FINAL REPORT ON THE COMPLIANCE AUDIT OF THE NL PROVINCIAL NOMINEE PROGRAM (NLPNP)

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Abbreviation	Description
AESL	Advanced Education, Skills and Labour
The Agreement	Canada-Newfoundland and Labrador Immigration Agreement
GGI	Goss Gilroy Inc.
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
NL	Newfoundland and Labrador
OCIO	Office of the Chief Information Officer
Office	The Office of Immigration and Multiculturalism
Officers	Immigration Program Development Officers
PNP	Provincial Nominee Program

Summary of Recommendations

Found in section 4.0: Federal Provincial Relations

Recommendation

It is recommended that the Manager of Immigration and Settlement Programs identify opportunities for the Officers to be engaged in discussions with their IRCC colleagues both to support their own decision making during the assessment and nomination process and to inform the Federal discussions on PNPs based on the Officer's on-the-ground experience with the process.

Found in section 6.2: The application guides

Recommendation

It is recommended that there be a thorough review of all NLPNP program materials and the website to ensure accurate and consistent information is provided to those accessing these media.

It is recommended that the NLPNP website be simplified and streamlined. Filter questions on the home page would support potential applicants in their decision-making on which stream they can enter; and streamlining relevant information into one easy-to-use comprehensive application guide for each stream would eliminate repetition on the site and in the program materials. Critical links also should be clearly available and highlighted, including for employers, and regarding, for example, using representatives and important changes to each stream/the program.

The Office should consider an online application process, as this would expedite the process for the applicant and enable efficiencies for receiving and screening applications.

Found in section 7.2: Assessment and nominations

Recommendation

It is recommended that the Office undertake to ensure the position of Manager of Immigration and Settlement Programs is staffed to support the integrity of the assessment and nomination processes. (Of note, as of the writing of the final report, this position has been filled.)

Found in section 8.1: The database

Recommendation

On completion of the new electronic database, it is recommended that all staff receive training in using the system to ensure there is no confusion in the processes and/or misinterpretation in relation to what can be entered and how. As needed, a data dictionary could be developed to ensure that there is consistent understanding of the systems' elements, processes, terms, attributes (or fields) and capacities (e.g., queries across factors; reporting). There must be a process established for data monitoring and quality control,

As possible and to support additional efficiencies, it is recommended that staff spreadsheets (for monitoring their own email/telephone activity and that of the PNP mail account) should be maintained electronically, and in the case of the PNP telephone log and email, be available on the shared drive.

Found in section 9.1: Paper and Electronic Storage Systems

Recommendation

It is recommended that the new database be reviewed six months after its implementation to make any required adjustments to address identified inefficiencies and to assess the nature of the database's use by the Officers.

Found in section 9.2: Review of the Federal Government forms

Recommendation

Given that the review of the Federal forms supports the likelihood of a positive vetting of same at the federal level, thus supporting an applicant's bid for permanent residency, it is recommended that the Officers continue with this practice.

Found in section 9.3: Review of the Federal Government forms

Recommendation

It is recommended that the number of checklists for the NLPNP assessment and nomination process be condensed or combined. The following suggestions could be considered by the program in their development of a combined checklist:

- *One overall checklist could be used to document the processes for each phase of the assessment and nomination process: the initial intake and pre-screening on receipt of the applications, the assessment process undertaken by the Officers and the nomination process (Officers/Manager/Director). Each phase would be identified on the one form with the requisite staff completing their section, signing and dating it on completion.*

- *While checkmarks could be used for some items, it would be better to replace checkboxes with a space requiring comments, even brief notes. For example, instead of one checkmark to represent all of the possible elements of due diligence in a given category, these elements could be sub-divided, with clarity as to which items are required, which are undertaken, and which are optional. Officers could fill out the form's boxes with brief comments such as "site visit not required" or "website checked", providing a more meaningful and informative document and tool, without creating the additional effort that would be required by paragraph-length formal answers.*

- *To avoid:*
  - *Avoid creating a checklist that must be developed in draft form and then re-done as a clean version. This erodes its use as a tool.*

- The file review showed that the Final Assessment Form is often done in draft in pen and then typed up as a final version. If that Final Assessment Form is a tool that must be neat and mistake-free for review by upper management, then it may make sense to retain this Final Assessment Form separately from a new combined, working checklist.
  - Avoid creating categories on the checklist that are too extensive, as with the Due Diligence checklist, which includes most everything that one could possibly do. Instead, be clear about what is necessary and what is optional and ensure that the form has the Officer indicate which elements they undertook.
  - Avoid requiring long answers in the comment boxes.

Having one comprehensive form streamlines the process, as anyone reviewing the file would understand the order in which activities occurred, who undertook each activity and when, the due diligence that was applied, and the rationale for the resulting recommendation.

Found in section 9.4: Language tests

Recommendation

Given that language testing has a cost to applicants and that proficiency in English is considered a critical requirement as per the Agreement, it would be beneficial to develop practices that are consistent and transparent in terms of their application, so that there is clarity for both the Officers and the applicants.

Found in section 9.5: Translation of documents

Recommendation

Provide clarity and consistency in terms of whether or not translators must be certified or verified.

Found in section 9.6: Internet searches

Recommendation

It is recommended that more guidance be provided to Officers in relation to Internet searches – specifically, for what purpose these should be undertaken, examples of sites to search for which purposes and what to look for, and when and how a commentary on these searches is required for the files

Found in section 9.8: Using an immigration representative

Recommendation

It is recommended that Policy 014 sub-section 14.2 be amended to require the Officers to always copy the client on any correspondence going to their representative. This would provide a level of

quality control as it would ensure that an applicant is informed about their own file and kept abreast of any emerging issues, which they can then discuss with their representative.

Found in section 9.9: Criminal record checks

Recommendation

It is recommended that the criteria related to criminal record checks be revised to ensure it accurately details who is required to provide a check, whether originals and/or copies would be accepted, and when the check would need to be reissued. It also is recommended that there be policy guidelines in relation to this criterion.

Found in section 9.10.2: The interview process

Recommendation

It is recommended that interviews with applicants and employers be a mandatory component of the review process. There should be open-ended guiding questions developed for each of these interview processes, which allow sufficient flexibility for each applicant to speak to their individual circumstances and realities, and which would allow the Officer to pursue a line of inquiry around issues of concern for the applicant and/or the employer.

A response template for the interview process should be developed and used by each Officer for capturing point form notes, which can be entered into the electronic database.

Found in section 9.11: Correspondence with applicants

Recommendation

It is recommended that the Office develop a set of standardized letters for use in the program, which can be tailored as needed to individual circumstances. This would ensure consistency in information provided to applicants, as well as eliminate the need for Officers to individually develop such letters.

Found in section 9.11: Correspondence with applicants

Recommendation

It is recommended that the time frames for responses/submission of documents from applicants be reviewed and more realistic time frames be developed. Correspondence to this effect should highlight the importance of information being received as soon as possible within the time frame to expedite applications.

Found in section 10.0: Intent to reside

Recommendation

It is recommended that the issue of intent to reside be contextualized and assessed based on a "balance of probabilities", thereby reducing the inherent stress the Officers face in assessing this complex factor, while still maintaining the due diligence required to make a determination on an applicant's intent. Ensuring the interview process has open-ended guiding questions related to this factor, will support this assessment.

Further, it is suggested that the Office Director highlight to their Federal counterparts, the challenges this criterion poses to those leading the assessment process, as well as the conflicting nature of the following clauses in the Agreement – 4.4, 4.5 and 4.11. Discussions around clarifying these clauses and identifying any effective practices in assessing "intent to reside" would be prudent.

Found in section 11.0: Targets

Recommendation

It is recommended that the Office's new electronic database include a drop-down menu which allows staff to input the status of their files on a weekly basis, as a means of monitoring the efficacy with which files are being processed and to support Officers who may be challenged in this regard.

Found in section 13.3: Training

Recommendation

It is recommended that Office management develop a standard approach to orientation for new employees. This would include an overview of PNP and its core goals, a detailing of each position's role and responsibilities (including ethics and conflict of interest), and how staff positions interrelate; job shadowing and mentoring with an assigned and seasoned Officer.

Additionally, for the Officer positions, following two to three weeks of file reviews, their work should be peer reviewed by a senior Officer/Manager of Immigration and Settlement Programs to ensure a level of quality control is exercised early on to prevent any unintended errors, with follow-up training as required.

It is recommended that the Office develop a staff training plan which ensures training designed to ensure both efficiency and integrity in program processes. This would include IRPP training, creating an ethical framework, avoiding conflict of interest and cultural competency.

Found in section 14.0: Creating a culture of facilitation

Recommendation

It is recommended that the Office undertake to identify resources to establish a Program Integrity Officer position that would have primary responsibility for identifying trends in misrepresentation and fraud. This will ensure the Officers continue to have as their sole focus the core goal of the program – to facilitate applications from immigrants who have an intent to economically establish and reside in the province.

It is recommended that a short screening tool be developed which helps the Officers to determine if a file is high-risk for fraud and misrepresentation and should be referred to the Program Integrity Officer.

Found in section 16.0: Ethical framework

Recommendation

It is recommended that the NLPNP ensure that its policies, procedures, training, and operational culture support an ethical environment. A component of this would include development of a conflict of interest policy and ensuring all employees complete a conflict of interest declaration form, the development of a code of conduct, and cultural competency training for all current and future Office staff.

1.0   Introduction

Goss Gilroy Inc. (GGI) is pleased to submit this report on the Compliance Audit of the Newfoundland and Labrador Provincial Nominee Program (NLPNP) undertaken for the Department of Advanced Education, Skills and Labour (AESL). Under the Canada-Newfoundland and Labrador Immigration Agreement, the province is required to conduct an audit of assessment and nomination activities under the NLPNP every five years.

This audit provides an independent and objective review of the assessment and nomination activities undertaken by the PNP. More specifically, the objectives of the audit are to assess whether:

a) The procedures that have been established and documented are respected, and

b) Adequate oversight mechanisms have been put in place for ongoing program monitoring and reporting.

This audit covers the July 6, 2016 to July 5, 2017 period and was conducted between November 2017 and February 2018.

2.0   Background on the Program

Most provinces and territories in Canada can nominate immigrants through the Provincial Nominee Program (PNP). These immigrants must have the skills, education, and work experience to contribute to the economy of that province or territory and must want to live there. Each province and territory has its own "streams" (immigration programs that target certain groups) and criteria for their PNP. For example, in a program stream, provinces and territories may target students, business people, skilled workers or semi-skilled workers.[1]

In 1999, the Government of NL entered into the Canada-Newfoundland and Labrador Agreement on Provincial Nominees and created the PNP. This program operated under similar Agreements until July of 2016, when the Government of NL signed the first-ever Canada-Newfoundland and Labrador Immigration Agreement (the Agreement) as previously referenced. The Agreement is intended to help strengthen the partnership and commitment between the two orders of government to attract and retain more immigrants to NL to address the province's economic, labour market and demographic needs. One of the objectives of the Agreement also is to strengthen the respective federal and provincial roles in promotion, recruitment, selection and admission of immigrants and temporary residents.[2]

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[1] Government of Canada. Immigration and Citizenship. Provincial Nominees. Available from http://www.cic.gc.ca/english/immigrate/provincial/index.asp.
[2] Government of NL. Press Releases. Supporting the Attraction and Retention of Immigrants. Available from http://www.releases.gov.nl.ca/releases/2016/aes/0707n01.aspx.

The primary objective of the NLPNP, as outlined in Annex "A" (Provincial Nominees) to the Agreement is:

1.3.1 To strengthen Newfoundland and Labrador's ability to enhance the economic benefits of immigration to the province while taking into account Newfoundland and Labrador's economic priorities, as well as the economic development of Minority Official Language Communities in the province.[3]

The NLPNP[4] allows the Province to nominate applicants who qualify under provincially established criteria for Permanent Resident Status. It provides for a quicker immigration process for qualified skilled workers, international graduates and their families, who wish to settle here permanently. Applicants can apply to one of three categories under the NLPNP: Skilled Worker, Express Entry Skilled Worker, or International Graduate. The application process includes completing a series of provincial and federal forms and providing required documentation (e.g., Identity and Civil Status Documents, Travel Documents and Passport) which is then submitted to the Government of NL's Office of Immigration and Multiculturalism (the Office) for assessment.

Under the terms of the agreement, the Government of Canada is responsible for ensuring that:

- Applicants admitted under the NLPNP have met the requirements of membership in the economic class as provided under the Immigration and Refugee Protection Act (IRPA)[5], and that they are assessed for nomination using criteria designed to determine their eligibility for consideration in the economic class;

- Making the final selection and admissibility decisions and issuing visas; and

- Ensuring that performance monitoring and evaluation systems are in place at the federal level to ensure that the national PNP continues to meet its economic objectives.[6]

Our understanding of this current assignment

As previously stated, as a component of the current Agreement, a compliance audit of the NLPNP is required. Specifically, this audit will focus on the activities undertaken by the Government of NL to implement sections 4.1 to 4.12 of Annex "A" of the Agreement (see Appendix "A") and the extent to which the Province has met the requirements as outlined therein. It will report on compliance in relation to these requirements as summarized below (and provided in the Terms of Reference for this project, which were designed in concert with the Government of Canada):

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[3]Annex "A" to the Agreement. Pg. 1. Available from https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/federal-provincial-territorial/newfoundland-labrador/canada-newfoundland-labrador-immigration-agreement/annexa.html.

[4] Information on the NLPNP was garnered from the following website http://www.nlpnp.ca/.

[5] The Immigration and Refugee Protection Act is available from http://laws-lois.justice.gc.ca/eng/acts/I-2.5/FullText.html.

[6] Annex "A". Pg. 2.

Table 1.0: Sections 4.1 to 4.12 of Annex "A" – Provincial Nominees

Requirements under Sections 4.1 to 4.12	Requirements under the Agreement
Objective and Transparent Criteria	NL will publish PNP requirements, policies and procedures and make this information publicly available
Nominations	NL has sole, non-transferable responsibility to assess and nominate candidates who, in NL's determination: • Will be of benefit to the economic development of NL; and • Have the ability and intention to economically establish and permanently settle in NL
Assessment of Economic Benefit and Non-Economic Factors	Criteria developed by NL will assess economic establishment and intention to reside: • Economic establishment will be determined on the basis of factors such as current job or job offer, language ability, work experience, education and training, and business ownership experience • Non-economic factors may only be used to assess the applicant's ability to adapt, likelihood to reside and/or settle in the nominating province • Non-economic factors, including but not limited to family connections or community ties, shall not constitute an eligibility condition or determining factor under any stream or category under the Provincial Nominee Program
Language Requirements	• NL will maintain the minimum language standards implemented on July 1, 2012 for NOC C and D PNs and work towards establishing minimum language standards and mandatory testing for all other Provincial Nominees • Where nominations are subject to minimum language standards and mandatory testing, NL will ensure that nominations are based on valid language test results • Only language test results from an organization or institution designated by Canada and the correlation of those results with the agreed upon benchmarks will be accepted as evidence of the applicant's proficiency in an official language for the purposes of this provision • Official notification of the results issued by the designated organization or a copy must be included with the application for permanent residence
Language Benchmarks	• Job offer or work experience listed in NOC C or D: proficiencies that correspond to the Canadian Language Benchmark of 4 or higher in each of the following competencies: speaking, listening, reading and writing

An audit of the NLPNP conducted by the Office of the Auditor General-NL and covering from 1999 (program inception) to 2008[7] under a previous Federal-Provincial Agreement revealed several compliance gaps, including:

- Contrary to the [then] requirements of the PNP, not all of the documentation was on file to support the potential nominee assessment decisions. For example, there were instances identified where there were no copies of passports, no net worth statements, no assessment forms and/or no letters from a bank indicating sufficient funds.

- There also were instances where not all documentation was date-stamped or had the file number noted, and not all assessment forms were appropriately signed.

- The electronic database was incomplete in that not all potential nominee files were recorded and not all required applicant information was always entered into the database. As a result, the database did not readily provide useful PNP information for management purposes.

This compliance audit is timely, given the Province is only one year into its five-year Agreement. Any improvements needed in the NLPNP's policies and procedures and in terms of its monitoring and reporting processes can be corrected early on. These improvements will enhance the Office's effort and support it in more effectively and efficiently reaching its target of welcoming approximately 1,700 immigrants annually as set out in *The Way Forward on Immigration in Newfoundland and Labrador[8]*.

This audit was undertaken to be consistent with the spirit and intent of the standards established by the Institute of Internal Auditors[9].

3.0   Methodology and Approach

3.1   Communication with the Project Authority

Following an initial project start-up meeting, we were in regular contact with the Project Authority throughout the course of the audit, providing updates via e-mail and/or telephone to report on project progress and any issues being encountered (and how these were being addressed). Our primary contact was the Office's Director.

3.2   Document and Website Review

The NLPNP document and website review was comprehensive in scope. It included documents which describe the regulatory framework in which the program is operating (e.g., requirements under the Agreement), and audits undertaken on other provincial/territorial nomination programs which

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[7] Office of the Auditor General - Newfoundland and Labrador. Highlights of a Review of the Provincial Nominee Program from its Inception in 1999 up to November 2008. Available from http://www.ag.gov.nl.ca/ag/annualReports/2008AnnualReport/Chapter2.12.pdf.
[8] Government of NL. The Way Forward on Immigration in Newfoundland and Labrador. Pg. 4. Available from http://www.aesl.gov.nl.ca/publications/pdf/ImmigrationPlan.pdf.
[9] Available from https://na.theiia.org/standards-guidance/Public%20Documents/IPPF-Standards-2017.pdf.

informed potential gap areas (and related solutions) for the NLPNP. The following provides a list of the primary documents and websites reviewed.

- The Canada-Newfoundland and Labrador Immigration Agreement - (https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/federal-provincial-territorial/newfoundland-labrador/canada-newfoundland-labrador-immigration-agreement.html)

- Annex "A" to the Agreement - https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/federal-provincial-territorial/newfoundland-labrador/canada-newfoundland-labrador-immigration-agreement/annexa.html

- NLPNP forms

- The Way Forward on Immigration in Newfoundland and Labrador - http://www.aesl.gov.nl.ca/publications/pdf/ImmigrationPlan.pdf

- NLPNP policies and procedures (**Of note,** these policies were under review at the time of the audit and the commentary herein was designed to support the review process.)

- Tools developed to support the NLPNP's Immigration Program Development Officers (the Officers) in undertaking the assessment and nomination processes and more generally carrying out their duties in relation to the NLPNP (e.g., Document Checklist; Final Assessment Form)

- Government of New Brunswick. Department of Post-Secondary Education Training and Labour. Immigration with the Provincial Nominee Program. Report of the Auditor General. 2010 - https://www.gnb.ca/oag-bvg/2010v2/chap3e.pdf

- Annual Report of the Office of the Auditor General of Ontario. Ministry of Citizenship and Immigration. Provincial Nomination Program. Chapter 3. Section 3.09 - http://www.auditor.on.ca/en/content/annualreports/arreports/en14/309en14.pdf

- Chapter 12. Nominating Qualified Immigrant Applicants. Provincial Auditor. Saskatchewan. 2013 - https://auditor.sk.ca/pub/publications/public_reports/2013/Volume_1/2013v1_12_NominatingQualified.pdf

- Office of the Auditor General of PEI. Provincial Nominee Program: Follow-up on the Use of Proceeds Agreement. Chapter 5. 2013 - http://www.gov.pe.ca/photos/original/ag_report2013.pdf

- Fall Report of the Auditor General of Canada. Selecting Foreign Workers under the Immigration Program. Chapter 2. 2009 -http://www.oag-bvg.gc.ca/internet/English/parl_oag_200911_02_e_33203.html

- Office of the Auditor General of Nova Scotia. Office of Immigration Economic Stream of the Nova Scotia Nominee Program. 2008 - http://0-nsleg-edeposit.gov.ns.ca.legcat.gov.ns.ca/deposit/b10575364.pdf

3.3 Key informant interviews

Key informant interviews were undertaken to gather in-depth information from Office management and staff in relation to design and delivery of the NLPNP, challenges with the assessment and

nomination processes, data management for the program and overall program performance. Specific areas of discussion included:

- The degree of understanding by program staff and management on their respective roles and responsibilities in relation to tasks to be performed for the assessment and nomination processes;
- Departmental policies and procedures, as well as any tools (e.g., checklists), in place to frame/guide the NLPNP assessment and nomination process;
- The degree to which program staff are adhering to the requisite program policies and procedures and efficacy of same;
- The extent to which the program staff are consistent in their approach to the assessment and nomination processes;
- Identification of any existing accountability structures and program management controls instituted to ensure effective design and delivery of the assessment and nomination processes (e.g., for quality control, risk management);
- Any deficiencies/weaknesses in the accountability structures and management controls, and whether mechanisms have been instituted to address these deficiencies/weaknesses;
- Effective practices in PNP assessment and nomination processes;
- Any impacts on the overall outcomes of the program due to efficiencies or lack thereof in the assessment and nomination processes; and
- Overall, perspectives on what is needed to improve compliance to provincial Departmental policies and procedures and relevant federal provisions as per the Agreement.

As a component of the audit we interviewed the Office staff including the Director, who oversees the strategic work of the office, ensures its mandate[10] is met, has final approval on NLPNP nominations, and has responsibility for operational matters requiring collaboration with other orders of government (e.g., bringing a multicultural lens to government considerations). The position of Manager of Immigration and Settlement Programs was vacant at the time of the audit, as the staff had been on leave for several months. In their stead, the Director has been taking on their role including operational matters related to reviewing nominations with the Officers.

In addition to the Director, one-on-one interviews were held with the following Office staff:

- Manager of International Student Engagement (1)
- Departmental Program Coordinator (1)
- Immigration Program Development Officers (4)
- Statistics Officer (1)

Interviews were primarily undertaken in person, although telephone interviews were conducted with a small number of Office staff due to scheduling issues.

Additionally, a short telephone interview was conducted with a representative of Immigration, Refugees, and Citizenship Canada (IRCC).

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[10] The Office's mandate is available from http://www.nlimmigration.ca/en/office-of-immigration-and-multiculturalism.aspx.

3.4   File review

The list of the entire population of 324 files (for the review year) was segmented into the three program streams and a random number assigned to each file. Files were selected as the review progressed using these random numbers to ensure that, at any point in the review process, the sample of files reviewed would provide a random selection of each of the three program streams.

Seventy-five files were chosen using a random number generator:

- 10 from the 12 Express Entry Skilled Worker files

- 32 from the 134 International Graduate files

- 33 from the 178 Skilled Worker files

We had originally planned to review up to 75 files to ensure the sampling error would not exceed 9.9%. This sampling error estimate was based on the traditional probability of .5 (50%) for a dichotomous variable, i.e. error/no error. However, as stated in the original proposal, if the true error rate in the files is much smaller, a smaller sample could be selected to achieve the same sampling error. The reverse is also true, if the same errors occur almost 100% of the time then a smaller sample would yield a similar or even potentially smaller sampling error.

By the time we had completed a review of 40 files, it became apparent that similar errors were occurring. In total, we reviewed 4 files from the Express Entry stream, 16 files from the International Graduate stream and 20 files from the Skilled Worker stream. More effort was spent reviewing the files in the latter two categories both because they comprise the larger proportion of the applications, but also because there was greater diversity in the nature of the files and the documentation required. It became apparent as we continued through the process that there were consistent issues arising, and we did not see value-added to continue with the review.

In reviewing the files, we were looking for basic requirements – e.g., file numbers as well as, for example, whether the information provided was complete, and whether there had been adherence to prescribed policies and procedures. We developed a file review template and used a checklist to ensure consistency and thoroughness.

Given the confidential nature of the files, we undertook our review on site at the Office.

3.5   Jurisdictional review

In an effort to identify effective practices and policies to inform the NLPNP audit, we reviewed PNP programs in four provinces whose programs most align with the present and/or potential streams in NL. Following a preliminary review, we selected Manitoba, New Brunswick, Nova Scotia, and Saskatchewan due to the similarities with their streams and based on their similar size, geography, and/or a review of their recent audits.

On average, the number of applications received annually for these jurisdictions' PNPs varies from 2400 in one jurisdiction to up to about 9000. While their office size and staffing complement vary, their processes for nomination and assessment are similar to the NLPNP.

As previously stated, at the time of writing of this report, the NLPNP includes three streams:

1. Expressed Entry Skilled Worker – individuals who have been accepted into Citizenship and Immigration Canada's Express Entry pool and who have a job offer in Newfoundland and Labrador

2. Skilled Worker – individuals who have a guaranteed offer of employment from a Newfoundland and Labrador employer, or are already working in the province on a valid Work Permit

3. International Graduate – for recent graduates who have a Post-Graduate Work Permit and a job or job offer from a Newfoundland and Labrador employer

It is important to state that the provinces selected for the jurisdictional review have streams other than those identified below. However, for the study we chose to explore the streams presented in Table 2.0, considered most applicable to identifying effective practices for current and potential future streams for NL. A summary description of each of the jurisdiction's streams is found in Appendix "B".

Table 2.0: Provincial streams included in the jurisdictional review

Newfoundland and Labrador	Manitoba	New Brunswick	Nova Scotia	Saskatchewan
Expressed Entry Skilled Worker	Strategic Recruitment initiative	Skilled Workers Express Entry: Labour Market	Nova Scotia Demand: Express Entry	
Skilled Worker	Employer Direct Stream	Skilled Worker Applicants with Employer Support	Skilled Worker	
International Graduate	International Student Stream			Worker with Saskatchewan Work Experience: Students
"Other" (programs similar to streams which are being considered for NL)		New Brunswick Post-Graduate Entrepreneurial Stream		

3.5.1 *Approach*

For the jurisdictional review, we implemented a two-pronged approach:

1. A review of the province's website and attached materials
2. An interview with key informants from their PNP

Document/Website Review

To increase the effectiveness of the document review we sought to answer the following targeted questions on review of each jurisdiction's website:

1. How is the information about the PNP presented on the website? Is it easily located and is the website easy to maneuver?
2. What features are included on the website (i.e., Frequently asked Questions, contract information, community supports, translated documents…)?
3. If stated, what are their primary application and nominations processes and associated time frames (i.e., standards and sub-standards)?

Interviews

A phone interview was conducted with a knowledgeable representative from three of the four selected jurisdictions- Nova Scotia, Saskatchewan, and Manitoba - to gather a more holistic understanding of the policies, procedures and tools used during their assessment and nomination processes. In total, interviews were held with five representatives of these jurisdictions at the management and/or Director levels. While we were not able to confirm a time for a discussion with a representative of the New Brunswick Provincial Nominee Program, we did include information from this program in the website review undertaken as a component of the jurisdictional study.

Our approach in conducting jurisdictional reviews is to ensure we are very focused in our discussions to make the most efficient use of the informants' time. To that end, we developed questions focused on the key elements and characteristics of their assessment and nomination processes, oversight mechanisms, innovative techniques to improve efficiency and reduce risk, and lessons learned in relation to designing and implementing their PNP processes.

FINDINGS

4.0   FEDERAL PROVINCIAL RELATIONS

The overarching responsibilities of the Governments of NL and Canada in relation to the Agreement are overviewed in section 2.0. Further details of their respective responsibilities are provided in Annex "A" to the Agreement.

> Section 4.3: Newfoundland and Labrador will provide the Government of Canada with all necessary information regarding the criteria, policies and procedures that it has established for the categories under its Provincial Nominee Program, as outlined in Schedule B, prior to the introduction and/or modification of any Provincial Nominee Program stream, category or pilot project. Canada will conduct a review of any proposed changes and, if it has determined

that the changes are consistent with the IRPA, the IRPR and national immigration policies, Canada and Newfoundland and Labrador will agree to the proposed changes. To the extent possible, the timing and duration of the review will be mutually agreed upon by Canada and Newfoundland and Labrador prior to the start of the review process, taking into account resource constraints. The period of this review will vary according to the complexity of the proposed changes. Newfoundland and Labrador will only implement the new or amended Provincial Nominee Program stream, category or pilot project once Canada and Newfoundland and Labrador have reached agreement.

The interview process revealed that the Office is well-engaged with IRCC when there are changes to NLPNP program criteria, processes and procedures and/or in core parameters in the Agreement. For example, as the Office updates its policies and procedures, they have sought advice from their Federal colleagues on some issues and areas.

While there appears to be clarity in this regard within the NLPNP, it was felt that there should be enhanced communication between the Office and the IRCC at the Provincial Officer level. It was stated that the Officers are tasked with assessing the applications and would like to have a more direct contact with staff within IRCC who they can email/call when questions and issues arise that require a Federal response. Further, it was stated that including the Officers in discussions with the IRCC could be helpful given they bring a front-line perspective to the core processes of the PNP. These discussions would support the Officers' understanding of the framework in which the program is being delivered and any proposed/required changes therein. Currently, the staff's only direct involvement is when emails come from the IRCC detailing what they can and cannot do, or when they send emails to the general inbox at IRCC with questions/requests for clarification.

Considerations

Discussions with the IRCC which would contextualize the Officers' decision-making and as well allow for input from the front-line staff will support a more appropriate and responsive approach to the NLPNP applications. Additionally, exposure to such discussions which reinforce the goal of the PNP and the staff roles would support an enhanced sense of the critical nature of the program to the economic growth and stability in our province and the key role they play.

5.0   Shared understanding of the goal of the NLPNP

Overall, the Office staff were clear on the goal of the NLPNP, i.e., specifically to facilitate economic immigration to the province, in particular to support employers to fill labour gaps which cannot be filled locally, and within the context of the larger goal of increasing the population of the province and encouraging economic diversity. Additionally, it was stated that, as an offshoot and unintended goal, the program contributes to enhancing the social and cultural fabric of the province.

This shared understanding is a foundational element in staff understanding their individual and collective roles in the PNP process.

6.0   Accessibility of the NLPNP

Section 4.2 of Annex "A" of the Agreement speaks to the NLPNP having objective and transparent criteria which applicants must meet to be nominated.

> 4.2 In order to exercise its nomination authority under this Annex, Newfoundland and Labrador will develop objective and transparent criteria for nomination which will be designed to assess the ability and intention of the applicant to become economically established in Newfoundland and Labrador and to demonstrate the economic benefit to the Province. Newfoundland and Labrador will codify and publish Provincial Nominee Program requirements, policy, and procedures in publicly available directives. Applicants will be required to meet these criteria in order to be nominated. Newfoundland and Labrador will respect the principles and objectives of this Annex in developing and implementing its criteria and procedures.

To support broad understanding of the NLPNP and related requirements for successful nomination, the Office has developed a series of publicly available reference materials including the website and application guides. While the intent of this framework is to be acknowledged, there are challenges with the website and inconsistencies in the information provided on the website versus what is provided in the guides. This likely results in some confusion to the potential applicants.

6.1   Website

There was general agreement from the Office staff that the criteria for the NLPNP is clear, but almost all also noted that there are challenges accessing this information from the website. It was acknowledged that applicants are expected to have the capacity to operate in English; however, the overwhelming nature of the information is felt to be a deterrent to the reader. The website was described as being "far too detailed" for anyone who is considering applying, with the long list of requirements (particularly the federal forms) potentially being intimidating to some potential applicants. It was noted that when the staff answer inquiries, often they are simply restating what is on the website, providing some evidence that potential applicants are not reading the information presented. Comments included:

- *Main issue we come across is that applicants just do not bother to read – too much information, so they just want to talk to someone to get their questions answered. Everything needs to be simplified and made more user friendly.*

- *Think if someone takes the time to read it the information is clear, but many don't. Too much on the website – people don't read it. Text heavy with lots of information thrown at them. We need to just have the eligibility criteria succinctly stated. The way it is displayed – it is just not appealing and welcoming.*

We concur with the views that the NLPNP website is not very engaging, welcoming or appealing, text heavy, and unnecessarily complicated.

6.2   The application guides

The NLPNP application guides outline the requirements for each of the streams and include instructions and processes necessary for preparing an application. As previously cited, there are inconsistencies between the guides and the website which could cause confusion to the reader (see Table 3.0). While it is understood that the application guides would be more comprehensive, with the website providing a snapshot of the stream and requirements, there should not be inconsistencies in description/wording, and core information should be provided in both the guides and on the websites.

Table 3.0: Examples of inconsistencies between the NLPNP website and application guides

Express Entry Skilled Worker Guide	Express Entry Skilled Worker website
Express entry skilled worker category is a path to immigration to NL whereby skilled individuals…	Express entry skilled worker category is a path to permanent residence for those intending to reside permanently in NL
Who is eligible….	Who is eligible….
Be accepted into IRCC's Express Entry Pool and have a valid Express Entry key code	Applicants must be accepted into IRCC's Express Entry Pool. To confirm registration in the Express Entry pool, applicants are required to provide their Express Entry Profile Number
Not in guide	Applicants must also obtain a job seeker validation code from IRCC
Who is not eligible	Who is not eligible
The applicant or any dependent family member over the age of **18** (whether they are accompanying them) has a criminal record	The applicant or any dependent family member over the age of **22** (whether they are accompanying them) has a criminal record
Nomination Limit and Application Intake Thresholds The PNP is subject to a nomination limit set by the Federal Government. The ability to be nominated is affected by these limits as well as program criteria. No application is guaranteed to be accepted and/or nominated	Not in website list

Skilled Worker Guide	Skilled Worker website
1.1 What is the Skilled Worker Category? The Skilled Worker Category is a path to immigration to Newfoundland and Labrador whereby skilled individuals who have a job or job offer in Newfoundland and Labrador and who have the intent to reside permanently in this province, can be nominated. While the Provincial Government issues the nomination, the Federal Government will issue the	Skilled Worker The NLPNP Skilled Worker category exists to nominate individuals who have specialized skills that are deemed as having a critical impact on the operations of an employer in Newfoundland and Labrador

Skilled Worker Guide	Skilled Worker website
Permanent Residence Visa. Provincial Nominees must meet both provincial and federal criteria to become a Canadian Permanent Resident	
2.2 Who is eligible for the skilled worker category? Applicants may apply to the Skilled Worker Category if they have a full-time job and a valid work permit or if they have a job offer from a Newfoundland and Labrador employer. The employer must demonstrate that they have made a genuine effort to recruit locally before the job offer is extended to an international worker. To demonstrate genuine effort to recruit, the employer will be required to complete a Job Vacancy Assessment	Who is eligible for the Skilled Worker category? ▪ You are eligible for the Skilled Worker category if you: ▪ Have a full-time job offer ==of indeterminate length== from a Newfoundland and Labrador employer or a job or job offer that has compensation in the form of a salary and benefits package that meets provincial employment standards and prevailing wage rates; ▪ Contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension) are not eligible for the NLPNP; ▪ Your employer (or future employer) can demonstrate a need for your skill set;
If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in the province, proof of eligibility for provincial licensure or certification to be able to work in that profession must be submitted with the PNP application (e.g., nurse, physician, engineer). In addition, the applicant must score a minimum of 67 points out of 100 on the Point Assessment Grid (see Annex A)…	Assessment grid not referenced on website
Age: Applicants must be between the ages of 21 and 55 years of age at the time the Provincial Nominee Application is received by the Department.	This paragraph is not on website
Who is not eligible to apply to the NLPNP Skilled Worker Category?	Who is not eligible for the Skilled Worker Category?
Does not achieve a minimum of 67 points out of 100 points on the Point Assessment Grid	Assessment grid not referenced on website

Skilled Worker Guide	Skilled Worker website
Has dependent family member(s) over the age of 18 (whether or not they are accompanying the applicant to Canada) has a criminal record	You or any dependent family member over the age of 22 (whether or not they are accompanying them) have a criminal record;

A full overview of the comparison between information on the website and in the guides is available in Appendix "C".

A review of the three application guides also reveals inconsistencies in the information provided across the guides and different layouts (see Table 4.0). While this might seem an inconsequential finding, it is important to ensure that information relevant to the three streams is available in each guide and, as possible, presented the same way. Further, if an applicant is not quite sure into which stream they fit or to which they want to apply, consistency across guides helps them in their assessment.

Table 4.0: Inconsistencies between and among the NLPNP application guides

Express Entry Skilled Worker	Skilled Worker	International Graduate
Covers of guides not consistent	Covers of guides not consistent	Not really a cover
Intro section on first page: "Live here. Work here. Belong here".	No intro title	No intro title
Text of Section Headings inconsistent		
Guide Formatted and pictures	No graphics and pictures in body of guide	No graphics and pictures in body of guide
Section numbering is not consistent between guides	Section numbering is not consistent between guides	Section numbering is not consistent between guides
Page number graphic and footer in guide Page numbers start at 1	No page numbering printed in guide, but table of contents lists page numbers	Footer not consistent with other guide. Page numbering starts at 3
Section headers use large fonts	Section headers use smaller fonts	Section headers use smaller fonts
Shaded graphic stripe on each page	Black box graphic around each page	No page graphic
Blank page after section 1		Table of contents section numbers and section numbers on pages different
No "What is the NLPNP?" section in guide, but it is explained in the introduction section		Two section 2.1's in guide
Much higher level of detail than in the other two guides		

Express Entry Skilled Worker	Skilled Worker	International Graduate
Supporting documents section in Annex	Supporting Documents section in main guide	Supporting Documents section in main guide
Application process section inconsistent between guides	Application process section inconsistent between guides	Application process section inconsistent between guides

Considerations

It is critical that there be consistency between and among all of the NLPNP materials available for public and internal use to avoid confusion and mitigate a series of unnecessary questions from applicants to the Officers. Clarity in this regard should contribute to ease of access to the application process and reduce the time staff spend responding to questions which can be answered via the website and program documents, thus not detracting from the time they are reviewing and assessing files.

It is likely that the NLPNP website is heavily trafficked, as this is the quickest way to access information on, and get a snapshot of, a program or initiative. To that end, it is critical that the NLPNP website be user-friendly, so as not to deter prospective applicants who cannot maneuver the existing site. Further, the information provided through all program mediums including the website must be consistent and accurate.

One suggestion for improving the website is to develop a grid/checklist which could include filter questions. The viewer could be asked to check the appropriate boxes to help direct them to the streams to which they *could* apply. These questions must be based on the absolute "must-haves" in order to be considered for a program stream.

Questions could include, for example:

• Have you been accepted into Immigration, Refugees, and Citizenship Canada (IRCC) Express Entry pool?

• Do you have an Immigration, Refugees, and Citizenship Canada (IRCC) Work Permit or are entitled to apply for one?

• Do you have a full-time job offer of indeterminate length from a Newfoundland and Labrador employer?

• Have you completed at least half of your studies in Canada and graduated from an eligible publicly-funded Canadian college or university?

Once an individual has completed the grid/checkboxes, they would be directed to one or more of the streams. At this juncture, they should be asked to click on a link to a comprehensive application guide for the stream to which they are directed. Each of the three guides would overview the application process, detail all of the requirements including links to documents to complete and provide helpful hints for completing the application.

Alternatively, the NLPNP website could have three grids – one for each stream. The viewer can initially view the stream they think they should enter, and the filter questions will confirm their assumptions or direct them to another stream.

The NLPNP website home page should:

- Provide a succinct overview of the program;
- Direct potential applicants to the grid/s;
- Highlight that any changes to programs stream and relevant requirements are found under the "update" tab. (It is suggested that news/information become a separate tab, so that any program changes are clearly highlighted);
- Provide a link to a page dedicated to "using representatives";
- Provide contact information for the Office.

Online applications

Another consideration for the Office is whether the opportunity exists for having online NLPNP applications. Currently, individuals download the various guides and forms and submit these in-person at the Office or via regular mail. These approaches inherently slow down the application process. In contrast, an online process can offer convenience to the user and expedite the application process, thereby increasing efficiency of the process, as long as the online processes allow for ease of access.

The Manitoba PNP has an online application process (including scanned documents) which was noted to have streamlined their processes. As well, their online process has checks so that individuals cannot move from page to page until all the requisite information is provided, thus allowing for capturing all of the requisite information.

If considering an online process, the Office must ensure that applicants can start and pause the application process, should they need to check on information and/or access documents.

Of note, however, is that the option should still exist for individuals to print the application and submit in-person and via mail, although online applications should be identified as the preferred and speedier process.

Recommendation

It is recommended that there be a thorough review of all NLPNP program materials and the website to ensure accurate and consistent information is provided to those accessing these media.

It is recommended that the NLPNP website be simplified and streamlined. Filter questions on the home page would support potential applicants in their decision-making on which stream they can enter; and streamlining relevant information into one easy-to-use comprehensive application guide for each stream would eliminate repetition on the site and in the program materials. Critical links

also should be clearly available and highlighted, including for employers, and regarding, for example, using representatives and important changes to each stream/the program.

The Office should consider an online application process, as this would expedite the process for the applicant and enable efficiencies for receiving and screening applications.

6.3   Translation

It was reported that the Office of French Services will have the NLPNP program materials translated and available for the next fiscal year. While it would be helpful to have program materials available in numerous languages, it is recognized that an ongoing and labour-intensive challenge is updating these materials as the program evolves and/or changes are implemented.

Considerations

Again, while it is recognized that the applicants need to have job-ready language skills, to encourage promotion of the program, it might be helpful for the Office to include short profiles/vignettes on their website showing successful nominees to the NLPNP. These would profile individuals who have achieved landed immigrant status and be written in their mother tongue as well as in English. An example of a number of such profiles (albeit provided in English and from 2015) are available from the Government of Nova Scotia website – Success Stories – available from https://novascotiaimmigration.com/topic/success-stories/.

7.0   THE ASSESSMENT PROCESS

7.1   Intake and pre-screening

Applications to the NLPNP are received in-person or by regular mail at the main desk at the Office. All applications to the NLPNP are subject to an initial screening process to determine their admissibility before being assigned to an Officer. The Departmental Program Coordinator reviews the application to ensure all relevant and applicable documents, forms and fees are included. It was stated that in periods of high volume, the Departmental Program Coordinator is supported by a Clerk. It was noted that a bottleneck can occur at this intake stage because it is a paper-based and a manual process.

As applications are screened, and if there is high volume, applications are prioritized, i.e., who is applying – is there a need for more front-line workers or professionals (e.g., physician in a rural area); where is the greatest need in the province; and does a larger employer need a number of workers?

During the pre-screening process, online files are created and any potential critical areas for review are flagged.

If the screening process reveals that the application is inadmissible, it is returned to the applicant along with the processing fee and a letter outlining the reasons the application is being returned and

noting that when the deficits in the application are corrected, they can apply again. It was stated that if missing documents are not key to assessment (e.g., a character reference) and can be submitted during the assessment process, the file can be assigned to an Officer.

<u>Considerations</u>

It is helpful that an additional staff can be assigned to support the pre-screening process, because a slow down at this initial stage can result in delays assigning the files to Officers. However, it is important to ensure that these staff have the requisite training/knowledge to fully understand and implement their role. This supports efficiency in the process, ensuring that only appropriate applications are assigned to the Officers.

Additionally, should the Office build its capacity to accept online applications, as described in section 6.2, this also could contribute to a more expedient pre-assessment.

7.2   Assessment and nominations

Files are assigned to Officers based on an assessment of their current caseload/number of files. As possible, if an Officer is familiar with a file due to correspondence or discussions with an individual pre-application, the file is assigned to this Officer. While there are no set standards for the number of files on an Officer's caseload, there are weekly targets of completing 12 to 15 assessments. Of note, it was not clear if all Officers were clear on this weekly target.

The Officer's role is to assess the files, ensuring the requisite documents are included and that these are accurate and complete, identifying any attempts at fraud or misrepresentation, interviewing clients and employers as needed, and generally providing an in-depth analysis of each file.

To support their assessment process, the Officers have a checklist and work within a policy framework both of which speak to, for example, due diligence, the assessment and nomination processes, conducting interviews, and addressing misrepresentation.

Once an Officer has completed their assessment, they complete a "Final Assessment Form" which summarizes the assessment process and identifies whether the applicant is recommended for nomination.

A recommendation for nomination or rejection is currently forwarded to the Manager of International Student Engagement and/or the Director. Of note, and as previously stated, the usual process was to first forward the completed assessment form and recommendation to the Manager of Immigration and Settlement Programs, but this position was vacant at the time of the audit, as the staff had been on leave for several months. The Manager of International Student Engagement and/or the Director review the assessment process and nomination with the Officer, to ensure integrity of the process and that the evidence points to a successful nomination and retention in the province. The Director has the final sign off and then a letter is sent to the successful/unsuccessful applicant.

If the application is unsuccessful after being reviewed by an Officer, a letter is sent to the client notifying them of the reason their application was unsuccessful in being nominated. This letter gives the client 10 days to respond for procedural fairness. If no response is received after 10 days, an official closure letter is sent to the client notifying them of the final decision and a copy is placed in the file. It is then closed on both the PNP detailed spreadsheet and the online database and entered in the PNP nomination tracker for future tracking.

If the application is successful, a dated nomination certificate is sent to the nominee (as per section 4.12 of Annex "A" of the Agreement), a copy is kept on file and the certificate is reported to IRCC in the "monthly mission report". Each nomination certificate is assigned a number for tracking purposes.

Once the nomination certificate is issued, the nominee has six months to apply to IRCC for entry to Canada. If a nominee applies for permanent resident status, the request will be included on an IRCC status report which is sent to the Office monthly. This information is then entered into the electronic database and the PNP nomination tracker for tracking purposes.

If they obtain a permanent resident card, a process that currently takes up to 18 months according to IRCC, they are free to settle anywhere in Canada. The nominee is encouraged to contact the Office with a copy of their confirmation of permanent residency, a copy of their permanent residency card and their local contact information once they have landed in Canada.

As per section 4.10 of the Annex to the Agreement, the Office does:

> 4.10[…] keep written or electronic records of its assessments of its nominees against those criteria for a minimum of six years from the date of nomination and share those records with Canada if requested to do so, subject to section 11.4 of the General Provisions of the Agreement.

Considerations

With the position of Manager of Immigration and Settlement Programs currently vacant, other management staff are undertaking their duties. While we were not tasked to undertake an in-depth review of the sufficiency of the current staffing model, it is fair to say that the position is integral to supporting the Officers in the assessment and nomination process and is a key for ensuring ongoing quality control on the file reviews.

Having the Director and Manager of International Student Engagement take on this other staff's duties for an extended period could impact the integrity of the process – and depending on their other responsibilities, slow down the nomination process.

Recommendation

It is recommended that the Office undertake to ensure the position of Manager of Immigration and Settlement Programs is staffed to support the integrity of the assessment and nomination processes. (Of note, as of the writing of the final report, this position has been filled.)

8.0 ADMINISTRATIVE DATA

8.1 The database

As previously detailed in section 2.0, an audit of the NLPNP covering from 1999 (program inception) to 2008[11] was conducted by the Office of the Auditor General-NL. One of the compliance gaps was in relation to the electronic database, which was cited as being incomplete in that not all potential nominee files were recorded and not all required applicant information was always entered into the database. As a result, the database did not readily provide useful PNP information for management purposes.

At the time of the current audit, the electronic database was still considered to pose challenges and be inefficient. For example, Office staff cannot easily extract even basic demographic data (e.g., average age of applicants or countries of origin) or do a quick inventory of who is in the queue to support reports and to inform decision-making, rather they have to make requests to the Office of the Chief Information Officer (OCIO) to access this information. This has resulted in excel spreadsheets being maintained for some of the same data found on the electronic database to allow for ease of access. This creates inefficiencies as data is being compiled multiple times.

As another example, it was reported by some of the staff that data inputted into the system had been known to intermix with names appearing on incorrect files, even when the data had been entered correctly. As well, sometimes when updating information on existing online files, the system would reject efforts to paste emails, and the staff would have to identify the source of this rejection (e.g., a keystroke that was not considered compatible).

At the time of the audit, it was reported that the Office is working with OCIO to redesign and replace the database to address these and other identified inefficiencies.

The Officers and the Departmental Program Coordinator also are responsible, on a rotational basis, for monitoring the general NLPNP mail account, answering inquiries and categorizing the types of requests – e.g., questions re the PNP and/or permanent residency processes and employer inquiries. A spreadsheet is used to log this data. As well, the staff have spreadsheets for tracking their own email and phone contacts.

Considerations

The critical nature of a robust and well-designed electronic database supported by effective data collection and reporting process cannot be understated. Such a strong framework facilitates consistent approaches to data collection, enables establishment of a baseline of service provision, informs strategic planning and allows for evidence-based decision-making. As the new database system is designed, the Office must ensure that it allows for:

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[11] Office of the Auditor General - Newfoundland and Labrador. Highlights of a Review of the Provincial Nominee Program from its Inception in 1999 up to November 2008. Available from http://www.ag.gov.nl.ca/ag/annualReports/2008AnnualReport/Chapter2.12.pdf.

- a comprehensive description of the scope of program activity

- evidence-based decision making, such as for program design and policy change

- identification of resource needs

- assessment of the extent to which outcomes are being achieved, and

- evaluation of program effectiveness.

A foundational element will be quality control – e.g., to ensure data is collected, inputted, managed and utilized with accuracy and diligence. This will ensure that, for example, data is entered correctly and is complete. Further, as needed to enhance efficiency of the Office's processes, it will be important that the revamped database can "talk" to other systems which include relevant information to the PNP process – e.g., Job Vacancy Assessments.

Recommendation

On completion of the new electronic database, it is recommended that all staff receive training in using the system to ensure there is no confusion in the processes and/or misinterpretation in relation to what can be entered and how. As needed, a data dictionary could be developed to ensure that there is consistent understanding of the systems' elements, processes, terms, attributes (or fields) and capacities (e.g., queries across factors; reporting). There must be a process established for data monitoring and quality control,

As possible and to support additional efficiencies, it is recommended that staff spreadsheets (for monitoring their own email/telephone activity and that of the PNP mail account) should be maintained electronically, and in the case of the PNP telephone log and email, be available on the shared drive.

8.2 Data entry

Discussions with the Office staff and a review of the database as a component of the file review revealed inconsistencies in what is inputted for each applicant's file and/or in the level of detail provided. For example, some of the Officers cut and paste relevant correspondence verbatim (e.g., email chains with applicants and employers); others have this information held in their email files; and/or the information could be available in hard copy - handwritten notes and/or copies of the emails in their paper files.

This issue is further discussed in section 9.1.

9.0 FILE REVIEW

9.1 Paper and Electronic Storage Systems

As the review of the paper files progressed, it became clear that some of the records for each file, such as select email correspondence, were not in the paper files, but recorded in the program's electronic database. Therefore, for some files where the information in the paper files was not

sufficient, that file in the electronic data system was reviewed as well. For example, when a paper file raised an issue, but it was not clear how that issue was resolved from the paper files, the electronic database was checked.

Program staff also indicated that some records are kept in the electronic shared drive, but as this was learned late in the review process, this drive was not reviewed.

Currently, for Officers to fully review a file, it is necessary to examine at least three different sources: the paper file, the electronic data file, and the shared drive. While it is reasonable to have some information recorded electronically and some maintained on paper, there was not always consistency in terms of what was kept where, as previously detailed. For example, some emails were printed and placed in a paper file, while others were only recorded in the electronic database. Further, other correspondence was not available through either the electronic database or the paper files, and presumably would be either on the shared drive, in the individual Officer's email system or the program's email inbox.

There was also diversity in the approach undertaken by individual Officers in how they logged and stored information. This lack of consistency and the diversity of approaches makes it difficult for anyone reviewing files, be it an auditor, an Officer taking over for someone on leave, a new Officer or the responsible Officer reviewing their own files.

Considerations

The new electronic database will allow for the consolidation of the existing database and the shared drive. It is also expected that all email correspondence will be captured in this system. This is a promising, positive solution to the challenges detailed herein. The training cited in section 8.1 will ensure that all users have a clear understanding of and consistent approach toward what information should be stored where and how.

An electronic system will likely not fully remove the necessity for having some paper files. Therefore, going forward, clear guidance in terms of what should be kept in hard copy in the files and what should be entered electronically must be established and communicated to all team members to ensure consistency of approach.

Recommendation

It is recommended that the new database be reviewed six months after its implementation to make any required adjustments to address identified inefficiencies and to assess the nature of the database's use by the Officers.

9.1.1 Overall

Overall, the review of the files demonstrated that Officers generally approach their relationship with applicants in a collaborative, supportive manner, being available for communication with the individuals and adopting an approach whereby they give the client the opportunity to provide any missing information, rather than being rigid in terms of their interpretation of the rules. Based on the

evidence in the files, Officers appear to be generally accessible and flexible, while still being focused on due diligence.

This is critical for a program where the administrative requirements can be challenging for the lay person and harder still for non-Canadians to decipher, in addition to the bureaucratic challenges that can be involved with obtaining documentation from countries of origin.

In general, most of the required information is contained in the files. The files reviewed consistently contained originals or copies of:

- Passports
- Temporary Visas and Permits
- Identity and Civil Status Documents, such as Birth and Marriage Certificates
- Education information
- Employer information
- Financial information
- Spousal and Child information and documentation, where applicable
- Proof of Fee Payment, where applicable
- NL Provincial Application Forms
- Federal Application Forms
- Confirmation of Nomination Forms, where applicable

However, there were also some instances where the information included in the files was inconsistent and/or insufficient. Fine-tuning of file review practices and procedures, as discussed in the following sections, will support more consistency in practice, reduce duplication of effort, and enhance the integrity of the associated processes.

9.2   Review of the Federal Government forms

Currently, the Officers review the Federal Government forms, which are felt to pose challenges for some applicants. This is not a core function of the Officers whose purview is provincial-related documentation and forms.

However, discussions with the Officers indicate that there are benefits to this federal form review. It was stated that a review of these forms takes only a few minutes, and there are consistent errors which the Officers look for. If the federal forms are not reviewed and errors go undetected, the nominees could be denied permanent residency. These forms also ask for information which is not provided on the provincial forms, thus informing a more complete picture of the applicants' backgrounds.

Other jurisdictional practices in relation to the review of the federal forms include: one of the jurisdictions we consulted does not review these forms; one stated they used to collect a number of federal forms for their application process, but now only require submission of Schedule "A" -

Background Declaration and the Additional Family Information form; and the remaining jurisdiction noted reviewing only the Statutory Declaration of Common-Law Union.

Considerations

While the federal form review may add a few minutes to the file review process, there was no indication from the Officers that this process inordinately impacted the time for or efficacy of processing. In contrast, it was felt that it provides a more fulsome picture of each applicant, and this vetting does support fewer mistakes in the forms, increasing the likelihood of a positive vetting at the federal level.

When new Officers are reviewing files, a component of their training should be an overview of the "typical" errors that are found in the federal forms, thus allowing for quick identification of what needs to be addressed, while not resulting in undue time being spent by the new staff.

The benefits of reviewing the federal forms seem to outweigh any perceived negatives. As efficiencies are identified from this audit, as well as from the Office's LEAN process (see section 13.2), the assessment and nomination process should be further streamlined, and so the additional few minutes spent reviewing the federal forms would be negligible in terms of the overall processing time and valuable in the long-term.

Recommendation

Given that the review of the Federal forms supports the likelihood of a positive vetting of same at the federal level, thus supporting an applicant's bid for permanent residency, it is recommended that the Officers continue with this practice.

9.3   Checklists

There are various checklists employed by the Officers and included in the paper files, some of which are described below. This section summarizes the file review's findings related to these checklists.

- NLPNP Application Checklist
    - o This checklist was found in many, but not all, of the files. It is typically found at the front of the file. It is one page long, with more than 30 items which each require a "yes", "no" or "N/A" box option to be checked.

- The Due Diligence Checklist
    - o This checklist is very extensive and outlines the areas of due diligence which could be undertaken. However, these measures are not necessary for each file; nor are they undertaken for each file.
    - o This checklist uses a checkbox format for each of the categories and was included in most files.
    - o The file review showed that it is difficult to determine to what extent the recommended measures were followed. A given category on the checklist may include 10 elements of due

diligence which may be undertaken, but the checklists completed by the Officers usually show **one** checkmark given to represent **all** of these items.

- o The file review showed that no name or signature appears on the checklist, and therefore it is not possible to tell who completed it, or at what point in the assessment process it was completed. Further, occasionally an issue or question may be noted on this checklist, but it is not clear whether and if or how the issue or question was resolved by the Officer. Presumably, these issues would have been raised in an initial review, and the Officer subsequently investigated the issues, but an examination of the information on the checklist in the file typically does not make it clear if this was in fact the case. Indicating who reviewed the file and when would make interpreting its information clearer.

- The Document Checklist
  - o This five-page checklist is one component of the NLPNP application forms, intended for the use of applicants in reviewing what they need to submit.
  - o This is almost always contained in the paper files.
  - o It seems to also sometimes be used by an Officer or the Departmental Program Coordinator (unclear) as a tool to review what is contained in applications, given that one or both of these staff complete the checkboxes.

- Final Assessment Form
  - o This is a shorter, two-page form which includes a number of checkboxes. It is completed at the end of the assessment process. (The form has a third page for additional details, but this was not typically included in the paper files.)
  - o This form is almost always contained in the paper file, completed and signed by the Officer, manager and/or director. A draft, unsigned version of this checklist is also sometimes kept in the paper file.

- NLPNP – Auditing Physical Files Checklist
  - o This is a checklist which appears in some of the files. A program representative indicated that it is typically used when someone such as a summer student undertakes a review of a paper file to ensure that all required documentation is contained therein.

- Other, untitled checklists
  - o A few files also contain other, untitled checklists. It appears that some of these are developed by individual Officers for their own use.

Considerations

Overall, there are too many checklists, resulting in duplication of effort as well as inconsistent processes given not all of the checklists are employed (or likely used in the same way) by individual Officers.

It is unclear when the checklists should be completed (i.e. at the beginning, middle or end of the process) and by whom.

An important deficit of note is that checking boxes on each list does not provide the depth of information one would need to confirm due diligence in the assessment process. The checkmarks are not sufficient to indicate the extent or nature of the due diligence that was employed, and the checklists do not inform how issues of concern were clarified or addressed. Requiring a short commentary or explanation would help to redress this.

Similar issues have been raised in audits undertaken in other jurisdictions.

> Saskatchewan
>
> The Ministry's policies and procedures require staff to ensure the potential immigrant's application meets the criteria requirements, verify authenticity of the provided information, document that verification was done, and document the support to explain their verification decisions on eligibility and qualifications in the applicant's file. We examined a sample of 30 application files from different categories that were at least at the Analyst stage of the process. In this sample, we saw that there was representation that verification of eligibility and qualification was performed. However, we did not find any supporting documentation that explained the steps Ministry staff had taken to verify eligibility and qualifications.
>
> Recommendation: We recommend that the Ministry of the Economy follow the Saskatchewan Immigrant Nominee Program policies and procedures that require staff to document the support to explain how decisions were reached on eligibility and qualifications of Immigration applicants.[12]

Recommendation

It is recommended that the number of checklists for the NLPNP assessment and nomination process be condensed or combined. The following suggestions could be considered by the program in their development of a combined checklist:

- *One overall checklist could be used to document the processes for each phase of the assessment and nomination process: the initial intake and pre-screening on receipt of the applications, the assessment process undertaken by the Officers and the nomination process (Officers/Manager/Director). Each phase would be identified on the one form with the requisite staff completing their section, signing and dating it on completion.*

- *While checkmarks could be used for some items, it would be better to replace checkboxes with a space requiring comments, even brief notes. For example, instead of one checkmark to represent all of the possible elements of due diligence in a given category, these elements could be sub-divided, with clarity as to which items are required, which are undertaken, and which are optional. Officers could fill out the form's boxes with brief comments such as "site visit not required" or "website checked", providing a more*

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[12] Chapter 12. Nominating Qualified Immigrant Applicants. Provincial Auditor. Saskatchewan. 2013. Pg. 142. Available from https://auditor.sk.ca/pub/publications/public_reports/2013/Volume_1/2013v1_12_NominatingQualified.pdf

meaningful and informative document and tool, without creating the additional effort that would be required by paragraph-length formal answers.

- *To avoid:*
  - *Avoid creating a checklist that must be developed in draft form and then re-done as a clean version. This erodes its use as a tool.*
    - *The file review showed that the Final Assessment Form is often done in draft in pen and then typed up as a final version. If that Final Assessment Form is a tool that must be neat and mistake-free for review by upper management, then it may make sense to retain this Final Assessment Form separately from a new combined, working checklist.*
  - *Avoid creating categories on the checklist that are too extensive, as with the Due Diligence checklist, which includes most everything that one could possibly do. Instead, be clear about what is necessary and what is optional and ensure that the form has the Officer indicate which elements they undertook.*
  - *Avoid requiring long answers in the comment boxes.*

Having one comprehensive form streamlines the process, as anyone reviewing the file would understand the order in which activities occurred, who undertook each activity and when, the due diligence that was applied, and the rationale for the resulting recommendation.

Appendix D expands upon this recommendation providing further considerations and an example for developing a combined checklist.

9.4   Language tests

There are inconsistencies in terms of whether language testing is required for applicants. NLPNP Policy 016 states: "If the designated NLPNP Specialist determines that a client (employed in occupations classified under NOC Skills levels O or A) does not possess sufficient English or French language ability, then the client will be required to prove his/her language ability by taking the appropriate English or French Language Placement Test." The same is indicated for NOC Skills B, while those with Skill Level C and D jobs are subject to Citizenship and Immigration Canada requirements (as per section 4.6.1 a - Annex "A" of the Agreement).

There is no indication of how an Officer would assess an applicant's language skills for those employed in occupations classified under NOC Skills level O, A or B. A level of assessment can be done during an interview, but not all applications have required an interview. As well, having an Officer assess a client's language abilities during a brief phone interview is potentially problematic, because a short interview is likely to be insufficient to accurately determine an applicant's language ability, and Officers are not trained in language evaluation. It is also likely to lead to subjective and inconsistent judgements.

Further, clarity on language testing is not reflected well in the documentation that applicants are asked to complete. The following examples are provided

i. Skilled Workers

Applicants in the Skilled Worker category must complete the NLPNP Document Checklist as a component of their application. The version of this checklist which is currently online for applicants to use (version of January 2017) asks applicants for:

"Proof of Language Proficiency:
- Copy of language proficiency test results from IELTS or CELPIP"

Concerns with this requirement include:

- There is no definition of IELTS or CELPIP provided.

- These are both English-language proficiency tests. There is no indication as to whether or not French language proficiency would be acceptable, nor what tests would be used to assess this proficiency.

- Different information is provided on the same Skilled Worker webpage where the NLPNP Document Checklist is provided. This webpage also says:

"You are eligible for the Skilled Worker category if you: (…) Can demonstrate sufficient English or French language capability to perform the employment duties. Your English language ability must be verified by one of the following:

- An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or
- Education and/or training documents
- Occupations classified in NOC Code C or D will have to meet Minimum Language Requirements"[13]

Note that the above excerpt says that an applicant has to demonstrate sufficient English *or French* language capability, but only lists an affidavit of *English* language ability as acceptable.

Then, if an applicant follows the link to the Minimum Language Requirements page[14], it lists both IELTS, CELPIP and the "Test d'Évaluation de français"[15] as acceptable.

Overall, the information provided to applicants is inconsistent between the document checklist they complete which indicates that they must provide a test result, and the information on the web-page indicating that affidavits from employers are acceptable in place of a test, while the messaging regarding French testing is unclear.

The webpage for International Graduate applicants is slightly different than for the Skilled Worker applicants; however, the same issues exist.

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[13]http://www.nlpnp.ca/skilledworker.html, accessed February 2018.
[14]http://www.nlpnp.ca/language.html, accessed February 2018.
[15] Note that the first letter "É" in "évaluation" should not be capitalised, though it is on the website.

ii. French language testing

According to the Agreement, the province should assess language proficiency for English **or** French for those in the required occupational categories. Annex A, section 4.6.1 states:

"For those streams, categories or occupations subject to minimum language standards and mandatory testing, Newfoundland and Labrador will ensure that nominations are based on valid language test results. Newfoundland and Labrador will require those applicants to have their proficiency assessed in the English or French language by an organization or institution designated by Canada and these applicants must have obtained proficiencies for their abilities to speak, listen, read and write that correspond to agreed upon benchmarks […]"

In addition, the Agreement indicates that the province will "support and assist the development of Minority Official Languages Communities in Canada"[16] and, that it will include "promotion, recruitment and retention strategies that are intended to increase the number of French Speaking Immigrants"[17].

As indicated above, the information provided to applicants regarding French language testing is inconsistent. Where it is provided, the Minimum Language Requirements page lists the "Test d'Évaluation de français"[18] as acceptable. However, more specificity is required to indicate which of the Tests d'évaluation de français (TEF) are eligible. For example, there is the Test d'évaluation du français adapté pour le Québec (TEFAQ) and the Test d'évaluation du français pour le Canada (TEF Canada), among others.

It is also not clear whether or where this test is available in NL. The test's website lists MUN as a provider, but only gives a phone number and email address without any further specifics.

While the province of Quebec does accept a broader range of French language test results[19], the federal government only accepts results from the TEF as evidence of French language skills for the Express Entry program.[20] Therefore, the TEF remains the best choice for use by the NL PNP. However, it is important to ensure that taking this test in Newfoundland and Labrador is an available and accessible option. Addressing this could be done in consultation with the French language community in NL, as such consultations are both a best practice and recommended in the Agreement.

In the file review, there were applicants from countries where French is widely spoken, such as Cameroon and Algeria, whose birth certificates and other paperwork were sent by their country of origin in languages including French. However, these applicants applied to the NLPNP in English, as English forms are the only ones currently available. Some of those people may have preferred to

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[16] Section 1.9d
[17] Section 4.5a
[18] Note that the first letter "É" in "évaluation" should not be capitalised, though it is on the website.
[19] Webpage «French and English knowledge for candidates from the Regular Skilled Worker Program », on the website of Immigration, Diversité et Inclusion Québec. http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/permanent-workers/requirements-programs/language-knowledge.html, accessed February 2018.
[20] See the IRCC website at: https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/become-candidate/eligibility/language-requirements/language-testing.html.

apply in French. This should be addressed in the new fiscal year when the NLPNP materials are expected to be available in French.

Considerations

This inconsistency between and among the language requirements for the streams translates into the file reviews: what is provided by applicants and what is accepted by Officers regarding language testing is inconsistent. Some applicants provide language test results; some provide employer affidavits; some provide both; and some provide nothing. In most of the files reviewed, if applicants do not provide language test results, they are not asked to do so. The Officer may assess their language skills based on the phone interview, or they may ask for a test to be done; however, this clearly resulted in inconsistencies in terms of who was asked to provide test results and who was not.

Recommendation

Given that language testing has a cost to applicants and that proficiency in English is considered a critical requirement as per the Agreement, it would be beneficial to develop practices that are consistent and transparent in terms of their application, so that there is clarity for both the Officers and the applicants.

i.i.i Express Entry

All Express Entry applicants have to submit language test results. Therefore, even applicants for this stream from, for example, the United Kingdom whose first language was English were required to submit English language test results. These are Federal Government requirements and outside the regulatory scope of the Government of NL.

The language criteria for the other streams of admission for the NL PNP, however, are based on the Canada-Newfoundland and Labrador Immigration Agreement, which requires minimum language standards for applicants in NOC C and D categories. This provides the Office greater discretion in relation to language testing for applicants in other NOC categories.

The more rigid federal approach of always requiring language testing for Express Entry creates an additional bureaucratic hurdle and cost for applicants, as well as potentially a disincentive for application to this stream.

9.5   Translation of documents

With respect to translation of documents from an applicant's home country, there is no clarity in the program regulations or applications about whether or not translators must be certified or verified. The challenges around establishing guidelines for this are compounded by the fact that Newfoundland and Labrador does not have a certification body for translators. While some applicants have their documentation certified, which may entail costs to them, other applicants do not, resulting in cost differences for different applicants.

Recommendation

Provide clarity and consistency in terms of whether or not translators must be certified or verified.

9.6   Internet searches

The Due Diligence Checklist provides some direction with respect to what Officers should verify by means of Internet searches. However, in all the files reviewed, there were very rarely any Internet findings printed, nor any notes about what kind of Internet review was or was not done. Out of 40 paper files, one contained some evidence that the Internet search was undertaken. However, in many files this "Internet search" box had a checkmark on the due diligence form.

Overall, with the available documentation, it is not possible to determine the extent to which the Officers are conducting Internet searches.

Considerations

There is a need to provide guidance to Officers as to what constitutes applicable Internet searches for the applicants, and for what purposes. Given the growth of the available information on the Internet, this area merits further attention and thought. For example, exploring the question of 'What is/are the purpose(s) of an Internet search?' could help guide the nature of the search.

There is likely little benefit to be gained from printing out the findings of an Internet search, unless something of concern is found. However, there is a need for Officers to indicate whether or not an Internet search was done, what they checked and what they found.

Recommendation

It is recommended that more guidance be provided to Officers in relation to Internet searches – specifically, for what purpose these should be undertaken, examples of sites to search for which purposes and what to look for, and when and how a commentary on these searches is required for the files.

9.7   Notaries, Translations, Certifications

In the review of the paper files, it was not clear in most cases whether documents such as birth certificates, transcripts and other identity documents were copies or originals. Whether or not documents were notarized, or certified copies varied from application to application.

The NLPNP Document Checklist currently states:

"NOTE: If you are currently working in the Province, we will accept photocopies of original supporting documents with your application.

If you or your family members are outside of the Province, all supporting documents MUST BE NOTARIZED COPIES, notarized by a Notary Public or CERTIFIED COPIES, certified by a Commissioner of Oaths, unless otherwise stated."

<u>Considerations</u>

The logic behind not requiring notarized copies or certified copies from those already in the province may be the presumption that such documents would have been submitted with notarization or certification in order to obtain a work permit. If this is indeed the case, the desire to prevent applicants from the trouble and expense of having to obtain an additional notarized copy is laudable. However, unless there were a check of those past documents submitted for other reasons, it is not possible to know if the documents submitted to the NLPNP are the same as those submitted for the purposes of application for a work permit. Also, this logic should apply to other applicants currently working in other parts of Canada. Therefore, it may be relevant to consider whether there are means to check documents submitted for an applicant's prior work permits and whether to extend this exemption to certification to applicants working in other parts of Canada.

9.8   Using an immigration representative

Regarding Immigration Representatives, guidance is given in Policy Number 014, which states that:

> "Procedures
>
> 3. In the case of a paid representative, the NLPNP Specialist verifies whether the individual … is a member in good standing of:
>> o   a Canadian provincial or territorial law society (e.g., lawyers)
>> o   the <u>Immigration Consultants of Canada Regulatory Council (ICCRC)</u>
>> o   the Chambre des notaires du Quèbec [sic] "

This provides good guidance. However, there were no indications in the file review as to whether or to what extent any of this was completed.

In the case of one application reviewed during the file review, an applicant used an immigration representative. A letter was sent by the Officer to the immigration representative, requesting further information in order to continue processing the file. No response was received from the representative, and the applicant was never proposed for nomination. While this may have happened because the applicant was no longer interested in applying, there remains a possibility that there could have been a lack of communication between the representative and the applicant.

Policy 014 further states:

> "14.2   If a client chooses to use a representative, the NLPNP Specialist may direct its correspondence and other communications concerning the application to the representative. However, the NLPNP Specialist reserves the right to contact the client directly regarding the application if it is determined that this is in the best interest of program integrity."

Given the possibility that there could be a breakdown in communication between the representative and the applicant, it may be relevant to consider developing a protocol or guideline for correspondence when there are applications using representatives. For example, perhaps all correspondence to the representative should also be copied to the applicant.

Recommendation

It is recommended that Policy 014 sub-section 14.2 be amended to require the Officers to always copy the client on any correspondence going to their representative. This would provide a level of quality control as it would ensure that an applicant is informed about their own file and kept abreast of any emerging issues, which they can then discuss with their representative.

9.9   Criminal Record Checks

In the file review, police certificates were contained in many, but not all, applications. Applicants had certificates from other countries, which were sometimes stamped with a certification, and sometimes not. As for applicants living in Canada, if they submitted clearances, they either submitted regional police clearances from the Royal Newfoundland Constabulary, or clearance from the RCMP, if they were living in a rural region.

The current wording pertaining to criminal record checks on the applicant's Document Checklist states:

"Police Certificate and Clearances:

You, your spouse or common-law partner and any dependent over the age of 18 are strongly encouraged to submit your ORIGINAL police certificates with your application. If you are nominated, you will be required to have this for the Permanent Residence Application. You are required to have certificates from anywhere you have lived since the age of 18 for over 6 months. Police certificates usually are valid for one year from the date of issue.

NOTE: If you are not currently working in Newfoundland and Labrador and are applying for PNP with an arranged employment, you MUST submit police certificate/clearances. Please visit:
http://www.cic.gc.ca/english/information/security/police-cert/index.asp for information on how to obtain police certificates from any country."

The additional explanation regarding police certificates being needed for permanent residence applications and that they expire after a limited time is very helpful for applicants in endeavouring to minimize their costs and avoid having to have certificates reissued. However, the current process does result in inefficiencies.

Considerations

For applicants currently living in Canada, if their home country criminal record check expires after one year, will they have to have it reissued, even if they have not left Canada and could not have

committed any crimes elsewhere in that period of time. The expectations around this criterion are not explained. It would be helpful to clarify this for applicants. If it is the current case that these would have to be reissued, this procedure should be revised, as it appears unnecessary.

Also, the current wording of the criteria noted above is ambiguous – applicants are *strongly encouraged* to submit original police certificates.

Further, and as was identified in the website/application guide review, there are inconsistencies in relation to criminal record checks in terms of whether it applies to those over the age of 18 or 22.

Recommendation

It is recommended that the criteria related to criminal record checks be revised to ensure it accurately details who is required to provide a check, whether originals and/or copies would be accepted, and when the check would need to be reissued. It also is recommended that there be policy guidelines in relation to this criterion.

9.10 Interview process

9.10.1 Interview Notes

The Due Diligence Checklist, under the section "Interview" has several sub-questions/categories.

When this form is filled out in the paper files, the response to this category is often just one checkmark. That does not give insight into whether the other potential steps in relation to the interview were completed. Sometimes, the paper files contain neatly typed notes of the interview. Sometimes, there are untitled handwritten notes which may or may not be about an interview. Sometimes, there are no interview notes.

There is a need for consistency in terms of practice with respect to interview notes, and for expectations to be made clear to Officers regarding what elements should be documented. While the program may judge that neatly typed interview notes are not usually necessary, it may be beneficial to include at least some legible, point form notes, containing a title (e.g., "Interview Notes"). Also, the Officer should indicate whether or not the interview was 1) required and 2) held. This could be as simple as writing "y", "n" or "not required" in that section of the checklist.

Further information in relation to the interview process is found in section 9.10.2.

9.10.2 The interview process

Discussions with the Office staff and, as previously noted, a review of the files reveals inconsistencies in relation to the interview process. It was stated that some clients are interviewed, some are not; some employers are interviewed, and some are not. There are no guiding questions for use in the interview process with the applicants or employers. The process for documenting the interview process is inconsistent across Officers with some employing a template of consistent

questions and providing a more comprehensive overview of the interview than others, when interviews are undertaken.

The NLPNP policy related to the interview process, as per the existing set of policies, outlines a process for conducting interviews designed to inform decision-making on nominations.

Considerations

This policy, as currently written, provides significant discretion to the Officers in relation to the interview process; e.g., for example, in relation to whether or not applicants are interviewed, based on a determination of need for additional verification of information. Further, how an employer is contacted is not clearly outlined.

We believe that interviews should be standard for both the applicants and the employers.

Interviewing applicants

The primary reasons for the interview process should be to inform the applicant of additional information they need to submit, to clarify any contentious issues (e.g., custody disputes) which left unresolved could result in their application for nomination being delayed or rejected, and to inform the individual's intent to reside.

Well-thought out guiding questions can provide a foundation for exploring and assessing the intent to reside. These guiding questions will ensure that key topics/issue areas are discussed. Further, utilizing guiding questions ensures that regardless of which current or future staff undertakes the interview, the core and critical issues are addressed, thus creating an equitable process for applicants, eliminating any potential subjectivity in relation to the process and contributing to the due diligence of the interview process.

Flexibility is ensured with the provision of *open-ended* guiding questions which allow the respondent to answer based on their own individual perceptions, realities and circumstances, and the opportunity exists to pursue additional lines of inquiry if the Officer is not sufficiently satisfied that they have received the needed answers.

The key is to design an interview process which gathers the requisite information while avoiding a burdensome (e.g., too long or bureaucratic) process for either the questioner or the respondent.

The employer interviews

The employer interview is equally as important as the interview with each applicant and should not be waived. This can be done via email as well as over the phone/in-person but, again, it allows for additional exploration and due diligence in ensuring that what is being put forward in an application is indeed the intent (e.g., the employer will provide a level of settlement support, a standard wage).

It is important to become familiar with employers, as this helps in assessing their intent and the likelihood that they will engage and maintain the PNP applicant.

When an employer has demonstrated over time, and across applicants, that they are legitimate, and follow-through as anticipated in terms of hiring and supporting the nominees, the interview could be done via questions over email.

As with the questions for the applicants, it is suggested that guiding questions be developed as a baseline for employers. Of note, if concerns arise about specific employers' commitment or veracity in their processes, a comparison of responses across applicants would be useful in assessing these concerns.

Recommendation

It is recommended that interviews with applicants and employers be a mandatory component of the review process. There should be open-ended guiding questions developed for each of these interview processes, which allow sufficient flexibility for each applicant to speak to their individual circumstances and realities, and which would allow the Officer to pursue a line of inquiry around issues of concern for the applicant and/or the employer.

A response template for the interview process should be developed and used by each Officer for capturing point form notes, which can be entered into the electronic database.

9.11 Correspondence with applicants

In some paper files, Officers included copies of some of their correspondence with applicants, including letters and email. However, this varied by file, and additionally some correspondence was included on the database. Some of the correspondence to applicants appeared to be standardized; with some appearing to be standard letters for use by Office staff, while other correspondence appeared to be standardized letters developed and used by individual Officers.

Considerations

It would likely be helpful for the program to develop a suite of standardized letters for various circumstances, to prevent duplication of effort by Officers who are currently developing their own standard correspondence. This also would ensure consistency in the information provided to applicants.

Recommendation

It is recommended that the Office develop a set of standardized letters for use in the program, which can be tailored as needed to individual circumstances. This would ensure consistency in information provided to applicants, as well as eliminate the need for Officers to individually develop such letters.

Time frames for applicants' response

One phrase that reappeared in correspondence was the request for the applicant to respond or to send documents "within 10 days" or "within 30 business days". However, these did not specify "from when", i.e., 10 days from the day the applicant received the letter, or 10 days from the time the letter

was sent? This is likely to be unclear to applicants and possibly create concern. In addition, some of these timelines would likely be quite challenging, considering that mail from across Canada can take more than 10 days to reach the province, and that the application process for any missing document is usually time consuming. In one case in the file review, a letter was sent to an applicant in a country in Asia, with a request for them to respond within 10 days, which is unrealistic.

Considerations

During the interview process with Office staff, it was indicated that the purpose of requesting a response within a specific timeline was to *encourage* the applicant to respond promptly, but that their response would be accepted if it arrived later. If the purpose of these letters is not to establish a rigid cut-off deadline, but to convey to the applicant the critical nature of a speedy response, it may be more helpful to reword them. This could be, for example, "We encourage you to send us a response/the documents as soon as possible. The sooner we receive the information we can continue with your application."; or identify a more realistic deadline for submitting responses/documents – e.g., 30 days. If an applicant assumes the 10 days is firm and does not understand that this in fact flexible, this may discourage them from continuing with their application.

More generally, given that some deadlines within the application process, particularly those related to work permits and federal applications, are inflexible, it would be helpful for an applicant to have a clear understanding of the nature of the different deadlines, so they are not misinterpreted.

Recommendation

It is recommended that the time frames for responses/submission of documents from applicants be reviewed and more realistic time frames be developed. Correspondence to this effect should highlight the importance of information being received as soon as possible within the time frame to expedite applications.

9.12 Resolution of Issues or Concerns

At present, the files sometimes indicate issues or concerns that an Officer may have when they begin reviewing the file. The Final Assessment Form at the end may make a recommendation to approve the nomination of that applicant. While it is evident that the issue of concern was somehow addressed or alleviated, leading to the recommendation for nomination, sometimes there is no documentation or clarity in the file about how the issue was addressed or why the concern no longer exists.

Ensuring that there is clarity in this regard, is critical. Any other Officer, new staff or reviewer of the files should be able to understand what concerns were identified and how these were rectified.

Considerations

The lack of clarity regarding how and why concerns were resolved may be alleviated by the introduction of the new electronic database, which will capture emails and other documentation, to show a trail of what happened in a file. In addition, the creation of a new unified checklist as recommended above, with comment boxes, also should support more informed decision-making.

10.0 Intent to reside

As detailed in Annex "A", the primary reason for nominating applicants is in relation to their capacity and ability to become economically established and provide economic benefit to the province. Note, however, that clause 4.4 also cites the emphasis on intention to reside in the province.

> 4.4 Provincial Nominee applicants will be nominated **solely on the basis of economic benefit** to NL and their ability and intention of **becoming economically established** and *residing in NL*. Economic establishment will be determined on the basis of factors such as: current job or job offer, language ability, work experience, education and training, and business ownership experience.

> 4.11 Newfoundland and Labrador is responsible for conducting due diligence to ensure that the applicant has the **ability and intention to become economically established** and *settle in Newfoundland and Labrador*. Notwithstanding the foregoing, Canada retains the right to request additional documentation from the nominee which supports the nominee's ability and intention to become economically established and settle in Newfoundland and Labrador and to substitute its evaluation of the applicant's ability and intention to become economically established in Canada pursuant to sub-section 87(3) of the IRPR.

Section 4.5 of the Annex "A", appears to be inherently contradictory as written. It states that non-economic factor shall **not** constitute an eligibility condition or determining factor; yet it too states the importance of assessing the likelihood to reside.

> 4.5 **Non-economic factors**, including but not limited to family connections or community ties, **shall not constitute an eligibility condition or determining factor** under any stream or category under the Provincial Nominee Program. Non-economic factors *may only be used to assess* the applicant's ability to adapt, *likelihood to reside* and/or settle in the nominating province.

Many of the Office staff spoke to how difficult it is to unequivocally demonstrate an applicant's intent to reside and further noted that this also challenges their own confidence in the process.

A discussion with an IRCC representative on how to assess the intent to reside revealed no specific solutions to the challenges emanating from assessment of this criterion. However, it was stated that the priority factors for consideration are the human capital factors which facilitate an individual's ability to economically establish – e.g., education, skills, work experience and job offer. It was noted that the focus then must be on the elements that make the applicants more likely to integrate into a community and thrive.

<u>Considerations</u>

'Proving' intent to reside is not an exact science and can be challenging and time-consuming. It is hard to dispute this intention if an applicant states categorically that they intend to stay in the province. Yet, the critical nature of this criteria is clear – if an applicant does not intend to reside in the province, despite their affirmation to do so, then this a negative outcome for the program.

It would seem prudent to discuss the intent to reside criteria in relation to "on a balance of probabilities" i.e., that it is more likely than not to occur. While this is not definitive, it allows for the same due diligence without the "burden of proof" lying with the Officers.

The individual interviews provide an excellent venue for assessing an applicant's intent to reside. Having open-ended guiding questions would support the Officers to focus on the critical areas to inform this intention.

Recommendation

It is recommended that the issue of intent to reside be contextualized and assessed based on a "balance of probabilities", thereby reducing the inherent stress the Officers face in assessing this complex factor, while still maintaining the due diligence required to make a determination on an applicant's intent. Ensuring the interview process has open-ended guiding questions related to this factor, will support this assessment.

Further, it is suggested that the Office Director highlight to their Federal counterparts, the challenges this criterion poses to those leading the assessment process, as well as the conflicting nature of the following clauses in the Agreement – 4.4, 4.5 and 4.11. Discussions around clarifying these clauses and identifying any effective practices in assessing "intent to reside" would be prudent.

11.0 TARGETS

There is some evidence that a few of the staff have felt uncomfortable and pressured to support and/or expedite an application in certain circumstances. For example. when other staff have referenced knowing the applicant and describing them as "excellent candidates", and/or when an employer is waiting on an applicant, and/or at times when the need to demonstrate high numbers of immigrants is raised publicly.

All of these circumstances can impact the integrity of the assessment and nomination process, in particular should an Officer feel they have to expedite a specific applicant or many applicants during periods when the Office is being pressured to demonstrate success and/or exceed targets. This can result in a less diligent review process.

Considerations

To ensure program integrity and accountability to all stakeholders, it is critical that quality is not sacrificed for quantity at times of intense activity for the program and/or when external circumstances are creating undue pressures to perform. Having weekly expectations for targets will facilitate a consistent (but not overburdensome) level of effort in relation to the assessment and nomination program and support achievement of the overall program outcomes.

It is expected that should the recommendations herein be implemented and together with changes emanating from the LEAN process then efficiencies will be gained, and the Office should produce the desired targets through a continuous and well-paced process of nominations. One additional suggestion to the Office in relation to ensuring targets are met is to investigate ways and means to broaden its reach beyond the website and social media, and post-secondary institutions (as per the role of the Manager of International Student Engagement). Perhaps a discussion with its AESL counterparts on opportunities to have a presence once or twice a week in an AESL employment centre. While this could be done by Office staff in person in the Avalon Region, some basic training on the NLPNP and how to apply to the program for AESL staff in rural areas, should be sufficient to enable them to speak with potential applicants and encourage their applications.

One useful monitoring tool in relation to meeting weekly targets would be to have staff provide weekly updates on the status of their files. This could be as simple as having to check a drop-down menu on the electronic database noting the status of each individual file: e.g., not started, in progress, waiting on documentation, nominated. A weekly electronic reminder to each staff would support consistent data entry. This would allow management to quickly and efficiently review the status of files and to intercede as needed to reallocate files. As well, it should allow for identification of trends in relation to what might be slowing down file processing times.

Recommendation

It is recommended that the Office's new electronic database include a drop-down menu which allows staff to input the status of their files on a weekly basis, as a means of monitoring the efficacy with which files are being processed and to support Officers who may be challenged in this regard.

12.0 Outcomes

The 2008 audit of the NLPNP conducted by the Auditor General identified that it was not possible to conclude whether the NLPNP was achieving its goals of attracting and retaining immigrants to the province due to the fact it had not concluded a retention study. Further, it highlighted that the Department did not always contact the nominee once they landed in Canada or obtain local contact information from the nominee in the event the nominee required further settlement assistance, or simply document where the nominee settled.[21]

Of note, this gap in relation to performance measurement was identified in several other audits. The Ontario audit of 2014 stated that landing and retention data were not well reported by most Canadian jurisdictions.[22] A review of these audits identifies some of the efforts to track landed immigrants and if they are working in their intended occupation. This included for example: health-card data, social

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[21] Officer of the Auditor General-NL. Available from
http://www.ag.gov.nl.ca/ag/annualReports/2008AnnualReport/Chapter2.12.pdf.
[22] Annual Report of the Office of the Auditor General of Ontario. Ministry of Citizenship and Immigration. Provincial Nomination Program. Chapter 3. Section 3.09. Pg. 329. Available from
http://www.auditor.on.ca/en/content/annualreports/arreports/en14/309en14.pdf.

insurance numbers, driver's licences and establishing formal agreements with other government departments and agencies to share information on landed nominees.

Considerations

This lack of monitoring challenges the Office's/Government's capacity to measure the success of the NLPNP and accurately report on the program's performance, i.e., how many immigrants were able to successfully settle in NL and contribute economically, as intended, and were they retained. It also prevents an evidence-based assessment of the validity and effectiveness of each of the categories established for the NLPNP and needed changes therein to enhance the efficacy of these categories.

Typical performance information that should be measured includes: specific goals and targets and the progress towards realizing these goals and targets; and, overall, the impact the program is making.

If the NLPNP were monitoring outcomes, it could also identify trends in relation to misrepresentation such as, for example, an employer who sponsors large numbers of immigrants is losing them – is this due to the workplace environment or is the employer helping people to land knowing they are going to move.

Your auditors were informed that the Office has been consulting with the NL Statistics Agency in relation to instituting a retention tracking process. Once this process is established, the Office will be contacting applicants who became permanent residents to determine if they are still in the province and employed. They also will explore what, if anything, the NLPNP could do differently. The intent is to conduct regular follow-ups: every month the Statistics Agency will contact a different cohort of nominees – and gradually, over two or three years, this will inform a retention study.

13.0 POLICIES AND STANDARDS

13.1 Policies

As previously stated, the Office is reviewing and updating its current policy framework. We conducted a review of the existing policies, and our findings will support the Office in its internal review.

Having a policy framework is referenced in section 4.7 of Annex "A" of the Agreement.

> 4.7 In exercising its nomination authority under this Agreement, Newfoundland and Labrador will apply the criteria for nomination referred to in sections 4.1 through 4.6 and follow the policy and procedures established by Newfoundland and Labrador, as amended from time to time, insofar as these criteria, policy and procedures are consistent with the IRPA, the IRPR or any successor legislation and regulations, national immigration policies and the terms of this Agreement and this Annex.

It was felt that some of the Officers may over-process applications out of concern they may err in their work or their recommendation regarding nominations may be questioned. Further, it was felt that some Officers struggle with having discretion in relation to some aspects of the review process,

arising from concerns that they might make an incorrect decision and threaten the integrity of the assessment and nomination process.

Additionally, it was identified that the Office lacks a clearly articulated process to ensure ongoing communication and engagement of staff in policy development and monitoring, although discussion of issues and solutions is occurring at the Office's regular PNP meetings.

Considerations

A comprehensive policy framework, updated on an as-needed basis, supports confidence and consistency in all aspects of the assessment and nomination processes. Well-written policies and procedures will:

- Provide staff with information that allows them to clearly understand their roles and responsibilities, as well as freedom to carry out their jobs and confidently make decisions within defined boundaries/predefined limits;

- Allow staff to understand the constraints of their job without using a 'trial and error' approach, as key points are visible in well-written policies and procedures;

- Enable staff to clearly understand individual and team responsibilities/expectations, thus saving time and resources. Everyone is working from the same page; employees can get the "official" word on how they should go about their tasks quickly and easily;

- Allow the Director to guide operations without constant management intervention/micro-management; and

- Enable accountability in the eyes of internal and external stakeholders.[23]

The new policy framework should ensure that there is sufficient guidance provided to staff to adhere to policies and follow procedures, while still exercising their discretion where circumstances warrant. Caution should be exercised in using the term "may", unless there is sufficient explanation and/or examples given to allow the Officer to comfortably exercise their discretion. Without such clarity, this could create ambiguity and inconsistency in how policies are applied.

More importantly, and overall, the policies should support staff in being confident in their decision-making throughout the assessment and in the nomination processes, including where discretion is required and applied. It must be understood that rigidity in policy can remove the humane lens which is integral in relation to the applicants: their experiences, circumstances and life context must be acknowledged and considered.

It is critical that there be a process for discussing and updating on needed policy changes to promote a shared understanding of the policies and consistency in their application, as well as to better engage the staff in creating responsive policies. Note that one of the jurisdictions consulted for this review highlighted that they are moving away from a policy manual to a bulletin format, as it allows for

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[23] Pacific Crest Group. Company Policies and Procedures. Further information is available at http://www.pcg-services.com/resources/policies-procedures-barrier-growing-company/.

ongoing evolution of individual policies in a timely manner, without having to review an entire manual. An email message to inform staff of any pending policy changes, and discussions during PNP meetings will be essential to ensure all staff are updated on and understand the intent of any policy changes/new policies.

13.2 Standards

Currently, there are no formal standards attached to the NLPNP in terms of, for example, processing times for applications in each of the streams. Other provinces have developed standards for their processing times, with some being variable and dependent on past demand and performance.

For example, the Saskatchewan Immigrant Nominee Program updates its processing time information every quarter (every three months) based on the average of times (stated in weeks) in the most recent quarter. It is noted that processing times can change at any time. There is a link to this information on the Saskatchewan Immigrant Nominee Program's - website https://www.saskatchewan.ca/residents/moving-to-saskatchewan/immigrating-to-saskatchewan/saskatchewan-immigrant-nominee-program. A recent example is provided below:

> The processing times below show the average time (in weeks; based on business days), that it takes for 80 per cent of applications to be processed. This time is measured from when the complete application is received to when it's processed.

> These processing times are an average based on the past quarter (or three months). They may not tell you precise processing times for future applications.

Service Standard

The SINP's goal is to process all International Skilled Worker and Saskatchewan Experience applications within sixteen weeks. In order to process an application, we must have all information and supporting documents.

International Skilled Worker

SINP Category	Quarter 3 - 2017-18 (Oct. 1 to Dec. 31, 2017) Measured in weeks
Employment Offer	6 weeks
Occupation In-Demand	31 weeks*
Express Entry	31 weeks*

> *Does not include the time required by the applicant to obtain licensing or professional certification documents."

Considerations

Standards of practice support accountability and consistency in a program and facilitate timely processes, given time frames are established for critical activities. It is important to state that, at the time of the audit, the Office is working with a LEAN consultant to establish standards and baselines

for the Program. A LEAN process is a customer-centric methodology used to continuously improve any process through the elimination of waste in all aspects of a process. It is based on, for example, the ideas of continuous improvement, respect for people and overall value to the customer.[24]

13.3 Training

The interview process revealed that the Office does not have a standard orientation and training protocol for new staff. Some of the Office staff reflected on the degree of orientation/training they received on beginning their requisite roles in the Office. One or more stated they felt they had been "dropped in" to their role, with little formal training; others noted they had been mentored by another Officer and/or provided some program information, e.g., on anti-fraud, program criteria; and/or had access to shared drive to review policies.

In relation to broader training on the PNP, it was felt by the Officers that all staff should be trained on the IRPA and be provided some skills-building in relation to interview processes and techniques. A few of the staff felt that in-person vs web-based training was more effective as it offers better opportunities to ask questions and to role play potential scenarios.

The issue of training has been referenced in other jurisdiction's PNP audits:

Ontario: Although staff received some formal training from Citizenship and Immigration Canada on the federal immigration legislation, there was no formal training provided on areas specific to the Program, such as program criteria, fraud detection and use of the case-management information system. A recommendation related to training cited: *enhance the training plan for all program staff, considering their training needs, including training on ethical matters and management expectations*.

The response from the Ministry noted that: The Ministry strongly believes in staff training. The Ministry will be formalizing the current mentoring and job coaching structure for senior and junior processing officers. It will also supplement and enhance existing training programs with an annual training plan and schedule for all program staff.[25]

Saskatchewan: The Economic Immigration Unit's staff receive on-the-job training both with an experienced staff member in the same position and their supervisor. Staff also receive formal training on the Units policies and procedures.[26]

Considerations

Lack of a formal and standard orientation process could lead to inconsistent assessment and nomination processes and approaches, as well as errors or oversight in processes arising from a new staff being unaware of a specific factor or standard. Standardized orientation and training in program

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[24] Lean for Dummies. Cheat Sheet. Available from http://www.dummies.com/business/management/lean-for-dummies-cheat-sheet/.
[25] Annual Report of the Office of the Auditor General of Ontario. Pg. 307. Available from http://www.auditor.on.ca/en/content/annualreports/arreports/en14/309en14.pdf.
[26] Chapter 12. Nominating Qualified Immigrant Applicants. Provincial Auditor. Saskatchewan. 2013. Pg. 141. Available from https://auditor.sk.ca/pub/publications/public_reports/2013/Volume_1/2013v1_12_NominatingQualified.pdf

processes and procedures ensures that, as much as is reasonably possible, Officers have a base of shared knowledge and skills and are consistent in application of practices and approaches.

Such a training program also allows for an overview of the expectations of the staff's roles and responsibilities, in particular as it relates to program ethics, conflict of interest and targets. The benefits of training are many and include, for example, reduced frustration among employees, increased efficiencies in processes, increased capacity to adopt new technologies and methods, increased innovation in strategies and products and reduced employee turnover.[27]

Overall, it is imperative that Office staff have the requisite foundational knowledge and skills they need to effectively understand and undertake their roles and to ensure program integrity. This should include IRPA training, understanding conflict of interest, ethical practice, cultural competence and using their new electronic database.

Recommendation

It is recommended that Office management develop a standard approach to orientation for new employees. This would include an overview of PNP and its core goals, a detailing of each position's role and responsibilities (including ethics and conflict of interest), and how staff positions interrelate; job shadowing and mentoring with an assigned and seasoned Officer.

Additionally, for the Officer positions, following two to three weeks of file reviews, their work should be peer reviewed by a senior Officer/Manager of Immigration and Settlement Programs to ensure a level of quality control is exercised early on to prevent any unintended errors, with follow-up training as required.

It is recommended that the Office develop a staff training plan which ensures training designed to ensure both efficiency and integrity in program processes. This would include IRPP training, creating an ethical framework, avoiding conflict of interest and cultural competency.

14.0 Creating a culture of facilitation

The Officers are primarily tasked with being facilitators – opening doors to possibilities for prospective immigrants and supporting them to apply to the program with a focus on their retention in the province and capacity to economically establish and be retained in the province. However, they must be mindful of ensuring that the level of misrepresentation is minimized, as per Section 4.9 of Annex "A" to the Agreement which states that NL is responsible for verifying all documentation supporting a nomination is genuine.

Examples of effort to ensure integrity and address misrepresentation and fraud are highlighted from other jurisdictions:

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[27] The Importance of Training and Development in the Workplace. Available from http://smallbusiness.chron.com/importance-training-development-workplace-10321.html.

➤ Manitoba

Manitoba has several steps in its assessment of integrity concerns[28], the review of which is done either through in internal Integrity and Quality Assurance Unit and/or via third-party verification agencies. 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).

Manitoba also has third-party vendors conducting verifications in China, India, Vietnam, and Iran respectively (e.g., related to education; previous employment)

➤ Ontario

Program staff in Ontario have a screening and assessment tool that support risk management by identifying high-risk files. This tool helps the program staff know when a file should be referred to their Integrity unit for further review. Processing staff may also refer files to the integrity unit if they suspect a conflict of interest or if the applicant provides conflicting information.[29]

Considerations

It is critical that the Office staff remain firmly focused on ways and means of attracting and facilitating applications from immigrants with an intent to reside and economically establish in the province.

Having to be solely responsible for assessing if there is any misrepresentation can, at times, challenge the Officer's capacity to be focused on being a facilitator. There are several steps which will address this concern and further build the Office's culture of facilitation.

- There should be a tool developed which helps the Officers to determine if a file is at high-risk for fraud and misrepresentation.

  A new staff position should be created for the Office. This staff – the Program Integrity Officer – would be responsible for investigating any potential cases of misrepresentation or fraud, as identified by the Officers. This would support identification of trends and patterns and would bring additional rigor and efficiencies to the assessment and nomination processes.

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[28] Information on Manitoba's integrity processes was garnered from: Manitoba Provincial Nominee Program for Skilled Workers. Policy and Procedures Manual. Available from http://www.immigratemanitoba.com/wp-content/uploads/2015/06/MPNP-Policy-Guidelines-public.pdf
[29] Ministry of Citizenship and Immigration. Provincial Nominee Program. Follow-Up on VFM Section 3.09, 2014 Annual Report. Pg. 120. Available from http://www.auditor.on.ca/en/content/annualreports/arreports/en16/v2_109en16.pdf.

Recommendation

It is recommended that the Office undertake to identify resources to establish a Program Integrity Officer position that would have primary responsibility for identifying trends in misrepresentation and fraud. This will ensure the Officers continue to have as their sole focus the core goal of the program – to facilitate applications from immigrants who have an intent to economically establish and reside in the province.

It is recommended that a short screening tool be developed which helps the Officers to determine if a file is high-risk for fraud and misrepresentation and should be referred to the Program Integrity Officer.

15.0 EFFECTIVE PRACTICES/LESSONS LEARNED

The following lessons learned/effective practices have been identified through the audit and/or the jurisdictional review and further inform opportunities to deepen the integrity of the assessment and nomination processes.

15.1 Focus of the PNP

The focus of the assessment and nomination process should be guiding people to residency. Officers should be focused on facilitating applications - ensuring all the requisite forms are completed appropriately and properly, that applicants' questions are answered, and that they can successfully complete their application.

15.2 Online application forms

Online application forms contribute to program efficiencies. Such online systems should prevent applicants from moving page to page unless all requisite fields are completed, and all relevant information is provided. Online systems must have the capability to allow applicants to stop and pause the application process as needed.

15.3 Training

Consistent training to ensure that current and future Officers are putting the same lens and level of due diligence on files, within a framework of cultural competence, is essential for ensuring integrity in the processes.

15.4 Policy manual

A comprehensive policy framework, updated on an as-needed basis, supports confidence in the process and consistency in all aspects of the assessment and nomination processes. It is critical that there be a process for discussing and updating on policy changes across all staff.

Using a bulletin format to advise of policy and procedures and changes is considered more effective than having a static policy manual, as it is more responsive to the evolution and changing nature of a PNP.

16.0 Ethical framework

Ethics are particularly important in programs such as immigration, where, for example, there is an inherent risk of fraud, where competing pressures (e.g., meeting targets/expediting files) can create internal stress, when the potential for conflict of interest is present, and/or when difficult personal circumstances are presented by immigrants which evoke extreme emotion and can challenge effective decision making.

Conflict of interest[30,31]

A review of the policy framework for the NLPNP reveals a policy on conflict of interest is lacking.

A conflict of interest arises in the workplace when an employee has competing interests or loyalties that either are, or potentially can be, at odds with each other. Examples are as diverse as the work settings in which they occur and involve people interaction, employee actions, and personal benefits taking precedence over what is in the best interests of the employer and/or influencing the execution of their duties on behalf of an employer. Conflict of interest can negatively impact an employee's reputation, integrity, and trustworthiness in the eyes of his/her peers and management. In workplaces, employees want to avoid any behavior or choices that could potentially signal a conflict of interest.

Code of conduct

Another tool for an ethical framework is a code of conduct. This is not undertaken to identify and discipline those who do not conform; rather, it is better described as a prompt sheet for the promotion of ethical decision-making by members of a profession. Such a code of conduct contributes to transparency and accountability for a program's stakeholders as they know how their affairs will be handled and provides a supporting framework for members of the profession to resist pressure to act inappropriately, and for making acceptable decisions in what may be 'grey areas'.[32]

The 2010 audit of the New Brunswick PNP spoke to these issues:

> 3.74 Staff members of the immigration branch process applications for permanent residency in Canada. They hold a position of authority, and they are actively involved in decisions affecting an applicant's future. Applicants are from various counties around the world; some where gift-giving is part of their culture. Immigration representatives have a vested interest in securing nominations for the applicants who hired them. Clearly documented policies on

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[30] The Balance. Human Resources. Conflict of Interest. Available from https://www.thebalance.com/conflict-of-interest-1918090.
[31] Alphabet Investors Relations. Code of Conduct. Conflict of Interest. Available from https://abc.xyz/investor/other/code-of-conduct.html.
[32] Immigration Advisors Authority. Professional Ethics and Code of Conduct. Available from http://www.iaa.govt.nz/ethics-toolkit/professional.asp.

code of conduct and conflict of interest, stating what constitutes ethical behavior concerning gifts, jobs and relationships, are needed for the PNP.[33]

Offsetting bias

Most of the Office staff spoke to the fact it can be challenging to remain subjective in their roles and/or that people can have their own biases – e.g., towards cultures, populations and/or countries, which can influence how they view the potential for immigrating and how they process applications. This can be based on their own personal histories/experiences, what they have experienced in the program, and/or influence from those with whom they work.

Considerations

Working within a program such as the NLPNP, there must be an ongoing and conscious effort to maintain objectivity and avoid bias. Working within an ethical framework ensures that staff are clear on expectations for behaviour and that to the extent possible, decision-making is based on moral standards and implications. Ethical behavior tends to be good for business and involves demonstrating respect for key moral principles that include, at a minimum, honesty, fairness, equality, dignity, honesty/trustworthiness, respect for others, individual rights, diversity, doing good and avoiding harm to others and accountability. One critical component of such a framework is a recognition of and avoidance of conflict of interest and cultural competence.

There should be a requirement for all Office staff to have ongoing and relevant training in cultural competencies. Cultural competence is the ability to understand, communicate with and effectively interact with people across cultures. Cultural competence encompasses: being aware of one's own world view, developing positive attitudes towards cultural differences, gaining knowledge of different cultural practices and world views.[34] Skills in cultural competencies will ensure more responsive, understanding and respectful interactions with applicants, which will facilitate their interest in the program and the province.

Recommendation

It is recommended that the NLPNP ensure that its policies, procedures, training, and operational culture support an ethical environment. A component of this would include development of a conflict of interest policy and ensuring all employees complete a conflict of interest declaration form, the development of a code of conduct, and cultural competency training for all current and future Office staff.

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[33]Government of New Brunswick. Department of Post-Secondary Education Training and Labour - Immigration with the Provincial Nominee Program. Report of the Auditor General, 2010. Available from https://www.gnb.ca/oag-bvg/2010v2/chap3e.pdf.

[34] What is cultural competence. Available from https://www.google.ca/search?sourceid=ie7&q=cuktrual+competence&rls=com.microsoft:en-CA:IE-Address&ie=UTF-8&oe=UTF-8&rlz=1I7LENP&gfe_rd=cr&dcr=0&ei=E5ORWrzIGuKBX9npu9AO&gws_rd=ssl.

17.0 CONCLUSION

As per Section 4.1 of Annex "A" to the Agreement:

4.1 Newfoundland and Labrador has the sole and non-transferable responsibility to assess and nominate candidates who, in Newfoundland and Labrador's determination:

- 4.1.1 Will be of benefit to the economic development of Newfoundland and Labrador; and
- 4.1.2 Have the ability and intention to economically establish and permanently settle in Newfoundland and Labrador subject to sections 4.2 through 4.8.

The audit revealed that while NL is fulfilling the responsibility for these outcomes, improvements and enhancements are required. The recommendations herein are designed to ensure the NLPNP outcomes are not only achieved, but that the processes on which the nominations are based are rigorous and support program integrity, including quality control and risk management, keeping in mind the desire to not create unnecessary bureaucracy or inflexibility.

Additionally, creation of a robust ethical framework founded on cultural competence, together with a clear and evolving policy framework, will support the Office staff to conduct their activities with confidence and contribute to engaging and supporting NLPNP applicants to be successful in their efforts to be nominated.

APPENDIX "A" – Sections 4.1 – 4.12 of Annex "A" to the CNLIA

4.0 Assessment and Nomination

4.1 Newfoundland and Labrador has the sole and non-transferable responsibility to assess and nominate candidates who, in Newfoundland and Labrador's determination:

- 4.1.1 Will be of benefit to the economic development of Newfoundland and Labrador; and
- 4.1.2 Have the ability and intention to economically establish and permanently settle in Newfoundland and Labrador subject to sections 4.2 through 4.8.

4.2 In order to exercise its nomination authority under this Annex, Newfoundland and Labrador will develop objective and transparent criteria for nomination which will be designed to assess the ability and intention of the applicant to become economically established in Newfoundland and Labrador and to demonstrate the economic benefit to the Province. Newfoundland and Labrador will codify and publish Provincial Nominee Program requirements, policy and procedures in publicly available directives. Applicants will be required to meet these criteria in order to be nominated. Newfoundland and Labrador will respect the principles and objectives of this Annex in developing and implementing its criteria and procedures.

4.3 Newfoundland and Labrador will provide Canada with all necessary information regarding the criteria, policies and procedures that it has established for the categories under its Provincial Nominee Program, as outlined in Schedule B, prior to the introduction and/or modification of any Provincial Nominee Program stream, category or pilot project. Canada will conduct a review of any proposed changes and, if it has determined that the changes are consistent with the IRPA, the IRPR and national immigration policies, Canada and Newfoundland and Labrador will agree to the proposed changes. To the extent possible, the timing and duration of the review will be mutually agreed upon by Canada and Newfoundland and Labrador prior to the start of the review process, taking into account resource constraints. The period of this review will vary according to the complexity of the proposed changes. Newfoundland and Labrador will only implement the new or amended Provincial Nominee Program stream, category or pilot project once Canada and Newfoundland and Labrador have reached agreement.

4.4 Provincial Nominee applicants will be nominated solely on the basis of economic benefit to Newfoundland and Labrador and their ability and intention of becoming economically established and residing in Newfoundland and Labrador. Economic establishment will be determined on the basis of factors such as: current job or job offer, language ability, work experience, education and training, and business ownership experience.

4.5 Non-economic factors, including but not limited to family connections or community ties, shall not constitute an eligibility condition or determining factor under any stream or category under the Provincial Nominee Program. Non-economic factors may only be used to assess the applicant's ability to adapt, likelihood to reside and/or settle in the nominating province.

4.6 Newfoundland and Labrador agrees to maintain the minimum language standards implemented on July 1, 2012 for Provincial Nominees at NOC skill levels C and D and to work towards establishing minimum language standards and mandatory testing for all other Provincial Nominees.

- 4.6.1 For those streams, categories or occupations subject to minimum language standards and mandatory testing, Newfoundland and Labrador will ensure that nominations are based on valid language test results. Newfoundland and Labrador will require those applicants to have their proficiency assessed in the English or French language by an organization or institution designated by Canada and these applicants must have obtained proficiencies for their abilities to speak, listen, read and write that correspond to agreed upon benchmarks. Only language test results from an organization or institution designated by Canada and the correlation of those results with the agreed upon benchmarks will be accepted as evidence of the applicant's proficiency in an official language for the purposes of this provision. The official notification of the results issued by the designated organization or a copy must be included with the application for permanent residence. The benchmarks are as follows:

  a. In the case of an applicant who has a job offer for an occupation listed in Skill Level C or Skill Level D of the National Occupational Classification, or has acquired work experience in one or more occupations that are listed in Skill Level C or Skill Level D of the National Occupational Classification matrix, applicants must have obtained proficiencies that correspond to the Canadian Language Benchmark of 4 or higher in each of the following competencies: speaking, listening, reading and writing.

- 4.6.2 As applicants in other streams, categories or occupations become subject to minimum language standards and mandatory testing, Newfoundland and Labrador will follow the same process as outlined in section 4.6.1 to ensure that these applicants have obtained proficiencies for their abilities to speak, listen, read and write that correspond to agreed upon benchmarks.

- 4.6.3 Applications for permanent residence which require the submission of language test results as per section 4.6.1a and which do not include valid language test results or the language results do not meet the above requirements will be returned to the applicant.

4.7 In exercising its nomination authority under this Agreement, Newfoundland and Labrador will apply the criteria for nomination referred to in sections 4.1 through 4.6 and follow the policy and procedures established by Newfoundland and Labrador, as amended from time to time, insofar as these criteria, policy and procedures are consistent with the IRPA, the IRPR or any successor legislation and regulations, national immigration policies and the terms of this Agreement and this Annex. These criteria will be applied to all individuals applying under the Newfoundland and Labrador Provincial Nominee Program and Newfoundland and Labrador does not have the authority to waive these criteria.

4.8 Newfoundland and Labrador will not issue a nomination certificate to:

- 4.8.1 any person whose employment is likely to affect the settlement of any labour dispute or affect the employment of a person involved in such a dispute, or whose employment will adversely affect employment or training opportunities for Canadian citizens or permanent residents in Newfoundland and Labrador;

- 4.8.2 any person who intends to enter, has agreed to enter, or has entered into an "immigration-linked investment scheme" as described in section 87 of the IRPR, or its successor.

4.9 Newfoundland and Labrador is responsible for verifying that all documentation supporting a nomination is genuine.

4.10 Newfoundland and Labrador will keep written or electronic records of its assessments of its nominees against those criteria for a minimum of six years from the date of nomination and share those records with Canada if requested to do so, subject to section 11.4 of the General Provisions of the Agreement.

4.11 Newfoundland and Labrador is responsible for conducting due diligence to ensure that the applicant has the ability and intention to become economically established and settle in Newfoundland and Labrador. Notwithstanding the foregoing, Canada retains the right to request additional documentation from the nominee which supports the nominee's ability and intention to become economically established and settle in Newfoundland and Labrador and to substitute its evaluation of the applicant's ability and intention to become economically established in Canada pursuant to sub-section 87(3) of the IRPR. In exercising its responsibilities under sections 4.14 and 4.17 and sections 6.1 to 6.6, Canada may also seek clarification and request documentation from Newfoundland and Labrador on its assessment, the record of which is required under sections 4.10 and the Canada-Newfoundland and Labrador Information Sharing Memorandum of Understanding.

4.12 Newfoundland and Labrador will issue a dated nomination certificate number, valid in accordance with Newfoundland and Labrador's administrative requirements, for each Provincial Nominee. The nomination certificate will specify information including but not limited to the category under which the nomination has been made. For security reasons, Newfoundland and Labrador will forward a record of the certificate, by electronic means, to the location specified by Canada. A nomination certificate received directly from the candidate or other parties will not be accepted as evidence pursuant to sections 4.1 and 4.14. Nominees must file an application for immigration within the time limit specified on the nomination certificate.

APPENDIX "B" – Summary description of PNP streams considered for the jurisdictional review

Manitoba

➤ Employer Direct Stream – individuals with a pre-approved guaranteed offer of employment from an employer who has a prior agreement with Manitoba PNP to issue jobs to applicants.

➤ International Student Stream – individuals who have graduated from a post-secondary education program in Manitoba, have a job offer related to their field of studies, and have been issued a post-graduation work permit.

➤ Strategic Recruitment initiative – individuals who possess sufficient training, work experience and language ability to meet the requirements of current recruitment initiatives and has an invitation from Manitoba PNP

New Brunswick

➤ New Brunswick Post-Graduate Entrepreneurial Stream – Individuals who have graduated from a recognized post-secondary institution in New Brunswick and have started/acquired a business for at least 1 year
➤ Skilled Worker Applicants with Employer Support – Individual who has a permanent full-time employment with a New Brunswick Company in an area of a skill shortage
➤ Skilled Workers Express Entry: Labour Market- individual with 1,560 hours experience in a NOC 0, A, B job which is needed in the province and reaches the minimum requirements as stated by the CIC's Federal Skilled Worker Program

Nova Scotia

➤ Skilled Worker – individuals (foreign workers or recently graduated students) whose skills are needed in Nova Scotia and an organization is unable to fill the position with a permanent resident or Canadian citizen. Must have a permanent full-time job and one-year's experience
➤ Nova Scotia Demand: Express Entry – for highly skilled individuals who wish to live in Nova Scotia and have a job offer

Saskatchewan
Worker with Saskatchewan Work Experience: Students – students who have graduated from a post-secondary institution in Saskatchewan with 6 months of paid work experience and holds a current, permanent full-time job offer in their field of study.

APPENDIX "C" – Comparisons of the guides and websites for each of the three NLPNP streams

Express Entry Skilled Worker Guide	Express Entry Skilled Worker website
Express entry skilled worker category is a path to immigration to NL whereby skilled individuals…	Express entry skilled worker category is a path to permanent residence for those intending to reside permanently in NL
The Federal government will process the majority of completed Express Entry applications in 6 months or less.	IRCC has committed to processing 80% of all Express Entry candidates within 6 months of receiving the application
Who is eligible….	Who is eligible….
Be accepted into IRCC's Express Entry Pool and have a valid Express Entry key code	Applicants must be accepted into IRCC's Express Entry Pool. To confirm registration in the Express Entry pool, applicants are required to provide their Express Entry Profile Number
Not in guide	Applicants must also obtain a job seeker validation code from IRCC.
2.2 Have a full-time job offer from a NL employer that has compensation in the form of a salary and benefits package that meets Provincial Government employment standards and prevailing wage rates, and does not contravene existing bargaining unit agreements or interfere with a labour dispute	Applicants must have a high-skilled job offer from a NL employer based on the NOC classification system. The skill level can be determined by searching for the job title on this page…
Not in 'who is eligible' section of Guide	Individuals who do not currently meet each of the above criteria are not eligible for the Newfoundland and Labrador Express Entry Skilled Worker category. However, they may be eligible to apply under the NLPNP Skilled Worker category or the NLPNP International graduate category.
Not in 'who is eligible' section of guide	New: If you hold a Post-Graduate (PGWP), you may be eligible for the Express Entry Skilled Worker Category, if you are accepted into Immigration, Refugees and Citizenship Canada's Express Entry pool. You should also obtain a valid Express entry key code and job seeker validation code to accompany your application.
Wording Not same in guide	NEW: if you hold a Post-Graduate Work Permit, you may be eligible for the Express Entry Skilled Worker Category, if you are accepted into IRCC's Express Entry Pool. You should also obtain a valid Express Entry key

Express Entry Skilled Worker Guide	Express Entry Skilled Worker website
	code and job seeker validation code to accompany your application.
Not in guide	Work Permits that are submitted with PNP application must have duration of six months remaining prior to expiry date
Who is not eligible	Who is not eligible
The applicant or any dependent family member over the age of **18** (whether or not they are accompanying them) has a criminal record;	The applicant or any dependent family member over the age of **22** (whether or not they are accompanying them) has a criminal record;
The applicant has unresolved custody or child support disputes. Applicants must have these issues resolved prior to starting the immigration application process	There are unresolved custody or child support disputes. Applicants must have these issues resolved before starting the immigration process
Nomination Limit and Application Intake Thresholds The PNP is subject to a nomination limit set by the Federal Government. The ability to be nominated is affected by these limits as well as program criteria. No application is guaranteed to be accepted and/or nominated.	Not in website list

International Graduate Guide (link to older version of guide still on website)	International Graduate website
1.1 What is the PNP International Graduate category? The PNP-International Graduate Category is a path to immigration to Newfoundland and Labrador whereby international students who have graduated from a recognized post-secondary educational institution in Canada can apply to be considered for nomination for permanent residence in Canada. While the Provincial Government issues the nomination, the Federal Government will issue the permanent residence visa. Provincial Nominees must meet both provincial and federal criteria to become a Permanent Resident.	What is the International Graduate Category? The NLPNP International Graduate Category is for international students who have graduated from a recognized post-secondary educational institution in Canada, to be considered for nomination for permanent residence in Canada.
2. HOW DOES THE INTERNATIONAL GRADUATE-PNP CATEGORY WORK?	This info section not on website
2.2 Applicant Requirements and Criteria	Who is eligible for the International Graduate category?
Not mentioned in guide	NEW: NLPNP International Graduate Program: Changes to Field of Study Requirements from Memorial University (MUN) and the College of the North Atlantic (CNA). Applicants to the NLPNP International Graduate category are permitted to be employed in a position that is unrelated to their field of study at the time of application.
Applicant Criteria/Eligibility Requirements	You are eligible to apply under the International Graduate category if you:
Not in guide	Have completed at least half of your studies in Canada and have graduated from an eligible publicly funded Canadian college or university (students must send proof of graduation with their application);
[Education and training] Have qualifications, training, skills, and/or licensure required for the job. If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in the province, proof of eligibility for	Have the qualifications, training, skills, and accreditation required for the job;.

International Graduate Guide (link to older version of guide still on website)	International Graduate website
provincial licensure or certification to be able to work in that profession must be submitted with the PNP application	
[Full Time, permanent job offer] must be from an established employer in Newfoundland and Labrador. The job offer must be located in Newfoundland and Labrador and in an occupation which falls under one of the five skills levels as per the NOC system [pg. 4]	Have a full-time job offer of indeterminate length from a Newfoundland and Labrador employer; Contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension) are not eligible for the NLPNP.
If living in Canada, provide proof of legal status as a temporary foreign worker or visitor. If applying from outside of Canada, provide proof of legal status in country of residence. [pg. 3] Loss of status in Canada means that individuals are not eligible to apply until status has been restored.	Have legal status to work in Canada; that is to say, have an Immigration, Refugees, and Citizenship Canada (IRCC) Post-Graduate Work Permit. Work permits that are submitted with the PNP application must have duration of six months remaining prior to expiry date.
[Work Experience] For occupations classified in National Occupation Classification(NOC) code O, A or B, applicants must have at least one year of related work experience within the last five years related to the position and skills for the job. The evidence of work experience or transferable skills will be verified by certified education and work experience via a résumé or curriculum vitae CV), letters of reference from employers and supporting documents; • For occupations classified in NOC C or D, applicants must have at least two years of full-time, related work experience.	Have the qualifications, training, skills, and accreditation required for the job;
[Adaptability] Candidates can demonstrate, to the satisfaction of the Department, the genuine intention and ability to live in Newfoundland and Labrador. Positive indicators may include employment, residence, visits, study, family connections and business activities in the province for at least six months.	Can demonstrate the intention and ability to settle permanently in Newfoundland and Labrador;
[Education and Training] Have compensation in the form of a salary and benefits package that meets provincial employment standards and prevailing regional wage rates	Have a job or job offer that has compensation in the form of a salary and benefits package that meets provincial employment standards and prevailing wage rates;

International Graduate Guide (link to older version of guide still on website)	International Graduate website
'Opportunity for advancement' referenced in relation to employer supports	Have a job or job offer that has opportunity for advancement;
The PNP will not accept any application if there is a labour dispute involving either the employer or the applicant. Pg. 4	Have a job or job offer that does not contravene existing bargaining unit agreements or any employment disputes
[Financial & Settlement Supports] Applicants must have financial resources to successfully establish themselves and any dependents in Newfoundland and Labrador, including transferable funds in candidate's or spouse's name, in order to pay your immigration costs, travel costs (if applicable) and successfully establish in Newfoundland and Labrador. Federal guidelines generally recommend that immigrants arrive with $11,000 plus $2,000 per dependent. This recommended amount is reduced in case of a principal applicant who is already living in Newfoundland and Labrador or has arranged employment. In all cases, proof of financial resources will be required to demonstrate economical establishment.	Can demonstrate that you have sufficient financial resources to successfully establish yourself and any dependents in Newfoundland and Labrador;
Applicants must be between the ages of 21 and 55 years of age at the time the Provincial Nominee Application is received by the Department.	Age reference not on website
Language Ability Your abilities are verified by one or more of the following: ○○ Educational transcripts or other documentation indicating English or French as the principal language of instruction or communication. ○○ Employment history and references with English or French as the principal language of communication. ○○ Internationally recognized test results to prove a CLB/ NCLC Level 5 in all four competencies: speaking, listening, reading and writing.	• Can demonstrate sufficient English or French language capability to perform the employment duties. Your English language ability must be verified by one of the following: o An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or o Education and/or training documents If you completed your studies at a recognized post-secondary institute outside of Newfoundland and Labrador, you may be required to work in a job that is in your field

International Graduate Guide (link to older version of guide still on website)	International Graduate website
	of study for a minimum of 1 year prior to submission of your PNP application.
· Not have compensation in the form of cash or be solely commission-based	Not mentioned on website
· Be a position which has a shortage of qualified permanent residents or Canadian citizens to fill the positions; · Not be contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension); · Not be a job which is of a seasonal or cyclical nature, or which are considered part-time, are also not eligible; and, · Not contravene any existing bargaining unit agreements, labour agreements/standards or be in any employment disputes.	Not mentioned in website list
Who is not eligible for the International Graduate category?	Who is not eligible for the International Graduate category?
International Graduate Category applications are ineligible if the applicant(s):	You are **not** eligible for the International Graduate category if you:
	Are a student who has not yet completed his/her studies;
Fails to establish that their intent to live and work in Newfoundland and Labrador is genuine;	
• Fails to demonstrate the ability to become economically established; • Has dependent family member(s) over the age of <mark>18</mark> (whether or not they are accompanying the applicant to Canada) has a criminal record; • Is on a post-graduate work permit and employed in an occupation that falls under the NOC system as Level C or Level D; • Is in Canada illegally, under a removal order, or prohibited from entering Canada; • Is out-of-status in Canada. Status must be restored prior to submitting an application;	

International Graduate Guide (link to older version of guide still on website)	International Graduate website
• Is on implied status in Canada and is waiting to receive a response from the Federal Government on a work permit application; • Has a job that is not based in Newfoundland and Labrador; • Is a majority shareholder in a Newfoundland and Labrador business; • Is basing the application on a job offer where the applicant is intending to start a business and/or become self employed; • Is in a sales position that is based solely on commission for compensation; • Is an individual in Canada who is in the Federal Caregiver Program; • Is the spouse of an international student attending a Newfoundland and Labrador postsecondary institution who is not in his or her last year of study; • Has less than six (6) months remaining on their work permit; • Is a seasonal or part-time worker; and • Fails to submit documentation as requested by the PNP staff.	
	Are a failed refugee claimant or a refugee claimant living in Newfoundland and Labrador;
	Are a student who has studied in Canada under sponsorship from an agency or government that expects the individual to return to his/her country of origin once he/she has graduated;

International Graduate Guide (link to older version of guide still on website)	International Graduate website
	Or any of your dependent family members (whether or not they are accompanying you) have a serious medical condition;
	Or any of your dependent family members over the age of 22 (whether or not they are accompanying you) have a criminal record;
• Has unresolved custody or child support disputes. Applicants must have these issues resolved prior to starting the immigration application process;	You have unresolved custody or child support disputes. You must have these issues resolved before starting the immigration process;
• Has intentionally misrepresented information in the application. This would include information submitted by the applicant, the employer or immigration representative;	Have intentionally misrepresented yourself in the application
	If the employer has intentionally misrepresented themselves or you in relation to their, or your, role in business
	• Note: If you lose or quit your job during the nomination process, you may lose your eligibility and your nomination and/or Permanent Residency application may be cancelled. If you are experiencing issues with your employment, contact your PNP Officer immediately. • Note: Any activity potentially constituting fraud will be investigated and may result in criminal proceedings.
Guide	Skilled Worker website
1.1 What is the Skilled Worker Category? The Skilled Worker Category is a path to immigration to Newfoundland and Labrador whereby skilled individuals who have a job or job offer in Newfoundland and Labrador and who have the intent to reside permanently in this province, can be nominated. While the Provincial Government issues the nomination, the Federal Government will issue the Permanent Residence Visa. Provincial Nominees must meet both provincial and federal criteria to become a Canadian Permanent Resident.	Skilled Worker The NLPNP Skilled Worker category exists to nominate individuals who have specialized skills that are deemed as having a critical impact on the operations of an employer in Newfoundland and Labrador
2. How does the Skilled Worker Category Work?	Not asked on website

International Graduate Guide (link to older version of guide still on website)	International Graduate website
Levels of approval Level 1 and Level 2 Fees Nomination Limit and Application Intake Thresholds	
2.2 Who is eligible for the skilled worker category? Applicants may apply to the Skilled Worker Category if they have a full-time job and a valid work permit or if they have a job offer from a Newfoundland and Labrador employer. The employer must demonstrate that they have made a genuine effort to recruit locally before the job offer is extended to an international worker. To demonstrate genuine effort to recruit, the employer will be required to complete a Job Vacancy Assessment.	Who is eligible for the Skilled Worker category? ▪ You are eligible for the Skilled Worker category if you: ▪ Have a full-time job offer ==of indeterminate length== from a Newfoundland and Labrador employer or a job or job offer that has compensation in the form of a salary and benefits package that meets provincial employment standards and prevailing wage rates; ▪ ==Contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension) are not eligible for the NLPNP.== ▪ Your employer (or future employer) can demonstrate a need for your skill set;
If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in the province, proof of eligibility for provincial licensure or certification to be able to work in that profession must be submitted with the PNP application (e.g., nurse, physician, engineer). In addition, the applicant must score a minimum of 67 points out of 100 on the Point Assessment Grid (see Annex A); and complete the following:	Assessment grid not referenced on website
Have a Citizenship and Immigration Canada Work Permit or is entitled to apply for one;	Have an Immigration, Refugees, and Citizenship Canada (IRCC) Work Permit or is entitled to apply for one;

International Graduate Guide (link to older version of guide still on website)	International Graduate website
	Work permits that are submitted with the PNP application must have duration of six months remaining prior to expiry date.
Language ability (assessment grid)	Your English language ability must be verified by one of the following: ▪ An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or ▪ Education and/or training documents ▪ Occupations classified in NOC Code C or D will have to meet Minimum Language Requirements
If living in Canada, provide proof of legal status as a temporary foreign worker or visitor. If applying from outside of Canada, provide proof of legal status in country of residence. Loss of status in Canada means that individuals are not eligible to apply until status has been restored.	This paragraph is not on website
Age: Applicants but be between the ages of 21 and 55 years of age at the time the Provincial Nominee Application is received by the Department.	This paragraph is not on website
Job offer preferably for NOC O, A or B occupation. Occupations classified as C or D will be accepted based on local labour market requirements and conditions, and *six (6) months* of work experience with the Newfoundland and Labrador employer. The job located in Newfoundland and Labrador must: • Meet Newfoundland and Labrador's employment and wage standards Be a position which has a shortage of qualified permanent residents or Canadian citizens to fill the positions; • Have compensation in the form of salary and benefits package that meets provincial employment standards and prevailing regional wage rates (see http://www.	Information is presented differently on the website

International Graduate Guide (link to older version of guide still on website)	International Graduate website
workingincanada.gc.ca/search_occupation-eng.do); • Not have compensation in the form of cash or be solely commission-based; • Not be a contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension); • Not be a job which is of a seasonal or cyclical nature, or which are considered part-time, are also not eligible; and • Not contravene any existing bargaining unit agreements, labour agreements/standards or be in any employment disputes.	
The PNP will not accept any application if there is a labour dispute involving either the employer or the applicant.	Have a job or job offer that does not contravene existing bargaining unit agreements or any employment disputes
Education and Training: Have qualifications, training, skills, and/or licensure required for the job. If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in the province, proof of eligibility for provincial licensure or certification to be able to work in that profession must be submitted with the PNP application (e.g., nurse, physician, engineer).	Have the qualifications, training, skills, and/or accreditation required for the job;
Work experience	Not on website
Language ability: For positions NOC O,A,B and your first language is English or French, that is proof enough. If your first language is not English or French, your written proof or explanation must clearly show that you meet the criteria listed in the Canadian Language Benchmarks (CLB) or Niveaux de compétence linguistique canadiens (NCLC) for at least CLB/ NCLC Level 5. Your abilities are verified by one or more of the following:	Can demonstrate sufficient English or French language capability to perform the employment duties. Your English language ability must be verified by one of the following: • An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or • Education and/or training documents • Occupations classified in NOC Code C or D will have to meet Minimum Language Requirements

International Graduate Guide (link to older version of guide still on website)	International Graduate website
Educational transcripts or other documentation indicating English or French as the principal language of instruction or communication. Employment history and references with English or French as the principal language of communication. Internationally recognized test results to prove a CLB/ NCLC Level 5 in all four competencies: speaking, listening, reading and writing. Occupations classified as NOC C and D, valid test results are mandatory and must show that the applicant has obtained a minimum score equal to or greater than the benchmark 4 under the Canadian Language Benchmark (CLB) in all four competencies: listening, speaking, reading and writing.	
Applicants must have financial resources to successfully establish themselves and any dependents in Newfoundland and Labrador, including transferable funds in candidate's or spouse's name, in order to pay your immigration costs, travel costs (if applicable) and to successfully establish in Newfoundland and Labrador. Federal guidelines generally recommend that immigrants arrive with $11,000 plus $2,000 per dependent. This recommended amount is reduced in case of a principal applicant who is already living in Newfoundland and Labrador or has arranged employment. In all cases, proof of financial resources will be required to demonstrate economical establishment.	Can demonstrate that you have sufficient settlement funds and financial resources to successfully establish yourself and any dependents in Newfoundland and Labrador;
Who is not eligible to apply to the NLPNP Skilled Worker Category?	Who is not eligible for the Skilled Worker Category?
Does not achieve a minimum of 67 points out of 100 points on the Point Assessment Grid;	Assessment grid not referenced on website
Has an active application for refugee status with the Government of Canada or is a failed refugee claimant;	You are a failed refugee claimant or a refugee claimant living in Newfoundland and Labrador;

International Graduate Guide (link to older version of guide still on website)	International Graduate website
The applicant fails to establish that their intent to live and work in Newfoundland and Labrador is genuine;	Not on website
Fails to demonstrate the ability to become economically established;	Not on website
Has dependent family member(s) over the age of 18 (whether or not they are accompanying the applicant to Canada) has a criminal record;	You or any dependent family member over the age of 22 (whether or not they are accompanying them) have a criminal record;
Not as clear and not stated this way in the guide→	You do not have a full-time job offer from a Newfoundland and Labrador employer (unless your employer can demonstrate a need for your skill set).
Has intentionally misrepresented information in the application. This would include information submitted by the applicant, the employer or immigration representative. • Is on a post-graduate work permit and employed in an occupation that falls under the NOC system as Level C or Level D;	you have intentionally misrepresented yourself in the application; or If the employer has intentionally misrepresented themselves or you in relation to their, or your, role in business
	Note: Any activity potentially constituting fraud will be investigated and may result in criminal proceedings
Is in Canada illegally, under a removal order, or prohibited from entering Canada; • Is out-of-status in Canada. Status must be restored prior to submitting an application; • Is on implied status in Canada and is waiting to receive a response from the Federal Government on a work permit application; • Job is not based in Newfoundland and Labrador; • Is a majority shareholder in a Newfoundland business; • Is basing the application on a job offer where the applicant is intending to start a business and/or become self employed; • Is in a sales position that is based solely on commission for compensation; • Is an individual in Canada who is in the Federal Caregiver Program; • Is the spouse of an international student attending a Newfoundland and Labrador postsecondary	←These are not referenced and/or unclear on the website's "who is not eligible" section

International Graduate Guide (link to older version of guide still on website)	International Graduate website
institution who is not in his or her last year of study; • Less than six (6) months remaining on their work permit • Is a seasonal or part-time worker; and • Fails to submit documentation as requested by the PNP staff.	

Skilled Worker Guide	Skilled Worker website
1.1 What is the Skilled Worker Category? The Skilled Worker Category is a path to immigration to Newfoundland and Labrador whereby skilled individuals who have a job or job offer in Newfoundland and Labrador and who have the intent to reside permanently in this province, can be nominated. While the Provincial Government issues the nomination, the Federal Government will issue the Permanent Residence Visa. Provincial Nominees must meet both provincial and federal criteria to become a Canadian Permanent Resident.	Skilled Worker The NLPNP Skilled Worker category exists to nominate individuals who have specialized skills that are deemed as having a critical impact on the operations of an employer in Newfoundland and Labrador
2. How does the Skilled Worker Category Work? Levels of approval Level 1 and Level 2 Fees Nomination Limit and Application Intake Thresholds	Not asked on website
2.2 Who is eligible for the skilled worker category? Applicants may apply to the Skilled Worker Category if they have a full-time job and a valid work permit or if they have a job offer from a Newfoundland and Labrador employer. The employer must demonstrate that they have made a genuine effort to recruit locally before the job offer is extended to an international worker. To demonstrate genuine effort to recruit, the employer will be required to complete a Job Vacancy Assessment.	Who is eligible for the Skilled Worker category? ▪ You are eligible for the Skilled Worker category if you: ▪ Have a full-time job offer ==of indeterminate length== from a Newfoundland and Labrador employer or a job or job offer that has compensation in the form of a salary and benefits package that meets provincial employment standards and prevailing wage rates; ▪ ==Contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension) are not eligible for the NLPNP.== ▪ Your employer (or future employer) can demonstrate a need for your skill set;
If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in	Assessment grid not referenced on website

Skilled Worker Guide	Skilled Worker website
the province, proof of eligibility for provincial licensure or certification to be able to work in that profession must be submitted with the PNP application (e.g., nurse, physician, engineer). In addition, the applicant must score a minimum of 67 points out of 100 on the Point Assessment Grid (see Annex A); and complete the following:	
Have a Citizenship and Immigration Canada Work Permit or is entitled to apply for one;	Have an Immigration, Refugees, and Citizenship Canada (IRCC) Work Permit or is entitled to apply for one; Work permits that are submitted with the PNP application must have duration of six months remaining prior to expiry date.
Language ability (assessment grid)	Your English language ability must be verified by one of the following: ▪ An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or ▪ Education and/or training documents ▪ Occupations classified in NOC Code C or D will have to meet Minimum Language Requirements
If living in Canada, provide proof of legal status as a temporary foreign worker or visitor. If applying from outside of Canada, provide proof of legal status in country of residence. Loss of status in Canada means that individuals are not eligible to apply until status has been restored.	This paragraph is not on website
Age: Applicants but be between the ages of 21 and 55 years of age at the time the Provincial Nominee Application is received by the Department.	This paragraph is not on website
Job offer preferably for NOC O, A or B occupation. Occupations classified as C or D will be accepted based on local labour market requirements and conditions, and *six (6)months* of work	Information is presented differently on the website

Skilled Worker Guide	Skilled Worker website
experience with the Newfoundland and Labrador employer. The job located in Newfoundland and Labrador must: • Meet Newfoundland and Labrador's employment and wage standards Be a position which has a shortage of qualified permanent residents or Canadian citizens to fill the positions; • Have compensation in the form of salary and benefits package that meets provincial employment standards and prevailing regional wage rates (see http://www. workingincanada.gc.ca/search_occupation-eng.do); • Not have compensation in the form of cash or be solely commission-based; • Not be a contractual or locum positions (short-term positions usually less than twelve (12) months in duration with little or no possibility of extension); • Not be a job which is of a seasonal or cyclical nature, or which are considered part-time, are also not eligible; and • Not contravene any existing bargaining unit agreements, labour agreements/standards or be in any employment disputes.	
The PNP will not accept any application if there is a labour dispute involving either the employer or the applicant.	Have a job or job offer that does not contravene existing bargaining unit agreements or any employment disputes
Education and Training: Have qualifications, training, skills, and/or licensure required for the job. If work experience is in an occupation that is regulated in Newfoundland and Labrador and requires mandatory certification or licensing in the province, proof of eligibility for provincial licensure or certification to be able to work in that profession must be submitted with the PNP application (e.g., nurse, physician, engineer).	Have the qualifications, training, skills, and/or accreditation required for the job;
Work experience	Not on website
Language ability:	Can demonstrate sufficient English or French language capability to perform the employment

Skilled Worker Guide	Skilled Worker website
For positions NOC O,A,B and your first language is English or French, that is proof enough. If your first language is not English or French, your written proof or explanation must clearly show that you meet the criteria listed in the Canadian Language Benchmarks (CLB) or Niveaux de compétence linguistique canadiens (NCLC) for at least CLB/ NCLC Level 5. Your abilities are verified by one or more of the following: Educational transcripts or other documentation indicating English or French as the principal language of instruction or communication. Employment history and references with English or French as the principal language of communication. Internationally recognized test results to prove a CLB/ NCLC Level 5 in all four competencies: speaking, listening, reading and writing. Occupations classified as NOC C and D, valid test results are mandatory and must show that the applicant has obtained a minimum score equal to or greater than the benchmark 4 under the Canadian Language Benchmark (CLB) in all four competencies: listening, speaking, reading and writing.	duties. Your English language ability must be verified by one of the following: • An Affidavit of English Language Ability from a Newfoundland and Labrador employer who has offered you a full-time job; or • Education and/or training documents • Occupations classified in NOC Code C or D will have to meet Minimum Language Requirements
Applicants must have financial resources to successfully establish themselves and any dependents in Newfoundland and Labrador, including transferable funds in candidate's or spouse's name, in order to pay your immigration costs, travel costs (if applicable) and to successfully establish in Newfoundland and Labrador. Federal guidelines generally recommend that immigrants arrive with $11,000 plus $2,000 per dependent. This recommended amount is reduced in case of a principal applicant who is already living in Newfoundland and Labrador or has arranged employment.	Can demonstrate that you have sufficient settlement funds and financial resources to successfully establish yourself and any dependents in Newfoundland and Labrador;

Skilled Worker Guide	Skilled Worker website
In all cases, proof of financial resources will be required to demonstrate economical establishment.	
Who is not eligible to apply to the NLPNP Skilled Worker Category?	Who is not eligible for the Skilled Worker Category?
Does not achieve a minimum of 67 points out of 100 points on the Point Assessment Grid;	Assessment grid not referenced on website
Has an active application for refugee status with the Government of Canada or is a failed refugee claimant;	You are a failed refugee claimant or a refugee claimant living in Newfoundland and Labrador;
The applicant fails to establish that their intent to live and work in Newfoundland and Labrador is genuine;	Not on website
Fails to demonstrate the ability to become economically established;	Not on website
Has dependent family member(s) over the age of 18 (whether or not they are accompanying the applicant to Canada) has a criminal record;	You or any dependent family member over the ==age of 22== (whether or not they are accompanying them) have a criminal record;
Not as clear and not stated this way in the guide➔	You do not have a full-time job offer from a Newfoundland and Labrador employer (unless your employer can demonstrate a need for your skill set).
Has intentionally misrepresented information in the application. This would include information submitted by the applicant, the employer or immigration representative. • Is on a post-graduate work permit and employed in an occupation that falls under the NOC system as Level C or Level D;	you have intentionally misrepresented yourself in the application; or If the employer has intentionally misrepresented themselves or you in relation to their, or your, role in business
	Note: Any activity potentially constituting fraud will be investigated and may result in criminal proceedings
Is in Canada illegally, under a removal order, or prohibited from entering Canada; • Is out-of-status in Canada. Status must be restored prior to submitting an application; • Is on implied status in Canada and is waiting to receive a response from the Federal Government on a work permit application; • Job is not based in Newfoundland and Labrador;	←These are not referenced and/or unclear on the website's "who is not eligible" section

Skilled Worker Guide	Skilled Worker website
• Is a majority shareholder in a Newfoundland business; • Is basing the application on a job offer where the applicant is intending to start a business and/ or become self employed; • Is in a sales position that is based solely on commission for compensation; • Is an individual in Canada who is in the Federal Caregiver Program; • Is the spouse of an international student attending a Newfoundland and Labrador postsecondary institution who is not in his or her last year of study; • Less than six (6) months remaining on their work permit • Is a seasonal or part-time worker; and • Fails to submit documentation as requested by the PNP staff.	

Appendix "D" - Combining the PNP checklists – an example

Developing a Combined Checklist
Section 9.3 recommends that the number of checklists for the NLPNP assessment and nomination process be condensed or combined. It suggests that the program could consider the development of one overall checklist to document the processes for each phase of the assessment and nomination process. The following presents additional ideas and considerations.

Format
A combined checklist could be developed either as a paper-based tool, or as a series of required fields integrated into the new PNP electronic database system. Decisions about its format should consider, for example:

- Ease-of-use
- Being able to trace the steps that were taken, and to tell who did what and when in each of the three critical phases of the assessment and nomination process
- Its utility as a working document (not something to be done in draft form in pen and then finalised electronically).

Development of the tool
It may be relevant to develop this three-phased form collaboratively with staff members, to ensure it meets their needs for a working document.
Decide which forms need to be retained for use, in addition to this proposed new form.

- E.g., does the Final Assessment Form need to be retained as a separate tool?

Guiding principles
Be guided by the principles of:

- Having a tool that would enable anyone reviewing or taking over responsibility for a file to understand:
  - the order in which activities occurred
  - who undertook each activity and when?
  - what, if anything else needs to be reviewed
  - the due diligence that was applied
  - if any issues or concerns exist, and how they were resolved (or not resolved)
  - the rationale for the final recommendation.
- While checkmarks could be used for some items, it would be better to replace checkboxes with a space requiring comments, even brief notes.
- Ensuring clarity as to which elements of due diligence are required under which conditions, and which are optional.

Avoid:

- Avoid creating a checklist that must be developed in draft form and then re-done as a clean version. This erodes its use as a tool.
- Avoid creating categories on the checklist that are too extensive, as with the Due Diligence checklist.
- Avoid requiring long answers in the comment boxes, and conversely avoid only requiring simple checkmarks in places where this doesn't provide sufficient information. Instead,

find a balance: i.e., how an Officer fills out the form indicates something meaningful, without creating an extensive burden of new work, such as paragraph-length formal answers.

- Avoid duplicating information on other forms or creating new forms.

An example of a possible combined and phased assessment and nomination form follows.

Sample Combined phased form/checklist for PNP program file review

Phase I – Initial Intake Date received: *Date*	This section of the checklist completed by: *Departmental Program Coordinator (name)*
Steps	**Comments**
1. Review application for completeness. Was everything there?	*Done. Passport copies were missing.*
2. If any documents were missing, follow up with the applicant by email or letter. (Link to standard template for email or letter.)	*Email sent to client on March 3, 2018 to ask for the missing docs.*
Etc….	
Phase 1 completion: Intake completed, file passed on to *Officer [#1 name]* on *March 18, 2018.*	

Phase 2 – Assessment process Date assessment began: *Date*	This section of the checklist completed by: *Officer [#1 name]*
Steps	**Comments**
1. Examine identity documents (name which ones) Always check for: xxxx If you checked for xxxx, and it requires more investigation, then follow-up: xxx	
2. Examine education documents Always check for: xxxx If you checked for xxxx and more investigation is required, then follow-up: xxxx	
Etc….	
Phase 2 completion: All required steps in the assessment process undertaken; issues of concern discussed with the Program Integrity Officer and resolved/considered. Completed by: *Officer [#1 name] Date of completion_____*	

Phase 3 – Nomination Date nomination issued: *Date*	This section of the checklist completed by: *Officer [#1 name] and reviewed by*

	the Manager of Immigration and Settlement Programs [name]
Steps	**Comments**
Completion of Final Assessment Form (*if this document is in continued use*)	
Review of the Final Assessment Form	
Sign-off on the Nomination – accepted or rejected by the Director	
Relevant letters sent – and date….	
Etc….including follow-up steps	
Phase 3 completion: All required steps were undertaken; the Final Assessment Form was completed and reviewed; the Nomination was accepted or rejected; and required follow-up was completed.	