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Archived: June 2, 2025 10:32:09 AM
From: [redacted] Représentants [redacted]
Sent: Thu, 20 Feb 2025 20:45:56
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Query - Study permit invalidity and conditions on the holder for family members of TFWs - REP-2025-0239 - Due 20-Feb-25
Importance: Normal
Sensitivity: None

Good day,

Section 222 cannot be considered in isolation. As per R216(1)(e), a study permit is issued only if a foreign national has been accepted into a program at a post-secondary Designated Learning Institution (DLI). Therefore, confirmation of a letter of acceptance (LOA) is required before issuing a study permit in these cases.

Minor children are exempt from the new regulations as it does not apply to primary/secondary level studies.

Dependants of principle applicants are exempt from requiring an LOA when applying from overseas as per R219(2). However, once in Canada if they choose to attend a post-secondary DLI, they must comply with the regulations outlined in R215(1). This includes providing all necessary documentation, such as an LOA, when applying for an SP.

[redacted]

The Immigration Representatives Mailbox

De :
Envoyé : 22 janvier 2025 17:08
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Objet : Query - Study permit invalidity and conditions on the holder for family members of TFWs

[redacted]

I am contacting you with the hope of obtaining some clarification as to IRCC's interpretation and application of the regulations mentioned below, which pertain to the obligations of study permit holders, causes for invalidity of study permits, and the categories of study permit holders who are exempted from these rules.

We notice that R222(2) of the IRPR only refers to R222(1)**(a)** when designating certain categories of foreign nationals who are exempted from certain study permit invalidity rules:

Invalidity
222 (1) A study permit becomes invalid upon the first to occur of the following days:
(a) the day that is 90 days after the day on which the permit holder completes their studies,
(a.1) the day on which the permit holder is no longer enrolled at the designated learning institution

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that is named in the permit, other than as a result of completing their studies;

(b) the day on which the permit is cancelled under section 243.2; or

(c) the day on which the permit expires.

Exception

(2) Paragraph (1)(a) does not apply to

(a) a person described in any of paragraphs 300(2)(a) to (i); or

(b) a family member of a foreign national who resides in Canada and is described in any of paragraphs 215(2)(a) to (i).

According to the wording of R222(2), there is no exception to the invalidity rule set out at R222(1)**(a.1)** for the family members of foreign nationals who reside in Canada and are described in any of paragraphs 215(2)(a) to (i).

This would mean that the dependent children of temporary foreign workers, including minor children, would see their study permit become invalid if they un-enroll from the DLI named in their permit (other than as a result of completing their studies), despite being exempted from the requirements to enroll at the designated learning institution that is named in their permit and remain enrolled there until they complete their studies, as set out at R220.1(1) and R220.1(3)(b):

Conditions — study permit holder

220.1 (1) The holder of a study permit in Canada is subject to the following conditions:

(a) they shall enroll at the designated learning institution that is named in their permit and remain enrolled there until they complete their studies; and

(b) they shall actively pursue their course or program of study.

...

Exception

(3) Subsection (1) does not apply to

(a) a person described in any of paragraphs 300(2)(a) to (i); or

(b) a family member of a foreign national who resides in Canada and is described in any of paragraphs 215(2)(a) to (i).

There appears to be an incoherence between the exceptions set out at R220.1(3) and R222(2), caused by the fact that the wording of R222(2) provides that "Paragraph (1)**(a)** does not apply to...", rather than "Paragraphs (1)**(a) and (a.1)** do not apply to...".

Could you please confirm whether IRCC will deem that the study permit of a family member of a foreign national who resides in Canada and is described in any of paragraphs 215(2)(a) to (i) will become invalid on the day on which this individual is no longer enrolled at the designated learning institution that is named in the permit (other than as a result of completing their studies), **despite the fact that this study permit holder is exempted from the obligation to enroll and remain enrolled at their DLI as per R220.1(3)**?

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Many thanks,