



CBIE Immigration Advisory Committee August 2017 Post-Graduation Work Permit Eligibility Requirements

Recently changes requirements (applicable retroactively) that are a source of concern:

- 1) Eligibility for a post-graduation work permit – “To get a post-graduate work permit you must have continuously studied **full time in Canada** (i.e., studies must have taken place at a Canadian educational institution) and have completed a program of study that is at least **eight months** in duration”¹
- 2) Ineligibility for a post-graduation work permit – “You aren’t eligible to apply for a PGWP if you studied for more than eight months but not continuously (for example, you took a semester off)”²

Concerns:

- The above policy does not indicate if officers will exercise their discretion in accepting reasonable justification for legitimate cases that do not fall under ‘continuous full-time studies in Canada.’ Examples include: maternity and parental leaves, approved institutional leaves of absence, breaks from studies due to unforeseen circumstances such as a death in the family or an illness etc.
- The standard used to determine whether a person is eligible for the post-graduate work permit is higher than the standard a person has to respect in order to meet their study permit conditions. In order for a student to be compliant with the conditions of their study permit, they must remain enrolled and actively pursue their studies:
 - As of June 1, 2014, all study permit holders in Canada will need to actively pursue studies. This means that:
 - if you hold a study permit, you must remain enrolled and make reasonable and timely progress towards completing your program*³
 - The definition of full-time or part-time varies depending on the educational institution. A study permit may be issued whether or not the student’s studies are on a full-time or part-time basis (i.e., the condition that study permit holders must actively pursue studies does not

¹ IRCC Post-Graduation Work Permit [International Students OP Manual] – <http://www.cic.gc.ca/english/resources/tools/temp/students/post-grad.asp>

² IRCC Post-Graduation Work Permit – <http://www.cic.gc.ca/english/study/work-postgrad-who.asp>

³ Changes to the International Student Program - <http://www.cic.gc.ca/english/study/study-changes.asp>

require them to be enrolled on a full-time basis), as long as they are enrolled at a designated learning institution.⁴

They are therefore not required to pursue their studies on a full-time basis. However, this is eligibility requirement for the PGWP. We are concerned that students who decide to study part-time may not be eligible for the PGWP despite being compliant with the conditions of their study permit and find that this requirement of being full-time for PGWP is unfair to students.

- Officers may utilize erroneous criteria to determine a PGWP applicant's eligibility in light of different systems, definitions and information or formats used in official letters provided by Canadian educational institutions. For example,
 - Some institutions may state full-time status on their transcripts, while others have a course credit system to determine this status.
 - Some institutions operate on a semester system, while others operate on an annual academic cycle.
 - Some institutions have clearly defined scheduled breaks, while others do not. For example, an institution may allow a student to choose which term, Winter, Summer or Fall, they would like off while still maintaining a full-time status (i.e the student may register in Winter and Summer term and have the Fall term off as a scheduled break). There is, therefore, a risk that an academic scheduled break may be assessed as a break from studies by an officer who is not familiar with the institutions academic terms and system.

Thus, acknowledgement of variance across Canadian educational institutions is important in ensuring accurate decisions are made. Unfamiliarity of such variance may result in unsound decisions.

- The Global Skills Strategy is further evidence of the commitment of the Canadian government to attract and retain top talent for Canada. Simultaneously, the objective of the PGWP is to increase the attractiveness and competitiveness of Canadian institutions, increase temporary labour supply for key industries and facilitate the conversion of international students to permanent residents. Given past strides in such policy directions, it is imperative that IRCC and post-secondary institutions continue to collaboratively work together to ensure that the PGWP remains fair, attractive and successful for international students who complete a Canadian credential.

Recommendations:

⁴ Full-time versus part-time studies - <http://www.cic.gc.ca/english/resources/tools/temp/students/consider.asp>

Given that the PGWP derives directly from the International Student Program, we recommend the following:

1. The eligibility requirement for the PGWP be changed to:
To get a post-graduation work permit, you must have continuously **actively pursued your studies** (i.e. studies must have taken place at a Canadian educational institution) and have completed a program of study that is at least **eight months** in duration.
2. That IRCC allow students who are registered on an institutional leave of absence or who have a reasonable justification as to why they have a break in their studies be considered to meet the definition of actively pursuing their studies and therefore remain eligible for the PGWP. It should be noted that this would be in line with IRCC's own policy direction on assessing study permit conditions as indicated during the IRCC consultations on changes to the study permit conditions in March 2017.
3. That IRCC explicitly states that students will have an opportunity to provide a reasonable justification as to why they may have taken a leave or break from their studies during the application stage of their PGWP.
4. That IRCC provides clear direction on how to assess cases of breaks during studies. Such clarity will ensure consistency and accuracy in the decision-making of PGWP applications.

The above recommendations are critical as the PGWP is invaluable for international students to gain Canadian work experience and career-related social capital that supports their transition to permanent residency. It also leads to a more marketable education brand for Canada, and helps support the strengthening of our national economy.