



Citation: *TT v Canada Employment Insurance Commission*, 2025 SST 1432

**Social Security Tribunal of Canada  
General Division – Employment Insurance Section**

## Decision

**Appellant:** T. T.  
**Respondent:** Canada Employment Insurance Commission

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**Decision under appeal:** Canada Employment Insurance Commission reconsideration decision (743686) dated October 9, 2025 (issued by Service Canada)

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**Tribunal member:** Linda Bell  
**Type of hearing:** Teleconference  
**Hearing date:** December 3, 2025  
**Hearing participant:** Appellant  
**Decision date:** December 4, 2025  
**File number:** GE-25-3087

## Decision

[1] T. T. is the Appellant. I am allowing her appeal.

[2] I agree with the Appellant. She is **not** disentitled from receiving maternity and parental benefits on her November 17, 2024, Employment Insurance (EI) claim (benefit period).

[3] This means the Appellant **doesn't** have to repay the maternity and parental EI benefits she received. The Appellant is at liberty to contact the Commission to claim the remaining weeks of her standard parental benefits.

## Overview

[4] The Appellant came to Canada through an Immigration, Refugees and Citizenship Canada (IRCC) family immigration program.<sup>1</sup> She was issued an open work permit as a family member, when her husband was issued a foreign worker permit under an employer labour market impact assessment (LMIA). She worked as a senior accountant until she went on maternity leave.

[5] The Appellant says that when her work permit expired, she applied for a renewal and was granted temporary authorization. That temporary authorization expired on November 5, 2024. She applied for a temporary resident and visitor permit on April 7, 2025. After that was denied, she hired a lawyer and applied to reinstate her temporary status. She also applied for a permanent residency under humanitarian and compassionate grounds.

[6] The Appellant had a 3-year-old child and was pregnant, with an expected delivery date of November 15, 2024. She had scheduled to go on maternity leave as of November 8, 2024. She applied for maternity and 35 weeks of standard parental benefits on November 15, 2024. The Commission established her claim (benefit period) effective November 17, 2024.

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<sup>1</sup> For example see <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/special-instructions/spouses-dependent-children.html>

[7] After 15 weeks of maternity benefits, the Appellant started receiving standard parental benefits. The Commission stopped her payments in June 2025, before her parental benefits expired.

[8] The Commission imposed a retroactive stop payment (disentitlement) starting November 18, 2024. The Commission decided the Appellant failed to prove her availability for work and authorization to stay in Canada.<sup>2</sup> The disentitlement resulted in a \$16,416.00 overpayment.<sup>3</sup> The Commission maintained its decision upon reconsideration and refused to write off the overpayment.

[9] The Appellant disagrees with the Commission. She appeals to the General Division of the Social Security Tribunal (Tribunal). She says she should not have been paid the EI benefits if she wasn't entitled to receive them. She was honest and told the Commission her work permit had expired at the time she applied for benefits. She has provided the Commission with all the information they requested.

## **Issues**

[10] Did the Appellant have a valid work permit?

[11] Is the Appellant disentitled from receiving maternity and parental benefits for failing to prove her availability for work?

[12] Is the Appellant disentitled from receiving maternity and parental benefits because her Social Insurance Number (SIN) expired?

[13] Is the Appellant disentitled from receiving maternity and parental benefits because she failed to maintain her work status in Canada and was therefore not authorized to stay in Canada?

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<sup>2</sup> See page GD3-26.

<sup>3</sup> See the Notice of Debt at page GD3-51.

## Analysis

### Did the Appellant have a valid work permit?

[14] The Appellant's work permit expired on June 19, 2024. Prior to that expiry date, she applied to renew her permit on May 13, 2024. She was granted temporary authorization, which was set to expire on November 9, 2024, or until IRCC issued a decision. Her application was refused on November 5, 2024, and she promptly reapplied on November 7, 2024.

[15] The Appellant explained in detail, how her immigration application was tied to her husband's LMIA work permit applications, as they were in Canada as a family unit. This is why many of the IRCC letters are issued in her husband's name. At first, they were completing their own applications but when they were refused again, they hired an immigration lawyer in April 2025 to assist them. They have since applied for temporary status and for permanent residency under humanitarian and compassionate grounds on April 7, 2025.<sup>4</sup>

[16] The evidence supports the above-mentioned dates, which are not in dispute. So, I accept those dates as fact.

[17] The Appellant testified that IRCC has given them more chances to reapply. They have remained in Canada and are waiting for their applications to process. They recently submitted evidence to the IRCC that she and her husband have jobs to return to, upon approval for their work status from IRCC.

[18] If you apply for renewal before a work permit's expiry date but have not yet received a new permit, it is inferred (recognized) that you are still available for work. If your work permit has been cancelled or you did not renew it before the expiry date, you usually cannot be considered available for work. But this is not always the case. It is a question of the facts specific to each claimant's situation.<sup>5</sup>

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<sup>4</sup> See pages GD4-1, GD4-2, GD3-21, GD3-31, and GD3-45.

<sup>5</sup> See *LM v Canada Employment Insurance Commission*, 2022 SST 617.

[19] In this case the Appellant is not required to prove her availability for work under section 18 of the *Employment Insurance Act* (EI Act). This is because her claim was established for maternity and standard parental benefits.

[20] The Commission's June 10, 2025, decision says it disentitled the Appellant as of November 17, 2024, because her SIN card expired on November 4, 2024.<sup>6</sup> Service Canada issues temporary "900" series SINs that expire on the same date that a temporary work or study permit expires.<sup>7</sup>

### **Is the Appellant disentitled from receiving EI benefits because her SIN expired?**

[21] No. The Appellant is not disentitled from receiving maternity and parental benefits for this reason.

[22] In its June 10, 2025, decision, the Commission says it disentitled the Appellant because her SIN card expired.<sup>8</sup> However, in its submissions to the Tribunal, the Commission admits that a claimant is **not** disentitled from receiving maternity and parental benefits for the sole reason that their SIN is expired, unless they are no longer authorized to remain in Canada.

[23] I disagree with the Commission when it states that the fact remains that a valid SIN is not a condition that must be met to establish a claim for benefits, but it is a requirement to be entitled to receive benefits under EI Act section 50. Section 50 of the EI Act does not state a valid SIN is required to be entitled to receive benefits.

[24] I acknowledge that the Commission references sections 50 and 138 of the EI Act in its submissions. However, neither of those sections state that a claimant must have an active SIN to be entitled to or paid EI benefits. Instead, they speak to compliance under that section of the EI Act and the requirement to have a valid SIN **if employed** in

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<sup>6</sup> See page GD3-50.

<sup>7</sup> See <https://www.canada.ca/en/employment-social-development/services/sin/receiving-updating.html>

<sup>8</sup> See the decision letter at page GD3-50.

insurable employment. There is no provision in the EI Act or Regulation that I am aware of, that states an active SIN is required to be paid or entitled to EI benefits.

[25] The Commission says the Appellant provided evidence that she had applied to extend her work permit. On that basis the Commission paid her maternity and several weeks of standard parental benefits. The Commission imposed the retroactive stop payment (disentitlement) in June 2025. This prevented the full 35 weeks of standard parental benefits from being paid to the Appellant and created an overpayment for the maternity and parental benefits paid up to that day when the disentitlement was imposed.

[26] The Appellant testified that she has never left Canada. The Commission doesn't dispute that the Appellant remained in Canada during the period of her claim (benefit period).<sup>9</sup>

[27] The Commission now says that to be entitled to those maternity and parental benefits, the Appellant had to show she was "authorized to be in Canada." The Commission determined the Appellant wasn't authorized to be in Canada because she didn't have a valid permit. The Commission imposed a retroactive stop payment (disentitlement) as of November 17, 2024, causing a \$16,416.00 overpayment of EI Benefits.

[28] Based on the conflicting statements made by the Commission, I find the Commission disentitled the Appellant because she was not "authorized to be in Canada" not because her SIN had expired.

[29] Accordingly, I find that the Appellant is not disentitled from receiving maternity and parental EI benefits because her SIN had expired.

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<sup>9</sup> A benefit period is the period during which EI benefits are paid to qualified claimants.

## **Is the Appellant disentitled from receiving EI benefits because she was not authorized to stay in Canada?**

[30] No. The Appellant is not disentitled from receiving parental benefits for this reason.

[31] The Commission says the Appellant was “not entitled to maternity and parental benefits” (disentitled from receiving benefits) from November 17, 2024, because she was “not authorized to remain in Canada.”<sup>10</sup> The Commission says she needed to prove that she was authorized to stay here. I disagree.

[32] I acknowledge the Commission’s argument that the Appellant’s expired permit didn’t give her temporary resident status or authorize re-entry to Canada should she leave. Her expired permit didn’t allow her to work here either, but I have already found that she didn’t need to prove availability for work to receive maternity and parental EI benefits.

[33] As well, finding the Appellant’s stay in Canada as being unauthorized, is solely the jurisdiction of Immigration, Refugees and Citizenship Canada (IRCC). The Commission doesn’t dispute that it can’t decide if claimants are authorized to stay in Canada. It can only look at if claimants are available for work based on when their work permits are valid.

[34] But the Commission still argues that benefits are not payable to those without the status to qualify them to **remain in** Canada. The Commission doesn’t state what law it relies on to make this determination.

[35] The Commission did not explain what section of the law it used to impose a disentitlement for not having “status” in Canada or for not being authorized to remain here. I don’t know of any section of the law that requires disentitlement from receiving maternity and parental benefits for those reasons for someone in the Appellant’s circumstances.

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<sup>10</sup> See page GD4-4.

[36] Neither the Commission nor the Tribunal can impose disentitlements unless they are prescribed by law. So, I find that the Appellant is not disentitled from receiving maternity and parental benefits for having no status in Canada, or for not being authorized to stay here, or an expired SIN.

## **Conclusion**

[37] The appeal is allowed.

Linda Bell

Member, General Division – Employment Insurance Section