



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 423

(1998, chapter 15)

An Act to amend the Act respecting immigration to Québec and other legislative provisions

Introduced 5 May 1998

Passage in principle 20 May 1998

Passage 9 June 1998

Assented to 12 June 1998

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EXPLANATORY NOTES

This bill proposes various amendments to the Act respecting immigration to Québec to facilitate its administration.

The bill requires that the Minister prepare an annual immigration plan to be tabled in the National Assembly.

The bill empowers the Minister to issue to a foreign national a certificate of undertaking in place of a selection certificate, and replaces the certificate of identity issued to a foreign national by a certificate of statutory situation.

Under the bill, financial assistance to immigrants for language instruction will no longer be governed by regulations but will be entrusted to the responsibility of the Minister.

The bill also abolishes the requirement that the Minister prescribe forms, except in the case of an undertaking to assist a foreign national to settle in Québec, and allows for the establishment of a fee structure that varies according to the stages in the processing of an application for a selection certificate.

The bill also contains consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70).

Bill 423

AN ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by inserting, after section 3, the following :

“3.01. The Minister, having regard to government policy concerning immigrants and foreign nationals, shall establish an annual immigration plan.

The plan shall set out the number of foreign nationals who may settle in Québec and the distribution of that number by class or within a class. That number and its distribution are estimates within the meaning of section 7 of the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2).

The plan shall also indicate the selection activities that are planned for the year concerned.

The plan shall be tabled in the National Assembly not later than 1 November or, if the Assembly is not sitting on that date, not later than the fifteenth day after resumption.”

2. Section 3.1 of the said Act is amended

(1) by replacing “file an application” in the first and second lines of the first paragraph by “, except for the classes and in the cases prescribed by regulation, file an application for a selection certificate”;

(2) by striking out “on the form prescribed by the Minister and” in the third line of the first paragraph;

(3) by inserting “to the annual immigration plan and” after “regard” in the first line of the second paragraph.

3. Section 3.1.1 of the said Act is amended

(1) by replacing the first paragraph by the following :

“3.1.1. In the cases determined by regulation, an undertaking to assist a foreign national to settle in Québec is required.”;

(2) by replacing “the forms prescribed” in the sixth line of the last paragraph by “the form prescribed”;

(3) by adding, at the end, the following:

“The Minister shall issue a certificate of undertaking to a foreign national in whose respect an undertaking has been made and who is not required to file an application for a selection certificate.”

4. Section 3.1.2 of the said Act is amended

(1) by replacing “a certificate of identity” in the second line of the first paragraph by “a certificate of statutory situation”;

(2) by striking out “on the form prescribed by the Minister and” in the third line of the first paragraph;

(3) by replacing “a certificate of identity” in the first line of the second paragraph by “a certificate of statutory situation”.

5. Section 3.2 of the said Act is amended by striking out “on the form prescribed by the Minister and” in the fourth and fifth lines of the first paragraph.

6. Section 3.2.1 of the said Act is amended by replacing “, a certificate of acceptance or a certificate of identity or” in the second and third lines by “a certificate of acceptance or a certificate of statutory situation or of the application”.

7. Section 3.2.2 of the said Act is amended

(1) by replacing “a certificate of identity or an undertaking” in the second line of the first paragraph by “a certificate of statutory situation, an undertaking or a certificate of undertaking”;

(2) by striking out, in the French text, “ou l’attestation” in the first line of subparagraph *a* of the first paragraph;

(3) by striking out, in the French text, “ou l’attestation” in the first line of subparagraph *b* of the first paragraph;

(4) by striking out, in the French text, “ou de l’attestation” in the first and second lines of subparagraph *c* of the first paragraph.

8. Section 3.2.6 of the said Act, amended by section 9 of chapter 70 of the statutes of 1993, is replaced by the following:

“3.2.6. The Minister may allocate financial assistance to a student receiving linguistic integration services.”

9. Section 3.2.7 of the said Act is amended by striking out the last sentence.
10. Section 3.3 of the said Act, amended by section 11 of chapter 70 of the statutes of 1993, is again amended
- (1) by inserting, after subparagraph *a* of the first paragraph, the following:

“(a.1) determining the cases where and the classes of foreign nationals for which an application for a selection certificate is not required;”;
 - (2) by replacing subparagraph *c* of the first paragraph by the following:

“(c) determining the cases where an undertaking to assist a foreign national to settle in Québec is required and the cases where an undertaking ceases to have effect;”;
 - (3) by replacing subparagraph *d.1* of the first paragraph by the following:

“(d.1) determining the cases where a certificate of statutory situation referred to in section 3.1.2 is to be issued and determining, according to the status of the foreign national as established under the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2), types of certificates of statutory situation and the conditions applicable to each type;”;
 - (4) by replacing “a certificate of identity” in the second line of subparagraph *f* of the first paragraph by “a certificate of statutory situation”;
 - (5) by replacing “a certificate of identity” in the first line of subparagraph *f.1.1* of the first paragraph by “a certificate of statutory situation”;
 - (6) by replacing “of certificate of identity” in the third line of subparagraph *f.1.1* of the first paragraph by “of certificate of statutory situation”;
 - (7) by replacing subparagraph *f.2* of the first paragraph by the following:

“(f.2) establishing the fees payable for processing an application for an undertaking, a certificate of statutory situation, a selection certificate or a certificate of acceptance, for issuing any such certificate or for subscribing an undertaking, and determining the cases where total or partial exemption from payment is to be granted; the fees may vary in the case of an undertaking according to the family situation of the foreign national, in the case of a certificate of statutory situation according to the authorization allowing the foreign national to be in Canada, in the case of a selection certificate according to the classes of foreign nationals or to the stages in the processing of an application or, in the case of a certificate of acceptance according to the reason for the temporary admission of the foreign national to Québec;”;
 - (8) by striking out subparagraph *i* of the first paragraph;

(9) by striking out the second paragraph.

11. Section 12.3 of the said Act is amended by replacing “a certificate of identity” in the first and second lines of paragraph *a* by “a certificate of statutory situation”.

12. Section 12.4 of the said Act is replaced by the following :

“12.4. Every person who contributes to the issue of a selection certificate, a certificate of acceptance, a certificate of undertaking or a certificate of statutory situation to a foreign national or to the subscription of an undertaking in favour of a foreign national in contravention of this Act is guilty of an offence.”

13. Section 12.7 of the said Act is amended by replacing “of the selection certificate, the certificate of acceptance or the certificate of identity” in the fourth and fifth lines by “for the selection certificate, the certificate of acceptance, the undertaking or the certificate of statutory situation”.

14. Section 8 of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70) is repealed.

15. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, by section 86 of chapter 43 of the statutes of 1997 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing subparagraph 7 of paragraph *a* of subsection 2 by the following subparagraph :

“(7) in matters of immigration, the social affairs division of the Administrative Tribunal of Québec, in the case and subject to the conditions set out in the third paragraph of section 102 of the Act respecting administrative justice;”.

16. This Act comes into force on 12 June 1998, except section 8 and paragraph 8 of section 10 which come into force on the date to be fixed by the Government.