

Expulsion: Legal implications and strategies for international students



ÉCOLE DE
TECHNOLOGIE
SUPÉRIEURE
Université du Québec

Le génie pour l'industrie

Resources

Office of International Relations

Service des relations internationales (SRI)

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International Student Advisors

- Immigration, official documents
- International partnerships
- Orientation and integration

Contact us:

international@etsmtl.ca

[Facebook : étudiants internationaux](#)

[Make an online appointment](#)

Office of Student Life

Services à la vie étudiante (SVE)

Student support services

Psychosocial counseling: free and confidential

Online workshop (in French): « [De la perte à la reconstruction : l'expérience du deuil lié à l'exclusion d'un programme d'études](#) »

sve@etsmtl.ca

Note: This presentation is a summary of the applicable procedures, laws and regulations in Québec and Canada, which are subject to change without notice. The websites of the [Ministère de l'Immigration, de la Francophonie et de l'Intégration \(MIFI\)](#) and [Immigration, Refugees and Citizenship Canada \(IRCC\)](#) take precedence, and it is your responsibility to validate all information at the source.

Content

- Academic consequences and legal implications of expulsion for an international student
- Conditions associated with the CAQ and study permit
- Health insurance
- Strategies

Objectives

- To inform you of your responsibilities as a temporary resident in Canada
- To provide you with the necessary information so you can make an informed decision about your next steps

Consequences of expulsion

- **Cancellation of the session**
 - Your registration will be cancelled (AX)
- **Closure of your student file**
 - Loss of access to ÉTS email, MonETS portal, laboratory, etc.
 - The delays can vary, but generally within 5 working days of the final decision
- **Reimbursement of tuition fees**
 - Send a request by email to the Registrar's Office at accueilbdr@etsmtl.ca and include your name, permanent code and mailing address.
- **Cancellation of Desjardins health insurance**
 - Effective at the end of the month following expulsion
 - Reimbursement of the premium at the same time as the tuition fees
 - Questions? Write to the Registrar's Office at Assurances.Etrangers@etsmtl.ca

Par courriel

N/Réf. : [REDACTED]

Objet : **Demande d'appel auprès du comité de révision des sanctions**
Exclusion pour moyenne trop faible

Monsieur,

Nous avons bien reçu votre demande pour la révision de la décision d'exclusion.

Les motifs évoqués dans cette demande de révision ne permettent pas de croire que vous auriez été lésé par la décision rendue, car votre demande ne satisfait pas les conditions évoquées par l'article 6.7.2 du *Règlement des études de cycles supérieurs*.

En conséquence, votre demande est jugée non-recevable et la décision d'exclusion est maintenue.

Cette décision est finale et sans appel.

Veuillez accepter, Monsieur, nos sincères salutations.

Legal implications

Provincial government

Requirements for the CAQ

As a holder of a Québec Acceptance Certificate (CAQ) for studies, you must respect the following [conditions](#):

1. Have health and hospitalization insurance for you and any accompanying family members for the duration of your stay.
2. Make your studies your main activity. This means studying on a full-time basis and succeeding in your studies.

If you are expelled, you cannot meet the 2nd requirement. It is important to adequately document your situation and include an explanatory letter with any subsequent immigration applications.

Provincial government Health insurance

If you plan on staying in Canada, it is essential to be covered by an adequate health and hospitalization insurance plan.

If you are expelled:

RAMQ

If you have provincial health coverage, it will remain valid through the expiration date on your insurance card. However, you will not be able to renew your coverage until you obtain a new CAQ.

Desjardins

This coverage, offered through ÉTS, will become invalid at the end of the month following your expulsion. You must take out a private health insurance plan if you decide to stay in Canada. It is up to you to choose a plan from a Canadian insurance company that meets your needs.

Federal government

Conditions associated with the study permit

If you plan on staying in Canada, you must maintain a valid legal status at all times and respect the conditions associated with your status.

As a holder of a study permit, you are subject to the following conditions ([R220.1](#)) :

Conditions — study permit holder

220.1 (1) The holder of a study permit in Canada is subject to the following conditions:

- (a) they shall enroll at a designated learning institution and remain enrolled at a designated learning institution until they complete their studies; and
- (b) they shall actively pursue their course or program of study.

Federal government

Authorized leave

IRCC recognizes that it is possible that a student must interrupt their studies during their stay in Canada. You can find a list of the situations that qualify as authorized leave on the [IRCC website](#), including being suspended or expelled, or changing schools.

In order to be considered as a leave from studies, you must start your studies again within [150 days](#) from the day the leave started.

Otherwise, you must :

1. Change your status in order to stay in Canada, or
2. Leave Canada

D. Leave from studies

Students may be required or may wish to take leave from their studies while in Canada. For the purpose of assessing if a student is actively pursuing their studies, any leave taken from a program of studies in Canada **should not exceed 150 days from the date the leave commenced and must be authorized by their DLI.**

A student on leave who begins or resumes their studies **within 150 days from the date the leave commenced** (that is, the date the leave was granted by the institution) is considered to be actively pursuing studies during their leave. If a student does not resume their studies **within 150 days**, they should do either of the following:

- change their status (that is, change to [visitor status](#) or [worker status](#))
- leave Canada

If they do not change their status or leave Canada, they are considered non-compliant with their study permit conditions.

Federal government

Working & authorized leave

During a leave from your studies, you do not have the right to work with your study permit because you no longer meet the eligibility requirements. **If you are expelled, you must immediately stop working, whether it is on campus or off campus.** You would only be eligible to start working again thanks to your study permit if you start studying full-time again (as of the first day of the session).

IMPORTANT! Working or studying without have the proper legal authorizations leads to the refusal of subsequent immigration applications (ex. : study permit renewal, post-graduation work permit, expulsion from Canada)

Federal government

Changing your status: Visitor

If you do not take up your studies within 150 days and you plan on staying in Canada, you will have to request a change in status. If you plan on studying again at a later date, you should opt for [visitor status](#).

- If your study permit is still valid: « *After having changed to visitor status, the student can start studying again with their previous study permit as long as it is still valid* »
- If your study permit will soon be expiring: The student should request an [extension of their study permit](#) prior to its expiration in order to benefit from maintained status.
- If your study permit has expired: It is not possible to apply for a study permit from within Canada with visitor status. « *Foreign nationals with the status of visitor are not eligible to apply for a study permit from within Canada unless exempt due to article [R215](#).* »

IMPORTANT! Visitor status does not grant you the authorization to study or work.

Federal government

Changing your status: Worker

If you do not take up your studies within 150 days and you plan on staying in Canada, you will have to request a change in status. If you do not plan on continuing your studies and you have a job offer, you could opt for [worker status](#). You must not start working prior to receiving confirmation of your work permit, even if your study permit is still valid.

Employer-specific work permit (closed work permit)

- Valid for a specific employer. Must have a job offer, and meet different conditions.
- [LMIA](#) = Processing times and associated fees!

Open work permit

- No job offer necessary, but limited possibilities
- [International Experience Canada](#) depending on your country of origin

IMPORTANT! Worker status does not grant you the authorization to study. If you decide to take up your studies again after having obtained worker status, you will not be authorized to study OR work while awaiting a decision by IRCC, even if your study permit has not expired.

Family members

If your spouse or common-law partner holds an open work permit or a visitor record linked to your study permit, this person maintains their status through its expiration date even if you are on leave from your studies or have changed your status.

A minor child who is studying with visitor status is authorized to continue studying as long as the parent has a valid study permit. If the study permit expires, the child must obtain his/her own study permit, but remains exempt from obtaining a [CAQ](#). In this case, a study permit application can be made from within Canada.

2. Leave Canada

Some students will decide that leaving Canada either temporarily or permanently is the best decision following expulsion. If you want to take up your studies in Canada at a later date, it is important to document your situation in order to prove that you respected the conditions associated with your study permit.

- Keep the proof of having left Canada (ex. : airline ticket, boarding pass).
- If your immigration documents are still valid, you will be able to return to Canada with the same documents (CAQ, study permit, visa).
- If your immigration documents have expired, you will have to obtain new documents prior to returning to Canada (CAQ, introduction letter confirming that your study permit has been approved, visa or eTA depending on your country of origin).
 - A CAQ application that is filed after an absence of more than 6 months from Québec will be treated as a new request and not as a renewal. You will thus not have to provide additional explanation regarding your expulsion.

Strategies to consider

Apply to a new program

Immigration documents

CAQ

- Required only in Québec, not in other provinces
- Remains valid if you change to a new program at the same level of study
 - Change in level = new CAQ (ex. : PhD to Master's)
- Count on providing a detailed explanation letter and supporting documents to justify your request
 - Ex: Proof of insurance, etc.

Study permit

- In the 150 days following expulsion, the study permit remains valid if it has not expired
- If you change to a new designated learning institution (DLI), you must update your record with IRCC via your [online account](#)

At ÉTS

- Check if it is possible, depending on the reasons behind your expulsion
- Change in program (ex. : PhD to the master's level)

At another DLI

- Pay close attention to admissions deadlines as they vary
- The majority of universities only admit students in the fall and winter sessions

Take into consideration...

If you are considering applying to a new program, pay special attention to your options (changing status in Canada versus leaving Canada).

- Unless you have a work permit, you will not be authorized to work in Canada
- Returning to your home country, or any other country in which you are authorized to work, may be a good solution to consider

Consider the impacts for your eligibility for a [post-graduation work permit](#)

- Have maintained full-time enrollment throughout studies (exception: [authorized leave](#) and last session of studies)

Good luck and best wishes!



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Please take a few minutes to fill out a short [questionnaire](#) to offer your feedback.