IRCC update on working hours for international students: Off-campus changes

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The temporary public policy (the policy) allowing certain study permit holders to work more than 20 hours per week off-campus during regular school terms or semesters **came to an end on April 30, 2024**. Immigration, Refugees and Citizenship Canada (IRCC) also announced its intention to change the number of hours international students may work off-campus this fall as students return to campus.

The policy was initially introduced in response to the COVID-19 pandemic and allowed certain international students to work off campus full-time. Before this change, international students were allowed to work a maximum of 20 hours per week during regular school terms.

This article gives an overview of the changes for full-time and part-time international students working off campus, including penalties for non-compliance; reviews the rules for on-campus work; outlines changes coming in fall 2024, and provides guidance for employers to ensure they are compliant.

Off-campus work hours reduced effective immediately

As of May 1, 2024, off-campus work hours for full-time international student employees have been reduced to 20 hours per week while their program of study is in session, unless they hold an alternative form of work authorization, such as a co-op work permit. International students may still work full-time during **regularly scheduled academic breaks**, provided they are returning to full-time studies following the break.

International students who work more than 20 hours per week may lose their student status and may not be approved for a study or work permit in the future. They may also be ordered to leave the country.

No changes have been made to the rules regarding **work on campus**.

Who may work off campus

The conditions contained in an international student's study permit dictate whether they are eligible to work off campus without a work permit. It is imperative that employers verify whether international students are authorized to work without a work permit before they commence employment.

International students can work off campus without a work permit if they meet all the requirements below:

- They are full-time students at a designated learning institution (DLI);
- They are enrolled in a post-secondary academic, vocational or professional training program;
- Their program of study is at least six months long and leads to a degree, diploma or certificate;
- They have started their studies; and
- They have a social insurance number (SIN).

Part-time students can work off campus if they meet the last four requirements above. In addition, they must be in the last semester of their study program and do not require a full course load to complete their program.

Students on authorized leaves, or who are switching schools and not studying, are not allowed to work off campus.

Who may work on campus

International students may work on their school campus without a work permit if:

- They are full-time students at an accredited college or university;
- They have a valid study permit or maintained status;
- They have printed conditions on their initial study permit allowing them to work on campus; and
- They have a SIN.

"On-campus" means any location on a school campus. If a school has more than one campus, in general, international students may only work at the campus where they are studying. They can work at other locations if they are working as teaching or research assistants and their work is strictly related to a research grant. In that case, they may work at a library, a hospital or a research facility associated with their school, even if these facilities are not located on the campus.

International students with a part-time course load in their final semester may work an unlimited number of hours on campus.

Changes coming in fall 2024

Starting in the fall of 2024, IRCC has signalled its intention to increase the allowable hours full-time students can work per week to 24 hours.

How to ensure compliance

It is important for businesses to review employment arrangements with international student employees to ensure compliance with the relevant laws and regulations. This includes verifying the student's eligibility to work without a work permit, ensuring that the terms of their employment are in accordance with the *Immigration and Refugee Protection Act*, that the student possesses all required documentation, and that the documentation is accurate and up to date.

By proactively identifying any issues and adjusting work schedules, employers mitigate the risk of penalties or fines for any potential non-compliance while helping to ensure that international student employees do not lose their student status inadvertently.

If you have questions about these changes or wish to discuss a specific employment scenario involving an international student, please reach out to business immigration lawyers Brian Dingle or Valérie Marcas.

By

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