

**Archived:** December 21, 2021 8:41:09 AM

**From:**

**Mail received time:** Wed, 14 Apr 2021 12:40:46

**Sent:** Wed, 14 Apr 2021 12:40:46

**To:**

**Cc:**

**Subject:** FW: [URGENT] Worker/ student -> out of status -> restore to visitor? -- REP-2020-2199

**Sensitivity:** Normal

---

Hello,

**Initial Question (REP-2020-2497):** IRCC authorizes out-of-status students to apply for a post-graduation work permit by including restoration fees with their PGWP application.

Would IRCC similarly authorize an out-of-status student to apply for an LMIA-exempt open work permit (specifically under LMIA exemption codes C-42 or C-41) by including a restoration to student fee receipt with their application?  
If not, what would be the correct procedure?

**Response:**

Study permit holders who do not apply for a PGWP before their study permit expires would be in Canada without a valid status. Their temporary resident status would need to be restored as a student before they can be issued a PGWP. In this situation, the procedure is to submit an application to restore status as a student and apply for a PGWP simultaneously and submit their proof of completion of studies and transcripts instead of their old letter of acceptance (please note that a new letter of acceptance is not required). Note that they must pay the fees for a new study permit and a work permit, which will include restoration fee (\$200), study permit fee (\$150), work permit fee (\$155) and open work permit holder fee (\$100).

As the applications are submitted simultaneously, they are processed together at the processing center. As such, a decision on the Post-Graduation Work permit will be rendered likely on the same day as the study permit, unless additional documents are required.

Please note that an applicant may only restore to an authorization that they held immediately prior to the restoration application, as per [section 182](#) of the *Immigration and Refugee Protection Regulations*. In the case of an out-of-status student, the applicant may only restore their authorization to study and not to work. As well as the study permit fee, the applicant must also submit the standard application package for a study permit (Please see [Guide 5552 - Applying to Change Conditions or Extend Your Stay in Canada - Student](#)).

The applicant may also choose to submit an application for a work permit under a different category instead of applying for a PGWP (e.g. one under LMIA exemption code C41 or C42) at the same time if they qualify for another type of work permit. If an officer determines that the applicant is eligible for restoration as a student, only then will they assess the work permit application.

For more information, please see: [Restoration of temporary resident status](#)

**Follow-up Question (REP-2020-2592):** There is conflicting information available regarding whether a foreign national who held status as a worker/student when he/she fell out of status eligible to restore their status to visitor?

If so, are two forms required? i.e. in the worker scenario, both application form for restoration as worker (IMM5710) and visitor (IMM5708) are required to be submitted via portal and the fees paid twice?

In the past, CPC-E has approved applications corresponding to the above-mentioned scenarios with only the submission of

the application for restoration as a visitor (IMM5708). However, the current restoration guidelines, modified on April 8, 2020, state that "a foreign national can only apply to restore their status and authorization to one they held immediately prior to the need to apply for restoration."

Please confirm if these guidelines now preclude restoring to a lower status and if not, how many forms are required to be submitted.

**Response:**

Please note that when a temporary resident submits an application to restore their stay as a worker or student, the client is effectively submitting two applications in one; the first is to restore their **status** as a temporary resident while the second is to seek an **authorization** as a worker or student. The program delivery instructions regarding restoration (linked above) specify the following:

It is important to note that an applicant can only restore to **an authorization** that they held immediately prior to the restoration application. As an example, a student who lost their status cannot apply to restore status with authorization as a worker.

A restoration application is submitted with the purpose of restoring the applicant's status as a temporary resident; as per the above, they are limited to seek their authorization (i.e. as a worker or student) to what they previously held. An out-of-status worker or student may apply to restore their status as a visitor without submitting an application (and the associated fees) for a work or study permit. However, restoring their status as a visitor may limit them to later apply for a work or study permit from inside Canada.

Thank you,

The Immigration Representatives Mailbox

**From:**

**Sent:** April 9, 2021 12:57 PM

**To:** Immigration Representatives / Représentants immigration (IRCC) <[IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca](mailto:IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca)>

**Subject:** FW: [URGENT] Worker/ student -> out of status -> restore to visitor? -- REP-2020-2199

Dear ImmReps,

I am following up on my December 8, 2020 query, below.

Thank you in advance for your response.

Best regards,