

## Untangling The Law

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### Can I sponsor my step-parents or adoptive parents to Canada?

Canadian citizens and permanent residents are allowed to sponsor their parents for permanent residency to Canada. The question is whether this includes adoptive parents and step-parents?

#### If my step-parent adopted me, can I sponsor my step-parent?

If a step-parent adopts a child, the step-parent then becomes the child's adoptive parent. As a result, the step-parent could be sponsored because they are an adoptive parent.

#### Can I sponsor my adoptive parents?

Immigration law allows for the sponsorship of individuals related by blood or adoption. Therefore, a person can sponsor their adoptive parent.

#### If I am adopted, can I sponsor my biological parents?

If a person has been adopted by a person or persons in Canada, they cannot sponsor their biological parents. The reason is that the adoption broke the legal relationship with their biological parents.

#### Can I sponsor my step-parents?

Because step-parents are not related to their step-children by blood or adoption, these individuals also cannot be sponsored.

#### Are there any other options for step-parents to immigrate to Canada?

Just because step-parents cannot be sponsored, does not mean that they cannot immigrate to Canada. A step-parent may be eligible to immigrate to Canada under an economic stream of immigration as a provincial nominee, skilled worker, or business person. If the step-parent is a refugee, a refugee application can be made.

If a step-parent immigrates to Canada under one of these classes of immigration, they must qualify to immigrate like any other person in these classes.

If my step-parents are not qualified to immigrate under another

class of immigration, are there any other options?

If the step-parent is in Canada as a visitor, an application under the in-Canada humanitarian and compassionate class can be made. This is a different application than a family class application. If an in-Canada humanitarian and compassionate case is filed, the fact that a person is a step-parent will not, by itself, mean that the application will be approved.

Humanitarian and compassionate applications will require a look at all of the circumstances as to why the step-parent should be granted permanent residency. Amongst other things, factors such as family ties in Canada and abroad, economic ties in Canada and abroad, any risk the step-parent would face on return to the home country, the step-parent's establishment in Canada, and other issues will all need to be considered.

*This Article is prepared for general information purposes only and is intended to provide comments for readers and friends of the Filipino Journal. The contents should not be viewed as legal advice or opinion.*

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