



## CBIE Immigration Advisory Committee Briefing Note | October 2019 Post-Graduation Work Permit Program Updates – Urgent Issues

On February 14, 2019, the PGWP program received updated [program delivery instructions \(PDI\)](#), which offer more flexibility and clarity regarding this program. However, there remains some areas of incongruity within this PDI and the corresponding Study Permit: Off-Campus Work PDI, which can negatively impact graduating international students. With this in mind, the committee urgently requests a response to the concerns detailed below.

### 1. Online Work Permit Applications and PGWP PDI Updates Compatibility

As per the February 14th updates, PGWP applicants must now provide both a letter confirming the completion of their studies, and a copy of their transcript. The online application was recently updated to ask the applicant ***'Do you have an official letter from your school that confirms you've completed your study program, as well as a copy of your final transcript?'*** which has been well received.

However, within the application this question appears twice. Once at the beginning of the questionnaire, and again after the applicant has chosen what they would like to apply for. The second time the question is asked, the applicant is requested to indicate what document they are providing. Regardless of how the applicant answers this question, they are required to provide both documents on their document checklist.

**Online Application Screenshot of after applicant declares, they would like to apply for a Post-Graduation Work Permit:**

**Find out if you're eligible to apply**

Do you have an official letter from your school that confirms you've completed your study program, as well as a copy of your final transcript?  
*(required)*

Please make a selection

- Please make a selection
- Final transcript
- Letter from educational institution
- Formal Notification
- Other

Next

Important: This information is for reference only and no immigration decision will be made based on your answers. If you choose to apply, your application will be considered by an immigration officer in accordance with the Immigration and Refugee Protection Act, without regard to any outcome you attain through this questionnaire. [Read the full notice](#)

### Recommendation

To avoid confusion, the Committee is kindly requesting that the online application system be updated to only ask the above question once, and that the options remain as 'yes' or 'no' rather than listing additional selections.

## 2. Inability of Visitors inside of Canada to Apply for PGWP Online

The following is indicated in the PGWP PDI under the section – Making an application on the [Post-Graduation Work Permit validity and application](#) page. Please see:

The applicant may apply for a post-graduation work permit from within Canada if their study permit is still valid. If the applicant's study permit is no longer valid, and they wish to remain in Canada, they must apply for visitor status before their study permit expires.

Former international students who change their status to visitor status before their study permit expires, while waiting for their notice of graduation from their institution, may also apply for a post-graduation work permit from within Canada.

However, the online system does not allow for visitors inside of Canada to apply for a work permit from within Canada. Additionally, IRPR 199 excludes visitor record holders inside of Canada from applying for a work permit. Thus, graduated students who remain in Canada and change their status to visitors, are required to apply for their PGWP to a visa office outside of Canada. In addition to the inconvenience of having to travel to the Canada/USA border and attempt a “flagpole” to obtain their work permits, they may also be required to leave Canada to provide biometrics - a service not yet available inside of Canada.

As stated on the IRCC website, temporary residents are unable to travel to the USA simply to provide biometrics. Thus, putting graduated students who must change their status to visitors at a large disadvantage. Please see:

### If you're already in Canada and need to leave the country to give biometrics

If you're **in Canada** and you apply for an **initial** study or work permit, **and** you received a biometrics instruction letter from us, you may need to **leave Canada to give biometrics**.

**Do NOT** travel to the United States (U.S.) to give your biometrics. You must already be legally in the U.S. or an overseas territory of the U.S. to go to an Application Support Center.

Instead, go to a [visa application centre \(VAC\)](#) in any other country that you can legally enter, such as your home country, to give your biometrics.

## Recommendation

The Committee is requesting that IRCC consider these logistic challenges, and allow visitors inside of Canada who have completed their program of study within 180 days to be able to apply for a work permit from within Canada.

### 3. Potential Disappearance of the ‘Bridging’ Study Permit

As per the February 14, 2019 updates under the [Post-Graduation Work Permit validity and application](#) section, an applicant must be either in possession of a valid study permit or were in possession of a valid study permit, within 180 days of receiving formal confirmation of having completed their degree, to be eligible to obtain a post-graduation work permit. Please see:

#### Making an application

Applicants must apply for a work permit within 180 days of receiving written confirmation (such as an official letter or transcript) from the educational institution indicating that they have met the requirements for completing their program of study. Calculation of 180 days begins the day the student’s final marks are issued or the day formal written notification of program completion is received, whichever comes first. The onus is on the applicant to provide proof of the date the transcript is received. Officers may also confirm this date with the educational institution.

The applicant may apply for a post-graduation work permit from within Canada if their study permit is still valid. If the applicant’s study permit is no longer valid, and they wish to remain in Canada, they must apply for visitor status before their study permit expires.

Former international students who change their status to visitor status before their study permit expires, while waiting for their notice of graduation from their institution, may also apply for a post-graduation work permit from within Canada.

While it is a welcomed update that graduated students may now apply for a PGWP within 180 days of completing their degree, and do not have to be in possession of a valid study permit in order to be eligible, there is a challenge to this new instruction. Previously, students were able to apply for an unofficial ‘bridging study permit’ when they neared the end of their degree and had a “soon to be expired” study permit. Applying for the study permit in these situations made them eligible to both apply for their PGWP and work while waiting for a decision to be made on the application, as per R186(w).

As stated at the Québec CBIE Meeting in May 9th, 2019, and suggested in the PDI, IRCC has ended this practice, and now requires all students to apply to change their status to visitor, should their study permit be near expiration upon the completion of their degree. Thus, rendering students disadvantage both financially (with processing times being in excess of 3 months) competitively in the labour market.

#### Recommendation

The Committee is requesting that IRCC reinstate the practice of the ‘bridging study permit’ to allow students who meet the requirements of R186(w) to work while they wait for their PGWP to be processed.

#### 4. Clarification on Study Permit Validity

As per IRPR 222(1)(a), a study permit becomes invalid...the day that is 90 days after the day on which the permit holder completes their studies...”.

Considering that the updated policy states that a student must apply for their PGWP prior to their permit expiring, the Committee would like clarification if this refers to the 90-day validity stated in the regulations, or to the physical date written on the permit. Please see the contradicting wording here:

#### Making an application

Applicants must apply for a work permit within 180 days of receiving written confirmation (such as an official letter or transcript) from the educational institution indicating that they have met the requirements for completing their program of study. Calculation of 180 days begins the day the student's final marks are issued or the day formal written notification of program completion is received, whichever comes first. The onus is on the applicant to provide proof of the date the transcript is received. Officers may also confirm this date with the educational institution.

The applicant may apply for a post-graduation work permit from within Canada **if their study permit is still valid**. If the applicant's study permit is no longer valid, and they wish to remain in Canada, they must apply for visitor status before their study permit **expires**.

Former international students who change their status to visitor status before their **study permit expires**, while waiting for their notice of graduation from their institution, may also apply for a post-graduation work permit from within Canada.

Foreign nationals who do not apply for a post-graduation work permit, and whose study permit becomes **invalid or expires**, must either leave Canada or submit an application to change their status in Canada. They may also be subject to [Restoration of temporary resident status](#).

#### Clarification

The committee is requesting clarification on what IRCC deems to be 'validity of study permit' as it pertains to PGWP applications and the eligibility of applicants to work while waiting for a decision on their application.

## 5. Programs with an Overseas Component

The new PDI makes specific reference to the impact that an overseas component in a student's studies will have on the validity of their PGWP. Please see:

### **Programs with an overseas component**

If a student completes a program of study in Canada that has an overseas component, they are eligible for the PGWPP, as long as they earn a Canadian educational credential from an eligible DLI. However, the length of the post-graduation work permit is based on the length of time they studied in Canada. Officers may contact the DLI to confirm that the studies have taken place in Canada.

This policy poses a challenge to many educational institutions in Canada in meeting their outbound mobility mandate. Recognizing the importance and value of international education, many institutions across Canada offer programming to students that have either mandatory, or optional, outbound mobility components. Previously, pursuing these valuable opportunities was not a disadvantage to international students, given that they still earned credit towards their Canadian degree through these programs. However, noting that an overseas exchange, an international co-op, or a group study program abroad would negatively impact the length of their PGWP, many international students are discouraged from participating in these opportunities.

### **Recommendation**

The Committee is requesting that IRCC change this policy, to ensure that international students have equal opportunities in pursuing an education in Canada.

## **6. Utilizing Border Crossings to Obtain PGWP When Processing Times are Excessive**

On June 4, 2019, IRCC announced that all applicants who are eligible to apply for a work permit from within Canada must do so via an online application. Being as processing times for work permit applications made within Canada are lengthy at this point in time, and many Canadian employers have no understanding of R186(w) and their legal ability to hire international graduated students, eligible under this regulation, many students choose to ‘flag pole’ or apply for a work permit at the Canada/USA border.

Since the update, many of these students have been warned by CBSA officials that they are no longer eligible to obtain their work permit at the border, even though R198(1) states their right to apply for a work permit upon entering Canada (for those requiring a visa, R190(3)(f) also allows them to apply at the border). See reference [here](#).

### **Recommendation**

The Committee is requesting confirmation that the June 4th update does not impact those students who are eligible under R198(1) to apply for their PGWP at the border.