INTERNATIONAL STUDENT IMMIGRATION REGULATIONS IN CANADA

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

May 14, 2020
INTRODUCTIONS
TO KEEP IN MIND

- Session is for Faculty and Staff

- IO provides immigration advice for students at St. John’s and MI campus

- We advise on temporary immigration matters

- Focus of the session is on study permit holders
  - May have a TRV or eTA for short term studies
  - May have work permit as visiting research student
OBJECTIVES OF THIS SESSION

Ensure Memorial community is aware of how to address student queries related directly or indirectly to immigration

• Create mutual understanding
• Provide basic information
• Identify challenges
• Develop ways to work together to support international students
1. Who can give advice and what is advice
2. Conditions placed on study permit holders
3. Student responsibility to maintain status and meet conditions
4. Institutional responsibility to support
5. International students and work
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.
STUDY PERMIT CONDITIONS

• Actively pursue studies and maintain enrollment
  • Part-time ok but not really
  • 150 day leave

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

• Other conditions
  • Field of work

IRCC link
STUDY PERMIT CONDITIONS

- **Extend prior to expiry or leave Canada**
  - Expires earlier of date on document or 90 days from completion of studies
  - If apply prior to expiry and remains in Canada, has implied status—continue to study and work
  - SIN respects implied status
  - Have 90 days from loss of status to remain in Canada and apply for restoration of status—cannot study or work

- **Valid for study at any Designated Learning Institution (DLI)**
  - Can change programs
  - If change institutions, must notify IRCC

- Comply with IRCC requests for information
IT IS A STUDENT’S RESPONSIBILITY TO ABIDE BY THE CONDITIONS OF THEIR STUDY PERMIT
IT IS THE INSTITUTION’S RESPONSIBILITY TO SUPPORT, NOT REPORT A STUDENT
INSTITUTIONAL COMPLIANCE

- Complete bi-annual compliance report
- Respond to periodic compliance request
- Confirm LoA and completion of studies
- Correspondence with IRCC managed by IO in collaboration with units and in compliance with privacy considerations
STUDY PERMIT WORK CONDITIONS

- **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
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 4-6 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
IMMIGRATION ADVISING SERVICES PROVIDED BY IO

We DO advise on:

- Study permit applications and extensions
- TRV applications
- eTA applications
- Work permits
  - Co-op Work Permit
  - Post-Graduation Work Permit
  - Destitute Student Work Permit
  - Spousal open work permit
  - Work permits for visiting students
- Visitor record applications and extensions

We DO NOT advise on:

- Citizenship issues
- Permanent resident applications
- Refugee applications
- Passport applications
- Applications for non-Canadian Visas
IMMIGRATION ADVISING SERVICES PROVIDED BY IO

- **We do not represent students**

- **We refer**
  - Provincial Office of Immigration and Multiculturalism (OIM)
  - Other consultants and lawyers

- **We collaborate**
  - OIM presentations
  - IRCC presentations

- **We have different restrictions and responsibilities related to our designation, including a Code of Ethics we must adhere to**
  - Cannot represent if not competent
  - Confidentiality
IMMIGRATION ADVISING
SERVICES PROVIDED BY IO

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
OTHER IMMIGRATION ADVISING

• Staff from the provincial Office of Immigration and Multiculturalism (OIM) host information session every semester and hold office hours weekly at the IO to discuss permanent immigration opportunities to NL (currently on hold)

• Staff from Immigration, Refugee and Citizenship Canada (IRCC) come on campus twice a year to deliver information session on pathways to permanent residency for international students

• Host information sessions by local immigration lawyer

• Refer to immigration lawyers or external consultants

• Refer questions related to faculty and staff appointments to Office of Faculty Relations
THANK YOU!

GRENFELL CAMPUS:

- RCIC IMMIGRATION ADVISOR APPOINTMENTS AVAILABLE BY EMAILING INTERNATIONAL@GRENFELL.MUN.CA
- IMMIGRATION RELATED SESSIONS PLANNED FOR THE FALL SEMESTER

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