



Immigration Symposium

May 12, 2016
Toronto, ON

The number who have arrived under the various agreements are relatively small, but the potential is significant

- Report of the Standing Committee on Citizenship and Immigration 2002, commenting on the Provincial Nominee Programs

- All provinces and territories (with the exception of Nunavut) have agreements with the Federal Government
- All agreements stipulate that Canada retains responsibility for the determination of immigrant categories, setting immigration levels, and establishing admissibility requirements
- **General Process**
 - Nominated by a Province
 - Federal Government makes final decision regarding permanent residency



Ontario Provincial Nominee Program

established 2009

Ontario Provincial Nominee Programs

- General Category (Foreign Workers)
- General Category (International students with a job offer)
- General Category (Business)
 - Corporate stream
 - Entrepreneur stream
- International PhD Graduates Stream
- International Masters Graduates Stream
- Ontario Express Entry
 - Human Capital Priorities Stream
 - French Speaking Skilled Worker Stream

General Category – Foreign Worker

- Designed for employers who are having difficulties filling positions in Ontario
- Can focus on worker already in Canada, or can be filed for someone already residing abroad
- Pre-screen Application
- Individual submits nominee application package

General Category – Foreign Worker

To be eligible as an employer:

- In business for three years
- If in GTA, minimum gross revenues of 1 million for most recent fiscal year and five permanent employees (citizens or permanent residents)
- If outside of GTA, minimum \$500,000 revenue, three employees
- Premises in Ontario

General Category – Foreign Worker

- Full time permanent position in NOC O, A, or B occupation
- Position necessary to company or operations
- Wage must meet prevailing wage requirements
- If living abroad or in another province – proof of recruitment efforts

General Category – Foreign Worker

- May request a nomination for more than one employee
- GTA – one position for every five full time employer
- Outside of GTA – one position for every three full time employees

General Category – Foreign Worker

- Two years work experience in the occupation within the past five years
- Appropriate registration if occupation is regulated by the province

General Category – Investors

- Prior to Oct 29, 2015 there was an investor category – closed on that date
- Now two streams:
 - *Corporate and Entrepreneur stream*

Corporate Stream

- Once business is successfully established and obligations are set in performance agreement, then a maximum of five key staff essential to establishment for continued operations and success of the business may become eligible for nomination by Ontario.
- Corporation must have been established for at least 36 months
- Minimum investment of 5 million
- Investment activity must be of significant economic benefit to Ontario
- Any existing business must have been in continuous operation by the same owner for the previous 60 months

Corporate Stream

- Business must not have been previously owned and operated by current or former business streams nominees
- Corporation must preserve all existing permanent fulltime job
- Primary income sources must be from **active** (earned income), and not from **passive** (unearned income)
- Key staff must be essential to the establishment and operation of the proposed business
- Key staff must be in a senior or executive management or specialized knowledge capacity that falls under national occupation O or A in the applicants corporation or existing business

Corporate Stream

- Key staff must have at least 36 months of experience in the 60 months in intended occupation; must be continuously working for the applicant's corporation in that position in the immediate 12 months prior to submission of the application
- Key staff must not have immediate family relationship on board or shareholder with more than 10% equity
- Key staff must not hold equity in the company unless obtained as part of remuneration package in which case must be less than 10%

If a business meets performance Agreement commitments, then for Stage 2:

- Key staff must be in position for which they were approved
- Physically reside in Canada 75% of the time they are in Ontario under a temporary work permit
- Language proficiency equivalent to Canadian Language Benchmark 5

Entrepreneur Stream

- Introduced January 2016
- Applicant first submits an expression of interest
- Score will determine whether applicant receives invitation to apply:
Points claimed for experience investment and human capital
- Minimum requirement of 36 months of business ownership or senior management experience
- Not require to have spent the last 12 months in either active general business or in an area of expertise related to the proposed business opportunity or as long as they meet the minimum requirement of 36 months in the last 60 months of full time business experience

International Student Category

- International Student with Job offer
- PhD Graduate Stream
- MD Masters Stream

International Student with Job Offer

- Employer based
- O, A, or B occupations
- Graduate of publically funded fulltime Canadian college or university program
- Considered within two years of completing degree
- No mandatory that job relates to students field of study

PhD Graduate stream

- Must have completed a least two years of PhD study at a publicly-funded Ontario University
- Job Offer not required
- Graduate of publically funded fulltime Canadian college or university program
- Considered within two years of completing degree
- No mandatory that job relates to students field of study

International Graduate Masters Stream

- Graduate of Master's program from publicly funded university in Ontario
- Job not required
- Intention to live and work in Ontario
- Language proficiency requirement
- Must not be intending to pursue further academic studies in Ontario

Ontario Express Entry

- Introduced in 2015
- To qualify for Ontario Express Entry and be considered for nomination by Ontario candidates must:
 - Qualify for the Federal Skilled Worker Program of the Federal Canadian Experience Clause
 - Qualify for either one of two Ontario Express Entry Streams: Human Capital Priorities Stream or French Speaking Skilled Worker Stream

Human Capital Priorities Stream

- Minimum level of work experience: for ESWF one year O, A, or B in past five years from date of notification of interest
- University degree
- Language (Benchmark 7)
- Minimum score of 400 points in the Comprehensive Ranking System in IRCC's Express Entry System
- Intention to reside in Ontario

French Speaking Skilled Workers Stream

- Work experience as per above
- Education as per above
- Minimum language of 7 in reading, writing, listening, and speaking French and an English language level of CLB 6 in reading, writing, listening, and speaking

Ontario Express Entry

- Preliminary step is for candidate to register for IRCC's Express Entry system, and upon setting up an Express Entry Account, the candidate will receive an Express Entry Profile Number and a Job Seeker Validation Job Code

Ontario Express Entry

- When setting up the Express Entry account the candidate needs to indicate that he or she is interested in immigrating to Ontario. OINP searches the Express Entry Pool and identifies potential candidates who meet the criteria for the Human Capital Priorities Stream or the French Speaking Worker Stream
- Candidate receives a notification of interest from OIN through the candidate My CIC account. Candidate then has 45 days to reply and clearly indicate which federal program he or she wishes to be assessed against

Ontario Express Entry

- Processing times:
 - 90 days by employers (not really)
 - 90 days of application (not really)
- Number of Nominations:
 - Target of 5200 in 2015
 - 2700 given out to express entry candidates
 - Or if multiple applicants qualify then could be selected randomly

Ontario Immigration Act

- **Bill 49; *Ontario Immigration Act, 2015***
 - Received Royal Assent May 28, 2015
 - Employer registry
 - Recruiter registry
 - Selection programs
 - Inspections, investigations and enforcement
- Amendment to *Employment Protection Foreign Nationals Act*