

CBIE Comments and Recommendations to Citizenship and Immigration Canada (CIC)

**In response to proposed regulatory changes to the International Student Program
Canada Gazette, December 29, 2012**

Preliminary Comments

- CBIE commends CIC's efforts to strengthen the integrity of the International Student Program, thereby enhancing Canada's prominence as an education destination of choice.
- CBIE believes that the vast majority of international students who come to Canada are bona fide and truly intend to study here according to the conditions of their study permit. However we understand that those who are not bona fide may damage our educational institutions and be a detriment to Canada.
- Moreover we agree that non-quality, non-bona fide institutions which attract students here are injurious to individuals and to the reputation of our education system overall.
- Given, however, that the students who enrol at CBIE member institutions are in the vast majority legitimate students, we urge CIC to take a careful approach that is respectful and supportive of the Canada education brand. Our recommendations are offered in this spirit.
- CBIE urges CIC to make use of the expertise and experience within CBIE and our partner organizations of the Canadian Consortium for International Education Marketing. Together the five national associations comprising the Consortium represent over 400 institutions, including the vast majority of the public institutions and school districts in Canada. The Consortium has ready access to input from members through the CBIE Immigration Advisory Committee and networks/standing committees of all of the partner associations.
- CBIE understands that a Working Group will be established to examine operationalization issues, specifically vis-à-vis reporting mechanisms/technology. CBIE commends this course of action and is ready and willing to participate in the Working Group.

Designated Institutions

- CBIE urges CIC to recognize the increasing importance of various kinds of pathway programs leading to post-secondary education.
- At the same time, CBIE urges CIC to recognize that Canada has an array of quality private institutions that offer education and training.

- While accepting the role of the P/Ts in regard to designation, CBIE urges CIC to:
 - o Add in 209.1 c): private post-secondary learning institution that provides, in partnership with public institutions, pathway programs leading to university degrees or college diplomas; AND language programs within public post-secondary institutions (including those that are part of continuing education programs).
 - o Strongly urge P/Ts to enter into bilateral agreements in a timely manner, in order to ensure that quality private institutions are not unduly excluded and that Canada’s education offer is not unnecessarily reduced by delay.

Requirement to Study

- CBIE recommends that educational institutions have discretion in the definition of *actively pursuing studies*.
- CBIE urges that the language in amendment 13, section 220.1 (1) be modified, either to replace “and” with “or” between (a) and (b), OR to assign to institutions the definition of actively pursuing studies, thus allowing for discretion in the matter of approved leave for medical or personal reasons, points in time when a student is completing an assignment following the end of program semester with academic approval, or for other approved reasons.

Reporting

- CBIE understands that, although not specified in the proposed regulatory change, P/Ts will require institutional reporting on student status (compliance with study permit conditions).
- CBIE believes that:
 - o The onus for reporting on compliance appropriately rests with students.
 - o There has been no evidence to suggest that student self-reporting is an area of concern for potential fraud in the system.
 - o Institutional reporting, and the oversight required by CIC and P/Ts on this reporting, is unnecessarily onerous in these times of fiscal restraint.
- As noted in our Preliminary Comments, CBIE understands that a Task Group will be established to examine operationalization issues. The Task Force should give due consideration to existing reporting systems in use by institutions, technical issues and requirements, data collection frameworks and privacy protocols.
- In particular, consideration needs to be given to effective management of information about students transferring between institutions.
- In order to allow students to correct inaccurate information in timely fashion, reporting systems should include a mechanism for students to view and update their own status.
- International students enrolled in Quebec educational institutions must also obtain a Certificat d’Acceptation du Québec (CAQ) before they obtain a study permit. The CAQ already has a condition for international students to actively pursue their studies during the validity of their CAQ. We encourage CIC to continue their discussions with the Québec Ministry of Immigration (MICC) as stipulated in the Canada-Québec Accord Relating to Immigration and Temporary Admission of Aliens, to develop operational policies that will comply with the new study permit conditions using existing student enrolment reporting structures in Québec.

Off-Campus Work

- CBIE supports the proposal for automatic off-campus work authorization for study permit holders. This is a highly positive change that will reduce bureaucracy and allow students to engage in work without undue delay. CBIE members are highly supportive of this measure.
- In the off-campus work permission section, we ask that this text be reinstated: “work authorization commences immediately at the beginning of studies.”
- CBIE urges that the co-op work permit be included in this measure, where students have been admitted to a co-op program that meets all other requirements. We understand that there is concern in regard to the percentage of time spent in working vis-à-vis time spent in studying within co-op programs. However we do not see any need to re-examine the 50% criterion which was determined several years ago in consultation between CIC and CBIE.
- Moreover, CBIE asks that the text of the proposed regulations be clarified to preserve:
 - o Current provisions of the off-campus work permit (full-time work in the 90 days following program completion to facilitate transition to post-graduation work).
 - o Current provisions pertaining to on-campus work authorization.
- CBIE urges CIC to disseminate clear information to employers – by direct communications and on the website – regarding hiring international graduates in the transition period between program completion and the arrival of the post-graduation work permit, to ensure employer access to qualified candidates and ensure that graduates are not declined through misunderstanding.
- CBIE recommends that students who arrive in Canada prior to the automatic work permit provision benefit from the new provision as it comes into effect, without having to apply for a new study permit.

Off-Campus Work during Summer/Holidays/Breaks

- The proposed regulation uses the phrase, “they [students] work no more than 20 hours per week in any period during which courses in the program are ongoing.” We ask that the text be modified with the addition of “It is understood that this restriction does not apply during regularly scheduled program breaks,” which is the text for the current off-campus work permit program, to clearly permit full-time work during breaks. We note that institutions offer summer courses (or courses outside the timeframe of a particular program) which could be construed as “ongoing”, although taking these courses is optional.
- Moreover, in their last term, it is typical that students do not take a full course load. Therefore we ask that the text be modified with the addition of “Further, full-time work is authorized during the final semester prior to program completion.”

Short-Term Study Permits

- CBIE understands that students wishing to undertake programs of less than six months remain eligible to apply for/obtain a study permit. This is critical for students and institutions:
 - o A study permit allows students to access on-campus work.
 - o A study permit allows exchange students who choose to extend their stay beyond one semester to benefit from implied status while they renew their permit.
- We urge that students applying for a study permit for a one-term exchange not be advised by CIC to apply instead for a visitor’s visa.

In-Canada Application for Initial Study Permits

- The provision for in-Canada application for initial study permits is a major advance in CIC's International Student Program, and will certainly serve as a competitive advantage for Canadian education.
- CBIE urges that the current list of visitors eligible to apply within Canada for an initial study permit be expanded to include students studying at any designated learning institution (e.g. one-term exchange students; visiting research students; and language students).

Transition from Secondary to Post-Secondary

- Currently students who graduate from a secondary program and are admitted to a post-secondary program often find that they miss the first few weeks of classes while they await a new study permit. Though not part of the proposed regulation changes, it is an opportune time to eliminate this obstacle.
- While they hold "implied status" to remain in Canada pending a change in study permit conditions, explicit permission should be given to students with valid secondary study permits to begin their studies in designated institutions while awaiting the new permit.

Resources

- CBIE urges that CIC be adequately resourced to administer the International Student Program at the operational level. Canada's competitiveness in the international education market rests in large measure on CIC's ability to deliver timely and accurate service. We urge that any policy and program include ambitious processing time targets and be designed for optimal administrative simplicity.
- CBIE recommends the implementation of a dedicated communications channel for designated institutions to seek assistance from CIC on special student cases.