



# **Proposed Amendments to Regulations Under the *Ontario Immigration Act, 2015* to Redesign the Ontario Immigrant Nominee Program's (OINP) Streams**

**Submitted to:** Ministry of Labour, Immigration, Training and Skills Development  
**Submitted by:** Ontario Bar Association  
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## Introduction

The Ontario Bar Association (“OBA”) appreciates the opportunity to provide feedback on the 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*, to redesign the Ontario Immigrant Nominee Program's (OINP) Streams (the “**Proposed Amendments**”).

The OBA welcomes the Ministry’s initiative to revamp the Program through the Proposed Amendments, recognizing the need to better align it with current immigration trends and labour market needs. While we are broadly supportive of the direction of these changes, we offer several targeted recommendations to further enhance program accessibility and strengthen its economic impact for Ontario.

## 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

### Phase 1 Program Redesign

Under the Phase 1 program redesign, it is proposed that the three existing Employer Job Offer (EJO) Streams—the Foreign Worker stream, the International Student stream, and the In-Demand Skills stream—will be consolidated into a single Employer Job Offer stream operating under two tracks: TEER 0–3 and TEER 4–5 occupations.

#### Concerns:

The Amendments do not address how the Employer Job Offer points system will be structured. Historically, points-based models have disadvantaged skilled trades workers, despite strong labour demand in Ontario, as traditional selection factors such as education and language proficiency do not adequately reflect trade-based experience.

#### Recommendations:

Further clarification is needed regarding the factors that will be used to develop the new points-based system for the redesigned Employer Job Offer stream. The OBA welcomes the opportunity to provide input on the proposed selection criteria and their relative weighting once further details are released.

In addition, it is recommended that the redesigned Employer Job Offer stream include both targeted and general draws to ensure broader and equitable access to the Program.

### International Student Pathways

At present, international students applying under the Employer Job Offer: International Student stream benefit from more flexible requirements, including eligibility with a low-wage job offer and no requirement for prior Canadian work experience. This pathway has been particularly important in Ontario, Canada's most popular destination for international students, attracting more than any other province due to its diverse labour market, world-class educational institutions, and strong settlement infrastructure.



### Concerns:

Under the Phase 1 program redesign, candidates must have, among other things, at least six months of Canadian work experience. Although recent Post-Graduation Work Permits (“PGWP”) changes still allow graduates from selected diploma programs (in agriculture or education fields) to obtain a work permit for the length of their studies (eight months to three years), many college graduates receive a PGWP valid for one year or less. This leaves limited time to accumulate the required six months of experience.

This raises concerns about program accessibility for international graduates, particularly because PGWPs may expire while candidates are still awaiting an OINP nomination, and applicants cannot extend their work authorization until after the nomination is issued. International graduates with PGWPs that are valid for one year or less face a notable disadvantage because having valid temporary status in Canada is required for provincial nomination. This is especially challenging given they must show six months of work experience in the position.

### Recommendations:

It is therefore recommended that the Program acknowledge this challenge and align its processing times with the typical validity periods of PGWPs.

## **Enhancing Program Transparency**

To enhance transparency, the OBA recommends that the OINP publish a list of priority occupations for a defined period (e.g., six months to one year), along with the methodology used to identify them. Greater clarity on how labour market needs are assessed and how employers and industry stakeholders may propose occupations would strengthen program predictability and integrity. We also recommend that employers, unions, and relevant regulatory bodies be invited to provide feedback to ensure effective stakeholder engagement.

The OBA supports the redesign of the program into a two-track model, including a stream dedicated to TEER 4–5 occupations. However, without greater transparency, this approach risks creating unrealistic expectations for applicants who plan their futures around access to this permanent residence pathway. In particular, where intake pools are opened to all low-skilled occupations, without advance notice of targeted occupations, candidates may enter the TEER 4–5 stream with limited prospects of receiving an invitation.

## **Employer Eligibility Requirements**

Currently, eligible businesses must have existed and have been active for at least three years before the date of the application for nomination, and have \$500,000/\$1 million in gross sales. We recommend these requirements be reviewed and amended, as a large number of employers, in particular in the trades and other key critical occupations, will not be able to meet these requirements. Reducing the business's activity to two years and lowering the gross sales requirement are is recommended.

In addition, eligible businesses outside the GTA must currently employ three full-time Canadian citizens or permanent residents, or five for businesses within the GTA. Given ongoing economic uncertainty, many Ontario businesses rely on a mix of full-time, part-time, and contract workers. Consistent with OINP's flexibility in assessing applicant work experience, the program should consider decreasing this requirement to allow two part-time positions to be counted as one full-time role where total hours average at least 30 per week, and should also recognize contract workers, particularly in industries such as construction where subcontracting is standard practice.

## **Phase 2 Program Redesign**

Under the Phase 2 program redesign, it is proposed that three new streams be introduced: a Priority Healthcare Stream, an Entrepreneur Stream, and an Exceptional Talent Stream. The OBA applauds the Ministry's efforts to attract in-demand talent and address labour shortages in key sectors, as well as its commitment to supporting foreign entrepreneurs who choose



to establish and operate businesses in Ontario—thereby contributing to the province's economic growth and competitiveness.

## Priority Healthcare Stream

While the government's proposals are a positive development, addressing the circular licensing issue and clearly defining registration requirements are critical for the success of the new healthcare stream. We recommend that the eligibility criteria explicitly include individuals, other than recent graduates, who are in the process of finalizing their professional registration and provide detailed guidance on what registration statuses qualify, in consultation with regulatory bodies. This approach will help Ontario attract and retain the skilled healthcare professionals it urgently needs.

### Recommendations:

Firstly, according to the Proposed Amendments, the Priority Healthcare Stream will focus on high-skilled healthcare professionals. While there is no reference to the specific TEERs in the proposal, there is a concern that some occupations in the healthcare system, such as Personal Support Workers (NOC 44101) and Caregivers (NOC 44101), will not be captured under the new Priority Healthcare Stream.

It is essential that the redesigned program includes targeted pathways to attract and retain internationally trained PSWs, who play a critical role in sustaining Ontario's long-term care sector, including in supporting Ontario's increasing aging population. It should also be noted that many of the PSWs may not have an eligible employer as per the Phase 1 employer job offer stream noted above. The nature of this occupation may not lend itself to large employers.

Overall, it is recommended that the Priority Healthcare Stream be structured as a two-track program to attract both skilled and semi-skilled professionals. The first track would target TEER 0–3 occupations (such as NOC 31100, 31101, 31102, and other regulated health professionals), while the second track would focus on TEER 4–5 occupations (such as NOC



44101 and related frontline care roles) who have work experience in their occupations in Ontario.

Secondly, requiring a professional designation under this Stream creates circular dependencies involving work permits, licensing, and job offers. It is important to note that professional registration for healthcare professionals remains a significant barrier. Although the federal government committed \$97 million in Budget 2025<sup>1</sup> to support work with regulatory bodies, previous efforts to address these challenges have yielded limited success.

It is essential to clarify what constitutes “registration” for each relevant regulatory association. For example, physicians licensed through Pathway A by the College of Physicians and Surgeons of Ontario (CPSO) faced challenges this year when their licenses were marked as “restricted,” disqualifying them from the self-employed physician category.

The suggestion to extend eligibility to recent graduates who are in the process of finalizing their registration with regulatory bodies is welcomed. If the pathway allows other individuals who are “finalizing registrations”—such as recent graduates—to qualify, this would enable healthcare workers to arrive in the province more quickly and begin to fill critical gaps in the healthcare workforce.

### **Exceptional Talent Stream**

The OBA welcomes the introduction of an exceptional talent stream, particularly as a vehicle to attract individuals whose ability to contribute to Ontario is not captured by the limitations of the ranking system under Express Entry, or other current OINP streams. Having said that, in order for the stream to be effective, it must be carefully designed, both in terms of who it targets and the criteria for selection.

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<sup>1</sup> <https://www.canada.ca/en/department-finance/news/2025/10/budget-2025-to-invest-in-canadian-workers.html>

### Concerns:

Limiting the stream to “academia, innovation, science, and technology” – while these streams are important drivers for innovation, they exclude many exceptional candidates who would contribute to Ontario economically, socially, and culturally, such as exceptional corporate leaders, artists (literary arts, photographers, writers), performers, and athletes. For example, senior executives in key leadership roles, such as CEOs, face difficulty qualifying for PR under Express Entry because of their age, but the ability to attract proven corporate leaders is key to the Ontario economy and its ability to attract investment. Likewise, attracting talented artists, performers and athletes is crucial to building and maintaining Ontario’s vibrant culture and social fabric.

There are also concerns regarding the qualitative, rather than objective, nature of the selection criteria. While we understand that when dealing with exceptionally qualified candidates, the assessment cannot be based on rigid point systems, program integrity requires that there be carefully designed criteria that are transparent and preserve fairness.

### Recommendations:

It is recommended that the exceptional talent stream be expanded to include additional fields such as business and economics, the performing arts, and athletics.

The program should also establish clear selection criteria, which may include factors such as:

- Having received national/international awards in their field.
- Membership in associations requiring outstanding achievement.
- Published material about the candidate and their accomplishments in media and/or professional journals.
- Evidence of major scientific, scholarly, arts, or business contributions (patents, original research, large art exhibitions, body of recorded work such as films and albums or theater performances, record of financial achievement/growth while leading organizations).
- Authorship of scholarly articles in major media/journals.
- Employment in a critical role for large or important organizations.

- Commanding a high salary or other significant forms of remuneration.
- Attestations as to their qualifications from highly acclaimed peers in their field.

The Ministry may consider establishing a requirement that applicants meet a minimum of three (3) of the above criteria to qualify under the stream.

It may also consider establishing a selection committee composed of distinguished members of Ontario's business, scientific, and cultural communities to assess candidates and their applications, potentially drawing on Order of Ontario recipients.

## **Entrepreneur Stream**

The OBA applauds the Ministry's intent to re-launch the Entrepreneur Stream, which will support business owners who employ Ontarians, drive innovation, and create jobs. This initiative will also help establish succession pathways for the many small business owners preparing to retire—entrepreneurs who themselves represent successful examples of immigrant contribution to Ontario's economy.

In its previous submission<sup>2</sup> on the Ontario Immigrant Nominee Program's Entrepreneur Stream, the OBA highlighted that the previously suspended Entrepreneur Stream was not sufficiently competitive with other provincial and federal entrepreneur programs, citing barriers such as high net-worth and investment thresholds and long timelines before permanent residence is attainable. The OBA endorses the Phase 2 program redesign, which focuses on entrepreneurs who have already established and successfully operated businesses in Ontario.

### Recommendations:

It is recommended that provisions be introduced to facilitate the transition of current work permit holders who have demonstrated entrepreneurial experience and business ownership

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<sup>2</sup> <https://oba.org/Our-Impact/Submissions/Submission-Ontario-Immigrant-Nominee-Program-OINP-Entrepreneur-Stream-Skilled-Trades>



in Ontario into a permanent residence pathway (the “Work Permit Holders’ Pathway”), alongside the proposed Business Succession pathway.

### **Work Permit Holders’ Pathway**

- Includes open work permit holders, as well as holders of closed work permits, including work permits issued under the C10 Significant Benefit category, the Intra-Company Transfer category C12, and the C11 Entrepreneurial work permit category.
- Eligibility requirements for the stream should be extended to applicants who have:
  - Operated a business in Ontario for a minimum of two years with at least 50% ownership;
  - Currently employ Canadian citizens or permanent residents and have created or maintained jobs for at least one year, as follows:
    - **GTA:** 3 full-time equivalent (FTE) positions per applicant
    - **Outside the GTA:** 2 FTEs
    - **Rural/Northern Ontario:** 1 FTE
    - FTEs may include employees or contractors, and existing positions maintained by the business should count toward the requirement.
  - Language and investment requirements should remain reasonable to avoid excluding successful entrepreneurs already contributing to Ontario’s economy (e.g., CUAET permit holders, C11 entrepreneurs). A language threshold at **CLB 4** for speaking and listening may be appropriate for this cohort.

### **Business Succession Pathway**

- A similar recommendation is extended to support business succession (50% ownership or more), with criteria aligned to those above, to help retiring business owners transfer their enterprises to qualified candidates.
- A lower language requirement, at **CLB 4 for speaking and listening**, would facilitate access to the pathway for foreign entrepreneurs seeking to purchase an existing business in Ontario.