Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

Archived: June 2, 2025 11:39:08 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Mon, 10 Mar 2025 13:20:01
To:
C [redacted]entatives / Représentants immigration (IRCC)
Subject: FW: Query Regarding Student Leaves of Absence and Impact - REP-2024-2525 -- REP-2025-0298 - Due 27-Feb-25
Importance: Normal
Sensitivity: None

Good day,

Please find the response to your inquiry below:

Question:

As a follow-up, could you outline the process for in-Canada students who take an **unauthorized leave** (i.e., they stop attending classes and do not inform the DLI)? Is my understanding correct that **if the student applies for a visitor record,** they may resume classes with their current study permit, as per your previous email, or would they need to apply for a new permit? Additionally, in the event that a student takes an **unauthorized leave** and **does not apply for a visitor record**, as mentioned in your previous email, would they still be eligible to resume studies after the 150-day period? Or would they need to leave Canada and apply for a new study permit?

Response:

[redacted] to [redacted] and Citizenship Canada's Immigration Represen[redacted] Mailbox.

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

Under R220.1(1), a study permit holder **must comply** with their study permit conditions.
Study permit holders in Canada who don't meet their conditions may lose their student status and study permit; they may also have to leave Canada.

Among other study permit conditions, study permit holders must show that they are actively pursuing their studies (unless they are exempt from that requirement) by:

- * being enrolled full-time or part-time during each academic semester (excluding regularly scheduled breaks)
- * making progress towards completing their program's courses **and**
- * not taking authorized leaves longer than 150 days from their study program

In Canada, a study permit holder who is **not** actively pursuing their studies, may be found non-complaint with their study permit conditions, which may affect their ability to remain in Canada or submit future applications. In accordance with (R220.1(4), study permit holders may be required to provide evidence to an officer, of their compliance with their study permit conditions (R220.1(1); this includes to Canada Border Services Agency (CBSA) officers at a port of entry (POE), if they have left Canada and then re-enter.

We hope this information is helpful.

Regards,

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

The Immigration Representatives Mailbox

De :
Envoyé : 29 janvier 2025 13:12
[redacted]: Immigration Representatives / Représentants immigration [redacted]
Representantsimmigration.IRCC[redacted]a>
Objet : Re: Query Regarding Student Leaves of Absence and Impact - REP-2024-2525 - Due 6-Jan-25

Good Afternoon,

[redacted] the clarification.

As a follow-up, could you outline the process for in-Canada students who take an **unauthorized leave** (i.e., they stop attending classes and do not inform the DLI)? Is my understanding correct that **if the student applies for a visitor record,** they may resume classes with their current study permit, as per your previous email, or would they need to apply for a new permit?

Additionally, in the event that a student takes an **unauthorized leave** and **does not apply for a visitor record**, as mentioned in your previous email, would they still be eligible to resume studies after the 150-day period? Or would they need to leave Canada and apply for a new study permit?

I appreciate your assistance in clarifying these points.

Warm regards,

On Mon, Jan 27, 2025 at 1:07 'a0PM 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 but have provided the following information as guidance. If you have case specific questions about a file, you are encouraged to submit the** IRCC Web form.
>
> Please see our response to your question.
>
> Questions:
>
> As per the IRCC website, international students may take authorized leaves from their studies for a maximum of 150 days during their academic journey. A student on leave who resumes their studies within 150 days from the date the leave commenced (i.e., the date the leave was granted by the institution) is considered to be actively pursuing studies during their leave. However, if a student does not resume their studies within 150 days, they must either:
>
> - * Change their status (e.g., to visitor or worker status)
> - * Leave Canada
>
> 1. 1. For students who successfully change their status to visitor, are they eligible to remain in Canada until the end of their 6-month ban before reapplying for a new study permit or study permit extension (depending on the expiration

Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

date of their initial study permit)?

Response :

The visitor record specifies the conditions and validity period (length) of their stay in Canada.
A student on leave from studies, not resuming their studies within 150 days, after changing their status to visitor, may resume their studies, using their previous study permit, as long as the study permit is valid. If the study permit is about to expire when the student resumes their studies, the student must apply to extend their study permit in Canada, using the application to change conditions, extend your stay or remain in Canada as a student, before the expiry date. Students who submit the "Application to Chan[redacted]r [redacted]in in [redacted]nt" [redacted]rm **before** th[redacted]iry date [redacted]f th[redacted] previous study permit will maintain their status as a temporary resident as per subsection R183(5). Under section R189, study permit holders may continue their studies under the same conditions as their previous study permit **if they applied to extend their stay in Canada as a student**. However, if they applied to extend their stay as a visitor, they may not pursue their studies when their current permit expires.

2. **2. For students who leave the country, assuming they wait until the end of the 6-month ban, would they be automatically eligible to apply for a new study permit?**

Response:

A student on leave from studies, not resuming their studies within 150 days, if they leave Canada they are considered compliant with their study permit conditions and may be eligible to apply for a new study permit.

3. **3. Alternatively, in either case, if the student applies for a Temporary Resident Permit (TRP) and is approved, can you confirm whether they would be eligible to apply for a new study permit? Would there be any additional steps required for such students?**

Response:

If your TRP is issued for six months or longer, you are eligible to apply for a study permit. If you wish to apply for a TRP and a study permit, you should complete the Application to change conditions, extend my stay or remain in Canada as a student [IMM 5709].

- For more information on TRP, please refer to: Guide-5554-Applyingto remain in Canada as a temporary resident permit holder

4. **4. Lastly, assuming these students meet all other eligibility criteria, would the granting of their post-graduate work permits be at the immigration officer's discretion, or would they still be considered non-compliant and ineligible to apply?**

Response:

Please be advised that the assessment of an application is based on a case-by-case basis; each application will be considered on its own merits, with a final decision based on a review of all the information available to the officer at the time of decision. The onus is always on the applicant to provide sufficient documentation to satisfy an officer that they meet the requirements.

If the officer determines that the applicant did not meet the conditions of their study permit, they may be prohibited from being issued a PGWP for 6 months from the date they stopped their unauthorized study or failure to comply with a condition(s), as per subparagraph R200(3)(e)(i).

For information on PGWP eligibility and how to apply, please see: Work in Canada after you graduate: How to apply - Canada.ca

We hope this information is helpful.

[redacted]

The Immigration Representatives Mailbox

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

De : [redacted]
Envoyé : 6 décembre 2024 15:08
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Objet : Query Regarding Student Leaves of Absence and Impact

Good Afternoon,

I have a detailed query regarding student leaves of absence.

As per the IRCC website, international students may take authorized leaves from their studies for a maximum of 150 days during their academic journey. A student on leave who resumes their studies within 150 days from the date the leave commenced (i.e., the date the leave was granted by the institution) is considered to be actively pursuing studies during their leave. However, if a student does not resume their studies within 150 days, they must either:

- * Change their status (e.g., to visitor or worker status)
- * Leave Canada

My queries are as follows:

1. 1. For students who successfully change their status to visitor, are they eligible to remain in Canada until the end of their 6-month ban before reapplying for a new study permit or study permit extension (depending on the expiration date of their initial study permit)?
2. 2. For students who leave the country, assuming they wait until the end of the 6-month ban, would they be automatically eligible to apply for a new study permit?
3. 3. Alternatively, in either case, if the student applies for a Temporary Resident Permit (TRP) and is approved, can you confirm whether they would be eligible to apply for a new study permit? Would there be any additional steps required for such students?
4. 4. Lastly, assuming these students meet all other eligibility criteria, would the granting of their post-graduate work permits be at the immigration officer's discretion, or would they still be considered non-compliant and ineligible to apply?

[redacted]

Warm Regards,

Page 840

is withheld pursuant to section

est retenue en vertu de l'article

19(1)

of the Access to Information Act

de la Loi sur l'acces a l'information