

Maintained Status

This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person’s situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated on 14 May 2021.

If you are a migrant worker in Canada whose current work permit has expired, and you are waiting for a decision on a work permit extension application submitted before your current work permit expired, this factsheet will bring some good news. This fact sheet explains a new policy issued by Immigration, Refugees and Citizenship Canada (IRCC) on 20 October 2020 and changed language to describe legal status as of 8 April 2021. The new policy provides migrant workers with a document to prove their legal status in Canada during the transitional period.

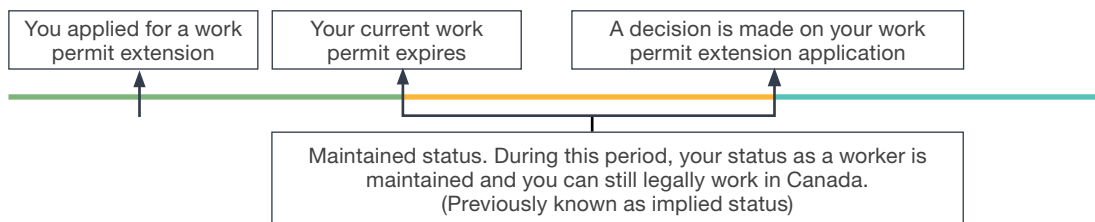
What is “maintained status?”

As a migrant worker in Canada, you may apply to extend your work permit before it expires. It is possible that while your application is still being processed, your current work permit expires. In this case, you can continue to work in Canada legally as your extension application is being processed. In other words, your status is maintained. This is what maintained status means. It is worth noting that during this period, the same conditions listed on your expired work permit continue to apply.

I have heard the terms “implied status” and “automatic extension of status.” Are those the same thing?

“Implied status” is an old term that refers to the same transitional period (after the expiration of your current work permit and before a decision is made on your work permit extension application). The term “automatic extension of status” was adopted in October 2020 as part of a new policy issued by IRCC. Under the new policy, applicants will receive a document to prove that their legal status in Canada is maintained for the transitional period. The new term “maintained status” was adopted in April 2021 with no changes to the October 2020 policy.

Here is how it looks like on a timeline:



I understand that IRCC has a new policy on maintained status, but how does the new policy affect me?

Simply put, the new policy provides you with a document to show your legal status in Canada while you are waiting for a decision on your work permit extension application.

Under the new policy, if you have applied **online** for a work permit extension, you will automatically receive a letter from IRCC. This letter is the **Acknowledgement of Receipt letter**. The letter confirms that you can continue to work until a specific date. This letter can be attached to your current work permit as a proof of your legal status in Canada during the transitional period.

Before this new policy, foreign workers in Canada under implied status did not get a valid document to demonstrate their legal status in Canada. This could create trouble for migrant workers when proof of their legal status in Canada is required to access social services and/or health benefits.