

Superior Court  
(Commercial Division)

Canada  
Province of Québec  
District of Montréal  
No: 500-11-060613-227

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**In the matter of the *Companies' Creditors Arrangement Act* of:**

**RISING PHOENIX INTERNATIONAL INC.  
10864285 CANADA INC.  
11753436 CANADA INC.  
CDSQ IMMOBILIER INC.  
COLLÈGE DE L'ESTRIE INC.  
ÉCOLE D'ADMINISTRATION ET DE SECRÉTARIAT DE LA RIVE-SUD INC.  
9437-6845 QUÉBEC INC.  
9437-6852 QUÉBEC INC.**  
Debtors

-and-

**MCCARTHY TÉTRAULT LLP, in its capacity as Students' Representative Counsel**  
Applicant

-and-

**RICHTER ADVISORY GROUP INC.**  
Monitor

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**Amended Application for the Issuance of an Order Extending the CAQ and/or Study  
Permit of Certain Students and Implementing a Streamlined Process for the  
Reconsideration of Refused Study Permit Applications  
(*Companies' Creditors Arrangement Act*, ss 11)**

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**To the Honourable David R. Collier of the Superior Court of Québec, sitting in the  
Commercial Division in and for the District of Montréal, the Applicant Students'  
Representative Counsel respectfully submits:**

## I. Introduction

1. More than 1,500 students are currently struggling emotionally and financially as a result of the financial distress of the Debtors (as defined hereinafter). The Students' Representative Counsel (as defined hereinafter) is looking at avenues to allow the Students coming from abroad, mostly from India, who have invested significant funds – often borrowed from friends, family or local banks – to pursue their dream of obtaining higher education in Canada, which has been thus far put in peril by the action and inaction of individuals, corporations and various authorities. The Students' Representative Counsel is petitioning the Court in that regard.
2. By the present application (the “**Application**”), the Students' Representative Counsel is seeking an order from this Court:
  - (i) ordering the *Ministre de l'Immigration, de la Francisation et de l'Intégration* of Québec and the Minister of Immigration, Refugees and Citizenship of Canada to renew/extend, for a period of four (4) months the *Certificat d'acceptation du Québec* (“**CAQ**”) and/or Study Permit of the Registered Students, Pipeline Student and Other Students whose CAQ and/or study permit is set to expire prior to the date on which they are expected to complete their studies; and
  - (ii) providing for the implementation of a streamlined process facilitating the reconsideration by Immigration, Refugees and Citizenship Canada (“**IRCC**”) of the Other Students' (as defined hereinafter) refused Study Permit (as defined hereinafter) applications;

the whole substantially in the form of the proposed Order Extending the CAQ/Study Permit of Certain Students and Implementing a Streamlined Process Facilitating the Reconsideration by IRCC of Refused Study Permit Applications (the “**Proposed Order**”), communicated herewith as **Exhibit P-1**.

## II. Procedural Background

3. On January 6, 2022, the Superior Court of Québec (Commercial Division) (the “**Court**”) rendered an initial order (as amended and restated from time to time, the “**Initial Order**”), commencing proceedings (the “**CCAA Proceedings**”) in respect of Rising Phoenix International Inc., 10864285 Canada Inc. (operator of *M College of Canada* (“**M College**”)), 11753436 Canada Inc., CDSQ Immobilier Inc., Collège de l'Estrie Inc. (operator of *Collège de l'Estrie* (“**CDE**”)), École d'Administration et de Secrétariat de la Rive-Sud Inc. (operator of *Collège de comptabilité et de secrétariat du Québec* (“**CCSQ**”)), 9437-6845 Québec Inc. and 9437-6852 Québec Inc. (collectively, the “**Debtors**” or the “**Vendors**”) under the *Companies' Creditors Arrangement Act* (the “**CCAA**”) and appointing Richter Advisory Group Inc. as monitor (the “**Monitor**”).

4. On February 15, 2022, the Court rendered a student representation order (the “**Student Representation Order**”) appointing McCarthy Tétrault LLP (the “**Students’ Representative Counsel**”) as representative counsel to represent the interests of all persons who are creditors of the Debtors as a result of their status as a currently enrolled student at the Colleges (as defined hereinafter), pipeline student of the Colleges or other student in light of tuition fees paid to the Debtors and to act in the name of the Students, namely in the context of the CCAA Proceedings.
5. The Court has extended the Stay Period (as defined in the Initial Order) from time to time and most recently up to and including April 29, 2022.
6. On March 14, 2022, the Court rendered an approval and vesting order approving the transaction (the “**Transaction**”) contemplated by the *Asset Purchase Agreement* (the “**Purchase Agreement**”) by and between the Applicants, as vendors, and 6815464 Canada Ltd. (the “**Purchaser**”), as purchaser, for the sale of virtually all the assets of the Applicants, including the permits of the M College, CDE and CCSQ (subject to applicable governmental approvals), all of the real estate, furniture, fixtures and computer equipment and other operating assets, and the service agreement pertaining to the operation of École de Secrétariat Notre-Dame des-Neiges (1985), dba CCSQ-Sherbrooke (“**CCSQ-Sherbrooke**”) and, collectively with M College, CDE and CCSQ, the “**Colleges**”). Reference to “**Students**” in this Application, and their grouping into the categories of “Graduating Students”, “Registered Students”, “Pipeline Students” and “Other Students” are in reference to students of the Colleges that are the object of the Transaction.

### III. The International Student Application Process

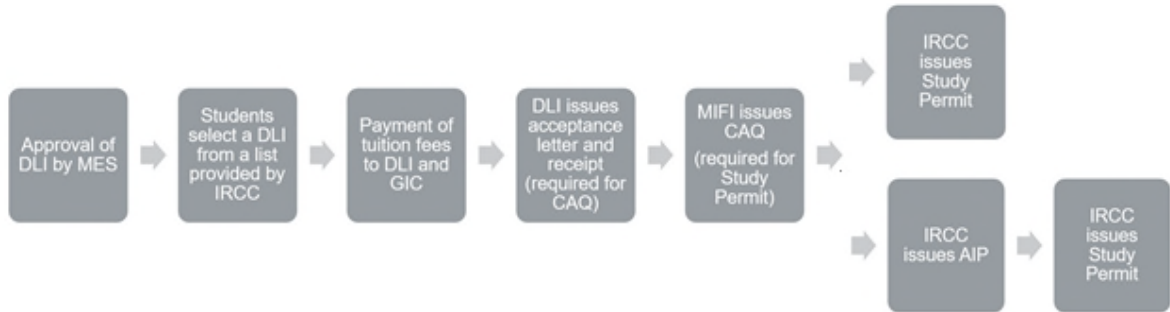
7. The Canadian government actively promotes and encourages internationalism and has implemented, through IRCC, programs designed to attract international students and retain them as successful immigrants with a view to answering Canada’s declining population.<sup>1</sup>
8. As a result of these programs, Canada has quickly become one of the top study destinations for international students around the world, many of whom are willing to invest significant funds to pursue higher education in Canada with the hope that it will lead to (i) a Canadian education credential; (ii) an opportunity to gain Canadian work experience, notably through a Post Graduation Work Permit (a “**PGWP**”) and (iii) an opportunity to apply for Permanent Residence and establish themselves in Canada.<sup>2</sup>

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<sup>1</sup> Application for the Issuance of a First Day Initial Order and an Amended and Restated Initial Order dated January 6, 2022 at para 27-28.

<sup>2</sup> *Ibidem*.

9. The international student application process prior to and during the COVID-19 pandemic can be illustrated as follows and is described below:



#### A. Application Process Before the COVID-19 Pandemic

10. In Québec, the process for international students who wish to pursue studies is as follows:

(i) Step 1 : Selection of a DLI and Receipt of an Acceptance Letter

Potential students select and apply to a designated learning institution (“**DLI**”), which is defined by IRCC as a school approved by a provincial or territorial government to host international students, i.e., in the present case, a DLI vetted and approved by the Québec Government. If the student meets the eligibility criteria/requirements established by the selected institution, the institution will issue an acceptance letter. An acceptance letter from a DLI is required to apply for a CAQ and a Canadian study permit (a “**Study Permit**”);

(ii) Step 2 : Certificat d’acceptation du Québec (CAQ)

The CAQ is a mandatory immigration document for most international students who wish to study in Québec.

The Québec *Ministère de l’Immigration, Francisation et Intégration* (the “**MIFI**”) grants the CAQ upon successful completion of an application which requires the applicant to provide *inter alia* an acceptance letter and proof of financial capacity. Prior to obtaining a Study Permit, a potential student needs to obtain a CAQ as appears from an extract of the MIFI website communicated herewith as **Exhibit P-2**.

(iii) Step 3 : Study Permit

The Study Permit is a federal immigration document issued by IRCC which international students must apply for in their home country and obtain approval of prior to entering Canada. Applicants whose study permit applications have been approved receive their study permit at a port of entry upon arrival to Canada.

The application process requires the international student to provide *inter alia* copies of the acceptance letter, proof of financial support – which can be in the form of a Guaranteed Investment Certificate and proof the tuition fees have been paid – and the CAQ, as appears from an extract of IRCC website communicated herewith as **Exhibit P-3**.

Students from certain countries, including India, can apply through the Student Direct Stream (“SDS”) if they meet all the eligibility requirements in order to obtain their Study Permit faster, as appears from an extract of IRCC website communicated herewith as **Exhibit P-15**.

**B. Application Process During the COVID-19 Pandemic**

11. On April 30, 2020, in order to facilitate Study Permit renewal applications, which require a valid CAQ, for students whose studies were disrupted or prolonged by the pandemic, the MIFI announced that all CAQs set to expire between April 30, 2020, and December 31, 2020 were automatically extended until December 31, 2020, as appears from the *Décret 494-2020* dated April 29, 2020, and the press release dated April 30, 2020 published by the MIFI communicated herewith, *en liasse*, as **Exhibit P-4**.
12. In July 2020, in order to help international student applicants outside of Canada who were unable to submit certain required documents for the Study Permit due to COVID-19 closures, IRCC announced the creation of a temporary two-stage process for the adjudication of Study Permit applications.
13. This process allowed prospective students to begin their studies online from abroad upon receipt of an “Approval in Principle” (“AIP”) letter, but before having received their Study Permit approval notice – the two-stage approval process was available to international students starting a program in the fall semester of 2020 who had submitted a Study Permit application before September 15, 2020.<sup>3</sup>
14. International students who received an AIP were allowed to begin their courses online from abroad and, in certain circumstances, have the time spent studying abroad count towards the length of their PGWP, provided that they received approval for a study permit application before the end of their PGWP-eligible program.<sup>4</sup>

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<sup>3</sup> See <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/updates/2020-two-stage-assessment.html> regarding two-stage assessment process for study permit applications.

<sup>4</sup> See <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/service-delivery/coronavirus/temporary-residence/study-permit/pgwpp.html#sec6.3> regarding temporary policy changes to the PGWP Program.

### C. Options Further to the Expiry of the CAQ/Study Permit

15. If a student's study program has not been completed upon the expiry of their CAQ and/or Study Permit, and they wish to complete their studies, they must apply for a renewal of their CAQ and/or Study Permit.
16. If they have completed their study program, there are several alternatives available to students:
- (i) if they have completed their studies in a PGWP-eligible program, they can apply for a PGWP, which, providing certain conditions are met, allows them to work in Canada for usually the same amount of time that they studied and therefore gain Canadian work experience before either applying for Permanent Residence or returning to their country of origin;
  - (ii) they can return to their country of origin; or
  - (iii) they can apply to change their status which would allow them to stay in Canada subject to the terms of said status, i.e., as a visitor, student or worker.

## IV. The Conduct of the Provincial and Federal Governments

### A. Provincial Government

17. For international students, the fact that an institution is designated as a DLI is absolutely crucial because it provides them with the assurance that the institution they are selecting has been vetted and approved by the Québec government. The following illustrates the recent history of the permits issued to the Debtors by the MES:

Recent History of Permits Granted to the Debtors by the MES			
College	DLI #	Issuance	Renewal
<b>M College</b>	O142824217682	2019	
<b>CDE</b>	O19338281175	1994	2017 (2 years) 2019 (2 years) 2021 (1 year)
<b>CCSQ (Longueuil)</b>	O246881964391	1994	2016 (2 years) 2018 (3 years) 2021 (1 year)

18. In fact, to be registered as a DLI and to provide private educational services at the college level, an institution must hold a valid a permit that can exclusively be delivered in accordance with the *Act Respecting Private Education* and applicable regulation by the *Ministre de l'Enseignement supérieur* (the "MES").

19. In order to obtain a permit an institution must demonstrate to the MES that it has the required and appropriate human and material resources as well as sufficient financial resources to provide the educational services referred to in its application.
20. With respect to its financial situation, an institution must provide updated audited financial statements (i.e. corresponding to the end date of its last fiscal year) with accompanying notes in its application. Updated financial statements must also be provided to the MES every year following the issuance of the permit.
21. In the case at hand, during the summer of 2021 the MES renewed the permits for CCSQ and CDE despite the *Commission consultative de l'enseignement privé* (the "CCEP") publicly issuing reservations with respect to their financial capacity to ensure the proper functioning of the colleges, as appears from a copy of the CCEP's *52e Rapport annuel, 2020-2021* in respect of the Colleges communicated herewith as **Exhibit P-5**. M College's permits were not up for renewal at that time, given that it was granted a 3-year permit in 2019.
22. Not only did the MES renew the permits of CCSQ and CDE, but it remained passive when some of the Colleges' directors were arrested by the Québec anti-corruption unit, UPAC, and charged with fraud in November 2020. The accusation alone would have been sufficient grounds to revoke the permit of CCSQ, M College and CDE pursuant to an enumerated ground in s. 18.1 of the *Act Respecting Private Education* until such a time when said person was removed from the board in December 2020, as appears from extracts of the REQ for CCSQ, M College and CDE communicated herewith, *en liasse*, as **Exhibit P-6** and Leah Hendry and Benjamin Shingler's article "Fired by her school board, a Montrealer went on to run 3 colleges. International students are paying the price" published on March 17, 2022, communicated herewith as **Exhibit P-7**.
23. Additionally, it appears from M Colleges' unaudited financial statements for the period ending on December 31, 2020, which under the *Act Respecting Private Education*, M College was required to provide the MES yearly, that it had collected many millions of dollars (exact amount highlighted in yellow in Exhibit P-8 (under seal) hereto) in deferred revenues (i.e. tuition fees paid in advance by the Students) and that many millions of dollars (exact amount highlighted in yellow in Exhibit P-8 (under seal) hereto) were paid in advances to shareholders, as appears from the the "État des flux de trésorerie" forming part of the unaudited financial statements of M College attached under seal as an Exhibit to the Amended pre-filing Monitor's Report dated January 6, 2022, and communicated herewith, under seal, as **Exhibit P-8**.
24. The Students have raised with the Students' Representative Counsel that they fail to understand why, in light of the foregoing, no "red flags" were raised with the MES, especially in the context where one of the Colleges' directors was recently arrested by the UPAC.
25. Unfortunately, the shortcomings of the MES in its oversight of the colleges, specifically its lack of action despite serious substantiated concerns regarding their financial situation and grounds for revocation of their permits, resulted in the Students selecting an institution from a list provided by IRCC which only contains institutions approved as DLIs by the MES

## B. Federal Government

26. As part of their Study Permit application, Students are required under the *Immigration and Refugee Protection Regulations* to provide proof that “they have sufficient and available financial resources, without working in Canada, to (a) pay the tuition fees for the course or program of studies that they in-tend to pursue; (b) maintain themselves and any family members who are accompanying them during their proposed period of study; and (c) pay the costs of transporting themselves and the family members referred to in paragraph (b) to and from Canada.”<sup>5</sup>
27. Despite the fact that the law only requires students prove the availability of the funds, the Visa Office Instructions for India issued by IRCC (the “**Visa Office Instructions**”) provide that the “preferred option for proof of funds” is “evidence of purchase of a special Guaranteed Investment Certificate (GIC) from a participating Canadian financial institution, in the amount of \$10,000 CAD to cover living expenses for your first year in Canada and evidence of payment for your tuition”, as appears from the Visa Office Instructions communicated herewith as **Exhibit P-9**.
28. This is even more concerning given the fact that this recommendation is in complete contradiction of the *Act Respecting Private Education*, which prohibits an institution from requiring payment of the tuition fees “before the performance of its obligation has begun”<sup>6</sup> and is not required under the *Immigration and Refugee Protection Regulations*<sup>7</sup>.
29. Furthermore, in the case of students applying through the SDS, IRCC requires these students to provide “proof of full payment of tuition for the applicant’s first year of study” (Exhibit P-15), once again in complete contradiction of the Act Respecting Private Education.
30. In compliance with the Visa Office Instructions issued by IRCC, or in compliance with the SDS requirements, and not informed that the requirement to pay in advance the tuition fees was illegal, most, if not all, Students paid their tuition fees in advance to satisfy the prerequisites for the issuance of a Study Permit.
31. The tuition fees paid in advance amount to approximately \$15,000, which for the Students represents almost seven (7) years of earnings at the average income in India.<sup>8</sup>
32. The Students’ Representative Counsel submits that the foregoing demonstrates that absent the foregoing shortcomings from on the part of the MES and IRCC, the Students would not currently be facing the unbearable predicament they are in.

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<sup>5</sup> *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 220.

<sup>6</sup> CQLR c E-9.1, s 70.

<sup>7</sup> SOR/2002-227, s 220.

<sup>8</sup> It is helpful to better understand the situation of the Students that the average annual salary in India according to <https://www.worlddata.info/average-income.php> is \$2,434, twenty-two (22) times less than the average annual salary in Canada which is \$55,183.



## V. The Transaction and its Effect on the Different Categories of Students

33. As previously mentioned, on March 14, 2022, the Court approved the Transaction, which *inter alia* contemplates the assumption of many student-specific liabilities by the Purchaser, as well as the provision of interim financing to allow funding to close the transaction and to resume after approximately four (4) months the education of approximately 740 Registered Students (as defined hereinafter) – most of whom are currently in Canada. The Purchaser has undertaken to honour the Vendors' commitment to educate a large number of Students and to assume certain refund obligations that may be owing to the Students.
34. The effects of the Transaction on the different categories of Students can be summarized as follows:
- (i) Graduating Students: The Transaction provides for the continuation and the completion of all of the Vendors' curriculum obligations to the remainder of the 516 graduating students, who were expected to complete their educational program by the end of February 2022;
  - (ii) Registered Students: The Transaction provides for the continuation (restart) and the completion of all of the Vendors' curriculum obligations to the remainder of the 740 students who were registered with one of the Colleges and are listed in Schedule 2.4(f) of the Purchase Agreement (the "**Registered Students**"), a copy of the list of Registered Students is communicated herewith, under seal, as **Exhibit P-10**.
  - (iii) Pipeline Students: The Transaction provides that the Purchaser will offer the previously available curriculum courses that have been paid, or provide refunds, to approximately 308 "Pipeline Students", who are currently in India and are listed in Schedule 2.4(e) of the Purchase Agreement (the "**Pipeline Students**"). The Students who obtain their study permits/visas and wish to study at the Colleges will be able to do so, if the required approvals, such as the study permit and CAQ are successful obtained. A Pipeline Student who is prevented from coming to Canada to study or decides not to come to Canada, will be refunded in full and in cash by the Purchaser, a copy of the list of Pipeline Students is communicated herewith, under seal, as **Exhibit P-16**; and
  - (iv) Other Students: The Purchaser will offer to approximately 502 students who have had their visa request denied, and/or voluntarily withdrew from the Colleges and whose name is on the list communicated herewith, under seal, as **Exhibit P-11** (the "**Other Students**"), the previously available curriculum courses that have been paid prior to the CCAA filing date, subject to such students satisfying all other pre-requisite obligations, such as obtaining their study permits and meeting the other qualification conditions, within a reasonable time (this period has yet to be established). However, refund claims in cash will not be assumed by the Purchaser in respect of Other Students who have had their visa request denied or have already withdrawn from the Colleges and do not wish to attend.

35. Based on the information submitted by the Debtors, as of the date of the filing of the CCAA Proceedings, \$11,371,841.94 was owed to the Students. The most efficient mean to reduce or eliminate this liability is to provide the Other Students the opportunity to study at the colleges owned by the Purchaser.

## VI. Relief Sought

### A. The Court Should Order the Automatic Renewal/Extension of the CAQ and/or Study Permit of Certain Students

36. The Students' Representative Counsel is seeking an order from this Court ordering the *Ministre de l'Immigration, de la Francisation et de l'Intégration* of Québec and the Minister of Immigration, Refugees and Citizenship of Canada to renew/extend, for a period of four (4) months the *Certificat d'acceptation du Québec* ("**CAQ**") and/or Study Permit of the Registered Students, Pipeline Students and Other Students.
37. Subsidiarily, the Student Applicants ask that the Court orders the Registered Students, Pipeline Students and Other Students be deemed to have filed a CAQ and/or Study Permit renewal application (collectively, the "**Renewal Applications**") and orders the MIFI and IRCC to issue decisions with respect to the Renewal Applications at the latest on April 30, 2022.
38. In accordance with the terms of the Purchase Agreement, the Registered Students have just recently restarted their courses which had been interrupted due to circumstances entirely beyond their control, namely as a result of the insolvency of the Debtors and the CCAA Proceedings.
39. Pipeline Students and Other Students are either currently waiting on a decision regarding their Study Permit from IRCC or have obtained a refusal from IRCC and require a valid CAQ for the Streamlined Process (as defined hereinafter).
40. On February 7, 2022, the MIFI expressed to the Monitor it would temporarily refrain from issuing a notice of intention to refuse an application for temporary selection or render a decision regarding the notices already issued and that it would reevaluate its position, namely in light of the results of the ongoing sale process, as appears from an Email from the MIFI to the Monitor dated February 7, 2022, communicated herewith as **Exhibit P-12**
41. The MIFI reiterated this position to the Students' Representative Counsel on February 28, 2022, as appears from an Email from the MIFI to the Students' Representative Counsel dated February 28, 2022, communicated herewith as **Exhibit P-13**. Despite the foregoing, the MIFI has yet to review its position since the Transaction was approved by the Court on March 14, 2022.
42. While Registered Students, Pipeline Students and Other Students could individually apply for extensions of both their CAQ and, once secured, their Study Permit, this would be a burdensome and stressful administrative processes for a large number of Registered Students, Pipeline Students and Other Students, requiring them to resubmit complete applications and pay additional processing fees for both CAQ and Study Permit renewals and creating additional burdens on the Registered Students, Pipeline Students and Other Students.

43. To require Registered Students to apply via the standard process for both CAQ and Study Permit renewals (for which processing times vary) would also significantly negatively impact their eligibility for a PGWP since one of the requirements for same is to hold, or have held, a valid study permit within the 180 days prior to the date of application.
44. Taking into consideration that many of the Registered Students will shortly be completing their program, to required Registered Students to apply via the standard process may lead to many not having a valid Study Permit within the 180 days' requirement and thus rendering them ineligible for a PGWP.
45. The foregoing would go against one of the objectives of the Students' Representation Counsel as part of the Student Representation Order, of the Transaction approved by the Court and of these CCAA Proceedings, that is to allow the Students to resume and complete their studies thereby minimizing the consequences, financial or otherwise, of the Debtors' insolvency on the Students.
46. The Students' Representative Counsel has been attempting to collaborate with IRCC and MIFI on special programs that can be created for the Students and has namely asked them to extend the relevant documents for a period of four (4) months without the need for reapplication; however, as at the date hereof, no suitable outcome has emerged from these discussions.
47. It is worth noting that, the MIFI has the power to, and has in the context of the COVID-19 pandemic, automatically renewed/extended CAQs (Exhibit P-4).
48. The impact on IRCC and the MIFI to implement such measures would be negligible considering the fact that if no action was taken, after the expiry of their CAQ and/or Study Permit, Registered Students would likely (i) apply for a PGWP if eligible, (ii) apply for a renewal of their CAQ and/or Study Permit to complete their studies, or (iii) apply to change their status allowing them to stay in Canada and would have to disclose their activities in Canada.
49. It is respectfully submitted that the renewal/extension sought, which is for a period equivalent to that during which the courses were suspended by the Colleges (i.e. four (4) months), is reasonable in the circumstances and should be granted by the Court in order to allow one of the objectives of the Transaction and of these CCAA proceedings, namely allowing the Registered Students to resume and complete the courses that were interrupted, to be met with certainty, and to avoid the prejudice and administrative burden that these Students would suffer absent such automatic renewal/extension.

**B. The Court Should Implement a Streamlined Process to Facilitate the Reconsideration by IRCC of the Other Students' Refused Study Permit Applications**

50. The Students' Representative Counsel is seeking an order from this Court implementing a streamlined process to facilitate the reconsideration by IRCC of the Other Students' refused Study Permit applications.

51. As outlined above, the Other Students are the 502 students who have had their study permit application denied, and/or voluntarily withdrew from the Colleges (with the assumption that a full refund of their tuition fees would be paid). The Purchaser is generously offering these Other Students the previously available curriculum courses that were pre-paid prior to the CCAA filing date, subject to such students satisfying all other pre-requisite obligations, such as obtaining their Study Permit and meeting the other qualification conditions, within a reasonable time (this period has yet to be established).
52. However, the terms of the Transaction provide that the Purchaser's assumed obligations towards the Other Students are "in kind" only, meaning that refund claims in cash are not assumed by the Purchaser in respect of such Other Students who have had their study permit application denied or have already withdrawn from the Colleges and do not wish to attend.
53. Taking into consideration that, at this moment, the likely refund of the tuition fees paid by the Other Students relying on ill-advised information provided by the authorities will be inconsequential, most of the Other Students want to fulfill their dream to come to Canada to study.
54. Unless a streamlined process is implemented for the reconsideration of Study Permit applications denied by IRCC, the Other Students who wish to benefit from the offer of the Purchaser to assume the obligations towards them "in kind" (by providing the education services for which they paid but have not received), would be subject to the payment of additional application fees and potentially lengthy administrative delays should they seek to submit a new application, and might not be in a position to meet the qualification conditions within a reasonable time in order to benefit from the option offered by the Purchaser.
55. The streamlined process proposed pursuant to the Proposed Order would require the Other Students to submit a reconsideration request via webform – an online standardized form used by immigration applicants and their representatives to transmit information and/or documents to IRCC regarding their applications – coupled with the use of a webform keyword to allow IRCC to quickly identify these applications (the "**Proposed Streamlined Process**"). The Proposed Order further provides that the Proposed Streamlined Process is without prejudice to the right of IRCC to request further information and to ask the students to transmit any relevant information that could help IRCC in its reconsideration accounting for the changed circumstances that have likely occurred in the time that has passed..
56. The Proposed Streamlined Process would be in line with the practice of IRCC decision makers to sometimes accept to reconsider refused applications for temporary residence, which requests are usually submitted by email directly at the visa office that originally refused the application. The IRCC Case Review Office in Ottawa is sometimes also contacted by email, as appears from a copy of internal directives of IRCC communicated herewith as **Exhibit P-14**.

57. It should also be noted that out of the Other Students, approximately 25% of them received an AIP (i.e. 124 out of 502, based on available information) and had already studied online for a year before IRCC refused their Student Permit application. In most cases, the motives for the refusal were a combination of (i) uncertainty that they would leave Canada after their studies, (ii) the proposed studies are not reasonable in light of their background and/or (iii) they did not meet the English requirement. These 25% of the Other Students had a legitimate expectation that their Study Permit application would not be refused on any of the previously mentioned grounds, given that IRCC had all the necessary information at the time it issued the AIP to determine whether or not those requirements were satisfied. At the least, students should have received a Procedural Fairness letter giving them the opportunity to address any concerns of the adjudicating officer given IRCC knew that students would have invested funds and undertaken courses.
58. This streamlined process providing for a free and expeditious reconsideration of the Other Students' Study Permit applications is critical to the Other Students since the Purchaser (unrelated to the Debtors) has accepted to offer them the courses "in kind" within a reasonable time.
59. Finally, given that the Other Students' CAQ has or will expire shortly, the Proposed Order provides for a deemed renewal/extension of the CAQ until the expected end date of the studies in the event that a Study Permit is granted further to the Proposed Streamlined Process.
60. In the circumstances, it is respectfully submitted that the relief sought would undoubtedly further the remedial objectives of the CCAA and achieve its social and economic purposes, in two ways:
- (i) by allowing a maximum number of Other Students to benefit from the option offered by the Purchaser to assume the obligations of the Debtors towards them, "in kind", by providing the education services for which they paid, hence mitigating their losses resulting from the insolvency of the Debtors; and
  - (ii) by allowing for the maximization of the recovery for the remainder of the Students, since the Proposed Streamlined Process would allow the Other Students who wish to benefit from the option to study in Canada (to the extent that the reconsideration is favourable to them) to do so, hence reducing the number of Students left with a claim for a refund and thus allowing for higher recovery for the latter.

## **VII. Urgency and Provisional Execution**

61. For many, if not all, Registered Students, their CAQ and/or Study Permit is set to expire prior to the date when they are likely to complete their studies. In fact, the Students' Committees have informed the Students' Representative Counsel that for many of the Registered Students, the expiry date is April 30, 2022. It is therefore urgent that this Court intervene and order the renewal/extension of the CAQ and/or Study Permits of Registered Students to prevent their expiry and thus allow the Registered Students to fully benefit from the Transaction.

62. Furthermore, the Debtors and the Monitor wish to quickly file a plan of arrangement so that a distribution can be made to the creditors. In order to do so, a claims process in respect of the Debtors must be conducted and such claims process cannot be conducted unless the Debtors know who their creditors are. In this sense, it is of utmost importance that the Other Students' Study Permit applications be reconsidered as soon as possible to allow the CCAA Proceedings to continue to advance diligently.
63. Finally, many Students have already been waiting for many months and even more than one year to study in Canada or to receive a refund of their tuition fees paid to the Colleges at the invitation of the Canadian government. It is of the utmost importance that these issues are resolved as expeditiously as possible to bring closure to the Students.
64. Given the need to advance the restructuring as quickly as possible, it is respectfully submitted that this Court order the provisional execution of the order sought pursuant hereto, notwithstanding any appeal.

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** the present *Application for the Issuance of an Order Extending the CAQ and/or Study Permit of Certain Students and Implementing a Streamlined Process for the Reconsideration of Refused Study Permit Applications*;

**RENDER** an order substantially in the form of the Proposed Order (Exhibit P-1);

**THE WHOLE** without legal costs, save in case of contestation.

Montréal, April 12, 2022

McCarthy Tétrault LLP

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**McCarthy Tétrault LLP**

Lawyers for the Applicant

M<sup>re</sup> Alain N. Tardif

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fatoupin@mccarthy.ca

Superior Court  
(Commercial Division)

Canada  
Province of Québec  
District of Montréal  
No: 500-11-060613-227

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**In the matter of the *Companies' Creditors Arrangement Act* of:**

**RISING PHOENIX INTERNATIONAL INC.  
10864285 CANADA INC.  
11753436 CANADA INC.  
CDSQ IMMOBILIER INC.  
COLLÈGE DE L'ESTRIE INC.  
ÉCOLE D'ADMINISTRATION ET DE SECRÉTARIAT DE LA RIVE-SUD INC.  
9437-6845 QUÉBEC INC.  
9437-6852 QUÉBEC INC.**  
Debtors

and-

**MCCARTHY TÉTRAULT LLP, in its capacity as Students' Representative Counsel**  
Applicant

-and-

**RICHTER ADVISORY GROUP INC.**  
Monitor

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**Notice of Presentation  
Commercial**

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**TO: The Service List**

**1. PRESENTATION OF THE PROCEEDING**

**TAKE NOTICE** that the present *Application for the Issuance of an Order Extending the CAQ and/or Study Permit of Certain Students and Implementing a Streamlined Process for the Reconsideration of Refused Study Permit Applications* will be presented for adjudication virtually via Microsoft TEAMS before the Superior Court of Québec, sitting in the commercial division for the district of Montréal, **at 14:00 on April 13, 2022, in room 16.04 (virtual) of the Montréal Courthouse** located at 1, Notre-Dame Street East, Montréal, Québec, H2Y 1B6.

**2. HOW TO JOIN THE VIRTUAL PRACTICE ROLL CALL**

The coordinates for joining the room 16.04 virtual roll call are the following:

- a) **With Teams Tool:** by clicking on the link available on the website [www.tribunaux.qc.ca](http://www.tribunaux.qc.ca);

You need at that time to inscribe your name and click on “Joining now”. In order to facilitate the progress and the identification of the participants, we are inviting you to inscribe your name by this manner:

The lawyers: Mtre First name, Last Name (name of the represented party)

The syndics: First name, Last Name (syndic’s name)

The superintendent: First name, Last name (superintendent’s name)

The parties non-represented by lawyers: First name, Last name (precise: Plaintiff, Defendant, Petitioner, Respondent, Creditor, Opponent or other)

For people who are assisting to a public hearing: the mention may be limited to entering: (public)

- b) **By telephone:**

Canada, Québec (paid number): + 1 581-319-2194

Canada (toll-free number): (833) 450-1741

Conference ID: 516 211 860#

- c) **By videoconference:** [teams@teams.justice.gouv.qc.ca](mailto:teams@teams.justice.gouv.qc.ca)

Conference VTC ID: 1149478699

- d) **In person:** If and only if you do not have access to one of these technological means above-identified. You can then go to room 16.04 of the Courthouse of Montréal, located at:

1 Notre-Dame Street East.

### 3. DEFAULT OF PARTICIPATING TO THE VIRTUAL ROLL CALL

**TAKE NOTICE** that if you wish to contest the proceeding you need to advise by written the instigator of the proceeding at the indicated coordinates in this Notice of Presentation at least 48 hours before the presentation date and participate to the virtual roll call. Failing that, a judgment could be rendered during the presentation of the proceeding, without any further notice or delay.

### 4. OBLIGATIONS

#### 4.1 The Collaboration

**TAKE NOTICE** that you have the obligation to cooperate with the other party, in particular by informing each other, at all relevant times, of all facts and elements susceptible of promote a



loyal debate and making sure you preserve the relevant evidence (*Civil Code of Procedure*, Art. 20).

#### 4.2 Preventing and Resolving Disputes Method

**TAKE NOTICE** that you must, before going to the Tribunal, considerate the recourse of all preventing and resolving disputes methods which are, among others, negotiation, mediation or arbitration, for which the parties appeal a third-party assistance (*Civil Code of Procedure*, Art. 2).

**DO GOVERN YOURSELVES ACCORDINGLY.**

Montréal, April 12, 2022

McCarthy Tétrault LLP

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**McCarthy Tétrault LLP**  
Lawyers for the Applicant

Superior Court  
(Commercial Division)

Canada  
Province of Québec  
District of Montréal  
No: 500-11-060613-227

---

**In the matter of the *Companies' Creditors Arrangement Act* of:**

**RISING PHOENIX INTERNATIONAL INC.  
10864285 CANADA INC.  
11753436 CANADA INC.  
CDSQ IMMOBILIER INC.  
COLLÈGE DE L'ESTRIE INC.  
ÉCOLE D'ADMINISTRATION ET DE SECRÉTARIAT DE LA RIVE-SUD INC.  
9437-6845 QUÉBEC INC.  
9437-6852 QUÉBEC INC.**  
Debtors

and-

**MCCARTHY TÉTRAULT LLP, in its capacity as Students' Representative Counsel**  
Applicant

-and-

**RICHTER ADVISORY GROUP INC.**  
Monitor

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**List of Exhibits**

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<b>Exhibit P-1</b>	Proposed Order
<b>Exhibit P-2</b>	Extract of the MIFI website – “Required conditions to study in Québec” and “Required documents for your application”
<b>Exhibit P-3</b>	Extract of IRCC website – “Study permit: Get the right documents”
<b>Exhibit P-4</b>	Décret 494-2020 dated April 29, 2020, and the press release dated April 30, 2020 published by the MIFI, <i>en liasse</i>
<b>Exhibit P-5</b>	CCEP's <i>52e Rapport annuel, 2020-2021</i> in respect of the Colleges
<b>Exhibit P-6</b>	Extracts of the REQ for CCSQ, M College and CDE
<b>Exhibit P-7</b>	Leah Hendry and Benjamin Shingler's article “Fired by her school board, a Montrealer went on to run 3 colleges. International

students are paying the price” published on March 17, 2022

- Exhibit P-8** “État des flux de trésorerie” forming part of the unaudited financial statements of M College attached under seal as an Exhibit to the Amended pre-filing Monitor’s Report dated January 6, 2022 (under seal)
- Exhibit P-9** Visa Office Instructions
- Exhibit P-10** List of Registered Students (under seal)
- Exhibit P-11** List of Other Students (under seal)
- Exhibit P-12** Email from the MIFI to the Monitor dated February 7, 2022
- Exhibit P-13** Email from the MIFI to the Students’ Representative Counsel dated February 28, 2022
- Exhibit P-14** Internal directives of IRCC
- Exhibit P-15** Extract of IRCC website – “Student Direct Stream: About the process” and “Student Direct Stream (SDS)”
- Exhibit P-16** List of Pipeline Students (under seal)

Montréal, April 12, 2022

McCarthy Tétrault LLP

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**McCarthy Tétrault LLP**  
Lawyers for the Applicant

**SUPERIOR COURT  
(COMMERCIAL DIVISION)**

Canada  
Province of Québec  
District of Montréal  
No: 500-11-060613-227  
Date: April 13, 2022

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Presiding: The Honourable David R. Collier, J.S.C.

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In the matter of the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 of:

**Rising Phoenix International Inc.**

**10864285 Canada Inc.**

**11753436 Canada Inc.**

**CDSQ Immobilier Inc.**

**Collège de l'Estrie Inc.**

**École d'Administration et de Secrétariat de la Rive-Sud Inc.**

**9437-6845 Québec Inc.**

**9437-6852 Québec Inc.**

Debtors

and

**McCarthy Tétrault LLP, in its capacity as Students' Representative Counsel**

Applicant

and

**Richter Advisory Group Inc.**

Monitor

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**Order Extending the CAQ/Study Permit of Certain Students and Implementing a Streamlined Process Facilitating the Reconsideration by IRCC of Refused Study Permit Applications**

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**HAVING READ** the *Application for the Issuance of an Order Extending the CAQ and/or Study Permit of Certain Students and Implementing a Streamlined Process for the Reconsideration of Refused Study Permit Applications* (the "**Application**") of McCarthy Tétrault LLP, in its capacity as representative counsel to the Students (as defined hereinafter) (the "**Students' Representative Counsel**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "**CCAA**") and the exhibits filed in support thereof;

**GIVEN** the notification of the Application;

**GIVEN** the Initial Order rendered on January 6, 2022 (as amended, restated and otherwise modified from time to time, including on January 17, 2022, the “**Initial Order**”) in respect of Rising Phoenix International Inc., 10864285 Canada Inc. (“**108 Canada Inc.**”), 11753436 Canada Inc., CDSQ Immobilier Inc., Collège de l’Estrie Inc. (“**CDE Inc.**”), École d’Administration et de Secrétariat de la Rive-Sud Inc. (“**CCSQ Inc.**”), 9437-6845 Québec Inc. and 9437-6852 Québec Inc. (collectively, the “**Debtors**”);

**GIVEN** the Student Representation Order rendered on February 15, 2022, appointing McCarthy Tétrault LLP as representative counsel to represent the interests of all persons who are creditors of the Debtors as a result of their status as a currently enrolled student at M College of Canada, operated by 108 Canada Inc. (“**M College**”), Collège de comptabilité et de secrétariat du Québec, operated by CCSQ Inc. (“**CCSQ**”) or Collège de l’Estrie, operated by CDE Inc. (“**CDE**”), pipeline student of the Colleges (as defined or other student in light of tuition fees paid to the Debtors and to act in the name of the Students (“**Students**” in this Order are in reference to students of the Colleges that are the object of the Transaction (as defined hereinafter)), namely in the context of the CCAA Proceedings.

**GIVEN** the Approval and Vesting Order rendered on March 14, 2022, approving the transaction (the “**Transaction**”) contemplated by the *Asset Purchase Agreement* (the “**Purchase Agreement**”) by and between the Applicants, as vendors, and 6815464 Canada Ltd. (the “**Purchaser**”), as purchaser, for the sale of virtually all the assets of the Applicants, including the permits of the M College, CDE and CCSQ (subject to applicable governmental approvals), all of the real estate, furniture, fixtures and computer equipment and other operating assets, and the service agreement pertaining to the operation of École de Secrétariat Notre-Dame des-Neiges (1985), dba CCSQ-Sherbrooke (“**CCSQ-Sherbrooke**” and, collectively with M College, CDE and CCSQ, the “**Colleges**”).

**GIVEN** the submissions of counsel;

**GIVEN** the support of the Monitor;

**GIVEN** the provisions of the CCAA;

**GIVEN** that it is appropriate to issue an order:

- (i) ordering the *Ministre de l’Immigration, de la Francisation et de l’Intégration* of Québec and the Minister of Immigration, Refugees and Citizenship of Canada to renew/extend, for a period of four (4) months the *Certificat d’acceptation du Québec* (“**CAQ**”) and/or Study Permit of the Registered Students, Pipeline Students and Other Students whose CAQ and/or study permit is set to expire prior to the date on which they are expected to complete their studies; and
- (ii) providing for the implementation of a streamlined process facilitating the reconsideration by Immigration, Refugees and Citizenship Canada (“**IRCC**”) of the Other Students’ (as defined hereinafter) refused study permit applications;

**THE COURT:**

[1] **GRANTS** the Application.

[2] **DECLARES** that all capitalized terms used but not otherwise defined in the present Order (this “**Order**”) shall have the meanings ascribed to them in the Application.

## Notification

- [3] **ORDERS** that any prior delay for the presentation of the Application is hereby abridged and validated so that the Application is properly returnable today and hereby dispenses with any further notification thereof.
- [4] **PERMITS** notification of this Order at any time and place and by any means whatsoever, including by email.

## Renewal/Extension of the CAQ and Study Permit of the Registered Students

- [5] **ORDERS** the *Ministre de l'Immigration, de la Francisation et de l'Intégration* of Québec to use its discretionary power under the *Québec Immigration Act*, CQLR c I-0.2.1 to renew and/or extend the CAQ of:
- (a) the Students listed in Exhibit P-10 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Registered Students**");
  - (b) the Students listed in Exhibit P-16 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Pipeline Students**"); and
  - (c) the Students listed in Exhibit P-11 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Other Students**");

for a period of four (4) months from the expiry date indicated on the CAQ.

- [6] **ORDERS** the Minister of Immigration, Refugees and Citizenship of Canada to use its discretionary power under the *Immigration and Refugee Protection Act*, SC 2001, c 27 to renew and/or extend the study permit of the Registered Students for a period of four (4) months from the expiry date indicated on the study permit.

## [SUBSIDIARILY

- [7] **ORDERS** that:
- (a) the Students listed in Exhibit P-10 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Registered Students**");
  - (b) the Students listed in Exhibit P-16 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Pipeline Students**"); and
  - (c) the Students listed in Exhibit P-11 (under seal) to the Application, as such list may be amended with the approval of the Monitor and the Students' Representative Counsel (the "**Other Students**");

are hereby deemed to have filed with the MIFI an application for the renewal and/or extension of their CAQ for a period of four (4) months (a "**CAQ Renewal Application**").

- [8] **ORDERS** that the Registered Students are hereby deemed to have filed with IRCC an application for the renewal and/or extension of their study permit for a period of four (4) months (a “**Study Permit Renewal Application**”).
- [9] **DECLARES** that, for the purpose of a CAQ Renewal Application and a Study Permit Renewal Application, each Registered Student, Pipeline Student and Other Student shall be deemed to have satisfied the “sufficient and available financial resources” criteria.
- [10] **DISPENSES** the Registered Students, Pipeline Student and Other Student from any obligation to pay fees in connection with the CAQ Renewal Application and the Study Permit Renewal Application.
- [11] **ORDERS** that, for the purpose of a CAQ Renewal Application and a Study Permit Renewal Application ordered pursuant to this Order, the period of validity of the results of the language test which the MIFI and IRCC have on file for the Registered Students, Pipeline Student and Other Student shall be deemed extended until a decision is made on the CAQ Renewal Application and/or Study Permit Renewal Application.
- [12] **ORDERS** the MIFI to issue a decision regarding the CAQ Renewal Applications at the latest on April 30, 2022.
- [13] **ORDERS** IRCC to issue a decision regarding the Study Permit Renewal Applications at the latest on April 30, 2022.]

#### **Process for the Reconsideration by IRCC of the Other Students’ Refused Study Permit Applications**

- [14] **AUTHORIZES** the Other Students to submit an application for the reconsideration of IRCC’s decision regarding their study permit (a “**Study Permit Reconsideration Application**”).
- [15] **ORDERS** that a Study Permit Reconsideration Application shall be filed via webform and identified by IRCC using the webform keyword “RisingPhoenix”.
- [16] **DECLARES** that, for the purpose of a Study Permit Reconsideration Application, each Other Student shall be deemed to have satisfied the “sufficient and available financial resources” criteria.
- [17] **ORDERS** IRCC to issue a preapproval letter (an “**Acceptance Letter**”), to an Other Student whose Study Permit Reconsideration Application is successful.
- [18] **ORDERS** each Other Student who receives an Acceptance Letter to purchase a Guaranteed Investment Certificate in the required amount and to provide evidence of such purchase to IRCC within 30 days from the date of the Acceptance Letter.
- [19] **ORDERS** that any Other Student who fails to provide IRCC with evidence of the purchase of a Guaranteed Investment Certificate in the required amount within 30 days of the date of the Acceptance Letter shall be deemed to have withdrawn their Study Permit Reconsideration Application and shall be barred from submitting another Study Permit Reconsideration Application.

- [20] **DECLARES** that paragraph [14] hereof is without prejudice to the right of IRCC to request further information and to ask any of the Other Students to transmit any relevant information that could help IRCC in making a decision regarding their Study Permit Reconsideration Application.
- [21] **ORDERS** that, notwithstanding paragraph [20] hereof and for the purpose of a Study Permit Reconsideration Application, the period of validity of the results of the language test which IRCC has on file for the Other Students shall be deemed extended until a decision is made on the Study Permit Reconsideration Application.
- [22] **ORDERS** that, in the event a study permit is issued by IRCC to and Other Student further to a Study Permit Reconsideration Application, the CAQ of such Other Student shall be deemed renewed/extended until the expected end date of studies.
- [23] **DISPENSES** the Other Students from any obligation to pay fees to IRCC in connection with their Study Permit Reconsideration Application.

**General Provisions**

- [24] **DECLARES** that this Order shall have full force and effect in all provinces and territories in Canada.
- [25] **ORDERS** the provisional execution of this Order notwithstanding appeal, and without requirement to provide any security or provision for costs whatsoever.
- [26] **ORDERS** that Exhibit P-8, Exhibit P-10, Exhibit P-11 and Exhibit P-16 are confidential and are filed under seal until further order from this Court.
- [27] **THE WHOLE** without legal costs.

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The Honourable David R. Collier, J.S.C.



SUPERIOR COURT  
(COMMERCIAL DIVISION)

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CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL  
N° : 500-11-060613-227

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In the matter of the *Companies' Creditors Arrangement Act*  
of:

RISING PHOENIX INTERNATIONAL INC.  
10864285 CANADA INC.  
11753436 CANADA INC.  
CDSQ IMMOBILIER INC.  
COLLÈGE DE L'ESTRIE INC.  
ÉCOLE D'ADMINISTRATION ET DE SECRÉTARIAT DE LA  
RIVE-SUD INC.  
9437-6845 QUÉBEC INC.  
9437-6852 QUÉBEC INC.  
Debtors

-and-

MCCARTHY TÉTRAULT LLP, in its capacity as Students'  
Representative Counsel  
Applicant

-and-

RICHTER ADVISORY GROUP INC.  
Monitor

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*Application for the Issuance of an Order Extending the CAQ  
and/or Study Permit of Certain Students and Implementing  
a Streamlined Process for the Reconsideration of Refused  
Study Permit Applications*

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M<sup>re</sup> Alain N. Tardif – 514-397-4274  
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M<sup>re</sup> François Alexandre Toupin – 514-397-4210  
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Government  
of Canada

Gouvernement  
du Canada

[Canada.ca](#) > [Immigration and citizenship](#) > [Study in Canada as an international student](#)  
> [Study permit: About the process](#)

# Student Direct Stream: About the process

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1. [About the process](#)

2. [Who can apply](#)

3. [How to apply](#)

4. [After you apply](#)

## Fees

From \$150

## Processing time <sup>?</sup>

🕒 Usually 20 calendar days

Depending on where you live, you may be able to get your study permit faster through the Student Direct Stream (SDS).

We try to process most SDS applications within **20 calendar days**. However, some applications may take longer.

To get faster processing, you must

- give your biometrics as soon as possible
- meet all the eligibility requirements

**A study permit is not a visa** and does not, by itself, allow you to travel to or enter Canada. You may also need a visitor visa or an electronic travel authorization (eTA). If you do, we'll issue your visitor visa or eTA with your study permit.

Next: Who can apply →

**Date modified:**

2019-08-26



Government  
of Canada

Gouvernement  
du Canada

[Canada.ca](#) > [Immigration, Refugees and Citizenship Canada](#) > [Corporate information](#)

> [Publications and Manuals](#) > [Operational instructions and guidelines](#)

> [Temporary Residents: Students](#)

## Student Direct Stream (SDS)

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**i** This section contains policy, procedures and guidance used by IRCC staff. It is posted on the department's website as a courtesy to stakeholders.

The Student Direct Stream (SDS) is an expedited study permit processing program for those who are applying to study in Canada at a post-secondary designated learning institution (DLI). The SDS is available to legal residents who also reside in

- Antigua and Barbuda
- Brazil
- China
- Colombia
- Costa Rica
- India
- Morocco
- Pakistan
- Peru
- Philippines
- Senegal
- Saint Vincent and the Grenadines
- Trinidad and Tobago
- Vietnam

To be eligible, applicants must meet specific requirements by providing documentation up front.

## On this page

- [About the SDS](#)
- [Eligibility criteria](#)
- [Incomplete applications](#)
- [Family members of study permit applicants under the SDS](#)
- [Prerequisite courses and bridging programs of study](#)

## About the SDS

Some international students can get their study permits faster by using the SDS. IRCC processes most SDS applications within **20 calendar days** if the eligibility requirements are met.

Only applications submitted electronically are eligible for SDS processing. All paper applications are processed under the [regular study permit application stream](#) and are subject to the associated processing times.

Foreign nationals who are eligible for SDS processing are still subject to all other eligibility and admissibility requirements under the Immigration and Refugee Protection Act (IRPA) and Immigration and Refugee Protection Regulations (IRPR).

## Eligibility criteria

The applicant **must** include the following documents to be eligible for SDS processing:

1. **proof of a valid language test result**, completed within 2 years of the date the SDS application was received, showing either of the following:

- an International English Language Testing System (IELTS) score of 6.0 or higher in each language skill: listening, reading, writing and speaking
- a Test d'Évaluation de Français (TEF) score that is equivalent to a Canadian Language Benchmark (CLB) score of at least 7 for each ability: at least 310 for speaking, 249 for listening, 207 for reading and 310 for writing

**2. proof of a Guaranteed Investment Certificate (GIC) of CAN\$10,000 or more from any bank insured by the Canadian Deposit Insurance Corporation (CDIC) or any bank listed on the IRCC SDS web page**

The GIC must meet the following criteria:

- When the GIC has been purchased, the bank provides a letter of attestation, the GIC certificate, the Investment Directions Confirmation or the Investment Balance Confirmation to the applicant.
- The bank holds the funds in an investment account or a student account that is inaccessible for release to the applicant until the applicant's arrival in Canada.
- Upon entry to Canada, the bank must validate the client's identity before releasing funds to the study permit holder.
- The applicant receives an initial disbursement upon identifying themselves, and the remaining funds are disbursed in monthly or bimonthly installments over a period of 10 to 12 months.

**3. proof of full payment of tuition for the applicant's first year of study**

This may be in the form of the following:

- a receipt from the DLI
- an official letter from the DLI confirming payment of tuition fees
- a receipt from a bank showing that tuition fees have been paid to the DLI

- proof that the tuition fee amount has been transferred into a repository account at the DLI to be applied to the tuition bill at a later date
- 4. **letter of acceptance** from a post-secondary DLI
- 5. **most recent secondary or post-secondary educational transcript**
- 6. **proof of completion of upfront medical examination** from a panel physician for applicants
  - who have lived or travelled for 6 months in designated countries or territories during the year before coming to Canada
  - whose field of study requires upfront medical examination results



**Note:** The medical examination confirmation may be either an information sheet printout, if the physician uses eMedical, or an Upfront Medical Report form [IMM 1017B].

In addition to the above criteria, applicants for SDS processing **must** include as part of their electronic application (e-application) the following documents:

- Application for Study Permit Made Outside Canada form [IMM 1294] (PDF, 566 KB). (overseas)
- Family Information form [IMM 5645] (PDF, 1.56 MB). (if applicable)
- Schedule 1 – Application for a Temporary Resident Visa form [IMM 5257] (PDF, 533 KB). (if applicable)
- marriage licence or certificate or Statutory Declaration of Common-Law Union form [IMM 5409] (PDF, 637 KB). (if applicable)
- Use of a Representative form [IMM 5476] (PDF, 648 KB). (if applicable)
- Quebec Acceptance Certificate (CAQ) or letter of approval from the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) for a CAQ for applicants destined to Quebec
- application processing fee payment and biometric processing fee payment (if applicable)

- proof of identity
- photocopy of the information and biographic data page of the applicant's passport
- any additional documents specified by the [visa office instructions](#) for the applicant's region

**i** **Note:** In most cases, the applicant is required to submit [biometrics](#). After the applicant has submitted a complete application, including the payment of the application and biometric processing fees (if applicable), they are sent a biometric instruction letter (BIL), which includes instructions on submitting biometrics.

Officers may also request additional documents from the applicant at any time in order to make a decision on their application.

**Officers must be satisfied that the applicant is bona fide and will leave Canada by the end of the period authorized for their stay.**

## Incomplete applications

Incomplete applications are refused. With the exception of the biometric fee, if the application processing fee has not been included or is incorrect, the application is refused. If the biometric fee is missing, the officer is to request the fee.

## Family members of study permit applicants under the SDS

Family members of principal applicants who are applying under the SDS are eligible for concurrent processing if they apply at the same time as the primary applicant. For more information, see the [definition of a family member in](#)



## subsection R1(3).

Temporary residence applications (work permit, study permit and temporary resident visa applications) of the accompanying family members must be submitted online as part of a family grouping.

# Prerequisite courses and bridging programs of study

Applicants who are taking a prerequisite course or bridging program of study at a DLI before starting their main program may be eligible to apply under the SDS, provided they meet all the program eligibility criteria.

## Example

Applicants still need to submit an e-application from overseas. However, the prerequisite course or bridging program of study must be clearly identified as such in the applicant's letter of acceptance, and the applicant's main program of study must lead to a degree, diploma or certificate.

## Date modified:

2021-07-09