

## 12. Intention to Reside

All applicants must be able to satisfy the IPDO that they intend to reside permanently in Newfoundland and Labrador. Taking into account that the intent to reside is highly subjective, the IPDO's assessment may take into account all indicia, including, but not limited to: past conduct, present circumstances, and future plans. The IPDO will conduct a holistic assessment to determine the applicant's likelihood of residing permanently in Newfoundland and Labrador. The onus is on the applicant to satisfy the IPDO that such intention exists and failure to do so constitutes grounds for refusal.

If the applicant resides in a different province in Canada during the assessment phase, the IPDO may request additional supporting information of the applicant to establish the applicant's intention to work and reside permanently in Newfoundland and Labrador.

### **PROCEDURES:**

1. The IPDO must assess certain factors to determine the applicant's intention to reside permanently in Newfoundland and Labrador. The weight given to each factor will vary depending on the applicant's situation.
2. **The IPDO must consider the following factors in assessing intention to reside:**
  - a) The applicant has previously submitted immigration application(s) to IRCC identifying destinations to other jurisdiction(s) or has previously applied, and/or has been refused by another Provincial Nominee Program in Canada or under the Atlantic Immigration Program in another province, or other similar immigration program or pilot delivered by another province and territory;
  - b) The applicant previously applied to the NLPNP and was refused on similar grounds;
  - c) The applicant has substantive ties to other Canadian jurisdictions, including:
    - i. A residence in another Canadian province or territory, and either by renting or owning said property at the time of application;
    - ii. A pattern of past visits or stays in other parts of Canada and/or a former residence in another jurisdiction for extended durations;
    - iii. A business, business interests or personal interests (e.g. real estate investments) in other Canadian provinces or territories;
    - iv. Close family ties in another Canadian province or territory;
    - v. Family members (spouse/common-law partner and/or their children) that work, study or reside in another Canadian province or territory; and/or,
    - vi. Stating, either verbally or in writing that they are intending to reside in another Canadian province or territory.
3. Although the above factors should be considered holistically, factors identified in 3b) v - vi, describe strong grounds for refusal, and may independently prove sufficient upon consultation with the Manager of Immigration Programs and the Director.
4. If after weighing these factors, the IPDO is not satisfied that the applicant intends to permanently reside in Newfoundland and Labrador, the IPDO will communicate these concerns to the applicant and allow them an opportunity to respond in writing. Any correspondence from the applicant regarding this matter will be uploaded in the portal.

5. If the IPDO is of the view that the applicant does not intend to reside in Newfoundland and Labrador, they will refer to the *Procedural Fairness Policy* for further guidance. The IPDO will also complete thorough case notes on the rationale for their view on why the applicant does not intend to reside in Newfoundland and Labrador, and will upload these notes to the portal.
6. Once the response for the procedural fairness letter is received by the applicant, and if the IPDO remains unsatisfied with the responses from the applicant, or if the applicant fails to demonstrate their intention to permanently reside in Newfoundland and Labrador, the IPDO may refuse the application on these grounds. In such a situation, the IPDO must refer to the *Applications Refusal Policy* for details.
7. If at any time the IPDO requires guidance on completing this assessment, they must engage the PNP Champion and/or the Manager of Immigration Programs. Any guidance or direction from the PNP Champion or Manager of Immigration Programs must be documented by that individual in the portal.