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Archived: June 3, 2025 10:16:34 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Tue, 22 Apr 2025 14:46:50
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on Work Permit Validity and Status Restoration Options for Refused Refugee Claimant - REP-B-2025-0314 - Due 9-May-25
Importance: Normal
Sensitivity: None

Good day,

If a Foreign National (FN) held temporary resident status before their refugee claim, they lose the temporary resident status when they submit the claim. Temporary resident status in Canada is not granted to a FN when they submit a refugee claim.

As per section 24(b) of the Act, a foreign national may not request a TRP if less than 12 months have passed since the latest of:

- **(i)** the day on which their claim was rejected or determined to be withdrawn or abandoned by the Refugee Protection Division or, if there was more than one such rejection or determination, the day on which the last one occurred,
- **(ii)** the day on which their claim was rejected or determined to be withdrawn or abandoned by the Refugee Appeal Division or, if there was more than one such rejection or determination, the day on which the last one occurred, and
- **(iii)** the day on which the Federal Court refused their application for leave to commence an application for judicial review, or denied their application for judicial review, with respect to their claim.

TRP holders are temporary residents of Canada but they are not members of the visitor class as described under sections 191 and 192 of the Regulations; as a consequence, TRP holders do not have "status as a visitor".

Since TRP holders have valid temporary resident status in Canada, they meet that specific eligibility criterion of the Updated temporary public policy for nationals of Iran in Canada as temporary residents and therefore they do qualify under this public policy, provided that they also meet the remaining eligibility criteria.

Applicants who do not hold valid temporary resident status in Canada are not eligible under this temporary public policy.

The circumstances which lead to invalidation or cancellation of work permits are described under section 209 of the Regulations.

I hope this information is helpful.

[redacted]
The Immigration Representatives Mailbox

From: I
Sent: [redacted] 7, 2025 10:23 AM
To: Immigration Representatives [redacted] Représentants immigration (IRCC) [redacted]
Subject: Clarification on Work Permit Validity and Status Restoration Options for Refused Refugee Claimant

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Good day,

The applicant [redacted] citizen [redacted] refugee [redacted] was [redacted] the Refugee Protection Division (RPD) and later appealed to the Immigration Appeal Division (IAD), both of which were ultimately refused. While his refugee claim was in process, he was issued an open work permit, which expiry is until 2027.

However, since his claim was refused in March 2024 and he has remained in Canada since then, I understand that because the open work permit was issued solely on the basis of his pending refugee claim, it may no longer be valid. Based on this, it appears he may be out of status as of March 2024.

Could you please confirm if this interpretation is correct? If so, is it possible to apply for a Temporary Resident Permit (TRP) to restore his status as a visitor, and subsequently apply for a work permit

[redacted]

Regards