

A Full Guide to Study Permits and Student Status in Canada

Course Summary: This course will provide an in-depth discussion of applications for study permits and the rights of international students in Canada, including recent COVID-19 policies. The instructors will address strategic considerations that are undertaken by immigration practitioners from the time of the initial client consultation until the submission of the study permit application. The course will also discuss international students' right to work during and after their studies, as well as the status of their accompanying family members. Applications for Temporary Resident Permits as means to overcome inadmissibilities will also be reviewed, as well as common ethical issues that arise in the representation of international students.

Course Outline:

1. Overview

- Canada as top destination for international students
- Temporary residents by class
- Study permits – statistical overview
- Study permits in the legislation and manuals

2. Initial client assessment

- Client's objectives in studying in Canada
- Eligibility and legal test
- Determining place of application
- Country-specific requirements
- Screening for criminal/medical and other inadmissibilities
- Discussing prior refusals
- Early assessment of permanent residence alternatives

3. Who needs a study permit?

- Activities not considered studies
- Distance learning
- Exemptions to study permits
 - Minors

- Courses of 6 months or less
- Other exemptions under R188
- Studying in Quebec

4. Custodianship

5. Where to apply for a study permit?

- Application outside of Canada
- Application upon entry
- Application within Canada – R 215
- Switching from visitor status to study permit
- Issuance of study permit within Canada due to COVID-19

6. General requirements for a study permit and legal test

- Designated Learning Institutions
- Bona fides studies and flags
 - Addressing genuineness in applications
 - The Study Plan – guest presentation by P. Cohen
- Financial sufficiency and proof of funds
- Ties to home country
 - Dual intent

7. Common mistakes made by study permit applicants

8. Six month bar for study permits in cases of unauthorized work or study

- Maintaining student status Exceptional situations
- Invalidity of study permit
- Changing schools or programs
- Extending status as a student
 - Implied status
- General and specific conditions on temporary residents
 - Complying with the terms and conditions of the study permit

--- 30 minute break ---

9. Working while studying

- On-campus work
- Off-campus work
- Co-op work permit

10. Family members

- Spouses of students
- Children of students

11. The Post-Graduation Work Permit application

- Eligibility
- Application
- Duration
- Spouse and children

12. Exercise: can my client work? - Specific scenarios regarding work as a study permit holder and recent graduate

13. The “destitute student” work permit

14. COVID-19 Measures

- Travel restrictions and exemptions
- Online courses and Post-Graduation Work Permit eligibility
- 18-month extension of Post-Graduation Work Permit
- International students providing essential services

15. Tips and practical recommendations

- Tips for preparing a strong application
- The study permit cover letter
- Refusals
 - ATIP requests
 - Judicial Reviews
 - The 2nd study permit application

16. Restoration of status as a student

17. Overcoming inadmissibilities – Temporary Resident Permit (TRP) generalities

- Medical and criminal inadmissibilities
- Overstay or unauthorized study/work
- Where and how to apply
- TRP legal test and privileges

18. Applicable processing fees

19. Ethical issues in study permit applications

- The education and immigration consultant
 - Competence
 - Dual interests
 - Consent from client
 - Letting commission from one business venture guide the immigration strategy
- Conflicts of interest
 - Duty to avoid conflicts of interest
 - Joint retainers
 - When client is an organization
 - Family members
 - Withdrawal of representation
- Ethical considerations in collecting and submitting client evidence
 - Misrepresentations and omissions
 - Dishonesty and fraud by client

20. Questions and answers