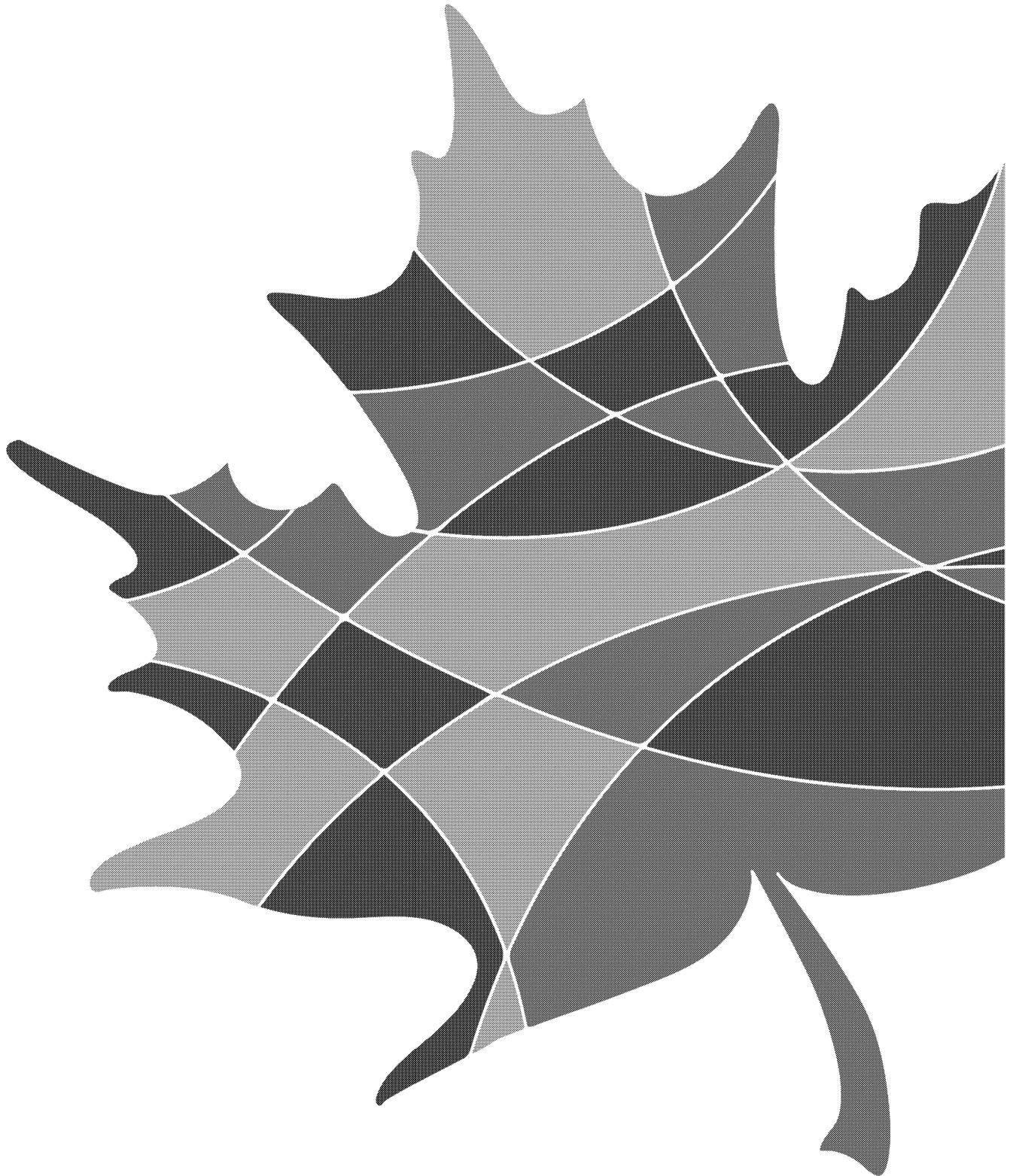


Provincial Nominee Program-Paper
CPO ASSESSMENT GUIDE
DN-Etobicoke



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Overview

This guide provides operational and procedural guidance for Case processing Officers to assess permanent residence applications submitted under the Provincial Nominee Program (PNP), applications received through the non-Express Entry application process.

This guide should be used for reference only. There may be updated departmental guidance, operational bulletins or program delivery instructions.

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Overview of the Provincial Nominee Program

Provincial Nominee Program (PNP) applications received through the non-Express Entry application process

The Provincial Nominee Class (PNC)

Canada encourages applications for permanent residence from people with abilities, education and work experience that will contribute to the Canadian economy.

The Provincial Nominee Class (PNC) allows provincial and territorial governments to choose immigrants according to the economic needs of the province or territory. Each province and territory:

- establishes its own standards and processes by which it chooses its nominees,
- tries to nominate those candidates who would be most likely to settle effectively into the economic and social life of the region.

Applications for permanent residence under the PNC can be submitted by people who have been nominated by one of the following provinces or territories:

- Alberta
- British Columbia
- Manitoba
- New Brunswick
- Newfoundland and Labrador
- Northwest Territories
- Nova Scotia
- Ontario
- Prince Edward Island
- Saskatchewan
- The Yukon Territory

Provinces and territories that operate a PNP can nominate people through either of the following:

- Non-Express Entry application process for digital intake “base” nominations (paper-based process or online)
- Express Entry electronic application (e-application) process for “enhanced” nominations

Non-Express Entry application process for digital intake “base” nominations (paper-based process or online)

Canada has entered into bilateral agreements with provinces and territories (except Quebec and Nunavut) to allow them to nominate individuals for permanent residence based on the provinces' assessment of the nominees' ability to contribute to the economic growth and development of those provinces.

Provinces and territories have the authority and responsibility to establish their own criteria for nomination, as long as the criteria are not incompatible with the *Immigration and Refugee Protection Act*, the *Immigration and Refugee Protection Regulations*, national immigration policy, and the Federal-Provincial/Territorial bilateral agreements, while Immigration, Refugees and Citizenship Canada is responsible for the following in relation to base nominations:

- assessing the applicant's eligibility for the Provincial Nominee class;
- assessing their admissibility under IRPA and IRPR;
- making a final decision on their application for permanent residence.

Provincial Nominee Class

87 (1) For the purposes of subsection 12(2) of the Act, the provincial nominee class is hereby prescribed as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada.

Member of the class

(2) A foreign national is a member of the provincial nominee class if

(a) subject to subsection (5), they are named in a nomination certificate issued by the government of a province under a provincial nomination agreement between that province and the Minister; and

(b) they intend to reside in the province that has nominated them.

Provincial nomination streams

Each province has its own set of criteria and nomination streams and programs. The following list provides the GCMS categories for the various provincial and territorial programs or streams:

- Worker – Job offer
- Worker – No job offer
- Business
- Family support
- Students
- Community support

How to identify the streams in GCMS:

LCI	Province/Territ. Status	Service	Status Update - Status Update	Created Date
SK	Nomination Accepted	GCMS	2022/02/07...	2022/02/07...

Province/Territory: SK

PNC #: [redacted]

Issuance Date: 2021/03/09

Valid To: 2021/09/09

Stream: Worker with J.

Other Stream Description: [redacted]

PT Nomination App Rec'd Date: 2021/03/02

Check list

All applications submitted under the PNP-P category must include:

The principal applicant (PA) must submit:

- Generic Application form to Canada (IMM0008)
- Schedule A: Background/Declaration form (IMM 5669)
- Additional family information- IMM5406
- Additional Dependents/Declaration (IMM 0008DEP) (if applicable-if the applicant has more than five dependants (whether they are accompanying or not)
- Supplementary Information-Your travels (IMM 5562)
- Schedule 4 – Economic Classes-Provincial Nominees (IMM008-Schedule 4) or Confirmation of Nomination Form from the province that nominated the principal applicant.
- Schedule 4A: Economic Classes-Provincial Nominees-Business Nominees (IMM008-Schedule 4A)) (if the applicant has been nominated under a business stream) Please note that at this moment DN Etobicoke office is not processing the business stream
- Use of representative (IMM5476) (if the applicant has a paid or unpaid representative).
- Proof of language Proficiency (copy of language test result)- Since July 1, 2012 most applicants to Provincial/Territorial Nominee classes in semi or low-skilled professions that fall under the National Occupation Classification (NOC) skill level C and D are required to complete a language proficiency test from one of the following designated agencies:
 IELTS (General training test only)
 CELPIP (General test only), and /or
 TEF
- Biometrics or Fingerprints / RCMP Criminal Record check if applicable

- Police certificates-from each country where the applicant has lived for six months in a row since the age of 18.
- Passports
- Identity documents (ID cards, birth certificates,) and civil documents (marriage certificate, divorce certificate and death certificate for former spouse or common law partner if applicable)
Note: Identity Document described in R50(1)(a) (Passport) OR in R178(1)
- Payment of correct processing Fees (IPRMS receipt)
- Proof of employment, income and funds (T-4 statements for the past two years Employer's letter confirming employment, latest paystubs).
- Current Offer of Employment from Canadian Employer/Proof of settlement funds (for Overseas PA)

The Principal Applicant and Each accompanying or non accompanying dependent regardless of age must submit:

- Identity documents (ID cards, birth certificates) and civil documents (marriage certificate, divorce certificate and death certificate for former spouse or common law partner if applicable)
Note: Identity Document described in R50(1)(a) (Passport) OR in R178(1)
- Medical examination

Each accompanying or non accompanying dependent aged 18 and over must submit

- Schedule A: Background/Declaration form (IMM 5669)
- Additional family information- IMM5406
- Use of representative (IMM5476) (if the applicant has a paid or unpaid representative)
- Biometrics or Fingerprints / RCMP Criminal Record check if applicable
- Police certificates-from each country where the applicant has lived for six months in a row since the age of 18.
- Passports
- Identity documents (ID cards, birth certificates) and civil documents (marriage certificate, divorce certificate and death certificate for former spouse or common law partner if applicable)
Note: Identity Document described in R50(1)(a) (Passport) OR in R178(1)
- Payment of correct processing Fees (IPRMS receipt)

PROOF OF IDENTITY	
Section	Acceptable Proof
R50 (1)	(a) a passport, other than a diplomatic, official or similar passport, that was issued by the country of which the foreign national is a citizen or national;
	(b) a travel document that was issued by the country of which the foreign national is a citizen or national;
	(c) an identity or travel document that was issued by a country to non-national residents, refugees or stateless persons who are unable to obtain a passport or other travel document from their country of citizenship or nationality or who have no country of citizenship or nationality;
	(d) a travel document that was issued by the International Committee of the Red Cross in Geneva, Switzerland, to enable and facilitate emigration;
	(e) a passport or travel document that was issued by the Palestinian Authority;
	(f) an exit visa that was issued by the Government of the Union of Soviet Socialist Republics to its citizens who were compelled to relinquish their Soviet nationality in order to emigrate from that country;
	(g) a passport issued by the United Kingdom to a British National (Overseas), as a person born, naturalized or registered in Hong Kong;
	(h) a passport issued by the Hong Kong Special Administrative Region of the People's Republic of China; or
	(i) a passport issued by the United Kingdom to a British Subject.
R178(1)	(a) any identity document issued outside Canada before the person's entry into Canada; or
	(b) if there is a reasonable and objectively verifiable explanation related to circumstances in the applicant's country of nationality or former habitual residence for the applicant's inability to obtain any identity documents, a statutory declaration made by the applicant attesting to their identity, accompanied by
	(i) a statutory declaration attesting to the applicant's identity made by a person who, before the applicant's entry into Canada, knew the applicant, a family member of the applicant or the applicant's father, mother, brother, sister, grandfather or grandmother, or
	(ii) a statutory declaration attesting to the applicant's identity made by an official of an organization representing nationals of the applicant's country of nationality or former habitual residence.
	<u>*Note: the statutory declaration must be accompanied by the identity document of the attester</u>

Diplomatic passports are unacceptable for landing. A regular passport or travel document should be requested.

Fees

On April 30, 2022, Immigration, Refugees and Citizenship Canada (IRCC) increased fees for all permanent residence applications. This includes economic, permit holder, family and humanitarian classes.

Check *Fee applet* first and ensure that the correct payment lines are showing. Don't forget to press "Allocate"!

Application Fee (PA)	\$850
Include a spouse or CL partner	\$850
Include a dependent child	\$230
RPRF	\$515
Biometrics Fees	\$85 Single Rate \$170 Family Rate

Pay your provincial nominee – not Express Entry fee – Canada

Fees				
Menu + New Delete Query Insufficient fees notice				
Status	Fee	Amount Required (C	Amount Paid	Amount Re
Paid	Biometrics	\$85.00	\$85.00	\$0.00
Paid	RPRF 2022	\$515.00	\$515.00	\$0.00
Paid	PA, Other 2022	\$850.00	\$850.00	\$0.00

Refunds

- ✓ Any overpayment should be refunded
- ✓ Indicate in your GCMS note the amount that should be refunded
- ✓ Go to the GCDOCS Refund Folder found at: <http://gcdocs2/otcs/cs.exe/open/188829919> and enter your refund request
- ✓ The CPA/CPO responsible for refunds will action your request.

Family members

Definition of *family member*

(3) For the purposes of the Act, other than section 12 and paragraph 38(2)(d), and for the purposes of these Regulations, other than paragraph 7.1(3)(a) and sections 159.1 and 159.5, *family member* in respect of a person means

- (a) the spouse or common-law partner of the person;
- (b) a dependent child of the person or of the person's spouse or common-law partner; and
- (c) a dependent child of a dependent child referred to in paragraph (b).

If the dependent is the Spouse- R1(3)

- PA and Spouse must have been legally married: check marriage certificate.
Request a marriage certificate if not provided
- PA and spouse should have been free to marry at the time of their marriage.
- If either were previously married, ensure that the divorce or annulment of their previous marriage; or the death of their previous spouse occurred before they remarried.
- Check for divorce documents, annulment certificates or death certificates.

If the dependent is the Common-law Partner- R 1(1) (3)

- PA and common law partner must have cohabited for a period of one year continuously since lock-in: check start date of common-law relationship on the IMM0008 and IMM5409 (Statutory Declaration of Common-law Union). Note for the officer.

Request IMM5409 (Statutory Declaration of Common-law Union) if not provided

If the dependent is the Dependent Child – R1(3) and R2

They must be the biological or adopted child of the PA or their dependent spouse or CL partner: check for birth certificate and adoption papers.

- If the dependent is overage, make a note of this for the officer.

Parental consent

For accompanying minors (under 18 years of age), when a father is listed on their birth certificate and the father is not an accompanying dependent, please request;

Proof of sole custody of minors (permission from the other parent is not required) *or*

Proof of joint/shared custody and permission from other parent for children to immigrate to Canada.

Permission from the other parent (accompanying dependants only) must be a statutory declaration indicating that they allow this child to immigrate to Canada. It must be notarized.

When making this request to the PA, instruct them to have the other parent of the child to complete the IMM5604 for each child. This form must be notarized and accompanied by proof of identity of the other parent.

Eligibility

The requirements to be considered a member of the PN class are found in R87, namely that the applicant:

- has the ability to become economically established in Canada
- is named in a nomination certificate issued by the government of a province or territory

Ability to become economically established:

The ability to become economically established applies to the principal applicant.

An economic applicant relying exclusively on the financial guarantee of their relative residing in the province or territory raises concerns that the applicant is not able to establish economically without such assistance. Officers may wish to request additional information and documentation from applicants to demonstrate and support their ability to become economically established.

Factors to examine when determining the ability to economically establish

In cases where the officer is not satisfied that the issuance of a nomination is a sufficient indicator of an applicant's ability to become economically established in Canada, they may examine certain factors as part of the overall assessment to determine the applicant's ability to economically establish. These factors may include, but are not limited to:

- current job or job offer
- language ability
- work experience

Admissibility

Like all other applicants, provincial nominees must not be inadmissible to Canada. Responsibility for the assessment of inadmissibility for the purpose of the Immigration and Refugee Protection Act (IRPA) is solely that of the federal government.

Most persons described in Division 4 of IRPA cannot be admitted because of criminal, medical or security restrictions. Division 4 makes distinctions based on categories of inadmissibility related to:

Criminality - A36(1) and (2)

Organized criminality-A37

Security- A34

Human or international rights violations-A35

Health-A38

Financial reasons-A39

Misrepresentation- A40

Non-compliance with Act- A41

Inadmissible family members -A42

Criminality

Serious criminality

36 (1) A permanent resident or a foreign national is inadmissible on grounds of serious criminality for

- (a) having been convicted in Canada of an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years, or of an offence under an Act of Parliament for which a term of imprisonment of more than six months has been imposed;
- (b) having been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years; or
- (c) committing an act outside Canada that is an offence in the place where it was committed and that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years.

Criminality

36 (2) A foreign national is inadmissible on grounds of criminality for

- (a) having been convicted in Canada of an offence under an Act of Parliament punishable by way of indictment, or of two offences under any Act of Parliament not arising out of a single occurrence;
- (b) having been convicted outside Canada of an offence that, if committed in Canada, would constitute an indictable offence under an Act of Parliament, or of two offences not
 - arising out of a single occurrence that, if committed in Canada, would constitute offences under an Act of Parliament;

- (c) committing an act outside Canada that is an offence in the place where it was committed and that, if committed in Canada, would constitute an indictable offence under an Act of Parliament; or
- (d) committing, on entering Canada, an offence under an Act of Parliament prescribed by regulations.

Organized criminality

37 (1) A permanent resident or a foreign national is inadmissible on grounds of organized criminality for

- (a) being a member of an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment, or in furtherance of the commission of an offence outside Canada that, if committed in Canada, would constitute such an offence, or engaging in activity that is part of such a pattern; or
- (b) engaging, in the context of transnational crime, in activities such as people smuggling, trafficking in persons or laundering of money or other proceeds of crime.

Police Certificates

PA and the accompanying dependents must submit the police certificates for all the countries where they have lived for six months or more since they turned 18 years old.

CHECK INSTRUCTIONS ON HOW TO OBTAIN A POLICE CERTIFICATE

<http://www.cic.gc.ca/english/information/security/police-cert/index.asp>

Check how a client can obtain a police certificate before making a request: for some countries, the request is made by CIC directly to the foreign government or the applicants a

Please find below two updated forms which are to be used when additional information (details of police service and government employment) is being requested from clients.

New forms:

- IMM 0150: [Details of Police Service](#)
- IMM 0150: [Détails du service policier](#)
- IMM 0149: [Details of Government Employment](#)

- IMM 0149: Détails de poste(s) gouvernement(al/aux)

All forms are available for applicants to find and fill out on our [IRCC website](#).

Biometrics

Who must provide biometrics?

Biometrics collection is **mandatory** for all foreign nationals between the ages of 14 and 79 who are applying for, claiming or requesting temporary residence (excluding United States [U.S.] nationals), permanent residence or refugee protection.

- **Biometrics Effective Dates (based on application rec'd date):**
 - July 31, 2018: Foreign nationals from Europe, Africa and the Middle East
 - December 31, 2018: Foreign nationals from Asia, Asia Pacific and the Americas (including the US)
 - December 3, 2019: Foreign nationals residing in Canada

As of **December 3rd, 2019**, all applicants in Canada and their dependents abroad between the ages of 14-79 will be required to enroll in biometrics.

COVID Measures:

New public policy: System auto-associates a valid biometrics result done within the last 10 years in support of a claim, application or request under the Immigration and Refugee Protection Act. In lieu of a new biometrics collection, the foreign national's previously enrolled biometric information can be linked to their pending or new application for permanent residence.

Eligible applicants:

Foreign nationals are exempt from the biometrics collection requirement whether inside or outside Canada if they have both:

- a pending or new application for permanent residence
- previously provided their biometrics within the 10-year period before the day on which they made the current permanent residence application

GCMS will automatically grant the exemption for all eligible applications received on or after September 22, 2020. Previous biometrics result will be associated automatically to new applications.

Biometrics may be completed for a client but the result did not automatically associate to the client's UCI or the application. If the previous biometrics results have not been associated to the file please do the following:

How to associate a previous biometrics result:

Associate the special program code **PRBIO** with the application, this will cause the system to search for previous biometrics and associate them with the application when the enrolment date is less than 10 years from the received date of the previous permanent residence application.

Group #:
 Special Program(s): 
 Correspond Lang:
 Interview Lang:
 Interpreter Required:
 Cost Recovery:★
 RPRF:★


- Query the Special Program Code “PRBIO”.

Special Program

1 - 1 of 1

Available	
Special	Description
PRBIO	PRBIO

Selected	
Primar	Specia Description
<input checked="" type="checkbox"/>	PRBIO PRBIO



Special Program(s): 
 Correspond Lang:
 Interview Lang:
 Interpreter Required:
 Cost Recovery:★
 RPRF:★

Biometric Fees:

- \$85 individual
- \$170 family rate(when there are 2 or more biometrically required applicants on file)

Ensure biometric fees have been received and allocated correctly.

Note: GCMS will populate a biometrics fee line for each biometrically required applicant. Any additional biometrics fee line(s) will need to be set to “Entered in Error.

NEVER DELETE any fee lines!

RCMP-Screening VS. Biometrics:

- Biometrics trumps “RCMP – Screening”: No need to initiate “RCMP – Screening” if Biometrics is required for the client and/or the enrolment has been completed.
- If the applicant does not have a previous biometric enrolment on file, no enrolment will be associated with the application. if the client does not have previous biometrics, the agent or officer will need to send a BIL. for each applicable client, both in Canada and abroad,
- When biometrics is deemed required, 3 fields/sections will be triggered in GCMS:
 1. Biometrics Section under *Clients & Parties*
 2. Biometrics Fee
 3. Criminality Activity > Biometrics – RCMP sub-activity

1. Biometrics section under Clients & Parties

Biometrics

IRCC #:	1000000
Assessment:	Required ▼
Enrolment Class:	▼
Other Description:	
Info:	In Progress ▼
Review:	▼

2. Biometrics Fee under Fees:

Status▼	Fee	Amount Required (C	Amount Paid	Amount Remitt	Code
Paid	PA, Other	\$825.00	\$825.00	\$0.00	FPC
Paid	Spouse/Common-L...	\$825.00	\$825.00	\$0.00	FPC
Paid	RPRF 2022	\$515.00	\$515.00	\$0.00	RFC
Paid	RPRF 2022	\$515.00	\$515.00	\$0.00	RFC
Paid	Biometrics	\$85.00	\$85.00	\$0.00	FPC

3. Biometrics – RCMP sub-activity under Criminality tab:

Type	Country	Status
Biometrics - RCMP		Not Started

You may encounter cases where a client is only able to complete partial biometrics (no photo due to mandatory mask requirement):

Indicators of partial exemption due to public policy:

- Biometrics Assessment = “Review Required”
- Enrolment Class = “Partial – Fingerprints”

You may see this GCMS note: Photograph: Partial fingerprint enrollment due to Covid-19 as per instructions provided by IRCC. No specific identity concerns.

Biometrics

IRCC #:

Assessment:

Enrolment Class:

Other Description:

Info:

Review:

s.16(1)(b)

Assessment: Review Required ▾
Enrolment Class: Exempt - Imp./NF Permanent
Other Description: Exempt - Imp./NF Temporary

The processing officer is required to:

- Update the Biometric Assessment from “Review Required” to “Exempt – Imp./NF Temporary” to proceed with finalizing the application.
- If there are no specific inadmissibility concerns and no adverse information/history noted, you can proceed and complete the assessment.

Note:

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**is withheld pursuant to section
est retenue en vertu de l'article**

16(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Canada-Partner Information Sharing:

Canada and partner countries (U.S., New Zealand, Australia, and the United Kingdom) systematically share immigration information on applicants for asylum, permanent and temporary residence, and enforcement cases. For Canadian officers, the information exchanged will be available for officer review in GCMS before an application is finalized, or an enforcement action is closed. The information exchanged is intended to serve as an additional piece of information for officers to use when making decisions on applications in GCMS.



The Basics of Information Sharing

Only immigration information can be shared. Information from law enforcement agencies (RCMP, FBI, AFP and Interpol etc.) is not shared unless it directly relates to an immigration case.

What is a Biographic Query?

Once a complete application is promoted in GCMS, queries can be initiated by one of the following:

- GCMS (majority of cases)
- the officer (select cases)

Queries are either mandatory (systematically triggered) or optional (manually initiated), based on the line of business and application type. A biometric query may also be triggered simultaneously.

In GCMS, biographic queries are activities that can be accessed under the “IMM – Admissibilities – Info Sharing” and “Client – Info Sharing – Canada Initiated” views.

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**is withheld pursuant to sections
est retenue en vertu des articles**

16(1)(c), 16(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Medical exams:

The Principal applicant and their accompanying and non-accompanying family members are required to undergo a medical examination.

Health grounds

- **38 (1)** A foreign national is inadmissible on health grounds if their health condition
 - (a) is likely to be a danger to public health;
 - (b) is likely to be a danger to public safety; or
 - (c) might reasonably be expected to cause excessive demand on health or social services.
- Exception
 - (2) Paragraph (1)(c) does not apply in the case of a foreign national who
 - (a) has been determined to be a member of the family class and to be the spouse, common-law partner or child of a sponsor within the meaning of the regulations;
 - (b) has applied for a permanent resident visa as a Convention refugee or a person in similar circumstances;
 - (c) is a protected person; or
 - (d) is, where prescribed by the regulations, the spouse, common-law partner, child or other family member of a foreign national referred to in any of paragraphs (a) to (c).

Medical Request

A medical certificate is valid for 12 months from the date of the last medical assessment. When a medical has expired, a new medical assessment is required.

If the due date has passed and medical is still in progress, resend a new medical request by printing out the same IME letter sent previously. DO NOT create a new medical request under the admissibility tab if previous one is still in progress.

If the validity date of the medical examination has expired, issue a new medical examination.

Go to *Admissibilities > Medical* sub tab, click New, select the appropriate client and then change the status from Not Started to Generate, press CLT+Enter to refresh the page and the status will change from Generate to Sent:

Admissibilities Other Regs Correspondence Notes Finalize Application Fees Paper File Events Associations Sp...							
Organized Crime Medical Misrepresentation Ministerial Relief Info Sharing							
Menu New Query							
Given Name	Type	Status	Validity Date	Status Updated	Status Updated	Assigned To	
	Medical	Sent		PD13973	2018/08/27 0...	RC-9570	
	Medical	Passed	2017/12/13	FD20413	2018/05/30 0...	RC-9570	

The steps listed above will automatically generate an Auto Email under the *Correspondence* tab > *Outgoing* sub tab. Change the status to Sent.

Party ID	Correspondence Organization ID	Document #	Type	Document	Status	Via
1558	1-368150019...		Auto E-mail	Medical Report - Section A Client Identificat...	Sent	E-mail
1558	2-585129890...		Auto E-mail	Acknowledgement of Receipt/Accusé de réc...	Cancelled	E-mail

If the PA does not have an email then you will need to send the correspondence by mail. Print the IME medical form which is located in the Correspondence Attachments sub screen. Generate a new line, issue a request letter correspondence. Place both the medical form and the request letter for the client in the same envelope.

Medical results: Steps in GCMS

Go to the *Admissibilities* tab > *Medical* sub tab, review results in the *Sub Activities* screen, results should show as *Passed*, as the results are completed by RMO - no decision is required to be entered in GCMS, *review the validity date, the medical should be valid for 3 more months after the date the file is finalized :

UCI	Family Name	Given Name	Type	Status	Validity Date	Status Updated	Status Updated Assigned To	Assigned By	Our
			Medical	Passed	2018/05/28	BB9311	2017/05/29 1	RC-9518	201
			Medical	Passed	2017/04/08	EL16725	2017/01/03 1	RC-9518	201

Medical Validity Extension

Medical Services Branch officers will give consideration to extending medical validity for all in-Canada cases. Medical RESULTS are valid for one year from EXAM date.

PUBLIC POLICY

The Minister has signed a new temporary public policy (TPP) exempting in-Canada permanent residence applicants from the requirement to undergo an additional IME. The TPP takes force immediately.

This temporary public policy seeks to streamline the health screening requirement for foreign nationals who have made an application from within Canada and have previously completed an Immigration Medical Exam, that included a physical examination, and have a new or pending application under the Act, or are an in-Canada family member of a foreign national who has a new or pending application under the Act, while limiting public health risks to Canadians and strain on the Canadian health care system.

Based on the public policy considerations, when processing an application under the Act, delegated officers may grant an exemption from the requirements of the Act and the Regulations identified below, when a foreign national meets the following conditions:

Eligibility requirements applicable to foreign nationals except where they are an accompanying family member of a principal applicant on an application for permanent residence (for a permanent resident visa or applied to remain in Canada as a permanent resident):

1. The foreign national
 - i. Has made an application under the Act and has indicated a Canadian residence on the application;
 - ii. Has submitted to an Immigration Medical Examination that included a physical examination under paragraph 29(a) of the Regulations
 - a. Within the five years before the date the application under the Act is submitted in the case of a foreign national who submits an application on or after the date this temporary public policy comes into effect, or
 - b. Within the five years before the coming into effect of this temporary public policy in the case of a foreign national whose application under the Act is pending on the date the public policy comes into effect, and
2. The foreign national's most recent IME described in subsection 1(ii), was assessed and coded as:
 - i. M1: indicating they pose no danger to public health and public safety;
 - ii. M3: indicating they have a health condition present but are not expected to place an excessive demand on health or social services, unless the M3 has been assessed and identified as "TR only" or "EDE only"; or

- iii. M2 or M2/3: indicating they are a potential risk to public health, but they have complied with their requirement to report to provincial/territorial health authorities for medical surveillance, unless the M2 or M2/3 has been assessed and identified as “TR only” or “EDE only”.

Eligibility requirements applicable to foreign nationals who are an accompanying family member of a principal applicant on an application for permanent residence (for a permanent resident visa or applied to remain in Canada as a permanent resident)

3. The foreign national
 - i. is an accompanying family member of a foreign national who is a principal applicant on an application for permanent residence and the principal applicant meets the requirements of section 1(i); and
 - ii. Has submitted to an Immigration Medical Examination that meets the requirements of subsection 1(ii) and section 2.

General processing measures: COVID-19 program delivery (ci.gc.ca)

Document requirements

If the applicant has previously completed an IME

- Officers should use the IME number or unique medical identifier supplied by the applicant, or complete an integrated search in GCMS for any previous medical results and associate them with the application
- If the previous IME has expired, send a request to the Migration Health Branch (MHB) to determine eligibility to the temporary public policy. The MHB will identify which clients will require a new IME and those who have been reassessed and exempted from completing a new IME.
 - The MHB will respond via email to indicate the outcome of their review. The processing officer will then be responsible for linking the reassessed IME to the application or requesting a new medical exam, if required.

The MHB will be reviewing previous results using exceptional eligibility criteria to exempt clients from completing a subsequent IME under the new temporary public policy. These will only apply to applicants and their dependants in Canada.

Dependants overseas will be subject to the regular reassessment protocol. Eligibility criteria for IMEs as part of this pathway are as follows:

- The person has made an application under the Act to change or extend their immigration status and has indicated that the application is being made from within Canada.
- The person has submitted to an IME that included a physical examination under paragraph 29(a) of the Regulations
 - in the 5 years before the date the new application under the Act is submitted, in the case of a foreign national who submits an application on or after the date this temporary public policy comes into effect, or

- in the 5 years before this temporary public policy comes into effect, in the case of a foreign national whose application under the Act is pending on the date the public policy comes into effect
- Previous IMEs must have an assessment of M1, M3 assessed for **all**, as well as M2 and M2/3 for **all** if the client has complied with medical surveillance.

IMEs completed prior to October 6, 2017 or ones with an assessment of M2/3 TR only or EDE only, M3 TR only or EDE only, M4, M5, or M6 will not be eligible for an IME exemption. These clients **must be issued a new IMM 1017**. Refer to the [Instructions for in-Canada and overseas finalization](#) for the reassessment protocols that will apply to overseas dependants.

MEDICAL ASSESSMENT CODING

M1 No public health risk or danger, no public safety danger and no excessive demand

M2 Potential risk to public health. Medical surveillance required. Conditional entry recommended if granted entry to Canada.

For example, applicants may be a "risk" due to a communicable disease that may reactivate, such as inactive tuberculosis.

M3 A health condition(s) is present but is not expected to place an excessive demand on health or social services.

M4 Inadmissible due to danger to public health, e.g., active infectious tuberculosis.

M5 Inadmissible due to excessive demand on health and social services. For all M5 codes, the medical officer will add a descriptive code indicating the nature of the excessive demand:

- T9 - for excessive demand on social services;
- H9 - for excessive demand on health services;
- E9 - for displacement of Canadians who are on a waiting list.

M6 Inadmissible due to danger to public safety, e.g., psychopathic personality.

SURVEILLANCE CODE

All cases require an "S" code.

S1 No requirement for medical surveillance

Note: For M1 profiles, the surveillance code is defaulted to S1. For other medical profiles, the surveillance code "S1" needs to be manually selected.

S2.01 Applicant is inadmissible to Canada (active tuberculosis); used in conjunction with the medical profile M4.

S2.02 Medical surveillance required. Conditional entry recommended if granted entry to Canada (pulmonary tuberculosis inactive).

S2.02U Medical surveillance required. Conditional entry recommended if granted entry to Canada (complex pulmonary tuberculosis inactive).

Excessive demand on health and social services

The Temporary Public Policy Regarding Excessive Demand on Health and Social Services no longer has to be applied to files that are medically inadmissible for excessive demand as the regulations have now changed. Moving forward, officers do **not** need to apply the temporary public policy to M5 cases and can transfer these cases directly to the Humanitarian Migration and Integrity Division in Niagara Falls (HMID-NF).

Excessive demand on health services and on social services

M Profile:		5	Des:
S Profile:		1	Des:
MOF Rationale Exists: <input checked="" type="checkbox"/>			
MOF Review:		▼	
Valid Until:		[2]	
Expected Date of Delivery:		[2]	

Steps to assess the Eligibility and Admissibility requirements:

Eligibility assessment

The requirements to be considered a member of the PN class are found in R87, namely that the applicant

- has the ability to become economically established in Canada
- is named in a nomination certificate issued by the government of a province or territory (the nomination certificate was valid at the date the application was received)
- intends to reside in the province or territory that nominated them (Please check the IMM008 and confirm that the applicant resides in the province of nomination)

Note: Please note that the applicant

- must provide adequate proof of their identity.

- must have legal valid status in Canada: valid work permit, valid study permit, valid visa/authorized or implied status.

NOTE:

Review the application as a whole.

Carefully conduct an integrated search, review all the previous TRV applications , evidence, and the background information.

For example you may verify the LMIA information on WPs:

Work Permit

Exemption Code:

NOC:

Intended Occupation:

Salary (CAD):

LMIA/LMIA Exempt #:

Employer:

Type of Care:

Requiring Care:

App

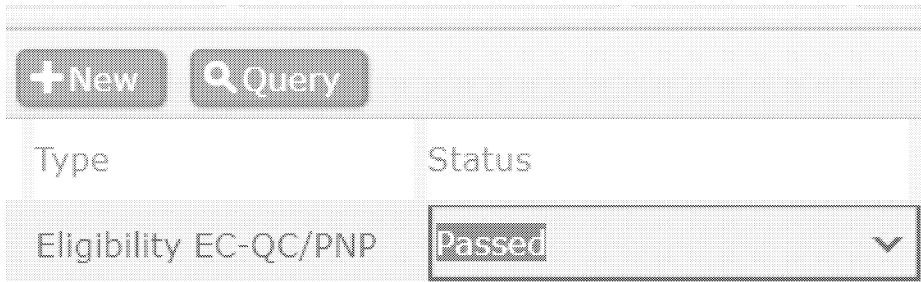
<http://cicintranet.ci.gc.ca/connexion/tools-outils/temp/work-travail/opinion-avis/duration-duree-eng.aspx>

Documents you may use to assess economic establishment by streams:

•

Eligibility Passed:

All clients residing in Canada must have status in Canada and must provide sufficient proof of identity. If all clients in Canada have status, have provided acceptable identity documents, and the Principal Applicant seems to meet R 87 switch the status under eligibility assessment located within the Eligibility tab in GCMS from “Not Started” to “Passed”.



The screenshot shows a software interface with two buttons at the top: '+ New' and 'Query'. Below the buttons is a table with two columns: 'Type' and 'Status'. The 'Type' column contains the text 'Eligibility EC-QC/PNP'. The 'Status' column contains a dropdown menu with the word 'Passed' selected. A small downward arrow is visible on the right side of the dropdown menu.

Type	Status
Eligibility EC-QC/PNP	Passed

Client is out of Status- H &C may be applied

Depending on different factors when you see a client is out of status you may apply H&C.

Clients & Parties	Eligibility	Admissibilities	Other Reqs	Doc Sharing	Correspondence
H&C	A39/A41	Matching Centre	Verification		
Other					
Family Name	Given Name	Type	Status	Conditional	Validity Date
		H&C - Eligibil...	Passed		2024/11/30

Info Share- Adverse info(for usual code USV-PMO)- Sample notes-

Info Share- adverse info- match found- Alert reason reviewed - code appears to be in isolation with no other alert codes alongside of it . USA visa refusal declared on IMM 5669 – IMM 5662 indicates that the PA did not travel or enter the USA. As a result there appears to be no concerns with the admissibility of the client

Criminality assessment

- Conduct an integrated search, review GCMS records, documents and information (Schedule A, Police certificates) available to assess Criminality.
- If the applicant does not have any Criminality and there are no concerns, please indicate that in your GCMS note:

For example:

- Biometrics passed: NRT
 - PC from India: edoc#: NRT
 - It seems that there are no A36(1) and (2) concerns at this time
 - Criminality passed
- Criminality Assessment cannot be fully passed until all applicants’ biometrics results have been completed and assessed.
 - Criminality Activity: will auto-update to “Passed-Bio” once a complete biometrics result is received in GCMS.
 - Note: “Passed-Bio” can only be updated by the system.
 - A new Criminality Activity must be created for the same applicant in order to complete Criminality Assessment. There should be 2 Criminality Activity lines created for each biometrically required applicant.

Type	Status
Criminality	Passed
Criminality	Passed - Bio

s.16(1)(b)

- If there are Criminality concerns, you will indicate that in your GCMS note:
For example:
 - PC from India: edoc# adverse information
 - Court document requested

1- Please use the following template note. You may modify the note, depending on the scenario:

Family members:

For the PA's dependents, please verify and confirm that the following documents and forms have been submitted:

Documents to establish identity (Birth certificate, passport)

Documents to establish relationship (marriage certificate for a spouse, birth cert for a child and statutory declaration of a common Law union)

Passport- for accompanying dependents

Police Certificate (applicant is 18 years old or over)

Schedule A (applicant is 18 years old or over)

IMM5406 (applicant is 18 years old or over)

Supplementary Information-Your travels (IMM 5562)- applicant is 18 years old or over)

Under R87(2)(a), only the principal applicant must be named in the nomination certificate. Although many provinces also list the applicant's accompanying dependants on the certificate, there is no actual legal requirement for them to be listed. As a result, there is no need for a new or amended nomination certificate if the applicant's family composition changes during processing.

Accompanying family members of provincial nominee applicants may only become permanent residents at the same time as, or after, the principal applicant has become a permanent resident. In other words, family members of principal applicants cannot become permanent residents before the principal applicant (refer to R87.1).

When assessing the applications officers should assess the Eligibility for family members (family members are defined as persons who meet the definition of a "family member" in subsection 1(3) of the Regulations).

Family Members

Definition of Family members R 1(3)

(3) For the purposes of the Act, other than section 12 and paragraph 38(2)(d), and for the purposes of these Regulations, other than paragraph 7.1(3)(a) and sections 159.1 and 159.5, ***family member*** in respect of a person means

- (a) the spouse or common-law partner of the person;
- (b) a dependent child of the person or of the person's spouse or common-law partner; and
- (c) a dependent child of a dependent child referred to in paragraph (b).

Definition of spouse

"Spouse" is not defined in the Act or the Regulations, and takes the ordinary and usual definition of the term.

Spouse refers to either of the two persons (opposite or same sex) in a marriage legally recognized in the country in which it took place, as well as in Canada.

<http://cicintranet.ci.gc.ca/connexion/tools-outils/perm/definitions-eng.aspx?letterNum=19>

R1 (1)- Definition of common law partner

1 (1) **common-law partner** means, in relation to a person, an individual who is cohabiting with the person in a conjugal relationship, having so cohabited for a period of at least one year. (conjoint de fait)

R1(2) Interpretation — common-law partner

(2) For the purposes of the Act and these Regulations, an individual who has been in a conjugal relationship with a person for at least one year but is unable to cohabit with the person, due to persecution or any form of penal control, shall be considered a common-law partner of the person.

R2- Definition of dependent child

dependent child, in respect of a parent, means a child who

(a) has one of the following relationships with the parent, namely,

- (i) is the biological child of the parent, if the child has not been adopted by a person other than the spouse or common-law partner of the parent, or
- (ii) is the adopted child of the parent; and

(b) is in one of the following situations of dependency, namely,

- (i) is less than 22 years of age and is not a spouse or common-law partner, or
- (ii) is 22 years of age or older and has depended substantially on the financial support of the parent since before attaining the age of 22 years and is unable to be financially self-supporting due to a physical or mental condition. (*enfant à charge*)

Assessing the relationship between spouses or common-law partners

R4 (1) For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner or a conjugal partner of a person if the marriage, common-law partnership or conjugal partnership

- (a) was entered into primarily for the purpose of acquiring any status or privilege under the Act; or
- (b) is not genuine

s.16(1)(b)

Spouse and common law partners:

Supporting documents

Officers should be satisfied that the spousal relationship or common-law partnership is genuine or that was not entered into primarily for the purpose of acquiring any status or privilege under the Act.

Clients must provide on a balance of probabilities of 50.1% that they are in a Bona Fide relationship.

The clients are required to submit proof of relationship documents: marriage certificate, lease agreements, bank records, proof of cohabitation, etc.

Before determining that the PA and their spouse or common law partner are in a bona fide relationship, the officers may request additional documents.

In the case of a spouse, documentary evidence should include:

In the case of a common-law partner, documentary evidence should include:

Useful bullets:

s.16(1)(b)

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**is withheld pursuant to section
est retenue en vertu de l'article**

16(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Dependent children:

Dependent child lock-in date- Provincial nominee program

Provided it meets completeness requirements, an application is deemed to be received on the day it is submitted electronically or, for paper applications, on the day it is date-stamped by the IRCC office designated for the intake of applications for the applicable program or category.

The following table provide information to determine when a dependent child's age is locked in for the PNP-P category,

Age lock-in date	Where to find this information
Date the province or territory receives the principal applicant's complete nomination application, if received on or after August 1, 2014	GCMS: Date provincial or territorial nomination application received Provincial or territorial confirmation of nomination letter: Date application received ("Date of Application" column on the provincial and territorial nomination spreadsheet that the province or territory sends to IRCC each month)
Date IRCC receives the principal applicant's complete permanent residence application, if received before August 1, 2014	GCMS: Date permanent residence application received

Who qualifies as a dependent child?

Immigration, Refugees and Citizenship Canada (IRCC) officers must review and assess information provided in the application package or accessible in the Global Case Management System (GCMS) to do all of the following:

- identify which lock-in procedure or regulation applies
- determine the child's locked-in age
- determine if a child included in the application meets an applicable definition of a dependent child
- determine which fees to apply

If the dependent child does not meet the current definition, officers must determine whether they should be processed under the definition of "dependent child" that applied between August

1, 2014, and October 23, 2017, or under transitional provisions implemented with the pre-August 1, 2014, amendment.

Age and level of dependency

As of October 24, 2017, to meet paragraph (b) of the definition of “dependent child” under section R2, a child must be in one of the following situations:

- under 22 years of age and not a spouse or common-law partner
- 22 years of age or older, have depended substantially on the financial support of the parent since before the age of 22 and be unable to support themselves financially due to a physical or mental condition (it is the financial dependency that must have been ongoing since before the age of 22. It is not necessary for the physical or mental condition to have existed before the age of 22.)

Dependent children who do not have a physical or mental condition must remain unmarried and not in a common-law relationship for the duration of processing, up until the point of becoming a permanent resident.

In regards to civil status, a dependant who is single, divorced or widowed, whose marriage has been annulled or who is no longer in a common-law relationship at the time of the initial receipt of the application is considered to meet the definition of a dependent child and must continue to meet the definition of a dependent child for the duration of processing.

For all applications received on or after October 24, 2017, this definition applies when an officer is determining whether a child qualifies as a dependant, and any reference to “dependent child” in the Immigration and Refugee Protection Act (IRPA) and its Regulations (IRPR) should be interpreted in terms of the new definition.

Learn about the two previous definitions of dependent children, which applied from August 1, 2014, to October 23, 2017, and before August 1, 2014.

Relationship between a parent and a dependent child

A dependent child is either a biological child or an adopted child of a parent [R2(a)]. The term “biological child” has been interpreted to include children in any one of the following situations:

- was born to the parent making the application
- is not genetically related to the parent making the application, but was born to the person who, at the time of the birth of the child, was that parent's spouse, common-law partner or conjugal partner
- was born through the application of assisted human reproduction technologies

Officers must assess the relationship between the applicant and any dependent children to establish proof of parentage and dependency.

Clients must provide proof that the dependent child is their biological child and that they have consent from the other parent to immigrate to Canada.

For files where client indicates that the child is adopted but client makes no mention of an adoption and states that their relative is their dependent, a letter will be sent to the client requesting confirmation they would like to include the person and provide any additional information.

Acceptable proof of a biological relationship between a child and a parent is a birth certificate or baptismal certificate.

The section R2 definition allows for a child born through assisted human reproduction technologies, such as in vitro fertilization, to be recognized as a dependent child, provided the female spouse or partner gave birth to the child and that it is consistent with Canadian family law, under which the spouse or common-law partner of the birth parent is usually presumed to be the other legal parent even if there is no genetic relationship to the child.

In these cases, documents suitable for establishing parent-child relationships are birth certificates or other documents, as well as authorized evidence indicating that the person claiming to be the parent is the birth mother or the spouse or common-law partner of the birth mother at the time of birth. Evidence must also indicate that the parents availed themselves of assisted human reproduction technologies.

If the child was born from a surrogacy arrangement in a foreign country and is legally the child of the sponsor or their spouse or partner in that jurisdiction, the child may be a “biological child” if there is also a genetic parent-child relationship. If there is **no** genetic or gestational link to the sponsor or their spouse or partner, the child is not a biological child. The officer may consider granting permanent residence on humanitarian and compassionate grounds, but caution should be used to mitigate the risk that the child was purchased or trafficked.

Custody issues: dependent children

Applicants who have included in their application children who are subject to custody orders must provide proof that they are allowed to remove the children from the area of jurisdiction of the court. The parent or legal guardian overseas must provide written consent for the child to travel to Canada for the purposes of becoming a permanent resident. A court order is acceptable in cases where that person is unwilling to provide consent.

Non-accompanying parents or guardians and former spouses or common-law partners must complete and submit a [Declaration from Non-Accompanying Parent/Guardian for Minors Immigrating to Canada form \[IMM 5604\] \(PDF, 609 KB\)](#) for each applicable child. The applicant is expected to make every reasonable effort to contact and obtain written consent from the other parent.

Custodial matters can be complicated, as family law varies from country to country, and should be assessed on a case-by-case basis. As a rule, where no consent is provided by the other parent, the onus is on the applicant to provide evidence that they have sole custody of a dependant and to verify that the non-accompanying parent does not have custody of the child or any objection to the removal of the child from the country of origin.

s.16(1)(b)

If the parents share custody of the child, IRCC must usually obtain written confirmation from the other parent that they have no objection to the child being processed for permanent residence in Canada. Where parents share custody of a child pursuant to a written agreement stating that the child is not able to travel to Canada permanently, it is necessary for the original agreement to be amended or replaced with a new agreement allowing the child to come to Canada and live with the parent who is seeking to move here.

This ensures that processing the dependent child for permanent residence does not violate the terms of any custodial order or agreement or foreign laws and respects the principles underlying international conventions to which Canada is party.

Procedural fairness:

If after assessing all the documents and records, you are not satisfied that the relationship is genuine, send a Procedural fairness letter (PFL letter) to the principal applicant.

Decision-makers are required to follow the rules of procedural fairness throughout the decision-making process.

Procedural fairness requires that applicants:

- be provided with a fair and unbiased assessment of their application
- be informed of the decision-maker's concerns and
- have a meaningful opportunity to provide a response to concerns about their application

If after assessing the new documents and/or explanation, you are not satisfied that the principal applicant's dependents do not meet the definition of the family members as per R 1(3):

1. remove the dependent from the application:
2. note down your reasoning for your decision in the GCMS note and in the letter you are sending to the principal applicant.
3. upload the letter you sent to the principal applicant to the application.

GCMS template notes:

s.16(1)(b)

Adverse information/ Contradictory information suggests dependent does not meet the definition of family member as per R1 (3).

PFL letter sent to PA today to address this concern and verify if the partner will be removed from the application.

In your letter to the applicant you may indicate:

s.15(1)

**

s.16(2)(c)

“As stated above, you must provide any additional information within 30 days from the date of this letter. If you choose not to respond with additional information I will make my decision based on the information before me, which may result in the removal of your (Name of dependent)from the application.

If you choose not to add your partner to this application later date, please inform our office of your decision.”

**

Important reminders:

Once you have passed eligibility please enter this ORG: O243558072699

If Criminality has not been passed, please assess and review Criminality before referring the application to the Security officer

Please ensure all the documents for security have been uploaded (Schedule A, IMM5406 and Travel form IMM5562)

Any documents that you require please assign the application to your designated PM1 who is responsible for stage 2.

Instructions for the Case Processing Agents and Case Processing Officers requesting security screening checks

Procedures to Request A Security Screening Check

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**is withheld pursuant to sections
est retenue en vertu des articles**

16(1)(b), 15(1)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Procedural fairness:

Decision-makers are required to follow the rules of procedural fairness throughout the decision-making process.

Procedural fairness requires that applicants:

- be provided with a fair and unbiased assessment of their application
- be informed of the decision-maker's concerns and
- have a meaningful opportunity to provide a response to concerns about their application
- Prior to moving forward with issuing a PFL or Refusing a file for Non-Compliance, we first must ensure that we have responded to any submission the client has made. This response should be noted on the file along with an explanation as to the reasoning behind your decision. This should also be communicated to the client via a letter which also clearly outlines the requested document and the due date.

Procedural fairness letter-Procedures for Case Processing Agents:

- 1- Once a CPA pre-screens an application, they request any outstanding document that is required for the Eligibility and Admissibility assessment.
 - They give the applicant 7 days to comply with the document if they are requesting documents that the applicant doesn't need to apply for and/or needs to request the document to a third party. Documents may include but are not limited to (immigration forms, proof of funds, fees, birth, marriage and divorce certificates).
 - They give the applicant 30 days to comply with the document if they are requesting documents that the applicant needs to apply for and/or needs to request the document to a third party. Documents may include but are not limited to (police certificates, court documents and passports).
- 2- Once the due date to comply with the requested documents has elapsed, they send a procedural fairness letter (PFL) to the client. Important: They send the PFL via two correspondence channels (for example: online and e-mail or via online and mail).

The PFL is a second opportunity for the client to submit the outstanding documents on file that were previously requested. This letter informs them to submit the documents in order to prevent the file from being refused. When you are sending out the PFL to the applicant, the deadlines for document requests is 30 days. The BF/Pending date in GCMS will be set to 30 days for all applications.

Prior to moving forward with issuing a PFL the CPA ensures that they have responded to any submission the client has made. Client may provide extension requests, or a request to waive document requirement.

- ✓ If the extension request is granted, the CPA informs the client by sending a new request letter with the new due date, and add a GCMS note indicating their action.
- ✓ If the client requests to waive document requirement, the CPA enters a GCMS note.
- ✓ If the client provides an explanation as why they can't submit the requested document, the CPA enters a GCMS note and assigns the application to the CPO to review.

3- After the CPA sends the PFL letter:

- Client asks for an extension to comply with the PFL request: if the CPA grants the extension request, they inform the client by sending a new request letter with the new due date, and they add a GCMS note indicating their action.
- PFL due date has elapsed and the client has not complied with the request and has not provided any explanation as to why they can't submit the document, the CPA assigns the application to the CPO for review
- PFL due date has elapsed and the client has not complied with the request and has provided an explanation as to why they can't submit the document, the CPA assigns the application to the CPO for review.
- Client has complied with the PFL request: the CPA reviews the documents submitted and actions accordingly and assigns the application to the CPO to review.

Procedural fairness letter -Procedures for Case Processing Officers:

If the PFL has already been sent to the client and the client has not complied with the request, proceed to review the application and make your decision based on the information available to you.

If document is not received after PFL due date, you may refuse for Non-Compliance as per the following:

NOTE*

Determining Eligibility

Processing offices must follow [procedural fairness guidelines \(PDF, 597.29KB\)](#) in OP 1 if they are not satisfied that a PNP applicant meets the regulatory criteria to become a member of the Provincial Nominee class as per [R87](#).

In such cases, the office must inform both the applicant and the [PT](#) of their concerns. Both parties must have the opportunity to respond and provide additional information/documentation in support of the application/nomination.

The officer must examine all information provided to determine that there is consistency throughout the elements of the application before making a final determination. The applicant should be invited to address any concerns which arise, in accordance with the principles of procedural fairness.

The CPO contacts the client by their preferred channel of correspondence:

- If after receiving the response from the client the CPO is satisfied that the applicant meets R87, the CPO can proceed and render the Eligibility decision.

The CPO contacts the Province /Territories by e-mail.

- If the province/ territories confirm they support and would like to continue with the nomination, the CPO can proceed and render the Eligibility decision.

- If the province/ territories confirm they withdraw the nomination, the CPO can proceed and refuse the application as the applicant does not meet R87.

The applicant may be inadmissible for the following reasons:

The Federal-Provincial/Territorial agreements include provisions on consulting nominating provinces and territories before refusal of PNP cases. The Agreements outline whether consultation should occur for all or specific refusal grounds, as well as the timeframe within which the province or territory has the opportunity to respond before the final refusal decision is made.

Inadmissibility Security reasons: (A34, 35, 37)

If the application has passed eligibility and partner agency results are non-favorable or indicate the need for further investigation under sections 34, 35 or 37, decision makers are to transfer the application to the Centre of Expertise in Security Cases (CESC).

In order to follow procedural fairness, officers must make applicants aware of any concerns about their admissibility and must provide them with an opportunity to address those concerns. If the nominating province provides input directly or via the applicant in response to a procedural fairness letter addressed to the applicant, that input should be considered along with the applicant's own input. Provincial or territorial input is, however, not determinative; the decision with respect to the applicant's admissibility must be made by the IRCC officer. All extrinsic information, including information received from the province, must be disclosed to the applicant if it will be considered negatively by the IRCC officer. The applicant should be given an opportunity to respond to any such information. OP1 – Procedures (PDF, 621 KB).

Procedural fairness

Inadmissibility for Financial reasons (A39)

As with all immigration classes, provincial nominees are subject to A39 which states that a foreign national is inadmissible for financial reasons if they are or will be unable or unwilling to support themselves or any other person who is dependent on them, and have not satisfied an officer that adequate arrangements for care and support, other than those that involve social assistance, have been made. The onus is on the foreign national to satisfy an officer that they are not inadmissible.

While provinces/territories should assess the foreign national's ability to become economically established in Canada when making their nomination decision, their assessment does not relieve the IRCC officer of the duty to be satisfied concerning the foreign national's admissibility and ability to become economically established in Canada.

Inadmissibility for misrepresentation (A40)

The application of A40 in provincial nominee cases does not differ substantially from procedures in all other immigrant cases.

In some cases, the nominating province may wish to withdraw the nomination, but **where an officer is satisfied that misrepresentation has occurred and the applicant is found inadmissible under A40, the case can be refused whether or not the nomination is withdrawn.**

The local office supervisor is responsible for rendering a decision on misrepresentation under paragraph 22(1)(e.1) of the Citizenship Act. The supervisor should review misrepresentation Guiding principles to ensure procedural fairness is followed, the grounds for misrepresentation are reasonable, and the evidence is credible and relates to a relevant matter.

Unauthorized work experience

While provinces do not consider unauthorized work experience in Canada as qualifying for nomination under their respective programs, it is possible that a person who has worked in Canada without authorization could be nominated by a province. Despite being nominated by a province, a person who has worked in Canada without authorization has failed to comply with A30(1), and on that basis could be found inadmissible under A41.

Making a final decision on the application

Approving the application

For approved applicants who reside outside of Canada, you will send the Confirmation of Permanent Residence (COPR) and permanent resident visa (if applicable) to the applicant's address outside of Canada. Foreign nationals outside Canada who have been issued a permanent resident visa must present their visa at a port of entry to become a permanent resident.

Refusing the application

A provincial nominee who meets all statutory admissibility requirements can be refused a visa when the officer has reason to believe that one or more of the following applies

- the applicant does not intend to live in the province that has nominated them
- the applicant is unlikely to be able to successfully establish economically in Canada

The Federal-Provincial/Territorial agreements include provisions on consulting nominating provinces and territories before refusal of PNP cases. They outline the consultations required for refusals, as well as the timeframe within which the province or territory has the opportunity to respond before the final refusal decision is made.

Example:Agreement for Canada-Alberta Cooperation on Immigration - Canada.ca

5.11 Should Canada determine that an individual nominated by Alberta is likely to be refused an immigrant visa, Alberta will be notified immediately and consulted regarding the reasons for possible refusal.

5.12 Alberta may raise concerns or seek clarification from the assessing officer at the relevant mission with respect to a potential refusal, within 90 days from the date of being advised by

Canada. Further representation, if necessary, may be made to the program manager at the mission within the 90-day period.

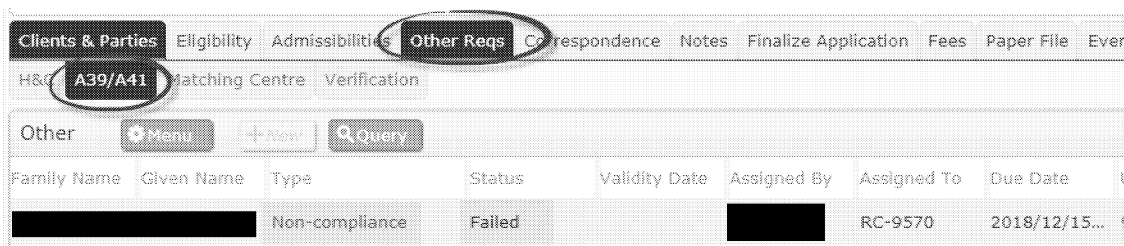
5.13 Where Canada determines that it will refuse to issue an immigration visa, Canada will advise Alberta before final decision.

All refused applicants must be provided with a formal [refusal letter](#) (link available internally only) (Internet Explorer only) found in the GCMS T: drive.

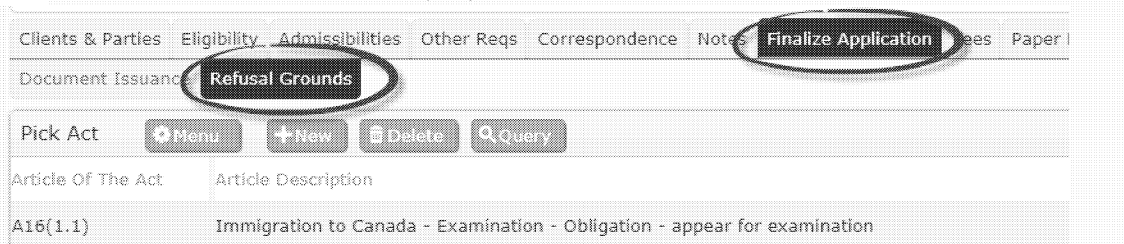
Note: In any case where a refusal is based on the lack of (or withdrawal of) a provincial nomination certificate, the legal reference should be to [R87\(2\)](#). Refusal letters addressed to provincial nominees should not cite [A20\(2\)](#). This subsection of the Act is specific to Quebec cases only.

Should an applicant ultimately fail to comply, their application may be refused by following these steps in GCMS:

- Under the *Other Reqs* view tab and the *A39/A41* sub-tab, click *New*. Under *Type*, select *Non-compliance*. Under *Status*, select "Failed".



- Under the *Finalize Application* view tab and the *Refusal Grounds* sub-tab, click *New*. Pick in the article of the Act *A16(1.1)*



In GCMS notes, indicate that:

Client failed to comply with request letters issued on _____ and _____ asking to complete/provide:

As a result of failure to produce all relevant evidence and documents required by subsection 16(1) and 20(1) of the Immigration and Refugee Protection Act, it cannot be established that the client

meets the requirements for permanent residence as described in subsection 21(2) of the Immigration and Refugee Protection Regulations.

Helpful links:

Immigration and Refugee Protection Act (IRPA)

Immigration and Refugee Protection Regulations (IRPR)

Provincial Nominee Program:

<http://cicintranet.ci.gc.ca/search-recherche/index-eng.aspx>

Processing Provincial Nominee Program (PNP) applications received through the non-Express Entry application process:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/perm/econ/pnp-pcp/index-eng.aspx>

Determining admissibility: [ENF 2 / OP 18 – Evaluating Inadmissibility \(PDF, 787 KB\)](#).

Biometrics COVID exemption PDI:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/service/coronavirus/bio-PR-RP-exempt-eng.aspx>

Facts about Biometrics

<https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/biometrics/facts.html>

How to interpret status and results of biometrics:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/id/bio/interpret-eng.aspx>

<http://cicintranet.ci.gc.ca/connexion/tools-outils/id/bio/what-queelles-eng.aspx>

Info sharing:

[Understanding query statuses in GCMS](#)

[Manually initiating a query](#)

[Manually over-riding the 30-minute submission delay \(biographic only\)](#)

[Cancelling a query:](#)

[System errors and re-transmission](#)

[Assessing query results in GCMS](#)

[Discrepancies between biographic and biometric results](#)

[Retained in error \(biographic only\)](#)

[Requesting and receiving additional information from the U.S.](#)

Interpreting U.S. codes

Medical exams:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/medic/assess-eval/cert-eng.aspx>

<http://cicintranet.ci.gc.ca/connexion/tools-outils/medic/assess-eval/coding-codage-eng.aspx>

Procedural fairness: <http://cicintranet.ci.gc.ca/connexion/tools-outils/service/fairness-equite-eng.aspx>

Processing Provincial Nominee Program (PNP) applications:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/perm/econ/pnp-pcp/admiss-eng.aspx>

Processing Provincial Nominee Program (PNP) applications: Determining membership in the class:

<http://cicintranet.ci.gc.ca/connexion/tools-outils/perm/econ/pnp-pcp/class-categorie-eng.aspx>

[ENF 2 / OP 18 – Evaluating Inadmissibility \(PDF, 787 KB\)](#)

[OP1 – Procedures \(PDF, 621 KB\)](#)

[procedural fairness guidelines \(PDF, 597.29KB\)](#)