



Matrixvisa Inc.

www.matrixvisa.com

Immigration Law and International Recruitment

---

The Hon Jason Kenny, MP  
Minister of Citizenship, Immigration and Multicultursim  
365 Laurier Avenue West 11th Floor  
Ottawa, Ontario  
Canada  
K1A 1L1

Telephone: (613) 957-1476

Fax: (613) 952-5533

27 October 2010

**POLICY INQUIRY: REQUIRMENTS OF STUDY PERMITS FOR SOUTH AFRICAN STUDENTS (AMENDED AND UPDATED FAX)**

Dear Minister Kenny

Before a foreign student can obtain a study permit the student must provide evidence of financial self sufficiency. Immigration and Refugee Protection Regulation 220 and Immigration Manual Chapter OP6, paragraph 7.7 are sources of authority on this issue.

Par 7.7 of Chapter OP12 of the Immigration Manual indicates the following:

**Quote**

**Officers may take into consideration such sources of funds derived through scholarships, fellowships, assistantships and the like, as well as financial support or support in kind that may be available from relatives in Canada.**

**Unquote**

The following Federal Court Cases support the use of 3<sup>rd</sup> party funds to demonstrate financial self sufficiency.

- Wang v Minister of CIC (FC 1298, Docket IMM-3254-06 dated 27 Oct 2006) the visa officer did assess the savings of family members, i.e. sister.
- Yue V Minister of CIC (FC 423, Docket IMM-57-02) the visa officer assessed the income and support from an Aunt in Canada and also asked for the banking details of her Aunt in Canada, implying that family support is acceptable as indicated in the Immigration Manual as quoted above.
- Li v Minister of CIC (FC 791, Docket IMM2273-00) the visa officer assessed the financial contribution of her “cousin” The only reason why the officer did not recognize the contribution of the “cousin” as because the applicant could not prove the family relationship with her “cousin,” not because the funds was classified as “3<sup>rd</sup> party funds”

However the Canadian High Commission in Pretoria refuse to accept any “third party funds” In the enclosed checklist form the Canadian visa office in Pretoria the following is written.

Quote

**Note we do not accept third-party funds or company bank statements. We require your personal bank statements or those of an applicant’s parents for the past 3 months**

Unquote

The questions now are as follows

- a. What is the legal authority for the visa office in Pretoria not accepting “3<sup>rd</sup> party funds”
- b. Is this requirement (refusals to accept any 3<sup>rd</sup> part funds) acceptable to your department and in line with the policies of your department ?
- c. Why is there discrimination against students in that visa post when it comes to providing evidence of financial self sufficiency ? There are very wealthy family members in Canada

that can afford to pay for the students from South Africa, but the visa indicate that these 3rd party funds would not be accepted.

- d. Please provide a list of the visa posts that will accept third party funds (pursuant to Immigration Manual Chapter OP 12 par 7.70) and a list of visa posts that will not accept 3 party funds for foreign students. This will assist us to understand the policies of your department better and it will also assist us to effectively represent our clients in study permit requests.

Yours faithfully



Cobus (Jacobus) Kriek  
cobus@matrixvisa.com

CCIC ®Certified Canadian Immigration Consultant  
Member in Good Standing of CSIC  
Membership Number M041426



## APPLICATION FOR A STUDY PERMIT – CHECKLIST

- Complete and place this checklist on top of your application.
- Any document not in English or French must be accompanied by a certified translation.
- Failure to submit all required documentation may result in the refusal of your application and processing delays.
- Do not finalise travel plans unless you have received your permit/visa from the High Commission.
- All documents must be submitted with the application. Incomplete applications will not be accepted. Incomplete applications received by our office by mail will be returned to applicants by registered mail the next working day.
- The Canadian High Commission will not photocopy any documents for application purposes.
- For further information refer to our website at [www.canada.co.za](http://www.canada.co.za)

<b>You must submit the following:</b>	✓
<p><b>A properly completed and signed <a href="#">Application Form</a> (IMM 1294) and <a href="#">Additional Family Information Form</a> (IMM 5406).</b></p> <ul style="list-style-type: none"> <li>• Only one spouse need complete a form - the other spouse and all dependent children (those under 18 years of age) may be included on one form. Children 18 years and over are required to complete their own application form.</li> <li>• Common-law partners are required to complete separate application forms and list the names of your family members on the form. If you are in a common-law relationship and your partner intends to accompany you to Canada, you must complete the <a href="#">Statutory Declaration of Common-law Union (IMM 5409)</a>.</li> <li>• The application form MUST be signed by the principal applicant; please read carefully all questions on the form. Failure to answer the form fully and truthfully may lead to serious problems.</li> <li>• The additional family information form must be completed by the principal applicant spouse and any accompanying dependents 18 years of age or over.</li> </ul>	✓
<p><b>The current <a href="#">processing fees</a></b> – If you have dependants who will attend primary (from age 5-6 years) or secondary school in Canada, you may apply for a study permit that will be issued for the validity of your study permit. Normally a spouse and children not attending school apply for a multiple-entry temporary resident visa. You should include the relevant fees for each dependant in the processing costs.</p>	
<p><b>Valid passports</b> of all persons included in the application who will travel to Canada. Note:</p> <ul style="list-style-type: none"> <li>• the original passport(s) must be submitted with the application;</li> <li>• there must be at least one entirely clear page in each passport;</li> <li>• the passport(s) must be valid for the duration of your anticipated stay in Canada as a visa cannot be issued beyond the validity of the passport;</li> <li>• if you are a resident of South Africa and not a South African citizen, you must have a South African re-entry permit valid until after your anticipated return to South Africa.</li> </ul>	
<p><b><a href="#">Two (2) passport-size photographs</a></b> taken in the last 6 months of all persons (including children) in the application.</p>	
<p><b>Copies of the bio-page of your passport</b> and those of your accompanying dependants. In addition, non South African nationals are required to provide proof of their valid immigration status in South Africa for all family members. Applicants will be requested to submit their original passports once all requirements have been met.</p>	
<p><b>Evidence of your secondary and post-secondary education</b>, i.e. certified copies of certificates, diplomas, degrees completed to date.</p>	
<p><b>Your letter of acceptance</b> from the Canadian educational institution, confirming the following:</p> <ul style="list-style-type: none"> <li>• your full name;</li> <li>• course of study;</li> <li>• estimated duration of course;</li> <li>• date on which the course begins;</li> <li>• last date on which you may register;</li> <li>• academic year of study;</li> <li>• whether the course is full-time or part-time;</li> <li>• tuition fees; and</li> <li>• any conditions related to the acceptance or registration.</li> </ul>	
<p><b>Study plan</b> (see the <a href="#">Study Permit Application Kit</a> for more details).</p>	
<p><b>Evidence of sufficient transferable funds</b> to pay for the cost of your studies/tuition fees and maintenance while in Canada, as well as your return transportation (amount required is CAD\$12,000.00, excluding the tuition fees). We require your personal bank statements or those of an applicant’s parents for the past 3</p>	

months. Note we do not accept third-party funds or company bank statements.	
<b>Certified copy of marriage certificate</b> , if applicable.	
<b>Documentary proof of common-law relationship</b> , if applicable. The documentation required is proof of one year's co-habitation in a conjugal relationship, i.e. copies of medical aid memberships (indicating the date joined), tax returns listing same residential/physical address, copies of lease/rental agreements listing both partners, joint bank accounts/properties, insurance policies listing the respective spouse as a beneficiary, etc. In the case of a common-law relationship, each spouse is required to complete the <a href="#">Statutory Declaration of Common-law Union</a> (IMM5409).	
<b>Copy of your divorce decree, custody documents for accompanying children</b> , if applicable.	
<b><a href="#">Original police clearance certificate(s)</a></b> from your country of birth <b>and</b> residence for all persons 18 years of age and over included in your application if your period of stay in Canada will exceed 6 months. Additional police clearance certificates may be required if you and/or your accompanying dependants have resided in other countries for more than 6 months during the past 5 years.  <b>For residents of South Africa, the only acceptable police clearance certificate is a "Clearance Certificate"</b> issued by the South African Police Service. Other documents, including the "Criminal Inquiry Certificate" issued by a private company, are not acceptable.  Applications can be submitted without the police clearance certificate(s), but the certificate(s) will be required before the application can be finalized.	
<b>Students destined to the province of Quebec must obtain a "<a href="#">Certificat d'Acceptation du Quebec</a>"</b> (CAQ) issued by the Province of Quebec if you will be studying in that province (the educational institution will normally assist you in obtaining this document).	
<b>Original notarized declarations</b> , signed by the parent(s) or legal guardian in the country of origin and the custodian in Canada, <b>confirming that adequate arrangements are in place for the care and support of the student in Canada</b> will be required for unaccompanied students under 18 years of age. The required forms can be downloaded at <a href="http://www.cic.gc.ca/english/pdf/pub/custodian-parent.pdf">http://www.cic.gc.ca/english/pdf/pub/custodian-parent.pdf</a>	
<b><a href="#">An original notarized parental consent statement for minor children</a></b> (under 18 years of age) travelling unaccompanied by their parents or official guardians. If only one parent is travelling with a child then the other must submit a notarized consent letter signed by a Notary Public. This letter must specify whether a multiple or single-entry Temporary Resident Visa is to be issued, as well as the duration. We no longer accept certifications by a commissioner of oaths.	