



Education and Early Childhood Learning

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Funding for Temporary Residents Policy

Under The Public Schools Act (PSA), Canadian citizens or permanent residents, as defined in the Immigration and Refugee Protection Act (Canada), are understood to be “resident pupils” of a particular school division or district.

Temporary residents are neither Canadian citizens nor permanent residents, but rather foreign nationals legally permitted to be in Canada on a temporary basis. Temporary residents can be in Canada for a number of purposes, including working, studying, visiting, and holding temporary resident permits (TRPs). However, foreign nationals must physically reside in Canada to be granted status as temporary residents.

The PSA defines “resident” as “a person living in a particular school division or school district . . . who has [their] chief place of abode or dwelling in that school division or school district.” Moreover, the PSA states that school boards have a responsibility to “provide or make provision for education in Grades I to XII inclusive for all resident persons who have the right to attend school.”¹ In effect, regardless as to whether those persons are Canadian citizens, permanent residents, or children of residents on a temporary work or study permit, school boards must provide education to persons residing within their divisions or districts whose primary place of residence is Manitoba.

Children of temporary residents whose primary place of residence is Manitoba have the right to receive education in Manitoba and not be charged tuition provided certain criteria are met.

¹ Section 259(1) of The Public Schools Act defines the “Right to attend school” as follows:

In accordance with this Act, a person who is six years of age or older on December 31 in a year has the right to attend school from the beginning of the fall term of that year until

- (a) the last school day of June in the year in which the person becomes 21 years of age; or
- (b) the day the person receives a graduation diploma or certificate of completion, as defined in the regulations;

whichever comes first.

Section I - Temporary Residents

1. Pupils with temporary resident status will be eligible for provincial funding on the basis of the criteria defined and established in Section II. School divisions (schools) in Manitoba must enrol age-of-majority individuals or dependants of parents/guardians in Canada with temporary resident status when presented with evidence meeting the authorization and documentation requirements set by Immigration, Refugees and Citizenship Canada (IRCC).
2. There are four classes of temporary residents—students, workers, visitors, and holders of temporary resident permits (TRPs). Individuals on TRPs are in Canada by special permission of the federal government and may have authority to work, study, or visit. See Section III for information respecting IRCC documentation.
3. Persons in Canada under the authority of the Visiting Forces Act (Canada) and the Refugee Determination Process are also considered to be temporary residents. See Section III for information respecting IRCC documentation.
4. An application for permanent resident status does not confer residency status. The residency status of an individual who has applied to become a permanent resident is based on the immigration authority under which they are in Canada (i.e., student, worker, visitor, TRP, refugee).

Section II - Funding and Fees for Temporary Residents

Supportable Temporary Residents

1. Minor children whose parents/guardians are in Canada under the Immigration, Refugees and Citizenship Canada (IRCC) authorities listed below are eligible for provincial funding:
 - Work Permits
 - Study Permits
 - Temporary Resident Permits with an accompanying Work Permit
 - Temporary Resident Permits with an accompanying Study Permit
 - Visiting Forces Act (Canada)
 - Refugee Determination Process (Child refugee claimants do not require parental/guardian accompaniment to be supportable.)

In order to be eligible for provincial funding, all relevant funding criteria must be met (e.g., in attendance on September 29, age criteria, and diploma status).

Age-of-majority dependants whose parents/guardians are in Canada under the IRCC authorities listed above, who have been attending school in Manitoba, and who have been eligible for provincial funding prior to becoming 18 years of age will continue to be eligible for funding on the basis of the funding criteria that they meet.

Non-supportable Temporary Residents

2. Children of parents/guardians in Canada as visitors or on Temporary Resident Permits as visitors are not eligible for provincial funding.
3. Children unaccompanied by parents and without a legal guardianship arrangement that will meet the residency requirements under The Public Schools Act are not eligible for provincial funding. (Child refugee claimants are exempt.)
4. Temporary Resident pupils 18 years of age and older are not eligible for provincial funding if they are attending a Manitoba school for the first time, or had previously attended school in Manitoba but were not eligible for provincial funding.
5. Foreign pupils attending school in Manitoba under a foreign exchange arrangement are not eligible for provincial funding.

Fees

6. School divisions may charge fees for pupils who are not eligible for provincial funding.

For further information regarding funding, please contact Education Funding Branch at 204-945-6910. For information regarding enrolment codes for enrolment reporting purposes, please refer to the *Public Schools Enrolment and Categorical Grants Reporting* booklet available on the Internet at www.edu.gov.mb.ca/k12/financ/fund_grant.html.

Section III - Immigration, Refugees and Citizenship Canada (IRCC) Documentation

All individuals require documentation that reflects their status in Canada. In some circumstances, documentation respecting the status of dependant children may be included within parental/guardian documentation.

Further details and particulars regarding authorization and documentation as well as medical examination requirements set by Immigration and Citizenship Canada are available on the Internet at <https://www.cic.gc.ca/> or by contacting the call centre at 1-888-242-2100.

Permanent Residents

The list below is a brief summary of documentation that confirms an individual's permanent residency status in Canada:

- Birth Certificate
- Canadian Passport
- Citizenship Card
- Record of Landing (IMM 1000)
- Permanent Resident Card (PR card). New permanent residents will be issued a Confirmation of Permanent Residence document (IMM 5688, formerly IMM 5292) when they arrive in Canada. The IMM 5688 or IMM 5292 may be accepted as proof of residency by the school division or district with the provision that the PR card be presented upon receipt. The PR card is the official proof of status as a permanent resident in Canada.

Temporary Residents (See Section II for information regarding funding eligibility.)

The list below outlines the study permit requirements for school-age temporary residents:

- Minor children of parents/guardians with visitor² status require a study permit to attend school regardless of the time being spent in Canada.
- Unaccompanied children in Canada as visitors² are permitted to study without a study permit unless the stay is beyond six months from the date of entry or beyond the date stamped on the child's entry documentation. The child requires a study permit or visitor record for stays beyond the time limit authorized at the time of entry into Canada.
- Children of parents/guardians in Canada on work³ or study permits do not require a study permit unless the stay is beyond six months from the date of entry or beyond the date stamped on the parents'/guardians' or child's entry documentation. The child requires a study permit or visitor record for stays beyond the time limit authorized at the time of entry into Canada.
- Children of parents/guardians in Canada on Temporary Resident Permits with work or study permits do not require a study permit unless the stay is beyond six months from the date of entry or beyond the date stamped on the parents'/guardians' or child's entry documentation. The child requires a study permit or visitor record for stays beyond the time limit authorized at the time of entry into Canada.

² Visitors from certain countries also require a Temporary Resident Visa. A complete list of countries is available on the Internet at <http://www.cic.gc.ca/english/visit/visas.asp>.

³ In special situations, individuals may be able to work temporarily in Canada without holding a work permit. A list of work permit exemptions is available on the Internet at <http://www.cic.gc.ca/english/work/apply-who-nopermit.asp>.

- Children of parents/guardians in Canada on Temporary Resident Permits without work or study permits require a study permit as they are considered to be visitors.
- A Determination of Eligibility letter is given to each refugee claimant eligible to access the Refugee Determination Process. This letter held by a minor child should be evidence that their case has been referred to the Refugee Protection Division and that a study permit is not required to access school.
- Parents/guardians authorized to be in Canada under the Visiting Forces Act (Canada) must be in possession of movement orders that state they are entering Canada under the terms of the Act. A study permit for a minor child is not required to access school.