

Draft Regulation

An Act respecting immigration to Québec (R.S.Q., c. I-0.2; 1999, c. 40 and c. 71)

Selection of foreign nationals

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.

This draft Regulation introduces various amendments relating to the processing of applications for a selection certificate and to the Selection Grid for Independent Immigrants.

To that end, in respect of the processing of applications for a selection certificate, the draft Regulation gives students, temporary workers, investors, entrepreneurs and self-employed persons more possibilities to have their applications processed in Québec. It raises the scores required to pass the preliminary selection examination. It limits the cases where a selection interview is compulsory. It amends the order of priority in which applications for a selection certificate are to be processed and it no longer requires that foreign nationals intending to practise a profession whose practise is exclusive obtain an attestation from the professional order stipulating that they would be eligible to become members of the order or obtain a permit to practise.

As for the selection grid, the draft Regulation amends the definition of a self-employed person, proposes to include in the Employability and Professional Mobility factor the spouse's characteristics, namely his or her training, professional experience, age and knowledge of French. It prescribes a criterion related to the experience of a self-employed person, breaks down the financial resources required, changes the notion of management experience so as to always include the control of human resources. It specifies that the diploma in a second specialty must have been acquired in the ten years preceding the application for a selection certificate or, if not, that a profession related to the diploma must have been practised during the five years preceding the application. It makes a distinction between one-year and two-year studies at the master's level, specifies the duration and nature of the studies required for the knowledge of languages factor and indicates that requirements may be derived from the List of occupations in demand in Québec.

The impact of the draft Regulation will be to favour francophone immigration to Québec, by giving higher priority to the processing of applications made by immigrants belonging to the workers and assisted relatives category and by introducing a criterion based on the spouse's characteristics in the Employability and Professional Mobility factor. It will make selection more efficient by imposing less selection interviews and by making it more difficult to pass the preliminary examination. The draft Regulation will satisfy certain groups with respect to the processing of their applications in Québec. Finally, the proposed amendments to the Selection Grid for Independent Immigrants will provide for a better evaluation of independent immigrants wishing to settle in Québec.

Further information on the draft Regulation may be obtained by contacting Monique Proulx, Director of immigration policies and programs, 800, Place Victoria, 2^e étage, C.P. 216, bureau 270, Montréal (Québec) H4Z 1E3; tel. (514) 864-3288, fax: (514) 864-2796.

Any interested person having comments to make 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. 3.2, 3.2.1, 3.3, 1st par., subpar. b, b.3, b.4, f, g and s. 3.4, 1st par., subpar. a)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended by deleting the words “, where applicable,” in paragraph e.1 of section 1.

2. The following paragraph is added at the end of section 5:

* 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 413-2000 dated 29 March 2000 (2000, G.O. 2, 2259), 597-2000 dated 17 May 2000 (2000, G.O. 2, 1940) and 858-2000 dated 28 June 2000 (2000, G.O. 2, 3582). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

“The application shall be examined on foreign soil or at a Québec immigration office, in Québec, when it is filed by a foreign national staying in Québec

(a) on a temporary basis as a student under section 47 or as a worker under section 50;

(b) to prospect Québec and who is an entrepreneur, a self-employed person or an investor.”.

3. Section 7 is amended

(1) by substituting the following for the first paragraph:

“7. An application for a selection certificate by a foreign national belonging to the class of independent immigrants as a worker, an assisted relative, a self-employed person or an entrepreneur is subject to preliminary processing in accordance with the factors of the Selection Grid for Independent Immigrants provided for in Schedule A, except for criteria 4.1, 4.2 and 4.3 of factor 4 and, in the case of an entrepreneur, factor 11.”;

(2) by adding the words “, where applicable, and as a passing score for that preliminary processing” after the words “cutoff score” in the second paragraph.

4. Section 7.1 is deleted.

5. The following is substituted for the first paragraph of section 8:

“8. Any foreign national belonging to the class of persons in distress or the investors class shall be called for an interview. Nationals referred to in section 7 shall be called for an interview if they meet the requirements of the preliminary processing but fail to achieve the passing score, or whose application contains declarations the truthfulness of which is not demonstrated.”.

6. The following is substituted for paragraph *c* of section 21:

“(c) is designated as a “self-employed person” if he comes to Québec to create employment for himself by practising a profession defined in the National Occupational Classification;”.

7. The following is substituted for paragraphs *c* and *d* of section 22:

“(c) the application of a foreign national who is a worker or an assisted relative who has assured employment in accordance with the “Assured Employment” factor provided for in section 2.A of the Selection Grid

for Independent Immigrants in Schedule A, who meets the requirements of factor 2.C or whose profession is listed in the List of occupations in demand in Québec;

(d) the application of a foreign national who is a self-employed person, an investor or an entrepreneur;”.

8. Section 39 is deleted.

9. Schedule A is amended

(1) by substituting the following for paragraphs *i* and *j* of criteria 1.1:

“(i) master’s degree attesting to 1 year of full-time studies

(j) master’s degree attesting to 2 years of full-time studies

(k) doctorate”;

(2) by adding the following paragraph at the end of criterion 1.3:

“To assess an application in view of criteria 1.2 and 1.3, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the foreign national must have practised, during the five years preceding the application, a profession related to the diploma obtained and for which factor the applicant is assessed.”;

(3) by adding the words “on the conditions stipulated therein” at the end of criterion 2.B;

(4) by substituting the following for paragraphs *i* and *j* of criterion 2.C.1.1:

“(i) master’s degree attesting to 1 year of full-time studies

(j) master’s degree attesting to 2 years of full-time studies

(k) doctorate”;

(5) by adding the following paragraph at the end of criterion 2.C.1.3:

“To assess an application in view of criteria 2.C.1.2 and 2.C.1.3, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the foreign national must have practised, during the five years preceding the application, a profession related to the diploma obtained and for which factor the applicant is assessed.”;

(6) by substituting the following for paragraphs *a* and *b* of criterion 2.C.4.2:

“(a) secondary school diploma obtained upon completion of studies pursued mostly in French

(b) postsecondary diploma obtained upon completion of studies pursued mostly in French”;

(7) by adding the following at the end of criterion 2.C.5:

“2.C.6. Spouse’s characteristics

2.C.6.1 Training

(a) secondary school diploma

(b) postsecondary school diploma attesting to at least 1 year of full-time studies

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

(d) studies in a second specialty or training mentioned in the List of preferred educational background

To assess an application in view of criterion 2.C.6.1, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the foreign national must have practised, during the five years preceding the application, a profession related to the diploma obtained and for which factor the applicant is assessed.

2.C.6.2 Occupational experience

(a) from 6 months to 1 year

(b) more than 1 year

Experience includes training periods served during apprenticeship, training or specialization attested to by a diploma, in an occupation at a level of qualification higher than D within the meaning of the National Occupational Classification, excluding experience acquired in an occupation mentioned in the List of inadmissible occupations.

2.C.6.3 Age

(a) 30 years old or less

(b) 31 to 39 years old

2.C.6.4 Knowledge of French

(a) Oral comprehension and expression

(b) Studies in French

i. secondary school diploma obtained upon completion of studies pursued mostly in French;

ii. postsecondary school diploma obtained upon completion of studies pursued mostly in French”;

(8) by adding the following at the end of criterion 3.2:

“3.3 Experience of a self-employed person

(a) 6 months

(b) 1 year

(c) 1 year and a half

(d) 2 years

(e) 2 years and a half

(f) 3 years

(g) 3 years and a half

(h) 4 years

(i) 4 years and a half

(j) 5 years or more

The experience of a self-employed person is based on the time spent practising on his own account the profession he intends to practise in Québec.”;

(9) by substituting the following for paragraph *d* of criterion 6.1:

“(d) Studies in French

i. secondary school diploma obtained upon completion of studies pursued mostly in French

ii. postsecondary school diploma obtained upon completion of studies pursued mostly in French”;

(10) by substituting the following for factor 10:

“Has net assets of:

- (a) \$50 000
- (b) \$75 000
- (c) \$100 000
- (d) \$125 000
- (e) \$150 000
- (f) \$175 000
- (g) \$200 000
- (h) \$250 000
- (i) \$300 000
- (j) \$350 000
- (k) \$400 000
- (l) \$450 000
- (m) \$500 000”.

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