



Canadian Association of
Professional Immigration Consultants

L'Association Canadienne des
Conseillers Professionnels en Immigration

CAPIC's Submission on IRPR Amendment Concerning DLIs

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CAPIC reviewed Canada Gazette, Part I, Volume 158, Number 26: Regulations Amending the Immigration and Refugee Protection Regulations ([Designated Learning Institutions](#)) (the Amendment) and conducted necessary research on the topic.

Based on the initiatives taken, CAPIC submits this submission in lieu of the expected online comments to afford more room for statutory and regulatory analysis.

Generally, CAPIC supports the new designated learning institutions (DLI) compliance measures introduced or enhanced by the Amendment. We have concerns about the increase in off-campus working hours for international students and the impact of the non-compliance of DLIs on international students.

Below is our submission which contains a detailed analysis of the above-mentioned concerns and CAPIC's recommendations to address them.

Background

1. The increase in off-campus working hours

CAPIC submits that the intended increase in off-campus working hours may bring an unintended consequence, which is to blur the line between the "student class" and the "work class", and thus in conflict with the *Immigration and Refugee Protection Act*, SC 2001, c. 27 (IRPA). It is well-intentioned, but it may also not be beneficial to international students given that their authorization to enter and remain in Canada is based on their purposes of study. In addition, it may have a negative impact on underrepresented Canadian and permanent resident workers.

(1) Student is a class of temporary residents differentiating from work class

Paragraph 3(1)(g) of IRPA lays the foundation for three temporary resident classes: Visitor, student, and worker. According to subsection 22(1) of IRPA, the acquisition of temporary resident status is on the following conditions: The applicant satisfies the officer that they have applied for the status, establish that they hold the required document, will leave Canada by the end of their authorized

stay, is not inadmissible, and is not the subject in an admission ban declaration made by the Minister.

Section 32 of IRPA authorizes the making of regulations concerning both permanent and temporary resident classes and the selection criteria. It is still clear that student and worker are two discrete classes pursuant to paragraph 32(a). Though section 32 allows much room for the regulations, to keep in line with IRPA, members of the student class and worker class should remain substantially different.

The *Immigration and Refugee Protection Regulations*, SOR/2022-227 (IRPR) has two programs for workers: The International Mobility Program (IMP) and the Temporary Foreign Worker Program (TFWP). Work without a work permit is part of the former, which is for the limited access to the Canadian labour market for foreign nationals that balances the needs of protection Canadian labour market for Canadians and permanent residents and the labour market demands. The latter requires Canadian employers to actively recruit Canadian and permanent resident workers before extending a position to a foreign national. Eligible international students are authorized to work on and off campus without a work permit pursuant to paragraphs 186(f) and (v) of IRPR respectively. Paragraph 186(v), the off-campus work authorization came into play on June 1, 2014, brought forth by *Regulations Amending the Immigration and Refugee Protection Regulations*, [SOR/2014-14, s. 5](#). That Regulation introduced the concept of Designated Learning Institutes (DLIs) and the general conditions applicable to all international students, which limits the eligible international students only to prescribed DLIs and requires international students to be enrolled at a DLI and actively pursuing and completing their studies until completion. One of the primary issues addressed by that Regulation was to prevent the use of study permits as a means to enter Canada for purposes other than study.

International students must maintain their student status to be eligible for working on and off campus according to paragraphs 186(f) and (v) of IRPR.

The regulatory history record has been consistent with the spirit of IRPA. The “act” of “study” should be the primary purpose of international students for coming to Canada. Their authorization to work does not grant their worker status. Instead, it is based on their student status pursuant to paragraphs 186 (f) and (v) of IRPR.

(2) The current work authorization is adequate for international students

[Full-time student](#) defined by Immigration, Refugees, and Citizenship Canada (IRCC) is a student regularly attend a college, university, or other educational

institution that offers courses at a post-secondary school level. The academic period in Canada is from September to April. According to paragraphs 186(f) and (v) of IRPR, international students are allowed to work

- On campus for unlimited hours.
- Off-campus full-time during regularly scheduled breaks, namely from May to August.

IRPR defines full-time work for permanent residence purposes as 30 hours. [Statistics Canada](#) data has the same standard for a full-time job in Canada. Accordingly, it is accepted that 30 hours per week is full-time work in Canada according to these two references. The combined effect of the current two provisions of IRPR potentially allows international students to work full-time.

Full-time study is defined by DLIs. Either the number of courses taken or credits obtained for a semester is used to define full-time study by DLIs. IRCC's general term for this is a minimum of [15 hours](#) of instruction per week. Even though this IRCC term is not binding, 15 instructional hours correspond to most of the full-time study defined by DLIs in those two forms. It is accepted generally that a post-secondary course also requires a minimum of three to four hours of study per day in addition to the instructional hours. As a result, a full-time student may be required to study more than 30 hours per week to maintain the quality of their study.

Off-campus work often incorporates commuting, which also takes time. Adding study, work, and commute time together, we have this concern: Can international students handle that much? If this is problematic, would they sacrifice their studies to make way for work? The answer is likely when we consider the DLIs' experience and review of the matter (identified in the Consultation part of the Regulatory development section) of the unlimited off-campus hours introduced by the [temporary public policy](#) during the COVID-19 pandemic, which was retained until [April 30, 2024](#).

(3) More than 20 hours of off-campus work may lead to prioritizing work over study

Based on the information in the Consultation part of the Regulatory development section, IRCC heard from five groups who expressed disparate input on the intended increase in off-campus working hours for international students:

- Positive input:
 - International students who are eligible to work generally welcomed this change.

- Some academic associations and service provider organizations supported the increase based on the equal treatment of domestic students and international students and respect for international students' autonomy to make their own decisions.
- A number of employers provided positive input claiming they face labour shortages.
- Negative input:
 - Most provincial and territorial education ministries expressed concerns with unlimited or significantly increased working hours, which could bring risks to program integrity, students prioritizing work over study, recruitment practices, impacts on student academic success, and exploitation of students by employers.
 - IRCC heard from some DLIs that expressed concerns about students prioritizing work over study where they experienced an increase in the number of international students struggling in their studies since the lift of the 20-hour limit by the temporary public policy

It is not unexpected that international students would positively like the increased working hours because they will economically benefit from such an amendment.

The stance taken by some academic associations and service provider organizations is admirable in that they are seeking a level playing field for international students. On the other hand, domestic students should be treated more favourably because they are Canadians and permanent residents in their own country. Setting student and worker as two distinct temporary resident classes makes it plain that IRPA does not give autonomy to international students to decide the priority between work and study. International students simply do not have the autonomy to prioritize work over study.

As for the employers claiming facing labour shortages, the occupations needing labour force supply from international students have not formally been identified, It is acknowledged that international students do fill some labour gaps, especially in the service sector and employers would also view the increased hours favourably.

Provincial and territorial education ministries raised a valid point: The risk of negative impact on the program integrity and the well-being of the students. The point was proved by some DLIs' feedback that indicates the increase in the number of students struggling to keep up with their studies during the period when the 20-hour limit was lifted. Input to the unlimited off-campus working hours from the majority DLIs when a province sought it from its DLIs was negative. Those DLIs expressed strong concerns regarding students' well-being and academic performance within the context of unlimited working hours. The intended off-campus 24 working hours make little difference compared to

unlimited hours given the existence of unlimited on-campus hours and the fact that generally 30 hours a week is considered full-time work.

From the legislative perspective, international students are not supposed to treat work as equal to their studies and should have the means to support their living and studies in Canada without working according to section 220 of IRPR. Based on the observations from the DLIs concerning excessive work hours, it is not in the best interest of the students considering their purpose of being in Canada is to study not work. Therefore, CAPIC echoes the concerns expressed by the provincial and territorial education ministries and some DLIs.

(4) The increase in working hours for international students may have a negative impact on underrepresented Canadian and permanent resident workers

CAPIC noticed the “Cost to study permit holders” part of “Regulatory analysis” section and “Benefit to international students” part of the “Benefit” section assume the hourly wage rate for international students is \$24.29. The latter also admits a fact that increased hours for international students may result in increased competition for Canadian workers in low-wage industries where a great portion of international students work in.

The above-mentioned part relies on the Canadian Employer Employee Dynamics Database (CEEDD) 2021 data and the Job Vacancy and Wage Survey from March 2023 to justify the increase despite the very likely unfavourable consequences for Canadian workers in low-wage industries. The justifications are (i) about 23.9% of international students who worked without a work permit and earned wages, had earnings in the accommodations and food services industries; and (ii) the accommodation and food services sector had a 7.6% vacancy rate, which is the highest job vacancy rate across all sectors. Therefore, the increase in off-campus work hours would benefit industries that are experiencing high vacancy rates and ease the financial difficulties of students in recent times.

We beg to differ on both legislative and factual grounds. Legislatively, using work to ease the financial difficulties of international students goes contrary to the spirit of IRPA where it sets student and worker as two temporary resident classes. The student class should not become a means to bypass the requirements of the worker class and as noted students are required to have sufficient funds to support themselves for the duration of their studies. Factually, recent relevant reports and statistics seem to speak otherwise.

First, “[Hunger Count 2023](#),” a report by Food Banks Canada presents the following two relevant findings: (i) In March 2023, there were over 1.9 million

visits to food banks in Canada; and (ii) one of the top reasons people accessed a food bank in 2023 was not enough hours of work.

Second, the July 2024 [Monetary Policy Report](#) released by the Bank of Canada shows that newly landed immigrants are struggling to find employment. IRCC study, [Occupational Outcomes of Immigrants: Lower Versus Higher Skilled Jobs](#) presents such a finding that almost one-half of the lower-skilled jobs held by immigrants were accounted for by those with a postsecondary education.

Third, only one occupation among the occupations in the accommodations and food services industries is projected to have structural labour shortages from 2022 to 2031 according to the Canadian Occupational Projection System ([COPS](#)), developed by Employment and Social Development Canada (ESDC), a suite of models produced to project labour demand and identify labour shortages. The occupation is NOC 6331 – Butchers, meat cutters and fishmongers – retail and wholesale; this [2016 NOC](#) corresponds to NOC 63201 and NOC 65202 in NOC 2021. It does not concur with the high job vacancy rate in the accommodation and food services industries, which means other than the identified occupations, the job vacancies can be filled by labour market supplies according to COPS. The fact that international students take up jobs mostly in some occupations does not equate to the existence of labour shortage in those occupations. We cannot rely on a few employers' input to define labour shortage when a well-researched projection is in place.

Fourth, the most recent [Labour Force Survey](#) released on July 5, 2024 by Statistics Canada shows the increase in unemployment rate in Canada and an increase of unemployment rate for youth from age 15 to 24. The youth unemployment rate is the highest rate since September 2014 disregarding the rate during the pandemic period of 2020 and 2021. The Survey also shows that the average hourly wage for the bottom 25% is \$17.74, which is lower than the assumed average wage of international students.

CAPIC does not find input from underrepresented Canadian and permanent resident workers, including Canadian youths and newly landed immigrants, in the public consultation paper. We are concerned that these most affected groups' input has not been heard.

2. The impact of DLIs' non-compliance on international students and study permit applicants

Students will bear the consequences of DLIs' non-compliance in two scenarios: (i) their study permit applications being returned when their DLIs fail to confirm the letter of acceptance within the time limit, and (ii) students studying at a DLI

need to renew their study permit but whose DLI is suspended. Both are situations in which students have to bear the consequences of the DLIs' non-compliance with no fault on their part. CAPIC recommends having policies in place to ease such negative impacts on affected applicants/students.

Recommendations

Based on the findings in the background section and our analysis, CAPIC's recommendations are as follows:

1. No increase in off-campus working hours.
2. Having guidelines in place to minimize the negative impacts on affected applicants/students caused by DLIs' non-compliance.

Conclusion

The proposed new and enhanced DLIs compliance measures are effective means to safeguard the integrity of the international student program (ISP), protect international students, and hold non-compliant DLIs accountable. The proposed increase in the off campus working hours may have a negative impact on both the integrity of the ISP, underrepresented Canadian and permanent resident workers, and the students' well-being and academic performance. Therefore, CAPIC supports the former and recommends reconsidering the latter.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the professional organization representing the interests of Canadian Immigration and Citizenship Consultants. The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its nearly 5000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.



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