

INFORMATION HANDBOOK
FOR
MEETING THE DESIGNATION REQUIREMENTS
of
MANITOBA'S *INTERNATIONAL EDUCATION ACT*
AND
IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA'S
INTERNATIONAL STUDENT PROGRAM

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Prepared by the:

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Manitoba Education and Training**



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1. Introduction

This Information Handbook explains the designation requirements of federal and provincial legislation that impact Manitoba institutions that seek to provide education and training programs to international students.

In addition to the federal regulations described below, Manitoba's education providers must meet specific obligations and expectations related to the province's [International Education Act](#) (IEA) in order to obtain status as a Designated Education Provider (DEP). Only DEPs are eligible to enrol international students in Manitoba.

This Handbook clarifies for providers of education and training programs, the

- eligibility for designation
- process for applying for designation
- responsibilities of DEPs, and
- directives for how to maintain designation once achieved

This document will be of use to education providers automatically designated under the IEA, section 7.1, as well as to those that are not automatically designated but may be interested in applying for designation should they plan to recruit and enrol international students.

2. The International Education Act (IEA)

The IEA legislation and regulation was proclaimed on January 1, 2016. Under the IEA, Manitoba became the first jurisdiction in Canada to codify best practices for learning institutions, to ensure the integrity of international education programs, and to protect the safety and welfare of the students they host.

Through a designation process, the IEA regulates education providers that offer education and training to international students. Some education providers are automatically designated (section 7), while others may be eligible to apply for designation. Education providers applying for designation must meet the application requirements of sections 8 and 9 of the IEA. This Handbook outlines the expectations and obligations of DEPs¹ in accordance with relevant sections of the IEA and regulations.

3. Regulations

In addition to the IEA legislation, two *Regulations* were proclaimed on January 1, 2016:

- a) The [International Education Cabinet Regulation](#) - IEA, section 51(1), elaborates, and makes more definitive, sections of the Act such as outlining

¹ The IEA identifies both K-12 schools and post-secondary education institutions as designated education providers.

record keeping, reporting obligations, and fee structure for designation and application.

- b) The [Ministerial Code of Practice and Conduct Regulation](#) - IEA, section 51(2), elaborates, and makes more definitive, sections 17 and 18 of the Act. This includes the purpose and content of the Code as well as expectations for compliance with the Code on the part of DEPs, their staff recruiters and contracted agents.

Under section 24(1) of the IEA, the Director of International Students (Director) is responsible for the enforcement of the IEA, that includes overseeing the designation process, and for ensuring compliance of Manitoba DEPs with the IEA, the Regulations, and the Code of Practice and Conduct.

4. The Guide to the Code of Practice and Conduct and Ministerial Regulation

In accordance with the IEA, sections 17, 18, and 51(2), the Director has the legal authority to establish and enforce a *Code of Practice and Conduct* (the *Ministerial Regulation*) that applies to DEPs, their staff recruiters, and contracted agents.

[The Guide to the Code of Practice and Conduct Regulation for Manitoba Designated Education Providers, their Staff Recruiters and Contracted Agents](#) brings together the relevant sections from the IEA, the *Ministerial Code of Practice and Conduct Regulation*, and best practices to assist DEPs in interpreting and complying with the IEA and the Regulation.

The Guide was developed by a working group of Manitoba K-12 and post-secondary DEPs, referred to as the *International Education Act Working Group* (IEAWG). It covers sections on best practices including: availability and accuracy of information, admitting qualified students, obligations of staff recruiters, use of contracted agents, supports for international students, complaints and dispute resolution, and annual compliance review procedures.

5. Immigration, Refugees and Citizenship Canada's International Student Program Requirements

The designation process outlined in the IEA allows Manitoba to comply with amendments to Immigration, Refugees and Citizenship Canada's (IRCC) International Student Program (ISP)². The ISP reforms include limiting the issuance of Study Permits to international students enrolled only in educational institutions designated by provinces and territories.

All international students must obtain a Study Permit for any program that is more than six months, or for a program six months or less if it has an integrated and mandatory

² Refers to the [Immigration and Refugee Protections Regulations](#).

work component. Manitoba recommends students obtain Study Permits for programs of less than six months if there is any possibility that the student will want to extend their studies or follow a pathway to another program in Manitoba.

On June 1, 2014, IRCC implemented reforms that require all provinces and territories to provide IRCC with a list of Designated Learning Institutions (DLI)³ eligible to enrol international students. IRCC does not play an active role in designating learning institutions, but is responsible for updating the list of DLIs⁴ provided by provinces and territories on an ongoing basis.

6. Manitoba's Designation Process

The Director is responsible for implementing Manitoba's designation process, including reviewing and approving applications for designation, and for monitoring compliance with designation.

a) Automatic Designation

Under the IEA, section 7(1) identifies the following education providers as automatically designated:

- universities
- colleges
- degree-granting institutions⁵
- school divisions
- publicly-funded independent schools⁶
- accredited language schools

Language programs, continuing education programs, Adult Learning Centres (ALC) and Adult Literacy Programs (ALP) associated with these education providers are also automatically designated.

b) Eligibility to Apply for Designation

The following are included in the general category of education providers that are eligible to apply for designation⁷:

³ Under the ISP, DLIs include post-secondary institutions only, as all primary and secondary schools in Canada are considered automatically designated for purposes of the ISP.

⁴ The list of DLIs can be accessed on the IRCC website at <http://www.cic.gc.ca/english/study/study-institutions-list.asp>.

⁵ Refers to an institution, other than a college or university that is authorized to grant a degree under [The Degree Granting Act](#).

⁶ Non-funded independent schools are not eligible for designation.

⁷ Under section 8(3) of the IEA, private vocational institutions, private language schools and prescribed education providers must have been in operation in Manitoba for at least three years, or outside Manitoba for at least four years before being eligible to apply for designation.

- technical/vocational institutions
 - university transfer pathway programs offered in partnership with a DLI
 - registered ALCs and registered ALPs operated in partnership with non-profits or on a stand-alone basis
 - flight schools
 - theological colleges and seminaries
 - private language schools accredited by Languages Canada
 - private vocational institutions with accredited programs
 - other prescribed education providers⁸ offering specialized programs such as dance schools
- ***Theological colleges and seminaries***
 Theological colleges must obtain accreditation from an approved accreditation body before obtaining full status as a DLI. Theological colleges and seminaries applying for designation are expected to have either obtained or be in the process of seeking accreditation with an approved accreditation or third-party body for faith-based institutions and/or programs. Examples of relevant accreditation bodies include:
 - Association for Biblical Higher Education (ABHE)
 - Transnational Association of Christian Colleges and Schools (TRACS)
 - Association of Independent Christian Colleges and Seminaries, (AICCS)
 - Association for Theological Schools (ATS) (for graduate programs only) or
 - some other equivalent organization
 - ***Flight schools***
 Flight schools that meet all applicable Transport Canada regulations including the Canadian Aviation Regulations (CARs) are eligible to apply for designation.
 - ***Private Language Schools***
 Private language schools are expected to have either obtained or be in the process of obtaining accreditation from Languages Canada⁹ prior to applying for designation.
 - ***Private Vocational Institutions with accredited programs***
 Private Vocational Institutions (PVI) that offer programs accredited by an approved accreditation body may apply for designation of their accredited

⁸ See Appendix B for definition

⁹ Languages Canada partners with Orion Assessment Services, a third-party independent audit firm, to develop and implement an accredited program for the Languages Canada, Quality Assurance Scheme.

programs¹⁰. Designation is contingent on confirmation of the PVI's compliance with [The Private Vocational Institutions Act](#) and [Regulation 237/2002](#)¹¹.

PVIs must register international students with the PVI Office, and remit payments on behalf of each international student to the Training Completion Fund. PVIs must also ensure that the tuition charged to international students is the same as that charged to domestic students¹².

- **Other education providers offering specialized programs**

The IEA and/or the ISP regulations may impact other types of education providers that may wish to enrol international students. For questions or information pertaining to eligibility for designation, please refer to the contact details at the end of this document.

- **Individualized Tutoring Programs**

Individualized tutoring programs are not considered to be programs of study leading to a qualification, and are not subject to the IEA. Tutoring programs do not need designation to offer tutoring services to individual international students.

7. Applying for Designation

Education providers, under sections 8(1) and (2) of the IEA, that wish to apply for designation are required to complete the application form and submit it to the International Education Branch. As outlined in section 8(3) of the IEA, and section 4 of the *International Education Cabinet Regulation 51(1)*, applicants must provide evidence of the following, related to each program of education and training they plan to offer to international students:

- evidence that the institution has operated in Manitoba and has been providing one or more programs to international students for at least three years prior to the application date, or outside Manitoba for at least four years prior to the application date
- description of each program including
 - length
 - program entry requirements
 - proposed international student enrolment (# full time and # part time)
 - method of student intake (cohort or continuous)
 - program start date(s)
 - program end date(s)
 - credentials and training of instructors

¹⁰ A PVI must be registered with the PVI Office before being eligible to apply for designation.

¹¹ Under the IEA, section 8(3)(f), this is interpreted as the PVI's registration is in good standing under the PVI Act, and that its registration has not been suspended or canceled for at least the last four years.

¹² The *PVI Regulation 237/2002*, section 9(5) states that international students must not be charged a tuition fee that is greater than the tuition fee charged to domestic students.

- expected learning outcomes
- credential(s) offered
- program delivery site(s)
- mode(s) of delivery
- anticipated program capacity
- program graduation requirements
- financial, staffing resources and administrative capacities to provide each program
- tuition fees and other fees (application fees, etc)
- tuition refund policy
- most recent audited financial statements
- signed letter of responsibility for financial statements
- evidence of a general liability insurance policy
- copies of program evaluations, if available
- support systems in place for international students, including accommodation services

There are separate application forms for:

- prescribed education providers, and
- private vocational institutions¹³

These forms can be accessed by referring to the contact details at the end of this document.

8. Required Documentation

As part of the application process, education providers must submit the appropriate form, and provide the following supporting documents identified in the application form:

- completed application form including program and contact information
- signed copy of most recent audited financial statements
- signed letter of institution's responsibility for financial statements
- signed declaration of compliance with the IEA
- official copy of certificate of accreditation from an approved accreditation body (if applicable), and
- copy of registration with the PVI Office (if applicable)

9. Application Fee

In accordance with section 8(3)(i) of the IEA, applicants are assessed a one-time fee¹⁴ as follows:

¹³ PVIs apply for designation on the basis of accredited programs.

¹⁴ Application fees came into effect following proclamation of the IEA and Regulation 51(1).

- Prescribed education providers are required to pay a one-time application fee of \$500.00.
- PVI's applying for designation of specific programs that are already accredited, or are in the process of being accredited, by an approved accreditation body are required to pay a one-time application fee of \$250.00 per program.

10. Review of Applications

Applicants are expected to submit all required forms and documents online in one package. Applications that are completed with all the required information will be acknowledged within two (2) weeks of submission to the Director. Applications must be submitted in online (PDF) format. Paper submissions will not be accepted.

Once an application has been submitted it will be reviewed by the Director. This review process may take up to eight weeks depending on time required to clarify responses. Incomplete applications will take longer to process.

All applicants will be subject to an initial inspection and site visit from the Director as part of the application process.

If an applicant fails to submit all required documents, or does not respond to a request for clarification of further documentation within six (6) months of the date of the Director's first receipt of the application, the applicant will be deemed to have abandoned the application.

11. Notification of Designation

The submission of a complete application does not guarantee that the applicant will receive an offer of designation. An offer of designation will only be extended if the Director is satisfied that the applicant meets all of the criteria for designation, as described in this Handbook.

Following the review of the application, applicants will be informed in writing of the Director's decision regarding approval for designation. All DEPs that are designated by application will receive provisional designation for a minimum two year period. The Director may also impose a number of conditions in accordance with provisional designation (see section 13).

Successful applicants will become designated on the date that the Director sends the official Notice of Designation to the education provider.

12. Conditions on Designation

The following conditions apply to the designation of private vocational institutions and language schools with accredited programs and prescribed education providers as follows:

a) Accreditation

- the accreditation must remain in good standing
- the PVI or language school must immediately report to IEB if the accreditation is suspended or cancelled, and
- only accredited programs may be offered to international students

b) Programs

Under section 12(2), a DEP must not provide a particular education and training program to international students if:

- the program fails to meet a genuine education or training need
- international students enrolled in the program are unable to attain the expected learning outcomes despite making reasonable efforts or
- the program delivery model is not viable

If a DEP is prohibited from providing a particular education and training program to international students, it must not:

- recruit prospective international students for that program, or
- enroll new international students or continue enrolling international students in the program, or
- enroll international students who transfer from other DLIs

13. Provisional Designation

Under section 12(4) of the IEA, the Director has the authority to approve designation of an education provider on a provisional basis and to impose certain conditions on designation. For example, education providers who apply for designation and are in the process of obtaining accreditation from an approved or third-party accreditation body may be eligible for provisional designation.

Successful applicants will receive provisional designation for a specified time period that begins on the date that the Director sends the official Notice of Designation to the applicant.

Under the IEA, sections 12(4) and (5), the Director reserves the right to impose the following conditions on an education provider with provisional designation:

- a) the designation is valid for a specified time period and will expire at the end of the time period
- b) the education provider must submit reports, as requested, on a form provided by the Director on a regular basis
- c) the education provider must inform the Director of ongoing progress towards meeting designation conditions and any other significant additions, deletions, or modifications to programs or services
- d) any other conditions as determined by the Director

The Director will review the status of an education provider with provisional designation as the expiry date approaches, and a decision will be made as to whether provisional designation is extended, upgraded to full designation, or withdrawn.

14. Designation Fee

Under the IEA, section 19(1), DEPs must pay an annual prescribed fee¹⁵ on or before March 31 of the following year based on international student enrolment from September 1 to August 31 of the previous year.

Commencing in 2017/18, an annual fee for each provider will be collected as follows:

- All DEPs are required to pay an annual fee of \$5.00 per student, with a minimum of \$50.00 and a maximum of \$1,500.00 per education provider.

15. Reporting Requirements

a) Reporting to the Director

Each DEP must submit an activity report in accordance with sections 19(1) and (2) of the IEA. DEPs are expected to complete an annual report on a form provided by the Director¹⁶. Information may include the following in relation to international students:

- student enrolment and graduation numbers
- the country of origin of students enrolled

¹⁵ Designation fees are prescribed in Regulation 51(2), section 7(1).

¹⁶ The IEA reporting requirements are expected to supplement, not duplicate information that education providers currently provide to Manitoba Education and Training (MET) and to IRCC.

- any significant modifications made to education or training programs provided to students
- any new program or programs that DEPs are providing or intend to provide to students
- the amount of tuition, course-related fees and other fees and charges paid by international students to DEPs, and
- any other prescribed information as determined by the Director

b) Reporting to IRCC

In addition to the IEA reporting requirements, DLIs are required to report regularly to IRCC through the ISP data compliance reporting portal.

c) Other information that may be required

In accordance with the IEA sections 41 and 42, a DEP must provide any other information as may be requested from the Director or from the Minister of Education and Training (MET) including individual international student information as follows:

a) personal information as defined in [The Freedom of Information and Protection of Privacy Act](#), or

b) the educational identifier¹⁷ assigned to international students as defined in [The Advanced Education Administration Act](#).

16. Public Register of Designated Education Providers

Under the IEA, section 5(1), the Director must maintain a [Public Register](#), a publicly available online Register of DEPs. DEPs with automatic designation as well as those who successfully apply and obtain designation are added to the Public Register.

DEPs that are no longer designated will be removed from the Public Register.

17. Failure to Achieve Designation

If an applicant is unsuccessful in meeting the requirements of designation, the Director may refuse to designate an education provider. The Director will provide written reasons for the refusal to designate.

¹⁷ Also referred to as the Manitoba Education and Training (MET) number

Education providers that are not designated are not eligible to enrol international students regardless of the length of the program, and whether or not the student applies using a study permit acquired under the auspices of another DLI. Under section 11(2), the applicant may appeal the Director's refusal to designate it by filing an application within 14 days of receiving the notification.

18. Suspension or Cancellation of Designation

a) Designated Education Providers

Notice of Intended Action – In the event that a DEP fails to comply with one or more conditions of designation, the Director will notify the DEP in writing before making a decision to take action under section 32(2) that may apply in any of the circumstances listed in section 32(1). The Director will give written reasons for the decision to take action.

A DEP may, within 14 days after being served with the Notice:

- 1) make a written submission to the Director as to why the action should not be taken, or
- 2) contact the Director to arrange a date and time for a hearing before the Director

If the Director suspends or cancels an education provider's designation under section 32(2)(c), the suspension or cancellation takes effect when the Notice of Decision is served on the provider, or on the date specified in the decision, whichever is later. Under section 39(1), the DEP may appeal to the court, the decision of the Director to act under section 32.

Suspension of Designation – Under section 36 (1) in the IEA, if a DEP's designation is suspended, it may, subject to any conditions imposed on the suspension, continue to offer a program of education and training to international students who are enrolled at the time the suspension takes effect. Under section 36(2), however, the DEP whose designation is suspended must not enroll new international students, nor enrol students who hold a Study Permit obtained through another DLI.

Cancellation of Designation – If a DEP's designation is cancelled, it may not continue to teach the program to its current international student body. The DEP must refund the students' tuition, or in the case of a PVI with access to the Training Completion Fund, it may be able to transfer the existing international students to a similar program offered by another DLI. Once a DEP's designation is cancelled it may not enrol any new international students, nor recruit prospective international students.

Voluntary Cancellation – As designation is voluntary, a DEP may apply in writing to the Director to cancel its designation. In this case, the education provider must no longer enrol international students and must ensure that the education and training needs of

any international students currently enrolled are addressed. In addition, the Director may impose conditions on the voluntary cancellation of a DEP.

b) Designated Learning Institutions

In the event that the designation of a DLI is cancelled, the institution will be removed from Manitoba's [Public Register](#). The Director will advise IRCC that the institution is no longer designated. IRCC will be advised to remove the institution from its [online list of DLIs](#).

19. Monitoring

The IEA provides the Director with mechanisms to work with DEPs toward maintaining compliance. These include:

a) Right to Inspection

Under section 27 of the IEA, the Director may carry out an inspection of the business premises of a DEP and request access to international students' records and any other information deemed relevant to the inspection.

Files must be established for each student to provide a record of individual application, admission and/or contract, enrollment, participation, assessment and achievement. The DEP must make records available upon the request of the Director.

In addition, an inspection may be conducted to:

- determine compliance with the IEA, the Code, and associated Regulations
- verify the accuracy or completeness of records or other information or
- perform any other action considered necessary in the administration and enforcement of the IEA

b) Evaluation

Under the IEA, sections 31(1) to (6), the Director is authorized to conduct an evaluation of a DEP, or of a particular program of education and training provided to international students to determine compliance with the IEA and associated Regulations. The Director may appoint an approved person, body or association to conduct the evaluation and must provide a written report to the DEP. The Director will charge the cost of the evaluation to the DEP.

As a result of the evaluation, the Director may impose one or more conditions pertaining to programs offered to international students. Under section 31(8), a DEP has the right to appeal the impositions of a condition resulting from the evaluation.

20. Compliance with the IEA

DEPs are expected to comply with the IEA and the associated Regulations in order to accept and enroll international students. This includes compliance related to inspections, evaluations, requests for information, and designation conditions.

DEPs must also comply with the *Code of Practice and Conduct Regulation* to provide programs of education or training to international students. In addition, DEPs must ensure that their education agents and international recruiters are also in compliance with the Code.

A DEP's failure to comply with any of the above can have serious consequences that may result in any of the following:

- a written notice of sanctions and/or conditions imposed (section 32)
- a written court order to comply (section 34)
- suspension or cancellation of designation (sections 35 to 37)
- an injunction (section 40)

Under the IEA, sections 47 and 48, an individual who provides a program of education and training to international students without being designated or who knowingly provides false or misleading information when applying for designation is guilty of an offence. In addition, an individual who contravenes any of the offences listed in section 49 is guilty of an offence. Any individual or corporation who is guilty of an offence under the IEA is liable on summary conviction to a fine (section 50).

21. Right to Appeal

A DEP has the right to appeal a written decision of the Director regarding any actions it may take under section 32 within 14 days of receiving the decision by filing an application with the court.

22. Contact Information

For questions or further information about any content in this Handbook, please contact:

International Education Branch
Manitoba Education and Training
1100-259 Portage Avenue
Winnipeg, MB R3B 3P4

Phone: 204-945-1126
Fax: (204) 957-1793

Email: www.education.excellence.ca
Website: <http://www.gov.mb.ca/ie/about/legislation.html>

Appendix A – Acronyms

ALC – Adult Learning Centre

ALP – Adult Learning Program

DEP – Designated Education Provider

DLI – Designated Learning Institution

IEA – International Education Act

IEAWG – International Education Act Working Group

IEB – International Education Branch

IRCC – Immigration, Refugees and Citizenship Canada

ISP – International Student Program

MET – Manitoba Education and Training

PVI – Private Vocational Institution

Appendix B – Definitions

Application for Designation – the application form and related documentation submitted by the education provider in order to receive designation to accept and enroll international students.

Designated Education Provider (DEP) – an education provider that has been designated by Manitoba to enrol international students in accordance with the requirements outlined in the *International Education Act* (IEA).

Designated Learning Institution (DLI) – a post-secondary learning institution in Manitoba that has been designated by the province to enrol international students in accordance with the requirements outlined in the *International Education Act* (IEA) and for purposes of meeting IRCC’s ISP requirements.

Director of International Students – the person appointed as the Director of International Students whose responsibility is to administer and enforce the IEA.

Guide to the Code of Practice and Conduct¹⁸ – a document that links together the relevant sections from the IEA, the Ministerial Code of Practice and Conduct Regulation, and best practices to assist DEPs in interpreting and complying with the IEA and Regulation.

International Education Act (IEA) – Manitoba legislation that pertains to international students and education providers.

International Education Branch (IEB) – the Manitoba government office responsible for administering the IEA and regulating international education in the province.

International Education Cabinet Regulation – the International Education Regulation specified in section 51(1) of the IEA.

International Student – a foreign national who is authorized to study in Canada as a temporary resident under a study permit, as defined in the federal *Immigration and Refugee Protection Act* and Regulations.

Prescribed Education Provider – includes a member of a prescribed class of education providers identified as eligible to apply for designation as specified in section 2 of the International Education Regulation.

Private Vocational Institution (PVI) – a private vocational school as defined in The Private Vocational Schools Act.

¹⁸ Refers to *The Guide to the Code of Practice and Conduct Regulation for Manitoba Designated Education Providers, their Staff Recruiters and Contracted Agents*

Provisional Designation – designation approval is made on a provisional basis subject to the conditions specified in sections 12(4) and 12(5) of the IEA.

Ministerial Code of Practice and Conduct Regulation – the Code of Practice and Conduct Regulation specified in sections 17 and 51(2) of the IEA.