



Canadian Bureau for
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January 15, 2021: The following briefing note was prepared for Immigration, Citizenship and Refugees Canada (IRCC) by the Canadian Bureau for International Education (CBIE) Immigration Advisory Committee. This briefing note is intended to supplement and provide further context to the summary briefing note submitted to IRCC on January 8, 2021.

Post-Graduation Work Permit Program - COVID 19 Facilitative Measures

Issue Statement

The ability to work after graduation and potentially immigrate are important considerations for international students when choosing a study destination. The link between potential permanent residency, the ability to work in Canada, and the decision to study in Canada is essential for many students. Of the students surveyed in a 2018 survey by CBIE, 75 percent indicated that the ability to work in Canada was “essential” (42 percent) or “very important” to their decision to study in Canada (CBIE, 2018c). Further to this, international students are a key source of immigration to Canada, having been identified in Canada’s International Education Strategy for 2019-2024 as “ideal candidates for permanent residency.”

Allowing students to gain Canadian work experience after graduation is critical to preserving this important pathway and maintaining Canada’s competitive advantage as a top choice for international students, who will play a critical role in Canada’s post-COVID-19 economic recovery. The post-graduation work permit program (PGWPP) is an essential component of this pathway to permanent residency for international students as it allows them to gain valuable Canadian work experience. Additionally, inaccessibility to the PGWPP may negatively impact the view of Canada as a destination country for international students, and is of concern for the post-COVID-19 recovery that many institutions are hoping to facilitate in the coming year. This is why it is critical for Immigration, Refugees and Citizenship Canada to continue to implement measures that facilitate international students’ eligibility for the PGWPP during this current health crisis.

The impact of COVID-19 processing delays on the PGWPP

Given current processing delays for study permits and most importantly the inability for students to submit their biometrics due to VAC closures around the world, there is concern that the [PGWP facilitative measures](#) which were released on August 26, 2020 may not be adequate especially for

students in short programs that are longer than 12 months (i.e. short programs between 12 to 24 months). Of particular concern are the April 30, 2021 deadline for online studies completed from outside of Canada to count towards the length of the PGWP, and the requirement for students to complete 50% of their program from within Canada if completing a program longer than 12 months.

The following concerns have been raised about these two facilitative measures.

Issues with April 30, 2021 deadline

There is a concern that a significant number of students will not be able to enter Canada by April 30, 2021 due to study permit processing times, VAC closures, significant backlogs in VACs that have recently reopened, local public health measures, limited international flight availability, concerns with the safety of international travel during a pandemic, and limited availability of [COVID-19 tests](#) in some countries. This issue has an important impact on short programs that began in the Summer 2020, Fall 2020, and Winter 2021 terms.

Under the current PGWP guidelines, students who complete a 12-month intensive program (i.e. the program has no scheduled breaks) may be eligible for a 12-month PGWP. However, if students began their 12-month intensive program in the Summer 2020 or Fall 2020 terms and they are unable to enter Canada before April 30, 2021 due to the delays in the processing of their study permit, their PGWP would be cut short. Furthermore, students who begin a 16-month intensive program in the Winter 2021 term and who normally would be eligible for a three-year PGWP, would face a similar issue if they are unable to arrive in Canada by April 30, 2021 (see example scenarios in Appendix). This situation would place students who are completing short, intensive programs at a significant disadvantage.

Issues with the 50% in Canada requirement for programs longer than 12 months

As part of the PGWP facilitative measures, students who are completing a program longer than 12 months or who began a short program after September 2020 must complete at least 50% of their program from within Canada. As per IRCC's [PGWPP COVID-19 program delivery instructions](#):

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 while overseas, IRCC will consider that the semester was completed in Canada.

This requirement has raised the following issues and concerns from Designated Learning Institutions (DLI) across Canada:

- Students who are completing programs that are 12 to 24 months in length may not be able to meet the 50% in-Canada minimum for programs longer than 12 months due to delays in approving their study permit applications. This is especially problematic for programs of 16 months in length that began in the Summer of 2020 (from May to September).
 - For example, students who are completing a 16-month program that began in the Summer 2020 term would need to complete at least two terms (4 months in length) from within Canada to meet this requirement, assuming that each term includes an equal number of courses (which is not always the case as per the examples in the Appendix). These students would need to enter Canada before the end of the Winter 2021 (January-April) term in order to preserve their PGWP eligibility. However, due to VAC closures and backlogs worldwide, many students are still waiting for their study permits and thus are continuing to study remotely and/or complete mandatory Work Integrated Learning placements (such as Co-op or practicum work terms) from abroad.
 - Many students in shorter programs who started their studies in 2020 will see their PGWP eligibility jeopardized if they are unable to travel to Canada in early 2021. If on the other hand these students take a reduced course load or a gap in studies to ensure they can still meet the 50% minimum after they arrive, this will also render them ineligible for a PGWP due to not meeting the continuous full-time enrollment requirement.
- Calculation of the 50% minimum for in-Canada studies based on number of courses creates challenges for many graduate programs, in particular those that are shorter and more intensive (16 months, for example) and/or are structured so that most course-based work is completed in the first 2 terms, followed by research, thesis writing, or mandatory work-integrated learning (WIL) components (such as co-op or practicum terms), which are considered full time but do not have as many courses or credits attached.

The practice of calculating the 50% in-Canada minimum based on total number of courses, while work permit eligibility and length is normally calculated based on the program duration and length of time studied in Canada, presents a number of challenges for students and institutions as the length of a program does not always correlate with the number of courses taken. This may place the two elements of the policy (calculation of the 50% in-Canada minimum vs. calculation of work permit length) in conflict with one another. Furthermore, the number of courses a student completes does not necessarily represent a specific proportion of their program: for example, a student may enroll in five 3-credit courses in one term, and one 15-credit course in another term, and be considered to have an equivalent workload.

Based on the PDI, it would seem that IRCC will calculate the 50% of program requirement based on the number of courses. Given the concerns mentioned above:

1. Can IRCC confirm that this is regardless of the number of credits those courses are worth?

2. For example, would two 1.5 credit courses count for 2 courses or would they be combined as one 3 credit course?

Proposal:

To address the concerns related to the April 30, 2021 deadline and 50% in-Canada requirement, we suggest that all courses/semesters taken at an eligible DLI between March 2020 and December 2021 (or August 2021) whether online or in person, in Canada or abroad be counted as in-Canada courses when calculating PGWP eligibility and length. This should include any mandatory WIL components (such as Co-op or practicum work) students undertake outside Canada during this time.

We also suggest temporarily removing the requirement for students to complete 50% of their program from within Canada regardless of their program length, as well as eliminating the deadline to enter Canada by April 30, 2020 in order for remote courses to count towards the length of the PGWP. This policy should also be applied to students who applied or reapplied for a study permit after commencing their studies online (i.e. during their program), provided they are eventually approved for a study permit.

If it is not possible for IRCC to remove the 50% in-Canada requirement, we propose the following:

- We recommend that IRCC expand the definition of short programs to include programs that are up to 24 months long, and allow these students to complete 100% of their program outside Canada without impacting PGWP eligibility. For students in shorter programs, this would relieve the pressure to complete 50% of the program from within Canada and allow students more time to enter Canada while maintaining their eligibility for the PGWP and avoiding any gaps in full-time studies.
- Given the variation in program structures between and within institutions, as well as the long-established practice of calculating post-graduation work permit length based on program length rather than the number of courses or credits, we recommend that IRCC consider calculating the 50% minimum for in-Canada studies based on the number of terms (including any WIL components) completed in Canada, rather than on the number of courses completed. If the student arrives mid-term, the complete term would count towards the 50% calculation (as is the current policy for courses).
 - Further to the above, we would like to request that IRCC clarify (by way of the website and Program Delivery Instructions) how PGWP length will be calculated in a scenario where students complete part of a term in Canada, specifically with regard to whether the whole term can be counted toward the length of the PGWP, or only those months of the term where students are physically inside Canada. We recommend that IRCC consider the former -- that is to say, if a student completes part of a term in Canada, the entirety of the term (including the portion of the term spent outside Canada) should be included in the calculation of the work permit length.

Issues with PGWP eligibility requirement to maintain full-time studies

While IRCC moved quickly to introduce flexibility on PGWP eligibility requirements for students whose studies were impacted by COVID-19 in the Winter and Summer 2020 terms, the effects of the pandemic on students' ability to enroll full time are ongoing, and further recognition of the complicated and interconnected challenges affecting international students is needed.

Many students have continued to struggle to maintain full-time enrollment in Fall 2020 and Winter 2021 for a variety of COVID-19-related reasons. These include:

- difficulties with remote learning: this has had a particularly acute impact on students outside Canada, who are experiencing challenges with time zone differences and/or lack of technical infrastructure to support online studies
- financial impacts which have made tuition payment for a full-time course load difficult for many students
- increased mental health issues related to COVID-19 public health measures globally
- challenges in securing mandatory work terms for co-op, practicum, and other work-integrated learning (WIL) programs due to the global economic downturn, and cancellation or postponement of required work placements due to public health measures
- lack of access to required courses, due to course cancellations or COVID-19 related withdrawals earlier in 2020: although institutions have largely been able to resume full course offerings using remote methods, the complexity of academic program requirements and the ongoing impacts of earlier program disruptions means that students may not have access to all the necessary courses for their program in a given term due to missing prerequisites or other program-related issues stemming from disruptions in Winter and Summer 2020. This is particularly concerning for upper-level students, who tend to have more limited course options as they near program completion, and whose required courses may only be offered once per year.

International students have long encountered barriers to full-time enrollment for reasons beyond their control, and this issue has been exacerbated by COVID-19. As a result, there is concern that a large number of students who have invested significantly in their future in Canada will be unable to remain after graduation if facilitative measures are not extended.

Immediate Proposal:

To address the ongoing difficulties international students face in maintaining full-time enrollment at this time, we propose that IRCC extend the previous facilitative measures to allow students to study part-time or take time away from studies through at least June 2021 due to the impacts of COVID-19, without affecting their post-graduation work permit eligibility.

We also propose that the flexibility offered to students who were part-time due to the impacts of COVID-19 also apply to allow students to maintain eligibility to work off campus in their final term

(and in the ensuing transition period to the PGWP) if enrolled part-time. That is to say, if a student is enrolled part time in their final term, they should be permitted to continue working off campus even if they were part time in a previous term for reasons related to COVID-19.

Permanent Proposal:

Although the current post-graduation work permit policy allows for an authorized leave of up to 150 days, we are concerned that the policy does not adequately address part-time scenarios which often occur for similar reasons to those for which a leave may be granted. In addition, many institutions do not have a formal leave of absence process in place, instead allowing students to take time off or study part time for any reason without first seeking approval from the institution and without any impact to their ability to enroll in subsequent terms. This creates challenges for many students in meeting the authorized leave provision of the policy.

Under the current PGWP policy, students who are unable to maintain full-time enrollment in even a single academic term become ineligible for a work permit after program completion, often despite considerable efforts to enroll full time on a continuous basis over a number of years.

In recognition of the myriad challenges international students experience during their studies, which may cause them to need time off or a reduced course load, we propose that IRCC:

- implement expanded parameters for exceptions to the full-time enrollment requirement for post-graduation work permit eligibility;
- update the post-graduation work permit program delivery instructions to formalize officer discretion in scenarios where students have not met the full-time requirement (such as part-time enrollment other than in the final term, and leaves from studies where institutional authorization was not required or possible); and
- provide clear instructions regarding the above-noted flexibility to students on the IRCC website, including guidance on additional supporting documents that may be supplied with a post-graduation work permit application in these cases.

Issues with requirement to have held a study permit within 180 days of applying for PGWP

Under the current IRCC policy, applicants for a PGWP must hold or have held a valid study permit within 180 days before submitting their application. As many international students left Canada (or were already outside Canada pursuing international exchange or Co-op terms, or mandatory military service) at the onset of the COVID-19 pandemic, institutions are beginning to encounter scenarios where students whose study permits expired after they left Canada are now completing their academic programs from overseas. Students who have applied for a new study permit from abroad and who hold a letter of introduction but who have completed their studies are also ineligible to

enter Canada under the current travel restrictions which require enrollment at an approved DLI. For those students whose study permits expired more than 180 days ago (and who may or may not have applied for a new study permit from outside Canada), there does not appear to be a clear path to meet the eligibility requirements under the current policy.

Proposal:

To accommodate students who are completing eligible programs from overseas, we propose that IRCC exempt PGWP applicants outside Canada from the requirement to have held a valid study permit within 180 days of applying, if they previously held a study permit but left Canada and completed their program remotely.

Issue with long processing times for PGWP applications made from within Canada

Students who complete their programs from within Canada and subsequently apply for their PGWP from inside Canada are currently facing very long processing times. While we understand the pressure and resource constraints that IRCC is facing, we would like to mention the following concern that has been raised by the long processing times for applications made inside of Canada. Students whose PGWP applications are refused and who wish to reapply find themselves in a difficult situation as often when they receive the refusal decision, they are now well past 180 days from when they received their proof of completion of studies. It is unclear if they are still able to reapply with new supporting documents for their PGWP.

Proposal:

Allow students whose PGWP have been refused and who now find themselves past the 180-day deadline from proof of completion to re-apply for their PGWP. This flexibility measure should expire once IRCC processing times are back to reasonable pre-COVID levels.

PGWP Validity and Travel Restrictions

Finally, concerns have also been raised and may increase in the coming weeks and months, regarding the current travel restrictions for PGWP holders, holders of a Letter of Introduction (LOI) for a PGWP, as well as for recent graduates wishing to travel while holding a valid study permit and/or work authorization under R186(w).

Holders of PGWP LOIs Outside of Canada

Under the current travel restrictions, students outside Canada who have received PGWP Letters of Introduction (LOIs) based on an outside Canada work permit application cannot travel back to Canada at this time if they do not possess a valid job offer.

There is also concern with regard to work permit length for students with PGWP LOIs issued outside Canada, in the event they are not able to return to Canada immediately after approval. For example, it is unclear whether a student holding a PGWP LOI issued in December 2020 and enters Canada in July 2021 would be issued a 3 -year PGWP at the time they enter Canada (i.e. until July 2024) or if instead the expiration date of the PGWP would reflect the LOI expiry (i.e. December 2023, 3 years from the date of issuance of LOI). If the work permit expiry is issued based on the LOI expiry, it will disadvantage these students as they will lose time on their PGWP.

As per the information on IRCC website:

“Non-discretionary refers to travel for reasons that are non-optional. The emergency orders under the Quarantine Act do not allow people to travel to Canada for optional or discretionary reasons, such as for tourism, recreation or entertainment.

As a worker, your travel is **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)”

<https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/foreign-workers.html#essential>

Recent graduates holding valid study permits or implied status

Study permit holders who are currently outside Canada and have recently completed their studies, as well as those who are inside Canada and are awaiting processing of a PGWP application, do not appear to meet any exemption to the current travel restrictions given that they are no longer enrolled at a DLI (which is required to meet the exemption for study permit holders) but are not yet in possession of a valid work permit. Given current processing times for PGWP applications both inside and outside Canada, these recent graduates may be prevented from returning to their primary residence in Canada even if they are authorized to work in Canada under R186(w).

Proposal:

To address the scenarios noted above, we propose allowing graduated students with a valid study permit to re-enter Canada without proof of active enrolment (under the travel restriction exemptions for international students) in order to submit a PGWP application within Canada or await processing of an already-submitted application. Additionally, we would suggest a similar exemption for PGWP LOI holders, allowing them to return to Canada without a valid job offer (under the travel restriction exemptions for temporary workers).

In addition, as border service officers (BSO) issue the PGWP permit upon entry, we would also request that IRCC coordinate with the CBSA to implement guidelines instructing BSOs to issue the PGWP length based on the date of admission and not the expiry date listed on LOI rather than leaving this decision to the BSOs.

PGWP holders outside Canada

Recent graduates who are outside Canada holding valid PGWPs may be unable to return to Canada at this time due to reasons such as local health measures, limited availability of COVID-19 PCR or RT-LAMP testing in their home country, expired TRVs and other COVID-19 related issues. There are various examples of PGWP holders outside Canada who have been waiting several months for their TRV applications to be processed. Current TRV processing times are quite lengthy, and are listed as taking over one year at some visa offices (for example, processing time for applicants in Pakistan is listed as 446 days). As a result, these students will see a significant reduction in the time for which they may use their PGWPs are unable to utilize their PGWPs for the time period they are outside Canada.

Proposal:

In recognition of the difficulties with travel and entry to Canada at this time, we propose that IRCC implement a facilitative measure allowing current PGWP holders to request extensions on their PGWP if they can prove that they were outside Canada and their return was delayed for COVID-19 related reasons (including TRV processing times).

Conclusion

We are extremely grateful that IRCC has been receptive to finding solutions to aid our international student population throughout the COVID-19 pandemic, to ensure that Canada remains one of the top countries of choice for students around the world. As such, we are hopeful that IRCC will continue to be open to understanding the challenges faced by students with regard to post-graduation work permit eligibility, and working collaboratively to find viable solutions. We welcome the opportunity to engage further with IRCC on the above-noted issues and related proposals.

Appendix A: Example Scenarios and Implications¹

- **Scenario 1.** A student begins a 16-month intensive graduate program in January 2021, studying online from their home country while they await processing of their study permit application. If, due to delays in the study permit process and/or public health measures abroad, the student cannot arrive in Canada before September 2021, the current policy suggests they would only be eligible for a 12-month PGWP, since only 12 months (January-April 2021 under the current facilitative measures, and September 2021-April 2022 after arrival in Canada) would be counted. This is a significant reduction in work permit length for a student who would normally be eligible for a three-year post-graduation work permit based on completion of a 16-month accelerated program with no scheduled breaks.

If the same student were to arrive in Canada mid-way through the Summer 2021 term -- for example, in July 2021 -- it is unclear how the length of the post-graduation work permit would be calculated. Although as per the current policy their courses would be counted toward the 50% minimum requirement for in-Canada studies, given that the length of the work permit is calculated based on the time studied in Canada rather than on the number of courses, it is unclear whether the months of May and June 2021 (in the case of a July 2021 arrival) would be included in the calculation of work permit length. If not, again the work permit would be shortened, resulting in a 14-month work permit rather than three years.

- **Scenario 2.** A student began a 16-month intensive graduate program in September 2020, studying online from their home country. The program is structured as follows:
 - Fall 2020 (September-December): 3 courses
 - Winter 2021 (January-April): 3 courses
 - Summer 2021 (May-August): mandatory full-time internship (student is enrolled in one internship course and is considered by the institution to hold full-time status)
 - Fall 2021 (September-December): 2 courses

In this scenario, if the student is unable to travel to Canada before the end of the Winter 2021 term, under the current policy they would be rendered ineligible for the post-graduation work permit as they would not meet the 50% minimum based on the number of courses, despite potentially spending two full-time terms (50% of the duration of the program) studying in Canada.

- **Scenario 3.** A student began a two-year (24-month) graduate thesis program in September 2020, studying online from their home country. The program is structured as follows:
 - Fall 2020: 3 courses

¹ While institutional models and terminology vary, these examples assume the following semester breakdown:

- Fall: September- December
- Winter: January- April
- Summer: May-August

- Winter 2021: 3 courses
- Summer 2021: Thesis (student is enrolled in 1 thesis course and is considered full-time)
- Fall 2021: Thesis (student is again enrolled in the thesis course)
- Winter 2022: Thesis (student is again enrolled in the thesis course)
- Summer 2022: Thesis (student is again enrolled in the thesis course)
 - The student then defends their thesis and graduates in August 2022

In this scenario, the student must arrive in Canada before the end of the Winter 2021 term to maintain post-graduation work permit eligibility. If they are unable to arrive before the end of this term, they will not meet the 50% in-Canada minimum based on the number of courses and will be ineligible for a post-graduation work permit even if they arrive in May 2021 and complete four-full time terms in Canada.