



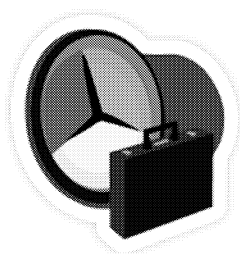
Temporary Resident Processing

Post Graduate Work Permits

Module Goal

**By the end of this module,
participants will be able to
process Post Graduate Work
Permit applications for in-
Canada applicants.**

Housekeeping:



**Daily start and
finish times**



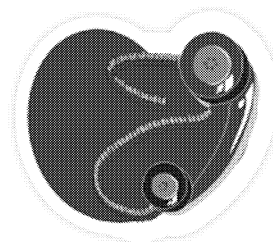
Coffee breaks



Lunch times



**Calling-in if
sick or late**



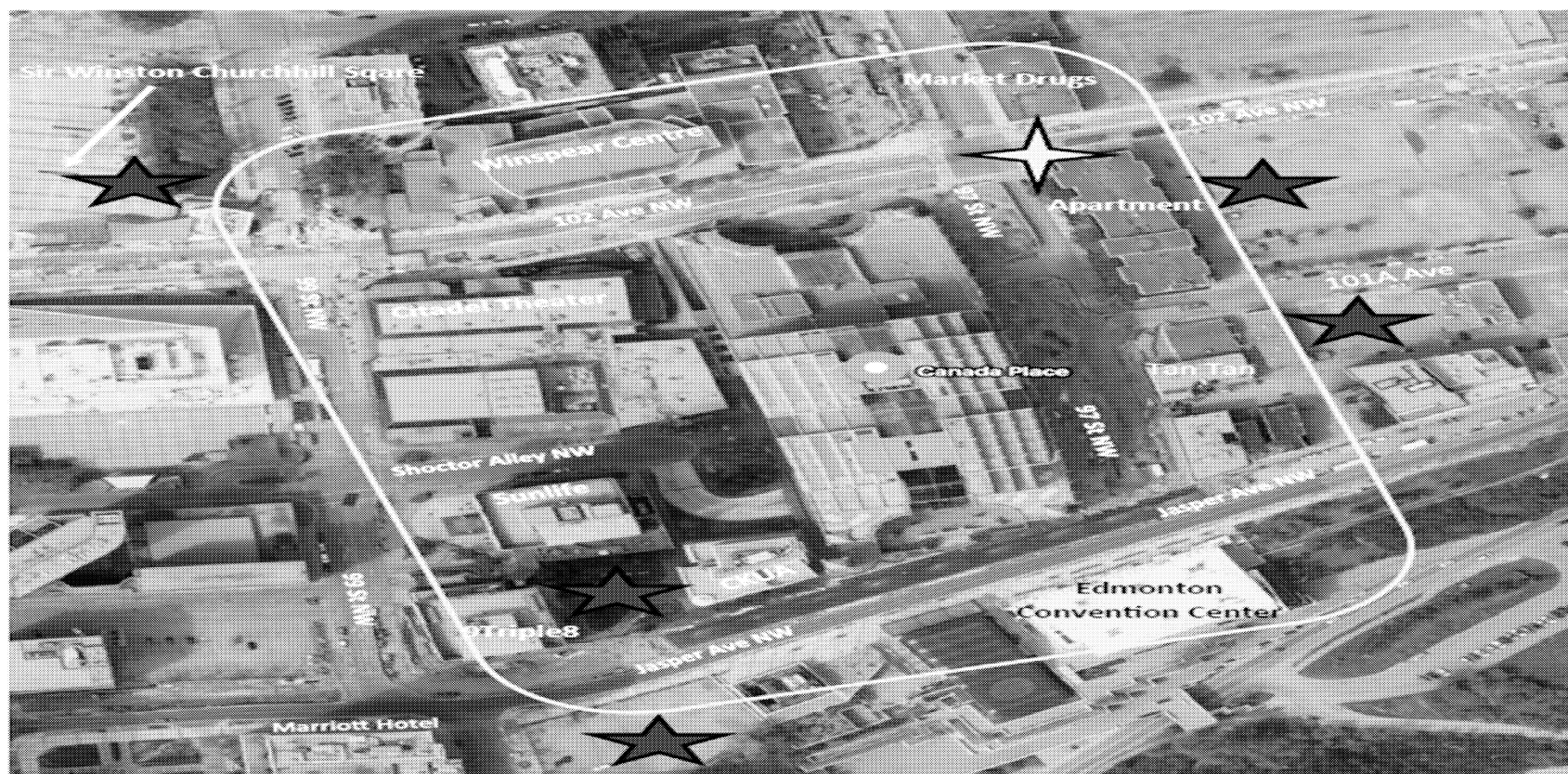
**Telephones number
for messages**

Housekeeping:

- **Training:** 8:00am to 4:00pm
- **Coffee Breaks:** Two fifteen minute
- **Lunch:** 12:00pm to 1:00pm
- **Calling in Sick or Late:** Contact your supervisor and let one of us know via teams/email
- **If you need to reach us by phone:** [Trainer Name]

- **What to do in the event of an emergency/fire:**
Emergency exit/stairs are located near the washrooms

CANADA PLACE MUSTER POINT



BEET SIGN IN

MUSTER POINT

Created 2023/01/25

Module Content

- Work Permit Programs
- Why Work in Canada?
- What is Work?
- Who can apply from within Canada?
- Submitting a PGWP application
- Program Eligibility
- Exceptions
- Other factors that can affect PGWP Issuance
- Flight schools
- Quebec
- How long do we issue?
- How to create the PGWP
- Extensions
- Restoration

Work Permit Programs

- The Temporary Foreign Worker Program (TFWP)
 - Labour Market Impact Assessments (LMIA)
 - issued by Employment and Social Development Canada (ESDC)
 - Known occupation, Employer specific (Closed)
 - Fills labour shortages
- The International Mobility Program (IMP)
 - Exempt from (LMIA)
 - Can be “Closed” or “Open”
 - Over 100 categories!
 - one of those categories is C43
 - offers other advantages to Canada

Why Work in Canada?

- To gain international experience in a competitive global market
- Competitive salaries and good work culture
- To gain in Canada experience to potentially apply for Permanent Residence

What is Work?

Under R2 – *work* means an activity for which wages are paid or commission is earned, or that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market.

Who can apply from within Canada?

R199:

- a) Holds a work permit
- b) working in Canada under R186
- c) Holds a study permit
- d) Holds TRP valid for 6+ months
- e) Family of any of the above
- f) in a situation under R206 (unenforceable removal order) or R207 (CR/PP, certain permanent residence applicants)
- g) Have a work permit approved in writing abroad but wasn't issued
- h) applying under CUSMA
- i) DFAIT (Department of Foreign Affairs and International Trade)

What is a post-graduation work permit PGWP?

The post-graduation work permit allows students who have graduated from a participating Canadian post-secondary institution to gain valuable Canadian work experience.

Note: Work obtained through the Post-Graduation Work Permit Program may help support their application to become a permanent resident of Canada.

- Canadian Experience Class (CEC)
- Federal Skilled Worker (FSW)
- Federal Skilled Trades (FST)
- Provincial Nomination Programs (PNP)
- Quebec Immigration Programs

Canadian Interests

R205(c)(ii) - A work permit may be issued under section 200 to a foreign national who intends to perform work that is designated by the Minister as being work that can be performed by a foreign national on the basis of the following criteria, namely, limited access to the Canadian labour market is necessary for reasons of public policy relating to the competitiveness of Canada's academic institutions or economy.

Submitting an Application

- Client's have **180 days** from obtaining **written confirmation** they have successfully completed their program to apply for a PGWP.
- Applicants may apply for a PGWP **from within Canada if their study permit is still valid (not expired)** or if they meet one of the other requirements of R199 at the time they submit their application.

How does a study permit become invalid?

R222(1) A study permit becomes invalid upon the first to occur of the following days:

- (a) the day that is 90 days after the day on which the permit holder completes their studies,
- (b) the day on which the permit is cancelled under section 243.2; or
- (c) the day on which the permit expires.

What happens if the Study Permit is invalid or expired?

- In order to apply from in Canada, they must meet R199 and the easiest way in most scenarios will be to have their study permit restored
- If they are eligible under R182 they can have their study permit restore for a short bridging document.
- if the study permit is approved and issued, then the requirement of section R199 for the submission of the work permit application in Canada would be met at that moment. Therefore, the concurrent work permit application can be processed.
- A student from Quebec does NOT need a CAQ for a bridging SP.

Eligible

- Have not previously held a PGWP
- Had valid authorization to study within 180 days prior to applying
- Graduated from an eligible Designated Learning Institution (DLI) AND Program (programs offered on behalf of PGWP eligible schools are not eligible – curriculum licensing agreements*)
- The program was at least 8 months and led to a certificate, diploma or degree
- Have maintained full-time student status during each academic session*
- Have received confirmation of completion of their studies from the DLI (transcript or letter)

Ineligible

- Can not apply at the Port of Entry
- Had a PGWP previously
- More than 50% of their credits were completed outside of Canada *
- Program or school does not meet the PGWP criteria
 - ESL/FSL
 - General Interest
 - Offered by a private school on behalf of a public DLI (curriculum licensing agreements)*
- Were under the International scholarships for non-Canadians program funded by GAC*
- Attended a non-Canadian institution located in Canada

Changes to PGWP eligibility criteria

As of November 1, 2024, eligibility criteria will be dependent on when the student submitted their study permit application and when they apply for their PGWP, with the exception of flight school graduates which remain unchanged. The changes vary based on level of study and include language proficiency requirements and in some cases field of study requirements.

Changes to PGWP eligibility criteria- New Eligibility Requirements

PGWP application submitted prior to November 1, 2024

- No additional eligibility criteria. OLD PDI applies.

Changes to PGWP eligibility criteria- New Eligibility Requirements

Study permit application submitted prior to BUT PGWP application submitted on or after November 1, 2024, applicants must

- have the ability to communicate equivalent to a minimum Canadian Language Benchmark (CLB) or un niveau de compétence linguistique canadien (NCLC) language proficiency
 - all university degree, diploma, and certificate program graduates must meet CLB 7 in English or NCLC 7 in French
 - college level graduates must meet CLB 5 in English or NCLC 5 in French (IRCC approved test)

Changes to PGWP eligibility criteria- New Eligibility Requirements

Both study permit AND PGWP applications submitted on or after November 1, 2024, applicants must

- have completed one of the following eligible programs
 - university undergraduate, Master's, or doctorate degree granting program from a university in any field of study
 - college level program or university diploma or certificate granting program in a field of study linked to occupations in long-term shortage (eligible field of study)
 - Officers must consult the 'eligible field of study list' to determine eligibility.
- have the ability to communicate equivalent to a minimum Canadian Language Benchmark (CLB) or un niveau de compétence linguistique canadien (NCLC) language proficiency
 - all university degree, diploma, and certificate program graduates must meet CLB 7 in English or NCLC 7 in French
 - college level graduates must meet CLB 5 in English or NCLC 5 in French

Documentary evidence

We need evidence that:

- the program or programs of study have been completed
- the applicant was enrolled in full-time studies in a program of study that was 8 months or longer
- 50% or more of the studies were completed IN Canada

We can get this from:

- A completion letter issued by the school
- Transcripts, official or a copy
- Clients often submit both, but it is not required as long as all the needed information is submitted

What about online or distance learning?

Normally we required that client complete the majority of their studies IN PERSON.

- If less than 50% was done by distance learning, we can count that towards their PGWP duration
 - Unless if the course was done outside of Canada, they are excluded from PGWP duration calculations
- If more than 50% was done by distance learning
 - It can reasonably be considered a distance learning program and it is not eligible for a PGWP

Work authorization after submitting a post-graduation work permit application

As per paragraph R186(w), graduates who apply for a work permit, such as a post-graduation work permit, **before the expiry of their study permit** are eligible to work full time without a work permit while waiting for a decision on their application if all of the following apply:

- They are or were the holders of a valid study permit at the time of the post-graduation work permit application.
- They have completed their program of study.
- They met the requirements for working off campus without a work permit under paragraph R186(v) (that is, they were a full-time student enrolled at a DLI in a post-secondary academic, vocational or professional training program of at least 8 months in duration that led to a degree, diploma or certificate).
- They did not exceed the allowable hours of work under paragraph R186(v).

Applicants remain eligible to work full time without a work permit while waiting for a decision on their application even after leaving and re-entering Canada. Applicants must stop working as soon as they are notified by IRCC (for example, via their MyAccount, by email or by mailed letter) that their application for a work permit is refused.

Time to get into the exceptions...

Curriculum licensing agreements

Allow students to graduate from a program that was delivered by a private career college on behalf of a public PGWP-eligible institution.

These programs are **not PGWP- eligible** unless:

- Between Provinces
They started their program on or before January 31, 2023
- Same Province
They started their program before May 15, 2024

Curriculum licensing agreements

May 15, 2024, and going forward NO programs offered under a curriculum licensing agreement will be eligible for a PGWP

Separate DLI numbers were created for people taking these program at a private career college that are in the same province

This information is updated on the DLI list, but may not have existed when the LOA was given, and the SP was issued

When the world couldn't travel

We said clients must maintain full-time student status **in Canada** for each academic semester, but there are a few exceptions. Some of them are based on travel restrictions

Special Measures March 01, 2020 to August 31, 2022

The client's could not travel to Canada easily so we allow them to have full 100% online studies outside of Canada for this time period without penalty.

Must:

- have held a valid SP
- OR was approved for a SP
- OR had applied for a SP before starting the studies and it was approved

(all other PGWP eligibility rules apply, any studies done without a SP do not count)

When the world couldn't travel

Special measures between September 01, 2022, and August 31, 2024

Reduced the facilitation measures.

Clients must complete at 50% of their studies IN Canada and that time WILL count towards their PGWP duration.

Must:

- Have held a valid SP
- OR have been approve for a SP and yet to arrive between the above date
- OR had submitted a SP application before starting the program and it was approved before Aug 31, 2024

(all other PGWP eligibility rules apply, any studies done without a SP do not count)

One last Covid exception

January 01, 2020, and August 31, 2020

- We **DO NOT** worry about if a client was full-time or part-time at school if the change was due to changes in course delivery due to public health measures.

To recap when the world couldn't travel

PART TIME:

January 2020-August 2020

- Winter 2020
- Spring 2020
- Summer 2020

March 01, 2020- August 31, 2022

100% online outside Canada

September 01, 2022- August 31, 2024

50% Online

Full-Time Status Exceptions

- We will not assess studies done during regularly scheduled breaks
- If the client is in their last academic session
 - a “last semester” can be repeated
- If the school was closed for a strike or other unforeseen reasons (example: natural disaster)
- Leave from studies
 - Their SP follow compliance standards under R220.1 if they are determine to fail compliance during a leave from studies, they may not be eligible for a PGWP

Other PGWP considerations

Program Stacking

- Clients who complete 2 **eligible** PGWP programs within 2 years can combine the time spent studying to get a longer PGWP.
- there are special considerations based on the facilitative measure we've already touched on:
- March 01, 2020, and Aug 31, 2022
 - may be able to complete those studies outside of Canada if BOTH programs were in progress or started in that time frame.
 - Only starting the first one is not enough.
 - Other aspects of this measure still apply (like holding a SP)

School Transfers

- Transfer between 2 eligible DLIs doesn't affect the outcome or eligibility (ie 8-month minimum study required)
- Transfer from an ineligible DLI to an eligible DLI, meaning they graduated from an eligible school does affect the outcome.
 - We can only count the time at the eligible school
- Remember generally only IN Canada studies count so if they transferred from a Foreign institution but finished and earned a Canadian credential, only the Canadian study portion is assessed. This also applies to programs with overseas components.

Loss of designation

- It is possible for a school to lose its designation as a learning institution
- Clients can transfer programs or schools or choose to finish at their current school.
- They may still be eligible for a PGWP, often there is an eligibility cut-off date related to the de-designation.
- This information is often distributed to the processing teams and then added to the DLI list.

Flight school graduates

- For Flight School graduates they must show they earned their permit AND either:
- completed their flight training course at a DLI flight centre and got a Commercial Pilot License

OR

- Have obtained or in the process of getting an instructor's rating and they have a job offer to work as a flight instructor at a DLI flight training centre in Canada

Quebec Vocational Diplomas

- In Quebec Vocational studies can be done at both the **secondary** and **post secondary** level. They are tailored towards specific trades.
- They will have to obtain a diploma of vocation studies (DVS/DEP) or an attestation of vocational specialization (AVS/ASP).
 - DVS is completed at the secondary level and they can continue to an AVS but both are eligible for a PGWP.
- The diploma must be issued by the Ministère de l'Éducation et de l'Enseignement supérieur (MEES) or Department of Education and Higher Education in English.
 - In other words the Diploma is issued by the government

Quebec Vocational Diplomas

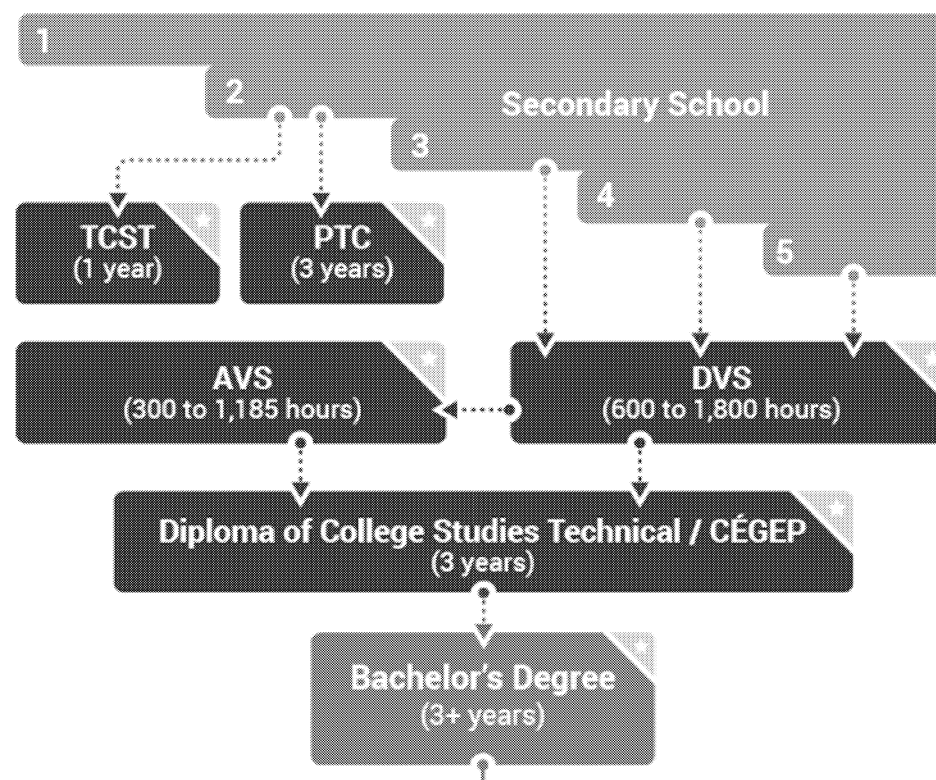
Because a DVS/AVS can be done at the secondary level we must consider:

- client must be 18 at the time of PGWP application
- Must show proof that the program is supported by MEES
- All other PGWP eligibility requirements

There is a site to verify the secondary schools if needed (linked in PDI)
can check:

- Schools
- Programs
- length in hours
- resulting credential

Quebec Vocational Diplomas



So how long do we issue a PGWP?

General rules:

- Minimum 8 months
- Maximum 3 years

- However long they studied is how long they get, up to 2 years then they automatically get the maximum.

- We do NOT subtract regularly scheduled breaks.
 - if someone takes a 2-year program but got two summer breaks we **don't** subtract the summer months and say they only studied 16 months

So how long do we issue a PGWP?

- A DVS or AVS is measured in hours, how does that work?

8 months = 900 hours

2 years = 1800

If you need to calculate what a number between 900-1800 would equal, you use 112 hours = 1 month

example: client studied for 1236 hours

$1236 - 900 = 336$ hours

$336 / 112 = 3$ months, this client has been studying to the equivalent of 11 months

So how long do we issue a PGWP?

Graduate studies

- If it was a PhD program that was only 16 to 23 months but doesn't have regularly scheduled breaks, they still get the 3-year maximum
- As of February 15, 2024, if it was a Master's level program they get 3 years even if they studied less than 2 years
 - **Note:** Master's degrees are different than post-graduate diplomas and certificates

Program stacking

- Since both programs must be at least 8 months (or 900 hours) when you combine them and don't subtract scheduled breaks they become eligible for 3-year PGWPs

So how long do we issue a PGWP?

Accelerated Studies

- If the client took an accelerate program, we use the length of the program not the length of studies.

Distance/Online learning

- As mentioned previously if the distance learning is less than 50% of the total program we will issue to the full length of the program.
- However, if the distance learning was completed outside of Canada it is excluded (unless under facilitative measures).

Issuing the document

Case Type: 56

Province and City of Destination: Unknown

Exemption code: C43

NOC: 99999

Intended Occupation: Open/Ouvert

Employer: Any/Tout

Fees: Work permit processing fee: \$155

Open work permit holder fee: \$100

User Remarks	
Use this on every PGWP application:	Status maintained as per R183(5). Post-Graduate Employment. OR Status maintained as per R183(5). Post-Graduation Work Permit.
Shortening to PPT expiry:	Document issued to passport expiry. Must renew passport for further extension consideration.
Shortening to Biometrics expiry:	Document issued to Biometric expiry minus one day. Must renew Biometrics for further extension consideration.
If you are issuing the <i>second</i> PGWP	Document issued for remainder of PGWP eligible period.
Notes	
If shortening PGWP to PPT expiry:	Client is eligible for 3-year PGWP until XX. Document shortened to passport validity.
If shortening PGWP to Biometrics expiry:	Client is eligible for 3-year PGWP until XX. Document shortened to Biometrics validity minus one day.
If issuing the second PGWP (first one was shortened to PPT expiry):	Client's initial PGWP (WXX) was shortened due to client's passport expiry date. Client has now renewed their passport. Document issued for remainder of PGWP eligible period.
If issuing the second PGWP (first one was shortened to biometrics expiry):	Client's initial PGWP (WXX) was shortened due to client's biometric expiry date. Client has now renewed their biometric enrolment. Document issued for remainder of PGWP eligible period.

Extensions

- Clients can only ever have 1 PGWP in their lifetime
- The only reason a client should have more than one C43 in their history is because it was an extension of their original PGWP
- When do we extend? When the document was cut short due to passport or biometrics
- If you are issuing a shortened document, leave a courtesy **note** for the next officer
 - Client eligible for a PGWP valid to XXXX with passport renewal

Extensions

Because of this if you think you see an error with a previously issued PGWP's duration the original document should be altered instead of issuing a second one (instructions provided).

Subsequent Application Guidelines

Example #1: Client's previous PGWP was approved and correctly shortened document was issued (less than 3 years). You receive the client's second application by virtue of which client is attempting to challenge the first application's decision. You review documents and deem that no error was made by previous officer.

1. You will refuse the second PGWP application as a client is eligible for PGWP once in their lifetime. The proper channel for client is to official request re-consideration of the first application's decision if they wish to do so.
2. No need to email your supervisor.

Exception: If the first application was shortened due to Passport or biometrics expiry date, you can issue the remainder of the PGWP on the second application as per PDI.

Subsequent Application Guidelines

Example #2: Client's previous PGWP was approved but issued to the wrong validity date. (For example, client attended a program from Quebec DLI and duration was calculated in hours in error when it should have been based on program length). You receive the client's second application by virtue of which client is attempting to challenge the first application's decision.

1. Send an email to your team supervisor/ CPO so they can contact the previous officer to correct the error on the first PGWP application.
2. Hold your second PGWP application under your user ID until correction on the first PGWP application is made.
3. Withdraw the second PGWP application once correction is done on the first PGWP application and refund both the \$155 work permit and \$100 open work processing fees (refunds treated as full withdrawal).

Subsequent Application Guidelines

Example #3: Client applies for a PGWP and only submits proof of 1 program completed – 1 year certificate. One-year PGWP is issued as per completion letter. Client submits a second application with additional information and client asks for another PGWP for the remainder of three years.

If the client provides documentation showing that they had completed both programs at the time of the first application, the officer processing the second application will do the following:

1. Re-open first application.
2. Attach the new documentation to the application.
3. Re-issue the PGWP to the additional time using both programs.
4. Write a remark on new document stating “Document U.... replaces document U.....”.
5. Do administrative withdrawal on the second application and only refund the \$100 open work permit fee.
6. Put explanatory notes on both PGWP applications to indicate the actions taken.

How to complete a restoration file

- Must be eligible for restoration
- Will need to pay the restoration fee (\$229.00) and study permit processing fee (\$150)
 - Will likely be “hidden” in the edocs so you need to check thoroughly
 - Since there are time limitations, consider requesting fees if missing
- A co-op (C32) work permit counts as a Work Permit so they might not need the study permit to satisfy R199 and only restoration

How to complete a restoration file

In rare situations you may have a visitor who requires restoration, but they also meet R199. Our restoration PDI says:

A visitor who is out of status may apply to restore their status as a temporary resident. Temporary residents who are eligible to apply in Canada for a work or study permit [R199 or R215] may do so when restoring their temporary resident status. The fees for the study or work permit must be paid in addition to the restoration fee, unless they are otherwise exempt.

How to complete a restoration file

We are doing this to meet R199 if the client is eligible under R199 as a visitor then they wouldn't require a bridging SP if they have valid visitor status.

Ultimately each scenario can be different. You must be able to recognize what your client needs to meet the eligibility to apply for a WP from within Canada and also if they are eligible for restoration.

Generally, however, if a client was in Canada and their SP has lapsed and they did not hold a C32 WP, they will require to be restored onto a SP before the PGWP.

How to complete a restoration file

- You will key a study permit using the same received date as your PGWP application.
- Associate and allocate the fees for restoration and the SP
- Make sure all contact and client information is correct
- Promote the application and process as a normal SP restoration file
- The document will be short and have the remark “Bridging Study Permit”.
- you can now focus on your PGWP
- There is a more detailed handout for your records

Bridging Study Permits

- **Why is a bridging study permit required?**
 - We need to create bridging study permit for students who have lost their status as they cannot apply to restore their TR status with authorization to work. As per guidance under PDI, **an applicant can only restore their status to that of a temporary resident and to the authorization that they held immediately prior to the restoration application.**

- **If an applicant submits a PGWP application requesting restoration and needs to be restored to a Study Permit, we will do the following if we are approving the PGWP application:**
 - Find the client's **\$355.00** Payment Receipt (check all documents submitted in PGWP).
 - If any of the fees (\$155.00 SP-EXT / \$200.00 Restoration) are missing, you can **refuse** the application; OR **request** them.
 - **Create a SP-EXT** application in GCMS using the old DLI information and associate the \$150.00 Study Permit and \$200.00 Restoration fee.
 - Process the Restoration request by finalizing the SP-EXT (issue a 90-day document with the remark “Bridging Study Permit. Temporary Resident Status Restored as per R182”). You may then issue your PGWP according.

- If you are **not approving** the PGWP application, please **do not create** the Bridging Study Permit application. You will refuse the PGWP application and only refund the \$150.00 Study Permit processing fee.

Bilingual Remarks

In accordance with Part IV of the Official Languages Act (OLA), all text under the “Remarks/Observations” section of approved visitor records, study permits, and work permits must be bilingual.

Other Considerations

- Referrals
- Refusals
- R200(3)(e)(i)
- Requests