

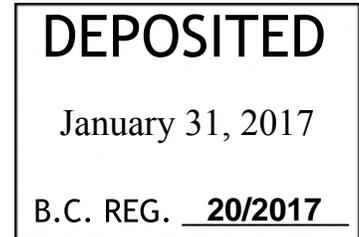
PROVINCE OF BRITISH COLUMBIA

REGULATION OF THE MINISTER OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR

Provincial Immigration Programs Act

Ministerial Order No. M 031

I, Shirley Bond, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour, order that, effective February 1, 2017, the attached Provincial Immigration Programs Regulation is made.



January 30, 2017

Date

*Minister of Jobs, Tourism and Skills Training and
Minister Responsible for Labour*

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Provincial Immigration Programs Act, S.B.C. 2015, c. 37, s. 16*

Other:

January 30, 2017

4/R/182/2016/27

PROVINCIAL IMMIGRATION PROGRAMS REGULATION

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Definitions

- 1 In this regulation:

“**Act**” means the *Provincial Immigration Programs Act*;

“**business approval**” means an approval of an application in which the applicant indicates an intention to invest in and actively manage a business in British Columbia;

“**eligible business**” means a business in British Columbia with respect to which a person has applied for a business approval;

“**immigration-linked investment scheme**” has the same meaning as in section 87 (9) of the Immigration and Refugee Protection Regulations (Canada), SOR 2002-227;

“**invitation approval**” means an approval of an application in which the applicant requests an invitation to apply for an approval within a class of approvals for which the director has issued invitations under section 3 (2) of the Act;

“**key staff approval**” means an approval of an application in which the applicant indicates an intention to act as a key staff person for an eligible business;

“**key staff person**”, in relation to a business, means a senior employee whose expertise is essential to the success of the business;

“**skills approval**” means an approval, other than a business approval or a key staff approval, of an application in which the applicant indicates an intention to enter the labour market in British Columbia.

Agreement

- 2 The agreement prescribed for the purposes of the definition of “**provincial immigration program**” in section 1 of the Act is the Canada-British Columbia Immigration Agreement, which came into force on April 7, 2015.

Fees

- 3 The following fees are prescribed:
 - (a) for the purposes of section 3 (1) (c) of the Act,
 - (i) \$3 500 for an application for a business approval,
 - (ii) \$1 000 for an application for a key staff approval,
 - (iii) \$700 for an application for a skills approval, and

- (iv) \$300 for an application for an invitation approval respecting a business approval;
- (b) for the purposes of section 7 (3) (d) of the Act, \$200.

Representatives

- 4 The requirement prescribed for the purposes of section 3 (3) (b) of the Act is that the representative is in compliance with section 91 (2) of the *Immigration and Refugee Protection Act* (Canada).

Application requirements

- 5 The following requirements are prescribed for the purposes of section 3 (3) (d) of the Act:
 - (a) the director has not, during the 2 year period immediately before the date of the application, determined that the applicant
 - (i) made a misrepresentation in relation to a previous application under the Act or otherwise failed to comply with the Act or regulations, and
 - (ii) knew or ought to have known of the misrepresentation or other failure;
 - (b) for an application for a skills approval where the applicant has a supporting employer, the director has not, during the 2 year period immediately before the date of the application, determined that the supporting employer
 - (i) made a misrepresentation in relation to a previous application under the Act, or
 - (ii) failed to comply with a requirement made under section 11 (2) (d) of the Act, and
 - (iii) knew or ought to have known of the misrepresentation or failure;
 - (c) the applicant does not have another active application;
 - (d) if the applicant is applying in reply to an invitation under section 3 (2) of the Act, the application is submitted within the period set out in the invitation for submitting applications.

Approvals

- 6 The following matters are prescribed for the purposes of section 4 (1) of the Act:
 - (a) whether entry of the applicant will be of benefit to the economic development of British Columbia;
 - (b) the applicant's ability and intention to permanently settle and become economically established in British Columbia;
 - (c) the applicant's language skills;
 - (d) whether the applicant's entry will adversely affect
 - (i) the settlement of a labour dispute or the employment of a person involved in a labour dispute, or
 - (ii) employment or training opportunities for British Columbians;
 - (e) whether the applicant has entered into or intends to enter into an immigration-linked investment scheme;

- (f) whether the information provided in relation to the application is accurate, complete and reliable;
- (g) with respect to an application for a business approval, whether the applicant will provide active and ongoing management of the eligible business from within British Columbia.

Obligations of approved person

- 7 The requirements prescribed for the purposes of section 5 (2) (b) of the Act are the same as those prescribed by section 4 of this regulation.