

Note: In the case of a change in the information provided, you must inform your regional branch of the Ministère de l'Environnement.

Name of the signatory responsible for a production and/or distribution system for water intended for human consumption (in block letters):

SIGNATURE

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## **Draft Regulation**

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

## 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 on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to integrate new provisions as regards the investment agreement between a foreign national and the broker or trust company which require the broker or trust company to open a separate account for the investor, prohibit a change in broker or trust company, require the investment to be reimbursed to the investor on cancellation of the selection certificate or on denial of the application for visa or permanent residence, introduce a 90-day deadline for investment of the funds and require the foreign national be identified by means of various particulars. The draft Regulation provides for a three-party agreement between the broker or the trust company, Investissement-Québec or one of its subsidiaries, and the Minister of Relations with the Citizens and Immigration to ensure compliance with the laws dealing with the laundering of proceeds of crime, the financing of terrorist activities and lobbying.

The draft Regulation also modifies the selection critieria to include the notion of management experience required of an investor.

Further information may be obtained by contacting Robert Gauthier, Director General, Direction générale de l'immigration économique, 800, place Victoria, C.P. 216, bureau 2.70, Montréal (Québec) H4Z 1E3; telephone: (514) 873-2446; fax: (514) 864-3291.

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<sup>e</sup> étage, Montréal (Québec) H2Y 2EP.

MICHELLE COURCHESNE, Minister of Relations with the Citizens and Immigration

DATE

## Regulation to amend the Regulation respecting the selection of foreign nationals<sup>\*</sup>

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, pars. b and f)

**1**• The Regulation respecting the selection of foreign nationals is amended in subsection 1 of section 1

(1) by replacing "management experience" in subparagraph *e*.1 by "management experience (entrepreneur)";

(2) by adding the following after subparagraph e.1:

"(e.2) "management experience (investor)": the actual assuming on a full-time basis of responsibilities and duties related to the planning, management and control of financial resources, and of human or material resources, provided that such responsibilities and duties are not assumed in the context of an apprenticeship, training or specialization process attested to by a diploma;".

**2.** Section 34.1 is amended

(1) by inserting "the Minister and" in the first paragraph after "agreement with";

(2) by replacing "his mandatary with" in the first paragraph by "the foreign national's mandatary with the Minister and";

(3) by replacing subparagraph a of the third paragraph by the following:

"(*a*) an undertaking by the foreign national to make an investment of at least \$400,000 with a broker or trust company which must invest the amount with Investissement-Québec or one of its subsidiaries, no later than 90 days after the issue of the notice of compliance in respect of the agreement sent to the foreign national by the Minister, for the purposes of financing

i. a program established under sections 27 and 59 of the Act respecting Investissement Québec and La Financière du Québec (R.S.Q., c. I-16.1); ii. the exercise of the Minister's responsibilities in accordance with section 12 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., c. M-25.01);";

(4) by inserting the following after subparagraph a of the third paragraph:

"(a.1) the opening of a separate account in the name of the foreign national by the broker or trust company;

(a.2) the establishment of the identity of the foreign national by his name, sex, date of birth, permanent address, citizenship, personal telephone number, the type of document proving the foreign national's identity, the number of that document and the place where it was issued; any change in any of the particulars must be notified to the mandatary by the foreign national within 30 days of the change;

(a.3) a prohibition against the foreign national's changing brokers or trust companies from the date of filing of the application for a selection certificate, except for reasons related to the broker or trust company, such as bankruptcy, cessation of management activities, an acquisition or amalgamation, or professional misconduct;";

(5) by striking out "the Minister receives notice by Investissement-Québec or one of its subsidiaries that" in subparagraph b of the third paragraph and by replacing "has been" by "is" and "this agreement" by "this Regulation";

(6) by replacing "the Programme des immigrants investisseurs pour l'aide aux enterprises" in subparagraph c of the third paragraph by "a program referred to in subparagraph a";

(7) by replacing subparagraph d of the third paragraph by the following:

"(d) the agreement must be irrevocable before the end of its term, unless the selection certificate is cancelled by the Minister or the investor's application for a visa or permanent residence within the meaning of the Immigration and Refugee Protection Act is denied and, for that purpose, it must provide that the broker or trust company is required to reimburse the investment to the investor by depositing the investor's funds in the country from which the funds originated, in an account in the investor's name, and file a document with the Minister attesting to the reimbursement within 30 days of the deposit;".

<sup>&</sup>lt;sup>\*</sup> 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 351-2003 dated 5 March 2003 (2003, *G.O.* 2, 1274). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

**3.** The following is inserted after section 34.1:

**"34.1.1.** The agreement referred to in section 34.1 must also contain at least the following provisions:

(a) a requirement for the foreign national to file with the application for a selection certificate a statement from the broker or trust company attesting to compliance with the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (S.C. 2000, c. 17) and the regulations thereunder and with sections 83.1 and 83.11 of the Criminal Code (R.S.C. 1985, c. C-46);

(b) a requirement for the foreign national, the broker or trust company to provide the Minister with proof of registration, if any, of the broker or trust company in the registry of lobbyists under the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011);

(c) a description of the procedure for the exchange of information between the parties to the agreement.".

**4.** Section 38 is amended by replacing "has been transferred to his broker or his trust company in Québec" in the second paragraph by "has been invested with Investissement-Québec or one of its subsidiaries".

**5.** Schedule A is amended by replacing the title of criterion "3.2 Management experience:" by "3.2 Management experience (investor) or Management experience (entrepreneur):".

**6.** This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

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