

2017 Legislation changes under the *Provincial Immigration Programs Act* and the *Provincial Immigration Programs Regulation*

Frequently Asked Questions

- **What does the legislation do?**

- The *Provincial Immigration Programs Act* sets out the provisions for the Province's role in the management and administration of programs and policies for the selection of economic immigrants to B.C.
- The Act governs the administration of the BC Provincial Nominee Program (BC PNP), which operates under the *2015 Canada - BC Immigration Agreement* (CBCIA) in partnership with the federal government through Immigration, Refugees and Citizenship Canada (IRCC).
- The *Provincial Immigration Programs Act* was passed into law on November 4, 2015. The Act and Regulation came into force on February 1st, 2017.

- **Why was the *Provincial Immigration Programs Act* introduced?**

- Economic immigration has an increasingly important role in driving B.C.'s economic growth.
- *The Provincial Immigration Programs Act* supports B.C.'s continued role as a leader in economic immigration programs, maintaining strong economic outcomes and protecting program integrity.
- The Act will make immigration programs in B.C. more transparent and cost-effective, with strong measures to protect program integrity.

- **What are some of the specific changes?**

- Under the Act, transparency is increased by:
 - Assigning decision making authority to the director of immigration programs.
 - Formalizing a statutory process for reviewing applications that are refused.
- Integrity of immigration programs is increased by:
 - Improving collection, use and disclosure of applicant information through formal information sharing agreements with the federal and provincial governments as well as regulatory bodies.
 - Identifying and stopping fraud by allowing the province to cancel applications where fraud is discovered and refusing to accept applications from those found to have made fraudulent applications from applying to provincial programs for 2 years.
 - Conducting inspections to monitor compliance with program requirements.
- Clearly outlining the Province's authority to collect fees and set fee amounts for application to immigration programs ensuring program costs are recovered.

2017 Legislation changes under the *Provincial Immigration Programs Act* and the *Provincial Immigration Programs Regulation*

Frequently Asked Questions

- **Why is this being introduced now?**

- The B.C. government continues to focus on sustained growth of our diverse economy.
- Over the past two years, the BC PNP has made targeted changes to continue to align with B.C.'s current labour market and economic development priorities.
- Legislation supports the BC PNP with a robust statutory framework and program integrity tools to continue to attract high-demand skilled workers and investment-ready entrepreneurs to grow our economy.

- **Are there any changes to the BC PNP fees?**

- Compared to other provincial nominee programs across Canada that charge fees, BC PNP fees remain one of the lowest in the country.
- There has been no increase in fees in the Skills Immigration stream since fees were introduced in 2003/4.
- The Skills Immigration program fees have increased to \$700. There are no changes to the Entrepreneur Immigration program fees. There is also a \$200 fee for applicants requesting a review on a decision.
- This fee increase will support ongoing program integrity and ensure that the program is administered on a full cost-recovery basis so as not to cost taxpayers.

Registrations and Applications

- **I submitted a registration to the BC PNP before February 1st, 2017. How will this affect me?**

- Registrants who have submitted a registration to the BC PNP before February 1st, 2017 will remain in the registration pool until their registration expires or they are invited to apply.
- If you are invited to submit an application after February 1st, 2017, you will be subject to the legislation and program criteria in place at the time of application.

- **I was issued an invitation to apply by the Entrepreneur Immigration stream but haven't submitted an application before February 1st, 2017.**

- Registrants who were invited to apply to the Entrepreneur Immigration stream but have not submitted an application before February 1st, 2017 will be subject to the legislation and program criteria in place at the time of application.
- Entrepreneur Immigration application fees have not changed.
- Requests for review of decisions made after February 1st, 2017 are subject to section 7 of the Act.
- Registrants must submit their applications by the submission date noted on their invitation to apply email in order to be considered by the BC PNP.
 - For example, the application must be submitted prior to the expiry of the invitation to apply.

2017 Legislation changes under the *Provincial Immigration Programs Act* and the *Provincial Immigration Programs Regulation*

Frequently Asked Questions

- **I submitted an application to the BC PNP before February 1st, 2017. A decision on that application has not yet been made. How will this affect me?**
 - Applicants who submitted an application to the BC PNP before February 1st, 2017 will be assessed against the program criteria that was in effect at the time of application.
 - For example, you submitted your application on September 15th, 2016. Your application will be assessed against the program criteria that was in effect on September 15th, 2016.
 - However, these applications will be subject to the processes outlined in the Act.
 - For example, requests for review of decisions will be subject to section 7 of the Act.

Request for Reviews of Decisions

My application to the BC PNP was refused. I have not filed a request for review before February 1st, 2017. How am I impacted by the Act?

- On and after February 1st, if your application is refused by the BC PNP, you are subject to the timelines outlined in section 7 of the Act.
- Section 7 of the Act states that the request for a review must be submitted within:
 - 30 days of the date of the decision notice if the applicant is a resident of Canada, or
 - 60 days of the date of the decision notice if the applicant is not a resident of Canada.
- This means that you must have submitted your request for review to the BC PNP within the timelines outlined above for the request to be considered, regardless of whether the decision was made before February 1st, 2017.
- If you choose to submit a request for review, you will also be subject to the \$200 fee.

I submitted a request for review of my nomination decision prior to February 1st, 2017. I haven't received a response to that request for review. How am I impacted?

- If you submitted a request for review of your nomination decision to the BC PNP prior to February 1st, 2017 and you have not received a response regarding the outcome of the review, your request is still in process.
- This request for review will not be impacted by the new fee structure or timelines implemented on February 1st, 2017.

I submitted an application under the Entrepreneur Immigration stream on or before before July 1st, 2015. I have not received a decision. How am I impacted by this?

- Your application will be assessed against the program criteria that was in effect at the time you made the application.
- If you receive a decision after February 1st, and you wish to request a review, you will have to follow the process outlined in your decision letter, which reflects section 7 of the Act.