

# Ontario investor program 'terrible'

## Lawyer wants province to beef up nominee option

BY MICHAEL McKIERNAN  
Law Times

Ontario needs a proper investor class if it's to get the most out of

its provincial nominee program, according to a leading corporate immigration lawyer.

Opportunities Ontario, which runs the program in this province,

has an investor class aimed at multinational companies looking to relocate key executives from abroad as part of an investment in the province. But Henry Chang, a

lawyer at Blaney McMurtry LLP and co-chairman of the firm's international trade and business group, says Ontario should be thinking smaller.

"The investor program is terrible. It's not even really an investor stream. We would probably benefit in Ontario by allowing entrepreneurs with money to start up here. We're not talking multimillionaires but maybe someone who has accumulated \$400,000 and is willing to create a business that will hire local workers. That's what other provinces are doing. We just haven't caught on yet."

Chang says provinces like British Columbia and Alberta have crafted rules that encourage investment by business owners who intend to have direct involvement in the daily management of the company.

"In Ontario, we need to learn a little more and catch up with the other provinces, especially now as immigration appears to be dropping in our province. People don't want to come here anymore."

The provincial nominee program began in 1998 to give provinces a way to react to regional economic needs by expediting candidates with specific skills or in certain sectors. Chang says Ontario has been playing catch-up since launching its own program just five years ago with a pilot that allowed 500 nominees a year. In 2009, the pilot became permanent and the cap increased to 1,000. But that's still only a fraction of the 45,000 immigrants Citizenship and Immigration Canada plans to admit under the program across the country in 2012.

"I wish the numbers were higher in Ontario in terms of limits," says Chang.

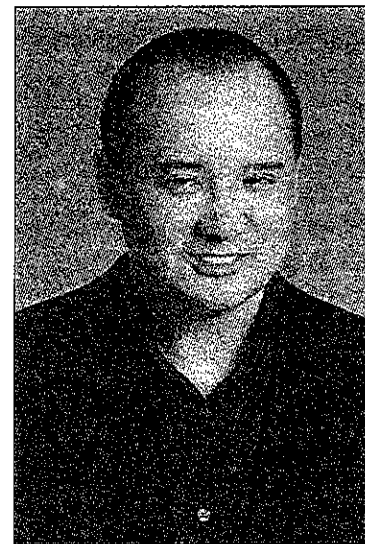
In some provinces, such as Manitoba and Saskatchewan, the provincial nominee programs have become the primary source of immigration. Chang says those provinces also have a reputation for the most progressive approaches to the provincial nominee program.

"They started it a lot sooner than we did and they are actively seeking immigration. They have made the program very user-friendly and a lot of people have been moving there. You can bring in a broader range of people."

The federal government reinforced its commitment to the provincial nominee program in an evaluation released in January.

"Overall, it's working well and is addressing local and regional labour market needs in the provinces and territories, attracting investment, and contributing to population growth," said Immigration Minister Jason Kenney in a speech unveiling the results of the evaluation.

The report showed provincial nominees establish themselves economically more quickly than immigrants arriving under other federal economic programs with higher levels of employment and earnings after the first year. It also found that the program has been successful at meeting labour



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shortages and in distributing economic immigrants more widely outside the traditional destinations of Ontario, Quebec, and British Columbia.

According to the report, 82 per cent of provincial nominees who became permanent residents between 2000 and 2008 were still residing in their nominating province. However, the results varied with rates as high as 95 per cent in Alberta and British Columbia and as low as 56 per cent in Atlantic Canada.

The programs in some provinces in Atlantic Canada have had other problems as well. In Prince Edward Island, the program became an election issue last year amid allegations that officials were taking bribes from prospective immigrants.

In New Brunswick, the province's auditor general criticized the lack of monitoring of successful applicants. At the same time, the program saw a steep decline in interest following the implementation of a \$75,000 deposit in an effort to stop immigrants from relocating quickly after getting the nomination.

The evaluation suggested provinces should work with the federal government to establish a minimum language ability standard for applicants. It also said there was room for improvement in the way the provinces match their nominations to their economic needs.

"Only one province has a formal labour market strategy that directly links labour market shortages to immigration and, ultimately, to their [provincial nominee] program," the report noted.

In his speech, Kenney also identified fraud detection as a key area requiring greater monitoring.

"There are always people around the world, and particularly in the industry of bottom-feeding, unscrupulous immigration agents and consultants, who are willing to cut corners in order to make money to get people to Canada faking documents, faking job offers, and the like," he said.

"And this is something we need to co-operate with the provinces on more closely to make sure that the people that they are nominating and we are admitting are coming here legitimately, have those job offers, and indeed are qualified." **LT**

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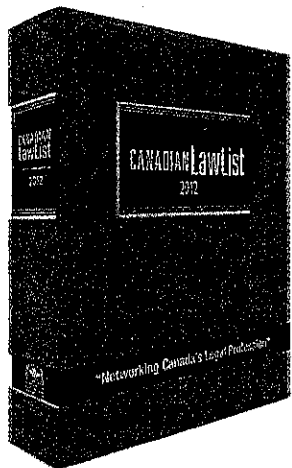
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