

Draft Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Application of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation whose text appears below may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the application of the Health Insurance Act to add a new act to the list of insured dental and oral surgery services.

That act is a new operative technique developed by oral surgeons to make the surgery easier, to reduce operative time and to facilitate the patient's postsurgical recovery.

The proposed amendment is therefore intended to add that surgery to the list of services that must be considered as insured under the Health Insurance Act.

Further information may be obtained on the draft Regulation during the 45-day period by contacting Mr. Marc Duclos at the Régie de l'assurance maladie du Québec, 1125, chemin Saint-Louis, 8^e étage, Sillery (Québec) G1S 1E7; tel. (418) 682-5172, fax: (418) 643-7312.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Health and Social Services and Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. c and d)

1. Paragraph *D* of section 31, paragraph *G* of section 35 and paragraph *G* of section 36 of the Regulation respecting the application of the Health Insurance Act are amended by inserting the term "Submandibular percutaneous intubation" after the word "Tracheotomy".

2. This Regulation comes into force on 1 October 1999.

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Draft Regulation

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2; 1998, c. 15)

Selection of foreign nationals — 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 the selection of foreign nationals, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation introduces various amendments relating to the sponsorship of foreign nationals, to the selection certificate, to the discretionary power of the Minister and to the selection grid of independent immigrants.

To that end, as regards sponsorship, the draft Regulation adds certain conditions to the undertaking on behalf of a foreign national of the family class: not having been convicted of violence against a family member during the past five years and showing that the person sponsored is aware of the terms of the undertaking. It also specifies that the spouse must be at least 16 years of age and that an undertaking given abroad on behalf of a

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) was last amended by Order in Council 924-97 dated 9 July 1997 (1997, *G.O.* 2, 4170). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

dependent child may only refer to a child under 19 years of age who is not married and has no children. For the collective sponsorship of immigrants in the class of persons in distressful situations, the draft Regulation removes the condition relating to the absence of compulsory execution measures and to the obligation to reside in Québec continuously; it also removes the requirement for legal persons who sign an undertaking to file a certified financial statement and it substitutes the requirement to carry on activities and be legally registered for the requirement to have an establishment in Québec.

As regards the selection certificate, the draft Regulation extends its period of validity from 12 months to three years.

As regards the Minister's discretionary power to select immigrants in the class of persons in distressful situations or of independent immigrants, the draft Regulation prescribes that the Minister may assess an application by taking into account the fact that an undertaking was given on their behalf.

As regards the selection grid, the draft Regulation further broadens the criteria of schooling and stay in Québec, standardizes the concepts of occupational experience and specifies that it must have been acquired within the past eight years, indicates that the employment had to be remunerated, restricts the criterion of ties in Québec to close relatives and limits the awarding of points to the factor regarding characteristics of the spouse to a spouse between the ages of 23 and 30.

By adding requirements to sponsor an immigrant, the draft Regulation will counter cases of violence against the family and make sure that the immigrant is informed of the terms of the undertaking given on his behalf. For collective sponsorships, the impact will be to facilitate undertakings by legal persons or groups of persons. The draft Regulation will also, by allowing the Minister to take into account the giving of an undertaking, minimize the possibility that persons thus selected become dependent upon the State. Lastly, the amendments to the selection grid will facilitate the evaluation of independent immigrants who want to settle in Québec.

Further information may be obtained by contacting Ms. Monique Proulx, Director, Politiques et programmes d'immigration, 800, place Victoria, 14^e étage, C.P. 216, Montréal (Québec) H4Z 1E3; telephone: (514) 864-3288; fax: (514) 864-2796.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations

with the Citizens and Immigration, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

ROBERT PERREAULT,
*Minister of Relations with the Citizens
and Immigration*

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

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, ss. 3.1, 3.1.1. and 3.3, 1st par., subpars. *a* to *b.2*, *c* to *c.3*, *d* and *f.1*; 1998, c. 15, ss. 2, 3 and 10)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended

(1) by striking out the words “or might reasonably be expected to receive” in paragraph *c* of subsection 1; and

(2) by adding the words “who is at least 16 years of age” at the end of item *i* of paragraph *j* of subsection 1.

2. Section 3 is amended by deleting the second paragraph.

3. Section 4 is amended by deleting the second paragraph.

4. Section 15 is amended

(1) by substituting the words “three years” for the words “12 months” in the first sentence of the second paragraph; and

(2) by striking out the words “paragraphs *c* to *g* and *j* of subsection 1 or paragraphs *a* to *c* of subsection 2 of” in the last paragraph.

5. Section 19 is amended by adding the words “who is at least 16 years of age” at the end of subparagraph *a* of the first paragraph.

6. Section 23 is amended

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2) was last amended by the Regulations made by Orders in Council 137-99 dated 17 February 1999 (1999, *G.O.* 2, 199) and 307-99 dated 31 March 1999 (1999, *G.O.* 2, 399). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

(1) by substituting the words “who is at least 16 years of age or his dependent child under 19 years of age who is not married and has no children” for the words “or dependent child” in paragraph *b.2* of the first paragraph;

(2) by inserting the following after subparagraph *b.4*:

“(b.5) the resident, during the five years preceding the application to give an undertaking, has not been convicted of a summary conviction or indictable personal injury offence against a member of his family as referred in section 19 or against his *de facto* spouse or a child of that person;

(b.6) the resident, in the case of an undertaking on behalf of a person of full age or of a minor if that person is his spouse or fiancé, provides a written statement from that person acknowledging that he is aware of the terms and scope of the undertaking;”.

7. Section 27 is amended by adding the following paragraph at the end:

“The Minister may also issue a selection certificate to a foreign national belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18, if that foreign national is a dependant of a person referred to in section 11.2 of the Immigration Regulations of 1978 and if the Minister is of the opinion that he has settled or is able to settle in Québec, particularly because that foreign national is covered by an undertaking given on the prescribed form by the person of whom he is a dependant, in accordance with the conditions provided for in sections 42 and 46.1 to 46.3 and for a three-year period in the case of a spouse or, in the case of a dependent child, for a ten-year period or until he is of full age, whichever is longer.”.

8. Section 28 is amended

(1) by substituting the words “, if he practises activities in Québec and if he is registered in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45)” for the words “and has a place of business in Québec including permanent installations” at the end of paragraph *a* of the first paragraph; and

(2) by striking out the words “as well as a certified financial statement for its last financial year” at the end of paragraph *c* of the first paragraph.

9. Section 30 is amended by striking out paragraphs *c* and *f*.

10. Section 31 is amended by inserting the words “who is at least 16 years of age” at the end of the first paragraph and after the word “spouse”.

11. Section 40 is amended by adding the following at the end:

“The Minister may also issue a selection certificate to a foreign national belonging to the class of independent immigrants who was not given a passing score and who is a dependant of a person referred to in section 11.2 of the Immigration Regulations of 1978, if he is of the opinion that the score does not reflect the foreign national’s potential for settling in Québec, particularly because that foreign national is covered by an undertaking given on the prescribed form by the person of whom he is a dependant in accordance with the conditions provided for in sections 42 and 46.1 to 46.3 and for a three-year period in the case of a spouse or, in the case of a dependent child, for a ten-year period or until he is of full age, whichever is longer.

The Minister may also issue a selection certificate to a foreign national of the class of independent immigrants who was not given a passing score, if he is of the opinion that the score does not reflect the foreign national’s potential for settling in Québec, particularly because that foreign national is covered by an undertaking given on the prescribed form by a Québec resident or a legal person within the meaning of section 28 in accordance with the conditions provided for in sections 42 and 46 to 46.3 and for a five-year period.”.

12. Section 42 is amended by inserting the words “or *de facto* spouse” in the part preceding paragraph *a* and after the word “spouse”.

13. Schedule A is amended

(1) by substituting the following for paragraphs *b* to *g* under criterion 1.1, Schooling:

“(b) postsecondary school diploma attesting to one year of full-time studies

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

(d) postsecondary school diploma attesting to three years of full-time studies

(e) undergraduate university degree attesting to one year of full-time studies

(f) undergraduate university degree attesting to two years of full-time studies

(g) undergraduate university degree attesting to three years of full-time studies

(h) undergraduate university degree attesting to at least four years of full-time studies

(i) master’s degree

(j) doctorate”;

(2) by substituting the following for paragraphs *b* to *g* under criterion 2.C.1.1 Schooling:

“(b) postsecondary school diploma attesting to one year of full-time studies

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

(d) postsecondary school diploma attesting to three years of full-time studies

(e) undergraduate university degree attesting to one year of full-time studies

(f) undergraduate university degree attesting to two years of full-time studies

(g) undergraduate university degree attesting to three years of full-time studies

(h) undergraduate university degree attesting to at least four years of full-time studies

(i) master’s degree

(j) doctorate”;

(3) by substituting the words “Experience is based on the duration of the practice of the profession for which the applicant is assessed, including training periods, whether remunerated or not”, for the words “Experience includes training periods” in criterion 2.C.2, Occupational experience;

(4) by adding the following at the end of criterion 2.C.2, Occupational experience:

“The experience must have been acquired during the eight years preceding the application for a selection certificate and, except for training, the employment must have been remunerated.”;

(5) by substituting the following for criterion 2.C.5.1, Stay in Québec:

“2.C.5.1. Stay in Québec

(a) full-time studies during one semester

(b) full-time studies during at least two semesters

(c) employment whose duration equals at least three months

(d) employment whose duration equals at least six months

(e) training period under a bilateral governmental agreement of at least three months

(f) training period under a bilateral governmental agreement of at least six months

(g) other stay of at least two weeks

The stay must have taken place during the eight years preceding the application for a certificate.”;

(6) by adding the following at the end of criterion 2.C.5.2, Ties in Québec:

“For the purposes of paragraph *a*, a family includes the father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece or a fourth degree relative.”;

(7) by substituting the following for the two paragraphs under criterion 3.1 Occupational experience:

“To assess an application according to factor 2A, Assured employment, or 2B, Occupational experience entered on the List of occupations in demand in Québec, occupational experience is based on the duration of the full-time practice of the occupation for which the applicant is assessed with respect to the employment factor, including training, whether remunerated or not, during apprenticeship, training or specialization attested to by a diploma.

To assess an application according to factor 2C, Employability and occupational mobility, occupational experience is based on the duration of the practice of an occupation at a level of qualification higher than D within the meaning of the National Occupational Classification, including training, whether remunerated or not, during apprenticeship, training or specialization attested to by a diploma but excluding experience acquired in an occupation provided for in the List of inadmissible occupations.

The experience must have been acquired during the eight years preceding the application for a selection certificate.”;

(8) by substituting the following for criterion 4.4, Stay in Québec:

“4.4 Stay in Québec

(a) full-time studies during one semester

(b) full-time studies during at least two semesters

(c) employment whose duration equals at least three months

(d) employment whose duration equals at least six months

(e) training period under a bilateral governmental agreement of at least three months

(f) training period under a bilateral governmental agreement of at least six months

(g) other stay of at least two weeks

The stay must have taken place during the eight years preceding the application for a certificate ”;

(9) by adding the following at the end of criterion 4.5, Ties in Québec:

“ For the purposes of paragraph *a*, a family includes the father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece or a fourth degree relative.”;

(10) by adding the following paragraph at the end of criterion 7.2, Occupational experience:

“The experience must have been acquired during the eight years preceding the application for a selection certificate.”; and

(11) by substituting “23 to 30 years old” for “30 years old or less” in paragraph *a* of criterion 7.3, Age.

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