

February 13, 2013

Philippe Massé, Director,  
Temporary Resident Policy and Programs,  
Citizenship and Immigration Canada,  
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Via email: [philippe.masse@cic.gc.ca](mailto:philippe.masse@cic.gc.ca)

Dear Mr. Massé,

Please accept the following comments from the Air Transport Association of Canada (ATAC), serving the fixed wing industry, and the Helicopter Association of Canada (HAC) with respect to the *Regulations Amending the Immigration and Refugee Protection Regulations* published in Canada Gazette Part 1 on December 29 2012. ATAC and HAC are the associations representing the majority of all commercial pilot training in the country.

We are proposing several options for CIC to amend their proposals in relation to building a list of eligible institutions as follows:

1. Place all flight training organizations with a Transport Canada Operating Certificate on the eligible institutions list as of January 1, 2014. Once criteria are developed (by provinces or by accepting the federal criteria) schools on the list can be asked to demonstrate that they meet the criteria. Schools that do not meet the criteria can then be deleted from the list. This option has the benefit of not interrupting existing contracts with foreign operators and allows flight schools to continue to solicit international business and allow the continued smooth flow of light training business to Canada. It also has the benefit of creating a transparent process that would allow removal of rogue schools from the list without disrupting business operations of schools that meet the criteria.
2. Consider an “alternative means of compliance” to ensure placement on the list without business interruption where provinces do not designate eligible institutions – for example, an MOU that would exist between Transport Canada and CIC, in much the same way that Transport Canada carries out some of Labour Canada’s responsibilities on board aircraft currently.
3. Adopt a risk-based approach. The Canadian flight training industry is already heavily scrutinized by Transport Canada, and presents little risk to foreign students from a course curriculum perspective. ATAC and HAC believe that the risk to the interests of CIC where foreign students are concerned can be managed *without* a

requirement to limit those students to public post-secondary institutions or private learning institutions that deliver Provincial curricula.

Detailed information and observations are provided below to support these 3 options.

### **HAC Membership**

Over 80% of the civil helicopters in Canada today, are operated by the HAC's members. This association has 145 Operator members and 155 industry Associates who provide goods and services to its operator members.

About 25 HAC operator members provide helicopter flight training across Canada.

### **ATAC Membership**

ATAC has 159 members including 80 Air operators. Fifty ATAC flight training units across Canada deliver 80% of flight training in the country. The majority of flight training units are private businesses.

### **HAC and ATAC International Operations**

Transport Canada data for 2011-2012 shows that about 45% of Canadian Commercial Pilot Licenses issued are granted to foreign students studying in Canada and returning home with their pilot qualifications. Some of our flight training members derive as much as 50% + of their revenue from foreign students.

Many schools have spent years and hundreds of thousands of dollars cultivating the foreign student market. Some schools have multi-year training contracts in place with foreign airlines and other contractors who require our schools to offer several intakes a year with new candidates who will require study permits to be accepted in our programs. Over the last three years, these international marketing efforts have been financially supported by DFAIT.

Our high training and licensing standards in Canada have made this country an attractive destination for an increasing number of foreign students and many of our flight training members have grown to rely on foreign sources of flight training revenue, particularly during times when the number of new Canadian pilots stabilizes or declines.

The opportunity for foreign flight training students to gain work experience inside Canada through temporary work permit programs has enhanced the Canadian flight training experience for foreign students and generated additional revenue for the schools. This program gives Canada a significant competitive advantage internationally.

### **Economic and Cultural Benefits to the Broader Community**

These students also provide a broad variety of spin-off benefits to the Canadian economy that extend well beyond the cost of the flight training itself to include accommodation, meals, and travel inside Canada during their period of training. In addition students returning to their home countries make excellent ambassadors for the profile of Canada abroad.

## **HAC and ATAC Concerns Relating to the Proposed Regulations**

We have reviewed the background on this issue presented by Citizenship and Immigration Canada including the documents presented as part of the Stakeholder Outreach and Consultation Sessions in January 2013.

We appreciate the security interest of Citizenship and Immigration Canada on this issue, and we also appreciate the Department's interest for managing the entry of foreign nationals in to Canada for study/work purposes. Our members *share* Citizenship and Immigration's concern over fraud, and the misuse of the program by non-genuine students and "visa-mills". However, the flight training industry is quite alarmed by way that proposed regulations could affect their operations.

The program as proposed, will cripple many Canadian flight training schools that currently provide training to foreign students. It will prevent any school from offering training to foreign students in the absence of Provincial accreditation, but will also prevent a school from offering training to foreign students where the Province does *not have* a designating body. To make matters worse, the distinction that some provinces have made between "Accredited" and "Registered" schools will aggravate the situation, even in those few provinces that do have a designating body.

It would be a catastrophe if schools that rely on the foreign market for an important amount of their business were forced to close their doors to foreign students in 2014. It would also be a black eye for Canada if schools that have contracted with airlines and other aviation organizations abroad were unable to meet the terms of their contracts because new federal regulations have the unanticipated side effect of preventing legitimate students from entering Canada.

The potential "let" that exists for aviation schools offering courses of less than six months to "tourists" does not solve this problem. Commercial pilot training typically takes much longer than six months and indeed some students would not qualify for the visa because of their country of origin.

A lucrative and growing area of training (foreign students) for Canadian Flight Training units would be lost to our Canadian flight training sector.

While we appreciate that the Provinces and Territories have constitutional jurisdiction over education the overlapping areas between federal and provincial/territorial jurisdiction is making the already complicated lives of flight training operators, even more complicated and expensive – both for the flight training units and for students legitimately using Canadian flight training schools.

Flight training units in Canada are already highly regulated through Part IV of the Canadian Aviation Regulations (CARs) insofar as the quality of the training that is provided – including the instructors that provide the training, the course curriculum, and ultimately the licensing standard. The schools are under constant scrutiny from Transport Canada and are rigorously audited through Transport Canada Program Validation Inspections (PVIs). All Flight Training units are scrutinized by Transport Canada using this process, and it is part of the process of validating the privilege of

holding an operating certificate (OC). In addition to complying with the federal regulator, some provinces have provincial regulation for vocational training that flight schools delivering commercial training must adhere to.

The opportunity exists for CIC and Transport Canada to work together to share lists of OC holders who are legitimate flight schools, eligible to host international students.

Citizenship and Immigration regulations should contemplate the acceptance of “an independent or private learning institution in Canada that delivers Provincial or Federal curricula” to ensure that Federally regulated training institutions are also contemplated by the new requirements.

We certainly appreciate the objective of Citizenship and Immigration’s proposal to have the provinces take responsibility for designating educational institutions for the purpose of hosting international students. However, CIC’s proposal as currently drafted will have the effect of preventing schools who have not been designated by the Province, and schools which do not have a Provincial designating body, from hosting foreign nationals under a study permit or offering work opportunities to foreign students except as members of the visitor class or completing a short-term program.

We support CIC’s objective to introduce new study permit conditions, and an on-line solution that would require permit holders and schools to enroll when they actively pursue a course or program of study. We also support CIC’s authority to verify that the student permit holders are meeting the conditions of their permits. We believe that these objectives can be accomplished more efficiently and in the absence of a Provincial designating body through the use of an on-line system and MOU that would exist between Transport Canada and CIC, in much the same way that Transport Canada carries out some of Labour Canada’s responsibilities on board aircraft currently.

Finally, it seems to our Associations that the duplication, and potential for triplication of on-site oversight for curriculum from CIC, Transport Canada, and Provincial designation authorities - where they even exist, becomes hugely inefficient, costly, and obstructive to the significant opportunities that exist to “export” Canadian flight training services through foreign students in Canada.

Our industry is heavily regulated by Transport Canada and works within the construct of the federal regulation.

To reiterate, the three key points for consideration by CIC in determining eligibility for International Student Study permits are:

1. Place all flight training organizations with Transport Canada Operating Certificate on the eligible institutions list as of January 1, 2014. Once criteria are developed (by provinces or by accepting the federal criteria) schools on the list can be asked to demonstrate that they meet the criteria. Schools that do not meet the criteria can then be deleted from the list. This option has the benefit of not interrupting existing contracts with foreign operators and allows flight schools to continue to solicit international business and allow the continued smooth flow of light training business

to Canada. It also has the benefit of creating a transparent process that would allow removal of rogue schools from the list without disrupting business operations of schools that meet the criteria.

2. Consider an “alternative means of compliance” to ensure placement on the list without business interruption where provinces do not designate eligible institutions – for example, an MOU that would exist between Transport Canada and CIC, in much the same way that Transport Canada carries out some of Labour Canada’s responsibilities on board aircraft currently
3. Adopt a risk based approach: The Canadian flight training industry is already heavily scrutinized by Transport Canada, and presents little risk to foreign students from a course curriculum perspective. ATAC and HAC believe that the risk to the interests of CIC where foreign students are concerned can be managed *without* a requirement to limit those students to public post-secondary institutions or private learning institutions that deliver Provincial curricula.

We would be pleased to meet with you at your convenience to discuss this important issue.

Sincerely,



Wayne Gouveia  
Vice President Commercial General Aviation  
Air Transport Association of Canada



Fred L. Jones BA LLB  
President & CEO  
Helicopter Association of Canada