

#### 14. Assessing Jobs or Job Offers under the Newfoundland and Labrador Provincial Nominee Program (NLPNP) with a shorter duration than specified in the NLPNP Category

*NOTE: This policy does not apply to the Atlantic Immigration Program, as that program has federally-mandated requirements and Newfoundland and Labrador does not have the authority to vary those requirements.*

Applicants to the NLPNP are required to show that they meet the eligibility requirements of the program under which they applied, which includes having a full-time job offer for at least one (1) year from an [eligible employer](#).

However, the Office of Immigration and Multiculturalism (OIM) may consider applications from applicants who do not satisfy this requirement, if there are extenuating circumstances and provided that the following criteria are met:

1. The applicant has valid work authorization and legal status in Canada and is currently working on a full-time basis for the employer stated in the Offer of Employment Form, which includes working a consistent number of hours per week that does not fall below at least 30 hours per week during the period of employment with the employer;
2. The job offer must meet applicable laws and regulations, which includes but is not limited to:
  - Meeting Newfoundland and Labrador's employment and wage standards;
  - Compensation must not be in the form of cash or be solely commission-based;
  - Jobs which are of a seasonal or cyclical nature, or which are considered part-time, are not eligible;
  - Jobs where the employee does not work on the company's premises (for example, employees who work from home or "virtual" locations and serve the employer by telecommuting) are only eligible if the applicant is working remotely from within Newfoundland and Labrador, and the employer is also in Newfoundland and Labrador; and,
  - The job offer must not conflict with any existing collective bargaining agreements. The NLPNP will not accept any application if there is a labour dispute involving either the employer or the applicant. (e.g., international employment cannot be used as means of offsetting vacancies that are a result of a legal strike).
3. The applicant is working in a high-skilled occupation based on the [National Occupational Code \(NOC\)](#) at a TEER Category 0, 1, 2 or 3.
4. The job or job offer is:
  - a. Made by a public sector employer or other not-for-profit employers that are permanently established in Newfoundland and Labrador, such as:
    - Provincial/Federal/Municipal government organizations and agencies;
    - Public post-secondary education and training institutions; or,
    - Other not-for-profit groups registered as charitable organizations and incorporated under Part XXI (21) of the **Corporations Act RSNL 1990,c**

C-36, or the **Canada Corporations Act RSC 1970**, c.C-32, and in good standing. In addition, a not-for-profit organization must demonstrate the financial ability and stability to support the position on a long-term basis; or;

- b. Made by a private sector employer whose operations are dependent on a Government of Newfoundland and Labrador regulatory approval process. In such cases, OIM reserves the right to consult the relevant public sector body on the viability of the employer's operations, as it pertains to that regulatory approval process.
5. The employer is not able to issue an offer of employment for at least one (1) year or more in duration due to reasons beyond their control. For example, short-term extensions based on operational requirements, funding-based positions and unionized positions. The applicant must include supporting documentation in their application to demonstrate that this criteria is met.
6. The applicant must be able to satisfy an Immigration Program Development Officer (IPDO) that the employment contract is likely to be extended.
7. A review of labour market information demonstrates continued demand for the applicant's general skill sets, thus reducing the risk that they may become unemployed for a long period of time if their current employment concludes.

**Procedures:**

1. Upon receipt of the application, the IPDO will assess it according to the criteria of the category under which the individual is applying.
2. The IPDO will verify the employment status of the applicant based on the documentation on file, or may request additional documentation and/or information such as pay slips, copy of contract, or a rationale from the employer on why they cannot issue a longer job offer.
3. The IPDO will contact the employer's authorized contact person as stated in the employment documentation to confirm in writing:
  - The specific reasons why the employer is not able to issue an offer of employment that meets the NLPNP requirements;
  - Whether the applicant has a satisfactory performance review, if needed; other employer's requirements and/or conditions to maintain employment, etc., completion of any required training, certification and/or licensing for the position, if applicable;
  - The employer's overall satisfaction with the applicant's job performance and the employer's willingness to continue employing the applicant long term; and,
  - The employer's perspective on the likelihood that the employment contract will be extended, which may take into account if any past extensions that may have been issued.
4. Based on the information received, the IPDO will determine if the employment is likely to be extended, on a balance of probabilities, and will prepare a rationale to support their

view, which will be saved in the online application system. All supporting documentation must also be saved in the online application system.

5. The IPDO will then consider if the applicant's work permit will be valid for at least three months beyond the duration of employment and whether the applicant has the means to extend their work permit if they lack the employer's support, or in the event they become unemployed. IPDOs should carefully consider work permit's validity and short-term employment contracts to prevent situations that can negatively affect the applicant's legal status in Canada. If any issues are identified, the matter should be brought to the PNP Champion's attention, to determine the next steps.
6. If the IPDO is in support of the nomination, they will proceed with the steps outlined in the policy **Discretion – Exemption to Criteria Set Under the Newfoundland and Labrador Provincial Nominee Program**.
7. If the applicant/employer has not clearly shown that there is a strong likelihood that the job offer will be renewed and/or has not submitted all necessary documentation to support their position, the IPDO will refer to the **Procedural Fairness** policy and **Process for Refusing an Application** policy.