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 3, 2025 8:05:24 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Thu, 3 Apr 2025 14:02:47
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: 90 days study permit validity for study extension or PGWP - REP-2025-0671 -Due 24-03-2025
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.

***

Response 1: R222(1)(a) would apply in this instance – 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. Study permit holders must ensure that they apply for a new study permit in advance of their current study permit's expiration, according to the invalidity provisions. The applicant would be required to apply the restoration fee.

Response 2: The applicant must satisfy the officer that they are and will continue to meet the conditions on their study permit. Your conditions as a study permit holder in Canada - Canada.ca

What counts as an authorized leave from your studies?

There are a few cases where you may be able to take a leave of up to a **maximum of 150 days** from your program of studies and still be considered to be actively pursuing your studies. You don't need to tell us if you're taking an authorized leave. However, if we ask for it, you must provide proof that your leave is: **authorized** by your DLI and; no longer than 150 days

It counts as authorized leave if:

- your school has authorized a leave from your study program for
    - medical reasons or pregnancy
    - family emergency
    - death or serious illness of a family member
    - any other type of leave your school authorizes
- your school has closed permanently or because of a strike
- you've changed schools
- you or your school deferred your program start date
    - In this case, you must start your studies the next semester, even if it starts sooner than 150 days, and get an updated letter of acceptance.

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

\cbpat4You can't work on or off campus during an authorized leave from your study program, even if your study permit says you're allowed to work in Canada.

\sb173Regularly scheduled break: To be considered a regularly scheduled break, the break must be part of the DLI's academic calendar (for instance, winter and summer holidays, Reading Week). Each regularly scheduled break should not be longer than 150 days. The maximum cumulative duration of scheduled breaks is 180 days per calendar year.

\cbpat4Response 3: For PGWP, foreign nationals who held a study permit and completed a program that made them eligible for a post-graduation work permit (PGWP) at a PGWP-eligible designated learning institution (DLI) may apply for an open work permit under subparagraph R205(c)(ii).

\cbpat4180-day time period: The PGWP application must be received within 180 days of the foreign national obtaining written confirmation from the DLI indicating that they have met the requirements for completing their program of study.

\cbpat4\sb173Calculation of the 180 days begins on the earliest of either

- the day the final marks for the program were issued or
- the day the applicant receives formal written notification that they have completed the program
    - The applicant should provide proof of the date they receive the official letter of completion or transcript. Officers may also confirm this date with the DLI.

\cbpat4\sb280In Canada – study permit is valid

- Study permits are generally issued for 90 days longer than the expected end date of the program. However, international [redacted] are [redacted] from the completion [redacted] their [redacted] to [redacted] for [redacted] their status in Canada **and** their ability to apply in Canada under section R199.
- Applicants may apply for a PGWP in Canada if their study permit is still valid (not expired) or if they meet one of the other requirements of section R199 at the time they submit their application.
- ***Applicants who apply for their PGWP while their study permit remains valid may be authorized to work without a permit pending a decision on the work permit application under paragraph R186(w).***
- ***Important:*** *If a foreign national has submitted an application to extend their study permit and they are studying under section R189, section R199 does not apply to them, and they must wait until their new study permit is received in order to be eligible under R199.*

\cbpat4\sb40In Canada – study permit becomes invalid or is expired

- Applicants whose study permit becomes invalid or expires before they apply for a PGWP may not be eligible to apply from in Canada because they would no longer meet the requirements of section R199, even if they have maintained their temporary resident status as a visitor. In these cases, the applicant must submit their PGWP application under section R197 for processing outside Canada.
- However, if the applicant is eligible for restoration under section R182, they can restore their status as a temporary resident with authorization to study by applying for a study permit. They must meet all the regular study permit requirements, including that they hold a valid letter of acceptance from the DLI where they intend to study. They may also concurrently submit a PWGP application.
- If the study permit is approved and issued, then the requirement of section R199 for the submission of the work permit application in Canada would be met. Therefore, the concurrent work permit application can be processed.
- Instructions for the applicant are available here: Work in Canada after you graduate: How to apply

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

\sb280Invalidity

- **222 (1)** A study permit becomes invalid upon the first to occur of the following days:

laino **(a)** the day that is 90 days after the day on which the permit holder completes their studies,

laino **(a.1)** the day on which the permit holder is no longer enrolled at the designated learning institution that is named in the permit, other than as a result of completing their studies;

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

laino **(c)** the day on which the permit expires.

***

[redacted]

The Immigration Representatives Mailbox

From:
Sent: [redacted] 24, 2025 8:01 PM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Subject: 90 days study permit validity for study extension or PGWP

Dear Officer,

I am an RCIC in good standing, membership number [redacted]

I would like to obtain clarification regarding R. 222(1), concerning the validity of a study permit and its application in three different scenarios.

Scenario 1 - Applying for a study permit extension, following the completion of a program of studies

Question: If a student has a longer study permit issued than needed, meaning he or she completes the program of studies in Canada earlier than initially anticipated, and after 90 days of graduation but before the expiry date of his or her study permit, he or she applies for a study permit extension to study a second program of studies.

Would an officer consider R.222(1) when processing this application, meaning the study permit will be considered invalid at the time of application because 90 days has passed since graduation or, as the student completed the program, this would not be an issue? what would count is the actual expiration date on the study permit? If R.222(1) applies, would the applicant be required to apply the restoration fee?

Scenario 2: Applying for a new study program following a break of over 90 days

Question: In a similar scenario, however without the completion of the program of studies, but after a school break of 150 days, would a student be able to apply for an extension after not studying for over 90 days? Or study permit would be considered cancelled? If R.222(1) applies, would payment of restoration fee be necessary?

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

Scenario 3- Applying for PGWP after 90 days of graduation

Question: A person completed a program of studies in Canada, the program qualifies for PGWP; however, over 90 days has passed since graduation. Applicant then applies for PGWP from within Canada after the 90 days have already passed, however, while study permit is still valid and before 180 days of graduation; therefore, following eligibility guidelines to apply for PGWP.

Would R. 222(1) apply on this scenario, meaning that his or her study permit would be considered invalid at the time he or she applied for PGWP? In other words, would he or she be considered not in compliance since he applied more than 90 days after graduation? Would this applicant require restoration fees? Would this applicant be eligible to start working full time after submitting a PGWP application from within Canada?

[redacted]

Best,