



LE QUÉBEC C'EST NOUS AUSSI

Brief prepared for

The Standing Committee on Citizenship and Immigration

For its study on

**The Recruitment and Acceptance Rates of Foreign Students in Quebec and Canada,
including French-speaking students from countries in Africa**

For information

Le Québec c'est nous aussi

lqcna.ca

6-2200 av. Letourneux, Montréal, Quebec, H1V2N6

Thibault Camara

President

info@lqcna.ca

Claire Launay

Vice-president

About Us

Le Québec c'est nous aussi is a not-for-profit organization established to safeguard the rights and the quality of life of immigrants to Quebec. We do so by reflecting the voices of our communities in a non-partisan manner, by celebrating the value of immigration in Quebec society, and by creating the conditions that will build a diverse and inclusive Quebec.

Our work is done along three main lines:

1. **WE CHAMPION:** we reflect the voices of our community in a non-partisan manner in order to safeguard our rights and our dignity.
2. **WE PROMOTE:** Immigration is an incredible source of cultural, economic and social richness. A major role for us is therefore to promote and celebrate the immigrants of yesterday, today and tomorrow.
3. **WE ASPIRE:** Our fondest wish is to build a diverse, inclusive and united Quebec that will thrive together.

Le Québec c'est nous aussi has a team of six dedicated volunteers and three administrators. In each of our activities, we are also supported by those with direct involvement in the issues.

Abbreviations

IRCC: Immigration, Refugees and Citizenship Canada

DLI: Designated Learning Institution

CAQ: Certificat d'Acceptation du Québec

PEQ: Quebec Experience Program

AQAADI: Quebec Immigration Lawyers Association

PGWP: Post-graduation Work Permit

CBSA: Canada Border Services Agency

NOC: National Occupational Classification

CIMM: Standing Committee on Citizenship and Immigration

Contents

| | |
|--|-----------|
| About Us | 1 |
| Abbreviations | 2 |
| Summary of Recommendations | 4 |
| I. Context | 5 |
| A. The scope of the problem | 5 |
| B. The process prior to the application for a Study Permit | 7 |
| C. The Canadian Dream as it is sold overseas – and the institutional tools that support it | 7 |
| II. Illogical Reasons for Refusing Study Permits | 9 |
| III. No Transparency, Arbitrary Decisions | 11 |
| A. The arbitrary power of IRCC officers | 11 |
| B. The Chinook system | 11 |
| C. An institution not immune to racism and discrimination | 11 |
| IV. The Relationship between Quebec and Canada | 13 |
| V. A Major Change of Course during the Pandemic | 14 |
| VI. Beyond the Acceptance Rate | 15 |
| A. A shocking lack of resources | 15 |
| B. A vision for immigration that encourages insecurity | 15 |
| C. Details of the position of Immigration Ombudsperson | 16 |
| Conclusion | 18 |

Summary of Recommendations

Recommendation 1: To immediately halt the use of the Chinook tool and to conduct an in-depth and specific study of its parameters and its possible racist and discriminatory biases.

Recommendation 2: To publish, clearly and explicitly, the directives to IRCC officers and the criteria for accepting study permits and visas.

Recommendation 3: To ensure that section 22(2) of the *Immigration and Refugee Protection Act* is strictly enforced: “An intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay.”

Recommendation 4: To introduce a bill to create the position of Ombudsperson for Immigration, Refugees and Citizenship Canada, in order to assist that critical department in conducting its regular operations in a sound and effective manner.

Recommendation 5: To establish a system to regulate foreign recruitment agencies for Canadian universities and institutions.

Recommendation 6: To establish a mechanism to reimburse those who paid tuition fees before their study permits were refused.

Recommendation 7: To provide IRCC with a significant budget increase each year, so that IRCC can not only achieve its own processing goals, but also that it can do so with humanity and decency towards the candidates.

Recommendation 8: To strengthen the dialogue between the governments of Quebec and Canada, with a view to scrupulously observing each party’s responsibilities under the Canada-Québec Accord, including the selections made by Quebec.

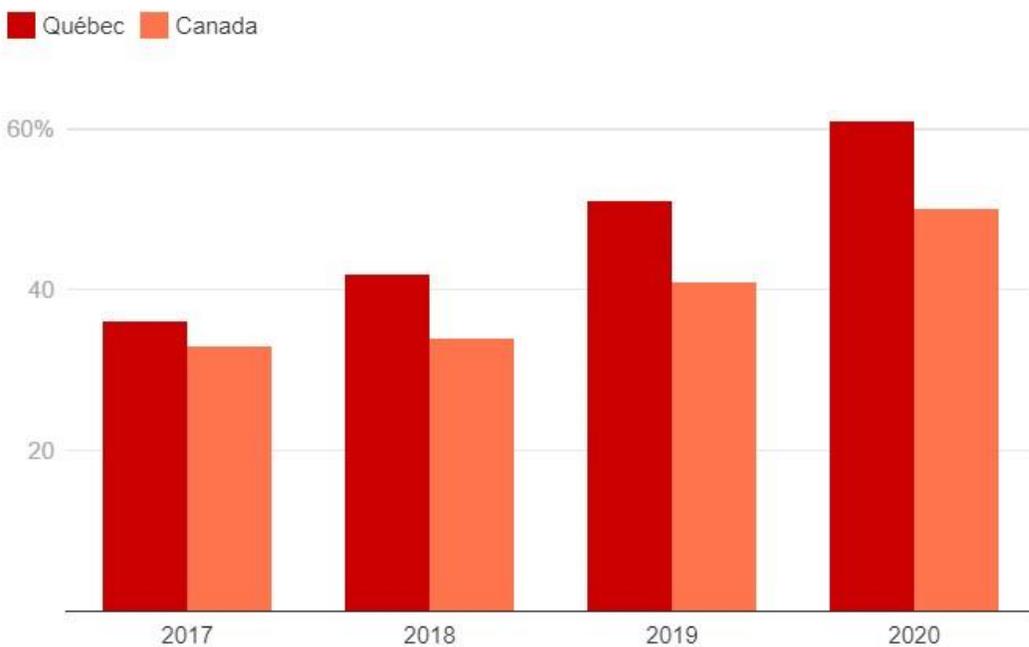
I. Context

A. The scope of the problem

For a number of months, the refusal rate for study permits for French-speaking students from several countries in Africa has been so high that universities and CEGEPs in Quebec have not been able to welcome the students they have selected because those students are not getting their study permits. As an example, [Radio-Canada](#) reported that, last fall, the CEGEP in Thetford, after accepting a hundred or so applications, mostly from French-speaking Africa, was only able to welcome six foreign students.

The issue clearly seems to be affecting all applications for study permits. Since 2017, the refusal rate for study permits, for all countries combined, has skyrocketed in Quebec. It went from 36% in 2017 to 61% last year. Elsewhere in Canada, over the same period, the number is smaller.

Taux de refus pour les demandes de permis d'études



Source: Immigration, Citoyenneté et Réfugiés Canada

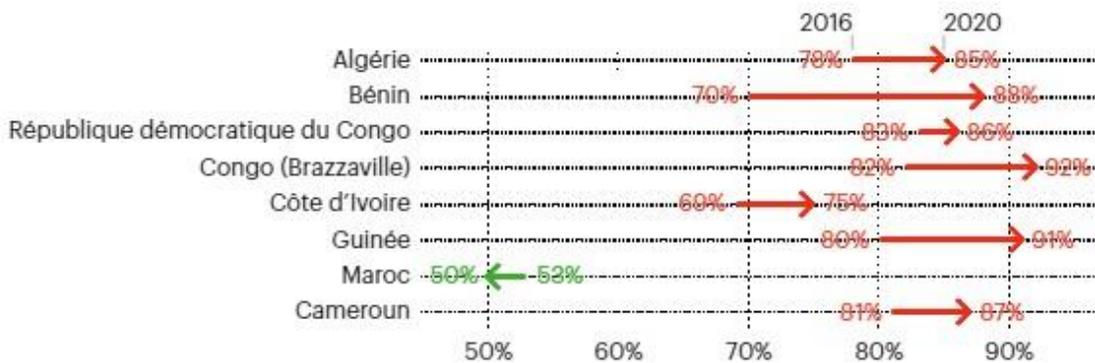


| French | English |
|--|--|
| Refusal Rate of Study Permit Applications | Refusal Rate of Study Permit Applications |
| Quebec | Quebec |
| Canada | Canada |
| Source: Immigration, Refugees and Citizenship Canada | Source: Immigration, Refugees and Citizenship Canada |

However, if the refusal rate were not already troubling in itself, it is a particular concern to note that the refusals are mostly for French-speaking applicants from a number of countries in Africa. For example, the refusal rate for students from Algeria, the Democratic Republic of Congo, Togo, Senegal or Cameroon is about 80%, whereas almost all the applications from France, the United Kingdom or Germany are accepted.

The trend seems to be increasing since 2016, as the table below shows:

Taux de refus des étudiants étrangers des principaux pays africains francophones à destination du Québec
Ils ont augmenté entre 2016 et 2020, sauf pour le Maroc.



Graphique : Le Devoir - Source : Immigration, Réfugiés et Citoyenneté Canada

| French | English |
|--|--|
| Refusal Rate for Foreign Students from major French-speaking countries in Africa wishing to come to Quebec | Refusal Rate for Foreign Students from major French-speaking countries in Africa wishing to come to Quebec |
| The number increased between 2016 and 2020, except for Morocco | The number increased between 2016 and 2020, except for Morocco |
| Algeria | Algeria |
| Benin | Benin |
| Democratic Republic of Congo | Democratic Republic of Congo |
| Congo (Brazzaville) | Congo (Brazzaville) |
| Côte d'Ivoire | Côte d'Ivoire |
| Guinea | Guinea |
| Morocco | Morocco |
| Cameroon | Cameroon |
| Figure: Le Devoir | Figure: Le Devoir |
| Source: Immigration, Refugees and Citizenship Canada | Source: Immigration, Refugees and Citizenship Canada |

B. The process prior to an application for a Study Permit

We should briefly explain the stages that applicants for study permits have already gone through when their file reaches IRCC.

Before an application for a study permit is made to IRCC, people have already successfully gone through the selection process at a designated learning institution (DLI). That process implies that the academic records of the applicants have been thoroughly studied and that they have proof of a command of the institution's language of instruction – French in this case. Applicants commonly apply to several institutions. At more than \$100 per application for university programs, the acceptance process alone can cost several hundred dollars.

Once prospective students have a letter of acceptance from a DLI, they have to apply for a Certificat d'Acceptation du Québec (CAQ), if they want to study in Quebec. This application requires applicants to provide proof of financial viability, copies of their passports and the letter of acceptance from the DLI. The CAQ is required for everyone who wishes to study in Quebec.

If applicants are from countries from which entry to Canada requires a visa, they must also pay the costs to apply for one.

Basically, once future Quebec students have reached the stage of applying to IRCC, they have already incurred major costs. Their files have been inspected and checked at a number of levels, in the institutions that have accepted them and in the Government of Quebec.

C. The Canadian Dream as it is sold overseas – and the institutional tools that support it

Large Canadian universities undertake major recruiting missions overseas. Whether to attract talent in specific areas of research, to meet labour needs here, or to improve their financial situation, Canadian universities spend time and energy to recruit international students.

Their recruiters are not only selling the prestige and quality of the learning institutions in Canada and Quebec, they are also selling a bright, lifelong future. For those universities, it is not simply a question of study. For years, and certainly since the pandemic began, the Government of Canada has been using various tools and programs to ensure that the students who are educated here can settle in, and contribute to, Canada.

When those recruiters promote their universities, they are also promoting post-graduation work permits and programs, such as Express Entry or PEQ, that lead to permanent residence. The stated goal of those tools and programs is to keep the international students who choose Canada for their studies.

In 2021, the Government of Canada even established a [special program](#) that allowed tens of thousands of French-speaking graduates of Canadian institutions (outside Quebec) to apply for permanent residency, even without proof of employment. This program demonstrates that Canada considers a degree to be sufficient evidence of integration and that it is prepared to go to exceptional lengths to encourage the international students to stay permanently.

II. Illogical Reasons for Refusing Study Permits

As the Quebec Immigration Lawyers Association (AQAADI) made clear last October, the reasons for refusing a study permit for most French-speaking students from certain countries in Africa are often the same:

“The officer is not convinced that the candidate will leave Canada at the end of the period authorized for their stay, pursuant to subsection R200(1) of the *Immigration and Refugee Protection Regulations*:

- Given the reason for their visit.
- Given their assets and financial situation.
- Given their limited employment prospects in the country of residence.
- Given their current employment situation.”

AQAADI rightly points to the fact that those reasons are given regardless of the evidence that the claimants provide. Nevertheless, we want to focus on the principle that underlies the refusals: Canada does not believe that the students will leave the country after their studies.

Those students have been accepted by legitimate learning institutions in Canada, institutions whose standard practice is to require proof of a high level in the language of instruction. The fact that the students have been accepted in their chosen courses means, by definition, that they deserve their places here.

The tools described in the previous section – the PTPD, Express Entry, the special program during COVID – demonstrate that Canada not only wants students to come from around the world, but that it also wants them to stay. How reasonable is it, therefore, that students who have met every criterion at every stage of every selection process, are denied the right to study in Canada for fear that they may not leave at the end of their program? Is that not precisely what Canada wants – for them to stay?

Furthermore, [section 22\(2\)](#) of the *Immigration and Refugee Protection Act* clearly states that “[a]n intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay.”

Therefore, the reasons given for the refusal of these study permits are neither consistent with Canada’s policy of attracting and retaining talent, nor valid under the Act.

The expectation that students will leave Canada after their programs is never specified, not in the recruitment missions, not in the application for study permits. Actually, as demonstrated above, prospective students are given the opposite message. Furthermore, an investigation by [Canadaland](#) in 2021 revealed that many Canadian institutions turn to private recruitment agencies overseas that are beyond any oversight by Canada and, sometimes, even by the universities that hire them. These agencies are selling the dream described above and misleading candidates for immigration.

If Canada really wants international students to leave the country when they graduate, it must refrain from letting private recruitment agencies dangle the prospect of a bright future before those students and, instead, provide them with expectations that are transparent.

Recommendation 3

To ensure that section 22(2) of the *Immigration and Refugee Protection Act* is strictly enforced: “An intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay.”

Recommendation 5

To establish a system to regulate foreign recruitment agencies for Canadian universities and institutions.

III. No Transparency, Arbitrary Decisions

A. The arbitrary power of IRCC officers

The way in which IRCC officers make their refusal decisions is also a transparency issue. In its communiqué on the issue on October 22 last year, AQAADI gave this example: “of 25 decisions to refuse student visas issued at the office in Accra, Ghana, and challenged at the Federal Court, the Court accepted 23.”

Clearly, not every refusal is challenged – doing so is a lengthy and expensive process. But the example shows the huge disconnect that can sometimes be seen between the decisions made by the officers and those that, in the view of the Federal Court, the applicants deserve. This opaque system, which gives immense, arbitrary power to IRCC officers, has an impact on lives, even on entire families, and is subject to no scrutiny.

B. The Chinook system

The Chinook system, which has been in use since 2018, provides another example of the lack of transparency. In November, [Le Devoir](#) revealed that Chinook “was created with no legal oversight ... does not retain the notes made by immigration officers in coming to their decisions and does not require the officers to open the evidence that candidates for temporary residency submit”.

C. An institution not immune to racism and discrimination

Finally, [a report](#) from last year shows that IRCC employees have shared a large number of specific examples of racism at IRCC. These include “racial prejudice in administering the IRCC’s programs, policies and client services. This is considered to stem from an unconscious bias among decision-makers, and administrative practices that introduce prejudice or the potential for prejudice over time.”

It is difficult not to make a link between the manifestations of racism reported by IRCC employees and the extremely high rate of refusals of study permits for those from countries in Africa. In that context, we also read in the same report that employees have expressed “concern” that certain manifestations of racism, albeit subtle, may “have an effect on the processing” of immigration cases. A refusal rate that varies from one country to another has been provided as one example.

This pervasive opaqueness, which extends from when applications are received, through the review to the final decision, serves the interest of no one involved, neither the international students, nor Canada's learning institutions, nor Canada as a whole, given that the reputation of its immigration system is already beginning to become more widely known.

As a result, in order to ensure that the files for which IRCC is responsible are processed fairly and equitably, our recommendations are:

Recommendation 1

To immediately halt the use of the Chinook tool and to conduct an in-depth and specific study of its parameters and its possible racist and discriminatory biases.

Recommendation 2

To publish, clearly and explicitly, the directives to IRCC officers and the criteria for accepting study permits and visas.

Recommendation 4

To create a position of Immigration Ombudsperson so that those seeking to immigrate to Canada can identify systemic problems in the way IRCC processes files.

IV. The Relationship between Quebec and Canada

Most of the French-speaking students whose cases are currently under study have been accepted into DLIs located in Quebec. This means that, when their file reaches IRCC, Quebec has already selected them. Some have even received [merit scholarships](#) from Quebec, proving that their candidacy was particularly strong. However, even these talented people are seeing IRCC refuse their study permits.

This shows a lack of consistency between Quebec's selection criteria and Canada's. If the criteria for refusing study permits were the result of criminal record checks, national security concerns or medical examinations – which are IRCC prerogatives – the decisions would be hard to challenge. But when the refusals are the result of the officers' belief that students will not leave after they graduate or even that their financial situation – which Quebec has verified – is insufficient for IRCC, it would appear that IRCC is actually interfering with the selections that Quebec has made.

Recommendation 8

To strengthen the dialogue between the governments of Quebec and Canada, with a view to scrupulously observing each party's responsibilities under the Canada-Québec Accord, including the selections made by Quebec.

V. A Major Change of Course during the Pandemic

For many reasons associated with the COVID-19 pandemic, the delays in processing a significant number of applications to IRCC have increased dramatically. Study permits are no exception.

Many students did not receive their study permits in time for them to begin their studies as scheduled. At the same time, because of the travel restrictions, Canadian institutions saw a major drop in their income because of the significant reduction of the number of international students registered for each session.

IRCC therefore changed course and introduced a two-stage process. This allowed international students to begin their studies (and pay their tuition fees) at the institution to which they had been accepted, while their study permit applications were being processed. They did so virtually, from their home countries.

However, once those students had begun their studies, if their study permit applications were refused – for reasons that we will discuss in the next section – not only could they clearly not continue their studies, but they also were not entitled to a reimbursement.

This created some financial distress for students chosen by Canadian institutions, whom IRCC allowed to study without a study permit. Canada is responsible for the payments that have been made and must therefore do everything possible to return them to the people impacted by this policy.

Recommendation 6

We therefore recommend that a mechanism be established as quickly as possible to reimburse those who paid tuition fees before their study permits were refused.

VI. Beyond the Acceptance Rate

A. A shocking lack of resources

The various issues that *Le Québec c'est nous aussi* deals with on a daily basis clearly show us that Immigration, Refugees and Citizenship Canada does not have the resources to deal with the number of files to be processed and to reflect the importance of immigration in Canadian society.

IRCC currently has 1.8 million files. This sounds an alarm as to the lack of resources at the department's disposal. It has a very real impact on the lives of millions of people, some in Canada, others ready to make their contribution here. In all programs, processing delays are dramatically increasing. While we understand that Chinook was an attempt to come to grips with the issue, the system itself also unfortunately seems to be causing problems.

The most recent economic update provided IRCC with \$85 million for the 2022-2023 year so that it could process its backlog of files within a reasonable time. However, the problem is structural, which is why we recommend that the amount recur each year until 2027.

Recommendation 7

To provide IRCC with a significant budget increase each year, so that IRCC can not only achieve its own processing goals, but also that it can do so with humanity and decency towards the candidates.

B. A vision for immigration that encourages insecurity

In recent months, with Canada, and particularly Quebec, experiencing an unprecedented labour shortage, we have seen various temporary immigration programs broaden their criteria in order to bring in as many temporary workers as possible. These workers often come to take jobs in levels C and D in the [National Occupational Classification](#). This makes their chances of achieving permanent residency very slim and gives them no access to all the integration tools that are available to help them in their lives here.

It has been proven that newcomers' chances of integration are higher after they have studied and earned degrees in Canada. But the situation shows us that the government is apparently not giving French-speaking students from Africa the same chances to study and earn degrees in Canada.

We are therefore seeing the Government of Canada moving tens of thousands of people away from immigration through study while, at the same time, providing others from the same countries with a second class of immigration through temporary worker programs and closed work permits.

Aurélien's case, [as Radio-Canada reported](#), is a striking example of this vision. His study permit for a welding and assembly program at a DLI in Matane was refused several times, while temporary workers were accepted in the industry, which has a major labour shortage.

We are concerned by this trend, because, instead of creating paths to permanent residency for those wishing to acquire skills and work here in the long term, Canada prefers to choose candidates that it can keep in insecurity in order to meet short-term needs.

C. Details of the position of Immigration Ombudsperson

For all kinds of IRCC programs and applications, it is, for the most part, impossible for applicants to appeal; they must resort to the legal system (the Federal Court) to have an IRCC or CBSA decision overturned. The legal procedures are cumbersome, the delays are lengthy, the costs are considerable (for both the claimant and for Canada), and the resources of the legal system are strained.

As with the example at the Accra office described above, the cases in which discretionary decisions are problematic, or in which clear errors have been made, are numerous, and becoming ever more so. The constituency offices of federal members of Parliament are besieged by claimants already in Canada who have been adversely affected by dubious decisions on which they receive no information, and applications that are still unprocessed far beyond the advertised average time frame.

The only other solution these claimants have is to turn to the courts, which is neither efficient nor desirable.

We therefore propose the creation of the position of Immigration and Citizenship Ombudsperson. The mandate would be to investigate: (a) applications, both during and after a decision and to make non-binding recommendations; (b) systemic problems in matters such as returns, investigations, complaints from groups representing classes of applicants, or by request of the Minister, followed in that case by a report and recommendations. This would also include matters such as the legal framework for the investigations, reports, confidentiality, and the obligations of parties.

With the Ombudsperson reviewing decisions, or the lack of decisions, on claimants' files, the call on the Federal Court will be reduced, and access to a review of decisions will be increased for those without the resources to be able to go to court. It will also reduce the workload in MPs' constituency offices.

The Ombudsperson's analysis and reporting of systemic problems will be an ideal tool with which responsible Ministers can improve the service in their departments or agencies. Reports and recommendations will be made public (just as those of other Ombudspersons or the Correctional Investigator) and will be key in addressing the problem of transparency.

Finally, it will reflect Recommendation 15 of the Report by the Standing Committee on Citizenship and Immigration dated May 2021: "That the Government of Canada introduce legislation to create an Immigration Ombudsperson to oversee Immigration, Refugees and Citizenship Canada and to receive complaints".

Conclusion

The trust of a part of the immigrant community is being eroded year after year because of discriminatory practices against certain countries in Africa. We therefore encourage the Government of Canada to react quickly, convincingly and transparently to ensure that its institutions are effective in fighting racism.

This situation highlights the organizational issues in a department that is lacking in ambition. Although immigration is an indispensable lever of the Canadian economy and culture, its department, Immigration, Refugees and Citizenship Canada, is underfunded and unable to fulfil its government's commitments. We see that, over the years, IRCC has turned into a crisis management organization that struggles, and regularly fails, to accomplish its daily mission in a reasonable timeframe. These structural issues are therefore forcing a well-intentioned department into ever-decreasing humanity, empathy and understanding.

This is why, beyond the specific recommendations to resolve the unacceptable refusal rate for French-speaking students from Africa, it seems critical to us to provide IRCC with a budget that reflects its mission, and to create an Ombudsperson position, in order to prove that Canada puts a value on transparency in its immigration system.