

Manitoba Provincial Nominee Program for Skilled Workers

Policy and Procedural Guidelines

2008

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OBJECTIVES

Policy:

The Manitoba Provincial Nominee Program (MPNP) offers to qualified skilled workers, with characteristics suggesting a strong likelihood of becoming successfully and permanently established in Manitoba, an opportunity to be assessed as candidates who can make a positive contribution to the provincial economy and, therefore, nominated for Permanent Resident Status in Canada.

Nominations are granted at the sole discretion of the Province of Manitoba.

Guideline:

- i) Applicants who believe they qualify under program criteria may submit applications.
- ii) Applicants are responsible for providing full and complete applications and for proving the validity of documentation and their bona fides with regard to all aspects of their application.
- iii) Applications are assessed against established program criteria.
- iv) Successful candidates are identified as Manitoba Provincial Nominees who may be eligible for permanent resident status for Canadian immigration purposes.

ORGANIZATIONAL STRUCTURE

Clear lines of authority and specified responsibilities provide for operational efficiency and avoid potential for conflicts of interest in decision-making.

Positions, Their Responsibilities and Authorities:

- (1) Assistant Deputy Minister, Immigration and Multiculturalism Division
- (2) Director, Immigration Promotion and Recruitment Branch
- (3) Designated Program Officers

- (4) Program Officer (PO)
- (5) Administrative Officer (Pre-Arrival Coordinator)
- (6) Senior Administrative Clerk
- (7) Administrative Support Staff

Delegation of Responsibilities

- Responsibilities may be delegated in whole or in part on a short or a long-term basis.
- Delegation will normally occur through a written process.
- Copies of written delegations of responsibility with respect to approval, refusal, and/or review of applications will be retained for an extended period.
- Persons acting in place of the Director or any other position have full authority of that position.

PROCEDURAL GUIDELINES

I. INTAKE

1. Receiving an Application
 - Applications are date stamped as they are received in the office
2. Pre-screening
 - Applications are pre-screened by Administrative Staff to ensure that only eligible and complete applications are accepted for assessment
 - If the application is “too incomplete” or it does not meet core criteria of the program, administrative staff will return it to the applicant (to the mailing address on the application) with an ineligible/incomplete letter, describing why the application was not accepted
 - If the application is accepted for assessment, Administrative Staff will proceed with data entry and will send a First Contact Letter without indicating the file number
3. Data Entry in MPNP database:
 - File is created with a temporary number assigned
 - Personal and contact information together with local connection and any applicable case notes will be entered by Administrative Staff

II. FILE DISTRIBUTION

1. Files are assigned randomly to Program Officers for either first or second assessment, according to case loads and/or other responsibilities.
2. Senior Administrative Clerk is responsible for transfer of files between POs, Director and other administrative staff

3. Files in the queue are returned to assigned POs as the additional documents are received in the office and after Administrative Staff case notes receipt of new documentation
4. After 1st assessment is complete, the files are returned to Administrative Support before being re-assigned for second assessment

III. 1ST ASSESSMENT

1. During first assessment, the Program Officer reviews the quality of documents provided by the applicant, verifies the information in the documentation when necessary, and provides a first recommendation of whether or not the application has the potential to be approved. This recommendation must be based on detailed case notes and reasons provided in writing

POs will consider the following:

- a. Eligibility
- b. Completeness
- c. Potential for Approval
- d. Document Integrity

IV. 2ND ASSESSMENT

1. POs assigned for 2nd assessment will undertake a review of the work of the first officer to make sure it followed our established policies and procedures and will undertake any further verification, such as confirmation of local support and other adaptability factors.
2. After these verifications have taken place, the second officer may agree with the first officer's recommendation to approve the application. In this case, the second officer must also provide detailed case notes and reasons in writing to the Director of the PNP who is responsible for signing off on all nominations.
3. If there is disagreement between 1st and 2nd assessment, the file will be assigned to a third PO to ensure that the reasons are consistent with established Program policies and procedures.
4. The Director will also complete random integrity review of applications forwarded for certificate issued or decisions not to nominate.

V. CERTIFICATE PRODUCTION

1. Director reviews and issues certificates, returns files as necessary to 2nd program officer for further review or reconsideration as required
Certificate is produced by the Program Administrator (certificate number is issued)
2. Files are pulled and certificates printed and produced by Senior Administrative Clerk.

VI. POST- APPROVAL

1. Senior Administrative Clerk prepares and sends package to applicant or applicant's mailing address in Manitoba
2. Package includes:
 - Letter of Approval
 - Letter of Support for Temporary Work Permit (if applicable)

- Information for applying for Landed Immigrant Status
 - Manitoba Pre-Arrival Information (prepared by Settlement Branch)
3. Nomination Certificate is sent electronically to appropriate visa office
 4. Amendments to certificate – change of terms
 - change of Visa Office (All changes to a visa office should be reviewed by a program officer to ensure both consistency with R(11) and to ensure that the change is reasonable and in the best interests of both the applicant and the program.
 - time extension based on PO’s review (1-6 months; most likely 3 months)
 - data errors related to NOC are returned to POs for reconsideration
 5. Withdrawal of certificate by MPNP
 - Designated Program Officer receives notice of misrepresentation from Visa Office; application is returned to PO for reconsideration.
 - If PO agrees with findings from the visa post, the MPNP withdraws certificate of nomination captioning reasons on Case Notes
 - If PO and Designated Program Officer decide to maintain nomination, this is communicated to the visa post to continue processing of the case. Case Notes with rationale are entered in the database.
 6. Status Check (Visa Office)
 - Assigned Program Officer (determined by Director) will contact Visa Office to inquire status check only if the application was with CIC for more than 12 months.

DECISION NOT TO NOMINATE

1. The MPNP reserves the right not to nominate an application if an applicant fails to satisfy a Program Officer that he/she has clearly demonstrated:
 - a) the training, experience, certification or licensing, and language ability for long-term employment in Manitoba
 - b) both the ability and intention to establish permanently in Manitoba
2. Application to the MPNP may not be forwarded for nomination if the applicant:
 - a) has not provided sufficient detailed or credible documentation required to complete a full assessment of the application
 - b) does not meet the eligibility criteria of the application stream under which the application is being assessed, including General stream applicants who have sufficient points (55) for consideration
 - c) has not met specific requirements such as licensing or certification and/or offer of employment in his assessed occupation
 - d) has not satisfactorily demonstrated his/her employability in Manitoba in the assessed occupation, whether or not the occupation is on the Occupations with Additional Requirements List
 - e) has not demonstrated sufficient settlement support from close relatives, distant relatives or friends with clearly established ties to the province and to the applicant.

3. In addition, applications to the MPNP may not be approved if:
 - a) approval would affect any labour dispute or adversely affect employment or training opportunities for Canadian citizens or permanent residents in Manitoba
 - b) CIC or another official body advises that any documentation is fraudulent
 - c) deadlines for submission of missing documents are not met and alternate arrangements have not been made
 - d) the application has been submitted through a third party representative who is currently prohibited from representing applicants to the program
 - e) where 'retention' is a substantive basis for the decision not to nominate, a clear rationale to be provided
 - f) the application is a resubmission before the required waiting period or without a significant change in content or circumstances; or
 - g) another immigration option is available and would be more appropriate.

4. Resubmission following decision not to nominate:
 - a) when an application has not been approved, the applicant may reapply after six months from the date on the Decision Not to Nominate Letter or until the applicant has addressed the concerns or reasons for the decision not to nominate.
 - b) time restrictions do not apply if the application was not approved because of the consultant or representative involved.

5. A decision not to nominate under the Manitoba Provincial Nominee Program does not prevent applicants from applying to CIC for admission to Canada under a federal immigration class.

ADMINISTRATIVE REVIEW- APPEAL PROCESS

The MPNP is committed to treating all applicants fairly and equitably and reviewing or assessing their applications in accordance with program criteria in a context guided by principles of the Canada-Manitoba Immigration Agreement Addendum on Nominees.

Each application is reviewed by at least two program officers prior to a final decision being made. The Director will also complete random integrity review of applications not forwarded for nomination.

Formal Review

1. Requests for formal review of a decision may be submitted under the following circumstances:
 - the applicant has provided a signed request in writing within 60 days of the date on the Refusal Letter
 - the request provides sufficient details to indicate that the Program Officer may have made an error in the assessment of the application
 - the request is based on documents included in the application at the time of assessment and not in new information/documentation

The MPNP reserves the right to reject any request for a formal review that does not meet the conditions described above or is based on:

- the submission of new documents, including an offer of employment
 - retention
 - employability
 - strength of relationship to Manitoba supporters
 - language ability, if you have not provided IELTS results
2. If the request for a formal review is accepted, it will be reviewed by the Director of the PNP. If the Director determines that the officers who assessed the application made a mistake, she will send the application back for a new assessment. If the Director decides that the officers did not make a mistake and the decision not to nominate was consistent with our established Policies and Procedures, the decision not to nominate will be maintained.
 3. If the Director decides to maintain a decision not to nominate an application after a formal review, this decision must be approved by the Assistant Deputy Minister.

Judicial Review

All decisions are subject to judicial review in the Manitoba Court of Queens Bench.