



February 22, 2022

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

Malcolm Eales  
Director, Temporary Resident Program Delivery  
Immigration, Refugees and Citizenship Canada  
300 Slater Street  
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Dear Malcolm Eales:

**Re: Extension of Temporary Public Policy and Temporary Pilot Process during COVID-19 for Specified Temporary Residents to August 28, 2022**

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to recommend that the October 1, 2020, temporary pilot process and August 24, 2020, temporary public policy for specified temporary residents be extended for an additional six months to reduce the level of flagpoling at Canadian ports of entry during the pandemic.

The CBA is a national association of 36,000 lawyers, law students, notaries and academics, from every jurisdiction of Canada, with a mandate that includes seeking improvements in the law and administration of justice, and access to justice. The CBA Section is comprised of over 1,200 lawyers, practising in all aspects of immigration law and rendering professional advice and representation in the Canadian immigration system to clients in Canada and abroad.

Pursuant to section 25.2 of the *Immigration and Refugee Protection Act*, the Minister can grant an exemption from certain requirements of the *Immigration and Refugee Protection Act* (the Act) and the *Immigration and Refugee Protection Regulations* (the Regulation) for sufficient public policy considerations.<sup>1</sup> During the COVID-19 pandemic, the Minister has effectively responded to changing circumstances through temporary pilot processes and public policies, including the following two temporary processes:

- Temporary Residents in Canada with positive decision letters for study or work permit applications made from outside Canada
- Temporary Residents in Canada temporarily allowed to apply inland for employer-specific work permits

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<sup>1</sup> See *Immigration and Refugee Protection Act*, s. [25.2](#).

## **Temporary Residents in Canada with Positive Decision Letters for Study or Work Permit Applications made from Outside Canada**

On October 1, 2020, a temporary pilot process<sup>2</sup> was implemented by IRCC due to the COVID-19 pandemic to allow foreign nationals in Canada with a letter of introduction (LOI) on approval of a study or work permit application submitted outside of Canada to finalize processing of the study or work permit applications from within Canada. This pilot process was extended on March 31, 2021, and recently expired on November 22, 2021.

## **Temporary Residents in Canada were Temporarily Allowed to Apply Inland for Employer-Specific Work Permits**

On August 24, 2020, a [temporary public policy](#) was implemented by IRCC during COVID-19 to allow certain visitors in Canada to apply inland for an employer-specific work permit. The temporary public policy was extended but will expire on February 28, 2022.

### **Rationale for six months extension**

Both mechanisms significantly reduced the level of flagpoling at Canadian ports of entry, as it was no longer necessary to exit and re-enter Canada to receive processing of the study permit or work permit. We commend IRCC on implementing the policies, which have protected the safety of applicants and CBSA officers during the pandemic.

Since the arrival of the Omicron variant, flagpoling has remained discouraged by CBSA.

The temporary pilot process for holders of LOI expired on November 22, 2021, and subsequent changes are increasing challenges for these individuals:

- Many countries restrict travel and impose quarantine, making it nearly impossible for visitors to plan a short trip abroad.
- CBSA officers may cite a requirement for foreign nationals to obtain a negative molecular COVID-19 test in the US prior to re-entry to Canada, which defeats the point of the flagpole process.
- Many provinces have restricted access to COVID-19 tests, making it difficult for individuals with a positive home test to obtain the negative result required for international travel.
- Restrictions have been implemented anew and some Canadian provinces are in declared states of emergency where travel is highly discouraged.

### **The CBA Section Proposal**

The CBA Section recommends that:

- 1) The October 1, 2020 temporary pilot process for foreign nationals with a LOI be re-enacted, through to August 28, 2022.
- 2) The August 24, 2020 temporary public policy for certain visitors in Canada to apply inland for an employer-specific work permit be extended for six months, through to August 28, 2022.

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<sup>2</sup> See Appendix A.

We recommend that IRCC's innovative web form be reinstated and maintained for both temporary processes, pursuant to section 25.2 of the Act. The CBA Section believes that the policy motivation at the time of implementation continues to exist in support of the extension:

- To protect the safety of CBSA officers at Canadian ports of entry and foreign nationals alike by mitigating the spread of the COVID-19 virus;
- To streamline the processing of immigration documents, such as work permits and study permits;
- To avoid problematic situations at Canadian ports of entry and possible non-admittance due to COVID-19 testing requirements;
- To address labour shortages in Canada with the help of individuals already in Canada;
- to give temporary residents in Canada with visitor status the ability to support themselves during their time in Canada while also addressing employer needs; and
- To ensure consistency of responsive measures adopted by IRCC throughout the subsequent waves of the COVID-19 pandemic.

The CBA Section appreciates the opportunity to share its recommendation of extending the October 1, 2020, temporary pilot process and August 24, 2020, temporary public policy. We look forward to further discussions with you and remain available to answer questions or propose additional solutions.

Yours truly,

*(Original letter signed by Véronique Morissette for Kyle Hyndman)*

Kyle Hyndman  
Chair, Immigration Law Section

Cc: Claire Girard, Senior Policy Analyst (email: [Claire.Girard@cbsa-asfc.gc.ca](mailto:Claire.Girard@cbsa-asfc.gc.ca))



- Canada.ca > Immigration, Refugees and Citizenship Canada > Corporate information > Publications and Manuals
- > Operational instructions and guidelines > Service delivery > Novel Coronavirus (COVID-19) – Program delivery instructions
- > Temporary residence: COVID-19 program delivery

## Foreign nationals who are in Canada with a letter of introduction (LOI) after approval of a study or work permit application processed outside of Canada: COVID-19 program delivery

**i** This section contains policy, procedures and guidance used by IRCC staff. It is posted on the department’s website as a courtesy to stakeholders.

Foreign nationals who are physically in Canada with temporary resident status but have received a positive decision letter (letter of introduction [LOI]) on their study or work permit application [IMM 1294 or IMM 1295] processed outside of Canada may request the examination and document issuance required by [section 11 of the Immigration and Refugee Protection Act \(IRPA\)](#) from within Canada using the [IRCC Web form](#).

Foreign nationals who received a LOI under International Experience Canada (IEC) are also eligible to have their relevant permit(s) issued from within Canada.

Due to COVID-19 travel restrictions, these foreign nationals can’t leave and re-enter Canada to present their LOI for examination (in other words, they can’t travel to a port of entry to flagpole or travel to another country and return). Therefore, a process has been developed to conduct the examination and issuance of documents required under section A11. **This pilot process is extended from March 31, 2021 until August 31, 2021.**

### Processing instructions

- [Step 1: Submission of IRCC Web form](#)
  - [Study permit applicant message](#)
  - [Work permit applicant message](#)
- [Step 2: Referral to Domestic Network \(DN\)](#)
  - [Client Support Centre \(CSC\)](#)
  - [Domestic Network \(DN\)](#)
  - [Organization ID to be associated](#)
  - [Standard email responses](#)
- [Step 3: Examination and document issuance](#)
- [Step 4: Printing and mailing of work permit](#)

#### Step 1: Submission of IRCC Web form

Foreign nationals must request examination and document issuance by using the IRCC Web form, according to instructions on the public website for those applying for a

- [Study permit from outside Canada](#)
- [work permit from outside Canada](#)

Examples are provided below.

- [Study permit applicant message](#)
- [Work permit applicant message](#)

#### Study permit applicant message

Applicants should use the following message

**A11EXAM:** I am requesting an examination and the issuance of my study permit from within Canada. My application number is [S#####]. I have received my letter of introduction, which is valid until [DATE].

I entered Canada on [DATE] as a [visitor/student/worker].

My correct contact information in Canada is:

Telephone:

Mailing Address:

I continue to be accepted at [DLI Name] and [will be/am] registered in the [Name] Program.

#### Work permit applicant message

Applicants should use the following message

**A11EXAM:** I am requesting an examination and the issuance of my work permit from within Canada. My application number is [W#####]. I have received my letter of introduction, which is valid until [DATE].

I entered Canada on [DATE] as a [visitor/student/worker].

My correct contact information in Canada is:

Telephone:

Mailing Address:

The applicant's message should also include one of the following paragraphs:

**Employer-specific work permit:** My employer, [name], located at [address], may be contacted at [contact telephone or email] to confirm my continued employment offer. I intend to begin work for this employer as soon as my work permit is received.

**Open work permit:** I attest that my circumstances remain the same and I still meet the requirements of the open work permit program I was approved for.

## Step 2: Referral to Domestic Network (DN)

### Client Support Centre (CSC)

On receipt of the IRCC Web form, the Client Support Centre (CSC) Email Support Unit (ESU) will triage these requests for the Domestic Network (DN) to access and assess for decision.

The CSC ESU may use the following keyword to pull the requests: **A11EXAM**.

### Domestic Network (DN)

A designated office in the DN will review the incoming Web forms and take the following initial steps:

- Review the Web form to ensure that
  - the category is SP or WP. Any other application category (for example, SP-EXT, WP-EXT, TRV, PRD) is not part of the pilot, and the applicant should be sent the standard response under [Not SP or WP category](#).
  - an LOI is attached. The LOI is fundamental to ensuring that the overseas application has been finalized and any counterfoils issued. If the LOI is not attached, the officer should send the applicant the standard response under [No LOI attached](#).
    - If the applicant has only received their **passport request letter**, then they should be directed to send their passport to the address in their letter. In Canada, that is the Case Processing Centre in Ottawa (CPC-O). The migration office at CPC-O will issue the temporary resident visa (TRV) and trigger the LOI to be sent to the applicant, at which point they can use this process.
    - If the applicant has only received **stage 1 approval in the 2-stage study permit** application process, the applicant must contact the migration office processing their application and request a final decision. The migration office will trigger the passport request letter for TRV-required countries and the LOI for TRV-exempt countries.
- Attach the Web form to the appropriate application as incoming correspondence. Enter the following information into the specified fields:

Field	Selection/Input
Item	Client Information
Comment(s)	LOI-COVID
Status	Received
Via	Webform
Received date	(Date on email)

- Having a standard form of entry will ensure that officers can quickly find the correct information.
- Associate the application with the appropriate organization.
- The office responsible for the specific type will pull applications from the associated cases and finalize them, making sure to update the status as needed.

### Organization ID to be associated

O265876897649	Application meets eligibility
O145568739531	LOI pilot eligibility not met
O267983714403	IEC work permits

### Standard email responses

▶ Not SP or WP category

▶ No LOI attached

▶ Does not hold temporary resident status

### Step 3: Examination and document issuance

When reviewing the request, the designated officer will take the following steps:

1. **Search** the foreign national in the Global Case Management System (GCMS) to ensure no flags or client notes were added after the positive decision on the application outside of Canada.
2. **Confirm** that the requester has status in Canada at the time of the request.
3. **Review** the **study** permit application in GCMS to determine the following:
  - a. Does the name of the designated learning institution (DLI) in the request match the letter of acceptance provided with the study permit application?
  - b. Is the DLI still accepting foreign students? Officers can review further instructions on school closures and cancellations at [Cancelled programs](#).
  - c. Is the officer satisfied that funding is still in place for tuition, living expenses and the return home?

**Review** the **work** permit application in GCMS to determine the following:

- a. Does the name of the employer in the Labour Market Impact Assessment (LMIA) or LMIA-exempt offer match what the foreign national provided in their request?
  - b. Were any concerns or case notes entered after the positive decision outside of Canada?
  - c. Officers may choose to contact the employer to confirm the continued employment offer or contact the foreign national for an interview as they deem necessary.
  - d. Officers may check open source information for confirmation of the employer if they choose. However, if extrinsic information is discovered that may lead to a negative decision, the officer must follow the procedural fairness process.
4. **Decision:** Once they are satisfied that they have sufficient information, the officer should make a decision on document issuance.

**Approval:** If the officer is satisfied that study or work permit requirements are still met and the requester has valid status, the document can be issued and they should proceed as follows:

**On the Application screen:**

- a. Make sure that the position in GCMS is IRCC LOI POE.
- b. **Secondary Office:** Add the IRCC LOI POE (9557) and the Case Processing Centre in Edmonton (CPC-E 9518) as secondary offices.



**Important:** CPC-E must be set as a secondary office or the document will **not** print out.

- c. Under the **Finalize Application Tab**, the officer should make or confirm the following changes to the study or work permit document:

In the sub-applet:

1. Confirm that the **Address** fields show the correct Canadian address. If not, update the address as per the incoming correspondence
2. Under **POE Conditions**, add any additional conditions, as applicable for the permit.

In the Document activity line:

1. **Valid to:** Make any change as per POE remark in Case Notes or User Remark field (for example, for IEC, make valid for the full length of the country agreement).
2. **Print Queue:** Add PQ-DOC-9518-8 to the permit document activity (if applicable, leave the Counterfoil line as is).
3. **Status:** Set to "Generate".
4. **Add case note:** The officer should add a note that the work permit was issued.

**Refusal:** If the officer is not satisfied that study or work permit requirements are still met, they should refuse to issue the study or work permit.

- a. **Add case notes:** The officer must add a case note indicating why they are refusing to issue the study or work permit.
- b. **Advise the client:** The officer should inform the requester that permit issuance in Canada is refused and that they must maintain their status in Canada.
- c. **If needed:** Follow the process for a section A44 report and removal.

### Step 4: Printing and mailing of work permit

The print queue **PQ-DOC-9518-8** belongs to CPC-E.

The study or work permit will print with all other issued permits.

The CPC-E will change the status of the permit as required for normal processing after they have printed it and will mail it to the applicant as per the standard mailing process.

Use of the CPC-E print queue is recommended; however, officers may choose to use their local office print queue if needed, for example, to ensure that the document is printed urgently or if reprinting. If printing on a local queue, the officer will have to ensure that their office is added as a secondary office.

**Date modified:**  
2021-06-16