

FACT SHEET 4 applies in the following situations:

- The *Hague Convention* is not in force in the child's country of origin.
- The child is related to prospective adoptive parent(s) or the prospective adoptive parent is a step-parent to the child.
- The adoption order is to be granted in British Columbia after the prospective adoptive parent(s) bring the child to the province.

Section 49(a) of the *Adoption Act* excludes the requirements of Section 48 for a child who is brought into British Columbia for adoption by a relative of the child or by a person who will become an adoptive parent(s) jointly with the child's birth parent. The Ministry of Children and Family Development therefore has no mandate in these adoptions.

However, the child's country of origin may require a homestudy, and in these cases, prospective adoptive parent(s) must apply to a British Columbia licensed adoption agency.

Prospective adoptive parents will likely need to have legal guardianship (granted by the child's country of origin) in order to bring the child into BC for adoption purposes.

Citizenship and Immigration Canada may require a homestudy for intercountry relative adoptions completed in BC, and in these cases, prospective adoptive parent(s) must apply to a BC licensed adoption agency.

Prospective adoptive parent(s) are responsible for ensuring that the child is legally available for adoption and that legal requirements of the country of origin have been met. They are also encouraged to collect all available medical information, family background and cultural information regarding the child and the child's family.

Steps:

1. Prospective adoptive parent(s) must apply to Citizenship and Immigration Canada to sponsor the child. If the sponsorship application is approved by Citizenship and Immigration Canada they will request a Letter of No Objection from the office of the Provincial Director of Adoption.
2. Prospective adoptive parent must then contact the office of the Provincial Director of Adoption at PO BOX 9705, STN PROV GOVT, Victoria, BC V8W 9S1. Telephone: 250 387-3660.
 - a. Prospective adoptive parents should provide a copy of their guardianship order, and state the circumstances of the proposed adoption.
 - b. The prospective adoptive parents will be asked to go to a local Ministry of Children and Family Development adoption office to complete a prior contact check. This enables the Ministry to review its records to ensure there are no prior contacts with the Ministry which would present concerns about the prospective adoptive parent(s)' ability to care for a child.
3. If there are no concerns, the office of the Provincial Director of Adoption issues the Letter of No Objection to Citizenship and Immigration Canada and sends a copy to the prospective adoptive parent(s).

Please Note:

- A Letter of No Objection will not be issued after the child has entered Canada.
- A Letter of No Objection will not be issued if a prospective adoptive parent has a child welfare and/or criminal record in the following areas: child physical or sexual abuse, or child exploitation.
- The final decision regarding whether a child will be allowed to enter Canada rests with Citizenship and Immigration Canada.