Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 11:38:05 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Wed, 5 Mar 2025 20:41:18
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Q regarding declaring unauthorized periods of stay - REP-2024-2601 -- REP-2025-0125- Due 11-Feb-25
Importance: Normal
Sensitivity: None

Good day,

[redacted] Mailbox.

This information is being provided as general program guidance; we are unable to provide case-specific advice.

Under R222 (1)(a) , a study permit becomes **invalid** when a student is **no longer enrolled** at the DLI, unless the student has completed their studies.

If the DLI name is not stated on a study permit R222 (1)(a.1), does not apply. In this case, the student would be subject to the 90-day period after completing their studies, as outlined in subparagraph IRPR 222(1)(a). This means that the study permit will become invalid on the day that is 90 days after the day on which the permit holder completes their studies.

However, under R220.1(1), a student **must comply** with their study permit conditions. For the purpose of assessing if a student is actively pursuing their studies, any leave taken from a program of studies in Canada **should not exceed 150 days from the date the leave commenced and must be authorized by their DLI**.

As of November 8, 2024, IRCC compliance reports are mandatory where the DLI must provide the student's academic status at the [redacted] list [redacted] enrollment status options; such [redacted] registered or enrolled.

> Academic suspension
> The student is **suspended** from your institution, due to poor academic performance or violation of the institution's policies. **The student is allowed to return after the period of suspension.**
>
> Any leave from a program of studies in Canada should not exceed 150 consecutive days from the date the leave started. If a student exceeds 150 days of leave from studies, they will need to change their status with IRCC or will be considered non-compliant with their study permit conditions.
>
> No longer registered or enrolled
> Your institution sent the student a letter of admission, but they are no longer registered or enrolled because they have
> - * been dismissed
> - * withdrawn voluntarily
> - * transferred to another institution

If a student has been **dismissed** and is **no longer enrolled** at a DLI, **they are no longer meeting the conditions of their study permit**, under R220.1 (1) and must:

- * change their status (that is, change to visitor status or worker status) or
- * leave Canada

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If a temporary resident has lost their status, section 47 or let their authorization to study expire, they may apply to restore that status in accordance with section 182, if eligible.

For more information, please refer to the IRCC website:
Your conditions as a study permit holder in Canada - Canada.ca
Study Permits: Assessing study permit conditions - Canada.ca
Changing your school or program - Canada.ca
Restoration of temporary resident status - Canada.ca

We hope this information is helpful.

Sincerely,
The Immigration Representatives Mailbox

De :
Envoyé : 14 janvier 2025 12:18
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Objet : Re: Q regarding declaring unauthorized periods of stay - REP-2024-2601 - Due 10-Jan-25

Hello good morning, team,

[redacted] and answering my questions.
May you please clarify, in case the student was dismissed but they have an intention to return, will the study permit not invalidate itself?
Do they have to change their status in Canada until they are reinstated?

or if they have the valid SP and they want to continue studying at the same institution lets say in the next semester or term, they can continue staying in Canada?
If yes, for how many days they can stay without changing their status?

Additionally, may you please also clarify the response to my original questions regarding declaring the period of unauthorized stay:

In case lets say the student applies for restoration on Dec 10th, and the application for restoration is approved on Jan 10th, will this period until Jan 10th be considered as an unauthorized period of stay and will they have to declare this period in their future immigration applications as an unauthorized stay?

Or considering that the restoration application was approved, will this period b/w Nov 30-Jan 10th be considered as legally staying in Canada and they wont have to declare this period in their future immigration applications to IRCC?

I look forward to hearing from you.

On Tue, Jan 14, 2025 at 5:20 'a0AM Immigration Representatives / Représentants immigration (IRCC) [redacted] wrote:

> Good day,
>
> [redacted] **Immigration Representatives Mailbox**
>
> **Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries. If**

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you have case specific questions about a file, you are encouraged to submit the IRCC Web form.

Please see our response to your question.

Question:
May you please advise what should be the answer in this situation?

If a student is dismissed let's say on November 30th, their study permit becomes invalid the same day according to the new rules.
If the student doesn't apply to change their status to a visitor or a worker before 12 AM UTC time the same day, they are out of status, and they can apply for restoration within 90 days of losing their status.

So during these 90 days period from Nov 30th, will they be considered as staying illegally in Canada/will this period be considered as an unauthorized period of stay in Canada?

In case lets say the student applies for restoration on Dec 10th, and the application for restoration is approved on Jan 10th, will this period until Jan 10th be considered as an unauthorized period of stay and will they have to declare this period in their future immigration applications as an unauthorized stay?

Or considering that the restoration application was approved, will this period b/w Nov 30-Jan 10th be considered as legally staying in Canada and they wont have to declare this period in their future immigration applications to IRCC?

Answer:
If a student is dismissed and they are no longer enrolled at a DLI with no intent of returning, their study permit will become invalid due to the breaching of study permit conditions as per R222(1)(a.1). The student should either change their status to visitor/worker, apply for a new study permit at a new DLI, or leave Canada. If the study permit is also expired, then the 90 days for the restoration of status will apply. The student must apply to restore their status within 90 days of the study permit's expiration date as well as meet other eligibility criteria listed on the IRCC site.

[redacted]

The Immigration Representatives Mailbox

De :
Envoyé : 12 décembre 2024 22:54
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Objet : Q regarding declaring unauthorized periods of stay

Dear officer,

[redacted] I am an RCIC-

May you please advise what should be the answer in this situation?

If a student is dismissed let's say on November 30th, their study permit becomes invalid the same day according to the new rules.
If the student doesn't apply to change their status to a visitor or a worker before 12 AM UTC time the same day, they are out of status, and they can apply for restoration within 90 days of losing their status.

So during these 90 days period from Nov 30th, will they be considered as staying illegally in Canada/will this period be considered as an unauthorized period of stay in Canada?

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Or considering that the restoration application was approved, will this period b/w Nov 30-Jan 10th be considered as legally staying in Canada and they wont have to declare this period in their future immigration applications to IRCC?

[redacted] to [redacted] from you.

Best Regards,