



## Questions & Recommendations

September 11, 2020

### Starting Online from inside Canada - Temporary considerations of requirements due to COVID

**Context:** With the recent updates to the PGWP instructions around overseas studies, we have had a number of stakeholders bring up questions related to the mention of specific months, as well as the timelines outlined on the website, that are causing confusion for students and institutions alike.

- 1.) The use of May or September for the start of terms. Some programs across Canada had moved their fall start for their programs to begin in October, given some of the uncertainties around the PGWP and the most recent announcement coming out on August 28<sup>th</sup>.
  - a. How would this be viewed in light of the current updates?
  - b. Would those starting in October still be eligible for the exemptions noted on the website?

**Response:** The temporary policy changes in regards to short-term programs and 'program stacking' apply to programs starting in the spring, summer or fall 2020 semesters. Therefore, if a DLI's academic calendar is deferred until the October for the start of the fall semester, students will still remain eligible for the PGWP exemptions as long as they applied for a study permit before commencing their program of study and meet all the other eligibility requirements.

The IRCC website will be updated to clarify this issue.

- 2.) The recent updates regarding the PGWP have caused some confusion about the timelines for students regarding the 8 and 12 months noted: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/students.html#exemptions>

Excerpt from the website:

- If you're in this situation, you can begin your classes while outside Canada and complete 100% of your program online if*
- o your program is between 8 and 12 months in length, and*
  - o you started your studies between May and September 2020*

Interpretations vary regarding the language on the website currently. The policy of 8-12 month programs which has been proposed by some is effective from May 1, 2020 to August 31, 2021, given the current wording on the website.

For example, if a program starts in Sept. 2020, with a one year timeline, 12 months is completed by the end of August, 2021.

However, in the same section it states that the temporary policy with flexibility on PGWP covers programs will end on April 30, 2021 based on the recent update:

“You won’t have time deducted from the length of your post-graduation work permit for studies you complete outside Canada until **April 30, 2021.**”

Question: Which timeline is intended in this situation?

- 1) End on August 31, 2021 if “Start date between May and Sept. 2020”, or
- 2) End on April 30, 2021?
- 3) Can IRCC please clarify if there is a distinction between starting in May or September for the length of time the student is able to study 100% overseas and still remain eligible for the PGWP e.g.,: 8 months or 12 months?

**Response:**

Special measures have been put in place as a recognition that travel restrictions related to COVID-19 may significantly impact international students undertaking short programs of study, beginning in the spring, summer or fall 2020. Students who started short programs of 8-12 months in length, between the Spring and Fall 2020 semesters are exempt from the requirement to complete at least 50% of their program of study in Canada, and in class. While these students may complete their entire program online (in Canada or abroad), time spent outside of Canada will be counted towards the overall length of the post-graduation work permit, until April 30, 2021. If programs of study will extend beyond April 30, 2021, students should plan to travel to Canada before May 1, 2021. If travel restrictions remain in place, IRCC may review this deadline.

Question: How do the recently announced PGWPP flexibilities affect students in a 33-credit Post Bac program? These are longer than one year, but shorter than two years. If students pursue their studies for two semesters in a row in their home country, they will have exceeded the 50% maximum of the program for PGWP program eligibility. Academic advisors are struggling with providing advice to these students who already began their program.

For example: students who started a post bac program in Summer 2020 (May-August) and study online for two consecutive semesters (9 credits x 2 = 18 credits), it would exceed the allowance of 50% of their 33 credits in total.

**Response:**

Students whose program of study is longer than 8-12 months will remain eligible for the PGWP if at least 50% of their program of study is completed in Canada.

- Please note, 50% of a total program of study is calculated based on the number of courses completed in Canada. In a situation where part of a semester is completed in Canada and the

other part online overseas, IRCC will consider that the semester was completed in Canada. Applicants may have to submit additional documents from the DLI.

IRCC endeavours to consider various study scenarios to provide clear guidance around Program requirements. .

Question: Can a student complete online courses inside of Canada without a valid study permit or without implied student status? What about students with Stage One approval or Approval in Principle (AIP)?

For example, students who are currently out of status in Canada and are in the process of restoring their student status or visitors in Canada who would like to begin a program of studies but who are not authorized to apply for a study permit from within Canada under section R215(1)(f).

Recommendation:

- Please clarify whether or not a study permit, stage one approval and/or implied status as a student is required to take online courses while in Canada.

**Response:**

If the program of study is longer than 6 months, a study permit is required to study in Canada, including for those programs of study offered completely online by DLIs due to health and safety measures related to COVID-19. In situations where a student has applied for a study permit extension (before the expiry of their study permit), but where a decision on their application is pending, they may study while under implied study permit status.

The 2 stage study permit process applies to applications submitted from outside of Canada. If for some reason an applicant is in Canada with an approval in principle, they cannot begin studying until they have been issued a study permit.

Foreign nationals applying for a restoration of status may not continue to work or study until their status has been restored and a new work or study permit has been issued.

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/visitors/restoration-status.html>

Question: What would be the consequences for students who started their program from abroad (with the approval of a SP or Approval-in-Principle), but do so part time? Either because the DLI does not offer enough courses or because they decide to do so because they do not have access to a reliable internet, a library, a suitable work space, etc. What would be the consequence for the PGWP?

Recommendation:

- The length will be reduced by the amount of time spent overseas (but they will not lose admissibility).

**Response:**

Students may have been required to put their studies on hold or become part-time students due to course cancellations as a result of public health measures at DLIs and COVID-19. For the winter, spring and summer 2020 semesters, when a student's status changed from full time to part time due to changes in course delivery at a DLI, their eligibility for a post-graduation work permit will not be impacted.

Outside of the public health measures and closures resulting from the pandemic, students who choose not to maintain a full-time status may not be eligible for the PGWP.

Context: Due to disruptions related to COVID-19, some programs will only be offered on a part-time basis; other students will have a break in September because the last classes they need to graduate won't be offered until January 2021. IRCC has indicated that eligibility for the PGWP will not be impacted if students are required to put their studies on hold or become part-time students due to course cancellations as a result of health and social distancing restrictions at DLIs. This, however, only applies to the winter and summer 2020 semesters.

Question: Will IRCC extend this temporary measure to include the fall 2020 and Winter 2021 semesters?

Recommendation:

- IRCC should extend this temporary measure to include fall 2020 and winter 2021.

**Response:**

IRCC is working on guidelines regarding the PGWP eligibility for students in light of existing service disruptions. However, current guidelines allow for a student in their last academic session to study on a part-time basis and one academic leave, not exceeding 150 days, authorized by their DLI without penalty to their PGWP. IRCC will keep stakeholders apprised on the developments as they emerge.

**Students and Workers (Outside of Canada) – Temporary considerations for applications**

Question: Would IRCC consider including professors, RA's and TA's into a priority category for processing or into exemptions for biometrics?

**Response:**

IRCC currently has a list of occupations that receive priority processing, and biometrics exemptions. At this time IRCC is not contemplating extending these to the above mentioned occupations.

Further information on biometric exemptions can be found on IRCC [website](#).

Question: Will IRCC be able to provide detailed guidance for applications on their website to accommodate for students without access to VAC? For example, students in countries like Iran with no VAC and closed borders.

**Response:**

Due to the closures and limited operations of some [visa application centres](#) (VAC) and United States Application Support Centers and limited access to IRCC and Service Canada offices, study permit applicants may be unable to

- give their biometrics
- undergo a medical examination
- submit their original travel documents

IRCC officers will continue to request additional supporting documents or necessary actions (such as biometrics and medical examinations) as part of the application process and will keep applications open until documents are received or evidence is provided that action has been taken. Please see more information in the processing section on [IRCC's public website](#).

Context: Will [Visa Office Instructions for Bangaluru \(Bangalore\), Chandigarh, New Delhi](#) do not indicate that students MUST submit a language test – moreover, they do not specify which language tests would be accepted should they choose to submit one. We understand, however, that the High Commission in New Delhi is requiring a paper based IELTS or TOEFL test in order to process study permit application through the regular stream, including for an Approval-in-Principle. The majority of new applicants will not have written a paper based IELTS or TOEFL test and, even if test centers are open in some locations, testing dates are limited.

Question: Please clarify official language test requirements for non-SDS applicants from India.

Recommendation: Process applications according to official Visa Office Instruction guidelines.

**Response:**

We have reached out to our colleagues in International Network. We will provide further information as soon as possible.

However, for the Student Direct Stream, if students are not able to provide language results as part of the SDS, they should apply through the regular study permit application process.

Question: Can US nationals and US permanent residents currently apply for their initial study permit at a Canadian POE, as per R214(a)?

We are seeking the answer to this question, for there appears to be differing information on various parts of the IRCC website, as well as what is being communicated by CBSA staff, which is causing confusion for both incoming international students and for institutions on how to adequately advise our students.

**Context 1:** Information found on the IRCC website indicating US nationals and permanent residents should not apply for an initial SP at the POE: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/students.html#apply-online>

To keep processing applications from people who are exempt from the travel restrictions, we're temporarily changing how you can apply to visit, work or study in Canada.

If you're applying for a study permit **from outside Canada**, you must apply online. When you apply, you should

- submit as many of the documents needed for a complete application as possible
- include a letter of explanation for any documents that are missing due to COVID-19

If you **can't** apply online because of a disability or because there is a problem with the online application, you can apply on paper.

You cannot apply for a study permit at a Canadian port of entry during this time.

If you plan to study in Quebec, you must provide a valid Quebec Acceptance Certificate (CAQ) or proof that you applied for a CAQ.

**Context 2:** Information found on the IRCC website indicating those entering from the US can apply using POE: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/students.html#exemptions>

Make sure you have proof that you're exempt from the travel restrictions and that you're travelling for a non-optional or non-discretionary purpose.

When the border services officer greets you, they will look at several factors, including whether

- you're already living in Canada
  - If you're already living in Canada, your return is non-discretionary.
- you're able to complete a 14-day quarantine period as soon as you arrive at your final destination
- you begin studying after you complete your quarantine
- you need to be in Canada for your program (for laboratories, workshops)
- pursuing your studies online is not an option at your school or not possible from your home country (due to internet restrictions or bandwidth limitation)

You must also bring

- a valid study permit, or
- a port of entry letter of introduction that shows you were approved for a study permit, if you're coming from the United States, or
- a port of entry letter of introduction that shows you were approved for a study permit on or before March 18, 2020, if you're coming from any other country

**Context 3:** Information indicating that US nationals and permanent residents can still apply for a study permit at the POE:

- Currently, there are multiple reports from conversations with CBSA officers across the country with institutional staff, that indicate that there are no legal barriers preventing US nationals and permanent residents from applying for a study permit at the POE

- The CBSA Shift Briefing Bulletin from June 22 (COVID-19 – Foreign Nationals Seeking Entry to Work) indicates that while border applications are being discouraged at this time, “CBSA does not have legal authority to deny the processing of applications submitted at a POE, as long as they qualify”. While this briefing note concerns individual arriving into Canada for the purpose to work, can we presume that this same guidance applies to individuals who are eligible to apply for a Study Permit at the POE (ie: R214(a))?The conversations had with CBSA officers, while contradicting to the information found on sections of the IRCC website, coincides with the ‘Study Permit: How to Apply’ website on the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/apply.html>
- Under the section ‘Get the Instructions’, applying At a port of entry is an option. When you select that option, the instructions then prompts the individual to indicate if they meet any of the requirements of R214. If the individual states ‘yes’, they are then provided guidance on how to apply at the POE.

**Response:**

In general, applicants are encouraged to not apply for a study permit at a Canadian port of entry at this time. Applicants are encouraged to apply online for a study permit, before traveling to Canada..

Applicants may be able to apply at the port of entry if they are a:

- U.S. citizen
- lawful permanent resident of the U.S.
- resident of Greenland
- resident of Saint-Pierre and Miquelon

Applicants who meet the above requirements must have all the documents required to apply for a study permit when they arrive at the border. The border services officer will determine if they are eligible to enter Canada as a student.

Context: K-12 students have been receiving Stage One approvals that includes the following language:

“You are receiving this notification as an officer has reviewed the information and documents you provided to support your study permit application. Based on this preliminary eligibility assessment, your application has advanced to the next stage of processing.”

.... "while you await a final decision on your application you may commence your studies online."

However, the majority of K-12 public school members are not offering an online option to new international students for Fall 2020.

Recommendation:

- IRCC change in the wording of the letter to indicate '... if offered online' or '...studies online where available'

**Response:**

Thank you for flagging this issue. IRCC will review the letters sent out to K-12 students in the preliminary eligibility assessment process.

## Students and Workers (outside of Canada) - Travel & Quarantine

Context: International students who had their study permits approved prior to March 18 are being refused entry into Canada by order of CBSA unless they show proof from their institution that their studies have deemed an in-person component as essential/non-optional/non-discretionary.

The essential test has created a lot of questions. Even if international students are able to board a flight to enter Canada, it is difficult to predict how a border officer will analyze and interpret the essential nature of their entry into Canada. To lessen the uncertainty and anxiety, we are hopeful that IRCC can clarify what factors are being taken into account by CBSA when determining if an international student is travelling to Canada for an essential / non-discretionary purpose and make this information available on the IRCC websites.

From the IRCC website: <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/students.html#exemptions>

Your travel to Canada **may be** considered non-discretionary as a student if

- you already live in Canada
- you need to be in Canada for your program (for laboratory work, workshops, or similar)
- your school isn't offering online study options
- you can't study online from your home country because of internet restrictions or bandwidth limitations
- you can't participate in live online classes from your home country because of the difference in time zones

A border services officer will make the final decision on whether your reason for travelling to Canada is non-discretionary or non-optional.

### Question:

- 1) Can IRCC expand the Study Permit: Covid-19 Program Delivery page to include 'example scenarios' and 'context-specific scenarios' for what is and is not deemed essential travel, and provide examples of the supporting documentation required to justify each scenario?
- 2) Can IRCC provide templates for DLIs to complete to facilitate the entry of international students at the point of entry?

### Recommendation:

- Provide updated advice on the IRCC website that includes scenarios and supporting documentation needed to ensure there smooth travel to Canada.
- IRCC outlines the specific details required within letters of support for these cases to be approved by CBSA



- Provides clear templates with direction of the conditions required to authorize travel, or
- Works with UC, CIGan, CBIE, CAPSi and CBSA to develop a template that could be used by all DLIs.

**Response:**

- 1) Border Services Officers will assess the circumstances surrounding the student and their accompanying family member’s travel and may consider, for example whether any of the following may apply:
  - They are established, residing and studying in Canada. If they are established in Canada, their return is non-discretionary.
  - They are expected to begin studying upon arrival after completing their quarantine
  - Their presence in Canada is necessary for their continued participation in the program (such as laboratories or workshops)
  - Pursuing online studies is not a reasonable option for their school or program or it is not possible to pursue online studies from their home country.
  - The semester has been cancelled or the person will begin studying later in the year.

Travel will be deemed discretionary or non-discretionary depending on individual circumstances. The BSO will make the final decision at POE. **Before travel, students are encouraged to contact the Border Information Service for more information.**

- 2) Regarding the letters from DLIs, they are not considered mandatory. However, students are encouraged to bring a copy of a letter from their DLI explaining why they need to be in Canada. A template will not be provided to DLIs.

Question: If the quarantine is still in place by August and that IRCC authorized the arrival of international students whose SP has been approved after March 18th (for those doing in person courses and/or those doing online courses but who would like to do so from Canada), can you confirm:

- Quarantine plan will be assessed by CBSA upon arrival into Canada and not by airlines before departures?
- What will be the consequence of the quarantine plan does not satisfy the CBSA officer? Will the person be removed from Canada or sent to a quarantine facility?

Recommendation:

- We feel that there should be a framework in place to outline the roles and responsibilities for both students and DLI’s. Can IRCC provide their guidelines for quarantine?
- As well as a clear policy by IRCC on the conditions of entry to Canada. More specifically, there appears to be an inconsistent interpretation of the travel policy by Border Services, and subsequently, airlines.

**Response:**

The CBSA provides clear and up-to-date information on the requirements around quarantine on their [website](#). Whether arriving in Canada by air, land or sea, the CBSA will assess travelers’

health before they leave the POE. Foreign nationals demonstrating symptoms of COVID-19, will not be allowed to enter Canada.

Travelers must have a plan to quarantine for 14 days upon arrival in Canada, including

- a place to stay
- how they will
  - get to their destination
  - get groceries
  - access essential services and medical care

**A quarantine plan is mandatory, even if travelers have no symptoms.** Those without have a quarantine plan, should not travel to Canada. Those without a plan may not be allowed to enter the country. A border services officer will make this determination at the POE.

Question: Many ESL students do not require a study permit to come to Canada for a short term program. Many of them get an S-1 visa, or SX-1 visa.

Are S-1 visas or SX-1 visas holders considered exempt and able to enter Canada as long as it was issued prior to March 18th, 2020?

**Response:**

Current travel exemptions only apply to those who were approved for a study permit or hold a valid study permit on or prior to March 18, 2020. The exemption does not apply to those who hold visas, without a study permit, even if their program of study is exempt under regulations.

Context 1: Dependents planning to travel with eTA/TRV are historically treated as visitors and as such would not be allowed to travel at this point. <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/visitors.html>

Context 2: The IRCC website has been updated and reads that temporary workers (including those approved of an open work permit) must have a valid job offer to travel to Canada. <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/foreign-workers.html#restriction>

As a worker, your travel is **essential (non-discretionary)** if you're in **either** of these situations:

- You have a valid work permit and **normally live in Canada**.
  - This applies even if you've been laid off.
- You're a worker who meets **all** of the following:
  - has a letter of introduction for a work permit (**open or employer-specific**)
  - has a valid job offer
  - can work once you enter Canada and complete your 14-day quarantine (unless you're exempt)

Context 3: Spouses and dependents are not necessarily uniting with their family members in Canada. Rather, they are accompanying a family member (international student) who is traveling to Canada on

non-discretionary purpose. <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/visitors/immediate-family.html#temporary>

**Question:** Can further clarification be provided for traveling (initial arrival) as a family member of international students, including dependants and spouses of international students?

**Response:**

Family members of international students as defined by IRCC, such as spouses or common law partners and dependants may only travel to Canada to establish themselves in Canada for reasons considered to be essential/non-discretionary. Further details can be found [here](#).

**Question:** If a school district or other educational institution does not plan to enrol new international students from abroad for the foreseeable future in the midst of the COVID pandemic and therefore is not pursuing being 'on their provincial list' will this cause a problem for any of their existing international students that continue to remain in Canada to complete their high school studies/program of study when it comes time for them to apply for a study permit extension from within Canada?

**Response:**

As each province/territory may have unique processes in place, IRCC recommends that DLIs contact their provincial/territorial ministry responsible for education to confirm steps to be followed. .

**Approved SP holders (currently in Canada) – Part-time status**

Students may be required to put their studies on hold or become part-time students due to course cancellations as a result of health and social distancing restrictions at DLIs. For the winter and summer 2020 semesters, when a student's status changes from full time to part time due to changes in course delivery at a DLI, their eligibility for a post-graduation work permit will not be impacted.

**Question:** If a student wants to take a break or study leave due to direct or indirect impact of COVID-19 (such as pandemic in the home country, family business was affected or parents are sick, does not have enough money, no internet connection, etc.), will this not be considered as a reasonable justification to take a leave by IRCC unless course cancellations by DLI and therefore have an impact on a student's compliance with their study permit conditions and their post-graduation work permit eligibility?

**Recommendation:**

- Students will be granted similar considerations as if the course was cancelled by the DLI, as long as they are able to provide adequate explanation in their note detailing the circumstances that are beyond their control and DLIs should be prepared to provide letters of support and/or accompanying documentation.

**Response:**

Leave from studies does not affect PGWP eligibility as long as the study permit holder is compliant with their [study permit conditions](#) during the leave. When a PGWP application is made, the processing officer may request an explanation or supporting documents to establish that this is the case.

Students may be required or may wish to take leave from their studies while in Canada. For the purpose of assessing if a student is actively pursuing their studies, any leave taken from a program of studies in Canada should not exceed 150 days from the date the leave commenced and must be authorized by their DLI.

A student on leave who begins or resumes their studies within 150 days from the date the leave commenced (that is, the date the leave was granted by the institution) is considered to be actively pursuing studies during their leave. If a student does not resume their studies within 150 days, they should do either of the following:

- change their status (that is, change to visitor status or worker status)
- leave Canada

If they do not change their status or leave Canada, they are considered non-compliant with their study permit conditions.

Question: Will "Financial Constraints" due to Covid-19 be an acceptable reason to take a break in study or drop down to part-time until the economy recovers? Reference:  
<https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/visitors-foreign-workers-students.html#restrictions-students>

Details: For future applications (such as PGWP), students will have to provide a letter of support from their DLI to explain how their studies were effected by Covid-19, if there is any abnormality in their progression such as moving to part-time or taking a break from study. Will financial constraints be an acceptable reason? Is there a better way to determine availability of resources other than getting the DLI to confirm access to financial resources? Institutions, generally, are not in a position to provide this confirmation, but are receiving a number of inquiries related to this.

Recommendation:

- Confirm that the flexibility for on-/off-campus work eligibility would apply in this scenario (i.e. that students "forced to drop to part-time studies or take a break in their studies due to COVID-19" would include those in financial difficulty) and that this flexibility extend for Fall
- Students facing financial constraints due to COVID-19 and as a consequence are pursuing studies part-time will be eligible for Destitute Work Permit during their studies and maintain their PGWP eligibility.

**Response:**

IRCC put temporary measures in place to accommodate students whose program of studies have been disrupted due to the global pandemic. As such, students may put their studies on hold or become part-time students due to disruptions to full-time studies because of changes made by their DLIs, directly related to the COVID-19 pandemic. Based on stakeholder feedback, it has been indicated that the majority of learning institutions will be returning to a full-time format, though modified. While some flexibility for essential workers had been in place earlier in 2020, the rules for on- and off-campus work authorities have been [reinstated](#), and students must continue to meet the conditions of their study permit, in this case related to work authorizations.

## Approved SP holders (currently in Canada) – Working & PR

Question: Can you confirm that SP holders who are in Canada and working remotely as RAs/TAs are working “on-campus”?

### Recommendation:

- Students are considered to be working “on-campus” if they are working remotely for their DLI.

### **Response:**

International students who are eligible for on-campus work can continue to work remotely for the employers located within the boundaries of the educational institution at which they are registered. IRCC’s regular guidance provides further guidance related to “On-campus” work:

Students can work at all the buildings on your school campus. If your school has more than one campus, you may only work at the campus where you’re studying in most cases.

You can work at other locations if

- you’re working as a teaching or research assistant and
- your work is strictly related to a research grant

In this case, you may work at a library, hospital or research facility associated with your school, even if they’re outside the campus.

Question: Canadian employers require international students to show proof of a work permit (work authorization) to be hired, they need this proof of work permit at the offer and onboarding stage. Students who are unable to show proof of work eligibility risk having their offer rescinded. Canadian organizations would face a significant impact to their talent recruitment if international students were to withdraw from programs this fall because of not having work permits in hand. Could IRCC issue co-op work permits to students upon receiving approval of a study permit in principle? This permit would need to indicate that the student would be eligible to work as of the internship start date (for example May 2021 in the case of many summer internships).

This proof would be particularly important in the case where a student is not yet in Canada as organizations have additional regulatory requirements that students be in country for the internship. We welcome any guidance from IRCC now that international students holding co-op work permits may work for Canadian companies from abroad as part of a co-op program.

### **Response:**

A stage 1 eligibility approval is not a guarantee that a study permit application will be approved. As a result, a co-op work permit cannot be issued before a final decision is made on a study permit application.

Questions: Can you please confirm the ability of students who are in their final semester and only require part time studies to complete their degree to continue to be able to work on campus, similar to what is stated for off-campus work authorization?

**From the off-campus work page:**

<https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html>

If you're a part-time student

You can work off campus only if:

- you meet all of the requirements above and
- ***you're only studying part-time, instead of full-time, because:***
- ***you're in the last semester of your study program and you don't need a full course load to complete your program and***
- ***you were a full-time student in your program in Canada, up until your last semester***

**On-Campus Work Page:** <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-on-campus.html>

**Response:**

Students who hold a part time status in their final semester of study are permitted to work on-campus following normal guidelines.

Context: To apply for PR through Express Entry students typically need at least one-year of Canadian work experience. Many post-graduate work permit holders, some whose permit is valid for one year, are faced with difficult job-prospects. Minister Mendicino previously indicated, during a [HUMA committee meeting](#), that the department is open to considering facilitative options for this group, including an automatic one-year extension to post-graduate work permits.

Questions: Does the [temporary public policy](#) related to work permit applications from within Canada, announced on August 24<sup>th</sup>, apply to PGWP Holders?

Recommendation: Facilitative measure be put in place to ensure that PGWP holders have sufficient opportunities to accumulate Canadian work experience in support of their PR applications and Canada's immigration objectives

Response:

We understand that due to the pandemic, some PGWP holders and other temporary foreign workers in Canada, have lost their employment and may be in jeopardy of earning the one year of skilled work experience required to qualify for permanent residency under the Canadian Experience Class. Although PGWPs are a one-time opportunity, PGWPs holders have other options available to them to remain in Canada to work.

PGWP holders with permits that remain valid but are coming to an end, have the option to apply for another one of Canada's work permit programs under either the [Temporary Foreign Worker Program or the International Mobility Program \(IMP\) program](#). Both programs offer a range of options for employers seeking to hire workers in specific sectors or with specialized skills. Furthermore, time spent working under these Programs may count towards Canadian work experience requirements for permanent residency. If a PGWP holder applies for such a work permit before the expiry of their PGWP, they may continue working while waiting for a decision on their work permit application.

In addition, former PGWP holders whose work permits have expired or have converted to visitor status can benefit from the temporary public policies the Department has implemented as part of its COVID-19 response. These public policies include an extension of the restoration period to December 31, 2020, and the ability for visitors to apply for an employer-specific work permit from within Canada. Public policy applicants, if they were formerly assessed as workers, may also be able to work while awaiting a decision on their work permit application. These changes were made to benefit employers in Canada who continue to face difficulties finding the workers they need, as well as foreign nationals who would like to contribute their labour and skills to Canada's recovery from the COVID-19 pandemic.

Below are additional details on the three scenarios PGWPs holders may be facing and their options to remain in Canada to work:

**1) PGWP holders who still have valid PGWPs:**

- PGWP holders who still have valid PGWPs can apply for a work permit under the Temporary Foreign Worker Program or the International Mobility Program (IMP) program.
- If they apply prior to the expiry of their PGWP permit, they will have implied status and authorization to work (work permit exemption) while waiting for a decision on their new work permit application.

**2) Former PGWP holders who remained in Canada but changed their status to a visitor:**

- Some former PGWPs may have changed their status to a visitor after their PGWP.
- Former PGWP holders who now hold visitor status, may now submit an application for an employer-specific work permit that is supported by a Labour Market Impact Assessment (LMIA) or an LMIA-exempt offer of employment, from within Canada by March 31, 2021.
- They may also be eligible to request the ability to work in Canada while waiting for a decision on their employer-specific work permit application.
- For more details how to apply and the eligibility requirements, please see the following links:
  - <https://www.canada.ca/en/immigration-refugees-citizenship/news/2020/08/new-temporary-public-policy-will-allow-visitors-to-apply-for-a-work-permit-without-having-to-leave-canada.html>
  - [https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/visitors.html#work\\_permit](https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/visitors.html#work_permit)

**3) Former PGWP holders who remained in Canada but their temporary resident status has expired:**

- If a former PGWP holder's status expired after January 30, 2020 and they remained in Canada, they have until December 31, 2020 to apply to restore their status as a worker or a visitor.
- Although they are not eligible for a second post-graduation work permit, they may restore their status as a worker under the Temporary Foreign Worker Program or International Mobility Program (IMP) program to remain in Canada to work. The additional restoration period may provide them with the time needed to secure an LMIA-required or LMIA-exempt job offer.
- If they apply for an employer-specific work permit when retorting their status, they may also be eligible to request the ability to work while waiting for their application to be processed.
- For more details how to apply and the eligibility requirements, please see the following links:
  - <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/restoration-extension.html>
  - <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/restoration-extension-trv.html>

### **Approved SP holders (currently in Canada) – Transition from ESL to PSEC**

Some students, already in Canada and with a valid Study Permit for ESL studies only, have applied for, meet the requirements, and have been admitted to start a PSEC program in the fall.

Question:

- Can the student start the PSEC program if their SP (for ESL) is still valid?
- Can the student start the PSEC program if their SP (for ESL) expired, but they submitted an application for a PSEC SP before the previous SP expired?

Recommendation:

- The student can begin the PSEC program provided their SP is still valid and they have notified IRCC of the change in study level through the MyCIC account
- The student will benefit from implied status while the new permit is being processed and can therefore begin their PSEC program as planned.

**Response:**

As long as their study permit is still valid and the program is offered by a DLI, the student may begin studying provided they [notify IRCC](#) of the change through their MyAccount. They will benefit from implied status if their application for the subsequent permit is submitted before their study permit expires.



Context: The Labour Market Impact Assessment (LMIA) based work permits most international faculty hires require are the least flexible. If the LMIA decision expires without the worker obtaining their work permit (issued in Canada at the border or airport), a new search will be required.

The government recently increased the LMIA activation period from six months to nine months in light of travel restrictions but nevertheless, deferrals beyond Jan 1, 2021 could be problematic if the academic is not able to travel to Canada to receive their work permit prior to their individual deadline, which is based on the date their LMIA decision was issued.

Recommendation:

- IRCC should monitor the LMIA activation period extension, and consider additional measures based on travel restrictions in the fall period.

**Response:**

Thank you for flagging this. IRCC is actively monitoring the changes in the LMIA activation periods.