Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 3, 2025 9:27:13 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Wed, 9 Apr 2025 18:26:10
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: (CPD-2025-0170) FW: Citizenship for a child born outside of Canada with no biological link to the Canadian parents - REP-B-2025-0127 - Due 22-Apr-25
Importance: Normal
Sensitivity: None

Good day,
[redacted] **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.
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As of July 2020, the interpretation of "parent" for the purposes of determining citizenship by descent under subsection 3(1) of the Citizenship Act was expanded to include children born abroad in the first generation to a Canadian citizen confirmed as the:

- * biological parent, whether genetic or gestational, and / or
- * legal parent at birth, with or without a biological connection to their child.

The expanded definition of parent is intended to provide a pathway to citizenship for some families who previously did not have one, for example parents who engage in assisted human reproduction, including surrogacy, abroad and the Canadian parent is not biologically linked to the child.

Generally speaking, a legal parent at birth is defined as the biological or non-biological parent listed on the original birth certificate or birth records issued at the time of a child's birth. This does **not** include legal guardians or parents who became the child's legal parent in a **post-birth** process, such as adoption.

It is important to note that legal parent at birth is not intended to by-pass international adoptions where such process is normally required. As party to the Hague *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* the Canadian government has a duty to ensure that we do not enable the circumvention of a lawful adoption process and its safeguards.

We cannot speak to whether the Canadian parents in the specific case you detailed are required to undergo the adoption process. The jurisdiction in which the child was born will have established rules concerning adoptions. This jurisdiction also governs which documents prove legal parent at birth status. We strongly recommend that the intending parents are well informed of the relevant laws and confer with the appropriate authorities in the child's birth country as necessary.

Should the clients decide to proceed with an application for proof of citizenship, depending on the situation the relevant documentary evidence to establish legal parent at birth may not be the birth certificate but could include: parentage orders, pre-birth orders, surrogacy agreements, hospital records, etc. Decision makers will refer to the laws in place **where** the child was born and **when** the child was born.

Should the clients proceed with an adoption, they may apply for citizenship for the child through a grant of citizenship for persons adopted by Canadian citizens.

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[redacted]

The Immigration Representatives Mailbox

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From:
Sent: [redacted] 13, 2025 11:39 AM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Subject: RE: Citizenship for a child born outside of Canada with no biological link to the Canadian parents

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> **ATTENTION:** Ce courriel provient de l'extérieur du gouvernement du Canada. Ne cliquez pas sur les liens et n'ouvrez pas les pièces jointes sauf si vous reconnaissez l'expéditeur et sachez que le contenu est sûr.

Hello ImmReps,

I am a lawyer in ON, Canada and I am looking for information on how IRCC will treat this situation.

- A child to be born outside of Canada
- The child's parents will sign paperwork to give the child to Canadian parents
- The Canadian parents will be listed as parents of the child on the birth certificate
- Both Canadian parents are naturalized Canadian citizens

The decision of QC court back in 2020 Caron c. Attorney General of Canada, 2020 QCCS 2700, declared interpretation of s Section 3(1)(b) unconstitutional in 2020. As such, it appears that the child can obtain citizenship from the Canadian parent whether they have a biological or legal link to the Canadian parents.

Based on the court's declaration, the child born outside of Canada can have a claim for Canadian citizenship based on the legal link to their Canadian parents.

Please let me know if my understanding is correct and that the Canadian parents are not required to undergo the adoption process but [redacted] follow the citizenship process to [redacted] documents [redacted] and to [redacted] for [redacted] Canadian [redacted] to enter Canada.

[redacted]

Sincerely,