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Gouvernement du Québec

O.C. 675-2009, 10 June 2009

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations on the matters set forth in that section;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., c. 1981, c. M-23.1, r.2);

WHEREAS a draft of the Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 18 March 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments were received within the 45-day period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *b*, *b.4*, *c*, *c.2*, *c.3*, *f*, *f.1.0.1*, *f.2* and *g*)

1. The Regulation respecting the selection of foreign nationals is amended in section 1

(1) by inserting the following after subparagraph *b.1* of paragraph 1:

“(b.2) “Québec diploma” means one of the following diplomas, attesting to at least 1 year of full-time studies:

i. a diploma issued by the Minister of Education, Recreation and Sports or by a Québec university;

ii. a diploma issued by a college-level educational institution for training acquired in Québec.

The following is deemed to be a Québec diploma:

i. a diploma issued by the minister responsible for education or by a university of a province or Canadian territory;

ii. a diploma or training acquired outside Québec and recognized as equivalent by a Québec professional or trade regulatory body, except a diploma leading to the practice of the profession of physician according to code 3111 or 3112 of the NOC;

iii. a diploma or training acquired outside Québec and related to a profession or trade regulated in Québec, where the holder holds an authorization to practise the profession or trade issued by a Québec regulatory body;

iv. evidence certifying successful completion of formal training acquired outside Québec, related to a profession governed by a professional order in Québec and referred to in an arrangement for mutual recognition

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 1117-2008 dated 5 November 2008 (2008, *G.O.* 2, 5143). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the holder has the legal authorization to practise required by that arrangement;

v. evidence certifying successful completion of formal training acquired outside Québec, related to a trade regulated in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the Québec regulatory body certifies that the holder meets the conditions regarding training and, where applicable, professional experience required by that arrangement;”;

(2) by inserting the following after subparagraph *g.1* of paragraph 1:

“(g.1.1) “List of preferred areas of training” means the publication bearing that title and authorized by the Minister, as it reads at the time it applies, listing the most promising areas of training in respect of the needs of the labour market;”.

2. Section 8 is amended by replacing the second paragraph by the following:

“A foreign national in the class of persons in a particularly distressful situation referred to in paragraph *b* or *c* of section 18 whose record does not contain all the information necessary for a decision is to be called for a selection interview.”.

3. Section 18 is amended by inserting “or section 65.1 of the Immigration and Refugee Protection Regulations” in subparagraph *iv* of paragraph *c* after “Act”.

4. Section 22 is amended

(1) by replacing paragraph *c* by the following:

“(c) the application of a foreign national who is a skilled worker, where the foreign national or his spouse or de facto spouse accompanying him submits a validated employment offer, then the application of a skilled worker whose training or his accompanying spouse’s or de facto spouse’s training belongs to a promising area in respect of the needs of the labour market according to the List of preferred areas of training, and finally, the application of other skilled workers;”;

(2) by adding the following paragraph at the end:

“The training referred to in subparagraph *c* must have been attested to by a diploma obtained in the 5 years preceding the date of filing of the application or, failing that, must have led to the full-time practice of a profession related to the diploma for at least 1 year in the 5 years preceding that date.”.

5. Section 40.1 is amended

(1) by inserting “for 5 years” after “given” in paragraph 2;

(2) by replacing subparagraph *a* of paragraph 2 by the following:

“(a) by a Québec resident who satisfies the conditions in subparagraphs *b* to *b.5* of the first paragraph of section 23, the second paragraph of section 23, if applicable, paragraphs *e* and *f* of section 28.1, and sections 42 and 44 to 46.3; or”.

6. Section 47 is amended by replacing “37 months” in subsection 5 by “49 months”.

7. Section 56 is amended by adding the following paragraph at the end:

“Where the purpose of an application for a selection certificate, in relation to the preceding application, is to add a family member of the foreign national, the foreign national and his family members are exempt from the payment of the fees if they already hold a valid selection certificate.”.

8. Schedule A is amended

(1) by replacing criterion 1.1 by the following:

“1.1 Education level

(a) secondary school general diploma

(b) secondary school vocational diploma

(c) postsecondary school general diploma attesting to 2 years of full-time studies

(d) postsecondary school technical diploma attesting to 1 year of full-time studies

(e) postsecondary school technical diploma attesting to 2 years of full-time studies

(f) secondary school vocational diploma, or post-secondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of Part I or II of criterion 1.2

(g) postsecondary school technical diploma attesting to 3 years of full-time studies

(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of Part I or II of criterion 1.2

(i) undergraduate university degree attesting to 1 year of full-time studies

(j) undergraduate university degree attesting to 2 years of full-time studies

(k) undergraduate university degree attesting to 3 years of full-time studies

(l) master's degree attesting to 1 year or more of full-time studies

(m) doctorate”;

(2) by replacing criteria 1.2 to 1.4 by the following:

“1.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I
Section B of Part I
Section C of Part I
Section D of Part I
Section E of Part I
Section F of Part I
Section G of Part I

Section A of Part II
Section B of Part II
Section C of Part II
Section D of Part II
Section E of Part II
Section F of Part II
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.”;

(3) by replacing criterion 5.1 by the following:

“5.1 Stay in Québec

(a) to study for 1 regular full-time semester if study is the main activity

(b) to study for at least 2 regular full-time semesters if study is the main activity

(c) to work for at least 3 months if work is the main activity

(d) to work for at least 6 months if work is the main activity

(e) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 3 months

(f) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 6 months

(g) for business for at least 1 week

(h) other stay for not less than 2 weeks

(i) other stay for at least 3 months

The stay, other than the stay referred to in paragraph g, must have been completed by the foreign national or the foreign national's accompanying spouse, including de facto spouse, in the 10 years preceding the date of filing of the application for a selection certificate.

The stay referred to in paragraph g must have been completed by the foreign national in the 2 years preceding the date of filing of the application for a selection certificate.”;

(4) by replacing paragraphs d to f of criterion 6.1 by the following:

“(d) postsecondary technical diploma attesting to 1 year of full-time studies

(e) postsecondary technical diploma attesting to 2 years of full-time studies

(f) postsecondary technical diploma attesting to 3 years of full-time studies

(g) undergraduate university degree attesting to 1 year of full-time studies

(h) undergraduate university degree attesting to 2 years of full-time studies

(i) undergraduate university degree attesting to 3 years or more of full-time studies

(j) master's degree attesting to 1 year or more of full-time studies

(k) doctorate”;

(5) by replacing criteria 6.2 to 6.4 by the following:

“6.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I
Section B of Part I
Section C of Part I
Section D of Part I
Section E of Part I
Section F of Part I
Section G of Part I

Section A of Part II
Section B of Part II
Section C of Part II
Section D of Part II
Section E of Part II
Section F of Part II
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.”;

(6) by replacing the numbering of criteria 6.5 to 6.7 by 6.3 to 6.5;

(7) by inserting “, as well as the particular requirements for access to the profession in Québec” at the end of the first dash of the first paragraph after criterion 7.2.

9. This Regulation comes into force on 8 July 2009, except sections 1, 4 and 8, which come into force on 14 October 2009.

9299

Draft Regulations

Draft Regulation

An Act respecting the Québec correctional system
(R.S.Q., c. S-40.1)

Conditional release — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting conditional release, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation modifies the number of regions from which the community members of the Commission québécoise des libérations conditionnelles must come. In addition, it specifies the content of an application for a temporary absence in preparation for conditional release submitted to the parole board by inmates.

Further information may be obtained by contacting Pierre Gagnon, Commission québécoise des libérations conditionnelles, 300, boulevard Jean-Lesage, bureau 1.32A, Québec (Québec) G1K 8K6; telephone: 418 643-8340, extension 110; fax: 418 643-7217.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS
Minister of Public Security

Regulation to amend the Regulation respecting conditional release*

An Act respecting the Québec correctional system
(R.S.Q., c. S-40.1, s. 193, 1st par., subpars. 28 and 29)

1. The Regulation respecting conditional release is amended in section 1

(1) by replacing “11” in the first sentence of the part preceding paragraph 1 by “8”;

(2) by replacing paragraphs 4 to 11 by the following:

“(4) Region 4: administrative regions 04 (Mauricie), 05 (Estrie) and 17 (Centre-du-Québec);

(5) Region 5: administrative regions 06 (Montréal), 13 (Laval), 14 (Lanaudière), 15 (Laurentides) and 16 (Montérégie);

(6) Region 6: administrative region 07 (Outaouais);

(7) Region 7: administrative regions 08 (Abitibi-Témiscamingue) and 10 (Nord-du-Québec); and

(8) Region 8: administrative region 09 (Côte-Nord).”.

2. Section 3 is amended

(1) by inserting “main” in paragraph 4 before “reason”;

(2) by striking out paragraph 7.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9298

Draft Regulation

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Notice is hereby given that the Regulation to amend the Regulation respecting the selection of foreign nationals, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to create a new accelerated and simplified permanent immigration program, intended for foreign students and specialized temporary employment workers who are in Québec and who meet labour-market priorities.

* The Regulation respecting conditional release, made by Order in Council 7-2007 dated 16 January 2007 (2007, G.O. 2, 94A), has not been amended since it was made.

The draft Regulation also proposes to simplify the selection of foreign nationals in the economic class by removing the stage of the preliminary processing and the “Adaptability” factor in the Selection grid for the economic class.

This draft Regulation entails no administrative or financial burden for enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Lucy Wells, Assistant Deputy Minister for Immigration, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9; telephone: 514 873-0706, extension 21262; fax: 514 873-0453.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Immigration and Cultural Communities, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

YOLANDE JAMES,
*Minister of Immigration
and Cultural Communities*

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *a*, *b*, *b.1*, *b.3*, *b.4*, *f* and *g*)

1. The Regulation respecting the selection of foreign nationals is amended in section 5.01

(1) by replacing paragraph *a* by the following:

“(a) in the case where the main purpose of the stay is or was to study,

i. the foreign national holds a certificate of acceptance, a study permit or a temporary resident permit, except if the foreign national is exempt therefrom under this Regulation or the Immigration and Refugee Protection Regulations (SOR/02-227);

ii. the foreign national complies with the conditions of the certificate or permit;

iii. the foreign national pursues, or has successfully completed a secondary-level vocational training program of 900 hours or more, a program of full-time college or undergraduate studies of 12 months or more, a graduate specialization or a master’s or doctoral program in a Québec educational institution in Québec; and

iv. if the duration of the program pursued by the foreign national is under 18 months or if the foreign national pursues graduate studies, the foreign national has completed half of those studies or, if the duration is 18 months or more, the foreign national has 12 months or less before completing the program or, if section 38.2 applies to the foreign national, the foreign national only has 6 months or less to complete the program;”;

(2) by replacing “of at least 1 year” in subparagraph iii of paragraph *b* by “or consecutive periods totalling at least 1 year, except in the case of a person referred to in section 38.1”;

(3) by inserting the following after paragraph *b*:

“(b.1) in the case where the foreign national participates in a youth exchange program under an international agreement entered into by Québec or Canada,

i. the foreign national holds a work permit and complies with the conditions of the permit;

ii. the foreign national has been lawfully admitted in the territory for a period or consecutive periods totalling at least 1 year, except if section 38.1 applies to the foreign national; and

iii. the foreign national holds full-time employment at the time of filing the foreign national’s application;”.

2. Section 5.02 is amended by adding the following after paragraph *c*:

“(d) section 38.1 applies to the foreign national;

(e) section 38.2 applies to the foreign national and, if the foreign national is in Québec, the foreign national meets the conditions referred to in paragraph *a* of section 5.01.”.

3. Section 7 is revoked.

4. Section 8 is amended by striking out the third and fourth paragraphs.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2) was last amended by the regulation made by Order in Council 1117-2008 dated 5 November 2008 (2008, *G.O.* 2, 5143). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

5. Section 22 is amended by replacing paragraph *c* by the following:

“(c) the application of a foreign national who is a skilled worker referred to in section 38.1 or 38.2, then the application of a skilled worker where the foreign national or the foreign national’s accompanying spouse, including de facto spouse, submits a validated employment offer, then the application of a skilled worker whose training or that of the foreign national’s accompanying spouse, including de facto spouse, belongs to a promising area in respect of the needs of the labour market according to the List of preferred areas of training, and finally, the application of other skilled workers;”.

6. The following is inserted after section 38:

“**38.1.** The Minister issues a selection certificate as a skilled worker to a foreign national who stayed temporarily in Québec with the main purpose of working in Québec or in the context of a youth exchange program under an international agreement entered into by Québec or Canada, if the foreign national meets the following conditions:

(a) the foreign national complied with the conditions of the foreign national’s stay and the foreign national is lawfully in Québec at the time of filing the foreign national’s application;

(b) the foreign national had full-time employment in Québec, in a skill level higher than C within the meaning of the National Occupational Classification, during a period totalling at least 12 months in the 24 months preceding the filing of the foreign national’s application and the foreign national holds such employment at the time of that filing;

(c) the foreign national pursued full-time studies for at least 1 year in French at the secondary or post-secondary level, completed a level B1 French course, according to the Common European Framework of Reference for Languages or the equivalent, offered by a Québec educational institution in Québec, or the foreign national accompanies the application with a document certifying that the foreign national has met the linguistic requirements of a professional order or with the result of a standardized French test showing a level B1 oral knowledge of French, according to the framework of reference or its equivalent; and

(d) the foreign national complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

38.2. The Minister issues a selection certificate as a skilled worker to a foreign national who stayed temporarily in Québec with the main purpose of studying in Québec, if the foreign national meets the following conditions:

(a) the foreign national complied with the conditions of the foreign national’s stay and, since the end of the program of studies, the foreign national has not undertaken other studies in Québec;

(b) the foreign national obtained a secondary school vocational diploma which, alone or with an attestation of vocational specialization obtained consecutively, attests to 1,800 hours or more of continuing training, a diploma of college studies in a technical program, or a university diploma attesting to a bachelor’s degree, a master’s degree or a doctorate;

(c) the studies referred to in paragraph *b* were done in French, or the foreign national completed at least 1 year of full-time studies in French at the secondary or post-secondary level, or the foreign national has successfully completed a level B1 French course, according to the Common European Framework of Reference for Languages or the equivalent, offered by a Québec educational institution in Québec, or the foreign national accompanies the application with the result of a standardized French test showing a level B1 oral knowledge of French, according to the framework of reference or its equivalent;

(d) the foreign national was not the holder of a scholarship with a condition to return to the foreign national’s country at the end of the studies or the foreign national complied with that condition; and

(e) the foreign national complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

38.3. Section 32 does not apply to an application referred to in section 38.1 or 38.2.

For the purposes of paragraph *b* of section 38.2, the foreign national who is abroad must have obtained his or her diploma in Québec no more than 24 months before (*insert the date of coming into force of this Regulation*).”.

7. Schedule A is amended by striking out the “Adaptability” factor in the Selection grid for the economic class.

8. This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*).

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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