

# ONTARIO IMMIGRATION ACT, 2015 NOW IN FORCE

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The Ontario Immigration Act, 2015 (the “**Act**”) and its regulations came into force on January 1, 2018. The Act and its regulations build on Ontario’s Immigration Strategy by establishing a comprehensive framework for the application and administration of the [Ontario Immigrant Nominee Program](#) (“**OINP**”).

The Act is aimed at strengthening the transparency, consistency, and accountability of OINP. Launched in 2007, OINP is an economic immigration program designed with the dual purpose of ensuring Ontario has a sustainable labour market and of fostering economic development in the province. Administered jointly by the federal and provincial governments, OINP allows the province to nominate foreign nationals for permanent residence who have the skills and experience to contribute to Ontario’s economy, and it assists Ontario employers in recruiting and retaining qualified foreign workers. In the latter case, employers can submit applications to OINP for approval of permanent, full-time jobs to be filled by foreign nationals. If the jobs are approved by OINP, the employer can recruit foreign nationals to fill them.

Notably for employers, the job offer streams under OINP are now a one stage application process and no longer require a pre-screen of the employer or position. Instead, as part of a foreign worker's application, an applicant must submit a completed and signed [Employer Form](#) from their Ontario employer. Through this form, the employer attests to meeting the OINP criteria. However, even though the application is now a one stage process, both the employer and the applicant must meet the stream eligibility criteria. The OINP will still assess both.

The Employer Form requires the employer to attest to, among other things, the correctness of the information included in the form, that the offer of employment to the foreign worker does not conflict with any existing collective bargaining agreements, and that the employer is operating in substantial compliance with all municipal, provincial and federal laws.

Employers should also be aware that the Act creates a number of new offences and penalties for contraventions of the OINP. The penalties include both administrative monetary penalties of up to \$150,000.00 for each contravention of the OINP and bans from using the OINP. Accordingly, prudent employers will seek legal assistance before attesting to meeting the OINP criteria or before making any modifications to a foreign worker’s terms of employment after a position is approved by OINP.

For more information about the Act, the OINP, or for assistance with any other business immigration matters, please contact a member of McMillan's Business Immigration group.

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### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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