

Enquiries from
Abroad Regarding
Adoption of
Canadian
Children

1.38 Persons abroad who enquire concerning the conditions under which they may find and adopt Canadian children should be referred to the Directors of Child Welfare of the provinces, other than Quebec. Since in the Province of Quebec there is no central agency responsible for adoptions, enquirers may ask the Department of Social Welfare and Youth of the Quebec Provincial Government to advise them to which agencies they should write concerning the adoption of a child in their care.

Enquiries from
Canadians Abroad
Regarding
Adoption of
Non-Canadian
Children

1.39 a. Canadians abroad seeking to adopt foreign children should be guided by the relevant foreign law. While the adoption must be valid in foreign law, they should bear in mind, however, that foreign adoptions may not be recognized by the Canadian province in which the children will reside and that it may be necessary for the parents to apply for adoption again in a court of the Canadian province of residence on their return to Canada. It therefore is desirable for prospective adoptive parents to ascertain from the authorities of their Canadian province of residence, before adopting a child under foreign law, whether they would be eligible to adopt the child under Canadian provincial law. Information concerning the application of Canadian provincial law to adoption abroad, as well as copies of the Child Welfare Act of the province concerned, describing the prerequisites for adoptions in the province, may be obtained by parents by writing to the Director of Child Welfare of the province, or, for the Province of Quebec, to the Department of Social Welfare and Youth.

b. Children adopted abroad must satisfy the requirements of the Canadian Immigration Act and Regulations before they can be admitted to Canada. Such children are not regarded as "children" of the adoptive parents within the meaning of the Immigration Act and special Orders in Council are necessary to authorize admission. Adoptive parents should be advised, therefore, to consult the Department of Citizenship and Immigration or its officials abroad with respect to the admissibility of the child to Canada. They should be strongly counselled against attempting to bring the child to a Canadian port of entry before determining whether the child would be admissible. They should send the Immigration authorities complete information concerning the reasons for adoption, their own and the child's background, and their financial status as well as documentary evidence that a final legal adoption has been effected under the laws of the child's country of residence and that the province of residence of the child's adoptive parents recognizes the adoption as valid and having the same legal force as if contracted in that province. The purpose of this arrangement is to satisfy parents' natural desire for children

*See
Legal Tel.
L-164 Oct 21/63
9463-C-40
Fred Rogers is
drafting an
amendment
to the
Sentences
currently
KPL
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