

## **Study Permit Pilot Project Frequently Asked Questions**

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### **1. Who can take advantage of the Study Permit Pilot Project?**

If you applied for a study permit, and you have received a letter of refusal from Immigration, Refugees and Citizenship Canada (IRCC), you may be able to opt into the Federal Court’s Study Permit Pilot Project.

You will find more criteria below.

### **2. Why should I choose to take part in the Study Permit Pilot Project?**

You can save a lot of time. By choosing to take part in the Study Permit Pilot Project, you skip some of the standard steps in asking a judge to review the refusal of your study permit.

Under the Court’s general procedure it is taking between 14 to 18 months to review a study permit refusal. Under the Pilot Project, it could take as little as five (5) months.

### 3. What are the criteria for the Study Permit Pilot Project?

- The Applicant\* and Respondent\* (the student and Minister of Citizenship and Immigration) agree to opt in;
- The Applicant and Respondent agree on all the facts from the IRCC study permit application;
- The Applicant’s study permit application was refused by an IRCC Visa Officer;
- The facts or issues in the Applicant’s application to study or the refusal are straightforward. This means there have not been any findings of inadmissibility (e.g. misrepresenting your personal information to IRCC ), there are no questions about national security or new or unique legal arguments;
- The Applicant does not need an extension of time to file the Application for Leave;
- The Applicant and the Respondent will not use affidavit evidence. Affidavits are used to introduce new evidence and that is not allowed under the Study Permit Pilot Project.

You have to file all your documents using the Court’s Electronic Filing System (E-Filing). The address is [Federal Court - E-Filing \(fct-cf.gc.ca\)](https://fct-cf.gc.ca).

**\*GLOSSARY:**

Applicant – the person who wants to study in Canada  
Respondent – Minister of Citizenship and Immigration

### 4. How much does it cost to opt into the Study Permit Pilot Project?

There is no additional fee. Filing any application for leave and judicial review [costs \\$50](#).

### 5. How can I opt into the Study Permit Pilot Project?

You have to file an Application for Leave and Judicial Review using [Form IR-1](#). There are three (3) places where you have to mention the Pilot Project in your application.

First, in Form IR-1, you must write in bold **“SIMPLIFIED PROCEDURE – STUDY PERMIT PILOT PROJECT”** above the title of the form.

Second, in Form IR-1, you must write “The Applicant consents to proceeding under the SIMPLIFIED PROCEDURE – STUDY PERMIT PILOT PROJECT” above your signature. Remember to also include your Study Permit Application Number and your Unique Client Identifier (UCI) that you received from IRCC in Form IR-1.

Third, in step 3 of E-Filing write “SIMPLIFIED PROCEDURE – STUDY PERMIT PILOT PROJECT” in the “handling instructions.”

## **6. Do I have to go to Court?**

No.

You will send all your documents to the Court using the E-Filing System. Under the Study Permit Pilot Project, a judge will render a decision after reading your arguments, those of the Minister of Citizenship and Immigration, and the facts of the case included in the Simplified Certified Tribunal Record.

You will then be notified of the judge's decision. In other words, the Pilot Project is an application and decision-making process that takes place entirely in writing.

## **7. What is a Simplified Certified Tribunal Record?**

The Simplified Certified Tribunal Record (SCTR) includes the information you provided in your application for a study permit and the full reasons why IRCC refused your permit. In the SCTR, you might see more details about the reasons you were refused than in the original letter IRCC sent you.

The SCTR replaces what, in the general procedure, is called the "Rule 9" letter. You will receive not only the refusal letter from the IRCC Officer but also notes placed in the IRCC computer file.

## **8. When should I file my Application for Leave and for Judicial Review under the Study Permit Pilot Project?**

### **Students who applied in Canada:**

You have 15 days from the day you receive your study permit application refusal.

### **Students who applied from outside Canada:**

You have 60 days from the day you receive your study permit application refusal.

## **9. I have missed the deadline to file my Application for Leave and for Judicial Review. Can my case still be considered under Study Permit Pilot Project?**

No. Unfortunately, you are unable to participate in the Study Permit Pilot Project.

## 10. What happens after the judge looks at my case?

There are three potential scenarios:

First, after reviewing the materials, the judge can decide to dismiss leave. In other words, the decision from the IRCC Visa Officer is maintained and your study permit is still refused. The judge will not give any reasons.

Second, the judge can grant leave but dismiss your application for judicial review. The judge will then render a decision with reasons. This means that the judge agrees with the IRCC Visa Officer's decision and will give reasons why. Your study permit is still refused.

Third, the judge can grant leave and grant your application for judicial review. The judge will render a decision with reasons. This means that the judge does not agree with the IRCC Visa Officer's decision and will give reasons why your case will be sent back to IRCC to be redetermined or decided again by a different Visa Officer.

In each of the above scenarios, the process will take place entirely in writing. There is no need for an oral hearing and for you to attend court, which reduces the time and resources required to adjudicate a case.

## 11. How do I opt out of the Study Permit Pilot Project?

The Applicant or the Respondent can opt out of the Study Permit Pilot Project by filing a [written motion](#). The motion has to be submitted before the Respondent files their simplified submissions.

The Court can also transfer the file from the simplified procedure to the general procedure under the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#) at any time.

## 12. Applicant's Checklist for the Study Permit Pilot Project

### Before Filing the Application for Leave and Judicial Review:

- Has my study permit application been refused by an IRCC Visa Officer?
- Was I in Canada when I receive my study permit refusal? If so, am I filing my Application for Leave and Judicial Review within 15 days of my permit being refused?
- Was I outside Canada when I receive my study permit refusal? If so, am I filing my Application for Leave and Judicial Review within 60 days of my permit being refused?
- Do I meet the criteria for the Study Permit Pilot Project? Refer to questions [1](#) and [3](#).
- Did I opt into the Study Permit Pilot Project? Refer to [question 5](#) to make sure your Application for Leave and Judicial Review is compliant.

- Did I include my Study Permit Application Number and Unique Client Identifier (UCI) from IRCC in my Application for Leave and for Judicial Review?

**Before E-Filing the Simplified Submissions Form:**

- Did I include only three (3) decisions in both my initial and reply submissions?

### 13. Useful Tools

You or your lawyer can consult the tools provided by the Court to help people follow the general procedure.

[Federal Court - E-Filing Resources \(fct-cf.gc.ca\)](https://fct-cf.gc.ca)

[E-FILING GUIDE \(fct-cf.gc.ca\)](https://fct-cf.gc.ca)

[Practice Guide - How to file an Application for Leave and for Judicial review \(Immigration\) \(fct-cf.gc.ca\)](https://fct-cf.gc.ca) (explanation of the steps)

[Procedural Chart - Application for Leave and for Judicial review \(Immigration\) \(fct-cf.gc.ca\)](https://fct-cf.gc.ca) (who does what and when)

[Checklist - Application for leave and judicial review – Immigration \(fct-cf.gc.ca\)](https://fct-cf.gc.ca)