



Migrant Workers  
Alliance for  
Change

msu@migrantworkersalliance.org  
www.migrantworkersalliance.org  
1-855-567-4722, ext. 701

Suite 223  
720 Spadina Avenue  
Toronto, ON, M5S 2T9

# Fairness Agenda for Migrant Student Workers

## Submissions from Migrant Workers Alliance for Change, July 2023

The Migrant Workers Alliance for Change is a membership based organization of migrants. Our membership includes over 25,700 migrant student workers (current and former international students), and we are the only cross-country organization that represents international student workers during and after their study. We have chapters in Ontario, British Columbia and Newfoundland, and members in every province and territory. Over the last 12 months, we carried out surveys, focus groups and organizing meetings with over 5,000 current and former international students to determine migrant student worker priorities culminating in the formulation of a “Fairness Agenda for Migrant Student Workers” which is summarized here.

Our central recommendation is that all low-wage working class people, including those arriving on study permits today, should do so with permanent resident status, as it is the only existing mechanism to access equal rights and protections.

Our submissions:

### **ISP Recommendations for Immigration, Refugee and Citizenship Canada**

#### Changes for migrant students prior to arrival

Recommendation: Create an International Students Recruiter Regulatory Regime

Recommendation: End discriminatory study permit processing

#### Changes for migrant students while studying

Recommendation: Permanently remove restrictions on hours of work during study (20 hour work rule)

Recommendation: Create an untied work permit for vulnerable and destitute migrant student workers

#### Changes for migrant students upon graduation

Recommendation: Make the post-graduate work permit (PGWP) permanently renewable

Recommendation: Allow students who graduated from private colleges to apply for post-graduate work permits

Recommendation: Remove restrictive requirements for spouses of PGWP holders

#### Changes for migrant student workers applying for permanent residency

Recommendation: Fix Express Entry by valuing all work, lowering the CRS scores, and increasing levels to ensure permanent residency for all

Recommendation: Remove exclusionary requirements in provincial programs

Recommendation: Allow migrants to fix errors in permanent residency applications

### **Coordination with provincial and territorial partners**

Recommendation: Implement mechanisms to ensure tuition fees, rate of fee increases and



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in-school support are equal to domestic students

Recommendation: Implement a decent work agenda, including protections against wage theft and labour exploitation

Recommendation: Ensure healthcare for all current and former international students

Recommendation: Ensure safe housing on- and off-campus

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## **ISP Recommendations for Immigration, Refugee and Citizenship Canada**

### **Changes for migrant students prior to arrival**

#### **Recommendation: Create an International Students Recruiter Regulatory Regime**

The case of Indian students facing deportation in the summer of 2023 after being tricked by education recruiters has shed light on the policy gaps that have led to the rapid proliferation of unregulated education recruiters and agents, as well as the designated learning institutions that partner with them. We propose the creation of an International Students Recruiter Regulatory Regime in consultation with migrant-led organizations like ours and based on the best practices within Temporary Help Agency and recruiter regulations for migrant workers in Manitoba, PEI and Ontario.

Such a regulatory regime must be based on the following initial principles:

1. The regulatory mechanism must be designed with the aim of protecting and supporting migrant students, instead of keeping out students where agents are engaging in illegal and unscrupulous practices;
2. The federal government must be responsible for college and university education accreditation processes, otherwise the unchecked expansion of sub-standard private institutions will continue;
3. The federal government must be responsible for enforcing recruiter regulations measures, and reject proposals from colleges and universities or from the College of Immigration and Citizenship Consultants to self-regulate;
4. All recruiters of international students must be registered with the federal government, they must put up a cash bond, and their names must be publicly available online;
5. Colleges and universities must only work with registered recruiters. Those caught not doing so must face strict penalties, including a denial of future study permits;
6. There must be joint and several liability between the educational institutions and recruiters. That is, if a student is exploited by a recruiter in a sending country, the college and university in Canada must be held financially responsible if they are found to be working with that recruiter chain;



7. A complaints system must be created which includes whistleblower protections (including permanent resident status) for international students who come forward with complaints about unfair recruitment practices. Students outside of the country must be allowed to apply for this whistleblower protection. Many of the students from India recently facing deportation after being tricked by Brijesh Mishra, Atul Mahajan, Gurbaj Gill and other recruiters would have come forward if they knew they would not be penalized.

### **Recommendation: End discriminatory study permit processing**

Diversification is one of the identified key pillars of Canada's International Education Strategy. In order to diversify the countries from where migrant student workers are coming, as well as what and where they study, IRCC must create mechanisms to ensure fair processing and approval of study permit applications.

Discrimination based on country of origin must be eliminated: Nigeria is one of the top ten countries from where students come. But Nigerian study permit applicants face alarmingly high rejection rates, as do applicants from other African countries. In 2020, 83% of study permit applications from Nigeria were rejected.

Discrimination based on educational institutions must be eliminated: International students who apply to colleges face higher rejection rates than those who apply to universities, which require higher tuition fees for a longer period of time. Students from working class families in the global South mostly apply to colleges. Based on study permit applications processed by IRCC in 2021, 46% of college applications were refused, in many cases students have invested substantial amounts of funds to be admitted to these institutions which they cannot recuperate.

### **Changes for migrant students while studying**

#### **Recommendation: Permanently remove restrictions on hours of work during study (20 hour work rule)**

As international tuition rises each year, particularly in the context of global inflation, migrant students must work to survive. Many are forced to work more than 20 hours just to pay the bills.

Ending irregular work: An average work shift is 8 hours, migrant student workers who take a third shift, are effectively working irregularly for 4 out of 24 hours. Two shifts add up to 16 hours, which are simply not sufficient, and part-time work is generally considered 3 days a week. The 20 hour work limit effectively forces workers to engage in irregular work, outside of labour law protections.

Eliminating the need for a co-op work permit: By permanently removing the hours of work on study permits, students will be able to complete their co-op placements without having to apply for an extra work permit. Increasing numbers of international students are enrolled in programs that have work integrated learning programs or co-op placements. The additional requirement to apply for a co-op work permit results in situations where migrant student workers are unable to begin their placements



due to delays in permit processing, which has a multiplier effect on delaying graduation. This is also an unnecessary administrative burden that can be removed.

Building on existing policies: In 2022, the federal government created a one-time exclusion, allowing students to work unlimited hours between November 15, 2022, and December 31, 2023. This was a positive decision that allowed students access to more rights at work, the ability to leave exploitative jobs, and have income and flexibility when needed. But only those with existing study permits or study permit applications at the time of the announcement were eligible, and the policy is set to expire at the end of this year. It should be made permanent and expanded to all students.

### **Recommendation: Create an untied work permit for vulnerable and destitute migrant student workers**

In the first six months of 2023 alone, dozens of former international students have come forward to us at the Migrant Workers Alliance for Change having lost their immigration status due to financial hardships, employer and recruiter exploitation, physical and mental health crises, family emergencies, errors and gaps in IRCC rules. When migrant students are unable to pay for their tuition fees and maintain active enrollment at school, they lose their study permits. The existing destitute work permit is not a viable option as many international students are rejected, and the lengthy processing time leaves them in limbo, often without the authorization to work, which furthers their crisis and precarity.

We propose the creation of an untied work permit for vulnerable and destitute migrant students. These permits should allow student workers to return to study if they are able to instead of applying for a new study permit again. Work experience on these permits must count toward permanent residency. The permits should be as long as possible, and be renewable.

### **Changes for migrant students upon graduation**

#### **Recommendation: Make the post-graduate work permit (PGWP) permanently renewable**

Many migrant student workers are not able to gain the work experience required to apply for permanent residency within the limited duration of the 1 - 3 year post graduate work permits they are granted.

Because of the difficult requirements to qualify for permanent residency, many graduated students may have studied in Canada for over four years, and then worked here for three years, having spent a third of their life in Canada are facing the choice of living here undocumented or being forced to leave. That the post-graduate work permit was made renewable three times over the course of 2021-2023 clearly demonstrates the need to make it permanently renewable. Making this policy change permanent will ensure consistency and predictability for workers and employers alike.



### **Recommendation: Allow students who graduated from private colleges to apply for post-graduate work permits**

Graduates of private colleges are not eligible for post-graduate work permits, including those who completed a PGWP-eligible program due to a quiet change in IRCC rules. Many international students who attend private colleges were not aware that they would be unable to get a work permit after their studies, which leaves them scrambling to earn enough money to apply for a public college or vulnerable to employers who tie them to closed work permits with the promise of permanent residency.

### **Recommendation: Remove restrictive requirements for spouses of PGWP holders**

Being with our loved ones is a fundamental human right and we urge you to make changes so that migrants are able to have their families arrive with them, stay with them and visit them if they so choose regardless of income, TEER level or NOC code.

Spouses of graduated students on post-graduate work permits can extend their spousal open work permits only if the PGWP holder has high wage employment in NOC 0, A or B jobs. This results in situations where students are at the mercy of employers who promise them support letters, or where their spouses lose status.

The family open work permit policy announced in February 2023 allows spouses of PGWP holders to apply for an open work permit, irrespective of their NOC code. This should be made permanent, and family reunification should be extended to all migrant workers.

### **Changes for migrant student workers applying for permanent residency**

### **Recommendation: Fix Express Entry by allowing workers in TEER 4 and 5 jobs to apply; creating points for work done while on a study permit; lowering the CRS scores; and increasing immigration levels to ensure permanent residency for all**

Many graduated students are not able to meet the minimum cut off score needed for Express Entry programs, which has steeply averaged at 488 in the first half of 2023, for a number of reasons including:

- Fewer points given to college graduates for their education, even though Statistics Canada data shows that those who graduate from college diploma programs work and stay in their province of study at a higher rate than those who graduate from a university bachelor program;
- Loss of points as they age each year after they turn 30;
- Loss of points because of the transition from National Occupational Classification to TEER (training, education, experience and responsibilities);
- Loss of points due to expired or expiring language test scores;
- The large number of graduated students and other economic immigration applicants compared to the target number of PR approvals in the immigration levels plan;



- Exclusionary valuing of work experience: The requirement of one year of high-waged (so-called 'high skilled') work experience excludes most migrant students who are in TEER 4 and 5 jobs, even as they have been essential to sustaining our community and economy; all work that migrant students do while studying is not counted; gig work and often contract work is not counted despite these being the conditions of employment available to migrant student workers.

The job experience requirement creates the conditions for labour exploitation. Employers offer jobs in return for lower wages and sub-standard work conditions, knowing that students have no choice but to accept so as to be able to apply for permanent residency.

Many migrant student workers remain in Canada for years, sometimes over a decade, unable to qualify for permanent residency, eventually becoming undocumented or forced to leave.

Category-based selection does not accurately reflect the economic and employment realities of migrant student workers or the Canadian labour market. The current evaluation method of labour market needs that determines which categories to prioritize does not completely capture the experiences of migrant student workers. Our members who are on post-graduate work permits (PGWP) find employment in essential industries because this is where there are jobs and continued vacancies. However, many of these industries such as sales and service occupations (retail workers, security guards, call centre dispatchers, food attendants), food and package delivery, and warehousing are reflected neither in category-based selection, nor the expected shortages in the Canadian Occupational Projection System (COPS) for 2022-2031.

These gaps must be rectified by valuing all work toward permanent residency, ensuring a fair metric on which scores are calculated and one that does not discriminate on the basis of age, work experience, language, education, and immigration status, and increasing immigration levels.

### **Recommendation: Remove exclusionary requirements in provincial programs**

Atlantic Immigration Program: Allow all migrant student workers in the Atlantic region to apply; remove the employer designation program and allow those working for any employer to apply; allow workers without valid temporary status or work permits, in TEER 5, in seasonal work and self-employed to apply; remove the requirement for Canadian accredited education and the requirement for language testing scores.

Provincial Nominee Programs (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan, Yukon): Remove requirements for a job offer letter and remove employer participation in the programs; remove education accreditation, minimum language test score requirements. Allow workers with 1,560 hours of work in the previous 5 years to apply. Remove financial eligibility requirements. Allow migrants of any age to apply, and allow migrants who worked without valid work authorization, and

those not on valid temporary status to apply including rejected refugee claimants and undocumented residents. Clear any backlogs and speed up processing.

**Recommendation: Allow migrants to fix errors in permanent residency applications**

Currently many applications are returned or turned down for minor errors like missing a single signature, a document or translation requirement. Instead all applicants should be given the opportunity to remedy errors or provide missing documents. The immigration system must be reformed to support migrants to apply rather than punishing them for minor errors.

**Coordination with provincial and territorial partners**

Unfair federal immigration rules are compounded by major gaps in provincial laws. The federal government must work with provinces and territories to ensure equal rights, protections and full access to decent work, healthcare, safe housing and services for all current and former international students.

**Recommendation: Implement mechanisms to ensure tuition fees, rate of fee increases and in-school support are equal to domestic students**

Tuition fees have skyrocketed in institutions across Canada, even as most families continue to be impacted by a global economic crisis. According to a Statistics Canada report that looks at tuition fees for degree programs in 2022-2023, international undergraduate students are paying 429% more in fees than domestic students, and international graduate students are paying 184% more. Another federal study showed that in the past ten fiscal years, tuition revenue has gone up in universities across Canada, while provincial funding has gone down from 41.5% to 32.5%. In the 2020-2021 fiscal year for Ontario, which has the largest number of international students, provincial funding accounted for less than a quarter (21.5%) of its operating budget.

Fees and bills are high, but wages are low. The impacts of unequal fee schedules, denial of funding supports and discriminatory treatment for international students have serious consequences. Many have become undocumented, homeless, died by suicide, and many are going to classes stressed and hungry.

Lower tuition fees and provide tuition relief: On average, international students pay 3-4 times more in tuition than domestic students, must make a tuition deposit, and are mostly not permitted to get on a tuition payment plan. Students particularly struggle to pay tuition for factors outside of their control, such as unexpected increases in fees, personal or family emergencies, and delays to graduation caused by courses not being offered or canceled.

Regulate and cap fee increases: Most provinces regulate and cap increases to tuition fees for domestic students but not for international students, which means that fees for international students can spike at the discretion of the institution and without proper consultation. Quebec, which has a third-most number of international students in the country did have legislation, but the Ministry of Education regressively deregulated international fee increases in 2018. Recently, at the end of 2022,



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Thompson Rivers University in British Columbia announced a proposal to increase international fees by 20-25%, while domestic fee increase is capped at 2%.

Ensure cohort pricing: Because most schools do not have cohort pricing, tuition fees can spike at any point in the duration of study, which makes it difficult for migrant students and their families to predict and plan finances.

Ensure equal access to scholarships, bursaries and funding supports: At the majority of colleges and universities in Canada, international students are excluded from accessing scholarships, awards and other funds. International students in graduate studies such as a Master's or PhD program cannot apply for research grants, which is a detriment to their academic careers.

### **Recommendation: Implement a decent work agenda, including protections against wage theft and labour exploitation**

Migrant student workers face high levels of wage theft and labour exploitation as a result of their lack of permanent resident status, and the need for points that come with in-Canada work experience to apply for permanent residency. This creates an imbalance between employers and workers similar to that faced by other migrant workers. Ensuring decent work requires proactive labour enforcement. The federal government has a role to play in urging provinces and territories to improve labour laws, including more proactive enforcement and migrant worker specific anti-reprisal protections.

### **Recommendation: Ensure healthcare for all current and former international students**

The federal government can and must urge provinces to ensure universal access to healthcare to all migrant student workers.

Currently, those on study permits are left out from public healthcare coverage, and must instead pay into private health insurance through their schools, which often provide limited and conditional coverage. Many find themselves paying out of pocket and then later running into issues when submitting claims to the insurance provider. In January 2020, British Columbia announced they would make healthcare free for all residents by eliminating the monthly Medical Services Plan (MSP) premiums. At the same time, they imposed a levy only for international students, doubling the amount from \$37.50 to \$75.00 monthly. In many provinces, graduated students on post-graduate work permits are only eligible for healthcare if they are working. In Ontario, PGWP holders must show that they are working in full-time employment for at least 6 months. Until then, they are not covered. These exclusions have a detrimental effect on migrants as well as public health as many students delay and defer accessing preventative care resulting in worse health outcomes over time.

### **Recommendation: Ensure safe housing on- and off-campus**

Migrant student workers are arriving in communities that are already in a housing crisis. Colleges and universities enroll students knowing that there is not enough on-campus housing available, and disavow responsibility to provide safe housing for their students. There are reports of some





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international students forced to sleep in their cars. Some of our members are living in unregulated housing that is cramped, substandard and unsafe, particularly for women. Bad landlords regularly hike rent, or move in new tenants without discussions, threatening migrant student workers with immigration-related consequences. Our members report paying rent but then not being allowed to move in by landlords and not knowing where to turn to recover the money or find alternative housing. Canada's national housing strategy must take into account the very large number of migrant students workers across the country.

**For more information, please contact**

Sarom Rho

Organizer | Migrant Workers Alliance for Change

647-858-2854 | [sarom@migrantworkersalliance.org](mailto:sarom@migrantworkersalliance.org)