

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### RECEIVING STATE

**COUNTRY NAME:** CANADA - Province of Québec

**PROFILE UPDATED ON:** July 2021

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Secrétariat à l'adoption internationale
Acronyms used:	SAI
Address:	201 Crémazie East, Suite 1.01, Montréal, Québec, H2M 1L2
Telephone:	+ 1 514-873-5226 or 1-800-561-0246
Fax:	+ 1 514-873-0157
E-mail:	adoption.quebec@msss.gouv.qc.ca
Website:	http://adoption.gouv.qc.ca/en_accueil
Contact person(s) and direct contact details (please indicate language(s) of communication):	Geneviève Poirier, Acting Secretary and Director General - intercountry adoption Language: French
<i>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.</i>	
Canada is a federal State made up of 10 provinces and 3 territories. A federal Central Authority and a Central Authority for each of the territorial units have been designated. The contact information for all Canadian Central Authorities appears in Part 1 of Canada's main Country Profile. The contact information for the Central Authority for the province of Québec and the specific information on the operation of the Convention in this province appear in this Annex.	

<sup>1</sup> 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.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://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](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<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 <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>See Canada's main Country Profile.</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 Québec, the legislative documents that support the adoption of children domiciled outside Québec are the Civil Code of Québec and the Code of Civil Procedure.</p> <p><a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/CCQ-1991">http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/CCQ-1991</a></p> <p><a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/C-25">http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/C-25</a></p> <p>These rules are further clarified by the Youth Protection Act, the Regulations, the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and the Act to Implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.</p> <p><a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-34.1">http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-34.1</a></p> <p><a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/M-35.1.3">http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/M-35.1.3</a></p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<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 checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input checked="" type="checkbox"/> Bilateral agreements (please specify): Vietnam</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>
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<sup>3</sup> 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).

Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.

*See Arts 6-9 and Arts 14-21 if accredited bodies are not used.*

In Québec, the Minister of Health and Social Services is the Central Authority for the application of the Hague Convention. The Secrétariat à l'adoption internationale under the Minister of Health and Social Services performs the Central Authority duties in his name.

The Secrétariat à l'adoption internationale:

- Coordinates international adoption activities in Québec in the best interests of children and with respect for their fundamental rights;
- Assists and counsels individuals and families who plan to adopt a child domiciled outside Québec and ensures that their adoption plan comply with standards;
- Ensures administrative follow-up of the Hague Convention and supports the Minister of Health and Social Services in his role as Central Authority;
- Makes recommendations to the Minister of Health and Social Services with respect to the accreditation of the bodies that handle international adoptions;
- Counsels and supports accredited bodies and monitors their activities;
- Ensures compliance with Québec legislation and guidelines, and rules of ethics concerning international adoptions;
- Ensures that all the requirements are satisfied for each adoption;
- Advises the authorities of the Department of Health and Social Services in matters of international adoption;
- Establishes working relations and intercountry adoption agreements with foreign authorities responsible for adoption in accordance with their legislation and culture;
- Maintains files related to the adoption of children domiciled outside Québec by PAPs from Québec and files related to the adoption of children domiciled in Québec by PAPs domiciled outside Québec on behalf of the Minister and follows up on research requests for social and biological origins and reunions, within the framework of the Civil Code, in collaboration with the individuals who have these responsibilities in Québec and abroad.

## 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.*

Director of Youth Protection:

They are responsible for conducting the psychosocial assessment of adoption candidates for all adoptions where the country of origin applies the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Moreover, he conducts the psychosocial assessment for other projects when required by the child's country of origin. The Director of Youth Protection falls under the jurisdiction of the Department of Health and Social Services.

Court of Québec, Youth Division:

The Court of Québec, Youth Division, is the tribunal with exclusive jurisdiction to hear adoption matters. It can hear motions for the placement of children for adoption. It also has jurisdiction to intervene upon request of the Minister of Health and Social Services to determine the validity of certificates of compliance or to rule on an adoption that seems contrary to public policy, as stated in article 24 of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. It also has the mandate to issue certificates of compliance when adoptions are completed in Québec.

Act to Implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption:

<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/M-35.1.3>

## 6. National accredited bodies<sup>4</sup>

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).<sup>5</sup>

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.<sup>6</sup>

Eight (8) accredited bodies are involved in Quebec.

The Minister grants accreditations if he considers it warranted in the public interest and in the interests of children. He considers the following factors:

<sup>4</sup> "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](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

	<ul style="list-style-type: none"> <li>- The number of accreditations necessary meets the needs of the State concerned in the application.</li> <li>- The situation in the State concerned relating to the guarantees given to the children, their parents and future adopters requires it.</li> </ul>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>Since February 2006, Quebec law requires the involvement of accredited bodies to adopt a child internationally, except in specific circumstances set out in the regulations, which provide that the Minister's authorization is necessary. Only accredited bodies may make adoption arrangements for persons domiciled in Quebec.</p> <p>The accredited body makes the adoption arrangements for the adopter. It acts as an intermediary between the child's country of origin and the adopter. It supports the adopter in the proposed adoption. As such, the accredited body must have a strong knowledge of the territory or territories for which it is accredited, and be aware of the legal and procedural requirements and the socio-cultural practices and constraints. It must ensure that the adopter complies with the country of origin's criteria. It also regularly visits the country of origin. It develops and maintains relationships with its collaborators and interlocutors.</p> <p>The body must also demonstrate its ability to fulfil its mission effectively. It also oversees the administrative and legal procedures required for an adoption decision. The administrators of these bodies must establish and maintain harmonious working relations with the authorities responsible for adoption and the relevant contact persons.</p> <p>It must also keep up to date with the country of origin's legal framework and adoption practices. The body also informs itself about that country's cultural, economic, social and political contexts.</p>
<p><b>6.1 The accreditation procedure (Arts 10-11)</b></p>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>In Quebec, it is the Minister of Health and Social Services who grants accreditation to accredited bodies.</p> <p>The Secrétariat à l'adoption internationale reviews accreditation applications and makes recommendations to the Minister of Health and Social Services. The Minister may grant accreditation if the Minister considers it warranted in the public interest and in the interests of children, after considering the number of accreditations necessary to meet the needs in the State concerned and the situation in that State regarding guarantees given to the children, their parents and the future</p>

	<p>adopters. After an accredited body is granted accreditation to work in intercountry adoptions in a given State, it must be granted accreditation by that State before it is authorized to receive registrations from adoption applicants.</p> <p>The Minister determines, by an order published in the Gazette officielle du Québec, the qualifications required of a body applying for accreditation or renewal of accreditation, and of the persons directing and managing the body, the requirements and the terms and conditions they must comply with as well as the documents, information and reports they must provide.</p>
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>A body applying for accreditation must be a legal person established under a statute of Quebec for non-profit purposes and be directed and managed by persons who, by their ethical standards, training and experience, are qualified to work in the field of intercountry adoption. In addition, the body must demonstrate its ability to fulfil its mission effectively. It also oversees the administrative and legal procedures required for an adoption decision. The administrators of these bodies must establish and maintain harmonious working relationships with the authorities responsible for adoption and the relevant contact persons.</p> <p>The accreditation process includes a number of steps:</p> <ul style="list-style-type: none"> <li>- Receipt of the application;</li> <li>- Review of the application by the accreditation committee, composed of the director general and secretary for intercountry adoption, the advisor in intercountry adoption responsible for the file, the expert advisor, the legal research officer, the socio-economic research officer and the research technician;</li> <li>- Recommendation to the Minister;</li> <li>- Receipt of the Minister's decision: approval or refusal;</li> <li>- Transmission of the decision to the applicant.</li> </ul>
<p>c) For how long is accreditation granted in your State?</p>	<p>Accreditation is issued for an initial two-year period. It may be renewed for a three-year period and thereafter for the same period. The accreditation or the renewal of the accreditation may be issued for a shorter period.</p>
<p>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>.</p>	<p>The conditions for renewal of the accreditation are the same as those for applications for accreditation and are set out in regulations. The body that wishes to renew its accreditation applies six months before it expires.</p> <p>The renewal process applies when the accreditation of the accredited body expires.</p>

	<p>A renewal notice is sent to the body nine months prior to the expiration date.</p> <p>The body indicates its wish to renew its accreditation in writing six months prior to the expiration date.</p> <p>One copy of the complete file is sent to the Direction du Secrétariat à l'adoption internationale.</p> <p>The documents are reviewed by the members of the renewal committee, that is, the director general and secretary for intercountry adoption, the research technician, the adoption advisor responsible for the file, the expert advisor, the legal research officer and the liaison officer.</p> <p>Recommendations are made to the Minister.</p> <p>Receipt of the Minister's decision: approval or refusal.</p> <p>Transmission of the decision to the applicant.</p>
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## 6.2 Monitoring of national accredited bodies<sup>7</sup>

<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	<p>In Québec, the SAI monitors and supervises on behalf of Québec's Minister of Health and Social Services.</p>
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<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).</p>	<p>For the entire duration of the accreditation, the advisor responsible, in collaboration with legal and financial specialists, monitors the activities of the accredited body. The SAI organizes four meetings per year with the accredited bodies. At these meetings, general information on adoption is provided, and specific follow-ups pertaining to the mandate and role of accredited bodies are done. Some topics are the subject of productive exchanges (e.g. best practices).</p> <p>Where an accredited body does not comply with the conditions of its accreditation, fails to perform a legal duty or fails to inform the SAI of a change in the particulars of its accreditation application, the SAI may send a notice of non-compliance, which becomes part of the body's file. Each year, the body must provide the SAI with a report on its activities, together with a copy of its financial statements, a list of adopters who completed the process, a broken-down estimate of the average cost of an adoption, and a summary of its development activities.</p> <p>Also, where an adopter is dissatisfied with the services of an accredited body, the adopter may file a complaint with the SAI. If necessary, appropriate corrective actions</p>
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<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

	will be recommended, and the situation will be monitored.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked ( <i>i.e.</i> , withdrawn).	The SAI may suspend, revoke or refuse to renew the accreditation where: <ol style="list-style-type: none"> <li>1. The body no longer meets the requisite conditions for obtaining its accreditation or fails to comply with a condition; or</li> <li>2. It believes that the public interest, the interests of children or an urgent situation warrants it; or</li> <li>3. It believes that the situation in the State for which the accreditation was granted makes its intervention necessary; or</li> <li>4. The competent authorities in the place for which the accreditation was granted revoke the authorization given to the body or no longer recognize adoption; or</li> <li>5. It believes that the body is not complying with the law; or</li> <li>6. The body or one of its officers was convicted of a listed offence.</li> </ol>
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of accreditation): Notice of non-compliance, suspension, revocation, refusal to renew the accreditation or imposition of conditions. <input type="checkbox"/> No

## 7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup>

### 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?	The Minister of Health and Social Services, through accreditation.
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input checked="" 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 in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" 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.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup>  If your State does not have authorisation criteria, please explain on	Corresponds to the accreditation procedure described in the answer to question 6.1 b).

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

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



<p>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>	
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<p>e) For how long is authorisation granted?</p>	<p>The accreditation is issued for an initial two-year period. It may be renewed for a three-year period and thereafter for the same period.</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Identical to the renewal of accreditation process described in the answer to question 6.1 d).</p>

## **7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States**

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff<sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>For the entire duration of accreditation, the advisor responsible, in collaboration with legal and financial specialists, monitors the activities of the accredited body. The SAI organizes four meetings per year with the accredited bodies. At these meetings, general information on adoption is provided, and specific follow-ups pertaining to the mandate and role of accredited bodies are done. Some topics are the subject of productive exchanges (e.g. best practices).</p> <p>Where an accredited body does not comply with the conditions of its accreditation, fails to perform a legal duty or fails to inform the SAI of a change in the particulars of its accreditation application, the SAI may send a notice of non-compliance, which becomes part of the body's file. Each year, the body must provide the SAI with a report on its activities, together with a copy of its financial statements, a list of adopters who completed the process, a broken-down estimate of the average cost of an adoption, and a summary of its development activities.</p> <p>Also, where an adopter is dissatisfied with the services of an accredited body, the adopter may file a complaint with the SAI. If necessary, appropriate corrective actions will be recommended, and the situation will be monitored.</p>
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<sup>10</sup> 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.

	Furthermore, annual reports, inspections and investigations are mechanisms used to monitor the activities of the accredited bodies.
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	<p>The SAI may suspend, revoke or refuse to renew the accreditation where:</p> <ol style="list-style-type: none"> <li>1. The body no longer meets the requisite conditions for obtaining its accreditation or fails to comply with a condition; or</li> <li>2. It believes that the public interest, the interests of children or an urgent situation warrants it; or</li> <li>3. It believes that the situation in the State for which the accreditation was granted makes its intervention necessary; or</li> <li>4. The competent authorities in the place for which the accreditation was granted revoke the authorization given to the body or no longer authorize adoption; or</li> <li>5. It believes that the body is not complying with the law; or</li> <li>6. The body or one of its officers was convicted of a listed offence.</li> </ol>

### 8. Approved (non-accredited) persons (Art. 22(2))<sup>11</sup>

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> 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)).<sup>12</sup></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 checked="" type="checkbox"/> No</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 ( <i>e.g.</i> , maximum age) which must be applied <i>in addition</i> to the requirements of the State of origin?	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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### 10. The best interests of the child and subsidiarity (Art. 4 b))

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

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>i.e.</i> , proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	<input checked="" type="checkbox"/> Yes – please specify: This information is available in the declaration of adoptability provided by certain countries. <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 checked="" 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 intercountry<sup>13</sup>

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, <i>e.g.</i> , the making of the final adoption decision): <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration ( <i>e.g.</i> , the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): A person wishing to adopt a child for which the adoption is completed abroad has a choice: an application for Canadian citizenship may be submitted for the child at the beginning of the adoption process or an application for permanent residency may be submitted followed later on by an application for Canadian citizenship on behalf of the child. The application is governed by the federal legislation and regulations on citizenship. See response to question 12 of Canada’s main Country Profile. In the assessment of the file, the SAI must state in writing that it considers that the adoption meets the requirements of Québec’s adoption legislation. For it to issue this statement as quickly as possible, the documents regarding the adoption decision issued by the authorities in the country of origin must be transmitted as soon as they are received. If the SAI considers that the adoption meets the rules governing adoption in Québec, it transmits this information to the Canadian visa office
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<sup>13</sup> 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](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

	<p>in the country of origin. Upon receipt of the letter, visa officers may grant Canadian citizenship to the child if the decision-maker is of the view that the adoption was not entered into primarily for the purpose of acquiring a status or privilege in relation to immigration or citizenship. Once citizenship is obtained, the child may obtain a Canadian passport.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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## PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

<b>13. Limits on the acceptance of files</b>	
<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 checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: The number of files is limited to five at the time of a new accreditation.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input type="checkbox"/> Yes, please specify whether any limits are applied:</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

<b>14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a))</b>	
<b>14.1 Eligibility criteria</b>	
<p>a) Do PAPs 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>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input checked="" type="checkbox"/> Married, same-sex couples:</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: Cohabiting for the last three years.</p> <p><input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: Cohabiting for the last three years.</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>

<sup>14</sup> I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs 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.

<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: Of legal age</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: There must be a difference of 18 years between the PAPs and the child, unless the child is the child of one of the spouses.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): The psychosocial assessment must show that the adopters are able to care for the child.</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p><b>14.2 Suitability assessment<sup>15</sup></b></p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>In Québec, the Director of Youth Protection is responsible for conducting the psychosocial assessment of adoption candidates for all adoptions where the country of origin applies the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. In addition, the Director conducts the psychosocial assessment for other proposed adoptions when required by the child's country of origin. The evaluators are members of one of the following two professional orders: the Ordre des psychologues and the Ordre des travailleurs sociaux et thérapeutes conjugaux.</p>
<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>Taking into account the profile of the children currently available for intercountry adoption, the evaluators discuss with the applicants the possibility of adopting an older child, a sibling group, or a child with special needs.</p>
<p><b>14.3 Final approval</b></p>	
<p>Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Central Authority, on the recommendation of the competent PAP assessment authority, i.e. the Director of Youth Protection.</p>

<sup>15</sup> 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.

<b>15. Preparation and counselling of PAPs (Art. 5 b))</b>	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> <li>- Whether the courses are mandatory: No</li> <li>- At what stage of the adoption procedure they are offered: At all stages of the adoption process. Pre- and post-adoption services are offered. Adopters receive training and support during the process.</li> <li>- Who provides the courses: Accredited bodies and local community service centres.</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Both options are offered.</li> <li>- Whether they are provided "in person" or electronically: In person</li> <li>- How many hours the courses last: Between 15 and 18 hours. The Secrétariat is developing an online awareness program for PAPs.</li> <li>- The content of the courses: The content is varied. Psychosocial, legal and administrative issues are addressed.</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: Courses are offered by the Association Emmanuel and the accredited bodies.</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: No</li> </ul> <p><input type="checkbox"/> No</p>
<p>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)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>Specific courses can be provided to adopters based on the needs they express. In this regard, conferences or specific meetings may be proposed.</p>

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

<b>16. Applications</b>	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>First, the PAPs identify the country with which they wish to carry out the adoption process. They are then put in contact with</p>

	<p>the intercountry adoption advisor responsible for that country, who will answer their questions. A list of the accredited bodies working in the country of their choice is provided. The PAPs will then communicate with the accredited body and will sign a contract. It will assist them throughout the adoption process. The SAI will do the administrative follow-up and will liaise with the Central Authorities.</p>
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<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:<sup>16</sup></p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" 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 checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): The parents' income is listed in the psychosocial assessment.</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Letter from employer and letter of reference from the guardian</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain Depending on the country of origin, letter of recommendation, psychological assessment, letter from a church.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., 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): Once the country of origin has been identified by the PAPs, it reviews and authorizes the application. If an intrafamily adoption is involved, SAI's intercountry adoption advisor in charge of the country concerned will monitor the file at all stages of the process.</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><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (i.e., a written document provided by the PAPs to the</p>

<sup>16</sup> 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.

<sup>17</sup> 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.



<p><i>Please tick all which apply.</i></p>	<p>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 checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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### 17. The report on the PAPs (Arts 5 a) and 15(1))

<p>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.</p>	<p>If the adoption involves a child from a State where the Hague Convention is in effect, the assessment is conducted at the adoptive parent's expense, under the supervision of the Director of Youth Protection, who will mandate a member of the Ordre des psychologues du Québec or the Ordre professionnel des travailleurs sociaux du Québec to carry out the assessment.</p> <p>If the adoption involves a child from a State where the Hague Convention is not in effect, the assessment can also be conducted by a member of the Ordre des psychologues du Québec or the Ordre professionnel des travailleurs sociaux du Québec selected by the adopter from a list of names provided by the relevant Ordre, of which the Minister has a copy.</p> <p>At the first meeting, the evaluator will ask the adoptive parent to show the letter from the SAI confirming that a file has been opened. This letter was received during the previous step. Once the assessment is completed and signed, the professional or the Director of Youth Protection, as the case may be, ensures that the original assessment is sent to the SAI. Only a positive recommendation will allow the intercountry adoption process to go forward.</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: Guide to the psychosocial assessment</p> <p><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:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>The guide to intervention in intercountry adoption states that the report is valid for</p>

	two years. Terms for updating it are also provided.
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?	The Director of Youth Protection is responsible for renewing the PAPs' psychosocial assessment.

### 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?	Once the accredited body has verified that the file is complete, it forwards the documents to the authorities in the child's country of origin. If the accredited body has a representative in that country, the representative sends the adopter's file to the responsible authorities and follows up with them. The accredited body ensures that the process remains on track.
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?	<p>A PAP may be authorized by the Minister to submit their application on their own if they meet the criteria in the Regulation respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec.</p> <p><a href="http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/P-34.1,%20r.%202">http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/P-34.1,%20r.%202</a></p> <p>This regulation applies in cases of intrafamily adoption, the adoption of a child from his or her country of origin when only adopters who are citizens of that country may adopt and under exceptional circumstances and for humanitarian reasons. In that scenario, the intercountry adoption advisor supports the PAP at every step of the adoption process and ensures procedural compliance.</p> <p><input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).</p>

### 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?	<p>The accredited body receives the report on the child and forwards it to the PAPs and to the Central Authority.</p> <p>In cases where the adoption is authorized by the Minister to proceed without an accredited body in accordance with the Regulation, the document is sent to the Secrétariat à l'adoption internationale.</p>
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#### 19.2 Acceptance of the match

<p>a) Does your State require that the matching be accepted by a competent authority in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide the following details:</p> <ul style="list-style-type: none"> <li>- Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): The Central Authority and</li> <li>- The procedure which is followed (<i>e.g.</i>, the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAs): The proposed match is presented to the adoptive parents, who indicate their acceptance. The competent authority then provides its acceptance or rejection.</li> </ul> <p><b><u>Go to Question 19.2 b)</u></b></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><b><u>Go to Question 19.2 c)</u></b></p>
<p>b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?</p>	<p>The assessment of parental skills must confirm the adopters' ability to accept a child based on a specific profile. Only a child corresponding to that profile will be proposed to them.</p>
<p>c) Does your State impose any requirements on PAs concerning the length of time they are given to decide whether to accept a match?</p>	<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 checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
<p>d) Do PAs receive any kind of assistance from your State when deciding whether to accept a match?</p>	<p><input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (<i>e.g.</i>, counselling): The PAs are encouraged to submit the proposed child's file to medical and psychosocial resources prior to accepting the match.</p> <p><input type="checkbox"/> No</p>

## 20. Agreement under Article 17 c)

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

## 21. Travel of the PAs to the State of origin<sup>18</sup>

<sup>18</sup> See GGP No 1, *supra*, note 13, Chapter 7.4.10.

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: In certain situations, it is the accredited body that advises the family of the appropriate time to travel to the country of origin. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: An escort can be organized if the child's country of origin requires it or as a safety precaution. <input type="checkbox"/> No

## 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.

A person wishing to adopt a child whose adoption is completed abroad may apply for Canadian citizenship on behalf of the child at the beginning of the adoption process or they may apply for permanent residence followed later on by an application for Canadian citizenship on behalf of the child. When the authorities in the country of origin entrust the child to the adoptive parent for the purposes of an adoption to be completed in Québec, the adoptive parent is required to follow the immigration process for his or her future child.

The citizenship process: see response to question 12.

The immigration process: When an immigration application is submitted, the child is not granted Canadian citizenship before his or her arrival in Québec. He or she must first be sponsored under the family class by the adoptive parent in order to obtain permanent resident status. The adoptive parent thereby demonstrates to the immigration authorities his or her commitment to provide for the needs of the child. There are two steps to the immigration process:

1. The application to sponsor and provide for the child.
2. The application for permanent residence in Canada.

Even before the child's identity is known, the adoptive parent may complete the first part of the sponsorship application and send it to Immigration, Refugees and Citizenship Canada (IRCC), which verifies whether the applicant can sponsor the child being adopted. If the regulatory requirements are met, the applicant receives a letter indicating the steps to follow to complete the second part of the application, the permanent residence visa, once the child's identity is known. This step is governed by the federal legislation and regulation regarding immigration. See response to question 22 of Canada's main Country Profile.

Once the child's identity is known, the Secrétariat à l'adoption internationale, after receiving and reviewing the documents, will state in writing that it does not object to the adoption. This letter will be given to the adoptive parent who will meet with the representative from the Québec's Department of Immigration, Diversity and Inclusion to complete the application for an undertaking. A positive response leads to the issuance of a selection certificate in

	<p>the child's name. The Letter of No Objection and the selection certificate are sent to the Canadian visa office in the child's country of origin. This step is governed by Quebec's law and regulation regarding immigrant selection.</p> <p>For the immigration process, the child must undergo a medical examination by a health care professional, usually a medical doctor designated by the Canadian embassy. Then, the adoptive parent applies for a visa on behalf of the child at the Canadian visa office in the child's country of origin. Once this is obtained, the child may enter Canada. This last step is also governed by the federal legislation and regulation regarding immigration. See response to question 22 of Canada's main Country Profile.</p>
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	Confirmation of Canadian citizenship OR confirmation of permanent resident status, including the Québec selection certificate. Depending on the child's country of origin, a passport issued by the child's country of origin with or without a facilitation visa OR a Canadian passport.
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.	All of them, except a passport from the child's country of origin. The documents are mostly issued by Immigration, Refugees and Citizenship Canada (IRCC). The Québec selection certificate is issued by Québec's Department of Immigration, Diversity and Inclusion.
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?	Where necessary and depending on the child's country of origin, the PAPs or the accredited body forwards to the relevant authorities in the child's country of origin proof confirming that the child has been granted Canadian citizenship.

### 23. Final adoption decision and the Article 23 certificate

<p>a) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the final adoption decision; and</p> <p>(ii) Issues the certificate under Article 23?</p> <p><b>N.B.</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 <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p>	<p>(i) The Court of Québec, Youth Division</p> <p>(ii) The Court of Québec, Youth Division</p>
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<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7.</i></p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p>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 PAPA? Is a copy sent to the Central Authority in the State of origin?</i></p>	<p>The certificate of compliance is issued following the court's decision granting the adoption. This document must be given to the adoptive parents, who forward it to the SAI, who then send a copy to the competent authority in the country of origin.</p>

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?	The certificate is issued to the Central Authority.
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## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
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.	An adoption is classified as intrafamily adoption where the SAI authorizes a person to proceed without using the services of an accredited body if the adoption project involves the adoption of his or her brother, sister, nephew, niece, grandson, granddaughter, cousin, half-brother, half-sister or those of his or her spouse.
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, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – <b>go to Question 25</b> <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>Go to Question 25</b> <input type="checkbox"/> No – <b>go to Question 24 c)</b>
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 ADOPTION<sup>19</sup>

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

<sup>19</sup> 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 checked="" 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 checked="" 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: All simple adoptions granted in another State are converted to full adoptions. Consents to the conversion from the persons, institutions or authorities with the power to consent are required and obtained during the adoption process. Depending on the country of origin, the procedure to obtain this consent may vary.</p> <p><input type="checkbox"/> No – <b>go to Question 26</b></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>Depending on the country of origin, the procedure for obtaining this consent may vary. It may be received and confirmed by a competent authority in the country of origin. The consent may also be received by a professional who is qualified and designated to receive a consent (notary, judge, lawyer, other). The certificate of compliance confirms that the simple adoption has been converted to a full adoption.</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 checked="" 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

<b>26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The Secrétariat à l'adoption internationale assumes this responsibility on behalf of the Minister of Health and Social Services, who is the responsible authority.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>The information is retained for 99 years.</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>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria:</p> <p>- A summary of family and medical antecedents may be obtained. This is a summary of the adoption file that contains the information that the law allows to be disclosed, such as the child's usual first name prior to adoption, the date, time and place of birth, medical information about the child and the</p>

<p>(iii) the birth family; and / or (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 the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>biological parents, the circumstances surrounding the adoption, a profile of the biological parents (including their age, civil status, language, religion, ethnic origin, level of education, occupation and lifestyle), the child's placement date, the year of the child's legal adoption and the child's development in the adoptive family. The identity of the persons involved in the adoption file remains confidential.</p> <p>- Access to reunions. For the adoptee: obtaining his or her name at birth and the identity of his or her biological parents as well as information necessary to connect with them where permitted by law. For the biological parent: obtaining the current name of his or her biological child if he or she is at least 18 years of age and information required to connect with them where permitted by law.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: A summary of family and medical antecedents may be obtained. This is a summary of the adoption file that contains the information that the law allows to be disclosed, such as the child's usual first name prior to adoption, the date, time and place of birth, medical information about the child and the biological parents, the circumstances surrounding the adoption, a profile of the biological parents (including their age, civil status, language, religion, ethnic origin, level of education, occupation and lifestyle), the child's placement date, the year of the child's legal adoption and the child's development in the adoptive family. The identity of the persons involved in the adoption file remains confidential.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The reunion provisions of the Civil Code of Québec are limited to the adoptee and his or her biological parents. There is no provision for other members of the family in the biological line of the adoptee or of the biological parents. Current case law provides that the meaning of the word "parents" is limited to father and mother, that is, those who have directly fathered or birthed the child. Therefore, the child's biological parent may obtain a summary of family and medical antecedents. This is a summary of the adoption file that contains the information the law allows to be disclosed, such as the child's usual first name prior to adoption, the date, time and place of birth, medical information about the child and the</p>
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	<p>biological parents, the circumstances surrounding the adoption, a profile of the biological parents (including their age, civil status, language, religion, ethnic origin, level of education, occupation and lifestyle), the child's placement date, the year of the child's legal adoption and the child's development in the adoptive family. The identity of the persons involved in the adoption file remains confidential. The biological parent may also request a reunion (the adoptee will be informed only where he or she is 18 years of age or older) and be informed of the biological child's request for information.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The support is administrative. If necessary, psychosocial support may be offered.</p> <p><input type="checkbox"/> No</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Support is offered by the Secrétariat à l'adoption internationale.</p> <p><input type="checkbox"/> No</p>

## 27. Post-adoption reports

<p>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?</p>	<p>For all adoptions of a child domiciled outside Québec, the adoptive parent, upon signing the contract with the accredited body, agrees to transmit reports on the development of the adopted child to the foreign authorities in accordance with the country of origin's requirements. The format, frequency and number of reports to send as well as the duration of this commitment vary considerably from one country to another. Some countries require reports until the child reaches the age of majority. Depending on the country of origin's requirements, they are written by a psychologist or social worker mandated by the Director of Youth Protection, by a social worker or a psychologist in private practice, or by the adoptive parent him- or herself.</p>
<p>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?</p>	<p><input checked="" 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): Use of the form is not mandatory.</p>

	<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?	When the reports are not sent, the Central Authority intervenes with the adoptive parents to ensure that they meet their obligations.

### 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 PAPA 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>	<p>The adoptive parent may communicate with his or her Health and Social Services Centre to have a health professional visit them. This visit, provided as part of the Health and Social Services Centre service package in the 14 days following the child's arrival in Québec, aims to establish a first contact with the adopted child and provide appropriate advice and care. It is therefore recommended to make an appointment to obtain this service as soon as possible after the child's arrival.</p> <p>Services to share experience and advice may be offered to families by the accredited bodies.</p>
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>20</sup>

**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](#).**

<b>29. The costs<sup>21</sup> of intercountry adoption</b>	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" 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: In Québec, the adoption fees or costs are clearly stated in the application for accreditation and for the renewal of the accreditation of the accredited bodies.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: These fees are reviewed by the Secrétariat à l'adoption internationale when the applications are reviewed.</p> <p><input type="checkbox"/> No</p>
<p>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?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): The fees are primarily paid by bank transfer unless the PAPs' circumstances require that this be done in another way.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>The accredited body</p>
<p>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)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: All costs are disclosed before the contract is signed.</p> <p><input type="checkbox"/> No</p>

<sup>20</sup> 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*.

<sup>21</sup> See the definition of "costs" provided in the harmonised Terminology, *ibid*.



### 30. Contributions, co-operation projects and donations<sup>22</sup>

<p>a) Does your State permit contributions<sup>23</sup> 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 checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- What type of contribution is permitted by your State: These contributions are not explicitly authorized by Québec, but they are known. Several States of origin require the payment of a contribution in order to engage in an intercountry adoption. The Central Authority is never an intermediary and it ensures the transparency of the accredited body in this regard throughout the duration of the accreditation, particularly at the stage of the issuance of the accreditation and the analysis of the application for its renewal.</li> <li>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): accredited bodies</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: The Central Authority ensures that the amounts requested are not large enough to influence the adoption process, that the payments are not for special interests, and that the number and nature of proposals from the competent authority of the country of origin do not vary according to any contribution.</li> </ul> <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 checked="" type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> <li>- What type of co-operation projects are permitted by your State: The accredited organizations sometimes carry out small-scale humanitarian projects (e.g. building a well in a village in the country of origin, building a small mill to grind grain). The Central Authority is not involved but exercises oversight as mentioned above.</li> <li>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies):</li> </ul>

<sup>22</sup> 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.

<sup>23</sup> 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.

	<ul style="list-style-type: none"> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input type="checkbox"/> No
<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><b><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></b></p>	<input checked="" type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> <li>- To whom donations may be made (e.g., to orphanages, other institutions and / or birth families): Quebec only tolerates donations of material of insignificant value. (ex: diapers, powdered milk)</li> <li>- What donations are intended to be used for:</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs):</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</li> </ul> <input type="checkbox"/> No

### 31. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The Central Authority</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>The Secrétariat à l'adoption internationale takes many measures in this regard:</p> <ul style="list-style-type: none"> <li>- reviewing the accredited bodies' financial statements;</li> <li>- analyzing the cost breakdown submitted by the accredited bodies;</li> <li>- monitoring the fees charged by the accredited bodies for foreign collaborators;</li> <li>- Use of the complaints procedures;</li> <li>- Surveys of the parents;</li> <li>- Investigations and inspections.</li> </ul> <p>Moreover, by integrating the Hague Convention into its legislation, Québec has incorporated articles 8 and 32.</p> <p>Québec has also included various methods for preventing unreasonable financial gain in the Youth Protection Act. Legislative measures include:</p> <ul style="list-style-type: none"> <li>- suspension or revocation of the accreditation by the Minister if he or she deems it justified</li> </ul>



	<p>in the public interest or if a condition is violated;</p> <ul style="list-style-type: none"> <li>- criminal proceedings if legislation is violated;</li> <li>- inspection and investigation measures regarding intercountry adoption activities.</li> </ul>
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	The body may have its accreditation suspended, refused or revoked.

## PART XI: ILLICIT PRACTICES<sup>24</sup>

### 32. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>25</sup>	See Canada's main Country Profile.
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### 33. The abduction, sale of and traffic in children

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.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	See Canada's main Country Profile.
b) Please explain how your State monitors respect for the above laws.	See Canada's main Country Profile.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	See Canada's main Country Profile.

<sup>24</sup> "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](http://www.hcch.net) >).

<sup>25</sup> *Ibid.*

### 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 State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The rules of intercountry adoption would be applied to them.
- 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 State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: These cases are treated as domestic adoptions.
- 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.*

The Secrétariat à l'adoption internationale does not issue the Letter of No Opposition or the citizenship letter required by immigration authorities in order to authorize the child to enter Canada and reside there permanently.

<sup>26</sup> 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.

<sup>27</sup> 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 ADOPTION<sup>28</sup>

<b>36. Selection of partners</b>	
a) With which States of origin does your State currently partner on intercountry adoption?	Québec works with the following States of origin: Haiti, the Dominican Republic, Ukraine, Romania, Bulgaria, Burkina Faso, Niger, Burundi, Kenya, China, Colombia, Taiwan, Thailand, Vietnam, South Korea, Madagascar, the Philippines, Togo, and Guinea.
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 <a href="#">Status Table for the 1993 Convention</a> (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i>	The Minister of Health and Social Services may issue an accreditation to a body that asks to intervene in a country of origin.  A licence is issued to the body in accordance with the Hague Convention standards so that it may act in the country of origin for which the accreditation was granted.  Québec also works with countries that are not <i>Contracting States</i> to the Convention.
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. <sup>29</sup>	In this scenario, the non- <i>Contracting State</i> applies the same legal measures and principles when processing files.  <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 <sup>30</sup> with that State of origin)?	<input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>31</sup> Before they can receive accreditation from the Minister to work in intercountry adoption in a given State of origin, the body must have traveled to that State to observe locally the conditions in which the adoption process will take place. The accreditation is issued for a maximum period of 3 years. During the review of an application for the renewal of the accreditation, the regulation requires that such travel have taken place in the 12 months preceding the application.  <input type="checkbox"/> No

<sup>28</sup> 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.

<sup>29</sup> 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".

<sup>30</sup> 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.

<sup>31</sup> *Ibid.*