

# Navigating Tough Cases Using Provincial Nominee Program

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The PROVINCIAL NOMINEE PROGRAM (PNP) has practically become a household term with the overwhelming popularity of the Manitoba PNP. The PNP application has seen a tremendous increase in submissions being made across Canada. The business of obtaining job offers has also seen a great deal of increase in Canada.

The whole idea of utilizing companies who say they specialize in obtaining job offers for immigrants and their families does not sit well from an ethical standpoint. The aspect of this business that makes it appear fraudulent is the notion that someone can obtain a guaranteed job offer for persons who are applying from outside of Canada and who do not already have a connection to any particular region in Canada.

The PNP can be successful even if a person does not have a job offer. The idea of obtaining a job offer can be very difficult for any individual. One must review the national job bank to determine where the high demand occupations really exist. It is important to make direct contact with companies and do your own due diligence.

Another important area where clients desperately need assistance is in the case of persons who either have unsuccessfully made a refugee application or who are currently pending on a refugee application. Many successful applications have been made to PNP offices for individuals who are in Canada and have obtained employment in an area that they command the ability of special expertise. It is best to assemble and collect all relevant informa-

tion for the PNP application to be made while the individual or family is present in Canada.

The Canadian government however is very keen on ensuring that all persons who are interested in immigrating to Canada do so by preparing an application for permanent residence from outside of Canada. In other words, the federal government is very concerned about opening the floodgates wherein persons make it to Canada's borders, make a refugee claim and then just make and file a PNP application and not leave Canada at all. The idea is to make it to Canada's borders and declare refugee status thus skipping the long lines that exist in other countries with respect to filing a permanent resident application from outside of Canada.

The federal and provincial governments have previously established an agreement wherein the PNP involved will not accept a new application filed by an individual who already has either made a refugee application or has been refused refugee status.

The strategy that can be used and with success every time, is to assess the employment position of the client, ensure that the position meets the credentials of the client and then immediately prepare all forms for submission of the PNP. Once the client has departed Canada the application is filed with the nominee office of choice. The application is officially received. The applicant may have to remain outside of Canada for about 12 months. The other important point to be wary of is the potential for an ARC to be filed. Usually refused refugees will have to file an AUTHORIZATION TO RETURN TO CANADA (ARC) form which has a separate price tag of \$400.00CAD. The document itself is rather brief (only two pages) but the cost can be prohibitive to clients. It is important to discuss and review with clients in order that they budget themselves accordingly.

If the client is interviewed properly and all relevant PNP forms are prepared the application to PNP can be successful for clients who would otherwise have to depart Canada and never really have a fair chance of returning with any real and sure success.