

Mobility: immigration alert

November 2017

Canada

Age limit for dependent children increased to “under 22” years of age effective 24 October 2017

Executive summary

Effective 24 October 2017, Immigration, Refugees and Citizenship Canada (IRCC) has increased the age limit for dependent children to include children under the age of 22. This increase will have positive implications for both temporary and permanent residence applicants.

Background

The term “dependent child” is defined by Canadian immigration law and is used to determine who is a dependent family member of a principal applicant. As of 24 October 2017, a dependent child is a biological or adopted child who is less than 22 years of age and is not married. Children who are 22 years old or older may qualify as dependents if they are unable to self-support and have relied on the financial support of their parents due to a physical or mental condition. Prior to this change, a dependent child was less than 19 years old.

Children who meet the “dependent child” definition can be included in their parents’ application for temporary or permanent residence. Conversely, children who are not considered be a “dependent child” must apply separately and qualify on their own merit if they wish to accompany their parents in Canada.

Permanent Residence

Applicants for Canadian permanent residence can include their dependent children as part of their application. These children do not need to qualify for permanent residence on their own, but can simply be included as part of the main applicant’s family unit. The increased age limit for dependent children allows more children, especially those who are studying at the postsecondary level, to apply for permanent residence

with their parents and not have to apply and qualify for permanent residence on their own.

Increasing the age of dependent children will also allow more children to qualify for sponsorship by a parent who is a Canadian citizen or permanent resident. Under the old system, children between the age of 19 and 21 would not be eligible to be sponsored.

Transitional provisions

Although this new regulation cannot technically be applied retroactively to applications currently in process on the date this new definition has come into effect (October 24), the government has taken the initiative to allow for children aged 19 to 21 to be added to pending applications or be eligible for sponsorship within one year of the parent obtaining permanent resident status. Applicants who wish to add or sponsor their dependent child must notify IRCC of their intention by 31 January 2018. For permanent resident applications submitted on or after 24 October 2017, the new age limit will apply.

Temporary Residents

Foreign nationals entering Canada temporarily for work can now rely on the expanded definition to temporarily bring their dependent adult children under the age of 22 to Canada for the duration of their Work Permits or other temporary admissions. The impact of this rule change is less significant for temporary residents as older children will still need to apply separately for a Study Permit to be authorized to study at the postsecondary level.



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