

Nova Scotia Nominee Program - Business Mentor Program Guide



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Nova Scotia Nominee Program (NSNP)

Business Mentor Application Guide

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1.0 About the Business Mentor Program

Introduction

The Nova Scotia Nominee Program (NSNP) is a key program of the Nova Scotia Office of Immigration (NSOI). It is a recruitment and selection program designed to allow Nova Scotia to increase the economic benefits of immigration to the province.

Immigrants or “nominees” approved under this program by the Nova Scotia Office of Immigration may become permanent residents of Canada, subject to approval by the federal government after health, criminality and security reviews. Applicants to the nominee program must demonstrate to the Office of Immigration a genuine intention and ability to settle in Nova Scotia and meet specific criteria of the program.

After being approved for immigration by the Government of Canada and being granted permanent resident status, Economic nominees are required to enter into a minimum six-month employment contract with an approved Nova Scotia business within twelve (12) months of the date of landing in Canada.

The Nova Scotia Office of Immigration is actively recruiting companies in good standing to serve as Business Mentors for immigrants who are nominated under the Nova Scotia Nominee Program’s Economic stream.

Companies must apply to the Nova Scotia Office of Immigration to be approved as a business mentor to an Economic nominee. This guide will help you understand the process and submit a complete application for consideration.

Once approved, these businesses may be selected to offer an immigrant nominee, living in Nova Scotia, an employment contract, in a middle management position, for a minimum period of six months with a minimum salary of \$20,000. These and other employment and mentorship costs are covered by a \$100,000 contribution made by the Nova Scotia Office of Immigration (NSOI) to the business in two installments of \$50,000. The first installment of \$50,000 is provided at the beginning of the employment contract once the employment match has been approved by the NSOI. The second installment of \$50,000 is provided at the end of the employment contract provided the contract has been completed and has met provincial terms and conditions.

Purpose

The Business Mentor Program is a component of the Economic Stream of the Nova Scotia Nominee Program (NSNP). The purpose of the Business Mentor program is to provide Nova Scotia nominees with Canadian work experience as well as an orientation to the Nova Scotia labour market and economic environment.

The Economic category is targeted to immigrants with proven business or management experience. At the time of their application, an Economic nominee has a significant amount of either managerial or

entrepreneurial experience and in some cases, both.

The Business Mentor, if approved by the province, is required to provide a nominee with a middle management employment contract for at least six months. Business Mentoring is included as part of this six-month work term contract. The business mentor should provide a proper workplace environment including a computer, telephone and other items required for a position of this level.

The nominee should perform duties and assume responsibilities as assigned by the employer. The employer must ensure that the duties assigned are customarily associated with a position that is in-line with the expertise, experience and/or training of the nominee. Such duties should be defined in the employment contract.

What do Business Mentors do?

Business mentors host an Economic category nominee and help them to:

- gain valuable work experience in Canada
- access employment and/or educational opportunities
- gain an orientation to business operations in Nova Scotia
- review their work options in the Province
- network within the business community and encourage them to join business oriented organizations
- develop industry and business related contacts and knowledge
- expand their social network and orient them to the broader community
- gain self confidence in a new society workplace and culture

They must also participate in all program monitoring and evaluation activities as outlined and required by Nova Scotia Nominee Program.

What do Nominees do?

- Once a nominee and a business are matched the nominees:
- perform such duties and assume such responsibilities as outlined in the employment contract
- share business practices and cross cultural information with colleagues
- may create opportunities for participation in international markets for the mentor by tapping into contacts from their home country
- help the mentor to develop cross cultural perspectives, which may translate into broader business opportunities
- participate in all program monitoring and evaluation activities as outlined and required by Nova Scotia Nominee Program.

2.0 Eligibility

Which Businesses Can Apply

To qualify as a business mentor, your business must be prepared to make a minimum of a 6 month employment offer in a middle management position to an immigrant (permanent resident) living in Nova Scotia who have been nominated through the Economic stream of the Nova Scotia Nominee Program.

You must also demonstrate the following eligibility requirements through the application process:

- Must be a business operating in the Province of Nova Scotia which is properly registered and/or incorporated
- Have been in operation for a minimum of three years and under current ownership for the past two years
- Must prove that the company is financially viable
- Have at least five (5) full-time employees
- Have the organizational capacity to provide a defined middle management level position and suitable work environment with office supports
- Have the organizational capacity to provide mentoring services
- Must be able to demonstrate how the company's prepared mentoring plan is relevant to integrating and retaining immigrants.

PLEASE NOTE: On an exceptional basis, the Nova Scotia Office of Immigration will consider business mentor applications from publicly funded institutions **IF** they provide highly specialized employment opportunities not readily found in the private sector (e.g. physician positions) and in fields which are determined by the Province (on a case by case basis) as being in high need of skilled, qualified workers.

Frequency of Mentorship

A company can only apply for a second business mentorship if a year has passed since the completion of the first contract and the Nova Scotia Office of Immigration is satisfied that the employment contract was successfully completed according to the provincial terms and conditions.

When Not To Apply

The following businesses are not considered eligible to apply:

- Paid immigration representatives such as consultants, lawyers, and their associated businesses, which receive commissions from the Nova Scotia Nominee Program, as well as their immediate family members and/or employees, are not eligible to participate in the Business Mentor Program.

- Persons or organizations that provide services for payment to nominees of the Nova Scotia Nominee Program. This includes agents, consultants, and brokers.
- Businesses which operate on a seasonal or part-time basis
- Businesses which operate out of personal residences and do not have an established office
- Nominees wanting to start a business, or who have entered into partnership with an existing business, and wish to access the financial contribution as capital (i.e., you cannot mentor yourself)
- Businesses which have hosted a nominee in the last 12 month period
- Company's eligibility is based partially on majority shareholders and their ability to help mentor nominees. Based on this, only one (1) company per controlling shareholder is eligible to apply to be matched with a nominee.

3.0 Application Process

If your business meets the basic eligibility criteria, outlined above, you may submit an application.

Prepare a Business Mentor Application Package

You must gather and prepare all your application materials. Please complete one original NSNP Business Mentor Application Form, as well as supporting documentation as outlined in the NSNP Business Mentor Application Checklist.

You **must** use the forms provided by the Nova Scotia Office of Immigration – originals, printouts from the NSNP website, or photocopies of them. Computer-generated forms or other mechanically-produced forms will not be accepted.

Submit the complete application to the Nova Scotia Office of Immigration

Please submit one hardcopy and one electronic copy of your signed application to:

Business Mentor Program
Nova Scotia Nominee Program (NSNP)
Nova Scotia Office of Immigration
PO Box 1535
Halifax, NS B3J 2Y3
Email: n SNP@gov.ns.ca

Mark email subject line: "**Business Mentor Application**".

It is your responsibility to submit all documents requested in the Application Checklist provided at the end of this guide (Appendix A) and at the end of the application form. Original documents that are not requested may not be returned. If documents are missing or are not clear, your application may be returned or not assessed.

When preparing your application package:

- do NOT bind your application or put the pages in a ring binder
- do NOT enclose individual pages in plastic, envelopes or folders
- do NOT tie, sew, bolt, or glue the pages together
- do NOT use multiple staples on a page
- do NOT send multiple copies of identical documents
- do NOT send double sided photocopies

Fees

There are no application fees for businesses which apply on or after July 1, 2006. Companies which applied before July 1, 2006, but are matched after July 1, 2006, will pay a \$2,500 application fee plus HST upon matching (unless they have pre-paid).

4.0 Application Assessment

Eligibility and Completion Assessment

Your application will first be reviewed by the Nova Scotia Office of Immigration to ensure that it is complete and meets the business mentor eligibility criteria before it is accepted for assessment. Incomplete or ineligible applications will not be accepted for assessment. If your application is not accepted for assessment you will be notified in writing.

Application Evaluation

The Nova Scotia Office of Immigration will conduct a full review and evaluation of the complete application. The application will also be reviewed by the Business Mentor Review Committee which is comprised of provincial government representatives.

The application will be assessed against the following requirements:

- application contains all required elements
- business meets eligibility criteria
- employment opportunity is based in Nova Scotia
- business can demonstrate financial viability
- business can demonstrate it has the organizational capacity to offer a **middle management position**
- business can demonstrate it can provide mentoring services
- quality of the employment opportunity being provided
- proven track record of business

The Nova Scotia Office of Immigration reserves the right to request an interview with Business Mentor applicant to gather additional information or clarify information in the application.

The business will receive written correspondence from the Nova Scotia Office of Immigration with the decision on the Business Mentor application. **Decisions will not be conveyed by phone.**

For Approved Businesses

If the business is approved it will be placed on a list of approved companies. The Business Summary will be made available to Economic nominees who have landed and are living in Nova Scotia, and who are seeking a Business Mentor match.

For approved businesses, the Nova Scotia Office of Immigration will make public and accessible on the website the business name and status (i.e. matched, awaiting a match, match completed).

Please note that there is no guarantee that an approved business will be selected by a nominee. Businesses are cautioned not to make business decisions on economic contributions until such time as they are matched.

Keeping your Application Up-to-date

If your business is not selected by a nominee within 16-months of being approved by the Nova Scotia Office of Immigration, you will be requested to up-date your information and submit up-to-date financial information to maintain your status on the approved mentor list.

If you fail to do so, you will lose the right to be offered an opportunity for employment with a nominee. The time limit may only be extended with the written permission of the Nova Scotia Office of Immigration.

If your business status changes in a way that impacts your eligibility (i.e., you are no longer financially viable), within the first 16-months, your approval as a business match may also be withdrawn.

5.0 Business/Nominee Matching Process

All business/nominee matches are facilitated by the Nova Scotia Office of Immigration. Economic nominees are required to enter into a minimum six month employment contract with an approved business mentor company within twelve (12) months of landing in Canada. If the nominee fails to do so, he/she will lose the right to be offered an opportunity for employment with an approved business mentor. The time limit may only be extended with the written permission of the Nova Scotia Office of Immigration.

Nominee Contacts the Nova Scotia Office of Immigration

The nominee must provide the Nova Scotia Office of Immigration, within 30 days of arriving in the province, with the following:

- proof or confirmation of permanent residency (*Record of Landing* (IMM 1000), Permanent Resident Card (PRC) or *Confirmation of Permanent Residence* (IMM 5292 or IMM 5509)).
- Nova Scotia mailing address and contact information (e-mail, phone). Please note that this **MUST** be nominee's contact information and not a third-party agent, broker or consultant's contact information.

Business Matching Process

After the nominee arrives in Nova Scotia and is ready to enter into the employment contract he/she will contact the Nova Scotia Office of Immigration to instigate the matching process.

The nominee will be provided with a copy of business summaries and position descriptions from approved businesses who match the skills/qualifications of the nominee.

Once a selection is made, the Nova Scotia Office of Immigration will encourage both parties to meet to further negotiate the objectives of the employment contract and the mentoring relationship.

Employment Contract

Once an agreement is reached, in principle, an employment contract should be drafted according to terms and conditions outlined in Appendix B. The employment contract **MUST** be submitted to the Nova Scotia Office of Immigration for approval prior to both parties signing.

The Nova Scotia Office of Immigration is not a signatory on this contract. The role of the Office of Immigration is to ensure that the employment relationship between the business mentor and the nominee is clearly set out in a written employment contract that is consistent with the goals, objectives, and policy guidelines of the Nova Scotia Nominee Program.

The Nova Scotia Office of Immigration, once it has received nominee information and reviewed the proposed employment contract and job description, will arrange a meeting between parties to confirm the employment arrangement.

Payment of Funds

If the match is approved, payment of the first installment of \$50,000 will be provided to the business, to cover the nominee's salary, mentorship, and other employment costs, as well as to support projects managed by the nominee. Please ensure that all salary obligations to the nominee are disbursed as a part of this first payment as the contract is supposed to be completed **BEFORE** issuance of the second payment.

The second payment installment of \$50,000 will be paid at the end of the employment contract providing that the Nova Scotia Office of Immigration is satisfied that the company has complied with program requirements. These include:

- provision of a letter from the company outlining the nominee involvement in the company and confirming full payment of salary obligations to the nominee as outlined in the signed employment contract
- participation in program evaluation activities which may involve site visits and evaluation surveys
- full adherence with the Business Mentor Terms and Conditions (Appendix B).

If the employment contract is not completed, or the employment match does not reflect the mandatory

terms and conditions in the employment contract (i.e. nominee not living in Nova Scotia or the employment position not at a middle management level), the company will forfeit their entitlement to the second payment.

NOTICE

As noted above, the Nova Scotia Office of Immigration is not a party to the employment contract.

Once the match is approved, the Nova Scotia Office of Immigration has no direct role in the employment relationship between the business mentor and the nominee and the Nova Scotia Office of Immigration cannot enforce the terms and conditions of the employment contract.

Both the business mentor and the Nominee are expected to familiarize themselves with the laws of Nova Scotia and Canada that apply to them and to protect their own interests. Information of the provincial labour standards can be obtained at the Labour Standards Division at 1-888-315-0110 or www.gov.ns.ca/enla/employmentrights.

Both the business mentor and the nominee should obtain independent legal counsel if they have any concerns about the employment contract. The Nova Scotia Office of Immigration does not and will not provide legal advice to either business mentors or nominees or act as a mediator or arbitrator between the parties to an employment contract should a dispute arise.

6.0 Other Issues

Third-Party Involvement

The Nova Scotia Office of Immigration will not deal directly with third-party consultants, brokers and agents to approve businesses or to facilitate a nominee-business match. We will deal directly with businesses and nominees.

Businesses DO NOT need to pay a broker, consultant or agent to apply as a NSNP Business Mentor or to qualify to receive a match. If anyone, other than staff of the NSNP, tells you they are representing the NSNP or the Province of Nova Scotia to establish you as a Business Mentor, contact the Nova Scotia Office of Immigration to receive the correct information. Application materials can be accessed free of charge from the Nova Scotia Office of Immigration. Similarly, nominees should not incur additional costs for the Business Mentor Program. The cost is included as part of the NSNP fees nominees pay.

Freedom of Information and Protection of Privacy (FOIPOP)

The information provided in this application is collected for the purpose of managing the Business Mentor program of the Nova Scotia Nominee Program. The information will be used to assess individual applications, and to research, monitor and evaluate the Nova Scotia Nominee Program under the authority

of the *Immigration and Refugee Protection Act* and Regulations and other relevant Federal legislation. The personal information is collected, used, retained, disclosed, and destroyed under the authority of the Nova Scotia *Freedom of Information and Protection of Privacy Act*.

The names of all approved companies will be made available to the general public. The business summary and job position description will be made public to nominees in process of selecting a match. If additional information is requested through a formal FOIPOP application, you will be notified according to clause 20(4)(a) of the Act.

If you have any questions about the collection, use, retention, disclosure, and destruction of this information you may contact the Nova Scotia Nominee Program (NSNP) at the Nova Scotia Office of Immigration.

Appendix A - Application Checklist

Please ensure that you have included all of the required documents and attachments.

Complete the **Nova Scotia Nominee Program** (NSNP) application form. Refer to the following list to ensure that **all** questions are answered, and that **all** supporting documentation (relating to incorporation, share capital, etc.) is included and signed by an officer of the company (not a third-party agent).

- ORIGINAL completed application form
- A business summary and position description that can be **shared with Nominees electronically**. This summary should include the following items:
 - An organizational chart for your business, clearly indicating the position of employment offered to the nominee.
 - A job or position description outlining the following items related to the job to be filled by the nominee:
 - Roles & responsibilities
 - Qualifications
 - Core competencies
 - Education required
 - Experience required
 - Potential for employment after 6-month contract
 - A brief outline defining the incremental activity (new service, product, business line) in the project proposal including how the business mentor contribution will be used, how it will be spent, and the nominee's role in the incremental activity.
 - A current business plan or outline including the business' history and description and its goals and targets.
 - A brief description explaining why the nominee should work in your business and what mentoring supports will be provided.
- Financial statements for the last three years.
- Letter from your financial institution stating you are in good standing. (A sample can be found in section 6.)
- Incorporation certificate and Certificate of Good Standing.
- Photographs of the business location (outside and inside) and the main operating location or head office.
- Electronic version of your company brochure (if available)

As we require original signatures, please submit by mail the completed form and accompanying documents to:

Business Mentor Program
Nova Scotia Nominee Program (NSNP)
Nova Scotia Office of Immigration
PO Box 1535
Halifax, NS B3J 2Y3
Email: nsnp@gov.ns.ca

When preparing your application package:

- Do NOT bind you application or put the pages in a ring binder**
- Do NOT enclose individual pages in plastic, envelopes or folders
- Do NOT tie, sew, bolt, or glue pages together
- Do NOT use multiple staples on a page
- Do NOT sent multiple copies of identical documents
- Do NOT sent double sided photocopies

Please also email a copy of your business summary materials to nsnp@gov.ns.ca. Mark subject line: "Business Mentor Application".

If you have any questions, please contact the Office of Immigration at (902) 424-5230 or Toll Free at 1-877-292-9597 or by email at nsnp@gov.ns.ca.

Appendix B - Mandatory Terms for Employment Contracts between Business Mentors and Nominees

Parties

A duly-authorized officer of the business mentor company must be a signatory to the employment contract. No third party recruiter or agent acting on behalf of the business mentor may sign on behalf of the business mentor. The nominee must be a signatory to the employment contract. No third party recruiter or agent acting on behalf of the nominee may sign on behalf of the nominee.

Term

The nominee must receive a minimum of 6 months employment.

Salary

The nominee must receive a minimum of \$20,000 in salary, less mandatory statutory deductions, for the work completed during the 6 months of employment. You should specify frequency of payment agreed upon (e.g., weekly, biweekly, monthly). As the second installment of the contribution is not paid until the end of the contract you should plan to pay the nominee salary from the 1st installment of \$50,000.

Working in Nova Scotia

The contract must specify that the employee agrees to be permanently residing in the Province of Nova Scotia for the duration of the 6 months of employment and to attend at the business mentor's workplace in Nova Scotia to carry out the duties and responsibilities assigned to the nominee by the business mentor. Nominees cannot work from another province or country during the employment contract.

Description of the Position

A detailed description of the position must be included in or appended to the employment contract. A key objective of the Nova Scotia Nominee Program is to provide nominees with business experience in Nova Scotia. To this end, the nominee must be offered, at minimum, a middle management position as defined in the National Occupation Classification (NOC) Coding System developed by Human Resources and Skills Development Canada. The employer must demonstrate to the satisfaction of the Nova Scotia Office of Immigration to position being offered meets these criteria.

Governing Law

The employment contract must be governed by the laws of the Province of Nova Scotia and the federal laws of Canada applicable in Nova Scotia.

Amendment

The contract may permit amendments. However, the contract must specify that none of the Mandatory Terms and Conditions may be amended. (A key objective of the Nova Scotia Nominee Program would be undermined if, for example, the business mentor and the nominee could agree to amend the term of the

contract from 6 months to 1 day.)

Assignment

The employment contract must specify that the contract is personal in nature and may not be assigned.

Termination

The employment contract must specify that it may only be terminated by the business mentor for an act of omission of the nominee which would constitute grounds for dismissal of an employee for just cause as that term is interpreted by the applicable employment and labour law of the Province.

Appendix C – Sample Contract

SAMPLE EMPLOYMENT CONTRACT

THIS AGREEMENT is dated the _____ day of _____, _____.
BETWEEN:

(herein the “Employer”)
- and -

(herein the “Employee”)

WHEREAS the Employer desires to engage the Employee to provide services to the Employer as an employee for the term of this Agreement and the Employee has agreed to provide such services, all in consideration and upon the terms and conditions contained herein:

NOW THEREFORE it is hereby agreed as follows:

Employment

The contract must specify that the employee agrees to be permanently residing in the Province of Nova Scotia for the duration of the 6 months of employment and to attend at the business mentor’s workplace in Nova Scotia to carry out the duties and responsibilities assigned to the nominee by the business mentor.

Compensation and Benefits

Payment amount (minimum of \$20,000) and frequency (e.g., weekly, biweekly, monthly). Deductions legally required by law, worker’s compensation coverage.

Hours of Work

Specify the hours of work per day, per week, in accordance with Provincial government labour standards.

Vacation

Agreed upon vacation and/or vacation pay (4%).

Term

Must be for a minimum of 6 months.

Termination

The employment contract must specify that it may only be terminated by the business mentor for an act of omission of the nominee which would constitute grounds for dismissal of an employee for just cause as that term is interpreted by the applicable employment and labour law of the Province.

Assignment

The employment contract must specify that the contract is personal in nature and may not be assigned.

Amendment

The contract may permit amendments. However, the contract must specify that none of the Mandatory Terms and Conditions may be amended.

Governing Law

Governed by the laws of the Province of Nova Scotia and the federal laws of Canada applicable therein.

Other

Other items as required.

Signed by:

EMPLOYER _____
Per: President

EMPLOYEE _____