

Annex A: Provincial Nominees 2022

1.0 Purpose and Objectives

1.1 The purpose of this Annex is to define the roles and responsibilities of Canada and Newfoundland and Labrador in relation to the Provincial Nominee Class as described in section 87 of the *Immigration and Refugee Protection Regulations (IRPR)* and, in accordance with section 8(1) of the *Immigration and Refugee Protection Act (IRPA)*, to establish provisions concerning the selection of and acquisition of immigration status by foreign nationals nominated by Newfoundland and Labrador.

1.2 In the event of a conflict between this Annex and the *IRPA*, the *IRPR*, or Ministerial Instructions given under the *IRPA*, Canada and Newfoundland and Labrador agree that the *IRPA*, the *IRPR*, or Ministerial Instructions shall prevail.

1.3 The objectives of this Annex are:

1.3.1 To strengthen Newfoundland and Labrador's ability to enhance the economic benefits of immigration to the province taking into account Newfoundland and Labrador's economic priorities as well as the development of Minority Official Languages Communities in the province;

1.3.2 To increase the Francophone population of Newfoundland and Labrador and support Minority Official Language Communities through immigration;

1.3.3 To recognize that the Provincial Nominee Program, as established by section 87(1) of the *IRPR* and this Annex A, provides for the establishment of a jointly administered immigration program, where:

- a. Newfoundland and Labrador is responsible for:
 - i. the recruitment, assessment, and nomination of Provincial Nominees on the basis of their ability and intention to economically establish and settle in Newfoundland and Labrador;
 - ii. the promotion of the Newfoundland and Labrador Provincial Nominee Program;
 - iii. the integrity of the Newfoundland and Labrador Provincial Nominee Program; and
 - iv. ensuring that effective performance monitoring and evaluation systems, consistent with the national Provincial Nominee Program Performance Measurement and Evaluation Frameworks, are in place in Newfoundland and Labrador.
- b. Canada is responsible for:
 - i. ensuring that applicants admitted under the Provincial Nominee Program have met the requirements of membership in the economic class as provided under the *IRPA*, and that they are

- assessed for nomination using criteria designed to determine their eligibility for consideration in the economic class;
- ii. making the final selection and admissibility decisions and issuing visas; and
- iii. ensuring that performance monitoring and evaluation systems are in place at the federal level to ensure that the national Provincial Nominee Program continues to meet its economic objectives.

1.3.4 To process Newfoundland and Labrador Provincial Nominees for permanent residence as expeditiously as possible, taking into account:

- a. Newfoundland and Labrador's annual Provincial Nominee Program plan;
- b. Canada's projected annual immigration levels plan as per s. 94 of the *IRPA*;
- c. The number of provincial nomination certificates issued in each calendar year, as referred to in section 3.4;
- d. Legislative and regulatory requirements, including admissibility, eligibility, and Ministerial Instructions; and
- e. Operational and resource constraints.

2.0 Shared Principles

2.1 Canada and Newfoundland and Labrador agree to abide by and uphold the following shared principles:

2.1.1 Newfoundland and Labrador is best positioned to:

- a. determine the specific economic and labour market needs of Newfoundland and Labrador vis-à-vis immigration; and
- b. assess and nominate candidates that will meet these economic and labour market needs and have the ability and intention to economically establish and settle in Newfoundland and Labrador.

2.1.2 Canada is responsible for national immigration policy direction, the overall design and management of the movement of permanent and Temporary Residents to Canada and, in accordance with s. 94 of the *IRPA*, for the establishment of an annual immigration plan containing a projection of the number of immigrants to be admitted to Canada each year in total and in each immigrant category; and, in accordance section 87.3 of the *IRPA*, for the processing of applications and requests in a manner that, in the opinion of the Minister, will best support the attainment of the immigration goals established by the Government of Canada. In carrying out its responsibilities, Canada is committed to working equitably with all interested Parties, including Newfoundland and Labrador.

2.1.3 Canada is responsible for the creation of immigration classes within the *IRPA*; Newfoundland and Labrador is responsible for the design, administration, monitoring, evaluation and integrity of its Provincial Nominee Program, and may create categories within this program to the extent that these categories identify individuals solely on the basis of their ability and intention to economically

establish and settle in Newfoundland and Labrador, and are compatible with the definitions and criteria applicable to the Provincial Nominee class under the *IRPA* and the *IRPR* and with national immigration policy.

2.1.4 Canada will process Provincial Nominee applications from applicants nominated in all provinces and territories equitably and as expeditiously as possible within the number of nomination certificates allocated each calendar year, subject to the provisions of section 3.3 and 9.2, operational and resource constraints, and balancing multiple competing priorities including any priorities which may arise as a result of Ministerial Instructions issued under s. 87.3 of the *IRPA*.

2.1.5 Canada and Newfoundland and Labrador agree on the importance of the following shared principles:

- a. the Provincial Nominee Program as a strategic tool for significant economic benefit in the region;
- b. the importance of encouraging the development of Minority Official Language Communities in Newfoundland and Labrador;
- c. communication and collaboration to ensure program integrity, effective management and successful outcomes;
- d. program integrity activities in maintaining the integrity of the Provincial Nominee Program;
- e. standardized methodology for all Provincial Nominee Program evaluations to ensure that performance information common to all jurisdictions is collected and evaluated in a comparable manner;
- f. the Provincial Nominee Program as a tool for spreading the benefits of immigration across Canada and the critical role that the settlement and retention of provincial nominees in the nominating jurisdiction plays in achieving this goal;
- g. strategies and coordinated efforts to improve the recognition of foreign credentials and qualifications across, but not limited to, health, education, natural resources and technical occupations;
- h. the importance of pathways from temporary residence to permanent residence, in full recognition of their linkages and contributions to Canada; and
- i. innovative immigration streams and pilot projects informed by evidence-based policy.

2.1.6 Both Parties will consult in a timely manner on proposed changes to policies, legislation, regulations and programs which could have a significant impact, fiscal or otherwise, on the operation of the Newfoundland and Labrador Provincial Nominee Program.

3.0 Planning and Reporting

3.1 Newfoundland and Labrador will develop a Provincial Nominee Program plan based on the shared principles agreed to by the Parties in section 2.1. Newfoundland and Labrador will submit this plan to Canada on an annual basis and in advance of consultations, for consideration in developing Canada's projections for Canada's immigration levels planning. In establishing its Provincial Nominee Program plan, Newfoundland and Labrador will consult with Canada, taking into account Canada's role in national immigration policy and planning.

3.2 Canada will make all reasonable efforts to incorporate Newfoundland and Labrador's Provincial Nominee Program plan into Canada's immigration plan.

3.3 The number of Provincial Nominee Program nominations as set by Canada in consultation with Newfoundland and Labrador, subject to the principles outlined in section 2.1, may be adjusted at any time during the year upon agreement by both Parties. By September 30, or periodically as agreed to by both Parties, Newfoundland and Labrador will inform Canada of its progress in issuing certificates for the current calendar year.

3.4 Reporting on Newfoundland and Labrador levels planning will be undertaken as follows:

3.4.1 Newfoundland and Labrador will provide Canada with an annual report for the preceding year on Newfoundland and Labrador's Provincial Nominee Program plan and the results achieved based on calendar year, no later than four (4) weeks after receiving the specified format from Canada; and

3.4.2 The annual report will include but is not limited to the elements outlined in Schedule A. The province will amend the annual report, as required, to ensure that it includes performance indicators listed in the Provincial Nominee National Performance Measurement framework outlined in section 7.2.

3.5 The Parties undertake to give one another notice of any change in procedure, policy, regulations or legislation relating to their respective programs or operations that is likely to affect the Provincial Nominee Program.

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 4.3 through 4.9 of this Annex.

4.2 Canada shall consider Newfoundland and Labrador's nomination as evidence that Newfoundland and Labrador has carried out its due diligence determining that an applicant has met the requirements of Newfoundland and Labrador's Provincial Nominee Program.

4.3 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 of the applicant to become economically established in Newfoundland and Labrador and to demonstrate the economic benefit to the province. Newfoundland and Labrador will publish Provincial Nominee Program requirements, policies 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.

4.4 Newfoundland and Labrador will provide Canada, in confidence, all necessary information regarding the criteria, policies and procedures that it has established for the categories under its Provincial Nominee Program, as outlined in stream design templates provided by Canada, prior to the introduction and/or modification of any Provincial Nominee Program stream, category or pilot project. Both Parties will engage in good faith dialogue before the formal review process begins, with the goal of meeting shared objectives and expectations. 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. While Canada will strive to undertake the review as expeditiously as possible, 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.

4.5 Applicants to the Provincial Nominee Program will be assessed solely on the basis of economic benefit to Newfoundland and Labrador and their ability and likelihood of becoming economically established and permanently settling in Newfoundland and Labrador. Economic establishment will be determined on the basis of factors which may include, but are not limited to, current job or job offer, language ability, work experience, education and training, business ownership skills, and sufficient settlement funds.

4.6 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, and their likelihood of settling permanently in the nominating province, once other economic eligibility factors have been met. The province may work with Local Communities when assessing non-economic factors.

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

4.7.1 For those streams, categories or occupations subject to minimum language standards and mandatory testing, Newfoundland and Labrador will confirm 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.

4.7.2 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 4.8.1 to ensure that these applicants have obtained proficiencies for their abilities to speak, listen, read and write that correspond to agreed upon benchmarks.

4.7.3 Applications for permanent residence which require the submission of language test results as per section 4.8.1(a) 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.

4.8 In exercising its nomination authority under this Annex, Newfoundland and Labrador will apply the criteria for nomination referred to in sections 4.1 through 4.7 and follow the policies and procedures established by Newfoundland and Labrador, as amended

from time to time, insofar as these criteria, policies 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.

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

- 4.9.1 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;
- 4.9.2 Any person who intends to enter, has agreed to enter, or has entered into an “immigration-linked investment scheme”;
- 4.9.3 Any person whom Newfoundland and Labrador does not determine will be of benefit to the economic development of Newfoundland and Labrador; or
- 4.9.4 Any person who does not have the ability and intention to economically establish and settle in Newfoundland and Labrador.

4.10 Newfoundland and Labrador will make every reasonable effort to ensure the collection and verification of all documentation supporting a nomination is genuine, and will conduct due diligence as and when warranted to confirm the authenticity of documents supporting a nomination and the veracity of information provided.

4.11 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 12.4 of the General Provisions of this Agreement.

4.12 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 Canada pursuant to sub-section 87(3) of the *IRPR*. In exercising its responsibilities under sections 4.2 and 4.18 and sections 6.1 to 6.7, Canada may also seek clarification and request documentation from Newfoundland and Labrador on its assessment, the record of which is required under section 4.11 and the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador.

4.13 Newfoundland and Labrador will issue a dated Confirmation of Nomination, valid in accordance with Newfoundland and Labrador's administrative requirements, for each Provincial Nominee. The Confirmation of Nomination initial validity will not exceed six months. The certificate will specify information including, but not limited, to the category under which the nomination has been made, as well as other information outlined in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador. For security reasons, Newfoundland and Labrador will forward a record of the Confirmation of Nomination, by electronic means, to the location specified by Canada. A Confirmation of Nomination received directly from the candidate or other parties will not be accepted as evidence of the nomination. Nominees must file an application for permanent residency within the time limit specified on the Confirmation of Nomination.

4.14 Newfoundland and Labrador will not issue nominations in excess of the annual amount established by Canada in accordance with section 3.3.

4.15 On a five (5) year schedule, Newfoundland and Labrador will conduct an independent and objective audit of the activities required to implement sections 4.1 to 4.13 and 5.2 to 5.3 to assess whether the procedures which have been established and documented are respected and that adequate oversight mechanisms have been put in place for ongoing program monitoring and reporting, subject to the following conditions:

4.15.1 Audits will be consistent with the standards established by the Institute of Internal Auditors;

4.15.2 Newfoundland and Labrador will consult with Canada on the terms of reference for the audit;

4.15.3 Newfoundland and Labrador will provide the results of audits, including the management responses and associated action plans, to Canada;

4.15.4 Newfoundland and Labrador will report to Canada on the status of the action plan agreed to by the province on an annual basis until the completion of all action items. Canada will not disclose the results of audits, including the management responses, without the consent of Newfoundland and Labrador;

4.15.5 Following the audit as described in 4.15, Newfoundland and Labrador or Canada may request a review of the Provincial Nominee Program streams, categories, or pilot projects currently in place. Should a review be requested by either Party, Newfoundland and Labrador agrees to provide Canada with information on the stream design, as required. Canada and Newfoundland and Labrador will cooperate on an assessment of the stream following the processes identified in section 4.4 and, if it is determined that the streams are consistent with the *IRPA*, the *IRPR* and national and provincial immigration policies and objectives, Canada and Newfoundland and Labrador will agree to proceed

without changes; and

4.15.6 Newfoundland and Labrador shall undertake the audit as described in section 4.15 within one (1) year of this Agreement taking effect, unless such an activity was completed within the previous three (3) years.

4.16 Subject to sections 3.4 and 9.2, Canada agrees to process applicants nominated for Permanent Resident status by Newfoundland and Labrador as expeditiously as possible with a view to achieving targets that have been integrated into Canada's immigration levels plan, and to balancing multiple competing priorities, including as reflected in Ministerial Instructions issued under s. 87.3 of the *IRPA*.

4.17 Canada will communicate the terms of this Annex to offices involved in the processing of Provincial Nominee Program cases to ensure consistent application of all principles agreed upon at processing offices.

4.18 Upon receipt of the application for permanent residence, together with the Confirmation of Nomination from Newfoundland and Labrador, Canada will:

4.18.1 Determine the eligibility of the nominee as a member of the Provincial Nominee Class pursuant to s. 87 of the *IRPR*;

4.18.2 Determine the admissibility of the nominee and the nominee's dependants with respect to legislative requirements; and

4.18.3 Issue permanent resident visas to Provincial Nominees and accompanying dependants who meet all the requirements of the Newfoundland and Labrador Provincial Nominee Program and the eligibility and admissibility requirements of the *IRPA* and the *IRPR*.

4.19 Should Canada determine that an individual nominated by Newfoundland and Labrador is likely to be refused a permanent resident visa based on the requirements of membership in the Provincial Nominee class as per the *IRPR* and this Agreement, Newfoundland and Labrador will be notified as soon as possible, taking into consideration local operating environments, and Newfoundland and Labrador will be consulted regarding the reasons for possible refusal.

4.20 Newfoundland and Labrador may raise concerns or seek clarification from the assessing office with respect to a potential refusal, where the refusal is based on a finding that the applicant does not satisfy the requirements for membership in the Provincial Nominee Class in accordance with the provisions of the *IRPR*, within sixty (60) days from the date of being advised by Canada.

4.21 In all cases where Canada determines that an individual nominated by Newfoundland and Labrador does not meet the admissibility requirements of the *IRPA*, Canada will refuse without notifying Newfoundland and Labrador before the final

decision. Subject to privacy laws and to the extent consistent with the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador, Canada will forward a copy of the refusal letter to Newfoundland and Labrador in a timely fashion. The refusal letter shared with Newfoundland and Labrador will include the reason(s) for which the application was refused.

4.22 Newfoundland and Labrador may extend nominations in any situation that Newfoundland and Labrador deems appropriate.

4.23 Canada and Newfoundland and Labrador are committed to working together to assure program integrity. Accordingly, where Canada has refused an applicant on the basis of misrepresentation under section 40 of the *IRPA*, Canada will share case-specific information as described in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador. Newfoundland and Labrador shall conduct a review of the relevant provincial application in accordance with its policies and procedures.

5.0 Admission as a Temporary Resident

5.1 Newfoundland and Labrador may support the application for a work permit in the following instances:

5.1.1 Where an entrepreneur nominee candidate is required to enter Canada as a temporary resident in order to meet the requirements of the Newfoundland and Labrador business stream; or

5.1.2 Where a nominee is employed or has a job offer and is urgently required by the employer.

5.2 For nominees specified under 5.1.2, Newfoundland and Labrador is responsible for determining that, in the case of employment or a job offer:

5.2.1 The job offer is genuine, and not part-time or seasonal;

5.2.2 The individual is urgently required by the employer;

5.2.3 The individual is reasonably able to carry out the functions of the job offer;

5.2.4 That Canadian citizens and Permanent Residents had been considered first to fill the job; and

5.2.5 That the employer is not in violation of the *IRPA* or *IRPR*, as notified by Canada, and/or provincial employment standards, as notified by the provincial employment standards body.

5.3 Newfoundland and Labrador is responsible for conducting due diligence to verify that, in the case of an entrepreneur nominee candidate:

5.3.1 The proposed business is consistent with Newfoundland and Labrador's requirements, and that the business plan is commercially viable;

5.3.2 The applicant is likely to establish the proposed business;

5.3.3 The applicant is reasonably able to carry out the functions of business ownership/management; and

5.3.4 In the case where an applicant is entering Canada on a work permit as part of the business establishment period to meet provincial requirements to be nominated, that the applicant is likely to meet the requirements for nomination within the initial period authorized.

5.4 Newfoundland and Labrador will keep written or electronic records of its assessments of due diligence described in sections 5.2 and 5.3 for a minimum of six years from the date of the issuance of a letter of support and will share those records with Canada if requested to do so, subject to section 12.4 of the General Provisions of this Agreement.

5.5 In the case of a nominee with employment or a job offer, where Newfoundland and Labrador has conducted the due diligence as described in section 5.3, and is of the opinion that entry of a foreign national under a work permit is of significant benefit to Newfoundland and Labrador, Newfoundland and Labrador may support an application for a work permit pursuant to section 204(c) of the *IRPR* with a letter indicating that:

5.5.1 The nominated individual is urgently required by the employer;

5.5.2 The job offer is genuine and the job offer will create economic benefits or opportunities;

5.5.3 The employment is not part-time or seasonal; and

5.5.4 The wages and working conditions of the employment would be sufficient to attract and retain Canadian citizens or permanent residents, as per provincial wage rates.

5.6 Recognizing the administrative resources required by Newfoundland and Labrador to issue letters under section 204(c) of the *IRPR*, Canada and Newfoundland and Labrador agree to work towards streamlining the process for admission as a Temporary Resident. Should Canada, Newfoundland and Labrador, and the other Canadian provinces and territories agree to a new process for supporting admission of Temporary Residents, the new process will supersede the process outlined under section 5 of this Annex.

5.7 Where Newfoundland and Labrador is considering an application for nomination under the business category of the Provincial Nominee Program, has conducted due

diligence as described in section 5.3, and is of the opinion that entry of a foreign national under a work permit to carry out business activity is of significant benefit to Newfoundland and Labrador, Newfoundland and Labrador may support an application for a work permit pursuant to section 205(a) of the *IRPR* with a letter indicating that:

- 5.7.1 The foreign national is being considered for nomination for permanent residence based on their stated intention to conduct business activity in the province;
- 5.7.2 Newfoundland and Labrador is of the opinion that the planned business activity will be of significant benefit to the province; and
- 5.7.3 Newfoundland and Labrador is requesting that Canada issue a work permit for a specific period.

5.8 Where Newfoundland and Labrador has provided a letter of support as described in section 5.7, Newfoundland and Labrador acknowledges that Canada will complete an assessment of the foreign national's work permit application against section 205(a) of the *IRPR*. Canada will consider Newfoundland and Labrador's letter of support in making its own determination that the proposed business would create or maintain significant social, cultural, or economic benefits or opportunities for Canadian citizens or Permanent Residents.

5.9 Upon receipt of the application for a work permit, together with a letter for support from Newfoundland and Labrador, Canada will:

- 5.9.1 Determine the eligibility of the applicant for a work permit pursuant to section 200 of the *IRPR*;
- 5.9.2 Determine the admissibility of the applicant with respect to legislative requirements; and
- 5.9.3 Issue a work permit to applicants who met all the requirements of the Newfoundland and Labrador stream and the eligibility and admissibility requirements of the *IRPA* and the *IRPR*.

5.10 Where a temporary work permit issued under section 5.9 of this Annex is due to expire and Newfoundland and Labrador has nominated that foreign national and the foreign national has applied for permanent residence and has been found eligible, Canada may issue an Open Work Permit to that foreign national pursuant to section 205(a) of the *IRPR*.

6.0 Program Integrity

6.1 Canada and Newfoundland and Labrador have a shared responsibility for program integrity in the administration of the Provincial Nominee Program. To ensure the

integrity of the program, both Canada and Newfoundland and Labrador will monitor quality of decision making and conduct ongoing anti-fraud activities and Newfoundland and Labrador will implement changes to the program as necessary in a timely manner.

6.2 Subject to section 12.4 of the General Provisions of this Agreement, Canada and Newfoundland and Labrador will cooperate to ensure the integrity of the Provincial Nominee Program, including, but not limited to, activities such as:

- 6.2.1 Investigating potential program abuses to ensure the rigour and confidence of the immigration system;
- 6.2.2 Sharing information, including personal information and intelligence related to program abuses (e.g., suspected or confirmed fraud or misrepresentation), subject to privacy laws and to the extent required by the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador;
- 6.2.3 Working collaboratively with other federal agencies, as required, to address issues related to admissibility, including anti-fraud activities, criminality and public safety;
- 6.2.4 Coordinating and streamlining investigations involving both jurisdictions; and
- 6.2.5 Conducting and disseminating research, and identifying knowledge gaps related to program integrity and quality assurance mechanisms.

6.3 Canada and Newfoundland and Labrador will continuously seek to improve program integrity by acting upon knowledge gained through periodic program integrity and quality assurance activities, with an emphasis on:

- 6.3.1 Identifying and evaluating risk information to ensure appropriate measures are taken;
- 6.3.2 Establishing measures to strategically and systematically mitigate risks;
- 6.3.3 Improving policies and procedures by closing gaps and addressing vulnerabilities; and
- 6.3.4 Targeting program integrity training.

6.4 Newfoundland and Labrador will report instances of suspected or confirmed fraud and/or misrepresentation to Canada, without delay, as set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador. Canada may report instances of confirmed fraud and/or misrepresentation that are of concern to Newfoundland and Labrador, as set out in the Memorandum of

Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador and subject to privacy laws.

6.5 Where suspected or confirmed fraud and/or misrepresentation has been identified by either Party, Newfoundland and Labrador will provide case-specific information to Canada as set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador and subject to privacy laws, in order for Canada to make informed decisions about disposition of these cases and in the furtherance of the integrity of the program. Where confirmed fraud and/or misrepresentation has been identified by either party, Canada may provide case-specific information to Newfoundland and Labrador, as set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador and subject to privacy laws, to assist Newfoundland and Labrador in its assessment of applications for nomination.

6.6 Where suspected or confirmed systemic program integrity concerns exist related to any of Newfoundland and Labrador's Provincial Nominee Program streams, categories or pilot projects, Canada and Newfoundland and Labrador will jointly implement measures to protect the integrity of the program. If these measures are unsuccessful, Canada may suspend intake of applications for permanent residence. In the event of a suspension, Canada will inform Newfoundland and Labrador without delay.

6.7 Canada and Newfoundland and Labrador will share information on current and planned activities that support quality assurance and program integrity of the Provincial Nominee Program and, upon request, share the results of these activities with the other Party to the extent permitted by the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador.

7.0 Program Evaluation

7.1 Canada will conduct a national evaluation of the Provincial Nominee Program on a five-year cycle in order to meet federal accountability and evaluation requirements. The evaluation will include the relevant components of Newfoundland and Labrador's Provincial Nominee Program determined by Canada as necessary for a national evaluation. Newfoundland and Labrador is committed to cooperate to this end. Canada will be responsible for the costs of the national evaluation.

7.2 Canada, the Provinces, and Territories have collaborated to identify a sub-set of common performance indicators within the national Provincial Nominee Program Performance Measurement framework. These common performance indicators will be collected across all provinces and territories. Newfoundland and Labrador agrees to collect ongoing performance information as identified in this framework and to report on all indicators contained therein to Canada on an annual basis through Newfoundland and Labrador's Provincial Nominee Program Annual Report referenced in section 3.5.1. Common performance indicators may be adjusted from time to time with agreement of Canada, the Provinces and Territories. These common components will ensure

consistency and comparability within the evaluation process.

7.3 Any modifications to the national Provincial Nominee Program Evaluation framework to guide federal evaluations will be developed in collaboration with all jurisdictions that have a Provincial Nominee Program, including Newfoundland and Labrador.

7.4 Newfoundland and Labrador will establish and communicate the objectives for their Provincial Nominee Program and each stream there within to Canada.

7.5 On a five-year schedule, Newfoundland and Labrador will conduct a rigorous evaluation of its Provincial Nominee Program that will utilize both qualitative and quantitative methodologies and multiple lines of evidence.

7.5.1 The evaluation will examine program performance, including the extent to which desired outcomes are achieved, and incorporate data collected as per the national performance measurement framework and Newfoundland and Labrador's Annual Report as per Schedule A.

7.5.2 Newfoundland and Labrador will consult with Canada on the terms of reference for the evaluation.

7.5.3 Newfoundland and Labrador will provide a copy of the evaluation, which will include a description of methodologies used, to Canada.

7.5.4 Newfoundland and Labrador will report to Canada on the status of the provincially agreed upon action plan on an annual basis until the completion of all action items.

7.5.5 Following the evaluation as described in 7.5, Newfoundland and Labrador or Canada may request a review of the Provincial Nominee Program streams, categories or pilot projects currently in place. Should a review be requested by either party, Newfoundland and Labrador agrees to provide Canada with information on the stream design, as required. Canada and Newfoundland and Labrador will cooperate on an assessment of the stream following the processes identified in section 4.4, and, if it is determined that the streams are consistent with the *IRPA*, the *IRPR* and national and provincial immigration policies and objectives, Canada and Newfoundland and Labrador will agree to proceed without changes.

7.6 In addition to the data reported annually under sections 7.2 and 3.5.1, Newfoundland and Labrador will ensure that the requisite national evaluation information as identified in section 7.2 is available. Newfoundland and Labrador will cooperate with Canada, to the extent permitted by law, including the sharing of relevant program information and data, and facilitating access to program staff and clients for the purpose of gathering additional

information required for the national evaluation.

7.7 As set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland, and in section 12.4 of the General Provisions of the Agreement, Canada and Newfoundland and Labrador agree to share information on prospective and actual permanent resident admissions to aid in the evaluation and management of Newfoundland and Labrador's Provincial Nominee Program.

7.8 Newfoundland and Labrador will continue to participate as a consortium member and contribute to the Longitudinal Immigrant Data Base which has established a mechanism to collect the data, *inter alia*, for the Provincial Nominee Program evaluation.

8.0 Information Exchange

8.1 Canada and Newfoundland and Labrador agree to share information regarding the nominee's application for the purposes of planning and development, program administration, program integrity, and monitoring and evaluation.

8.2 As set out in section 12.4 of the General Provisions of this Agreement, terms and conditions governing information sharing are set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador.

8.3 Newfoundland and Labrador will provide monthly nomination reports, the details of which are set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador, to Canada.

8.4 Canada will provide Newfoundland and Labrador with monthly reports, the details of which are set out in the Memorandum of Understanding Concerning Information Sharing between Canada and Newfoundland and Labrador, on the processing and permanent resident admissions of Provincial Nominees destined to Newfoundland and Labrador.

9.0 Dispute Management and Resolution

9.1 In the case of a Dispute under this Annex, Canada and Newfoundland and Labrador agree to follow the Dispute Management and Resolution Procedures provided for in section 12.3 of the General Provisions of this Agreement.

9.2 Notwithstanding section 9.1, upon notification in writing as per section 12.3 of the General Provisions of the Agreement that a Dispute exists regarding the interpretation or implementation of the *IRPA*, the *IRPR* and this Agreement as they apply to Provincial Nominees, Canada may, at any time during the Dispute Management and Resolution Procedures, impose a Processing Pause on the application(s) under Dispute until the Dispute is resolved. The imposition of a Processing Pause applies but is not limited to Disputes concerning criteria established by Newfoundland and Labrador to assess an individual's ability and intention to economically establish, or where there is evidence of

systemic fraud or misrepresentation, or multiple instances of Fraud and/or misrepresentation in the Newfoundland and Labrador Provincial Nominee Program.

9.2.1 Canada will provide written notification to Newfoundland and Labrador, with reasonable notice in advance to Newfoundland and Labrador, of the date when the Processing Pause will start.

9.2.2 Canada will provide written notification to Newfoundland and Labrador, with reasonable notice in advance to Newfoundland and Labrador, of the date when the Processing Pause will end.

10. Transitional Provisions

10.1 Upon implementation of the updated National Occupational Classification following the 2021 structural review of the National Occupational Classification, this Agreement would reflect the following changes:

- 10.1.1 Occupations referred to as NOC 0 would become TEER 0;
- 10.1.2 Occupations referred to as NOC A would become TEER 1;
- 10.1.3 Occupations referred to as NOC B would become TEER 2 and TEER 3;
- 10.1.4 Occupations referred to as NOC C would become TEER 4; and
- 10.1.5 Occupations referred to as NOC D would become TEER 5.

11.0 General

11.1 The Focal Points for the purpose of communication and notification pursuant to this Annex are:

11.1.1 For Canada, the Director, Economic Immigration Policy and Programs, Immigration Branch, Department of Citizenship and Immigration; and

11.1.2 For Newfoundland and Labrador, the Director, Office of Immigration and Multiculturalism, Department of Immigration, Population Growth and Skills.

11.2 This Annex will take effect when the General Provisions of the Canada-Newfoundland and Labrador Immigration Agreement are signed and will be valid for five (5) years from the date of this Agreement coming into force.

11.3 Upon the mutual consent of both Parties in writing, the terms and conditions of this Annex can be extended at any time prior to its expiry, subject to any required approval or authorization including the approval of the Governor in Council and the Lieutenant Governor in Council.

11.4 This Annex may be amended at any time by the mutual written consent of the Parties, subject to any required approval or authorization including the approval of the Governor in Council and the Lieutenant Governor in Council.

11.5 Either Party may terminate this Annex at any time by providing at least twelve (12) months' notice in writing to the other Party.

11.6 This Annex will be terminated by the coming into force of a subsequent Provincial Nominee Annex.

SCHEDULE A – ANNUAL REPORT

Part A: Objectives, Principles and Priorities

- Overview of Provincial Nominee Program, priorities and achievements

Part B: Results Achieved based on annual plan

- All elements included in the Federal-Provincial-Territorial Provincial Nominee Program Annual Report, as amended from time to time by Canada, in collaboration with provinces and territories, in the following areas:
 - Nominations Issued by Newfoundland and Labrador Process
 - Nomination certificates issued
 - Nominees who were Temporary Foreign Workers at time of nomination
 - Newfoundland and Labrador processing: Applications received, Applications declined, Nominations issued, Nominations withdrawn, inventories, processing times
 - Landings, Retention and Economic Outcomes
 - Nominees admitted who have not reported to Newfoundland and Labrador within 3 months of landing
 - Nominees Residing in Newfoundland and Labrador
 - Outcomes of Business Nominees
 - Program Development, Promotion and Recruitment
 - Promotion and recruitment activities, including those targeting French-Speaking immigrants to Newfoundland and Labrador
 - French-Speaking immigrants to Newfoundland and Labrador: Nominees for whom French is their first Canadian official language of usage

Part C: Program Integrity

- Summary of Provincial Nominee Program integrity activities, including but not limited to anti-fraud and quality assurance exercises

Part D: Evaluation and Audit

- Evaluation plans and/or results

SCHEDULE B – CHANGES TO NEWFOUNDLAND AND LABRADOR’S PROVINCIAL NOMINEE PROGRAM

Part A: Introduction of a new stream or category

1. **Summary:**
 - a. Description of the proposed stream, including type of stream (one of the 6 Global Case Management System categories).
 - b. What is the expected timeframe for this change?
2. **Rationale:**
 - a. What are Newfoundland and Labrador’s goals in creating this stream or category?
 - b. Why is the introduction of this stream or category required/preferred, as opposed to the modification of an existing stream or category?
 - c. What would be:
 - i. The profile of the ideal candidate for this stream? Who is this stream’s target group?
 - ii. The projected volume of provincial applications under this stream?
 - iii. The projected number of nominations under this stream or category, and its share of overall nominations?
3. **Analysis:**
 - a. **Criteria:** Newfoundland and Labrador to submit a table/chart listing the proposed criteria for the stream or category, the rationale for each criterion, and how each requirement will be verified. A template for this chart will be provided by Canada. Newfoundland and Labrador will also provide any rating guide or points grid used to evaluate the criteria established.
 - b. **Process:** In some cases, Canada may request that Newfoundland and Labrador submit a process map outlining the application process, including documents required at each step, what assessment and verifications will be done at each stage, and identifying decision-makers. Where needed, a template for this process map will be provided by Canada.

Part B: Modification or amendment of the eligibility criteria of an existing stream or category

1. **Summary:**
 - a. Description of the proposed changes to the stream or category criteria and/or application process
 - b. What is the expected timeframe for this change?

2. **Rationale:**
 - a. What does Newfoundland and Labrador aim to achieve by making these changes?
 - b. What impact (if any) does Newfoundland and Labrador anticipate that these changes will have on:
 - i. The projected volume of provincial applications?
 - ii. The number of nominations issued under this stream or category and/or the importance of this stream or category within overall nominations?
 - iii. The provincial application process?
3. **Analysis:** Newfoundland and Labrador to submit a table/chart listing the current stream or category criteria, the proposed changes to stream or category criteria, and the rationale for each change. A template for this chart will be provided by Canada. Newfoundland and Labrador will also provide any rating guide or points grid used to evaluate the criteria established.

Part C: Closing/suspension of a current stream or category

1. **Summary:**
 - a. Which stream or category is Newfoundland and Labrador planning to close/suspend?
 - b. What is the effective date of this change?
2. **Rationale:**
 - a. Why has Newfoundland and Labrador decided to eliminate/suspend this stream or category?
 - b. Does Newfoundland and Labrador plan to replace this stream or category, or to refer this applicant population to a different stream or category within the current program?
 - c. What impact (if any) does Newfoundland and Labrador anticipate that this stream or category closure/suspension will have on:
 - i. overall nomination numbers?
 - ii. the distribution of nominations among the remaining streams?
3. **Processing:**
 - a. Is there a current inventory of applications under this stream or category? If so, how large?
 - b. What are the timeframes for clearing the inventory of applications under this stream or category?