

Colleges Ontario's response to IRCC's consultation on DLI amendments

July 25, 2024

Regarding: Canada Gazette, Part I, Volume 158, Number 26: Regulations Amending the Immigration and Refugee Protection Regulations (Designated Learning Institutions)

General

Colleges Ontario is the member association representing the province's 24 public colleges. The association promotes the sector's pivotal role in strengthening the economy by producing graduates with the qualifications and expertise to succeed in rewarding careers, champions policy measures to strengthen the quality of college programs and implements communications campaigns to promote the full range of programs offered to students.

Ontario's public colleges are strong partners of the federal government and share the goal of ensuring international students receive a high-quality education and experience that will set them up for success in their home countries or, should they choose, here in Canada. International students contribute over \$37 billion annually to the national economy and many college-trained students choose to stay and help fill critical shortages in Canada's labour market, including practical nurses, personal support workers, engineering technicians, early childhood educators, computer programmers, construction technicians, supply chain managers and a wide range of roles in the hospitality and tourism industries.

Ontario's public colleges have been national leaders in supporting the integrity of Canada's International Student Program (ISP). Colleges Ontario played a critical role in alignment through the development of the sector's International Education Standards of Practice, which were released in March 2023. In addition to meeting all federal and provincial regulations, signatory colleges committed to five standards of practice, including:

- accurate and transparent communications for marketing and promotion;
- greater oversight of education agents, including the requirement that agents complete a college-endorsed training program and a commitment to terminate the contracts of agents who have been involved in serious or deliberate fraud;
- comprehensive student orientation programs that include information on housing, mental well-being, academic supports, employment opportunities, and community integration;
- targeted student services, including academic supports, medical insurance, and information on medical and mental health services available on-campus or in the community;
- post-graduate services for graduates who wish to stay in Canada, including access to employment opportunities, alumni networks, and information on immigration pathways.

In addition to these standards, colleges' program quality assurance is overseen by the Ontario College Quality Assurance Service (OCQAS), an internationally recognized and arms-length quality

assurance agency. OCQAS ensures college programs meet the province's program standards and regularly audits colleges' quality assurance policies and practices.

The Ontario college sector recognizes Immigration, Refugees and Citizenship Canada's (IRCC) goal of strengthening the integrity of the ISP through greater monitoring of Designated Learning Institutions (DLIs) and their students. The amended regulations would, in large part, build on, or make permanent, reporting requirements that our institutions already comply with, while requiring transfer students to apply for a new student permit. Ontario's public colleges understand the value of improved reporting as part of an updated ISP. Of particular importance is two-way information flow, including timely information flowing back to institutions as they monitor students' progress through the stages of applying and enrolling in a postsecondary program.

In this context, of concern to the sector is IRCC's new proposal to impose direct conditions on DLIs, including the ability for the Minister to suspend permit processing for select institutions. As noted in the consultation posting, IRCC and the provinces share joint responsibility for the ISP. Importantly, Colleges Ontario sees the provincial role as working with the federal government to establish minimum common standards for DLIs, and then it is the individual provinces that have responsibility for overseeing DLIs. This includes the ability to remove designation status where institutions are not complying with program standards. IRCC, in contrast, has responsibility over the processing of study permits for international students wanting to study in Canada at eligible DLIs.

Under this system, the Ontario Ministry of Colleges and Universities (MCU) has established significant oversight of the sector and has jurisdictional lead. In addition to requiring institutions to report on international student enrolment three times per year, the province's DLI program requires public institutions to:

- submit annual report-backs to the ministry demonstrating how they are progressing against the goals and metrics in their Strategic Mandate Agreements;
- demonstrate key performance indicators satisfactory to the Minister;
- comply with all binding policy directives or orders issued by the Minister;
- have clear and consistent policies related to international marketing, student complaints, tuition fee refunds, and student services.

Several of IRCC's proposed regulatory amendments would therefore be duplicative of MCU's existing oversight while disregarding provinces' jurisdiction over the provision of education. In Ontario, it is MCU that has the knowledge and understanding of the college system to provide appropriate supervision of the sector and to make decisions as to which institutions should have DLI status. IRCC, in contrast, does not have the knowledge or appropriate infrastructure to be able to work with individual institutions on a new compliance regime with the potential for significant consequences, including the ability to stop study permit processing for non-compliant institutions.

Given these concerns, the sector recommends that IRCC work with the provinces through the existing Memoranda of Understanding process to bring forward opportunities to strengthen the ISP

in a manner that recognizes and respects provinces' jurisdiction over education. Colleges Ontario sees IRCC's newly proposed approach as creating additional layers of administrative burden for public colleges, without any new value for students.

The sector also requests that IRCC consult closely with individual institutions before finalizing any new reporting requirements to ensure they are not duplicative with existing provincial requirements or overly burdensome.

Ontario's public colleges welcome the opportunity to engage further with IRCC to safeguard the integrity of the ISP and DLI programs while ensuring Canada continues to be a global leader in international education.

Specific Feedback

From the consultation document: *Conditions on DLIs*

The proposed regulations would require that post-secondary DLIs comply with the following conditions, using the electronic means specified by the Minister:

- confirm, within 10 days of a request from the Minister, that a student has been accepted to undertake a program of study indicated on the study permit application;
- submit a compliance report, within 60 days of a request from the Minister, about the enrollment status of each student who has been accepted to that institution and an indication of whether they are actively pursuing their course or program of study;
- within 10 days of a request from the Minister, correct or provide additional information to the information in a compliance report; and,
- within 10 days of a request from the Minister, provide any further information that the Minister requires, such as information related to study permits or study permit applications that name the DLI.

Response:

- Colleges require at least 10 – 15 business days to respond to these requests.
- Compliance reporting requirements should not be duplicative of existing provincial enrolment reporting and include only the minimum amount of information required to verify a student's enrolment status. The sector recommends that IRCC consult closely with institutions to develop this process.

From the consultation document: If, after the 30-day written submission period, the Minister determines that the DLI has failed to meet the conditions, the proposed regulations would require the Minister to issue a notice of final determination that includes

- the DLIs name;
- the condition that was not complied with;
- either the period for which the DLI is to be placed on the suspension list or a warning advising the DLI that it will not be placed on the suspension list but that the determination of non-compliance may be factored into the DLI's placement on the list in any future non-compliance with the conditions; and
- the reason for the determination and the placement on the suspension list, if applicable.

Response:

- The existing DLI program appropriately recognizes provinces' jurisdiction over education in their territory. Ontario's Ministry of Colleges and Universities closely monitors DLI performance and international enrolment and is well positioned to make decisions on DLI eligibility status. Colleges Ontario recommends that IRCC work with provinces through the existing MOU process to make regulatory changes to the DLI program that respect provincial jurisdiction while not adding burdensome and duplicative reporting requirements.

From the consultation document: The proposed amendments would require that a study permit holder in Canada who received a letter of acceptance to attend a DLI other than one indicated on their study permit and who wishes to switch DLIs submit an application for a new study permit before the start date for the new program of study. The proposed regulations would allow the student to attend the new DLI without a valid study permit until a decision is made on the application, as long as the student remains in Canada and complies with all other conditions of their study permit.

Response:

- Regarding transfer students, these amendments would leave transfer students in a precarious position while they await a decision from IRCC, and the proposal is silent on what happens to a student should a new study permit not be issued. Without greater clarity on how IRCC will treat institutional transfers, this proposal adds complexity and uncertainty for students and institutions.
- To ensure the integrity of the International Student Program, IRCC's new policy on institutional transfer should be consistently applied across all public and private DLIs and include postsecondary programs that do not fall under the current study permit cap.