Study permits: Post Graduation Work Permit Program

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This section contains policy, procedures and guidance used by Immigration, Refugees and Citizenship Canada staff. It is posted on the Department's website as a courtesy to stakeholders.

The Post-Graduation Work Permit Program (PGWPP) allows students who have graduated from a participating Canadian post-secondary institution to gain valuable Canadian work experience. Skilled Canadian work experience gained through the PGWPP helps graduates qualify for permanent residence in Canada through the <u>Canadian experience class</u>.

Employers seeking to employ open work permit holders are exempt from the requirement to first obtain a positive Labour Market Impact Assessment (LMIA) from Service Canada. The open work permits issued to the graduates in line with the PGWPP requirements are coded with the LMIA exemption code C43.

A work permit under the PGWPP may be issued for the length of the study program, for a maximum of 3 years. A post-graduation work permit cannot be valid for longer than the student's study program, which must be a minimum of 8 months in duration.

On this page

Note: Graduates may submit their post-graduation work permit application online. Foreign nationals who are eligible to apply for a work permit at a port of entry (POE) may also apply for a post-graduation work permit through that channel.

Note: Paragraph 186(w) of the Immigration and Refugee Protection Regulations (IRPR) allows students who have completed their program of study to work while they are waiting for a decision on their work permit application, as long as they were a full-time student enrolled at a designated learning institution (DLI) in a post-secondary academic, vocational or professional training program and they did not exceed the allowable hours of work.

Who is eligible to participate

To obtain a work permit under the PGWPP, the applicant must meet the following requirements:

- have a valid study permit when applying for the work permit
- have continuously studied full time in Canada (i.e., studies must have taken place at a Canadian educational institution) and have completed a program of study that is at least 8 months in duration
- have completed and passed the program of study and received a written notification from the educational institution indicating that they are eligible to obtain a degree, diploma or certificate; the educational institution must be one of the following:
 - a public post-secondary institution, such as a college, trade or technical school, university or CEGEP (in Quebec)
 - a private post-secondary institution that operates under the same rules and regulations as public institutions
 - a private secondary or post-secondary institution (in Quebec) offering qualifying programs of 900 hours or longer leading to a diploma of vocational studies (DVS) or an attestation of vocational specialization (AVS)
 - a Canadian private institution authorized by provincial statute to confer degrees
 (i.e., bachelor's degree, master's degree, doctorate), but only if the student is
 enrolled in one of the programs of study leading to a degree, as authorized by the
 province, and not in just any program of study offered by the private institution

Applicants must apply for a work permit within 90 days of receiving written confirmation (e.g., an official letter or transcript) from the educational institution indicating that they have met the requirements for completing their program of study. Calculation of the 90 days begins the day the student's final marks are issued or the day formal written notification of program completion is received, whichever comes first.

Restrictions

Students are **not** eligible to be issued a work permit under the PGWPP if the program of study is less than 8 months in duration or if they have previously been issued a post-graduation work permit.

Students are also not eligible if one of the following applies to them:

- they received funding from Global Affairs Canada (GAC)
- they participated in the Government of Canada Awards Program funded by GAC
- they obtained the Equal Opportunity Scholarship, Canada-Chile
- they participated in the Canada-China Scholars' Exchange Program
- they participated in the Organization of American States Fellowships Program
- they participated in and completed a distance-learning program, either abroad or in Canada

 they completed a program of study granted by a non-Canadian institution located in Canada, regardless of their length of stay in Canada

Other considerations

Accelerated programs

If the student is enrolled in a program of study that is normally 8 months in duration but the student completes the requirements for the program of study within 6 months, they may be eligible for the PGWPP.

Given that the program of study must be at least 8 months in duration and not that the student must have been studying for at least 8 months, the student may be eligible for a post-graduation work permit valid for 8 months.

Distance learning

Students who complete a program of study by distance learning (from outside or inside Canada) are not eligible for the PGWPP.

Officers may use the following guidelines in their assessment of an applicant's PGWPP eligibility when the applicant has taken distance or online learning in Canada at a DLI:

- when less than the majority of all the credits earned by the student toward the
 completion of a program of study were earned by completing online courses, a postgraduation work permit may be issued based on the length of the program as confirmed
 by the DLI, including credits earned from both in-class and online courses
- when the majority of the credits earned by the student toward the completion of a program of study were earned by completing online courses, the applicant is ineligible for the PGWPP, as the program may reasonably be considered a distance-learning program

Educational programs with an overseas component

If a student completes a program of study that has, as part of the program, an overseas component, they will be eligible for this program as long as they earn a Canadian educational credential from an eligible institution.

Flight instructors

Flight instructors who meet either of the following criteria may be issued work permits under the PGWPP:

- have completed a flight training course at a Canadian training centre and have obtained a Canadian commercial pilot's licence
- have obtained or be in the process of obtaining an instructor's rating and have received

an offer of employment as a flight instructor from a flight training centre

Applicants providing either of the above documents may be issued a post-graduation work permit valid for 3 years if the flight training course was at least 2 years in duration. Applicants whose course of study is between 8 months and 2 years in duration will be issued a post-graduation work permit valid for the length of the program. Flight training courses less than 8 months in duration do not qualify a student for a post-graduation work permit. For additional details on flight schools regulated by Transport Canada, refer to the <u>Department's website</u>.

Final academic session

Students must have continuously studied full-time in Canada. However, if a student meets all the eligibility requirements, with the exception of full-time status during their final academic session, they are still considered to be eligible for this program.

Foreign nationals are able to work part time or be self-employed under this type of work permit.

Transfers between educational institutions

In cases where a student has transferred from one DLI to another, the combined duration of study must be at least 8 months.

In cases where a student graduated from an eligible institution after having transferred from an ineligible institution, only time spent in the eligible institution will be counted. Time spent in the eligible institution must be at least 8 months in duration.

- Example 1: A student attends a foreign post-secondary institution and transfers to an accredited provincial or territorial post-secondary institution in Canada in order to complete their studies. In this scenario, if the qualifying educational credential is issued at an institution outside Canada, they do not qualify for a post-graduation work permit. However, if they did receive their educational credential from a recognized Canadian educational or training institution, they may be eligible for a post-graduation work permit only for the length of time they studied in Canada.
- **Example 2**: A student attends their first year at a private post-secondary educational institution in Canada not recognized under this program but then transfers to a recognized post-secondary institution. In this scenario, they may be eligible for a post-graduation work permit, but only for the length of time they studied at the designated post-secondary institution.
- Example 3: A student completes a program of study at a DLI and transfers the credits earned to another DLI (or transfers the credits earned from a previous program to the same DLI). In this scenario, if the student submits a letter of acceptance indicating that the credits earned in the first program are accepted toward completing the subsequent program, officers should consider all credits from both programs that contribute toward completing the subsequent program when determining post-graduation work permit eligibility and length.

Issuance

Work permits issued under the PGWPP are LMIA-exempt, may be open and may be valid for up to 3 years, depending on the duration of the program of study. They are normally issued by the Case Processing Centre in Vegreville (CPC-V). However, by virtue of <u>sections R197</u> and <u>R198</u>, work permits under the PGWPP may also be issued by POEs or visa offices overseas. For administrative purposes, it is more facilitative to refer clients to apply online or on paper to the CPC-V.

When work permits are being issued by POEs or visa offices overseas, officers should ensure that the appropriate fields and screens in the Global Case Management System (GCMS) and the Field Operations Support System (FOSS) are populated.

Validity

Work permits issued under the PGWPP may be valid for up to 3 years. When determining the length of a post-graduation work permit that can be issued, officers should consider the program length as confirmed by the DLI in the written confirmation of program completion (e.g., an official letter or transcript). Regularly scheduled breaks (e.g., regularly scheduled winter and summer breaks) should be included in the time accumulated toward the length of the work permit.

Examples:

- If the duration of the program of study is at least 8 months but less than 2 years, the
 duration of the work permit should coincide with that of the program of study as
 confirmed by the DLI in the written confirmation of program completion Footnote 1 (e.g., an
 official letter or transcript). Regularly scheduled breaks (e.g., regularly scheduled winter
 and summer breaks) should not be subtracted from the length of the post-graduation
 work permit.
- If the duration of the program of study is 2 years or longer as confirmed by the DLI, the
 duration of the work permit should be 3 years. Regularly scheduled breaks (e.g.,
 regularly scheduled winter and summer breaks) should not be subtracted from the length
 of the post-graduation work permit.
- If a student obtained a 1-year degree, diploma or certificate from an eligible institution in Canada after having obtained, within the prior 2 years, another degree, diploma or certificate from an eligible institution in Canada, the duration of the work permit may be up to 3 years.

Application for a temporary resident visa (TRV) from holders of postgraduation work permits

It is common for students who have completed their studies and are holders of post-graduation work permits to wish to return to their home countries for a visit prior to seeking or starting

employment in Canada. These students may need to apply for a TRV to be able to return to Canada. Consideration should be given to the issuance of a long-term, multiple-entry TRV that would cover the validity period of the post-graduation work permit plus a 90-day bridging period. The student has already demonstrated bona fides through successful studies in Canada and receipt of the post-graduation work permit. Whether the student has obtained a job offer or started a job search for the post-graduation work period should not be the only determining factor for the issuance of the TRV.

Application for an electronic travel authorization (eTA) from holders of postgraduation work permits

It is common for students who have completed their studies and who are holders of post-graduation work permits to wish to return to their home countries for a visit before seeking or starting employment in Canada. Some of them may already have been issued an eTA. If the foreign national does not hold a valid eTA associated to their passport, or if it has expired, they must apply for and obtain an eTA separately.

As per <u>subsection R12.04(5)</u>, an application for a renewal of a study or work permit for visaexempt foreign nationals constitutes an application for an eTA. Therefore, an eTA should be issued upon approval of the study or work permit (that is, SP-EXT or WP-EXT in GCMS). Clients eligible for an eTA through eTA expansion will also be issued an eTA upon the issuance of a study or work permit renewal.

If an eTA is issued with a renewed work permit for an eTA expansion client, and if the client holds a valid TRV, the officer should **not cancel** the existing TRV, as the client can continue to use it to travel to Canada by means such as plane, car, bus, train or boat, until it expires.

Note: An eTA should **not** be issued in the following cases:

- the foreign national has an unenforced removal order
- the foreign national has been issued a work permit that "does not confer temporary resident status"
- the foreign national has overstayed their authorized period of stay
- the foreign national is a temporary resident permit holder
- the foreign national is inadmissible to Canada

In all of the above cases, **officers must cancel any valid eTAs** (including those issued through the expansion of eTA).

Work permit access for graduates of Quebec institutions

The Canada-Quebec Memorandum of Understanding on certain temporary foreign workers and international graduates is available on the <u>IRCC website</u>.

The PGWPP was expanded to include international students who have graduated from approved vocational and professional programs of 8 months or longer in duration at the following:

- recognized public and private secondary institutions in Quebec
- recognized private post-secondary institutions in Quebec

In Quebec, vocational and professional training programs can be delivered at the secondary **or** post-secondary level. Within Quebec's vocational and professional training system, the Ministère de l'Éducation, du Loisir et du Sport (MELS) (Department of Education, Recreation and Sports) issues several types of credentials, depending on the program and level of study. The eligible credentials are the following:

- public or private secondary schools
 - diploma of vocational studies (DVS)
 - attestation of vocational specialization (AVS)
- private post-secondary institutions
 - diploma of college studies (DCS)
 - attestation of collegial studies (ACS)

To be eligible for a work permit, the completed DVS, AVS, DCS or ACS program of study must be a minimum of 8 months or 900 hours in duration. Officers should note that the credential may be available only in French.

Procedures

All of the general eligibility criteria, conditions of the work permit and processing procedures for the PGWPP apply in conjunction with the following guidelines:

Eligible applicants

Applicants wishing to obtain a work permit under the expanded program guidelines must satisfy the following requirements:

- have attended and completed a full-time vocational or professional training program at an eligible institution in Quebec (see Eligible institutions for details)
- have been in a program of study that was a minimum of 900 hours in duration (equivalent to eight months)
- have included the credential, an official attestation of program completion or an official transcript from a Quebec school board or private institution recognized by the MELS in support of the work permit application
- have provided an official letter from the institution outlining the duration of the program of study (in hours or months) and the program code to facilitate the processing and issuance of work permits and to ensure accurate duration of work authorization
- hold a valid study permit or be authorized to study without a study permit under the Immigration and Refugee Protection Act (IRPA) and the IRPR at the time of application
- be 18 years of age or older at the time of application
- meet all other requirements under the IRPA and the IRPR

Eligible institutions

Public or private secondary schools

Consult <u>Inforoute: Vocational and technical training in Quebec</u>. This website is operated by the MELS and Compétences Québec and is available in both English and French. It can be used to validate schools, programs, duration in hours and resulting credentials.

Private post-secondary schools

Consult sections Établissements privés subventionnés and Établissements privés sous permis of the list of authorized program of study by institution. This website is operated by the MELS and is available in **French only**. It can be used to validate schools, programs, duration in hours and resulting credentials.

Eligible applicants who have changed institutions during their training program must have a combined total of at least 900 hours (equivalent to 8 months) of courses at eligible institutions located in Quebec.

Restrictions

The following graduates are not eligible for a work permit under this expansion of the PGWPP:

- those who undertook distance-learning programs
- those who have previously been issued a post-graduation work permit
- those under any other standard restrictions applicable to the PGWPP

Spouses or common-law partners of post-graduation work permit holders

If the principal applicant is a holder of an open work permit (e.g., **post-graduation work permit, Working Holiday work permit)**, their spouse or common-law partner who is applying for the <u>C41 exemption</u> will need to attach a copy of the principal applicant's work permit to their own application for an open work permit, along with proof that the principal applicant is employed in an occupation in skill level 0, A or B. The applicant's spouse or common-law partner will also need to provide information about the principal applicant's employment by attaching supporting documents, including the following:

- a letter from their current employer confirming employment or a copy of their employment offer or contract
- a copy of 3 of their pay stubs

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