

# HIRING INTERNATIONAL STUDENTS: A Quick Guide

## DO YOU KNOW THE LATEST?

### International Student Employment Basics

- ✓ **NEW! Fall 2022** - Students with valid study permits are **allowed to work full time (more than 20 hrs/week) while they are studying in Canada.** (Starting from November 15, 2022, until December 31, 2023.)
  - There is no set number of hours per week that counts as 'full-time' work. Employers must follow all provincial laws on overtime pay and time between shifts. - <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html#off-campus>
- ✓ **During regular breaks in the school year**, such as summer holidays, students are allowed to continue to work full time hours at their discretion.
- ✓ Students who have completed their studies and **have applied for a Post-Graduation Work Permit** are allowed to work full time while they are waiting for the work permit to be issued.
- ✓ Students who have **completed their studies but have not yet applied for a Post-Graduation Work Permit must stop working** until they have submitted their application.
- ✓ Students who have **completed one program of study and are enrolled in a new full-time study program, can continue to work full-time** as long as they have a valid study permit **or** have applied for one; have confirmation that their previous program was completed; and have a letter of acceptance to the new program of study that will start within 150 days.
- ✓ The Employment Standards Act also extends to temporary residents who are legally allowed to work in Ontario. **As a worker in Ontario, students and work permit holders also have health and safety rights and the right to be free from discrimination.**

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### What is Maintained Status (formerly Implied Status)?

"A temporary resident must apply to extend their period of authorized stay before it ends. If they have done so, their period of authorized stay as a temporary resident is extended by law until a decision is made [R183 (5)]. Such a person is considered to have implied status as a temporary resident during that period." – Government of Canada, Immigration and Refugee Protection Regulations

This means that a person's immigration status remains valid during interim periods when applying to extend the duration of their status or applying for a change in their immigration status. This applies to all temporary residents. Visitor, study, and work permits are all temporary status documents.

## What is the Post-Graduation Work Permit?

“The Post-Graduation Work Permit is a work permit for graduates of Canadian post-secondary institutions who have completed a program of at least 8 months. The permit is valid for the same length as the academic program, up to a maximum of 3 years.” – <https://settlement.org/>

Workers holding this kind of work permit are allowed to work either full time or part time hours. The Canadian work experience they gain through employment can count towards an application for permanent residency only if they are employed at a certain level of occupation. Jobs in manual labour, food production, farming & agricultural workers, retail or general cashier/sales roles etc. generally do not qualify as part of a permanent residence application.

If an immigrant employee of your company wanted to apply for permanent residency they would need to follow the requirements of the Federal and Provincial immigration programs. To see the full listing of job classifications with National Occupational Classification (NOC) Codes from the Government of Canada website – visit: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>

## What is the Express Entry System?

Express Entry is an online points-based system administered by the Government of Canada (Federal) to manage applications for permanent residence from skilled workers around the world. There are 3 program streams offered to skilled workers:

- ✚ Federal Skilled Worker Program
- ✚ Federal Skilled Trades Program
- ✚ **Canadian Experience Class** *\*most often chosen by international student graduates*

The Canadian Experience Class is for skilled workers who have Canadian work experience. For this reason, holders of the **post graduation work permit often choose this stream** as they can gain work experience in Canada for up to 3 years. Points in this stream are awarded based on age, language ability, education, and years of work experience in Canada as well as any foreign education credentials or foreign work experience. **The job classification category in this stream only considers NOC Levels 0, A & B as eligible.** This largely includes management or supervisory positions as well as occupations that require either a university degree or college diploma. For the full listing of requirements for this stream – visit <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/canadian-experience-class.html>

**\*\*Note:** many international students arrive in Canada having already completed a university degree and sometimes several years of relevant work experience. Their Canadian studies often complement their existing knowledge and these factors could be leveraged by companies to access a pool of talent and skills from the local work force.

## What is the Ontario Provincial Nominee Program (OINP)?

The Ontario Provincial Nominee Program is a provincial immigration program, and has streams for people who have a job offer in Ontario. “It can also help employers find the skilled workers they need. In this program, employers...apply to recruit or retain people who are foreign nationals or temporary residents. If the province of Ontario approves an application, they will nominate that person for permanent residence.” <https://settlement.org/>  
Once a newcomer has been nominated by a province or territory, they can use the nomination to apply for permanent residence in Canada through the Federal government.

There are nine streams of the OINP. **Below are the 3 streams that are most often chosen by international student graduates that require a job offer.**

Applicants are required to complete an online “Expression of Interest” (EOI) similar to the Federal Express Entry system. Once candidates have completed the online EOI, and they meet qualifications, they may be chosen as nominees by the province from any of the following streams:

- ✚ Employer Job Offer Foreign Worker stream – for skilled foreign workers with a job offer in Ontario.
- ✚ Employer Job Offer: International Student stream - for recent graduates with a job offer in Ontario.
- ✚ Employer Job Offer: In-Demand Skills stream – for foreign workers who are in an in-demand occupation with a job offer in Ontario. For in-demand occupations, see this list:

For more information on all the streams of the OINP program and requirements for both employers and applicants, please visit: <https://www.ontario.ca/page/ontario-immigrant-nominee-program-oinp>

## What is the National Occupational Classification and Why Is It Important for Newcomers?

Put simply, the National Occupational Classification (NOC) “is Canada’s national system for describing occupations.” Immigration, Refugees and Citizenship Canada (IRCC) uses the NOC system to determine which occupations are eligible for various immigration programs, including Express Entry. International students often need to identify and prove the NOC code of their occupation to IRCC. Because of this, it’s important for employers hiring temporary foreign workers to identify NOC codes for the positions within their company.

**NEW! Fall 2022** – For all programs for permanent residence, IRCC will begin using the new NOC Code structure for applicants applying on or after November 16, 2022. For more information on the NOC codes and how they are used in immigration, please see: <https://arrivein.com/career-ca/how-national-occupational-classification-noc-changes-impact-express-entry-applicants/>

IRCC Guidelines for use of the new NOC Code structure in immigration: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/economic-classes/experience/qualifying-work-experience.html>

## Where Can I Go for Help?

Further links to provide help in hiring international student graduates or navigating immigration programs:

### **The Federal Express Entry system:**

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry.html>

**Contact page:** <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/contact-ircc.html>

### **The Ontario Immigration Nominee Program:**

<https://www.ontario.ca/page/ontario-immigrant-nominee-program-oinp>

**Email:** ontarionominee@ontario.ca

business.immigration@ontario.ca (for Entrepreneur Stream only)

**Phone:** Tel: 416-327-0374 / Toll-free: 1-866-214-6820 (toll-free within North America only)

**National Occupational Classification (NOC Codes):** <https://noc.esdc.gc.ca/>

### **Local Assistance:**

#### **For Employers:**

Quinte Local Immigration Partnership – provides referrals for employers

Email: [lip@quinteimmigration.ca](mailto:lip@quinteimmigration.ca)

#### **For International students/graduates:**

Quinte Immigration Services – provide settlement and employment services for newcomers

Email: [info@quinteimmigration.ca](mailto:info@quinteimmigration.ca)

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