

Access and Funding for International Students in Alberta

Frequently
Asked
Questions

we educate

Government
of Alberta

ALBERTA EDUCATION CATALOGUING IN PUBLICATION DATA

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Alberta classrooms are a microcosm of the world, with students representing a diversity of language and cultural groups.

Some students are Canadian born or have adopted Canadian citizenship, while others are permanent residents, children of temporary foreign workers, refugees or students who have come to Canada specifically to study.

Given this diversity, it can be difficult for Alberta schools and school boards to know:

- when they are obliged to admit a student
- when a student will be funded by Alberta Education
- how to correctly code a student.

This document attempts to answer the most frequently asked questions educational professionals have regarding access, funding and coding of international students in grades 1 to 12 in Alberta.



1. If a student has a right of access to education under Section 8 of the *School Act*, is the student, by default, funded?

No. In order to be eligible for a fully funded education, two requirements must be met: the individual must have a right of access to education under Section 8 and the individual's parent must be a resident of Alberta.

2. How do we determine if a student will be funded by Alberta Education?

The first question to ask is:

Does the student have a right of access to education (as per Section 8 of the *School Act*)?

In order to have a right of access to education, the student must be, as of September 1 of the school year, 6 years of age or older and younger than 19 years of age and be:

- a Canadian citizen;
- a permanent resident;
- a child of a Canadian citizen (biological or adopted); or
- a child of an individual who is lawfully admitted for permanent or temporary residence (biological or adopted). (For a definition of "temporary resident" see the [Guidelines to Section 8 of the School Act](#).)

If the student does not have a right of access to education in Alberta, then the student will not qualify for funding from Alberta Education¹ (see [Scenario C](#) and [Scenario D](#)).

If the student does have a right of access to education in Alberta, then second question to ask is the parent or legal guardian* of the student a resident of Alberta?

The residence of the parent often determines whether or not the student will be funded (see [Scenario A](#) and [Scenario B](#)).

3. What does it mean if a student does not have a right of access to education under Section 8 of the *School Act*?

It means that school boards are not obligated to enroll the student. It also means that the student is not funded by Alberta Education and that a school board may charge tuition fees determined by the board.

¹ The age requirements for eligible-funded students are clarified in the [The Funding Manual for School Authorities](#).

Answers to the above questions are exemplified in the scenarios that follow:

Sample Scenarios	Does the student have a right of access to education?	Is the parent or legal guardian* of the student a resident of Alberta?	Will Alberta Education fund the student?	Explanation
Scenario A	Yes	Yes	Yes	
Scenario B	Yes	No	No	The student is not funded by Alberta Education and may be assessed tuition fees. However, the fees cannot be assessed at an amount higher than cost-recovery for the board (see Section 49(3)(a) of the <i>School Act</i>).
Scenario C	No	Yes	No	The student is not funded by Alberta Education and may be assessed tuition fees, the amount of which is determined by the local school board (see Section 49(3)(b) of the <i>School Act</i>).
Scenario D	No	No	No	The student is not funded by Alberta Education and may be assessed tuition fees, the amount of which is determined by the local school board (see Section 49(3)(b) of the <i>School Act</i>).

Note: [Scenario E](#) and [Scenario F](#) illustrate special cases involving stepchildren.

*As set out in Section 20 of the Alberta *Family Law Act*.

4. Does it matter if the child is a stepchild rather than a biological child? Does this affect the child's right of access to education or funding eligibility?

Yes, it does matter. In accordance with other provincial and federal legislation, in order to meet eligibility for funding and other requirements in the *School Act*, the relationship between the parent and child must be either biological or adoptive. Generally speaking, a child would not be able to claim eligibility for a funded education through the immigration or residency status of a stepparent.

However, in an [e-mail from the Deputy Minister of Education](#) to the Superintendents of Alberta school boards sent May 30, 2007, the Deputy Minister outlined two exceptions to this rule. Provided that the stepparent is a resident of Alberta and the appropriate documentation is obtained by the school board, Alberta Education will consider funding the following students on a case-by-case basis:

- 1) Stepchildren of temporary foreign workers (i.e., the student is the biological child of the spouse or common-law partner accompanying the temporary foreign worker) (See [Scenario E](#).)
- 2) Non-Canadian stepchildren of Canadian citizens (i.e., the student's biological parent is married to or is a common-law partner of a Canadian citizen but is not yet a permanent resident or Canadian citizen) (See [Scenario F](#).)

5. Can relatives “sponsor” their nieces and nephews to come to study in Alberta? What kind of legal custodianship/guardianship arrangements would have to be in place for the student to study without paying tuition fees?

There is a difference between the terms “custodian” and “guardian.” The term “custodian” may be used by school boards to refer to individuals who will be responsible for the well-being of a child while the child is away from his or her parents. Often home-stay parents will take on this role. Family members may also be considered “custodians” under a custodial agreement signed for immigration purposes (i.e., when an out-of-country parent sends his or her child to live with a relative in Canada, the parent may sign something indicating that the relative is the “custodian” to explain who is responsible for the child while the child is in Canada).

The term “guardian” is a legal term defined by the Alberta *Family Law Act* and, aside from natural parents, would refer to an individual who, upon application to the courts, has been designated as the child's guardian under a guardianship order.

In order to meet the funding requirement that the child's parent is resident in Alberta, the individual must fall within the definition of “guardian” as set out in the *Family Law Act*. It is not sufficient that the individual is the “custodian” or can show a custodial agreement signed by the child's biological parent.

6. How much power do school boards have when deciding whether or not to charge tuition fees and/or admit international students?

If a child does not have a right of access to education under Section 8 of the *School Act*, school boards may admit these international students and charge or omit tuition fees as they see fit. It is the decision of the school board whether or not to register these students. The requirements set out in the *School Act* only determine which students will be fully funded by Alberta Education.

7. If the student's parent has applied for refugee status, how does this affect the student's right of access to education and eligibility for funding?

If the parent has filed for refugee status, he or she falls under the definition of “temporary resident” set out in the [Guidelines to Section 8 of the School Act](#). The parent's child, therefore, has a right of access to education. If the parent is a resident of Alberta, the child will be funded by Alberta Education and will not be charged tuition fees.

8. If the student is in the country with his or her parent, does not have a study permit and discovers that one is required, can he or she apply for a study permit from within Canada?

All questions about study permits and other immigration matters should be referred to [Citizenship and Immigration Canada](#).

Scenario A

Question:

Ivanka was accepted to a one-year post-doctoral program at the University of Alberta and plans to bring her family with her from Russia. She has two daughters, Annika and Anya, aged 12 and 15. She asks if there is room for her daughters in an Edmonton school and how much their schooling will cost.

Answer:

According to the Alberta Education [Guidelines to Section 8 of the School Act](#), individuals who have been issued a study permit for a post-doctoral program that is a minimum of one year in duration are considered “temporary residents.” Therefore, Ivanka’s daughters would have a right of access to education in Alberta.

During her studies at the University of Alberta, Ivanka would be residing in Edmonton. Therefore, her children would be resident students of an Edmonton school board, and Alberta Education would provide funding to that Edmonton board for Annika’s and Anya’s education. In other words, Ivanka cannot be assessed tuition fees for her children to attend school.

In this type of scenario, the school counsellor should give the student a Citizenship Code of 7 “Child of an individual lawfully admitted to Canada for permanent or temporary residence.”

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Scenario B

Question 1:

Elizabeth is 16 years old. Her mother is a Canadian citizen and her father is an American citizen. Elizabeth was born in Florida and has lived there with her parents all her life. Elizabeth’s parents decide to send her to live with her grandparents in Calgary. When the grandparents try to enroll Elizabeth in school, they are told by the school board that they will have to pay tuition fees to cover the costs of Elizabeth’s education. The grandparents are upset and contact Alberta Education for information. As Alberta taxpayers, they feel that their grandchild should be entitled to education dollars from the province.

Answer 1:

Because Elizabeth is a child of a Canadian citizen, she has a right of access to education in Alberta, and Alberta school boards are obliged to admit her.

However, because neither of Elizabeth’s parents is a resident of Alberta, Alberta Education will not fund Elizabeth’s education. A “parent” includes biological/ adoptive parents and those individuals who have obtained a guardianship order under the *Family Law Act*. The school board may therefore charge tuition fees, although these fees cannot exceed the cost to the board associated with providing Elizabeth’s education.

In this type of scenario, the school counsellor should then give Elizabeth:

- a Citizenship Code of 6 “Child of a Canadian Citizen”; and
- an Enrollment Code of 416 “Visiting Student: Student from outside Canada receiving instruction in person or online (non funded).”

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)



Scenario B continued ...

Question 2:

Amelia's niece, Joy, is a very talented young performer. To nurture Joy's natural talent, Amelia and Joy's mother agree that Joy will move from Charlottetown to Edmonton to live with Amelia and attend Victoria School of Performing & Visual Arts. When Amelia enrolls Joy in school, the board representative is unsure as to whether tuition fees would apply, since Joy is Canadian.

Answer 2:

If Joy or one of her parents is a Canadian citizen, she has a right of access to education in Alberta, and Alberta school boards are obliged to admit her. However, because neither of her parents is a resident in Alberta, Alberta Education will not fund Joy's education. Edmonton Public School Board may therefore charge tuition fees, although these fees cannot exceed the cost to the board associated with providing Joy's education.

In this type of scenario, the school counsellor should then give Joy:

- a Citizenship Code of 1 "Canadian Citizen"; and
- an Enrollment Code of 415 "Visiting Student: Student from outside Alberta but within Canada receiving instruction in person or online (non funded)."

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Scenario C

Question 1:

Amber is 7 years old and is from Saudi Arabia. Her father, Tariq, studied at a university in Alberta many years ago and believes that completing secondary education in Canada would open doors for Amber in the future. However, Amber's parents are uncomfortable sending her so far from home at such a young age. They decide that her mother, Saida, will go to Alberta to stay with her. When Saida takes Amber to enroll in school, the school is unsure of how to code Amber for funding purposes and calls for clarification.

Answer 1:

Because Amber is not a Canadian citizen or permanent resident, the first step is to confirm whether either of her parents is a Canadian citizen, a permanent resident or a "temporary resident" as defined in the [Guidelines to Section 8 of the School Act](#). In this case, neither parent is a Canadian citizen, a permanent resident or a temporary resident (Saida would have entered Canada as a "visitor"). Therefore, Amber does not have a right of access to education in Alberta.

A school board may still choose to admit Amber. However, because she does not have a right of access to education in Alberta, Alberta Education will not provide funding for her education. The school board may choose to assess a tuition fee, and the tuition amount is determined by the board.

Given this information, the school counsellor should then give Amber:

- a Citizenship Code of 5 "Temporary Resident (student)–Study Permit or visiting student"; and
- an Enrollment Code of 416 "Visiting Student: Student from outside Canada receiving instruction in person or online (non funded)."

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)



Scenario C continued ...

Question 2:

Hyo and family come from Korea to visit relatives in Alberta. During the visit, Hyo decides that he would like to stay in Canada to continue his studies, which he believes will enhance his career prospects in Korea. Having already completed a degree in Business in Korea, he is mainly interested in improving his English second language skills and enrolls in a 10-month ESL program at NorQuest College. He would also like his son to stay with him while he studies, and he calls to ask whether or not his son can attend school in Alberta.

Answer 2:

Although Hyo will be studying in Alberta, he does not meet the definition of “temporary resident” set out in the [Guidelines to Section 8 of the School Act](#). According to the Guidelines, individuals studying ESL, regardless of the length of their program, are not considered temporary residents. To be considered a temporary resident while studying in Alberta, the individual must be enrolled in a provincially recognized degree or diploma program of at least 2 years or in a post-doctoral program of at least 1 year. As a result, Hyo’s son would not have a right of access to education in Alberta.

This means that school boards are not obligated to admit Hyo’s son, although they may do so if they choose. It also means that Alberta Education will not provide funding for Hyo’s son’s education and, therefore, a tuition fee may be charged by the admitting school board. The fee amount will be set by the school board. Hyo should contact the local school board directly for more detailed information.

In this type of scenario, the school counsellor should give Hyo’s son:

- a Citizenship Code of 5 “Temporary Resident (student)–Study Permit or visiting student”; and
- an Enrollment Code of 416 “Visiting Student: Student from outside Canada receiving instruction in person or online (non funded).”

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Scenario D

Question:

Rupa is a student in India. She has visited family in Alberta and now wants to study here for a year. However, she is concerned about the tuition fees that are referred to on the [Study in Alberta](#) Web site. She asks if there is any way to avoid these fees.

Answer:

If Rupa is not a Canadian citizen or permanent resident and neither of her parents is a Canadian citizen, a permanent resident or a temporary resident as defined in the [Guidelines to Section 8 of the School Act](#), she does not have a right of access to education in Alberta. The only way that Rupa can access education in Alberta and not pay tuition is through participation in a reciprocal exchange.

Foreign exchange students studying in Alberta as part of a reciprocal program are not charged tuition fees because their Alberta counterparts continue to be funded by Alberta Education for the entirety of the exchange, even though these Alberta students are absent from their school for the school year or part of it. In effect, this funding is meant to encourage school jurisdictions to promote exchanges; it is aimed at covering the education costs of hosting an exchange student. Similarly, while studying abroad, the Alberta student is not required to pay tuition by the foreign jurisdiction.

As Alberta Education does not have a formal reciprocal exchange program with a partner government in India, Rupa would need to explore reciprocal exchange opportunities with exchange organizations such as the Rotary Club, or privately.

If Rupa were to participate in a reciprocal exchange, she would be given:

- a Citizenship Code of 5 “Temporary Resident (student)–Study Permit or visiting student”; and
- an Enrollment Code of 413 “Exchange Student: to this school from a school outside Canada.”



Scenario D continued ...

Rupa's Alberta partner would be given:

- a Citizenship Code of 1 "Canadian Citizen," 2 "Lawfully admitted to Canada for permanent residence (student)," 6 "Child of a Canadian Citizen" or 7 "Child of an individual lawfully admitted to Canada for permanent or temporary residence"; and
- an Enrollment Code of 403 "Resident Student: from this school to a school outside Canada."

Rupa and her Alberta partner would also need to complete a [Reciprocal Exchange Approval Form](#) for the Alberta school jurisdiction hosting the exchange.

If Rupa opted to study in Alberta as an international student (i.e., not as part of a reciprocal exchange), she would be given:

- a Citizenship Code of 5 "Temporary Resident (student)–Study Permit or visiting student"; and
- an Enrollment Code of 416 "visiting Student: Student from outside Canada receiving instruction in person or online (non funded)."

In such a circumstance, Alberta Education would not provide funding for Rupa's education, and Rupa could be assessed tuition fees, the amount of which would be determined by the local school board.

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Scenario E

Question:

Ming recently moved from China to Alberta to work temporarily in the oil patch. He brought his family with him and is planning to enroll his stepdaughter Lili in school. Ming's wife, who is Lili's biological parent, is here on a visitor's visa. Ming wants to know what paperwork he will need to enroll Lili in school.

Answer:

According to the [e-mail from the Deputy Minister of Education](#) to Superintendents, Ming's stepdaughter may be funded by Alberta Education. When enrolling Lili in school, the school board must ensure that Ming provides:

- a copy of his passport;
- a copy of his valid work permit;
- a copy of his spouse's passport;
- a copy of Lili's passport; and
- a copy of Lili's valid study permit.

Given this information, the school counsellor would give Lili:

- a Citizenship Code of 9 "Step-child of a Canadian or Temporary Foreign Worker"; and
- an Enrollment Code of 418 "Step-child of a Temporary Foreign Worker."

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Scenario F

Question:

During an extended trip in Chile, Robert, a Canadian, met and married Isabella. Shortly after, Isabella and her daughter from a previous marriage, Rosario, moved to Alberta to live with Robert. When Robert and Isabella enroll Rosario in school, they are told that they may have to pay tuition fees because Rosario is not covered under Section 8 of the *School Act* and therefore does not have a right of access to education in Alberta. Robert and Isabella have requested clarification.

Answer:

According to the [e-mail from the Deputy Minister of Education](#) to Superintendents, Robert's stepdaughter, Rosario, may be funded by Alberta Education. The school board must ensure that Robert and Isabella provide it with a copy of Rosario's and Isabella's passports, a copy of a valid study permit for Rosario, and evidence that Isabella has applied to Citizenship and Immigration Canada for permanent residence and has paid the associated fee.

Given the information above, Rosario should be given:

- a Citizenship Code of 9 "Step-child of a Canadian or Temporary Foreign Worker"; and
- an Enrollment Code of 417 "Step-child of a Canadian Citizen."

(Guidance counsellors can find out more about student coding from the [Student Information System User Guide](#).)

Appendix 1



GUIDELINES TO SECTION 8 OF THE SCHOOL ACT Definition of Temporary Resident Revised – May 2, 2005

These guidelines provide an update to the definition of a “temporary resident” as it relates to the *School Act* and the assessment of foreign student fees.

In cases where the child’s parent(s) fit(s) the definition of a “temporary resident”, children have a right of access to basic education in Alberta under Section 8 of the *School Act* and are eligible for provincial grants.

- For purposes related to the interpretation of the *School Act*, a “temporary resident” is defined as a person who:
 - a) has been issued a student study permit and has registered and paid tuition for:
 - i. a full-time provincially recognized diploma program or full-time degree program of study that is a minimum of 2 years in duration; or
 - ii. a full-time graduate or post-doctoral program of study that is a minimum of 1 year in duration.
 - b) has been issued an employment authorization to work temporarily in Canada (e.g., a temporary foreign worker); or
 - c) has filed a refugee claim to the Immigration and Refugee Board (IRB) within the past year (e.g., a refugee claimant) and has received an Acknowledgement Of Convention Refugee Claim; or
 - d) has been issued a federal Temporary Resident Permit; or
 - e) has diplomatic status in Canada.
- i. A child whose parent(s) fits the above definition of a “temporary resident”, as it relates to the *School Act*, is eligible to access basic education. The parent cannot be required to pay foreign student tuition fees. In all other cases, the parent may be required to pay foreign student fees at the discretion of the school board.
- ii. For the purposes of this Guideline, “temporary residents” will not include:
 - a) visitors/tourists to Canada, with or without a valid visitor’s visa; or
 - b) individuals in Canada with study permits who are not registered in either:
 - i) a full-time provincially recognized diploma program or full-time degree program of study that is a minimum of 2 years in duration; or
 - ii) a full-time graduate or post-doctoral program of study that is a minimum of 1 year in duration.
 - c) individuals who are registered in a preparatory program as a precondition to entering a full-time diploma or degree programs; or
 - d) individuals who register in a diploma or degree program offered as part of a continuing education program of study; or
 - e) individuals who are registered in an English as a Second Language (ESL) program; or

Appendix 1 continued ...

- f) individuals in Canada for six months or less for the purpose of academic study or training.
- iii. The rationale for identifying the above groups as "temporary residents" is:
 - a) The original intent of Section 8(1) of the *School Act* was to include children of persons with study permits, provided those persons were high quality full-time international students, and other select categories (e.g., children of diplomats).
 - b) Temporary foreign workers contribute to the overall tax base in Alberta and to the overall funding of the public basic education system.
 - c) Refugee claimants who have filed a refugee claim with the IRB are in Canada and waiting approval of their permanent resident status in Canada. The provision of basic education to their dependent children is based on compassionate grounds.
 - d) Individuals on Temporary Resident Permits are admitted to Canada on compassionate grounds. The provision of basic education to their dependent children is based on compassionate grounds.
 - e) Canada has a reciprocal understanding with other nations to allow diplomats' dependents to access each country's institutions. These children do not require study permits to attend school in Canada.


Approved by Minister 

Appendix 2

From: Keray Henke

Sent: Wednesday, May 30, 2007 10:00 AM

Subject: Stepchildren of Temporary Foreign Workers

TO: All School Board Superintendents and Charter School Board Superintendents

There have been some recent issues involving the Department concerning the provision of schooling for:

1. Stepchildren accompanying temporary foreign workers; and,
2. Children of foreign nationals married to Canadian citizens.

I am writing to you to provide some clarification on Alberta Education's position in these situations.

Under the *School Act* (Section 8), children of individuals who are lawfully admitted to Canada for permanent or temporary residence are entitled to have access to basic education. Current Guidelines to Section 8 of the *School Act* (attached) provide a definition of temporary resident for the purposes of the *School Act*, and provide school jurisdictions the ability to assess when to apply international student fees and when a child is likely to be covered by a provincial grant.

The children of temporary foreign workers in Alberta fall within definitions outlined in these Guidelines. A recent decision by Alberta Education extends this consideration to include the *stepchildren* of foreign workers (i.e. the biological children of the spouse or partner accompanying the temporary foreign worker).

In these cases, school administration should ensure that the parents of these children provide the following documentation at registration:

- Photocopy of a valid study permit for the child, and
- Photocopy of the passports of the temporary foreign worker, the accompanying spouse/partner and the child.

School authorities can verify the legitimacy of the relationships by calling the Citizenship and Immigration Canada (CIC) Student Line: **780-495-2500**. This CIC service will respond to queries within 24 hours.

With respect to the non-Canadian stepchildren of Canadian citizens (i.e., the biological parent is married to or is a common-law partner of a Canadian citizen but is not yet a permanent resident or Canadian citizen themselves), school administration should ensure that, in addition to the above noted documentation, the parents of these children also provide the following at registration:

- Proof of application for permanent resident status and fee payment to CIC.

Alberta Education will then consider the provision of instructional grants to school jurisdictions for the children of both these situations on a case-by-case basis.

Keray Henke
Deputy Minister
Alberta Education

Attachment

1. Guidelines to Section 8 of the *School Act*

Appendix 3

APPLICATION FOR ALBERTA EDUCATION APPROVAL OF RECIPROCAL STUDENT EXCHANGE

The personal information collected in this application is pursuant to provision 33(c) of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, cF-25, and will be used to verify the reciprocal nature of the exchange and to administer funding to the Alberta school jurisdiction. This information will be used in accordance with the *Freedom of Information and Protection of Privacy Act*. Should you have any questions regarding this collection, please contact the Director, International Education Branch, Alberta Education, 2nd floor, 44 Capital Boulevard, 10044 – 108 Street, Edmonton, Alberta T5J 5E6, Telephone 780-427-2035.

This reciprocal student exchange has been arranged between the two schools named below.

	Alberta Student	Foreign Student
Date of Birth:		
Student I.D.#:		
Home Address:		
Home Phone No.:		
Name and Phone Number of School:		
Principal:		
School Jurisdiction or Other Authority:		

Name of Student Exchange Program: _____

Duration of Exchange in Alberta: From: _____ To: _____
Day/Month/Year Day/Month/Year

Duration of Exchange Abroad: From: _____ To: _____
Day/Month/Year Day/Month/Year

Approval of Principal: _____
Signature Date

Approval of Alberta Parent(s) or Guardian(s):

Signature Date

Approval of Parent(s) or Guardian(s) of Exchange Student: *If original signature(s) is not available, attach alternative signed documents as evidence of parental or guardian approval of the foreign student's participation in this exchange.*

Signature Date

Secretary Treasurer of Jurisdiction or other Authority:

Signature Date

RETURN COMPLETED FORM TO:

International Education
Alberta Education
2nd Floor, 44 Capital Boulevard
10044 – 108 Street
Edmonton, AB T5J 5E6

FOR OFFICE USE ONLY

Approval of International Education Branch

Signature Date

Forwarded to School Finance

Date\

For more information on the contents of this document, please contact:

International Education Branch

2nd Floor, 44 Capital Boulevard
10044 – 108 Street
Edmonton, AB T5J 5E6
Tel: 780-427-2035

Legislative Services

19th Floor, Commerce Place
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School Finance

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Tel: 780-427-2055