

Assessing Models for Regulation of International Education Agents

Project Team: Higher Education Strategy Associates

The regulatory regime around international students has changed dramatically over the last few years. The issue of how international agents are regulated is particularly important as they have been included in the ‘bad actors’ who have allegedly motivated governments to clamp down on international student recruitment.

Since 2024, Immigration, Refugees and Citizenship Canada (IRCC) has allocated each province a quota of international students that its institutions can recruit. Beyond these caps, there have been other immigration reforms, such as requiring ‘immigration advisors’ as defined in legislation to be licensed and increasing the required amount of financial support needed to enter the country. However, these changes alone may not eliminate bad actors engaging in unscrupulous recruitment because these actors primarily operate outside of Canada. Such actors will likely continue to operate, finding new avenues and workarounds within the new system. This may have ongoing impacts on international students and their families, as well as reputational impacts for Canada’s brand as a study destination.

Canada is not the only jurisdiction that must grapple with these challenges. The United States, United Kingdom, Australia and New Zealand all have similar legal and constitutional backgrounds to Canada, as well as social and cultural similarities that shape approaches to immigration and international education. Looking at how each of these jurisdictions manages or regulates international student recruitment provides insights for Canada and Ontario as they consider future international student policy.

Research Questions and Methodology:

As part of HEQCO’s international education consortium, Higher Education Strategy Associates (HESA) explored the following research questions:

- How do other countries define international agents? What policies do they put in place at national level rather than requiring individual colleges and universities to formulate their own?
- What models of regulation of education agents would be feasible and acceptable in an Ontario context?

HESA employed a mixed-methods approach, combining a comprehensive literature review with qualitative interviews to assess models for regulating international agents in Ontario.

Findings and Recommendations

- The US relies on a model of self-regulation. Colleges and universities can choose to work only with agents who voluntarily pursue certification by the Association of International Enrollment Management to protect their own reputations and be assured that the agents are reputable and trustworthy.

- The three other jurisdictions use elements of public regulation. The Australian, UK and New Zealand models set standards for the processes institutions must put in place for their agents. In these jurisdictions, any sanctions are tied to data about students' outcomes. Sanctions are applied to institutions rather than agents.
 - The British Council is a non-governmental agency funded by government with a mandate to promote international student mobility. The Council created a database of certified agents and counsellors who have voluntarily passed some assessments and agreed to the British Council Code of Conduct. The Council also offers voluntary training for agents who hope to work for British universities. The UK government controls the issuance of study permits and can cut off an institution's ability to recruit new students.
 - Australia's Education Services for Overseas Students Act 2000 (ESOS) sets out legal rules that colleges and universities admitting students from overseas need to follow. ESOS regulates recruitment materials, offer letters, certificates of enrollment and health insurance policies. Institutions are required to have contracts with agents to monitor activities and ensure quality. Australia's government monitors the data on how students admitted by a college or university are faring in their applications for admission to the country and may apply sanctions if students fail to complete their programs.
 - New Zealand introduced the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021, drawing on two earlier codes which have been in place for many years. The 2021 Code requires that institutions have written contracts with agents and monitor their activities. If institutions are found to be in breach of the code, they may lose the ability to enroll international students.
- International agents play a key role in recruiting international students to study in Canada and Ontario and promoting Canada's brand. Key informants pointed to the need for more transparency with agent fees, and the importance of government's active role in regulation.
- Further study is required to determine if the models used in other jurisdictions could be effective in Ontario and Canada.