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From: [Immigration Representatives / Représentants immigration \(IRCC\)](#)

Mail received time: Thu, 27 May 2021 12:41:51

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To:

Cc: [Immigration Representatives / Représentants immigration \(IRCC\)](#)

Subject: FW: Does Work Before PGWP App Negate The R186(w) Exemption? -- (REP-2020-2239) -- (REP-2020-2684) -
- (REP-2020-2712) -- REP-2020-2765

Sensitivity: Normal

Hello,

Sincere apologies for the confusion. To be clear, the fact that the subject worked without legal authorization for the five days between the issuance of the letter of completion and the submission of their PGWP application **does not** prevent them from working legally under R186, as you described, for the rest of the period between the time their application was submitted and the time a decision is made.

You are correct in assuming that during the 5 day period between the receipt of the letter of completion and the submission of a PGWP application, the subject could not legally work. Given the fact that they rectified the situation on their own by applying for a PGWP, the client demonstrated that their actions were well-intentioned and that they did not deliberately work illegally. As a result, any work completed **after** the submission of the PGWP application would be allowable under R186, provided that all other conditions are met.

We hope this response helps address some of the confusion in this matter.

Kind regards,

The Immigration Representatives Mailbox

From

Sent: January 20, 2021 1:15 PM

To: [Immigration Representatives / Représentants immigration \(IRCC\) <\[IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca\]\(mailto:IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca\)>](#)

Subject: RE: Does Work Before PGWP App Negate The R186(w) Exemption? -- (REP-2020-2239) -- (REP-2020-2684) -- REP-2020-2712

Hi,

Yes, the R186(w)(ii) states that the FN may work in Canada if they **applied for a work for a work permit**. That would require a work permit application actually be submitted before R186(w) could apply. They also have to have met the requirements set out in R186(v) while on their study permit. Both of these conditions must be met for the work permit exemption at R186(w) would apply.

In the scenario we have provided, where work is occurring after the issuance of the Course Completion Letter and **BEFORE** the submission of a work permit, the conditions of R186(w) have not been met when the work is occurring. A work permit application has not been submitted before their expiry of their study permit, so R186(w)(ii) has not been met during that period.

So in the scenario provided, as both of the required conditions under R186(w) have not been met while the work was occurring, on what basis are you stating that the work is allowable?

It cannot be R186(w) as both of the required conditions have not been met. It also cannot be R186(v) as they have completed their course work, are no longer presuming full-time studies, and no longer meet the conditions for work permit exempted work under R186(v).