

Responses to Education Associations

October 6, 2020 Questions

Forthcoming International Student Exemptions – October 20, 2020

Context:

If your institution is on the approved DLI list, the students' travel will be considered non-discretionary. "The travel of asymptomatic international students who have the appropriate documents to enter Canada and whose DLI is on the list of institutions with approved COVID-19 readiness plans in place will be considered to be non-discretionary and non-optional, unless there is evidence that they are clearly coming to Canada for a discretionary or optional purpose, such as tourism."

Questions:

a) Will the forthcoming policy details confirm that international students who have the appropriate documents to enter Canada and whose DLI is on the list of approved institutions will be considered non-discretionary and not have to provide any additional proof of essential travel (i.e. internet bandwidth, time zones).

Response: The non-discretionary and non-optional discretionary test will still apply. However, asymptomatic international students who have a study permit or approval letter, and whose DLI is on the list of institutions with approved COVID-19 readiness plans in place will be considered to be non-discretionary and non-optional, unless there is evidence that they are clearly coming to Canada for a discretionary or optional purpose, such as tourism.

b) Or will international students still be required to provide a supplemental letter of acceptance to confirm their presence in Canada is "non-optional/non-discretionary" based on educational program requirements – either uploaded to IRCC to support final processing of their study permit application or at point of entry?

Response: Same as above.

c) Where exactly will the list of 'ready/approved' institutions be published on the IRCC website? We would like to be able to watch for/monitor this info

Response: The list of DLIs with an approved COVID-19 readiness plan in place will be posted on IRCC's [web page for international students affected by COVID-19 restrictions](#).

d) How often will the list of 'ready/approved' institutions be updated? IRCC has clearly indicated it will be an 'evergreen' list but will these updates occur – daily (as necessary) or on a regular schedule of weekly or monthly for example?

Response: The external list will be updated every two weeks. Adhoc requests for removal will be actioned on an urgent basis. Using the same channels for the initial list to be posted October 20th, PTs will be asked to send new information by certain dates in order to have it included in the respective versions of the list. For example, IRCC will need to receive new information by October 23rd for the November 3rd version of the approved DLI list.

e) Will students already studying in Canada experience difficulty when renewing their study permit in the future if their educational institution isn't on the 'readiness' list?

Response: Changes to the travel ban exemptions will not affect study permit holders already in Canada. They may continue to study at any DLI across Canada, even if it is removed from the approved DLI list. The student will still be considered compliant with their study permit conditions. Study permit holders and other eligible foreign nationals in Canada may apply for a study permit extension to any DLI, even if that DLI does not have an approved COVID-19 readiness plan. However, study permit holders who leave Canada may not be able to return to Canada until their DLI has a [COVID-19 readiness plan approved by their province or territory](#) and is listed on [IRCC website](#).

Context:

Depending on the length of the stay, short-term incoming exchange students or ESL students, including those covered under the International Scholarship Program (ISP), could be issued a visitor visa (less than 6 months) or a work permit (doing research at the PhD level). (e.g. European & Latin American students who commonly register for only a 1 semester 5 month academic program or school groups of students that come for shorter 1/2/3 month integration experiences which are not for credit).

Questions:

a) Does the exemption only pertain to those international students with a study permit (or approval letter) and exclude those that would previously have been able to enter Canada with just an ETA/visa if registered for an academic program of less than 6 months?

b) Will there be additional exemptions and policy directives to address short-term mobility i.e. incoming exchange students, ESL students, and Graduate Students?

Response: We do not have information on potential changes. However, foreign nationals must consider how their plans align with Canada's border restrictions, and plan accordingly. Current exemptions to travel restrictions for international students only apply to those who hold or have been approved for a study permit, at PT approved DLIs.

c) When will recipients of the International Scholarships Program (ISP), funded by the Government of Canada through Global Affairs Canada, be allowed to enter Canada?

Response: Study permit holders destined to PT approved DLLs will be facilitated as of October 20, 2020. There are no special measures in place for scholarship holders. Facilitation is based on institutions' ability to demonstrate adequate plans in place to support the safe return of international students.

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

Question:

Are there any guidelines or restrictions in terms of how long in advance a student can arrive in Canada prior to the start of their program? Some institutions will be asking students to arrive early (i.e. November for a January start) to facilitate and adequately support quarantine requirements.

Response: CBSA officers will assess on a case-by-case basis, and students may be asked to explain their early arrival. Students should not plan to travel to Canada too far in advance of the beginning of their studies, keeping in mind reasonable time to complete the mandatory quarantine.

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

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 1 approval or approval-in-principal?

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).

Response: There has been no change around requirements for students to hold appropriate status to undertake studies in Canada. Students must hold a valid study

permit if their primary purpose in Canada is to study, even when courses are delivered online, unless their program of study is shorter than 6 months.

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 two-stage study permit process applies to applications submitted from outside of Canada on, or before, September 15. If 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>

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 will not 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?

Previous IRCC response (September 11, 2020) :

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.

Response: Institutions have reported that they are well positioned to deliver programs for the fall and winter semesters. IRCC is not currently considering further facilitation for part-time studies.

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

Context:

Some students originally registered to attend a high school program during the current 2020/21 school year and have custodian documents prepared/notarized to reflect this start date, but have now deferred to the next 2021/22 school year.

Question:

Are students required to redo custodian documents (at an added expense) to reflect the new registration date or will one dated mid-2020 suffice for next year under the circumstances? What if there has been no change to the custodian/info?

Response: Officers have discretion to request new documents if they feel the ones submitted may be outdated, however, the decision is left to individual officers.

Context:

Some students (primarily European) that intended to study only for the 1st semester (Sept 2020 – Jan 2021) applied for a study permit (anticipating that any future exemptions might require them to have one); however, they were unable to travel for a September start and have chosen to defer to study in 2nd semester (Feb-June 2021) instead.

Questions:

- a) Is there a mechanism by which a student who is abroad can 'modify' their initial study permit application while in progress to defer their start date to February and somehow provide/upload a new letter of acceptance with the revised 2nd semester program dates to support this?

Response: There are two feasible options. The applicant may submit a request to modify their SP application including additional documents using the IRCC web form.

Alternatively, the student may choose to withdraw their application by submitting a withdrawal request using the web form. Please note that the applicant may only receive a refund if the application is withdrawn before processing commenced.

- b) If no mechanism to do so, will the processing officer reach out to determine if the student is deferring (given the start date has passed) or simply reject the application? Or could the student somehow cancel the current application and

begin another/new application prior to receiving a final answer on the first in order to get into the queue sooner, rather than later, with new documentation?

Response: For cases of deferred enrollment, after a study permit application is submitted, if less than 150 days have passed since the intended program start date, officers continue to process the study permit application. However, after more than 150 days have passed since the intended program start date, officers will request a new letter of acceptance from the applicant to confirm if the student has deferred their enrolment to a later date. Officers will allow 90 days for the applicant to respond. If after 90 days, the applicant is unable to provide the required documentation as a result of office closures, an additional 90 days will be granted for the applicant to respond.

https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/service-delivery/coronavirus/temporary-residence/study-permit.html#_deferred_enrollment

Context:

Some students who are outside Canada have completed, or are completing, their studies and wish to apply for a PGWP from overseas more than 180 days after their study permits have expired.

As online learning is set to continue into next year, we are anticipating this issue will arise for some of our graduating students who were either already outside Canada when the pandemic hit, or who left when courses moved online, and whose study permits have expired while they were away.

Questions:

What can students who are now stuck outside Canada do to preserve PGWP eligibility if they will be unable to meet the requirement to hold/have held a valid study permit in the 180 days before they apply?

Response: With the most recent changes, students who are able to enter Canada, should. IRCC will consider the question further and return with a more fulsome response.

Question: Given the recent temporary policy change allowing some students to complete 100% of their program online from abroad, will these students be required to come to Canada if their institution has been approved to host international students and they are able to provide biometrics and receive a study permit prior to the completion of their program? Would this have any impact on their PGWP eligibility?

Response: Students in short programs (8-12 months in length) are not required to travel to Canada in order to maintain their eligibility for the PGWPP. However, students in these programs who are able to travel to Canada may wish to do so in order to obtain valuable in-Canada study and work experience prior applying for their PGWP. Time spent outside of Canada after April 30, 2021 will be deducted from the duration of the work permit.

Context:

Institutions are reporting long delays in students receiving their co-op work permit, required for them to complete certain Work-Integrated Learning components of their program.

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-in-principle of a study permit? 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: We are aware of this issue which is affecting international students seeking co-op work permits.

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.

IRCC will further clarify this issue on its website by adding information to key web pages for the benefit of both students and employers seeking to hire international students.

Questions:

a) Are steps being taken to address the long processing times? What are your recommendations for international students for whom this is a pressing concern?

Response: We continue to process as quickly as possible in the face of reduced operational capacity.

b) If students have a co-op term online from their home country, do they need to have a co-op work permit? Can IRCC consider flexibly about this regulation?

Response: A work permit is not required for students doing a co-op placement outside of with either a Canadian or foreign company. A work permit authorizes the person to work in Canada.

Context:

Related to a few students from Slovakia that applied for study permits. They had their appointments to provide biometrics at the end of July, and in mid-August received a letter from IRCC saying they have progressed to the next stage of processing, and once IRCC have received all requested information and documents, IRCC will complete the assessment of the application and inform the students of the final decision. However, no further documents have been requested of any of the students and there should be nothing left to submit.

Question:

Will applications such as these be prioritized for 2nd stage processing/approval once the exemption is formalized?

Response: Applications for study permits destined to schools which are on the approved DLI list will be prioritized once the new OIC comes into effect. Beyond that, we are unable to comment on the details of specific cases.

Context:

Two stage approval process scenario: A student who as approved-in-principle (AIP)(received refusal of study permit on financial insufficiency grounds. This is not how we had understood AIP. We would have expected that if a student was going to be refused on grounds of insufficient financial means, that this would have happened prior to issuing an AIP.

Questions:

If an applicant has received an AIP, could their initial study permit application still be refused for not satisfying IRPR 216(1) even though second stage process involves a review of inadmissibility factors such as medical and criminality?

Response: A positive stage 1 assessment is not a guarantee that the study permit application will be approved, and officers can still refuse their application for eligibility reasons based on new information received after the stage 1 preliminary eligibility assessment.

Question:

Would IRCC consider including professors, researching assistants and teaching assistants 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's [website](#).

Context:

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 tests (i.e., International English Language Test System (IELTS) or Test of English as a Foreign Language (TOEFL) 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-Student Direct Stream (SDS) applicants from India. Where can institutions and students access official information application requirements if not in official visa office instructions posted to IRCC's website?

Response: We have reached out to our colleagues in International Network. We will provide further information as soon as possible. Individual processing offices abroad may request additional documents in order to process applications in response to, among other things, local integrity concerns.

Note that language test results are required for all Student Direct Stream applications.

General Questions and Considerations

Question 1:

Are there any high level discussions considering financial assistance specifically to international students currently in Canada, but who have lost their source of financial support? Could there be a loan program created to assist them in finishing their study program?

Response: This is outside of IRCC's scope and so we are unable to comment.

Question 2:

Would IRCC consider opening the Open Work Permit applications? Destitute international students are eligible for that permit but IRCC is currently not considering applications. <https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=177&top=17>

Response: No response at this time.

Question 3:

How does IRCC plan to address PGWP eligibility for students who complete 100% of their programs online under the new temporary policy for shorter programs? Some of these students may never be issued an actual study permit (i.e., only a letter of intent) and thus wouldn't meet the requirement to have held one within 180 days. Would there be a consideration of offering an exemption?

Response: In order to be eligible for the PGWP, students must have been approved for a study permit, as the work permit program relies on eligibility and conditions related to a study permit to assess PGWP eligibility.

Question 4:

Would IRCC be able to share a breakdown of how many study permit applications were received, processed, received an AIP or full approval? Is IRCC considering extending the September 15th application deadline to be processed according to the two-stage process?

Response: We will share data as it becomes available for public dissemination. There is no intention to extend the two stage processing.