



Canadian
Bureau for
International
Education

Bureau
canadien de
l'éducation
internationale

ANNUAL CONFERENCE | CONGRÈS ANNUEL | OTTAWA 2016

Navigating Immigration Policies to Welcome International Research Students

Presented by:

Lisa Bruner, MA, RCIC – International Student Advisor at UBC

and

Melissa Paulimier, LL.B – Immigration Advisor at McGill

Agenda

1. Introduction
2. Case studies: discussion in small groups – 10 mins
3. McGill model – 20 mins
4. UBC model – 10 mins
5. Additional Models? – 5 mins
6. Advocacy action to date – 5 mins
7. Q & A/ presentation of results per table – 15-20 mins
8. Survey- 5 mins

Introduction

Who are international research students?

Why is their status so complex?

Why does it matter?

Case Studies

- A. Cheng-Xi is a Chinese citizen coming to conduct research for 4 months at a Canadian post-secondary institution. She is not receiving funding from the Canadian institution or her home institution. If possible, she would also like to work part-time on campus to subsidize her living costs. She is completing a Master in Law at her Chinese institution.

- B. Iman is a United States citizen coming to conduct research for 12 months under the supervision of a professor at a Canadian post-secondary institution. Her Canadian supervisor is willing to pay Iman a salary from a Canadian research grant. Iman is completing a Ph.D in physics at her U.S. institution.

Case Studies

- C. Dennis is a German citizen coming to conduct research for 8 months at a Canadian post-secondary institution. He is the recipient of an award through the Canadian institution that will reimburse his expenses while in Canada. He is completing a bachelors degree in biology at his German institution. He holds a valid Working Holiday work permit issued under the International Experience Canada program.
- D. Mina is an Iranian citizen who has been working as a paid research assistant in a lab at a Canadian post-secondary institution. Her work permit is about to expire and cannot be renewed, but she wants to remain in Canada. She is not currently enrolled in any academic program, but she hopes to apply to a Canadian PhD program in the future. She wants to continue conducting research in the same lab for at least five additional months, but possibly longer. She would prefer to continue to be paid, but is willing to continue researching unpaid if it allows her to remain in Canada.

Case Studies – Questions

1. What will be the student's **status at the Canadian institution?** (e.g.: student, employee, other?)
2. Which **office/unit is responsible** for assisting the student? (Student services, HR, other)
3. What will be the student's **status in Canada?** (visitor, worker, student)
4. What type of **immigration documents** will the student apply for? (e.g. study permit, work permit (specify), work permit exemption)
5. Under what immigration status would you **ideally** want this student to come to Canada? (student, worker, visitor, other)

Case Studies – Answer Grid

	Status at your institution (circle one)	Office/unit responsible (e.g. International Student Services, Exchange Office, HR)	Status in Canada (circle one)	Type of immigration document applied for (e.g. IEC work permit, work permit exemption, study permit, N/A)	Ideal immigration status, in your opinion (circle one)
Cheng-Xi	student / employee / other: _____		visitor / worker / student		visitor / worker / student / other: _____
Iman	student / employee / other: _____		visitor / worker / student		visitor / worker / student / other: _____
Dennis	student / employee / other: _____		visitor / worker / student		visitor / worker / student / other: _____
Mina	student / employee / other: _____		visitor / worker / student		visitor / worker / student / other: _____



McGill Model

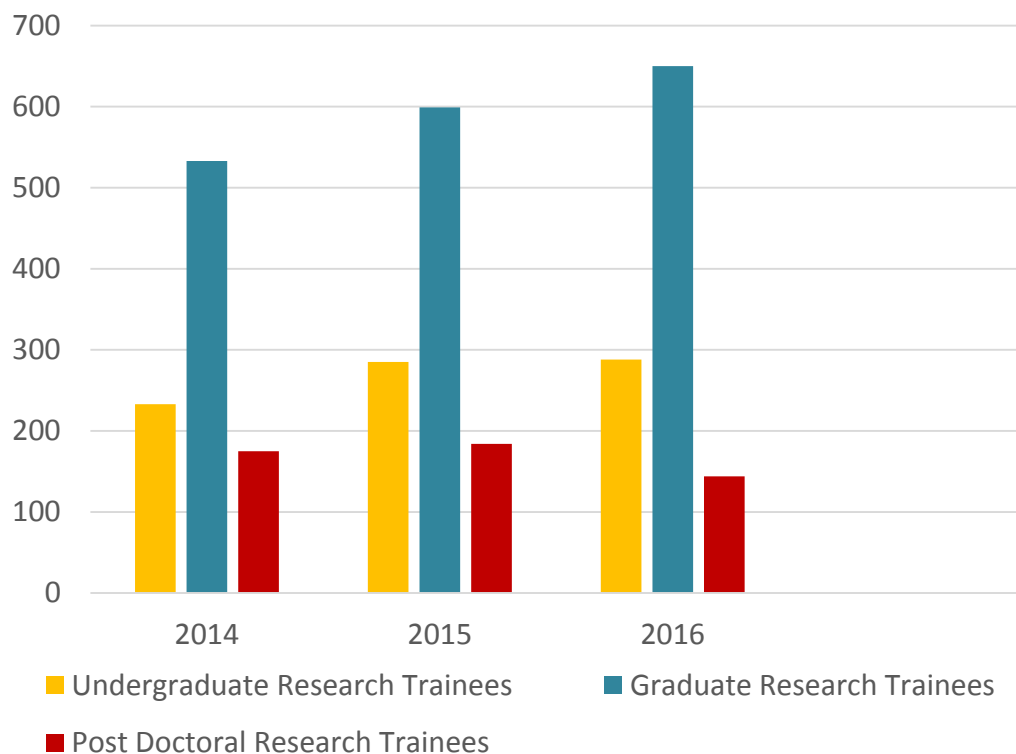
1. Status and registration at McGill

- Registered as research trainees (stagiaires de recherche)
- Not registered as students
- Do not pay registration fees
- Dealt with at the departmental level and Enrolment Services
- The International Student Service office does not directly advise research trainees, but aids staff and professors inviting research trainees.
- They come to McGill with work permits or work permit exemptions.
- Maximum length of stay : 12 months



McGill Model

Research Trainees by level of studies



	Inter.	Total
2014:	865	961
2015:	966	1073
2016:	920	1022



McGill Model

2. Immigration Status

I. Pre changes in International Mobility Program (IMP) in February 2015

- Visitors or Work permits
- Simple invitation letter sufficed

II. Post change in (IMP) in February 2015

- Refusals on the rise
- Implementation of guidelines for specific LMIA exempt work permit or work permit exemption requirement in Fall 2015



McGill Model

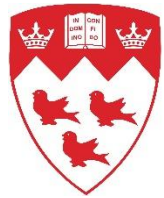
3. Immigration Strategies – Workers

I. LMIA exempt work permits

- a. International Experience Canada: International co-op/internship, young professional or working holiday (C21)
- b. Award recipient (C44)
- c. Spousal open work permit (C41 and C42)
- d. *Reciprocal employment agreement (C20)*
- e. *Work related to a research program (C31)*

II. Work permit exemptions

- a. Work permit exemption category for self-funded researchers under the business visitor category (R186(a))
- b. *Work permit exemption category for health care students (R186(p))*



McGill Model

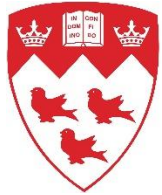
4. Advantages and Disadvantages - LMIA exempt work permits

a. Advantages

- If research trainee qualifies, relatively simple procedure
- Can be issued for more than 6 months
- Remuneration a possibility
- *Research activity viewed as a work by IRCC*

b. Disadvantages

- Not all research trainees will qualify for an LMIA exemption
- Employer Portal, Compliance Fee, and Compliance Reviews
- Employer-Employee relationship questionable or non-existent in certain cases



McGill Model

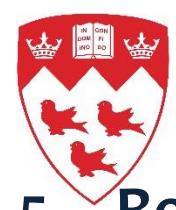
4. Advantages and Disadvantages - Work permit exemptions

a. Advantages

- No Employer Portal, Compliance Fee, and Compliance Reviews
- No immigration documents required if TRV exempt

b. Disadvantages

- Duration of stay maximum of 6 months
- Not all research trainees will qualify
- Lack of clear guidelines and risks of applying at port of entry



McGill Model

5. **Recommendations if international research students enter Canada as “workers”**
 - a. **Work permit exemption pursuant to s. 186 IRPR**
 - Requires change in legislation
 - Parallel to health care students [186(p) IRPR]
 - *“We recognize that there may be overlap in activities that we do not consider to be work and those activities which are defined as work not requiring a work permit in R186. However, the net effect (no work permit required) is the same.”* [CIC Publication – definition of work]
 - b. **Modification of the business visitor subcategory “Self –funded researcher”**
 - Requires change in policy/program delivery instructions
 - c. **LMIA exemption code specific for international research students**
 - Requires change in policy/program delivery instructions

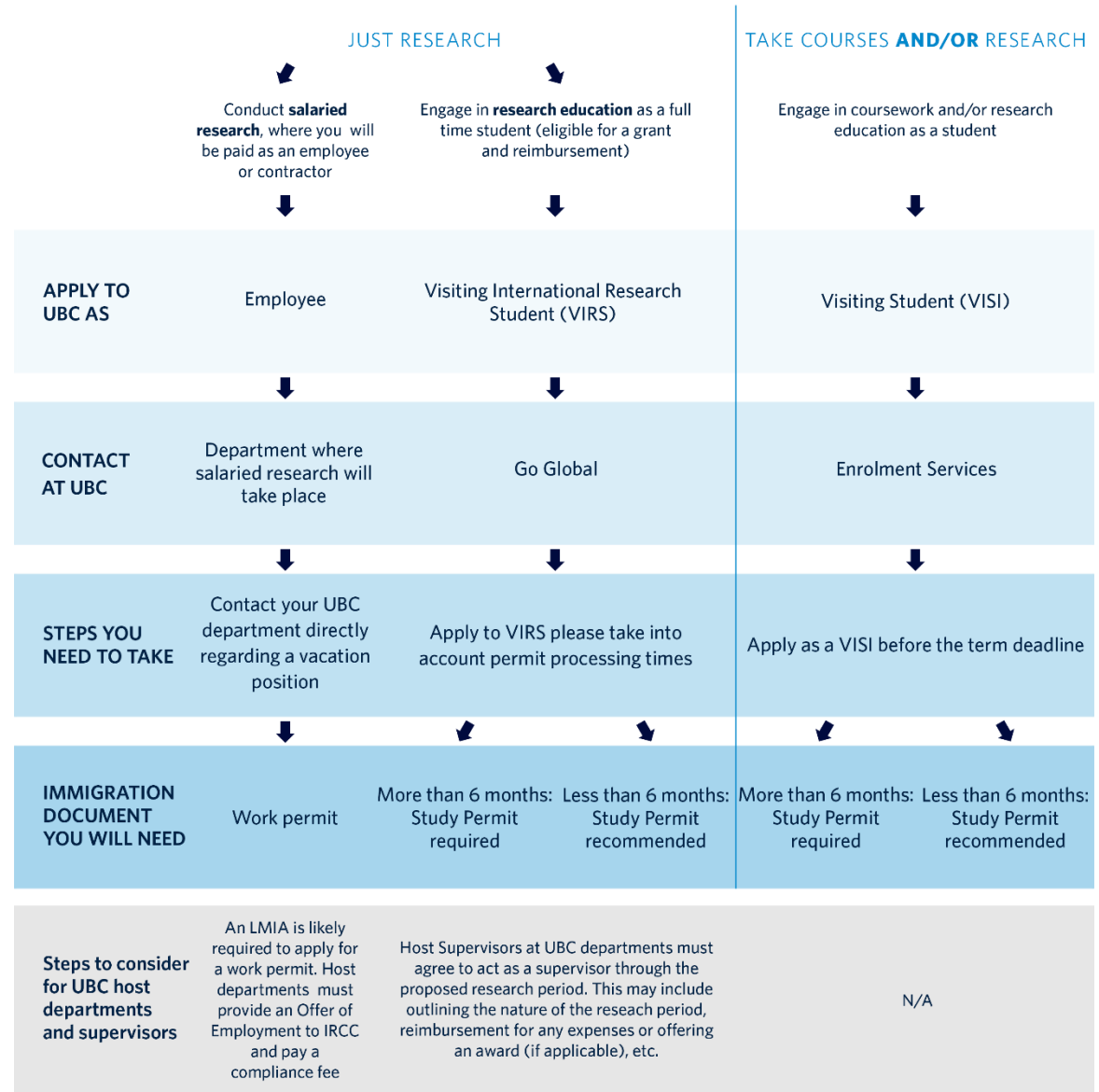
Case Studies – Answer Grid for McGill

	Status at your institution (circle one)	Office/unit responsible (e.g. International Student Services, Exchange Office, HR)	Status in Canada (circle one)	Type of immigration document applied for (e.g. IEC work permit, work permit exemption, study permit, N/A)	Ideal immigration status, in your opinion (circle one)
Cheng-Xi	student / employee / other: Graduate Research Trainee	Academic Department and Enrolment Services at McGill	visitor / worker / student	Business visitor: self-funded researcher [186(a) IRPR]	visitor / worker / student other: work permit exemption under 186 IRPR
Iman	student / employee / other: Graduate Research Trainee	Academic Department and Enrolment Services at McGill	visitor / worker / student	LMIA exempt work permit: IEC –SWAP Working Holiday (C21)	visitor / worker / student other: LMIA exempt work permit with a code specific for these types of foreign students.
Dennis	student / employee / other: Under Graduate Research Trainee	Academic Department and Enrolment Services at McGill	visitor / worker / student	LMIA exempt work permit: Award recipient (C44) or IEC (C21)	visitor / worker / student other: Award recipient (C44)
Mina	student / employee / other: Would have to be admitted and enrolled full-time	Academic Department and Enrolment Services at McGill	visitor / worker / student	Full-time student: on/off campus work	visitor / worker / student other: work permit exemption under 186 IRPR (if unpaid)



I WANT TO COME TO UBC TO:

UBC Model: Visiting International Research Students (VIRS)





UBC Model:

Visiting International Research Students (VIRS)

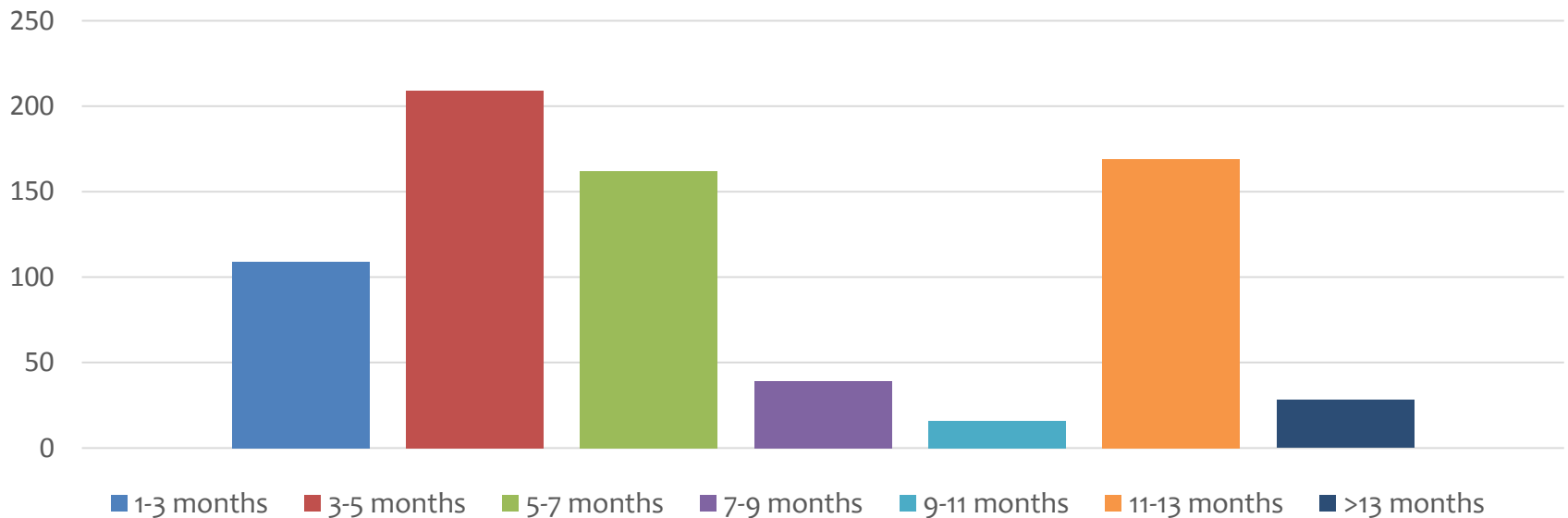
- Focus on research **education** as **students** enrolled in a degree-program at another university or in “bridging” program (e.g. Mitacs Globalink)
- Institutional definition for immigration purposes deems VIRS as **full-time students**
- **Study permit required** if >6 months, with some exceptions (e.g. ELAP from Brazil)
- Registration in a **non-credit** course code
- **\$407 fee** + health insurance fee (no tuition)
- **Unpaid**, but may accept grants/ reimbursements



UBC Model: Visiting International Research Students (VIRS)

- From 2014 – late 2016:
 - 732 students
 - Top countries: China (24%), Germany (18%), France (12%)
 - Top fields: Engineering (28%), Chemistry (10%), Business (4%)

Length of VIRS





UBC Model:

Visiting International Research Students (VIRS)

- Advantages
 - Allows international & exchange offices to avoid navigating complex LMIA/ LMIA-exempt requirements; “one size fits many” model
 - Maintains distinction between student services and HR roles
 - Institutional definition of VIRS as full-time allows for on-campus work (only if unrelated to research)
- Disadvantages
 - Some visa offices interpret activity as work, not research **education**; refusals on the rise since Feb. 2015 IMP changes
 - Not all researchers are able to come; level of support ranges amongst academic departments; not a priority population for HR

Case Studies – Answer Grid for UBC

	Status at your institution (circle one)	Office/unit responsible (e.g. International Student Services, Exchange Office, HR)	Status in Canada (circle one)	Type of immigration document applied for (e.g. IEC work permit, work permit exemption, study permit, N/A)	Ideal immigration status, in your opinion (circle one)
Cheng-Xi	student / employee / other	Go Global (exchange office) in collaboration with International Student Development	visitor / worker / student	Study permit (recommended, but optional)	visitor / worker / student / other
Iman	student / employee / other	Human Resources via academic department	visitor / worker / student	LMIA exempt work permit: IEC –SWAP Working Holiday (C21)	visitor / worker / student / other
Dennis	student / employee / other	Go Global (exchange office) in collaboration with International Student Development	visitor / worker / student	Study permit (required)	visitor / worker / student / other
Mina	student / employee / other	International Student Development to refer, based on student's plan	visitor / worker / student	Either stop researching and apply for visitor status; register in full-time studies and obtain study permit; or obtain work permit	visitor / worker / student / other

Additional Models?

- Employer-specific recognized organizations for foreign youth
 - Part of International Experience Canada
 - University of Alberta and University of New Brunswick
 - Open to all countries/territories, but \$230 compliance fee required
- Short-Duration Work Permit Exemption
 - Announced Nov. 1 as part of the Fall Economic Statement
 - “A new work permit exemption for short duration work terms” which applies to “brief academic stays”

Advocacy action to date

- CBIE Immigration Advisory Committee
- Mitacs proposal
 - *“Foreign nationals registered at foreign educational institutions (i.e., **not** enrolled in a Canadian designated learning institution) and wishing to come to Canada to complete an internship or undertake a position in research programs are considered temporary foreign workers under the IRPR. Examples include foreign nationals funded by research organizations such as Mitacs”* [Program Delivery Update on interns – CIC website, July 29, 2016]
- Bureau de coopération interuniversitaire

Qs & As

Your feedback is important to us!

Please take a moment to submit the evaluation
for this session.

Evaluations are found on CBIE's Conference app.

Thank you!