



Expression of Concern Regarding Study Permit Conditions Required to Work Off Campus

This note is to express concern with the recent addition to certain IRCC public-facing websites that study permits authorize work only when bearing conditions explicitly authorizing work (see Appendix for policy summary). From an institutional perspective, this apparent policy shift is highly concerning for a number of reasons which we will elucidate below. As a member institution of the Canadian Bureau for International Education (CBIE), we hope as always to provide perspectives that support the work of IRCC, and we appreciate the opportunity to work in partnership to support the International Student Program.

Not Supported in IRPR. We recognize the right of IRCC to determine matters of policy that add to the IRPA and IRPR; however, given that work authorization imbued via study permit is already clearly defined in 186 (f), (v) and (w), it seems counterproductive to augment this regulatory direction with unnecessary operational details.

Conflated Policies. Although study permit conditions related to work are required to obtain a SIN, it would be inaccurate to conflate the Service Canada policy regarding SIN acquisition with a policy authorizing work. Not all work requires a SIN, particularly when there is neither an employment relationship nor remuneration. Examples include practica for teacher candidates, job shadowing in industry and research education that has been deemed work by an immigration officer.

Policy Dependent on Unreliable Operational Activities. A policy that limits work authorization to specific study permit conditions depends on the accuracy and reliability of judgement from each visa officer and border services agent who approves or issues a study permit. As CBIE has communicated consistently since the changes to study permit work authorization in 2014, member institutions continually see study permits issued with incorrect conditions related to work. When we have communicated with border services supervisors about this issue since 2014 and as recently as last week, the response continues to be: this is a complex job, international students are a small part of our population, there is a lot to remember, it is up to the officer abroad to determine the conditions, the border officer cannot change the conditions (which we understand is not accurate), it is not always possible for the border officer to determine whether a student's program qualifies them to work off campus, and work authorization is not the purpose of a study permit. As CBIE has met with Canadian Border Services Agency leadership in the past, we understand that the response has also been that it is

the client's responsibility to ensure accurate conditions are applied to their study permit. This is concerning given that the individual student upon entry to Canada is not always in a position to correct a border services officer; students who heeded our institution's pre-arrival communications and requested correct conditions on their study permits at port of entry were advised by officers that no conditions were needed. In short, we see a mismatch between the policy intention and the operational base that is intended to support it.

Unnecessary Workload and Systemic Inefficiency. When work authorization is depending on individual IRCC and CBSA officers' decisions, this creates barriers for international students and unnecessary burden on CBSA officers, immigration officers, Service Canada officers and employers. Consider this real example our institution witnessed. A visa officer abroad approved a study permit application, apparently without including conditions related to work. The issuing CBSA officer also did not include conditions related to work. Before leaving the kiosk, the student requested that the officer include conditions related to work, which the CBSA officer declined to do. The student traveled to a Service Canada office to apply for a SIN but was denied due to insufficient documentation on the study permit. The student sought the advice of one of our international student advisors. On their advice, the student notified their employer that they could not work and applied to amend their study permit. After two months, the amended study permit arrived. The student returned to Service Canada, obtained a SIN, and sought another job as their previous employer was not able to hold the position for them. Two years later, the student graduated and was admitted to a subsequent program of study. They applied to extend their study permit. The issuing officer did not include the conditions related to work. The employer notified the student that they were unable to employ them as their SIN was valid during implied status but was now no longer valid and could not be extended due to insufficient conditions on the study permit. The student applied to amend their study permit. After two months, the amended study permit arrived. The student returned to Service Canada, reactivated their SIN, and sought another job as their employer was not able to hold the position for them. Even for less unfortunate examples, removing the requirement for study permit conditions as work authorization would reduce burden on the system and create greater efficiency for IRCC, CBSA, Service Canada, and the public.

Insufficient Communication. We appreciate the effort required to enact policy changes that impact a wide sector of the public. For the addition of study permit conditions as work authorization for study permit holders, we understand you would need to inform international students, secondary and post-secondary institutions, provincial and territorial representatives, stakeholder organizations, CBSA, Service Canada and the employer sector to ensure an effective roll out of such a change. We would submit that such an effort is not yet in evidence and would propose that there is still time to reconsider the policy.

Should a more a fulsome communication plan be underway, we are as always ready to work with CBIE and IRCC to assist in those efforts.

Impact on Clients. International students place tremendous value on the opportunity to connect to their campus and local community through part-time work. They gain a greater sense of belonging, improve proficiency in an official language, and improve their academic outcomes when they see their course material applied in the real world. Many international students rely on work during studies to gain the Canadian work experience Canadian employers require when hiring for position after graduation. International students already report a sense of frustration and loss of trust with Canadian bureaucracy

when they are issued study permits without conditions that allow them to obtain a SIN; this would only be compounded if work authorization were denied based on the same conditions. If study permit conditions related to work are indeed an additional requirement for work, more students will be unable to take up part-time employment or benefit from subject-specific unpaid work opportunities alongside their Canadian classmates. This seems a waste of educational potential for the students we have all worked so hard to recruit and admit to our institutions and to Canada.

Impact on Post-Secondary Sector. Canadian work experience is a well-documented precursor to meaningful employment in Canada after graduation, which has the double benefit of extending the value of a Canadian degree and of opening doors to permanent residence. As you are aware, work authorization during studies is highly desirable for international students, as evidenced by the success of the Off-Campus Work Permit Program. The inclusion of work authorization in the study permit in the IRPA and IRPR changes of 2014 was lauded as a hallmark decision in facilitating the recruitment, yield and retention to graduation of international students to Canada. We imagine this policy direction was even more impactful in those provinces and territories that actively support the retention of international students as permanent residents.

The apparent additional requirement of study permit conditions to authorize work during studies brings no advantages to the post-secondary sector and numerous disadvantages. Students whose work is integral to the academic mission of institutions, such as research assistants and teaching assistants, negatively impact teaching and research when they arrive without the ability to work for up to two months while awaiting study permit amendments. Institutional partnerships with industry and community agencies are strained when students are prevented from taking up part-time off-campus work-integrated learning placements. The Canadian post-secondary sector's ability to recruit, yield and retain to graduation international students will be compromised if it is known not for work opportunity but for inconsistent bureaucracy and unpredictable access to work authorization.

For Consideration.

1. We notice that this policy direction has not yet appeared in PDIs nor in all public-facing webpages. We would encourage IRCC to reconsider this direction before it becomes further codified. We would support the use of IRPR as the basis for study permit work authorization, without the requirement of specific conditions related to work.
2. We would as always encourage the ongoing partnership between IRCC and CBSA to support visa officers abroad, in-Canada visa officers and border services officers to issue correct conditions related to work on study permits.
3. We would further reiterate our support for a single study permit condition related to work, namely,
 - a. May accept employment on or off campus if meeting eligibility criteria per paragraph R186(f), (v) or (w); must cease working if no longer meeting these criteria.

Appendix: Immigration Rep Email to Clarify Study Permit Conditions Required for Off-campus Work

From: Bouajram, Rohene [<mailto:rohene.bouajram@ubc.ca>]

Sent: July 25, 2019 12:13 PM

To: Immigration Representatives / Représentants immigration (IRCC)

[<IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>](mailto:IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca)

Subject: Clarification: Study permit conditions required for off-campus work

Greetings,

Please see below a question and suggestion regarding working as an international student:

Context:

Some public-facing IRCC webpages have recently been updated to state that a **specific study permit condition is required** in order for international students to work:

- Both the “[work on campus](#)” and “[work off campus](#)” pages websites state that international students can only work if their study permit includes a condition that says they are allowed to work on- or off-campus, respectively
- The “[find out if you can work off campus as an international student](#)” [questionnaire](#) states that the study permit must state one of the following conditions:
 - *May work 20 hrs. per week off campus, or full time during regular breaks, if meeting criteria outlined in section 186(v) of IRPR.*
 - *May accept employment on or off campus if meeting eligibility criteria as per R186(f), (v) or (w). Must cease working if no longer meeting these criteria.*

However, other public-facing IRCC webpages **do not** list a study permit condition as a requirement to work:

- The “[Do you need a work permit to work in Canada?](#)” page
- The reference to IRPR 186(v) in the “Work authorization after submitting a post-graduation work permit application” section of the [Post-Graduation Work Permit validity and application](#) page

In addition, while IRPR 186(v) references the requirements for students to be a full-time degree-seeking student, **IRPR does not make any mention of a study permit condition as a requirement for work.**

Working at a large institution such as the University of British Columbia, we see a very wide range of conditions on study permits issued to full-time degree-seeking students, including those which were issued several years ago (e.g. in 2015):

- No conditions related to work at all (simply blank)
- Restrictive conditions specifically not allowing off-campus work (e.g. “*This permit does not permit the holder to engage in off-campus employment in Canada*”)
- Fairly ambiguous conditions (e.g. “*Unless authorized, prohibited from engaging in employment in Canada*”)

- Conditions allowing only on-campus work

We understand that specific study permit conditions are now required in order to obtain a Social Insurance Number (SIN), and we do advise students to apply for an amendment or change of conditions as necessary. However, we do see students who were issued a valid SIN despite lacking the specific wording indicated online.

Questions:

1. Given the contradiction between IRPR and some public-facing IRCC webpages, can you please clarify exactly what study permit conditions are required in order for students (who otherwise meet the on or off-campus work permit conditions) to work? Is it restricted to **only** one of the following:
 - a. May work 20 hrs. per week off campus, or full time during regular breaks, if meeting criteria outlined in section 186(v) of IRPR
 - b. May accept employment on or off campus if meeting eligibility criteria as per R186(f), (v) or (w). Must cease working if no longer meeting these criteria
2. Or do other variations of study permits (e.g. those without conditions related to work, or those which state *"Unless authorized, prohibited from engaging in employment in Canada"*) also allow work?
3. If students do not have one of the conditions above on their study permits, are they then considered not to have work authorization and thus also restricted from working while waiting for a post-graduation work permit?
4. If students must **amend** their study permit due to an error made by an immigration officer (i.e. not writing the correct condition on their study permit allowing them to work), may they work while they wait for the amendment to be processed?
5. If students must **change the conditions** of their study permit due to an error made by an immigration officer (i.e. not writing the correct condition on their study permit allowing them to work), may they work while they wait for the amendment to be processed?

Suggestion:

Given that study permits are still being issued in such an inconsistent way at the POEs, and both the amendment and change conditions processes are onerous for students in terms of processing times and impact on job opportunities (which often begin at the start of the term), we would recommend that IRPR 186(v) be the standard for work authorization, not whether specific conditions exist on a study permit.

In addition, it would be extremely helpful to students if you can ensure the multiple webpages regarding work authorization are consistent and simplified as much as possible, as students in general are very confused about work authorization. It is a topic we find ourselves clarifying constantly for an international body as large as over 16,000.

Many thanks for all the hard work you do on behalf of Canada.

Rohene

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Rohene Bouajram, MA, RCIC

(Pronouns: She/Her/Hers)

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From: Immigration Representatives / Représentants immigration (IRCC)

<IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Sent: Wednesday, October 9, 2019 8:43 AM

To: Bouajram, Rohene <rohene.bouajram@ubc.ca>

Cc: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Subject: FW: Clarification: Study permit conditions required for off-campus work--REP-2019-2158

Hello Rohene,

This is in response to your enquiry sent on July 25 regarding work authorizations for students and study permit conditions.

Study permit holders should have one of the following conditions related to work authorization:

- May accept employment on or off campus if meeting eligibility criteria per paragraph R186(f), (v) or (w); must cease working if no longer meeting these criteria
- May accept employment only on campus if meeting eligibility criteria per paragraph R186(f); must cease working if no longer meeting these criteria
- May not accept off-campus employment, unless prerequisite course or program has been completed; may accept employment once meeting paragraph R186(v)
- Unless authorized, prohibited from engaging in employment in Canada

If a study permit is not issued with one of these conditions, or if they believe they have been issued an incorrect condition in error, the study permit holder should [request an amendment](#) to their conditions. Study permit holders must have one of the first three conditions in order to work on or off campus. Study permits which have been issued with the fourth condition do not authorize work without a work permit.

I hope that this information is helpful to you. If you have any further enquiries, you may contact us at IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca.

Thank you kindly,

The Immigration Representatives Mailbox