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Immigration Law and International Recruitment

Minister of Immigration and Citizenship
Hon. Laura Albanese
6th Flr, 400 University Ave,
Toronto, ON
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ONTARIO OPTIONS FOR EXPRESS ENTRY SELECTION

Dear Minister Albanese,

Objective

The purpose of my letter is to bring attention to a lost opportunity concerning the Ontario governments selection criteria of its provincial quota of 1000 applicants from Express Entry. Policy decisions regarding the selection applicants of this quota should capitalize on the potential benefits to the Ontario industry and economy.

Background

In the past the Ontario Government sent Invitations to Apply (ITA) to 1000 foreign nationals from the Federal Express Entry pool based on an applicant's Express Entry points only. This selection method gave foreign nationals the opportunity to apply to the OINP without consideration of their skills or the employment rate in their respective occupations in Ontario.

For example, a foreign national under the age of 30 with a good IELTS score and a Phd in Egyptian Hieroglyphics or a Phd in Nyiha (language spoken by a tribe of 10 000 in Malawi) could meet the points based selectin criteria of the OINP. In such a scenario the foreign national would have limited employment opportunities, and come to Canada only to be under employed or even unemployed.

Even without confirmation of the unemployment figures in Ontario, the current system allows for the possibility that immigrants could immigrate into a labour market where there is already high unemployment in their occupations. There are no checks and balances to prevent this. If a purely points based system is being used as the

determinative selection mechanism, it would be reasonable and responsible to at least exclude those occupations where there is existing high unemployment.

The recent decision to favour the selection foreign nationals on a list of trades in construction (carpenters, millwrights, etc) who scored at least 400 was a wise policy decision. This is an indication that Ontario is moving away from solely relying on the Federal Government's Express Entry points model for the selection of its quota of 1000 immigrants from the Express Entry pool.

The ON PNP is closed for new applicants (in the job offer category) as too many applicants applied. Essentially the system has become so backlogged for Ontario employers that would like to nominate their employees, the program has closed for this stream. Recently reports was that some cases took 1-2 years for a nomination as there were just too many applicants.

Is Express Entry a Reliable System?

The enclosed article, shows that the Express Entry points system is fundamentally flawed and further that the manner in which it is utilised by the Federal government is irresponsible. The article was published in two parts earlier in 2017 in the Canadian Immigration Law Magazine, ImmQuest, owned by Carswell (a Reuters company). When Ontario chooses to select immigrants based on the federal government's Express Entry points system, it falls victim to the significant shortcomings of this system (as explained in the article).

Despite Ontario's considerate and intelligent decision to focus on construction trades (with a score of 400 or more), the province is still mostly sending invites based on a points only criteria.

Further, according to Ontario's current selection method, the province's choice applicant is being undermined by a practical consideration. Ontario is sending Invitations to Apply (ITAs) to applicants with a points score which is above the level at which applicants are receiving ITAs from the Federal Government. The Federal Government is sending ITAs as low as 415 points. Why would a foreign national (with an Express Entry score of 460) respond to an Ontario ITA given a short application period, additional submission criteria and an additional application fee of CAD1500 to the ON Government. There would be no incentive for a high scoring immigrant to respond to an Ontario ITA when they have already received or can reasonably expect to receive an ITA from the Federal Government.

Lessons from Other Provinces

Nova Scotia allocates 750 of 1000 ITAs to foreign nationals with Express Entry profiles who are currently working in Nova Scotia. The balance (250) was assigned to a list of skilled shortages.

British Columbia only accepts foreign nationals with Express Entry profiles to apply within their Express Entry stream if they have job offers.

These two provinces use their quotas in a manner which supports their respective industries. They do not allow foreign nationals with Express Entry profiles to indiscriminately emigrate in occupations where there is potentially already high unemployment. They do not allow immigrants to move to their provinces with very small chances of finding employment, they use selective criteria to welcome newcomers who will contribute to their industries and needs of employers.

Request

There are potentially thousands of skilled foreign nationals, currently in Ontario, who are working under the Authority of work permits (based on Labour Market Impact Assessments and specialized knowledge work permits), who do not have a pathway to permanent residence.

We have clients who are working in ON in specialized occupations or occupations where there are no eligible Ontarians to do the work, who are not receiving ITAs from Ontario. For example:

- a. A specialized fabricator with very unique skills cannot immigrate after his employer obtained a LMIA. The employer is an exporter.
- b. A Farm manager is working for an Ontario farmer but is not being selected even though the employer obtained a LMIA.
- c. A Mining engineer and specialized draftsman both working on large projects were transferred to Ontario based on their specialized knowledge and their ability to make a significant economic contribution, but are not being drawn.
- d. An Ontario mine imported very unique mining technology to become more productive. Two mining electricians obtained work permits due to their specialized knowledge but despite having permanent job offers and purchasing homes in rural areas they cannot obtain permanent residence.

It is requested that Ontario's selection criteria be reconsidered to give preference to foreign nationals who are currently legally working in Ontario on valid work permits. These individuals are already established and contributing members of society, and a change in

selection criteria could provide a thousand employers with the immigrants they desperately need.

Respectfully, the current method of points based selection from the Express Entry pool is wasting an opportunity to support Ontario employers whom needs to permanently employ foreign workers currently working for them.

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Member in Good Standing of ICCRC as required by the Section 91(1)&(7)(a) Immigration and Refugee Protection Act of Canada

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