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Immigration lawyers welcome proposed changes to provincial nominee program

Current system is a 'fiasco,' says one lawyer



Sergio Karas and David Garson



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Immigration lawyers are welcoming the Ontario Government's proposed changes to the Ontario Immigrant Nominee Program, which contemplate changing from a quota to a points system for prospective newcomers.

"As a result of this year's fiasco, the Ontario government is, wisely, proposing to align its selection process with that used by the Federal government in the Express Entry system," says Sergio Karas, a Toronto-based certified specialist in immigration law.

"This is a positive step, and should have been done years ago," he says.

The OINP nominates a certain number of foreign workers, international students and others who have the desirable skills, experience and education. Typically, those applying to the OINP are already working or studying in Ontario, says Karas. Those selected are then invited by the federal government to apply for permanent residence in one of the skilled worker programs, with the provincial nomination almost guaranteeing they will be selected, he says.

The current system operates like rush seating, says Karas. The online portal is opened for applications on a given time and because the demand is so high, it fills up almost immediately. This year, the quota filled in 10 minutes and the system was overloaded and crashed, he says.

"This year what happened was an absolute catastrophe," says Karas. "Everybody was up in arms."

The province's proposals call for an Expression of Interest system, where candidates would register with the OINP and enter a selection pool. The information in the EOI – personal, labour market and human capital information – will be used to

come up with a score, which the Government will use to determine who gets an invitation to apply to the federal skilled worker program.

Ontario's Ministry of Labour, Training and Skills Development is seeking public input on the proposed changes. To implement the new system, amendments would be needed to authorize the director appointed under the act to conduct either a general or targeted draw of "select EOI applicants," score applicants based on their EOI information, devise a points system which allocates points to various factors such as education level and language and to issue the top scorers an invitation to apply.

The Province says the proposed system will "Increase the OINP's labour-market responsiveness and better respond to regional labour market needs," allow Ontario to "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."

"It's a marked improvement on the current system. The current system is a disaster," says Karas.

Managing partner of Garson Immigration Law David Garson says the proposed system is based on "meritocracy" rather than the ability to get an application in before the quota fills up.

"This is a much fairer way to proceed to the extent that it gives the opportunity to the skilled applicants – who we need – to gain an opportunity to actually apply for permanent residence under the program," says Garson, who is also a certified immigration law specialist. "Rather than just spamming it or overloading it with a bunch of applications of individuals that may or may not be qualified or may or may not be helpful or of assistance to Ontario's economic needs."

Garson adds that the Government should monitor, "on an ongoing basis," the skills the province could use more of, so that the points system is continually revised and does not become "stale."

"You want to have them updated every quarter or every half year and say, 'Okay, well, we satisfied our quota for engineering technologists, but we really do need individuals who are involved in systems analysis. So we should probably tweak our system to reflect that,'" says Garson. "And I think that would be helpful if they're going to do that."

"I really do believe that it's a much better system than – I mean, it has to be a better system than what's gone on. What's going on, it's just been ridiculous."

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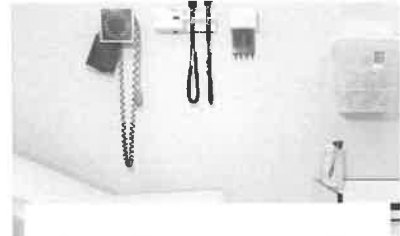
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