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Archived: June 2, 2025 10:15:40 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Tue, 4 Feb 2025 18:53:31
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: TR: Clarification Regarding Restoration of Status and PR/BOWP Eligibility - REP-2025-0085- Due 6-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 client applied for a work permit based on a pending LMIA decision, but the application was refused in mid-December 2024.
Their previous work permit has since expired, and they are currently out of status.
However, they still have time (within 90 days) to apply to restore their status.
The client has an active Express Entry (EE) profile.

With their current circumstances, I would appreciate clarification on the following:

1. If the client is invited to apply for permanent residence (PR) while out of status, can they submit a Bridging Open Work Permit (BOWP) application after getting the AOR?
2. Should the client instead apply to restore their work permit status based on the now-positive LMIA their employer has received?
3. Can the client claim points for the valid job offer under the Express Entry system before restoring their status?
4. Is the client eligible to submit a PR application while their status restoration is pending?

Your guidance will help us ensure compliance with IRCC regulations and provide the best advice for the client's situation.

[redacted] this [redacted] I [redacted] to your response.

Response:

Please note that this service provides guidance and not case-specific advice.

With regards to question 1 and 2, to be eligible for a Bridging open work permit (BOWP) for permanent residence applicants, the client must:

- * live in Canada (and intend to live outside Quebec) at the time you apply for your BOWP

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    - * You can leave Canada while we process your application.
    - * However, if you leave Canada after your work permit expires, you can't work until your new application is approved.
- * either
    - * have a valid work permit
    - * have an expired work permit but maintained your status as a worker
    - * be eligible to restore your status and get a work permit
- * be the principal applicant on your permanent residence application
- * have submitted a complete application for permanent residence and passed the completeness check
    - * Submitting a profile to the pool is not the same as applying for permanent residence.
    - * Make sure you understand how Express Entry works.
- * have your acknowledgement of receipt letter
    - * We send this letter to your account after we get your permanent residence application

An applicant will have to check the processing delays for PR applications as they may not receive the letter regarding completeness check within the 90 days restoration period.

Please visit our website for more information on requirements for a BOWP.

3. Please refer to the Ministerial Instructions respecting the Express Entry system for a full overview of the job offer. An applicant may be eligible to claim a valid job offer under the Express Entry when they are not in status, are out of status or in restoration, if the job offer meets all the requirements.

4. An applicant may also be eligible to submit a PR application under the Express Entry while in restoration of their status, however should the applicant remain in Canada without status, it will render the applicant inadmissible to Canada on the grounds of non-compliance with the Immigration and Refugee Protection [redacted] the Express Entry, foreign nationals may not get Permanent Residence in Canada if they are deemed inadmissible.

Please be advised that the assessment of an application is based on a case-by-case basis, considering the particular circumstances in conjunction with the supporting documentation available to the officer. The onus is always on the applicant to provide sufficient documentation to satisfy an officer that they meet the requirements.

We hope this information is of assistance.

[redacted]

The Immigration Representatives Mailbox

De
Envoyé : 9 janvier 2025 22:48
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Objet : Clarification Regarding Restoration of Status and PR/BOWP Eligibility

Dear Sir/Madam,

[redacted] Canadian Immigration Consultant (RCIC) [redacted] with the Coll[redacted] Immigration and Citizenship Consultants (CICC), registration number

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[redacted] this [redacted] I [redacted] to your response.

Sincerely,