

Information Note

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Subject : **Government Notice : international students**
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GOVERNMENT NOTICE : INTERNATIONAL STUDENTS

- *In the Gazette du Canada published on the 30th of June 2012, a notice requesting comments on a proposal to introduce new requirements and conditions for foreign nationals who seek to study in Canada.*
- *CIC seeks to deter foreign nationals from applying for a study permit if their intentions are disingenuous, and prevent foreign nationals from remaining legally in Canada on a study permit should they abandon their studies.*
- *These measures are also intended to ensure foreign nationals who hold study permits are studying at educational institutions eligible to host international students.*

Background

Compared to its key competitors for international students, Canada is the only country that has not put in place an International Student Program integrity framework that requires international students to pursue study after entry, and that limits the types of educational institutions that are eligible to host international students. The number of international students choosing Canada as a study destination has been on the rise in recent years. In 2011, 98 378 international students entered Canada, an increase of 34% since 2007. A 2010 study commissioned by Foreign Affairs and International Trade Canada found international students contributed more than \$6.5 billion to the Canadian economy in 2008. Despite these successes, the International Student Program continues to be vulnerable to fraud and abuse from those who would exploit either study permit holders or the program itself for personal gain. An evaluation of the International Student Program released by CIC in 2010 concluded that gaps in the Department's regulatory and policy framework leave the International Student Program vulnerable to potential misuse.

Currently, study permits can be issued to students attending any type of educational institution, regardless of whether it is accredited, or regulated or overseen by a provincial/territorial ministry of education, or accountable to a recognized standard-setting body. As a result, the educational institutions that currently host international students vary widely in terms of quality and accountability. In some cases, these institutions take advantage of international students by offering sub-par education, or promise courses or programs of study that they are unauthorized or unequipped to deliver. Such activities hurt Canada's international reputation amongst prospective international students and may discourage them from choosing Canada as their destination for studies abroad.

Under current regulations, study permit holders are not required to pursue study after they arrive in Canada. While foreign nationals must meet certain regulatory requirements in order to be eligible for a study permit, a prospective international student must only demonstrate the intent to study in Canada. In other words, there is no requirement for international students to actually enrol in or pursue a program of study at a Canadian educational institution after arrival. Those foreign nationals who hold a valid study permit but who fail to enrol or pursue their course of study cannot therefore be reported under the Immigration and Refugee Protection Act and can remain legally in Canada until the expiration of their study permit. Additionally, while current regulations allow genuine students to access limited work opportunities during studies under international student work permit programs (On-Campus, Off-Campus and Co-op/Internship Programs), in some cases, disingenuous study permit holders use their study permit as a primary means to gain full access to the Canadian labour market. Further, some study permit holders in Canada who fail to study after arrival in Canada may have more unscrupulous intentions, including engaging in illegal work and/or criminal activity.

Description

The purpose of this Notice of Intent is to signal an intention to amend the Immigration and Refugee Protection Regulations for the purpose of ensuring that study permit holders are genuine students who will study in Canada and that they are attending educational institutions that are eligible for this purpose. The goal is to strengthen the integrity of Canada's immigration system by reducing fraud in the international student movement, while improving Canada's standing as a desirable study destination.

A new regulatory requirement is proposed that would limit the issuance of study permits to educational institutions eligible to host international students. CIC is working in collaboration with provinces and territories, respecting areas that fall under their jurisdiction, on a proposed

approach that would guide the eligibility of educational institutions for the purpose of hosting international students.

Additionally, new study permit conditions would be put in place requiring students to enrol in and actively pursue a course or program of study after arrival in Canada. The current provision that allows a foreign national to apply for a study permit for programs of less than six months would be eliminated in order to ensure that study permit holders only pursue studies at eligible institutions. Foreign nationals may, however, continue to enter Canada as visitors for the purpose of undertaking programs of study of less than six months in duration.

Foreign nationals who wish to apply for a study permit to attend an authorized school after they have entered Canada as a visitor would be authorized to apply for a study permit from within Canada in order to reduce barriers to study in Canada and facilitate pathways to further education.

Access by international students to work permits will be limited to eligible study permit holders, and these work permits would be limited to work permit programs specifically designed for international students (such as the Off-Campus Work Permit Program and the Co-op/Internship Work Permit Program). Eligible study permit holders who want to take part in these programs would need to be in compliance with the conditions of their study permit in order to qualify for a work permit, and to maintain its validity.

According to the government, these regulatory changes will provide CIC and CBSA officers with the clear authority to take enforcement action against a foreign national who fails to actively pursue studies at an authorized educational institution after arrival in Canada, potentially leading to the loss of their temporary resident status and revocation of their study permit.