OP 12
Students
OP 12 Students

Most recent date of changes: 2003-06-20

Updates to chapter

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Updates to chapter

Listing by date:

Date: 2003-06-20

The list of the main changes made to this chapter include:

- Section 5.7 clarifies a number of provisions for short-term courses. The principal additions are as follows:
  - officers must receive and process applications for study permits even if the foreign national is coming for less than six months as the permit may be necessary for their future circumstances;
  - more direction on how to deal with foreign nationals applying for extensions of stay, and;
  - more examples of cases that are eligible or not for the R188(1)(c) exemption.

- Section 5.9 - one of the criteria for on-campus employment has been removed to align the chapter with the Regulations. Students no longer need to be enrolled in a degree/diploma-granting program to qualify for on-campus employment. All other criteria remain the same.

- Section 6.1 provides a definition for “academic, professional and vocational training”

- Section 7.14 describes joint programs offered by two or more institutions in Canada and the procedures to follow for students attending these programs. There is also mention of these joint or hybrid programs in section 5.4.

- Section 7.19 has been created to describe new pilot projects involving foreign students and the procedures relating to these. To date, there is only one such project, applicable in New Brunswick only, which allows for the renewal of post-graduation work permits for a second year.

- Finally, on June 16, 2003, the Quebec government’s new regulations on immigration came into effect. Where relevant, OP12 was changed to reflect the Quebec regulatory modifications that affect CIC procedures. The changes are as follows:
  - section 7.5 includes the new table for testing the financial sufficiency of applicants destined to Quebec;
  - section 7.12 notes that the maximum validity of the $\textit{Certificat d’acceptation du Québec}$ (CAQ) is now three years; this affects the validity of study permits for students destined to Quebec; and;
  - section 8.1 notes that American nationals and permanent residents obtaining their study permits at POEs will have six weeks to obtain their CAQ inland.

2003-06-05

Section 7.13
1 What this chapter is about

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

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.
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:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immigration objectives</td>
<td>[A3(1)(g)]</td>
</tr>
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<td>General rule: requirement of a study permit</td>
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</tr>
<tr>
<td>Need for authorization to study</td>
<td>[A30(1)]</td>
</tr>
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<tr>
<td>Definitions- student, studies, study permit</td>
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<td>[R182]</td>
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<td>Individual conditions</td>
<td>[R185]</td>
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<tr>
<td>Study without a permit family members of accredited foreign</td>
<td>[R188(1)(a)]</td>
</tr>
<tr>
<td>representatives</td>
<td></td>
</tr>
<tr>
<td>Study without a permit members of armed forces as designated by the</td>
<td>[R188(1)(b)]</td>
</tr>
<tr>
<td>Visiting Forces Act</td>
<td></td>
</tr>
<tr>
<td>Study without a permit short-term courses</td>
<td>[R188(1)(c)]</td>
</tr>
<tr>
<td>Study without a permit expired study permits</td>
<td>[R189]</td>
</tr>
<tr>
<td>Student class</td>
<td>[R210]</td>
</tr>
<tr>
<td>Student</td>
<td>[R211]</td>
</tr>
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<td>Study permit required</td>
<td>[R212]</td>
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<td>Application before entry</td>
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<td>[R214]</td>
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<td>Application after entry</td>
<td>[R215(1)]</td>
</tr>
<tr>
<td>Application after entry - family members</td>
<td>[R215(2)]</td>
</tr>
<tr>
<td>Issuance of study permits</td>
<td>[R216]</td>
</tr>
<tr>
<td>Study in Quebec</td>
<td>[R216(3)]</td>
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<tr>
<td>Application for renewal</td>
<td>[R217]</td>
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<td>[R219(1)]</td>
</tr>
<tr>
<td>Acceptance letter - Exception</td>
<td>[R219(2)]</td>
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<tr>
<td>Financial resources</td>
<td>[R220]</td>
</tr>
<tr>
<td>Failure to comply with conditions</td>
<td>[R221]</td>
</tr>
</tbody>
</table>
3.1 Forms

The forms required are shown in the following table:

<table>
<thead>
<tr>
<th>Form title</th>
<th>Form number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study Permit</td>
<td>[IMM 1208]</td>
</tr>
<tr>
<td>Application to Change Conditions or to Extend my Stay in Canada</td>
<td>[IMM 1249]</td>
</tr>
<tr>
<td>Application for a Study Permit</td>
<td>[IMM 1294]</td>
</tr>
<tr>
<td>FOSS Full Document Entry Generic</td>
<td>[IMM 1442]</td>
</tr>
<tr>
<td>Authority to release information to designated individuals</td>
<td>[IMM 5476]</td>
</tr>
</tbody>
</table>
4 Instruments and delegations

Refer to the appropriate appendices listing the instruments and 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 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.

5.2 Not everyone needs a study permit

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 at the port of entry, refer to R214 [Application upon Entry]. For a list of people eligible to apply in Canada, refer to R215 [Application after Entry].

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. See section 5.7 Short-term courses, below.

It is recommended that a foreign national apply for a study permit for programs of six months or less when they intend to apply for another program afterwards. To further their studies, they will need a study permit, for which they must usually apply from outside Canada (see section 9.1 for exceptions).

Special provisions also apply to family members of foreign accredited representatives and members of the armed forces of a country that is a designated state for the purposes of the Visiting Forces Act. For further information see sections 7.16 or 7.17 Special considerations below, and also section 5.16 Minor children below.

5.3 Course of study

It is important to understand that education is a provincial jurisdiction and that 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. Only the definition of ‘studies’ contained in the Regulations is the basis to determine whether a study permit is required, if not exempted otherwise by the Act or its Regulations.

Therefore, a study permit is required for studies:

• undertaken at a university or college; or
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 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 student;
- the course of study for which the student has been 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 which 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 the 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). See section 7.14 for processing information.

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:

Exception

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)].

5.5 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. The onus is on the institution to specify clearly any condition that is important enough to warrant denial of registration should the condition not be fulfilled. 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.

5.6 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. The geographic desk will in turn contact the regional office or the specific CIC directly. The regional office program specialist should inform the 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.

5.7 Short-term courses

- Foreign nationals may enter Canada or remain in Canada without a study permit to attend a course or study program of six months' duration or less[R188(1)(c)]. This six-month criterion will help facilitate easy access to short-term courses, regardless of 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 of study permit: An officer must receive and process an application pursuant to R188(2) even when the duration of the course is six months or less and when a foreign national does not require a study permit pursuant to R188(1)(c). The Regulations state that despite the exemption from the requirement of a study permit, students may obtain a study permit before entering Canada.
or at the POE as described under R214. This will allow them to apply later, in Canada, to renew their study permit for further studies.

- **Period of authorized stay:** Foreign nationals wishing to enrol in subsequent educational programs, even those that are shorter than six months, must leave Canada and obtain study permits in the normal manner, unless it can be completed within the original period of stay authorized upon entry. For example, a priest who was granted a one-year visitor record at the port of entry for the purpose of assisting a congregation may enrol first in a four-month language training course and, once completed, enrol in a four-month word processing course without the need of a study permit.

- Foreign nationals cannot apply for an extension of their authorized stay to complete a course of study that goes beyond their original period of authorized stay. The permit exemption for courses under six months was not meant to allow foreign nationals to take a series of short term courses, one after the other, simply by extending their temporary resident visa (TRV), thus possibly completing a whole diploma or degree without ever having a study permit. However, if individuals receive an extension to their authorized stay as per R183(5) for a reason other than completing or taking a course of study, they may follow a course lasting six months or less without a study permit within the extension of authorized stay.

- **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 that they intend to study. With the 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:

<table>
<thead>
<tr>
<th>Possible scenarios</th>
<th>Do they need a study permit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A student is coming to Canada for a one-semester (four months) Grade 12 high school exchange program.</td>
<td>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 under six months.</td>
</tr>
<tr>
<td>A student is coming to Canada for Grade 12 in a non-semestrial school system (but not through an exchange program).</td>
<td>Yes. This Grade 12 is 10 months long, therefore it will not be completed in less than 6 months.</td>
</tr>
<tr>
<td>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 5.9 below).</td>
<td>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 to be a holder of a study permit in order to work on campus.</td>
</tr>
<tr>
<td>A student is coming to Canada to study for one semester at a college or university (but not through an exchange program).</td>
<td>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 for six months of the program into which they have been accepted.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>A student wants to attend a four-month ESL course and is thinking of following up the course with a three-month computer course.</td>
<td>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.</td>
</tr>
<tr>
<td>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</td>
<td>No need for a study permit</td>
</tr>
<tr>
<td>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</td>
<td>Students in such cases should get a study permit, as well as a work permit coded with a validation exemption C30</td>
</tr>
<tr>
<td>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 will try some hands-on experience. A trainer will always be on site to aid the student</td>
<td>No need for a study permit or a work permit.</td>
</tr>
</tbody>
</table>

**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.

### 5.8 On-campus employment

R186(f) allows full-time students registered at an institution to work on the campus of the institution at which they are registered without the need for a work permit.
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 institution 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., which 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 that campus provided it is 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 limitations of the institution’s campus. This is allowable, provided that the work being conducted is strictly related to the student’s grant.

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 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, insofar as the place of business is technically located on the university campus.

### 5.9 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 to which 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".
### 5.10 HRDC confirmation exemptions

As described at section 5.8 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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Validation exemption code</th>
<th>General eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destitute students</td>
<td>Exempt H81</td>
<td>Students on valid study permits who have become destitute due to circumstances outside their control.</td>
</tr>
<tr>
<td>CIDA students</td>
<td>Exempt C30</td>
<td>Students sponsored by CIDA when their intended employment is part of a study program arranged by CIDA.</td>
</tr>
<tr>
<td>Employment forms an integral part of their course of study</td>
<td>Exempt C30</td>
<td>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 work experience in order to graduate.</td>
</tr>
<tr>
<td>Spouses/common-law partners of students</td>
<td>Exempt C42</td>
<td>Spouses of full-time students are eligible for open or open/restricted work permits, depending on medical requirements having been met.</td>
</tr>
</tbody>
</table>

- **Note:** This exemption does not apply to: medical interns and externs, resident physicians (except those in veterinary medicine)

- They do not need to have 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.
For a complete description of all work programs for students refer to the FW Manual.

5.11 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.

5.12 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).

5.13 Releasing information

The Student Application Form [IMM 1294] includes a notation that the information provided will be protected under the Privacy Act. For more information, please 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. You 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 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.

5.14 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.

5.15 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:


Legal age 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.

5.16 Minor children

Sub-section A30(2) provides that a minor child in Canada is authorized to study without a study permit, with the exception of a child who is accompanying their parents who are temporary residents within the visitor class.

Note: The study permit exemption applies only when a child is in Canada that. If a minor child is in Canada with two parents, one of whom is a visitor and the other is not (i.e., the second parent is authorized to study or work, or is a permanent resident or Canadian citizen), then the child does not require a study permit once they are in Canada.

Note: The study permit exemption pursuant to R188(1)(c) applies to minor children coming to Canada to attend short-term courses such as ESL or FSL.

Overseas:

The study permit exemption applies only when a minor child is in Canada. Therefore, visa offices should process those minor children coming to Canada to study as foreign students and not as
temporary residents within the visitor class, even when accompanying a parent who is coming to Canada to either work or study. They must be processed as temporary residents in the student class; failing to do so would be a misinterpretation of A30(2).

The only exemption is with the letter of acceptance requirement. The accompanying family members of a person coming to Canada to study or work do not have 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 at a visa post, or be entitled to apply 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 to 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:**

At the time of applying to extend their stay, a minor child will either apply to renew their study permit or to extend their stay as temporary residents since A30(2) authorizes them to study without the need of applying for a study permit once in Canada.

At the time of 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 term of custodianship;
- child has health coverage;
- evidence of funds to cover their stay in Canada;
- academic progress has been made. If not, 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 issued long-term study or work permits, in which cases the duration should be the same of the parents’, or the child’s passport validity if shorter, or the CAQ if applicable.

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**5.17 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.

**5.18 Health insurance**

Applicants must be counselled as to 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 to 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.
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.

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: Articling 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, CEGEPS, career colleges, professional associations or unions.

Example: Real estate appraisal, accountant certification, 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 basis, 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.

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. The Department of Foreign Affairs and International Trade 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, DFAIT 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 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.

6.7 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.
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, it must be determined whether the six-month ban applies before continuing the processing the application. The six-month ban applies when a student has not complied with one or more of the following conditions that were imposed on the permit upon entry and six months have not elapsed since the non compliance (see R185 for details):

- the type of studies or work they were permitted to engage in;
- area within which they were permitted to travel or prohibited from travelling in Canada;
- times and places at which they must report for medical examination, surveillance or treatment, or the presentation of evidence of compliance with applicable conditions related to medical requirements.

If six months have not elapsed and the officer is at:

**Visa office:**

An officer refuses the application when six months have not elapsed since the requirements are not met [A11(1)]. If the applicant has failed to comply with one or more conditions imposed on the permit upon entry into Canada, other than the ones leading to a six-month ban, then proceed to section 7.2 Restoration of status, below.

**POE:**

An officer making an eligibility determination leading to a six-month ban shall not issue a study permit. The officer will advise the applicant on when the six-month ban ends in order for the applicant to be eligible to apply for a study permit.

**Inland:**

If the six-month ban applies, an officer refuses the application based on the inadmissibility after it has been determined that the applicant has worked or studied without authorization, or the inadmissibility was for non compliance to at least one condition related to R185(b)(c)(d) or (e).
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 not 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 these 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 90 days after they lost their temporary resident status, an officer shall refuse the application for restoration and refuse the application for temporary resident, worker or student, based on the ground leading to the inadmissibility. For example, the person has overstayed.

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 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.

7.4 Reviewing the documentation

Officers should check to ensure that all documents are enclosed with the application and these have been properly completed.
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 5.4 Letter of acceptance, above.

**Note:** Family members accompanying holders of student and work permits are exempt from this requirement before entering Canada [R219(2)].

4. 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.)

5. verify that the applicant has a valid passport or travel document upon presentation of their application. (See section 7.7 Proof of identify, below)

6. 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.)

7. 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. Determine the most efficient method of addressing the difficulties:
   - return the application and documents to the client with a written request for the missing information; or
   - a simple telephone call; or
   - have 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 the student is 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 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.

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

Quebec

The table gives a breakdown of annual basic expenses for different family types. The two-digit figure represents the number of people in the family over and under 18 years of age; the first digit gives the number of people 18 yrs of age or more, and the second digit gives the number of people under 18 yrs of age (e.g., “12” = {1 person of 18 years of age or more and 2 people of less than 18 years of age}). The figure to the right of each two-digit figure represents the corresponding annual basic expense in dollars for that family. (The cost of tuition must be added to this annual basic expense.)
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.
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:

<table>
<thead>
<tr>
<th>Area of concern</th>
<th>What to do</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the applicant a <em>bona fide</em> student?</td>
<td>1. Applicants have the burden of proving that they will leave Canada at the end of their stay. See 5.14, <em>Bona Fides</em> above.</td>
</tr>
<tr>
<td>2. Is the applicant inadmissible?</td>
<td>2. Review the application form to determine whether the applicant is described in any section of A34 to A43 referring to inadmissible classes</td>
</tr>
<tr>
<td>3. Is the applicant from a special category country?</td>
<td>3. Review IC2 to determine if the student is from a special category and statesman countries</td>
</tr>
<tr>
<td>4. Does the applicant require a medical examination?</td>
<td>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.</td>
</tr>
<tr>
<td>5. Does the applicant need a temporary resident visa (TRV)? (Not applicable inland)</td>
<td>5. Review R190 to determine whether the student requires a TRV</td>
</tr>
</tbody>
</table>


6. Does the applicant need a work permit?

- 6. Determine what type of work the applicant might undertake:
  - Full-time students registered in a degree or diploma-granting course or publicly funded institutions are allowed to work on campus without the need for 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."

- The following students require a work permit, but are exempt from HRDC confirmation under the code indicated at right:
  - Spouses of students C42
  - Graduates working in their field for one year after graduation C43
  - 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 manual.

7. Will the applicant be able to study in English or French?

- 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. Does the applicant have health coverage?

- 8. Applicants should be counseled on the availability of health insurance. See section 5.18 Health Coverage, 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 applicants' 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, please 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 for special circumstances CAIPS is not available, officers should complete Study Permit Form IMM 1208. See Appendix B – Letter of introduction; For instructions on issuing study permits, see IR 8, Coding; and

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

Note: Visas should be issued for multiple entries (unless otherwise stipulated at chapter IC 2), valid for the same period as the study permit or the passport, whichever is shorter.

For more information, please consult OP 11 Temporary Residents.

• Issue a work permit, if required. For more information, see section 5.8 On-Campus Employment, section 5.9 Eligibility for employment on campus and section 5.10 HRDC Confirmation Exemptions. For instructions on the issuance of work permits, see the FW Manual.
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:

<table>
<thead>
<tr>
<th>Type of student</th>
<th>Period of validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-secondary students (and most adult students even if not at a post-secondary institution)</td>
<td>Should correspond to the duration of their proposed course of studies, plus an additional three months</td>
</tr>
<tr>
<td>Primary and secondary students</td>
<td>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</td>
</tr>
<tr>
<td>Quebec-bound students</td>
<td>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.)</td>
</tr>
<tr>
<td>Statesman and special category country</td>
<td>Issue for one year, to be extended on a yearly basis in Canada. For more information, see IC2, Schedule A</td>
</tr>
<tr>
<td>Rotary exchange students</td>
<td>Valid until August 31st of the following year</td>
</tr>
</tbody>
</table>

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 foreigner’s travel document [R52, R183(2)(c)]

7.13 Recommending conditions

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

| Must be in attendance at an approved type of institution | • Required of all foreign students  
| • Applies to all students other than those attending primary or secondary school  
| • Documents should specify type of educational institution without identifying specific institution or program. This allows student to change courses or even change institutions (if type remains the same), e.g., change to a different university |
| Prohibited from engaging in employment in Canada | • 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 | • To be imposed at the discretion of officers  
| • Should be reserved for those few cases where officer believes that this type of control is required  
| • Not to be used for primary or secondary school students |
| Prohibited from working in certain occupations unless medical requirements have been met | • 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 child care; 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. |
### 7.14 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).

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.

### 7.15 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 which 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.

The following foreign nationals do not require a CAQ when applying to study in Quebec:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must report for medical examination, surveillance or treatment</td>
<td>To be imposed if warranted by the student’s medical condition:</td>
</tr>
<tr>
<td></td>
<td>• The time and place where the student must report for medical examination, surveillance or treatment or for any other purpose.</td>
</tr>
<tr>
<td></td>
<td>• The times and places at which the student must provide evidence of compliance with the conditions thus imposed.</td>
</tr>
<tr>
<td>Must leave Canada by a specific date</td>
<td>To be imposed systematically when the study permit is the primary document of the holder.</td>
</tr>
<tr>
<td>Travel in Canada is restricted</td>
<td>To be imposed only after consultation with the geographic desk, RHQ or NHQ.</td>
</tr>
</tbody>
</table>
• 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.

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 that 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 (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 CAQs is now issued for a maximum of three years. See section 7.12 above (Determining validity periods) for implications on student permits.

7.16 Special considerations for family members 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 the Department of Foreign Affairs and International Trade (DFAIT). 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 and International Trade, Ottawa, Ontario K1A 0G2. The acronym for the Protocol Office is XDC. One can also consult the DFAIT intranet site at http://intranet.dfait-maeci.gc.ca/travel/jpd/consular-e/index.htm. In cases of urgency, contact the following in 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)

### 7.17 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 subsection A30(2). See section 5.16 above, Minor children.


Family members are temporary resident visa fee exempt [R296(2)(b)] and study permit fee exempt [R300(2)(e)].
7.18 Processing CIDA and DFAIT student applications

CIDA and DFAIT 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.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>CIDA applications</th>
<th>DFAIT applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>• is delegated to various executing agencies such as private sector companies, universities, public organizations or embassies of recipient countries</td>
<td>• the International Council for Canadian Studies (ICCS) administers DFAIT's programs</td>
</tr>
<tr>
<td></td>
<td>• 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</td>
<td></td>
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<tr>
<td>Inquiries</td>
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<td>Inquiries</td>
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<tr>
<td>• inquiries regarding program, policy and case-related issues should be</td>
<td>• inquiries regarding program or policy should be addressed to:</td>
<td>• inquiries regarding program or policy should be addressed to:</td>
</tr>
<tr>
<td>addressed to:</td>
<td>CIDA</td>
<td>International Academic Relations Division (ICE)</td>
</tr>
<tr>
<td>CIDA</td>
<td>Canadian Partnership Branch</td>
<td>Foreign Affairs and International Trade</td>
</tr>
<tr>
<td>200 Promenade du Portage</td>
<td>Hull, Quebec K1A 0G4</td>
<td>125 Sussex Drive</td>
</tr>
<tr>
<td>Tel.: (819) 997-5435</td>
<td>Fax: (819) 997-0513</td>
<td>Ottawa, Ontario K1A 0G2</td>
</tr>
<tr>
<td>• inquiries regarding processing</td>
<td></td>
<td>Tel: (613) 996-1014</td>
</tr>
<tr>
<td>procedures: CIC Economic Policy and Programs Division (SSE)</td>
<td></td>
<td>Fax: (613) 992-5965</td>
</tr>
<tr>
<td>• inquiries regarding processing</td>
<td></td>
<td>• inquiries regarding case-related issues:</td>
</tr>
<tr>
<td>procedures: CIC Economic Policy and Programs Division (SSE)</td>
<td></td>
<td>ICCS</td>
</tr>
<tr>
<td>• inquiries regarding processing</td>
<td></td>
<td>325 Dalhousie Street, Suite 800</td>
</tr>
<tr>
<td>procedures: CIC Economic Policy and Programs Division (SSE)</td>
<td></td>
<td>Ottawa, Ontario K1N 7G2</td>
</tr>
<tr>
<td>• inquiries regarding processing</td>
<td></td>
<td>Tel.: (613) 789-7828</td>
</tr>
<tr>
<td>procedures: CIC Economic Policy and Programs Division (SSE)</td>
<td></td>
<td>Fax: (613) 789-7830</td>
</tr>
<tr>
<td>Identification Code</td>
<td>• identify students or trainees with Code 599 on the study permit</td>
<td>• Commonwealth scholarship and fellowship plan: identify students with</td>
</tr>
<tr>
<td>• identify students or trainees with Code 599 on the study permit in</td>
<td>in CAIPS. Where a temporary resident visa (TRV) is issued, the</td>
<td>CODE 506 on the study permit in CAIPS. Where a temporary resident</td>
</tr>
<tr>
<td>CAIPS. Where a temporary resident visa (TRV) is issued, the notation</td>
<td>notation “CIDA Student” must be included underneath the visa.</td>
<td>resident visa (TRV) is issued, the notation “CSFP Student” must be</td>
</tr>
<tr>
<td>“CIDA Student” must be included underneath the visa.</td>
<td></td>
<td>written underneath the visa.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Government of Canada awards: no special identification code</td>
</tr>
</tbody>
</table>
### 7.19 Pilot projects

Renewal of post-graduation work permits for a second year for foreign students in New Brunswick:

On March 10, 2003, the Ministers of CIC and Business New Brunswick signed an agreement to implement a pilot project for recently graduated foreign students from New Brunswick institutions. The HRDC confirmation, usually necessary for a work permit renewal, will not be necessary. CPC-V shall renew for an additional year the work permit issued to graduated foreign students working as temporary foreign workers under section C-43 of the *Temporary Foreign Workers Guidelines* and pursuant to R205(c)(ii). The renewal shall only be valid for work in New Brunswick and if the temporary foreign worker meets all of the following conditions:

- as in the first year, employment must be related to their field of study;

| Validity period | • 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 DFAIT 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
• they have studied at least two years and graduated from a publicly funded post-secondary institution in New Brunswick;
• their first year of post-graduate employment was in New Brunswick; and
• they are not the recipient of funding from either the Canadian Commonwealth Scholarship Program or the Government of Canada Awards Program funded by the Department of Foreign Affairs and International Trade, nor funded by the Canadian International Development Agency.

The contact in New Brunswick is the Director for Immigration at Business New Brunswick. This agreement may be terminated by either party at any time by providing 90 days’ notice in writing to the other. The agreement is valid until March 31, 2006, but is subject to renewal.
8 Procedure: Application upon entry

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**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.

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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.

Nationals and permanent residents of the United States destined for study in Quebec and receiving their study permit at a port of entry will have up to six weeks from receiving their study permit to obtain their CAQ from Quebec authorities. See section 7.12 above (Determining validity period) for implications on student permits.
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 or wish to vary or cancel the conditions imposed upon entry to Canada are described in R215. Basically they are:

• holders of valid work or study permits and their family members;
• holders of temporary resident permits valid for a minimum of six months and their family members;
• 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 and 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 (CPCV). To apply, clients contact a CIC Call Centre to obtain a Change of conditions application kit or refer to http://www.cic.gc.ca/english/study. This kit contains the application forms, a guide book, a fee schedule and a pre-addressed envelope for the CPCV. Applications are mailed directly to the CPCV with the required documentation.

9.3 Role of CPCV and CICs

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

Negative decisions issued directly by the CPCV 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 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.
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
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.
Our Ref.:

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