provision for direct granting of Canadian citizenship to adopted children in relation to every province and territory except the province of Quebec. It reads:</p> <p>5.1(1) Subject to subsections (3) and (4), the Minister shall, on application, grant citizenship to a person who, while a minor child, was adopted by a citizen on or after January 1, 1947, was adopted before that day by a person who became a citizen on that day, or was adopted before April 1, 1949 by a person who became a citizen on that later day further to the union of Newfoundland and Labrador with Canada, if the adoption</p> <p>(a) was in the best interests of the child;</p> <p>(b) created a genuine relationship of parent and child;</p> <p>(c) was in accordance with the laws of the place where the adoption took place and</p>
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	<p>the laws of the country of residence of the adopting citizen;</p> <p>(c.1) did not occur in a manner that circumvented the legal requirements for international adoptions; and</p> <p>(d) was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.</p> <p>Section 5.1(3) of the Cit. Act is the provision for direct granting of Canadian citizenship to adopted children in relation to the province of Quebec. It reads:</p> <p>5.1(3) Subject to subsection (4), 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 - or to a person in respect of whose adoption, by a person who became a citizen on that day and who is subject to Quebec law governing adoptions, a decision was made abroad before that day - if</p> <p>(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</p> <p>(b) the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship.</p> <p>The Cit. Act also provides a mechanism to grant citizenship to persons adopted as adults.</p> <p>The Cit. Regulations list factors for consideration at regulation 5.1 for a grant of citizenship in relation to adopted minor children. As adoption is of provincial jurisdiction, some of the factual determinations made in the course of the citizenship application process require input from the provincial and territorial adoption authorities.</p> <p>The criteria set out in the Cit. Act and the factors set out in the Cit. Regs are largely consistent with the principles of the Hague Convention and the UN Convention on the Rights of the Child, to which Canada is a party.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

<p>13. Limits on the acceptance of files</p>	
<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p><input type="checkbox"/> No</p>

b) Does your State allow PAPA to apply to adopt from more than one State of origin at the same time?	<input type="checkbox"/> Yes, please specify whether any limits are applied: <input type="checkbox"/> No – PAPA may only apply to adopt from one State of origin at any one time.
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14. Determination of the eligibility and suitability of PAPA wishing to undertake an intercountry adoption¹⁴ (Art. 5 a))

14.1 Eligibility criteria

<p>a) Do PAPA wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input type="checkbox"/> Married, heterosexual couples: <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input type="checkbox"/> Single men: <input type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPA.
<p>b) Are there any age requirements in your State for PAPA wishing to undertake an intercountry adoption?</p>	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> Minimum age requirements: <input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPA and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPA to fulfil?</p>	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPA wishing to adopt a child with special needs (please specify): <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No

¹⁴ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPA who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	

15. Preparation and counselling of PAPs (Art. 5 b))	
a) In your State, are courses provided to prepare PAPs for intercountry adoption?	<input type="checkbox"/> Yes, please specify the following: <ul style="list-style-type: none"> - Whether the courses are mandatory: - At what stage of the adoption procedure they are offered: - Who provides the courses: - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): - Whether they are provided "in person" or electronically: - How many hours the courses last: - The content of the courses: - Whether there are specific courses for PAPs wishing to adopt a child with special needs: - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: <input type="checkbox"/> No
b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i> , meeting with adoptive parents, language and culture courses)? Please specify, in each case: <ol style="list-style-type: none"> (i) If it is mandatory for PAPs to use the service; (ii) Who provides the service; and (iii) At what stage in the adoption procedure the service is provided. 	

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
a) To which authority / body should PAPs apply for an intercountry adoption?	

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

	<input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
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17. The report on the PAPs (Arts 5 a) and 15(1))

a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.	
b) Is a "standard form" used for the report on the PAPs in your State?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:
c) For how long is the report on the PAPs valid in your State?	
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	

18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?

19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?	<input type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to
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	<p>determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs):</p> <p><u>Go to Question 19.2 b)</u></p> <p><input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<p><input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:</p> <p><input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<p><input type="checkbox"/> Yes – please specify what type of assistance is provided (<i>e.g.</i>, counselling):</p> <p><input type="checkbox"/> No</p>

20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<p><input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR</p> <p><input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR</p> <p><input type="checkbox"/> Other (please specify):</p>

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<p><input type="checkbox"/> Yes, please specify the additional requirements / restrictions:</p> <p><input type="checkbox"/> No</p>
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input type="checkbox"/> No</p>

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)

a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.

An adopted child who has been granted citizenship through a direct grant (see response to question 12) may enter and reside permanently in Canada. Otherwise, an adopted child may be authorized to enter and reside permanently if they are granted permanent residency under the federal Immigration and Protection of Refugees Act (IRPA) and the Immigration and Refugee Protection Regulations (IRPR).

Adoptive parents who are either citizens or permanent residents of Canada may apply for a child whose adoption has been finalized outside of Canada or whose adoption will be finalized in Canada to enter and remain in Canada as a permanent resident.

When the adoption is finalized outside Canada such that the minor child becomes a dependent child of the sponsor, IRPR regulation 117(2) and IRPR regulation 117(3) apply. They read:

117(2) A foreign national who is the adopted child of a sponsor and whose adoption took place when the child was under the age of 18 shall not be considered a member of the family class by virtue of the adoption unless

- (a) the adoption was in the best interests of the child within the meaning of the Hague Convention on Adoption; and
- (b) the adoption was not entered into primarily for the purpose of acquiring any status or privilege under the Act.

117(3) The adoption referred to in subsection (2) is considered to be in the best interests of a child if it took place under the following circumstances:

- (a) a competent authority has conducted or approved a home study of the adoptive parents;
- (b) before the adoption, the child's parents gave their free and informed consent to the child's adoption;
- (c) the adoption created a genuine parent-child relationship;
- (d) the adoption was in accordance with the laws of the place where the adoption took place;
- (e) the adoption was in accordance with the laws of the sponsor's place of residence and, if the sponsor resided in Canada at the time the adoption took place, the competent authority of the child's province of intended destination has stated in writing that it does not object to the adoption;

	<p>(f) if the adoption is an international adoption, the country in which the adoption took place is a party to the Hague Convention on Adoption and the Convention applies to the child's province of intended destination, the competent authority of the country and of the province have stated in writing that they approve the adoption as conforming to that Convention; and</p> <p>(g) if the adoption is an international adoption and the country in which the adoption took place is not a party to the Hague Convention on Adoption or the Convention does not apply to the child's province of intended destination, there is no evidence that the adoption is for the purpose of child trafficking or undue gain within the meaning of that Convention.</p> <p>When the adoption is finalized in Canada, IRPR regulation 117(1)(g) is the relevant provision. It reads:</p> <p>117(1)(g) a person under 18 years of age whom the sponsor intends to adopt in Canada if</p> <p>(i) the adoption is not being entered into primarily for the purpose of acquiring any status or privilege under the Act,</p> <p>(ii) where the adoption is an international adoption, the country in which the person resides is a party to the Hague Convention on Adoption and the Convention applies to their province of intended destination, the competent authority of the country and of the province have approved the adoption in writing as conforming to that Convention, and</p> <p>(iii) where the adoption is an international adoption and the country in which the person resides is not a party to the Hague Convention on Adoption or the Convention does not apply to the person's province of intended destination</p> <p>(A) the person has been placed for adoption in the country in which they reside or is otherwise legally available in that country for adoption and there is no evidence that the intended adoption is for the purpose of child trafficking or undue gain within the meaning of the Hague Convention on Adoption, and</p> <p>(B) the competent authority of the person's province of intended destination has stated in writing that it does not object to the adoption (...).</p> <p>Once the application for sponsorship under the federal legislation and regulations has been approved, if the province of intended destination for the minor child is the province of Quebec, an undertaking application must also be presented to the provincial Ministère de l'Immigration, de</p>
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	la Diversité et de l'Inclusion. See the response to question 22 in the Country Profile for Quebec (Annex 11).
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	Documents required may vary depending on individual circumstances. For the purposes of immigration, documents required may include a permanent resident visa or a Canadian citizenship certificate, a written statement from the province or territory of intended residence for the minor child, and a valid passport or other travel document issued by the child's country of citizenship.
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	Permanent resident visas and Canadian citizenship certificates are issued by the Government of Canada. The Department of Immigration, Refugees and Citizenship Canada issues permanent resident visas and Canadian citizenship certificates. Additional documentation may be provided by the relevant province or territory.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	

23. Final adoption decision and the Article 23 certificate

a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</i>	(i) (ii)
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? <i>See GGP No 1 – Annex 7.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i>	

d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an " <i>intra-family intercountry adoption</i> " in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases:</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	
<p>b) For how long is the information concerning the child's origins preserved?</p>	
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of</p>	<p>(i) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(ii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input type="checkbox"/> No</p>

the adoptive parents to the release of information concerning the adoption)? <i>See Art. 9 a) and c) and Art. 30.</i>	
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input type="checkbox"/> Yes – please specify: <input type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input type="checkbox"/> Yes – please specify: <input type="checkbox"/> No

27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): <input type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child’s development, schooling):
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	

28. Post-adoption services and support (Art. 9 c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).

29. The costs²¹ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <input type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves? <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input type="checkbox"/> Other (please explain):
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input type="checkbox"/> Other (please explain):
e) Which body / authority in your State receives the payments?	
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)? N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	<input type="checkbox"/> Yes – please indicate how this information may be accessed: <input type="checkbox"/> No

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid.*

30. Contributions, co-operation projects and donations²²	
<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): - What donations are intended to be used for: - Who is permitted to pay donations (<i>e.g.</i>, only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input type="checkbox"/> No</p>

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	
b) What measures have been taken in your State to prevent improper financial or other gain?	
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general	
<p>Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.²⁵</p>	<p>In Canada, concerns about alleged illicit practices in a particular State of origin may be raised either by one or more of the Canadian Central authorities or by officials at Immigration, Refugees and Citizenship Canada (IRCC) who review visa and citizenship applications for adopted, or to be adopted, children.</p> <p>Where such concerns arise, every effort is made by the provincial and territorial Central Authority(ies) concerned - directly and/or with the assistance of IRCC officials - to collect as much information as possible to further document adoption practices in the State of origin concerned. The collection of information notably includes discussions between the Canadian Federal Central Authority and/or the provincial or territorial Central Authority, and that of the State of origin.</p> <p>If reliable information confirms irregularities in a particular case, the Central Authority of the province or territory concerned (i.e. that of the PAs' place of residence) examines it and considers whether the irregularities affect the integrity of the adoption procedure and whether it can nevertheless agree that the adoption proceed. If the information collected also confirms possible systemic illicit practices in the State of origin, discussions between the Federal Central Authority and the provincial and territorial Central Authorities may be undertaken to consider a possible pan-</p>

²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

	<p>Canadian suspension of adoptions with that State. That said, as adoption is a provincial matter, each province and territory in Canada is responsible for making decisions regarding its own jurisdiction on the possible suspension of adoptions or any other action in response to illicit practices in a State of origin. For the provinces that license adoption agencies to facilitate intercountry adoption, other actions may include the imposition of new conditions on a licensed agency to help prevent, or to minimize the risk of, the reoccurrence of irregularities that may affect adoptions from the State of origin. Where necessary, a province could also consider the suspension or revocation of an agency's license.</p>
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33. The abduction, sale of and traffic in children

<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>The Criminal Code of Canada is federal legislation. It applies in all the provinces and territories.</p> <p>The following Criminal Code offences may address the abduction, sale of and traffic in children in the context of intercountry adoption:</p> <p>Child Abduction</p> <p>The Criminal Code contains two non-parental child abduction offences:</p> <ul style="list-style-type: none"> • Section 280 prohibits unlawfully taking a person under the age of sixteen years out of the possession of and against the will of a parent, guardian or any other person who has the lawful care or charge of that person. The maximum penalty is five years imprisonment. • Section 281 prohibits unlawfully taking, enticing away, concealing, detaining, receiving or harboring a person under the age of 14 years with intent to deprive a parent or guardian, or any other person who has the lawful care or charge, of the possession of that person. The maximum penalty is ten years imprisonment. <p>Human Trafficking</p> <p>The Criminal Code contains several trafficking offences, including:</p> <ul style="list-style-type: none"> • Section 279.011 prohibits recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person under the age of 18, or exercising control, direction or influence over the movements of a person under the age of 18, for the purpose of exploiting them or facilitating their exploitation. The maximum penalty is life imprisonment where the offence involves kidnapping, aggravated assault or aggravated sexual assault or death and 14 years imprisonment in all other cases. • Section 279.02(2) prohibits receiving a financial or other material benefit, knowing that it results from the commission of an
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	<p>offence under section 279.011. The maximum penalty is 14 years imprisonment.</p> <ul style="list-style-type: none"> • Section 279.03(2) prohibits concealing, removing, withholding or destroying any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status, whether or not the document is of Canadian origin or is authentic, for the purpose of committing or facilitating an offence under section 279.011. The maximum penalty is ten years imprisonment. <p>Kidnapping and Forcible Confinement</p> <ul style="list-style-type: none"> • Subsection 279(1) prohibits kidnapping a person with intent to cause the person to be confined or imprisoned, to be unlawfully sent or transported out of Canada, or to hold the person for ransom or to service, against the person's will. The maximum penalty is life imprisonment. Mandatory minimum penalties apply in certain circumstances. • Subsection 279(2) prohibits unlawfully confining, imprisoning or forcibly seizing another person. The maximum penalty is 10 years imprisonment if proceeded on indictment and 18 months if proceeded on summary conviction. <p>Sexual Offences</p> <ul style="list-style-type: none"> • Depending on the facts of the case, certain related offences may also apply, such as the Criminal Code's general sexual offences (sections 271 to 273), child sexual offences (sections 151 to 153), or sex-trade related offences (sections 286.1 to 286.4). <p>Extraterritorial Jurisdiction</p> <ul style="list-style-type: none"> • If a Canadian or permanent resident of Canada commits a trafficking offence, a child abduction offence or a child sexual offence abroad, that person may be prosecuted for those alleged crimes in Canada (subsections 7(4.11) and 7(4.1)).
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Law enforcement agencies monitor respect for criminal law in Canada and collect relevant data. In addition, Statistics Canada collects annual information on the number of criminal incidents reported to and substantiated by police, as well as on cases processed through the courts. Finally, the Department of Justice Canada monitors the development of case law under these Criminal Code provisions and works with its provincial and territorial counterparts, who generally enforce the Criminal Code, to assist in effective implementation..</p>
<p>c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)</p>	<p>See response to question 33 a).</p>

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- Private adoptions are permitted – please explain how this term is defined in your State:
- Independent adoptions are permitted - please explain how this term is defined in your State:
- Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:
- No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:
- No

c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?

Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	<input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³¹ <input type="checkbox"/> No

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*