

Highley, Lindsay (IRCC/IRCC)

From: Fedorko, Viktor (IRCC/IRCC)
Sent: August 23, 2024 1:08 PM
To: IRCC.CNCPCEPGWP-DPTDPCTDERC.IRCC
Subject: FW: Final Semester (PGWP eligibility criterion) vs Off campus authorization (admissibility criterion)

Hello team,

I would like to remind everyone to continue being watchful to ensure that our clients did not involve in work without authorization

Thank you!

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From: Fedorko, Viktor (IRCC/IRCC) <Viktor.Fedorko@cic.gc.ca>
Sent: Tuesday, July 2, 2024 10:39 AM
To: IRCC.CNCPCEPGWP-DPTDPCTDERC.IRCC <IRCC.CNCPCEPGWP-DPTDPCTDERC.IRCC@cic.gc.ca>
Cc: Lee, Joseph (IRCC/IRCC) <Joseph.Lee@cic.gc.ca>
Subject: Final Semester (PGWP eligibility criterion) vs Off campus authorization (admissibility criterion)

Hello team,

I would like to remind everyone that when processing PGWP applications, in addition to determining whether client met PGWP eligibility criteria, we also have to duly verify that client met all study permit conditions while studying in Canada; that they did not work/study without authorization while as a student in Canada; and that they are admissible.

For example, in the email chain below, you have been advised that if client re-took 1 failed course several times (in several consecutive semesters) before finally passing it, each such semester would be considered as 'final semester'. Therefore, clients there were part time in several of such 'final semesters' meet eligibility criteria of PGWP. Nevertheless,

semesters. Eligibility criteria for PGWP and eligibility criteria for off-campus work are not the same.

Remember: Only full time students can work up to 20 hours/week during a regular academic session and more than 20 hours/week during regularly scheduled breaks between academic sessions if they meet R186(v).
Note: Temporary Public policy on SP LOB affected the application of R186(v) for some clients.

For more information, please refer to the following link:

- <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-186.html>
-

Thank you!

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From: Fedorko, Viktor (IRCC/IRCC) <Viktor.Fedorko@cic.gc.ca>
Sent: Friday, May 17, 2024 12:07 PM
To: IRCC.CNCPCEPGWP-DPTDPCTDERC.IRCC <IRCC.CNCPCEPGWP-DPTDPCTDERC.IRCC@cic.gc.ca>
Subject: Guidance on PGWP Final Semester In Cases of Failed Courses

Hello team,

Please read carefully and apply the below guidance in your PGWP processing.

Thank you!

Viktor Fedorko

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From: Lee, Joseph (IRCC/IRCC) <Joseph.Lee@cic.gc.ca>
Sent: Friday, May 17, 2024 11:10 AM
To: Boyd, Karen <Karen.Boyd@cic.gc.ca>; Kitchen, Andrea (IRCC/IRCC) <Andrea.Kitchen@cic.gc.ca>; Lee, Joseph (IRCC/IRCC) <Joseph.Lee@cic.gc.ca>; MacWilliams, Leanne <Leanne.MacWilliams@cic.gc.ca>; Manimwe, Desire (IRCC/IRCC) <Desire.Manimwe@cic.gc.ca>; Tatarin, Richelle (IRCC/IRCC) <Richelle.Tatarin@cic.gc.ca>
Cc: Pointon, Craig (IRCC/IRCC) <Craig.Pointon@cic.gc.ca>; Palley, Holly (IRCC/IRCC) (she, her, hers | elle, la, lui)

<Holly.Palley@cic.gc.ca>

Subject: Guidance on PGWP Final Semester In Cases of Failed Courses

Hello, can you please share this PGWP guidance with your teams,

We had a recent PGWP case that was litigated where we consented to re-determination. The application was originally refused because client re-took 1 failed course several times (in several consecutive semesters) before finally passing it. The reason given for consenting was that *“The Court is likely to consider each of the last three part-time semesters as the final semester.”* We also consulted IPG, who agrees with LMB’s judgement that *“each part-time semester would be viewed as the final semester as outlined in our current PDIs”*.

Please apply the above guidance in scenarios where client has to re-take a course due to failing it. If unsure if your situation would apply please reach out to CPOs and/or Supervisors as appropriate.

Here is the relevant section in the PDI where this guidance is to be applied:

Part-time status for final academic session

Applicants must maintain full-time student status during each academic session of the program or programs of study they complete, and this status is required for their PGWP application. However, if the applicant meets all the eligibility requirements, with the exception of full-time status during their final academic session (that is, they have part-time status only in their final academic session), they are still considered eligible for the PGWP.

Post-graduation work permit (PGWP) [R205(c) - C43] – International Mobility Program (ci.gc.ca)

Thank you,
Joe

Joseph Lee

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From: Blanchard, Scott (IRCC/IRCC) <Scott.Blanchard@cic.gc.ca>

Sent: Tuesday, May 14, 2024 2:15 PM

To: CN HQ TR / RT AC RC (IRCC) <IRCC.CNHQTR-RTACRC.IRCC@cic.gc.ca>

Cc: Campeau, Julie (IRCC/IRCC) <Julie.Campeau@cic.gc.ca>; IPG ADMIN Worker Unit / Unité des travailleurs ADMIN OPI (IRCC) <IRCC.IPGADMINWorkerUnit-UnitedestravailleursADMINOPI.IRCC@cic.gc.ca>; Cameron.Jennifer.L <Jennifer.L.Cameron@cic.gc.ca>; Kokallaj, Alda (IRCC/IRCC) <Alda.Kokallaj@cic.gc.ca>; Gholami, Paimon (IRCC/IRCC) <Paimon.Gholami@cic.gc.ca>

Subject: RE: Requesting Guidance on PGWP Final Semester Interpretation - Existing Litigation

Hi Halyna,

Sorry for the delayed response on this. We agree with LMBs determination on this case and that each part-time semester would be viewed as the final semester as outlined in our current PDIs. TEIB will be further looking into this question from a policy side.

Let us know if you have any additional questions.

Thanks,

Scott Blanchard

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From: CN HQ TR / RT AC RC (IRCC) <IRCC.CNHQTR-RTACRC.IRCC@cic.gc.ca>

Sent: Thursday, May 2, 2024 3:20 PM

To: Cameron.Jennifer.L <Jennifer.L.Cameron@cic.gc.ca>; IPG ADMIN Worker Unit / Unité des travailleurs ADMIN OPI (IRCC) <IRCC.IPGADMINWorkerUnit-UnitedestravailleursADMINOPI.IRCC@cic.gc.ca>

Cc: Gholami, Paimon (IRCC/IRCC) <Paimon.Gholami@cic.gc.ca>

Subject: FW: Requesting Guidance on PGWP Final Semester Interpretation - Existing Litigation

Importance: High

Hello Jennifer,

Would it be possible to have the case below reviewed as priority and to provide guidance on how to proceed? This is an existing litigation case. We need guidance ASAP as the litigation cases are very time sensitive.

A client had failed a course in what appears to be their last semester with a full course load. They then took the failed course, and failed course alone, several times in subsequent semesters before eventually passing. The client's PGWP application was refused by CPC-E because client has studied part-time outside of their final academic session. The decision was litigated and we consented.

Question: If a course(s) is failed and needs to be re-taken in a subsequent semester, should subsequent semesters for these reasons be exempted from the full-time status requirement for PGWP?

Thank you,

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From: Lee, Joseph (IRCC/IRCC) <Joseph.Lee@cic.gc.ca>

Sent: Thursday, May 2, 2024 12:56 PM

To: Kawulich, Halyna (IRCC/IRCC) <Halyna.Kawulich@cic.gc.ca>; Gholami, Paimon (IRCC/IRCC) <Paimon.Gholami@cic.gc.ca>

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Subject: Requesting Guidance on PGWP Final Semester Interpretation - Existing Litigation
Importance: High

Hello PSSD,

I am hoping to receive guidance on a situation for PGWP that appears to be a gap. I did scan existing IPG guidance and while there were some related items, nothing addressed this precise situation.

Please note that this is related to an existing litigation case so it would be greatly appreciated if it could be flagged as priority.

Summary: A client had failed a course in what appears to be their last semester with a full course load. They then took the failed course, and failed course alone, several times in subsequent semesters before eventually passing. The client's PGWP application was refused by CPC-E because client has studied part-time outside of their final academic session. The decision was litigated and we consented.

Question: If a course(s) is failed and needs to be re-taken in a subsequent semester, should subsequent semesters for these reasons be exempted from the full-time status requirement for PGWP?

Additionally, because final academic session is not defined in detail in the PDI, this is a gap that may need to be addressed.

Thank you,
Joe

Joseph Lee

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