



Age of dependants: Practical information

On 24 October 2017, the *Immigration and Refugee Protection Regulations* changed to reinstate the maximum age for a dependent child as under 22 years. (Between 1 August 2014 and 23 October 2017, the maximum age was under 19 years).

This document provides practical information about the change, as well as about the Public Policy on the Age of Dependants announced in October 2017.

Key points

1. The change in age affects **all immigration categories** (privately sponsored refugees, Government-Assisted Refugees, dependants of refugees accepted in Canada, Family Class sponsorships, dependants of Live-in Caregivers, and every other category).
2. The change in age only applies to applications for permanent residence made on 24 October 2017 or later. It does **not apply to any applications in process** at the time of the change. However, people with an application in process on any day between 3 May 2017 and 23 October 2017 may be able to add a young adult child under a Public Policy on the Age of Dependants: they must notify the government by **31 January 2018**. (See more information under “Applications in process” on page 2.)
3. The rules about “**lock-in dates**” for the age of dependants continue to apply under the revised Regulations. In some multi-step processes, the age of the dependent child may be “locked in” at a date before the permanent residence application. This means that in some cases children who are older than the maximum age (22 years after 24 October 2017) at the time of the permanent residence application count as dependants under the regulations, because their age is “locked in” at an earlier date in their process. (See more information under “Lock-in dates” on page 4.)
4. People who completed the first step of a relevant multi-step process (e.g. made a refugee claim or applied for an initial Live-in Caregiver work permit application) **before 1 August 2014** are subject to the pre-August 2014 rules regarding dependent children. The 24 October 2017 changes, and the information below about applications in process, do not apply to them.

Summary of key changes in the definition of dependent child

Before 1 Aug 2014	1 Aug 2014 – 23 Oct 2017	On and after 24 Oct 2017
Under 22 years + full-time student	Under 19 years	Under 22 years

Applications in process

The change in the Regulations does not apply to permanent residence applications that were already in process on 24 October 2017. However, the government has now introduced a Public Policy that will allow many people to add a young adult child to an application in process on 24 October 2017, or to an application finalized between 3 May 2017 and 23 October 2017.

Public Policy on the Age of Dependants

This policy applies to people who:

- Have or had an application for permanent residence in process at any time between 3 May 2017 and 23 October 2017; and
- Have a child who is unmarried /not a common-law partner and was:
 - 19, 20 or 21 years old on 3 May 2017 (if the application was submitted before that date), or
 - 19, 20 or 21 years old when the permanent residence application was received (if the application was submitted between 3 May 2017 and 23 October 2017).

To add a child, people must notify Immigration, Refugees and Citizenship Canada (IRCC) by **31 January 2018**, by using the web form <https://secure.cic.gc.ca/enquiries-renseignements/canada-case-cas-eng.aspx>.

The added child can be:

- Processed as part of the parent's application, if it is not yet finalized; or
- Sponsored in the Family Class within one year of the parent being granted permanent residence.

People whose applications are in process on 23 October 2017 can choose either option. If their own application is nearly finalized, they might choose to proceed with their own permanent residence and sponsor the child afterwards. However, in that case the parent will need to **meet the requirements to sponsor under the Family Class**, including that they must not be receiving social assistance for reasons other than a disability.

See backgrounder: https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/10/determining_who_is_eligible_as_a_dependant_under_the_public_policy_on_the.html

Children not covered by the Public Policy

The Public Policy does not use the lock-in dates for determining the age of the child. This means that some families will not benefit from it, because their child turned 22 before 3 May 2017.

Example: A couple was recently accepted as refugees by the Immigration and Refugee Board. They have a child who was 21 years old when they made their refugee claim last year (the “lock in date”), but was 22 years old on 3 May 2017. That child cannot be added to an application under the Public Policy. However, if they submit a permanent residence application on or after 24 October 2017, the child can be included as a dependant under the revised Regulations.

People with applications in process who cannot use the Public Policy may consider the following options:

- Withdraw the application and re-apply;
- Request the addition of the dependant to the application on humanitarian grounds.

1. Withdrawing an application and re-applying

In cases where the Public Policy does not apply, people with an application in process may want to consider withdrawing the application and re-applying on or after 24 October, particularly if processing of the application has not yet started. However, it is possible that processing fees will not be refunded.

How to withdraw an application

For paper applications, send a letter to the relevant IRCC office, with the Client ID (UCI) and date of birth of the principal applicant, asking to withdraw the application in order to include dependants eligible under the 24 October changes to the age of dependants, and requesting refunding of fees, where applicable.

Refunding of fees?

If processing has begun on the application, the processing fee will not be refunded:

www.cic.gc.ca/english/helpcentre/answer.asp?qnum=613&top=4

2. Requesting the addition of the dependant to the application on humanitarian grounds

People with a permanent residence application in process can ask to add a dependant on humanitarian and compassionate (H&C) grounds. Officers will assess each case individually and must use their discretion. This means it is impossible to know in advance whether the officer will accept the addition of the dependant.

Example: A refugee family is being privately sponsored and one of their children was aged 20 at the time the sponsorship undertaking was submitted. The child was 22 on 3 May 2017 and therefore cannot be added under the Public Policy. The sponsors may consider submitting a new undertaking for this daughter, including a request that she be added as a dependant, with H&C submissions. (If she meets the refugee definition, she could have

been sponsored at the same time as her parents, as a separate principal applicant, but she may still be in the home country, or otherwise not meet the eligibility requirements to be sponsored as a refugee).

How to apply: A written request must be made to the office where the file is being processed to add the child to the application in question. Note that this is NOT a standalone H&C application, of the type made by people applying for permanent residence in Canada on H&C grounds, and the forms for that type of application should not be used.

In this case, the H&C request is only to overcome the fact that it is not possible to legally add the child to an existing application. IRCC has no specific form for this, so the request should be set out in a detailed letter or in submissions prepared by a lawyer.

What to say in a request to add a child

The request should:

- Include the Client ID (UCI) and application numbers.
- Provide the name, date of birth and address of the child to be added and state that the child meets the definition of family member in force since 24 October.
- Ask that the officer use their discretion under section 25 of the *Immigration and Refugee Protection Act* to allow the application even though the change in regulations do not apply to applications in process.
- Present **detailed** humanitarian grounds specific to this family why the person should be accepted. These could include any factors of hardship (for example, the young adult child will be left alone in a situation of war, as a refugee without status, or without any other family support) and best interests of the child considerations (for example, impact on younger siblings). For more information, see [IRCC guidance to officers](#). As much supporting documentation should be included as possible. Because humanitarian and compassionate (H&C) grounds are discretionary, it is important to make strong submissions, prepared if possible by a lawyer.

Forms to complete? It is not clear what forms should be submitted, but a logical approach would be to submit all the appropriate forms for a family member in the relevant immigration category, including sponsorship undertakings where required. In addition to sending the forms and H&C submissions to the appropriate IRCC centre in Canada, it may be useful to send a copy to the relevant visa office, if known.

Fees to pay? Where fees are payable (i.e. not refugees being resettled), \$150 per child, since the young adults in question will be considered “dependants” as of 24 October.

No appeal to the Immigration Appeal Division (IAD): It is important to be clear that there is NO right of appeal to the Immigration Appeal Division from a refusal to allow an application on H&C grounds. Unfortunately, people sometimes mistakenly try that route, only to learn months or years later that the IAD has no jurisdiction.

Multi-step processes and lock-in dates

Starting 1 August 2014, there are lock-in dates for some multi-step processes, including refugee claims, resettled refugees, and live-in caregivers. The age of the dependent child is “locked in” at the first step in the process. The rules about lock-in dates continue to apply after the 24 October 2017 changes.

Multi-step processes and lock-in dates

Immigration category	Lock-in date
Accepted refugee claimant	Date refugee claim made
Privately sponsored refugee (Quebec)	Date Quebec receives undertaking application
Government Assisted Refugee and Blended Visa Office Referred Refugees (BVOR)	Date UNHCR made the referral
Live-in Caregiver (this program has been closed but there are still applications in process)	Date of initial work permit application
Provincial nominee	Date province or territory receives provincial nomination
Quebec economic immigrant	Date Quebec receives application for a Certificat de sélection du Québec

Example: A couple made a refugee claim in September 2014. In September 2017, their refugee claim was finally accepted. They have a child who is now 24 years old, but who was 21 in September 2014. If they apply for permanent residence on or after 24 October 2017, they can include the 24 year old child.

Note that children’s ages are “locked in” only if the first step occurred on or after **1 August 2014**. Where the first step took place before 1 August 2014, the date at which the child’s age is counted (or “locked in”) is the date at which the permanent residence application is made. This is a serious disadvantage for some people who have been in the process for a long time. However, the 1 August 2014 changes (i.e. the reduction to 19 years) do not apply to them. They also benefit from the pre-August 2014 exception for full-time students.

Example: A couple made a refugee claim in July 2012. In September 2017, their refugee claim was finally accepted. Because the claim was made before 1 August 2014, they can only include any children who are under 22 years at the time of the application for permanent residence (whether they submit the application before or after 24 October).

IRCC has a tool to calculate the lock-in date and the definition that applies:

www.cic.gc.ca/english/immigrate/sponsor/aod-tool.asp

Other points

- **Dependent children** must be single. If the young adult child marries or enters into a common law relationship, the person is no longer a dependant.
- There is no reinstatement of the exception for **full-time students**. Prior to August 2014, the regulations allowed older children to count as dependants if they were full-time students. That exception has NOT been reinstated. However, people who completed the first step of multi-step processes before 1 August 2014 continue to be able to benefit from the pre-August 2014 rules, including the exception for full-time students.
- The exception for **children with disabilities** continues: an older child can be included if the child “depended largely on the parent’s financial support since before the age of 22 because of a physical or mental condition”.



Age of dependants

Is it a multi-step process?

YES

NO

When did the first step (e.g. refugee claim) occur?

Lock-in date = PR application



Before 1 August 2014

On or after 1 August 2014

When was the PR application submitted?

Lock-in date = PR application

Lock-in date = date of 1st step

+

Definition = Under 22 yrs or full-time student

When was the PR application submitted?

Before 1 August 2014

From 1 August 2014 to 23 Oct 2017

On or after 24 Oct 2017

From 1 August 2014 to 23 Oct 2017

On or after 24 Oct 2017

Definition = Under 22 yrs or full-time student

Definition = Under 22 yrs

Definition = Under 19 yrs

Definition = Under 22 yrs

Definition = Under 19 yrs

Public Policy may apply if PR application in process at any time 3 May - 23 Oct 2017