

Non-Hague Convention Countries – Updated June 2018

Japan

Effective May 14, 2018, Immigration, Refugees and Citizenship Canada (IRCC) notified the British Columbia Provincial Director of Adoption that the IRCC Visa Office in Manila, Philippines has suspended the processing of Permanent Resident Visa applications for children from Japan, whose prospective adoptive parents obtain a transfer of custody or birth parent consents without the involvement of the Japanese Family Court.

As a result of concerns raised about the process being followed in Japan respecting the adoption of children from Japan, the Provincial Director of Adoption has suspended the Japan adoption program until further notice. The decision to suspend the program was not made lightly. The Provincial Director of Adoption is acutely aware of the stress and uncertainty this decision causes for families. The office of the Provincial Director of Adoption is contacting Japanese government officials and seeking advice on the current law in Japan to understand the Japanese adoption process and to ascertain whether having adoptions of Japanese children finalized in BC is in compliance with Japanese law.

This alert will be updated as new information is acquired.

Democratic Republic of the Congo

On September 25, 2013, the government of the Democratic Republic of the Congo (DRC) suspended adoptions of Congolese children, including the issuance of exit authorizations to adopted children to leave the country. The DRC requires Congolese children subject to an intercountry adoption to obtain an exit permit in order for them to leave the country to travel to Canada. Due to this suspension, children who were adopted in the DRC by Canadian citizens have not been issued exit authorizations and are not able to leave the country. **Effective September 25, 2014**, the DRC announced that its exit permit suspension for adopted children remains in effect indefinitely.

In light of this decision, Citizenship and Immigration Canada has asked the provincial/territorial Central Adoption Authorities to advise adoption agencies and families that prospective adoptive parents should not travel to the DRC as they will not be permitted to leave the country with their adopted child for the foreseeable future.

The British Columbia Central Authority strongly recommends against initiating an adoption from the the DRC.

Russia

Effective August 29, 2013, the Russian Supreme Court issued a directive that restricts the adoption of a Russian child by foreign countries such as Canada that: recognize same-sex marriage; do not have a bilateral agreement on intercountry adoption with Russia; and permit the re-adoption of Russian children without the oversight of Russia's Adoption Authority, in those cases where the original adoption fails. For additional information, please see Citizenship and Immigration Canada's important notice at the following link:
<http://www.cic.gc.ca/english/department/media/notices/index.asp>.

A number of Canadian adoption cases in progress appear to be caught by these legislative changes, resulting in delays in setting Russian court hearing dates or the rescheduling of dates that were already established. British Columbian prospective adoptive parents seeking to adopt from Russia are advised to consider other country adoptions as international adoptions from Russia not guaranteed to move forward at this time.

Pakistan

Effective July 2, 2013, the British Columbia Central Authority closed new adoption applications from Pakistan.

The program was closed as a result of objections to intercountry adoptions raised by the Canadian High Commission for Pakistan as well as concerns regarding the incompatibility of intercountry adoption with the law of Pakistan. In Pakistan, Islamic Shari'a law (*Kafala*) does not allow for adoptions. *Kafala* neither terminates the birth parent-child relationship, nor grants full parental rights to the person (guardian) under whose care the child is entrusted. The concept of *Kafala* is recognized as distinct from the Western legal concept of adoption, which

Liberia

Effective May 1, 2008, the British Columbia Central Authority placed a moratorium on adoptions from Liberia.

In May 2007 the Canadian High Commission in Accra conducted a review of adoption in Liberia and reported that there are serious concerns about child trafficking. The concerns centred around no legal functioning framework to ensure the legality of adoptions; lack of process to ensure children have not been abducted, trafficked or sold; and lack of informed parental consent being received in cases where biological parents are still living.

In January 2009 the Government of Liberia formally suspended adoptions due to mismanagement and corruption in the adoption process. The Liberian Government is currently reforming its adoption process and is dealing with individual adoption cases on an exceptional basis.

At this time, the moratorium on adoptions from Liberia remains in effect.