

Thousands on study visas bending rules, Ottawa says

10% of post-secondary students from abroad ‘potentially’ breaking conditions of permits



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<https://www.thestar.com/news/gta/2019/11/17/thousands-of-international-students-cited-in-government-report-for-breaking-rules.html>



Rahul Choudaha, an international education consultant and researcher based in Colorado, said there are “always those who try to game the system,” but most are genuine students who are in Canada to learn. SUPPLIED PHOTO

Canada issued Anass El Kamel a student visa to study at the Université de Moncton, but the Moroccan man never attended a single class or even lived in New Brunswick.

Instead, upon arriving in Canada in 2017, he settled in Montreal and got a job with a parking management company, claiming illness prevented him from starting school.

Immigration officials tracked him down and ordered him to leave Canada a year later for failing to “actively” study as his visa required.

A Federal Court decision against El Kamel stated, “The (education) program he was to complete in Canada was not of great concern to him. He simply wanted to quickly complete a program so that he could then apply for permanent residence in Canada.”

El Kamel is clearly not the only international student with that intent. For the first time, an internal 2018 government report reveals data on the possible misuse of student visas to gain access to Canada. According to the report from Immigration, Refugees and Citizenship Canada, obtained under an access to information request, roughly 10 per cent of international students enrolled in

post-secondary institutions are “potentially” not complying with the conditions of their study permits for anything from academic suspensions to no-shows.

But the number of students breaking the rules is likely higher because schools fail to report the enrolment status of up to 20 per cent of international students.

Price of Admission, an ongoing joint investigation by the Toronto Star and the St. Catharines Standard this fall, looked at the exponential growth of international students, particularly in the Ontario college system, and its effects on Canada’s immigration and education systems.

Reporters found evidence of students using their study permits as a pathway for jobs and permanent residence in Canada.

“The volume of non-compliance should not really be a surprise to anyone. Most international students at the community college level are edu-immigration clients. If they can avoid school and gain immigration status through work opportunities, that’s what all of them would do,” said Earl Blaney a London, Ont., immigration consultant who doubles as an education agent in the Philippines. “Having a study permit offers direct access to employers for this purpose.”

Canada’s immigration department does not have dedicated funding to monitor and investigate if international students are following immigration rules. The detection of “nongenuine students” largely relies on an honour system through reporting by the hundreds of learning institutions designated by each province.

School administrators have been required to report on international student enrolment status since 2016. This followed an explosion of international student enrolment in Canada after 2014, when immigration policy changes made it easier for students who study at publicly funded institutions to work and apply for permanent residency. There are more than 572,000 international students across Canada, a 73 per cent hike over the past five years.

The partially redacted internal government report obtained by the Star found that 90 per cent — or 587 of the 655 schools — submitted data on enrolment.

School administrators, in the spring of 2018, identified nine per cent, or 28,049 of the 316,531 study permit holders, as being “potentially non-compliant.” They failed to report the enrolment status of 16 per cent, or 51,051 of the international students.

The report said that since 2018, officials have also been checking school acceptance letters international students use to apply for study permits. So far, 10,400 acceptance letters have been referred for verification; 12 per cent, or 1,240 cases, were identified as fraudulent.

Colleges and Institutes Canada, the largest national post-secondary advocacy group in the country, said it is challenging to track international students after arrival.

“The integrity of the international student program is very important. It’s a top priority for us and our members to ensure all students access to quality education in Canada. Nobody benefits from students not showing up in class,” said Denise Amyot, CEO and president of the group, which represents 135 schools across Canada.

An international student who switches to a different school from the one they originally planned to attend can be wrongly deemed non-compliant if the student doesn’t update their immigration records.

“Sometimes people have valid reasons to be non-compliant with the conditions in their study permits. Maybe they have to go home for a family emergency,” explained Amyot.

What further complicates the reporting process is that the immigration department had not clearly defined what “actively” pursuing an academic program really meant until earlier this year when updated guidelines were published, detailing expectations as well as evidence required for proof of enrolment, said Blaney, the immigration consultant.

“Students had no idea what ‘actively pursue’ meant or what the consequences were until these program delivery instructions occurred six years after the compliance regime was put in place,” he noted.

A recent federal court decision pointed to these criteria when approving a decision by immigration officials to kick out international student Kaur Gursimran, who came to Canada from India in 2016 to study business at Simon Fraser University. She later transferred to Kwantlen Polytechnic University in Surrey, B.C., then to Canadian College in Vancouver.

“She changed schools and programs, moving from business programs into a general arts and science program in spite of her permit specifying that she is to study business or commerce. Additionally, she took off two semesters in three years, and failed more courses than she has passed,” said Justice Ann Marie McDonald in the October decision.

In her defence, Kaur argued she had a car accident and as a result did not attend the minimum number of classes and withdrew from a semester at Canadian College — although she was unable to produce an accident report or a witness statement.

The court concluded “Kaur’s absences alone are sufficient to demonstrate that she did not comply with the ... requirement that she actively pursue her studies.”

While the internal government report offers a rare glimpse of the extent of potential violations by international students, the numbers don’t explain the reasons behind the rule-breaking, said Amira El Masri, an expert on international education policies at York University.

“I would love to know more about those non-compliant cases. Where do they come from? Which institutions? Is it colleges? Is it universities? Is it private (institutions)? Is it public? This would shed some lights and would steer policies one way or another,” said El Masri.

“We have a huge body of international students. They contribute a lot to our teaching and learning in the classroom. There are a few non-compliant cases. When we introduce any new policy, we need to make sure we don’t complicate life for everybody in the process.”

In 2018, immigration officials randomly selected 1,050 of the non-compliant cases reported by schools across Canada for further investigation, but the outcomes were redacted in the report obtained by the Star.

It’s up to the provinces to accredit schools to accept international students and the schools must in turn meet standards and monitor student enrolment. In Ontario, the list of recognized schools has grown from 298 in 2014 to 420 in 2019.

The provinces are also responsible for the enforcement of labour laws, which cover international students whose study permits allow them to work off-campus for up to 20 hours a week and stay on postgraduate work permits that are good for one to three years.

The issue of international students breaching employment restrictions was raised by immigration officials in a 2015 report that found many of them enrolled in Canadian schools because of the easy access to jobs. Many end up in lowskilled work.

“Some educational institutions in Canada offer low-quality education programs with minimal entry requirements and adjust their programs to allow international students to maximize the duration of their postgraduate work permit,” said the report.

“The current program design ... increases the motivation to create low-quality education programs facilitating long-term work opportunities.”

Being caught for breaking rules has dire consequences with students losing their permits and being deported.

In 2018, 5,502 study permits were revoked, up from 1,538 in 2016. In the first two months of 2019 alone, 1,048 study permits were cancelled. The Canada Border Services Agency was unable to provide the number of international students deported from Canada.

Indian international student Jobandeep Singh Sandhu, 22, paid a high price for breaking the rules. The Canadore College student worked as a longhaul truck driver and was stopped by Ontario Provincial Police for a routine inspection near Cornwall in 2017. His driver log book revealed he had worked more hours than permitted under his student permit. He was turned over to federal authorities and deported this summer.

Rahul Choudaha, an international education consultant and researcher based in Colorado, said Canada is behind the United States, Australia and the United Kingdom in implementing policies to track international students.

In the U.S., for example, the eligibility for a postgraduate work permit is tied to employment in the field of study of an international student, who can only work off-campus during school breaks.

However, he said Canada already has a “rigorous” study permit application process to screen out ineligible students at the front end — through school admissions and scrutiny by overseas visa officers.

“The goal of these mechanisms is to ensure the integrity of the system, but it is also important for Canada to attract and retain these international students,” said Choudaha. “There are always those who try to game the system, but you don’t want the 90 per cent of genuine students being affected.”