

GREEN
AND SPIEGEL LLP
THE IMMIGRATION LAW FIRM

Immigration Essentials for Students | York University

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YORK U
UNIVERSITÉ
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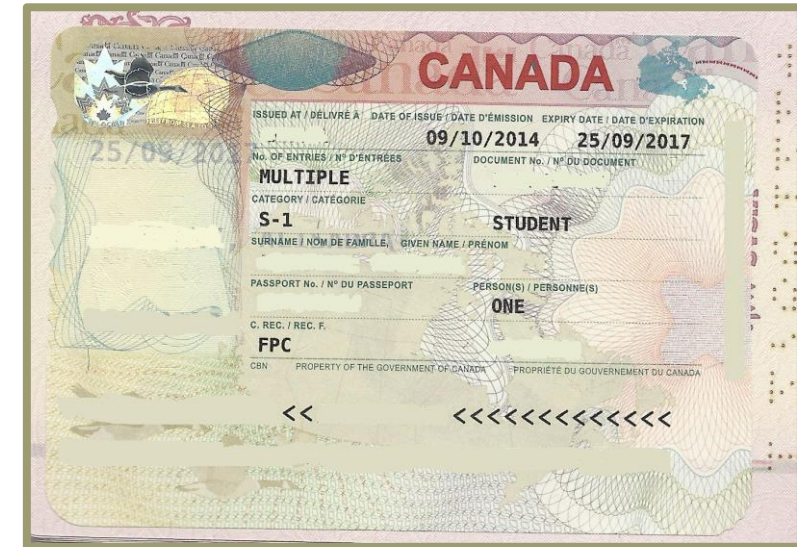


Agenda

- **Study Permits - Information Update**
- **Maintaining Your Temporary Status**
- **International Students - PGWP Eligibility Via Online Studies**
- **Express Entry**
 - Canadian Experience Class
 - Federal Skilled Workers
- **Provincial Nominee Program**
- **Additional Avenues:**
 - International Experience Class (IEC)
 - Mobilité Francophone
 - Labour Market Impact Assessment (LMIA)
- **Maintaining Your Permanent Residence**
- **Questions?**

Study Permits

- **Maintaining your Student Status:** In order to remain in Canada on a Study Permit you must make ongoing progress towards completing your program.
- **Study Breaks:** For the purpose of assessing if a student is actively pursuing their studies, any leave taken from a program of studies in Canada should not exceed 150 days from the date the leave commenced and must be authorized by the DLI. If you do not resume studies within 150 days, you should either change your status to a visitor or worker (if possible) or leave Canada in order to avoid immigration consequences.
- **Working Off-Campus:** A study permit authorizes full-time students to work part-time (up to 20 hours/week) off campus during studies and full-time off campus during sessional breaks without a work permit while a full-time student.



Study Permits

Post-Graduate Work Permits

- Can only be obtained once and will allow you to gain valuable Canadian work experience
- Length of study must be at least 8 months
- Valid for up to 3 years depending on length of program completed
- Deadline to apply is within 6 months of receiving confirmation of completion of the program of study
- Requirement to have valid status when applying for a post-graduation work permit
- Total government fee remains \$255 (\$155 work permit fee + \$100 open work permit fee)

You must not become inadmissible

- e.g., criminality, medical conditions, misrepresentations, etc.

PROTECTED WHEN COMPLETED / PROTÉGÉ UNE FOIS REMPLI

CANADA

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TORONTO ON M5H 2Y2
CANADA

Application/Demande:
UCI/UC:

WORK PERMIT/PERMIS DE TRAVAIL

CLIENT INFORMATION/INFORMATION DU CLIENT

Family Name/Nom de Famille:
Given Name(s)/Prénom(s):
Date of Birth/Date de naissance:
Sex/Sexe:
Country of Birth/Pays de naissance:
Country of Citizenship/Citoyen de:
Travel Doc No./N° du document de voyage: PASSPORT

ADDITIONAL INFORMATION/INFORMATION SUPPLÉMENTAIRE

Date Issued/Déjà délivré le:
Expiry Date/Date d'expiration:
Case Type/Genre de cas: 56
ESD/ESDC #:
Employer/Employeur:
Employment Location/Emplacement de l'emploi: UNKNOWN
Occupation/Profession: ANY
In Force From/En vigueur le: 2014/11/26

Conditions:

1. MUST LEAVE CANADA BY 2015/11/26
2. UNLESS AUTHORIZED, PROHIBITED FROM ATTENDING ANY EDUCATIONAL INSTITUTION, OR TAKING ANY ACADEMIC, PROFESSIONAL OR VOCATIONAL TRAINING COURSE.
3. NOT VALID FOR EMPLOYMENT IN BUSINESSES RELATED TO THE SEX TRADE SUCH AS STRIP CLUBS, MASSAGE PARLOURS OR ESCORT SERVICES.

Remarks/Observations:
POST-GRADUATE WORK PERMIT. CASE TYPE NUMBER 20 IN THE OLD SYSTEM HAS BEEN REPLACED BY CASE TYPE NUMBER 56 IN THE NEW SYSTEM.

THIS DOES NOT AUTHORIZE RE-ENTRY/CECI N'AUTORISE PAS LA RÉ-ENTRÉE

THIS FORM HAS BEEN ESTABLISHED BY THE MINISTER OF CITIZENSHIP AND IMMIGRATION - THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA
FORMULAIRE ÉTABLI PAR LE MINISTRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION - LE PRÉSENT DOCUMENT EST LA PROPRIÉTÉ DU GOUVERNEMENT DU CANADA

1961 (14/03/2012)

Canada

International Students - PGWP Eligibility Via Online Studies

- Immigration, Refugees and Citizenship Canada is making it easier for international student graduates to be eligible for the Post-Graduation Work Permit (PGWP) during the pandemic. Previously, online learning would not count towards a PGWP application.
- All of the time students spent studying online from outside Canada between spring 2020 and August 31, 2022, counts toward the length of a PGWP. This applies even if students are completing 2 study programs.
- The PGWP allows international student graduates who studied at a Canadian Designated Learning Institution (DLI) to work for any employer anywhere in Canada for up to three years.

Before Applying for Permanent Residence

- **Do you meet the basic eligibility requirements for the program?**
- **Are you admissible to Canada?**
 - Criminality, medical issues, misrepresentation, non-compliance may render you inadmissible
- **Plan ahead**
 - Be aware of expiry dates of your temporary status in Canada

Permanent Residence - Overview

- **Options for applying for Permanent Residence (PR) in Canada:**
 - Express Entry
 - Canadian Experience Class
 - Federal Skilled Worker
 - Provincial Nominee Program
 - Family Sponsorship
- **You must maintain your temporary status while awaiting PR**
- **You must maintain your permanent residence after a successful application**



Express Entry

- Express Entry is IRCC's system to manage how people with skilled work experience apply to immigrate to Canada
- Must first be eligible for Permanent Residence under the Federal Skilled Worker (FSW), Canadian Experience Class (CEC) or Federal Skilled Trades (FSTP)
- If eligible to apply, candidates submit their profile to IRCC and will be ranked against others in a “pool” of potential candidates
- On a regular basis, IRCC will draw top candidates from the pool and send them an Invitation to Apply (ITA)
- Only candidates who receive an ITA will be able to apply for permanent residence

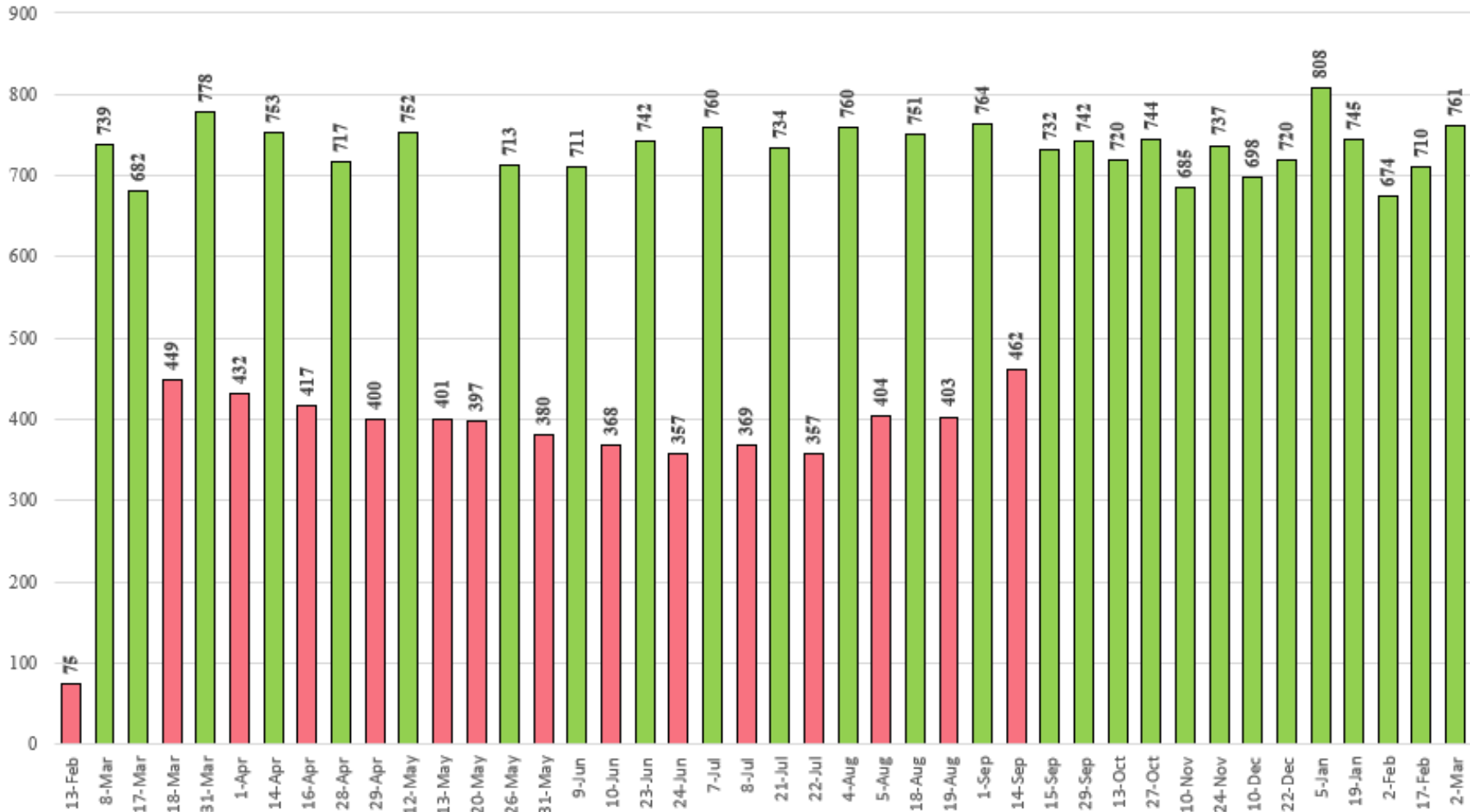
Canadian Experience Class

- **12 months of authorized, qualifying work experience in the previous 36 months**
 - 1,560 hours total / 30 hours per week, continuous full-time or part-time equivalent
 - High skilled position (NOC 0, A or B)
 - Self-employed work does not count
- **Must demonstrate English or French proficiency**
 - NOC 0 and A: CLB 7 in each ability
 - NOC B: CLB 5 in each ability
- **Must be admissible to Canada**

Federal Skilled Worker Program

- For workers with NOC 0, A or B skill level work experience
- Canadian or foreign work experience
- 1-year continuous paid work experience in the last 10 years
- Must demonstrate a CLB 7 language proficiency in each ability
- Educational credential assessment for foreign education to show Canadian equivalency
- Must meet “points” requirement (67 points)
- Proof of funds

Express Entry - Ranking System



Colour Legend

Provincial
Nominee Class

Canadian
Experience Class



Express Entry - Invitation to Apply

- **Candidates who are invited to apply for permanent residence will only have 60 days to submit a complete application to IRCC**
- **Serious implications for misrepresentation**
 - Application refused
 - Inadmissibility finding
 - Barred for five (5) years from applying for permanent residence status
- **IRCC aims to process the applications in 6 months**
- **Candidates who do not receive an invitation to apply within 12 months must re-enter the pool**

Ontario Immigrant Nominee Program



Ontario Immigrant Nominee Program - Overview

Ontario Express Entry

- Human Capital Priorities Stream
- French-speaking Skilled Workers Stream
- Ontario identifies candidates in the Express Entry pool and provides a notification of interest to invite you to apply for a nomination
- 600 Express Entry points following nomination for guaranteed selection
- \$1,500 government fee

Ontario Immigrant Nominee Program

- Employer Support Stream
- Government fee of \$1,500

Ontario Immigrant Nominee Program - International Student with Job-Offer Stream

Applicant Criteria

- Must have completed the requirements necessary to obtain:
 - a degree or diploma from an eligible Canadian institution that takes at least two years to complete if pursued on a full-time basis; OR
 - a degree, diploma or certificate from an eligible Canadian institution that takes at least one year to complete if pursued on a full-time basis and that requires the completion of a degree as a prerequisite.
- Have completed at least half of your studies on a full-time basis while lawfully residing and studying in Canada.
- No previous work experience is required
- Job offer for a full-time indeterminate duration in a skilled occupation (**NOC 0, A or B**), entry level wage (i.e. **low wage level acceptable**) in Ontario, from a **qualifying employer**.

Employer Criteria

- **Employers must have been in active business for at least 3 years, with a business premises in Ontario where the prospective nominee will work.**
- **Employers inside of the Greater Toronto Area must have:**
 - A minimum of **\$1,000,000 in gross annual revenue** for the most recent fiscal year,
 - **Five** full-time employees who are Canadian citizens or permanent residents **at the location** where the applicant will work.
- **Employers outside of the Greater Toronto Area must have:**
 - A minimum of **\$500,000 in gross annual revenue** for the most recent fiscal year,
 - **Three** full-time employees who are Canadian citizens or permanent residents **at the location** where the applicant will work.

Ontario Immigrant Nominee Program - Masters or PhD Students

- Must have graduated or have met degree requirements for a Masters Degree that is at least one academic year or PhD requirements of at least two years of study
- Apply within 2 years on which degree was granted
- Must demonstrate intent to reside in Ontario and have least 12 cumulative months of residence within previous 24 months before applying
- Must have sufficient settlement funds
- Masters students must demonstrate CLB 7 or above in all language competencies in English or French
- Masters students must have sufficient settlement funds
- Residency at Time of Application:
 - Masters: Must be residing in Ontario with legal status OR residing outside of Canada. If you currently live in Canada, but outside of Ontario, you do not qualify.
 - PhD: Can apply from anywhere in Canada or outside of Canada. Must have legal status if in Canada.




















Ontario's Express Entry Human Capital Priorities Stream Criteria

- Must have a valid profile in the Express Entry pool;
- Qualify for either the Federal Skilled Worker Program (FSWP) or the Canadian Experience Class (CEC);
- Indicate an interest in immigrating to either Ontario or “All Provinces and Territories” when you create a profile in Express Entry; **AND**
- Have received a Notification of Interest from Ontario through your IRCC online account, based on the following qualifications:
 - Education: Equivalent of a Canadian Bachelor’s degree or above
 - Language: A minimum of Canadian Language Benchmark (CLB) 7 in English or in French
 - Comprehensive Ranking System (CRS) Score: A minimum of 400 points in the CRS of IRCC’s Express Entry system.
 - Legal Status in Canada (if applicable): Must have legal status in Canada (i.e., study permit, work permit, visitor record) if currently residing in Canada.
 - Settlement Funds: A minimum level of savings or income to support you and your family members
 - Intent: An intention to live in Ontario

Additional Avenues



Free Trade Agreements

Agreement Name	Citizen Eligibility
Canada-United States – Mexico Agreement (CUSMA)	 Mexico,  United States
Canada–Chile Free Trade Agreement	 Chile
Canada–Peru Free Trade Agreement	 Peru
Canada–Colombia Free Trade Agreement	 Colombia
CPA for Trans-Pacific Partnership (CPTPP)	 Australia,  Brunei,  Chile,  Japan  Malaysia,  Mexico,  New Zealand  Peru,  Singapore,  Vietnam
Canada–Korea Free Trade Agreement	 South Korea
Canada-European Union Trade Agreement	 European Union
General Agreement Trade and Services (GATS)	Members of the World Trade Organization OR Right of permanent residence holders in: Australia  New Zealand 

International Experience Canada (IEC)

- LMIA exempt work permits for citizens of certain countries, below either 30 or 35 years of age depending on the country. Valid for up to 2 years and potentially renewable depending on country
- Three categories: Working Holiday, Young Professionals, Co-op/Internship
- Pre-arranged job not always required
- IRCC regularly invites eligible candidates from the IEC pools to apply for work permits

Mobilité Francophone

- The Mobilité Francophone stream is aimed at attracting skilled francophone workers and encouraging them to settle in francophone minority communities outside Quebec
- Should have French as their language of daily habitual use - typically prove French language abilities through transcripts from education in the French language. They can also take a French language test if transcripts are unavailable
- This is for skilled occupations only - NOCs 0, A or B
- The applicant must have a job offer outside Quebec, but the work does NOT need to be conducted in French

Labour Market Impact Assessment (LMIA)

- The LMIA-exempt Work Permit categories (i.e. ICT, FTAs, Reciprocal) will be considered first, however where none of these apply, an LMIA will be required to hire the Temporary Foreign Worker.
- The purpose of the LMIA is to ensure that there are no Canadians who can perform the job that is being requested and that foreign workers are compensated according to prevailing wages for their position
- Recruitment (i.e. advertising) period of 4 weeks to find Canadians or permanent residents for the position being offered
- \$1,000 government fee
- Employers may be required to demonstrate transition plans or be subject to caps on the percentage of foreign workers in their workforce
- Work permits based on a positive LMIA will strengthen a candidate's permanent residence application

LMIA under the Global Talent Stream

- Under the Global Talent Stream, LMIA applications are recruitment exempt and are processed in 10 business days for 80% of applications.
- Consular work permit applications will be eligible for expedited processing of 2 weeks for 80% of applications. If the foreign worker is visa exempt, the work permit application can also be presented at any Canadian border.
- Eligibility for LMIA under the Global Talent Stream: either Category A (high growth, high potential) or Category B (Global Talent Occupations list).

Eligibility for the Global Talent Stream

Category B:

Companies may be eligible for **Category B** of the Global Talent Stream if they are seeking to hire highly-skilled foreign workers to fill positions in occupations found on the Global Talent occupations list.

Global Talent Occupations List

- NOC 0213 – Computer and information systems managers;
- NOC 2147 – Computer engineers (except software engineers and designers);
- Subset of 2161 – Mathematicians and statisticians (excluding actuaries)
- NOC 2171 – Information systems analysts and consultants;
- NOC 2172 – Database analysts and data administrators;
- NOC 2173 – Software engineers and designers;
- NOC 2174 – Computer programmers and interactive media developers;
- NOC 2175 – Web designers and developers;
- NOC 2281 – Computer network technicians who earn a wage of at least \$39.42;
- NOC 2283 – Information systems testing technicians who earn a wage of at least \$37.50;
- Sub-set of 5241 Digital Media and Design – position requires a minimum of five years of industry experience
- Sub-set of 5131 Producer, technical, creative and artistic director and project manager – visual effects and video game.

Spousal Sponsorship

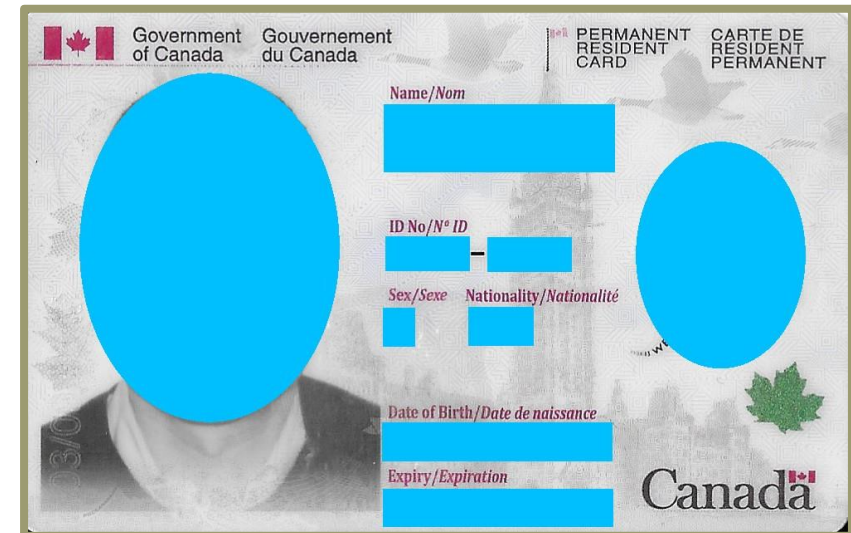
- Canadian Citizens or Permanent Residents may sponsor their spouse or common-law partner
- Sponsors undertake to ensure sponsored spouse does not seek social assistance after they come to Canada
- In-Canada spousal sponsorship applicants may obtain open work permits
- Medical, Criminal and other background checks
- <http://www.cic.gc.ca/english/immigrate/sponsor/spouse.asp>

Maintaining Your Permanent Resident Status



Maintaining your Permanent Resident Status

- **Must reside in Canada for at least 2 years out of 5 to maintain your permanent resident status**
- **Exceptions to physical presence include:**
 - Work for a Canadian employer abroad
 - Accompanying a spouse who is a Canadian Citizen abroad
 - Accompanying a spouse abroad who is a permanent resident and is working for a Canadian Corporation
- **You must NOT become inadmissible, e.g., criminality, misrepresentations**



Questions

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Stay connected:

