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Archived: June 2, 2025 10:24:21 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Fri, 14 Feb 2025 20:41:30
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification required on the new regulations about SOWP of study permit holders - REP-2025-0319 - Due 28-Feb-25
Importance: Normal
Sensitivity: None

Hello,

Question:
I would like to clarify the new requirements that a study permit holder needs to meet in order for their spouse to be eligible for an extension of their open work permit.

Could you please clarify if an international student who is enrolled in a program that is not related to a field of study (not a PGWP eligible under the current rules) but applied for their study permit before Nov. 1st, 2024 would their spouse be eligible for an extension of their open work permit?
I'm referring to this requirement:

If the applicant has applied to extend their open work permit on or after January 21, 2025

For the [redacted] to be eligible to extend their open work permit under administrative code C42, the principal foreign national must meet **all** of the following requirements

- hold a valid study permit
- be accepted by or enrolled in a PGWP-eligible study program and DLI
- be physically residing in Canada while studying
- be studying full-time or have proof of enrolment in full-time courses at a PGWP-eligible DLI
- be studying in one of the following:
  - a master's program of 16 months or longer
  - a doctorate program
  - a professional program
  - one of the eligible programs at a participating DLI

Retrieved from: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/public-policy-competitiveness-economy/c42.html#extension-applications
Also, it appears that there's a potential discrepancy between two IRCC webpages regarding the eligibility criteria for extending an open work permit for spouses of international students. Specifically, one page (https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/help-your-spouse-common-law-partner-work-canada.html#eligibility) states that the student must **not be in the last term**of their study program, while the other (https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/public-policy-competitiveness-economy/c42.html#extension-applications) does not mention this restriction for applications submitted on or after January 21, 2025. Could you please clarify which page has the correct information?

Response:
Please note that this service provides guidance and not case-specific advice.

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1. Please review the remaining information listed under your screenshot for extension eligibility:

In limited circumstances, spouses of principal foreign nationals studying in the following programs may apply for a work permit renewal under the criteria that were in place when they received their current work permit. This applies to spouses of principal foreign nationals studying in

- * master's programs of less than 16 months, or
- * college and undergraduate programs

The spouse must be residing in Canada and be requesting an open work permit renewal for a duration that aligns with, and does not exceed, the principal foreign national's **existing** study authorization.

Example 1:

- [redacted] the spouse was [redacted] work permit [redacted] originall[redacted] lied for, [redacted] to [redacted] may still benefit from a work permit renewal, as noted above.

Example 2:

- * If the principal foreign national needs more time (for example, for their thesis) and a study permit extension is needed to complete their **current** program, spouses may still benefit from a work permit renewal, as noted above. However, the spouse's application for their work permit extension can be assessed only once the principal foreign national receives the approval of their study permit extension.

Note: If the principal foreign national applies for a study permit for a new level or program of study, the spouse of the principal foreign national, noted above, is not eligible to extend their work permit under administrative code C42.

Those who do not meet the new eligibility criteria or qualify for an extension can apply for a new work permit from within Canada under the Temporary Foreign Worker Program or another stream of the International Mobility Program, if eligible.

2. An extension may be granted if the conditions listed above and in the links are met. Of note and as listed above, if the spouse was [redacted] work permit [redacted] originall[redacted] lied for, [redacted] to [redacted] may still benefit from a work permit renewal. The open work permit will only be issued based on the principal applicants study permit length and an extension may not be provided if the principal applicant is extending their final term of their program.

We hope this information is of assistance.

Regards,

The Immigration Representatives Mailbox

De :
Envoyé : 30 janvier 2025 14:30
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Objet : Clarification required on the new regulations about SOWP of study permit holders

[redacted]

I hope this email finds you well.

I would like to clarify the new requirements that a study permit holder needs to meet in order for their spouse to be eligible

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for an extension of their open work permit.

Could you please clarify if an international student who is enrolled in a program that is not related to a field of study (not a PGWP eligible under the current rules) but applied for their study permit before Nov. 1st, 2024 would their spouse be eligible for an extension of their open work permit?
I'm referring to this requirement:

If the applicant has applied to extend their open work permit on or after January 21, 2025

For the applicant to be eligible to extend their open work permit under administrative code C42, the principal foreign national must meet **all** of the following requirements

- hold a valid study permit
- be accepted by or enrolled in a PGWP-eligible study program and DLI
- be physically residing in Canada while studying
- be studying full-time or have proof of enrolment in full-time courses at ■ PGWP-eligible DLI
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Thank you,