



Submission on Policy Changes Affecting International Students

Recommendations on the Development of Policies for International Student Study Permits, Provincial Attestation Letters, and Designated Learning Institutions.

Submitted to: Ministry of Colleges and Universities

Submitted by: Ontario Bar Association

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Introduction

The Ontario Bar Association (“**OBA**”) appreciates the opportunity to make this submission to assist the Ministry of Colleges and Universities in the development of policies related to study permits, provincial attestation letters, designated learning institutions, and supporting international students and Ontario’s labour market.

Ontario Bar Association

Established in 1907, the OBA is the largest and most diverse volunteer lawyer association in Ontario, with close to 16,000 members, practicing in every area of law in every region of the province. Each year, through the work of our 40 practice sections, the OBA provides advice to assist legislators and other key decision-makers in the interests of both the profession and the public and we deliver over 325 in-person and online professional development programs to an audience of over 20,000 lawyers, judges, students, and professors.

This submission was prepared and reviewed by members of the OBA’s Citizenship & Immigration Law, Education Law, and Family Law sections. Members of the Citizenship & Immigration Law section include certified immigration law specialists, and barristers and solicitors with deep experience regarding international student study permits, practicing in large, medium, and small firms across every region in Ontario.

Comments & Recommendations

The OBA provides the following comments and recommendations to the province regarding the development of a plan for the issuance of provincial attestation letters (“**PALs**”) in support of applications for study permits for international students. The OBA invites the provincial government to continue to engage with us in the development and implementation of this plan.



Concerns Regarding the Administration of Study Permit Applications and Issuance of PALs

Per the Federal Government's recent announcements regarding changes to the administration of study permit applications for international students, Immigration, Refugees and Citizenship Canada ("IRCC") has indicated that it would consider a maximum of 606,250 study permit applications in 2024 (depending on the number of applications that are refused), but only expects to approve 360,000 study permits. This discrepancy creates significant concerns regarding how this will practically impact study permit applicants.

The purpose of the PAL is to serve as proof that the student has been accounted for under the provincial allocation within the national cap. A PAL must be provided before a study permit application will be accepted. If IRCC intends to accept significantly more study permit applications than will be approved, there will be students who have received a PAL whose study permit applications are not decided before Ontario reaches its provincial study permit cap. This will have an adverse impact on individuals from countries whose visas offices have longer study permit processing times. These students would, at a minimum, have paid for study permit application fees, partial or full tuition deposits, and school application fees, all of which reflect a significant financial investment.

As a result, if PALs will specify a validity period, the OBA recommends that the Ontario government consider adopting a longer duration to allow students to refile study permit applications in cases where they must defer their studies because their study permit application was in queue for processing as of the date that Ontario's study permit cap is reached. This would ensure that deposits on tuition are not automatically forfeited solely on the basis that a study permit application was not processed fast enough to ensure that they were included within Ontario's study permit allotment.



In addition, the OBA endorses the Ontario government recommending that IRCC standardize study permit processing times, so that all study permit applications are adjudicated in the same amount of time, regardless of the country of citizenship of the applicant.

Recommendations Regarding the Current List of Designated Learning Institutions

With the introduction of a cap on the number of study permits that will be approved each year, the OBA recommends that the Ontario government review and reassess the current list of designated learning institutions (“**DLIs**”) to ensure that it is issuing PALs in a manner that protects international students, supports Ontario’s labour market, and boosts Ontario’s reputation as a provider of world-class education.

Currently, there are 529 schools in Ontario on the DLI list. Of this list, 56% (297) of these institutions do not offer programs that allow their students to obtain a post-graduate work permit (“**PGWP**”) upon completion of the program. As the majority of DLIs do not offer programs that provide a way forward for international students to remain in Canada, there is a risk that a large number of study permit applications approved under Ontario’s allocation will be for programs that do not allow the students to obtain PGWPs. This could adversely affect not only the international students themselves, but it could also undermine Ontario’s reputation as a premiere study destination.

As a result, the OBA recommends that the Ontario government review its DLI accreditation process and current list of DLIs to prioritize accreditation for DLIs offering programs that allow international students to transition to PGWPs.

In addition, in developing the plan for issuing the PALs to international students, the OBA supports a process that weighs various important factors before issuing a PAL, rather than simply issuing the letters on a first come, first served basis. Factors may include the length of the program (multi-year diplomas and degrees versus one-year programs), PGWP eligibility, historical and comparative data regarding the number of international students enrolled at DLIs and their level of study, study permit refusal rates per institution,



attendance and graduation rates, the percentage of foreign students at the institution, and whether the institution offers services to its students, such as accommodations and mental health support. Considering these key performance indicators will ensure fairness when administering PALs within Ontario's study permit allotment and best support Ontario's labour market needs in the long term.

Recommendations Regarding Process of Issuance of PALs

The OBA recommends that the province place the onus of obtaining the PAL on the institution, who can then provide the PAL together with the letter of acceptance. This will ensure a streamlined system that avoids issuing letters of acceptance to students who ultimately are unable to obtain a PAL because of the provincial cap. It would reduce uncertainty and the need to take additional steps in an already lengthy process to obtain a Canadian study permit.

If this is not possible, the OBA recommends, in the alternative, that PALs are issued through an online system that will allow international students to access PALs by inputting information from their letters of acceptance. This will ensure that PALs are issued to eligible international students on a timely basis and avoid additional delays in submitting a complete study permit application.

Recommendations for the Protection of International Students

In September 2023, the Honourable Sabi Marwah, Senator Ratna Omidvar, Senator Yuen Pau Woo and Senator Hassan Yussuff released a report entitled "Strengthening the Integrity of Canada's International Student Program".¹ This report outlined the complex challenges Canada faces with respect to the integrity of its international student program. It is essential

¹ https://www.ratnaomidvar.ca/wp-content/uploads/2023/09/EN_CanadasInternationalStudentProgramDiscussionPaper-Final.pdf



that Ontario take steps to ensure the protection of international students and the fair administration of Ontario's study permit cap.

First, the OBA recommends the regulation of education agents and recruiters in Ontario. Currently, Manitoba is the only province in Canada that regulates international student recruiters. Due to commission agreements that agents and recruiters may have with various DLIs, there is a substantial risk that these agents may refer international students to programs that are ineligible for a PGWP, denying these students the ability to gain work experience in Canada and immigrate following graduation.

Second, the OBA recommends the use of standardized processes and language in agreements between prospective international students and DLIs regarding potential costs and refunds. This will ensure that international students are properly advised of the costs of attending school in Ontario and are aware of restrictions on refunds of tuition deposits paid, in light of the increased risk that they will not be able to obtain a study permit.

Third, the OBA recommends the regulation of international student tuition increases to help reduce the unique financial barriers that international students will face. Currently, Ontario's cap of 20% far exceeds the pace of inflation. Furthermore, international students must now show that they have \$20,635 in funds when applying for their study permits – this amount is more than double the previous \$10,000 requirement and is in addition to the cost of their first year of tuition and travel costs. Neglecting to regulate international student tuition increases will likely increase the financial pressure on international students, as they already grapple with increasing costs as a result of inflation. Such regulation can be particularly helpful in situations where study permit applications for prospective students were in queue for processing abroad when Ontario's study permit cap is reached, forcing these prospective students to defer the start of their studies.

Finally, the OBA recommends that Ontario proceed with full transparency regarding the provincial cap. This could be accomplished by creating and maintaining a webpage that



provides prospective students with insight into the number of spots remaining for both study permit applications and study permit approvals, as well as any other information relating to the cap that will allow them to make informed decisions on applying for programs and study permits for Ontario institutions.

****The OBA would be pleased to discuss this further and answer any questions that you may have.*