Atlantic Immigration Program
Employer Designation Guidelines
Government of Newfoundland and Labrador

EMPLOYER DESIGNATION APPLICATION FORM

The Atlantic Immigration Program is an employer driven immigration program aimed at addressing labour market needs in the four Atlantic Provinces.

Designation is the first step for an employer interested in participating in the program. **The Employer Designation Application Form** must be completed before you can apply for endorsement of a candidate under the Atlantic Immigration Program. You are required to complete this designation once, before accessing the Program. Future use of the Program will be supported by your initial designation, provided it remains valid. Information provided in this form will be validated by a provincial labour market development officer before endorsement is granted and prior to any endorsements being offered to your company.

Acronym Glossary:

AIP – Atlantic Immigration Program

ECA – Educational Criteria Assessment

IRCC – Immigration, Refugees and Citizenship Canada

IRPA – Immigration and Refugee Protection Act

IRPR – Immigration and Refugee Protection Regulations

LMIA – Labour Market Impact Assessment

MOU – Memorandum of Understanding

PA – Principal Applicant

NOC – National Occupational Classification

PR – Permanent Resident

SPO – Service Provider Organization

TFW – Temporary Foreign Worker

Mandatory training with Immigration, Refugees and Citizenship Canada is required in order to endorse candidates under the program. In order to maximize the benefit of the training, the individual who attends should be the employer, as defined below. Please note that you may register for and complete this training at any stage prior to applying for your first endorsement. To register for the mandatory training please follow this link:

EN: Canada.ca/atlantic-immigration-employer-training
FR: Canada.ca/immigration-atlantique-formation-employeur

The Designation process is designed to confirm that:

- The Atlantic Immigration Program is the immigration program best suited to address the employer's needs;
- The employer wants to hire full-time, non-seasonal international applicants; at a minimum of 30 hours each week;
- The employer and their business has been in continuous, active operation under the same management for at least two years in the Atlantic Region and in good standing as per the program guidelines;
- The employer has agreed to and demonstrated their commitment to maintain a welcoming workplace;
- The employer has committed to supporting the candidate's and their accompanying family members' access to settlement services; and,
- The employer understands and agrees to the reporting requirements for the program.

Designated employers are eligible to apply for endorsement of (a) candidate(s) they wish to hire. For details on the endorsement process and the immigration process for the candidate to apply for Permanent Residence, please refer to www.canada.ca/atlantic-immigration.

EMPLOYER DETAILS

"Employer" in the context of this agreement, is defined as an individual actively involved in the day-to-day management of the company and can undertake all associated program responsibilities. The employer

defines the terms of employment, including the salary of employees, the salary schedule, training of employees and cannot be a third party representative. The employer is also responsible to address employee performance and facilitate access to training.

An employer must not be a business or agency that recruits and hires workers in order to establish a pool of prospective or current workers that can be later transferred or contracted to separate businesses for staffing purposes.

This section requires the employer to provide information on the business for which they wish to hire a candidate, including any temporary foreign workers who may be currently working for your organizations.

The application requires that you provide the two-digit North American Industry Classification System (NAICS) code for the Business sector in which your company operates. If you do not know this number, please consult this link for a list of the 2022 NAICS codes for each sector.

Only the authorized signatory or delegated contact person can submit, receive and communicate on behalf of the company.

Please be aware that home-based businesses and businesses located in residential homes may not be eligible for Designation. If a business is based in a residential home, the Government of Newfoundland and Labrador may ask for additional information, including a zoning verification letter from your Municipal Government. A determination of eligibility will be made by the Government of Newfoundland and Labrador.

Please note that as part of the designation process, a provincial labour market development officer will confirm the information provided on your workplace and business practice history. Your workplace and business practice history must show compliance with all applicable federal and provincial legislation and regulations related to employment.

To be eligible, employers must currently be in good standing with provincial occupational health and safety and labour authorities and not be in violation of the Immigration, Refugee and Protection Act (IRPA) or Immigration, Refugee and Protection Regulations (IRPR).

Employers must have been in continuous, active operation under the same management for at least two years in the Atlantic Region. To verify you have been in continuous, active operation, the province may request additional information such as tax records, payroll records and any other information deemed relevant.

Employer designation will be revoked at the discretion of the province, where the province becomes aware:

- that the employer is in violation of the IRPA or the IRPR

Employer designation may be revoked at the discretion of the province, where the province becomes aware:

- of fraud or misrepresentation in the application for designation or endorsement or the application of the candidate for permanent residence as it relates to the job offer;
- of employer non-compliance with provincial and/or federal legislation related to employment standards or occupational health and safety that occur after initial designation; or
- of employer non-compliance with their employer obligations under the Program.

COMPANY DESCRIPTION

This section requires the employer to provide additional details on the business.

When completing this section, please note that there are specific requirements around the length of time an employer must have been in operation:

To be eligible, employers must have been in continuous, active operation under the same management for at least two years in one of the Atlantic Provinces. To verify you have been in continuous, active operation, the province may request additional information such as tax records, payroll records and any other information deemed relevant.

Companies who are relocating or expanding to the region may be eligible for the Program if they have a pre-existing relationship with Department of Industry, Energy and Technology and have confirmation of approval from Department of Industry, Energy and Technology signaling endorsement of your plans.

LABOUR NEEDS

Employers are asked to provide details on the current and anticipated labour needs of their organization. This information provided here will be used to help the province plan and prioritize employer needs. When an employer submits an application and identifies anticipated labour needs, it is not guaranteed that they will receive the requested amount of endorsements.

You are required to notify the province if there are any changes to any of your Authorized Business locations. If you are applying for Designation for multiple locations in Newfoundland and Labrador under the same legal entity, please list the business name, civic address and contact person for each in the table provided. If your business or primary work place changes, you are required to notify us.

Please complete the information to the best of your ability. Failure to complete each section will impact your eligibility for the program and impact the province's ability to accommodate all of your labour needs

USE OF REPRESENTATIVE

If you used the services of an immigration representative, please complete this section.

If designated, you must be diligent if using the services of an immigration representative, third-party recruiter, or recruitment/placement agency to hire candidates. Employers must follow fair recruitment practices, be cautious in their hiring practices and respect applicable laws regarding the use of representatives and recruiters, where they exist.

COMMITMENT TO SETTLEMENT SUPPORTS

The Commitment to Settlement Supports section provides you with information on the commitments you are agreeing to make to candidates recruited by you under the program, as well as to the province, and the Government of Canada when you recruit candidates through the Atlantic Immigration Program.

A distinguishing feature of the Atlantic Immigration Program is the increased focus on settlement and retention of candidate's and their families in the region. Employers, in coordination with federally - or provincially - funded immigrant settlement service provider organization(s) play a significant role in supporting this settlement, and ultimately, retention. As such, employers are required to commit to the following settlement-related obligations, including:

- **Collaboration with an immigrant settlement service provider organization**: To fulfill your settlement obligations it is important to familiarize yourself with the services available in your community. See list of federally- and provincially- funded organizations

- **Referral of prospective employee and their accompanying family members to an immigrant settlement service provider organization for a settlement plan.** A settlement plan will help identify settlement needs, along with related services available in your community. Overseas candidates should be referred to a pre-

arrival service provider, while candidates already residing in Canada should be referred to a local service provider. A copy of the settlement plan must be included in the endorsement application.

- **Commitment to support newcomers' access to settlement services:** Designated employers are expected to support employees and their families to access a settlement services to address the needs identified in the pre-endorsement settlement plan. This will include recognizing the preferred official language of successful Program applicants and their families and, if French, to facilitate links with tailored francophone settlement supports and francophone communities, where available. In cases where services may not be available, employers are expected to provide resources – including financial – to ensure the provision of settlement support services for candidates and their accompanying family members.

- **Acknowledgement of responsibility:** Designated employers are expected to support and bear sole financial responsibility for the applicant in the event of refusal for permanent residency or de-designation of that employer at the NOC C level. The responsibility will require the employer to cover the costs of the Principal Applicant to return to his or her country of origin.

INTERCULTURAL COMPETENCY TRAINING

Employers hiring newcomers through the Program commit to fostering inclusive workplaces. Intercultural competency training can help you to take meaningful steps to welcome and integrate your newcomer employee(s), which will help you to retain internationally-trained talent in the long term. As such, the employer may be required to complete intercultural competency training before you can endorse candidates through the Program.

If senior management in your organization has recently completed a similar training in the last 2 (two) years, you may be exempted from completing additional training.

If you are required to take intercultural competency training, please refer to the attached list of training providers in your province where training can be completed at no cost to you. Training must be completed in order to endorse a candidate through the Program.

EMPLOYER DECLARATION

The employer declaration section provides the provinces assurances that you have read and understand the commitment you are making as an employer recruiting candidates for your organization through the Atlantic Immigration Program.

Should you have any questions about the commitments, or a part of the declaration section, please contact the provincial representative for Atlantic Immigration Program in your province.

Your initials beside each statement and signature at the end of this section indicates that you agree to:

- Identify and hire qualified candidates;
- Provide a full-time, non-seasonal, genuine offer of employment to employees brought in to Atlantic Canada through this program;
- Cover the costs associated with a candidate's return to their country of origin, where that individual would have applied for the NOC C level and where this designation has been revoked and Newfoundland and Labrador is unable to find the worker alternate employment;
- Fulfill the requirement to register for mandatory training prior to being approved for designation and requirement to complete the training before endorsement;
- Completing the mandatory onboarding training provided by Immigration, Refugees and Citizenship Canada (IRCC);

- Undertaking an intercultural competency assessment and completing any intercultural competency training where Newfoundland and Labrador has deemed it appropriate or necessary;
- Report on the number of candidates recruited under the Atlantic Immigration Program, their employment status, details on their position/wage/hours, and the settlement supports provided to them for up to three years after you hired them, or the duration of their employment if less than three years;
- Comply with the Immigration and Refugee Protection Act (IRPA), the Immigration and Refugee Protection Regulations (IRPR), and provincial and federal occupational health and safety and employment standards legislation;
- Fulfill your obligations to partner with an immigrant service provider organization to support and provide access to settlement services for candidates and their family members, recognizing their preferred official language, as stated in the commitment to settlement supports section above;
- Notify the province if there are any changes in the ownership structure of the company, if the company is sold or if it closes, permanently or temporarily;
- Notify the province if you would like to request to voluntarily withdraw from the Program;
- Notify the province immediately, in writing, if the candidate quits, is terminated or is laid off from their position;
- Notify the province if there are any changes to your business location;
- Report to the province on the arrival status of the candidate;
- Designation status will be reviewed by province every 2 years; and,
- Employer commits to being respectful towards all organizations involved in the program, including the Office of Immigration and Multiculturalism, Regional Services, and IRCC.

Failure to declare your intention to meet the commitments outlined in this section will make you ineligible for the Program. In addition, any non-compliance with the Atlantic Immigration Program requirements related may result in your suspension from further use of the Atlantic Immigration Program.

SUBMITTING THE APPLICATION

Please submit completed applications to AIPDesignation@gov.nl.ca

QUESTIONS

Please contact the Government of Newfoundland and Labrador's Office of Immigration and Multiculturalism by phone at (709) 729-6607 or via email at immigration@gov.nl.ca if you have any questions.