



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

F-1343061

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MEMORANDUM TO THE MINISTER

PROHIBITING WORK AND STUDY PERMIT APPLICATIONS AT PORTS OF ENTRY ACROSS CANADA

FOR APPROVAL

SUMMARY

- The purpose of this memorandum is to seek your concurrence to prohibit full work and study permit applications at all ports of entry (POEs), to reduce flagpoling.
- Flagpoling refers to temporary residents in Canada who leave the country and apply for an immigration document on re-entry to receive same-day service on their application.
- Eliminating the ability for foreign nationals to apply for work or study permits at POEs will require them to apply directly to Immigration, Refugees and Citizenship Canada (IRCC). Although clients will be subject to longer processing times, existing work and study permit holders benefit from maintained status and authority to work or study while their application is being processed.
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- We recommend that you approve Option 2 by checking the “I concur” box and signing this memorandum at your earliest convenience. The Department will thereafter develop a memorandum with draft Ministerial Instructions for your signature, which will include implementation timelines.

BACKGROUND:

- The Government of Canada has already taken measures to address flagpoling in recent months. In June 2024, IRCC restricted Post-Graduation Work Permit (PGWP) applications at POEs, and the Canada Border Services Agency (CBSA) restricted flagpoling to an appointment-only basis at select POEs. As a result, flagpoling volumes are down approximately 10% from 211 to 189 per day since the June 2024 measures were implemented.

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OPTIONS:

- Under both options, IRCC would leverage Ministerial Instructions (MIs) to prohibit the processing of work and study permit applications at all POEs (highways, airports, and marine ports), exempting U.S. nationals and permanent residents (both have a right of return) and applications under certain free trade agreements. While this would yield a limited reduction for study permit flagpoling applications (as PGWP applicants are already prohibited from flagpoling), including both work and study permits would ensure consistency and avoid confusion among clients.

Option 1:

Option 2: Prohibit the processing of work and study permit applications at ports of entry for flagpolers only (recommended)

- Only work and study permit applications made by individuals arriving from abroad would be processed; work and study permit applications for existing work or study permit holders, and those with visitor status in the last six months, would not be processed. This solution would most directly target flagpoling nationals. As such, TRV-exempt nationals genuinely applying for a work permit on entry would remain eligible to do so, unlike in Option 1.
- This would yield up to approximately 49K in reductions of POE processing per year based on 2023 data, and would be a more selective and less dramatic step towards reducing flagpoling volumes. IRCC would actively monitor flagpoling volumes in the coming months and provide advice comprehensive solution, such as in Option 1, if needed.
- This would intentionally avoid sudden and unintended consequences for Canadian businesses that require timely access to workers from TRV-exempt countries, and would accordingly be more acceptable to stakeholders.

CONSIDERATIONS:

- Reducing flagpoling and re-directing applications from land POEs (where there is less time and expertise to consider an application) to IRCC reinforces program integrity by enabling a more consistent application of program guidance, while diminishing the potential for POE-specific integrity issues.
- Existing study and work permit holders benefit from maintained status, allowing them to continue studying or working until a decision is made on their application. This authorization to work applies even for workers changing employers (though a request would need to be made to IRCC under the changing employers public policy) and graduating international students who have applied for a PGWP (who are already prohibited from flagpoling).
- Visitors are not eligible to apply for a work or study permit from within Canada; under either option, they would be required to leave the country, apply for the appropriate work or study permit abroad, and travel to Canada if their application is approved.
- The CBSA is currently in the midst of receiving an amended regulatory authority (anticipated in December 2024) that would give them authority to specify the services offered at POEs. In the interim, CBSA has implemented an appointment-only model at some POEs, and is exploring options to leverage the new regulatory authority to complement IRCC measures.
- While this interim measure would leverage MIs in the short- to medium-term, IRCC will assess whether longer-term regulatory amendments should be pursued to solidify this approach to flagpoling, particularly with the rise in temporary residents in recent years.

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- “Eliminate flagpoling” has been included as a measure in the Government of Canada Border Plan, led by Public Safety,

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CONSULTATIONS:

- A range of interdepartmental consultations will be required to assess, plan and communicate the changes. These will include Global Affairs Canada, Canada Border Services Agency, Privy Council Office, and Employment and Social Development Canada.

RESOURCE IMPLICATIONS:

- Both options will increase pressure on IRCC operations due to the increase in applications previously processed at POEs by the CBSA.

LEGAL CONSIDERATIONS:

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COMMUNICATIONS IMPLICATIONS:

- There has been an increase in media attention to the issue of flagpoling in the past six months.

as well as a number of measures recently introduced by the Government of Canada.

- If MIs are approved, a high-profile communications approach is recommended, which would include a full suite of communication products. An event with Ministers Miller and LeBlanc could be considered.
- Messaging would highlight how the changes are part of our broader migration management strategy. It would define the issue and challenges with flagpoling, emphasize the benefits of transitioning to this approach and how it aligns with our long-term goals of providing clearer pathways for clients.

DIGITAL CONSIDERATIONS:

- Based on the understanding that these changes will be implemented via Ministerial Instructions that prohibit the processing of certain applications at the border, changes to the Global Case Management System (GCMS) should not be required in order to facilitate the updates. IT equipment set up will however be needed, as well as biometrics kits.

RECOMMENDATION:

- We recommend that you approve Option 2, to prohibit work and study permit application processing at POEs for those that have a valid permit or have already entered Canada in the last six months, by checking the “I concur” box and signing this memorandum at your earliest convenience. The Department will thereafter develop a memorandum with draft Ministerial Instructions for your signature and will include implementation timelines.

NEXT STEPS:

- The Department will liaise with IRCC’s mission in Washington, Global Affairs Canada, Public Safety and the Privy Council Office to coordinate an engagement approach for sharing this information with current and incoming U.S. government officials.

-6-

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DM approved December 10, 2024

Dr. Harpreet S. Kochhar
Deputy Minister

Scott Harris
Associate Deputy Minister

I concur

☐ Option 1

☒ Option 2 (Recommended)

☐ I do not concur

Concur with option 2 but with an expanded scope which will eliminate all flagpoling, not just work and study permits. Include , visitor record, permanent resident cards and any other document for which individuals can flagpole.



The Hon. Marc Miller, P.C., M.P.
Minister of Immigration, Refugees and Citizenship

Annex: Flagpoling Data from the Canada Border Services Agency

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**ANNEX A: FLAGPOLING DATA FROM THE
CANADA BORDER SERVICES AGENCY (CBSA)**

Documents Issued to Flagpolers					
Time Period	Study Permit	Permanent Resident Card		Work Permit	Visitor Record
30 January – 31 December 2020	263	3,777		5,905	841
2021	738	298		5,464	677
2022	2,023	1,001		21,756	2,518
2023	3,708	739		45,480	6,352
01 January – 25 November 2024	4,240	408		44,883	6,343

Note: Data includes foreign nationals with temporary status who applied at a POE for these immigration documents, along with approved applicants within Canada who flagpoled for a physical work permit.