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To cite this article: Lisa Ruth Brunner (2023) Higher education institutions as eyes of the state: Canada's international student compliance regime, *Globalisation, Societies and Education*, 21:2, 236-251, DOI: [10.1080/14767724.2022.2037407](https://doi.org/10.1080/14767724.2022.2037407)

To link to this article: <https://doi.org/10.1080/14767724.2022.2037407>



Published online: 10 Feb 2022.



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Higher education institutions as eyes of the state: Canada's international student compliance regime

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ABSTRACT

As immigration polices increasingly entangle with those of higher education (HE), institutions are being positioned as migrant surveillance actors. HE's participation in state-managed international student compliance regimes (ISCRs), for example, raises political and ethical questions, including those concerning the core mission of HE. This paper traces the Canadian ISCR context over the past decade, focusing on the introduction of the Designated Learning Institution (DLI) student compliance reporting requirement in 2014. It argues that Canadian HE's role in surveilling temporary residents on behalf of the state is a problematic bordering practice. It also posits that this new form of surveillance is not necessarily a novel compromise of HE's values, but rather connected to historical patterns of HE's involvement in border imperialism. It questions the benevolence of both Canada's immigration policies towards international students and, ultimately, higher education itself.

ARTICLE HISTORY

Received 31 May 2021

Accepted 30 January 2022


KEYWORDS

Higher education;
international students;
internationalisation;
surveillance; border
imperialism; international
student compliance regime

Introduction

HE and immigration policies have become increasingly entwined due to the convergence of three trends: (1) the growing reliance of higher education (HE) institutions and governments alike on international student-generated revenue, (2) shifts from one-step to two-step to now *three*-step economic immigration systems (Boucher and Cerna 2014; Brunner [Forthcoming](#)), and (3) an intensifying global race for so-called highly-skilled immigrants (Shachar 2006) in which international students are viewed as ideal (Geddie 2015; Scott et al. 2015). As a result, HE institutions in some countries, such as Canada, now play significant yet under-unacknowledged roles in the selection (Brunner 2017b), settlement (Walton-Roberts 2011; Flynn and Bauder 2015), and retention (Bozheva 2020b) of not only temporary, but also permanent, migrants (Bozheva et al. 2021; Brunner 2022). This raises questions about HE's social responsibility, complicity, and culpability in relation to state migration regimes.

A less-examined role is HE's involvement in the surveillance of migrants. Originating from the French *surveiller*, meaning 'to watch over,' surveillance is a set of practices which evolved alongside capitalism (e.g., informed by Marx), bureaucratic organisation (e.g., Weber), and shifts away from punishment towards self-discipline (e.g., Foucault), to a point where individuals constantly encounter routine, systematic surveillance (Lyon 2007). Often perceived as a centralised form of control à la Orwellian state totalitarianism, we might instead consider its enactment through a surveillance

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society to reflect surveillance's saturation of everyday life (Marx 1985), or a surveillance *culture* to highlight its production of 'complacency, compliance, negotiation, or resistance' (Lyon 2017, 838).

Surveillance is not new, and neither is HE's involvement. However, like HE, surveillance has globalised because 'mobility is a fundamental feature of the flexible capitalism that now dominates the world of production, exchange and consumption' (Lyon 2007, 120). The collection and reporting of international students' enrolment status, classroom attendance, and other data to governments is now mandatory in many international student-recruiting countries (Sá and Sabzalieva 2018) yet remains largely invisible to, and poorly understood by, the public and academics alike (Weber 2015; Gopal 2016; Dear 2018; Walsh 2019). Some research on the topic has been done in the United States (US) (Rosser et al. 2007; Tabor 2008; Wennerstrom 2008), the United Kingdom (UK) (Jenkins 2014; Dear 2018), and comparing the US, the UK, and Australia (Walsh 2019).

Notably absent from analysis is Canada, a country ranking amongst the highest in the world both in its proportion and total number of inbound internationally mobile students (UNESCO UIS 2022). Canada is 'known internationally for its favourable' (Deacon 2016, 1) and 'welcoming' (Gopal 2016, 137) policies towards international students, and its surveillance of them takes a relatively restrained, inconspicuous approach. However, Canada's perceived benevolence towards international students has been questioned (e.g., Stein and Andreotti 2016; Trilokekar and Masri 2017; McCartney 2020) and warrants more nuanced attention.

Using all available documents published by Immigration, Refugee, and Citizenship Canada (IRCC) on the topic over the past decade (both public-facing and obtained through Access to Information and Privacy [ATIP] requests), this paper traces the development of what Canada describes as its 'international student compliance regime' (ISCR) (IRCC 2018c). It pays particular attention to institutional reporting requirements introduced in 2014. It shows that, as in other countries, Canadian HE's surveillance of temporary residents on behalf of the state is a problematic bordering practice which had rapidly accelerated. In contrast to previous arguments (e.g., Walsh 2019), however, it suggests this surveillance is not a novel compromise of HE's values but rather connected to historical patterns of HE's involvement in border imperialism.

I first outline theories of borders and surveillance and situate them in relation to HE. I then outline what is known about HE's involvement in ISCRs globally. Next, I analyse Canada's ISCR policy context specifically. Finally, I conclude with a discussion of the ethical and political implications of HE's participation in ISCRs.

Theories of borders and surveillance

Border imperialism, as theorised by Walia (2013), refers to the institutions, discourses, and systems which entrench controls against migrants and determine whom the state includes. This process is deeply linked to colonisation and capitalism; borders are inextricable from their 'heteropatriarchal, race-oriented, Other-generating, and symbiotic forms, functions, and foundations' (Gahman and Hjalmarson 2019, 111). As Castles (2004, 223) put it, 'migration control is really about regulating North-South relationships and maintaining inequality.' Understanding border imperialism thus requires the ability to 'explain how borders govern, restrain, and oppress people at the foundational levels of society' (111) and the 'obsessive preoccupation of the colonial state' with border defence (113).

Border imperialism relates to two areas of scholarship underpinning ISCRs. The first is the increasing presence of borders in everyday life, often in evanescent, intangible, and/or electronic ways which defy territorial logics (Parker et al. 2009). International border policing has moved beyond the state's physical edge to include both (1) off-shore remote control occurring before one enters the state, and (2) internal border policing, a gatekeeping process occurring within the state and supported by non-state actors such as airlines, employers, and schools (Walia 2013; Weber 2015; Walsh 2019). It is thus less useful to consider borders from a territorialist Western geopolitical imagination, i.e., as fixed markers separating states, but rather as dynamic practices

which appear, are produced, and are sustained (Vaughan-Williams 2009; Parker and Vaughan-Williams 2009). In a world where the border is ubiquitous and structurally-embedded, securitisation can be enacted anywhere, yet also hidden from view (Weber 2015; Walker 2002).

Through this securitisation, border imperialism is also linked to surveillance. While surveillance is not inherently problematic (e.g., lifeguarding), of concern is surveillance's impact on individuals' life-chances through social sorting, i.e., selection processes which classify and categorise people to include or exclude and, by extension, discriminate (Lyon 2007). Both surveillance and borders have long impacted Indigenous and racialised people unevenly, reifying difference in the service of white supremacy (e.g., Browne 2015), empire (e.g., Kundnani and Kumar 2015; Zureik 2011; Van der Meulen and Heynen 2019), and the settler-colonial state (Walia 2013) in response to colonial fears (Fischer-Tiné 2016). The modern exclusionary power to sort foreign nationals as desirable or undesirable became especially visible in anti-terrorism politics following 9/11 (Lyon 2009), intensified racialised anxieties in response to increased global human mobility, and the predominance of state risk-management.

The resulting safety state (Lyon 2007) in which individuals, borders, and biometrics are more closely linked imposes new ways of governing 'mobile threatscape[s]' (Leese and Wittendorp 2018, 174). This gives way to larger 'data-driven and future-oriented' patterns, in which surveillance's 'thickening and forward deployment' is seen as essential for the early detection and prevention of crime (Walsh 2019, 334). The ensuing anticipatory surveillance tools follow 'logics of precaution, pre-emption, and prevention' (Leese and Wittendorp 2018, 174). Increasingly opaque to the public, this type of social sorting is usually achieved through embedded information and communication technologies, leaving operating bodies unaccountable despite the far-reaching impacts of their actions (Lyon 2009).

While the state is an important actor in border imperialism and migrant surveillance, it is ultimately just one actor (Walia 2013). Lyon (2009) stressed that the surveillance society (focused on personal data gathering and processing) and the safety state (focused on risk communication) work symbiotically. Rose (2004, 5) similarly viewed the state as just one part 'in multiple circuits of power, connecting a diversity of authorities and forces' within a range of assemblages. Here I turn to HE as one of these circuits and consider its contribution to the growth of structurally-embedded borders through techniques of public management and digital technologies (Bhuyan, Korteweg, and Baqi 2018).

In the context of higher education

HE is often positioned as historically passive to mobility, ignoring the ways slavery and colonialism shaped education relations (Madge, Raghuram, and Noxolo 2014). However, education-focused mobility flows to colonial metropolises, in just one example, ensured an educated administrative class (sympathetic to the interests of, indebted to, and surveilled by colonial powers) and offered a mechanism for the elite in colonial territories to maintain class distinction (Rizvi 2011). International education has roots in differentiation and control which persist today, including imperialist bordering practices against international students (McCartney 2020). In Canada, the recent *de facto* merging of international student and immigrant recruitment exemplifies a 'new imperialism' (Johnstone and Lee 2014, 210), implicating HE in the exclusionary logics embedded in targeted international marketing campaigns and uneven study permit approval rates.

More broadly, there is growing recognition that the interconnected violences of racism, colonialism, and unsustainability are, in fact, 'the ongoing foundations and conditions of possibility for [HE] institutions to exist and for the promises they offer to be fulfilled' (Stein 2021, 388). Much of this research focuses on the US; Rodríguez (2012, 809), for example, wrote that its HE 'remains constituted by its gendered racist, apartheid, colonial foundations,' while Wilder (2013) and Stein (2018a) documented specific histories of slavery and settler-colonialism. However, many such concepts extend to other settler states, e.g., HE as a technology of settler-colonialism (La paperson

2017) or arm of the settler state, in which HE extends the state's colonial logics in its politics of recognition through inclusion or even tolerance of resistance, unable to see Indigenous elimination in its very presence (Grande 2018). HE's participation in contemporary settler-colonialism through the recruitment of international students, who may themselves be displaced in part through empire and capitalism (Walia 2013), raises complex ethical issues (Gomez 2020); at the very least, it compromises HE's ability to freely critique state migration regimes (Stein 2018b).

Collier and Ross (2020) similarly locate surveillance culture as historically integral to education, noting that HE has always been involved in surveillance 'through data collection, assessment, and evaluation,' which in turn shapes intellectual work and tracks individuals (276). HE institutions have a history of 'state spying, recruitment and surveillance' (Dear 2018, 7) and sharing personal data for security purposes (Lyon 2007). These surveillance practices represent the asymmetric power relations between HE institutions and their students and staff; furthermore, their impacts are unevenly distributed, disproportionately impacting minoritised (Andrews 2019; Brown and Klein 2020) and international (Collier and Ross 2020) students.

HE surveillance has become more pervasive and fine-grained, a shift connected to two trends (Collier and Ross 2020). First, monitoring and data-gathering technologies, e.g., learning analytics, are increasing in sophistication and popularity. The refinement and deployment of technologies to track and monitor student performance, capture lessons, proctor exams, and detect academic misconduct, for example, intensified during the COVID-19 pandemic (e.g., Kafka 2020; Warner 2020). Second, quantification and measurement are of growing importance within HE. This is particularly acute in assessing employee productivity through increased surveillance in the name of accountability and transparent decision-making (Shore and Wright 2015), which demands evidence of quality and effectiveness (Skene, Raffoul, and Chittle 2020). When funding is tied to institutions' ability to meet metrics, compliance becomes time-intensive, institutional competition increases, and the rationales behind audits themselves impact HE's values more broadly (2020). Today, HE is marked by a data-rich culture of compliance and conformity (Andrews 2019).

An in-depth engagement with HE's values is beyond the scope of this paper. However, one relevant example of how such values are differentially applied is classroom attendance. After reviewing the justifications underlying compulsory HE attendance (for all students) at some institutions, Macfarlane (2013) critiqued the policies as infantilising, decrying 'heavy-handed measures' undermining 'student academic freedom' (371). Yet Macfarlane approached the legal obligation to monitor *international* student engagement as inevitable, despite being justified by no other rationale.

The line of argument that non-citizen student surveillance is beyond reproach simply because it is state-mandated, even when the same action is unjustifiable for others, is common. It exemplifies the way border imperialism logics and practices have become naturalised in (even critiques of) HE. With this in mind, I now turn to HE's involvement in ISCRs specifically.

Contemporary international student compliance regimes

Defining 'international student compliance regime'

'ISCR' is not a widely-used term. Even within Canada, where the term appears to have originated, few public-facing references to ISCR exist. The responsibility for Canada's international student surveillance practices, or international student program 'integrity framework,' are dispersed amongst stakeholders (e.g., IRCC, the Canada Border Services Agency [CBSA], provinces and territories, HE institutions); it is mostly only *internal* documents which describe the regime holistically (e.g., IRCC 2018c). This lack of transparency contributes to the perception – not just in Canada, but elsewhere – that the electronic information-sharing systems used by HE institutions to report international student enrolment data to the government *are* the ISCR and, essentially, benign. However, this overly-simplistic and depoliticized focus forecloses the reality that these systems are not 'just

databases' (Tabor 2008). Rather, they are surveillance tools linked to a complex exercise in border control and governmentality, involving an assemblage of actors.

Canada's choice to officially describe one of its own frameworks as a 'regime' is not unprecedented (e.g., PSPC 2020). However, in this context, it (likely unintentionally) evokes the terms 'border regime' and '(im)migration regime,' used critically in migration studies to highlight social power formation processes related to society and mobility (Rass and Wolff 2018, 53). It is in this vein that I adopt IRCC's use of the term ISCR. While reporting tools most visibly facilitate HE's involvement in bordering practices, considering them within the larger ISCR stresses that these tools are only one part of, and cannot be separated from, the regime, which includes their enabling laws, policies, and practices.

In the context of higher education

The most well-known ISCR tool is the US Student and Exchange Visitor Information System (SEVIS). While the 1979 Iranian hostage crisis and 1993 World Trade Center attack spurred some US effort to increase international student monitoring, it was not until 9/11 that racist fears of international (and particularly Muslim) students drove the US to implement its modern 'extensive, intensive and threatening' system in 2003 (Marginson et al. 2010, 243), despite resistance from the HE sector (Reeves 2005; Siskin 2006). The US ISCR required HE staff to submit detailed records through SEVIS for every admitted non-citizen student and immediately report status changes; for international education administrators, it was 'by far the biggest issue with the most impact' in the post-9/11 US environment (Reeves 2005, 150).

Australia's Provider Registration and International Student Management System (PRISMS) was initially introduced to replace paper-based records in 2000 but was repurposed for ISCR purposes in 2007; it also tracked student attendance, among other data points (Marginson et al. 2010; Walsh 2019). Since the UK began monitoring non-European Union students in 2009, its ISCR attracted particular attention for requiring ID cards and reports on attendance, leading to technological classroom measures such as fingerprinting and card-based swipe-in systems (Walsh 2019). Still, according to Dear (2018), the UK's system enjoyed wide political support, with some staff likely 'going far beyond what is required for compliance' (URBC 2019, para. 6). Most recently, Canada initiated its first coordinated ISCR in 2014 with the launch of its Designated Learning Institution (DLI) portal to monitor international student enrolment.

Each ISCR has its own particularities and context. However, after reviewing the limited existing ISCR research amongst these Western, primarily Anglophone settings, the literature indicates four categories of impacts on HE:

Transformed institutional structures

ISCRs have been found to transfer power from classrooms (as spaces of interaction) to administrative offices (as spaces of surveillance) (Jenkins 2014), establish Foucauldian Panopticonal structures and operations (Tabor 2008), limit pedagogical innovation (Wennerstrom 2008), and reinforce institutional racism (Dear 2018).

Transformed HE roles

ISCRs arguably make HE institutions 'a permanent border site' (Jenkins 2014, 266) in which students and, in some cases, non-students (e.g., accompanying family) are monitored on behalf of the state (Siskin 2006). Because HE institutions not only track students but enforce ISCR regulations, they have been described as disciplinary apparatuses (Dear 2018) of 'territorial gatekeeping and interior enforcement' (Walsh 2019, 325), 'an extension of homeland security' (Gopal 2016, 138), and agents of immigration complicit in governments' vision of internationalisation (Al-Haque 2017). ISCRs may also exemplify a larger pattern of diffused power as governments growingly rely on third parties to enact their programmes and services (Larsen and Al-Haque 2020)

and provide access to previously obscured data (Walsh 2019). Coerced and co-opted by neoliberal financial realities, institutional bordering work seems ‘voluntary when it is actually made under duress’ (Jenkins 2014, 266), allowing ISCR systems to function as vehicles of soft power and monitor HE themselves (Al-Haque 2017).

Transformed staff and faculty subjectivity

Academics are shown to act as ‘border regulators,’ putting them in ‘emotionally and politically embedded roles and relationships’ through mundane practices (Madge, Raghuram, and Noxolo 2014, 694). HE personnel have been described as ‘crypto’ or ‘de facto’ border guards, exemplifying civilian-level migration control in which HE figures ‘are conscripted as co-producers of legal and territorial integrity’ (Walsh 2019, 335; Weber 2015; Andrews 2019). University-employed international student advisors’ morale and job satisfaction has been shown to lower in their shift from advocates and figures of support to extensions of the government and figures of surveillance (Rosser et al. 2007; Boggs 2013).

Transformed student subjectivity

Through ISCRs, international student identities have been redefined based on non-academic criteria, resulting in a ‘two-tier’ student body which Others them as outsiders (Jenkins 2014; Walsh 2019). While attendance is typically optional for domestic students, some ISCRs monitor international students’ physical presence, rendering them ‘subjects of a power which their [domestic] peers retain an ability to negotiate’ (Jenkins 2014, 267; Dear 2018). Ultimately, this gradation of ‘rights, membership, and attachment’ contributes to a larger formation of international students as a group whose legal liminality ‘is always already provisional, contingent, and revocable’ (Walsh 2019, 339; Boggs 2020).

As this brief summary of the literature illustrates, HE’s accelerating involvement with ISCRs has serious implications which demand consideration. However, virtually no academic or popular engagement with Canada’s ISCR exists (with the exception of Al-Haque 2017 and Keung et al. 2019). I now address this gap by focusing on Canada’s ISCR.

Canada’s international student compliance regime

Background policy context

The past decade has been one of rapid expansion for Canada’s international student programme. Study permit holder numbers grew at a rate outpacing most countries; this upward trend intensified in 2014, following Canada’s first federal international education strategy and major immigration regulatory changes (Brunner 2022). Within this period of flux and intense international student instrumentalization, I offer three contextual points.

First, like many counties, international students are economically important to Canada (DTATD 2014; GAC 2019), a fact the COVID-19 pandemic emphasised (Brunner 2022). The federal government takes a neoliberal approach to international education, considering it ‘at the very heart of [Canada’s] current and future prosperity’ (DFATD 2014, 4). International student expenditures are particularly central to HE; in 2019, international university students paid 40% of all tuition in Canada at an average of five times the domestic rate (Statistics Canada 2020).

Second, international students are aggressively recruited as potential temporary foreign workers and immigrants (DTATD 2014; GAC 2019) and are now positioned as integral to Canada’s pandemic economic recovery (Brunner 2022). Yet despite rhetoric implying otherwise, post-graduation labour market success remains elusive for many international graduates (e.g., Trilokekar and Masri 2017). For those wishing to immigrate, time spent as a student and post-graduation work permit (PGWP) holder necessitates an extended period of conditional inclusion and precarity with no guarantee of permanence.

Third, despite Canada's reliance on, and recruitment of, international students, they are simultaneously seen as threats. This paradox has also been identified in the US (Boggs 2013), the UK (Merrick 2013), and Australia (Marginson 2013; Indelicato 2018). A dominant global imaginary frames international students as threatening to both Western supremacy (e.g., as global economic competitors upon returning 'home') and Western entitlements (e.g., as national economic competitors upon 'staying') (Stein and Andreotti 2016). While the past several decades of Canadian Parliamentary discussion about international students focused on their economic benefits to Canada (McCartney 2020), demographic changes among international students during the 1970s provoked racist and colonial anxieties which persist today (McCartney 2021).

ISCR rationales and development

These anxieties were emphasised during the Conservative party's 2006–2015 federal control. Leaders frequently evoked Othering strategies as rhetorical tools and positioned migrants as threats to Canadian values who abused Canada's supposedly generous immigration system (Snow and Moffitt 2012). Based on just one regional 2006 CBSA report, the government determined international 'student-related fraud poses risks to the immigration program's integrity, and to public safety and national security' (Regulations Amending the Immigration and Refugee Protection Regulations [IRPR] 2012, para. 4), even though a lack of national data 'made it difficult to determine ... implications for program integrity' more broadly (CIC 2014b, vii). Still, this 'suspected' and 'potential' fraud was repeatedly highlighted by IRCC (CIC 2010, 43), as was the fact that 'competitor countries' had robust ISCRs (e.g., Regulations Amending the IRPR 2012, para 42). In 2012, Canada provided two main public rationales for developing an ISCR: (1) 'non-genuine students' use of study permits to enter Canada for purposes other than study, especially 'to gain full access to the Canadian labour market' (Regulations Amending the IRPR 2012, para. 12), and (2) 'low-quality' (para. 27), 'suspicious or less known' (para. 48), and 'non-genuine institutions' (para. 4) which 'take advantage of international students' or operate 'as visa mills' (para. 10).

While no one can deny instances of predatory behaviour by some international student-recruiting institutions (e.g., Brunner 2017a; Fournier and Cummings 2018) or students' strategic utilisation of HE for work and/or immigration purposes (e.g., CBC News, May 16, 2018), two points are key. First, the ISCR rationales demonstrated concern not with the integrity of HE itself (which, in Canada, is not under federal jurisdiction), but rather the potential negative impacts on 'Canada's international reputation' and ability to recruit future international students (Regulations Amending the IRPR 2012, executive summary). Significantly, these justifications were echoed in endorsements from the presidents of both the Association of Universities and Colleges Canada and the Association of Canadian Community Colleges, who stated the proposed ISCR would 'strengthen Canada's reputation as a destination of choice for students around the world' (Government of Canada 2012, para. 9) and 'preserve the excellence of the Canadian brand' (para. 10). The federal government's motivation to more deeply govern HE and international students – as well as HE's acceptance of this deepening – was based in a marketised-logic of protecting future capital.

Second, the rationales highlight a discourse of control in the government's desire to ensure both its migration and HE systems were used *only as intended* (Merrick 2013; see also Maury 2021) – that is, to advance Canada's economic interests in specific ways. Crucially, these intentions were not necessarily clear in international student marketing and recruitment (Johnstone and Lee 2014). While Canada explicitly sought to retain *some* international students as temporary workers and permanent residents, its policies ensured only certain international students – i.e., those most economically valuable – remained post-graduation (Brunner 2022).

While important, states' declared migration policy objectives are often misleading (Castles 2004), and policies themselves also require examination. I now review three key regulatory changes

associated with the 2014 regulatory changes which allowed for the implementation of Canada's ISCR.

2014 regulatory changes

The most significant change required international students to remain enrolled and actively pursue their studies until programme completion (IRPR s.220[1]). Because a legal requirement to study did not previously exist, this was a momentous shift. Notably, the government did permit part-time study¹ and authorised leaves for up to 150 days (IRCC 2019b). However, many international students were compelled to study full-time without leave because (1) work authorisation was only granted to full-time students, (2) PGWP eligibility required full-time continuous study, and (3) many institutions lacked leave authorisation processes (CBIE 2017).

Through this requirement, bordering became structurally embedded into HE for international students. They could be removed from Canada for failing to actively pursue studies; unlike domestic students, their enrolment decisions were newly constrained in non-academic ways. Institutions also faced a policy alignment burden due to 'rapid policy change, communication challenges and incongruity across administrative jurisdictions' (Deacon 2016, 5). It took IRCC several years to clarify its authorised leave policy, for example, which ultimately required HE institutions to authorise leaves (rather than IRCC) (IRCC 2019a). This forced institutions into a new, non-academic adjudication role conducted in the service of border security and on behalf of the state.

Second, the changes redistributed power. While temporary resident programme integrity was formerly a mandate shared by Citizenship and Immigration Canada (CIC, now IRCC) and the CBSA (CIC 2010), starting in 2014, only students admitted to 'designated learning institutions' (DLIs) (IRPR s.211[1]) could be issued study permits (IRPR s.216[1][e]), and provinces/territories² became responsible for the designation of post-secondary HE institutions. New powers were thus afforded to regional governments in the international student policy assemblage, and institutions faced a new form of accountability – again, for non-academic bordering purposes.

Third, DLIs³ were required to bi-annually report the enrolment status of all international students through an online DLI portal (IRCC 2021a). This was *not* the first time Canadian institutions shared international student enrolment data with the government, as others have claimed (e.g., Schinnerl 2021) – for example, in coordination with the previous off-campus work permit verification process and the Student Partners Programme (CIC 2013a). Still, DLI reporting signified an enormous acceleration in data sharing.

Although the government claimed 'all respondents were supportive' of the ISCR during its public consultations (Regulations Amending the IRPR 2012, para. 37), consultation meeting notes indicate that the HE sector conducted at least some lobbying specifically against this third change – that is, an increased monitoring role – primarily due to its anticipated administrative burden. In late 2012 announcement, the proposed ISCR was described as giving the government 'authority to request evidence *from study permit holders* to verify their compliance' (Government of Canada 2012, para. 6, emphasis added), ensuring 'no incremental burden on institutions' (Regulations Amending the IRPR 2012, para. 35). However, by January 2013, the government made it clear that HE institutions would indeed be expected to submit comprehensive student enrolment reports (CIC 2013b), first voluntarily (in 2014) then mandatorily (in 2016).

The HE sector has been an active participant in Canada's international student strategy development over the past several decades (Bozheva 2020a; Schinnerl 2021). It was consulted, and provided feedback, on the logistics of compliance reporting before, and since, its implementation (e.g., CBIE 2017). However, it is not clear to what extent the sector meaningfully contested its reporting role altogether. Communication between IRCC and institutions regarding immigration (and compliance reporting in particular) has been described as 'one-way' (Al-Haque 2017, 158; Larsen and Al-Haque 2020), adding nuance to the sector's actual influence on immigration policy.

Certainly, in Canada, the ISCR implementation was not widely-discussed beyond international student service offices, and there was no significant grassroots resistance as seen in other countries (e.g., URBC 2019). This may speak to both (1) the relatively covert nature of Canada's ISCR, and (2) the way surveillance had already been naturalised, particularly in the US-dominated post-9/11 North American context. Because Canada's ISCR development occurred *after* ISCRs had become so well-established in other major international student-recruiting countries, HE personnel and students were likely not only *familiar* with the surveillance of international students but may *never have expected privacy* to begin with.

Because so little is publicly known about Canadian HE's compliance reporting process, I next share salient points before moving on to a general ISCR discussion.

Designated Learning Institution compliance reporting

HE institutions were initially unprepared for the international student compliance report's 'manually intensive and lengthy process,' which was riddled with technical issues and procedural confusion (CBIE 2017, 115; Al-Haque 2017). Institutions also raised liability concerns over potential misrepresentations and inaccuracies – particularly in light of the ambiguity of IRCC's own immigration policies – and the potentially 'serious issues of both principles of natural justice and procedural fairness' for students (CBIE 2017, 115). HE's management of DLI portal data indeed had, and continues to have, serious implications for students, and the sector quickly recognised that human error 'could have a serious impact' (CBIE 2017, 116).

For example, one high-stakes enrolment distinction is that between full- and part-time studies. Roughly a quarter of domestic post-secondary enrolments are part-time, compared to 12% of international enrolments (Statistics Canada 2022). As mentioned, international students are motivated to study full-time for multiple reasons, but maintaining PGWP eligibility is often the primary concern. PGWP policies are 'unclear for stakeholders at best and inflexible at worst' (Deacon 2016, 5); just one semester of part-time studies can result in a PGWP refusal years later. Students who have accessibility accommodations, retroactive registration corrections, or take courses at multiple institutions, for example, can be mistakenly be reported as part-time and yet are typically unaware of their reported status, if they are aware of the report at all. IRCC is theoretically bound by procedural fairness to investigate potential non-compliant cases (IRCC 2018b), but international students may miss, or misunderstand, the limited opportunities IRCC may offer to refute accusations.

In designing its compliance reporting system, Canada claimed to have learned 'from other countries' experiences,' taking a relatively light-touch approach in hopes of avoiding 'future over-correction' (IRCC 2018a, 1). Canadian DLIs are not required to proactively monitor student attendance or submit immediate enrolment status updates. However, the DLI portal remains deeply embedded in Canada's bordering practices. Its data is linked to the government's Global Case Management System 'to allow compliance related information to be accessed by processing officers' (IRCC 2018c, 4) and inform subsequent IRCC application decisions (IRCC 2018b). The portal's data has been shared with Ministries of Education, domestic and overseas application processing networks, and the CBSA 'to evaluate trends and emerging issues' (Brouillette and DeCaria 2018). IRCC also noted that its ISCR 'is not only able to identify non-genuine students in Canada, but can also help to identify and address *other integrity gaps and trends*' (IRCC 2018c, 13, *emphasis added*). This exemplifies surveillance creep, where new functions are found for existing practices (Lyon 2007).

From publicly available information, roughly ten percent of reported students are potentially non-compliant with study permit conditions, although a significant proportion is likely due to reporting errors (IRCC 2018c). The number *actually* non-compliant is consistently redacted in ATIP requests. Regardless, IRCC appears to have eschewed systematic case investigation for several years (IRCC 2018c). Instead, the compliance reporting's biggest benefit to the government may be its trove of international student data points.

The data-driven design of Canada's ISCR as an anticipatory surveillance strategy is clear. It was initially promoted for its ability to collect 'compliance data on international student trends after arrival in Canada ... to adjust processing [of future study permit applications] based on actual risk' (Regulations Amending the IRPR 2012, para. 48). This was later positioned as a benefit to HE institutions, when the government hinted that the ISCR would lead to more facilitative processing for 'institutions whose recruitment practices result in high levels of compliance,' while allowing others 'to adjust recruitment practices' as needed (CIC 2014a, 4). Since at least 2014, Canada has experimented with algorithmic technologies in immigration, including predictive analytics to automate decision-making and assist application evaluations (Molnar and Gill 2018). These covert techniques carry momentous ethical considerations (Bircan and Korkmaz 2021) which, through the ISCR, HE is now involved.

Canada's ISCR thus evolved not only as a security tool inspired by peer nations but, more importantly, a social sorting tool to identify and govern the most desirable students, future temporary workers, and potential immigrants. It sought to achieve this goal not just by monitoring compliance but also identifying so-called fraud trends through the sorting of both international students and HE institutions themselves (IRCC 2018c). I now conclude with a discussion of the implications moving forward.

Discussion

Practical concerns regarding *how* HE participates in Canada's ISCR are important. Efforts to, for example, make reporting systems more transparent or the ISCR's governing policies more just remain strategically necessary. However, ISCRs raise deeper questions about the ethical implications of HE's surveillance on behalf of the state.

As this chapter demonstrates, Canada's ISCR system is arguably subtler than those in other countries. This seems to affirm the prevailing view, especially in contrast with the US, that Canada is 'hospitable' to international students. Because Canadian HE's reporting role is conducted out of public view, with no responsibility to provide immediate updates when a student's status changes, it largely operates unnoticed; students are generally not clearly informed if, when, or what data is reported.

These are, however, precisely the practices which normalise, naturalise, and depoliticise border imperialism (McCartney 2020). Students, by extension of their data, unknowingly encounter the border in removed, yet regularly occurring, ways as the border is expanded across both time (i.e. frequency of encounter) and space (beyond the territorial border) (Bhuyan, Korteweg, and Baqi 2018). This not only structurally embeds the border in HE systems but also contradicts the benevolent Canadian narrative. As Rodríguez (2012, 809) highlighted, these everyday examples can illustrate 'the systemic logics, institutional techniques, rhetorics, and epistemologies of violence and power that undergird the academy's racial and colonial foundations' which remain difficult for many to perceive or accept (Grande 2018).

Border imperialism cannot be separated from colonialism and capitalism (Walia 2013), and ISCR surveillance ultimately serves the accumulation of capital while mitigating colonial fears and anxieties. HE's involvement in COVID-19 biosurveillance (e.g., the management of on-campus self-isolation and testing for international travellers) is similarly linked to the maintenance of an uninterrupted flow of international students. As HE grows increasingly reliant on study permit processing to sustain itself, this further diminishes institutions' leverage to challenge future IRCC and CBSA directives, such as those related to the ISCR.

Holding ISCRs accountable, however, is extremely difficult. The shift of migration management duties from the federal government to HE institutions (both public and private) obscures both its process and its data. For example, immigration lawyers have called for a more transparent self-reporting system to replace the current system managed 'secretly' by DLIs in order to better represent their student clients, who do not necessarily have access to their own reports (Tao and

Arib 2020; Brunner 2016). Another reason ISCRs are so difficult to contest is their embeddedness within surveillance culture – that is, a culture in which it is acknowledged that expecting privacy may simply be moot (Lyon 2017).

Surveillance systems are not (yet) autonomous beings; they simply reflect their creators and administrators. Brown and Klein (2020, 1169) noted that ‘unquestioned data systems and their outputs allow anti-Black box technologies that reside on historical policies of anti-Blackness and white supremacy to persist.’ In a recent study, IRCC’s own employees expressed ‘concern that increased automation of processing will embed racially discriminatory practices in a way that will be harder to see over time’ (IRCC 2021b, 13). Given the documented ‘racial biases in the application of IRCC’s programmes, policies and client service’ and ‘administrative practices that introduce biases or the potential for bias’ (2021b, 7), HE institutions should consider the role they unwittingly play in supporting such regimes, both currently and in the possible future.

Yet while HE is serving the needs of the state in new ways through its ISCRs, it is important to recognise that it has *always* surveilled and *always* served the needs of the state. Many analyses of HE’s involvement in ISCRs fail to recognise this point, seeing ISCRs’ key tension in ‘the incongruous demands of economic flexibility and political closure’ (Walsh 2019, 336) which transform ‘the landscape of international education from a climate of reception and hospitality to one of suspicion and hostility’ (337). This ignores the possibility that international education is *not* premised on a climate of reception and hospitality to begin with. Boggs (2020), for example, reminds us that control of noncitizen students is embedded in a much deeper logic and cautions against exceptionalising the present.

Here we can learn from Collier and Ross (2020) who employ the phrase ‘after surveillance.’ This is not in reference to ‘an idyllic educational past before such practices existed,’ but rather a gesture towards a future involving deeper interrogation into the role of surveillance in HE and strategies to interrupt, reduce, or reconfigure its effects (276). This, as they note, ‘requires a willingness to speculate that some of the surveillance roles we have come to accept could be otherwise’ (276).

If we follow Grande (2018) and draw from Black radical and Indigenous scholar considerations of *refusal* as an alternative to *inclusion* or *resistance*, we might also consider refusing to acknowledge the academy, disinvesting from HE entirely (La paperson 2017; Stein 2021) and/or looking beyond the state (Walia 2013). Unless we do so, those of us who work in HE institutions must sit with questions of our own social responsibility, complicity, and culpability as we, in small and often unnoticed ways, participate in surveillance and border imperialism ourselves.

Notes

1. Excluding Quebec.
2. Excluding Quebec.
3. Excluding Quebec.

Acknowledgements

Sincere thanks to Bill Reimer, Sharon Stein, Carolina Guzmán Valenzuela, Hannah Moscovitz, Emma Sabzalieva, and two anonymous reviewers for very helpful feedback on earlier versions of this paper.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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