

COVID-19 emergency order

On March 17, 2020, the Government of Ontario declared an emergency under s 7.0.1 (1) the *Emergency Management and Civil Protection Act* to stop the spread of COVID-19 and protect the health and safety of all individuals and families in Ontario. This Declaration of Emergency was extended on April 14 and remains in effect.

Attention applicants

The Ontario Immigrant Nominee Program (OINP) continues to respond to inquiries, process applications and issue nominations during the emergency. We will also continue to issue notifications of interest under Ontario's express entry streams. The program will also continue to review and rank expressions of interest and issue invitations to apply under the OINP entrepreneur stream.

We recognize that applicants may experience delays obtaining information from third-parties. If you are unable to submit a required document due to the COVID-19 outbreak, please continue to submit your application and include a detailed explanation letter as to why you are unable to provide a required document and any supporting information. We will consider all relevant information when reviewing your application and may provide additional time to submit the required documentation.

If you have an application under an employer job offer stream (foreign worker, international student, in-demand skills) please note that the OINP intends to reach out to employers to assess the effects of the COVID-19 outbreak on employment conditions, as explained in the section for employers below. You will be contacted if the OINP requires further information regarding your application following this review.

Note that the entrepreneur stream is subject to a distinct process. Please see the section [Impact of COVID-19 on the OINP Entrepreneur Stream Applications](#).

Attention employers

Impact of COVID-19 on employer job offer streams: foreign worker, international student, in-demand skills

Permanent full-time position required

In order to be nominated, an applicant must have a job offer for an **employment position that has been approved** by the OINP. In order to be approved the employment position must meet all prescribed employer and position criteria. This includes demonstrating that the job offer is for a **permanent, full-time position that meets** minimum program **wage criteria** (median or low wage).

We cannot approve an application if an employee has been terminated and the employment relationship no longer exists.

Application submitted to OINP but not processed – notice requirement where material change

Whether you are an applicant or an employer, you are required under subsection 13(5) of the *Ontario Immigration Act, 2015*, to promptly notify the OINP of any material change to your application. For employers, this includes **material changes to the employment positions** that are the basis of the job offer streams.

In order to facilitate this notice requirement, **we will be reaching out to all employers to confirm that job offers/employment positions still meet program criteria** (for example, they are permanent, full-time, meet

minimum program wage criteria).

Effect of employer response on application

No change in position

If an employer indicates that there are no changes to a job offer/employment position (continues to be permanent, full-time, meets program wage requirement, etc.), the OINP will continue to assess the application.

Position eliminated or employment terminated (job loss)

If an employer indicates that the job offer/employment position is no longer available due to the position being eliminated or employment terminated, the application cannot be approved. The application will be determined to be incomplete and the application fee will be refunded.

Position affected by temporary layoff only (job start date delayed or hours reduced)

If an employer indicates that a job offer/employment position has been affected by a COVID-19 related temporary layoff under the *Employment Standards Act, 2000* (ESA) but confirms that it otherwise continues to meet program criteria (permanent, full-time, meets program wage requirement, etc.) we will hold the application for a period of up to 90 days.

Application approved and employed foreign national nominated

Notice requirements: nomination approved

Nominees and employers with approved employment positions were advised in their approval letters that the approval was conditional upon the nominee continuing to be employed in the approved employment position throughout the nomination period (i.e. until permanent residence). This means that the nominee's terms of employment must remain consistent throughout the nomination period and includes:

- employer
- position title and duties
- wage
- hours of work
- work location

Nominees and employers were advised to notify the OINP of any changes and that the approval might be cancelled if the conditions/restrictions were not met and if employment is terminated.

If you are a nominee, you do not need to contact the OINP unless your Ontario employer has notified you that either:

- your job offer has been withdrawn
- you have been terminated (i.e. you lost your job with the employer)

Employers should **notify the OINP of any material changes to nominees' employment terms**, excluding temporary layoffs under the *Employment Standards Act, 2000* (ESA).

If a job offer/employment position has been affected by a COVID-19 related **temporary layoff** under the *ESA* but otherwise continues to meet program criteria (permanent, full-time, meets program wage requirement, etc.), we:

- will continue to support the nomination
- may ask for supplementary information from employers with respect to such temporary layoffs at a future date

Effect of employer response on nomination

No change

If there are no changes to a job offer/employment position (continues to be permanent, full-time, meets program wage requirement, etc.), we will continue to support the nomination.

Nominee terminated (job loss)

If an employer indicates that the nominee's employment has been terminated due to the COVID-19 outbreak, we will:

- cancel the approval of the employment position
- notify the nominee and provide them with 90 days to obtain the support of another employer

The nominee will be given the opportunity to submit a new application (with applicable fee).

Impact of COVID-19 on OINP entrepreneur stream applications

If you have received an invitation to apply to the entrepreneur stream, we will temporarily extend your 90-day submission deadline and contact you by email. If you have received an ITA but have not received an email, please contact the OINP at business.immigration@ontario.ca.

If you have already submitted a completed application to the OINP entrepreneur stream and you are experiencing challenges regarding your specific requirements, please send an email to business.immigration@ontario.ca. Please provide your file number, a detailed explanation of the challenges you are facing and any additional supporting information or documentation. For example, if you:

- are experiencing delays obtaining information that relates to the monitoring of your application
- have had to temporarily close, suspend, or materially alter your business operations
- are temporarily unable to fulfill your hiring and employer requirements

The OINP will continue to address the specific concerns of applicants as they arise.

No refusal of application or cancellation of nomination without notice

The OINP is administered in accordance with the *Ontario Immigration Act, 2015* and its regulations. No application will be denied and no approvals will be cancelled without notifying the applicant and employer. We will carefully review responses to these notices before making a final decision.