



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 12

Students

OP 12 Students

Updates to chapter.....	3
1. What this chapter is about.....	5
2. Program objectives.....	5
3. The Act and Regulations.....	5
3.1. Forms.....	6
4. Instruments and delegations.....	6
5. Departmental policy.....	6
5.1. Study permits.....	6
5.2. Persons exempt from the requirement for a study permit.....	6
5.3. Persons making a claim for refugee protection and studying in Canada.....	7
5.4. Protected persons studying in Canada.....	8
5.5. Course of study.....	8
5.6. Letter of acceptance.....	9
5.7. Conditional letter of acceptance.....	10
5.8. Concerns about institutions.....	10
5.9. Distance learning.....	10
5.10. Part-time studies.....	10
5.11. Short-term courses.....	11
5.12. Expediting medical examinations.....	13
5.13. Fee exemptions.....	13
5.14. Releasing information.....	13
5.15. <i>Bona fides</i>	14
5.16. Custodianship.....	14
5.17. Minor children.....	15
5.18. Exchange programs.....	16
5.19. Health insurance.....	16
5.20. On-campus employment.....	16
5.21. Eligibility for employment on campus.....	17
5.22. HRSDC confirmation exemptions.....	17
6. Definitions.....	18
6.1. Academic, professional and vocational training.....	19
6.2. Certificat d'acceptation du Québec (CAQ).....	19
6.3. CIDA programs.....	19
6.4. Commonwealth scholarship and fellowship plan.....	20
6.5. Government of Canada awards.....	20
6.6. Fulbright and Killam Fellowships Programs.....	20
6.7. Rotary exchange students.....	21
6.8. Student in good standing.....	21
7. Procedure.....	21
7.1. R221 admissibility.....	21
7.2. Restoration of status.....	23
7.3. Documents required with a study permit application.....	24
7.4. Reviewing the documentation.....	24
7.5. Reviewing applicants for financial sufficiency.....	25
7.6. Foreign exchange controls.....	26
7.7. Proof of identity.....	26
7.8. Assessing the application.....	27
7.9. Need for an interview.....	28
7.10. Negative decision.....	28
7.11. Issuing the study permit.....	28
7.12. Determining validity periods.....	29
7.13. Level or type of study.....	30
7.14. Recommending conditions.....	30
7.15. Joint programs involving more than one institution.....	31
7.16. Special considerations for Quebec-bound students.....	32

OP 12 Students

7.17.	Special considerations for family members or members of the private staff of diplomatic personnel.....	33
7.18.	Special consideration for members of armed forces – <i>Visiting Forces Act</i>	33
7.19.	Processing applications from students sponsored under the CIDA and FAC programs.....	34
7.20.	Pilot projects.....	35
8.	Procedure: Application on entry.....	36
8.1.	Eligibility.....	36
9.	Procedure: Application after entry.....	36
9.1.	Eligibility.....	36
9.2.	Where clients apply.....	36
9.3.	Role of CPC-V and CICs.....	37
9.4.	Determining applicant’s status.....	37
Appendix	A Sample of Forms.....	38
Appendix	B Introduction letter.....	39
Appendix	C Refusal letter—study permit.....	40
Appendix	D Programs - Alphabetical list by country.....	41

OP 12 Students

Updates to chapter

Listing by date:

Date: 2005-04-11

The chapter has been the object of an extensive revision. In particular, several sub-sections in sections 5 and 7 have been re-numbered and/or added.

The chapter has also been updated to reflect two new policies regarding international students. The first is a policy change to issue study permits to secondary-level students for the duration of study plus three months. The second is a policy change that will allow students at the post-secondary level to transfer between post-secondary institutions at any level of study without applying for a change to their study permit conditions.

Finally, the chapter has been updated to reflect the regulatory amendments that came into effect on July 22, 2004.

Section 3: The wording "members of the private staff" of accredited foreign representatives has been included as per R188(1)(a).

Section 5.1: New paragraph outlining requirements for a study permit.

Section 5.2: The paragraph has been renamed "Persons exempt from the requirement for a study permit" listing the persons who are exempt from the study permit requirement, including minor children in Canada as per A30(2).

Section 5.3: New paragraph on persons making a claim for refugee protection and studying in Canada.

Section 5.4: New paragraph on protected persons studying in Canada.

Section 5.5: Clarification that a study permit will not be issued for the auditing of courses or distance learning.

Section 5.6: Addition of a new exception to the requirement for a letter of acceptance.

Section 5.9: New paragraph regarding distance learning.

Section 5.10: New paragraph regarding part-time studies.

Section 5.11: Clarification of wording and examples provided under the heading of "Short-term courses."

Section 5.17: Wording has been clarified.

Section 6.6: Fulbright and Killam Fellowships Programs have been added to the "Definitions."

Section 6.8: Clarification of "student in good standing."

Section 7.1: Correction and rewording of the whole paragraph under the heading of "R221 admissibility" which pertains to failure to comply with conditions and the six-month ban in issuing study permits.

Section 7.3: Addition of requirement for students to provide proof that they are in good standing at the educational institution when applying to renew a study permit.

Section 7.4: Reminder to officers to check that the student is in good standing when they process applications for renewals.

OP 12 Students

Section 7.5: Quebec table removed and new wording provided for "Reviewing applicants for financial sufficiency" in the case of students destined to Quebec. A paragraph has been added regarding assessing students' financial resources.

Section 7.11: Clarification is provided in the form of a "Note" regarding the cancellation of pre-existing temporary resident visas when issuing study permits and new temporary resident visas.

Section 7.12: Modifications made regarding the duration of study for secondary-level students.

Section 7.13: New section entitled "Level or Sector of Study."

Section 7.14: Modification to the list of conditions.

Section 7.16: A link has been made to Quebec's immigration Web site page regarding students destined to Quebec and exempt from the requirement of a CAQ.

Section 7.19: A note is added at the bottom of the table clarifying that the Privacy Commissioner has granted CIDA approval for exchanging and matching necessary information with CIC on CIDA-sponsored scholars and trainees.

Section 7.20: Officers are now referred to section 5.39 of the Temporary Foreign Workers Guidelines (FW 1 Manual) for information on employment-related pilot projects.

Section 8.1: Clarification of "study permits" and "CAQ."

Section 9.1: Expanded to include all foreign nationals who may apply for a study permit after entry into Canada.

OP 12 Students

1. What this chapter is about

This chapter explains how officers should process study permit applications outside Canada, at ports of entry or inland.

Note: OP 12 is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port-of-entry chapters; readers need only click on appropriate links.

2. Program objectives

Citizenship and Immigration Canada (CIC) recognizes the importance of foreign students to the academic and cultural communities as well as to the Canadian economy. The efficient, consistent, and transparent processing of students remains one of CIC's departmental priorities.

3. The Act and Regulations

For legislation about students see:

Immigration objectives	A3(1)(g)
General rule: requirement of a study permit	A11, R9
Need for authorization to study	A30(1)
Minor children	A30(2)
Regulations providing for any matter relating to A27 to A31	A32
Definitions: student, studies, study permit	R1(1)
Restoration of status	R182
Specific conditions	R185
Study without a permit - family members or members of the private staff of accredited foreign representatives	R188(1)(a)
Study without a permit - members of armed forces as designated by the <i>Visiting Forces Act</i>	R188(1)(b)
Study without a permit - short-term courses	R188(1)(c)
Study without a permit - expired study permits	R189
Student class	R210
Student	R211
Study permit required	R212
Application before entry	R213
Application upon entry	R214
Application after entry	R215(1)
Application after entry - family members	R215(2)
Issuance of study permits	R216
Study in Quebec	R216(3)
Application for renewal	R217

OP 12 Students

Acceptance letter	R219(1)
Acceptance letter - Exception	R219(2)
Financial resources	R220
Failure to comply with conditions	R221
Validity and expiry of study permits	R222

3.1. Forms

The forms required are shown in the following table:

Form title	Form number
Study Permit	IMM 1208
Application to Change Conditions, Extend my Stay or Remain in Canada	IMM 1249
Application for a Study Permit	IMM 1294
FOSS Full Document Entry - Generic	IMM 1442
Authority to Release Information to Designated Individuals	IMM 5476

4. Instruments and delegations

Refer to the appropriate annexes in the Designation and Delegation Instrument [IL 3] listing the delegations.

5. Departmental policy

Note: OP12 is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port of entry chapters; readers need only click on appropriate links.

5.1. Study permits

A study permit is a written authorization issued to foreign students authorizing them to engage in studies in Canada.

Foreign students are now a prescribed class of persons who may obtain temporary resident status and who have been issued study permits or who are authorized by the Regulations to study. Therefore, foreign students have the same obligations as temporary residents.

Requirement for a study permit

See A11, R9 and R212.

For a list of people who may apply at the port of entry, see R214, "Application on entry" and section 8 of this chapter. For a list of people eligible to apply in Canada, refer to R215, "Application after entry" and section 9 of this chapter.

5.2. Persons exempt from the requirement for a study permit

Not everyone is required to obtain a study permit in order to study in Canada. A foreign national is exempt from the requirement of a study permit in the following situations:

OP 12 Students

Short-term courses [R188(1)(c)]

If the program of studies is six months or less, a study permit is not required. This exemption is valid for any course or program that is complete by itself. For more detail, see section 5.11, Short-term courses, below.

Note: To further their studies or to be eligible to work on the campus of the university or college at which they are full-time students, foreign nationals will need a study permit, for which they must usually apply outside Canada (see sections 8.1 and 9.1 for exceptions, below). It is therefore recommended that foreign nationals apply for a study permit for programs of six months or less when they intend to apply for another program afterwards or work on the campus of the university or college at which they are full-time students.

Family members and members of the private staff of diplomats/foreign accredited representatives [R188(1)(a)]

Family members or members of the private staff of foreign accredited representatives do not require a study permit. For further information, see section 7.1, Special considerations for family members or members of the private staff of diplomatic personnel, below.

Note: As per R1(3), for the purpose of R188(1)(a), "family member" in respect of a person means:

- the spouse or common-law partner of the person;
- a dependent child of the person or of the person's spouse or common-law partner; and
- a dependent child of a dependent child referred to in paragraph (b).

Members of the armed forces of a country designated for the purposes of the *Visiting Forces Act* [R188(1)(b)]

Members of the armed forces of a country that is a designated state for the purposes of the *Visiting Forces Act* may study in Canada without a study permit. For further information, see section 7.18, Special consideration for members of armed forces - *Visiting Forces Act*, below.

Minor children in Canada [A30(2)]

Every minor child in Canada, other than a child of a temporary resident not authorized to work or study, is authorized to study at the pre-school, primary, or secondary level.

Minor children applying outside Canada will require a study permit.

For further information, see section 5.17, Minor children, below.

5.3. Persons making a claim for refugee protection and studying in Canada

Persons making a claim for refugee protection at a POE or in Canada with no temporary resident status

These refugee claimants have no legal status in Canada, but are allowed to remain in the country while waiting for the determination of their claim. They are usually subject to an unenforceable removal order. They cannot take advantage of the exemption from the requirement of a study permit in the case of a short-term course or program of study, as per R188(1)(c), since the course or program of study in such cases would need to be completed within the period of authorized stay—which is non-existent for them. However, pursuant to R215(1)(d) and R215(2)(d), they and their family members may apply for a study permit after entering Canada if they are subject to an unenforceable removal order. In order to do so, they must meet the requirements of R216(1), which is usually possible by virtue of R216(2).

OP 12 Students

Persons making a claim for refugee protection in Canada with an existing temporary resident status (i.e., visitor, student, worker)

A claim for refugee protection does not automatically take away the existing status of such persons. Therefore, they may attend a short-term course of study without a permit so long as they complete the course within the period of their authorized stay. Their existing status may allow for an in-Canada study permit application if, for example, they hold a work permit [R215(1)(c)]. If they lose their temporary resident status (see A47 for loss of temporary resident status), they may apply for a study permit as per provisions available to claimants described in the paragraph above.

Minors

A30(2) allows minor children in Canada, whether accompanying parents claiming refugee status or claimants themselves, to study without a study permit in Canada at the pre-school, primary or secondary level.

5.4. Protected persons studying in Canada

Pursuant to R215(1)(g), protected persons, within the meaning of A95(2), may apply for a study permit in Canada. However, they must meet the requirements of R216(1), which is usually possible by virtue of R216(2).

5.5. Course of study

Education is a provincial jurisdiction and provinces are responsible to regulate education. It is the responsibility of students to inquire about the quality of the schools in which they intend to enrol. They may access the Council of Ministers of Education web site to verify whether a school complies with the provincial regulations: www.cmec.ca.

The *Immigration and Refugee Protection Regulations* no longer describe the courses for which a study permit should be issued. Thus, if not otherwise exempted by the Act or its Regulations, the definition of "studies," contained in the Regulations, is the only basis to determine whether a study permit is required. Therefore, a study permit is required for:

- studies undertaken at a university or college; or
- any course of academic, professional, or vocational training (see section 6.1, below, for definitions).

A study permit will **NOT** be issued for:

- pre-school;
- kindergarten;
- courses of general interest or self-improvement
- distance learning (see section 5.9); or
- audited courses (typically by sitting in on an academic course, but without obtaining credit for it, or having the ability to obtain credit for it retroactively).

CIC 's role is to facilitate access to Canada for *bona fide* foreign students. See section 5.8, Concerns about institutions, below if there are doubts about the school.

OP 12 Students

5.6. Letter of acceptance

Students can establish acceptance to a course of study by showing officers an original letter of acceptance from the educational institution that they will be attending. The following list of items should be included in all the letters of acceptance from educational institutions submitted by students at the time of their application. There is no legal requirement for the institution to provide all of the following information but it helps an officer assess an application:

- full name, date of birth and mailing address of the student;
- the course of study for which the student was accepted;
- the estimated duration or date of completion of the course;
- date on which the selected course of study begins;
- the last date on which a student may register for a selected course;
- the academic year of study that the student will be entering;
- whether the course of study is full-time or part-time;
- the tuition fee;
- any conditions related to the acceptance or registration, such as academic prerequisites, completion of a previous degree, proof of language competence, etc.;
- clear identification of the educational institution, normally confirmed through its letterhead;
- where applicable, licensing information for private institutions normally confirmed through letterhead.

In cases where the program is jointly offered by more than one institution, the letter of acceptance should be issued by the institution that will be granting the degree or diploma (or, where a degree or diploma is granted jointly by more than one institution, the letter of acceptance should be issued by the institution at which students will begin their studies). The letter should note that the program of study includes courses/sessions (specify which semesters/courses) given at another institution (specify institution name, type, i.e., college, university, technical institute, etc., and location). For processing information, see section 7.14, Joint programs involving more than one institution, below.

If letters of acceptance are incomplete, officers may need to seek additional information from the applicant.

To view an example of a standard form letter of acceptance, visit:

<http://www.cic.gc.ca/english/pdf/pub/accl-et-e.pdf>

Exceptions

A family member accompanying a foreign national who will become a student or a worker is exempted from the acceptance-letter requirement from the educational institution [R219(2)(a)].

Students whose study permits expire less than 90 days after the completion of their course of studies may apply for an extension. The extension may only be issued for a validity period of 90 days starting the day the student receives written notification from their educational institutions of successful completion of their studies. In this situation, a student does not need to provide a letter of acceptance [R219(2)(b) and R219(3)].

OP 12 Students

5.7. Conditional letter of acceptance

Officers are to treat conditional letters of acceptance as meeting the requirements of R219, except where there is serious doubt that registration will be allowed.

Processing should not be delayed and study permits should be issued without advanced fulfilment of conditions. Should any condition not be fulfilled, the onus is on the institution to specify clearly the condition that is important enough to warrant denial of registration. Similarly, the onus is on the student to satisfy the institution in advance that any such important condition has been fulfilled.

In case of language requirement, the institution should indicate whether it offers language courses to upgrade students' levels or if arrangements have been made with other language schools to achieve the required level.

5.8. Concerns about institutions

There may be cases when students present a letter of acceptance from an institution where concerns exist about its academic or administrative practices. If an officer has concerns about an institution or requires verification of an institution, they should contact their geographic desk or regional program specialist and copy NHQ/SSE (Economic Policy and Programs, Selection Branch). The geographic desk will in turn contact the regional office or the specific CIC office directly. The regional office program specialist should inform the provincial regulatory body of any infraction from the school.

When a processing officer is made aware that an educational institution may not be in compliance with the provincial education regulatory body, this officer should inform the student of that fact and determine whether the applicant is *bona fide*.

The fact that a school may not be in compliance with provincial requirements is not on its own a basis for refusal.

5.9. Distance learning

Distance learning can be telelearning, correspondence, or internet courses.

A study permit is a written authorization to engage in studies in Canada and CIC's understanding of a student is a person authorized to engage in studies in Canada [R1]. Since by definition distance learning does not require one to be in Canada, a study permit cannot be issued for this type of course. A foreign national in Canada should not be penalized for studying under distance-learning arrangements. For example, if they are prohibited from engaging in studies as per a condition of their work permit, they are allowed to engage in distance-learning courses.

Some distance-learning courses of study include an in-Canada portion to the program (e.g., special tutorials or writing final exams). If the overall course of study is greater than six months, then the student requires a study permit for their in-Canada portion of the program, even if this is less than six months. (See section 5.5, above, for course or program of study.) The duration of the study permit should be for the duration of the in-Canada portion only.

5.10. Part-time studies

The Regulations make no special mention of part-time versus full-time studies. Pursuant to the Act, Regulations and this chapter, a student requires a study permit whether or not their studies are on a full-time or part-time basis. There are no minimum hours of study required of a study-permit holder to satisfy the conditions of their study permit, unless otherwise indicated in the study permit's conditions; R185(c)(iv) allows an officer to impose the times and periods of the studies.

OP 12 Students

5.11. Short-term courses

Foreign nationals may enter Canada or remain in Canada without a study permit to attend a course or program of studies of six months' duration or less [R188(1)(c)]. This six-month criterion helps to facilitate easy access to short-term courses, regardless of their subject matter. The course or program of study should be completed within the period (normally six months) authorized upon entry.

Note: The courses may be on a part-time or full-time basis.

Issuing study permits to students attending short-term courses

Despite the exemption from the requirement for a study permit, an officer must receive and process an application for a study permit, if it is received pursuant to R188(2), even when the duration of the course is six months or less and the foreign national does not require a study permit pursuant to R188(1)(c). Students may apply for a study permit before entering Canada or at the POE as described under R214. This will allow them to apply later, when in Canada [R215(1)(a)], to renew or change the conditions of their study permit for further studies.

Period of authorized stay

A foreign national without a study permit wishing to enrol in subsequent educational programs must leave Canada and obtain a study permit in the normal manner, unless the program of study is a short-term course (of a duration of less than six months) **and** can be completed within the original period of stay authorized upon entry.

Example: An ESL student with a six-month authorization to remain in Canada, who was not issued a study permit before or upon entry into Canada, may attend a four-month course in Canada without a study permit, but may not extend their status in order to continue with a subsequent four-month course.

Foreign nationals without a study permit will not be granted an extension of their authorized stay for the purpose of completing a short-term course of less than six months that would last beyond their original period of authorized stay. The study-permit exemption for courses of less than six months' duration was not put in place to allow foreign nationals to take short-term courses, one after the other, simply by extending their temporary resident status—in effect, making it possible for them to complete a whole diploma or degree without ever having a study permit. CIC recognizes that long-term visitors and foreign workers may engage in occasional studies or programs of study lasting six months or less at any time during their stay in Canada. Individuals receiving an extension of their authorized stay, as per R183(5), for reasons other than continuing or completing a course of study, may take short-term courses (lasting six months or less) without a study permit within the period of their extended authorized stay.

Example: A priest, who is granted temporary resident status for a period of one year for the purpose of assisting a congregation, may enrol first in a four-month language-training course and, once completed, may engage in a four-month word processing course without a study permit because the course can be completed within the original period of stay authorized upon entry. If the priest enrolls in another short-term course of four months, which exceeds the period of temporary resident status authorized upon entry, he may apply for, and be granted, an extension of this temporary resident status provided the reason for such a request for extension is to continue assisting the congregation and not for the purpose of completing the course. In this situation, the priest could be granted an extension of his temporary resident status and may continue with the short-term course without a study permit.

Course or program of study: The length of the course into which foreign nationals are accepted is often a more important consideration than the number of months they intend to study. With the

OP 12 Students

exception of exchange programs, even if they plan to study for six months or less, if the course or program is longer than six months, they need a study permit.

Examples are shown in the following table:

Possible scenarios	Do they need a study permit?
A student is coming to Canada for a one-semester (four months) Grade 12 high school exchange program.	No. Although Grade 12 is technically of ten months' duration, if the exchange program is defined as one semester, then no study permit is needed as the 'program' will be completed in less than six months.
A student is coming to Canada for Grade 12 in a non-semester school system (but not through an exchange program).	Yes. This Grade 12 is 10 months long, therefore, it will not be completed in less than 6 months.
A student on a four-month university exchange program wants to be able to work on campus (and meets other criteria for on-campus work, see 5.21 below).	Definitely. Posts should advise such students to apply for a study permit before going to Canada. The student does not need a study permit to study but he needs a study permit to work on campus.
A student is coming to Canada to study for one semester at a college or university (but not through an exchange program).	It depends on how the course or program of study is identified in the letter of acceptance. If the student has been accepted to study in courses or a program that will be completed within six months, then they do not need a study permit. If the student has been accepted into a two-year program, for example, they need a study permit even if they only plan to attend during six months of the program into which they have been accepted.
A student wants to attend a four-month ESL course and is thinking of following up the course with a three-month computer course.	Posts should advise students in such cases to obtain a study permit for the first course before going to Canada. This will allow them to apply later for an extension or for changes to the conditions imposed when they entered Canada.
A student plans to take a three-month training course, leave Canada for a week to visit friends in the U.S., and return to Canada to take another four-month course in another program	No need for a study permit
A student is taking a five-month chef course during which they will be required to work as a chef in a restaurant for a month, with little supervision. They will be paid for their services	Students in such cases should get a study permit as well as a work permit coded with a validation exemption C30
A student is taking a six-month pipe-fitting course. As part of the course, they will be required to do a practicum in the field. They will not be paid. They will begin by observing and then, they will try some hands-on experience. A trainer will always be on site to aid the student	No need for a study permit or a work permit. Note: The difference between this example and the example above is that there is no 'production component' in the practicum. This is simply hands-on training. There are no wages earned and the activities do not compete with activities of Canadians or permanent residents in the Canadian labour market.

OP 12 Students

5.12. Expediting medical examinations

On an operational basis, as a way of expediting applications, students should be encouraged to have medical examinations completed in concert with their application to Canadian educational institutions. For its part, CIC is encouraging educational institutions to inform students of immigration requirements and the need to do medical examinations early in the process. The network of Canadian Education Centres abroad should also be encouraged to counsel students accordingly.

Foreign students must meet the same medical requirements as those that apply to all temporary residents to Canada.

For more information, please consult IR 3.

For inland processing, refer to medical examinations in the FW Manual.

5.13. Fee exemptions

The following people are exempt from paying the processing fee:

- Foreign nationals who have been determined to be Convention refugees or members of a designated class prior to their arrival in Canada and their family members.
 - Foreign nationals in Canada whose claim to be Convention refugees has been deemed admissible but has not yet been decided by the Refugee Protection Division, and their family members.
 - Diplomats accredited to Canada or another country, consular officers, representatives or officials of a foreign country, and their family members. As an example, a dependent son of an accredited diplomat posted in Morocco who intends to study in Canada is fee exempt.
 - Students seeking renewal of their study permit who have become temporarily destitute through circumstances totally beyond their control or the control of any person on whom they are dependent for financial resources.
 - A foreign national who is in Canada or who is coming into Canada under an agreement between Canada and a foreign country or an arrangement entered into with a foreign country by the Government of Canada that provides for reciprocal educational opportunities (for example, participants in the Canada-US Fulbright Program).
-

5.14. Releasing information

The Application for a Study Permit Form [IMM 1294] includes a notation that the information provided will be protected under the *Privacy Act*. For more information, consult the *Privacy Act*.

Privacy legislation requires that information concerning clients be released only to the client. The information can be released to the client's designated representative only upon the client's written approval. Officers may refer clients to Form IMM 5476, Authority to Release Information to Designated Individuals.

Consequently, representations should be dealt with either in person or by mail. Information should be given out over the phone only if the caller can be positively identified as either the client or the client's authorized representative.

In all cases though, requirements of the *Privacy Act* apply. In cases where there is no written approval from the client on the disclosure of information to such a third-party representative, the latter's questions should be noted, general requirements explained, and officers should make a commitment to respond to concerns directly to the applicant.

OP 12 Students

5.15. *Bona fides*

Bona fides of all students must be assessed on an individual basis; refusals of non-*bona fide* students may only withstand legal challenge when the refusal is based on the information related to the specific case before the officer. Therefore, while cultural context or historical migration patterns of a client group may be a contributing factor to the decision-making process, they alone are not valid, legally tenable grounds for refusal on *bona fides*. If officers wish to take into account outside information, particularly where that information leads to concerns/doubts about the applicant's *bona fides*, the applicant must be made aware of the information taken into account and given an opportunity to address those concerns. This interaction should be fully documented in CAIPS/FOSS notes. The onus, as always, remains on the applicant to establish that they are a *bona fide* temporary resident who will leave Canada following the completion of their studies pursuant to section R216(1)(b).

Section A22(2) (Dual intent) states that an intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay. In assessing an application, an officer should consider:

- the length of time that they will be spending in Canada;
- the means of support;
- obligations and ties in home country;
- the likelihood of leaving Canada should an application for permanent residence be refused;
- compliance with requirements of the Act and Regulations.

5.16. **Custodianship**

The term “custodianship” is more appropriate for the purposes of a study permit application than the legal term “guardianship.”

To satisfy A39, all minor applicants must supply a notarized declaration, one signed by the parents or legal guardians in the country of origin, as well as one signed by the custodian in Canada, stating that arrangements have been made for the custodian to act in place of a parent. Officers must be satisfied that adequate arrangements are in place for the care and support of those who are unable to support themselves.

For an example of a standard custodianship form letter for either the parents/guardian(s) or the custodian, visit the following CIC web address:

<http://www.cic.gc.ca/english/pdf/pub/custodian-parent.pdf>

Age of majority

The age of majority varies from one province to another:

Age of majority is 18 in:

- Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan

Age of majority is 19 in:

- British Columbia, New Brunswick, Newfoundland, Nova Scotia, Northwest Territories, Nunavut, Yukon

Custodians should be 19 years of age without consideration of the province of destination.

OP 12 Students

5.17. Minor children

In Canada, each province and territory decides the age of majority. Anyone under the age of majority is considered to be a “minor child.”

For age of majority, refer to the list in section 5.16 above.

Sub-section A30(2) provides that a minor in Canada is authorized to study without a study permit at the pre-school, primary or secondary level, with the exception of a minor whose parents are temporary residents not authorized to work or study.

If the minor in Canada is with two parents, one of whom is a temporary resident not authorized to work or study, while the other parent is authorized to work or study, or is a permanent resident, or a Canadian citizen, then the minor would be authorized to study at the pre-school, primary, or secondary level, without a study permit.

Note: This exemption from the requirement for a study permit for minors is only applicable when the minor is in Canada. It is to be noted also that the study-permit exemption pursuant to R188(1) applies to minors the same way it applies to every foreign national regardless of age. Therefore, a minor in Canada would be exempt from the requirement for a study permit if the conditions of R188(1)(a) or R188(1)(b) or R188(1)(c) are met whether the minor's parents are authorized to work or study in Canada or not.

Overseas:

The study permit exemption for minors pursuant to A30(2) applies only when a minor child is in Canada. Therefore, visa offices processing minor children outside Canada who want to study in Canada should process them as students and not as visitors, even when accompanying a parent who is authorized to either work or study in Canada. In other words, a study permit would be required, unless they were exempt from requiring one pursuant to R188. Failing to process them as students would be a misinterpretation of A30(2).

Note: The family members of a person whose application for a work permit or a study permit is approved in writing do not need to provide a letter of acceptance to be issued a study permit. For these cases, and if the destination is Quebec, a *certificat d'acceptation du Québec* (CAQ) will be issued by the *Ministère des Relations avec les citoyens et de l'Immigration du Québec* (MRCIQ) to the child when issuing a CAQ to the parent(s).

POE:

A minor child coming to Canada to study should have applied and obtained an introduction letter (approval in writing) at a visa office, or be entitled to apply for a study permit upon entry pursuant to R214. If it is not the case, and because POEs are considered ‘in Canada’ for the interpretation of A30(2), an officer at a POE will authorize entry of the child as a temporary resident within the visitor class if all the requirements are met (for example, the accompanying parent is permitted to work or study in Canada) and if not otherwise inadmissible. This child should be documented on a visitor record.

Inland:

When applying to extend their stay, a minor child will either apply for a renewal of their study permit, if they require one, or an extension of their stay as temporary residents if A30(2) authorizes them to study without the need of applying for a study permit once in Canada.

When processing the renewal of a study permit or the extension of their stay as temporary residents within the visitor class, CIC officers should be looking at the following:

- arrangements have been taken for the child's care in terms of custodianship;
- child has health coverage;

OP 12 Students

- evidence of funds to cover their stay in Canada;
- academic progress has been made. If not, officers will assess if their stay is really for study purposes.

Duration:

The duration of a minor child's study permit or visitor record should be one year unless they are accompanying their parents who are holders of long-term study or work permits. In the latter cases, the duration should be the same as the parents', or the child's passport validity if shorter, or the same as the CAQ, if applicable.

5.18. Exchange programs

A number of exchange programs are sponsored by private organizations, which enable foreign students to attend Canadian schools and be hosted by Canadian families, and vice versa. In most cases, these students do not require a study permit since their length of stay is usually less than six months.

5.19. Health insurance

Applicants must be counselled about the availability of private health insurance prior to arrival in Canada. Only Saskatchewan and the Northwest Territories extend immediate coverage to foreign students. British Columbia, Alberta, and Nova Scotia do extend health coverage, although only after various waiting periods. For Quebec-destined students, health insurance may be a pre-condition of the issuance of the CAQ.

Officers should note clearly that the applicant was indeed provided with this information related to health insurance, either through counselling or information in the application kit. However, issuance of the study permit should not be held pending proof of private health insurance.

5.20. On-campus employment

R186(f) allows full-time students to work without a work permit on the campus of the university or college at which they are a student. This authorization is for the period for which they hold a study permit at the institution and during which they are enrolled in full-time studies.

This Regulation applies to students engaged in full-time studies at a university, community degree-granting college, CEGEP, publicly funded trade/technical school or private institutions authorized by provincial statute to confer degrees. It applies to all courses of study (including ESL/FSL) as long as the course is full-time.

This Regulation applies to students working at any number of jobs on campus, as well as students working as research or teaching assistants at facilities off campus in research related to their research grant. These facilities could include teaching hospitals, clinics, research institutes, etc., that have a formal association or affiliation with the learning institution.

"On campus" is defined as employment facilities within the boundaries of the campus. The students are only allowed to work on the campus of the educational institution at which they are registered. If an institution has more than one campus, the student can work at different locations on those campuses provided they are within the same municipality. If an institution has campuses in different cities, the student is restricted to the institution's campus where they are registered.

There will be cases of students working on campus as teaching or research assistants. In certain circumstances, the work to be performed will require the student to be located at a library, hospital, or research facility affiliated with the institution but located outside the physical boundaries of the institution's campus. This is allowable provided the work being conducted is strictly related to the student's grant.

OP 12 Students

The employer can be the institution, faculty, student organization, the students themselves (self-employment), private business, or private contractor providing services to the institution on the campus.

Some universities and colleges located in city centres have campus grounds widely dispersed among general populated areas. This policy includes such employers, whose businesses serve the general consuming public, as long as the place of business is technically located on the institution's campus.

5.21. Eligibility for employment on campus

To be eligible for employment on campus, the student must:

- be in possession of a valid and subsisting study permit;
- be registered at the educational institution as a full-time student; and
- work on campus at the institution where they are registered, whether for the institution itself or for a private business located on campus.

In addition, students working as teaching assistants or research assistants will be considered to be within the scope of "on-campus" employment provided:

- the student has been recommended by officials of their department;
- the work to be performed is directed by a department head or a faculty member; and
- the work takes place in a research institute or program in an affiliated hospital or research unit.

If the student is eligible for on-campus employment, officers should include the following remark on their study permit: **"May accept employment on the campus of the institution at which the holder is registered in full-time studies."**

5.22. HRSDC confirmation exemptions

As described in section 5.20 above, full-time students registered in a degree-granting course are allowed to work on the campus of the institution at which they are registered without the need for a work permit or a confirmation. However, there are several other categories of students who must be issued a work permit but are exempt from confirmation. These are:

Category	Validation exemption code	General eligibility
Destitute students	Exempt H81	Students on valid study permits who have become destitute due to circumstances outside their control.
CIDA students	Exempt C30	Students sponsored by CIDA when their intended employment is part of a study program arranged by CIDA.
Employment forms an integral part of their course of study (coop / practicum)	Exempt C30 For more details refer to the <i>Temporary Foreign Workers Guidelines</i> (FW 1), section 5.37	Students whose intended employment forms an integral part of their course of study, e.g., undergraduate Coop programs; some programs offered by career colleges or language schools; some high school programs such as grades 11 and 12 in B.C. where students have to obtain

OP 12 Students

	http://www.ci.gc.ca/cicexplore/english/guides/immigration/fw/fw1/fw5.htm#wp1037585	work experience in order to graduate. Note: This exemption does not apply to medical interns and externs, resident physicians (except those in veterinary medicine).
Spouses/ common-law partners of students	Exempt C42 Note: Note: The provisions outlined for C42 only apply to students engaged in full-time studies at a university, community college, CEGEP, publicly funded trade/technical school or at a private institution authorized by provincial statute to confer degrees.	Spouses/common-law partners of full-time students are eligible for open or open/restricted work permits, depending on medical requirements having been met. They do not need to have an offer of employment. The exemption is intended for spouses/common-law partners who are accompanying a full-time student but who are not themselves students.
Employment after graduation	Exempt C 43 Note: The provisions outlined for C43 only apply to students engaged in full-time studies at a university, community college, CEGEP, publicly funded trade/technical school or at a private institution authorized by provincial statute to confer degrees. For more details refer to the <i>Temporary Foreign Workers Guidelines</i> (FW 1), section 5.39, paragraph C. http://www.ci.gc.ca/Manuals/index_e.asp	Students who have graduated from post-secondary institutions, in possession of valid study permits: Employment must be consistent with a recently completed course of study and the application for a work permit must be made within 90 days of issuance of marks (the earliest of either the date of receipt of official transcripts or the date that final marks are posted to the student Web site, as the case may be). Student may only get this exemption once.
International student and young worker employment programs	Exempt C21	Participants in a number of programs usually based on reciprocity or exchanges with a number of countries: Employment can be open or employer specific

For a complete description of all work programs for students, refer to FW 1 (*Temporary Foreign Workers Guidelines*).

6. Definitions

Note: OP12 is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port-of-entry chapters; readers need only click on appropriate links.

OP 12 Students

6.1. Academic, professional and vocational training

R1 defines "studies" as studies undertaken at a university or college, or any course of academic, professional, or vocational training.

Some examples follow to clarify 'training':

- "Academic training" refers to a temporary professional employment related to an academic program. It is a direct application of course-work or research to a professional position in the field of study of a student. Academic training is generally completed in conjunction with studies at post-secondary educational institutions and leads toward a diploma or degree.

Example: Articing for law students, cooperative education placements, and medical internships.

- "Professional training" refers to a type of additional education/training usually offered to professionals already in the field. Professional development is generally "accredited"; that is, it is recognized by an industry, association, or profession. Professional training is offered through community colleges, universities, CÉGEPS, career colleges, professional associations, or unions.

Example: Real estate appraisal, production and inventory control, food services management, specialty courses for lawyers, doctors, business administrators, engineers, dentists, teachers and counsellors.

- "Vocational training" is generally preparation for a specific vocation in industry or agriculture or trade. Vocational training generally includes technical skills training, organizational skills training, and basic skills training. Vocational training may be offered through on-the-job programs, by unions in conjunction with businesses, by community colleges or universities in conjunction with a specific industry, and by career colleges (private).

Example: Quality control, mechanics, and new technology.

6.2. Certificat d'acceptation du Québec (CAQ)

Quebec utilizes a CAQ as its selection mechanism for foreign students. With a few exemptions listed in section 7.15 below, all applicants for study permits destined to a Quebec educational institution at the primary, secondary, college or university level must be in possession of a CAQ before being eligible for a study permit, and this even for part-time courses or for courses delivered by private institutions. For more information on processing Quebec-bound students, see section 7.15 below – Special considerations for Quebec-bound students.

6.3. CIDA programs

The Canadian International Development Agency (CIDA) funds a number of scholarship programs allowing students from developing countries to pursue university-level studies in Canada for degree-level programs, for research fellowships, or for short-term specialized training.

Students receive bursaries to pursue advanced studies in a number of disciplines where knowledge gained will benefit their country's economies. Examples of such disciplines include management and administration, engineering and technology, agriculture, computer studies, ocean management and environmental protection, education, health and nutrition.

Scholarships are awarded to deserving students with high academic standings, good motivational skills, and strong potential for significant future contributions to their country following their course of study in Canada. Students are carefully chosen based on a competitive process, open only to those who agree to come to Canada as temporary residents. Applicants must make a contractual commitment to CIDA to return to their country of origin upon completion of their study program, so that they may contribute towards the development of their country.

OP 12 Students

In general, CIDA students are not to engage in any work program for students without an authorization letter issued by CIDA.

6.4. Commonwealth scholarship and fellowship plan

This program is designed to provide opportunities for students of other Commonwealth countries to pursue advanced programs in Canada. Foreign Affairs Canada (FAC) funds it. The scholarships are tenable at Canadian universities, and are intended for good students who may be expected to make a significant contribution to their own countries on their return from study in Canada.

Scholarships are awarded for studies at the master's and doctoral levels. Awards for a Master's degree are made for two academic years and the intervening summer, except in cases where a shorter period is required. The maximum tenure of an award for a doctoral degree is four calendar years, except in cases where a shorter period is required. Doctoral research scholarships, whereby individuals enrolled in a doctoral program at a university in their home country or a third country can undertake research in Canada, are tenable for no less than a semester and for a maximum of ten months.

The continuance of all awards from year to year is conditional upon the satisfactory progress and conduct of the holder. Award holders are expected to return to their respective countries at the end of their study program.

6.5. Government of Canada awards

Under this program of academic exchanges, Foreign Affairs Canada offers awards on an annual basis to nationals of various countries. Although the list may vary, these countries currently include France, Germany, Italy, Japan, and Mexico.

These awards are intended to enable foreign nationals of high academic standing to undertake graduate studies or post-doctoral research in Canadian institutions. Awards may be applied to research or studies in all areas of the arts, the social sciences and humanities, the natural sciences and engineering.

All applications are judged on a competitive basis. The final selection is made on the basis of the academic or artistic merits of the applicant and the justification for carrying out the proposed program of study or research in Canada.

Candidates who have obtained or plan to obtain permanent resident status in Canada are not eligible. Award holders are expected to return to their respective countries at the end of tenure or study program.

6.6. Fulbright and Killam Fellowships Programs

The Foundation for Educational Exchange between Canada and the United States of America administers the Canada-US Fulbright Program (for graduate students and researchers) and the Killam Fellowships Program (for undergraduates). The Foundation is headquartered in Ottawa and was established in 1990 by an agreement between the US and the Canadian governments in order to encourage a mutual understanding between the peoples of the United States and Canada through educational exchanges.

All participants in the Foundation's programs in Canada are US citizens. Student participants come to Canada for 4-10 months to take courses and/or conduct research at a Canadian university or other non-profit organization.

Participants are chosen through a rigorous, independent process that focuses primarily on academic or artistic merit. Awards are granted in all fields and degree categories, with the exception of medical degrees. Award holders are expected to return to the United States at the end of their award period or study program.

OP 12 Students

6.7. Rotary exchange students

The Rotary International Youth Exchange program has been operational since the mid-1920s. It involves approximately 10,000 participants ranging in age from 15½ to 18½. Students live with Rotary families throughout the year, and are financially supported by hosting Rotary Clubs.

The program requires students to attend school for one year, and includes sponsored events over the summer months after completion of the academic year.

Students involved in this program require a study permit before entering Canada.

6.8. Student in good standing

In order to be considered a student in good standing for CIC purposes, a foreign national must be registered in studies at an educational institution in Canada and be considered "in good standing" by that institution's criteria, and demonstrate progress in their program of study.

Each institution has its own definition of "good-standing" which may include the following determinants: tuition paid, student enrolled, student passing classes with satisfactory results for the institution (this may be a pass mark, but some programs require a higher level of achievement) or, student attending classes (although this is not a requirement in many post-secondary institutions). Most institutions consider it a standard procedure to provide a letter stating that a student is in good standing within the institution and/or within their program of study.

7. Procedure

Note: This manual (OP12) is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port-of-entry chapters; readers need only click on appropriate links.

7.1. R221 admissibility

The first step in processing an application is to determine the admissibility with regard to R221. A FOSS or CAIPS check will provide a case history of the applicant's transactions, if applicable. If the applicant is not described in R221 and there is no inadmissibility (see chapter ENF 2), then proceed to section 7.3 Documents required with a student application, below.

If the applicant has lost their status while in Canada (see A47 for loss of status), it must be determined whether the "six-month ban" on the issuance of a study permit applies pursuant to R221.

If the applicant has engaged in unauthorized work or study in Canada or has failed to comply with a condition of a permit, officers cannot issue a study permit unless a period of six months has elapsed since the applicant ceased engaging in the unauthorized work or study, or since the applicant failed to comply with a condition that was imposed on them. See R185 for details on the conditions that may be imposed on a temporary resident.

However, it is to be noted that there is no requirement to wait for the passing of six months prior to the issuance of a study permit if the unauthorized work or study in which the applicant engaged in was unauthorized because of non-compliance with any of the following conditions imposed on them [R221(b)]:

- period authorized for their stay [R185(a)];
- type of work permitted to engage in, or prohibited from engaging in, in Canada [R185(b)(i)];
- the employer for whom they were permitted to work or for whom they were prohibited to work [R185(b)(ii)];
- the location of the work [R185(b)(iii)];

OP 12 Students

- the location of the studies [R185(c)(iii)];
- the times and periods of the studies [R185(c)(iv)].

On the other hand, the six-month ban applies to the issuance of a study permit when the work or study was unauthorized because the applicant did not comply with the following conditions imposed on them:

- the times and periods of the work [R185(b)(iv)];
- in the case of a member of a crew, the period within which they had to join the means of transportation [R185(b)(v)];
- area within which they were permitted to travel or prohibited from travelling in Canada [R185(d)];
- times and places at which they must have reported for medical examination, surveillance or treatment, or the presentation of evidence of compliance with applicable conditions related to medical requirements [R185(e)(i) and R185(e)(ii)].

If the "six-month ban" applies on the issuance of a study permit and six months have not elapsed, officers should proceed as follows:

At visa offices

Officers should not issue a study permit if the necessary requirements to be issued with a study permit under the Act and the Regulations are not met.

Pursuant to subsection A11(1), a study permit shall be issued only if the applicant is not inadmissible and if an officer is satisfied that the applicant meets the requirements of the Act, including the requirements of the Regulations made under the Act [A2(2)].

For the issuance of a study permit, pursuant to R216(1)(c), an officer must establish that an applicant meets the requirements of Part 12 "Students" of the Regulations. If a period of six months has not elapsed when this lapse of time is required pursuant to R221, no study permit can be issued as the requirements of R221 and R216(1)(c) are not met.

R9(1) states that "A foreign national may not enter Canada to study without first obtaining a study permit" and R212 states that "A foreign national may not study in Canada unless authorized to do so by a study permit or these Regulations."

Applicants who require a study permit pursuant to the Act and the Regulations, but who fail to meet the necessary requirements under the Act and the Regulations for obtaining one, are inadmissible under A41 for failing to comply with the requirements of the Act and the Regulations. Hence, their application for a study permit may be refused.

Officers should always advise the applicant of the date when the six-month ban ends in order for the applicant to be eligible for a study permit.

If six months have elapsed, or if the applicant has failed to comply with one or more conditions imposed on them, other than the ones leading to a six-month ban, then officers may issue a study permit to the applicant, provided the applicant meets all the requirements for the issuance of a study permit at the time of the application and the applicant is not inadmissible. See A11(1), R216(1) and R221 as to what the requirements are for the issuance of a study permit.

At POEs

An officer at a POE, making a determination that the six-month ban applies shall not issue a study permit. The same rationale applies for the refusal to issue a study permit as outlined above (in the case of applications for a study permit received at visa offices). Officers at POEs will refuse the application for a study permit and will advise the applicant of the date when the six-

OP 12 Students

month ban is due to end in order for the applicant to be eligible to apply for a study permit. At POEs, applicants who require a study permit but fail to meet the necessary requirements (under the Act and the Regulations) to be issued with one may become the subject of a report alleging that they are inadmissible pursuant to A41.

If six months have elapsed, or if the applicant has failed to comply with one or more conditions imposed on them, other than the ones leading to a six-month ban, then officers may issue a study permit to the applicant, provided the applicant meets all the requirements for the issuance of a study permit at the time of the application. See A11(1), R216(1) and R221 as to what the requirements are for the issuance of a study permit.

Inland

If the six-month ban applies, officers shall not issue a study permit and should refuse the application based on the ground that the applicant is inadmissible pursuant to A41 (for failing to comply with the requirements of the Act and the Regulations). The same reasoning applies as outlined above in the case of applications received at visa offices or POEs.

The passage of six months would not help in the case of inland applications because the applicants would first have to get their status restored prior to being issued with a study permit. Pursuant to R182, it is not possible to apply for restoration of status if the loss of status resulted from non-compliance with conditions for which a six-month ban is warranted.

On the other hand, if the applicant has failed to comply with one or more conditions imposed on them, other than the ones leading to a six-month ban, then officers should proceed to section 7.2 Restoration of status, below. If the applicant qualifies for the restoration of their status, officers may issue a study permit, provided the applicant meets all the requirements for the issuance of a study permit at the time of the assessment of the application. See A11(1), R216(1) and R221 as to what the requirements are for the issuance of a study permit.

7.2. Restoration of status

R182 allows a student in Canada to seek restoration of status (for a fee) within 90 days after their temporary resident status has been lost, only if they have failed to comply with one or more of the following conditions that were imposed on their permit(s) and they continue to meet the initial requirements for their stay and have not failed to comply with any other conditions imposed:

- They have remained in Canada longer than the period authorized for their stay, but no longer than 90 days.
- They have changed the type of studies, educational institution, location of studies, or times and periods of studies without applying to change these conditions on their study permit, if they were specified on their study permit as conditions.
- If the student was also holding a work permit and they changed employers, type of work, or location of work without applying to change the conditions that were first specified on their work permit.

Then, if the applicant is not otherwise inadmissible and satisfies the officer that they are a genuine temporary resident, the officer shall restore the temporary resident status and process the student application. Both fees have to be paid for restoration and the study permit. The application cost recovery fee for restoration is presently \$200 [R306].

If a student applies for restoration of their status 90 days after they lost their temporary resident status, an officer shall refuse the application for restoration and report the temporary resident, worker or student, based on the ground leading to the inadmissibility. For example, the person has overstayed.

OP 12 Students

If a person is already the subject of an A44 report, then the temporary resident status cannot be restored. However, an officer may consider an application for restoration when an out-of-status client is before them, if they are of the opinion that the client meets the conditions noted above.

7.3. Documents required with a study permit application

The following documents must be provided with a student application:

- application forms IMM 1294 overseas and IMM 1249 inland;
- cost-recovery fee;
- letter of acceptance;
- two recent passport-size photographs (applicant's name and date of birth should be written on the back of the photos);
- proof of identity;
- proof of financial support;
- CAQ for students destined to Quebec.

Applicants applying to renew a study permit must submit a transcript or a letter from the registrar of the educational institution to indicate that they are a student in good standing at that institution.

7.4. Reviewing the documentation

Officers should check to ensure that all documents are enclosed with the application and these have been properly completed. They should also:

1. check to ensure that the application form has been properly completed and signed by the applicant.
2. determine whether a cost-recovery fee is payable and that payment has been included with the application. Currently the cost recovery fee is \$125. See section 5.12 Fee exemptions, above.
3. review the original letter of acceptance to make sure that it covers all the basic necessary information. See section 5.6 Letter of acceptance, above.

Note: Family members of foreign nationals whose application for a work permit or a study permit is approved in writing before the foreign national enters Canada are exempt from this requirement [R219(2)].

4. For study permit renewals, review the transcript or letter from the registrar to ensure that the student is in good standing.
5. review the financial documents to determine if adequate financial resources are available to support the applicant and any accompanying family members for the first year of the course of study. (See section 7.5 Reviewing applicants for financial sufficiency, below, and section 7.6 Foreign exchange controls, below.)
6. verify that the applicant has a valid passport or travel document upon presentation of their application. (See section 7.7 Proof of identify, below)

OP 12 Students

7. verify that the applicant has a valid CAQ, if they are destined to an educational institution in Quebec. (See section 7.15 Special considerations for Quebec-bound students, below.)

If the processing fee is **incorrect** and/or the documents are **incomplete**, processing of the application cannot be initiated until the deficiencies have been corrected. Officers will determine the most efficient method of addressing the difficulties by:

- returning the application and documents to the client with a written request for the missing information; or
- placing a simple telephone call; or
- having the applicant come to the office for an interview or to complete the documentation.

7.5. Reviewing applicants for financial sufficiency

Officers need to satisfy themselves that applicants have sufficient financial resources to pay their tuition fees, transportation costs to and from Canada, as well as living expenses for themselves and any family members who may be accompanying them, without the need to engage in employment.

Students are required to demonstrate financial sufficiency for only the first year of studies, regardless of the duration of the course in which they are enrolled. In other words, a single student entering a four-year degree program with an annual tuition fee of \$15,000 must demonstrate funds of \$15,000 to satisfy the requirements, and not the full \$60,000 which would be required for four years. Officers should be satisfied though that the probability of funding for future years does exist, i.e., parents are employed; scholarship is for more than one year.

In assessing the adequacy of a student's financial resources, officers may exercise discretion in the documentation they request from applicants. In situations where student applicants generally pose a very low risk regarding funds, officers may choose to limit or waive routine requirements for documentary evidence. Low-risk applicants are more likely to be exempt from the temporary resident visa (TRV) requirement. Based on the known incidence of indigent and non-bona fide applicants, reliability of financial documentation, and so forth, individual visa offices are best placed to determine whether routinely requiring banking documentation and/or more extensive financial background information is necessary to ensure program integrity. Students from developed countries who are both visa exempt and from socio-economic backgrounds similar to Canada might reasonably be required simply to state their available funds. Conversely, in some very high-risk environments, requiring and systematically verifying substantial history of funds and supplementary individual or family financial and employment documentation may be necessary to ensure that only genuine students well able to support their program of studies are accorded study permits.

Officers may take into consideration such sources of funds derived through scholarships, fellowships, assistantships and the like, as well as financial support or support in kind that may be available from relatives in Canada. Foreign students in Canada are ineligible for benefits under the Canada Student Loan program.

The following tables will help to facilitate the assessment of financial sufficiency. The base amount for students satisfies all requirements related to transportation and maintenance, including the cost of books, equipment, and supplies. The size of the community where the student is destined is not a consideration.

Note: Some provinces are examining the possibility of imposing fee differentials to children accompanying parents who are in Canada for study or work purposes. Officers should keep abreast of future changes when assessing funds required for the family stay in Canada.

OP 12 Students

	All provinces except Quebec
Student base	\$10,000 for twelve-month period, prorated at \$833 per month, plus cost of tuition.
Spouse/common-law partner/ first family member base	\$4,000 for twelve-month period prorated at \$333 per month
Dependent child/subsequent family member base	\$3,000 for twelve-month period per dependent child of any age, prorated at \$255 per month

Quebec

Students destined to Quebec are required to submit supporting documents showing that they have sufficient funds to cover: transportation, for example:

- two-way air fare;
- tuition fees;
- settling-in expenses for the first year (C\$500);
- living expenses for the duration of their stay.

The living expenses required for the duration of the stay are reviewed on January 1 of each year and may be found at:

<http://www.immigration-quebec.gouv.qc.ca/anglais/immigration/students/prerequisite.html>

If a third party is paying the student's expenses, the student must submit a sworn statement respecting the assumption of the student's expenses.

For further information on financial sufficiency of students destined to Quebec, refer to Quebec's immigration Web site at the above-referenced address.

7.6. Foreign exchange controls

Foreign exchange control measures are in effect in many countries. Where students are dependent on such controlled funds, they should be required to present one of the following:

- a letter from a Canadian financial institution stating that funds necessary for the entire upcoming academic year are on deposit in the applicant's name; or
- a bank draft in convertible currency for an amount equal to the funds required for the upcoming academic year and made payable jointly to the educational institution and the applicant; or
- written assurance from the applicant's bank that sufficient funds are on deposit, and from the foreign exchange control authorities that the applicant will be permitted to export a sum adequate for maintenance costs in Canada.

7.7. Proof of identity

Applicants should provide proof of identity such as a passport, a travel document, or official identity document, or photocopies of the following pages: identity pages, date and place of issue and validity date.

OP 12 Students

Persons exempt from a passport requirement should provide an acceptable personal identification such as citizenship document, national identification document, birth certificate, etc.

Note: Applicants are not required to have a passport valid for the entire duration of their course of studies, but the validity of the permit cannot go beyond the passport expiry date [R179(c), R181(2) and R183(2)(c)].

7.8. Assessing the application

Once the documentation has been reviewed, officers will need to determine the following elements:

Area of concern	What to do
• 1. Is the applicant a <i>bona fide</i> student?	• 1. Applicants have the burden of proving that they will leave Canada at the end of their stay. See 5.15, <i>Bona Fides</i> above.
• 2. Is the applicant inadmissible?	• 2. Review the application form to determine whether the applicant is described in any section of A34 to A43 referring to inadmissible classes
• 3. Is the applicant from a special-category country?	• 3. Officers will need to consult with the appropriate officer in their respective office to determine whether the student is from a special category and statesman country as described in IC 2.
• 4. Does the applicant require a medical examination?	• 4. Determine whether the applicant must undergo a medical examination, as required by R28. Foreign students must meet the same medical requirements as those that apply to all temporary residents. For more information, please consult IR3 or the FW Manual.
• 5. Does the applicant need a temporary resident visa (TRV)? (Not applicable inland)	• 5. Review R190 to determine whether the student requires a TRV
• 6. Does the applicant need a work permit?	• 6. Determine what type of work the applicant might undertake: <ul style="list-style-type: none"><li data-bbox="763 1381 1338 1625">• Full-time students registered in a degree- or diploma-granting course or publicly funded institutions are allowed to work on campus without a work permit. Officers should include the following remark on the study permit: "May accept employment on the campus of the institution at which the holder is registered in full-time studies."<li data-bbox="763 1650 1338 1768">• The following students require a work permit, but are exempt from HRDC confirmation under the code indicated at right:<li data-bbox="763 1793 1338 1822">• Spouses of students - C42<li data-bbox="763 1835 1338 1894">• Graduates working in their field for one year after graduation - C43

OP 12 Students

<ul style="list-style-type: none">• 7. Will the applicant be able to study in English or French?• 8. Does the applicant have health coverage?	<ul style="list-style-type: none">• CIDA students - C30• Co-op education and employment - C30• Destitute students - H81• International Student and Young Worker program - C21• For more information, see the FW 1 manual.• 7. This should not be a concern as institutions require a passing mark on language tests before offering admission, or have facilities for upgrading language skills. Institutions normally offer conditional acceptance with regard to language requirements. Nonetheless, the institutions should provide enough information on the acceptance letter; otherwise the application may be refused.• 8. Applicants should be counselled on the availability of health insurance. See section 5.19 Health insurance, above.
--	--

7.9. Need for an interview

In certain circumstances, it may be necessary to interview the applicant. Applicants should not be scheduled for interviews for the sole purpose of obtaining straightforward information. Issues that may warrant the need for an interview would include:

- a) questions or doubts concerning applicant's reasons for wishing to come to Canada, the arrangements made for their care and support, and their ability or willingness to leave Canada; or
- b) circumstances when the officer needs more information or clarification before finalizing an application.

This is not an exhaustive list. Other exceptional circumstances may warrant an interview.

7.10. Negative decision

If the applicant is found ineligible, and the application is refused, the officer must advise the client of the decision and of the reasons for the refusal in writing. For an example of a refusal letter, see Appendix C.

7.11. Issuing the study permit

Once the applicant has been found to meet all eligibility criteria and requirements and a study permit is to be issued, officers must:

- decide on the validity period (see section 7.12 Determining validity periods, below);
- decide on whether to recommend conditions (see section 7.13 Recommending conditions, below);
- issue a letter of introduction indicating the reference number of the case (only overseas). If in special circumstances CAIPS is not available, officers should complete Study Permit Form IMM 1208. See Appendix B—Introduction Letter. For instructions on issuing study permits, see IR 8, Coding Manual; and

OP 12 Students

- issue a temporary resident visa (TRV), if required (only overseas).

Note: It is not necessary to cancel any valid pre-existing visa in the passport if the purpose for which it was obtained remains valid (for example, a *bona fide* businessperson holding a long-term multiple-entry temporary resident visa who requires a short-term study permit).

Note: Visas should be issued for multiple entries, and be valid for the same period as the study permit or the passport, whichever is shorter (unless otherwise stipulated by chapter IC2). Officers will need to consult with the appropriate officer in their respective office to determine whether the student is from a special category and statesman country as described in IC 2.

- issue a work permit, if required. For more information, see On-campus employment [section 5.20]; Eligibility for employment on campus [section 5.21]; and HRSDC Confirmation exemptions [section 5.22]. For instructions on the issuance of work permits, see the FW chapter.

For more information, please consult OP 11 Temporary Residents.

7.12. Determining validity periods

Once officers have determined that a student is *bona fide* and meets the requirements, the operational goal is to eliminate, or at least minimize, further transactions with the student. One of the most effective ways to minimize further transactions is to issue long-term study permits, along with a long-term multiple entry visa, if applicable.

On regular straightforward cases, the recommended length for a study permit depends on the type of student:

Type of student	Period of validity
Post-secondary students (and most adult students even if not at a post-secondary institution)	Should correspond to the duration of their proposed course of studies, plus an additional three months
Secondary students*	Should correspond to the duration of their proposed course of studies, plus an additional three months
Primary students	Year-to-year basis, except for dependent children of persons who have been issued long-term permits (study or work), provided the period does not exceed that which has been given to the head of the family
Quebec-bound students	Should coincide with the duration of the CAQ which has a maximum duration of 3 years. (If the study permit's duration is shorter than the CAQ's, officers should give reasons for this in the "Remarks" section of the permit.)
Statesman and special-category country	Issue for one year, to be extended on a yearly basis in Canada. For more information, see IC 2, Schedule A. Officers will need to consult with the appropriate officer in their respective office to determine whether the student is from a special category and statesman country as described in IC 2.
Rotary exchange students	Valid until August 31st of the following year.

OP 12 Students

* Secondary students in all provinces outside of Quebec are defined as those destined to grades 9-12. Grades K-8 are considered primary students. In Quebec, secondary students are defined as *Secondaire III* through *Secondaire V* (equivalent of grades 9-11).

Limiting the duration of a study permit due to some concerns with the case should be the exception. If an officer restricts the validity period of the study permit, they should note the reason in the "Remarks" box. If this is not done, port-of-entry officers will amend the permit to reflect the full course of study.

Note: If a temporary resident visa (TRV) is issued in conjunction with the study permit, visas should be issued for multiple entries, valid for the same period as the study permit or the passport, whichever is shorter, unless otherwise restricted, see www.immigration-quebec.gouv.qc.ca.

Note: The length of the period authorized upon entry, or when extending a temporary status or renewing a permit must not extend beyond the validity of the foreign national's travel document [R52, R183(2)(c)].

7.13. Level or type of study

On January 31, 2005 CIC introduced a new policy for foreign students in post-secondary studies. The operational goal is to provide *bona fide* post-secondary students with open and generic study permits that do not restrict level or type of study. This policy applies to all types of post-secondary institution (public and private). This change applies to the issuance of new study permits, and is being retroactively applied to all valid study permits for students currently engaging in post-secondary studies in Canada.

Pending changes to CAIPS and FOSS, work-around procedures will be used for issuing study permits. These are outlined below. New instructions will be provided when systems are updated.

For data collection purposes, it is imperative that officers accurately record in CAIPS and FOSS information about the student's intended level and course of study at the time of application and entry into Canada

Note: Until systems changes are made, the name of the institution and the old conditions will continue to appear on the study permit.

Most of the information entered into CAIPS and FOSS will reflect the applicant's intended study plan. Therefore, entry of information for all but one field on the "Student Processing" screen remains unchanged.

New instructions for CAIPS and FOSS:

Field of Study: MUST ENTER: "Any Post Secondary" (Note: no hyphen in "post secondary." If there is a hyphen, it must be deleted or the system will not allow you to move to the following screen.

Retroactive Implementation:

As of January 31, 2005, all post-secondary students currently studying in Canada with a valid study permit are also covered by this policy and do not need to apply to CIC in order to transfer between institutions. This policy does not apply to students in Kindergarten to Grade 12 programming.

7.14. Recommending conditions

Officers may recommend the imposition of conditions when issuing study permits in accordance with R185.

Condition	Guidelines
-----------	------------

OP 12 Students

Must be in attendance at an approved type of institution	<ul style="list-style-type: none"> • Applies to all students other than those attending primary or secondary school. • Condition should specify type of educational institution without identifying specific institution or program. • See “Level or type of Study” in section 7.13 above.
Prohibited from engaging in employment in Canada	<ul style="list-style-type: none"> • To be imposed at the discretion of officers. • Cannot be applied if officers are issuing a work permit along with a study permit or if applicant is eligible to work on campus.
Attendance only at a university, college, or other institution which officers specify by name	<ul style="list-style-type: none"> • To be imposed at the discretion of officers. • Not to be used for primary or secondary school students • See “Level or type of Study” in 7.13.
Prohibited from working in certain occupations unless medical requirements have been met	<ul style="list-style-type: none"> • To be imposed at the discretion of officers. • Should be imposed on students who have not had a medical examination. • Students from a non-designated country not authorized to work in childcare; primary or secondary teaching; and health services field occupations. • Students from a designated country not authorized to work in agricultural field; child care; primary or secondary teaching, and health services fields.
Must report for medical examination, surveillance or treatment	<p>To be imposed if warranted by the student’s medical condition:</p> <ul style="list-style-type: none"> • the time and place where the student must report for medical examination, surveillance or treatment or for any other purpose. • the times and places at which the student must provide evidence of compliance with the conditions thus imposed.
Must leave Canada by a specific date	To be imposed systematically when the study permit is the primary document of the holder.
Travel in Canada is restricted	To be imposed only after consultation with the geographic desk, RHQ or NHQ.

7.15. Joint programs involving more than one institution

Students applying for a study permit for an academic program that is jointly offered by more than one institution in Canada (i.e., a university and a college) will submit an official letter of acceptance which clearly indicates the foregoing. The letter of acceptance should be issued by the institution that will be granting the degree or diploma (or, where a degree or diploma is granted jointly by more than one institution, the letter of acceptance should be issued by the institution at which students will begin their studies). The letter will note that the program of study includes courses/sessions (semesters/courses will be specified) given at another institution [institution name, type (i.e., college, university, technical institute, etc.), and location will be specified].

Officers will input into the “INSTITUTION” field the name of the institution that will be granting the degree or diploma (or, where a degree or diploma is granted jointly by more than one institution, the name of the institution at which students will begin their studies).

OP 12 Students

Officers will manually input into "Remarks" the name of the second institution at which the program is offered: PERMITTED TO STUDY AT (name of second institution).

The courses/sessions offered at the second institution will be considered a part of the program of study offered by the degree/diploma-granting institution (even if offered at a different location and through a different institution); thus students will NOT be required to apply to 'change conditions' when they do the specified sections of the program that occur at the second named institution.

7.16. Special considerations for Quebec-bound students

A Quebec-bound student applying for a study permit should apply for a CAQ (*Certificat d'acceptation du Québec*) at the Quebec Immigration Service that is responsible for the country where they are living. Offices can be found in Vienna, Austria; Brussels, Belgium; Paris, France; Hong Kong; Damascus, Syria; Buenos Aires, Argentina and Mexico City. Otherwise, students should apply for their CAQ at the regional office of the MRCIQ that serves the educational institution that the student is or will be attending. For complete addresses, see <http://www.immigration-quebec.gouv.qc.ca>.

Quebec authorities will forward copies of relevant CAQs to posts abroad or otherwise confirm issuance of CAQs by fax or other means.

Some foreign nationals do not require a CAQ when applying to study in Quebec. These include:

- Students chosen under a Canadian government-funded program for developing countries;
- Persons with a valid *Certificat de Sélection du Québec* (CSQ) who have been authorized by Citizenship and Immigration Canada to file an application for permanent residence in Canada; primarily asylum seekers who have been recognized as refugees and members of the family class. For a full list of this exemption, refer to Quebec's immigration Web site: <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/international-students/obtaining-authorizations/requirements/list-exemptions.html>

When a foreign national is authorized to study without a study permit, there is no need to apply for a CAQ. This also applies for minor children coming to Quebec to attend short-term courses of six months or less, pursuant to R188(1)(c).

The rule of thumb is that when a study permit is required, a CAQ is also required, even in cases where the student attends a private school or renews for a few months in order to finish a program, or also when enrolling as a part-time student.

The only exception is when a minor child attending elementary or secondary school applies not to renew the study permit but only to extend their temporary resident status within the visitor class, and when this child is unaccompanied. The child is required by the school to provide a CAQ. This does not preclude CIC from issuing a visitor record to the unaccompanying child even though a CAQ is required by MRCI.

The educational institution that the student will be entering should fully inform applicants about the procedures that apply in Quebec. Students can also contact the MRCIQ Information Service in Montreal by phoning (514) 864-9191 or by sending a fax at (514) 873-9931.

Note: Visa officers or inland officers are asked to inscribe the number and expiry date of the CAQ in the appropriate field in CAIPS. This way the information will be recorded in FOSS.

Note: New MRCI regulations came into effect on 16 June 2003. The CAQ is now issued for a maximum of three years. See section 7.12 Determining validity periods, above, for implications for study permits.

OP 12 Students

7.17. Special considerations for family members or members of the private staff of diplomatic personnel

Family members of diplomatic personnel

All persons coming to Canada on posting, including their family members, will be in possession of diplomatic or official visas.

Entry is initially authorized for a period of six months. During this period, the passport is sent to the Office of Protocol of Foreign Affairs Canada. The Office of Protocol will issue a diplomatic (D), consular (C), official (J) or international (I) acceptance counterfoil to the person's passport indicating that the person is accredited to Canada and entitled to remain in Canada for the duration of status.

Family members or members of the private staff of foreign representatives who wish to attend courses and who possess the acceptance counterfoil obtained from the Office of Protocol do not require a study permit.

Dependent children up to 19 years of age, who are considered members of the family forming part of the household, will be issued acceptances. They do not require a study permit. Children from 19 years of age until their 25th birthday are only issued acceptances if they are registered as full-time students. As of 25 years of age, dependent children are no longer eligible to receive official acceptances and must change their official status to regular immigration status.

Children over 25 years of age who are full-time students may obtain temporary resident status with permission to study, if they qualify as dependent children under the Regulations. They are exempt from having to obtain study permit.

In summary, 19 year-old dependent children of accredited foreign representatives in Canada are exempt from having to obtain a study permit if they are full-time students and they are described under the definition of a dependent child under the Regulations. If they are no longer a dependent child, they have to apply to change their official status to regular temporary resident status. They may apply within Canada [R215(1)(b)] 90 days before or after they are no longer a dependent child.

Note: Questions related to foreign representatives in Canada should be addressed through National Headquarters to the Office of Protocol, Foreign Affairs Canada, Ottawa, Ontario K1A 0G2. The acronym for the Protocol Office is XDC. One can also consult the FAC intranet site at <http://www.dfait-maeci.gc.ca/protocol/menu-en.asp>. In urgent cases, contact the following in the order of their listing:

Note: Immigration advisor and liaison officer, Office of Protocol at (613) 992-0889 or (613) 294- 3331 (cellular).

Note: Advisor, Privileges and immunities, Office of Protocol at (613) 992-6882 or (613) 294-1455 (cellular).

7.18. Special consideration for members of armed forces – *Visiting Forces Act*

Members of the armed forces of a country that is a designated state, for the purposes of the *Visiting forces Act*, coming to attend training for a duration even longer than six months do not require a study permit [R188(1)(b)].

A "member" includes a person designated as a civilian component of that visiting force. Family members are not study-permit exempt. However, minor children of a "member" are governed by sub-section A30(2). See section 5.17 above, Minor children.

For the countries designated for the purpose of the *Visiting Forces Act*, refer to: <http://lois.justice.gc.ca/en/V-2/index.html> and see each proclamation of the related regulations for a complete list of countries and designated civilian components.

OP 12 Students

Family members are exempt from the temporary-resident-visa fee [R296(2)(b)] and the study-permit fee [R300(2)(e)],

7.19. Processing applications from students sponsored under the CIDA and FAC programs

CIDA and FAC fund a number of special programs to enable deserving foreign students to undertake university-level studies or research fellowships in Canada, as well as short-term specialized training.

Because of the special sponsorship and funding arrangements, it can be assumed that students sponsored under these programs meet the requirements relating to acceptance, institution, course of study, language, and transportation. Sponsorship also indicates that sufficient funds are available for single students. Students with a spouse and other family member must have additional funds. Background inquiries and medical examinations are also in order. For more information, see sections above: section 6.3 CIDA programs, section 6.4 Commonwealth scholarship and fellowship plan, and section 6.5 Government of Canada awards.

Particulars	CIDA applications	FAC applications
Administration	<p>is delegated to various executing agencies, such as private sector companies, universities, public organizations or embassies of recipient countries</p> <p>Usually CIDA representatives overseas counsel students before their arrival in Canada. Counselling can also be delegated to a fellowship coordinator or an executing agency representative</p>	<p>the International Council for Canadian Studies (ICCS) administers FAC's programs</p>
Inquiries	<p>Note: Inquiries regarding program, policy and case-related issues should be addressed to:</p> <p>CIDA Canadian Partnership Branch 200 Promenade du Portage Hull, Quebec K1A 0G4 Tel.: (819) 997-5435 Fax: (819) 997-0513</p> <p>Note: Inquiries regarding processing procedures: CIC Economic Policy and Programs Division (SSE)</p>	<p>Note: Inquiries regarding program or policy should be addressed to:</p> <p>International Academic Relations Division (ICE) Foreign Affairs Canada 125 Sussex Drive Ottawa, Ontario K1A 0G2 Tel: (613) 996-1014 Fax: (613) 992-5965</p> <p>Note: Inquiries regarding case-related issues:</p> <p>ICCS 325 Dalhousie Street, Suite 800 Ottawa, Ontario K1N 7G2 Tel.: (613) 789-7828 Fax: (613) 789-7830</p> <p>Note: Inquiries regarding processing procedures: CIC Economic Policy and Programs Division (SSE)</p>
Identification Code	<p>identify students or trainees with Code 599 on the study permit in CAIPS. Where a temporary</p>	<p>Commonwealth scholarship and fellowship plan: identify</p>

OP 12 Students

	resident visa (TRV) is issued, the notation "CIDA Student" must be included underneath the visa.	students with CODE 506 on the study permit in CAIPS. Where a temporary resident visa (TRV) is issued, the notation "CSFP Student" must be written underneath the visa. Government of Canada awards: no special identification code
Validity period	on a year-to-year basis.	CFSP students: valid for one year Government of Canada awards: should correspond to the duration of the sponsorship
Refusals	if student is found inadmissible, report the case to local CIDA representative or to the CIDA NHQ/Trainees and Awards Section (see above).	if student is found inadmissible, report case to ICCS. (see above)
Change of status	student is required to return to their country of residence once their program is finished. CIDA has a "Consent to Release Information" in its form 656. when a CIDA student or their family member makes an application to change their status, officers should contact CIDA to request a copy of this form. once this form has been received, officers should advise CIDA of the application for change of status.	student is required to return to their country of residence once their program is finished. ICCS has a "Consent to Release Information" in its package. when a FAC student or their family member makes an application to change their status, officers should contact ICCS to request a copy of this form. once this form has been received, officers should advise ICCS of the application for change of status.
<p>Note: CIDA has a personal information bank (PIB) on its scholars and trainees which monitors their compliance with certain agreements they sign with CIDA. These agreements require them to return to their home countries for extended periods of time upon completion of their academic or training programs in Canada to contribute to development efforts there.</p> <p>The Privacy Commissioner has granted CIDA approval for exchanging and matching necessary information with CIC on CIDA-sponsored scholars and trainees. Thus, CIC officials should facilitate requests for information-sharing from CIDA officials on CIDA-sponsored scholars and trainees. The CIDA contact is; Director, Scholarships, Environment and Climate Change Program, Institutional Cooperation Division, Canadian Partnership Branch, Tel: (819) 994-2837)</p>		

7.20. Pilot projects

CIC is working with a number of provinces on pilot projects in the areas of off-campus work and extensions of post-graduation work permits. Please refer to section 5.39 of the Temporary Foreign Worker Manual (FW 1) for further information.

OP 12 Students

8. Procedure: Application on entry

Note: OP12 is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port-of-entry chapters; readers need only click on appropriate links.

8.1. Eligibility

Not everyone is required to obtain a study permit before they arrive at a port of entry. For a list of people who may apply for a study permit at the port of entry, refer to R214.

If the individual presents a CAQ for studying in Quebec, they can be issued a study permit for the duration of the CAQ's validity (see section 7.12).

If the individual does not have a valid CAQ, they can be issued a study permit for a duration of six weeks. During this six-week period the student will have to present themselves to a MRCI office to obtain a CAQ and subsequently apply for a study permit from CIC.

9. Procedure: Application after entry

Note: OP12 is a consolidated chapter dealing with the processing of foreign students. There is no need to refer to inland or port-of-entry chapters; readers need only click on appropriate links.

9.1. Eligibility

Foreign nationals who may apply for a study permit after entry into Canada or wish to vary or cancel the conditions imposed upon entry to Canada are described in R215. Basically they are:

- foreign nationals and their family members holding valid work or study permits;
 - foreign nationals and their family members holding temporary resident permits valid for a minimum of six months;
 - refugee claimants and persons subject to an unenforceable removal order;
 - in-Canada permanent resident applicants and their family members who are members of the following classes determined eligible for permanent resident status:
 - ◆ spouses or common-law partners;
 - ◆ protected persons who are the subject of humanitarian and compassionate considerations; and
 - ◆ live-in-caregivers;
 - persons whose study permits were authorized by a visa office abroad, where the permit was not issued at a port of entry; or
 - family members of athletes on a Canadian-based team, media representatives, members of the clergy, or military personnel assigned to Canada.
-

9.2. Where clients apply

All temporary residents wishing to apply for a study permit must do so in writing to the Case Processing Centre in Vegreville (CPC-V). To apply, clients contact the CIC Call Centre to obtain a Change of conditions application kit or refer to <http://www.cic.gc.ca/english/study>. This kit contains

OP 12 Students

the application forms, a guide book, a fee schedule, and a pre-addressed envelope for the CPC-V.

Applications are mailed directly to the CPC-V with the required documentation.

9.3. Role of CPC-V and CICs

The CPC-V is always the first point for persons wishing to apply for a study permit in Canada. If certain difficulties develop where the CPC-V cannot make a decision, officers will refer the case to the CIC in the client's region.

Negative decisions issued directly by the CPC-V will be limited to cases that are incomplete and where attempts to contact the applicant have been unsuccessful, or cases where the client has failed to meet basic eligibility criteria.

Cases referred to the CIC Regional Offices for processing will be finalized there and will not be returned to the CPCV. However, this does not preclude the same client from submitting a new application at a future time to the CPCV.

9.4. Determining applicant's status

Status as of date application is postmarked

It has been determined that the postmark will be considered to be the effective date of application, or seven days before the receipt of the application if the postmark is illegible. This decision applies in the case of applications mailed to a CPC where the expiry of status may be a factor.

Out of status

If, upon receipt of the application, the client's status has expired, the client is to be considered out of status. Refer to A47 to identify cases where a foreign national loses temporary resident status.

OP 12 Students

Appendix A Sample of Forms

- Overseas and POE: Sample of Form IMM 1294, Application for a Study Permit
- Inland: Sample of Form IMM 1249, Application to Change Conditions or to Extend my Stay in Canada
- IMM 1442, FOSS Full Document Entry Generic
- IMM 1208, Study Permit

OP 12 Students

Appendix B Introduction letter

Where an applicant is processed at a CAIPS office, officers provide clients with a letter of introduction instead of issuing the study permit. Students must present this letter at the port of entry where officials will issue the permit. In these cases, the following specific information must be included in the letter of introduction issued to the client:

Your application to study in Canada has been approved. You may now travel to Canada. You must have a valid passport or travel document.

In some circumstances, it may be appropriate to provide the date by which the student must enter Canada. If so, officers should add:

You must enter Canada no later than.... Failure to do so will invalidate this approval. Please show this letter to the Canada Customs officer upon arrival in Canada. They will direct you to a Canada Immigration officer. This second officer will ensure that you meet the requirements for admission to Canada and issue your study permit.

The following disclaimer must be clearly indicated at the bottom of the letter:

This letter is not valid for travel and is not a permit allowing you to remain in Canada. The document number generated by CAIPS beginning with F must be printed at the top right-hand corner of the letter.

OP 12 Students

Appendix C Refusal letter—study permit

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear:

This refers to your application for a Canadian study permit.

According to Canada's *Immigration and Refugee Protection Act* and Regulations, as an applicant for a study permit, you must establish that your intentions are *bona fide* and that you will leave Canada by the end of the period authorized for your stay. You must also satisfy a visa officer that you will meet all of the requirements of Part 12 of the Regulations. In addition, you must satisfy the visa officer that you have adequate financial resources to pay tuition fees and support your stay in Canada.

Based on a careful review of the information contained in your application and all of the documentation that you provided in support of your application, I have concluded that you do not meet the requirements of for a study permit. The reasons for your refusal are indicated below:

- You have not satisfied me that you have adequate funds available to you to pay for your tuition and living expenses while in Canada and to return to your country of residence.
- You have not satisfied me that you will leave Canada by the end of the period authorized for your stay because:
- You have not submitted all required documentation: _____
- From the documents which you have submitted in support of your application, I am not satisfied that you have answered all questions truthfully, as required by subsection 16(1) of the *Immigration and Refugee Protection Act*. Specifically, I am not satisfied that the following information was truthful:

Other reasons: _____

I am not satisfied that you meet all the requirements of the Act and the Regulations. As such, I am not satisfied that it would not be contrary to the Act or the Regulations to issue a study permit. I am therefore refusing your application.

Yours truly,

Officer

OP 12 Students

Appendix D Programs - Alphabetical list by country

- International Student and Young Worker Employment programs—Alphabetical list by country. (FWM)
- International Student and Young Worker Employment programs—Alphabetical list by program. (FWM)