

8. Ineligible Employers

Overview

The Department of Immigration, Population Growth and Skills (IPGS) will not accept applications from employers, or foreign nationals who are to be employed in organizations that, by association, would tend to bring the Newfoundland and Labrador Provincial Nominee Program (NLPNP), Atlantic Immigration Program (AIP) or the Government of Newfoundland and Labrador into disrepute.

Foreign national means a person who is not a Canadian citizen or a permanent resident of Canada, and includes a stateless person.

IPGS reserves the right to refuse applications from employers, or foreign nationals who are to be employed in organizations in which IPGS has become aware of suspected and/or confirmed violations in connection with the following public bodies and their associated legislation, regulations, policies and procedures, including but not limited to:

- [Newfoundland and Labrador Labour Standards](#)
- [Federal Labour Standards](#)
- [Newfoundland and Labrador Human Rights Commission](#)
- [Canadian Human Rights Commission](#)
- [WorkplaceNL](#)
- [Immigration and Refugee Protection Act](#)
- [Immigration and Refugee Protection Regulations](#)
- [Provincial immigration policies and program requirements](#)
- [Federal immigration policies and program requirements](#)

Further, IPGS reserves the right to refuse applications from employers, or foreign nationals who are to be employed by organizations in situations, including, but not limited to:

- Where [Employers have been found to be non-compliant as result of a federal employer compliance review](#);
- Where [Misrepresentation](#) has occurred;
- Where the employer has been alleged to have not put in enough effort to ensure the workplace was free of physical, sexual, psychological and/or financial abuse;

Financial abuse can include cases where an employer is expecting to, or has recovered an exorbitant amount of money from a foreign national.

- Where conditions of employment did not match, or were not better than, what was listed on the offer of employment and/ or contract submitted in the provincial immigration application; and/or,

Provincial immigration application refers to applications made under the Newfoundland and Labrador Provincial Nominee Program and the Atlantic Immigration Program.

- Where the employer does not agree to complete the federal Employer Portal and pay the federal Employer Compliance Fee to support a Foreign National's work permit.

Procedural Fairness

If IPGS has concerns of suspected and/ or confirmed violations, IPGS will issue a Procedural Fairness Letter to the employer, as per the *Procedural Fairness* policy

Employer Period of Ineligibility

IPGS reserves the right to refuse applications from employers, or foreign nationals who are to be employed in organizations for a prescribed period of time, pending an assessment of any violation(s), as per the *Employer Period of Ineligibility* policy

Sending Notice of Final Decision

IPGS will issue a notice of final determination if an employer is deemed to have committed a violation as defined in **Overview**, and that failure was not justified, as per the *Refusal of Application* policy