

9. Procedural Fairness

Overview

The Department of Immigration, Population Growth and Skills (IPGS) is responsible for determining whether a provincial immigration application meets the requirements of provincial labour market testing and provincial immigration programs. An applicant is defined as an employer or a foreign national. IPGS will apply procedural fairness to all provincial immigration applications.

As per the federal [Department of Immigration, Refugees and Citizenship Canada \(IRCC\)](#), 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 an opportunity to provide a meaningful response to concerns about their application.

PROCEDURES:

1. IPGS will complete a review of the information and documents submitted in an application.
2. If additional documents or information are required, IPGS will request the required documents or information. A reasonable timeframe will be specified to provide the documents or information at the time of request.
3. Upon review of the application and the additional documents or information provided, if it is determined by IPGS that an application is ineligible, a procedural fairness letter is sent to the applicant by email at the address on file with OIM. The procedural fairness letter will outline the reasons why the application is ineligible for a positive labour market assessment or for provincial immigration programs.

The reasons why an application may be ineligible may include:

- Missing documents or information;
 - Failure to meet the minimum eligibility requirements for the application as specified in the immigration program eligibility criteria;
 - Employer is ineligible (please see the *Ineligible Employer* policy); and/or,
 - Evidence of misrepresentation exists (please see the *Misrepresentation* policy).
4. Once a procedural fairness letter is issued, the applicant is granted ten (10) business days to submit additional supporting information to demonstrate their eligibility.
 5. If additional information is submitted within ten (10) business days and satisfies the noted concerns, the assessment of the application will proceed.

If additional information is not submitted within ten (10) business days or the information submitted does not satisfy the noted concerns, IPGS will refuse the application in accordance with the *Refusal of Application* Policy