INTERNATIONAL STUDENT IMMIGRATION REGULATIONS IN CANADA

ACADEMIC REGULATIONS AND INTERNATIONAL STUDENT SUCCESS

A conversation with IO International Student Immigration Advisors and Faculty and Staff at Memorial University, St. John’s Campus

November 26, 2019
INTRODUCTIONS
OBJECTIVES OF THIS SESSION

- Create mutual understanding
- Provide basic information
- Identify challenges
- Develop ways to work together to support international students
SESSION OVERVIEW

1. Recap from previous sessions
   1. Who can advise
   2. Categories of IS
   3. SP conditions

2. Impact on international student’s immigration status of
   1. Full vs. part time studies
   2. Leave of absence
   3. Academic Suspension

3. Ways we can support
Who can provide advice?

Section 91 of Immigration, Refugee and Protection Act (IRPA)

91 (1) …no person shall knowingly, directly or indirectly, represent or advise a person for consideration — or offer to do so — …

91 (2) A person does not contravene subsection (1) if they are
(a) a lawyer who is a member in good standing of a law society of a province or a notary who is a member in good standing of the Chambre des notaires du Québec;
(b) any other member in good standing of a law society of a province or the Chambre des notaires du Québec, including a paralegal; or
(c) a member in good standing of a body designated under subsection (5).

The Minister may, by regulation, designate a body whose members in good standing may represent or advise a person for consideration …

What is advice?

Consider:
- Websites contain conflicting information
- Open to interpretation
- Do you know the full student’s situation? Do you know the questions to ask to assess the situation?

Penalties
(9) Every person who contravenes subsection (1) commits an offence and is liable
(a) on conviction on indictment, to a fine of not more than $200,000 or to imprisonment for a term of not more than two years, or to both; or
(b) on summary conviction, to a fine of not more than $40,000 or to imprisonment for a term of not more than six months, or to both.
CATEGORIES OF INTERNATIONAL STUDENTS

- **Course based exchange/visiting students**
  - May have visitor status or a study permit
- **Research based exchange/visiting students**
  - May have visitor status, a study permit or a work permit
- **ESL students**
  - May have visitor status or study permit
- **Degree seeking students**
  - Must have a study permit (unless distance)
    - Graduate
    - Undergraduate
STUDY PERMIT CONDITIONS

- Actively pursue studies and maintain enrollment
  - Part-time ok
  - 150 day approved leave

- Work if eligible
  - Must be full-time
  - Distinction between on and off campus employment
  - Depends on program of study

IRCC link
IMPACT OF FULL VS. PART TIME STUDIES

• **Full-time studies**
  1. Abiding by condition to actively pursue studies
  2. Can work on and off campus provided condition on study permit
  3. Eligible for Post-Graduation Work Permit (PGWP) provided meets all other eligibility criteria

• **Part-time studies**
  1. Abiding by condition to actively pursue studies
  2. Cannot work on or off campus even if condition is on study permit
    (what does the condition say?) **except:**
    • Last semester of study
    • During a scheduled break if full time in semester before and after
  3. Not eligible for PGWP unless only semester was part time is final semester
    • Can still submit application if ineligible – need to satisfy officer is actively pursuing studies and making reasonable progress
# IMPACT OF LEAVE OF ABSENCE

## APPROVED 150 DAYS OR LESS
- Abiding by condition to actively pursue studies
- Can remain in Canada on study permit
- To extend study permit during this period, need eligibility to return and letter approving leave
- Cannot work
- Eligible for PGWP, but needs to document

## APPROVED GREATER THAN 150 DAYS
- In order to abide by condition to actively pursue studies, must leave Canada or apply for visitor status before 150 days
- Can return to studies if study permit is still valid
- May not be able to extend study permit during this period depending on expiry date. Cannot change from visitor to student from inside of Canada except in a few cases.
- Cannot work
- Not eligible for PGWP, but can chose to apply

## NOT APPROVED 150 DAYS OR LESS
- Unclear if abiding by condition to actively pursue studies
- Can remain in Canada on study permit
- To extend study permit during this period, need eligibility to return and explanation of leave
- Cannot work
- Not eligible to apply for PGWP, but needs to document

## NOT APPROVED GREATER THAN 150 DAYS
- In order to abide by condition to actively pursue studies, must leave Canada or apply for visitor status. Best to do right away.
- Can return to studies if study permit is still valid
- May not be able to extend study permit during this period depending on expiry date. Cannot change from visitor to student from inside of Canada except in a few cases.
- Cannot work
- Not eligible for PGWP, but can chose to apply
IMPACTS OF ACADEMIC SUSPENSION

- Included in list of types of leave
  - Can it be considered an approved leave?
- May or may not be considered as actively pursuing studies
  - Depends on degree of severity
- Cannot work
- Dependent on length and if approved, may or may not be eligible for PGWP
“STUDENTS SHOULD BE ABLE TO DEMONSTRATE THAT THEY ARE MAKING REASONABLE PROGRESS TOWARD THE COMPLETION OF THEIR COURSES IN THE TIME ALLOTTED BY THE PROGRAM.”
STUDY PERMIT COMPLIANCE

- There are **exceptions** to the requirement to actively pursue studies

- **Dependent documents are still valid**
  - If spouse’s work permit expires while not a student, cannot extend but can change to visitor

- **A student may be required to demonstrate compliance**
  - Officer has a reason to believe not compliant
  - Random assessment, including DLI Compliance Reporting

IRCC Link- [Assessing study permit conditions](#)
EVIDENCE OF COMPLIANCE

- **Examples of evidence**
  - official document from the institution confirming enrolment status
  - official document from the institution confirming the reason for leave and the date of approval
  - official document from the institution confirming the date the student formally withdrew from an institution or program of study
  - official document from the institution confirming the date the student was suspended or dismissed
  - official document from the institution confirming the date the student ceased studying
  - current and previous transcripts
  - character references (such as a note from a professor)
  - note from a medical practitioner certifying the medical need and length of leave required
  - documentation or letter attesting that the school has ceased operations and is no longer offering courses or programs of study
  - any additional and relevant documents, at the discretion of the officer
WAYS WE CAN SUPPORT

• **Provide letters**
  • While maintaining institutional credibility – should your office be the one to issue this letter?

• **Encourage students to document and plan**
  • Meet with ISA and Academic Advisor

• **Consult**
  • What impact will a change in policy/procedure have on the different student populations?
  • Will this new program or course ‘work’ for international students?
  • What equity and inclusion concerns arise?
IT IS THE INSTITUTION’S RESPONSIBILITY TO SUPPORT, NOT REPORT A STUDENT.
To speak with an immigration advisor, students can:
1. Book an appointment for one on one consultation
2. Visit the IO during advertised drop in hours for one on one consultation
3. Attend our workshops

www.mun.ca/international/programming/immigrationadvising/

To refer a student to an immigration advisor, you can:
1. Refer them to the information on our website about the above options
2. Contact Natasha or Arif directly to invite us to a meeting with you and the student
THANK YOU!

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HOW DID YOU FIND THE SESSION?

NEXT SESSIONS:
WINTER 2020