

# Overview of Changes to Canada's International Student Program

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**Citizenship and Immigration Canada**



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## Introduction

This document is an update to the *Overview of Proposed Changes to Canada's International Student Program* released by Citizenship and Immigration Canada (CIC) in conjunction with the pre-publication of regulatory amendments to the International Student Program in the *Canada Gazette, Part I* on December 29, 2012. This updated document provides an overview of the final regulations, which were published in the *Canada Gazette, Part II* on February 12, 2014. Final regulations reflect, to a large extent, comments provided during an extensive consultation which took place over the course of 2013 with provinces and territories, representative organizations from the Canada's education sectors, and educational institutions from across Canada. A summary of updates made to the final regulations can be found in Annex A.

The final regulatory amendments described below come into force on June 1, 2014.

## New study permit conditions

*Immigration and Refugee Protection Regulations* (IRPR) require that foreign nationals applying to come to Canada for the purpose of study must meet a number of requirements, including demonstrating intent to study. Previously, there was no explicit requirement for a study permit holder to be enrolled at a Canadian educational institution or to pursue studies after arrival in Canada. Study permit holders who did not enrol or pursue study could therefore remain in Canada legally until the expiration of their study permit.

New regulations introduce new study permit conditions that require students to be enrolled and actively pursuing a course or program of study at a designated educational institution. Because study permits are issued for the length of the student's program of study, for those students who may switch to a shorter-term program or finish their studies early, a study permit will become invalid 90 days following program completion if the study permit does not otherwise expire.

The Regulations allow an officer to request study permit holders to provide evidence of compliance either when there is reason to believe that study permit conditions are not being met or as part of a random assessment of the overall level of compliance with conditions. Officers will have the authority to take enforcement action against those study permit holders who are found, after due process, to be non-compliant with study permit conditions. Enforcement action could result in the issuance of a removal order from Canada. To assist officers with their compliance verification activities, designated educational institutions will be reporting to CIC on the status of their students via an electronic system.

## Exceptions:

Certain study permit holders are exempt from the condition to enroll and actively pursue a course or program of study at a designated educational institution. These include:

- Refugees and refugee claimants and their families;
- Foreign diplomats and their families;

- American customs and immigration personnel and their families;
- American officials on temporary postings in Canada and their families;
- Foreign army personnel and their families;
- Destitute study permit holders;
- Students on exchange if the exchange is under a reciprocal agreement between the Government of Canada and another country; and
- Family members of a foreign national residing in Canada if this foreign national:
  - holds a study, work or temporary resident permit;
  - is subject to an unenforceable removal order;
  - is the member of certain foreign armed forces;
  - is a type of foreign government officer;
  - is a participant in certain sports activities or events;
  - is a type of employee of a foreign news company; or
  - is a certain type of person who is responsible for assisting in a congregation or group.

Registered Indians under Canada's *Indian Act* will be authorized to study in Canada without a study permit as they have right to enter and remain in Canada.

### **Issuance of study permits limited to foreign nationals destined to designated learning institutions**

The IRPR did not previously limit the types of educational institutions for which a foreign national could apply for a study permit. New regulations limit the issuance of study permits to students destined to designated learning institutions, including those designated by a provincial or territorial ministry of education. CIC officers will have the authority to refuse study permit applications submitted by a foreign national seeking to study at a non-designated institution. CIC will not play an active role in educational institution designation processes undertaken by provinces and territories. Once provinces and territories have completed their designation processes, a complete list of designated institutions will be made publically available on the website of CIC, and will be updated regularly.

Individuals who wish to undertake courses or programs of study of six months or less, for which a study permit is not required, will continue to be able to pursue studies at any learning institution in Canada, regardless of whether or not it is designated. Although they are not required to do so, foreign nationals would continue to be authorized to apply for a study permit for a program of six months or less, but only if they are destined to a designated institution.

Provinces and territories have agreed to designate post-secondary institutions by June 1, 2014. Until further notice, any and all primary and secondary institutions are considered to be designated.

### **Access to work during studies**

Study permit holders have the privilege of working either on or off-campus during their studies, including as part of co-op or internship programs, without having to obtain a Labour Market Opinion. Eligibility for these various work programs previously varied on a program by program

basis. New regulations streamline eligibility by allowing work access for full-time students undertaking an academic, vocational or professional training program at a designated institution. The effects of these amendments will be to: (1) extend, for the first time, off-campus work to students attending private career colleges; and (2) exclude, for the first time, those students undertaking English or French as a second language (ESL/ FSL) programs or general interest or preparatory courses from the authorization to work under the co-op work permit program. Students undertaking ESL/ FSL programs or general interest or preparatory courses are therefore not eligible to work during their studies without a positive Labour Market Opinion.

Study permit holders that are full time, and enrolled in an academic, vocational or professional training program leading to a degree, diploma or certificate at a designated institution may work 20 hours per week during their studies and full time during scheduled academic breaks and are no longer required to apply for an Off-Campus Work Permit.

### **In-Canada Study Permit Application**

As of June 1, 2014, certain foreign nationals who are in Canada on a Visitor Visa may apply for a study permit from within Canada to attend a designated institution. These include:

- Minor children studying at the primary or secondary level;
- Exchange or visiting students; or
- Short-term students who have completed a course or program of study that is a condition for acceptance at a designated institution.

This change would further facilitate the transition from visitor to study permit holder for minor students once they reach the age of majority, as well as for those students who wish to transition from a short-term preparatory program to a longer-term college or university program.

### **Transitional or “Grandfathering” Provisions**

#### **Current students:**

As of June 1, 2014, students who already hold a study permit and are studying at a non-designated institution will be permitted to complete the program of study in which they were enrolled for the duration of that permit. These students may also renew their study permit for the remainder of the duration of their program or until the date that is three years after June 1, 2014.

Students who already hold a co-op work permit and are studying at a non-designated institution or enrolled in a program that does not qualify as an academic, vocational or professional training program will be permitted to continue to work in order to complete their program. These students may also renew their co-op work permit for the purpose of completing their program or until the date that is three years after June 1, 2014.

Students whose institution loses its designation status after the issuance of their study permits will be permitted to continue their studies there, if they wish to do so, until the end of the validity period of their study permit.

**Prospective students:**

Foreign nationals whose application for a study permit is received prior to June 1, 2014, are not subject to the new condition to be enrolled at a designated institution. These foreign nationals may renew their study permit to complete their program, for a duration that does not exceed three years after June 1, 2014. The application for such a study permit and its renewal would be assessed under the criteria that were in effect prior to June 1, 2014.

Additionally, those foreign nationals whose application for a co-op work permit was received prior to June 1, 2014, will not be subject to the requirement to be enrolled in an academic, vocational or professional training program offered by a designated learning institution in order to receive such a work permit.

Students are expected to be actively pursuing their studies regardless of whether or not their study permit was issued before or after June 1, 2014, and enforcement action for failure to do so is available to officers.



## **ANNEX A: Summary of changes to pre-published regulations/updates to final regulations**

The following changes were made to pre-published regulations, and are reflected in the final regulations, published in the *Canada Gazette Part II* on February 12, 2014.

- The coming-into-force date of regulatory amendments was delayed until June 1, 2014, to enable provinces and territories time to complete their designation processes. Additionally, the “fall back” list was removed from the final Regulations to address the concern of unfairness. If a province or territory has not completed its designation process by the coming-into-force date, existing public policy provisions in the Immigration and Refugee Protection Act (IRPA) could be used as an interim measure to prevent unintended impacts on not-yet designated institutions, where warranted by public policy considerations.
- Other minor amendments were made in response to feedback provided during the pre-publication period. The amendments are as follows:
  - A new provision exempts Registered Indians from the requirement to obtain study permits as they have the right of entry into Canada under section 19 of IRPA;
  - The pool of foreign nationals who are eligible to apply for study permits from within Canada was expanded to include visiting or exchange students at a designated learning institution, to facilitate the retention of these students in Canada;
  - The pool of foreign nationals who are exempt from the new requirement to enroll and actively pursue a course or program of study at a designated learning institution after arrival in Canada was expanded to include groups such as refugees and accredited diplomats, whose primary purpose in Canada is not to study;
  - A new provision allows secondary level students to benefit from an LMO exemption if the work is an essential part of a program at the secondary level, such as participating in co-op/internship programs;
  - The provision allowing certain study permit holders to benefit from an LMO exemption was expanded to include students undertaking vocational training at the secondary level in Quebec;
  - A new provision was added to provide a bridging mechanism to allow certain international graduates to work full-time while they wait for their post-graduation work permit to be processed; and
  - A new amendment renders a study permit invalid at 90 days following the completion of studies even if the study permit is still valid and ends the student’s authorized period of stay in Canada unless they are also on a valid work permit.