



Ontario Immigrant Nominee Program Changes

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Training and Skills Development

Submitted by: Ontario Bar Association

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BAR ASSOCIATION
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Introduction

The Ontario Bar Association (“OBA”) provides additional comments on recent changes to the Ontario Immigrant Nominee Program (“OINP”), regarding in-person interview requirements and the authority to return applications.

Ontario Bar Association

Established in 1907, the OBA is the largest and most diverse volunteer lawyer association in Ontario, with close to 16,000 members, practicing in every area of law in every region of the province. Each year, through the work of our 40 practice sections, the OBA provides advice to assist legislators and other key decision-makers in the interests of both the profession and the public and we deliver over 325 in-person and online professional development programs to an audience of over 20,000 lawyers, judges, students, and professors.

This submission was prepared and reviewed by members of the OBA’s Citizenship and Immigration Law section. Members of this section include barristers and solicitors in public and private practice in large, medium, and small firms, and in-house counsel across every region in Ontario. These members have extensive experience dealing with all aspects of immigration law and the OINP.

Comments & Recommendations

Authorizing In-Person Interviews

The amendments to *the Ontario Immigration Act* (O. Reg. 148/25: General) would authorize processing officers or appointed inspectors to require applicants to the OINP to present themselves for in-person interviews if requested. It is noted that this would only be required for a small number of employers or foreign national applicants.



A concern is the impact this will have on processing times, which are already very long. This may have further negative impacts on the timelines. There is also a question about the necessity of doing this, and under what grounds it can be ordered. There is no information or factors regarding the circumstances when this would be required, and it appears to be purely discretionary. We recommend providing clarity or guidance on this. Lastly, there is a need to ensure procedural safeguards are in place, such as interpreters and lawyers and their ability to participate and advise their client during the interview process.

We recommend that similar to the IRCC's manuals, officers be provided with training manuals outlining the procedures and guidelines surrounding these interviews and that these manuals be published for public access. This will help ensure that these inspections are held to a standard of procedural fairness and public accountability. Furthermore, we recommend that clear guidelines allowing the use of interpreters in these interviews, for either the employer or the foreign national, be included.

Returning Applications

Effective July 1, 2025, the OINP now has the authority to return applications "in consideration of a variety of factors, including the nomination allocation, alignment with Ontario's most pressing labour market needs, and program integrity risk factors". Section 7 of Ontario Regulation 421/17 (Approvals under the Ontario Immigrant Nominee Program and Other Matters) now states (changes underlined for clarity):

The director may, in respect of applications in any or all categories set out in subsection 2 (1), suspend receiving applications, or return to applicants any applications and application fees for which a decision has not been made, if the director believes the suspension or return is warranted, having regard to the following factors:



- 1. The allocation of nomination spots provided by the Government of Canada for the calendar year under the Ontario Immigrant Nominee Program.*
- 2. The number of applications that the director has received where the director has not yet decided whether or not to grant the application.*
- 3. The number of approvals that the director has issued in the calendar year as compared to the target number that the director has for approvals in the calendar year.*
- 4. Whether the Government of Canada is currently accepting applications for permanent residence from persons who hold a certificate of nomination.*
- 5. The immediate labour market needs of the province.*
- 6. Any systemic compliance or enforcement concerns. O. Reg. 421/17, s. 7; O. Reg. 149/25, s. 3.*

We are deeply concerned that this change could have far-reaching and detrimental effects on both Ontario businesses and the individuals they seek to hire. In Innovation, Science & Economic Development Canada's Key Small Business Statistics 2022 report¹, it was noted that small businesses accounted for 97.7% of the Goods-Producing sector (which includes critical industries such as Agriculture, Mining, Utilities, and Manufacturing). Many small businesses support their employees through the Ontario Nominee Program, and it is critical for the employers to ensure that they retain skilled talent long-term to be able to support their growing operations.

To complete an application for nomination, an employer must demonstrate that the position is vital to the ongoing operations of the business, clearly aligning with current activities and the urgent need to support business continuity or growth. The OINP's new policy of returning applications based on labour market shifts or OINP targets endangers the stability

¹ Key Small Business Statistics 2022, Innovation, Science and Economic Development Canada; <https://ised-isde.canada.ca/site/sme-research-statistics/en/key-small-business-statistics/key-small-business-statistics-2022>



and growth of Ontario businesses, particularly small enterprises. These businesses often operate with lean staff and strict budgets, making each hire crucial for sustaining operations and delivering services. These changes can also impact larger businesses in Ontario who may want to use the program to retain key personnel and leadership who are important to the stability of their organizations.

The OINP has emphasized its commitment to working collaboratively with municipalities and employers to meet both immediate and long-term labour market needs across the province.²

Unexpectedly returned applications will not support the Program goals, given that it can leave essential positions unfilled, disrupt existing employees' work authorization, and destabilize business operations, thus significantly impacting businesses. Additionally, the financial and administrative costs of preparing and submitting applications (i.e., OINP and subsequent unplanned applications)—such as legal fees, recruitment expenses, and internal planning— often represent a substantial investment for small enterprises. Consequently, small businesses are especially vulnerable to this policy shift.

For sustainable growth, businesses need to plan confidently regarding key talent essential to their operations. Allowing the program to return applications due to shifts in forces outside of the applicant's control, such as the labour market or the OINP's management of its allotment, undermines the program's mandate, erodes trust in the nomination process, and discourages businesses from investing in Ontario.

Individuals who meet program requirements will likely face increased uncertainty and instability, as their application could be returned at any time without recourse. The outcome is dire: the individual may lose their path to obtain a permanent resident status and potentially risk losing work authorization if they are already working in Canada and were

² Preamble, Ontario Immigration Act, 2015, S.O. 2015, c. 8.



relying on the ability to apply for a work permit with a nomination work permit support letter. Furthermore, the individual may have declined other opportunities available to them in anticipation of their application being processed through this process. Applicants may have declined other options, such as immigration under another program or other opportunities as a result of having received an invitation. In particular, those who applied prior to the implementation of this change will be greatly affected if their applications are returned. These individuals had no reason to suspect that their application would not be processed and again, may have made decisions based on a reasonable expectation their application would be reviewed. The impacts on individuals and their families cannot be overstated.

There is a need for predictability, transparency, and fairness. It would be beneficial to publicize the types of jobs that “no longer match current job market needs”, and to apply the changes on a go-forward basis after making the information known (and so, complete applications submitted prior to the announcement would not be affected). There is also a need to specify what “raise concerns” means, as this is a highly discretionary and ambiguous criteria.

Applicants and Ontario businesses invest significant amounts of time and financial resources into preparing and submitting complete applications, including the payment of processing fees, based on the eligibility criteria in place at the time of submission. Permitting returns after submission, even when the application otherwise passes the completeness check and meets all program requirements, effectively retroactively penalizes applicants and businesses for systemic constraints outside their control. This approach disproportionately affects small businesses and applicants in low-wage or essential occupations, who often have fewer resources to restart the process or cannot qualify for federal economic programs due to language and education barriers. Unlike a suspension, which stops new intake and preserves fairness for those already in the queue, the return policy erases the applicant's place in line, wasting resources and eroding trust in the Program's reliability. A more



balanced alternative would be to pause or delay processing of queued applications until additional allotments become available for a subsequent calendar year, while also refining intake strategies to better align with future capacity.

Additional Consideration: OINP Audits

There are other issues relating to the OINP program that would benefit from consultation and feedback from the bar and public, including:

- OINP Audits
 - Additional transparency is needed, including publishing of the audit manual
 - Additional safeguards for procedural fairness during audits

The OBA would be pleased to discuss this further and answer any questions that you may have.