**Disclaimer**:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

ontario regulation

to be made under the

Ontario Immigration Act, 2015:
a Consultation Draft

General

Selection Program

Ontario Immigrant Nominee Program

 **1.**The program known in English as the Ontario Immigrant Nominee Program and in French as Programme ontarien des candidats à l’immigration is established as a selection program under subsection 11 (1) of the Act.

Comprehensive Ranking System score

 **2.**The minimum score that an applicant must obtain under the Comprehensive Ranking System for the purposes of paragraph 2 of subsection 10 (1) of Ontario Regulation (Approvals under the Ontario Immigrant Nominee Program and Administrative Penalties) made under the Act is 400.

Banning applications

 **3.**(1)  The director shall not make an order under section 19 of the Act banning a person or body from making an application for approval or acting as a representative or a recruiter unless,

 (a) the director has previously made an order imposing an administrative penalty against the person or body; or

 (b) the director is satisfied that a person or body has contravened a provision of the Act or the regulations to the detriment of multiple persons or bodies.

 (2)  In determining whether to make an order in the circumstances described in clause (1) (b), the director shall consider the type and severity of the contravention.

 (3)  If the director decides to make an order under section 19 of the Act against a person or body on the basis of a contravention of the Act or the regulations, the director shall, in determining the length of the ban, consider the type and severity of the contravention and the previous history of the person or body in complying with the Act and the regulations.

 (4)  If the director has made an order under section 19 of the Act against a person or body, any subsequent order that the director makes against the person or body shall be for a period of at least one year.

Internal reviews

 **4.**Inconducting an internal review under section 34 of the Act, the individual conducting the review shall not hold a hearing before exercising any powers under subsection 34 (10) of the Act.

Administrative Penalties

Amount

 **5.**The amount of an administrative penalty imposed against a person or body on the basis of a contravention of a provision prescribed for the purposes of subsection 26 (1) of the Act shall be calculated on the basis of the following formula:

($2,000 × A × B) + C

where,

 A = the total number of administrative penalties that have been imposed against the person or body in the previous 10 years;

 B = the number of applicants involved if the contravention involves applications of multiple persons or bodies or the number 1 otherwise; and

 C = the monetary amount that the person or body has received at any time in connection with the contravention.

Procedure for Orders Imposing a Ban or an Administrative Penalty

Procedure

 **6.**(1)  If the director is satisfied that a person or body has contravened or is contravening a provision of the Act or the regulations, then, before making an order described in subsection 19 (1) of the Act, the director shall serve written notice on the person or body.

 (2)  If the director is satisfied that a person or body has contravened or is contravening a provision prescribed for the purposes of subsection 26 (1) of the Act, then, before making an order imposing an administrative penalty, the director shall serve written notice on the person or body.

 (3)  The notice mentioned in subsection (1) or (2) shall set out,

 (a) a description of the facts forming the basis of the contravention;

 (b) a statement that the person or body is entitled to respond to the notice in writing within 60 days of receiving it.

 (4)  The notice is sufficiently served if it is delivered personally or sent by mail or by another manner if the sender can prove receipt of the notice.

 (5)  A person or body on whom the director serves the notice is deemed to have received the notice on the date that the director sends it.

 (6)  The director shall consider the response, if any, that the person or body provides within the time period specified in clause (3) (b) and whether the response addresses the description of the facts mentioned in clause (3) (a) and shall decide whether to proceed to make the applicable order.

 (7)  If the director makes an order imposing an administrative penalty against a person or body, the penalty is payable to the Minister of Finance within 60 days of the date that the order is served on the person or body in accordance with subsection 26 (7) of the Act.

 (8)  An order that is described in subsection 19 (1) of the Act or that imposes an administrative penalty shall include a statement of information about how the person or body can request an internal review under section 34 of the Act.

Commencement

Commencement

 7.  [Commencement].