Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 10:14:00 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Thu, 30 Jan 2025 15:12:17
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: TR: Clarification regarding the authorization to work off campus when on maintained status - REP-2025-0122- Due 11-Feb-25
Importance: Normal
Sensitivity: None

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:

QUESTION:
The question was: [redacted] students on maintained status keep working off campus?".

RESPONSE:
Post Graduation Work Permit (PGWP)
We can confirm that a they can work full-time while waiting for a decision on their post-graduation work permit (PGWP) application if, at the time they submitted their application, all of the following applied to their situation:

- * They had a valid study permit.
- * They had completed their program of study.
- * They were eligible to work off campus without a permit.
- * They did not work off campus more than the number of hours they were eligible for.

Student Permit application:
While on maintained status, as per R183(6), the student remains subject to the **same conditions imposed** on their initial period of authorized stay in Canada. If the student's initial study permit included the condition that they may work off-campus if the meet the eligibility criteria outlined in R186(v), then this condition would continue to apply during the [redacted] status [redacted] the [redacted] to [redacted] all the requirements to work off campus to remain their authorization to work.

For more information, please see: Work off campus as an international student - Canada.ca

[redacted]

The Immigration Representatives Mailbox

De : I
Envoyé : 14 janvier 2025 04:48
[redacted]

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Cc
Objet : Clarification regarding the authorization to work off campus when on maintained status

Dear officer,

We are immigration consultant . member in good standing of the College of immigration consultants and citizenship RCIC number . and a lawyer member in good standing of the , number

We are writing this email together because we each sent the same question to this email, and received different answers. We today seek clarification.

The question was: "can students on maintained status keep working off campus?".

On **March 22, 2023**, ' I received this answer:

> **REP-2023-0625**
> QUESTION: **Does a student under maintained status have the authorization to work while awaiting the issuance of their new study permit?**
>
> It is understood that the student met all the requirements of R186(v) while they had their first study permit, continues to comply with the regulation expect for the fact that their study permit is expired - yet remained authorized to study under R183(5) - and will keep complying once the new study permit is issued.
>
> RESPONSE: No, paragraph R186(v) **does not** authorize a foreign national who is studying without a permit under R189 to work off campus. Status and authorization are two separate items under the Immigration and Refugee Protection Regulations.
>
> A foreign national is authorized to work without a work permit under R186(v) if they hold a study permit and meet the other requirements. In order for a foreign national to 'hold' a study permit, the permit must be valid.
>
> When a temporary resident with authorization to study by virtue of a study permit applies to extend their study permit under R217, it is two applications in one. An application for an extension of their period of authorized stay under R181 and a renewal of their authorization to study under R217. When the existing study permit expires, if no decision has been made on the application to renew, then the foreign nationals period of authorized stay is extended by operation of law under R183(5) until a decision is made (maintained status) and the foreign national is then authorized to study without a study permit under R189 until a decision is made (as long as they remain in Canada and comply with all conditions on their existing study permit).
>
> Studying under the authority of R189 (Expired study permits) is not equal to 'hold a study permit', therefore a foreign national does not meet the requirements of R186(v) while pending a decision on their study permit renewal.
>
> R183(5) does not provide the 'authorization to study'. This subsection only extends the period of authorized stay until a decision is made. It is R189 that provides the authorization to study without a permit while pending a decision.
>
> Thank you,
>
> The Immigration Representatives Mailbox

On **January 10, 2025**, received this answer:

> **REP-2024-2192 - Due 9-Dec-24**

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Please see our response to your question.

Question:
I have the following question:
A client submitted an application to extend her SP to complete her current academic program.
Can she continue working off campus meanwhile her application is being processed after her original SP has expired?

Response:
While on maintained status, as per R183(6), the student remains subject to the **same conditions imposed** on their initial period of authorized stay in Canada. If the student's initial study permit included the condition that they may work off-campus if the meet the eligibility criteria outlined in R186(v), then this condition would continue to [redacted] the [redacted] status [redacted] the [redacted] to meet all the requirements to work off campus to remain their authorization to work.

For more information, please see: Work off campus as an international student - Canada.ca

We hope this information is helpful.

[redacted]

The Immigration Representatives Mailbox

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Please understand that the answers we receive from your mailbox have a very important impact on the advice we give.

Telling a client that they may not work, when in fact they could, has a negative impact on their lives and on that of their family members, on their employers, their workmates, and Canadian clients they may serve,
Telling a client that they may work, when in fact they could not, can lead them to a vast array of immigration sanctions, including inadmissibility in Canada.

Therefore, we strongly and kindly ask to clarify IRCC's position and interpretation of the IRPR, so that we may advise our clients in the respect of the law.

We wish to add that the interpretation that we support is the one received by [redacted] he spirit of the concept of maintained status is indeed that applicants are not to be penalized because of processing delays and maintain all of the conditions imposed on their initial permit. This interpretation is to the benefit of all stakeholders, in particular immigration applicants and Canadian employers, it is in line with the Objectives of the Act and is beneficial to Canadian Society in general. Having a foreign national to cease work for an undetermined period of time while awaiting their new study permit brings extremely limited benefits, if any, to Canadian society and its Labour market.

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Subsequent question

Around the same period in March 2023, [redacted] asked if students on maintained status who applied for their PGWP could start working full time, under R186(w). On March 7, 2023, [redacted] eceived this answer:

REP-2023-0338

Good day,

[redacted]

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In the Immigration and Refugee Protection Act (IRPA) and the Immigration and Refugee Protection Regulations (IRPR), status and authorization are not linked as was the case in the previous Immigration Act (1976). Under IRPA, all foreign nationals authorized to enter Canada as per subsection A22(1) have temporary resident status. A temporary resident may also be authorized to work without a permit [R186], be issued a work permit [R200 or R201], be authorized to study without a permit [R189] or be issued a study permit [R216 or R217].

All temporary residents have an automatically imposed condition that they must leave Canada at the end of their authorized period of stay. However, as per section R181, a temporary resident may apply to extend their period of authorized stay before it ends. If they have done so, their **period of authorized stay as a temporary resident is extended by law until a decision is made** [R183(5)]. Such a person is considered to have **legal status as a temporary resident** during the processing period. You may find more information here.

As per Paragraph 186(w) of the Immigration and Refugee Protection, the holder of a study permit who met the requirements in R186(v), has completed their studies and applied for work permit in Canada **before the expiry of their study permit**, may continue to work while their work permit application is pending.

After students complete their study program, there are 2 ways they may be able to work full-time:

- they already applied for a work permit **before their study permit expired** or
- they're starting a new study program

In the case outlined in your question, please note that applicants who have maintained status and applied for a PGWP while their **current study permit was expired,** do not meet the requirements listed above, because **they didn't hold a valid study permit at the time of the PGWP application**. Therefore, they are not eligible to work while waiting for a decision on their PGWP application.

You may find more information here.

We hope that this information is helpful to you.

The Immigration Representatives Mailbox

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Because we believe that the two matters are related, we would like to revisit and ask you if you would review or reconsider the answer given in respect to R186(w).

We [redacted] work and consideration.

Kindest regards,

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