

British Columbia Provincial Immigration Program (BC PNP)
Provincial Immigration Programs Regulation 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 Agreement 3 Fees 4 Representatives 5 Application requirements 6 Approvals 7 Obligations of approved person 	<p>This section is intentionally blank.</p>

Text of the Act	Interpretation Notes
Definitions	
<p>1 In this regulation:</p> <p>"Act" means the Provincial Immigration Programs Act;</p> <p>"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;</p> <p>"eligible business" means a business in British Columbia with respect to which a person has applied for a business approval;</p> <p>"immigration-linked investment schedule" has the same meaning as in section 87 (9) of the <i>Immigration and Refugee Protection Regulations</i> (Canada), SOR 2002-227;</p> <p>"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;</p> <p>"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;</p> <p>"key staff person", in relation to a business, means a senior employee whose expertise is essential to the success of the business;</p> <p>"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.</p>	<p>"Act" refers to the <i>Provincial Immigration Programs Act</i>.</p> <p>A "business approval" is an approval of an application to the BC PNP's Entrepreneur Immigration stream.</p> <p>An "eligible business" is the proposed existing or new business which is the subject of the Entrepreneur Immigration stream registration or application.</p> <p>Invitation approvals are how the PNP's Skills Immigration registration and Entrepreneur Immigration registration systems are implemented. A registration is an application to the Director for an invitation approval. Registrations which receive an invitation approval will receive an invitation to apply to the relevant program category. Section 3(3)(a) of the Act allows the Director to require invitations to apply for particular program categories.</p> <p>Only Entrepreneur Immigration stream applications can include "Key Staff" who will be employed by the Entrepreneur Immigration business. A "Skills Approval" is an approval of an application to any category of the BC PNP Skills Immigration stream, including Express Entry British Columbia (EEBC) applications.</p>

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Agreement	
<p>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.</p>	<p>2 This section is intentionally blank.</p>
Fees	
<p>3 The following fees are prescribed:</p> <p>(a) for the purposes of section 3 (1) (c) of the Act,</p> <p style="padding-left: 40px;">(i) \$3 500 for an application for a business approval,</p> <p style="padding-left: 40px;">(ii) \$1 000 for an application for a key staff approval,</p> <p style="padding-left: 40px;">(iii) \$700 for an application for a skills approval, and</p> <p style="padding-left: 40px;">(iv) \$300 for an application for an invitation approval respecting a business approval;</p> <p>(b) for the purposes of section 7 (3) (d) of the Act, \$200.</p>	<p>3</p> <p>(a) The following fees are in effect as of February 1, 2017:</p> <p style="padding-left: 20px;">i. \$3,500 for an application in the BC PNP's Entrepreneur Immigration stream;</p> <p style="padding-left: 20px;">ii. \$1,000 for an application for a Key Staff person within the BC PNP's Entrepreneur Immigration stream;</p> <p style="padding-left: 20px;">iii. \$700 for an application in the BC PNP's Skills Immigration stream, including Express Entry British Columbia;</p> <p style="padding-left: 20px;">iv. \$300 for a registration ("invitation approval") in the BC PNP's Entrepreneur Immigration stream;</p> <p>(b) \$200 for a request for a review of a decision.</p>
Representatives	
<p>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).</p>	<p>4</p> <p>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</i>

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	<p><i>Quebec</i>; or</p> <ul style="list-style-type: none"> • An immigration consultant who is a member in good standing of the Immigration Consultants of Canada Regulatory Council.
Application Requirements	
<p>5 The following requirements are prescribed for the purposes of section 3 (3) (d) of the Act:</p> <p>(a) the director has not, during the 2 year period immediately before the date of the application, determined that the applicant</p> <p style="padding-left: 40px;">(i) made a misrepresentation in relation to a previous application under the Act or otherwise failed to comply with the Act or regulations, and</p> <p style="padding-left: 40px;">(ii) knew or ought to have known of the misrepresentation or other failure;</p> <p>(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</p> <p style="padding-left: 40px;">(i) made a misrepresentation in relation to a previous application under the Act, or</p> <p style="padding-left: 40px;">(ii) failed to comply with a requirement made under section 11 (2) (d) of the Act, and</p> <p style="padding-left: 40px;">(iii) knew or ought to have known of the misrepresentation or failure;</p> <p>(c) the applicant does not have another active application;</p> <p>(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.</p>	<p>5</p> <p>(a) The BC PNP may refuse to accept an application from an applicant who made a misrepresentation in a previous application, if the applicant knew or ought to have known about the misrepresentation. The BC PNP may refuse to accept applications from these individuals for a period of two years. This two year period begins on the date that the BC PNP made the finding of misrepresentation. In most cases this will be the date of the final decision on the first application (i.e. the date at which the BC PNP communicated the finding of misrepresentation to the applicant).</p> <p>(b) The BC PNP may refuse to accept an application from an applicant whose supporting employer made a misrepresentation in support of any BC PNP application, or where the supporting employer knew or ought to have known about a misrepresentation. The BC PNP may refuse to accept applications based on offers of employment from these supporting employers for a period of two years. This two year period begins on the date that the BC PNP made the finding of misrepresentation. In most cases this will be the date of the final decision on the first application (i.e. the date at which the BC PNP communicated the finding of misrepresentation to the employer).</p> <p>“Ought to have known” means that even if the applicant/supporting employer was not aware of a misrepresentation, they should have reasonably been aware of it.</p> <p>“Misrepresentation” can include any of the following:</p> <ul style="list-style-type: none"> • submitting false information in an application or registration;

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	<ul style="list-style-type: none"> • failing to disclose information relevant to an application or registration; • communicating directly or indirectly, by any means, false or misleading information, or concealing relevant information, in any communication with the BC PNP or otherwise during the evaluation process. <p>Only one active application (submitted and not yet decided) can be in process with the BC PNP at a time.</p> <p>Invitations to Apply have a set period for which they are valid. Please refer to the online Applicant Program Guide or the text of the Invitation to determine the deadline for submitting an application.</p>
Approvals	
<p>6 The following matters are prescribed for the purposes of section 4 (1) of the Act:</p> <ul style="list-style-type: none"> (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 <ul style="list-style-type: none"> (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, 	<p>6</p> <ul style="list-style-type: none"> (e) Immigration-linked investment schemes are defined in section 87(9) of the Immigration and Refugee Protection Regulations (Canada) as a strategy or plan <ul style="list-style-type: none"> a. where one of the objectives of the strategy or plan is to facilitate immigration to Canada and one of the objectives of the promoters of the strategy or plan is to raise capital; or b. where the agreement or arrangement in respect of the strategy or plan was entered into primarily for the purpose of acquiring a status or privilege under the Act. (f) Whether the information contained in the application is accurate, complete and reliable. This means the information is true, there is no information missing which should have been provided by the applicant, and the information is supported by relevant documentation or other evidence where appropriate. Where information has been discovered to be false or incomplete, the applicant or representative should take immediate steps to notify the BC PNP and provide correct and complete information. (g) this applies only to the Entrepreneur stream of the BC PNP.

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<p>complete and reliable;</p> <p>(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.</p>	<p>Active management means the applicant is accountable for the day-to-day operations of the business. Active management must occur at the place of business in B.C.</p>
<p>Obligations of an approved person</p>	
<p>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.</p>	<p>7 Refer to section 4 of the Regulation.</p>

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