

## Untangling The Law

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### Provincial Nominee Program Refusals

Not every application filed with the Manitoba Provincial Nominee Program is approved. The questions are: why was the application refused and what can be done about it?

#### Why was the application refused?

Some of the more common reasons for refusing an application include the following:

1. the province feels that the applicant may have stronger ties to another province or territory in Canada;
2. the applicant has been unable to establish that he or she has the ability and intention to establish permanently in Manitoba;
3. the documents or information provided has missing information or the information is not truthful;
4. the applicant cannot demonstrate sufficient settlement funds;
5. the applicant cannot demonstrate employability in Manitoba;
6. in general stream applications, the applicant does not score the minimum 55 points;
7. the applicant has not demonstrated training, experience, certification or licensing and language ability for long term

employment in Manitoba.

#### If an application is refused, what can I do about it?

If the application has been refused, review of the decision can be requested. To request a review, you must put in a written request to the Manitoba Provincial Nominee Program's before their deadline.

A review is not an "appeal". No new information can be introduced in a review. The review will only be based on the information and documents originally sent in.

#### What should I mention in the Review Request?

When asking for a review, it is important to point out where the officer may have made a mistake. If the mistake was made by the applicant (the applicant forgot to put in information or forgot a document that was needed), the review will probably fail.

#### If a review fails, what are my options?

If a review fails, one option is to re-file the application. Depending on the situation, individuals may have to wait for up to six months before reapplying to

the Manitoba Provincial Nominee Program.

Another option is to see if another immigration program, such as the federal Skilled Worker Program, will work. If so, an application can be filed there without having to wait.

#### What if the province approves the application but the Embassy refuses it?

If the application has been refused by the Embassy, a review by the Manitoba Provincial Nominee Program may not be the best route. For applications refused by the Embassy, the option that is most used is to either request the Embassy to re-open the file or, if they do not, to file a court case for judicial review. Typically, in judicial review cases, no new information can be provided and all the judge will do is determine if the officer followed the correct procedures.

This Article is prepared for general information purposes only and is intended to provide comments for readers and friends of the Filipino Journal. The contents should not be viewed as legal advice or opinion.

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