



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 12

Students

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Updates to chapter

Listing by date:

Date: 2008-12-15

Significant changes, additions and deletions have been made to this chapter, including references to IRPR and manuals as well as name changes for: Immigration Branch, DFAIT, and *le ministère de l'Immigration et des Communautés culturelles du Québec*. Other highlights include:

Section 1 – Defined various forms of “study” and clarified that instructions for full- and part-time students are included.

Section 3.1 – Removed form no longer applicable: IMM 1442

Section 5.6 – Letter of acceptance – Added “program of study” as an option (throughout OP 12), added a scenario where a study permit application may be refused, and recommended several new fields to the letter of acceptance from the educational institution.

Section 5.9 – Distance learning – Clarified study permit requirements.

Section 5.10 – Part-time studies – Added note on part-time foreign students’ ineligibility to work on or off campus.

Section 5.11 – Short-term courses – Clarified that foreign nationals in Canada wishing to enrol in further educational programs must apply for a study permit outside of Canada.

Section 5.16 – Custodianship – Added specific guidelines for the arrangements of an appointed custodian.

Section 5.17 – Minor children – Clarified situation for minors already in Canada, those destined for Quebec, those in kindergarten and for individuals ceasing to be minors; clarified interpretation of A30(2).

Section 5.18 - Exchange programs – Added educational institutions as organizations which sponsor exchange programs, and clarified that exchange students are not eligible to apply for an off-campus work permit.

Section 5.20 – On-campus employment – Clarified parameters of R186(f) to show that it applies to full-time post-secondary students regardless of their program of study, and added a paragraph on requirements for SINS.

Section 5.21 – Eligibility for employment on campus – Clarified eligible institutions.

Section 5.22 – HRSDC LMO exemptions – Clarified when C42 and C43 exemptions apply and added C25 exemption for graduates.

Section 5.23 – Off-campus employment – Added new subsection referencing DIR guide.

Section 5.24 – Post-Graduation Work Permit Program – Added new subsection with new provisions to the program.

Section 6.3 – CIDA programs – Clarified that students/interns funded through CIDA scholarships are not eligible under the OCWPP or the PGWPP.

Section 6.4 – Commonwealth scholarship and fellowship plan – Clarified that students funded through these plans are not eligible under the OCWPP or the PGWPP.

Section 7.2 – Implied status – Added new subsection.

Section 7.3 – Temporary Resident Work Permit – Added new subsection (with renumbering throughout section).

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Section 7.4 – Restoration of status – Clarified procedures for foreign students, including their eligibility to transfer between institutions.

Section 7.5 – Documents required with a study permit application – Clarified fees and documents required for extensions as well as new applications.

Section 7.6 – Reviewing the documentation – Clarified acceptance-letter exemption and added text on special considerations.

Section 7.7 – Reviewing applicants for financial sufficiency – Clarified when and for what sufficient funds must be demonstrated.

Section 7.10 – Assessing the application – Replaced references to “Statesman/special category country” with “Visitor Information Transmission” and added LMO exemption codes for internship/practicum students, youth exchange students and reciprocal employment.

Section 7.13 – Issuing the study permit – Added text on POE and Inland procedures to distinguish these from overseas procedures.

Section 7.14 – Determining validity periods – Specified time limits of study permits for CAQ and VIT students; latter are newly at the discretion of the officer.

Section 7.16 – Recommending conditions – Highlighted two conditions which are no longer used in FOSS or CAIPS but are still available.

Section 7.18 – Special considerations for Quebec-bound students – Updated contact information for CAQ applications and added scenario of American nationals destined to Quebec without a CAQ.

Section 7.19 – Special considerations for family members of the private staff of diplomatic personnel – Added new paragraph on restoration of status.

Section 7.21 – Processing applications from students sponsored under the CIDA and DFAIT programs – Updated contact information and specified that CBIE administers DFAIT scholarships.

Section 8.1 – Eligibility (on entry) – Added reference to the *Quebec Guide on Immigration Procedures*.

Section 9.1 – Eligibility (after entry) – Clarified that foreign nationals holding a visitor record under A30(2) are eligible to apply for a study permit.

Section 9.2 – Where clients apply – Added a condition applicable to temporary residents wishing to apply for a permit.

Section 10 – Procedure: Contacting Canada Border Services Agency (CBSA) – Added new section.

Appendix A – Sample of forms – Removed form IMM 1442.

Appendix E – Proof of funds for foreign students – Added new appendix.

2005-04-11

The chapter has been the object of an extensive revision. In particular, several subsections 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.

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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.

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."

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

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 *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

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1. What this chapter is about

This chapter explains how officers should process study permit applications outside Canada, at ports of entry or inland. Unless otherwise stated, all instructions in this chapter apply to full-time and part-time studies. For the purpose of consistency in language, “study” is categorized as follows:

Type of study: Academic, language training, professional or vocational training, or distance learning.

Program of study: Primary and secondary school, bachelor’s degree, master’s degree, doctoral degree, ESL/FSL (language training), or professional/vocational training. The completion of a program typically leads to a certificate, diploma, or degree. A program of studies is typically a combination of one or more courses of studies.

Field of study: A major or a specialization; for example, Political Science, Biology, Civil Engineering, or Accounting. For other types of training, the field of studies is typically the same as the program of studies.

Level of study: Each year of a primary/secondary school (K-12), or each year/level by competencies of a program of studies; for example, first year of a master’s degree in Biology.

Note: The definition of level of studies above is different from the classification of level of studies in FOSS. For more details, see section 7.15.

Course of study: A specific subject, such as:

- ◆ Math, Science, Social Studies, or Language Arts in K-12;
- ◆ Macro-Economics 101, Introduction to Biology of the Cell, Civil Engineering Materials, or Financial Accounting 201 at university or college;
- ◆ Grammar Level 1 or Conversational Techniques in ESL/FSL;
- ◆ Flight training or Meteorology in professional/vocational training

Short-term studies: A program of studies consisting of one or more courses that can be completed within six months (see section 5.11).

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 (POE) 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

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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 R21	1
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
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 Made Outside of Canada	IMM 1294
Authority to Release Personal Information to a Designated Individual	IMM 5475
Use of a Representative	IMM 5476

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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 (POE) 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 POE, 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:

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 7.19, 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).
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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 7.20, 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). Persons making a claim for refugee protection in Canada with an existing temporary resident status (i.e., visitor, student, worker) do not lose their existing status. These persons may therefore 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: <http://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

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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;
- 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)..

Note: A study permit is not generally issued for kindergarten, but can be issued on request.

5.6. Letter of acceptance

Students can establish acceptance to a course or program 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;
- name of the institution and official contact
- telephone, fax, Web site and e-mail information for the institution
- type of institution (licensing information for private institutions)
- the course/program, level, and year of study into 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/program of study is full-time or part-time;
- the tuition fee;
- scholarships and other financial aid (if applicable)
- a valid letter of acceptance
- 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 7.17, Joint programs involving more than one institution, below.

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

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To view an example of a standard form letter of acceptance, visit:
<http://www.cic.gc.ca/english/pdf/pub/accllet-e.pdf>

Exceptions

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

When applying at the same time as the primary applicant, R219(2)(a) does not, however, guarantee the approval of a study permit application for a family member, since an application can still be refused based on other grounds, such as the bona fides of the applicant.

Students whose study permits expire less than 90 days after the completion of their course of study 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)].

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 educational 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 advisor. A copy of the concern should be sent to the Temporary Resident Program Delivery Division at National Headquarters (NHQ) at: OMC-GOC-Immigration@cic.gc.ca. The geographic desk will in turn contact the regional office or the specific CIC office directly. The regional program advisor should be informed and should notify the provincial regulatory body of any infraction by 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-

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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 the in-Canada portion of the program, even if the in-Canada portion 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.

Note: Foreign students who are studying part-time are not eligible to work on or off campus.

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, (pursuant to R188(2)) an officer must receive and process an application for a study permit, 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. Study permit holders may also be eligible to participate in work programs that are available to foreign students [R199(c)].

Period of authorized stay

Foreign nationals in Canada without a study permit wishing to enrol in subsequent educational programs must apply outside of Canada and obtain a study permit in the normal manner (e.g., at a Canadian mission abroad) 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 simply for the purpose of completing a short-term course or program 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

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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.

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.

Scenarios

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 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 5.20 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.	Yes. 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	No need for a study permit.

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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	
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	Yes. Students in such cases should obtain 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.

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 FW 1, section 9.

5.13. Fee exemptions [R300]

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 [R145].
- 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 [A96/97].
- 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 coming to Canada, under an agreement or arrangement between Canada and a foreign country that provides for reciprocal educational opportunities (for example, the Canada-U.S. Fulbright Program).

Refer to R300(2) for a complete list of exemptions.

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5.14. Releasing information

The Application for a Study Permit Made Outside of Canada Form [IMM 1294] includes a notation that the information provided will be protected under the *Privacy Act*. For more information, consult the *Privacy Act* at http://www.privcom.gc.ca/legislation/02_07_01_e.asp

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, Use of a Representative.

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.

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 the Computer-Assisted Immigration Processing System (CAIPS) / Field Operations Support System (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."

A39 states that a foreign national is inadmissible for financial reasons if they are or will be unable to support themselves.

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. The parents or legal guardians and the appointed custodian must acknowledge that the custodian will reside within a reasonable distance to the

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minor applicant's intended residence and school. The custodianship form for parents should include the information and signature of both parents, where applicable.

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

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 section 5.16 above.

Minor children are defined as those who are under the age of majority, as set out by each province or territory at the time of their arrival in Canada.

Subsection A30(2) provides that a minor already 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.

Minor students destined for Quebec

Minor applicants who are destined for Quebec must fulfil custodianship requirements of both CIC and the Quebec government. All these students must apply and be approved for a CAQ before entering Canada. For more information, visit <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/students/index.html>.

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. Applicants failing to show their intention to study would be a misinterpretation of A30(2).

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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 de l'Immigration et des Communautés culturelles du Québec* (MICC) 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 they have not done so, 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. However, once in Canada, when the individual ceases to be considered a minor, an application for a study permit must be submitted if the individual wishes to continue studying.

Inland

When applying to extend their stay, minor children will either apply for a renewal of their study permits, 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;
- 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.

5.18. Exchange programs

A number of exchange programs are sponsored by private organizations or educational institutions, 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. Students participating in exchange programs are not eligible to apply for an off-campus work permit. See FW1, Appendix E for details.

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 post-secondary students to work without a work permit on the campus of the university or college at which they are a full-time student. This authorization is valid for the

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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 (regardless of the course/program of study including English as a Second Language (ESL) / French as a Second Language (FSL)) at a university, community degree-granting college, *collège d'enseignement général et professionnel* (CÉGEP), publicly funded trade/technical school or private institutions authorized by provincial statute to confer degrees

Examples

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.

Definition of “on-campus”

“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 working on the institution’s campus where they are registered as a full-time student

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 that the work being conducted is strictly related to the student’s research 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 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.

Social Insurance Number (SIN)

Students will need a Social Insurance Number to work in Canada. To apply for a SIN for on-campus employment, they must have a valid study permit **and** an employment contract. Students can apply for a SIN before or within the first three days of employment.

5.21. Eligibility for employment on campus

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

- be registered full-time at a public university, community college, CEGEP, publicly funded trade/technical school or private institution authorized by provincial statute to confer degrees;
- be in possession of a valid and subsisting study permit; 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;

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- 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.

5.22. Human Resources and Social Development Canada (HRSDC) labour market opinion (LMO) exemptions

As described in section 5.20 above, full-time students registered in a certificate, diploma or 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 an LMO. However, there are several other categories of students who must be issued a work permit but are exempt from an LMO.

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 work experience in order to graduate. Note: This exemption does not apply to medical interns, externs, or resident physicians (except those in veterinary medicine).
Spouses/ common-law partners of students	Exempt C42 Note: The provisions outlined for C42 only apply to students engaged in full- time studies at a university, community college, CÉGEP, publicly funded trade/technical school or 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. <ul style="list-style-type: none"> • 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.

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Post-Graduation Work Permit	Exempt C43	Students who have graduated from post-secondary institutions, in possession of valid study permits: <ul style="list-style-type: none"> • 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 obtain this exemption once.
	<p>Note: The provisions outlined for C43 only apply to students engaged in full-time studies at a university, community college, CÉGEP, or publicly funded trade/technical school; or at a private institution authorized by provincial statute to confer degrees if the applicant received the credential in a program leading to a degree, i.e., not in all programs of study offered by the private institution.</p> <p>For more details refer to the <i>Temporary Foreign Workers Guidelines</i> (FW 1), section 5.38, paragraph C.</p>	
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: <ul style="list-style-type: none"> • Employment can be open or employer specific
Off-Campus Work Permit	Exempt C25	Students enrolled full-time at a participating publicly funded post-secondary educational institution or in an approved qualifying program at a participating privately funded institution authorized by provincial statute to confer degrees. Students must be enrolled in one of the programs of study leading to a degree as authorized by the province and not in all programs offered by the private institution.

For a complete description of all work programs for students, refer to FW 1 (Temporary Foreign Workers Guidelines) section 5.38.

5.23. Off-campus employment

The Off-Campus Work Permit Program (OCWPP) allows foreign students to apply for a work permit to work off-campus without a labour-market opinion from Service Canada. This program (C25 exemption) is now available in provinces that have signed a Memorandum of Understanding (MOU) with CIC. The Program allows foreign students to work part-time during their regular academic sessions and full-time during scheduled breaks (e.g., summer holidays). To qualify, students must be enrolled full-time at a participating publicly funded post-secondary educational institution; or, in a degree program from a Canadian private post-secondary institution authorized by provincial or territorial statute to confer degrees, **but only if the program of study leads to a degree as authorized by the province and not in all programs of study offered by the private institution.**

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E-services and the Electronic Notification System

E-Channel services have been designed to facilitate electronic communication with clients when processing applications. The first pilot of the E-Channel system was launched with the OCWPP. The rationale for this choice was the degree of electronic literacy of OCWPP clients. E-Channel services include the following components: an Online Application; the Electronic Notification System (ENS); MyCIC; a Partner Portal; and the Client Service Page. All students are now eligible for an Off-Campus Work Permit from participating pilot institutions (shown in the list below). Students will be able to submit their application electronically, and to complete, sign, pay for and submit their registration on-line. To start applying on-line or to confirm their eligibility electronically, applicants must enroll with MyCIC on the Department's website. MyCIC is a secure personalized portal that provides access to CIC's on-line services and tools.

A pilot of the ENS is being conducted that allows external partners to communicate and share information with CIC in a secure environment via a Partner Portal. For the 16 OCWPP pilot institutions, ENS replaces two CIC forms: IMM 5581 (Off-Campus Work Permit Program – Verification Form) and IMM 5582 (Off-Campus Work Permit Program – Student Acknowledgement and Consent Form). Completing the request for initial verification of eligibility on-line is now mandatory for applicants from these institutions.

In the case of the OCWPP, external partners are the Designated Institutional Representatives (DIRs) from the 16 institutions. The *Off-Campus Work Permit Program for International Students—Guide for Designated Institutional Representatives* describes the program and explains the responsibilities of the designated institutional representative (DIR) (see <http://www.cic.gc.ca/english/study/institutions/guide-dir.asp>)

Participating Institutions in ENS Pilot

Acadia University
Humber College
Memorial University of Newfoundland
Mount Royal College
Saint Mary's University
Université du Québec à Montréal
Université du Québec à Trois-Rivières
Université du Québec en Outaouais
University of Alberta
University of Guelph
University of Manitoba
University of Regina
University of Saskatchewan
University of Winnipeg
Vancouver Community College
Vancouver Island University

Definitions

- **Full-time status**

Each institution identifies the course load that is required for a student to be considered full-time in a specific program of study.

- **Satisfactory academic standing**

Each participating institution will define satisfactory academic standing for its institution. Satisfactory academic standing is usually defined as a satisfactory mark or grade-point average for a particular program of study, or the completion of certain program requirements as specified by the program of study.

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- **Ineligibility**

Students who were issued a Verification Form by the institution become ineligible for OCWPP if they fail to maintain the eligibility requirements (e.g., they are no longer studying full-time or they have ceased to maintain satisfactory academic standing). Students with an off-campus work permit who become ineligible must immediately surrender their work permit to their local CIC office (call 1-888-242-2100 to find out where the nearest office is located). They may reapply if they meet the eligibility requirements at a later date, but they must wait at least six months from the time they have become eligible again. Procedures for surrendering work permits are outlined later in this section and also in section 6 of the TFW manual.

- **Non-compliance**

Students who fail to comply with the terms and conditions of their work or study permits are considered non-compliant. Furthermore, students who become ineligible and who do not immediately surrender their work permit will be found in non-compliance by CIC. These students will **not** be able to apply for another off-campus work permit. Non-compliance may also result in enforcement action taken by the Canada Border Services Agency (CBSA), or invalidation of the work or study permit. It may also negatively affect future applications made under the *Immigration and Refugee Protection Act* (IRPA).

- **Eligible institution**

An “eligible institution” in the case of a public institution is defined as follows:

- ◆ a public post-secondary institution, such as a college or university or CÉGEP in Quebec; or
- ◆ a private post-secondary institution that operates under the same rules and regulations as public institutions and that receive at least 50 percent of their financing for overall operations from government grants (currently only private college-level educational institutions in Quebec qualify); and
- ◆ one that is located in a province or territory that has signed an MOU with CIC and that has signed an off-campus work agreement with their provincial or territorial government.

An “eligible institution” in the case of a private institution is defined as follows:

- ◆ is located in a province or territory that has signed a memorandum of understanding with CIC and that has signed an off-campus work agreement with their provincial or territorial government; and
- ◆ has approval from the provincial or territorial government to grant specific degrees by a public or private act of the provincial/territorial legislation or through a government-mandated quality assurance mechanism

Please note that not all programs offered by private post-secondary educational institutions qualify. Qualifying programs at eligible privately funded post-secondary institutions must lead to a specific degree upon completion.

- **Participating institution**

Any eligible institution that has signed an agreement on the Off-Campus Work Permit Program for International Students with its provincial or territorial government. For a list of participating institutions, see <http://www.cic.gc.ca/english/study/institutions/participants.asp>

- **Provincial/Territorial coordinator**

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An employee of the provincial or territorial government who is responsible for overseeing the Program, including: ensuring consistent program implementation, monitoring, submitting reports, and reporting to CIC on cases where students who were issued a Verification Form are found to be ineligible.

- **Program forms**

By signing the **Student Acknowledgement and Consent Form (IMM 5582)**, students acknowledge that they understand the eligibility requirements and the general conditions that apply to the Program. They also authorize the disclosure of information between their institution and the province or territory as well as between the province or territory and CIC, for the purpose of annual verification of their academic eligibility (e.g., full-time status and satisfactory academic standing) for the off-campus work permit. The DIR must keep the original completed form and provide a copy to the student to include in their off-campus work permit application package.

Students must complete section A of the **Verification Form (IMM 5581)** and request that their DIR complete section B. If the DIR indicates that a student is academically eligible for the Program, the DIR signs the form, keeps a copy on record, and returns the original to the student to include in the application package.

Students transferring from one participating institution to another may continue to participate in the Program. These students must request that the DIR from their former institution complete section C of the Verification Form and transfer this form, along with the Student Acknowledgement and Consent Form, to the DIR at the new institution. Students must also provide CIC with the contact information of the DIR at the new institution.

General eligibility criteria

Students are eligible if they:

- possess a valid study permit;
- have studied full-time at a participating institution for at least six months out of the twelve months preceding their application to work off campus;
- have maintained satisfactory academic standing for at least six months out of the twelve months preceding their application;
- continue to be registered as a full-time student and continue to maintain satisfactory academic standing;
- have signed a Student Acknowledgement and Consent Form;
- continue to fulfil the terms and conditions of their study and work permits, as applicable;
- continue to meet the eligibility requirements while participating in the Program.

Students are ineligible if they:

- have previously held an off-campus work permit, failed to maintain their eligibility for the Program (they may reapply at a later date), **and** failed to comply with the terms and conditions of their work or study permit (they may not reapply);
- have a partial or full scholarship/award from the Canadian Commonwealth Scholarship Program, the Government of Canada Awards Program funded by Foreign Affairs Canada, or the Canadian International Development Agency;

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- are visiting or exchange students; or
- are registered in general interest courses or programs that consist primarily in English or French as a second language (ESL/FSL) instruction.

Note: Six-month period of full-time studies

Enrolment and participation in ESL/FSL programs is not included in the calculation of the six-month period of full-time studies.

If the institution considers a student to have "full-time" status during the "work experience" portion of the program **and** the student continues to comply with the institution's co-op rules, the student will be eligible for the OCWPP and the work experience portion of the program can be included in the calculation of the six-month period of full-time studies.

Example:

1. Students who begin full-time studies in September and continue through to the end of February (with the exception of the Christmas break) would be eligible to apply for a work permit in March (September to February = 6 months), provided that they are still enrolled in full-time studies and are in satisfactory academic standing at the time of the application;
2. Students who begin full-time studies in January, but are not enrolled in full-time studies during the summer months (i.e., May–August) would not be eligible to apply for a work permit until they have completed **six** months of full-time studies. But, students studying full-time from the beginning of January until the end of June would be eligible to apply in July, provided that they are in satisfactory academic standing and are enrolled in full-time studies for September;
3. Students who study full-time from September to December (4 months) and then participate in a co-op work term from January to April (4 months) would be eligible to apply as early as March, if the institution considers students on co-op work terms to have full-time status **and** the student continues to comply with the institution's co-op rules.

Conditions of the work permit**Work permit validity**

Off-campus work permits should be valid for the same period as the study permit. A study permit is usually issued for the duration of study, plus 90 days. The work permit will follow the same rule: duration of study, plus 90 days.

Students who have completed their academic program requirements and who are within the 90-day transition period will still be considered eligible to work off-campus, provided that they hold a valid study permit and a valid off-campus work permit. These students can work full-time.

Some students have short-term study permits that are required to be renewed each year (e.g., students from a VIT country, outlined in IC 2). In order to participate in the Program, these students would need to apply for a renewal of the work permit each time.

Maximum working hours

Participating students can work up to 20 hours per week during their regular academic sessions, while they are registered as full-time students. They may work full-time during scheduled breaks (e.g., winter/summer holidays, reading week) and during the transition period to a post-graduation work permit.

Students who are registered as full-time students during the summer period (May to August) may only work up to 20 hours per week during that period.

Some intensive programs may not have scheduled breaks. Students participating in such programs would therefore be limited to working for a maximum of 20 hours per week during the entire program of study.

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Note: Although there are no legal restrictions preventing students from working 20 hours per week on campus and 20 hours per week off campus, students should be discouraged from working more than a maximum of 20 hours per week. They should also be reminded that they must be in full-time studies and maintain satisfactory academic standing in order to remain eligible for the Program.

Restrictions

An officer at CPC-V will verify, in FOSS, if students have passed an immigration medical examination. If they have, officers will issue an open, unrestricted work permit. Otherwise, officers will issue an open, occupation-restricted work permit.

Standard remarks on the work permit include:

- This work permit authorizes the holder to work off-campus up to a maximum of 20 hours per week during regular academic sessions and full-time during scheduled school breaks or pending the issuance of a post-graduation work permit.
- This work permit has no geographic limitations.

Application processing procedures

CPC-V will receive the application package directly from the eligible students. The complete application package will consist of:

- Document Checklist – Students Applying for a Work Permit ([IMM 5583](#));
- Application to Change Conditions, Extend my Stay or Remain in Canada ([IMM 1249](#));
- copy of Student Acknowledgement and Consent Form ([IMM 5582](#));
- original Verification Form signed by the DIR ([IMM 5581](#));
- fee receipt;
- (optional) Use of a Representative ([IMM 5476](#)).

Procedures for surrendering work permits

When **students** who hold an off-campus work permit become ineligible (e.g., no longer in full-time studies or not maintaining satisfactory academic standing), they must immediately surrender their work permit to their local CIC office (Call 1-888-242-2100 to find out where the nearest local CIC office is located).

Students who become ineligible but do not immediately surrender their work permit will be found non-compliant and will lose the ability to qualify for a work permit under the Program in the future. Non-compliance with the terms and conditions of the work permit may also result in enforcement action taken by the CBSA and may negatively affect future applications made under IRPA.

Students can surrender their work permit to their local CIC office either by bringing in or mailing in their original work permit, with a note indicating the reason for its surrender.

A sample note to surrender a work permit can be found at <http://10.24.211.48/english/study/guide-note.html>

CIC officers must record ineligibility in FOSS but must also record that the **student has complied with the conditions of the program by surrendering the work permit**, when applicable.

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Annual verification process

Annually, each **participating institution** completes a verification of academic eligibility status, by a set date in October (to be determined by the province), for all students to whom its DIR has issued a Verification Form, or for whom a Verification Form and a Student Acknowledgement and Consent Form were received from another participating institution for a transferring student.

The institution prepares a verification report listing all students who have obtained a Verification Form and who have become academically ineligible since the last verification, or since the initial issuance of a Verification Form. The institution sends the report to the Provincial Coordinator by November 1st. If no students have become ineligible, the institution must send a "nil" report.

All students who have obtained a Verification Form from their DIR are subject to an annual verification of their academic eligibility status. This means that even students who subsequently did not apply for a work permit, who were refused, or who surrendered their work permit will be monitored. Those students may revoke their consent to the release of information. For procedures to revoke consent, see [section 9](#).

The **provincial/territorial coordinator** receives reports from the participating institutions in that province and ensures that all institutions comply with the annual verification process.

The provincial/territorial coordinator compiles a consolidated provincial/territorial report, which is forwarded to CIC regional office by December 1st.

CIC monitoring

The **CIC regional office** distributes the provincial/territorial reports to local CIC offices.

Local CIC offices only verify compliance of those students in the provincial/territorial report who are attending institutions located in their geographic area of responsibility. For each student listed on the consolidated provincial/territorial report, local CIC officers will determine the following:

- Has a work permit been issued? (If not, no action.)
- If so, has the student surrendered their work permit? (If so, no action.)
- If not, record non-compliance on the student's record and possibly advise the CBSA.

Note: *The CBSA will decide what, if any, enforcement action should be taken.*

Example: The suggested text for non-computer-based FOSS entries in reporting non-compliance may be as follows:

On [date], student was found to be non-compliant for:

- failing to surrender the work permit after having become ineligible for the Program (no longer in full-time studies or no longer in satisfactory academic standing); **or**
- failing to comply with the conditions of the work permit by exceeding the maximum 20 hours per week of work during the regular academic sessions.

Revocation of consent

Students who were issued a Verification Form **but who did not apply for or receive a work permit** under the Program can revoke their consent to the release of information (signed on the Student Acknowledgement and Consent Form).

Students who were refused an off-campus work permit must provide the DIR with a copy of their letter of refusal and a completed Use of a Representative Form that will allow the DIR to notify CIC of their request for revocation of their consent.

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Students who were issued a Verification Form but did not apply for an off-campus work permit must provide the DIR with a completed Use of a Representative Form that will allow the DIR to notify CIC of their request for revocation of their consent, and the original copy of the [IMM 5582](#).

DIR – For students:

- "Participating institutions" will continue to be considered participating under the new MOUs for six months after implementation. They must fulfil the responsibilities described in the *Guide for Designated Institutional Representatives Guide*, including annual verification of students' academic eligibility for the program.
- Under the new MOUs, the DIR must verify each student's academic eligibility not only when the initial application is made, but once a year until the student completes their program of studies, transfers to another institution, or asks to be removed from the verification process (by revoking consent or surrendering their work permit).
- Work permits issued under the terms of the pilots and processed under the new MOUs will be sent directly to the DIR.
- When students pick up their work permit, the DIR will have them sign an Acknowledgement and Consent Form ([IMM 5582](#)) and will issue a Verification Form ([IMM 5581](#)) so that the students will be included in the annual verification process. In this case, neither form will be sent to CPC-V; instead both will be retained by the DIR.

Starting a new program or level of study after completing a first program

If a student begins a new program or level of study within four months of completing a previous program they do not have to wait an additional six months to apply for an Off-Campus Work Permit. They may apply for the OCWPP at the start of their second program and count their full time studies from the preceding program towards their application to work off-campus. For example, if a student completes a bachelor's degree in April and starts a master's degree in September, they are eligible to apply for a permit as soon as they begin the master's program as long as no more than four months have passed.

Transition from off-campus work permits to post-graduation work permits

Students can apply for a post-graduation work permit—a one-time opportunity—during the 90-day transition period on completion of their academic program if they fulfil all of the requirements for the PGWPP. Since the validity period of an off-campus work permit is usually the same as the student's study period (the duration of the academic program plus 90 days), they do not have to surrender their off-campus work permit to apply. They can continue to work under the off-campus work permit provided that they hold both a valid study permit and a valid off-campus work permit. Employment during this transition period can be full-time.

5.24. Post-Graduation Work Permit Program (PGWPP)

The Post-Graduation Work Permit Program allows students who have graduated from a participating Canadian post-secondary institution to gain valuable Canadian work experience.

A work permit under the PGWPP cannot be valid for a longer period than the length of the student's studies.

Example: If students graduate from a four-year degree program, they could be eligible for a three-year work permit if they meet the criteria.

If the students graduate from an eight-month certificate program, they would be eligible for a work permit that is valid for no more than eight months.

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Following successful completion of their studies, students may accept employment in any field, with no restrictions. This means that students are allowed to apply for the work permit as soon as they graduate, and once they have it in hand, they would be able to start working as soon as they receive a job offer. There is no need for HRSDC confirmation (work permit with C43 exemption). The work permit is valid up to a maximum of three years with no geographical restriction (see eligibility criteria below).

Students graduating from distance learning programs are not eligible. Also, if the degree was granted by a non-Canadian institution, students are not eligible regardless of the length of their stay in Canada.

Note: Part time and self-employment situations are covered under this provision

General eligibility criteria

- The student must have studied full-time at a Canadian university, community college, CEGEP, publicly funded trade/technical school, or at a private institution authorized by provincial/territorial statute to confer degrees (but only if the applicant received the credential in a program of study leading to a degree as authorized by the province and not in all programs of study offered by the private institution).
- Studies must have taken place at a Canadian institution in Canada. Distance learning from outside or inside Canada does not qualify a student for this program.
- The student must have completed and passed a full-time course of study or program lasting at least eight months. Whether they received a “degree”, “diploma” or “certificate” is not an issue.
- The work permit application should include evidence that the student has completed the program or course of study. This may include a final transcript, letter from the institution or the formal notification of graduation.
- The application must be submitted within 90 days of formal written notification by the institution that they have met the requirements of the course of study or program. Students who have evidence of program completion may apply for the work permit before the formal notification. **Calculation of the 90 days begins the day when the student’s final marks are issued or when formal written notification of program completion is received, whichever comes first.**
- The student must still be in possession of a valid study permit at the time of application.

Specific eligibility criteria

- If the program of study is **two years or more**, the student would be eligible for a three year work permit.
- If the program of study is **less than two years but at least eight months**, the student would be eligible for a work permit lasting for a period equal to the duration of their studies. The validity period of the work permit must not be longer than this period. For example, if the student graduated from an eight-month certificate program, they are only eligible for a work permit of eight months' duration.

Exception: Students holding a one-year graduate degree from a provincially accredited post-secondary educational institution in Canada (pursued full-time) after having obtained, within the prior two years, a degree or diploma from an accredited post-secondary educational/training institution will qualify for a three year work permit. This exception also applies to students who have left Canada temporarily between the graduations.

Example: A student who obtained a one-year MBA from a provincially accredited post-secondary institution in Canada after having obtained a one year university diploma, no more than two years before obtaining the MBA, would be allowed to cumulate both degrees and therefore to get a three year PGWP.

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Restrictions

Students are **not** eligible to receive a post-graduate work permit if the program of study is **less than eight months** or if they have previously been issued a work permit following any other program of study . They are also not eligible if they participate in:

- a Canadian Commonwealth Scholarship Program, funded by the Department of Foreign Affairs and International Trade (DFAIT);
- a Government of Canada Awards Program funded by DFAIT or CIDA;
- the Equal Opportunity Scholarship, Canada-Chile;
- the Canada-China Scholars Exchanges Program;
- the Organization of American States Fellowships Program; or
- a distance-learning program, either abroad or in Canada.

Special cases

In cases where a student has transferred between educational institutions, the student must have graduated from an institution described in the eligibility criteria above, and the combined time in institutions meeting these criteria must be at least eight months. Flight instructors who meet either of the following criteria may be issued work permits under the C43 provision:

- The applicant has completed a flight-training course at a Canadian training centre and has obtained a Canadian commercial pilot's licence;
- The applicant has obtained, or is in the process of obtaining, an instructor's rating and has received an offer of employment as a flight instructor from a flight training centre.

Note: This should not be the same school at which the applicant is trained.

Applicants providing either of the above documents may be issued an open work permit, valid for three years, if the flight-training course was at least two years, or valid for the length of their flight training studies in Canada, if between eight months and two years. Flight training under eight months does not qualify a student for the work permit. Any subsequent work permit request or application for extension must be supported by an HRSDC confirmation.

Work permit issuance and validity

Officers will issue open work permits up to a maximum of three years, depending on eligibility criteria outlined above. Officers should no longer follow the previous practice of issuing one- and two-year permits based on the location of the work (e.g., MTV rule).

6. Definitions

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

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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, CÉGEPs, career colleges, professional associations, or unions.

Example: Real estate appraisal, production and inventory control, food services management, speciality 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 7.18 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 7.18 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 and interns 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.

Students who are funded through these scholarships are neither eligible to apply for a work permit under the Off-Campus Work Permit Program nor the Post-Graduation Work Permit Program.

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

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Trade (DFAIT) 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. Students funded through these scholarships are neither eligible for an Off Campus Work Permit, nor a Post-Graduation Work Permit.

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. Fulbright and Killam Fellowships Programs

The Foundation for Educational Exchange between Canada and the United States of America administers the Canada-U.S. 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 U.S. 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 U.S. 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 U.S. at the end of their award period or study program.

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.

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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 7.5 Documents required with a student application.

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 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)];
- 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:

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- 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-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.

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Inland

If the six-month ban applies, officers shall not issue a study permit and should refuse the application based on the grounds 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 lapse 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 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 7.4 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. Implied status

[Link to be added]

7.3. Temporary Resident Work Permit

If a temporary resident applies for renewal of their work or study permit and their permit expires before a decision is made, R186(u) and R189 (the right to continue working or studying under the same conditions pending a determination of their application for renewal) apply only as long as the person remains in Canada.

7.4. Restoration of status

R182 allows a foreign 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.

Note: Officers should not unnecessarily restrict the student's attendance to a specific institution.

- 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 grounds of inadmissibility. For example, the person has overstayed.

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Restoration of status cannot be granted at the POE. Persons who have failed to comply with conditions imposed under R185 need to apply **in Canada for restoration of their status**. If they depart Canada, they will be deemed to be seeking a new entry upon their return.

Note: Since January 15, 2005, foreign students engaging in post-secondary studies in Canada can transfer institutions (both public and private) and change their course/program of study without applying for a change to the condition of their study permit.

7.5. Documents required with a study permit application

The following documents must be provided with a student application for both new applications and extensions.

- application forms IMM 1294 overseas and IMM 1249 inland;
- study permit application 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.

7.6. 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:

- check to ensure that the application form has been properly completed and signed by the applicant.
- determine whether a cost-recovery fee is required and that payment has been included with the application. Currently the cost recovery fee is \$125. See section 5.13 Fee exemptions, above.
- review the original letter of acceptance (for new applications) 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 the letter of acceptance requirement [R219(2)]. This exemption does not guarantee the approval of a study permit application.

- for study permit renewals, review the transcript or letter from the registrar to ensure that the student is in good standing. Evidence of good standing may be reflected in the confirmation of acceptance of registration by separate letter from the institution or a transcript.
- 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. Applications for extensions to CPC-V must meet the same requirement.
- verify that the applicant has a valid passport or travel document upon presentation of their application. (See section 7.9 Proof of identify, below)
- verify that the applicant has a valid CAQ, if they are destined to an educational institution in Quebec. (See section 7.18 Special considerations for Quebec-bound students, below.) A valid CAQ is also required in support of an extension application within Canada.

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

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- 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.

Special considerations

When foreign students are unable to fulfil their conditions as temporary residents due to circumstances entirely beyond their control, they should not face any sanctions by CIC or CBSA.

For example, if foreign students are due to apply for a study permit extension during labour unrest, they should include with their application an explanation (from the registrar of the educational institution) of why they have been unable to continue with their studies or attend school. Foreign students must, however, maintain valid temporary residence at all times and should maintain their status as a student during this period by renewing their study permit before it expires. Once the labour unrest has been resolved, they will be able to resume their studies, provided that they continue to have valid temporary residence and a valid study permit.

7.7. 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 or program of studies 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. Applications for extensions made to CPC-V must also meet this requirement.

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.

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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.

	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 for 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.
- medical insurance 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/en/immigrate-settle/students/finding-out/education-costs.html>

If a third party is paying the student's expenses, they (e.g., parents) must submit a sworn statement respecting the assumption of the student's expenses.

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

7.8. 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;
- 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.

7.9. 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.

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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)].

7.10. 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 Section 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 country classified under the Visitor Information Transmission category?	• 3. Officers will need to consult with the appropriate person in their respective office to determine whether the student is from a country classified under the Visitor Information Transmission category 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 R30. 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 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 1413 1338 1633">• Full-time students attending an eligible institution are allowed to work on the campus at which they are registered 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 1644 1338 1770">• The following foreign nationals require a work permit, but are exempt from labour market opinion issued by Service Canada under the code indicated at right:<li data-bbox="763 1780 1338 1822">• Spouses of students - C42<li data-bbox="763 1833 1338 1894">• Graduates working in their field for one year after graduation - C43

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<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• Program 1 (e.g., coop education, internship, practicum) - C30• Co-op education and employment - C30• Destitute students - H81• Youth exchange students - C21• Reciprocal employment - C20• International Student and Young Worker program - C21• For more information, see the FW 1 manual. <p>• 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.</p> <ul style="list-style-type: none">• 8. Applicants should be counseled on the availability of health insurance. See section 5.19 Health insurance, above.
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7.11. 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.

7.12. 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](#).

7.13. 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 7.14 Determining validity periods, below);
- decide on whether to recommend conditions (see section 7.16 Recommending conditions, below);

Overseas

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- 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 COD, Coding Manual; and
- issue a 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* business person holding a long-term multiple entry TRV 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 IC 2). Officers will need to consult with the appropriate officer in their respective office to determine whether the student is from a country classified under the Visitor Information Transmission category, 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.

At POEs

- ensure the letter of introduction is valid; and
- issue a study permit in accordance with the letter of introduction.

Inland

- Foreign students who have been approved for a study permit abroad but did not obtain one at the port of entry on their initial arrival (e.g., they failed to present a letter of introduction) can contact the CIC Call Centre at 1-888-242-2100.

The call centre will inform CPC-Vegreville of the situation and the officer there will assess the student's eligibility against the case management system to verify the student's approval for a study permit. If approved, CPC-Vegreville will mail a study permit to the student's address, provided that the student has not studied without a valid study permit.

- Under certain circumstances as described under R215, foreign nationals in Canada are eligible to apply for a study permit in Canada.

7.14. Determining validity periods

Once officers have determined that an applicant 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/program of study, plus an additional 90 days
Secondary students: Grades 9-12 (In Quebec, secondary students are defined as <i>secondaire III</i> through <i>secondaire V</i> (equivalent	Should correspond to the duration of their proposed course of studies, plus an additional three months

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of grades 9-11.))	
Primary students: Grades 1-8 (Foreign nationals attending kindergarten are exempt from the study permit requirement.)	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.) In accordance with the Canada-Québec Agreement, the duration of a study permit cannot exceed the duration of a CAQ; therefore, a Québec-destined student is not allowed the additional 90-day grace period that students destined to other provinces are.
VIT (Visitor Information Transmission) 34, 35 and 37 (formerly known as Statesman and special-category country)	Issue limit is at the discretion of the officer. 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 the list of countries for which screening is mandatory, as described in IC 2. There are no specific restrictions on the validity period for foreign students from VIT countries, provided that these students meet all the eligibility requirements for a study permit. For more information about VIT countries, see Schedule A of IC 2 – Part 2.
Rotary exchange students	Valid until August 31st of the following year.

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, POE officers will amend the permit to reflect the full course or program of study.

Note: If a 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 <http://www.immigration-quebec.gouv.qc.ca/en/index.asp>.

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)].

7.15. 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

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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 the Global Case Management System (GCMS) is implemented.

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

Note: Until systems changes are made in CAIPS and FOSS, or until GCMS is implemented, 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.

7.16. Recommending conditions

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

Conditions	Guidelines
Unless authorized, 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	<p>To be imposed at the discretion of officers.</p> <p>Not to be used for primary or secondary school students</p> <p>See Level or type of study, section 7.15.</p>
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,	To be imposed if warranted by the student's medical

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surveillance or treatment	<p>condition:</p> <ul style="list-style-type: none"> • Time and place where the student must report for medical examination, surveillance or treatment or for any other purpose. • Times and places at which the student must provide evidence of compliance with the conditions thus imposed.
Must leave Canada by a specific date	<ul style="list-style-type: none"> • To be imposed systematically when the study permit is the primary document of the holder.
Travel in Canada is restricted	<ul style="list-style-type: none"> • To be imposed only after consultation with the geographic desk, RHQ or NHQ.

The following conditions are available in FOSS and CAIPS but should no longer be used:

- Must be in attendance at an approved type of institution
- May accept employment on the campus of the institution at which registered in full-time studies

7.17. 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.

7.18. 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:

Services aux étudiants étrangers (foreign students' services)
 Client Service Centre
 285 Notre Dame Street West
 Main Floor, Suite G-15
 Montréal, Québec
 H2Y 1T8 Canada,
 Telephone: 514-864-9191

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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 participating in 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/index.asp>.
- American nationals coming to Quebec to study without a CAQ have a grace period of six weeks from their arrival in Canada to apply for a CAQ.

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 in Canada or persons 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 the study permit 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 non-accompanying child even though a CAQ is required by the *ministère de l'Immigration et des Communautés culturelles du Québec* (MICC).

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 MRCI 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: Since June 16, 2003, the CAQ is now issued for a maximum of three years. See section 7.14 for implications for study permits.

7.19. Special considerations for family members or members of the private staff 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 imprint 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

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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 do not require a 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.

Under R188(1)(a), dependent children of diplomats are not required to have study permits in Canada, as long as the diplomat and the children's "official status" in Canada is valid.

Restoration of status for dependent children

Dependent children of diplomats in Canada who are 25 years of age and over are no longer eligible to receive "official status" in Canada (see ENF 4, section 13.5) and must restore their temporary resident status (initially granted upon entry) within 90 days of the expiry date of their "official status."

Dependent children of foreign diplomats whose "official status" ceases upon termination of their parent's "official status" must regularize their temporary status in Canada through restoration of status.

Questions related to foreign representatives in Canada should be addressed through NHQ to the Office of Protocol, Department of Foreign Affairs and International Trade, Ottawa, Ontario K1A 0G2. The acronym for the Protocol Office is XDC. One can also consult the DFAIT internet site at <http://www.international.gc.ca/protocol-protocole/index.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).

7.20. 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 5.17 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.

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

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7.21. Processing applications from students sponsored under the CIDA and DFAIT programs

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 or program 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	DFAIT applications
Administration	<p>Delegated to various executing agencies, such as private sector companies, universities, public organizations or embassies of recipient countries</p> <ul style="list-style-type: none"> Usually CIDA representatives overseas counsel students before their arrival in Canada. Counseling can also be delegated to a fellowship coordinator or an executing agency representative 	<ul style="list-style-type: none"> The Canadian Bureau of International Education (CBIE) administers DFAIT's scholarships and awards programs
Inquiries	<p>Inquiries regarding program, policy and case related issues should be addressed to: CIDA Canadian Partnership Branch 200 Promenade du Portage Hull, Quebec K1A 0G4 Tel.: (819) 994-5399 or 1-800-230-6349 Fax: (819) 997-0602</p>	<p>Inquiries regarding program or policy should be addressed to: International Academic Relations Division (ICE) Department of Foreign Affairs and International Trade 125 Sussex Drive Ottawa, Ontario K1A 0G2 Tel: (613) 992-6285 Fax: (613) 992-5965</p>
	<p>Note: Inquiries regarding processing procedures: CIC Economic Policy and Programs Division (SSE)</p>	<p>Note: Inquiries regarding case-related issues:</p>
		<ul style="list-style-type: none"> CBIE 220 Laurier Avenue West, Room 1550 Ottawa, Ontario K1P 5Z9 Tel.: (613) 237-4820 Fax: (613) 237-1023
		<p>Note: Inquiries regarding processing procedures: CIC Economic Policy and Programs Division (SSE)</p>
Identification Code	<ul style="list-style-type: none"> Identify students or trainees with Code 599 on the study permit in CAIPS. Where a TRV is issued, the notation "CIDA Student" must be included underneath the visa. 	<ul style="list-style-type: none"> Commonwealth scholarship and fellowship plan: Identify students with CODE

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		<p>506 on the study permit in CAIPS. Where a TRV is issued, the notation "CSFP Student" must be written underneath the visa.</p> <ul style="list-style-type: none"> • Government of Canada awards: no special identification code
Validity period	<ul style="list-style-type: none"> • On a year-to-year basis. 	<ul style="list-style-type: none"> • CFSP students: valid for one year • Government of Canada awards: should correspond to the duration of the sponsorship
Refusals	<ul style="list-style-type: none"> • If student is found inadmissible, report the case to local CIDA representative or to the CIDA NHQ/Trainees and Awards Section (see above). 	<ul style="list-style-type: none"> • If student is found inadmissible, report case to CBIE. (see above)
Change of status	<ul style="list-style-type: none"> • Student is required to return to their country of residence once their program is finished. • CIDA has "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. • The request for extension of a study permit should then be dealt with as usual. Applicants will have to meet all the usual requirements in order to support a new study period in Canada. 	<ul style="list-style-type: none"> • Student is required to return to their country of residence once their program is finished. • CBIE has "Consent to Release Information" • When a DFAIT student or their family member makes an application to change their status, officers should contact CBIE to request a copy of this form. • Once this form has been received, officers should advise CBIE of the application for change of status.
<p>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 contacts are: Voluntary Sector Division, Projects and Education, Canadian Partnership Branch, Tel.: (819) 994-5399 or (819) 956-9717; and Technical Assistance Unit, Contracting Management Division, Chief Financial Officer Branch, Tel.: (819) 934-8345.</p>		

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.

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8.1 Eligibility

Not everyone is required to apply for a study permit before they arrive at a POE. For a list of people who may apply for a study permit at the POE, 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 7.14).

If an American national 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 obtain a CAQ and subsequently apply for a study permit from CIC. (See details in the Quebec Guide for Immigration Procedures, section 4, Chapter 1, article 2.3.4 and on Webcart at the following address: http://cicwebcart/imm/temp/study_etude/reqs_e.htm.)

9 Procedure: Application after entry

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;
- foreign nationals authorized to study in accordance with A30(2);
- 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 POE; 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 (provided they are eligible under R215) must do so in writing to the Case Processing Centre in Vegreville (CPC-V). To apply, clients can contact the CIC Call Centre at 1-888-242-2100 or refer to <http://www.cic.gc.ca/english/information/applications/extend-student.asp> to obtain a Change Conditions application kit. This kit contains 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 of contact 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.

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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.

10. Procedure: Contacting Canada Border Services Agency (CBSA)

When officials at an educational institution encounter serious cases of non-compliance, they can call the Border Watch Toll-free Line at **1-888-502-9060** (1=English; 2=French, then 3=Immigration). A CBSA agent will record the relevant information and will forward this to the relevant office for follow-up, where appropriate.

For more information, visit <http://www.cbsa.gc.ca/security-securite/bwl-lsf-eng.html>.

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Appendix A Sample of Forms

- Overseas and POE: Sample of Form IMM 1294, Application for a Study Permit Made Outside of Canada
- Inland: Sample of Form IMM 1249, Application to Change Conditions, Extend my Stay or Remain in Canada
- IMM 1208, Study Permit

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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 POE 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 Border Services officer upon arrival in Canada. The officer 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.

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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 to 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 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

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Appendix D Programs - Alphabetical lists

- International Student and Young Worker Employment programs—Alphabetical list by country. (see FW 1, Appendix E)
- International Student and Young Worker Employment programs—Alphabetical list by program. (see FW 1, Appendix E)

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Appendix E Proof of funds for foreign students

Missions should distinguish decision-making on a) bona fides (R216) and b) adequate funding for studies (R220). They should also follow these guidelines:

1. Lists of requirements for student applicants should provide, wherever possible, a variety of means of proving sufficient and available funds. There is no regulatory basis for requiring that students pay fees before they apply for the study permit.
2. Staying in a student residence and paying residence fees is not a requirement for a study permit.
3. Instructions on the CIC website state that proof of funds **may** include:
 - proof of a Canadian bank account in your name if money has been transferred to Canada;
 - your bank statements for the past four months;
 - a bank draft in convertible currency;
 - proof of payment of tuition and residence fees;
 - proof of funding paid from within Canada if you have a scholarship or are in a Canadian-funded educational program. This wording is permissive that students can provide any of these documents, if they have them. It does not impose a requirement to pay fees in advance. Instructions provided by missions should reflect this approach.
4. Visa officers should never deal with dubious bona fides by requesting funds transfers or advance fee-payments. In such circumstances, refusal under R216 is appropriate.
5. If missions regularly interview students to determine bona fides, any request to transfer funds should be made after the interview as a last remaining requirement.
6. Offices responsible for DFAIT missions issuing study permits should ensure that these instructions are understood and implemented.