

FOREIGN STUDENTS IN CANADA:
THE IMMIGRATION EXPERIENCE FROM START TO FINISH

by

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Abstract

The purpose of this project is to reveal the practical issues that arose for foreign students in Canada as they attempted to maintain their immigration documents in compliance with prescribed procedures, and to fully access the opportunities afforded by the regulations. The project covers the period ending in 2007 and is based on my observations as an international student advisor who has worked in the profession for many years.

First, I review Canadian federal government news releases, and educational and business lobby statements regarding the value of foreign students to Canada. Second, I describe the Canadian federal government regulations that defined the processes that applicants were required to use to gain entrance to Canada and in order to maintain their documents throughout their period of study. Third, I describe the practical considerations students undertook in order to comply with the regulations concerning study and in opting to take advantage of newly-emerging work permit opportunities. I have included tables naming what actions the students needed to take with regard to their immigration documents and when these actions best needed to take place. I conclude that it is the intention of the federal government of Canada to encourage foreign students to come to Canada for study and to remain, temporarily or permanently, for employment. Further, I conclude that the procedures created to regulate foreign student entrance and stay in Canada are not consistent for all foreign students, but vary according to their

citizenship. Last, I conclude that foreign students need to use complex strategies to successfully obtain and maintain their Canadian immigration documents.

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Chapter 1

Introduction

1.1 Rationale

I worked in a Canadian university for over 30 years, and for much of that time was the International Student Advisor. One of my responsibilities was to advise students on how to obtain and maintain their immigration status in Canada and how to take advantage of regulations allowing them to work during and following their studies. My professional position allowed me to witness the bewilderment, frustration, and anxiety experienced by students attempting to effectively manage the immigration processes and documents. The challenge for students was to learn how, as temporary residents of Canada, to best fulfill their immigration obligations and to take advantage of opportunities for employment and permanent residency. Because I had daily contact with students engaged in these processes, I had a keen professional interest in identifying the impact of federal government legislation and procedures on them.

I reviewed all federal government press releases and speaking notes on the topic of foreign students in Canada. I also reviewed literature relevant to Canadian federal government regulations concerning the issuance and maintenance of immigration documents for foreign students and related administrative functions of host educational institutions in the year 2007.

Students come to Canada from around the world to engage in English language, secondary and post-secondary programs of study. In 2005, there were 161,780 persons in Canada as temporary residents for the purpose of study (Citizenship and Immigration Canada [CIC], *Facts and Figures*, 2005). Canadian immigration regulations referred to this group of temporary residents as 'foreign' students while in other federal and provincial government documents they were referred to as 'international' students. Both words refer to the same group of students and their use in this paper will reflect the source being referenced.

Educational institutions directly benefited through the charging of tuition fees that, in most provinces, were set at a higher rate than those paid by domestic students. In the 2006 Annual Report to Parliament on Immigration, Monte Solberg, the Minister of Citizenship and Immigration, articulated the Canadian government's and business sector's need to boost the number of skilled immigrants to compensate for an anticipated labour shortage in the future. Foreign students were identified as being one potential source of new skilled immigrants (CIC, 2006 Annual Report to Parliament on Immigration). Accordingly, changes to legislation in the years 2002 through 2006 provided procedural pathways for students to transition into temporary or permanent workers in Canada. By providing numerous incentives for students to gain work during and following their studies, immigration regulations functioned to encourage students to include employment along with their study experience. I

believe the opportunities offered suggest an intention on the part of the Canadian government to have students consider remaining in Canada permanently.

1.2 Purpose

The opportunities and limitations foreign students encountered as part of the Canadian educational experience were and still are dictated by federal government regulations and procedures. They result in clear outcomes for students in terms of providing entry to Canada and the opportunity to remain here temporarily for study and work. The purpose of this project is to reveal the practical issues that arose for students as they attempted to maintain their immigration documents in compliance with prescribed procedures, and to fully access the opportunities afforded by the regulations. The project covers the period ending in 2007 and is based on my observations as an international student advisor who has worked in the profession for many years.

In part, all foreign students underwent the common experience of working within the regulations. But while regulations did not differ according to the citizenship of the applicant, the procedures that they were required to use did. I compare the initial Canadian study permit application procedures for students from four countries as a means of determining how the procedures differed from one area of the world to another.

In 2006, students could have had as many as three Canadian immigration documents to maintain simultaneously. Degree-seeking students

held a study permit. If they were working off-campus, they had a work permit; and, depending on their country of citizenship, they also had a temporary resident visa. Each document had a different expiry date and unique requirements for maintenance. In advising students on how to successfully complete the various application processes, I learned a great deal about how they typically moved through the immigration system and at what point they generally experienced difficulty in the processes.

Visas and permits were issued by specific types of immigration offices located both outside and inside of Canada. Regulations and procedures prescribe which functions each office may perform. Generally speaking, counselor offices outside of Canada issued entry visas and the initial study permit, while those within Canada issued study permit renewals and work permits related to study. Within Canada, all processing of immigration permits was centralized into one office located in Vegreville, Alberta. As there was no opportunity for the applicant to correct or adjust the application once it was submitted, it was critical for applications to be complete and without error. Also, students had to allow sufficient time for immigration documents to be processed. Students were responsible for locating the necessary application forms, completing them correctly without in-person immigration support, calculating the most appropriate timing for the submission of applications and finally, determining the relevance to themselves of additional opportunities for employment.

1.3 Overview of Chapters

The paper begins in Chapter 2 by reviewing literature on the relationship of international education to domestic concerns and issues including public efforts that influence the creation of government policy pertinent to foreign students. Next, the relevant sections of Canada's Immigration and Refugee Protection Act and related regulations as well as Citizenship and Immigration Canada's OP 12 manual are summarized. The literature review compares the procedures and requirements for students from four countries representing different regions of the world in order to illustrate the geographic variation in the application of Canadian government regulations. Finally, I reviewed the principal federal-provincial immigration agreement concerning the administration of a foreign student employment program.

Chapter 3 analyzes the process in terms of the practical application of the regulations and implementation procedures. Then I identify issues arising for foreign students when engaging with the processes to maintain the validity of required Canadian permits and visas. The chapter also provides tables illustrating a reasonable timeline and action plan for obtaining and maintaining permits through to the successful completion of a program of study. Included are tables for each permit and visa of relevance to foreign students and their accompanying family members. The paper concludes in Chapter 4 with a summary of the impact of government regulations and identification of questions arising.

Chapter 2

Literature Review

I begin by reviewing literature on the relationship of international education to domestic concerns and issues including public efforts that influence the creation of government policy pertinent to foreign students. Next, I review Canadian federal government news releases, and educational and business lobby statements regarding the value of foreign students to Canada. The relevant sections of Canada's Immigration and Refugee Protection Act and related regulations as well as Citizenship and Immigration Canada's OP 12 Manual are summarized. The literature review compares the procedures and requirements for students from four countries representing different regions of the world in order to illustrate the geographic variation in the application of Canadian government regulations. Finally, I review the principal federal-provincial immigration agreement concerning the administration of a foreign student employment program.

2.1 International Education

Olssen, Codd, and O'Neill (2004, p.11) wrote on education policy particularly in relation to globalization, citizenship, and democracy. They contended that policy is becoming more contextualized in the 'contemporary global era'. In building their argument concerning the role of education within a democratic state, they emphasized the interconnectedness of nation states and the depth to which policies of one country influence those of another. Critical of

the capacity of liberal states to adequately set priorities for economic planning, of which education policy is a part, they conceded the present reality of the interdependence of education, trade, and human resources.

Knight (2004) examined the many definitions of the word 'internalization' in the educational context and noted the interrelationship of policy concerns with regard to the following areas: social/cultural, political, academic, and economic. Regarding academic policy, of particular importance to Knight were international initiatives within post-secondary education and the increasing complexity of this dimension of activity. She noted private as well as public institutions were offering educational products to foreign students of all ages and for varying purposes and lengths of time. She also observed that students and researchers moved across national borders through an increased number of programs and agreements and that federal government policies impact on and are in turn impacted upon by these international education initiatives. She stated that International education, taken in its entirety, has roots deep in the economic life of Canada. Knight identified a growing competitiveness among countries and domestically among institutions for a "market share" of fee-paying, well-qualified students. Knight suggested five rationales driving national internationalization initiatives: human resources development, strategic alliances, commercial trade, nation building, and social/cultural development. With respect to the former, Knight (2004) wrote:

increasing emphasis on the knowledge economy, demographic shifts, mobility of the labour force, and increased trade in services are all factors that are driving nations to place more importance on developing and recruiting human capital or brain power through international education initiatives. (p. 22)

Knight maintained that federal policies designed to attract foreign students are linked to the retention of those students and researchers in Canada, enhancing our human capital. Overall her research established the significance of international education to national development and gave a rationale for Canada's interest in allowing the presence of foreign students as temporary residents.

2.2 Lobby Efforts for Changes to Canadian Government Regulations Regarding International Students

Assuming federal government regulations are formulated for a purpose and in relation to social and political conditions of the time in which they are created, I wanted to know which sectors of Canadian society had an interest in regulations concerning foreign students and what that interest was. A search of the lobby efforts showed calls for change to regulations coming from two areas, primarily the business and educational sectors. The lobby submissions I reviewed were made prior to immigration policy and regulation changes made in 2002.

In April, 2001 the Canadian Bureau for International Education (CBIE), an umbrella organization for school boards, colleges, and universities, made a presentation to the House Standing Committee on Citizenship and Immigration.

It argued first for recognition of the cultural and economic benefit of international students to Canada. It further noted that from 1998 to 2000, Citizenship and Immigration Canada (CIC) recorded an increase of 63% in international student numbers in Canada at all levels of study from elementary through post-secondary. It argued for the need to increase Canada's competitiveness in attracting the best foreign students. Additional resources were needed, it claimed, to adequately staff visa processing offices. Specifically referenced were the long processing times for permit applications and the need for improvement in the attitude with which students were managed by CIC officials.

In 1999 CBIE conducted a survey of 1500 international students in this country. Over 40% of them indicated that they had encountered difficulty with Immigration officials when applying for student authorizations. Twenty-seven percent had experienced difficulty with Immigration officials here in Canada, either in Vegreville or locally. These difficulties range from rudeness, to misinformation, to serious and unexplained delays that jeopardize the start time for their studies in Canada or their continuation if a renewal is required. (CBIE, 2001, p. 3)

For clarification, Vegreville is the location of the federal government Case Processing Centre where all visa applications for renewal of permits within Canada are processed. Applications for renewal were made on a mail-in basis only. Local immigration offices in cities across Canada do not handle these requests.

The CBIE submission identified further concerns:

One of the most frequent concerns raised by international students and practitioners in the field of international education is “inconsistency” in the application of immigration regulations. Some typical examples are: issuance of one-year Student Authorization (SA) instead of long-term SA for the duration of the program of study; requirement to repay tuition fees, establish a bank account in Canada, or purchase insurance, to name a few.

We need to keep differentiation to a minimum, clearly stating reasons for unusual conditions, to ensure that we are treating students equally and fairly – and are perceived to do so by the outside world. (p. 7)

The Association of Universities and Colleges of Canada (AUCC) in 2001 produced a paper entitled *International Student Recruitment* in which it acknowledges the contributions made by foreign students to Canadian post-secondary classrooms by way of enriching diversity. They claimed enrichment was achieved through foreign student participation in classroom discussion and research undertaken, and through the perspective and experience which foreign teaching assistants bring to their students.

Regarding the economic development agenda of the federal government with respect to international students, AUCC acknowledged the federal interest in encouraging students to remain as workers and encouraged the federal government to balance the need for recruitment of highly qualified people to remain in Canada with the benefits to be derived when those same people, well satisfied with their education experience in Canada, return home. They claimed Canada also benefits when former students forge business and research links between Canada and the students’ home countries. Because countries compete to attract the best-qualified foreign students, AUCC argued

for the importance of student satisfaction with immigration processes and Canadian employment opportunities. They suggested satisfaction would improve with more streamlined processes for obtaining and maintaining visas and they recommended the provision of more scholarships allowing well-qualified but under-funded students access to study in Canada.

In February 2002, the AUCC submitted a brief to the House of Commons Standing Committee on Citizenship and Immigration Canada with specific regard to 2001 changes to the IRPA. In it they applauded changes that appeared to make Canada more competitive in recruiting students. In particular, they noted new employment regulations allowing students to work off-campus while studying and those that made the visa processes less cumbersome.

Overall, submissions to the government of Canada from educational bodies emphasized the need for policies and procedures that would increase Canada's competitiveness in attracting foreign students to enhance diversity in academic settings. They were more cautious in supporting strategies that would result in large numbers of foreign students remaining in Canada as permanent residents.

The Business Council on National Issues prepared a working paper in 2000 in which they expressed their concern about the loss of Canada's best students through emigration to the United States and the subsequent need to retain and recruit well-qualified workers for the Canadian economy. Further,

the report established that historically Canada has addressed worker shortages with policies and regulations to attract workers. Of particular relevance to this paper is the recommendation to “make it easier for foreign students studying in Canada to become permanent residents” and that employers be given “a more active role in the immigration process” (Business Council on National Issues, 2000, p. 31).

The Canadian Council for Chief Executives, a powerful lobby group of senior business officers, included foreign students and other immigrants in their lobby efforts. For example, in February 2006, their paper, *From bronze to gold: A blueprint for Canadian leadership in a transforming world*, was released offering the Canadian government wide-ranging advice on economic matters. Their concerns focused on boosting Canada’s ability to compete successfully in an increasingly globalized economy in the belief that “the quality of life of Canadians ultimately flows from men and women who invest and work to create wealth” (Canadian Council for Chief Executives, 2006, p.12). They observed that “industrialized countries are becoming more aggressive in looking abroad for younger and skilled immigrants” (p.12) and as they do so, “Canada will need to do a much better job of recruiting skilled immigrants” (p.12).

I looked for examples of public opinion about immigration regulations concerning foreign students. One example of private sector attempts to influence policy and regulations was from private consultants Cormode and

Associates. In 2002, they made a submission to the Standing Committee on Citizenship and Immigration in response to proposed immigration changes allowing foreign students to be processed for permanent resident status soon after arriving in Canada. The Cormode researchers argued for caution on several grounds. First, they called for tighter controls on foreign students and proposed several measures to monitor their study activities contending that educational institutions should be in partnership with this effort. Second, they suggested that Canada prohibit foreign students sponsored by their own governments or by development funding from another country from being accepted for permanent residence without first returning home for a period of time. They cautioned that there may be security concerns with a shortening of the timeline for the permanent resident selection process. Finally, they argued that allowing foreign students off-campus employment opportunities while studying would disadvantage Canadian students; however, they did not make clear in what way they thought domestic students would be negatively impacted. Overall, their arguments were concerned with restricting foreign student options for employment and permanent residency rather than proposing further opportunities for involvement in Canadian society. Their submission stood in contrast to the business and academic lobbies whose submissions overwhelmingly supported the presence of foreign students in Canada and suggested specific ways that the students contributed to our educational and economic spheres.

Overall, the lobby submissions indicated a desire to recognize the positive impact of foreign students on the Canadian economy and to support a deepening of foreign student involvement in the workforce. The literature gives support to Citizenship and Immigration Canada's intentions of allowing students to work in Canada during and following successful completion of their studies.

2.3 Canadian Government on International Students

Before investigating the regulations themselves, I looked at public statements made by federal government Ministers regarding international students. Monte Solberg, Minister of Citizenship and Immigration, described the role of foreign students in Canada in the Annual Report to Parliament on Immigration 2006. In Section 1, Recent Accomplishments, dedicated to identifying how new immigration policies will contribute to Canada's economic prosperity and competitiveness, the following initiative was described:

... changes to Canada's foreign student program have also been announced that will help address the labour market needs of some employers. Foreign students are now permitted to work off-campus during their study period – something that facilitates their acquisition of Canadian work experience. With Canadian work experience, foreign students are more likely to consider immigrating to Canada as being an attractive option upon graduation, and are well positioned to make a rapid transition to the Canadian workplace as immigrants. (p. 2)

Solberg concluded with three priorities for Citizenship and Immigration Canada beginning in 2006 –07: “one, implementing an integrated policy framework, two, improving client service, and three, building the work force of the future” (CIC, 2006, p. 3).

On September 17, 2006, Solberg, then Canada's Minister for Human Resources and Social Development, addressed the Newfoundland and Labrador Immigration Symposium in St. John's stating:

We have also moved to let foreign students work off campus so that they can gain Canadian work experience, which is critical, of course, to helping them become Canadians, permanent residents and Canadian citizens down the road. (Speaking Notes, p. 1)

In November, 2006, the Canada government laid out its vision in an economic plan entitled *Advantage Canada*. The plan proposed building for economic success on five key advantages, one of which was the Knowledge Advantage. Minister Solberg addressed the Public Policy Forum Conference held in Ottawa on January 23, 2007. The title of his talk was 'Building Canada's Knowledge Advantage: Creating the best educated, most skilled and most flexible workforce in the world'. He spoke of the needs and interests of the business community with the Advantage Canada economic plan.

We are starting from a position of strength, but Canada faces tremendous challenges. Securing Canada's Knowledge Advantage means building on our progress. It requires the partnership and participation of all Canadians, starting with the business community. (Speaking notes, p. 1)

He outlined how the federal government was moving forward to achieve the goals of the plan. Of relevance to foreign students was the following statement: "We are examining ways to make it easier for foreign students educated in

Canada to stay in this country and become productive members of the labour force” (Speaking Notes, p. 1).

Official government statements were consistent with the interests of the business lobby in particular and exclusively concerned international student contributions to the overall growth in the skilled workforce. The sharp focus on foreign students as workers indicated the intended outcome to boost the skilled Canadian labour force.

2.4 Immigration and Refugee Protection Act (IRPA), Immigration and Refugee Protection Regulations and OP 12 Students Manual

Of primary importance to this paper were the Canadian government regulations governing foreign students. The Immigration and Refugee Protection Act (IRPA) Immigration Bill C 11 was passed into law by Parliament in June of 2001. The Act was framework legislation for a wide range of circumstances related to foreign national temporary and permanent entrance to Canada. The parts of the Act most relevant to foreign students were Part 9 - Temporary Residents, Part 11 – Workers, and Part 12 – Students. Additional and more specific circumstances related to foreign students were contained in the Immigration and Refugee Protection Act – Final Regulations implemented one year later in June, 2002. Where relevant, regulations were supported by operations manuals that translate the regulations into practice. *OP 12 Students* was the manual used by visa officers to process foreign student applications. It was intended to provide the assessing immigration officers, working both inside

and outside of Canada, with access to all aspects of the Act and Regulations relating to the application of foreign nationals to become students in Canada. The manual included charts and examples to guide the officers in making a determination.

There were 24 IRPA regulation articles pertaining to international students. These were ordered chronologically in much the same sequence as a prospective student would progress through the application. The paragraphs or regulations that apply to students were found both in the 'General Requirements' section as well as under 'Temporary Residents' where the highest concentration of relevant information was found. References to family were found in the former section with noted exemptions to the rules. What follows are summaries of paragraphs of the regulations most pertinent to foreign students.

2.4.1 Entry to Canada

Under 'General Requirements' [9(1)], a foreign national may not enter Canada to study without first obtaining a study permit. Section 11 (2) states that the application must be made outside of Canada, within the applicant's country of citizenship. An example of the latter option would be of a student who had been studying outside of her/his own country, and was now applying to go on to Canada for graduate work.

All persons who intended to study in Canada for more than six months had to obtain a Study Permit, and required a visa before entering Canada. The

central Citizenship and Immigration Canada website outlined the following requirements for application:

- Official unconditional admission to an academic/training program
- Proof of adequate funding - CDN\$10,000/yr. + tuition + return travel fare
- Valid passport
- Processing fee - CDN\$125
- Any other requirement requested by the particular visa office or officer.

Possible additional requirements included a medical examination, photographs, a Canadian bank account containing some thousands of dollars in the student's name, and proof of tuition payment in full to the educational institution.

The operations manual (OP 12) was detailed in outlining additional considerations for the assessing officer. These include: the length of time the applicant will be spending in Canada, the means of support, obligations and ties in the home country, the likelihood of leaving Canada should an application for permanent residence be refused, and compliance with requirements of the Act and Regulations. Visa officers had considerable discretionary power in determining whether the applicant met the requirements. If an application for a study permit was approved, a letter was issued by the visa office and eventually presented by the student to the immigration officer at the port of entry into Canada along with the original documents. It was on entry to Canada that the study permit was issued.

2.4.2 Custodianship

In 2007, the age of majority was not the same from province to province in Canada. The student applicant needed to be mindful of this as it was required that all minor applicants for a study permit, who were to be unaccompanied in Canada, must have a notarized declaration signed by parents or a guardian as well as a custodian who was resident in Canada. The custodian acted *in loco parentis* until the student reached the age of majority.

2.4.3 Applying for a Study Permit

Under some conditions, an application for a study permit could be made upon entry into Canada. For example, a person who was a citizen or permanent resident of one of the countries contiguous to Canada could apply for her or his permit at the port of entry by providing documentation.

Contiguous countries include the United States, Greenland, and St. Pierre and Miquelon (R214).

Under other circumstances, applications for study permits were made within Canada. This opportunity was available to persons already holding a study permit or someone whose permit had expired within 90 days of the application being made, or those who held a work permit or was the partner of someone holding a study or work permit or was an officer of a foreign government (R207, R215). This section was of particular importance to accompanying family members needing to change their status after arrival in Canada. Again, the issuance of a study permit was dependent on the

assessing officer's belief that the person would leave Canada at "the end of the period authorized for their stay" (R216).

2.4.4 Temporary Resident Visa (TRV)

The TRV is also known as an 'entry visa' as it permits a person to present herself or himself at the port of entry. In 2007, the TRV was in the form of a large sticker placed in the passport by the Canadian embassy or consulate. Although the TRV displayed a validity period complete with expiry date, it did not allow the holder to remain in Canada. Permission to remain in Canada was in the form of separate study, work, or visitor permits. The validity date of the TRV represented the period of time in which the holder could enter Canada. Once in Canada, a valid TRV was not needed, although a TRV was required each time the person (re)entered Canada. The exception to this regulation allowed a person holding a valid permit to enter without a TRV from a contiguous country (R190 (3) (f)).

By reciprocal agreement, citizens of some countries were exempt from requiring a TRV (R190 (1) (a)). These countries included those from Western Europe, the British Commonwealth, and the United States.

2.4.5 Family Members

Students with a partner and/or children were permitted to apply to have their family accompany them. Often family members were issued a visitor status for the length of the principal applicant's study permit. Spouses, same-sex, and common-law partners were eligible to apply for visitor status or a work

permit. The work permit allowed partners employment anywhere in the country. Working with food or children required an additional medical examination. As a work permit normally needed to be applied for outside of Canada, it was a benefit to the partner of a student holding a study permit that she or he could apply from within Canada (R207(b)).

2.4.6 Working in Canada

Several circumstances existed to allow foreign students to work while in Canada. In some cases, students did not need a work permit. Possession of a valid study permit allowed full time students to work on the campuses in which they were enrolled (R186 (f)). No regulations limited the hours a student could work, although the primary status of 'student' still applied and the student had to remain in full-time study. This in itself limited the number of hours that a student could work in order to maintain a good academic standing. Also, the regulation allowed students to work full-time on campus during scheduled academic breaks such as summer term. Furthermore, students in the health field were given permission to work as part of their training, providing they had written approval from the regulatory body for that field (R186 (p)).

Students could apply for a work permit allowing them to work off-campus under the following circumstances. First, they were compelled by the requirements of their program of study to participate in an internship or co-op placement (R203 (2) (i)). Note the emphasis is on the work being a requirement of the study program and not an optional activity. In this case, the

work permit was normally applied for and issued at the same time as the study permit application and was fee-exempt. The educational institution was named as the employer and the student was permitted to work anywhere that fulfilled the academic requirement.

Second, financially destitute students could be issued a work permit, providing the circumstances that led to the serious shortfall in funding were beyond them or of the people on whom they depended for financial support (R208 (a)). Such circumstances could include foreign currency devaluation, natural disaster, or death in the family.

Supplementary to the regulations stated above was the Memorandum of Understanding on the Off-campus Work Permit Program for International Students passed in 2005. It allowed students who had studied in Canada for six months or more and were in good standing academically to apply for an off-campus work permit. The conditions of this permit allowed a student to work up to 20 hours per week while classes were in session and full-time during scheduled academic breaks such as summer.

Post-graduation employment was permitted for students successfully completing their academic program of study at colleges and universities. Employment of one year was permitted anywhere in Canada with a bonus of an additional year if work were found outside of the greater Montreal, Toronto, and Vancouver areas. Students had to maintain their study permit validity while searching for work. Employment had to be related to the program of study and

to be applied for within 90 days of completion of the program of study.

Verification of completion and a job offer letter were required for the application (CIC, FW1 Foreign Worker Manual, 2004).

2.4.7 Extending Study and Work Permits

Study permits could be renewed from within Canada providing the application was made within 90 days of expiration of the previous study permit. Applicants had to prove that they had complied with the conditions as laid out in the issuance of the previous permit (R217). Key to extending a study permit was the requirement to prove enrolment in an educational institution. Similarly, extension of work permits, in part, required proof of employment.

2.4.8 Restrictions on Studying in Canada

Overarching all the regulations regarding the issuance of study permits was the pre-condition the applicant complied with the conditions specified in an earlier permit. These circumstances would cover instances of unauthorized work or study or failure to leave Canada when permission had expired (R221). A six-month limit to this restriction was indicated in the regulation, but it is unclear how subsequent applications made after this waiting period would be assessed.

2.4.9 Permanent Resident Status

Foreign students were eligible to apply for permanent resident status, or landed immigrant status, as it was commonly called. The application category

most suited to students was that of ‘federal skilled worker’. The profile of a skilled worker was an applicant who had education, work experience, knowledge of English or French, and ‘other abilities ‘ that would contribute to successful integration into Canadian society (CIC, *Immigrating to Canada: Skilled Workers and Professionals*).

Overall, the regulations provided precise information as to the rules, and the operations manual provided guidance to immigration staff on how to assess applications. No corresponding document existed to guide student applicants and their family members as to how to reasonably manage the maintenance of their immigration documents or to strategize as to how to best take advantage of government incentives for temporary employment and permanent residency.

2.5 Canadian Government Offices Abroad

Potential students are most immediately impacted by the regulations and procedures that translate policy into practice. Access to information on Canada’s requirements for student applicants abroad is through Canadian government websites. The primary CIC website is maintained by federal offices in Canada, with visa offices abroad having their own sites providing country-specific information as well as links back to the main site. To better understand the diversity of requirements within the application process for students, I reviewed the operational messages and requirements general to all applicants for study permits and those additional to citizens from four sample countries, Germany, Iran, China, and Nigeria.

All applicants had to meet the same basic requirements to apply for a Canadian study permit. The standard forms and guides were found on the main CIC website (www.cic.gc.ca) under the temporary resident study section. Support documents included a standard application form, a guide to completing the application, and further direction to a 'Study in Canada' site that linked through to a broad range of related sites. Visa offices abroad used these as the basis of their processing, but also added their own idiosyncratic requirements. Below, I provide information from four Canadian government internet sites for the purposes of comparison. They are Government of Canada websites for Germany, Iran, China, and Nigeria. Within these, I tracked the pathways taken by students to access study permit application information. I did this for two reasons. First, I wanted to determine what procedures were in place for each country. Second, I wanted to compare the procedures of these different Canadian offices as a way of comparing the first step of the student experience. I describe each below.

2.5.1 Germany

Foreign student applicants from Germany were greeted on the first page with 'Welcome to the Canadian Embassy in Berlin' and three language options for the site, including German. The next page repeated the 'welcome' message, "The Embassy of Canada offers a number of services to Canadians and Germans alike!", and provided a list of links to relevant pages. The links were headed with further cheerful statements each ending in an exclamation

point for emphasis. As readers followed the link to the Study in Canada page, they were greeted with a repeat of the statement explicitly recognizing the “cultural enrichment that international students bring” to our educational institutions. The German applicant was then linked to the main CIC website for basic applications, guides, and forms. In my opinion, the tone of the German site was welcoming and positive. The application process was straightforward. The burden of proof for providing evidence the applicant would return home following the program of study seemed to be as simple as showing family ties with the home country.

2.5.2 Iran

The process for applicants from Iran was exactly the same as those from Germany with no variation. The tone was welcoming, although it lacked the cheerful punctuation of the German site. The standard document checklist had no additional requirements and the application form was the standard.

2.5.3 China

Chinese applicants had the option of viewing the site in both English and Chinese. The message on the front page read simply “Canada in China” and the first statement read: “The Government of Canada recognizes the growing international importance of China and works to enhance Canada’s relations with this country of more than 1.3 billion people.” The first statement on the China-specific study page read: “There are more than 150,000 international students who go to Canada every year to study and more than 9000 are from

China. International students bring a rich culture to our classrooms. Your knowledge and skills are welcome in our schools.” The next page notified the reader that applications would no longer be accepted in person but by mail only. It also announced a change in procedure that concerned the need for a police certificate to be submitted by anyone who lived outside China for more than six months and who was 18 years of age or older at the time of living abroad. Next the reader could access the link to choosing a school in Canada. Within a page entitled ‘Helpful Information on Arriving in Canada and Work Opportunities for Foreign Students’, applicants were cautioned that their accompanying dependents would also have to prove “sufficient ties to China to ensure their departure from Canada”. The page included information that differentiated between the various circumstances related to temporary resident visas and the study permit and offered links to each.

The Study Permit Application Kit was accessed through a link on the ‘Study in Canada’ page and was particular to China. It differed in many ways from the generic information and kit to which German and Iranian students were directed. No welcoming statements were on the front page. Instead, the page was divided in half with the top being comprised of five short paragraphs of clear statements of caution or directed action. For example, the first paragraph stated: “Read carefully All documents must be submitted All questions must be answered, and all boxes on the document checklist must be completed. Failure to submit this material ... may result in your application

being refused.” The second half of the page was a box in bold text with the heading ‘**Warning**’. The content set out guidelines for Citizenship and Immigration Canada’s interaction with agents and representatives acting for the applicant. The heart of the message concerned misrepresentation of facts and warned such action would result in refusal of the application.

The list of required documents also differed from the CIC website and therefore with the requirements for German and Iranian applicants. The first was the requirement of a ‘Study Plan’ document. Applicants were instructed to prepare a one to two-page study plan addressing the following questions: Why Canada? Why this program of study? Why not study in China where education is less expensive? What ties will bring you back to China?

Additions to the basic requirements continued with a greater burden of proof for some of the standard requirements. All documentation had to be translated into French or English. In most cases, original documents were required. Reference to fraud continued with notice that documents identified as false would not be returned to the applicant, but would be kept on file. Proof of financial support consisted of all of the following:

- 18 month history of all financial documents
- original Certificates of Deposit dated within the last two months
- original deposit slips and/or original bank passbooks
- written explanation of the source of funds.

Applicants were instructed to complete a 'Family Composition Information' form to include information on the applicant, applicant's spouse, children, parents, and siblings. Required information included marital status, date and place of birth, present address, and occupation. This was needed even if the applicant was proposing to travel to Canada alone. A separate, more detailed information sheet on the education and employment history of the applicant and of both parents was required. Again, the forms had to be completed in duplicate: one in Chinese characters and the second in one of English or French. Applicants had to apply for a TRV as well as a study permit. Overall, the use of more formal and abrupt language in the site, coupled with application requirements of extensive personal information, made it less welcoming than the German or Iranian sites.

2.5.4 Nigeria

CIC's Nigerian website had the standard "Canada in Nigeria" front page. The main student page was a variation of the Study in Canada page found on the main CIC and German sites. One 'welcome' statement was: "Your knowledge and skills are welcome in our schools." This was followed by information on the process of applying.

Processing time information was reported in some detail with bold font used liberally throughout statements asserting there would be no response for at least 30 days. Similar to the Chinese site, the applicant "**will not/not be able to request an early release of ..documents**" (bolded in the original).

Information about applying for a study permit was updated in November 2006 and titled 'New Visa submission Procedures' for Lagos, Nigeria. It began with information on where to apply and repeated directives about '**NOT/NOT**' including the return envelope inside the envelope with the application. Student applicants had to complete the Visitor (TRV) application form as well as a Study Permit Application form. For the former, the list of required documents was long. It included all current and previous passports, six months of personal bank statement(s), bank book, investment certificates, marriage certificate, birth certificates of each child, and a letter from employer dated within the last two months.

As with the process in China, the Canadian Deputy High Commission in Lagos required completion of a questionnaire for the study permit application. The focus was again on family composition and the names, dates of birth, marital status, and address of a spouse, children, parents, and siblings. The final section concerned travel history to Canada and the applicant's employment history. The employment history had to be verified with an "introduction letter of employment to include position, salary, and job description". The liberal use of bold lettering continued in describing the required academic supporting documents. They included a letter of acceptance, supported with original school transcripts, certificates, diplomas, and complete contact information for each educational institution named. Regarding proof of funding, study permit guidelines contained a fairly large

section on sponsorship and it specified in detail the considerable background information required on the individual or group.

Unique for the sites outlined here, Nigerian applicants were required to submit proof of tuition payment. It was noted the proof need not be presented at the time of application, but would be needed before the visa was issued. This meant the applicant need not pay fees before knowing whether or not the application had been approved. Only after approval was granted did the applicant have to transfer sufficient funds to the Canadian educational institution and receive confirmation of payment in time to enter Canada for the commencement of studies. Also, it was noted the study permit application had to be received by the High Commission a minimum of three months prior to the start of the academic program. Medical examinations were required that could take up to four weeks to process and a personal interview was an additional possible requirement. The Study Permit Guidelines concluded with two cautions: preparations undertaken (i.e., paying tuition fees) were at the risk of the applicant, and false statements would result in automatic refusal.

The Guidelines document was followed by a Study Permit Questionnaire similar to the one used in China. Questions concerned the choice to study abroad, choice of program of study, relationship of course of study to past work experience, English (no mention of French) language ability, and use of an agent. There was a question asking exactly (underlined in the original) what

the applicant intended to do on completion of the program of study and questions about family ties in Canada.

Following the route applicants would take in exploring the High Commission site, I went back to the main Study in Canada page to look at other frequently asked questions and a section on family. In answer to the question, “Can my spouse and child come with me to Canada, or visit me at a later date?”, the answer was, “possibly not”. Two burdens of proof were required: first, that the applicant had sufficient funds to support the family in Canada; and second, that dependents had “sufficient ties to Nigeria to ensure their departure from Canada.” Another question not on other sites concerned the connection between study permits and staying permanently in Canada. The question was simply answered with confirmation that study permits allow studying only. The next sentence warned that if the purpose of applying for a study permit is primarily to “get into Canada to obtain permanent residence, to work, or for any other purpose other than studying, it is likely your application will be refused.” Finally, there was a severe warning to anyone who had arrived in Canada on a study permit but did not attend an academic institution. The site cautioned the student would find that “removal procedures will be initiated against you”. Near the end of the frequently asked question page was the question: “If my application is refused, will the Canadian Deputy High Commission help me to get back money paid to the school in Canada?” The answer given is simply: “No.” Only after these questions and answers that laid

out limitations and cautions, did the reader find the final question: “Do you want to study in Canada?” followed by the link to search for schools. Visitors to the German and Iranian sites were given access to the schools site through their first link. The Nigerian site, however, was constructed to take the reader through many pages of warnings about fraud and misrepresentation with the apparent assumption that Nigerians, as a country group, were deserving of these cautions.

2.5.5 Summary

In summary, the design and content of Citizenship and Immigration Canada websites regarding study in Canada varied considerably from one country to another, particularly from one region of the world to another. While all the sites provided clear instructions to the applicants, their differences in tone, layout, and required processes meant that the first step of the student experience differed depending on the citizenship of the applicant. Table 1 illustrates the country comparisons described above relative to the requirements for applying for a study permit to Canada.

Table 1

Country Comparison of CIC Study Permit Requirements

Country	Requirements
Germany	<ul style="list-style-type: none"> Application for study permit Proof of funding Valid passport Medical examination possibly Evidence student will return home Application fee
Iran	<ul style="list-style-type: none"> Application for study permit Proof of funding Valid passport Medical examination possibly Evidence student will return home Temporary Resident Visa Application fee
China	<ul style="list-style-type: none"> Application for study permit Proof of funding (18 months) Valid passport Study Plan Family Composition Information form (parents' employment and education) Study permit questionnaire Notarized no criminal activity certificate Notarized senior middle school certificate Notarized university or college diploma/degree

	Medical examination
	4 passport-sized photographs
	6 self-addressed mailing labels
	Temporary resident visa
	Application fee
Nigeria	Application for study permit
	Proof of funding
	(6 months proof, many forms)
	Valid passport and all previous passports
	Family composition
	Employment history letters from all employers
	Police clearance certificate
	Study permit questionnaire
	Travel and employment history
	Proof of tuition payment in advance
	Medical examination when required
	3 passport-sized photos
	Temporary resident visa
	Application fee

2.6 Summary of Literature Review

First, the literature review provided a context for Canadian government regulations concerning foreign student immigration visas and permits. Statements from the Minister of Citizenship and Immigration were very clear in stating the importance of foreign students to Canada's future as were submissions to the federal government by educational and business lobbies. In

particular, the potential of foreign students to contribute to the economy in the short and long term was clearly made by the Canadian government in Advantage Canada, our long-term development strategy. The importance of foreign students as potential workers was emphasized. The statements and submissions suggest the long-term importance of students to Canada and a motivation for the provision of opportunities to study, work, and eventually immigrate to Canada.

Second, the regulations and operational directives provided detailed information regarding the conditions under which permits and visas were issued and the privileges associated with each. The operations manual, intended for use by immigration officers in the fulfillment of their responsibilities to issue and renew permits, usefully described how regulations were put into practice. From my perspective, what was missing from the literature was a similar concise document instructing students on how to maintain the validity of their documents once in Canada. Also missing was an explanation as to how the visa and various permits relate to one another.

Third, while the country-specific Canadian government websites contained similar standard information and directions for study permit applications, there were different requirements for applicants in terms of both documents and processes. Conditions for acceptance were not universal for all applicants; citizenship of the applicant determined which processes applied to them.

I conducted this literature review over a period of two years, 2006 and 2007. In that time, many changes and additions to immigration regulations and procedures were made concerning foreign students and resulting in changes to government websites for offices inside and outside of Canada. It was challenging for me to monitor the sites in such a way that I could be confident of the accuracy of the review hence the precise time frame indicated in the introduction. I was conscious that I was experiencing the same challenges of research that prospective students would have as they sought to know what was expected of them with regard to the regulations and procedures. While the regulations and procedures covered the questions of what students must do and to some extent how they must do it, no one document existed, for students, that brought the procedures for the numerous permits and visas together in an integrated way.

In Chapter 3, I use my advising experience to reveal the challenges students had in complying with the regulations and processes outlined above.

Chapter 3

Implementing the Regulations: Practical Considerations for Students

My experience as an international student advisor informed my analysis and understanding of the impact of regulations and procedures on the students themselves. In this chapter, I analyze the procedures with respect to the practical issues students could encounter. The language of the Immigration and Refugee Protection Regulations and the corresponding operations manuals and websites are very precise. It is incumbent on those completing these documents to understand the significance of each word in context and to appreciate the subtle nuances of phrasing. Foreign students, many of whom have acquired English as an additional language, may have difficulty determining exactly what is expected of them and when and how to fulfill their responsibilities.

Permits and visas had expiry dates that could fall short of the period of time required for the student to complete her or his studies. It was critical for students to maintain their legality in Canada by renewing these documents in a timely fashion. Knowing the sequence for maintaining each permit separately was not enough. Students had to know how each permit and visa related to one another and consequently how they should be managed together as a group. As no Canadian government implementation manual existed for students to use, comparable to that provided for immigration officers, the students had to develop their own document management strategies. Like

interlocking building blocks, the individual documents had to be fitted together to create a solid bureaucratic base allowing the student to study, work, and perhaps to remain in Canada permanently. In this chapter, I analyze the following issues related to each immigration document: (a) comparison of the study in Canada pages of CIC websites in Germany, Iran, China, and Nigeria; (b) dual intent as it applies to the assessment of student intentions to remain in Canada illegally; (c) passport renewal; (d) maintaining validity of the study permit; (e) work permit options; (f) entry visa (TRV) application processes; (g) permits for family members in relation to those of the student; and (h) the opportunities for permanent residency related to foreign student status. Also included are tables that I created to illustrate the complexity of the process related to each permit or visa.

3.1 Websites (for Offices Abroad)

The four CIC websites I reviewed in the previous chapter intended for prospective foreign students contained overt and covert messaging regarding the initial application process for applying for permission to study in Canada. First, applicants from China and Nigeria were subject to a different selection process than were those from Germany or Iran. They were given additional requirements to satisfy in the form of family information, ties with their home country, and proof of funding. While all four sites were clear in stating the requirements and processes to be used, additional documentation and

therefore, work, was required of some student applicants on the basis of their citizenship.

Second, the country sites review revealed differences in the context in which the information was delivered. Critical information, available to Iranian and German students on the first page, was located at a deeper level within the Chinese and Nigerian sites, and the latter two had cautions about fraud expressed in the forward pages. In other words, by virtue of their citizenship, Chinese and Nigerian applicants were subjected to messaging that implied fraudulent activity was an expected behaviour from them.

Third, some web sites were more confusing to navigate than others. Visa offices in China and Nigeria had their own application requirements in addition to those presented on the primary CIC website. The websites were constructed to provide information first on local requirements but with links to pages of the primary CIC site. As the links took the reader back and forth from the country site to the CIC site, it was not always obvious which site one was on and therefore whether or not critical country-specific links were being overlooked.

Fourth, the tone of the four sites differed. The German and Iranian sites were welcoming and immediately helpful as they provided links to application information on the main CIC site. The Chinese and Nigerian sites set a different tone because of the use of frequent warnings, bold text, and absence of welcoming messages. Further, the design of the latter two sites necessitated

that the applicant read numerous cautions concerning fraudulent documents and misrepresentation of one's true intention in applying to come to Canada. Only after several pages of stern warnings did these country sites provide the information required to apply for a study permit.

In summary, the study permit applicant's citizenship determined which Canadian government website they consulted, the initial messages to which they were exposed, and the processes and requirements they were required to use. The depth of proof and number of documents required of prospective students from Nigeria and China were considerably more than for students from Germany or Iran. In my opinion, the discrepancies between the websites lead to the impression that some students are more welcomed to Canada than others.

3.2 Dual intent

Dual intent was a complex issue for it was multi-layered and was not based on fact but speculation. The burden of proof fell to the applicants to convince the officer they were bona fide student applicants only, and were likely to leave Canada when their study permit expired (OP 12, 5.15). Students could legitimately extend the period of their stay in Canada; it was possible for their permits to be extended while they were here. Also, the Canadian government provided the opportunity for students to work during and following their programs of study. Hence, it would have been reasonable for an applicant to indicate interest in doing so.

Assessing some of the requirements was more straightforward than others. For example, the issue of dual intent arose when the applicant was believed to be: one, intending to apply for permanent resident status; and two, unlikely to leave Canada if the application was refused. Section A22(2) states that “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” (OP 12, p. 14). In other words, the concern was not whether or not the person was deemed to be likely to apply to remain in Canada, but whether they were considered likely to leave voluntarily if their application to remain permanently was refused. Students were put into the difficult position of proving they were not likely to break immigration law at a future time.

The student and family questionnaire forms required of Nigerian and Chinese applicants addressed Canadian consular concerns by requesting extensive information on family and employment networks. The question of dual intent is itself problematic because of its hypothetical nature. It concerns questions of ‘what if’. The mandate of Canadian government offices abroad to anticipate and then act on what can best be described as a suspicion, gives rise to concern regarding perceptions of fairness.

Applicants from countries such as Iran and Nigeria had other considerations when deciding when and if to apply for their family members to join them. The most straightforward decision was for the family to apply

together with the principal applicant at the time of her/his initial application. Unfortunately, doing so could raise the question of dual intent. With the nuclear family split, it was easier for the principal applicant to put forward a credible case that she or he would leave Canada after completing his or her studies. An application for the family to be together in Canada led to a greater chance that they would or could apply for permanent residence status. As I pointed out above, while it was quite legitimate for a foreign student to apply for permanent resident status once in Canada, the cautions about fraud indicate a concern on the part of the immigration staff abroad that citizens of some countries might be more likely to present compliance problems in the future.

3.3 Passport

As indicated in the CIC home website, 'Study in Canada' section, the issuance and renewal of all Canadian government visas and permits required the prerequisite of a valid passport. Issuance of the passport was the responsibility of the student's home government. If passports expired during the student's stay in Canada, they needed to be renewed. This meant that students needed to be sure they initiated the passport extension process through their own embassy at the earliest possible moment in order to avoid delays in applying for their Canadian documents and thereby not endangering their legal status in Canada. In my experience assisting students, I saw a variety of procedures required by countries from which our students came. Some passports were issued for only the length of the program of study, others

for up to 10 years. Some passports could not be renewed until within six months of expiry while others could be renewed at any time in the last year of validity. Some countries would renew the passports through their consular services in Canada while others offered no extension and the new passport was issued only through offices within the home country. In other words, the processes for renewing a passport could require a considerable length of time and cause delays for the student. Because of the necessary prerequisite of holding a valid passport, the student's home government influenced the way and timeline in which the student followed the Canadian procedures.

3.4 Study permit

For foreign students, the study permit was the primary Canadian immigration document. All other permits and the entry visa required a valid study permit as a prerequisite document. Study permits could be extended from within Canada through the Case Processing Centre (CPC) in Vegreville, Alberta. This is a central office for the whole of Canada. Processing times varied depending on the type of permit applied for and the volume of applicants. A study or work permit took 20 to 90 days to process depending on the application load on the processing office. Considering the average processing time, students applying for renewal close to the end of their permit were likely to have a gap between the end of the existing permit and issuance of the new one. The processing time was often unpredictable, in my experience, depending on application flows at peak times of the year. Although

the students were considered to have implied status and permitted to remain in Canada legally and study over the processing period, being in a foreign country without a valid permit to prove one's status was not an ideal situation. Students wishing or needing to leave Canada for academic or personal reasons had the option of waiting until the new permit was issued so as to prove their status upon re-entry to Canada or, in the case of an emergency requiring the student to return home, to undertake the cumbersome and risky process of having a trusted friend or relative in Canada forward the study permit.

With respect to the study permit renewal, students had to consider two factors when requesting the validity period of the new document. First, students needed to determine a realistic completion date for their studies. Second, to that date was added 90 days, the time permitted following graduation in which the student could seek employment and then apply for the post-graduation work permit (CIC Foreign Worker Manual). It was important to accurately calculate this date so as to ensure the student had a valid status through the transition period from study to work. As might be expected, students sometimes underestimated the time required to complete their work. As a result, they needed to make more than one application for renewal of their study permit.

I developed Table 2 to illustrate what I consider to be an appropriate timeline for students to have managed their study permit. The table shows the sequence of activities over the time period covered by this paper from

application for permission to study in Canada to completion of the program, and the ideal time for the action to be taken.

Table 2
Timeline for Study Permit (SP)

When to act	Action to be taken
Acceptance to Canadian educational institution	Apply for SP through visa office in country of citizenship
Arrival in Canada	SP issued at port of entry. Note validity period
6 months in Canada	-----
2 months prior to end of SP	Apply to renew SP through study completion date + 90 days
Completion of studies	Maintain another 90 days to seek employment

3.5 Work Permits

Several provisions for foreign students existed to allow international students to work while in Canada, as noted in the literature review of regulations. There were work permits required to fulfill a requirement of study, work permits allowing limited work off-campus during the studies, and work permits allowing employment at the completion of study.

The study permit and work permit for co-op placement or required internship purposes were issued together on entry to Canada and were normally of the same duration. Therefore, renewal of a work permit that was required to fulfill the requirements of the program of study was normally undertaken at the same time as the renewal of the study permit. For the student, this was a straightforward process.

The Government of Canada's Memorandum of Understanding on the Off-Campus Work Permit stipulated that the off-campus work permit was applied for separately from the study permit and only after a period of successful study; nonetheless, the work permits were issued only for the remaining length of the study permit. Applicants for this work permit had to consider the \$150 cost of application relative to the possible validity period of the permit. For example, if the study permit was due to expire within six months, it was reasonable to apply for both the renewal of the study permit and the work permit at the same time as a longer study permit would mean a longer work permit. This would save the student both money and time. In my experience of supporting students through this process, six months seemed to be an unwritten cutoff for applying to extend a permit. Because this was so, students whose study permits were valid for a slightly longer period had to calculate the benefit of holding a relatively short work permit, knowing it would need to be renewed within a short time and at additional cost. The cost of each application needed to be weighed against the likelihood of finding employment.

Also related to the off-campus work permit was the requirement that students give permission to their educational institution to include certain information about them in an annual report to the provincial and federal levels of immigration. The report contained only the names of students who had applied for an off-campus work permit and who no longer met the student registration requirement; nevertheless, it was the first kind of report to provide information on individual students to CIC.

Conditions for the post-graduation work permit stipulated that it could only be issued if: one, applicants had a job offer relevant to their studies; two, the studies were completed prior to the work permit application and three, the application was made within 90 days of the completion of the program of study (CIC, FW1 Foreign Worker Manual, 2004).

These conditions meant the student had to do forward planning. Ideally, the job search began several months before studies were complete such that a job offer was in hand at the point of completion. Care had to be taken to ensure the student continued to have a valid status in Canada throughout the application period, including the period following the completion of study and while waiting for the work permit processing. During this process, students potentially needed to address the concerns of a prospective employer with respect to hiring temporary residents of Canada, particularly in the absence of the student yet having a work permit. The timing of applications was critical to moving through the successive work permit possibilities. In spite

of the challenges associated with the timing of applications and the maintenance of work permits, having an opportunity to work was of benefit to foreign students. In addition to supplementing their financial support, students gained employment experience and made professional contacts.

Table 3 illustrates the sequence and timing of actions the student undertook for each of three types of work permits: those required for co-op or other study placements, off-campus work, and work following completion of the program of study.

Table 3
Timeline for Work Permits

When to act	Type of Work Permit		
	Mandatory for Studies	Off-Campus	Post Graduate
Acceptance to Canadian educational institution		-----	-----
Application for WP	Apply with SP school named as employer	-----	-----
Arrival in Canada	Issued WP at port of entry	-----	-----
6 months in Canada	-----	May apply	-----
2 months prior to end of WP	-----	May renew with SP	-----
Completion of studies	-----	-----	May Apply

3.6 Temporary Resident Visa (TRV)

As indicated above, some students required an entry visa (TRV) for Canada in addition to their study permit (R190 (3)(f)). Those students requiring an entry visa for their first border crossing into Canada, also required one for each subsequent entry. Students left Canada temporarily for visits home,

attending conferences related to their studies, or holidaying. Part of planning their travel necessitated students ensuring they had the required documents for entry. In my work, I saw a variety of validity periods for the initial TRV. Some were for a short period of time covering what was likely to be the initial entry date, whereas others covered the whole period of the study. Also, some TRVs allowed multiple entries to Canada. Consequently, students who had been issued short, single-entry TRVs needed to renew them. Students with longer, multiple-entry TRVs could travel without the added concern for renewing the visa.

TRVs were only issued through government offices outside of Canada. Foreign students had the option of either applying for renewal through a Canadian office in the country where they were visiting, or, prior to leaving Canada, by mailing their application, complete with passport, to the nearest Canadian immigration office in the United States. During the month or more required for processing, the foreign student was in the vulnerable position of being in a foreign country (Canada) while their passport was in a different foreign country (USA). Applicants had to consider the most secure option for their particular circumstances and to plan such that the timing of the application and processing did not impede their participation in activities for which a passport would be needed. For example, students planning to fly within Canada or to attend a conference in a contiguous country such as the United States would need their passport and therefore could not be in the process of

applying for a TRV at the same time, as the passport was one of the documents submitted for processing.

In my experience, students often did not understand the basic difference between the study permit and the TRV. As indicated above, the TRV allowed entry to Canada, but the study permit allowed the student to remain. The confusion can be traced to the title used on the TRV itself. Students were issued a TRV titled 'Study Visa'. Its real function, to allow entry to Canada, was not made explicit, with the result that it was not recognized by all students as being necessary for re-entry.

Table 4 provides the timeline covering the student experience and list of actions to be taken by the student in relation to obtaining and maintaining the TRV.

Table 4

Timeline for Temporary Resident Visa (TRV)

Time of Action	Action Taken
Acceptance to Canadian educational institution	Verify whether TRV required or visa exempted (www.cic.gc.ca)
Application for SP	Apply together with SP. Issued at visa office
Arrival in Canada	Single entry now cancelled. Multiple entry valid to expiry date
6 months in Canada	-----
2 months prior to end of TRV	If TRV is expired AND planning to leave Canada AND return from countries other than Greenland, St. Pierre & Miquelon or the U.S.A., apply outside Canada, e.g., Buffalo, Seattle, other
Completion of Studies	-----

3.7 Accompanying Family Members

A student could be accompanied in Canada by their partner and dependants. The predominant feature of family members' access to permits was their secondary status relative to the primary applicant, who is the student (R207 (b)). For this reason, maintenance of family permits was made with direct reference to the validity period of the student's study permit. Generally,

but not always, applications for the whole family were made together. There were exceptional situations when the immigration needs and activities of family members differed at times from those of students. For example, family members, including children, and the student had to plan for the renewal of their permits such that if one or the other needed to be outside of Canada independently of one another, they would have no difficulty re-entering Canada and maintaining their permits to remain here temporarily. Of primary consideration in effectively managing their permits was the status of the student and processing times for the TRV and various permits that allowed them to remain in Canada. With the permit of one family member as the prerequisite for the permits of other family members, the challenge was to make the renewal applications in a timely manner and in the appropriate sequence. Accordingly, I have developed Table 5 to detail the action to be taken by family members relative to the student's status with respect to applications for study permits, temporary residency as a visitor, and work permits. The timeline is again based on the student experience.

Table 5
Timeline for Accompanying Family Members

When	Study Permit (SP)	Visitor Record	Work Permit (WP)
Acceptance to Canadian Educational Institution	-----	-----	-----
Application for SP		Apply TRV	-----
Arrival in Canada	SP issued for dependants		Partner applies for WP
2 Months prior to end of SP		Renew for dependant over 18	Renew if required
Completion of Studies	-----	-----	Partner applies to renew post-graduation WP

3.8 Permanent Resident Status

Linked to post-graduation study was the possibility of applying for permanent resident (PR) status. Although not a mandatory part or necessary consequence of the foreign student experience in Canada, some students did apply to remain in Canada permanently. Recruitment of foreign students for permanent residency was part of Canada's long-term economic plan (CIC, Annual Report to Parliament, 2006). The following comments are not meant to

describe thoroughly the process of application, but rather to identify the ways in which permanent resident status was different than the temporary resident status of foreign students.

The immediate consequence for students of having PR status was the lowering of tuition fees to the domestic rate. With non-resident student fees being almost twice the domestic rate, changing status was clearly a significant incentive for the student. Changing from temporary to permanent status also eliminated the need for students to renew permits, and saved the cost and time associated with such applications. Further, students with whom I worked, who were intending to work in Canada following completion of their program of study, assumed permanent residents would be more successful in finding employment and particularly more prestigious career-path positions. They believed having permanent resident status put the foreign student on an equal footing with others who were in Canada permanently. Changing status obviated the need to educate employers as to international student rights to work for a period of time, and allowed the permanent resident to apply for long-term or continuing positions.

Applications for permanent resident status were submitted to and processed in visa offices outside of Canada. As indicated by the CIC website, on immigrating as a federal skilled worker, applications by international students were most often submitted to a Canadian office in the USA. Extensive security checks were conducted, documents verified, and often a medical

examination was requested. Only one more possible step remained in the process and that was a face-to-face interview. In practical terms, this meant the applicant had to have permission to enter the USA, and consequently engage in another application process.

Students considering the step of applying for permanent resident status had to take into account some timing issues. First, while it was not prohibited for a student to apply for PR immediately upon entry to Canada, doing so could raise the question of dual intent. Students could appear to be dishonest if they contradicted themselves with regard to their reason for wishing to come to Canada. Early application could throw into question the legitimacy of the claimed intention to study or, possibly, of the intention to remain permanently in Canada. Were the students looking for a way to reduce their fees, or were they revealing their real reason for having applied for entry into Canada in the first place? I can add that some graduate students at my university told me they were applying for permanent resident status on the advice of their academic supervisors concerned about the availability of financial support for international students within the educational institutions. Permanent residents and citizens had a number of options to apply for loans and grants.

If a student decided to apply for PR, the next question was when to do so. Considerations included the average processing time of two years if applying through a Canadian visa office in the US, the length of the program of study, whether other family members would be included in the application, and

options for employment. In spite of the timing issues named above, it was permissible for a person to apply at any time. The applicant had to decide when he or she was likely to be most successful. There was no one answer. To address the potential concern about motivation, applicants had a higher chance of success if they applied toward the end of their program of study. This helped assuage the possible concern they were simply wishing to reduce their tuition costs in Canada. For those who planned to work immediately after their studies, an optimum time to apply for permanent resident status was after the move from a study permit to the post-graduation work permit. At that point, they were applying to remain in Canada from the position of worker rather than student. Further, as this particular work permit was issued only to people with a job offer, the (former) student had already demonstrated a positive work ethic and the ability to compete successfully for work in Canada.

In order to clarify the procedures and their sequence, I developed Table 6, which specifies both the actions to be taken and the ideal times for the student to do so in relation to an application for permanent resident status.

Table 6

Timeline for Permanent Resident Application

When to act	Action to be taken
Acceptance to Canadian educational institution	-----
Application for SP	-----
Arrival in Canada	-----
6 months in Canada	-----
2 months prior to end of TRV	Acquire application from www.cic.gc.ca Prepare application
Completion of studies	Submit application

3.9 Putting it together

The review of regulations and procedures related to Canadian study and work permits revealed the complex work that foreign students undertook in order to most effectively manage their status. The tables above illustrate what was required for each particular immigration document, and the order and timing of action taken. It must be remembered, however, that many students had more than one visa or permit at once and from the beginning of studies to the post-graduation status, the student moved from one visa or permit to another. Students needed to consider how to manage all their immigration

documents together, not as separate functions, but as an integrated process requiring a sophisticated understanding of requirements, processes, and processing times.

Table 7 puts all these requirements together. It provides a visual summary and timeline for the variety of immigration applications and names the required action to be taken by the student for each time period in relation to obtaining or maintaining the study permit, TRV, work permits, and temporary resident status.

Table 7
Visas and Permits from Start to Finish

When	Study Permit (SP)	Temporary Resident Visa (TRV)	Work Permit (WP)	Permanent Resident Status (PR)
Acceptance to Canadian Educational Institution	SP necessary?	TRV necessary?	WP necessary?	-----
Application for SP	Apply SP	Apply TRV	Apply co-op WP	-----
Arrival in Canada	SP issued	TRV expires?	Co-op WP issued	-----
6 months in Canada	-----	-----	May apply off- campus WP	-----
2 Months prior to end of SP	Renew SP	Renew if required	Renew co-op WP Renew off- campus WP	
Completion of Study	-----	-----	Apply post- graduation WP	Submit application after post- graduation WP received

3.10 Summary of Impact of Immigration Regulations and Procedures on Foreign Students

In summary, the IRPA identifies the framework for the opportunities and limitations on foreign students in Canada. The benefits to the students are: (a) students have the opportunity to study in Canada and obtain a diploma or degree; (b) students have the opportunity to work during and after their studies thereby adding to their finances and also gaining work experience; (c) students who successfully complete a program of study are better positioned to apply for permanent resident status.

CIC procedures created to make the regulations operational gave rise to practical challenges for foreign students. This chapter identified some of the issues they encountered while complying with the procedures. First, the language and mapping of CIC websites varied, with the result that citizens from some countries received messages of welcome while others were cautioned. Second, I revealed differences in the application requirements from one country to the next. These resulted in student applicants from some countries needing to provide more and different kinds of supplementary documents, and these documents concerned not only the student but parents and siblings as well. The burden of proof regarding dual intent was very demanding for applicants from two countries I examined, China and Nigeria. Third, the creation of opportunities for students to work while studying resulted in a precedence-setting role for the host educational institution. Last, maintaining several

permits and a visa at the same time required forward planning to manage them effectively, and lengthy processing times created continuous challenges for students. To illustrate the above, I created tables for each Canadian government document.

Chapter 4

Conclusions

This chapter reiterates the purpose of the project and the methodology used. It summarizes findings and limitations, and provides suggestions for further inquiry related to the topic.

4.1 Purpose

The purpose of this project is to reveal the practical issues that arose for foreign students in Canada as they attempted to maintain their immigration documents in compliance with prescribed procedures, and to fully access the opportunities afforded by the regulations. The project covers the period ending in 2007. My experience as a student advisor enabled me to undertake this project with an understanding of the student experience.

4.2 Methodology

First, I reviewed submissions to the government of Canada by organizations having an interest in foreign students. Second, I identified the Canadian federal government regulations regarding foreign students. I also described the procedures that applicants were required to use in order to comply with the regulations. Third, I compared the study permit application processes used by students from the four countries of Germany, Iran, China, and Nigeria. Finally, I described the practical considerations students encountered with the processes.

4.3 Summary of Findings

This section contains a summary of findings from the literature review and from my analysis of those findings based on my past experience as an international student advisor.

Ministerial public statements, press releases, and economic development plans identify the recruitment and retention of foreign students as being critical to Canada's future success as a nation. Lobby submissions by business and educational sectors reinforce this conclusion.

I gave examples of the study permit application procedures required by students from four countries as a means of contrasting and comparing the requirements of the first stage in becoming a foreign student in Canada. The comparison served to identify the common procedures as well as the inconsistencies in the requirements and procedures from country to country. Further, I described the multiple factors students had to consider in order to comply with the regulations after they had become students in Canada, and in order to possibly take advantage of newly-emerging work permit opportunities. Included are timelines naming what action students had to take in regard to their immigration documents and when this action should take place. I created Tables 1-6 to describe the actions and timelines for each immigration document, and amalgamated all these into Table 7. This last and summary table illustrates two important conclusions regarding maintenance of immigration documents: (a) the need for accuracy in determining when to make

the various applications, and (b) the inter-dependency of immigration documents to one another. I concluded that successful navigation of the immigration system by foreign students required the use of complex strategies.

4.4 Limitations of Study

The Canadian government portion of the literature review was undertaken, in large part, by using their websites and archived material. Because of frequent changes to the procedures and on-line instructions to foreign student applicants and their educational institution partners, I found it a challenge to keep current with changes that were at times subtle or imbedded deep in government websites.

4.5 Further Questions and Research

Despite the problematic consequences of regulations and procedures concerning immigration documents, I must conclude that new employment regulations enacted during the period of this research provided employment opportunities welcomed by foreign students. Given the government's recognition that foreign students can contribute to Canada's future economic development plans, it would be relevant to know more about how their experience with the student immigration process affects these new graduates' decisions to remain in Canada permanently. A different, but related, question involves the extent to which the stress caused by a complicated immigration system is offset by the benefits received in the form of a Canadian education and work experience.

Using my experience as an observer to how students are engaged with the immigration process has its limitations. It would be interesting to survey foreign students directly to know of their experiences with the CIC processes and to directly ask specific questions related to difficulties they experienced. If clear patterns emerged, these findings might provide useful feedback to be shared with CIC.

It also might be useful to research the rates of acceptance by country of citizenship and by visa office. The question of who does not get accepted to study in Canada might be as useful a question as who does get in. This should be asked, I think, particularly in light of the ministerial statements indicating the relationship between government initiatives to recruit foreign students, and the creation of regulations facilitating work and application for permanent resident status.

Last, the role of host educational institutions in relation to the requirements of CIC seems to be changing. With the 2005 signing of the Memorandum of Understanding on the Off-campus Work Permit Program for International Students, post-secondary institutions became obligated to report foreign student information directly to CIC. While the required information is limited to student academic status and only for those students participating in the work program, the precedence for monitoring is now in place. Consequently, emerging partnerships such as this should be explored as to their impact on foreign students and educational institutions alike.

4.6 Conclusion

In the three year period covered by this paper, changes were made to immigration procedures. New technologies hold the promise of speedier processing times, although at this point, wait times still remain the same as in 2007.

I was motivated to research this topic by my deep respect for the courage, tenacity, and patience of foreign students. I realized that I had to understand what they were going through before I could begin to help them with their permits. Accordingly, in this project, I have tried to identify the impact of government policy on the students to the year 2007 and the steps (often repetitious) and timelines that they had to take to apply and re-apply for visas, work permits, and study permits while in Canada. I trust the tables that I developed clearly show this impact. To the extent they remain current, I hope that these tables could be of use to future applicants, to current foreign students studying in Canadian post-secondary institutions, and to other university personnel in similar positions to mine. Finally, I hope that future research will contribute to a better understanding of the students' experiences and ultimately to a smoother path for this international population who has decided to come to Canada for their higher education.

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