Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 2:57:08 PM
From: [redacted] Représentants [redacted]
Sent: Fri, 28 Mar 2025 17:49:53
To: [redacted]
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: TR: Legal guardianship of minors and eligibility for PR - REP-2025-0508 -Due 13-03-2025
Importance: Normal
Sensitivity: None

Good day,

[redacted] **Immigration Representatives Mailbox**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries but have provided the following information as guidance.. If you have case specific questions about a file, you are encouraged to submit the IRCC Web form.

Please see our response to your question:

QUESTION:
Are minor children in legal guardianships eligible to be included as accompanying minors in their legal guardians' permanent residence application when they cannot be legally adopted due to country-specific laws?

ANSWER:

No, minor children in legal guardianships cannot be included as accompanying dependents in their legal guardians' application for permanent residence, nor can they be sponsored as a dependent child under the family class.

The *Immigration and Refugee Protection Act* and its Regulations (IRPR) only recognizes adoptions that create a legal parent-child relationship and severs the previous legal parent-child relationship. Guardianship arrangements do not meet the definition of adoption under subsection 3(2) of IRPR and a child under guardianship would therefore not meet the definition of a dependent child under section 2 of IRPR.

Thank you,

The Immigration Representatives Mailbox (IRCC)

From:
Sent: [redacted] 12, 2025 1:13 PM
To: Immigration Representatives / Représentants immigration (IRCC [redacted] cic.gc.ca>
Subject: Legal guardianship of minors and eligibility for PR

Dear Sir/Madam,

I am a Regulated Canadian Immigration Consultant in good standing I am re-phrasing my previously submitted question to ensure that is more general in nature.

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Some countries (e.g., Saudi Arabia) do not allow (domestic or international) adoption of orphaned children, and legal guardianship is the only option available for relatives to adopt orphaned children.

Children in legal guardianships do not meet the definition of "dependent child" as stated in the [redacted] and Citizenship Regulations:

dependent child, in respect of a parent, means a child who

- **(a)** has one of the following relationships with the parent, namely,
  - **(i)** is the biological child of the parent, if the child has not been adopted by a person other than the spouse or common-law partner of the parent, or
  - **(ii)** is the adopted child of the parent; and
- **(b)** is in one of the following situations of dependency, namely,
  - **(i)** is less than 22 years of age and is not a spouse or common-law partner, or
  - **(ii)** is 22 years of age or older and has depended substantially on the financial support of the parent since before attaining the age of 22 years and is unable to be financially self-supporting due to a physical or mental condition.

QUESTION:

Are minor children in legal guardianships eligible to be included as accompanying minors in their legal guardians' permanent residence application when they cannot be legally adopted due to country-specific laws?

[redacted]

Sincerely,