

INTERNATIONAL STUDENT PROGRAM

CHANGES TO VISA REQUIREMENTS AND WORK PERMITS

INTRODUCTION

The Federal government anticipates significant shortages in the labour market over the next 15 years. Specifically, it is estimated that there will be more than two million job openings over the next decade. This is largely a consequence of the retirement of aging baby boomers and fewer young Canadians entering the labour market because of declining birth rates.

Canada could benefit from a strong international student program that it could use to attract skilled workers. By increasing the number of international students who make Canada their permanent home, the expected shortage of skilled workers could be reduced.

While the Canadian Government has been slow to recognise the benefits of international students, the Federation has been actively advocating to improve the quality, experience, and services offered to international students.

For the past two years the Federation has advocated that the Government of Canada act to safeguard and strengthen Canada's reputation as a country of choice for international students by:

- regulating the fees charged to international students;
- prohibiting private institutions from hosting international students (due to a lack of quality regulation); and
- combining the Off-Campus Work Permit and Post-Graduation Work Permit into the Study Permit (Student Visa).

The Government recently announced that it planned to update the Immigration and Refugee Protection Regulations to regulate institutions that are eligible to host international

students and eliminate the work permit requirement for international students, thereby combining the Off-Campus Work Permit and the Study Permit.

WORK PERMIT PROGRAMS

Currently, international students holding valid study permits who wish to work off-campus are required to apply for a separate permit (with an application fee of \$150) before they are eligible to seek employment. Additionally, international students are prohibited from applying for an Off-Campus Work Permit until they have completed at least six months of study in their degree. These complicated regulations have made it difficult for international students to find employment to offset skyrocketing tuition fees.

The amendments authorise full-time international students to work off-campus for a maximum of 20 hours per week during the academic year and 40 hours per week during the summer without a work permit, provided they hold a valid Study Permit and their program of study is at least six months in duration at the post-secondary level. International students would, consequently, no longer be required to apply for an Off-Campus Work Permit.

The amendments will also eliminate the requirement to wait six months upon commencing a degree before a student can obtain a work permit, allowing international students to seek employment upon arrival in Canada.

Additionally the Government of Canada is currently reviewing the inclusion of provisions to allow international students to partake in co-op and internship programs.

ELIGIBILITY FOR INSTITUTIONS TO ENROLL INTERNATIONAL STUDENTS

In Canada, there are currently no limitations on the types of educational institutions allowed to enroll international students. While provinces and territories have jurisdiction over education, and may set quality assessment standards for certain education sectors within their jurisdictions, some education providers are not overseen by education ministries. There is, therefore, a wide variation in the types of accountability and/or quality assurance measures that may be in place for different types of institutions across provinces and territories. This variation has led to many instances of fraud perpetrated by institution (mostly private) against international students. The proposed amendments to the Immigration and Refugee Protection Regulations will only allow a foreign national to apply for a Study Permit if he/she has been accepted to a designated educational institution.

Designation of educational institutions would be guided by an “Educational Institution Eligibility Policy Framework”, which will be developed by provincial governments in consultation with the Federal government, which sets out to identify minimum common standards that educational institutions must meet to host international students.

In the event that a province or territory does not sign an agreement with the Federal government agreeing to designate educational institutions, under proposed regulations, the Government would limit issuance of Study Permits to foreign nationals attending only the following types of institutions:

- a public post-secondary learning institution in Canada that is recognised by the province or territory;
- in the case of Quebec, a private post-secondary learning institution in Quebec that operates under the same rules and regulations as public post-secondary learning institutions in Quebec;
- a private post-secondary learning institution in Canada that is recognised by the province or territory and that is authorised to confer degrees, but only in the case where the foreign national in question is enrolled in a program of study that leads to a degree as authorised by the province or territory;

- a learning institution within a public school board or district that is funded by and accountable to the province territory; or
- an independent or private learning institution in Canada that delivers provincial curricula.

The proposed changes will significantly cut down on fraud perpetrated against international students by “educational” institutions that fail to provide even the most basic quality of service.

IN-CANADA STUDY PERMIT APPLICATION

Certain foreign nationals who wish to apply for a study permit to attend a designated institution after they have entered Canada as a temporary resident, including those studying at the pre-school, primary or secondary level, or those who have completed a course or program of study that is a condition for acceptance at a designated institution, would be authorised, under the proposed Regulations, to apply for a study permit from within Canada instead of being required to leave the country to apply from abroad. This change would facilitate the transition from visitor to study permit holder for those students who wish to transition from a short-term preparatory program to a longer-term college or university program. It will also make it easier for students currently in study to change institutions and/or degrees.

CONCLUSION

The changes to the Immigration and Refugee Protection Regulations reflect a modernisation of the Government of Canada’s policy regarding international students. These will have a positive impact on the experience of international students studying in Canada by allowing greater flexibility and options for employment while studying, providing protections from fraud by ensuring only quality institutions are eligible to host international students, and by providing an easier transition for international students between institutions or degrees of study.

Once adopted by the Federal government, these regulations would come into force in January 2014.