



MANITOBA PROVINCIAL NOMINEE PROGRAM FOR SKILLED WORKERS

# POLICY AND PROCEDURES

## 1 OVERVIEW

### POLICY

**The Immigration and Refugee Protection Act (IRPA)** allows Canada's Immigration Minister, with the approval of the Governor in Council, to enter into an agreement with the government of any province for the purposes of the Act (Section 8 (1)).

**The Canada Manitoba Immigration Agreement (CMIA)** is an agreement between the Government of Canada, as represented by the Minister of Citizenship and Immigration, and the Government of the Province of Manitoba, as represented by the Minister of Labour and Immigration.

**The Provincial Nominee Class** is designed to enable provinces to support the immigration of persons who have expressed an interest in settling in their province and who the province believes will be able to contribute to the economic development and prosperity of that province and Canada (OP 7(b) – CIC).

**The Manitoba Provincial Nominee Program (MPNP)** offers to qualified skilled workers, with characteristics indicating a strong potential of becoming economically established in Manitoba, an opportunity to be assessed as candidates who can make a positive long-term contribution to the provincial economy and are therefore nominated for Permanent Resident Status in Canada.

### GENERAL GUIDELINES

- i) Candidates who believe they qualify under program criteria may submit an Expression of Interest (EOI). The Immigration Department's website contains links to self-assessment tools and all necessary information regarding program criteria, NOC descriptions, and required supporting documents.
- ii) Candidates are responsible for providing full and accurate information in their EOI and ensure that all information provided can be substantiated with supporting documentation, should they be invited to submit a full application.
- iii) EOIs are ranked against others in the pool of submitted EOIs. On a regular basis, the MPNP conducts draws from this pool and invites the highest-scoring candidates to submit full applications. The draws may exclude certain occupations or profiles. Details on exclusions are provided on the [Immigratemanitoba.com](http://Immigratemanitoba.com) website at the time of the draw.
- iv) Applicants are responsible for providing full and complete applications and for providing verifiable documentation and their bona fides with regard to all aspects of their application.
- v) Applications are assessed against established program criteria.
- vi) Approved candidates are identified as Manitoba Provincial Nominees who may be eligible for permanent resident status in Canada.

## 2 ASSESSMENT POLICIES AND PROCEDURES

### EXPRESSIONS OF INTEREST

All eligible candidates interested in applying to the Manitoba Provincial Nominee Program (MPNP) must first submit an Expression of Interest (EOI) to the program. EOIs are entered into a pool and on a regular basis, the highest-ranking candidates in each category are issued Letters of Advice to Apply (LAA), enabling them to submit a full application, provided they are not excluded for reasons that are described on the [Immigratemanitoba.com](http://Immigratemanitoba.com) website.

### RECEIVING AN APPLICATION

All applicants who receive a LAA must submit their complete applications to the MPNP, including all required supporting documents, **within 60 days** of receiving their LAA. Applicants must follow the MPNP document checklist included in the Online Application Tool to ensure all required documents are included.

Applications submitted online are imported every 24 hours and are automatically assigned a file number. Application data for all applications submitted is automatically transferred to the Assessment Tool after electronic application submission. Applicants have the ability to provide updates to some elements of their application and this information is automatically imported in Case Notes for processing by the MPNP.

The application system automatically informs applicants or their paid representative that their applications have been received by the MPNP. At the same time, if a Manitoba Supporter is

identified, he/she will receive an email requesting an endorsed Settlement Plan Part 2 and supporting documentation.

### PRE-ASSESSMENT

Applications are pre-assessed for eligibility and completeness by the Pre-Assessment Team. The Pre-Assessment Team considers the following factors when determining whether or not to accept an application for full assessment:

#### Eligibility

Applicants who are refugee claimants or refused refugee claimants living in Canada are not eligible to apply to the program, but may submit an application after they have left Canada.

- **Core Economic Criteria Eligibility:** The applicant meets the minimum criteria of one of the MPNP program categories.
- **Manitoba Connection Eligibility:** The applicant has established a connection to the province through ongoing employment in Manitoba, previous education or work in the province, an exploratory visit interview pre-approved by the MPNP, family or social ties.

**If the application is considered ineligible** for assessment because the applicant cannot clearly demonstrate that they meet the Core Criteria Eligibility and/or Manitoba Connection Eligibility factors outlined above, the Pre-Assessment Team will:

- Identify reasons for ineligibility in Case Notes;

- Mark the file closed/ineligible;
- Inform the applicant and supporter or paid representative if applicable by email that the application is ineligible for assessment.

If the file is eligible for assessment, the Pre-Assessment Team will then determine whether or not the application is complete, as explained below.

### Completeness

The Pre-Assessment Team determines whether or not all documents required for the principal applicant and all accompanying dependents are provided and whether the documentation is sufficient to complete an assessment and make a recommendation.

### Document Integrity

The Pre-Assessment Team may flag file integrity concerns at this stage of the process according to current issues and trends reported and as directed by the MPNP Management Team, and may:

- Enter an appropriate Case Note into the database for consideration during full assessment;
- Refer the file directly for integrity review (if the concerns fit a profile of issues flagged for more systematic review).

### QUICK REFUSALS

Applications that appear to meet eligibility and completeness criteria may be flagged for quick refusal at this stage and will not undergo a full assessment in cases where:

- The applicant does not demonstrate their employability in Manitoba because of insufficient official language ability or other labour market factors such as labour market saturation or licensing barriers in their assessed occupation.
- Documentation on file is determined to be fraudulent and/or the information provided in the application does not substantiate the claims made in the applicant's Expression of Interest.

### NEXT STEPS

If applications are considered **complete and eligible**:

- Case Notes will indicate that the application has been pre-assessed and is ready for assessment;

If the application is **incomplete** and the **missing documents** are **essential for assessment** (e.g. education, employment or settlement fund documents required to determine eligibility and potential for approval), the Pre-Assessment Team will follow these steps:

- The file is closed as ineligible;
- The reasons for closing the file are explained in Case Notes;
- The applicant and supporter or paid representative if applicable is informed by email that the application is too incomplete for assessment and that it is now closed.

If the file is **incomplete**, but has **potential for approval**:

- A Missing Documents letter is sent to the applicant and copied to the individual with authority to disclose information on the file, if applicable;
- The rationale for keeping the file open is explained in Case Notes;
- The file continues as Active – BF (bring forward) until the missing information is received and the Administrative Team changes the status;
- The file is BF'd for a period of time not less than 7 days, but no more than 90 days
- When the additional documents are received in the office, they are added to the file for a document integrity review by the assessing Program Officer (PO) at the time of assessment;
- If the documents are not received by the due date, the file is assessed with the information available to the PO at the time of assessment.

#### FILE DISTRIBUTION

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Complete files are assigned randomly to POs for first and/or second assessment, according to automatic assignment routines, caseloads and/or other priorities. After 1<sup>st</sup> assessment is complete, the files are returned to the corresponding rotation for second assessment based on an assignment routine scheduled by the MPNP.

#### 1ST ASSESSMENT

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When assessing MPNP applications, POs will consider the following:

- Potential for Approval based on published program criteria
- Document Integrity
- Employability
- Connection to Manitoba

#### POTENTIAL FOR APPROVAL

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All applicants applying as **Skilled Workers in Manitoba** need to provide documented proof that they:

- are in possession of a valid temporary work permit;
- have been working for a Manitoba employer in a full-time position for at least six months (1 year in the case of out-of-province International Students) prior to submission of their application; and
- have received an offer of full-time, long-term employment from that employer.

All applicants applying as **Skilled Workers Overseas** need to provide documented proof that they:

- meet the human capital criteria for the MPNP, including age, education, work experience and English/French language proficiency and score at least 60 points on the MPNP points grid;
- have established a connection to Manitoba through:

- A close relative in Manitoba, who is a Permanent Resident or Citizen of Canada, is economically established and has been residing in Manitoba for at least one year; OR
- An invitation to apply received directly from the MPNP as part of a recruitment mission or after successfully completing an exploratory visit; OR
- Previous work experience in Manitoba of at least six months; OR
- Completed post-secondary education in Manitoba of at least one academic year; OR
- A friend or distant relative in Manitoba who is a Permanent Resident or Citizen of Canada, has been residing in Manitoba for at least one year, is economically established and is not currently supporting the settlement of another applicant through the MPNP.

### Multiple supports

Support **cannot** be considered from individuals who are friends or distant relatives of the applicant and are currently supporting the settlement of another individual through the MPNP or another immigration program.

In these cases, the application will be forwarded to the Pre-Assessment Unit to close the file as ineligible based on multiple supports, following the refusal guidelines outlined on page 10.

### Points calculation for Skilled Workers Overseas

To be considered for approval, an applicant applying as a Skilled Worker Overseas has to score at least 60 points on the MPNP points grid. Assessment is based on the following economic factors: language proficiency, age, education, work experience and adaptability.

### **FACTOR 1: LANGUAGE PROFICIENCY**

Language points are calculated based on documented proof of training and ability in one or both of Canada's official languages. Applicants are required to submit official results of an MPNP-approved language test. Individuals in occupations in NOC skill levels C or D require at least CLB 4 in each of the bands (reading, writing, listening, speaking) to be eligible. Applicants who provide official test results demonstrating language proficiency in both official languages can be awarded points for both.

### **FACTOR 2: AGE**

Applicants are awarded points for this factor based on their age at the time the application was submitted.

### **FACTOR 3: WORK EXPERIENCE**

Points awarded for work experience are based on the documented proof of **full-time employment** in the past 5 years prior to submission of the application. Only continuous periods of employment of 6 months or more are considered when awarding points in this category. Full-time employment is defined as working at least 30 hours every week for the same employer.

Employers must be incorporated or registered by or under an act of the legislature of a province or the Parliament of Canada and operating as a business that has an established production capability, plant or place of business in Manitoba.

Employers must demonstrate to the satisfaction of the MPNP that they are an established business with an ability to offer you full-time and long-term employment in Manitoba.

Any periods of self-employment, unauthorized work, or periods of employment during which applicants were engaged in full-time study (e.g. work experience gained on a co-op permit) will not be included when calculating the period of qualifying work experience in Manitoba.

Self-employed individuals, business owners, owner-operators and individuals providing services as independent contractors to the business supporting their application are NOT eligible to apply as Skilled Workers in Manitoba and any work experience in Manitoba gained in those capacities will not be considered when calculating the qualifying period of work in the province.

#### **FACTOR 4: EDUCATION**

Education points are based on documented proof of **completed** education and/or training programs at institutions recognized by the source country's regulatory body responsible for higher educational institutions. No points are awarded for educational programs at institutions/training schools that are not recognized.

#### **FACTOR 5: ADAPTABILITY**

Adaptability points are calculated according to documented proof of a **strong** connection to Manitoba, as determined by the MPNP. If an applicant has more than one of connection to Manitoba, points are only awarded for the highest-scoring valid connection. In addition, the PO may consider awarding additional points for those with a demonstrated strong connection to regions outside of the Winnipeg Census Metropolitan Area (CMA).

Points for Regional Immigration can only be considered in cases where:

- The applicant has clearly demonstrated that they have an established connection to their destination outside of Winnipeg through existing family or social ties; and
- Have clearly and comprehensively outlined their plans for establishing their work and social life in the respective region of Manitoba.

At this stage, the PO determines whether or not the file has a good potential for approval by:

- Conducting a review of all supporting documents;
- Confirming the applicant's connection to Manitoba;
- Assessing the applicant's potential for successful long-term economic establishment in Manitoba:
  - While the applicant may currently be contributing economically, what is the likelihood of continuing this contribution in the long-term based on the applicant's age at time of application, English or French language proficiency and transferable skills?
  - Does the applicant have a connection to other parts of Canada through previous education or employment, close family members, previous immigration applications or visits and do these ties to other parts of the country appear to be stronger than the ties to Manitoba?
  - Does the applicant demonstrate the existence of sufficient settlement funds?
  - Did the applicant provide a feasible settlement plan that clearly and comprehensively demonstrates how they plan to continue their economic establishment?

*NOTE: All applicants have to satisfy the MPNP as well as the federal government that they possess a potential to establish successfully as independent economic immigrants. Factors such as amount of liquid settlement resources, wages/salary and the number of additional family members who will accompany the applicant once permanent residency is obtained need to be taken into consideration when determining an applicant's long-term potential for successful economic establishment.*

**If the file has a good potential for approval during 1<sup>st</sup> assessment, the following steps are taken:**

- An integrity review of all supporting documents on file; and
- Direct verification of Manitoba connection.

#### DOCUMENT INTEGRITY

The PO completes a document integrity review of all supporting documents included in the application, flagging any concerns, and provides a summary of the findings regarding the quality and credibility of supporting documents. At this stage, the PO could:

- Take note of any file integrity issues and undertake due diligence as appropriate;
- Refer files directly for integrity review to the Integrity and Quality Assurance Unit (IQAU).

*NOTE: For any MPNP application this may involve sending files to third-party verification agencies contracted to undertake document integrity checks for that purpose.*

#### EMPLOYABILITY

The applicant's employability potential is determined by comparing their documented training, skills, language proficiency with occupation-specific qualification and labour market requirements for their assessed occupation in Manitoba, as well as the province's labour market needs. The PO completes an employability assessment by:

- Reviewing the applicant's documented education, work experience and language proficiency and assigning the appropriate NOC 2011 code according to supporting documentation on file;
- Consulting available and relevant labour market information;
- Reviewing the applicant's settlement plan to ensure that the applicant is aware of the process of foreign qualifications recognition and has initiated the first preparatory steps, if applicable, to have their qualifications recognized in the assessed occupation;
- Assessing the applicant's potential for future employment in the same occupation based on previous training, relevant work experience as a licensed professional in their home country and language proficiency against the Manitoba licensing requirements;
- Assessing possibilities for employment in related, non-regulated occupations if barriers to licensing are identified;
- Assessing the relevance of the applicant's training as well as its comparability to post-secondary training standards in Manitoba/Canada;
- Assessing the relevance of the applicant's work experience as well as its comparability with expected Manitoba hiring standards;
- Conducting adaptability analysis – relative assessment of positive and negative mitigation factors for employability including language level requirements for the specific occupation, financial resources to support supplementary training, available settlement resources within Manitoba, assessing applicant's potential for future employment in the same



occupation based on previous training, relevant work experience as licensed professional in their home country, language proficiency against the Manitoba licensing requirements, and the extent to which applicant has demonstrated a practical and effective plan to address employability challenges in a reasonable time-frame;

- Conducting labour market demand analysis - taking the assessment above into a consideration, along with current supply dynamics for this occupation (nominations, landings, Manitoba START registrations in the last 12 months, overall supply level), projected supply and demand dynamics, evaluate the likely employability of the applicant in their assessed occupation

#### CONNECTION TO MANITOBA

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The PO confirms the applicant's connection to Manitoba by contacting the employer, social/family contact in Manitoba and/or the applicant by phone or through an in-person interview.

If an in-person interview is conducted, a second officer must be present during the interview.

If the applicant has established a connection to the province through ongoing employment as a Temporary Foreign Worker, direct contact with the employer is established in all cases to ensure a bona fide and ongoing employment relationship, employer support of a long-term employment relationship and lack of any concerns about employee performance that could negatively affect their long-term establishment as an economic immigrant.

If the applicant has established a connection to Manitoba through a close family member or a friend residing in the province, contact is established with the close relative/friend to ensure existence of a bona fide family/close friend relationship with an established Manitoba permanent resident,

familiarity with the applicant and their background and their Settlement Plan as well as lack of retention concerns.

#### 1ST ASSESSMENT DECISION

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##### Approval

If the PO is satisfied that the applicant has demonstrated a strong potential for approval and no concerns regarding document integrity, the applicant's employment potential and connection to the province have been identified, the PO recommends approval of the application. Applications are automatically assigned to a different PO for 2<sup>nd</sup> assessment.

##### Procedural Fairness

The MPNP's Procedural Fairness process applies to applications **submitted on or after April 30, 2015** and replaces the previous Request for Review (RFR) process. It provides applicants with an opportunity to address any concerns regarding the credibility of an application prior to the MPNP making a final decision.

If an application is being considered for refusal because of credibility or other concerns, assessing PO will provide the applicant or their representative with a Procedural Fairness Letter. This letter gives an applicant the opportunity to provide additional information to be considered in the final decision. The applicant has **30 days** to submit additional information to address the concerns identified in the Procedural Fairness Letter.

Steps of the Procedural Fairness process:

1. **Fairness Letter:** If the assessing PO determines that the information contained within the application is not sufficient to complete the assessment or has any credibility concerns, a Procedural Fairness Letter will be sent to the applicant and representative, if applicable. The letter outlines all areas of concern with the application and is the **ONLY** opportunity given to the applicant to address these concerns.
2. **Applicant response:** Applicants have 30 days to respond to the concerns raised in the Fairness Letter. If no response is received, assessment of the application is completed with the information already available to the MPNP.
3. **Final decision:** If a response to the Fairness Letter is received prior to the deadline, the information provided by the applicant will be taken into consideration before making a final decision on whether to refuse or approve the application. If the application is refused, applicants have no further remedy and must submit a new Expression of Interest. It is recommended to do so only when the concerns raised by the MPNP have been addressed.

## Refusal

If concerns with an applicant's potential to successfully establish in Manitoba, document integrity, employability and/or their connection to Manitoba are identified, the file can be referred for refusal during the first assessment. The following steps are taken:

- The PO clearly captures the rationale for recommending refusal in the case notes, enters a refusal statement outlining the reason(s) for refusal and makes a 1<sup>st</sup> recommendation in the assessment screen of the Assessment Tool

- The Refusal Statement must reference MPNP policy guidelines as described on the MPNP website and one or two statements describing the case-specific reasons for which the application is being refused
- A second PO reviews the recommendation and completes a 2nd assessment
- In some cases, files may be referred to the MPNP Manager or IAQU Manager for further review

Refused applications are randomly assigned for 2<sup>nd</sup> assessment based on the weekly rotation.

## 2ND ASSESSMENT

All recommendations from the 1<sup>st</sup> PO are reviewed by a 2<sup>nd</sup> PO to ensure that the initial assessment is consistent with established policies and procedures and a secondary quality assurance review is conducted. The 2<sup>nd</sup> PO may refer the file directly for integrity review by the Integrity and Quality Assurance Unit (IQAU) if concerns are identified during second assessment.

POs conducting 2<sup>nd</sup> assessment will case note the final recommendation and make a 2nd recommendation in the Assessment Tab of the database.

## Approvals

If the recommendation during 1<sup>st</sup> and 2<sup>nd</sup> assessment is approval:

- the MB Status is automatically changed to "Certificate Pending";

- the MPNP Director/Manager issues certificate of nomination, if applicable, and a Quality Review is conducted on a random basis;
- the Director/Manager may return applications for additional due diligence to be conducted.

### Disagreement between 1<sup>st</sup> PO and 2<sup>nd</sup> PO

When the 1<sup>st</sup> PO recommended approval and 2<sup>nd</sup> PO disagrees, the 2<sup>nd</sup> officer must return the application to 1<sup>st</sup> PO explaining in case notes reasons for returning it.

- If 1st assessment officer agrees with the recommendation, he/she should follow steps described above for approving or refusing applications during 1st assessment
- If there is still disagreement, the file should be forwarded to the Program Manager, who will review the application and provide final recommendation or may return the file to 1st PO for additional follow-up.

If the recommendation during 1<sup>st</sup> and 2<sup>nd</sup> assessment was refusal, the 2<sup>nd</sup> PO will enter case notes and decision in the Assessment tab.

- All applications for Refusal will then be forwarded to the Management Team for a random quality assurance review; and
- Refusal Letters will be emailed/mailed by the Admin Team after the third review is complete, with a copy of the refusal letter placed in the physical file, if applicable.

### Quality Assurance Review

Files recommended for refusal are reviewed by the Program Manager/IQAU Manager before they are closed. File may be returned for additional due diligence to be conducted.

### CERTIFICATE PRODUCTION

The Director may review skilled worker applications recommended for approval prior to Certificate Issuance. The following steps could follow:

- Director (or manager) issues certificates;
- Director (or manager) returns files as necessary to PO and/or;
- Director (or manager) refers the case to the IQAU for further review/follow-up or reconsideration;
- Notification of Nomination letters and approval packages are produced by Administrative Staff;
- The Administrative Team prepares emails to the applicant, including:
  - Notification of Nomination
  - Letter of Support for Temporary Work Permit (if applicable)
  - Information for applying for Permanent Resident Status
  - Manitoba Pre-Arrival Information, if available

Nominations are communicated to CIC on a monthly basis via a Nomination Spreadsheet.

## POST-APPROVAL

Several scenarios can occur after the nomination is issued and communicated to CIC by the MPNP designated officer and/or Director, responsible for all communications with visa office officials.

### Amendments to nominations

Change of terms must be communicated to CIC as follows::

- Extension of validity of certificate of nomination (1-6 months; most likely 3 months);
- Amendments are communicated to CIC in the Nomination Certificates spreadsheet for the following month.

### Other notifications to CIC

The MPNP should communicate to CIC any findings regarding an application after nomination was issued, including but not limited to allegations of fraud, misrepresentation, poison pen letters, etc.

### Status Check

The Designated Program Officer may contact CIC to inquire about the application status **only** if the application has been with CIC for more than 12 months and/or under other specific circumstances. POs may forward these requests to the Designated Program Officer by email, indicating:

- The applicant's complete first and last name;
- The Federal File Number (or date of birth) and Provincial Certificate Number;
- The reasons for the status request.

### Withdrawal of certificate of nomination by MPNP

The MPNP has the authority to withdraw nominations at any point before landing and based on new information received after nomination. The information may be received by different sources, including Citizenship and Immigration Canada, CBSA, third party verification agencies and/or private citizens. If the information was provided by private citizens, additional verification will be undertaken before a decision to withdraw is made.

### Resubmission following refusal

- a) When an application has been refused, the applicant may reapply after six months from the date on the Refusal Letter or after the applicant has addressed the concerns or reasons for the refusal.
- b) Time restrictions do not apply if the application was refused because of the consultant or representative involved.

Refusal under the Manitoba Provincial Nominee Program does not prevent applicants from applying to CIC for admission to Canada under a federal immigration class.

## ADMINISTRATIVE REVIEW

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The MPNP is committed to treating all applicants fairly and equitably and reviewing or assessing their applications in accordance with program criteria in a context guided by principles of the Canada-Manitoba Immigration Agreement Annex on Provincial Nominees.

Each application is reviewed by at least two program officers prior to a final decision being made.

### Formal Review Process under MPNP for Skilled Workers

Individuals who **applied to the MPNP prior to April 30, 2015** and whose applications were refused by the MPNP can submit a Request for a Formal Review (RFR) providing sufficient evidence to indicate that the assessment of the information and supporting documents provided in the application was not consistent with MPNP criteria and that an error was made by the assessing officer.

A RFR of a decision may be submitted under the following circumstances:

- The applicant has provided a signed request in writing within 60 days of the date on the Refusal Letter; and
- The request provides sufficient details to indicate that the Program Officer may have made an error in the assessment of the application; and
- The request is based on documents included in the application at the time of assessment and not on new information/documentation.

The MPNP reserves the right to reject any RFR that does not meet the conditions described above or that is based on:

- the submission of new documents, including an offer of employment;
- employability;
- strength of relationship to Manitoba supporters;
- language ability, if applicant did not provide IELTS results at the time of assessment; or
- retention (ability to remain in the province or in a job);

Detailed information regarding the *Request for Formal Review Process* is included in annex 3.

## JUDICIAL REVIEW

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All decisions are subject to judicial review in the Court of Queen's Bench.