



Northwest Territories Nominee Program Business Stream

Application Guidelines

Northwest Territories
Industry, Tourism and
Investment

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1.0 Introduction

The Canada-Northwest Territories Agreement on Territorial Nominees establishes the Northwest Territories Nominee Program (the “Nominee Program” or “NTNP”), a process that provides eligible Foreign Nationals a pathway to becoming permanent Canadian residents.

There are two streams within the Nominee Program; the Business Stream and the Employer Driven Stream. The Department of Industry, Tourism and Investment is responsible for administering the Business Stream of the Nominee Program.

The Business Stream of the Nominee Program is designed to attract entrepreneurs with business expertise and investment capital to settle in the Northwest Territories and enhance the economic environment of the Northwest Territories by purchasing or starting a business.

Immigration into Canada is a shared responsibility between the Government of Canada and the Government of the Northwest Territories, whereby:

- The Government of Canada has sole responsibility for determining, nationally and for provinces and territories, who is admitted to Canada, Immigration Classes, and annual immigration levels.

The Government of the Northwest Territories and the Government of Canada’s Immigration, Refugees and Citizenship Canada entered into the first Canada-Northwest Territories Agreement on Territorial Nominees in 2009. It was renewed in 2013 for five additional years. The Agreement allows the Government of the Northwest Territories to nominate Foreign Nationals for Permanent Residency within the Northwest Territories.

These application guidelines are for the Business Stream only and outline information and eligibility criteria required for prospective applicants to apply under the Nominee Program’s Business Stream.

2.0 Service Standards

The Nominee Program staff will:

- Provide quality and professional service;
- Except where time frames are expressly noted in these guidelines, endeavour to respond to inquiries within fifteen (15) business days;
- Endeavour to process complete applications within twelve (12) weeks of receipt of all required information and documentation; and
- Provide follow-up, as appropriate, to facilitate processing of applications.

3.0 Purpose of the Nominee Program

The purpose of the Nominee Program is to fill identified labour shortages and business investment needs in the Northwest Territories through employment and immigration of Foreign Nationals to Canada.

3.1 Program Objectives

The Nominee Program is designed to support the immigration of Foreign Nationals who contribute to the economic development and success of the Northwest Territories and who are interested in immigrating to the Northwest Territories.

The Nominee Program has the following four core objectives:

- to support territorial employers to fill labour shortages when there are no qualified Canadians available;
- to encourage direct investment in the economy and businesses of the Northwest Territories;
- to strengthen the Northwest Territories' ability to enhance the economic benefits of immigration to the territory; and
- to nominate eligible Foreign Nationals for Permanent Residency in Canada.

4.0 Nominee Program Streams

The Nominee Program has two distinct program streams:

Business Stream

The Business Stream assists Foreign Nationals who have the ability to establish, purchase, or invest in an existing business, selected primarily on the basis of its ability to provide economic benefit to the Territory and create jobs for the Foreign National and other Canadians. The Business Stream of the Nominee Program is administered by the Department of Industry, Tourism and Investment.

PLEASE NOTE THAT PROGRAM CRITERIA MAY CHANGE WITHOUT NOTICE

For applicants to the Business Stream, the Nominee Program will assess applications according to the criteria in the application guidelines, posted on the Northwest Territories immigration website, at the time the Nominee Program has formally invited the applicant, in writing, to apply.

To check if you have the most up-to-date application guidelines, please visit:

<http://www.immigragenwt.ca/invest-northwest-territories>

Please note: these application guidelines cover the Business Stream only.

Employer Driven Streams

The Employer Driven streams of the Nominee Program support employers to recruit and retain Foreign Nationals who possess the skills and experience required by an employer and who meet program eligibility criteria, when there are no qualified Canadians or permanent residents available. The following programs:

1. critical impact workers;
2. skilled workers; and
3. express entry system for skilled workers;

are delivered by the Department of Education, Culture, and Employment; for more information on applying to these programs, please visit www.ece.gov.nt.ca or www.immigragenwt.ca.

5.0 Using the Business Stream

5.1 Using an Immigration Representative

Prospective applicants do not need to hire or use an Immigration Representative to apply to the Nominee Program. Using an Immigration Representative will not secure special attention or guarantee approval.

Nominee Program applicants may choose to engage the services of an immigration consultant, however, the Nominee Program does not engage the services of any immigration agencies or representatives in any jurisdictions. No immigration consultant has been or will be allocated a quota under this program.

Use of a Paid Immigration Representative

If a paid Immigration Representative is used to conduct business on behalf of the prospective applicant, the Immigration Representative must be:

- An immigration consultant who is a member in good standing of the Immigration Consultants of Canada Regulatory Council (ICCRC);
- A lawyer or paralegal who is a member in good standing of a Canadian Law Society or a student-at-law under their supervision; or
- A notary public who is a member in good standing of the Chambre des notaires du Québec or a student-at-law under their supervision.

WARNING: Payment to an Immigration Representative who is not regulated as described above is strongly discouraged. Prospective applicants are encouraged to learn about possible immigration fraud and scams. Information is available here:

www.cic.gc.ca/english/information/protection/fraud/

Use of an Unpaid Immigration Representative

You can also use the services of an unpaid Immigration Representative, such as a family member, friend, or a member of a non-governmental or religious organization, to act on your behalf.

The Nominee Program only considers an Immigration Representative to be unpaid if they do not charge fees or receive any other compensation or benefit for providing immigration advice or related services.

5.2 How the Business Stream Works

Interested applicants need to start with a working business concept that will bring economic benefit and jobs to the Territory and a desire to move to the Northwest Territories of Canada. The prospective applicant must meet the requirements and criteria as set out in these guidelines and submit a complete application and business plan for review and possible acceptance by the Department of Industry, Tourism and Investment. The review may involve other government departments and agencies as necessary. Once a prospective applicant is accepted and the business plan is implemented in the Northwest Territories, a nomination certificate will be issued and the applicant may commence the process of applying for Permanent Residency in Canada.

The application and assessment process follows these steps:

1. Self-assessment and initial investigations;
2. Further investigations and face-to-face interview(s); (Forms NTNP-01, NTNP-05, NTNP-06, Appendix A)

3. Expression of interest; (Appendix B template)

Upon invitation to apply:

4. Formal application; (Form NTNP-03, NTNP-04, NTNP-05 if applicable, Appendix D and E)
5. Application review;

If approved:

6. Approval and the Business Performance Agreement; (Form NTNP-07)
7. Developing the business (Form NTNP-08, Form NTNP-10); and
8. Nomination (Form NTNP -11).

Prospective applicants must take into consideration that the Department of Industry, Tourism and Investment reserve the right to deny an application, at any step in the application process, when it determines that a prospective applicant is, for any reason, ineligible. Prospective applicants must also be aware that decisions on applications are final and there is no appeal process.

5.3 How to Submit an Application to the Nominee Program

A formal application may be submitted by mail or in person. An e-mail copy of all documents is also encouraged.

Only completed applications will be assessed.

Applications will not be accepted by fax. Mail or submit an application to:

Trade and Business Immigration Unit
Business Support, Trade and Economic Analysis
Industry, Tourism and Investment
Government of the Northwest Territories
9th Floor, 5102 50th Avenue
Yellowknife, Northwest Territories X1A 2L9

Prospective applicants can contact the Nominee Program by phone or e-mail at:

- Toll Free Number: 1-855-440-5450
- E-mail: immigration@gov.nt.ca

6.0 Application Steps

Step 1: Self-Assessment and Initial Investigations

For the prospective applicant, self-assessment should begin with a review of the information below in the *Eligibility Criteria for the Business Stream* section of these guidelines to determine if they meet the financial and other criteria.

Eligibility Criteria for the Business Stream

The Business Stream will be of interest to entrepreneurs and owner/operators of businesses who want to immigrate to, and establish business operations in, the Northwest Territories. Prospective applicants from all economic sectors are eligible for this stream.

Business concepts will be considered a priority if they involve a project that is new and innovative to the Northwest Territories or if the project would generate significant benefits to the Northwest Territories both in terms of investment and job creation.

The prospective applicant must:

- Invest:
 - A minimum of \$300,000 CDN equity* into starting or buying a business within the corporate boundaries of Yellowknife, Northwest Territories; or
 - A minimum of \$150,000 CDN equity* into starting or buying a business outside of the corporate boundaries of Yellowknife, Northwest Territories.
- Have a personal net worth** of:
 - At least \$500,000 CDN if starting or buying a business within the corporate boundaries of Yellowknife, Northwest Territories; or
 - At least \$250,000 CDN if starting or buying a business outside the corporate boundaries of Yellowknife, Northwest Territories.
- Demonstrate that they own at least one-third (33.3%) of the business they are starting or buying:
 - Where your personal equity investment is at least \$1,000,000 you may own less than one-third (33.3%) of the business pursuant to the *Immigration and Refugee Protection Regulations*, section 87(6)(b)(ii).
- Demonstrate that they have achieved a level of proficiency of 4 against the Canadian Language Benchmark (CLB 4) in English or the equivalent language level against the Niveaux de compétence linguistique Canadiens (NCLC) in French upon application.
- Please note that the Nominee Program will only accept test results from the International English Language Testing System (IELTS) or the Canadian English Language Proficiency Index Program (CELPIP) if submitting results in English, and the Test d'évaluation de français (TEF) if submitting results in French. Test results must be no older than two (2) years at the time of application.
- Provide to the Department of Industry, Tourism and Investment a good faith deposit of \$75,000 CDN to be held in trust and released upon satisfactory execution of the terms of the Business Performance Agreement;
- Demonstrate reasonable knowledge and understanding of the Northwest Territories and its economy;
- Demonstrate reasonable communication skills appropriate to conduct business in the Northwest Territories and to integrate into the local community;

- Have the necessary experience and education to successfully implement the business plan;
- Demonstrate sufficient financial resources to start and operate a business and support themselves and any dependents for the duration of the applicant's Business Performance Agreement;
- Not have an active application with any other provincial or territorial nominee program;
- Not have an active application with any other stream of the Nominee Program in the Northwest Territories; and
- Not be a Refugee Claimant.

* Please see *Appendix G: List of Eligible Expenses* to see a listing of eligible investments.

** Net worth must be verified by a Financial Service Provider (see *Appendix E: Third Party Financial Verification*).

LANGUAGE TESTING

To obtain an objective assessment of language ability prior to embarking on the application process, a prospective applicant may wish to take an English language test demonstrating they have attained a proficiency level of 4 against the Canadian Language Benchmark (CLB) in English or the equivalent language level against the Niveaux de compétence linguistique Canadiens (NCLC) in French.

If a prospective applicant believes that they meet these criteria then the prospective applicant is encouraged to develop a working business concept and to spend time learning about the Northwest Territories, its people, its communities and its economy.

A working business concept can be anything from identifying a business opportunity for purchase to preparation of a full-scale business plan for a new business. It is up to the prospective applicant to determine the scope of work they are willing to invest in their working business concept prior to undertaking the next steps in the process. For more information about which businesses are not permitted under the Nominee Program Business Stream, please refer to *Appendix F: List of Ineligible Businesses*.

If a prospective applicant wishes to purchase an existing business, the business must have been in continuous operation by the same owner for the previous three (3) years. The number of jobs in the business and the wages associated with those jobs cannot be lowered when the business is purchased. For more information, please see *Appendix C: Purchase of an Existing Business*.

The Nominee Program discourages prospective applicants from making any investment or financial commitment prior to entering into a Business Performance Agreement with the Nominee Program. Any investment made prior to signing a Business Performance Agreement and obtaining a valid work permit will not be recognized towards the required investment of a minimum of \$300,000 CDN equity into starting or buying a business within the corporate boundaries of Yellowknife, Northwest Territories; or a minimum of \$150,000 CDN equity into starting or buying a business outside of the corporate boundaries of Yellowknife, Northwest Territories.

Step 2: Further Investigations and Face-to-Face Interview(s)

Prior to being invited by Nominee Program staff to submit an application, prospective applicants are required to make at least one (1) business trip to the Northwest Territories, at the prospective applicant's own cost. The purpose of the trip is to gain knowledge of the Northwest Territories business environment and what is required to turn a working business concept into a business plan.

The business trip must be for a minimum of four (4) full business days to the location of the business being proposed. Travel days (those to and from the Northwest Territories), interview day(s) and statutory holidays do not count towards those four days.

Once the business trip has been made, prospective applicants are required to participate in one (1) or more face-to-face interviews with Business Stream Nominee Program staff at the Regional Centre located closest to the place of the proposed business.

Where possible, interviews can be scheduled for the next business day directly following the completion of the business trip requirement. The proposed business concept that will be discussed during the interview must be briefly summarized and submitted to Nominee Program staff at least twenty four (24) hours prior to the interview.

While Nominee Program staff will try to accommodate the needs of prospective applicants in regards to the business trip and interview requirements, scheduling of interviews is at the discretion of the Nominee Program and prospective applicants must plan accordingly.

To request and schedule an interview, please refer to *Section 10.0: Contact Information* of these Guidelines. Prospective applicants must make interview requests a minimum of two (2) weeks prior to the desired interview date. If a prospective applicant requires translation services during the time of their interview, they are to make the request in writing (via e-mail) at the time of the interview scheduling.

Where a prospective applicant is proposing to invest in an existing business in the Northwest Territories, the owner of the business must also participate in a separate interview with Nominee Program staff.

Please note that interviews will not be scheduled on statutory holidays or for any dates commencing the third week of December to the end of the second week of January.

Prospective applicants must submit, a minimum of one (1) week prior to the first interview:

- A completed NTNP-01: *Nominee Information Form*;
- A completed NTNP-05: *Authorize or Cancel a Representative Form* (if applicable);
- A completed NTNP-06: *Business Stream Nominee Application Fee Payment Form*;
- Proof of payment of the non-refundable application fee;
- IELTS or CELPIP test results confirming the prospective applicant has achieved level 4 against the CLB or the equivalent language level against the NCLC; and
- Appendix A: an up-to-date résumé

One (1) day prior to the prospective applicant's first interview, the prospective applicant is required to submit a short summary of the business concept they wish to pursue for their Nominee Program application.

The purpose of the interview(s) is to review the prospective applicant's working business concept, assess their knowledge of the Northwest Territories, and assess their business and communication skills. The prospective applicant should be prepared to speak about the research undertaken during their exploratory visit, including detailed information regarding who they met with, what was discussed and how such meetings contributed to the prospective applicant's knowledge of the doing business in the Northwest Territories and

the development of their business concept. The Evaluation Committee will conduct the interview and evaluate against the prescribed criteria.

Please note that with a completed NTNP-05: Authorize or Cancel a Representative an Immigration Representative will be able to act on your behalf throughout the Nominee Program application process, but Immigration Representatives will not be permitted to take part in a prospective applicant's interview(s). No exceptions will be made.

Step 3: Expression of Interest

Prospective applicants will be notified of the results of the face-to-face interview. If the result is positive – meaning the prospective applicant possesses an acceptable level of knowledge of the Northwest Territories, has demonstrated an acceptable level of business and communication skills and has proposed a working business concept that may be of interest and value to the Northwest Territories – the prospective applicant will have sixty (60) business days from being notified of the positive result to submit the following documents for consideration:

- a written summary of their working business concept with a basic outline of the investments that will be made; and
- a summary of their findings from the business trip to the Northwest Territories (prospective applicants may wish to use Appendix B: Visit Summary Template).

If the Department of Industry, Tourism and Investment:

- is satisfied with the information provided;
- approves the prospective applicant's business concept based on its ability to provide value to the Northwest Territories;
- is satisfied the prospective applicant has the requisite business and communication skills; and
- believes the prospective applicant is sincere in their desire to move to and settle in the Northwest Territories;

The prospective applicant will be invited in writing to formally apply to the Nominee Program.

It is important to note that a positive outcome during the face-to-face interview and by formally being invited to apply to the Nominee Program, the Department of Industry, Tourism and Investment is in no way guaranteeing that an application will be approved or that a work permit support letter will be issued. It is the applicant's responsibility to make the case for their business concept in their full, detailed business plan. The business plan must be supported by substantial local market research and evidence that their proposed business has the ability to contribute to the local economy and is economically viable in the Northwest Territories over the long term.

Step 4: Submitting a Formal Application

A formal application requires that all documents detailed on the NTNP-03: *Business Stream Nominee Program Checklist* and all required documents below be submitted together.

It is important to note that the prospective applicant has six (6) months from the date of the letter of invitation, to apply and that only complete applications will be reviewed. As well:

- the *NTNP-03: Business Stream Nominee Program Checklist* and all associated documents must be submitted;
- the *Third Party Financial Verification Report* referred to in Appendix E of these guidelines must be completed and submitted for an application to be considered;
- the submission of a detailed business plan is the responsibility of the prospective applicant (see Appendix D: *Business Plan Considerations*); and
- an up-to-date copy of the *NTNP-05: Authorize or Cancel a Representative* must be submitted with the application (if applicable).

If an incomplete application is received, Nominee Program staff will advise the prospective applicant that the application will not be assessed until all documentation is submitted. When an application is complete, an e-mail will be sent to the prospective applicant confirming that a complete application has been received and will be assessed.

The Nominee Program discourages prospective applicants from making any investment or financial commitment prior to entering into a Business Performance Agreement with the Nominee Program. Any investment made prior to signing a Business Performance Agreement and obtaining a valid work permit will not be recognized towards the required investment of a minimum of \$300,000 CDN equity into starting or buying a business within the corporate boundaries of Yellowknife, Northwest Territories; or a minimum of \$150,000 CDN equity into starting or buying a business outside of the corporate boundaries of Yellowknife, Northwest Territories.

Prospective applicants must have Legal Status in Canada in order to apply to the Nominee Program from within Canada. If a prospective applicant does not have or is unable to obtain Legal Status in Canada, he or she must apply to the Nominee Program from a country outside of Canada.

Step 5: Application Review

Nominee Program staff will access the services of a third party to verify the identity of the prospective applicant based on the documents provided with NTNP-03: *Business Stream Nominee Program Checklist*. Please note that some identification reports require more effort than others and therefore cost more. The application fee for this program assumes that a *Third Party Identity Verification Report* will cost no more than \$500 – reports that exceed \$500 in cost may result in the prospective applicant being charged the additional cost.

Also, the *Third Party Financial Verification (Appendix E)* must be complete and received before an application will be reviewed. Please refer to *Appendix E: Third Party Financial Verification* for the process. Costs associated with obtaining the Third Party Financial Verification are to be paid directly by the prospective applicant.

Both the prospective applicant and the business plan will be reviewed in light of the eligibility criteria. If required, Nominee Program staff may request additional documentation and/or an interview to verify information within the application. Such requests are made at Nominee Program staffs' discretion, and any costs incurred will be the responsibility of the prospective applicant.

The Department of Industry, Tourism and Investment reserves the right to deny an application, at any step in the application and assessment process, when it determines that a prospective applicant is, for any reason, ineligible.

Applications are reviewed based on a number of criteria including but not limited to the following:

- Ability of the business to create jobs for local residents;
- Ability of the business to be sustainable in the NWT over the long term based on local market research;
- Ability of the business to provide significant economic benefits to the Territory based on local market research;
- Ability of the prospective applicant to successfully implement the business based on their skills and past experience;
- Ability of the prospective applicant to successfully implement business based on the realistic nature of the submitted business plan; and
- Accurate financial statements, with substantiation, in the submitted business plan.

The application fee is expected to cover general administration costs associated with the review. However, the Department of Industry, Tourism and Investment reserves the right to recover from the prospective applicant any further costs incurred in the course of reviewing the application. All such charges and fees are non-refundable.

Once a review of the application is complete, Nominee Program staff will make a recommendation to accept or deny the application. The recommendation is made to the Assistant Deputy Minister of the Department of Industry, Tourism and Investment who will make the final decision to accept or deny the application. The prospective applicant will receive a formal letter (by e-mail or postal service) communicating the decision.

Step 6: Business Performance Agreement

If an application is accepted, Nominee Program staff will advise the applicant in writing and begin developing a Business Performance Agreement with the applicant. The Business Performance Agreement contains the terms under which the applicant will execute the business plan and is based off of the submitted business plan in *Step 4: Submitting a Formal Application*.

Once the Business Performance Agreement is signed and the \$75,000 good faith deposit, along with Form NTNP-07: *Business Stream Nominee Entrepreneur Deposit Form* is received, the Department of Industry, Tourism and Investment will provide the applicant with a letter of support for a two (2) year temporary work permit. The applicant must provide the letter of support, their business plan and their signed Business Performance Agreement to the Government of Canada with an application for a temporary work permit.

Residency is a key requirement of the Nominee Program. In order to fulfill the Business Performance Agreement, applicants must demonstrate that:

- They reside within 100 kilometers of the business they operate in the Northwest Territories; and
- They have been resident in the Northwest Territories for at least 75% of the time while on a temporary work permit.

Implementation and operation of the business is a key requirement of the Nominee Program. In order to fulfill the Business Performance Agreement, applicants must:

- Open and operate their business for at least 12 months;
- Complete NTNP-10 : Business Performance Agreement Interim Report and
- Complete NTNP-11: Business Stream Final Report.

A letter of support from the Department of Industry, Tourism and Investment does not guarantee the applicant will be approved for a temporary work permit.

IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA REVIEW AND APPROVAL: TEMPORARY RESIDENCY

The applicant will complete the Government of Canada application for a temporary work permit. Detailed information is available on the Immigration, Refugees and Citizenship Canada website.

The length of time for the Government of Canada to process an application for a temporary work permit varies. Information on in-Canada and outside of Canada processing times can be found on Immigration, Refugees and Citizenship Canada's website at:

www.cic.gc.ca/english/information/times/temp.asp

Step 7: Developing the Business

Upon arrival in the Northwest Territories, an applicant has sixty (60) days from the date that appears as the “date signed” on the Government of Canada temporary work permit to submit *NTNP-08: Business Stream Arrival Report Form* and all accompanying documents, including a bank statement from a Canadian financial institution demonstrating that the applicant has arrived in the Northwest Territories with the full amount required to cover the required eligible investment noted in their Business Performance Agreement. Failure to submit a complete *NTNP-08: Arrival Report Form* by the noted deadline and with all required documentation is a breach of an applicant’s Business Performance Agreement, and may result in the Government of the Northwest Territories refusing to nominate at the end of an applicant’s Business Performance Agreement term. In addition, the Government of the Northwest Territories reserves the right to defer an applicant’s Commencement Date until all documentation required under the *NTNP-08: Business Stream Arrival Report Form* has been submitted.

An applicant has six (6) months from the date they submit *NTNP-08: Business Stream Arrival Report Form* and all accompanying documents to develop their business and invest the required eligible investment, as described in their Business Performance Agreement. The applicant will be eligible for nomination during the nineteenth (19th) month after the Commencement Date as defined in the Business Performance Agreement, unless otherwise agreed by the Government of the Northwest Territories. It is a condition of the Business Performance Agreement that by the nineteenth (19th) month after the Commencement Date the Business must be operating for at least twelve (12) months before an applicant can be eligible for nomination.

Should an applicant require more than six (6) months to make the required eligible investment, a request can be made in writing, for an extension to Nominee Program staff. Unless agreed to with NTNP staff, failure to make the required eligible investment by the six (6) month deadline is a breach of an applicant’s Business Performance Agreement, and may result in the Government of the Northwest Territories refusing to nominate the applicant at the end of an applicant’s Business Performance Agreement.

An applicant must submit *NTNP-10: Business Performance Agreement Interim Report* to Nominee Program staff every six (6) months. A key requirement of the *NTNP-10: Business Performance Agreement Interim Report* is submitting proof of spending for the required eligible investment. In order for an applicant to demonstrate they have made their required eligible investment, they must submit clear, verifiable invoices for the amounts listed under Appendix A in their Business Performance Agreement. In the case where invoices cannot be verified as an eligible expense for the purpose of fulfilling the required eligible investment, they will not be counted towards the required spending. Failure to submit a completed *NTNP-10: Business Performance Agreement Interim Report* by the noted deadline and with all required documentation is a breach of an applicant’s Business Performance Agreement, and may result in the Government of the Northwest Territories refusing to nominate at the end of an applicant’s Business Performance Agreement.

In addition, Business Stream Nominee Program staff will monitor progress and meet with the applicant from time to time. It is the responsibility of the applicant to make themselves available to NTNP staff for the purpose of monitoring the development and ongoing operations of their business. It is also the responsibility of the applicant to respond to NTNP staff requests for information in a timely manner. Failure to respond to requests for information or to cooperate with NTNP staff’s monitoring efforts may be taken into consideration when determining an applicant’s final nomination eligibility.

Applicants must demonstrate that they are actively managing and accountable for the day-to-day operations of the business in the Northwest Territories. Active management must occur at the place of business in the Northwest Territories. This is a mandatory requirement of the Nominee Program. NTNP staff monitors an applicant’s management role in their business through planned and unplanned site visits. Failure to be present at the business on various occasions and/or failure to adequately demonstrate that an applicant is active in managing the day-to-day operations of their business is a breach of the Business Performance Agreement, and may result in the Government of the Northwest Territories refusing to nominate the applicant at the end of an applicant’s Business Performance Agreement.

If at the end of an applicant's Business Performance Agreement term, NTNP staff has determined that the applicant has not fulfilled the requirements of their Business Performance Agreement then the Government of the Northwest Territories may choose to refuse the applicant's nomination. If the nomination is refused, the applicant will not have their \$75,000 good faith deposit returned.

In addition, the Government of the Northwest Territories may withdraw the letter of support at any time if the Nominee or any of their dependents are deemed inadmissible to Canada by Immigration, Refugees and Citizenship Canada, if it is determined that false or misleading information was provided in the application, or if the Government of the Northwest Territories finds that the Nominee no longer meets the requirements for nomination. If the Letter of Support is withdrawn, the applicant will not have their \$75,000 good faith deposit returned.

The Department of Industry, Tourism and Investment may consider supporting the extension of an applicant's temporary work permit in order to allow the applicant further time to be successful in their business.

Step 8: Nomination

Once NTNP staff has evaluated an applicant's complete *NTNP-11: Business Stream Final Report* and determined that an applicant has fulfilled all of the requirements of their Business Performance Agreement, the applicant will be required to take part in a final exit interview with NTNP staff.

The purpose of the exit interview is to discuss the applicant's time in the Northwest Territories over the past two (2) years and their current and future plans for their business. NTNP staff will also use the exit interview as an opportunity to determine the likelihood of an applicant's continued settlement in the Northwest Territories post-nomination.

If NTNP staff decides to recommend an applicant's nomination, the Government of the Northwest Territories will issue a nomination certificate to the applicant upon approval by the Assistant Deputy Minister of the Department of Industry, Tourism and Investment..

Once an applicant has been nominated, they may apply to Immigration, Refugees and Citizenship Canada for Permanent Residency. The length of time to process an application varies depending on which country the applicant is applying from.

The Nominee must submit their application for Permanent Residency to Immigration, Refugees and Citizenship Canada within six (6) months of the date of nomination indicated on the nomination certificate. Nominations are valid for six (6) months and the Government of the Northwest Territories does not grant extensions.

The Government of the Northwest Territories may withdraw the nomination at any time if the Nominee or any of their dependents are deemed inadmissible to Canada by Immigration, Refugees and Citizenship Canada, if it is determined that false or misleading information was provided in the application, or if the Government of the Northwest Territories finds that the Nominee no longer meets the requirements for nomination. If the Government of the Northwest Territories refuses to nominate an applicant at the end of their Business Performance Agreement, or if the Government of the Northwest Territories withdraws a nomination, the applicant will not have their \$75,000 good faith deposit returned.

IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA REVIEW AND APPROVAL: PERMANENT RESIDENCY

Following nomination by the Government of Northwest Territories, the Nominee and accompanying family members must apply to Immigration, Refugees and Citizenship Canada for Permanent Residency. They must satisfy Immigration, Refugee and Citizenship Canada's health, security, and criminal requirements. The Nominee Program is not responsible for Immigration, Refugees and Citizenship Canada's decision to grant or deny a temporary work permit or permanent Residency status.

The Immigration, Refugee and Citizenship Canada application for Permanent Residency is separate from the Nominee Program process and will take additional time to complete.

7.0 Application Denial

If an application is denied, a letter will be sent to the applicant (or Immigration Representative if applicable) by e-mail notifying them that the application has been denied and including the reasons for the denial.

Reasons an application may be denied include:

- The applicant does not meet the program criteria;
- The business will not generate value for the Northwest Territories;
- The applicant did not submit the required information or documentation within the prescribed time limit;
- The applicant no longer resides in the Northwest Territories;
- The applicant is not in compliance with the terms of their Business Performance Agreement;
- The application is inadequate, outdated or expired, or
- There has been misrepresentation or fraud in the application.

Other reasons for denying an application may be referenced in the denial letter.

A decision to deny an application is final and there is no appeal process in the event you are refused. If an applicant is unsuccessful they may reapply nine (9) months from receipt of notice that their application has been denied.

If the applicant reapplies based on the same business concept they must start at *Step 2: Further Investigation and Face-to-Face Interview(s)* of *Section 6.0: Application Steps* and prove that:

- a. Their situation has changed substantially;
- b. They have new information to submit; or
- c. Some combination of (a) and (b) above applies.

8.0 Forms

For all forms, it is important to complete all sections. If a section does not apply, indicate “Not Applicable” or “N/A”. Answer all questions unless indicated otherwise.

Any missing forms, or forms submitted with incomplete information, will automatically result in the entire application being deemed incomplete for purposes of review.

Forms may only be provided by the applicant or by their Immigration Representative. In all instances, the applicant must have full knowledge and understanding of the information submitted – failure to be so informed may result in an application being denied.

The applicant’s original signature is required on all forms.

8.1 NTNP-01 [Nominee Information Form](#)

This form is used to collect the relevant information from the prospective applicant seeking nomination.

8.2 NTNP-03 [Business Stream Nominee Application Checklist](#)

This form outlines the eligibility criteria for the program stream and stipulates what required information has been submitted by the prospective applicant.

8.3 NTNP-04 [Personal Statement of Financial Affairs](#)

This form is used to collect the relevant information from the prospective applicant on their accumulation of funds prior to being accepted into the Nominee Program.

8.4 NTNP-05 [Authorize or Cancel an Immigration Representative](#)

This form is used to name an Immigration Representative (such as an immigration consultant, lawyer, friend, or family member), whether paid or unpaid, to act on behalf of the prospective applicant with Nominee Program staff, or to cancel the authorization of a representative previously named. Prospective applicants do not need to hire or use an Immigration Representative to apply to the Nominee Program. Using an Immigration Representative will not secure special attention or guarantee approval.

8.5 NTNP-06 [Application Fee](#)

This form is used to submit to the Department of Industry, Tourism and Investment the required application fee. The amount of the application fee is noted on the form. All fees paid are non-refundable.

8.6 NTNP-07 [Business Stream Nominee Deposit Form](#)

This form is used to submit to the Department of Industry, Tourism and Investment the required good faith deposit of \$75,000 CDN to be held in trust and released upon satisfactory execution of the terms of the Business Performance Agreement.

8.7 NTNP-08 [Business Stream Arrival Report Form](#)

This form is used to submit to the Department of Industry, Tourism and Investment proof that the applicant has arrived in the Northwest Territories and meets the Nominee Program requirements.

8.8 NTNP-10 [Business Performance Agreement Interim Report](#)

This form is used as a monitoring tool for Nominee Program staff to assess if an applicant is fulfilling their Business Performance Agreement commitments. It requires an applicant to provide periodic information on their business operations in the NWT. It must be submitted every six (6) months.

8.9 NTNP-11 [Business Stream Final Report](#)

The Government of the Northwest Territories will provide this form to the applicant and the applicant must submit the completed Business Stream Final Report to the Business Stream Nominee Program staff during the nineteenth (19th) month after the Commencement Date, unless otherwise agreed by the Government of the Northwest Territories. It is the final assessment used for Nominee Program staff to determine if an applicant has successfully completed their Business Performance Agreement and if they are eligible for nomination.

9.0 Language of Documents

The Nominee Program will accept documents in both English and French. Documents that are not in English or French must be translated into either English or French and include an affidavit from the individual who completed the translation. Where a translation is supplied, the prospective applicant must also include the original or a certified true copy of the document and an affidavit from the translator describing their translation ability.

9.1 Certified True Copies

To provide the Nominee Program with certified true copies an authorized person must compare the original document to the photocopy you expect to submit. The authorized person must include the following information on the certified true copy:

- The phrase “I certify that this is a true copy of the original document”;
- The name of the original document;
- The date of the certification;
- The name of the person certifying the document;
- The certifying person’s official position or title; and
- The certifying person’s signature.

9.2 Who can Certify Documents

You can get your documents certified in Canada or outside of Canada. The Nominee Program will only accept certified documentation in Canada from:

- a commissioner of oaths (authority to certify varies by province and territory),
- a notary public; or
- a justice of the peace.

The Nominee Program will accept certified documentation from outside of Canada from:

- a judge;
- a magistrate;
- a notary public;
- an officer of a court of justice; or
- a commissioner authorized to administer oaths in the country in which the commissioner is living.

Note: Regardless of their professional or legal standing, employers, friends, and family members may not certify copies of your documents.

10.0 Contact Information

To submit an application, or for more information on the Business Stream of the Nominee Program, please contact the Business Programs Officer for the Department of Industry, Tourism and Investment at:

Courier Address

Trade and Business Immigration Unit
Business Support, Trade and Economic Analysis
Industry, Tourism and Investment
Government of the Northwest Territories
9th Floor, 5102 50th Avenue
Yellowknife, Northwest Territories X1A 2L9

Telephone

Toll Free: 1-855-440-5450

E-mail: immigration@gov.nt.ca

Or, visit our websites at:

www.immigraatenwt.ca

or

www.iti.gov.nt.ca

11.0 Definitions

Business Performance Agreement: An agreement between an applicant and the Government of the Northwest Territories under which the applicant will execute his or her business plan approved by the Nominee Program.

Business Stream: To assist Foreign Nationals to establish a business or purchase, or invest in, an existing business that is approved primarily on the basis of its ability to create jobs for the Foreign National and Canadians. Please see www.iti.gov.nt.ca for more information.

Canada-Northwest Territories Agreement on Territorial Nominees: The agreement between the Northwest Territories and Canada that allows the Northwest Territories to nominate Foreign Nationals for Permanent Residency to Canada in the Northwest Territories.

Department of Education, Culture and Employment: A Government of the Northwest Territories Department that delivers the Employer Driven streams of the Nominee Program.

Department of Industry, Tourism and Investment: A Government of the Northwest Territories Department that delivers the Business Stream of the Nominee Program.

Evaluation Committee: A committee of Department of Industry, Tourism and Investment Headquarter and Regional staff that evaluate the interview of the prospective applicant to determine if they are eligible to proceed based on the likely success of the applicant's working business concept, the applicant's knowledge of the Northwest Territories, and the applicant's business and communication skills.

Financial Service Provider: An individual or firm identified by the Nominee Program to provide the *Third Party Financial Verification Report* required as part of an application under the Nominee Program.

Foreign National: A person who is not a permanent resident or Canadian citizen and is a citizen of another country.

Immigration Classes: Are immigration categories determined by Immigration, Refugee and Citizenship Canada and are: Family Class, Economic Class, Skilled Worker Class, Business Class, and Provincial Nominee Class. For more information on each class, please see Immigration, Refugees, and Citizenship Canada at: <http://www.cic.gc.ca/english/department/>

Immigration, Refugees and Citizenship Canada: A Government of Canada Department that is authorized to sign agreements with provincial/territorial governments to facilitate the coordination and implementation of immigration and refugee protection policies and programs such as the Nominee Program. Final authority rests solely with the Government of Canada in issuing immigration visas, Permanent Residency, and granting Canadian citizenship.

Immigration Representative: An individual, paid or unpaid, who a prospective applicant appoints to conduct business on their behalf with the Nominee Program.

Income: Includes total part-time and/or full-time wages, salaries, bonuses, overtime, benefits from the Government of Canada or other agencies, and income tax refunds. Income is calculated after taxes. Income does not include lottery winnings.

Legal Status: Having legal status means you are authorized to enter and remain in Canada as a temporary or permanent resident under the *Immigration and Refugee Protection Act*. Temporary resident status is valid for

a specific period of time and you must ensure that your status as a temporary resident remains valid while you are in Canada.

Nominee: A Foreign National who has been nominated by the Government of the Northwest Territories under the Nominee Program.

Nominee Program: An immigration program that allows the Northwest Territories to nominate Foreign Nationals to Immigration, Refugees and Citizenship Canada for Permanent Residency in Canada.

Permanent Residency: A permanent resident is someone who has been given permanent resident status by the Government of Canada, but is not a Canadian citizen. Permanent residents are citizens of other countries. Please visit: www.cic.gc.ca/english/newcomers/about-pr.asp for more information.

Refugee Claimant: A refugee claimant is a person who has not yet received Legal Status from the Government of Canada. They are in the process of making a refugee claim and are working through the refugee determination process.

Appendix A: Résumé Template

The business and employment history should cover the prospective applicant's experience for the last ten (10) years (if applicable).

Applicant Information

- Applicant's Name
- Mailing Address
- Telephone
- E-mail
- DOB
- Accompanying family members names

Education / Training

- Educational institution
- Month, year – month, year
- Degree/certificate/diploma attained

Business and Employment History

- **Current Company Name:**
 - Shares / ownership %
 - A brief synopsis of the business (i.e., products or services and the number of employees)

 - Applicant's current title
 - Month, year – month, year
 - Number of employees that report directly to the applicant
 - Duties and responsibilities

 - Applicant's previous title
 - Month, year – month, year
 - Number of employees that reported directly to the applicant
 - Duties and responsibilities
- **Previous Company Name:**
 - Shares / ownership %
 - Brief information about the business, such as products or services and the number of employees.

 - Title #1
 - Month, year – month, year
 - Number of employees that reported directly to the applicant
 - Duties and responsibilities:

 - Title #2
 - Month, year – month, year
 - Number of employees that reported directly to the applicant
 - Duties and responsibilities

Appendix B: Visit Summary Template

The information provided should relate to the prospective applicant's visit to the Northwest Territories and subsequent interview with Regional and Headquarters staff of the Department of Industry, Tourism and Investment. A suggested template is as follows:

Applicant Information

- Applicant's name
- Mailing Address
- Telephone
- E-mail

Visit information (*please fill out for every meeting, individual or group, held*)

- Individuals contacted and met with
- What company/organization they represent
- Date (DD/MM/YY)
- Business opportunities investigated
- What other items of interest were discussed

Findings

This should be a brief description of overall findings and how they relate to the business opportunity the prospective applicant wishes to invest in.

Appendix C: Purchase of an Existing Business (If Applicable)

When purchasing an existing business in the Northwest Territories it must have been in continuous operation by the same owner for the previous three (3) years. The number of jobs in the business and the wages associated with those jobs cannot be lowered when the business is purchased. As well, prospective applicants must:

- Identify how the business will be improved, upgraded and/or expanded; and
- Identify how the business will generate a profit.

Eligible investments toward improving, upgrading and/or expanding a business may include new capital purchases and equipment, leasehold improvements, introductions of new technology, job creation, etc. This may also include creating new employment, investing in improvements and/or upgrades to the business, introducing new products and/or services, etc.

Establishing a new location of an existing business will not be considered as an eligible improvement or expansion. As well, improvement/expansion does not include regular operating expenses such as recurring inventory, wages, rent, utilities, or maintaining the same levels of marketing or advertising expenses, legal or professional fees, business licences, etc.

Please note that the Government of the Northwest Territories reserves the right to request a full business valuation assessment. The assessment must be completed by an independent chartered business valuator and be included with the business plan. When requested, an application will be considered incomplete and will not be evaluated until the business valuation assessment has been submitted.

Copies of the following documents must be supplied:

- Most recent two (2) years of financial statements for the existing business including balance sheets and income statements;
- Copy of the business' most recent T4 summary;
- Documentation showing the business' current owners and ownership structure, such as a share registry and incorporation documents;
- Copy of the Northwest Territories business licence;
- Evidence that efforts have been made to establish a fair market value for the business. Provide a description of due diligence performed and negotiations with the vendor to arrive at the final purchase price. If a business valuation has been completed by a professional, submit the report; and
- Purchase agreement or memorandum of understanding to purchase an existing business.

Please note that the Government of the Northwest Territories reserves the right to request any additional documentation deemed necessary to properly assess the eligibility of an application to purchase an existing business.

The following are not considered eligible investments when purchasing an existing business:

- Cash and/or working capital;
- Wage payments made to the prospective applicant and their family members, if applicable; and
- Any investment(s) or financial expenditures made prior to the date of the invitation to apply.

Franchises may be considered if they meet the same criteria as noted above and are well-established.

The Nominee Program is based on the expectation of a long-term intention to operate a business in the Northwest Territories. The Nominee Program and/or Immigration, Refugees and Citizenship Canada may verify that the business is active at any time until a decision is reached regarding the Permanent Residency application by a prospective applicant.

Appendix D: Business Plan Considerations

The business plan must be a coherent and considered plan for successful settlement and business development in the Northwest Territories. In developing a business plan, the prospective applicant must conduct extensive research and consider relevant economic and market factors. The prospective applicant must also take into account his or her management strengths and weaknesses.

The business plan must include, but is not limited to, the following information:

- Proposed business name and a description of the business concept;
- Business ownership information – partnership, proprietorship, corporation, franchise, acquisition;
- Proposed industry/sector, applicants must indicate the:
 - industry sector code(s) that best relates to their proposed investment (per the North American Industry Classification (NAICS); and
 - Occupation code(s) that best relate to their experience and skill level (per the National Occupation Classification (NOC) system.
- Proposed location for the business (e.g., city/town);
- Plans for establishing residence in the Northwest Territories;
- Management contribution the prospective applicant will make with respect to the proposed business (e.g., sales, distribution, production, research and development, etc.) noting that the prospective applicant is expected to be an active, on the ground, owner/operator of the business;
- Proposed investment amount and detail of how it will be spent;
 - Note that applicant and family member's salaries are ineligible expenses towards the overall required eligible investment.
- Three (3) years of forecasted financial information that includes, but is not limited to, the following information:
 - Income statements;
 - Balance sheets;
 - Detailed monthly cash flow for year one (1);
 - Detailed yearly cash flows for years two (2) and three (3); and
 - Substantiation for all forecasted financial data.
- Number of jobs to be created for Northwest Territories residents;
 - Business plans must include the applicant's plan to hire a minimum of one (1) full-time employee and one (1) part-time employee if the business is to be located within the corporate boundaries of Yellowknife, Northwest Territories; or
 - One (1) full-time or two (2) part-time employees if the business is to be located outside of the corporate boundaries of Yellowknife.
- Significant local market research performed supporting the feasibility of your business plan and overall economic viability of your business.
- Any additional supporting market analysis (SWOT analysis, etc.);
- The name, organizations, mailing addresses, telephone numbers, and e-mail addresses of contracted professional business service providers whom the prospective applicant has contacted and/or with whom the prospective applicant has established an active working relationship or paid contractual agreement; and
- A summary of the people contracted or consulted with in the preparation and/or compilation of the business plan, including the name, organization name, mailing address, e-mail address and telephone number of each.

The Nominee Program recognizes that the business plan is a business proposal and it is therefore likely and expected that market conditions and opportunities may change over the course of the application process. However, it is necessary that an applicant ensure that the information provided in their business plan is reflective of current market conditions at the time of submission. It is important to note that the profitability of the business plan will not be evaluated; rather the Nominee Program will assess the feasibility demonstrated throughout the business plan.

The Nominee Program expects that a prospective applicant has complete knowledge of his or her business plan. In the event that the prospective applicant is unaware of his or her business plan contents, the application may be denied.

Appendix E: Third Party Financial Verification

Prospective applicants must submit a complete NTNP-04: Personal Statement of Net Worth and Third Party Financial Verification Report with their application in accordance with the *Business Stream Nominee Application Checklist* referred to in *Section 8.0: Forms* of these guidelines. The *Third Party Financial Verification Report* is a required part of the application. The Nominee Program uses a third party Financial Service Provider for financial verification support.

Failure to provide satisfactory evidence to verify your personal net worth, the source of funds and the legal accumulation of funds will result in the denial of your application.

It is the responsibility of the applicant to provide all requested documentation to the third party financial service provider in a timely manner, as to ensure that the *Third Party Financial Verification Report* will be completed in accordance with the application deadline.

The cost of preparation of the *Third Party Financial Verification Report* is not included in the application fee and it is the responsibility of the prospective applicant to pay this cost directly to the Financial Service Provider. The Department of Industry, Tourism and Investment is not responsible for the cost of preparation of the *Third Party Financial Verification Report*.

The *Third Party Financial Verification* process is as follows:

- Prospective applicants who have been formally invited to apply to the Nominee Program will be assigned a file number in their letter of invitation;
- Only prospective applicants who have received a file number will be accepted for review by a Financial Service Provider;
- The Nominee Program will identify the Financial Service Provider the prospective applicant must use;
- Once the Financial Service Provider has been identified, the prospective applicant may submit directly to the Financial Service Provider all documentation required by the *Business Stream Nominee Application Checklist*, in addition to a complete and current statement of net worth as of the application date. All assets and liabilities and their accumulation must be identified, accompanied by supporting documentation including statements, bank account information, and property evaluations;
- Prospective applicants must prove the legal accumulation of funds that comprise their net worth;
- A prospective applicant must provide his or her consent for the Financial Service Provider to share a copy of the *Third Party Financial Verification Report* with the Nominee Program;
- Upon completion of the review, the Financial Service Provider will provide the *Third Party Financial Verification Report* to both the Nominee Program and the prospective applicant

Appendix F: List of Ineligible Businesses

The following businesses are considered ineligible under the Nominee Program Business Stream:

- Restaurants proposed within the city limits of Yellowknife;
- Seasonal businesses operational for less than six (6) months per year;
- Bed and Breakfasts;
- Property Management;
- Real Estate Development;
- Home based businesses;
- Non-profit organizations and associations;
- Any business that has the same listed head office as another registered business;
- Payday loan, cheque cashing, money changing and cash machine businesses;
- Pawnbrokers;
- Businesses previously owned or operated in the last five (5) years by current or former Nominee Program business stream nominees;
- Any immigration linked investment scheme pursuant to *Immigration and Refugee Protection Regulations* (“IRPR”), section 87(5)(b);
- Any business where the terms of investment include a redemption option pursuant to IRPR, section 87(6)(d);
- A business that by association would tend to bring the Nominee Program or the Government of the Northwest Territories into disrepute.

Appendix G: List of Eligible Expenses towards the Required Investment

The following list of expenses is eligible to be counted towards the total required eligible investment:

- Cash and working capital up to a maximum of \$10,000 (ineligible expense when purchasing an existing business – please refer to Appendix C: Purchasing an Existing Business);
- A reasonable amount of inventory required for a start-up when opening a new business;
- Four (4) months of operating expenses when opening a new business (lease, wages, utilities, advertising, etc.);
- Three (3) months of operating expenses when purchasing an existing business;
- The purchase of vehicle up to a maximum price of \$25,000;
- Only the established fair market value purchase price of an existing business (i.e. a purchase price established on future projections will not be eligible);
- Cost of Renovations and leasehold improvements

It is important to note that investment must be made in the Northwest Territories wherever possible. Expenses incurred by sourcing inventory, building materials, etc. will be ineligible in such cases where the materials are available in the Northwest Territories.