

Nim.Rorthyny

From: Lee.Nancy
Sent: July 7, 2020 2:53 PM
To: '@international.gc.ca'
Cc: Eichhorst.Mark; IPG ADMIN Worker Unit / Unité des travailleurs
Subject: ADMIN OPI (IRCC); IPG Functional Guidance / Orientation Fonctionnelle OPI (IRCC)
Attachments: FW: IRCC Beijing: clarification on PDIs on C11 TFWs
 FW: IRCC Beijing: clarification on PDIs on C11 TFWs -- IM-2020-0646 -- due July 8, 2020

Hi

1. *In applications where a letter of support from the province/territory is provided and the officer does not have concerns about the genuineness of the provided documents, can the officer still assess eligibility under R205(a) taking into account documents other than the letter of support (such as a business plan)? Or are officers expected to pass eligibility if there are no concerns about the genuineness of the documents?*

The letter of support is not an actual nomination, therefore the officer must assess eligibility under R205(a). The foreign national must demonstrate in their business plan and supporting documents their ability to set up as an entrepreneur. The letter of support from the province/territory may not suffice in this regard. If an officer is satisfied that the documents provided are genuine and that the applicant meets the eligibility requirements of R205(a) in the work permit category 'C11', then they may make the eligibility decision.

The C11 PDI mentions the factors that must be considered to meet the “significant benefit” requirement. From the PDI:

Factors in considering “significant benefit”

Questions to consider in determining whether [paragraph R205\(a\)](#) is met (regardless of what percentage of the business in Canada is owned) include but are not limited to the following:

- Is the work likely to create a viable business that will benefit Canadian or permanent resident workers or provide economic stimulus?
- Does the applicant have a particular background or skills that will improve the viability of the business?
- **Is there a business plan that clearly shows that the applicant has taken steps to initiate their business?**
- **Has the applicant taken some measure to put the business plan in action** (showing evidence of having the financial ability to begin the business and pay expenditures, renting space, having a staffing plan, obtaining a business number, showing ownership documents or agreements, etc.)?

Significant economic, social or cultural benefit

Indicators of “significant benefit” include

- general economic stimulus (such as job creation, development in a regional or remote setting or expansion of export markets for Canadian products and services);
- advancement of the Canadian industry (such as technological development, product or service innovation or differentiation or opportunities for improving the skills of Canadians).

2. *Where the PDIs state that the letter of support should count towards evidence that the clients' admission to Canada to operate benefit to operate a business may create significant benefit, is there a weighting that needs to be lent to*

this document given that the province/territory will have already made a determination for their purposes? I note that the PDIs also note that "If officers are not satisfied that the potential permanent residence applicant will be engaging in genuine business activities, they may request additional documentation" – do the PDIs intend to limit the scope of requesting additional documents to the assessment of whether the client will engage in genuine business activities and not, for example, if the client's admission to Canada would generate significant benefit?

Each province bases their determination on specific needs and while IRCC may provide immigration information to support provinces, we cannot direct provinces on what to assess. However, the letter of support is only one factor that an officer should consider when reviewing whether a foreign national will provide a significant economic, social or cultural benefit to Canada. The PDIs do not limit the scope of requesting additional documents if the officer is not satisfied that the business will be economically viable, that is, the foreign national's business activities would lead to a significant benefit to the economy. I note that in the case of [REDACTED], the foreign national did not provide a fulsome business plan on how the business would operate on a day-to-day basis and the business has not been registered in the province. The indication of a single hire of a part-time employee is not considered a significant benefit to the economy as Saskatchewan has the lowest minimum wage in Canada. Indications in the notes could lead one to conclude the business is likely a precarious one and that the foreign national is using C11 as a means to enter Canada permanently.

Regards,
Nancy

From: IPG Functional Guidance / Orientation Fonctionnelle OPI (IRCC)
Sent: June 24, 2020 2:14 PM
To: IPG ADMIN Worker Unit / Unité des travailleurs ADMIN OPI (IRCC) <IRCC.IPGADMINWorkerUnit-UnitedestravailleursADMINOPI.IRCC@cic.gc.ca>
Cc: IPG Functional Guidance / Orientation Fonctionnelle OPI (IRCC) <IRCC.IPGFunctionalGuidance-OrientationFonctionnelleOPI.IRCC@cic.gc.ca>; [REDACTED] <[\[REDACTED\]@international.gc.ca](mailto:[REDACTED]@international.gc.ca)>
<Bryan.Wagner@international.gc.ca>
Subject: FW: IRCC Beijing: clarification on PDIs on C11 TFWs

Hello Workers Team,

Please see below corrections to inquiry # IM-2020-0646

Thank you,

IPG Mailbox

From: [REDACTED] <[\[REDACTED\]@international.gc.ca](mailto:[REDACTED]@international.gc.ca)> [mailto: [REDACTED] <[\[REDACTED\]@international.gc.ca](mailto:[REDACTED]@international.gc.ca)>]
Sent: June 24, 2020 1:54 AM
To: IPG Functional Guidance / Orientation Fonctionnelle OPI (IRCC)
Cc: [REDACTED] <[\[REDACTED\]@international.gc.ca](mailto:[REDACTED]@international.gc.ca)>; Eichhorst.Mark <Eichhorst.Mark@international.gc.ca>
Subject: IRCC Beijing: clarification on PDIs on C11 TFWs

Hello IPG,

Please ignore the previous message I just sent on this topic, it was missing a section that I've included in question 2 below.

I'd like to seek guidance and clarification on the PDIs on applications under the International Mobility Program, Entrepreneurs seeking to operate a business under R205(a)/C11, in particular for clients seeking eventual permanent residence.

It is unclear from our reading of the PDIs to what degree a letter of support from the province or territory should be considered as evidence that the client's admission to Canada would create significant benefit. The current PDIs state:

...this letter of support should count towards evidence that their admission to Canada to operate a business may create significant economic, social or cultural benefit to Canada; additional documentation [such as a business plan] may be requested.

We have a previously refused C11 WP application before us where the officer had concerns about the client's proposed activities' potential to create significant benefit and then followed these PDIs and requested a business plan. While the officer considered the letter of support, following receipt of the business plan she was not satisfied that the client's proposed business would have created significant benefit in Canada and she refused the application. I will note that the officer did not indicate any concerns about the genuineness of the documents provided. The decision is now being challenged and in reviewing the decision and the PDIs, it is not clear if the officer erred in effectively substituting the province's support with her own determination of the potential to create significant benefit.

Could you please clarify:

1. In applications where a letter of support from the province/territory is provided and the officer does not have concerns about the genuineness of the provided documents, can the officer still assess eligibility under R205(a) taking into account documents other than the letter of support (such as a business plan)? Or are officers expected to pass eligibility if there are no concerns about the genuineness of the documents?
2. Where the PDIs state that the letter of support should count towards evidence that the clients' admission to Canada to operate benefit to operate a business may create significant benefit, is there a weighting that needs to be lent to this document given that the province/territory will have already made a determination for their purposes? I note that the PDIs also note that "If officers are not satisfied that the potential permanent residence applicant will be engaging in genuine business activities, they may request additional documentation" – do the PDIs intend to limit the scope of requesting additional documents to the assessment of whether the client will engage in genuine business activities and not, for example, if the client's admission to Canada would generate significant benefit?

C11 applications are a significant share of our WP application caseload and we are looking to provide guidance to officers in assessing these applications in a manner that is consistent with the intents behind the instructions in the PDIs and we are looking to be able to provide effective feedback on the case that is current before us (for your reference). Your guidance would be appreciated.

I have copied the IRCC Beijing MPM and DMPM – as I will be on leave during next couple of weeks, appreciate if you could keep them copied on your response.

Thank you!

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