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Important Notice

Effective May 17, 2010, the policies on children in foster care, children on probationary adoption and children on private probationary adoption will be amended regarding:

- A. Who may apply;
- B. Information and documents required;
- C. Eligible guarantors when the applicant is the social worker or the director of Family Services;
- D. Limited-validity passports (LVP) issued in the adoptive name of a child.

Note: For the purpose of this directive, the “person who has parental authority” refers to the person who has attributes of parental authority allowing him or her to apply for a passport on behalf of the child. Please see the Annex for an explanation of the terminology used in this directive.

Policy

A. Who may apply?

The applicant for a child in foster care, on probationary adoption in Canada or on private probationary adoption in Canada must be the child’s legal guardian or the person who has parental authority.

If the applicant is not one of the persons mentioned above, the application must be accompanied by a letter from the child’s legal guardian, or the person who has parental authority, authorizing the applicant to apply for the passport. In some provinces, when the applicant is the social worker, a letter of delegation of authority from the director of Family Services may be submitted in lieu of a letter of authorization to apply.

The following is a non-exhaustive list of persons who can apply for a passport on behalf of a child:

1. In foster care:

- A parent—if there is no third party appointed as the legal guardian or as a person who has parental authority;
- The custodial parent—if there is no third party appointed as the legal guardian or as a person who has parental authority;



- The director of Family Services—if he or she is the child's legal guardian;
- The social worker—if he or she submits a letter of authorization to apply for the passport, from the legal guardian or the person who has parental authority, or in some provinces, if he or she has a letter of delegation of authority;
- The foster parent:
 - if he or she is the legal guardian (please see the meaning of legal guardian in terminology section); or
 - if he or she submits a letter of authorization to apply for the passport, from the legal guardian or the person who has parental authority.

2. On probationary adoption in Canada:

- A parent—if he or she continues to be the child's legal guardian or the person who has parental authority;
- The custodial parent—if he or she continues to be the child's legal guardian or the person who has parental authority;
- The director of Family Services—if he or she is the child's legal guardian;
- The social worker—if he or she submits a letter of authorization to apply for the passport from the legal guardian or the person who has parental authority, or in some provinces, if he or she has a letter of delegation of authority;
- The adoptive parent—if he or she submits a letter of authorization to apply for the passport from the legal guardian or the person who has parental authority (unless he or she is the legal guardian).

3. On private probationary adoption in Canada:

- The biological parent—if he or she has retained guardianship of the child or parental authority;
- The licensee or representative of a licensed adoption agency—if this person is the child's legal guardian;
- The adoptive parent—if he or she is the legal guardian or if he or she submits a letter of authorization to apply for the passport from the legal guardian or the person who has parental authority;
- The biological parent, with the consent of the adoptive parent—if guardianship is shared;
- The adoptive parent, with the consent of the biological parent—if guardianship is shared.

B. What information and documents are required?



Applications on behalf of children **in foster care** or for children **on public probationary adoption in Canada** must be accompanied by the following documents:

- Evidence of the child's Canadian citizenship. If the birth certificate cannot be submitted due to confidentiality reasons, please refer to section "Child's Surname Confidential" below;
- A letter from the director of Family Services indicating the child's legal guardian or the person who has parental authority;
- If the applicant is not the child's legal guardian or the person who has parental authority, a letter from the child's legal guardian or the person who has parental authority authorizing the applicant to apply for the passport, or, when applicable, a letter of delegation of authority for passports applied for by a social worker;
- If the applicant is not the child's legal guardian or the person who has parental authority, the authorization from the child's legal guardian or the person who has parental authority to release the passport to the applicant;
- A copy of the court orders or agreements involving Family Services with the child if such court orders or agreements exist. If a copy of the court orders or agreements cannot be forwarded to Passport Canada because of their confidentiality, the passport application must be accompanied by a summary of the orders or agreements signed by the director of Family Services or the agency's lawyer. The summary must indicate:
 - who the child's legal guardian is or the person who has parental authority;
 - whether a mobility restriction clause exists, and if so, what it entails; and
 - the date and number of the court order, if possible;
- In case of a public probationary adoption, a letter from the director of Family Services confirming that the child is under an adoption process, and the name of the future adoptive parents.

Applications on behalf of children **on private probationary adoption in Canada** must be accompanied by the following documents:

- Evidence of the child's Canadian citizenship. If the birth certificate cannot be submitted due to confidentiality reasons, please refer to section "Child's Surname Confidential" below;
- The consent to adoption signed by the biological parents;
- A letter from the licensee of the adoption agency indicating who the child's legal guardian is or the person who has parental authority, and stating that a private adoption is in process, that all the adoption consents have been obtained (required only if the consent to adoption from the biological parent(s) has not been submitted), and that the time period for cancelling the adoption has expired. If the time period has not expired, a passport cannot be issued unless the biological parent(s) consent(s) to the issuance of the passport;



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- If the applicant is not the child's legal guardian or the person who has parental authority, a letter from the child's legal guardian or the person who has parental authority authorizing the applicant to apply for the passport;
- If the applicant is not the child's legal guardian or the person who has parental authority, the authorization from the child's legal guardian or the person who has parental authority to release the passport to the applicant;
- A copy of the court orders or agreements involving the adoption agency with the child if such court orders or agreements exist. If a copy of the court orders or agreements cannot be forwarded to Passport Canada because of confidentiality reasons, the passport application must be accompanied by a summary of the orders or agreements signed by the licensee or lawyer of the adoption agency. The summary must indicate:
 - who the child's legal guardian is or the person who has parental authority;
 - whether a mobility restriction clause exists, and if so, what it entails; and
 - the date and number of the court order, if possible;
- The custody or guardianship agreement signed by the child's biological parents and the future adoptive parents for the duration of the adoption process, if such an agreement exists.

C. Who can act as guarantor?

If the applicant is the biological parent, the foster parent, the adoptive parent or the licensee or representative of the adoption agency, then the guarantor must be a Canadian passport holder who has known the applicant for at least two years and has knowledge of the child.

If the applicant is the director of Family Services or the social worker, then the guarantor may be a Canadian passport holder, the director of Family Services or another social worker who has known the applicant for at least two years and has knowledge of the child. The director of Family Services or the social worker who acts as guarantor is not required to hold a Canadian passport. The director of Family Services or the social worker cannot act as guarantor if he or she is the applicant.

If the director of Family Services and the social worker have not known each other for at least two years, or if they have not known another social worker for at least two years, then an administrative services employee, a human resources employee or a lawyer from Family Services may act as guarantor based on access to the director's or social worker's employment records. In such cases, the guarantor does not have to have known the applicant for two years.

The director of Family Services, the social worker, the administrative services employee, the human resources employee or the lawyer from Family Services who acts as guarantor does so in his or her professional capacity and, as such, is not required to hold a Canadian passport. A



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guarantor from the above group must provide a declaration, his or her surname, given names, professional title, as well as his or her address and phone number at work.

D. Limited-validity passport (LVP) issued in the adoptive name of the child (only for children on probationary adoption):

If the passport application is submitted in the child's adoptive name (name assumed legally once adoption is completed), a two-year LVP in the child's adoptive name may be issued, provided all other requirements are met.

Child's Surname Confidentiality

If the Provincial Family Services Authorities do not wish to divulge the surname of a child under probationary adoption and, therefore, are not able to provide the documentary evidence of citizenship for the child, they may provide in their letter of permission the following certification:

- that birth certificate number _____ date of registration _____ is on file with (Agency) for the child known as _____ whose place and date of birth are _____.

The letter should also indicate:

- that they are unable by law to provide the evidence of citizenship, and
- whether a birth certificate has ever been issued in the original particulars of the child and, if any has been issued, whether it has been returned to the issuing authority.

Operational Policy

The question on the form *Child General Passport Application for Canadians under 16 years of age (in Canada and in the USA)* that is used to determine whether a child is on probationary adoption will be eventually amended to also determine whether the child is in the care of provincial Family Services. If the child is on probationary adoption or in foster care in Canada the applicant will be referred to another form (PPTC 463) that will be completed in addition of the child general passport application form. The form (PPTC 463) will be available online.

The new form specifies what documents must be provided with the application, as well as the information required, depending on the relationship between the applicant and the child. The form also specifies the information required from guarantors, depending on the person applying. The information required by Passport Canada may be provided on the form or on a separate sheet of paper.



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If the applicant is the **parent**, the section of the application form regarding parents must be completed.

If the applicant is the **director of Family Services, the social worker or the licensee or representative of the adoption agency**, the applicant must sign the application and complete the additional form or provide, on a separate sheet of paper, the information requested by Passport Canada, including:

- The applicant's surname;
- The applicant's given names;
- The applicant's professional title;
- The applicant's work address;
- The applicant's work phone number.

If the applicant is the **foster parent or the adoptive parent**, the applicant must sign the application form and complete the additional form or provide on a separate sheet of paper the information requested by Passport Canada, including:

- The applicant's surname;
- The applicant's given names;
- The applicant's date of birth;
- The applicant's country of birth;
- The applicant's address;
- The applicant's daytime and evening phone numbers (cell phone number is optional);

Information regarding the biological parents is not required if the parents are not the child's legal guardians or do not have parental authority or attributes of parental authority allowing them to apply for the child's passport.