The Government Of Canada's Announced Changes To Study Permits: What Incoming International Students Should Expect

This article is a follow-up to our previous article *Government of Canada Announces New Framework to Target Fraud within Canada's Foreign Student Program*.

Announcement by the Minister of Immigration, Refugees and Citizenship

On January 22nd, 2024, the Minister of Immigration, Refugees and Citizenship, Marc Miller, announced drastic changes to Canada's International Student Program, notably by introducing a cap on the number of study permits that will be issued in 2024[1].

The cap is expected to result in approximately 360,000 approved study permits, a decrease of 35% from 2023. These significant changes, according to the Minister, come as a response to the growing presence of fraud and bad actors within the program and the need for the government to promote sustainability and to stabilize the number of international students in Canada[2].

Since then, Immigration, Refugees and Citizenship Canada ("**IRCC**") has provided additional information to clarify the parameters and the implementation of these changes[3].

Imposition of a cap and requirement of Provincial Attestation Letters

The cap introduced by immigration authorities is individual to each province and territory and is dependent on their weighed population. This is to ensure more significant decreases in provinces where the international student population has seen the most unsustainable growth.

Furthermore, since January 22nd, 2024, every study permit application submitted to IRCC requires an attestation letter from a province or territory (known as the Provincial Attestation Letter, or "**PAL**"). Provinces and territories are expected to have established a process for issuing attestation letters to students. The PAL serves as proof that the student has been accounted for under a provincial or territorial allocation within the national cap.

In Québec, the *Certificat d'acceptation du Québec* ("**CAQ**") will serve as the PAL and will need to include the following line: "This attestation letter confirms that the

applicant has a place in Quebec's share of the distribution of study permit applications or is exempt from it."[4]

Despite the reform, study permit renewals submitted from inside Canada, exchange students, students pursuing master's and doctoral degrees, students enrolled in elementary and secondary education, certain family members of study permit or work permit holders as well as current study or work permit holders are not included in the cap.

Furthermore, this only serves as a temporary measure that will be in place for two years. The number of new study permit applications that will be accepted in 2025 will be re-assessed at the end of this year.

Post-graduation work permit ("PGWP")

Students enrolled in graduate programs that are at least two years in length at PGWP-eligible designated learning institutions (**"DLIs"**) and graduates of master's degree programs less than 2 years in length can now benefit from a 3-year PGWP.

This serves as an improvement on the previous PGWP scheme, under which graduate students could only benefit from a PGWP of a length that aligned with the length of their study program. The new PGWP scheme will allow more candidates to obtain the work experience they need following their graduation, to improve their qualifications to apply for permanent residence.

PGWP eligibility for public-private partnership college programs

The Government of Canada's recent amendments also include a restriction on the eligibility of students enrolled in public-private partnership college programs to receive PGWPs. Due to the lack of student support in these institutions and the concerns raised regarding the quality of education they provide, IRCC will restrict the availability of PGWPs within these programs in the hope that it will reduce the number of international students that will enroll.

This modification to the PGWP eligibility criteria, however, will only affect students who enroll in a public-private partnership college program after September 1st, 2024.

Restricting eligibility to open work permits for the spouses and common-law partners of students

Since March 19th, only the spouses and common-law partners of full-time students who are completing a graduate program (master's and doctorate) in a university or polytechnic institution or a professional degree program in a university (e.g., medicine, dentistry, law) are eligible for open work permits under the "Spouses and common-law partners of study permit holders" category.[5]

Spouses and common-law partners who already held a valid open work permit under this category and who wish to extend it can do so if they are the spouse or common-law partner of a full-time student in a PGWP-eligible program of study at a PGWP-eligible DLI.

A series of changes

These announcements by the Minister of Immigration, Refugees and Citizenship fall within a series of measures previously announced as part of Canada's "new" International Student program, which include[6]:

- The requirement for post-secondary DLIs to confirm every letter of acceptance submitted as part of a study permit application from outside Canada directly with IRCC;
- The adoption by IRCC of a recognized institution framework to benefit post-secondary DLIs;
- The increase of the cost-of-living requirement for study permit applicants to $20,635 to better reflect the true cost of living in Canada and help prevent student vulnerability and exploitation;
- The commitment by IRCC to completing an assessment of PGWP Program criteria and introducing reforms to better calibrate it to meet the needs of the Canadian labour market, as well as regional and Francophone immigration goals.

More recently, on April 29th, IRCC also announced its plan to increase the number of hours students may work off campus per week to 24 hours starting this September[7]. This will modify the current policy in place which only allows students to work up to 20 hours a week[8]. With this new measure, students will have the option to work and meet their needs without compromising their academic success. The authorization for students to work on a full-time basis during school breaks will remain unchanged.

Best practices moving forward

The Government of Canada and IRCC have stated that they remain dedicated to welcoming global talent and integrating them within the Canadian labour market. They value the important contributions that international students make to Canada's campuses, communities and economy. The objectives sought by these measures are to ensure international students in Canada are protected and benefit from positive living conditions during their academic stay. The changes were made to help encourage a more sustainable growth of the population on a long-term basis, according to IRCC.

To any incoming foreign students in the process of applying to study at a Canadian post-secondary institution, we recommend staying up to date with the modifications brought to the program and consulting legal counsel for any assistance.

Footnotes

1. "Canada to stabilize growth and decrease number of new international student permits issued to approximately 360,000 for 2024", Canada to stabilize growth and decrease number of new international student permits issued to approximately 360,000 for 2024 – Canada.ca

2. Government of Canada Announces New Framework to Target Fraud within Canada's Foreign Student Program | McCarthy Tétrault

3. "Additional information about International Student Program reforms", https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/international-student-program-reform-more-information.html

4. "Study permit: Get the right documents – Provincial attestation letter", https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/get-documents/provincial-attestation-letter.html. Note that CAQs for applications received before 8:30 a.m. ET on January 22, 2024, do not require the above line.

5. " Spouses and common-law partners of study permit holders – [R205(c)(ii) – C42]– Canadian interest – International Mobility Program", https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/public-policy-competitiveness-economy/c42.html

6. "Making Canada's International Student Program sustainable", https://www.canada.ca/en/immigration-refugees-citizenship/news/2024/01/making-canadas-international-student-program-sustainable.html

7. “Canada to introduce new rules around off-campus work hours for international students”, https://www.canada.ca/en/immigration-refugees-citizenship/news/2024/04/canada-to-introduce-new-rules-around-off-campus-work-hours-for-international-students.html

8. *Supra*, note 7.

To view the original article click here

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: Robert M. Steinman, Spotlight Can-Asia, Amélie Drouin, Mariame Touré

McCarthy Tétrault LLP