

**British Columbia Provincial Immigration Program (BC PNP)
Provincial Immigration Programs Act Interpretive Guideline
February 1, 2017**

Purpose of the Interpretive Guideline

This Interpretive Guidelines (the Guidelines) is provided by the British Columbia Provincial Nominee Program (the BC PNP) to explain how the BC PNP interprets and applies the [Provincial Immigration Programs Act](#) (the Act) and the [Provincial Immigration Programs Regulation](#) (the Regulation), both of which came into effect on February 1, 2017. This Guideline is for general information only and is not intended as a substitute for legal advice. This Guideline does not modify existing laws or create enforceable rights. Where the Act or Regulation differs from this Guideline, the Act or Regulation will prevail.

This Guideline is a working document. As laws change or as policies progress, this Guideline and other related publications will be amended and updated. A link to the most current version of this Guideline will be posted to the [BC PNP website](#).

Text of the Act	Interpretation Notes
<p style="text-align: center;">BILL 39 – 2015 PROVINCIAL IMMIGRATION PROGRAMS ACT</p> <p><i>Contents</i></p> <ul style="list-style-type: none"> 1 Definitions 2 Director of Provincial Immigration Programs 3 Applications 4 Approvals 5 Obligations of approved person 6 Cancellation of approval 7 Reviews 8 Personal information 9 Information-sharing agreements 10 Confidentiality 11 Inspections 12 Inspection powers – additional powers of director 13 Statutory immunity 14 Validation of fees 15 Section 5 of Offence Act 16 Regulations 17 Commencement 	<p>This section is intentionally blank.</p>

Text of the Act	Interpretation Notes
<p>HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:</p>	
<p>Definitions</p>	<p>Section 1 defines words and terms used throughout the Act.</p>
<p>1 In this Act:</p> <p>"approved person" means a person whose application has been approved by the director under section 4;</p> <p>"director" means the Director of Provincial Immigration Programs designated under section 2;</p> <p>"information-sharing agreement" means an agreement or arrangement to exchange, disclose or collect, by electronic data transmission, electronic data matching or any other means, personal information;</p> <p>"provincial immigration program" means a program established under a prescribed agreement made under the <i>Ministry of International Business and Immigration Act</i> and the <i>Immigration and Refugee Protection Act</i> (Canada).</p>	<p>An “approved person” can mean a registrant who has received an invitation to apply to the BC PNP through the Entrepreneur Immigration stream, or an applicant whose nomination has been approved by the BC PNP.</p> <p>The “Director of Provincial Immigration Programs” is the person designated by the Minister of Jobs, Tourism and Skills Training and Responsible for Labour, to be the decision-maker under the Act (see section 2(1) below). In accordance with BC PNP policies, the designated director may authorize other BC PNP staff members to act for the director for the purposes of the Act and regulation. For the most part in this Guide, “BC PNP” and “Director of Provincial Immigration Programs” or “Director” are used interchangeably.</p> <p>“Information-sharing agreements” refers to agreements under which the BC PNP agrees to share personal information with another entity (see section 9 below).</p> <p>The BC PNP is a “provincial immigration program” under the Act. The BC PNP is administered under the 2015 <i>Canada-British Columbia Immigration Agreement</i> between the Government of Canada and the Province of British Columbia.</p>

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<p>Director of Provincial Immigration Programs</p>	<p>Section 2 applies to the “Director of Provincial Immigration Programs”, the person designated as the primary decision-maker under the Act.</p>
<p>2 (1) The minister may designate as the Director of Provincial Immigration Programs an individual appointed under the Public Service Act.</p> <p>(2) Sections 1, 55 and 61 of the Administrative Tribunals Act apply to the director as if the director were a tribunal.</p>	<p>2 (1) The Executive Director of the Immigration Programs Branch, Ministry of Jobs, Tourism and Skills Training, has been designated as the “Director” for the purposes of the Act.</p> <p>2(2) These provisions of the <i>Administrative Tribunals Act</i> protect the “Director” from having to testify or produce evidence in most proceedings and explain how the <i>Freedom of Information and Protection of Privacy Act</i> applies to records and other information related to decisions made by the BC PNP.</p>
<p>Applications</p>	<p>Section 3 governs applications made to the BC PNP.</p>
	<p>The BC PNP has a two-step application process that requires most applicants to first register to enter an eligibility pool and then be invited to apply for nomination. This applies to both the Entrepreneur Immigration and Skills Immigration streams of the BC PNP, although certain categories may permit applicants to apply directly without first registering. (See the Skills Immigration Program Guide for details.)</p> <p>In the Act and this Guide, the words “application” and “apply” may refer to either the initial registration or full application to the BC PNP. “Applicant” refers to either a registrant or an applicant. “Approval” can refer to the BC PNP’s approval of a registration (i.e. issuance of an invitation to apply) or an application (i.e. a nomination).</p>
<p>3 (1) Subject to subsection (3), a person may apply to the director for an approval respecting a provincial immigration program by submitting, in the form and manner required by the director,</p> <p>(a) an application,</p> <p>(b) documents and information in support of the application as required by the director,</p>	<p>Section 3(1) of the Act sets out the items that applicants must provide in order to be considered for approval by the BC PNP:</p> <p>(a) and (b) All applicants must complete an online application form and a legal declaration. Additional documents and information may be required based on the type of application. Details regarding required documentation can be obtained from the applicable Program Guide.</p>

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<p>and</p> <p>(c) the prescribed fee</p>	<p>(c) Fees for applications to the BC PNP are set by the Regulation. The BC PNP may charge fees to register and to apply for nomination. Different streams have different fees:</p> <p><i>Registration fees:</i> The Regulation sets a registration fee of \$300 for registrants to the Entrepreneur Immigration stream.</p> <p><i>Application fees:</i> The Regulation sets a fee of \$700 to apply for nomination under the Skills Immigration stream (including an Express Entry British Columbia application) and \$3,500 for an application to the Entrepreneur Immigration stream, plus \$1,000 per key staff member, if applicable.</p>
<p>3 (2) The director may, in accordance with the regulations, if any, invite applications for a class of approvals specified in the invitation.</p>	<p>Section 3(2) allows the BC PNP to invite people to apply for nomination to different immigration streams,</p>
<p>3 (3)The director may refuse to accept an application under subsection (1) from a person if</p> <p>(a) an invitation is made under subsection (2) that does not apply to the person,</p> <p>(b) the person has retained, for the purposes of making an application under subsection (1) or for another purpose respecting this Act, a representative who does not meet the prescribed requirements,</p> <p>(c) the person has had an approval cancelled under section 6, or</p> <p>(d) a prescribed requirement has not been met.</p>	<p>Section 3(3) sets out the reasons for which the BC PNP may refuse to accept an application:</p> <p>(a) If an applicant is applying to a stream for which invitations are required (see section 3(2) above), but the applicant has not been invited to apply, then the BC PNP may refuse to accept that application.</p> <p>(b) If an applicant uses the services of a paid representative that does not meet the requirements set out in section 4 of the Regulation, then that applicant's application may be refused. For the purposes of a registration or application to the BC PNP, a qualified paid representative must be:</p> <ul style="list-style-type: none"> • A lawyer or any other member in good standing of the Law Society of BC or any other Canadian Law Society, the Nova Scotia Barristers' Society, or the <i>Chambre des notaires du Quebec</i>; or • An immigration consultant who is a member in good standing of the Immigration Consultants of Canada Regulatory Council.

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	<p>(c) If an applicant was previously nominated by the BC PNP, but the previous nomination was cancelled by the BC PNP under section 6 of the Act, then that applicant's subsequent application may be refused for up to two years from the date of the previous cancellation (see section 3(4) below).</p> <p>(d) Section 5 of the Regulation sets out the following additional grounds for refusal to accept (without assessment) an application:</p> <ul style="list-style-type: none"> i. if the BC PNP determines that the applicant, or the applicant's supporting employer (if applicable), has, within the previous two years, made a misrepresentation in a previous application or otherwise failed to comply with the Act or Regulation and knew or ought to have known about such misrepresentation or failure; ii. if the applicant has another active application with the BC PNP; and iii. if the application is not received within any applicable invitation timelines.
<p>3 (4)The director may refuse under subsection (3) (c) to accept an application only for a period of up to 2 years from the date the director cancelled the approval under section 6.</p>	<p>Section 3(4) of the Act establishes a maximum period of 2 years for refusing to accept an application based on the cancellation of a previous approval (see section 3(3)(c) above).</p>
<p>3 (5) The director, as soon as practicable, must notify the person of a refusal under subsection (3), provide reasons for the refusal and refund any amounts paid.</p>	<p>If the BC PNP refuses to accept an application, section 3(5) requires the BC PNP to inform an applicant as soon as it is practical to do so of the refusal to accept the application. The BC PNP must provide the applicant with reasons for the refusal to accept the application and refund any applicable fees paid.</p>
<p>Approvals</p>	<p>Section 4 governs the BC PNP's approvals of registrations and applications.</p>
<p>4 (1) On application by a person under section 3, the director may, after taking into consideration the prescribed matters and any other matters the director considers relevant,</p> <p style="padding-left: 40px;">(a) approve the application, or</p>	<p>(1) Once an application has been accepted, the BC PNP may either approve or decline such application.</p> <p>In deciding whether to approve or decline an application, the BC PNP must take into consideration the factors set out in section 6 of the Regulation.</p>

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(b) decline the application.	The BC PNP may also consider any other factors or criteria the Director considers relevant in deciding whether or not to approve or decline an application. For a list of relevant factors, please refer to the applicable Program Guide, available on the WelcomeBC website.
<p>4 (2) An approval under subsection (1) (a) may be made subject to any conditions that the director considers necessary or advisable.</p>	<p>Section 4(2) gives the BC PNP the ability to attach conditions to its approvals. The BC PNP has several standard conditions which attach to every application approval. For examples of the standard conditions, please refer to the “BC PNP Withdrawal of your Nomination” section of the applicable Program Guide, available on the WelcomeBC website.</p> <p>In addition, the BC PNP may attach such additional conditions (e.g. entering into a performance agreement in the case of the Entrepreneur Immigration stream) that it considers appropriate.</p>
<p>4 (3) The director, as soon as practicable, must notify the person of a decision made under subsection (1).</p> <p>4 (4) The notice under subsection (3) must,</p> <p>(a) if the director approves the application, set out the conditions, if any, imposed under subsection (2), and</p> <p>(b) if the director declines the application, provide reasons for the decision.</p>	<p>4(3) and 4(4) The BC PNP is required to inform an applicant as soon as it is practical to do so if their application has been approved or declined.</p> <p>Notification of the BC PNP’s decision is normally made electronically to ensure timely delivery.</p> <p>Notification must set out the conditions that apply to the decision (see section 4(2) above.) If an application has been declined, then the notice must document the reasons for the refusal.</p>
<p>Obligations of approved person</p>	<p>Section 5 places certain obligations on applicants who have had their applications approved by the BC PNP.</p>
<p>5 (1) An approved person must do both of the following:</p> <p>(a) advise the director of any material change in the approved person's circumstances;</p> <p>(b) comply with conditions imposed under section 4 (2).</p> <p>(2) An approved person must not</p>	<p>Sections 5(1) and 5(2) require an approved person to:</p> <ul style="list-style-type: none"> • keep the BC PNP informed and up-to-date on information provided in their application or registration*; • comply with all conditions attached by the BC PNP to their approval (see section 4(2) above); • not interfere with any inspection conducted by the BC PNP (see section 11 below); and • not use the services of a paid representative that does not meet the qualifications set by the Regulation (see section

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<p>(a) obstruct or interfere with an inspection conducted under section 11, or</p> <p>(b) retain, for the purposes of making an application under section 3 (1) or for another purpose respecting this Act, a representative who does not meet the prescribed requirements.</p>	<p>3(3)(b) above).</p> <p>*Since any change in information or circumstances may be relevant to the decision or approval, applicants must provide an update to the BC PNP whenever a change arises. Updates can be done online or by contacting BC PNP staff via email or phone.</p> <p><i>NOTE: Failure to comply with this section may result in an approval being cancelled by the BC PNP under section 6 of the Act. A person whose approval has been cancelled is not entitled to have that decision reviewed by the BC PNP under the internal review process set out in section 7 of the Act.</i></p>
<p>Cancellation of approval</p>	<p>Section 6 sets out the rules that apply to BC PNP’s cancellations of approvals (i.e. withdrawals of nominations).</p>
<p>6 (1) After giving an approved person an opportunity to be heard, the director may cancel an approval, if the director is satisfied that the person</p> <p>(a) has failed to comply with section 5,</p> <p>(b) has failed to comply with a prescribed requirement, or</p> <p>(c) has provided false or misleading information in an application under section 3.</p>	<p>Section 6(1) requires the BC PNP to give applicants an opportunity to be heard before cancelling an approval. If the BC PNP is considering cancelling an approval, the BC PNP will notify the affected applicant of the possible cancellation (including the basis for the possible cancellation). The applicant will then have a set amount of time (currently the BC PNP has set this at 15 calendar days) to provide a written response.</p> <p>The BC PNP will consider the information provided by the applicant in deciding whether or not to cancel the approval. An approval may be cancelled if the BC PNP determines that:</p> <p>(a) The applicant did not meet their obligations under section 5 of the Act (see above);</p> <p>(b) The applicant failed to comply with a requirement of the Regulation (see the Provincial Immigration Programs Regulation); or</p> <p>(c) The applicant provided false or misleading information in their application.</p> <p>The conditions for nomination will be described in the nomination notice.</p>
<p>6 (2) The director, as soon as practicable, must notify the person of a cancellation</p>	<p>6(2) and (3) If the BC PNP is cancelling an approval, the BC PNP is required to inform the applicant of such cancellation as soon as it is practical.</p>

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<p>under subsection (1).</p> <p>6 (3) The notice under subsection (2) must</p> <p>(a) include reasons for the cancellation, and</p> <p>(b) advise the person that the director, under section 3 (3) (c), may refuse to accept future applications from the person.</p>	<p>Notification of the BC PNP's decision is normally made electronically to ensure timely delivery.</p> <p>The BC PNP must give reasons for the cancellation and may inform the applicant if their subsequent applications will not be accepted for a period of up to two years (see section 3(3)(c) above).</p>
<p>Reviews</p>	<p>Section 7 governs the processes by which persons may have certain decisions of the BC PNP reviewed. Sections 7(1), 7(2), 7(3) and 7(4) apply to the BC PNP's internal review process and section 7(5) applies to judicial reviews.</p>
<p>7 (1) A person whose application the director has declined under section 4 (1) (b) may request, in accordance with this section, a review by the director of the decision to decline the application.</p>	<p>Section 7 (1) gives an applicant whose application has been declined the ability to request an internal review of the decision.</p> <p><i>Note that this only applies to declined applications under section 4(1) and not does not apply to applicants whose approvals have been cancelled under section 6.</i></p>
<p>7 (2) A request for a review under subsection (1) must be made within</p> <p>(a) 30 days of the date of the notice provided under section 4 (3) if the person is resident in Canada, or</p> <p>(b) 60 days of the date of the notice provided under section 4 (3) if the person is not resident in Canada.</p>	<p>Section 7(2) sets time limits for making the internal review request. Time limits are calculated from the date of the BC PNP's notification to the applicant that the application has been declined (see section 4(3) above).</p> <p>Time limits for making a request are different depending on where the applicant resides:</p> <p>(a) Persons residing in Canada have 30 calendar days from the date of the notification to request a review.</p> <p>(b) Persons not residing in Canada have 60 calendar days from the date of the notification to request a review.</p>
<p>7 (3) The person requesting a review must</p>	<p>Section 7(3) sets out the requirements for internal review requests, as follows:</p> <p>(a) Requests must be in writing (i.e. no verbal requests).</p>

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<p>(a) make the request in writing,</p> <p>(b) identify the grounds on which the review is requested,</p> <p>(c) provide any information that the director requires regarding the request, and</p> <p>(d) submit the prescribed fee, if any.</p>	<p>(b) The applicant’s basis for the request must be stated in the written request.</p> <p>(c) Requestors must provide any other information required by the BC PNP regarding the request for review.</p> <p>(d) Requestors must pay a fee (set by the Regulation) to make an internal review request. This fee is \$200.</p> <p>Applicants who submitted their application to the BC PNP after July 1, 2015, must submit their requests for review through BC PNPOnline. Applicants who submitted their application to the BC PNP prior to July 1, 2015 should contact the BC PNP for further instructions. Please see the applicable Program Guide, available on the WelcomeBC website, for more information on internal reviews.</p>
<p>7 (4) As soon as practicable after receiving a request under subsection (1), the director must</p> <p>(a) confirm, vary or reverse the decision, and</p> <p>(b) notify the person of, and provide reasons for, the decision under paragraph (a).</p>	<p>Section 7(4) sets out the BC PNP’s obligations in relation to internal review requests.</p> <p>(a) As soon after receiving a review request as it is practical to do so, the BC PNP must decide to either:</p> <ul style="list-style-type: none"> • confirm the original decision, or • re-evaluate the application based on the review request. <p>(b) The BC PNP must, as soon as it is practical do so, notify the requestor of the BC PNP’s decision. This notification must include reasons for the BC PNP’s review decision.</p>
<p>7 (5) A person may apply for judicial review of a decision made under subsection (4)</p> <p>(a) within</p> <p>(a) 30 days of the date of the notice provided under subsection (4) (b) if the person is resident in Canada, or</p> <p>(b) 60 days of the date of the notice provided under subsection (4) (b) if the person is not resident in Canada.</p>	<p>Section 7(5) sets out when a person may apply to the courts for a judicial review of the BC PNP’s decision to either confirm, vary, or reverse a decision under section 7(4) above).</p> <p>Time limits are calculated from the date of the BC PNP’s review decision notice and are different depending on where the applicant resides:</p> <p>(a) Persons residing in Canada have 30 days from the date of the review decision notice to apply for judicial review.</p> <p>(b) Persons not residing in Canada have 60 days from the date of the review decision notice to apply for judicial review.</p>

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<p>Personal information</p>	<p>Section 8 discusses the collection, use and disclosure of personal information in relation to the BC PNP.</p>
<p>8 (1) In this section, "personal information" has the same meaning as in the Freedom of Information and Protection of Privacy Act.</p>	<p>Section 8(1) adopts the definition of "personal information" from the Freedom of Information and Protection of Privacy Act, which is "recorded information about an identifiable individual other than contact information".</p>
<p>8 (2) Subject to section 10, the director may, for the purposes set out in subsection (3) of this section,</p> <p>(a) collect personal information, including from sources other than the individual the information is about, and</p> <p>(b) disclose and use that personal information.</p> <p>8 (3) Personal information may be collected, disclosed and used under subsection (2) for the following purposes:</p> <p>(a) administering a provincial immigration program;</p> <p>(b) assessing an application under section 3 or a request under section 7;</p> <p>(c) conducting an inspection under section 11;</p> <p>(d) collaborating with the government of Canada respecting a possible contravention of the <i>Immigration and Refugee Protection Act</i> (Canada) that may relate to this Act.</p>	<p>Sections 8(2) and 8(3) give the BC PNP the ability to collect (including from third parties), disclose and use personal information, subject to certain restrictions respecting confidentiality (see section 10 below), for the following purposes:</p> <ul style="list-style-type: none"> • administration of the BC PNP; • assessing an application (see section 3 above); • assessing a request for an internal review (see section 7 above); • conducting inspections (see section 11 below); and • working with the federal government on a suspected contravention of the federal <i>Immigration and Refugee Protection Act</i> relating to this Act. <p><i>NOTE: The BC PNP may have the ability under the Freedom of Information and Protection of Privacy Act, or with express written consent or authorization, to collect, use and disclose other personal information for other purposes.</i></p>
<p>Information-sharing agreements</p>	<p>Section 9 applies to information-sharing agreements related to the BC PNP.</p>
<p>9 (1) With the prior approval of the minister, the director may enter into an information-sharing agreement with any of the following:</p>	<p>Section 9(1) requires the Director to seek approval by the Minister responsible for the Act before entering into any information-sharing agreements.</p>

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<p>(a) the government of Canada or of another province or jurisdiction in or outside Canada or an agent of any of them;</p> <p>(b) a public body as defined in the <i>Freedom of Information and Protection of Privacy Act</i>;</p> <p>(c) an organization</p> <p style="padding-left: 40px;">(i) that is subject to the <i>Personal Information Protection Act</i>, or</p> <p style="padding-left: 40px;">(ii) that is operating in British Columbia and is subject to the <i>Personal Information Protection and Electronic Documents Act (Canada)</i>.</p>	<p>This section provides that, with such approval, information-sharing agreements may be entered into between the Director and:</p> <ul style="list-style-type: none"> • the federal government; • a government of another province or territory in Canada; • a government of another jurisdiction inside or outside of Canada; • an agent of any of the above;
<p>9 (2) An information-sharing agreement may be entered into for no other purpose than a purpose referred to in section 8 (3) or a prescribed purpose.</p>	<p>Section 9(2) allows the Director to enter into information-sharing agreements with the entities above only for the purposes listed in section 8(3) (i.e. the purposes for which personal information can be collected, used and disclosed generally by the BC PNP) or for a purpose set by regulation.</p>
<p>Confidentiality</p>	<p>Section 10 imposes some duties of confidentiality on the BC PNP.</p>
<p>10 (1) If requested in writing by a person who has, for any purpose under this Act, provided information to the director, the director must not disclose any identifying information about the person unless</p> <p style="padding-left: 40px;">(a) the disclosure is necessary for the purposes of a proceeding under this Act, or</p> <p style="padding-left: 40px;">(b) the director considers the disclosure is in the public interest.</p> <p>(2) Subsection (1) applies despite any provision of the <i>Freedom of Information and Protection of Privacy Act</i> other than section 44 (1) (b), (2), (2.1) and (3) of that Act.</p>	<p>10(1): If a person who has provided information to the BC PNP makes a written request of confidentiality to the BC PNP, then the BC PNP will be restricted from disclosing any identifying information about that person unless the BC PNP determines that such disclosure is:</p> <ul style="list-style-type: none"> ○ necessary for a proceeding under this Act; or ○ in the public interest. <p>Section 10(2) ensures that this duty of confidentiality applies to the BC PNP despite anything to the contrary in the <i>Freedom of Information and Protection of Privacy Act</i>, except that certain specified provisions of <i>FOIPPA</i> will continue to apply to information that would otherwise be required to be kept confidential under section 10(1).</p>

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<p>Inspections Inspection powers – additional powers of director</p>	<p>Sections 11 and 12 sets out rules applying to inspections conducted by BC PNP and gives the Director certain powers related to such inspections.</p>
<p>11 (1) The director may conduct an inspection for the following purposes:</p> <ul style="list-style-type: none"> (a) determining compliance with this Act and the regulations; (b) assessing an application for approval under section 4; (c) assessing a request under section 7. 	<p>Section 11(1) sets out the purposes for which the BC PNP may conduct inspections:</p> <ul style="list-style-type: none"> (a) to determine compliance with the Act and Regulation; (b) to assess an application to the BC PNP; and (c) assess a request for an internal review.
<p>11 (2) For the purposes of an inspection, the director may do any of the following:</p> <ul style="list-style-type: none"> (a) enter the business premises of a person at any reasonable time; (b) inquire into any business, affairs or conduct of a person; (c) inspect, audit or examine any records, goods or other things; (d) require any person who has possession or control of any records, goods or other things to produce the records, goods or things; (e) make a record, including a record on film, audio tape, video tape or otherwise, of the premises, anything in or on the premises or anything referred to in paragraph (c); (f) remove any record from the premises for the purpose of making copies; (g) remove and retain any record, good or other thing that may be required as evidence from the premises. <p>11 (3) The authority under subsection (2) must not be used to enter a private dwelling except with the consent of the occupant.</p>	<p>Sections 11(2) and 11(3) specify what the BC PNP may do and not do in relation to an inspection.</p> <p>Section 11(2) lists the Director's powers in relation to an inspection. For example, BC PNP staff conducting an inspection may enter onto a business premises and require the production of any applicable records for the purposes of an inspection.</p> <p>11(3): Unless the occupant has consented, BC PNP inspectors are not authorized to enter a private dwelling to conduct an inspection</p>

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<p>12 (1) For the purposes of an inspection under section 11, the director has the same powers to do the following as the Supreme Court has for the trial of civil actions:</p> <ul style="list-style-type: none"> (a) summon and enforce the attendance of witnesses; (b) compel witnesses to give evidence on oath or in any other manner; (c) compel witnesses to produce records and things. 	<p>Section 12(1) gives the Director the ability, in relation to inspections, to summon witnesses and to require witnesses:</p> <ul style="list-style-type: none"> (a) to attend an inspection; (b) to give evidence on oath; and (c) to produce records and things.
<p>12 (2) When the director exercises a power under subsection (1), a person who fails or refuses to do any of the following is liable, on application to the Supreme Court, to be committed for contempt as if in breach of an order or judgment of the Supreme Court:</p> <ul style="list-style-type: none"> (a) attend; (b) take an oath; (c) answer questions; (d) produce the records or things in the person's possession or control. 	<p>Section 12(2) allows the Director to apply to the Supreme Court to have a person committed for contempt if such person fails or refuses to:</p> <ul style="list-style-type: none"> (a) attend an inspection as requested; (b) take an oath; (c) answer questions; and/or (d) produce records or things if able.
<p>12 (3) Section 34 (5) of the <i>Evidence Act</i> does not apply to the exercise of the powers of the director under this section.</p>	<p>Section 12(3) gives the Director, in relation to an inspection under section 11, the power to compel a financial institution to produce a book or record (as described in section 34(5) of the <i>Evidence Act</i>), or appear as a witness in relation to that book or record.</p>

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Statutory immunity	
<p>13 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the government, the director or a person acting on behalf of the government or the director because of anything done or omitted</p> <p>(a) in the exercise or intended exercise of any power under this Act, or</p> <p>(b) in the performance or intended performance of any duty under this Act.</p> <p>(2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith.</p>	<p>Section 13 provides immunity to the “Director of Provincial Immigration Programs” and the Government of British Columbia (including any person acting on behalf of the Director or the Government) from being sued for damages in relation to the BC PNP. This immunity does not extend to any bad faith actions or omissions.</p>
Validation of fees	
<p>14 (1) Despite any decision of a court to the contrary made before or after the coming into force of this section, the fees set and charged by the minister from April 1, 2003, to the date this section comes into force, in relation to an immigration program similar to a provincial immigration program, that would have been validly set and charged had the minister set and charged those fees in accordance with section 16 (2) (c) are conclusively deemed to have been validly set and charged, and all fees collected by the minister are conclusively deemed to have been validly collected.</p> <p>(2) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.</p>	<p>Section 14 ensures the BC PNP has the authority to collect fees that were collected prior to the Act coming into force.</p> <p>This section is intentionally blank.</p>

Text of the Act	Interpretation Notes
<p>Section 5 of <i>Offence Act</i></p>	<p>Section 15 ensures that a person who contravenes the Act or the Regulation cannot be found to have committed an offence under the <i>Offence Act</i>.</p>
<p>15 Section 5 of the <i>Offence Act</i> does not apply to this Act or the regulations.</p>	<p>This section is intentionally blank.</p>
<p>Regulations</p>	<p>Section 16 governs the minister’s ability to make regulations in relation to the BC PNP.</p>
<p>16 (1) The minister may make regulations referred to in section 41 of the <i>Interpretation Act</i>.</p> <p>(2) Without limiting subsection (1), the minister may make regulations as follows:</p> <p>(a) adopting by reference, in whole or in part and with any changes the minister considers necessary, any regulation, code, standard or rule</p> <p>(i) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or</p> <p>(ii) set by a provincial, national or international body or any other code-making, standard-making or rule-making authority,</p> <p>as the regulation, code, standard or rule stands at a specific date, as it stands at the time of adoption, or as amended from time to time;</p> <p>(b) prescribing agreements for the purposes of the definition of "provincial immigration program" in section 1;</p> <p>(c) prescribing fees for the purposes of sections 3 (1) (c) and 7 (3) (d);</p> <p>(d) respecting invitations referred to in section 3 (2);</p> <p>(e) prescribing requirements for the purposes of section 3 (3) (b) and for the</p>	<p>Section 16 allows the minister responsible for the Act to create regulations that comply:</p> <ul style="list-style-type: none"> • with the general rules regarding regulations in section 41 of the <i>Interpretation Act</i> and • with the specific rules for regulations pertaining to the BC PNP established in sections 16(2) and 16(3). <p>To date, the minister has made the following regulations under this section:</p> <ul style="list-style-type: none"> • the Provincial Immigration Programs Regulation, effective February 1, 2017 (please also see the BC PNP’s Interpretive Guideline to the Provincial Immigration Programs Regulation).

Text of the Act	Interpretation Notes
<p>purposes of section 3 (3) (d);</p> <p>(f) prescribing matters for the purposes of section 4 (1);</p> <p>(g) prescribing requirements for the purposes of section 5 (2) (b);</p> <p>(h) prescribing requirements for the purposes of section 6 (1) (b);</p> <p>(i) prescribing terms or conditions that must be included in an information-sharing agreement under section 9 and prescribing purposes for which an information-sharing agreement may be entered into under that section.</p> <p>(3) In making a regulation under subsection (1) or (2), the minister may do one or more of the following:</p> <p>(a) delegate a power to a person, with or without directions on how the delegated power is to be exercised;</p> <p>(b) confer a discretion on a person;</p> <p>(c) make different regulations for different persons, places or things or for different classes of persons, places or things.</p>	
<p>Commencement</p>	<p>Section 16 describes when the when the Act will come in to force.</p>
<p>17 This Act comes into force by regulation of the Lieutenant Governor in Council.</p>	<p>The Act came into force on February 1, 2017.</p>

End of Document