

Opportunities Ontario: Provincial Nominee Program

CBA Conference
April 16-18, 2009

Opportunities Ontario: Provincial Nominee Program Overview

- Opportunities Ontario: Provincial Nominee Program (Opportunities Ontario) is the new name for the Pilot Provincial Nominee Program (Pilot PNP).
- Opportunities Ontario targets 1,000 nominations in 2009 in two Categories:
 - **General Category** allows employers and companies making an investment in Ontario to recruit skilled foreign workers (those in Canada on a temporary work permit or visiting and those overseas)
 - **International Student Category** allows employers to recruit international students
- The program is still employer-driven with a two step application process:
 - In step one, **employers** submit a Pre-screen Application to Opportunities Ontario requesting positions for which they would like to recruit a foreign national. After our referral assessment, **companies or individuals making an investment** in Ontario apply to another Ontario ministry to have their investment proposal and nominee positions assessed and endorsed.
 - In step two, **recruited individuals** in all categories submit a nominee application package to the program with payment of the non-refundable application fee.

Program Changes as of February 20, 2009

CRITERIA	PILOT PNP	OPPORTUNITIES ONTARIO
Nomination Target	500 nominees and their families (approximately 1,500 immigrants)	1,000 nominees and their families (approximately 3,000 immigrants)
Categories	<p><u>Employer Category</u> for employers seeking to hire foreign workers in 20 listed occupations and international students in any skilled occupation (defined by the National Occupational Classification/NOC as 0, A, B)</p> <p><u>Multinational Investor Category (MNI)</u> for firms making a significant investment in Ontario</p>	<p><u>General Category</u> for employers and companies making an investment seeking to hire foreign workers in any skilled occupation (NOC 0, A, B)</p> <p><u>International Student Category</u> for employers seeking to hire international students in any skilled occupation (NOC 0, A, B)</p>
Foreign Workers	<p>Only eligible in 20 listed occupations</p> <p>Work experience depends on occupation</p>	<p>Eligible in any skilled occupation (NOC 0, A, B)</p> <p>2 years of experience in all occupations</p>
International Students	Job offer has to be related to their field of study in Canada	Job offer does not need to relate to their field of study in Canada
Companies making an investment	<p>Invest \$10 million or more and create 25 net permanent full time jobs or more</p> <p>Ontario Ministry of Economic Development and Trade (MEDT) assesses and endorses all investments to MCI</p>	<p>Invest \$3 million or more and create 5 net permanent full time jobs or more</p> <p>Any Ontario Ministry can assess and endorse the investment (at the Deputy Minister Level) to MCI</p>
Fees	<p>Foreign Workers (FW) = \$2,000</p> <p>International Students = \$200</p> <p>Employees of investing firms = \$2,000</p>	<p>FW = \$2,000 (GTA); \$1,500 (non-GTA)</p> <p>International Students = \$1,500 (all)</p> <p>Employees of investing firms = \$3,500 (all)</p>

Employer Eligibility Criteria: General and International Student Categories

- Employers will need to demonstrate that they meet all of the following eligibility criteria:
 - At least **\$1 million in revenues** for the most recent fiscal year in the Greater Toronto Area (GTA) or **\$0.5 million in revenues** outside the GTA
 - At least **5 Full Time Employees (FTEs)** in the GTA or **3 FTEs** outside the GTA
 - An **active business for at least 3 years** (corporations, limited partnerships and sole proprietorships) inside and outside of the GTA
 - **Premises in Ontario** where the nominee(s) will work
- Employers will be able to request multiple nominee positions:
 - One position for every 5 FTEs employed, if inside the GTA, or one position for every 3 FTEs, if outside the GTA
 - There is no maximum for nominee positions in the Health and Education sectors.
 - For all other sectors, there is a maximum of 20 nominee positions.

Application Process for Investment Component: General Category

- There is a three-part process:
 1. Referral
 2. Investment Assessment
 3. Nominee Application
- Investment nominee positions requested have similar eligibility criteria as foreign worker nominee positions, including the requirement to **not affect the settlement of any labour dispute or adversely affect employment or training opportunities of Ontarians**
- In addition, these positions must be **necessary for the long-term success of the investment**



Investment Eligibility Guidelines: General Category

- To qualify, investments must be of significant importance to Ontario and must create jobs for Ontarians. New investments and expansions to current operations are eligible.
- The investment component of Opportunities Ontario is geared to companies making an investment in the province. However, individual investors seeking nomination could also qualify. This fact **should be disclosed** early on in the application process.
- Investments need to meet the following eligibility guidelines:
 - Receive **endorsement by another Ontario ministry** at the Deputy Minister level
 - The investment should be of **\$3 million** or more
 - The investment should create at least **5 net permanent full time jobs** for Canadian citizens or permanent residents located in Ontario
 - The investment **cannot be a passive investment proposal**
 - Investors seeking nomination control, or will **control, at least 33.334% of the equity** in the business, **or** has made a **minimum \$1 million investment** in the business

Service Standards in Processing

- **The service standards** for the processing of Opportunities Ontario applications in both the General and the International Student Categories will be:
 - **90 days to finalize a complete employer application**
 - **90 days to finalize a complete nominee application**
- Applications will continue to be processed on a **first-come-first-served basis**.
 - Employers requesting positions for foreign workers located overseas or visiting Canada will be given priority if they have made an effort to recruit Canadian citizens or permanent residents located in Ontario before applying to Opportunities Ontario
 - This priority processing rule does not apply to international student applicants or temporary foreign workers already in Canada.

Ontario's Pet Peeves for Immigration Practitioners

- Overall, we have an excellent relationship of mutual respect with immigration practitioners, but we do not like the following:
 - **Hypothetically speaking** PNP officers are often asked to make a decision about a company's or individual's prospects of being approved before an actual application has been submitted.
 - **Discretion or no discretion**When we consulted, immigration practitioners asked for a program which was transparent with limited discretion. We have designed a program with transparent guidelines and limited latitude for the decision-makers. Yet, we are often asked to “bend the rules”.
 - **Disclose fully and disclose early**Some practitioners do not provide us with full details for those nominees who were previously failed refugee claimants or those who have had “uncertain” status in Canada. Our policy for such cases is clear and on our website.