



Guide to the Post-Graduate Entrepreneurial Stream

New Brunswick
Provincial Nominee Program





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PART 1: Contact Information

Courier address:

Department of Post-Secondary Education, Training and Labour
Population Growth Division
New Brunswick Provincial Nominee Program
500 Beaverbrook Court, 5th Floor, Suite 500
Fredericton, NB CANADA E3B 5X4

Mailing address:

Department of Post-Secondary Education, Training and Labour
Population Growth Division
New Brunswick Provincial Nominee Program
PO Box 6000, Fredericton, NB CANADA E3B 5H1

Telephone: 506-453-3981
Fax: 506-444-6729
Email: pges-vepd@gnb.ca
Web: www.welcomenb.ca

Business hours:

Monday to Friday, 8:15 a.m. – 4:30 p.m., Atlantic Standard Time (AST)
Closed Saturday and Sunday
Closed on statutory holidays

PART 2: Introduction

The New Brunswick Provincial Nominee Program (NBPNP) Post-Graduate Entrepreneurial (PGES) Stream is designed to provide a pathway for individuals who have graduated from a recognized university in New Brunswick or the New Brunswick Community College after at least a minimum two years of full-time study. Have started or acquired a business in New Brunswick including operating it for at least one year while on a valid Post-Graduate Work Permit, and who intend to settle in New Brunswick permanently.

The NBPNP, administered by the Department of Post-Secondary Education, Training and Labour (“the Department”), is an immigration recruitment and selection program that allows the Government of New Brunswick to nominate individuals with the greatest ability to become economically established in New Brunswick. This stream is part of an economic immigration program and is not intended for family reunification, protected persons or for humanitarian and compassionate reasons.

The *Guide to the Post-Graduate Entrepreneurial Stream* (“Guide”) provides comprehensive information about the NBPNP Post-Graduate Entrepreneurial Stream. To learn more about Program requirements and to determine your eligibility, you must review this Guide before you contact the Department.

The graphic on the right provides an overview of the stages for achieving permanent residence and settling in New Brunswick through the Program. You will notice that the Department is involved in four of the five stages. Stage four, applying for and receiving permanent residence, is the responsibility of the Government of Canada through the Department of Immigration, Refugees and Citizenship Canada (“IRCC”). Details regarding these steps are outlined in this Guide.



Section 87 of the *Immigration and Refugee Protection Regulations (IRPR)*, SOR/2002-227, establishes the “provincial nominee class” as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada. Under the authorities of subsection 8(1) of the *Immigration and Refugee Protection Act (IRPA)* and subsection 5(1) of the *Department of Citizenship and Immigration Act, 1994, c-31*, the Provincial Nominee Program operates under individual agreements between the federal government and each Provincial-Territorial government.

The New Brunswick Provincial Nominee Program (NBPNP) is administered in partnership with Canada, as represented by the Department of Immigration, Refugees and Citizenship Canada (IRCC) in accordance with the 2017 *Canada-New Brunswick Immigration Agreement (CNBIA)*. IRCC and the Department of Post-Secondary Education, Training and Labour (“the Department”) have outlined their respective roles and responsibilities in the agreement. Specifically, the Department is responsible for:

- Program design;
- Establishing the eligibility requirements for programs;
- Promoting the NBPNP;
- Recruiting qualified applicants;
- Nominating immigrants destined to New Brunswick based on their ability to become economically established in New Brunswick, and their genuine intention to live in New Brunswick; and
- Monitoring, evaluating and reporting on the NBPNP.

Canada is responsible for ensuring that applicants admitted under the Provincial Nominee Programs meet the requirements of membership in the economic class as provided under the IRPR, and that they are assessed for nomination using criteria designed to determine their eligibility for consideration in the economic class, and making the final selection and admissibility decisions and issuing visas.

It is the responsibility of all candidates to prove a genuine intention to reside in New Brunswick as described in Section 87(2) (b) of the *Immigration Refugee Protection Act, S.C. 2001, c. 27*, Regulations which state that “a foreign national is a member of the nominee class if they intend to reside in the province that nominated them”.

PART 3: Terms and Conditions

You must be fully aware of the following terms and conditions of the Post-Graduate Entrepreneurial stream before you submit an Expression of Interest and/or application.

1. PREPARING A COMPLETE APPLICATION

Your application package is complete when you have answered all of the questions on the application form, and submitted all the necessary documents along with your application. It shall be processed if:

- The application is made in the form and order as outlined in the *Document Checklist - Post-Graduate Entrepreneurial Stream (NB-002PGES)*;
- The required forms and documents are completed, signed, dated and notarized (as applicable); and
- Processing fees are included and have been paid by VISA, MasterCard or American Express, through Service New Brunswick (SNB).

All applications received are checked upfront for completeness, and when the Department receives an incomplete application, it will return the entire application package with a notice letter indicating what information or document is missing in the application. You may resubmit the application (with the updated information/documents) or you may request to withdraw your application and have your processing fees refunded.

Once an application is reviewed for completeness, it will be assessed according to the Program's eligibility requirements. From this point forward, processing fees will not be refunded and your application (in whole or in part) will not be returned to you.

You should obtain multiple originals of any document(s) submitted with your application including reference letters from employers, language test results, educational credential assessments, police certificates, etc. If a photo copy is requested, do not send originals as they will not be returned.

2. ACCEPTING YOUR APPLICATION

The availability of NBNP streams and categories is dependent upon application volumes. The Department reserves the right to close Expression of Interest and application intake for any stream or category at any time, without prior notice. Further, the Department may decline to consider applications to closed or suspended streams or categories, regardless of when applications were submitted. Notice of suspension or closure of streams and categories is available at:

Department of Post-Secondary Education, Training and Labour
(Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca.

3. LOCK IN DATE FOR APPLICATIONS

The "lock-in" date is considered to be the date that a completed application is received and date-stamped by the Department; and when the department assigns an application number.

The date you sign the application is not the date on which the application is determined to be complete and accepted for processing. Where the date on an application is more than three months old (90 calendar days) when received (stale-dated), or where the date is a date in the future (post-dated), the application will be treated as if unsigned.

An unsigned application is not considered to be a complete application and will be returned to you by the Department. It is not necessary to submit a new application kit or to re-sign and re-date an application every time an application is returned for incompleteness. Providing the application is signed and dated, not post-dated or stale-dated.

4. PROCESSING YOUR APPLICATION

The Department is not obligated to process (or assess) any Expression of Interest or application submitted to one of its streams or categories.

The decision to process (or assess) any particular application, and the outcome is at the sole discretion of the Department.

Applications will be processed (or assessed) according to the following factors: application volumes, completeness of individual applications, business trends, economic forecasting, and any other factors as determined by the Department.

Priority processing will be given to applicants who have the greatest ability to become economically established in New Brunswick, as determined by the Department.

5. ADVISING THE DEPARTMENT OF CHANGES IN YOUR APPLICATION

It is your responsibility to notify the Department, in writing, of any changes in your life circumstances including but not limited to: family composition, marital status, country of residence, employment, contact information, etc., using the *Request to Amend Details of Your Application Form (NB-010)* available at:

- Department of Post-Secondary Education, Training and Labour (Immigration and Settlement in New Brunswick, Canada): www.welcomenb.ca.

Failure to notify the Department of any changes may result in the refusal of your application.

6. WITHDRAWING YOUR APPLICATION

If you wish to voluntarily withdraw your application prior to receiving a final decision you shall advise the Department in writing by completing and submitting the Request to Withdraw Your Application Form (NB-011) available at:

- Department of Post-Secondary Education, Training and Labour (Immigration and Settlement in New Brunswick, Canada): www.welcomenb.ca

Other than in the case of suspected or actual misrepresentation, applicants may voluntarily withdraw their application at any time without penalty. However, processing fees will not be returned.

7. REASONS WHY THE DEPARTMENT WILL NOT ACCEPT YOUR APPLICATION

The Department shall not to accept your application if:

- You are a passive investor (i.e. an individual who intends to invest in a business in New Brunswick with limited or no involvement in the day-to-day management of the business);
- You have a connection to another Canadian province or territory, and have no connection to New Brunswick;
- You have an active application in process through another immigration program in Canada;
- You have been refused by another immigration program in Canada for misrepresentation on your application;
- You have not been lawfully admitted to your current country of residence;
- You are not lawfully residing in your current country of residence;
- You are working in Canada without authorization;
- You are residing in Canada and are out of legal status, and you have not applied for restoration of status within 90 days from the date of the IRCC refusal notice;
- You are prohibited from entering Canada;
- You are under a removal order inside or outside Canada;
- You have an unresolved humanitarian and compassionate claim in Canada, or are a failed humanitarian and compassionate claimant living in Canada;
- You have an unresolved refugee claim in Canada, or are a failed refugee claimant living in Canada;
- You are engaged in full-time post-secondary education; and
- You have not received an Invitation to Apply, or your Invitation to Apply has expired;
- The name on the Invitation to Apply does not match the name of the Principal Applicant named in the application;
- You have retained a Representative who does not meet the terms and conditions for a Representative as described in the Guide;

- In the five years immediately prior to submitting an application to the Department, you have been found by the Department to have misrepresented or intentionally withheld material facts relating to a relevant matter that causes or could cause the Department to make an error in the processing (or assessing) of your application, or the decision to issue a Certificate of Nomination; and
- You have an active application registered with the Department; and
- Any other factors as determined by the Department.

8. REFUSING YOUR APPLICATION

If your application is being considered for refusal you will receive a “letter of refusal” from the Department.

There is no appeal process for refused applications.

9. REQUESTS FOR INFORMATION FROM THE DEPARTMENT

The Department may request additional evidence and information as reasonably required to verify and process (or assess) your EOI, application and/or business plan. Failure to provide such information in a timely manner shall result in the refusal of your application.

10. PARTICIPATING IN INTERVIEWS

The Department may require you to participate in an interview, as reasonably required, to verify information related to your application and/or business plan, or for any other reason (to be disclosed at the time of the request). The interview shall be held in your choice of English and/or French. Interpreters are not permitted during the interview. The format, location and time of the interview shall be determined by the Department. Failure to attend your scheduled interview shall result in the refusal of your application.

11. ISSUANCE OF A NBNP CERTIFICATE OF NOMINATION

- The decision to issue a Certificate of Nomination is at the sole discretion of the Department.
- The Department shall rely upon the information contained in your EOI and application in issuing the Certificate of Nomination;
- The issuance of a Certificate of Nomination is just one of a number of requirements for immigration to Canada. The final decision regarding admission to Canada as a permanent resident will be made by IRCC

and does not guarantee the issuance of a permanent resident visa.

- The Certificate of Nomination shall be valid for six months from the date of issuance.
- The offering of a Certificate of Nomination does not constitute any endorsement or sanction of the merits, feasibility, and investment potential or commercial viability of a business in New Brunswick; and

12. AMENDING A CERTIFICATE OF NOMINATION

The Department shall consider amending a Certificate of Nomination if the certificate must be revised or additional time is required to submit an application for permanent residence to IRCC, providing you give sufficient reason(s) and verifiable supporting documents;

You shall make a written request to amend the certificate prior to the expiry date on the current certificate by completing and submitting the Request to Amend the Details of Your Nomination Certificate (NB-012) available at:

- Department of Post-Secondary Education, Training and Labour (Immigration and Settlement in New Brunswick, Canada): www.welcomenb.ca

Failure to submit the written request prior to the expiry date on the current certificate will result in the withdrawal of the certificate by the Department;

A maximum of two amendments shall be issued by the Department; and

If granted, the amended Certificate is available for three months from the date of issuance.

13. WITHDRAWING A CERTIFICATE OF NOMINATION

Your Certificate of Nomination will be withdrawn if:

- You fail to comply with the terms and conditions under which you have been selected by the Department;
- You fail to inform the Department of material changes in your circumstances;
- You fail to submit a written request to amend a Certificate of Nomination prior to the expiry date on the current Certificate;
- You provide the Department with false or misleading information

relating to a relevant matter that causes or could cause the Department to make an error in the processing (or assessing) of the application, or the decision to issue a Certificate of Nomination;

- It's proven that you lack the genuine intention to live in New Brunswick;
- IRCC finds that you or a dependent family member is inadmissible as defined under Sections 33-36 of the Immigration and Refugee Protection Act; an
- The Department determines you are ineligible for any other reason.

14. SUBMITTING YOUR APPLICATION FOR PERMANENT RESIDENCE TO IRCC

If you are granted a Certification of Nomination by the Department:

- It is your responsibility to apply directly to IRCC for a permanent resident visa, within six months of the date of issuance of the Certificate of Nomination;
- IRCC will assess the application based on Canadian immigration law and make the final decision for granting a permanent resident visa; and
- The Department is not in any way responsible for any decision made by IRCC to grant or deny permanent resident status.

15. REPORTING YOUR LANDING TO THE DEPARTMENT

If you receive a permanent resident visa from Canada you are required to report your landing, in writing, to the Department within 30 days of the landing date in Canada using the *Report Your Landing to the NBNP Form (NB-013PGES)* available at:

Department of Post-Secondary Education, Training and Labour
(Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca.

16. COMMITTING MISREPRESENTATION

You and/or any person involved with your application, who has misrepresented or intentionally withheld material facts relating to a relevant matter that causes or could cause the Department to make an error in the processing (or assessing) of your application, or in the decision to issue a Certificate of Nomination shall:

- Be refused for misrepresentation, regardless of their ability to meet any or all of the eligibility requirements; and
- Be excluded from submitting an Expression of Interest or application, or otherwise apply for immigration through the NBNP for a period of five years from the date of issuance of the refusal letter issued by the Department.



PART 4: Using a Representative

You are not required to use a paid or unpaid representative to apply for immigration through the NBNP. If you follow the instructions in the Guide, you can complete the forms, collect the required documents and submit them on your own. All the forms and information that you need to apply for Permanent Resident status are available for free on our website.

The Department assesses all EOIs and applications equally, regardless of whether they were prepared with the assistance of a representative. Applications will not receive special attention, faster processing, or a more favorable outcome if they are submitted using the services of a representative.

You may choose to use a representative to provide immigration advice or to help. If so, you must disclose that you have received assistance in preparing an application whether or not the person is compensated or receives a benefit as a result of such assistance. Failure to declare such assistance will result in the refusal of your EOI or application.

There are two types of representatives: authorized compensated (paid) and uncompensated (unpaid). Representatives must meet the requirements for authorized representatives stated below.

If you wish to use the services of a representative, you must complete the *Use of a Representative Form (NB-007)* and include it with your application.

You are responsible for all the information in your application even if your representative completes it for you. It is against the law to give false or misleading information in your application. If the information on your application is false or misleading, your application will be refused. For more information visit:

Government of Canada – Learn about Representatives:
<http://www.cic.gc.ca/english/information/representative/rep-who.asp>.

Designated New Brunswick Immigration Representatives

If you decide to use a paid representative, you must submit your EOI and application through a representative designated by the Department of Post- Secondary Education, Training and Labor. If an EOI or application is received from an immigration representative whom has not been designated by the province then it will be returned. A list of designated representatives is available at:

- Department of Post-Secondary Education, Training and Labor (Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca

The Immigration and Refugee Protection Act (IRPA), section 91(2), restricts payment for representation or advice to specific groups.

Uncompensated (unpaid) representatives or third parties

You may use the services of unpaid representatives, such as family members, friends and other third parties who do not charge a fee. They may provide the same services as paid representatives, but they do it for free.

The Department only considers uncompensated representatives or third parties as unpaid if they do not charge fees or receive any other compensation or benefit for providing immigration advice or related services. If your uncompensated representative or third party is found by the Department to have charged fees for, or otherwise benefited from acting as your representative, the Department will revoke such person's eligibility to serve as your representative and will refuse your application

Changing or Cancelling Representatives

You may only have one representative named in your application at any given time. If you change or cancel your paid or unpaid representative, you

must provide notification to the Department by submitting a revised *Use of Representative Form (NB-007)*. Submitting a revised form will automatically cancel any previously appointed representative. Failure to declare a change in representative will result in the refusal of your application. You are responsible for ensuring your application is updated to reflect any change in representative.

Declaration and consent

You must complete the *Use of Representative Form (NB-007)*. It confirms that:

- you have authorized the individual named on the form to represent you and act on your behalf with the Department. This may include representation throughout the EOI, application and assessment processes, and communication with the Department as required, including disclosure of personal and/or confidential information to your representative;
- if your representative enters the EOI and/or application on your behalf, you should review the information provided as you will be legally responsible for the accuracy of its contents;
- at its discretion, the Department may contact you directly to request additional evidence or information to verify information in your EOI, application and/or business plan to determine if you meet or continue to meet all program requirements; and
- correspondence from the Department will be sent to you and your representative. Therefore, it is important for you to include your personal contact information on the application.



PART 5: Processing Fees

The Department of Post-Secondary Education, Training and Labour charges fees to partially recover the cost of providing services to the public. Fees are set to recover as much of the costs of each service without imposing undue hardship or affecting access to services.

There is no fee associated with the submission of an EOI (Step 1). You must pay the processing fee of CAD \$250 at the time of your application for immigration through the NBPNP (Step 3). Your spouse or common-law partner and dependent children are included in the processing fee.

The NBPNP processing fee is non-refundable whether your application is approved or not.

Proof of payment must be included with the application for the service requested. You will need to complete the *Processing Fee Payment Form (NB-006)* and include it with your application. Processing fees are payable online by Visa, MasterCard or American Express at www.snb.ca/NBPNP.

You and your family members must also pay for medical examinations, police clearances, fees associated with language testing and obtaining documents. Other fees may apply including, but not limited to, language testing, educational credential assessments, net worth verification and document translation.



PART 6: Eligibility Requirements for Applicant

Your Expression of Interest and application will be assessed according to eligibility requirements for the following factors: age, language, education, work experience, economic benefit of the business in NB and adaptability.

Each factor will receive a score. Scoring will be completed in two stages: first, at the Expression of Interest stage and second, when the Department receives your application, as outlined below. You must score a minimum of 65/100 to be eligible to apply for the program.

1. Age

You may be awarded up to a maximum of 10 points based your age. **You must be between 22-40 years of age.** Your age is assessed as of the day that a complete application is submitted to the Department in response to an Invitation to Apply (ITA), and an application number is assigned. Age is not considered as of the date the Department receives your Expression of Interest.

Age in years	Maximum points
21 or less	0
22-34	10
35-40	5
41 or more	0



2. Language

You may be awarded up to a maximum of 35 points based on your language ability. **You must have a minimum level of Canadian Language Benchmark (CLB) 7 in English or Niveaux de compétence linguistique canadiens (NCLC) 7 in French in all four language abilities: reading, writing, listening and speaking.**

You must provide valid test results from one of the following designated third party language test providers:

- The International English Language Testing System General:
www.ielts.ca
- Le Canadian English Language Proficiency Index Program General (CELP-IP-General)
www.celpip.ca
- The Canadian English Language Proficiency Index Program General:
www.celpip.ca
- Test d'Évaluation de Français:
<http://www.centredelanguefrancaise.paris/tests-diplomes/test-evaluation-francais-tef/tef-canada>

Language test results must not be more than 18 months old as of the date an application number is assigned by the Department.



Language	CLB	Reading	Writing	Listening	Speaking	Maximum points
First official language	CLB 9+	7	7	7	7	28
	CLB 8	6	6	6	6	
	CLB 7	5	5	5	5	
Second official language	CLB 7+	5				7

For more information about language equivalency:
Government of Canada (Language test equivalency charts)
www.cic.gc.ca/english/resources/tools/language/charts.asp

3. Education

You may be awarded up to a maximum of 25 points based on your completed education.

You must have completed a full time New Brunswick post-secondary diploma or degree of at least 2 years (15 hours of class per week) in length from a recognized University in New Brunswick or the New Brunswick Community College. You must have resided in New Brunswick during the academic program (no distance learning programs or compressed academic programs will be eligible).

You must provide either a Canadian educational credential or a foreign educational credential. You must also provide an Educational Credential Assessment (ECA) report from a designated agency to prove that your overseas diploma, degree or certificate is equivalent to a completed Canadian credential.

Foreign education must be verified by an Educational Credential Assessment (ECA) produced within the last five years prior to the date an application number is assigned by the Department.

ECA's are accepted from the following agencies:

- Comparative Education Service – University of Toronto School of Continuing Studies (CES);
- International Credential Assessment Service (ICES);
- International Credential Assessment Service of Canada (ICAS);
- International Qualifications Assessment Service (IQAS);
- Medical Council of Canada;
- The Pharmacy Examining Board of Canada; and,
- World Education Services (WES).

“Post-secondary education” means full-time studies from a licensed post-secondary institution (a stage of higher education that comes after high school and refers to a college, university or technical school offering programs of study) that leads to obtaining a credential such as a degree or diploma). “Two-years” includes scheduled winter/summer breaks and holidays. Language training such as English as a second language will not be considered towards meeting the post-secondary education requirement.

Education – Canadian, or equivalent		Points	Maximum points
Doctoral level university degree (Ph.D.)	Awarded by a New Brunswick university, after completion of a Master's degree	25	25
Masters, or Professional Degree*	Awarded by a New Brunswick graduate college or university, after completion of a Bachelor's degree *(Applicant possesses a professional degree and is licensed by the NB regulatory body in medicine, veterinary medicine, dentistry, podiatry, optometry, law, chiropractic medicine or pharmacy)	23	
Two or more Canadian Degrees or Diplomas	At least one degree or diploma shall be awarded by a New Brunswick college or university that required at least (3) three years of full time study	22	
Post-Secondary Academic degree	Awarded by a New Brunswick college or university for completion of an undergraduate curriculum that required at least three (3) years of full time study	21	
Post-Secondary Diploma	Awarded by a new Brunswick college or university in a specific trade that required at least two (2) years full time study after high school	19	

For more information about ECAs:

Government of Canada (Where can I get an Educational Credential Assessment [ECA])
www.cic.gc.ca/english/helpcentre/answer.asp?qnum=681&top=29.

4. Work Experience

You may be awarded up to a maximum of 10 points based on your previous work experience. This does not include the one year of business operations in New Brunswick.

Work Experience (last ten years)	Points	Maximum Points
6 or more years in the last 10 years in NOC O, A or B	10	10
1 – 5 years in the last 10 years in NOC O, A or B	5	

5. Economic Benefit of the Business

You may be awarded up to a maximum of 10 points based on your business in New Brunswick.

Economic Benefit of the Business	Points	Maximum Points
Business is located outside Fredericton, Moncton and Saint John	5	10
Business is in the agricultural Sector	5	
Business is in a priority sector, as defined by the Department	5	

6. Adaptability

You may be awarded up to a maximum of 10 points for adaptability.

Adaptability	Points	Maximum Points
Your spouse/common-law partner has at least one year of continuous full time employment in New Brunswick	5	10
Your spouse/common-law partner has completed at least two years of full-time study, in a minimum two-year program at a post-secondary institution in New Brunswick, with a valid study permit(if applicable)	5	
Your Spouse/common-law partner meets the minimum level CLB 5 in English or NCLC 5 in French in all four language abilities (i.e. reading, writing, listening, speaking)	5	
You, or your spouse/common-law partner have a close family relative who is a permanent resident or citizen of Canada (i.e. son, daughter, brother, sister, mother, father, grandparent, aunt, uncle, niece or nephew, 18 years or older) living in New Brunswick for at least one year at the time an EOI is submitted to the NBNP	10	
You have additional job skills demonstrated through training or experience and supported by a post-secondary credential(i.e. certificate, diploma, degree) requiring at least one year of full time study after high school	5	

PART 7: Eligibility Requirements for Business in New Brunswick

In addition to meeting the minimum eligibility requirements for the applicant, the business in New Brunswick must also meet the following criteria:

- The business must be started as a career objective. Businesses created solely for immigration purposes are ineligible.
- The business must be operated for a minimum one year prior to submission of application;
- The applicant must have 100% ownership of the equity of the eligible business;
- The applicant must provide active and on-going participation in the day-to-day management and direction of the business from within New Brunswick by:
 - Assuming risk and influencing the direction of the business;
 - Being present at the business premises on a day-to-day basis
- The applicant must receive compensation in the form of salary from the business which must, at minimum, meet the Low Income Cut-Off (LICO) as defined by statistics Canada + 10%
- The business must be in sound financial health. This means that it must be producing revenue and earning sufficient profits to allow the owner to become economically established in the province. An Audit Opinion and Special Purpose Report from a designated NB Audit Verifier will be required to assess the financial health of the business (Part 8: Application Process has more information on this requirement)
- The business must create at least one fulltime job for a Canadian Citizen or Permanent Resident apart from a family member. The position must meet prevailing wage levels and must be directly related to the business;
- The business must be established as a sole proprietorship, or corporation;
- The business must be a continued operation of an existing business, or the establishment of a new business;
- The business must be a for-profit entity with the primary purpose of earning profits through the sale of goods and/or services;
- Considered a “permanent establishment” as defined under subsection 400(2) of the *Canadian Income Tax Regulations*, 1985
- The business must create significant economic benefit through:
 - Increased value added manufacturing or processing for New Brunswick exports;
 - Enhanced research and development;
 - Development of new products and/or services;
 - Development of innovative approaches to traditional businesses;
 - Development of new technologies;
 - Enhanced technology commercialization;
 - The transfer of technology and specialized knowledge to New Brunswick;
 - Providing products and/or services to an under-served local or regional market; and
 - Other, as determined by the Department.
- The business must pay income tax on taxable income earned in the Province, regardless of income or other taxes which may also be payable in other jurisdictions as a result of income earned or other business activity;
- The business must comply with all legislation in the Province including, but not limited to, the: *Employment Standards Act*, *Human Rights Act* and *Occupational Health and Safety Act*.
- The business must comply with all Canadian laws in establishing, purchasing and maintaining the business;
- The business must obtain the necessary licenses and permits, etc., from all applicable municipal, provincial and/or federal authorities; and
- The applicant must commit to not selling the business for a minimum of three years after receiving Permanent Residence in Canada.

List of ineligible businesses

The lists below are not intended to be exhaustive. The department reserves the right to modify the lists of excluded business activities and/or characteristics at any time.

The following business activities are not eligible for the Post-Graduate Entrepreneurial Stream:

- adult services including but not limited to the production, distribution and/or sale of pornographic or sexually explicit products and/or services,
- and/or the provision of sexually oriented services;
- aestheticians and services;
- beauty salons;
- bed and breakfast accommodations;
- coin operated;
- consultancy (business or agency that offers expert professional advice in a field);
- cooperative (business or organization owned and operated by its member);
- credit or debit cards (active or inactive);
- domain names;
- a farm that is maintained without expectation of being a primary source of income; financial brokerage (business that derives its prime source of income
- from acting as an intermediary for buyers and sellers);
- financial services including, but not limited to cooperatives and/or credit unions;
- home-based and/or businesses operating from a residential property;
- landlord property and rental management;
- not-for-profit businesses and organizations;
- property investment (purchase of real estate for the intention of earning a return on the investment, either through rental income, the future resale of the property or both);
- professional practices and services where the applicant fails to provide proof of licensing and/or accreditation in New Brunswick;

- secured loans where items of personal property are used as collateral
- (i.e. pawnbrokers); and
- short-term borrowing including, but not limited to, payday loan, cheque cashing, money changing and cash machines.

The following business activities may be eligible for the Entrepreneurial Stream if the applicant can demonstrate real economic benefit to New Brunswick:

- brokerage in business, insurance and real estate;
- e-commerce or online businesses where the service or product is new to the Canadian marketplace, is a significantly improved version of existing services and products, and where products are warehoused in New Brunswick;
- inn or boutique hotel that has at least five rental units, each having at least a three-piece bath; revenues of at least CAD \$100,000 and has eligible operating expenses of at least CAD \$75,000 in the last operating year, supported by financial statements and tax returns;
- real estate construction and/or development; and
- reseller of goods and/or services where the business provides value-added services such as repairs, refurbishing or recycling.

The following business characteristics are not eligible for the Entrepreneurial Stream if the business:

- is an immigration-linked passive investment scheme pursuant to Immigration and Refugee Protection Regulations section 87(5)b and as defined by IRPR 87(9);
- is conducted remotely from a jurisdiction outside New Brunswick; offers products and/or services that are primarily used during a certain time of the year;
- promotes and/or sells controlled substances and illegal drugs, prescription drugs and items used to manufacture controlled substances and/or drug paraphernalia;
- promotes and/or sells illegal items and items that encourage, promote, facilitate or instruct others to engage in illegal activities including, but not limited to counterfeit products, copies of movies, software and trademarks, etc.; and
- that by association could bring the department into disrepute.

PART 8: Application Process

The following section outlines the six steps required to obtain permanent residence to New Brunswick. The Department is involved in five of the six steps. (Step 5, applying for and receiving permanent residence is the responsibility of IRCC). Details regarding these steps are outlined below.



1. Submit an Expression of Interest (EOI) to the Department

Submitting an EOI is your first step toward permanent residence to New Brunswick.

Potential candidates must submit an EOI indicating their interest in applying for permanent residence through the Post-Graduate Entrepreneurial Stream. Those who meet the criteria will be placed into a pool of candidates. On a regular basis, the highest ranking candidates will be selected from the pool. An EOI is not an application; it is an expression of your interest to apply for immigration through the PGES.

The Department will rank candidates against others in the pool using a point-based system called the Comprehensive Ranking System. Points are awarded using the information in your EOI. You will be given a score based on factors that have been shown to help immigrants prosper in Canada. The higher your score, the more likely you are to be invited to apply for permanent residence through the NBPNP.

To be considered for entrance into the pool, you must meet the following eligibility criteria for the PGES:

- Have completed a full-time New Brunswick post-secondary degree or diploma for at least two years (15 hours of class per week) in length from a recognized university in New Brunswick or the New Brunswick Community College;
- Have resided in New Brunswick during the academic program (no distance-learning programs or compressed academic programs will be eligible);
- Owned and Operated a business in New Brunswick for one full year;
- Demonstrate an intention to settle in New Brunswick;
- Have a minimum of Canadian Language Benchmark (CLB) 7 in all four language abilities in either English or French demonstrated by either Canadian English Language Proficiency Index Program (CELPIP) General test, International English Language Testing System (IELTS) General Training test or Test d'évaluation de français (TEF); and
- Have a valid Post-Graduation Work Permit at time of application to the program

You are only allowed one active EOI submission at any given time. You may remain in the pool for up to 12 months from the date the Department receives your EOI. If you are not invited to apply within 12 months of qualifying you may submit a new EOI. As long as your EOI is active in the pool, you are required to update your profile with any new information. This may also help you to improve your ranking and increase the possibility of receiving an ITA.

Please refer to the *Request to Amend Details of Your Application Form (NB-010)*:

- Department of Post-Secondary Education, Training and Labour (Immigration and Settlement in New Brunswick, Canada): www.welcomenb.ca.



Eligibility requirements	Maximum points	Candidate score
Age	10	
Language	35	
Education	25	
Work Experience	10	
Economic Benefit of the Business	10	
Adaptability	10	
Total Score (minimum 65 points required)	100	

To create your EOI, you must complete the Expression of Interest Form- Post-Graduate Entrepreneurial Stream (NB-001PGES) located at:

- Department of Post-Secondary Education, Training and Labour (Immigration and Settlement in New Brunswick, Canada): www.welcomenb.ca.

Details for submitting an EOI are available on this form.

2. Receiving an Invitation to Apply (ITA)

Candidates selected from the pool will receive a written ITA in order to submit a full application to the Department. The number of ITAs issued in each draw is dependent upon annual processing targets and capacities. The following chart outlines the step-by-step process for receiving an ITA:

Steps for Submitting an Expression of Interest (see below)		
Step	Responsibility	Action
1	Candidates	Review eligibility requirements of the program. Only those who meet the minimum eligibility criteria can submit an EOI.
2	Candidates	Submit an Expression of Interest Form to the Department
3	Department	Assess and rank EOI's according to factors listed above; Place eligible candidates in the pool; Draw the most eligible candidates from the pool; Issue an ITA to candidates selected from the pool.
4	Candidates	Submit an immigration application to the Department within 90 days to the issuance of the ITA letter

3. Submitting an Application and Interview

An ITA letter issued by the Department of Post-Secondary Education, Training and Labour is your personal invitation to submit a full application to Department. This letter will include an ITA number that you will need if you submit an application. Details for preparing and submitting your application are available on the *Document Checklist for the Post-Graduate Entrepreneurial Stream (NB-002PGES)* available at:

Department of Post-Secondary Education, Training and Labour
(Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca.

Preparing your application

Answer every question on the forms, even if it does not apply to your situation. If an answer is left blank, the whole application is considered incomplete and the application may be returned or refused. If you do not have an answer to a question, and there are no instructions for it on the form or in the Instruction Guide, write "N/A" ("not applicable") in the space provided. That shows you have read and filled out the form fully. If your answer to a question will not fit in the space on a printed form, attach a separate sheet of paper with further details, using the same format that appears on the form. Print your name, date of birth and the title of the form at the top of each additional sheet.

Provide all documents as applicable. If you are unable to provide any of the requested documentation, please include with your application, a written explanation with full details as to why that documentation is unavailable and any other documentation that would support your claim. Failure to provide supporting documents in certain circumstances may result in the refusal of your application. Do not include any federal immigration documents with your application.

Provide all documents in the required format. The checklist indicates whether documents should be original or copy, color, one-sided or double-sided, stapled, or notarized. Documents should be numbered according to the checklist (i.e. birth certificates for the children should be numbered 2.1). When preparing the application package, do not bind the pages, put pages in a ring binder, enclose individual pages in plastic, envelopes or folders, tie, sew, bolt or glue pages together, use multiple staples on a page, or send multiple copies of identical documents. Do not use abbreviations. Do not use general words such as "employee", "working" and "manager". Use specific words such as "architect", "financial manager" and "corporate sales manager", etc.

Sign all forms as applicable. Please note that by signing these documents, you are certifying that all information provided therein, whether prepared by you or not, is complete and true in all respects. If you or someone acting on your behalf directly or indirectly submits false documents or misrepresents facts relating to your application for a permanent resident visa your application will be refused.

All documents must be in either English or French. If translation is required you must provide a certified copy of the original document. If the translation is not provided by a member in good standing of a provincial or territorial organization of translators and interpreters of Canada, you must provide an affidavit from the person who completed the translation.

Audit Opinion and Special Purpose Report

As part of your application, you must provide an Audit Opinion and Special Purpose Report. These reports must be prepared by one of New Brunswick's designated Audit Service Verifiers as listed at:

Department of Post-Secondary Education, Training and Labour
(Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca.

These verifiers are experts in auditing financial statements.

The Audit opinion will include an audit of the financial statements of the business in New Brunswick.

The Special Purpose Report will include the following:

- The financial viability and sustainability of the business discussing any relevant issues affecting the business' ability to continue in the near future as a going concern;
- Recommendation for the business to improve its viability and sustainability;
- A determination of any issues, challenges or concerns pertaining to auditing the financial statements; and
- A business review which may include but is not limited to: market analysis, product analysis, competitive analysis, and financial analysis.

You must select one of the designated Audit Service Verifiers, who will assess your financial statements and provide the required reports. You are responsible for submitting the required documents to your chosen Audit Service Verifier. The Audit Service Verifier can provide compilation services, if needed.

Once the reports are completed, you should submit them to the Department

for inclusion with your application. In order to ensure a prompt verification process by the third party of your choice, you must ensure that all information is up to date and accurate.

Applicants should supply their ITA file number to their chosen Audit Services Verifier when submitting their supporting financial documents for review.

Any and all costs associated with the provision of services by the Audit Services Verifier is the complete responsibility of the applicant.

Assessing Your Application

The Department will conduct a full review and assessment of the complete application, according to application inventory and the variety of circumstances set out in this Guide under "Terms and Conditions". Your application will be assessed against Post-Graduate Entrepreneurial Stream eligibility requirements. If it is found that you do not meet the requirements of the Stream your application will be refused. You may choose to submit a new Expression of Interest once you determine that you meet Program requirements.

The Department will also verify the information in your application with the information provided on your *EOI form*. If it is found that you and/or any person involved with your application, has misrepresented or intentionally withheld material facts relating to a relevant matter that causes or could cause the Department to make an error in the processing (or assessing) of the Expression of Interest, application, and/or the decision to issue a Certificate of Nomination shall be refused for misrepresentation, regardless of your ability to meet any or all of the eligibility requirements. You will not be permitted to submit an Expression of Interest or application, or otherwise apply for immigration through the NBNP for a period of five years from the date of issuance of the refusal letter issued by the Department.

The Department will communicate the final decision in writing to you and your representative (if applicable).

Interview

If you appear to meet the PGES Eligibility requirements you will be contacted to participate in an in-person interview with NBPNP Immigration Officers. The interview will include a site visit to your business. It is anticipated that the interview will take place within 15 business days of NBPNP's request. Failure to participate in the interview within the time period determined by NBPNP will result in the refusal of your application.

If your interview is not successful, your file will be refused. This decision cannot be appealed.

If the NBPNP Officer assessing your application is satisfied that you meet program criteria, and there are no other reasons (such as alleged misrepresentation, etc.) that would prevent your nomination, you may be nominated for permanent residence in Canada.

Refusal Decision

If your application is being considered for refusal you will receive a "letter of refusal" from the Department. There is no appeal process for refused applications.

Nomination Decision

If your application is approved you will be nominated by the Department and will receive a *Certificate of Nomination*. The Certificate is valid for six months from the date of issuance.

4. Submitting your Application to IRCC

It is your responsibility to submit a complete application for a permanent residence visa to IRCC, as indicated on the *Nomination Certificate*. Your application must be received at IRCC prior to the expiry date indicated on the *Nomination Certificate*.

Additional information on submitting your application to IRCC is available at: <http://www.cic.gc.ca/english/information/applications/index.asp>.



5. Report Landing

Within 30 days following your landing date in Canada, you must report your landing, in writing, to the Department using the *Report Your Landing (NB-013PGES) Form* available at:

Department of Post-Secondary Education, Training and Labour
(Immigration and Settlement in New Brunswick, Canada):
www.welcomenb.ca.

The business in New Brunswick must be operated for a minimum of three years after receiving permanent residence in Canada.

PART 9: Definitions

The following words and phrases shall have the meanings set out below:

Accompanying family member – A spouse, common-law partner, dependent child or dependent child of a dependent child (grandchild), who plans to immigrate to Canada with the principal applicant. Accompanying family members are included on the application.

Active management – The applicant is personally involved in the day-to-day operations and management of the business as a primary decision-maker, responsible for assuming risk and influencing the direction of the business.

Applicant – A person who submits an application under any of the Department of Post-Secondary Education, Training and Labour’s business streams.

Application – All forms, supporting documents and information submitted to the Department of Post-Secondary Education, Training and Labour in support of permanent residence to Canada.

Assets (intangible) – Non-physical assets including brand recognition, goodwill and intellectual property fees.

Assets (tangible) – An asset that has a physical form, including both fixed assets, such as machinery, buildings and land, and current assets such as inventory. The purchase of real estate is not considered a tangible asset unless it is essential to the business.

Bankruptcy – The state of being bankrupt or the fact of becoming bankrupt as described in *The Bankruptcy and Insolvency Act*.

Business – Any privately owned entity constituted, organized and recognized under Canadian law including any corporation, partnership or sole proprietorship in eligible commercial, industrial or professional activities.

Business commencement date – The date when the business starts operations in the province.

Business plan – The applicant’s plan to invest in, develop and grow the business operation in New Brunswick. It communicates who the applicant is, what the applicant plans to do and how the applicant plans to do it.

Canadian Language Benchmarks (CLB) – The Canadian standard used to describe measure and recognize English language ability of adult immigrants and prospective immigrants who plan to live and work in Canada, or apply for citizenship. The Niveaux de compétence linguistique canadiens (NCLC) is used to assess abilities in the French language.

Certificate of Nomination – A certificate issued by a province or territory that recommends a foreign national for permanent residence under the Provincial Nominee Program.

Certified English or French translations – A translation certified by an authorized person, who must compare the original document to the photocopy and print the following on the photocopy:

- “I certify that this is a true copy of the original document”;
- the name of the original document;
- the date of the certification;
- his or her name;
- his or her official position or title; and
- His or her signature.

Certified photocopy – A photocopy of an original document that is readable and certified as a true copy of the original by an authorized person. The person compares the documents and marks on the photocopy:

- the name and signature;
- the position or title;

- the name of the original document;
- the date he or she certified the document;
- the phrase “I certify that this is a true copy of the original document”.

Common-law partner – In relation to a person, an individual who is cohabiting with the person in a conjugal relationship, having so cohabited for at least one year.

Comprehensive Ranking System (CRS) – A points-based system used to assess and score a candidate’s profile to rank them against other candidates. The CRS will assess the profile information candidates submit, including skills, business experience, language ability, education and other factors.

Dependent – A spouse, common-law partner or dependent child of a Permanent Resident or principal applicant.

Deposit – The payment of \$100,000 CAD, without interest, made by the Applicant and held in trust by the Department of Post-Secondary Education, Training and Labour.

Designated third-party language test – A test showing if the applicant’s language skills meet NBNPN requirements in each of these four categories: listening, speaking, reading and writing. There are agencies designated to give the tests. This means they are approved to do so by the Department of Post-Secondary Education, Training and Labour.

Economic benefit – Benefits that can be quantified in terms of money generated, such as net income, net cash flow, or return on investment, and income tax paid etc.

Equity – The ownership in a business after all debts associated with that business are paid off. (i.e., equity = assets less liabilities).

Expression of Interest (EOI) – The application management system used by the Department of Post-Secondary Education, Training and Labour to create a pool of qualified candidates for selection to the Post-Graduate Entrepreneurial Stream within the NBNPN as operated by the Department.

Goodwill – An amount representing the excess paid for a company or its shares (or other assets) over its net asset value.

Immigration-linked investment scheme – A strategy or plan 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 where this 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 *Immigration and Refugee Protection Act*, Section 87(9).

Immigration Consultants of Canada Regulatory Council (ICCRC) – A self-regulating association of paid immigration representatives who are citizens or permanent residents of Canada.

In process – An application that has been sent to the Department of Post-Secondary Education, Training and Labour has been opened, checked for completeness, and an employee has begun to process it (enter into the computer system, etc.).

Intellectual property – A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc., as defined under the *Copyright Act* (R.S.C., 1985, c. C-42).

Invitation to Apply (ITA) – A letter sent to Applicants whom are invited by the Department of Post-Secondary Education, Training and Labour to submit an application for permanent residence to the NBNPN.

Investment – The acquisition, provision or injection of capital into eligible purchases and expenses in a business located in the province from the applicant’s own resources.

Landing date in Canada (i.e., “Interview for Final Determination”) – The final interview with an immigration officer at a port of entry or a local Immigration, Refugees and Citizenship Canada (IRCC) office within Canada, during which the applicant becomes a Permanent Resident of Canada. This happens when the applicant signs the confirmation of permanent residence.

Liquid and unencumbered funds – Cash, demand deposits (with a financial institution) term deposits, tax shelters convertible to cash and readily marketable investments, including publicly traded stocks or bonds. These funds must be free of any debts and other obligations.

Locked in – Information that is locked in during the immigration application process and which will not change over time.

Misrepresentation – Making false statements, submitting false information, submitting false or altered documents or withholding information relevant to an EOI and/or application to the Department of Post-Secondary Education, Training and Labour.

Notary – A publicly commissioned official authorized to serve as an impartial witness to the signing of a legal document.

Permanent establishment of the business – In respect of a corporation means a fixed place of business of the corporation as defined under section 400 (2) of the *Canadian Income Tax Regulations*, 1985.

Permanent Resident – A person who has acquired Permanent Resident status and has not subsequently lost that status under section 46 under section 2 (1) of the *Immigration and Refugee Protection Act (IRPA)*, S.C. 2001, c. 27.

Permanent Resident status – The position of a person who has legally immigrated to Canada but is not yet a Canadian citizen.

Permanent Resident visa – A document issued by Canada to a foreign national that allows that person to travel to Canada to become a Permanent Resident.

Pool – Applicants who meet certain criteria are put into a pool of candidates. This is a group of people that the Department of Post-Secondary Education, Training and Labour may invite to apply for permanent residence through NBPNP.

Principal applicant – When a family applies together, one member must be the main or “principal” applicant. For example, a mother applying for permanent residence with her three children would be the principal applicant. When parents are included in an application, dependent children cannot be principal applicants.

Provincial Nominee Program (PNP) – A program that allows provinces and territories to nominate candidates for immigration to Canada.

Removal order – The document used by federal immigration official to order a person to leave Canada.

Resident of New Brunswick – A person lawfully entitled to be or to remain in Canada, who makes his/her home and is ordinarily present in New Brunswick, but does not include a tourist, transient or visitor to New Brunswick. The applicant must have lived in New Brunswick for at least 75 per cent of the time during the business establishment period.

Representative – A person who has the permission of someone wanting to immigrate to New Brunswick to conduct business with the Department of Post-Secondary Education, Training and Labour on his or her behalf. The representative can be paid or unpaid.

Site visit – A visit in an official capacity by an officer from the Department of Post-Secondary Education, Training and Labour.