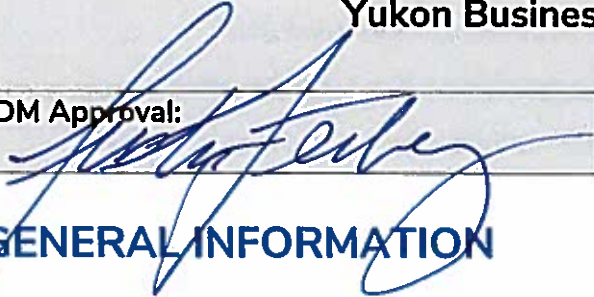




Yukon Business Nominee Policy

DM Approval:



Effective Date: May 5, 2021

GENERAL INFORMATION

The Yukon Nominee Program (YNP) is part of the Yukon Immigration Strategy and is an economic immigration program designed to support Yukon's labour market. The program is operated by the Yukon government in partnership with Immigration Refugees, and Citizenship Canada (IRCC) under the "Agreement for Canada-Yukon Co-operation on Immigration".

The Yukon Business Nominee Program (YBNP) is operated by the Yukon Department of Economic Development, in partnership with Immigration, Refugees, and Citizenship Canada (IRCC) under the "Agreement for Canada-Yukon Co-operation on Immigration". The program is designed to attract and retain skilled international entrepreneurs to add diversity and innovation to Yukon's economy. Accepted applicants become candidates for nomination support and may start a new business, purchase an existing business or partner with an existing business. In all cases, the candidate must operate the business.

Candidates receive support for a two-year work permit, during which time they are to establish themselves, their family and their business in Yukon. At the end of the permit period, candidates who meet the requirements will be supported by Yukon's issuance of a nomination certificate in their application to IRCC for Permanent Residency. IRCC is the federal department responsible for all matters pertaining to immigration to Canada.

Ultimate approval for work permits and permanent residence is the responsibility of the IRCC. The Yukon government does not intervene on or appeal IRCC decisions.

PURPOSE

The purpose of the YBNP is to help the Yukon government respond to labour market needs in a sustainable way, while at the same time ensuring that job opportunities are safeguarded for Yukoners and other Canadians.

The purpose of this policy is to provide direction, principles, and criteria for how decisions under the YBNP will be made by Economic Development.

DEFINITIONS

“Applicant” means the foreign national submitting an application under the YBNP.

“Business” means the business activity for which the application has been submitted.

“Foreign national” means a person who originates from another country and who is not a Canadian citizen or a permanent resident.

“Candidate” means a foreign national whose application under the YBNP has been approved by the immigration unit of Economic Development and has been issued a Letter of Support stating Yukon’s recommendation to IRCC that the candidate be given a two-year work permit.

“Nominee” means a candidate who has met the requirements of the YBNP at the end of a work permit, as evidenced by the issuance of a nomination certificate by Yukon.

“Representative” means either a member "in good standing" of the Canadian Society of Immigration Consultants of Canada Regulatory Council (ICCRC) or a lawyer that is a member "in good standing" of the Canadian Law Society whom the applicant has declared on a use of representative form.

“Designated Individual” means a person listed by the applicant on a consent to release information form with whom Economic Development may share applicant case information.

POLICY STATEMENT

1. Eligibility Criteria

1.1. Applicant

In order to qualify for participation in the YBNP, the applicant must meet the following criteria:

- 1.1.1. Has obtained a minimum score of 65 points on the assessment grid (including a minimum of 10 on language ability);
- 1.1.2. Has successfully completed of high school, at minimum. If the nature of the business requires a higher education, proof of those credentials will be required;
- 1.1.3. Has a minimum of three years of entrepreneurial or business management experience;
- 1.1.4. A minimum of five years of relevant work experience;

- 1.1.5. Is not a refugee and does not have an active request for refugee status with the Government of Canada;
- 1.1.6. Has never been refused immigration by the Government of Canada;
- 1.1.7. Has no applications with other provincial or territorial nominee programs;
- 1.1.8. Has earned a minimum of level 6 on the *International English Language Testing System (IELTS)* English language test OR level 4 on the *Test d'Évaluation de Français pour le Canada (TEF Canada)* test;
- 1.1.9. Has a minimum net worth of \$500,000 CAD, with documented proof that it was obtained through legal means. This MUST be verified by a Yukon accounting firm;
- 1.1.10. Has a minimum \$300,000 in liquid assets (cash, bonds, cash derivatives etc.) with documented proof that they were obtained through legal means. This MUST be verified by a Yukon accounting firm;
- 1.1.11. Intends to settle in Yukon permanently;
- 1.1.12. Agrees to reside in Yukon with dependents, if applicable, while actively managing and investing in their own Yukon business. They must hold a position within their business of NOC 0 or A.
- 1.1.13. Has not yet purchased or started the business.
- 1.1.14. Must demonstrate how they will expend a minimum capital investment of \$300,000 in the business in the first two years.
 - 1.1.14.1. Eligible expenses include: purchase of property for the business (residential expenses do not qualify), tools and equipment of a business, shares of the business (which they will be operating), and machinery (excluding personal-use passenger vehicles, even if the vehicle is occasionally used for commercial purposes).
 - 1.1.14.2. Non-eligible expenses include a residence or recreational property, vehicles that are used partially for business, unserviced land for future development or real estate to be leased primarily to third parties whether for business or personal use and other personal expenses. Operational and maintenance expenses, including marketing and travel, are not considered in this minimum capital investment. Expenses made prior to acceptance into the YBNP do not qualify toward the minimum capital investment.

1.2. Proposed Business

In order to qualify for participation in the YBNP, the applicant's proposed business must meet the following criteria:

- 1.2.1. Full ownership by the applicant or a minimum of one third partnership with Canadian or permanent resident partners.
- 1.2.2. Actively operates in Yukon (a "headquarters" office in Yukon does not qualify).
- 1.2.3. Must be feasible, comply with local regulations and laws, and stand a reasonable chance of success in Yukon.
- 1.2.4. For the full or partial purchase (partnership) of an existing business, the business must be owned by a Canadian or a permanent resident, who has registered and operated the business in Yukon for a minimum of one year prior to the application.
- 1.2.5. Must belong to one of the following Strategic Sectors:
 - 1.2.5.1. Information Technology.
 - 1.2.5.2. Manufacturing.
 - 1.2.5.3. Value-added Processing.
 - 1.2.5.4. Forestry.
 - 1.2.5.5. Tourism Products, Attractions, Services and Facilities.
 - 1.2.5.6. Energy.
 - 1.2.5.7. Mining/Mineral Development.
 - 1.2.5.8. Agriculture.
 - 1.2.5.9. Cultural Industries.
 - 1.2.5.10. Film and Video Production
- 1.2.6. Must NOT belong to one of the following ineligible sectors and activities:
 - 1.2.6.1. Passive investments.
 - 1.2.6.2. Retail, wholesale operations, distribution operations.
 - 1.2.6.3. Restaurants.
 - 1.2.6.4. Financial services.
 - 1.2.6.5. Business, consultation and personal services.
 - 1.2.6.6. Most professional services.
 - 1.2.6.7. Real estate.
 - 1.2.6.8. Holding companies.
 - 1.2.6.9. Gas stations.

- 1.2.7. CANNOT be a business partnership between two or more YBNP applicants;
- 1.2.8. CANNOT be a home-based business (the business must be located in building premises outside the applicant's home);
- 1.2.9. CANNOT be the purchase of a business owned by a current or previous YBNP candidate or nominee within the previous five-years.
- 1.2.10. Exceptions may be considered if the proposed business is deemed by YBNP to offer diversity, innovation, job creation or economic benefits to the community, unless the proposed business belongs to an ineligible sector or activity under 1.2.6.

2. Use of Representative

- 2.1. A representative is not required by YBNP. Yukon Business Nominee Program will NOT intervene in or mediate any disputes between an applicant and their representative.
- 2.2. If an applicant employs the services of a representative, the applicant is responsible for any related fees and expenses.
- 2.3. Any misrepresented information submitted by a representative will be deemed to be submitted by the applicant.
- 2.4. Applicants choosing to use the services of a representative must submit a signed Use of a Representative consent form.

3. Documentation

- 3.1. Applicants must submit a complete application. Applications that are incomplete, incorrectly filled out, or for which required documents (Appendix 1) are not provided will not be assessed.
- 3.2. Documents that are submitted without certified translation, not notarized or are not signed originals where specified are considered to be incomplete.
- 3.3. All applications and documents submitted to the YBNP become the property of YBNP.
- 3.4. The onus is on the applicant to provide suitable evidence or back-up information to enable verification of statements made in the application.
- 3.5. Applications may be refused if the immigration officer has concerns that documents may be falsified or fraudulent, or if the documents or information cannot be verified.
- 3.6. Faxed and emailed applications are not accepted.
- 3.7. The following documents must be provided as signed originals:
 - 3.7.1. All application forms.

- 3.7.2. Letters of reference.
- 3.7.3. IELTS/TEF certification.
- 3.7.4. If purchasing an existing business (in full or in part), the professional business valuation.
- 3.7.5. All financial verifications from the Yukon accounting firm.
- 3.7.6. Use of a Representative consent form, if applicable.

- 3.8. All other documentation must be notarized copies from a Canadian notary.
- 3.9. All supporting documentation must be provided in English, or be accompanied by a certified translation that includes the translator's certification, name, address, contact numbers and email address.

4. Business Plan

- 4.1. The formal business plan is submitted after the applicant has received approval in principle on eligibility and on their proposed venture.
- 4.2. The documentation must include a detailed business plan that outlines how the applicant will establish a successful business venture in one of the industries listed on the Strategic Sector List.
- 4.3. The applicant must demonstrate a minimum \$300,000 CAD investment in the business with no less than 1/3 ownership.
- 4.4. The applicant must demonstrate active and ongoing management of the business.

5. Approval of Applications

5.1. Application to Pool

- 5.1.1. The applicant submits a registration application to the YBNP containing a summary of the applicant's business proposal, and all required information in Appendix 1 (self-declared).
- 5.1.2. If the application meets the requirements of the YBNP, the application is approved to join a pool of applicants for a period of six months.
 - 5.1.2.1. NOTE: Application and documents will not be returned.

5.2. Selection from Pool

- 5.2.1. If selected by YBNP, the applicant is invited to submit their full business proposal and all required information in Appendix 1 (verified).
- 5.2.2. If the full application meets the requirements of the YBNP, the applicant is invited to a mandatory interview in Yukon.
 - 5.2.2.1. NOTE: The applicant MUST be the person at the interview – not a representative.

- 5.2.3. If approved by Economic Development, the applicant becomes a candidate and is issued a Letter of Support stating Yukon's recommendation to IRCC that the candidate be given a two-year work permit. A Letter of Support does NOT give the candidate any immigration privileges.
 - 5.2.4. The candidate must successfully apply to IRCC for a two-year work permit before being permitted to work or reside in Canada. The two-year work permit allows the candidate to own and operate a business within Yukon, subject to conditions.
 - 5.2.5. The candidate must successfully establish themselves, their family and their business in Yukon during this two-year period in order to be supported by YBNP for permanent residence.
 - 5.2.6. Once the candidate has demonstrated to Economic Development that they have achieved the required standards of the YBNP, Economic Development informs IRCC that the candidate has met the requirements for a nomination certificate and gives written notice to the candidate. This is the official nomination for permanent residence, indicating that the nominee is eligible to apply for permanent residence. It does not mean that the nominee is a permanent resident, and it does not extend the nominee's work permit.
 - 5.2.7. The nominee must successfully apply to IRCC for official permanent resident status.
- 5.3. Letter of Support
- 5.3.1. When an applicant is approved into the YBNP, Economic Development will issue a Letter of Support to enable the candidate to obtain their two-year work permit from IRCC. The candidate must:
 - 5.3.1.1. Apply for a work permit within six months of the date of the Letter of Support.
 - 5.3.1.2. Inform YBNP when they receive the work permit, and send a scanned copy of the work permit via email. At the same time, the candidate must provide the YBNP with a travel schedule with a date of arrival (arrival must occur no later than two months following the receipt of the work permit).
 - 5.3.1.3. Arrive in Yukon no more than two weeks after arrival in Canada.
 - 5.3.2. Failure to abide by these requirements and timelines will result in the withdrawal of support from Economic Development with notification to IRCC, nullifying the candidate's participation in the YBNP.

6. Year One Requirements

6.1. First Meeting

- 6.1.1.** On arrival, the candidate must meet with Economic Development at a date and time set by the department, to submit the appropriate documentation and sign a Performance Contract with Economic Development.
- 6.1.2.** The candidate will provide:
 - 6.1.2.1.** Original documentation of candidate's two-year work permit;
 - 6.1.2.2.** Confirmation of application for Social Insurance Number (and other identification documents as requested by YBNP, such as Yukon Driver's License);
 - 6.1.2.3.** Legal documents indicating the lease or purchase of a residence in Yukon (leases must be for a minimum two years);
 - 6.1.2.4.** Invoices/bills, indicating telephone, electricity and other utilities have been activated under the candidate's name;
 - 6.1.2.5.** A work plan indicating the timeline for the initial investment in the candidate's business as indicated in the approved business plan;
 - 6.1.2.6.** A list of all advisors (i.e., lawyers, accountants, etc.) that the candidate will be using; and
 - 6.1.2.7.** Other documentation as required by the YBNP.
- 6.1.3.** Failure to attend can result in the withdrawal of support from YBNP. If delays occur the candidate must immediately inform Economic Development.

6.2. YBNP Business Agreement

- 6.2.1.** The candidate must sign a binding YBNP Business Agreement with Economic Development that sets out the rules concerning the program and the expectations of Economic Development towards nominating the candidate for permanent residence.
- 6.2.2.** This agreement, as well as the candidate's submitted business plan, will guide Economic Development's evaluation of performance and adherence to program requirements.

6.3. Continued Year One Obligations

- 6.3.1.** A candidate's residency and start-up process must begin immediately and all legal documents supporting such activity must be provided to the YBNP.

- 6.3.2. Documentation showing proof of business operations is required throughout the year. Business documentation includes:
 - 6.3.2.1. Business registration.
 - 6.3.2.2. Business premises purchase agreements.
 - 6.3.2.3. Utility hook-ups.
 - 6.3.2.4. Capital asset purchases.
 - 6.3.2.5. Six month (in-house) and year-end financial statements (Notice to Reader).
 - 6.3.2.6. Other documents as required by the YBNP.
- 6.3.3. Personal Documentation includes:
 - 6.3.3.1. Government-issued ID (SIN, Yukon Health Card and Driver's License).
 - 6.3.3.2. Personal residence rent receipts or mortgage statements.
 - 6.3.3.3. Personal utility receipts for the year.
 - 6.3.3.4. Other documents as required by the YBNP (i.e., proof of residence for the candidate's, spouse and dependents, if applicable).
- 6.3.4. All Candidates must meet with staff of the YBNP or be visited on-site (business or residence) on a quarterly basis.
 - 6.3.4.1. On-site visits may be scheduled or unscheduled.

7. Year Two Requirements

- 7.1. Candidates must have their business operational and all members of the immediate family (or reword to spouse and dependents), if applicable, residing year-round in Yukon by year two.
- 7.2. During year two, candidates are expected to prepare to produce all documentation to support their application for Permanent Residency. Documentation will include:
 - 7.2.1. Year-end financial statements (Notice to Reader).
 - 7.2.2. Personal residence rent receipts or mortgage statements.
 - 7.2.3. Personal utility receipts.
 - 7.2.4. Business mortgage payments.
 - 7.2.5. Business utility receipts.
 - 7.2.6. List of business suppliers and customers.
 - 7.2.7. Other documents as required by the YBNP.

7.3. All applicants will be subject to a final on-site visit at their business or residence.

8. Final Approval For Support Of Permanent Residency

8.1. Permanent Resident Requirements

- 8.1.1. Candidates must complete the necessary requirements during the two-year work period to be supported by YBNP in applying to the IRCC for permanent residency.
- 8.1.2. Once Economic Development issues the letter of final approval the candidate becomes a nominee, and The nominee must apply to IRCC for Permanent Residence within three months.
- 8.1.3. The following milestones and/or documents must be present in order to consider a candidate for nomination to IRCC for Permanent Residency.
 - 8.1.3.1. Residency in Yukon
 - 8.1.3.1.1. Lease agreement or mortgage for residence.
 - 8.1.3.1.2. Utility bills & payments in their name.
 - 8.1.3.1.3. SIN card, Yukon driver's license, health-card for candidate and spouse and dependents, if applicable.
 - 8.1.3.1.4. Personal tax returns.
 - 8.1.3.1.5. Confirmation of child school enrollment (if applicable).
 - 8.1.3.2. Business is Operational
 - 8.1.3.2.1. Components of approved business plan are in place.
 - 8.1.3.2.2. Business licenses and registrations.
 - 8.1.3.2.3. Registration with CRA and tax number.
 - 8.1.3.2.4. Business tax returns.
 - 8.1.3.2.5. Purchase agreement (for business purchase).
 - 8.1.3.2.6. Shareholder Agreement (for partnership).
 - 8.1.3.2.7. Invoices and receipts (for business start-up).
 - 8.1.3.2.8. Notice to Reader financial statements.
 - 8.1.3.2.9. List of suppliers and contact numbers.
 - 8.1.3.2.10. List of purchasing businesses for finished goods (manufacturers).

8.1.3.3. Investments Complete

8.1.3.3.1. Agreed to dollar value investment met (re: business plan).

8.1.3.3.2. Purchase contracts for business/property.

8.1.3.3.3. Legal documents (incorporation, partnership, etc.).

8.1.3.4. Meetings

8.1.3.4.1. Scheduled meetings attended.

8.1.3.4.2. Scheduled meetings met requirements.

8.1.3.4.3. Site visits are satisfactory.

8.2. Extension of Work Permit

8.2.1. Candidates and nominees are responsible for ensuring they hold a valid work permit until they receive permanent resident status from IRCC.

8.2.2. Candidates or nominees may request a letter of support from Economic Development for a one-year extension to their original two-year work permit.

8.2.3. Economic Development reserves the right to deny a request for an extension.

9. Denial or Revocation of Applications

9.1. Denial of Applications

9.1.1. An application will be denied and the applicant notified in writing when:

9.1.1.1. the applicant or the business they are proposing do not meet the criteria set out by the program; OR

9.1.1.2. The applicant (including their representative) has committed any misrepresentation during the YBNP application process.

9.1.2. Access to the YBNP is at the sole discretion of Economic Development. Economic Development reserves the right to refuse an application even if the criteria are met. In such cases, the applicant will be notified of the reason in writing.

9.2. Administrative Review

9.2.1. An applicant whose application has been refused can request an administrative review provided that:

9.2.1.1. They submit a written and signed request within 30 days of the date of the decision;

- 9.2.1.2. The request includes sufficient detail of the reasons why the applicant believes the application should be approved; and
- 9.2.1.3. The request is based on the information provided during the application process, and not on new or additional information.
- 9.2.2. The review will be conducted by the Director, Immigration in Economic Development who will:
 - 9.2.2.1. Direct a new assessment if it is determined that the application was rejected in error; or
 - 9.2.2.2. Confirm the decision to deny the application, with the final approval of the ADM, Economic Development, if it is determined that the application was rejected in accordance with the program criteria, procedures and policy.
- 9.2.3. A written decision will be provided to the applicant within 14 business days of receipt of the request for review.
- 9.3. Revocation of Nominations and withdrawal of support
 - 9.3.1. Economic Development may revoke a nomination or withdraw support for a work permit if a nominee or candidate no longer meets the requirements of the program, has misrepresented information during or after the application process, is denied a work permit or permanent residence by IRCC, does not attend mandatory meetings, does not arrive in Yukon as per the policy, fails to apply for permanent residence as specified in this policy, or fails to meet the terms of his or her YBNP Business Agreement with Economic Development.
 - 9.3.2. When a nomination is revoked or support for a work permit is withdrawn, Economic Development will inform the candidate or nominee and IRCC of the action in writing.

ROLES AND RESPONSIBILITIES

Employees of Economic Development are responsible for making decisions on applications made under the YNP, monitoring nominees and workplaces for compliance with the requirements of the YNP, and making recommendations to IRCC about granting permanent residence status to nominees.

Employers, foreign nationals and nominees are responsible for complying with all of the requirements of the YNP.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective May 5, 2021.

LEGISLATIVE AND POLICY REFERENCES

Agreement for Canada-Yukon Co-operation on Immigration