

- (1) contracts for the acquisition or leasing of immovable property;
- (2) contracts for the purchase or leasing of movable property;
- (3) services contracts;
- (4) construction contracts;
- (5) concession or authorization contracts;
- (6) contracts relating to a servitude;
- (7) research contracts;
- (8) documents relating to grants, except for the document awarding the grant; and
- (9) the certificates that the Minister may issue in accordance with the Taxation Act (R.S.Q., c. I-3).
7. Service heads, division heads and project managers are authorized to sign
- (1) services contracts;
- (2) contracts for the purchase or leasing of movable property; and
- (3) construction contracts.
8. The Minister's signature may be affixed by means of an automatic device on
- (1) any certificate attesting to the capacity of a person to act as an inspector of plant life under section 28 of the Act respecting threatened or vulnerable species, to act as an inspector under section 79 of the Pesticides Act, to act under section 84 of the Watercourses Act, to act under sections 119, 119.1, 120 and 120.1 of the Environment Quality Act or to act as an inspector under section 12 of the Ecological Reserves Act;
- (2) any document authorizing a person to be in an ecological reserve or to carry out therein an activity authorized by the Minister under section 6 or 7 of the Ecological Reserves Act;
- (3) acknowledgements of receipt and form letters from the department; and
- (4) letters by which the Minister communicates with various agencies governed by the laws and regulations that the Minister is responsible for administering, other than letters relating to a financial commitment.

9. Assistant deputy ministers, directors general, the secretary general and general director of the Direction générale des services à la gestion, the director for institutional matters, regional directors and assistant directors are authorized to certify documents and copies of documents originating from the department or forming part of its records.

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Gouvernement du Québec

O.C. 728-2002, 12 June 2002

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), the Minister shall issue a selection certificate to a foreign national wishing to settle permanently in Québec who meets the conditions and criteria of selection determined by regulation;

WHEREAS, under section 3.1.1 of the Act, the Minister allows a person or group of persons who meets the statutory conditions to subscribe to an undertaking where an undertaking is required in the cases determined by regulation;

WHEREAS, under section 3.2 of the Act, the Minister shall issue a certificate of acceptance to a foreign national seeking temporary admission to Québec to work, study or receive medical treatment;

WHEREAS the Immigration and Refugee Protection Act (S.C. 2001, c. 27) comes into force on 28 June 2002 as well as the Immigration and Refugee Protection Regulations the first version of which was published in two sets on 15 December 2001 and 9 March 2002;

WHEREAS the new federal legislation brings changes to fundamental concepts of immigration law, among others: definition of dependants (in particular, the addition of *de facto* spouse), certain essential characteristics of immigration classes (family, independants, cases of distress), certain features relating to the subscription of undertakings (in particular, an undertaking that may apply to a *de facto* spouse or conjugal partner) and certain requirements for temporary stays (in particular regarding a foreign student and a temporary worker);

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation may be made without having been published in the *Gazette officielle du Québec* as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force between the date of its publication and the date applicable under section 17 where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying respectively the absence of publication of the draft Regulation and the coming into force of the regulation between the date of its publication and the date applicable under section 17 shall be published with the regulation;

WHEREAS the urgency of the situation is due to the fact that, since Québec has entered a Canada-Québec agreement relating to immigration and temporary admission of aliens so that its regulations do not hinder the full application of the agreement, its regulations regarding the selection of foreign nationals must be amended so that they will be consistent with the federal legislation and regulations;

WHEREAS the urgency of the situation is also due to the fact that the current Regulation respecting the selection of foreign nationals could be in part inconsistent with certain provisions of the federal regulations that come into force on 28 June 2002 and have priority under section 95 of the Constitution Act, 1867 (R.S.C., 1985, App. II, No. 5);

WHEREAS the Government is of the opinion that these reasons justify that the regulation be made without a 45-day prior publication and that it come into force on 28 June 2002;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and 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.

JEAN ST-GELAIS,
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., 3.2 and 3.3)

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

(1) by adding the following after paragraph *a* of subsection 1:

“(a.1) “*de facto spouse*” means a person at least 16 years of age who is in one of the following situations:

- i. the person has been cohabiting for at least one year with an opposite-sex or same-sex partner who is at least 16 years of age; or
- ii. the person has had a conjugal relationship for at least one year with such a person but, since the person is being persecuted or the object of a certain form of penal control, cannot live with that person;”;

(2) by substituting the following for paragraph *d* of subsection 1:

“(d) “*child*”: with respect to any person, the child of whom that person is the biological father or mother and was not adopted by a person other than the spouse or *de facto* spouse of one of the parents, or the adopted child of whom that person is either of the adoptive parents;”;

(3) by substituting the following for paragraph *d.1* of subsection 1:

“(d.1) “*dependent child*”: a child who is in one of the following situations:

- i. the child is under 22 years of age and is unmarried or not a *de facto* spouse;
- ii. since the date of the child’s 22nd birthday or, if the child was already married or a *de facto* spouse before that date, since the date of the marriage or the date on which the child became a *de facto* spouse, the child has been registered in an accredited post-secondary educational institution, attends the institution and has been taking full-time general, theoretical or vocational training without interruption while depending on his parents’ financial support for his essential needs; or

* For previous amendments to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

iii. the child is at least 22 years of age and, since that age, depends on his parents' financial support for his essential needs because the child suffers from a physical or mental disability that makes him unable to provide for his needs;

(d.2) "*spouse*": a married person who is at least 16 years of age

i. who was not, at the time of the marriage, another person's spouse; and

ii. who is not the *de facto* spouse of another person, and has been living separately from the spouse for at least one year;"

(4) by substituting the words "(R.S.Q., c. I-0.2)" for the words "(R.S.Q., c. M-23.1; 1994, c. 15)" in paragraph *h* of subsection 1;

(5) by inserting the following after paragraph *h* of subsection 1:

"(h.1) "*Immigration and Refugee Protection Act*": Act Respecting Immigration to Canada and the Granting of Refugee Protection to Persons who are Displaced, Persecuted, or in Danger (S.C. 2001, c. 27);

(h.2) "*family member*": with respect to any person, a person who is

i. the spouse or *de facto* spouse; and

ii. the dependent child of that person or of the spouse or *de facto* spouse and, where applicable, the dependent child of that child;

(h.3) "*relative*": with respect to any person, the person that is connected to the other by blood relationship or by adoption;"

(6) by inserting the following after paragraph *i.1* of subsection 1:

"(i.2) "*parent*": with respect to a person, ascendant in the first degree; and

(i.3) "*conjugal partner*": in respect of a sponsor, a person at least 16 years of age residing outside Canada who has been in a conjugal relationship with an opposite-sex or same-sex sponsor, for at least one year;"

(7) by striking out paragraph *j* of subsection 1;

(8) by substituting the words "accompanying family member" for the words "accompanying dependant" in paragraph *k* of subsection 1;

(9) by inserting the following paragraph after paragraph *k.1* of subsection 1:

(k.2) Immigration and Refugee Protection Regulations (*enter SOR number and publication coordinates*); and

(10) by substituting the words "Immigration and Refugee Protection Act" for the words "Immigration Act (R.S.C., 1985, c. I-2)" in paragraph *l* of subsection 1.

2. Section 2 is amended

(1) by substituting the following for the first two sentences:

"The application for a selection certificate referred to in section 3.1 of the Act is filed with the Minister by a foreign national for himself and for his family members whether or not they accompany him; the application for a certificate of acceptance referred to in section 3.2 of the Act is filed with the Minister by a foreign national for himself and for his accompanying family members.

Notwithstanding the foregoing, the application for a selection certificate filed in Québec in a class referred to in sections 110 to 115 of the Immigration and Refugee Protection Regulations or in sections 25 and 97 of the Immigration and Refugee Protection Act may not consider the foreign national's family members who are not in Canada, except if they are already covered by an undertaking subscribed to under section 23."; and

(2) by substituting the words "by his spouse or *de facto* spouse" for the words "by his spouse".

3. Section 5 is amended by substituting the following for subparagraphs *a*, *b* of the second paragraph and by replacing subparagraph *c* of the second paragraph in the French text:

"(a) where the Minister responsible for the administration of the Immigration and Refugee Protection Act undertakes proceedings to provide for assessment of the case in Canada;

(b) where Convention refugee status is recognized in Canada by the court having jurisdiction and where that person is in Québec; and

(c) lorsqu'il s'agit d'une demande de certificat de sélection de la catégorie du regroupement familial."

4. Section 7 is amended by striking out the words "an assisted relative,".

5. Section 8 is amended

(1) by striking out the words “recognized as refugees while already in Canada” in the first paragraph; and

(2) by substituting the words “in paragraphs *b* and *c* of that section” for the words “in that paragraph who are abroad and nationals referred to in paragraph *b* of that section” in the first paragraph.

6. The following is substituted for the last paragraph of section 15:

“A selection certificate or a certificate of acceptance is valid until a foreign national is authorized to be present in Canada or to enter Canada under a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act, even if the foreign national is inadmissible under the Act.”.

7. The following is substituted for paragraph *b* of section 17 in the French text:

“(b) catégorie du regroupement familial;”.

8. Section 18 is amended

(1) by substituting the following for paragraphs *a* and *b*:

“(a) is, within the meaning of the Immigration and Refugee Protection Act, a person whose Convention refugee status is recognized in Canada by the court having jurisdiction in Canada;

(b) is, within the Immigration and Refugee Protection Regulations,

- i. a member of the Convention refugees abroad class;
- ii. a member of the humanitarian-protected persons abroad class who is a member of the Country of Asylum class or a member of the Source Country class;” and

(2) by adding the following after subparagraph *i* of paragraph *c*:

“i.1. the foreign national is abroad with a relative who is the holder of a selection certificate, and their physical, mental or moral well-being would be seriously affected if they could not accompany or follow the foreign national to Québec;”.

9. Section 19 is amended

(1) by substituting the words “du regroupement familial” for the words “de la famille” in the part preceding paragraph *a* in the French text;

(2) by substituting the following for paragraph *a*:

“(a) his spouse, *de facto* spouse or conjugal partner;”;

(3) by substituting the words “18 years of age and unmarried or not a *de facto* spouse” for the words “19 years of age and unmarried” in paragraph *d*;

(4) by deleting paragraph *e*;

(5) by substituting the words “a spouse or *de facto* spouse” for the words “a spouse” in the part preceding subparagraph *i* of paragraph *g*;

(6) by substituting the following for subparagraph *i* of paragraph *g*:

“*i.* who is a Canadian citizen, an Indian or a permanent resident within the meaning of the Immigration and Refugee Protection Act;” and

(7) by adding the following second paragraph:

“The following people are excluded from that class because of their relationship with the resident of Québec:

(a) his spouse or *de facto* spouse or conjugal partner, if the resident has previously subscribed to an undertaking to the Minister or the Minister responsible for the administration of the Immigration and Refugee Protection Act in respect of another spouse or *de facto* spouse or conjugal partner and the term prescribed for that undertaking has not ended; and

(b) his spouse where

- i. the resident or spouse was, at the time of their relationship, the spouse of a third party; or
- ii. the resident lived separately from his spouse for at least one year and one of them is the *de facto* spouse or conjugal partner of another person.”.

10. Section 21 is amended

(1) by substituting the words “accompanying family members” for the words “accompanying dependants” in clause *i* of paragraph *b*; and

(2) by deleting paragraph *e*.

11. Section 22 is amended

(1) by substituting the following for paragraph *a*:

“(a) the application of a foreign national who belongs to the family class and, in respect of a Québec resident, is his or her spouse, *de facto* spouse or conjugal partner;”

(2) by striking out the words “or an assisted relative” in paragraph *c*; and

(3) by substituting the words “du regroupement familial” for the words “de la famille” in paragraph *g* in the French text.

12. The heading of Subdivision I of Division II is amended by substituting the words “du regroupement familial” for the words “de la famille” in the French text.

13. Section 23 is amended

(1) in the part preceding paragraph *a* by substituting

(a) the words “du regroupement familial” for the words “de la famille” in the French text; and

(b) the words “18 years of age” for the words “19 years of age”;

(2) by substituting the words “of a family member” for the words “of a dependant” in subparagraph *ii* of paragraph *a*;

(3) by striking out the words “in the case of a fiancé described in paragraph *e* of that section, that period is reduced to 3 years from the date of the marriage;” in subparagraph *ii* of paragraph *a*;

(4) by substituting, in paragraph *b*,

(a) the words “Immigration and Refugee Protection Act” for the words “Immigration Act” and by striking out “(L.R.C., (1985), c. I-2) in the French text;

(b) the words “section 145 of the Immigration and Refugee Protection Act “ for the words “Schedule VI to the 1978 Immigration Regulations”;

(5) by substituting the word “époux” for the word “conjoint” in the French text in paragraph *b.1*;

(6) by substituting the following for paragraph *b.2*:

“(b.2) a Canadian citizen residing abroad may subscribe to an undertaking on behalf of his spouse, *de facto* spouse, conjugal partner or dependent child who has no dependent children, if he demonstrates that he will reside in Québec when that person will have obtained permanent resident status;

(7) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act” and by striking out “(L.R.C., 1985, c. I-2)” in the French text in paragraph *b.3*;

(8) by substituting the words “his spouse, *de facto* spouse or conjugal partner” for the words “his spouse or fiancé” in paragraph *b.5*;

(9) by inserting the following after paragraph *b.5*:

“(b.6) the resident was not convicted in Canada of a sexual offence or an offence against a person provided for in the Criminal Code (R.S.C. 1985, c. C-46 and amendments), against a family member or relative of the resident, his spouse or *de facto* spouse, or against his conjugal partner, family member or relative; such condition shall disappear if he was subject to a verdict of acquittal as a final determination, to a rehabilitation in accordance with the Criminal Records Act (R.S.C., 1985, c. C-47 and amendments) or served his sentence at least five years prior to filing his application for an undertaking;

(b.7) the resident was not convicted outside Canada of an offence that would constitute an offence referred to in paragraph *b.6* if it were committed in Canada; such condition shall disappear if he was subject to a verdict of acquittal as a final determination, or served his sentence at least five years prior to filing his application for an undertaking and if he has established his rehabilitation;

(b.8) the resident is not a recipient of last resort financial assistance, except owing to his age or disability creating a severely and permanently or indefinitely limited capacity for employment, unless the resident is exempted from this condition under section 25 of the Immigration and Refugee Protection Act;” and

(10) by substituting the words “The resident’s spouse or *de facto* spouse” for the words “Any person married to the resident and with whom he lives or any person who, for the 12 months preceding the application for undertaking, cohabits with the resident and is publicly introduced as his spouse,” in the second paragraph.

14. The following is inserted after section 24.2:

“**24.3.** Where a sponsor subscribes to an undertaking in favour of a child referred to in paragraph *b* of section 19, who was adopted and of full age, the adoption, if made while the sponsor resided in Québec, shall comply with Québec legislation.”

15. Section 25 is deleted.

16. Section 26 is amended by substituting the following for paragraphs *a* and *b*:

“(a) his spouse, *de facto* spouse or conjugal partner who has no dependent children;”;

(a.1) his spouse, *de facto* spouse or conjugal partner who has a dependent child who does not himself have dependent children; and

(b) his dependent child who has no dependent children;”.

17. Section 27 is amended

(1) by striking out the words “*a* or” in the part preceding paragraph *a* of the first paragraph and in the second paragraph of subsection 1;

(2) by adding, at the end of the second paragraph of subsection 1, the words “Such a certificate may be issued to a family member who follows the foreign national referred to in paragraph *a* or *b* of section 18 or the person to be protected referred to in section 97 of the Immigration and Refugee Protection Act and in subparagraph *iii* of paragraph *c* of section 18, if:

(a) the family member was included in the foreign national’s application or was added to the application before the foreign national left for Québec;

(b) the foreign national files his application abroad within one year following the day on which the foreign national settled in Québec and still resides in Québec; and

(c) the sponsor referred to in section 30 was notified of the application of the family member and still meets the requirements to subscribe to an undertaking, if the main foreign national is subject to an undertaking.”;

(3) by substituting the words “a family member of a person referred to in sections 25 and 97 of the Immigration and Refugee Protection Act or sections 110 to 115 of the Immigration and Refugee Protection Regulations” for the words “a dependant of a person referred to in section 11.2 of the Immigration Regulations of 1978” in the part preceding paragraph *a* of subsection 2;

(4) by substituting the word “époux” for the word “conjoint” in the French text in paragraph *b* of subsection 2; and

(5) by adding the following after subsection 2:

“(3) Upon receipt of an application for a selection certificate filed by a foreign national in Québec belong-

ing to the class of foreign nationals who are in a particularly distressful situation referred to in paragraph *a* of section 18, the Minister may issue a selection certificate to that foreign national.”.

18. Section 28 is amended by inserting after “27” the words “and of subparagraph 2*b* of section 40.1” in the part preceding paragraph *a*.

19. Section 29 is amended by substituting the words “subparagraph *a* of paragraph 1” for the words “paragraph *a*”.

20. Section 30 is amended

(1) by substituting the words “paragraph *a* of subsection 1 of section 27 and subparagraph *b* of paragraph 2 of section 40.1” for the words “paragraph *a* of section 27” in the part preceding paragraph *a*;

(2) by adding the words “in the cases referred to at the end of the second paragraph of subsection 1 of section 27, the undertaking referring to that person is only valid for the remainder of that undertaking that affects the main foreign national;” at the end of paragraph *a*;

(3) by substituting, in paragraph *b*,

(a) the words “and in subparagraph *b* of paragraph 2 of section 40.1” for the words “or in subparagraph *e* of the first paragraph of section 21”; and

(b) the words “referred to in section 145 of the Immigration and Refugee Protection Act “ for the words “contemplated in Schedule VI to the 1978 Immigration Regulations”;

(4) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in paragraph *d*;

(5) by adding the following after paragraph *f*:

“(g) no person referred to in section 29 has been convicted in Canada of murder or any of the offences listed in Schedule I or II to the Corrections and Conditional Release Act (S.C., 1992, c. 20 and amendments), punishable on summary conviction or prosecuted by indictment; that condition shall disappear if it is subject to a verdict of acquittal as a final determination, a rehabilitation in accordance with the Criminal Records Act (R.S.C., 1985, c. C-47 and amendments) or if the person has served the sentence imposed under the Criminal Code (R.S.C., 1985, c. C-46 and amendments) at least 5 years before filing the application for an undertaking;

(h) no person referred to in section 29 was convicted outside Canada of an offence that, had it been committed in Canada, would constitute an offence referred to in paragraph *g*, unless a five-year term following the expiration of the sentence imposed under foreign law has elapsed before filing the application for an undertaking;

(i) no person referred to in section 29, during the five years preceding the filing of the application for an undertaking, was subject, in respect of his spouse or child, to compulsory execution of a court judgment awarding support payments, nor to a remedy, a proceeding or a measure for compulsory execution referred to in section 47 of the Act to facilitate the payment of support (R.S.Q., c. P-2.2) or a recovery measure referred to in section 48, 49, 50 or 53 of that Act; and

(j) no person referred to in section 29 is subject to a cancellation procedure under the Citizenship Act (R.S.C., 1985, c. C-29 and amendments).”

21. Section 31 is amended by substituting the words “spouse or *de facto* spouse” for the words “spouse who is at least 16 years of age”.

22. Section 34.1 is amended by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in subparagraph *d* of the third paragraph.

23. Section 38 is amended by deleting the last paragraph.

24. Section 40.1 is amended

(1) by substituting the following for the part of paragraph 1 that precedes subparagraph *a*:

“(1) because that foreign national is a family member abroad of a person described in sections 110 to 115 of the Immigration and Refugee Protection Regulations or in sections 25 and 97 of the Immigration and Refugee Protection Act and that person is covered by an undertaking subscribed to on the form prescribed by the Minister:”;

(2) by substituting the words “spouse, *de facto* spouse or conjugal partner” for the word “spouse” in subparagraph *b* of paragraph 1; and

(3) by substituting the words “, *g* and *h* of section 30, where applicable, the second paragraph of section 23” for the words “or, where applicable, in the second paragraph of that section” in subparagraph *a* of paragraph 2.

25. Section 42 is amended

(1) by substituting, in the French text, the words “son époux ou son conjoint de fait” for the words “son conjoint ou la personne avec qui il vit maritalement” in the part preceding paragraph *a*; and

(2) by substituting the words “family members” for the words “dependant persons” in paragraphs *a*, *b* and *c*.

26. Section 43 is amended by substituting the words “family members” for the word “dependants”.

27. Section 44 is amended by substituting the words “family members” for the word “dependants”.

28. Section 45 is amended

(1) by substituting the words “family members” for the word “dependants” in the first paragraph and for the word “dependents” in the third paragraph;

(2) by substituting the words “two spouses or *de facto* spouses” for the words “2 spouses or 2 persons cohabiting” in the second paragraph;

(3) by substituting the words “a *de facto* spouse of a resident is the sponsor” for the words “a person cohabiting with a resident is the sponsor” in the third paragraph;

(4) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in the last paragraph; and

(5) by striking out the words “or in paragraph *e* of section 21” in the last paragraph.

29. Section 46.1 is amended by substituting the words “the sponsor’s spouse or *de facto* spouse” for the words “the sponsor’s spouse or the person cohabiting with him” in the second paragraph.

30. Section 46.2 is amended

(1) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)”; and

(2) by substituting the words “under a temporary resident permit issued in accordance with section 24” for the words “under a Minister’s permit issued in compliance with section 37”.

31. Section 46.3 is amended by substituting the words “under a temporary resident permit issued in accordance with section 24 of the Immigration and Refugee Protection Act” for the words “of a Minister’s permit contemplated in section 37 of the Immigration Act” in paragraph *b*.

32. Section 47 is amended

(1) by striking out the words “For the purposes of ensuring the effectiveness of the law in respect of education,” in the part preceding paragraph *a* of subsection 1;

(2) by substituting the words “family members” for the word “dependants” in clause *ii*, “dependants” in clause *iii* of paragraph *a* of subsection 1 and “dependant” in subsection 3; and

(3) by adding the words “If one of the conditions is not complied with, the Minister may refuse to examine and dismiss every application for a certificate of acceptance filed within six months after the Minister becomes aware of the non-compliance.” at the end of subsection 5.

33. Section 49 is amended

(1) by substituting the following for paragraph *b*:

“(b) the class of foreign nationals who wish to take a course lasting not more than six months;”;

(2) by deleting paragraph *c*;

(3) by substituting the words “family member” for the word “dependent” in paragraph *d*;

(4) by deleting paragraph *f*; and

(5) by substituting the following for paragraph *h*:

“(h) a minor child claiming refugee status in Canada or recognized as a refugee in Canada or the minor child of such a claimant or refugee, and a minor child accompanying one of his parents who comes to Québec mainly to work or study and holds a working or study permit issued under the Immigration and Refugee Protection Regulations.”.

34. Section 50 is amended

(1) by substituting the following for paragraph *b* of subsection 1:

“(b) his hiring in Québec will probably entail a positive or neutral economic impact on the labour market in Québec, by basing his assessment on the direct job creation or maintenance, the development or transfer of qualifications or knowledge, or the reduction of a manpower shortage in the profession or trade in question;”;

(2) by inserting the words “and not likely to be detrimental” before the words “to the settlement” and by substituting the word “nor” for the words “is not detrimental” in paragraph *c* of subsection 1;

(3) by substituting the following for the part preceding paragraph *a* of subsection 3:

“3. For the purposes of determining if the hiring in Québec of a foreign national will likely entail a positive or neutral economic impact on the labour market in Québec, the Minister must take into account that it might be a single job offer or an aggregate of job offers from an employer or a group of employers, and the following factors:”;

(4) by inserting the words “or has accepted to make” after the word “made” in paragraph *a* of subsection 3;

(5) by deleting subsection 3.1; and

(6) by adding the words “If the conditions indicated above have not been complied with, the Minister may refuse to examine and dismiss every application for a certificate of acceptance filed within six months after the Minister becomes aware of the non-compliance.” at the end of subsection 4.

35. Section 53 is amended in the first paragraph

(1) by deleting paragraphs *a* to *k*; and

(2) by substituting the following for subparagraph *m*:

“(m) to engage in temporary employment where his admission to Canada is not governed by the requirements concerning the determination of the positive or neutral economic impact for Canada according to Part 11 of the Immigration and Refugee Protection Regulations;”.

36. Section 55 is amended by deleting the second sentence.**37.** Section 56 is amended

(1) by substituting the words “family member” for the word “dependent” in subparagraphs *a*, *b* and *c* of the first paragraph; and

(2) by striking out the words “or an assisted relative” in subparagraph *c* of the first paragraph.

38. Section 57 is amended by substituting the words “family member” for the word “dependant” in the last paragraph.**39.** Schedule A is amended

(1) by substituting the words “spouse or *de facto* spouse” for the word “spouse” in Criterion 2.C.5.2, paragraph *a* of Criterion 2.C.5.2, the title of Criterion 2.C.6, Criterion 4.5, in paragraph *a* of Criterion 4.5 and in Factor 7; and

(2) by substituting the following for the heading “Has net assets of” in “Factor 10. Financial resources”:

“Has net assets obtained legally with, where applicable, his spouse or *de facto* spouse accompanying him, of:”.

40. A foreign national who, before 28 June 2002, filed abroad an application referred to in paragraphs *a* and *b* of section 18 of the Regulation respecting the selection of foreign nationals then in effect, may, if that application has not been refused, add to it, before leaving for Québec, his or her *de facto* spouse or any dependent child within the meaning of paragraph 3 of section 1 of this Regulation, who was not a dependent child according to paragraph *d.1* of subsection 1 of section 1 of the Regulation respecting the selection of foreign nationals in force before 28 June 2002.

41. A foreign national not referred to in section 40 of this Regulation, who filed an application before 28 June 2002, that has not been refused, is not bound to include, if he or she does not accompany one of them, his or her spouse or dependent child within the meaning of paragraph 3 of section 1 of this Regulation, who was not a dependent child according to paragraph *d.1* of subsection 1 of section 1 of the Regulation respecting the selection of foreign nationals in effect before 28 June 2002.

42. Any undertaking made before 28 June 2002 and subject to an addition within the scope of an application referred to in section 40 or 41 of this Regulation shall be further examined according to the Regulation respecting the selection of foreign nationals as amended on 28 June 2002.

43. An application for sponsorship processed in accordance with the Immigration Regulations of 1978 (SOR/78-172) by the Minister responsible for the administration of the Regulation shall be examined according to the Regulation respecting the selection of foreign nationals as it read before 28 June 2002.

44. The situations described, the decisions made, the contracts entered into and the documents issued under the Immigration Act (R.S.C. c. I-2), to which the Regulation respecting the selection of foreign nationals refers as it read before 28 June 2002, shall continue to have effect after the coming into force of this Regulation, if they were effective on that date.

45. This Regulation comes into force on 28 June 2002.

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Gouvernement du Québec

O.C. 735-2002, 12 June 2002

An Act respecting transportation services by taxi (2001, c. 15)

Taxi owner’s permit
— **Specialized services provided by holders**

Specialized services provided by holders of a taxi owner’s permit

WHEREAS the Act respecting transportation services by taxi (2001, c. 15) was assented to on 21 June 2001;

WHEREAS, by Order in Council 689-2002 dated 5 June 2002, the Government fixed 30 June 2002 as the date of coming into force of section 12 of that Act;

WHEREAS, under the fourth paragraph of that section, the Government may identify the supramunicipal authorities as well as the categories of transportation services referred to in the first paragraph of that section that may be recognized for the specialization of the services provided by the holder of a taxi owner’s permit;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the following supramunicipal authorities be identified, as of 30 June 2002, for the purposes of the fourth paragraph of section 12 of the Act respecting transportation services by taxi (2001, c. 15):

- Ville de Montréal; and
- Ville de Québec;

THAT the following categories of transportation services may, as of 30 June 2002, be recognized for the specialization of the services provided by the holder of a taxi owner’s permit:

- specialized limousine service;
- specialized “de grand luxe” limousine service; and
- specialized transportation service with personal attendants for beneficiaries of the health care system.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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