

Global Immigration alert

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Canada

Provincial Nominee Program: Provinces and territories now determine eligibility

Executive summary

The Provincial Nominee Program (PNP) allows Canadian provinces and territories to nominate individuals for permanent residence based on regional economic and labor market needs, through province specific base streams and Express Entry aligned enhanced streams.

Effective 30 March 2026, amendments to Canada's immigration framework have reallocated decision making from Immigration, Refugees and Citizenship Canada (IRCC) to provincial and territorial governments. Provinces and territories now have exclusive authority to determine whether an applicant qualifies as a member of the Provincial Nominee class, including assessing the applicant's ability to become economically established and their intent to reside in the nominating jurisdiction.

These changes apply to all new PNP applications submitted on or after 30 March 2026, as well as to applications already in process that had not yet passed the federal eligibility assessment stage as of that date.

Key developments

Amendments to the Immigration and Refugee Protection Regulations, together with updated IRCC program delivery instructions, formally transfer responsibility for core PNP eligibility assessments to provinces and territories as of 30 March 2026.

Under the revised framework, provinces and territories are solely responsible for determining whether an applicant:

- Has the ability to become economically established in the nominating jurisdiction
- Has a genuine intent to reside in that province or territory
- Has valid provincial nomination certificate that serves as confirmation that these assessments have been completed and that the applicant meets the requirements for membership in the Provincial Nominee class

With these changes, IRCC's role has been narrowed. Federal immigration officers will no longer conduct a separate or secondary assessment of economic establishment or intent to reside. Instead, IRCC's review is limited to:

- Verifying the applicant's identity
- Confirming the validity of the provincial nomination
- Assessing general admissibility under the Immigration and Refugee Protection Act (IRPA), including medical, criminal and security requirement

If information arises during federal processing that could affect eligibility, IRCC must consult with the nominating province or territory before making a final decision, rather than substituting its own assessment for that of the province.

Clarifications reflected in the regulatory framework

The regulatory amendments also reaffirm that certain categories of applicants do not qualify for membership in the Provincial Nominee class. Individuals associated with passive investment proposals or immigration linked investment schemes that are not based on active economic participation are expressly excluded. Entrepreneur stream nominees must continue to demonstrate active involvement in business operations and compliance with program specific ownership and investment requirements at the provincial level.

Impact on employers

These changes are intended to reduce overlapping federal provincial assessments and strengthen provincial autonomy in selecting nominees who align with regional economic priorities. For employers and applicants, this shift has several practical implications, such as:

- Greater importance of the provincial nomination stage, as eligibility determinations related to economic establishment and intent to reside in the nominating province will be determined early in the process by the province
- Increased emphasis on well documented nomination applications, particularly where roles involve future mobility, remote work, or multijurisdictional responsibilities
- Improved predictability at the federal stage, as IRCC will generally rely on the province's eligibility determination rather than conducting a parallel assessment
- Potential variation across provinces in documentation standards and assessment approaches, reflecting expanded provincial discretion

Applicants whose circumstances change after nomination should be mindful that provinces retain ongoing authority over the nomination and may revisit their support if concerns arise of the applicant's intent to reside in the province on a permanent basis.

Key steps

EY will continue to monitor how provinces and territories implement these changes and assess their practical impact on PNP processing and risk management for employers.

If you have questions about how these regulatory changes may affect your current or future Provincial Nominee Program applications, please contact one of our immigration professionals.

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