

# Frequently Asked Questions

- 1 Question: **How much are international (visa) students, who do not qualify for a tuition fee exemption, and come to study at an Ontario publicly funded school required to pay for tuition fees?**

Answer: The minimum tuition fee for each board is set annually in the "Calculation of Fees for Pupils" Regulation under the *Education Act*. Actual tuition fees charged may be whatever the board determines, but shall not be less than the amount calculated under the regulation. For fees in the 2011-12 school year please see regulation 159/11.

- 2 Question: **Are tuition fees applicable to pupils who are unlawfully in Canada?**

Answer: Generally not. Section 49.1 of the Education Act provides that "a person who is otherwise entitled to be admitted to a school and who is less than 18 years of age, shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada."

Please see the following memo for details:  
<http://www.edu.gov.on.ca/extra/eng/ppm/136.html>.

- 3 Question: **What are some exemptions in s 49 (7) of the Education Act from the payment of tuition fees?**

Answer: Exemptions include provisions for pupils who are minor children whose parent or someone else with lawful custody of him or her is in Canada:

a) Awaiting determination of an application for permanent residence or a work permit under the *Immigration and Refugee Protection Act* (Canada).

b) Studying full-time, as authorized under the *Immigration and Refugee Protection Act* (Canada) at a university, college, or institution in Ontario that receives operating grants from the Government of Ontario.

c) As a religious worker authorized to work in Canada under clause 186 (l) of the Regulations made under the *Immigration and Refugee Protection Act* (Canada).

- 4 Question: **Memo 2012:SB01 clarifies documentation requirements for tuition fee exemptions and guardianship arrangements. When does this memo come into effect?**

Answer: This memo comes into effect September 1, 2012 and applies to all pupils admitted to a school of the board for the first time on or after this date.

- 5 Question: **Does memo 2012:SB1 apply to pupils admitted before September 1, 2012?**

Answer: No. 2012:SB1 applies to pupils admitted to a school of the board for the first time after September 1, 2012. All other pupils are subject to the documentation requirements in effect on their admission date.

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**6 Question: What does “awaiting determination of an application for Permanent Residence (PR) in Canada” mean?**

**Answer:** Like all other parents or guardians who seek to enrol their minor children in an Ontario elementary or secondary school, temporary residents are expected to present the necessary documentation to school officials when they register, including presenting sufficient documentation to show that they have applied to stay in Canada and are awaiting determination from Citizenship and Immigration Canada (CIC) with respect to their application.

Per memo 2012:SB1, the Ministry’s position is that “awaiting determination of an application for PR” means more than simply submitting an application form. It means that the applicant intends to remain in Canada long-term.

The applicant must provide a “Stage 1 approval letter” issued by Citizenship and Immigration Canada (CIC), indicating that he or she has met most of the eligibility requirements for the class to which he or she is applying and has acquired approval in principle subject to meeting the remainder of the approval requirements. Once this letter is provided, the pupil will be considered to have met the criteria of “awaiting determination” of an application for PR and can be registered as a Pupil of the Board and be fee exempt.

The Ministry’s position is that boards may accept alternative evidence to support a student’s claim of awaiting determination of an application for permanent residence in Canada in circumstances where the board is confident that the application is based on an intention for the family to remain permanently in Canada and the Stage 1 approval letter is pending.

School boards are expected to retain the required documentation in the student's OSR file.

Please see the following memo for details: 2012:SB1.

**7 Question: Are school boards expected to follow up with CIC regarding the outcome of a person's application for a work permit or permanent residence?**

**Answer:** No. Once a pupil is admitted to a school of the board, boards do not need to take any additional action regarding the student's tuition fee status.

**8 Question: The Minister has the ability to make amendments under Regulation 20/10 to exempt one or more classes of persons from the payment of tuition fees. Has the Minister made any regulations at this time?**

**Answer:** Yes, for example, the Minister exempted persons displaced by the March 2011 earthquake or tsunami in Japan from the payment of tuition fees during the 2010-11 or 2011-12 school year.

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**9 Question: What does it mean for a 16 or 17 year old pupil to withdraw from “parental control”?**

**Answer:** Withdrawing from parental control means voluntary withdrawal from the parent's home by a child. Whether a child has withdrawn from parental control is a question of fact, but it can be deduced by considering factors such as establishment of a separate residence, a separate source of income, and independence over life choices. School boards should have their own procedures in place for determining whether the pupil has withdrawn from parental control.

**10 Question: What documentation validates a guardianship arrangement to be recognized for grant purposes?**

**Answer:** When determining whether to recognize a pupil for grant purposes, the ministry will look for an Ontario court order transferring custody from the parents to an adult resident within Ontario unless all of the following criteria are met:

1. The student is a Canadian citizen or a permanent resident of Canada.
2. The guardian is a member of the student's immediate family and resides in Ontario in the school board jurisdiction in which the student wants to attend school.
3. The guardian is assuming full responsibility for the care and well-being of the student, and the student is residing with the guardian throughout the custody period.
4. A written agreement is in place between the parents of the student and the guardian that sets out all of the above, as well as the respective responsibilities of the parents and the guardian.

Guardianship arrangements which are supported by a court order or meet the above criteria will satisfy Ministry documentation requirements in the event of an enrolment audit.

Please see the following memo for details: [2012:SB1](#).

**11 Question: What is the definition of an immediate family member for the purposes of validating a guardianship arrangement for grant purposes?**

**Answer:** Generally, a pupil's immediate family includes:

- The pupil's father, mother, grandfather and grandmother
- The pupil's brothers and sisters and their lawful descendants who are not minors
- The pupil's uncles and aunts by blood relation and their lawful descendants who are not minors

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**12 Question: What is the definition of a religious worker authorized to work in Canada by Citizenship and Immigration Canada (CIC) without a work permit?**

Answer: Clause 186(l) of the regulations made under the *Immigration and Refugee Protection Act* (Canada), defines a religious worker as follows:

A person who is responsible for assisting a congregation or group in the achievement of its spiritual goals and whose main duties are to preach doctrine, perform functions related to gatherings of the congregation or group or provide spiritual counselling;

For more information, see the CIC website at <http://www.cic.gc.ca>.

**13 Question: How will a school board know whether the parent or person who has lawful custody of a student is a full-time student at a university or college?**

Answer: It is the responsibility of the parent or guardian to demonstrate that they are a full-time pupil by presenting the necessary documentation to school officials when they register, such as a receipt confirming they have paid their tuition fees and/or a letter from the post-secondary institution indicating they are a full-time student.

School boards are expected to retain the required documentation in the student's OSR file.

Please see the following memo for details: [2012:SB1](#).