



THE CANADIAN  
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February 14, 2023

Via email: [Minister@cic.gc.ca](mailto:Minister@cic.gc.ca)

The Honourable Sean Fraser, P.C. M.P  
Minister of Immigration, Refugees and Citizenship  
365 Laurier Avenue West  
Ottawa ON K1A 1L1

Dear Minister Fraser:

**Re: Pilot project lifting 20-hour-per-week cap on work hours for international students**

We write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to suggest improvements to the recent pilot project lifting the 20-hour-per-week cap on the number of off-campus work hours for international students that you announced in October 2022 as a measure to address Canada's labour shortage.<sup>1</sup>

The Canadian Bar Association (CBA) is a national association of 37,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section is comprised of over 1,200 lawyers, practicing in all aspects of Canadian immigration law and rendering professional advice and representation in the Canadian immigration system to clients in Canada and abroad.

The CBA Section understands that only students who were in Canada on a valid Study Permit on October 7, 2022, or had applied for their Study Permit on or before that date, are eligible and the cap is lifted from November 15, 2022, to December 31, 2023. This letter offers recommendations to assess the temporary pilot project to help protect international students and avoid situations of exploitation or abuse of the program.

The temporary pilot project gives greater flexibility to international students and employers. Outside the temporary pilot project, international students' hours of work are capped at 20-hours per week during the school term and full-time during academic breaks. This 20-hour cap can at times be difficult for students and their employers to assess. Long breaks between semesters or other breaks during the study term pose complexities in determining whether the criteria for a regularly scheduled academic break have been met under the cap policy.

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<sup>1</sup> IRCC, "International students to help address Canada's labour shortage", October 7, 2022, [online](#).

Depending on the needs of the business, some employers may ask students if they wish to work additional hours for certain periods. At times, students may wish to work longer hours for brief periods when their academic schedule permits. Under the 20-hour-per-week cap policy, the analysis focused on whether the student was on a regularly scheduled break rather than the individual needs of the student or the employer. Some international students may also need to supplement their income by working slightly more hours per week than the 20-hour cap.

While we support efforts to give international students an opportunity to supplement their finances where needed, while also helping Canadian employers address labour shortages, the program must include safeguards to prevent employers from taking advantage of students and pressuring them to work excessive hours at the expense of their studies. It is equally important to maintain program integrity and ensure that the international student program does not become an avenue for unscrupulous institutions or other agents to use study permits to bring to Canada foreign nationals who would not otherwise qualify for work permits.

Currently, international students must maintain full-time status throughout their studies in Canada, except in their final academic session, to be eligible to apply for a Post-Graduation Work Permit (PGWP).<sup>2</sup> If international students are pressured to work additional hours by employers, affecting their full-time student status, they could lose eligibility for a PGWP, jeopardizing their opportunity to later gain work experience towards applying for permanent residence.

IRCC and designated learning institutions (DLIs) must clearly articulate these possible consequences of the removal of the 20-hour-per-week cap to international students. IRCC and DLI communications should advise international students of the risk of working an excessive number of hours a week given the risk posed for PGWP eligibility. We propose that international students be given information about their rights and responsibilities by DLIs, including the need to maintain full-time student status and the consequences of not doing so, in the same manner that employers must give a brochure to temporary foreign workers regarding their employment rights. We further recommend that IRCC establish a confidential telephone hotline for international students to report DLIs and employers in situations where students are pressured to work excessive hours, or other alleged abuses, and to permit IRCC to investigate. DLIs must also be monitored by IRCC to ensure that high standards for the awareness and protection of international students are maintained.

While we understand that limiting the lifting of the 20 hours cap only to those who meet the October 7, 2022, cut-off date was designed to mitigate the risk of abuse of the program, the limitations could cause confusion amongst students and employers. Some students may unknowingly work without authorization because they do not know or understand the October 7, 2022 cut-off date. These students would be unable to obtain a PGWP due to their unwitting violation of s. 200(3)(e) of the *Immigration and Refugee Protection Regulations*.

Employers may also be unclear as to which students are able to work more than 20 hours per week, and which are capped at 20 hours outside scheduled academic breaks – particularly where the student applied for a study permit or extension before October 7, 2022, but the document was issued after that date.

Determining eligibility on future applications based on these dates will require additional IRCC resources. Officers will have to retroactively evaluate whether students qualified for full-time work based on the date of their application and extensions, as applicable. This analysis will be required during assessments for PGWPs, permanent residence, and study permit compliance reviews.

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<sup>2</sup> IRCC, “Post-graduation work permit eligibility requirements,” Last updated January 20, 2023, [online](#).

We recommend that IRCC confirm by letter that a student is eligible to work for more than 20 hours per week, and is not subject to the cap. The letter could be given through the student's IRCC portal or included in future applications for PGWPs or permanent residence.

A mechanism to survey and study the results of this pilot project would ensure that the stated policy goal (i.e. to reduce the labour shortage for employers) is adequately considered in relation to the outcomes, positive or negative, for international students. We recommend an online survey for eligible international students who have opted to work more than 20 hours per week during the academic semester, to share confidential feedback on their experience. Questions can ask whether the international student felt pressured to work more than part-time during the academic semester to offset expenses or due to undue influence of employers or DLIs. In cases where employers or DLIs ignore or facilitate noncompliance with study permit conditions, or PGWP eligibility, these outcomes will be apparent for evaluation by IRCC. Depending on the result of the survey and evaluation, the Minister can make an informed decision as to whether the temporary pilot project should be extended, or should end on December 31, 2023.

## RECOMMENDATIONS

- We propose that IRCC and DLIs give eligible international students comprehensive information about their employment rights – and their obligations to maintain their status as a full-time student in good standing – should they opt to work more than 20 hours per week, as well as the potential impact on PGWP eligibility of prioritizing work obligations over the full-time study requirement.
- We suggest the implementation of a confidential hotline enabling international students to report to IRCC situations of abuse or exploitation.
- We recommend that IRCC confirm by letter that a student is eligible under the policy and not subject to a cap of 20 hours of work during school terms.
- We recommend a survey of international students to assess their participation in the pilot project. The survey results should be closely analyzed for the experience of international students to determine whether the pilot should be extended or concluded this year.

## CONCLUSION

The CBA Section appreciates the opportunity to suggest improvements to the temporary pilot project. We would be pleased to discuss our recommendations, offer additional insights, and assist with the development and implementation of relevant policies.

Yours truly,

*(original letter signed by Véronique Morissette for Lisa Middlemiss)*

Lisa Middlemiss  
Chair, CBA Immigration Law Section

cc. Savannah DeWolfe (email: [Savannah.DeWolfe@cic.gc.ca](mailto:Savannah.DeWolfe@cic.gc.ca))  
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