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**Archived:** June 2, 2025 10:14:04 AM
**From:** Immigration Representatives / Représentants immigration (IRCC)
**Sent:** Thu, 30 Jan 2025 17:43:41
**To:**
**Cc:** [redacted] Representatives / Représentants immigration (IRCC)
**Subject:** TR: Maintained Status upon Re-entering from US - REP-2025-0112- Due 10-Feb-25
**Importance:** Normal
**Sensitivity:** None
**Attachments:**

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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:**

I have some questions regarding a PGWP applicant who:

- Is currently on maintained status
- Has expired study permit and visa
- Plans to travel to the US and re-enter Canada

I'm seeking clarification on two points:

1. **Can the applicant re-enter Canada?** I believe they can as they would be TRV exempt under R190(3)(f)(ii). Of course they will need to satisfy both the air carrier's requirements and the CBSA officer's examination upon arrival.

2. **Can they resume work upon re-entry?** This is less clear as:
   I suppose he cannot per the IRCC operational guidelines page for maintained status in general: "*Regardless of the De Brito decision, the authorization to work and study without a permit under paragraph R186(u) or section R189 while pending a decision on an application ends on departure from Canada. If the new study or work permit has not been issued prior to the applicant's return,* ***they may not resume work or study in Canada*** *until their application for renewal has been granted. Those not able to resume work must satisfy the border services officer that they have sufficient means of support and that they will not study or work without authorization.*"

   However, there seems to be conflicting information in the IRCC Q&A section

### I'm waiting for my post-graduation work permit. Can I travel outside Canada?

You can leave Canada and return as long as your visa or electronic travel authorization (eTA) is still valid. Your permit (study or work) is not a visa and doesn't allow you to travel back to Canada.

If your visa or eTA is expired, you have to get a new one **before** you return to Canada.

When you return to Canada:

- You may enter as a student if your study permit is still valid.
- If we approve your post-graduation work permit (PGWP) while you're away, you may enter as a worker.
- If your study permit was **valid when you applied** and we're still processing your PGWP, you may enter as a visitor and work without a work permit until we make a decision on your application.
  - If you applied to extend your PGWP to get the full duration of your PGWP because your [redacted] **and** you left Canada while on maintained status, you can enter Canada as a visitor. However, you **can't work without a work permit** until we make a decision on your application.

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Would appreciate any insights on these questions, especially regarding the ability to resume work upon re-entry.

**RESPONSE:**

Please note that we cannot provide case specific information.

An applicant can re-enter Canada while on maintained status as long as they have a valid TRV or eTA (if required). They may not be eligible to either work or study upon re-entering Canada ((see R189, R189.1 or R186(u)).

We hope this information is of assistance.

[redacted]

**The Immigration Representatives Mailbox**

**De :**
**Envoye :** 13 janvier 2025 12:47
[redacted]: Immigration Representatives [redacted] Représentants immigration (I[redacted])
**Objet :** Maintained Status upon Re-entering from US

[redacted]

Happy New Year!

I have some questions regarding a PGWP applicant who:

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- Has expired study permit and visa
- Plans to travel to the US and re-enter Canada

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## I'm waiting for my post-graduation work permit. Can I travel outside Canada?

You can leave Canada and return as long as your visa or electronic travel authorization (eTA) is still valid. Your permit (study or work) is not a visa and doesn't allow you to travel back to Canada.

If your visa or eTA is expired, you have to get a new one **before** you return to Canada.

When you return to Canada:

- You may enter as a student if your study permit is still valid.
- If we approve your post-graduation work permit (PGWP) while you're away, you may enter as a worker.
- If your study permit was **valid when you applied** and we're still processing your PGWP, you may enter as a visitor and work without a work permit until we make a decision on your application.
  - If you applied to extend your PGWP to get the full duration of your PGWP because your passport expired **and** you left Canada while on maintained status, you can enter Canada as a visitor. However, you **can't work without a work permit** until we make a decision on your application.

- However, there seems to be conflicting information in the IRCC Q&A section

Would appreciate any insights on these questions, especially regarding the ability to resume work upon re-entry.

Thank you for your guidance!

Best regards,

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**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**