



Canadian Association of
Professional Immigration Consultants

L'Association Canadienne des
Conseillers Professionnels en Immigration

Policy Position Submission Concerning Proposed Changes to the OINP Program

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About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the professional organization representing the interests of Canadian Immigration Consultants. The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry.

CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants.

CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments (IRCC, CBSA, IRB, ESDC) on legislation, policy, and program improvements and changes.

CAPIC has approximately 3000 members and is comprised of Regulated Canadian Immigration Consultants and Canadian Immigration Lawyers.

Preamble

CAPIC is submitting this paper in response to the Ontario government's proposed changes to the intake process for certain programs of the Ontario Immigrant Nominee Program (OINP). We have been asked to canvas our members and comment on the recent proposals included in the Appendix. Documents from Ontario-based companies supporting CAPIC's position are included in the Supporting Documents section.

Executive Summary

It is CAPIC'S position that any proposed changes involving a scoring system assessing age, language, and education will significantly disadvantage experienced workers who have already integrated into the Ontario workforce and have made vital contributions to Ontario's economy.

Half of all immigrants to Canada settle in Ontario. Unlike some provinces, Ontario's retention challenge is not ensuring that nominees remain in the province after obtaining permanent residency. Rather, Ontario employers need a pathway through which essential workers can be nominated and kept on staff if they are not successful through federal selection programs. To retain these essential workers, any points-based assessment system for the province must prioritize Ontario work experience and wages.

To ensure high-need occupations and industries can attract and retain essential workers, criteria such as language qualifications, education, and age, should not be included in an Ontario points-based system or should be carefully and fairly tailored to reflect the nature of the industry requirements to avoid placing unreasonable restrictions on potential applicants and their employers.

Proposed Changes

The proposed Expression of Interest intake system for the OINP would bring the program into greater alignment with the Express Entry program at the federal level. CAPIC supports the move toward a more equitable application intake system. The proposed changes suggest a move to a points-based application system. CAPIC believes any points-based system should reflect the labour needs and priorities of Ontario.

A points-based system must ensure workers essential to Ontario's economic recovery (e.g. temporary foreign workers employed in construction in Ontario) can meet selection requirements. Additional points-based requirements such as language skills (e.g. English), education, and age prevent many such workers from qualifying for permanent residency despite their necessity and Ontario work experience history. Including Ontario work experience and wage rates as a points requirement will ensure key industries do not experience labour shortages.

In terms of the Foreign Worker stream OR when selecting candidates for the Foreign Worker stream, our suggestions include the following points requirements:

1. Directly related work experience in the offered position in Ontario: highest ranking factor.
2. Directly related work experience: points awarded for 2 years (minimum program requirement for the foreign worker stream); 3 years; 4 years; and 5 years or more.
3. Points awarded for currently working in Ontario for the employer making the job offer.
4. Points awarded for annual wage offered, similar to the BC PNP Skills Immigration program.

The realities of the COVID-19 pandemic have illustrated to Ontarians the vital role temporary foreign workers play in providing essential services. A system that prioritizes Ontario work experience ensures that any workers that are NOC C and NOC D permitted workers (e.g. personal support workers or PSWs), or in certain skilled trades have a pathway to permanent residency. Many workers with these

permit classifications do not qualify for existing pathways to permanent residency, such as PSWs, who do not qualify under the caregivers stream. By prioritizing Ontario work experience in a points-based system, Ontario can ensure industries imperative to the health, prosperity, and security of the province, such as agriculture, have continued access to dedicated workers who have integrated into Ontario's economy and society.

Prioritizing Ontario work experience ensures not only a pathway to permanent residency for many longstanding Ontario workers, but keeps applicants in the OINP system. Stricter requirements, including those to do with language, education, and age, restrict essential workers from securing permanent residency and potentially force workers away from legitimate pathways.

Conclusion

Ontario's proposed changes to the OINP will create a more equitable, points-based evaluation system. To ensure candidates employed in industries essential to the health, economy, and growth of Ontario can access a pathway to permanent residency in the province, CAPIC believes Ontario work experience and wages rates must be prioritized in a points-based evaluation schema.

Supporting Documents

1. UCC Group letter, pdf format, entitled "Re: MLTSD's Proposed regulatory amendments under Ontario Regulation 422/17/421/17".
2. Protek Roofing & Sheet Metal Inc. letter, pdf format, entitled "Re: MLTSD's Proposed regulatory amendments under Ontario Regulation 422/17/421/17".
3. Alliance Forming Ltd. letter, pdf format, entitled "Re: MLTSD's Proposed regulatory amendments under Ontario Regulation 422/17/421/17".

Appendix: OINP Proposed Changes

Proposed Amendments to Ontario Regulation 422/17 (General) and Ontario Regulation 421/17 (Approvals under the Ontario Immigrant Nominee Program and Other Matters) made under the Ontario Immigration Act, 2015 (Act).

The Ministry of Labour, Training and Skills Development (MLTSD) is seeking public input on proposed amendments to Ontario Regulation 422/17 (General) and Ontario Regulation 421/17 (Approvals under the Ontario Immigrant Nominee Program and Other Matters) made under the Ontario Immigration Act, 2015 (Act). The amendments would introduce an Expression of Interest (EOI) system

for the following Ontario Immigrant
Nominee Program (OINP) streams:

- Employer Job Offer Category (Foreign Worker; International Student, and In-Demand Skills streams);
- Masters Graduate; and
- Ph.D. Graduate.

Under an EOI system, individuals would register with the OINP and be placed in a selection pool. Individuals would then be required to provide personal information and other labour market and/or human capital information that would form the basis of any Invitation to Apply (ITA).

An individual's EOI would be scored based on the information provided in their EOI. The OINP would review the scoring and issue ITAs to select EOI registrants. Registrants who received an ITA would be eligible to apply for nomination under the OINP.

In order to implement this proposal, amendments would be made that would authorize the director appointed under the Act to:

- Conduct either a general draw, or a targeted draw of select EOI registrants;
- Score prospective applicants based on information in the EOI;
- Determine and publish EOI point allocation to the OINP's website;
- Allocate points to various factors (e.g. level of education, language, etc.)
- Issue top scoring potential applicants in each category an ITA.

For housekeeping purposes, the targeted draw authority would be extended to Express Entry streams that currently utilize an ITA-like system.

An EOI system would allow Ontario to:

- Increase the OINP's labor market responsiveness and better respond to regional labour market needs;
- Strategically manage high demand for the OINP thereby creating more predictability for applicants and employers; and
- Manage OINP intake in a way that prioritizes the most suitable applicants.

Proposed Technical Amendments

MLTSD is seeking public input on proposed technical amendments to Ontario Regulation 422/17 (General):

- To better align with the Canada-Ontario Immigration Agreement, to amend the regulation to expressly require that employment positions under the Employer Job Offer Category streams are urgently needed.



- To amend subsection 5(2) to align with the language in subsection 5(1) such that the reference to information in subsection 5(2) is accurate and correct and not misleading or does not reasonably lead to an error in the administration of the Act.

Source:

<https://www.ontariocanada.com/registry/view.do?language=en&postingId=34247>