

## **COVID-19 Updates for International Students**

In the past few years, the number of international students has ballooned at a rapid pace such that they now comprise a significant portion of the temporary resident population in Canada. In the latest report of the Minister of Immigration, Refugees and Citizenship Canada (IRCC) Marco Mendicino to Parliament, he stated that as of December 31, 2018, there were more than 721,000 international study permit holders in Canada, or more than double the number of permanent residents (321,035) admitted that year.

### *Easing Work Restrictions*

At this time of COVID-19 pandemic therefore, it comes as no surprise that international students are among those hardest hit by the ongoing lockdowns and their economic consequences. Since international student fees are often double or triple the domestic tuition fee rates, one can only imagine the enormous investment that these international students have made to finance their studies and living expenses in Canada.

Hence, it is a great help that study permit holders engaged in full time studies are also authorized to work without need to apply for a separate work permit. Under normal times, this work authorization would limit international students to part time work of up to 20 hours during study periods and only allows full time work or more than 20 hours during study breaks (e.g. Christmas holidays, summer breaks).

Effective 22 April 2020 however, the IRCC has eased work restrictions for some international students in that they are now authorized to work more than 20 hours even during study sessions "provided they are working in an essential service or function, such as health care, critical infrastructure, or the supply of food or other critical goods."

"Critical infrastructure" is defined as comprising the following sectors:

- Energy and Utilities
- Information and Communication Technologies
- Finance
- Health
- Food
- Water
- Transportation
- Safety
- Government
- Manufacturing

Please note however, that this is only a temporary change that will be in place until 31 August 2020 only (unless extended by IRCC as needed).

### *Online Courses*

Another significant change for international students is that if their classes in a Canadian designated learning institution were moved to a purely online format due to COVID-19, this will not affect the student's eligibility for a postgraduation work permit upon completion of their

studies. In a recent webinar interview with the IRCC Minister Mendicino, he said that, if the student is already in Canada, they can even take "up to 100% of their courses online".

If a student visa had already been issued to international students who are scheduled to start in May or June 2020 but who are unable to travel to Canada due to COVID-19, they are allowed to start attending online classes from outside of Canada and may do so for up to 50% of their study program without affecting their future eligibility for a postgraduation work permit.

Again, this change is temporary. Normally, online studies could render an international student ineligible for a postgraduation work permit. Thus, it is also important that international students are keeping themselves updated as to when these temporary changes will be lifted and immigration rules will return to 'normal' once again.

#### *Extension of Time to Submit Documents*

If the international student has a pending immigration application and is being required to submit certain requirements (e.g. biometrics, police certificates, etc.) but is unable to do so due to COVID-19, IRCC will not refuse or return the application but will automatically grant an extension of 90 days within which the applicant may comply.

Although the extension is supposedly "automatic" it may still be prudent to submit a request for extension of time, to confirm the extension and avoid confusion during this transition period, that may lead to a refusal of one's pending application.

#### *Express Entry Draws Limited to CEC and PNP*

Since 18 March 2020, the invitations to apply for permanent residence under the Express Entry program have been limited to those qualified under the Canadian Experience Class and the Provincial Nominee Program. This means that more international students who have completed at least one year of qualifying work in Canada may be invited to apply for PR since the Express Entry pool will exclude those who only qualify under the Federal Skilled Worker class (most of whom do not have Canadian work experience and are outside Canada).

Thus, former international students (or even temporary foreign workers) who may have already met the requirements for permanent residence under the Express Entry system but feel that their CRS scores are too low, may want to post their profiles anyway, in case the minimum CRS scores will be reduced further by the current exclusion of other applicants (Federal Skilled Worker or Federal Skilled Trades classes). With less candidates to choose from, the minimum CRS scores may be further reduced and increase the chance that younger international students who have studied here and formed part the Canadian labour market, will be picked in future Express Entry draws.

*The above are meant for information purposes only and not as specific legal advice. To seek legal advice about your particular situation, please consult a trusted immigration legal advisor.*

*As always, we at **Santos Law Office** will be happy to assist with your Canadian immigration questions and concerns. Thank you and stay safe!*