Citizenship and Immigration Canada Announces Change to Definition of Dependent Children

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As previously reported, on May 10, 2013, Citizenship and Immigration Canada ("CIC") announced a proposed regulatory amendment to the definition of "dependent child." Once enacted, it would reduce the upper age limit for dependent children from "under 22" to "under 19" and would remove the exception for children 19 or older who are financially dependent on their parents and are enrolled in full-time studies. However, it would not eliminate the exception for children who, regardless of age, have depended on their parents for financial support because of a mental or physical condition.

At the time of the initial announcement, CIC had proposed an effective date of January 1, 2014. However, CIC did not actually announce the effective date of the proposed change until June 23, 2014. According to this recent announcement, the new definition of dependent child became effective as of August 1, 2014.

Permanent residence applications that were already pending prior to August 1, 2014, will still be subject to the prior definition of dependent child. However, most permanent residence applications filed on or after August 1, 2014, will be subject to the new definition.

The regulatory amendments contain transitional measures that allow certain applicants under multi-step permanent resident immigration programs, who: (1) were already in the immigration process on August 1, 2014; but (2) who had not yet submitted their application for permanent residence; to have their applications completed based on the previous definition of dependent child. These transitional measures will apply to certain groups, including the following:

1. Provincial Nominee Program applicants;
2. Applicants who have applied under one of Quebec's economic programs;

3. Live-in caregivers;
4. Refugees abroad and refugee claimants;
5. Quebec humanitarian cases;
6. Parents or grandparents whose sponsorship applications were received before November 5, 2011; and
7. Privately sponsored refugees whose sponsorship applications were received before October 18, 2012.

In addition, to ensure that children who meet the definition of dependent child at the first stage of a multi-step permanent resident immigration program remain eligible during immigration processing; the child's age will be "locked in" at the first formal step of the immigration process. For example, the age of a child whose parent applies to the Provincial Nominee Program will be "locked in" on the date that the application for nomination is made to the province.

The full text of the regulatory amendments appears here.