

Regulation to amend the Regulation respecting the application of the Environment Quality Act *

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. c and f)

1. Section 1 of the Regulation respecting the application of the Environment Quality Act is amended by substituting “Order in Council 103-96 dated 24 January 1996” for “Order in Council 1980-87 dated 22 December 1987” in paragraph 3.

2. Section 2 is amended

(1) by deleting subparagraph *a* of paragraph 10;

(2) by substituting the following for subparagraph *c* of paragraph 10:

“(c) work involving the use of pesticides other than phytocides or *Bacillus thuringiensis* (*Kurstaki variety*) by aircraft, in a forest environment or for non-agricultural purposes;” and

(3) by substituting “*b*” for “*a*” in subparagraph *b* of paragraph 13.

3. Section 3 is amended by substituting “*b*” for “*a*” in subparagraph *b* of paragraph 2.

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

5663

Gouvernement du Québec

O.C. 351-2003, 5 March 2003

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 paragraphs *b*, *b.1*, *c.1*, *c.2*, *c.3*, *e*, *f*, *f.1*, *f.2* and *g* of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may, by regulation, govern the matters set forth therein;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* dated 11 December 2002 with a notice that it could be made upon the expiry of 45 days following that publication;

WHEREAS comments were received during and after that 45-day period;

WHEREAS it is expedient to make the Regulation with amendments;

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 and of the Minister for 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

* The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

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

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, pars. *b*, *b.1*, *c.1*, *c.2*, *c.3*, *e*, *f*, *f.1*, *f.2* and *g*)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended by substituting “family member” for “dependant” in paragraph *k* of subsection 1.

2. Section 5 is amended by substituting the following paragraphs for the second and third paragraphs:

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

(*a*) for a temporary stay primarily intended for work or study purposes; or

(*b*) for prospecting purposes and who is an entrepreneur, a self-employed person or an investor.

The application shall be filed and examined at an immigration office of the Gouvernement du Québec, in Québec, and an application previously filed on foreign soil may be examined in Québec

(*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 the protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act was granted by the competent authorities and that person is in Québec; or

(*c*) where the application is for a selection certificate belonging to the family class.”

3. Section 15 is amended by inserting the following sentence in the third paragraph after the first sentence: “The certificate is valid for a period of not more than 36 months.”

4. Section 19 is amended in the French text by striking out “de” preceding “d’époux” in the part preceding subparagraph *i* of paragraph *g*.

5. Section 23 is amended by adding “, or, if the resident was subject to such a proceeding, the resident has paid all arrears owed” at the end of paragraph *b.1* after the word “Act”.

6. Section 24.1 is amended

(1) by substituting “a statement” for “a document”;

(2) by adding the following paragraph at the end:

“Where an officer authorized under the Immigration and Refugee Protection Regulations provides the Minister with new evidence under section 117 (8) of those Regulations, the Minister shall notify the sponsor thereof and the Minister of Health and Social Services so that the Minister may confirm or revise the statement.”

7. Section 27 is amended by inserting the following paragraphs after subsection 2:

“In the case of an application made by a foreign national of full age belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18, the Minister shall assess the application taking into account, in particular, the steps taken by a sponsor pursuant to subparagraph *a* of paragraph 2 of section 40.1.

In the case of an application filed pursuant to subparagraph *a* of the third paragraph of section 5 by a foreign national belonging to the class referred to in subparagraph *i* of paragraph *c* of section 18, who is a family member of a Québec resident, the Minister shall assess the application taking into account, in particular, that the foreign national is the subject of an undertaking given by that resident on the form prescribed by the Minister attesting that:

(*a*) the resident satisfies the conditions provided for in subparagraphs *b*, *b.1* and *b.3* to *b.7* of the first paragraph of section 23; and

(*b*) the undertaking satisfies sections 42 and 46.1 to 46.3 for a 3-year period in the case of a spouse or *de facto* spouse or, in the case of a dependant child, for a 10-year period or until the child is of full age, whichever is longer.”

8. Section 28 is amended by inserting “the Religious Corporations Act (R.S.Q., c. C-71), the Roman Catholic Bishops Act (R.S.Q., c. E-17), the Act respecting fabriques (R.S.Q., c. F-1) or the Professional Syndicates Act (R.S.Q., c. S-40),” after “(R.S.Q., c. C-38),” in paragraph *a*.

* 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 728-2002 dated 12 June 2002 (2002, G.O. 2, 3245). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

9. Section 44 is amended in the French text by substituting “des” for “de ses”.

10. Section 45 is amended

(1) by substituting “des” for “de ses” in the first paragraph of the French text;

(2) by deleting the third paragraph;

(3) by striking out “described in section 19” in the fifth paragraph.

11. Section 46 is amended by adding the following paragraph at the end:

“The monetary obligations stemming from a former undertaking subscribed to by such legal person must be taken into account in the calculation of the legal person’s financial capacity.”.

12. Section 47 is amended

(1) by substituting “tuition and study-related fees” for “tuition fees” in clause *ii* of paragraph *a* of subsection 1;

(2) by substituting the following for clause *iii* of paragraph *a* of subsection 1:

“iii. documents showing that the foreign national and each accompanying family member have health and hospital insurance or are covered by a social security agreement on health and that such insurance or agreement will be in effect throughout the entire duration of the stay as a foreign student or family member accompanying such a student;”;

(3) by adding “however, that condition does not apply to a foreign national whose temporary stay is primarily intended for work purposes and to accompanying family members, to the family members of the foreign national whose temporary stay is primarily intended for study purposes, or to a foreign national having filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act;” at the end of clause *ii* of paragraph *b* of subsection 1;

(4) by substituting “the amount for the basic needs established in accordance with Schedule C” for “\$9600 if he is alone, \$12,960 if he has one dependant and \$16,000 if he has 2 family members. Where applicable, the amount shall be increased by \$2240 for each additional family members accompanying the foreign national” in subsection 3.

(5) by substituting “the letter of acceptance issued by the educational institution. The certificate is valid for a period of not more than 36 months.” for “his application for a certificate” in subsection 5;

(6) by substituting “if that child must attend elementary or secondary school” for “if that child is subject to the obligation to attend school referred to in section 14 of the Education Act (R.S.Q., c. I-13.3)” in subsection 6;

(7) by substituting “if that child must attend elementary or secondary school” for “if that child is subject to the obligation to attend school referred to in section 14 of the Education Act” in subsection 7;

(8) by adding the following subsection at the end:

“(9) Subparagraph *a* of subsection 1 does not apply to an application for a certificate of acceptance by a foreign national who is a minor child whose situation is the responsibility of a director of youth protection designated in accordance with the Youth Protection Act (R.S.Q., c. P-34.1) or of a local community service centre established in accordance with the Act respecting health services and social services (R.S.Q., c. S-4.2).”.

13. Section 49 is amended

(1) by substituting “6 weeks” for “3 months” in paragraph *g*;

(2) by substituting “a minor child who has filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act or a minor child of a foreign national having filed such an application” for “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” in paragraph *h*;

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

“(i) a foreign national and family members present in Québec referred to in subparagraphs *a* and *b* of the third paragraph of section 5 and who are holders of a selection certificate; and

(j) a foreign national who holds a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act issued with a view to the granting of permanent residence.”.

14. Section 50 is amended in the French text by substituting “et n’est pas susceptible de nuire au” for “au et n’est pas susceptible de nuire” in paragraph *c* of subsection 1.

15. Section 56 is amended by substituting “\$3850” for “\$850” in subparagraph *a* of the first paragraph.

16. Section 57 is amended

(1) by substituting “a foreign national who has filed an application with a view to obtaining protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act” for “a person referred to in section 18 or an accompanying family member of such a person” in the fourth paragraph;

(2) by adding the following paragraph at the end:

“A foreign national who is a minor child whose situation is the responsibility of a director of youth protection designated in accordance with the Youth Protection Act or of a local community service centre established in accordance with the Act respecting health services and social services is exempted, if the foreign national files an application for a certificate of acceptance for studies, from payment of the duties payable as provided in the first two paragraphs, for such an application.”.

17. Schedule A is amended

(1) by substituting the following for paragraphs 2.C.2.1 to 2.C.2.10 in Criterion 2.C.2:

“2.C.2.1 from 0 to less than 6 months, if the candidate has completed or will complete in Québec, within 12 months of filing an application for a selection certificate, studies leading to a diploma issued by an educational institution in Québec referred to in Criterion 1.1, paragraph *d, g, h, i* or *j*

2.C.2.2 6 months

2.C.2.3 1 year

2.C.2.4 1 year and a half

2.C.2.5 2 years

2.C.2.6 2 years and a half

2.C.2.7 3 years

2.C.2.8 3 years and a half

2.C.2.9 4 years

2.C.2.10 4 years and a half

2.C.2.11 5 years or more”;

(2) by substituting “Accompanying spouse or *de facto* spouse” for “Spouse or *de facto* spouse” in the heading of Criterion 2.C.6 and in the heading of Factor 7;

(3) by substituting the following for paragraphs *a* to *j* in Criterion 3.1:

“(a) from 0 to less than 6 months, if the candidate has completed or will complete in Québec, within 12 months of filing an application for a selection certificate, studies leading to a diploma issued by an educational institution in Québec referred to in Criterion 1.1, paragraph *d, g, h, i* or *j*

(b) 6 months

(c) 1 year

(d) 1 year and a half

(e) 2 years

(f) 2 years and a half

(g) 3 years

(h) 3 years and a half

(i) 4 years

(j) 4 years and a half

(k) 5 years or more”;

(4) by substituting the factor heading “8. Accompanying children” for “8. Children”;

(5) by substituting “family members” for “dependent persons” in the heading of the criterion related to “Factor 9. Financial self-sufficiency”.

18. Schedule B is amended

(1) by substituting “Number of family members” for “Number of dependants”;

(2) by substituting “each additional family member” for “each additional dependant” at the end.

19. Section 15 comes into force on the fifteenth day following publication of this Regulation in the *Gazette officielle du Québec*, sections 1 to 11, 14, 17 and 18 come into force on 14 April 2003 and sections 12, 13 and 16 come into force on 16 June 2003.