

Gouvernement du Québec

O.C. 413-2000, 29 March 2000

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 3.1. of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) amended by section 2 of Chapter 15 of the Statutes of 1998 and by section 2 of Chapter 71 of the Statutes of 1999, the Minister may, in accordance with the regulations, issue a selection certificate to a foreign national in the case where the Minister considers that the results obtained following the application of the selection criteria do not reflect whether or not that person will be able to become established in Québec;

WHEREAS under sections 3.1.1. and 3.3. of that Act amended by sections 3 and 10 of Chapter 15 of the Statutes of 1998, the Government may, by regulation, determine the classes of foreign nationals and the conditions applicable to their selection;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), which prescribes, in particular, the conditions applicable to a resident who files an application for an undertaking, the validity of a selection certificate and the conditions applicable to the selection of independent immigrants;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 7 July 1999, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were received before and after the expiration of that delay;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

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

MICHEL NOËL DE TILLY,
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, ss. 3.1, 3.1.1 and 3.3, 1st par., subpars. a to b.2, c to c.3, d, f and f.1; 1998, c. 15, ss. 2, 3 and 10; 1999, c. 71, s. 2)

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 substituting the following for the second paragraph:

“The application shall be made on the form provided by the Minister.”.

3. Section 4 is amended by substituting the following for the second paragraph:

“The application shall be made on the form provided by the Minister.”.

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 adding the words “to *l*” at the last paragraph and after the letter “*j*”.

* 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 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, 2000, updated to 1 February 2000.

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

(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 dependant child” in subparagraph *b.2* if the first paragraph;

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

“(b.5) 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:

“In the case of an application made by a foreign national belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18 who is a dependant of a person referred to in section 11.2 of the Immigration Regulations of 1978, the Minister shall assess the application taking into account, in particular, that the foreign national is covered by an undertaking given on the form prescribed by the Minister;

(a) by the person of whom he is a dependant and who satisfies the conditions prescribed in subparagraph *b.6* of the first paragraph of section 23 and sections 42 and 46.1 to 46.3;

(b) for a three-year period in the case of a spouse or, in the case of a dependant 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 subparagraph *a* of the first paragraph; and

(2) by substituting the words “a party authority within the meaning of Chapter I of Title III of the Election Act (R.S.Q., c. E-3.3)” for the words “an authorized association within the meaning of Division V of the Act to

govern the financing of political parties (R.S.Q., c. F-2)”, in subparagraph *b* of the first paragraph;

(3) by striking out the words “as well as a certified financial statement for its last financial year” at the end of subparagraph *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:

“40.1. The Minister may issue a selection certificate to a foreign national belonging to the class of independent immigrants, if he is of the opinion that the results obtained upon the assessment of the application do not reflect the foreign national’s potential for settling in Québec particularly:

(1) because that foreign national is a dependant of a person who is covered by section 11.2 of the Immigration Regulations of 1978, and is covered by an undertaking given on the form prescribed by the Minister:

(a) by the person who meets the conditions prescribed in subparagraph *b.6* of the first paragraph of section 23 and sections 42 and 46.1 to 46.3;

(b) for a three-year period in the case of a spouse or, in the case of a dependant child, for a ten-year period or until he is of full age, whichever is longer;

(2) because that foreign national is covered by an undertaking given on the form prescribed by the Minister, for a five-year period:

(a) by a Québec resident who satisfies the conditions prescribed in subparagraphs *b* to *b.6* of the first paragraph of section 23 or, where applicable, in the second paragraph of that section and in sections 42 and 44 to 46.3; or

(b) by a legal person who satisfies the conditions prescribed in section 28, in paragraph *b* of section 30 and in sections 42 and 44 to 46.3.”.

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 following for criterion 2.C.2, Occupational experience:

“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 periods, 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 ten years preceding the application for a selection certificate and the employment must have been remunerated.”;

(4) 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 whose duration equals at least two weeks and at most three months

(h) other stay whose duration exceeds three months”;

(5) by substituting the following for criterion 2.C.5.2:

“2.C.5.2. Ties to a Québec resident who is, in relation to the foreign national or his spouse:

(a) his father, mother, brother or sister

(b) his grandfather or grandmother

(c) another relative or a friend”;

(6) 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 periods, 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 periods, 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 ten years preceding the application for a selection certificate and the employment must have been remunerated.”;

(7) 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 whose duration equals at least two weeks and at most three months

(h) other stay whose duration exceeds three months”;

(8) by substituting the following for criterion 4.5, Ties in Québec:

“4.5 Ties to a Québec resident who is, in relation to the foreign national or his spouse:

(a) his father, mother, brother or sister

(b) his grandfather or grandmother

(c) another relative or a friend”;

(9) by adding the following paragraphs at the end of criterion 7.2, Occupational experience:

“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 periods, 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 ten years preceding the application for a selection certificate and the employment must have been remunerated.”;

(10) 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 15 May 2000.

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Gouvernement du Québec

O.C. 416-2000, 29 March 2000

An Act respecting the Ministère des Ressources naturelles
(R.S.Q., c. M-25.2)

Program for the delegation of the management of intramunicipal lands in the domain of the State to regional county municipalities in the administrative region of Laurentides

WHEREAS under section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), amended by section 189 of chapter 40 of the Statutes of 1999, the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under his authority in order to foster regional development;