



Canadian Association of  
Professional Immigration Consultants

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L'Association Canadienne des  
Conseillers Professionnels en Immigration

# CAPIC's Recommendations for Protecting International Students

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## Table of Contents

Background .....	3
Recommendations .....	7
Conclusion .....	8
About CAPIC .....	9
Contact Us:.....	9

## **CAPIC Recommendations for Protecting International Students**

International student recruitment is not regulated. The recent strings of protests by some international students from India triggered the Standing Committee on Citizenship and Immigration (CIMM) to probe into the issue of the administration of admission of international students. Fraud has impacted international admissions. Immigration fraud, including this kind, is an issue that has been troubling the Canadian immigration system. The Honourable Sean Fraser, Minister of Immigration, Refugees and Citizenship of Canada, gave a testimony at the 71st CIMM meeting on June 14, where he stated that fraud, which jeopardizes the integrity of the Canadian immigration system, is widespread. The Department has branches seeking to investigate those fraudulent activities on a daily basis.

The Canadian Association of Professional Immigration Consultants (CAPIC), as the voice of the immigration and citizenship profession, aims to foster a healthy and lawful international student recruitment environment and introduced the initiative, the Education Partner Program (EPP) in 2018. Herein, are recommendations that may address the current issue and avoid similar issues in the future based on research and experience.

### **Background**

#### **1. The current international student issue**

Indian students who participated in the protests came to Canada with the assistance of an unauthorized practitioner (UAP). The UAP issued fraudulent letters of acceptance which were then used to obtain study permits. The noted students state that they were not aware the letters of acceptance were fake. The fraud was first exposed in September 2022 by the media, years after those students had been in Canada. The number of students involved in the scheme in media reports was 700. The evidence of the 71st CIMM meeting held on June 14, 2023, shows that the accurate number was 82; among them, 57 were issued a removal order by the Immigration and Refugee Board (IRB) and 25 currently at the IRB proceeding undergoing admissibility hearings.

The removal order, based on the information in the evidence of the 71st CIMM meeting, was issued on the ground of misrepresentation, a serious inadmissibility ground prescribed in paragraph 40(1)(a) of the *Immigration and Refugee Protection Act* (IRPA) that can cause the person concerned to be banned from entering Canada for five years.

On June 14, 2023, Minister Fraser announced that Canada would issue a temporary resident permit to allow those international students under the removal order to stay, and as well as a special task force be set up to ensure the victims of the fraud would not be penalized; those complicit of the fraud scheme would still be held responsible.

While the approach within the boundary of IRPA may address the current issue, some measures need to be put into place to prevent similar types of issues and other fraudulent matters caused by UAPs. With all immigration applications moving online at the federal level, the UAP practice may become more difficult to identify. To avoid the recurrence of the current situation, such measures are critical.

## **2. Contributing factors concerning international students**

The main factors that contribute to fraud are (a) lack of regulation, (b) misinformation, and (c) lack of effective UAP awareness initiative and reporting system.

### **a. Lack of regulation**

International student recruitment is not a regulated practice, which opens to all actors in or outside Canada. Anyone can become an education agent without proper knowledge or responsibility. Those education agents, one group among UAPs, do not have sufficient knowledge of Canada's immigration system and are prohibited to provide Canadian immigration service or advice for any considerations pursuant to s. 91(1) of IRPA, yet they act as international students' representatives regardless of the prohibition of IRPA.

International student protection should be a two-prong initiative with the DLIs at one end, and the recruitment agents at the other. The regulatory change introduced on June 1, 2014, that brought in the designated learning institution (DLI) framework was an initiative to support international student program integrity. It is also a mechanism to protect international students by designating Canadian learning institutions.

On the other end, students' recruitment has not been regulated yet. The current issue with the fraudulent letters of acceptance was caused by the lack of a regulatory scheme for education agents. Even though the case-specific approach announced by the Minister can address the current issue, the international students as a major group in Canadian immigration are still not protected from UAPs, the bad actors that also pose a threat to the integrity of the Canadian immigration system.

### **b. Misinformation**

CAPIC members, based on their experience, note that many international students, who are eager to study in Canada are often provided with misinformation about their studies, and life in Canada by unauthorized practitioners. For example, future students are promised post-graduation work permits (PGWPs) by their education agents, but in some cases, are instead sent to private colleges that are not eligible for PGWPs, and only find out when they completed or are about to complete their studies after spending thousands of dollars and time. Another example is some international students studying at PGWP-eligible programs are not properly informed about their conditions for PGWP. When they are studying at PGWP eligible DLIs, students do not maintain full-time status or work more hours than permitted because their education agents provided false or misleading information. Such misinformation seriously damages the future of international students and could result in inadmissibility issues.

### **c. Lack of effective UAP awareness initiative and reporting system**

Distinguishing between authorized representatives and UAPs is one of the foundations to protect international students and the public. UAPs are not trained for immigration services and advice, nor are they fully responsible for their work; whereas authorized practitioners receive training and education and are robustly regulated to ensure requirements are met. Public awareness is the first step to building this foundation, a progress that is ongoing. The current issue shows that those students were not aware of the intrinsic difference between licensed professionals and those not authorized to represent and provide advice.

In the news reports about the issue by media outlets, the term immigration consultant was used. However, such a term and its variations, prescribed in s.77 (1)(a) of the *College of Immigration and Citizenship Act* (the College Act), can only be used by licensed immigration and citizenship consultants. Such

media reports, though with good intentions, may cause more confusion and worsen the issues that arose from the practice of UAPs.

In addition, there is no effective reporting system in place to report UAPs and hold them accountable. Though some UAPs reside outside of Canada, some are in Canada. The Department's records show that the UAP who committed the fraud that caused the current issue has represented over a thousand Indian students over the years. [His recent arrest](#) when seeking entry to Canada shows how long of a time those UAPs can operate against Canadian federal statutes without any consequence and how far they can go under such circumstances.

### **3. The current international student recruitment landscape and Canada's strategy**

The evidence presented in the CIMM report, [Differential Treatment in Recruitment and Acceptance rates of Foreign Students in Quebec and in the Rest of Canada](#) shows that Canada is a leader in welcoming international students to study in the country. International students contribute significantly to the Canadian economy, supporting various jobs, and bringing in highly skilled talent. The report outlines Canada's international student recruitment efforts and strategy, mentioning that at the federal level, Global Affairs Canada (GAC) is responsible for promoting the Canadian educational sector abroad through the recruitment of international students. However, while Canada has an international student recruitment strategy, it seems to provide conflicting messaging. While GAC invests a lot of money in recruiting and telling prospective international students of the option to study in Canada and pursue opportunities to grow and even settle in the country, IRCC often refuses study permit applications of international students who mention their intention to stay and remain in Canada after their studies.

This conflicting messaging propels international students to seek the advice of recruitment agents, who in many cases, are unqualified. Students accept the bad advice which in turn can impact their study permit application. The report also highlights the fact that many agents working with international students are providing students with false expectations about their education and life in Canada. International students' recruitment being an unregulated territory is a major contributing factor as mentioned in the report.

The report further shows that the Government of Canada needs to send clear messages to potential students to avoid the recurrence of discrepancies

between different federal departments. Clarity of information is key to avoiding misinformation and fraud.

#### **4. CAPIC's approach**

To prevent international student exploitation, CAPIC has the Education Partner Program (EPP), which connects CAPIC members, who are immigration and citizenship consultants (RCICs), with designated learning institutes (DLIs) across Canada. This is an example to demonstrate how a proper initiative may protect international students. The EPP provides international students with three-layer protections:

First, CAPIC, as a not-for-profit organization, coordinates participating members and the partner DLIs, which ensures the admission applications are done properly.

Second, participating students' education agents are licensed immigration and citizenship consultants who are regulated, knowledgeable, and able to provide students with a one-stop service from program and school selection to study permit application, to the maintenance of their student status, and so on. This closes the gap and leaves no room for UAPs to take advantage of potential students.

Third, CAPIC members are bound by CAPIC's bylaws, policies, and rules. Therefore, they are subject to both the obligations to the regulator, the College of Immigration and Citizenship Consultants (College), and to CAPIC. Students whose representatives are part of the EPP have both the College and CAPIC, as a mechanism to complain if there are noted irregularities.

## **Recommendations**

Based on the factors in the Background section, CAPIC's recommendations are as follows:

- a. Such services regarding assisting international students in finding placement in schools be restricted to authorized representatives, including licensed immigration and citizenship consultants and student advisors, both of whom are licensed by the College, the regulatory body. We further recommend specialized training on these matters to ensure that the information provided is accurate and that future students to

Canada, can make informed choices based on accurate, and truthful information.

- b. Currently, after the initial study permit is issued, post-secondary students in Canada can change their program or education institution easily by only inputting information in their immigration account. CAPIC recommends tightening up the requirements for transferring to a new designated learning institution by, for example, requiring confirmation from the existing and new DLI of the change. If such actions are required, fraud could therefore be detected earlier.
- c. While victims of fraud should not be penalized, the integrity of the Canadian immigration system should be maintained. For this effect, CAPIC recommends modifying all the immigration application forms to add a question, “Have you been assisted by any third party with this application?” If such a question is standard on all types of immigration application forms, it will help reinforce the consequence of misrepresentation. This is an amendment beyond the use of representative form.
- d. Government departments circulate consistent messages to international students that they are required to do their own due diligence and ensure that all information provided to the Government of Canada is truthful and verifiable and ultimately, they are responsible for any information submitted.
- e. Government departments use the title of immigration consultants and its variations only to licensed immigration and citizenship consultants according to s. 77(1)(a) of the College Act. Improper use of such titles worsens the widespread immigration fraud that jeopardizes the integrity of the Canadian immigration system, as it makes it harder for the general public to distinguish authorized representatives from UAPs, which give room to UAP practice, the main force behind immigration fraud.

## Conclusion

CAPIC brings forth the recommendations with the hope of the current issue being addressed properly, efficiently, and effectively to the benefit of protecting



victims of fraud, avoiding similar issues in the future, and maintaining the integrity of the Canadian immigration system.

CAPIC is ready and willing to work with the Committee to seek a comprehensive and effective long-term solution to the issue of the exploitation of international students.

## About CAPIC

**The Canadian Association of Professional Immigration Consultants (CAPIC)** is the professional organization representing the interests of Canadian Immigration 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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