INTERNATIONAL STUDENT IMMIGRATION REGULATIONS IN CANADA

INTERNATIONAL STUDENTS AND WORK

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

November 12, 2019
INTRODUCTIONS
OBJECTIVES OF THIS SESSION

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

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 — …

(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?

Everything

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.
SESSION OVERVIEW

1. Categories of International Students
2. Work on campus vs. off campus
3. Work placements as part of study
4. Work post-graduation
5. International Student employment at Memorial
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
Condition must be written on study permit
- Otherwise, cannot get a SIN. Must obtain SIN prior to work or within first 3 days of employment.
- Can apply for a new study permit or amendment, as necessary

To be eligible to work on campus
- Must be a full time student

To be eligible to work off campus
- Must be a full time student in a program of study that is at least six months in duration and leads towards a degree/ diploma
- Can work a maximum of 20 hours a week off campus during a regular academic semester
- Can work full time during a scheduled break
  - Must be full time in semester before and after break
  - Break cannot exceed 150 days. No more than 180 days in a year.
- Exception: can be part time in last semester
CAN THEY WORK?

- **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
  - On and off campus if have a valid study permit with condition and is full time

*exception to full time is part time in last semester*
WHAT IS ON CAMPUS?

- Campus building or affiliate building
- In the same municipality
- Employer does not have to be Memorial
- [IRCC link]
OTHER CONSIDERATIONS

- **Scheduled breaks** are determined by the institution
  - University Calendar must be clear
  - Even if student is registered during scheduled break, can still work full time

- Graduate students have no scheduled breaks

- Working off campus 20 hours a week plus more hours on campus does not violate immigration laws
  - Need to consider **Memorial Student Employment Policy**
  - Need to consider definition of full time graduate student (**sec. 3.3.8**)

- Students have faced enforcement action
  - Most famously, **Jobandeep Singh Sandhu**
A Co-op Work Permit is needed before a student can undertake a co-op, work term, placement, internship, etc.

- Cannot form more than 50% of program
- Must be mandatory for all students in that program
- Must be a requirement to graduate
CO-OP WORK PERMIT

• No cost for this permit
• Some students get it with initial study permit. Most apply after arrival.
• Currently taking 4 months to process
• Cannot begin placement until received work permit, unless extending current work permit as has implied status
• Letter is needed from co-op office or graduate programs office that states the work placement is mandatory, when and how long it is
WORK POST-GRADUATION

• Students may be eligible for a Post-Graduate Work Permit (PGWP) upon completion of their program

• To be **eligible**
  • Institution must be eligible
  • Program of study must be at least 8 months in duration
  • Cannot be a distance program. To be eligible for PGWP, must have completed less than half of courses by distance.
  • Cannot have received a PGWP in past
  • Must be continuously full time
  • Final semester
  • Approved leave 150 days or less
  • Cannot have participated in certain funding/scholarship programs
  • Apply within 180 days of completing program
WORK POST-GRADUATION

• If program of study is 2 year or longer, eligible for 3 year PGWP
  • If program 16-23 with no break, eligible for 3 year PGWP
  • Will not go past passport expiry, but can later extend PGWP to get remaining 3 years
  • Can combine eligible programs to get 3 year PGWP

• If program of study is greater than 8 months, but less than 2 years, eligible for PGWP based on program length

• Length of program is key, not the time it took one to complete the program
  • If student took less time to complete the program then the stated program duration and did not do so in an accelerated format, program length can reasonably be considered to be shorter than originally stated
WORK POST-GRADUATION

• Graduation has nothing to do with it – based on completing requirements for program

• **Valid study permit not needed to apply for PGWP**
  • If staying in Canada, you need valid status. Can restore but not advisable.
  • Study permit expires the earlier of date on document or 90 days from completion of studies (in most cases)
  • Can apply for visitor status before end of 90 days if unsure about PGWP application
  • Can apply outside of Canada
  • Can apply for visitor status
WORK POST-GRADUATION

• If has valid study permit at the time of applying and study permit has condition that says can work on or off campus if eligible and did not violate work condition on study permit, can work full time from date of work permit application, as per IRPR 186 (w)

• Up until a student receives their completion of studies letter, they are a student and so can work according to study permit conditions
  • Once receives completion of studies letter, does not have authorization to work until applies for PGWP or receives work permit (as per above)
  • Unless has been admitted to another program of study (can work for 150 days under study permit conditions)
  • IRCC link

• Change to worker status can impact spouse’s immigration status
INTERNATIONAL STUDENT EMPLOYMENT AT MEMORIAL

- MUCEP, ISWEP, GradSWEP, SWASP
- TA, RA, Student Assistant
- Research based exchange/visiting student
- Co-op students
- Staff, faculty or post-doc positions
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 SESSION:

ACADEMIC REGULATIONS AND INTERNATIONAL STUDENT SUCCESS – TUESDAY NOVEMBER 26, 12 - 1PM, CA 2002