

Guidelines for Designation and Endorsement Applications under the Atlantic Immigration Pilot



EMPLOYER DESIGNATION APPLICATION FORM

The Atlantic Immigration Pilot is a three-year employer driven immigration program aimed at addressing skills gaps and 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 foreign national under the Atlantic Immigration Pilot. You are required to complete this designation once, before accessing the Pilot. Future use of the Pilot will be supported by your initial designation, provided it remains valid. Information provided in this form will be validated by a provincial immigration officer before endorsement is granted and prior to any endorsements being offered to your company. A provincial immigration officer will contact you annually to update the information in your designation and confirm its continued validity.

The Designation process is designed to confirm that:

- The Atlantic Immigration Pilot is the immigration program best suited to address the employer's needs;
- The employer wants to hire full-time, non-seasonal international applicants;
- The employer and their business is established and in good standing; and,
- The employer has demonstrated their preparedness to receive and meet the settlement needs of international applicant(s) and accompanying family members.

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

Employer Details Section:

This section requires the employer provide information on the business for which they wish to hire a foreign national, 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 (NAICS) code for the Business sector in which your company operates. If you do not know this number, please consult: <http://www23.statcan.gc.ca/imdb/p3VD.pl?Function=getVDPPage1&db=imdb&dis=2&adm=8&TVD=118464> for a list of the 2012 NAICS codes for each sector.

Please note that as part of the designation process, a provincial immigration 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).

Employer **designation will be revoked** where the Province becomes aware that the employer is in violation of the IRPA or the IRPR or, where the Province becomes aware of fraud or misrepresentation in the application for designation or endorsement or the application of the foreign national for permanent residence as it relates to the job offer.

Employer **designation may be revoked**, at the discretion of the Province, where the Province becomes aware of employer non-compliance with provincial and/or federal legislation related to employment standards or occupational health and safety that occur after initial designation.

Company Description Section:

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 current management for at least two years in the Atlantic region. Companies that may be relocating or expanding to the region are also eligible for the Pilot if they have confirmation of approval from the Government of Newfoundland and Labrador's Department of Tourism, Culture, Industry and Innovation (TCII) that they support the company's plans.

Labour Needs Section:

Employers are asked to provide details on the current and anticipated labour needs of their organization. As the Atlantic Immigration Pilot is limited in time and space, the information provided here will be used to help the province plan and prioritize employer needs.

Please complete the information to the best of your ability. Failure to complete the section will not have a direct impact on your eligibility for the program, but may impact the province's ability to accommodate all of your labour needs.

Commitment to Settlement Supports Section:

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

A distinguishing feature of the Atlantic Immigration Pilot is the increased focus on settlement and retention of newcomer employees 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 three settlement-related obligations, including:

- Establishment of a partnership with an immigrant service provider organization;
- Supporting newcomers' (the foreign national and their family) access to settlement services, including possible related financial commitments; and,
- Fostering a welcoming workplace.

Your signature at the end of this application indicates your agreement in principle with the obligation to establish a partnership with an immigrant settlement service provider organization, supporting newcomers' (including the foreign national and their family) access to settlement services, including possible financial commitments, and fostering a welcoming workplace.

More information on the required commitments is provided in the *Settlement and Integration section of the Application for Endorsement*. More detailed information on the settlement needs of each individual will be identified as part of the needs assessment required for each individual within the needs assessment and settlement plan submitted as part of the endorsement application.

Employer Declaration Section:

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

Should you have any questions about the commitments, or a part of the declaration section, please contact the provincial representative for the Atlantic Immigration Pilot at the Newfoundland and Labrador Office of Immigration and Multiculturalism.

Your signature at the end of this section indicates that you agree to:

- Identify and hire qualified foreign nationals.
- 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 foreign national's return to their country of origin, where that individual would have applied for the Intermediate Skilled (NOC C) class and where this designation has been revoked and Newfoundland and Labrador is unable to find an alternate employment.
- Report on the number of foreign nationals recruited under the Atlantic Immigration Pilot, 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.
- 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 newcomer employees and their family members as stated in the commitment to settlement supports section above.

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

ENDORSEMENT APPLICATION FORM

Designated employers who have identified a foreign national (FN) able to fill an existing vacancy are required to complete the **Endorsement Application** for each Principal Applicant. Endorsement is required before an applicant can apply to Immigration, Refugees and Citizenship Canada.

The endorsement process confirms:

1. Application Category
2. Position description
3. Recruitment efforts
4. FN human capital
5. Settlement Needs Assessment, including the resulting Settlement Plan

As part of the endorsement process, employers must request foreign national applicants to contact a designated immigrant settlement service provider organization to complete a pre-endorsement needs assessment for each FN Principal Applicant and their accompanying family member(s). The FN Principal Applicant is to provide a copy of each completed pre-endorsement needs assessment, which includes an individualized settlement plan, to the employer. The list of immigrant service provider organizations designated to provide pre-endorsement needs assessments for Pilot participants is smaller than those designated to provide other settlement services; employers are requested to refer to the attached list of service provider organizations for additional details.

The employer must include a copy of these needs assessments with the Endorsement Application. Provinces will review that an adequate needs assessment and settlement plan accompanies the Endorsement Application.

Note that the FN Principal Applicant and their accompanying family member(s) or the immigrant settlement service provider organization conducting the needs assessment have the right to exclude information that they deem sensitive from the version of the individualized needs assessment provided to the employer for the purpose of endorsement. The settlement plan may be updated once the FN Principal Applicant and their family arrives in Atlantic Canada should they receive an in-person needs assessment at their local immigrant settlement service provider organization.

Note that employers are required to assist FN Principal Applicant and their accompanying family member(s) with any in-person needs assessments that follow a pre-endorsement needs assessment.

Provinces will be responsible for reviewing and approving the Endorsement Application. Applications that do not include a pre-endorsement needs assessment and settlement plan completed by a designated immigrant settlement service provider organization will not be processed. The provincial government will monitor the employer commitments; failure to support access to settlement services as per the settlement plan may result in a suspension from the Pilot.

Application Program Section:

Employers must indicate under which application program the FN Principal Applicant will be applying. If you do not know the category, please consult the website www.canada.ca/atlantic-immigration for information on the various streams. Employers must also indicate the previous work experience that qualifies the FN Principal Applicant for the specific application category.

Position Description Section:

The Province will require information on the position that the FN Principal Applicant is expected to fulfill if their application for permanent residence is approved by Immigration, Refugees and Citizenship Canada. Please complete the position description section to provide these details.

You must attach a copy of the job offer, as well as a completed Offer of Employment to a Foreign National form, with this endorsement application.

Once the endorsement has been approved, you will be required to provide a copy of the accepted job offer for the provincial files. To be eligible for the Pilot, wages must meet the regional median wage for the region in which the newcomer employee will be employed. If you are uncertain as to what this wage is in your region, please consult the Office of Immigration and Multiculturalism.

Recruitment Activities Section:

Employers must demonstrate that they have attempted to find workers through domestic recruitment activities prior to recruiting for foreign nationals abroad. The recruitment activities section asks that you provide details on those efforts.

You must also use the recruitment activities section to disclose whether you have obtained the assistance of an immigration representative for any part of your recruitment or application process. Immigration representatives whose services you obtain must be a member, in good standing, of one of the following designated bodies:

- Lawyers and paralegals who are members in good standing of a Canadian provincial or territorial law society;
- Notaries who are members in good standing of the Chambre des notaires du Québec; and,
- Immigration consultants who are members in good standing of the Immigration Consultants of Canada Regulatory Council.

Foreign National Information Section:

The information obtained in this section is to provide the Province with the additional details on the FN Principal Applicant, including the composition of their family. Minimum information is requested in this section as additional details will be provided as part of the pre-endorsement needs assessment and settlement plan. Please ensure that a completed pre-endorsement needs assessment and settlement plan are completed for each individual.

Note that while settlement information is only required for those individuals over the age of 18, details on all accompanying family members must be provided in this section. Children younger than 18 will have their needs assessed through their parent(s).

Settlement and Integration Section:

The Settlement and Integration Section identifies all employer responsibilities related to settlement services for a foreign national.

Employers are required to commit to the specific objectives outlined here and to ensure that a needs assessment and settlement plan is completed by a designated immigrant settlement service provider organization for each individual and attached to this form. The application will not be considered by the Government of Newfoundland and Labrador until such information is provided.

Employers must read the specific settlement commitments outlined in this section carefully. By signing the Employer Declaration section of this form, you are committing to providing the supports and services outlined in this section, including, but not limited to, a commitment to support up to 300 hours of language training, that begins within the first three months of arrival, for each FN Principal Applicant whose first official language ability is below a CLB level 5 in any one of the four competencies (i.e., speaking, reading, writing and listening).

It is important to note that, in cases where the FN Principal Applicant is accessing government-funded language training programming, they are NOT entitled to priority access to these services. If government-funded service providers do not have the capacity to provide services to Pilot applicants within the first three months of arrival, employers will be responsible for arranging alternative language training options. Please contact your local immigrant settlement service provider organization(s) to discuss availability of language and other settlement services.

Temporary Work Permit Section:

Employers may request a provincial referral letter which, in combination with documents including a formal commitment by the FN Principal Applicant to apply for permanent residence within ninety (90) days from the submission of the application for a temporary work permit, would enable the foreign national to apply for a temporary work permit to support early entry, and work in Canada while the application for permanent residence is processed.

Please note that Immigration, Refugees and Citizenship Canada has committed to expedite processing of all applications for permanent residence processed under the Atlantic Immigration Pilot. Consequently, the Department expects that 80% of applicants will be provided with a decision on their application for permanent residence within 6 months, precluding the need for a temporary work permit.

Contact the Province to discuss whether a letter of support would be beneficial in your case. Should you wish the applicant to enter on a temporary basis while their application for permanent residence is processed, you will be required to pay a \$230 employer compliance fee to Immigration, Refugees and Citizenship Canada.

Employer Declaration Section:

Your declaration in this section indicates that you have read, understand and agree to abide by the commitments outlined in this application form.

Should you not fully understand any aspect of the form, please contact the provincial representative for the Atlantic Immigration Pilot at the Newfoundland and Labrador Office of Immigration and Multiculturalism.

As an employer of a foreign national, you are responsible for ensuring, to the best of your ability, that the information provided in this form is truthful, complete, and correct. You are also agreeing that you have discussed the commitments required of the applicant under the Pilot, with the applicant.

Foreign National Declaration Section:

The foreign national declaration indicates that the FN Principal Applicant agrees to participate in the Pilot per the commitments outlined above.

Submitting the application:

A completed application, with all accompanying documents, can be submitted to:

Postal Box Address (Mail)

Atlantic Immigration Pilot
Advanced Education, Skills and Labour
Office of Immigration and Multiculturalism
Confederation Building, West Block
P.O. Box 8700, St. John's, NL A1B 4J6

Civic Address (In person)

Atlantic Immigration Pilot
Advanced Education, Skills and Labour
Office of Immigration and Multiculturalism Confederation
Building, West Block
P.O. Box 8700, St. John's, NL A1B 4J6

If approved, you will be required to submit confirmation of job acceptance to the Province at the same address.

Contact:

If you have questions, please contact the Newfoundland and Labrador Office of Immigration and Multiculturalism by email: immigration@gov.nl.ca or by phone: 1 (709) 729-6607.

Approvals:

A decision on this endorsement will be provided to the employer (signatory to the form).

Only approved applicants will be eligible to submit an application for permanent residence to Immigration, Refugees and Citizenship Canada.

Applicants will be required to cite the endorsement number provided in the notice of approval, and provide a copy of the endorsement certificate in their application to Immigration, Refugees and Citizenship Canada.