

Immigration & Population Growth Branch Program Integrity Policy

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I. POLICY STATEMENT

This Policy outlines the accountability mechanisms that allow the Immigration and Population Growth (IPG) Branch of the Department of Labour, Skills and Immigration (LSI) to ensure integrity within its economic immigration programs. Prioritizing program integrity helps foster public trust in immigration decisions. It further ensures that applicants interested in immigrating to Nova Scotia and employers interested in accessing Nova Scotia immigration programs have a fair and equitable opportunity to participate in, and benefit from, these programs.

This policy formally defines these accountability mechanisms, allows them to be communicated to program users, and formalizes the function and importance of IPG's Investigation and Compliance mandate. Through this policy, IPG strives to carry out its integrity work in an efficient manner that minimizes the impact on an application or business.

II. DEFINITIONS

Immigration Programs:	For the purposes of this policy, Immigration Programs means: <ul style="list-style-type: none">• Nova Scotia Nominee Program (NSNP);• Atlantic Immigration Program (AIP); and,• All streams within these programs, as well as any created in the future.
Party/Parties:	Parties, also referenced as "program participants," are individuals or organizational representatives who apply to an IPG immigration program or provide documentation in support of an application.
Applicants	An applicant may be an individual who applies for Nomination (NSNP) or an employing entity/employer representative, who applies for Designation or to Endorse a candidate (AIP).
Other Party(ies)	Other Parties may include any of:

- an individual who receives an offer of a job and endorsement (AIP);
- an employer supporting the application of an applicant (NSNP); or,
- an applicant's spouse who provides evidence to support the principal applicant party (as in the case of a spousal job offer).

Representatives	A representative, whether authorized or unauthorized, is any individual or organization representing an applicant and acting on their behalf within the application process, where the applicant may be a private individual or an employer.
Recruiter	A recruiter is any individual or organization, whether licensed or unlicensed, who acts on behalf of an employer/recruiting party to locate qualified candidates and fill a job vacancy.
Immigration Consultant	An immigration consultant is any individual or organization, whether licensed or unlicensed, that supplies advice, application support, or other assistance to an immigration candidate or the candidate's family members as they attempt to immigrate to Canada.
Agent or Third Party	An Agent or Third Party is any individual or organization, other than those defined above, that provides services or information that relate to an immigration program application or the recruitment, nomination or endorsement of a temporary foreign worker candidate or immigration candidate.
Fraud:	Fraud is conduct which, directly or indirectly, misleads immigration officials into advancing the immigration application of or providing immigration benefits to parties who may otherwise be ineligible.
Misrepresentation	Misrepresentation is any false representation of truth, or omission, or concealment of a material fact that induces or could induce an error in the administration of IPG programs or the <i>Immigration and Refugee Protection Act</i> . Misrepresentation may be direct or indirect and can allow program participants to secure immigration benefits for which they are not eligible.
Consideration	Consideration is a financial or other benefit that an individual or organization receives/demands from an immigration candidate in exchange for immigration application support. Consideration is an extra benefit that the immigration candidate provides to

someone in addition to, or instead of, the completion of legitimate work in exchange for a fair wage. For the purposes of this policy, consideration may be (but is not limited to) any of the following:

- Direct financial benefits to the employer, such as financial payment(s), reduced wages (“wage-shaving”) or the performance of unpaid work
- Indirect financial benefits to the employer, such as a candidate’s agreement to perform dangerous tasks with inadequate worker safety measures, the candidate’s agreement to carry out illegal work/work that is not performed in accordance with regulations, the exchange of property, or other non-monetary exchanges.

Pay-For-Employment A type of immigration fraud in which an employer supplies a job offer, evidence of employment, or continued employment to an immigration candidate (or to their representative or agent) in exchange for consideration, for the purpose of facilitating an immigration opportunity for the candidate.

Leads Pieces of information that suggest fraudulent, misrepresentative or otherwise concerning activities may have taken place in connection with an application to a Nova Scotia immigration program. Leads can be generated by external sources (see *Appendix A – Immigration Fraud Reporting*) or discovered in the course of IPG processing, compliance investigations, or file audit activities.

III. POLICY OBJECTIVES

IPG manages Nova Scotia’s economic immigration programs, which are designed to attract and retain skilled immigrant workers who meet the province’s labour market needs and contribute to the conditions that foster economic growth. For these programs to be effective, it is critical to maintain program integrity and operate with a high level of service. Strong program integrity measures further ensure ongoing confidence of partners, the government, and the public in Nova Scotia immigration programs, while protecting the rights of potential newcomers.

Fraudulent and dishonest conduct within immigration programs can dilute or hamper the efforts of government and employers to attract immigration candidates who meet the actual needs of the Nova Scotia labour market.

This policy provides IPG with a tool to:

- reduce the incidence of fraudulent or dishonest conduct;
- allow the Branch to enforce participant compliance with program requirements;
- ensure program integrity is maintained with a high degree of accountability and consistency; and,
- aid in the protection of newcomers by reducing and responding to incidents of fraud.

The specific objectives of this Program Integrity Policy are:

- To clarify the responsibilities of all parties who play a role in ensuring program integrity;
- To define conduct that is not acceptable for program participants;
- To communicate the practices and guidelines that IPG uses to identify and address unacceptable conduct; and
- To communicate the consequences for program participants who attempt to misinform or misuse a Nova Scotia immigration program, or otherwise undermine program integrity.

IV. APPLICATION

This policy applies to all participants within Nova Scotia immigration programs, including immigration candidates, dependents named in the application, employers, immigration representatives, recruiters, and other involved parties and including parties whose names were not disclosed in an application to IPG. The policy applies to these parties involved, directly or indirectly, in both the Nova Scotia Nominee program (NSNP) and Atlantic Immigration Program (AIP). It is closely aligned in intent and purpose with Sections 91, 126 and 127 of the federal *Immigration and Refugee Protection Act*. (VII)

V. POLICY DIRECTIVES

All parties involved in Nova Scotia's immigration programs must conduct themselves with honesty and integrity, as follows:

1.0 Providing Information to IPG

- 1.1 Parties submitting applications or material in support of applications must provide information that is accurate, correct, complete, and not misleading.
- 1.2 If an applicant/employer receives assistance with the application process, they must disclose that they have done so. This includes, but is not limited to, professional assistance they receive from a paid or unpaid agent, individual or consultant.
- 1.3 Parties must read and acknowledge the guides and policies for any immigration program and for the stream to which they apply.
- 1.4 The eligibility criteria of immigration programs or streams may change without notice. Applicants are responsible for submitting all the information IPG requires to evaluate an application, according to the eligibility criteria provided in the most current Application Guide for that program/stream (novascotiainmigration.com).

- 1.5 Parties must provide information to IPG as requested, where IPG deems the information is relevant in ensuring program integrity.
- 1.6 Any recruiter, immigration consultant or other third-party who provides advice, assistance, or another service in relation to an application to IPG must do so in a manner that is accurate, correct, complete, and not misleading.
 - 1.6.1 A recruiter who provides advice, assistance, or other recruitment services in relation to an IPG application must hold the appropriate license for their role, regardless of whether they receive consideration for their recruitment services. For a recruiter, the appropriate license is the Temporary Foreign Worker Recruiter License issued by the Labour Standards division of the Nova Scotia Department of Labour, Skills and Immigration. (VII)
 - 1.6.2 An immigration consultant who provides advice, assistance, or other immigration consultation services in relation to an IPG application, and who receives consideration for their services, must hold the appropriate license for their role. For an immigration consultant, the appropriate license one issued by the Canadian College of Immigration and Citizenship Consultants. (VII)

2.0 Updating Information Already Provided

- 2.1 If a program participant submits information in a program-related application or supporting document, and that information changes after it is submitted to IPG or after the candidate has been nominated under a Nova Scotia immigration program, the changes must be reported to IPG immediately.
 - 2.1.1 For immigration candidates this includes, but is not limited to, a change in marital status, job duties, work location, employment status and immigration status, or any other particulars that were previously reported to IPG.
 - 2.1.2 For employers this includes, but is not limited to, operational changes within the workplace that has or could have implications for the program participant's job, changes to their work location(s), or any other particulars of a candidate's job that were previously reported to IPG.
- 2.2 Any third party, including a recruiter or immigration consultant, who submits materials or other information in support of an application must notify IPG immediately if that information changes.

3.0 Fraud and Misrepresentation

Program participants must not act in ways that constitute misrepresentation or fraud. Specific actions that will be regarded as a breach of this policy include (but are not limited to):

- Making a false declaration;
- Submitting fraudulent document(s), such as fabricated job reference letters;
- Supplying information that is misleading or false, such as lying about work history or recruitment activities;
- Submitting altered documents or documents with forged signatures;

- Withholding important information that is required but which is not disclosed, such as the use of a third party to facilitate the application process;
- Failing to comply with federal and provincial laws and policies related to immigration, such as working in Canada without authorization; and,
- Taking part in a fake job offer scheme or a pay-for-employment scheme.

4.0 Conduct

Parties who participate in IPG programs must conduct themselves with honesty and integrity, even apart from their dealings with IPG. A business participating in Nova Scotia immigration programs must refrain from conduct that would, by association, tend to bring the Government of Nova Scotia into disrepute or cause that business to no longer be in good standing with the province of Nova Scotia.

5.0 Investigative Process

- 5.1 IPG is responsible for conducting investigations and compliance reviews and has the sole discretion to determine whether a party has breached this policy.
- 5.2 IPG may conduct investigations and/or compliance reviews into suspected cases of fraud or misrepresentation and may inform this work by seeking information from a variety of sources.
 - 5.2.1 If an instance of possible fraud, misrepresentation, or non-compliance has been identified, IPG will contact the relevant party in writing to relay the concerns and a summary of the evidence that led to those concerns.
 - 5.2.2 IPG will grant relevant parties an opportunity to provide information or documents that explain or refute those concerns. Immigration candidates will be granted fourteen (14) days to respond to written notice of IPG concerns about a policy breach. Employers and representatives will have thirty (30) days to respond.
- 5.3 To formulate a decision, IPG's Investigation and Compliance staff will:
 - gather all material that Parties have supplied to IPG or that IPG has gathered through independent investigation;
 - analyze all materials and compile their findings;
 - formulate recommendations, which may include further review, investigation or a decision;
 - make a final decision about whether this policy has been breached and, if so, determine the appropriate sanctions; and,
 - issue a Decision Letter to the party or parties communicating the outcome of the investigation, the final decision, and any sanctions/other consequences that will apply to the parties.
- 5.4 In exercising its authority, IPG may:
 - place on hold any relevant files associated with suspected misrepresentation or fraud;
 - request IRCC place on hold any submissions made related to any files in question;

- refuse the application and any other application(s) associated with the party committing fraud or misrepresentation; and/or,
 - determine whether an application will be denied due to misrepresentation or fraud,
 - provide the party(ies) with the option to withdraw their application.
- 5.5 IPG may refuse an application, or prohibit applications, under its immigration programs in circumstances where the party or parties have engaged in harassing, discriminatory, or defamatory behaviour to any representative of the province.

6.0 Sanctions

Following an investigation and/or compliance review, IPG will – if appropriate – impose sanctions on a party/program participant.

6.1 Sanctions may include:

- a letter of warning issued to the party(ies);
- specific limits placed on future applications from that party(ies);
- prohibition from participating in any IPG immigration programs for a period of up to five (5) years; or,
- for AIP employer participants, a sixty (60) day probationary period while a decision about suspected misrepresentation is being rendered.

6.2 Sanction Timing: The sanction period begins once the Decision Letter is issued by IPG and lasts for a period deemed necessary by IPG to discourage future inappropriate use of the program(s).

VI. ROLES AND RESPONSIBILITIES OF STAFF

The Director of Investigation and Compliance is responsible for oversight of the unit and engagement with other members of the Branch's senior leadership team. The Director has the authority and responsibility to make the following decisions/determinations:

- whether to advance or end an investigation;
- whether fraud or misrepresentation has occurred, according to the directives of this policy; and,
- whether sanctions or criminal charges should result from an investigation,
- whether any findings should be referred to another agency or authority.

All IPG staff play a role in encouraging people to report concerns of fraud or misrepresentation to IPG, and to educate employers, partners, and potential immigrants about this policy and how to protect themselves.

VII. POLICY GUIDELINES

1.0 IPG Authority and Discretionary Decisions

- 1.1 An investigation into potential fraud or misrepresentation can take place at any stage of IPG's processes. An investigation may include a review of all information

that has been provided in applicants' current and/or previous applications. The investigation may also include site visit(s), personal interviews, and/or issuing requests to obtain or review pertinent documents or records. The purpose of an investigation is to determine whether an allegation or suspicion of misrepresentation is founded.

- 1.2 Decisions made by IPG are final. If IPG conducts an investigation and returns a decision to refuse an application, rescind a nomination, de-designate an employer and/or issue sanctions, there is no avenue of appeal.

2.0 Transparency and Fair Process

IPG staff will ensure that a party under investigation or review is made aware of the investigation or compliance review. Parties will be engaged in the investigative process or review through site visits, interviews, and records requests. Parties will be provided with an opportunity to respond to concerns, as follows:

- 2.1 Procedural Fairness Letter: When a possible case of misrepresentation, fraud, or non-compliance is identified, IPG will contact the relevant party in writing to relay the concerns and a summary of the evidence that led to those concerns. The party will then have an opportunity to respond to those concerns.
- 2.2 Opportunity to Respond: Relevant parties named in a Procedural Fairness Letter may respond to the concerns relayed in the letter by providing information or documents that explain or refute those concerns. Immigration candidates have fourteen (14) days to respond to a Procedural Fairness Letter. Employers and representatives have thirty (30) days to respond.

3.0 Decision Timeline

The amount of time required to complete an investigation and/or compliance review varies, according to the availability and nature of evidence, number of parties involved, file sensitivities, and other factors. IPG's Investigations and Compliance staff will make every reasonable effort to resolve the investigation or compliance review in a timely manner that has the least possible negative impact on the parties involved. Generally, an investigation will typically take between one (1) to six (6) months to complete and a compliance review may take between two (2) days up to thirty (30) days to complete.

4.0 Sanctions

Sanctions are an established tool utilized by IPG to address conduct which undermines the integrity of its programs. If a Party is found to have breached this policy, IPG may – at its sole discretion – subject the Party to one or more sanction measures.

- 4.1 Purpose of Sanctions: Sanction measures are designed and intended to ensure participation that supports program integrity by:
 - restricting a party's ability to misuse the Nova Scotia Immigration Programs for personal/financial gain;

- discouraging misuse of the program by depriving a party of the opportunities of participation;
 - limiting a party from further attempts to use the program(s) inappropriately; and,
 - identifying an instance of non-compliance and encouraging party to move forward with a course of program participation that supports the provincial goals for these programs.
- 4.2 Sanction Decisions: The type of sanction issued by IPG is determined based on a variety of considerations including, but not limited to:
- the nature of the inappropriate conduct;
 - the impact on IPG programs;
 - aggravating factors; and/or
 - mitigating factors.

5.0 Other Compliance Tools

Immigration fraud is a criminal offence in Canada and can result in charges and prosecution by federal, provincial, or municipal law enforcement officials.

Information collected by IPG regarding fraud or misrepresentation may be shared with other agencies such as Canada Border Services Agency (CBSA), RCMP, IRCC, College of Immigration and Citizenship Consultants (CICC), and other Provincial/Territorial Immigration programs.

VIII. AUTHORITY

Canada retains its authority for immigration in keeping with the *Constitution Act*, 1867, its statutory authority for the *Immigration and Refugee Protection Act* SC 2001, c. 27 and its Regulations. The NSNP and AIP are bilateral policies administered by LSI on behalf of Nova Scotia, in tandem with Canada, pursuant to separate Agreements. There is no provincial statute associated with the NSNP or AIP.

Section 6 of the *Public Service Act*, RSNS 1989, allows a member of the Executive Council to (subject to the approval of Governor in Council) enter into an agreement with the Government of Canada.

1.0 Nova Scotia Nominee Program (NSNP)

The “Canada-Nova Scotia Co-operation on Immigration Agreement” (“the Agreement”) is the basis for the NSNP. Section 9 of the Agreement states that Nova Scotia is responsible for:

“...investigating potential program abuse to ensure ongoing rigour and confidence in the immigration program.”

2.0 Atlantic Immigration Program (AIP)

The “Canada-Nova Scotia Agreement on the Atlantic Immigration Program,” also known as the “Atlantic Immigration Agreement,” is the basis for the Province of Nova Scotia to administer AIP. Section 10.1 of the Atlantic Immigration Agreement states that:

“Nova Scotia is responsible for Fraud or Misrepresentation detection and deterrence in the administration of its designation and endorsement processes. To ensure the integrity of the Program, Nova Scotia will implement approaches and methodologies, such as quality assurance and control assurance to manage, assess, adjust, monitor and evaluate the application and performance of operational controls used to manage integrity risk in these areas, periodically. Nova Scotia will implement changes to their processes, where a need for such changes has been identified as necessary and in a timely manner.”

IX. ACCOUNTABILITY

IPG’s Investigation and Compliance Division carries out compliance reviews of program participants, conducts investigations, and returns decisions. The Senior Executive Director of Immigration and Population Growth is responsible for operational accountability of the Division, including the ongoing monitoring and enforcement of this policy. For the administration of this policy, final accountability for the activities and decisions of this policy is delegated to the Deputy Minister of Labour, Skills, and Immigration.

X. MONITORING

The Director of Investigations and Compliance will monitor the implementation, performance, and effectiveness of this policy and will be answerable to the Senior Executive Director, IPG for this responsibility.

XI. REFERENCES

This policy uses language and phrasing that can be found in Sections 91, 126 and 127 of Canada’s *Immigration and Refugee Protection Act*.

Foreign Workers – Recruiter Licence Fact Sheet¹

College of Immigration and Citizenship Consultants – Licensing Information²

¹ novascotia.ca/lae/employmentrights/FW/ForeignWorkerRecruitmentLicence.asp

² college-ic.ca/licensee-obligations/registration-information

XI. APPENDIX A: IMMIGRATION FRAUD REPORTING

IPG maintains a reporting tool that enables people to confidentially report fraud or suspicious activity related to Nova Scotia immigration programs. Clearview Connects (Clearview) is a 3rd party service provider authorized by the Government of Nova Scotia to collect this information and forward it to LSI for further investigation. Information collected this way may be disclosed to another government entity or third party in circumstances where sharing this information is permitted, according to the Nova Scotia *Freedom of Information and Protection of Privacy Act*.

To report suspected fraud through Clearview:

Clearview Website: clearviewconnects.com
Call Toll Free: 1-800-781-6341.

To report suspected fraud directly to IPG:

Call: 902-424-5230 or toll free in Nova Scotia 1-877-292-9597
Online: liveinnovascotia.com
Email: immigration@novascotia.ca
Facebook: @NSImmigration
Twitter: @NSImmigration
Mail: Labour, Skills and Immigration - Immigration and Population Growth
PO Box 1535 Halifax NS B3J 2Y3 CANADA
In Person: 1505 Barrington St., Maritime Centre (4th Floor South) Halifax NS

XII. POLICY INQUIRIES

Branch/Section: Immigration and Population Growth – Investigations and Compliance
Department: Nova Scotia Department of Labour, Skills, and Immigration
Tel: 902-424-5230
Email: immigration.integrity@novascotia.ca