



Canadian Association of
Professional Immigration Consultants

L'Association Canadienne des
Conseillers Professionnels en Immigration

CAPIC's Input for International Student Program Reform

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CAPIC's Input for International Student Program Reform

CAPIC appreciates the initiative taken by the Standing Committee on Citizenship and Immigration (CIMM) to study the recent reform to the international student program.¹ We believe understanding the impact of the reform is fundamental to exploring the solutions to issues facing this program; we suggest that examining the cause is equally important.

Introduction

The purpose of the program reform explained by the responsible official from the Immigration, Refugees and Citizenship Canada (IRCC) during the CIMM Meeting 114 on November 7, 2024, includes the following:²

- address unsustainable growth;
- better calibrate the program volume and requirements with permanent resident programs;
- strengthen the integrity of the program;
- reduce the vulnerability of international students; and
- have a more diversified international student population.

CAPIC noted concerns expressed by CIMM members and witnesses during the meetings concerning the program, the reform, and its impact. They include:

- overstay of international students after their study permits expire;
- lack of consultation and coordination before implementing the reform;
- unclear long-term objectives and strategies.
- overstep domains of provinces and institutions;
- the changing nature of the program from study to work;
- the negative impact on Quebec, smaller provinces, remote communities, and the education sector by the whole-of-Canada approach;
- the efficacy of the international admission cap.

We also noticed one time during Meeting 119³ on December 2, 2024, unauthorized practitioners (UAP) were mentioned but mistakenly referred to as immigration consultants.

CAPIC further observed the CIMM Meeting 117⁴ on November 25, 2024, which examined the IRCC 2024 Annual Report to Parliament on Immigration. Concerns about the potential issue of the overstaying of international students after the expiry of their study permits were, again, raised during the meeting.

¹ CIMM, "Recent Reforms to the International Student Program," [online](#), accessed Dec. 2, 2024.

² CIMM, "Evidence, Thursday, November 7, 2024," [online](#), accessed Dec. 3, 2024.

³ CIMM, "CIMM Meeting No. 119-1," [online](#), at 17:03:07, accessed Dec. 4, 2024.

⁴ CIMM, "CIMM Meeting No. 117," [online](#), accessed Dec. 4, 2024.

During that meeting, Minister Miller criticized some immigration consultants for giving false advice and false hope of staying in Canada to people, and some institutions for education quality and making false prospective employment promises to international students. The Minister also criticized the irresponsibility of provinces.

After a thorough study of and in-depth research on the topic, CAPIC submits that to address the existing issues and concerns, both exploring the causes and formulating well-grounded long-term strategies in addition to short-term measures are necessary. Carrying this in mind, herein we submit CAPIC's input for international student program reform with recommendations based on our observation of the above CIMM meetings, our research and data analysis, and our members' input and feedback.

Analysis and Recommendations

1. Analysis

Immigration is a shared responsibility of the federal government and the provincial government. Education, though, mainly falls within the jurisdiction of the provincial governments, Canadian learning institutions can be administered by a federal department or agency.⁵ Therefore, international student program administration is a combination of immigration and education.

Designated learning institutions (DLIs) that are authorized to entertain international students, authorized representatives (ARs) who are authorized to provide immigration advice and services,⁶ and other education sector stakeholders play important roles in the program.

To effectively address the issues facing the program, the collaborated approach that considers related stakeholders' valid input and the collaboration between the two levels of government is imperative.

(1) Immigration legal perspective

a. The operation of the international student program

To study in Canada as a member of the student class prescribed by the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR), a foreign national needs authorization, in most scenarios, that means a study permit.⁷

The IRCC, as the leading department administrating the *Immigration and Refugee Protection Act*, SC 2001 c. 27 (IRPA)⁸ is responsible for assessing and issuing study permits to foreign nationals.

⁵ See s. [211.1\(a\)](#) (i) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR).

⁶ See s. [91\(2\)](#) of the *Immigration and Refugee Protection Act*, SC 2001 c. 27 (IRPA).

⁷ See ss. [210](#), [212](#) and [188](#) of IRPR.

⁸ See s. [4\(1\)](#) of IRPA.

IRCC maintains a list of post-secondary DLIs that are accredited by provinces and territories.⁹ To apply for a study permit, foreign nationals must have obtained a letter of acceptance (LOA) from a DLI.

The program incorporates a work component where eligible international students may work with or without a work permit. Work without a work permit is by authorization of IRPR.¹⁰ Allowing certain international students to apply for a work permit is solely IRCC's jurisdiction.¹¹

Foreign nationals may retain a representative for study permit purposes. The representative must be an AR if there's consideration or a non-AR if the service is free.¹²

The IRCC, the provinces/territories, DLIs, students, ARs, non-ARs, as players in this program, all play a role in it. Non-ARs' role is problematic, which we will discuss in a later part. Other players, who are not directly part of the chain of the program, may also have taken part in it indirectly, e.g., employers hiring international students.

In short, to solve the issues, a collaborative approach that engages contributing stakeholders and holds violating parties accountable individually is indispensable.

b. The nature and mandatory requirements of the international student program

First, the program is a temporary resident program.¹³ International students as temporary residents are subject to legal obligations and conditions:

- Comply with conditions imposed on them and one of such is that they must leave Canada by the end of their authorized stay.¹⁴
- Enroll and remain enrolled in the designated learning institution (DLI) and actively pursue their course or program of study.¹⁵

Second, to be issued a study permit, study permit applicants must meet the program requirements, including:

- Leave Canada by the end of their authorized stay.¹⁶
- Without working, have sufficient funds to cover their and their accompanying family members' expenses in Canada and round-trip flights.¹⁷

Third, to be admitted to Canada, at the last examination point – the port of entry, study permit applicants must establish that they will leave Canada by the end of their authorized stay.¹⁸

⁹ See IRCC, "Become a designated learning institution," [online](#), last modified Dec. 5, 2023.

¹⁰ See ss. 186(f), (v), and (w) of IRPR.

¹¹ See ss. [200](#)(1), [205](#), and [208](#)(a) of IRPR.

¹² See s. [91](#)(1) and (2) of IRPA.

¹³ See ss. [210](#) and [211](#) of IRPR.

¹⁴ See s. [29](#)(2) of IRPA and s. [183](#)(1)(a) of IRPR.

¹⁵ See s. [220.1](#) of IRPR.

¹⁶ See s. [216](#)(1)(b) of IRPR.

¹⁷ See s. [220](#) of IRPR.

¹⁸ See s. [20](#)(1)(b) of IRPA.

Fourth, IRPA allows dual intent, meaning while seeking temporary residence with the intent of becoming a permanent resident. However, such dual intent must be established on the premise that those temporary residents will leave Canada by the end of their authorized stay.¹⁹

Fifth, IRPR allows eligible international students to work without a work permit²⁰ and allows the issuance of open work permits for Canadian interests.²¹ The post-graduation work permit (PGWP) program falls in this regard. However, the IRPR provisions retain the nature of the student program, which is substantially distinct from the worker program.

All in all, IRPA and IRPR require international students to be genuine students and leave Canada by the end of their authorized stay.

(2) The issues and causes

a. Overgrowth of the international student population

Currently, Canada has an international student population that it cannot absorb. How did we get there?

The causes explored during the CIMM meetings include over-reliance on international students for revenue, lack of transparency and consistency, false information to international students about the transition to permanent residents and blurring the line between student class and worker class.

CAPIC believes those are all valid causes. CAPIC acknowledges international students' contribution to Canada, but relying on international students for revenues is neither the objective of the program according to IRPA nor does it reflect the objectives of IRPA.²² Given the nature of the program, communities and institutions that rely on international students, even though in the short term may see a boom, in the long run, they may be crippled.

On the other hand, such a practice combined with policy inconsistency may present international students with a misleading picture that eventually they can stay permanently. In "CAPIC's Recommendation for Protection International Students," CAPIC warned of the factors that give room to unauthorized practitioners (UAPs) to sell false promises to international students at the cost of both the students and the integrity of the Canadian immigration system.²³

In "CAPIC's Submission on IRPR Amendment Concerning DLIs,"²⁴ CAPIC submitted that the increase in off-campus hours may blur the line between the "student class" and

¹⁹ See s. [22\(2\)](#) of IRPA.

²⁰ See s. [186](#) (f), (v), and (w) of IRPR.

²¹ See s. [205](#) of IRPR. PGWP's legal authority is s. 205(c)(ii), see IRCC, "Labour market impact assessment (LMIA) exemption codes – International Mobility Program (IMP)," C43, [online](#), last modified Nov. 12, 2024.

²² See s. [3\(1\)](#) of IRPA.

²³ CAPIC, "CAPIC's Recommendation for Protection International Students," [online](#), July 7, 2023.

²⁴ CAPIC, "CAPIC's Submission on IRPR Amendment Concerning DLIs," [online](#), July 29, 2024.

“worker class.” In that submission, we did a thorough legislative and factual analysis, trying to convince IRCC that increasing weekly off-campus working hours from 20 to 24 would not be a favourable measure to IRPA administration and program management.

In summary, the overgrowth of the international population is driven by multiple factors. Observing the nature of the program is still the key to long-term solutions.

b. Overstay concerns

Even though the legal requirement for international students is to leave Canada by the end of their authorized stay, news reports show that there are students demanding pathways for permanent residence where they may not be eligible for permanent residence.²⁵

By the end of 2025, 766,000 study permits will be expired.²⁶

Currently, Canada has a population of undocumented foreign nationals estimated at the range of around 300,000 to 500,000.²⁷ The Undocumented Residents Day celebration took place on August 20, 2024,²⁸ sending a message to foreign nationals in Canada that IRPA and IRPR can be ignored.

The facts show that overstaying, likely, will be a critical issue that Canada has to plan ahead to address properly and adequately.

c. Confusing ARs for non-ARs

The immigration practice authorization for three groups of ARs is to protect the public, including international students. Non-ARs are the ones practicing for free. However, non-ARs, mostly, become unauthorized practitioners' (UAPs) who are offenders.²⁹ Unfortunately, UAPs are often miscategorized as immigration consultants by immigration stakeholders, including media outlets, and sometimes, government officials, who may be unfamiliar with the *College of Immigration and Citizenship Consultants Act*, SC 2019, c. 29, s. 292 (the College Act). “Immigration and citizenship consultant” and its variations, including “immigration consultants,” are exclusively reserved for licensees of the College of Immigration and Citizenship Consultants (CICC).³⁰

During Meeting 119 on December 2, 2024, there was a brief mention of fraudulent immigration consultants based on the Canadian Bar Association’s letter to Minister

²⁵ CityNews, “Thousands of international students in Canada face deportation, sparking protests nationwide,” [online](#), updated Aug. 28, 2024.

²⁶ National Post, “Immigration minister says temporary migrants will leave 'voluntarily',” [online](#), Nov. 29, 2024.

²⁷ CBC, “Canadians — and Liberals — split on giving the undocumented status: immigration minister,” [online](#), updated June 15, 2024.

²⁸ Toronto Sun, “Warmington: Only in Toronto would illegal residents be celebrated,” [online](#), updated Aug. 20, 2024.

²⁹ See s. 91(9) of IRPA.

³⁰ See ss. 2 and 77 of the College Act.

Miller on August 17, 2023.³¹ The letter was about unauthorized practitioners (UAPs) (whose practice is a criminal offence)³² instead of immigration consultants.

Miscategorising UAPs as immigration consultants confuses the public; in turn, it gives more room to UAPs to defraud their victims. Some Indian students facing removal because of fraudulent AORs created by the Indian education agent were one of the examples.³³ Cracking down on UAPs is one of the pieces to restore the integrity of the program.³⁴

As for bad-actor comments involving immigration consultants, while CAPIC acknowledges the existence of bad actors in the immigration consultant profession like in any other profession, the vast majority of immigration consultants are ethical, competent, hard-working professionals.³⁵ As a regulated profession, people including international students are protected by the code of professional conduct³⁶ and regulations governing the profession.

d. Unregulated education agencies

International student recruitment is not a regulated practice; it is open to all actors in or outside Canada. Anyone can present him/herself as an education agent without proper knowledge or responsibility. They may boast favourable treatment to their students by the government, which is considered unethical practice for ARs. Because international student recruiters are unregulated, they are free to sell the international student program to their customers in any way they see fit. And then students and Canada's immigration system bear the consequences of misleading or false promises sold by them. CAPIC has been advocating for regulating international student recruitment to protect both international students and the integrity of the Canadian immigration system.³⁷

e. Increase refugee claims

During Meeting 114 on November 7, 2024, the CIMM briefly examined an increase in international students claiming asylum in Canada. The official from the IRB did not concur with Minister Miller's statement of an increase in fraud, abuse, and fake claims in the asylum program. She further stated that the IRB looks at every refugee claim on its merits.

³¹ CBA letter to Minister Miller, [online](#), August 17, 2023.

³² *Supra*, note 29.

³³ CityNews, "Surrey man pleads guilty to defrauding international students," [online](#), posted May 30, 2024.

³⁴ CAPIC, "CAPIC's Letter to Prime Minister Regarding Differentiating Unauthorized Practitioners from Immigration Consultants," [online](#), Dec. 3, 2024.

³⁵ CAPIC, "Letter to Minister Miller Seeking to Address a Major Concern Raised by Letter to CICC," [online](#), Nov. 22, 2024.

³⁶ See *Code of Professional Conduct for College of Immigration and Citizenship Consultants Licensees*, SOR/2022-128, [online](#), current to Nov. 11, 2024.

³⁷ Minister's response to CAPIC's letter regarding the ApplyBoard advertisement, [online](#), Dec. 8, 2023.

We noticed the statement made by an immigration lawyer giving two reasons for the increase of refugee claims among international students: it is a natural human reaction to seek other doors when certain doors are closed, and students may be genuine refugee claimants, but they do not need to claim refugee protection when they have other pathways to permanent residence.³⁸

Refugee claims referred to the Refugee Protection Division (RPD) of the IRB have passed the eligibility assessment.³⁹ The nature of the eligibility assessment does not allow the block of fraudulent refugee claims at this front stage. Integrity checks happen at the RPD proceedings.⁴⁰

The current design of the refugee eligibility assessment may be a vulnerable part of the system that may be exploited by people in bad faith.

2. Recommendations

Based on the above analysis, CAPIC recommends the following:

(1) Long-term measures:

- a. IRPA application and enforcement
 - Maintain the nature of the international student program.
 - Send out consistent and clear messages to relevant parties that disregarding IRPA will not be tolerated.
 - Strengthen the port of entry examination to address overstay proactively.
 - Take law enforcement actions against bad actors individually, including institutions exploiting international students, UAPs practising illegally, and education agents defrauding international students.
 - Apply the enforcement measures strictly to respect IRPA and deter non-compliance of IRPA.
- b. Coordinated approach
 - Consult with stakeholders, including provinces/territories, designated learning institutions, and ARs to design long-term strategies and plans.
 - Work with provinces/territories for temporary resident to permanent resident pathways to have a sustainable volume of admission for both.
 - Work with provinces/territories to review the criteria for the DLIs to ensure the quality of Canadian post-secondary education.
 - Report unethical authorized representatives to their respective regulators.
- c. Re-design consideration
 - Re-design Canada's refugee claim eligibility assessment to block fraudulent claims onset.

(2) Short-term measures:

³⁸ CTV Your Morning, "Ottawa Promises More Reforms To Immigration and Asylum Systems," [online](#), Nov. 28, 2024.

³⁹ See [s. 101\(1\)](#) of IRPA.

⁴⁰ See [ss. 107\(2\)](#) and [s. 107.1](#) of IRPA.

- a. Analyze the data of international students in Canada whose study permits will expire by the end of 2025 to plan ahead and calibrate the admission of permanent and temporary residents from both within and outside Canada accordingly, and thus prevent overstays and facilitate a balanced admission.
- b. Observe the pattern of asylum claims filed by international students to detect the root cause of fraudulent claims if any.

Conclusion

The current international student program reform is to address the urgent issues facing Canada. Because this program is there to stay, long-term strategies need to be developed. While coping with the current situation, a balanced forward-looking approach should be considered.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is a non-profit professional organization representing the interests of Canadian Immigration Consultants. Our headquarters is located in Toronto (M5C 1C4) with staff from across Canada and members in Canada and overseas.

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.

Contact Us

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