

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de Rimouski*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. i, subpar. 3)

1. The title of the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de Rimouski is amended by adding, after the word "automobile" the words "de la région".
2. Section 1 of the Regulation is amended by replacing the words "Decree respecting garage employees in the Rimouski region" by the words "Decree respecting the automotive services industry in the Rimouski region."
3. Section 4 of the Regulation is amended by replacing the amount "\$0.50" by the amount "\$1.00".
4. Section 6 of the Regulation is revoked.
5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 838-2006, 13 September 2006

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 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations in relation to 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);

* The Levy Regulation of the Comité paritaire de l'industrie de l'automobile de Rimouski was made by Order in Council No. 2626-85 dated 11 December 1985 (1985, *G.O.* 2, 4379) and has not been amended since its assent.

WHEREAS it is expedient to amend the Regulation to establish a new selection grid for immigrants in the economic class, to specify the place of filing an application for a selection certificate or certificate of acceptance, to provide cases in which a certificate lapses, the conditions of issue of a certificate of acceptance and exemption, in certain cases, from the payment of the duties payable for the issue of the certificates;

WHEREAS it is also expedient to amend the Regulation to provide for the duration of an undertaking on behalf of a child in the family class, to extend the sponsorship on behalf of persons in distressful situations and to clarify the conditions of issue of a selection certificate for those persons;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 23 November 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments were received within that time;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

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

GÉRARD BIBEAU,
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, s. 3.3, 1st par., subpars. b to b.4, c, c.1, c.2, c.3, d, e, f to f.1.0.2, f.1.2 to f.1.5, f.2 and g)

1. The Regulation respecting the selection of foreign nationals is amended in section 1

* 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 1111-2005 dated 23 November 2005 (2005, *G.O.* 2, 4934). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

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

“(a) “National Occupational Classification”: the document by that name published by the Government of Canada, as it reads at the time it applies;”;

(2) by striking out “mobilières” in the French text of paragraph *b.1* of subsection 1 after “courtier en valeurs”;

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

“(d.1) “dependent child”: a child who

i. is less than 22 years of age and is not a spouse, including a *de facto* spouse;

ii. has depended substantially on the financial support of the parent since before the age of 22, or if the child became a spouse including a *de facto* spouse before the age of 22, since becoming such a spouse, and since before the age of 22 or since becoming a spouse including a *de facto* spouse, as the case may be, has been a student continuously enrolled in and attending a postsecondary educational institution accredited by the relevant government authority, and actively pursuing a course of academic, professional or vocational training on a full-time basis; or

iii. is 22 years of age or older and has depended substantially on the financial support of the parent since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition;”;

(4) by replacing paragraph *e.1* of subsection 1 by the following:

“(e.1) “experience in the operation of an enterprise (entrepreneur)”: the actual assuming on a full-time basis of responsibilities and duties related to the planning, management and control of material, financial and human resources in a profitable and legal agricultural, commercial or industrial enterprise of which the investor controls at least 25% of the equity, alone or with his or her accompanying spouse, including *de facto* spouse, provided that such responsibilities and duties are not assumed in the context of an apprenticeship, training or specialization process attested to by a diploma;”;

(5) by replacing paragraphs *g.1* to *g.4* of subsection 1 by the following:

“(g.1) “List of areas of training”: the publication bearing such title and authorized by the Minister, which groups, by section, the diplomas in the areas of training, as it reads at the time it is applied;”;

2. Section 2 is amended

(1) by replacing the second paragraph by the following:

“Despite 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 section 25 of the Immigration and Refugee Protection Act cannot be filed in respect of the foreign national’s family members who are not in Canada, except if they are already covered by an undertaking given under this Regulation.”;

(2) by replacing “belonging to the class of independent immigrants” in the third paragraph by “in the economic class”;

(3) by replacing “or if he so wishes, by his spouse or *de facto* spouse” at the end of the third paragraph by “or if he or she wishes, by his or her accompanying spouse, including *de facto* spouse”.

3. Section 5 is replaced by the following:

“5. A foreign national in the economic class must file an application for a selection certificate at a Québec immigration office serving

(a) the foreign national’s country of nationality or the country in which the foreign national has the status of permanent resident or asylum;

(b) the country where the foreign national is residing if, on the date of filing the application, the foreign national has been lawfully admitted to that country for a period of at least one year for a temporary stay to study or work, has been studying or working as a main activity and is legally residing in that country; or

(c) if the foreign national is stateless, the country of habitual residence, if the foreign national has been lawfully admitted to that country.

5.01. A foreign national staying temporarily in Québec may file an application for a selection certificate in Québec if

(a) in the case where the main purpose of the stay is to study, the foreign national

i. holds a certificate of acceptance, a study permit or a temporary resident permit, except if the foreign national is exempt therefrom under this Regulation or the Immigration and Refugee Protection Regulations;

ii. complies with the conditions of the certificate or permit;

iii. pursues a program of studies of a duration of not less than 12 months in an educational institution in Québec; and

iv. has completed at least half of the program if the program of studies is of a duration of less than 18 months, or not more than 12 months are left to complete the program if the program is of a duration of 18 months or more;

(b) in the case where the main purpose of the stay is to work, the foreign national

i. holds a certificate of acceptance, a work permit or a temporary resident permit, except if the foreign national is exempt therefrom under this Regulation or the Immigration and Refugee Protection Regulations;

ii. complies with the conditions of the certificate or permit; and

iii. has been lawfully admitted in the territory for a period of at least one year; or

(c) the foreign national is a temporary resident within the meaning of the Immigration and Refugee Protection Act and has lost Canadian citizenship.

5.02. A foreign national must file an application for a selection certificate in Québec and the application is examined in Québec if

(a) the Minister responsible for the administration of the Immigration and Refugee Protection Act has agreed to process the application for permanent residence in Canada;

(b) protection under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act has been conferred on the foreign national; or

(c) the application is for a selection certificate in the family class.

An application for a selection certificate is examined by an immigration officer.”

4. Sections 5.1 and 5.2 are replaced by the following:

“5.1. An application for a certificate of acceptance is filed in Québec or at a Québec immigration office responsible for processing such an application. The application is examined by an immigration officer.

5.2. An application for an undertaking is filed in Québec. It is examined by an immigration officer.”

5. Section 6 is amended by inserting “and subclass” after “class”.

6. Section 7 is amended

(1) by replacing the first paragraph by the following:

7. An application for a selection certificate filed by a foreign national in the economic class as a skilled worker, self-employed person or entrepreneur is subject to preliminary processing in accordance with the factors in the Selection Grid for the Economic Class in Schedule A applicable to the person’s subclass, except the “Adaptability” factor and, for the entrepreneur, the “Training”, “Age”, “Language Proficiency”, “Stay and Family in Québec” and “Business Project” factors.”;

(2) by replacing “rejected” in the second paragraph by “refused”.

7. Section 8 is amended by replacing the first and second paragraphs by the following:

“8. Any foreign national whose application contains declarations the truthfulness of which is not demonstrated is to be called for a selection interview.

Foreign nationals in the investors subclass are to be called for a selection interview, as well as any foreign national in the class of persons in a particularly distressful situation, except a foreign national referred to in paragraph *a* of section 18 or a foreign national referred to in paragraphs *b* and *c* of that section who cannot be met and the foreign national’s record contains the information necessary for a decision.

Foreign nationals in the skilled worker or self-employed persons subclass are to be called for a selection interview if they satisfy the requirements of the preliminary processing but fail to achieve the selection passing scores.

Foreign nationals in the entrepreneur subclass are to be called for a selection interview if they satisfy the requirements of the preliminary processing.”

8. Section 15 is amended by striking out the third, fourth, fifth and sixth paragraphs.

9. The following is inserted after section 15:

“15.1. A selection certificate lapses if

(a) the foreign national in the economic class does not file the application for a permanent resident visa in accordance with the Immigration and Refugee Protection Regulations within 12 months after the date of issue of the certificate;

(b) the certificate has been issued following an undertaking and the undertaking lapses or is cancelled;

(c) the foreign national is the subject of a removal order for which there is no stay or if the foreign national is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act; or

(d) the foreign national obtains a new selection certificate.

15.2. A foreign national's certificate of acceptance is valid for the time specified in this Regulation.

A certificate of acceptance lapses if the foreign national is the subject of a removal order for which there is no stay or if the foreign national is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act.

A certificate of acceptance lapses if the foreign national obtains a new certificate of acceptance for the same reason for the temporary stay."

10. Section 17 is amended by replacing paragraph *c* by the following:

"(c) economic class."

11. Section 18 is amended

(1) by replacing paragraph *a* by the following:

"(a) is, within the meaning of the Immigration and Refugee Protection Act,

i. a person whose Convention refugee status is recognized in Canada by the court having jurisdiction in Canada; or

ii. a person in need of protection recognized in Canada by the court having jurisdiction or by the Minister responsible for the administration of that Act;";

(2) by replacing "and makes" in subparagraph *ii* of paragraph *c* by "and has no significant ties with his country of origin or makes";

(3) by adding the following after subparagraph *iii* of paragraph *c*:

"iv. his permanent resident application is processed in Canada pursuant to section 25 of the Immigration and Refugee Protection Act, his physical, mental or moral well-being would be seriously affected if he could not remain in Québec and his removal to his country of origin would cause him serious harm."

12. Section 21 is amended

(1) by replacing the part preceding paragraph *a* and paragraphs *a* and *b* by the following:

"**21.** The economic class includes a foreign national at least 18 years of age in one of the following subclasses:

(a) "skilled worker": a foreign national who settles in Québec to hold employment the foreign national is likely able to hold;

(b) "entrepreneur": a foreign national who has at least two years of experience in the operation of an enterprise that the foreign national acquired in the five years preceding the date of filing of the application and comes to Québec

i. to create or acquire an enterprise to manage himself or herself, or to participate as an associate in the management and daily operations of an enterprise, and control at least 25% of the equity, alone or with his or her accompanying spouse, including de facto spouse, that percentage being worth at least \$100,000 if the enterprise is

— an agricultural enterprise situated and operated in Québec; or

— an industrial or commercial enterprise situated and operated in Québec that will employ on a permanent basis and for a minimum of 30 hours per week at least one Québec resident other than the foreign national and the foreign national's accompanying family members; or

ii. after acquiring, alone or with the foreign national's accompanying spouse, including de facto spouse, at least 25% of the equity, that percentage being worth at least \$100,000, of an enterprise described in subparagraph *i*, to manage the enterprise himself or herself or to participate as an associate in the management and daily operations of the enterprise;";

(2) by replacing “is designated as a “self-employed person” if” in paragraph *c* by ““self-employed person”.”;

(3) by replacing “is designated as an “investor” if” in paragraph *d* by ““investor”.”;

(4) by adding the following at the end of subparagraph *ii* of paragraph *d*:

“the net assets may include the value of the equity of the foreign national’s accompanying spouse, including de facto spouse, if that equity belongs to the foreign national and is invested in an enterprise in which the investor also controls the equity and has acquired experience in management.”;

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

“Subparagraphs *i* and *ii* of subparagraph *b* of the first paragraph are conditions within the meaning of subsection 2 of section 98 of the Immigration and Refugee Protection Regulations.”.

13. Section 22 is amended by replacing paragraph *c* by the following:

“(c) the application of a foreign national who is a skilled worker and who submits a validated employment offer, then the application of a foreign national of that subclass who does not submit such an offer.”.

14. Section 23 is amended

(1) by replacing subparagraph *ii* of subparagraph *a* of the first paragraph by the following:

“ii. for 10 years or, where applicable, until of full age, whichever is the longer period, in the case of a person described in subparagraph *b*, *d* or *f* of the first paragraph of section 19 or a family member accompanying a person referred to in the first paragraph of section 19, if the person or family member is under 16 years of age on the date on which the sponsor’s obligations take effect;

iii. for 3 years or until the foreign national is 25 years of age, whichever is the longer period, in the case of a person described in subparagraph *b*, *d* or *f* of the first paragraph of section 19 or a family member accompanying a person referred to in section 19, if the person or family member is 16 years of age or over on the date on which the sponsor’s obligations take effect; or

iv. for 10 years, in the case of a person described in subparagraph *c* or *g* of the first paragraph of section 19.”;

(2) by replacing subparagraph *b.6* of the first paragraph by the following:

“(b.6) the resident has not been convicted in Canada under the Criminal Code (R.S.C. 1985, c. C-46) of a sexual offence or an attempt or threat to commit such an offence against any person, or of an offence resulting in bodily harm or an attempt or threat to commit such an offence against a family member or relative, spouse, including de facto spouse, or conjugal partner or his or her family members or relatives; such a condition is removed if the resident has been acquitted in the last instance or pardoned under the Criminal Records Act (R.S.C. 1985, c. C-47) or served the sentence at least 5 years before the date of filing of the application for an undertaking.”;

(3) by striking out “, unless the resident is exempted from this condition under section 25 of the Immigration and Refugee Protection Act” in subparagraph *b.8* of the first paragraph;

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

“A resident is exempt from a condition set out in subparagraph *b.3* or *b.4* or subparagraphs *b.6* to *b.8* of the first paragraph to the extent that the resident has the same exemption under section 25 of the Immigration and Refugee Protection Act.”.

15. Section 24.1 is amended by inserting “on behalf of a child referred to in subparagraph *b* of the first paragraph of section 19 for whom a decision granting adoption recognized by the sole operation of law under the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (2004, c. 3) is made while the sponsor is residing in Québec, or” after “gives an undertaking” in the first paragraph.

16. Section 27 is replaced by the following:

“**27.** (1) Where a foreign national domiciled in Québec in the class of foreign nationals in a particularly distressful situation referred to in paragraph *a* of section 18 files an application with the Minister for a selection certificate, the Minister may issue the selection certificate.

(2) Where a foreign national in the class of foreign nationals in a particularly distressful situation referred to in paragraphs *b* and *c* of section 18 files an application with the Minister for a selection certificate, the Minister may issue the selection certificate if in the Minister’s opinion the foreign national has settled or is able to settle successfully in Québec society.

The Minister takes into account the level of distress, in particular as a result of the foreign national's physical integrity being threatened. The Minister also takes into account the personal qualities and language proficiency of the foreign national and accompanying family members, the presence of accompanying dependent children, a relationship with a Québec resident who is the spouse, including de facto spouse, or a relative in the first or second degree, any work experience, remunerated or not, of the foreign national or an accompanying family member, the steps taken by a sponsor in accordance with this Regulation and, in the case of a foreign national referred to in paragraph *b* of section 18, any financial or other assistance offered to the foreign national in Québec.

(3) If the foreign national is covered by subparagraph *i* of paragraph *c* of section 18, the Minister also takes into account,

(*a*) if the foreign national is a family member of a person referred to in section 25 of the Immigration and Refugee Protection Act or sections 110 to 115 of the Immigration and Refugee Protection Regulations, the steps taken by a sponsor pursuant to paragraph 1 of section 40.1;

(*b*) if the foreign national is of full age, the steps taken by a sponsor pursuant to subparagraph *a* of paragraph 2 of section 40.1; and

(*c*) in the case of a foreign national whose application for permanent residence is processed in Canada and who is a family member of a Québec resident, the fact that the foreign national is the subject of an undertaking given by the resident on the form prescribed by the Minister that satisfies the conditions set out in subparagraphs *b*, *b.1* and *b.3* to *b.7* of the first paragraph of section 23 and the conditions in sections 42 and 46.1 to 46.3 and whose duration is that required by subparagraph *i*, *ii* or *iii* of subparagraph *a* of the first paragraph of section 23.

(4) If the foreign national is covered by subparagraph *iv* of paragraph *c* of section 18, the Minister also takes into account the steps taken by a sponsor pursuant to paragraph 2 of section 40.1.

(5) A selection certificate may be issued to the family member who will follow a foreign national referred to in paragraph *a* or *b* of section 18 if

(*a*) the family member has been included in the foreign national's application or was added to the application before the foreign national's departure for Québec;

(*b*) the family member files the application abroad within one year after the date on which the foreign national settles in Québec and the foreign national is still residing in Québec; or

(*c*) the sponsor referred to in section 30 has given an undertaking on the foreign national's behalf.”.

17. Section 28 is amended

(1) by replacing the part preceding paragraph *a* by the following:

“28. A legal person may file an application for an undertaking on the form prescribed by the Minister to sponsor a foreign national referred to in paragraph *b* of section 18, a foreign national referred to in subparagraph *iii* of paragraph *c* of section 18 if the foreign national is abroad, a foreign national referred to in subparagraph *iv* of paragraph *c* of section 18 or a foreign national referred to in subparagraph *b* of paragraph 2 of section 40.1, if that legal person”;

(2) by adding the following after paragraph *d*:

(*d.1*) has complied with the requirements of the undertaking given to the government or the Minister responsible for the Immigration and Refugee Protection Act or, failing that, has reimbursed in full the amounts received as special benefits or last resort assistance benefits in compliance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) or similar benefits referred to in section 145 of the Immigration and Refugee Protection Act.”.

18. The following is inserted after section 28:

“28.1. A Québec resident and a legal person referred to in section 28 may co-sponsor a foreign national referred to in paragraph *b* of section 18 or a foreign national referred to in subparagraph *iii* of paragraph *c* of section 18 if the foreign national is abroad, if they file a joint application for an undertaking on the form prescribed by the Minister and if the resident

(*a*) is at least 18 years of age and is domiciled in the region or locality where the foreign national is to settle;

(*b*) has complied with the requirements of the undertaking given to the government or the Minister responsible for the Immigration and Refugee Protection Act or, failing that, has reimbursed in full the amounts received as special benefits or last resort assistance benefits in compliance with the Act respecting income support,

employment assistance and social solidarity (R.S.Q., c. S-32.001) or similar benefits referred to in section 145 of the Immigration and Refugee Protection Act;

(c) is not the subject of a removal order made under the Immigration and Refugee Protection Act;

(d) is not detained in a penitentiary or prison;

(e) has not been convicted in Canada of murder or any of the offences listed in Schedule I or II of the Corrections and Conditional Release Act (S.C. 1992, c. 20) punishable by summary conviction or by way of indictment; that condition is removed if the resident has been acquitted in the last instance or pardoned under the Criminal Records Act or served the sentence imposed under the Criminal Code at least 5 years before the date of filing of the application for an undertaking;

(f) has not been convicted outside Canada of an offence that, if committed in Canada, would constitute an offence referred to in paragraph e, unless a five-year period following the expiry of the sentence imposed under the foreign law has elapsed before the date of filing of the application for an undertaking;

(g) has not, in the 5 years preceding the date of filing of the application for an undertaking, been the subject in respect of the resident's spouse or child of compulsory execution of a court judgment ordering support payment, or of a remedy, proceeding or 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 under sections 48 to 50 or section 53 of that Act or, if the resident has been the subject of such proceedings, the resident has paid all arrears owed;

(h) is not the subject of a cancellation procedure under the Citizenship Act (R.S.C. 1985, c. C-29); or

(i) is not a recipient of last resort financial assistance.”.

19. Sections 29 and 30 are replaced by the following:

“**29.** Two to five persons forming a group may be sponsors of a foreign national referred to in paragraph b of section 18 or a foreign national referred to in subparagraph *iii* of paragraph *c* of section 18 if the foreign national is abroad, if the persons file a joint application for an undertaking on the form prescribed by the Minister and if each person meets the conditions set out in section 28.1.

30. The steps taken by a sponsor referred to in section 28, 28.1 or 29 are considered if the sponsor gives an undertaking in accordance with Division III on the form prescribed by the Minister, for a period of one year in the case of a foreign national referred to in paragraph *b* of section 18 or a foreign national referred to in subparagraph *iii* of paragraph *c* of section 18 if the foreign national is abroad, except if the Minister is of the opinion that the foreign national will not be able to integrate the labour market and the foreign national's physical integrity is not threatened where the foreign national is located, in which case the duration of the undertaking is 3 years.

In the case of a sponsor referred to in section 28, the duration of the undertaking is 5 years in the case of a foreign national referred to in subparagraph *iv* of paragraph *c* of section 18 or a foreign national referred to in subparagraph *b* of paragraph 2 of section 40.1.”.

20. The heading of subdivision 3 of Division II is replaced by “Economic class”.

21. Section 31 is amended by replacing the first paragraph by the following:

“**31.** Upon receipt of an application for a selection certificate made by a foreign national in the economic class, the Minister is to assess the foreign national's application or the application of the foreign national's accompanying spouse, including de facto spouse, whichever application is the most advantageous as regards the awarding of the points prescribed in the Regulation respecting weighting.”.

22. Section 32 is replaced by the following:

“**32.** The assessment of the foreign national's application is made by awarding the points as provided in the Regulation respecting weighting in respect of the factors and criteria listed in the Selection Grid for the Economic Class in Schedule A that apply to the foreign national's subclass.”.

23. Section 38 is replaced by the following:

“**38.** The Minister is to issue a selection certificate to a foreign national in the economic class who

(a) obtains, in the awarding of the points as provided in the Regulation respecting weighting in respect of the factors and criteria listed in the Selection Grid for the Economic Class in Schedule A that apply to the foreign national's subclass, the number of points required as the cutoff score, where applicable, and as the passing score;

(b) in the case of an entrepreneur selected according to factor 12.2 of the grid, also files with the Minister a document certifying the acquisition of an enterprise related to that factor; or

(c) in the case of an investor, also files with the Minister a document certifying that the amount indicated in the investment agreement has been invested with Investissement Québec or one of its subsidiaries.”.

24. Section 40 is replaced by the following:

“**40.** The Minister may issue a selection certificate to a foreign national in the economic class if the Minister is of the opinion that the result obtained in the application assessment made in accordance with the Selection Grid for the Economic Class in Schedule A and the Regulation respecting weighting does not reflect the foreign national’s potential to successfully settle in Québec.”.

25. Section 40.1 is amended

(1) by replacing “class of independent immigrants” in the part preceding paragraph 1 by “economic class”;

(2) by replacing “sections 25 and 97” in paragraph 1 by “section 25”;

(3) by replacing subparagraph *b* of paragraph 1 by the following:

“(b) for the period provided for in subparagraphs *i* to *iii* of subparagraph *a* of the first paragraph of section 23;”;

(4) by replacing paragraph 2 by the following:

“(2) because the foreign national is covered by an undertaking given on the form prescribed by the Minister

(a) by a Québec resident who satisfies the conditions in subparagraphs *b* to *b.5* of the first paragraph and the second paragraph of section 23, paragraphs *e* and *f* of section 28.1, if applicable, the second paragraph of section 23 and sections 42 and 44 to 46.3; or

(b) by a legal person who satisfies the conditions in sections 28, 42 and 44 to 46.3.”.

26. Section 43 is amended

(1) by replacing the part preceding paragraph *a* by the following:

“**43.** Each member of a group referred to in section 29 or a Québec resident referred to in section 28.1 and a legal person referred to in sections 28 and 28.1 must also

undertake to ensure the reception and to provide assistance for the settlement of the foreign national and accompanying family members, including”;

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

“A legal person who gives an undertaking on behalf of a foreign national referred to in subparagraph *iv* of paragraph *c* of section 18 or a foreign national referred to in subparagraph *b* of paragraph 2 of section 40.1 is exempt from the requirements in the first paragraph.”.

27. Section 45 is amended by replacing “A resident of Québec is presumed” in the first paragraph by “A Québec resident, other than a Québec resident referred to in section 28.1, is presumed to be”.

28. Section 46 is replaced by the following:

“**46.** A legal person referred to in section 28 or a legal person and a Québec resident referred to in section 28.1 are presumed to be able to fulfill their undertaking if they satisfy the Minister that they have and should have, throughout the duration of the undertaking, an annual amount at least equal to the amount required for basic needs established in Schedule C.

The monetary requirements from a previous undertaking must be taken into account in the calculation of the financial capacity of those persons.”.

29. Section 47 is amended

(1) by replacing subparagraph *iii* of paragraph *a* of subsection 1 by the following:

“*iii.* documents showing that the foreign national and each accompanying family member have health and hospital insurance for the first year of the foreign national’s stay in Québec, or the financial resources required to purchase, on the foreign national’s arrival, such insurance or that they are covered by a social security agreement on health;”;

(2) by adding the following after subparagraph *ii* of paragraph *b* of subsection 1:

“*iii.* to maintain, throughout the stay, health and hospital insurance for the foreign national and each accompanying family member, except if the foreign national is covered by a social security agreement on health for the duration of the stay;”;

(3) by replacing “36” in the second sentence of subsection 5 by “37”;

(4) by inserting the following after subsection 5 :

“(5.1) In the case of a minor child, the duration of the certificate is the same as the duration of the certificate of acceptance or the work permit of the holder of parental authority who accompanies the child or, failing that, 14 months.

(5.2) In the case of a program given by an educational institution that does not hold a permit issued by the Minister of Education, Recreation and Sports, the certificate of acceptance is issued for a duration of not more than 13 months.”;

(5) by adding the following at the end of subsection 9 :

“, or who is a minor child who may be exempt from payment of the financial contribution established pursuant to section 473 of the Education Act (R.S.Q., c. I-13.3)”.

30. Section 49 is amended by replacing “subparagraphs *a* or *b* of the third paragraph of section 5” in paragraph *i* by “paragraphs *a* and *b* of section 5.02”.

31. Section 50 is amended

(1) by striking out “economic” in paragraph *b* of subsection 1 ;

(2) by striking out “economic” in the part preceding paragraph *a* of subsection 3 ;

(3) by striking out the third sentence of subsection 4.

32. Section 56 is amended

(1) by replacing “class of independent immigrants” in the first paragraph by “economic class” ;

(2) by inserting “skilled” before “worker” in subparagraph *c* of the first paragraph.

33. Section 57 is amended

(1) by replacing the fourth paragraph by the following :

“A foreign national who has filed an application to obtain the protection conferred by paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act is exempt from payment of the duties payable for a certificate of acceptance.”;

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

“A foreign national who is a minor child who may be exempt from payment of the financial contribution established pursuant to section 473 of the Education Act

is exempt from payment of the duties payable for the examination of an application for a certificate of acceptance.

A foreign national holding a certificate of acceptance to study who files a new certificate application before the date of expiry of the certificate of acceptance in order to study in a program or a level of study the duration of which is less than the duration of the program or level of study for which the foreign national was issued a certificate of acceptance, is exempt from payment of the duties payable for the examination of the new certificate application.”.

34. Section 65 is amended by inserting “skilled” in paragraph 2 before “worker”.

35. Schedule A is replaced by the following :

“**SCHEDULE A**
(ss. 7, 32, 38 and 40)

SELECTION GRID FOR THE ECONOMIC CLASS

Factors	Criteria
1. Training	1.1 Education level <ul style="list-style-type: none"> (a) secondary school general diploma (b) secondary school vocational diploma (c) postsecondary school general diploma attesting to two years of full-time studies (d) postsecondary school technical diploma attesting to one year of full-time studies (e) postsecondary school technical diploma attesting to two years of full-time studies (f) postsecondary school technical diploma attesting to three years of full-time studies (g) undergraduate diploma attesting to three years or more of full-time studies (h) master’s degree (i) doctorate
	1.2 Québec diploma <p>Diploma issued by a Québec educational institution, in Québec or abroad, diploma or training determined by a government regulation as giving access to the authorization to practise a profession or trade regulated in Québec as well as diploma or training recognized as equivalent by the regulatory body concerned.</p>

Factors	Criteria	Factors	Criteria
	<p>1.3 Areas of training</p> <p>Diploma listed in one of the following sections in the List of areas of training</p> <p>(a) section A of the areas (b) section B of the areas (c) section C of the areas (d) section D of the areas (e) section E of the areas</p> <p>The diploma must have been obtained in the five years preceding the date of filing of the application for a selection certificate or, failing that, the foreign national must have practised full-time a profession related to the diploma for at least one year in the five years preceding the application.</p> <p>If there is more than one diploma, the most advantageous diploma for the foreign national is retained.</p>		<p>2.2 Professional experience of a self-employed person</p> <p>6 months 1 year 1 and a half years 2 years 2 and a half years 3 years 3 and a half years 4 years 4 and a half years 5 years or more</p> <p>The experience of a self-employed person is based on the period of practice for the person of the profession the person intends to practise in Québec.</p>
	<p>1.4 Second specialty</p> <p>Diploma in a second specialty obtained in the ten years preceding the date of filing of the application for a selection certificate.</p>		<p>2.3 Experience in the operation of an enterprise of the entrepreneur</p> <p>6 months 1 year 1 and a half years 2 years 2 and a half years 3 years 3 and a half years 4 years 4 and a half years 5 years 5 and a half years 6 years 6 and a half years 7 years 7 and a half years or more</p>
2. Experience	<p>2.1 Professional experience of a skilled worker</p> <p>less than 6 months 6 to 11 months 12 to 23 months 24 to 35 months 36 to 47 months 48 months or more</p> <p>The experience must have been acquired in the five years preceding the date of filing of the application for a selection certificate and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.</p>		<p>2.4 Management experience of the investor</p> <p>6 months 1 year 1 and a half years 2 years 2 and a half years 3 years 3 and a half years 4 years 4 and a half years 5 years 5 and a half years 6 years 6 and a half years 7 years 7 and a half years or more</p>

Factors	Criteria	Factors	Criteria
3. Age	18 years of age 19 years of age 20 years of age 21 years of age 22 years of age 23 years of age 24 years of age 25 years of age 26 years of age 27 years of age 28 years of age 29 years of age 30 years of age 31 years of age 32 years of age 33 years of age 34 years of age 35 years of age 36 years of age 37 years of age 38 years of age 39 years of age 40 years of age 41 years of age 42 years of age 43 years of age 44 years of age 45 years of age 46 years of age 47 years of age 48 years of age 49 years of age 50 years of age		(e) for business for at least one week (f) other stay for not less than 2 weeks and not more than 3 months (g) other stay exceeding 3 months The stay, other than the stay referred to in paragraph e, must have been completed by the foreign national or the foreign national's accompanying spouse, including de facto spouse, in the ten years preceding the date of filing of the application for a selection certificate. The stay referred to in paragraph e must have been completed by the foreign national in the two years preceding the date of filing of the application for a selection certificate.
4. Language proficiency	4.1 French (a) oral interaction (b) written comprehension 4.2 English (a) oral interaction (b) written comprehension	6. Characteristics of the accompanying spouse, including de facto spouse	5.2 Family in Québec Relationship with a Québec resident who is, in relation to the foreign national or the foreign national's accompanying spouse, including de facto spouse, (a) The spouse, including de facto spouse (b) son or daughter, father or mother, brother or sister (c) grandfather or grandmother (d) uncle or aunt, niece or nephew
5. Stay and Family in Québec	5.1 Stay in Québec (a) to study for one regular full-time semester if study is the main activity (b) to study for two regular full-time semesters if study is the main activity (c) to work for at least 3 months if work is the main activity (d) to work for at least 6 months if work is the main activity	6.1 Education level (a) secondary school general diploma (b) secondary school vocational diploma (c) postsecondary school general diploma attesting to two years of full-time studies (d) postsecondary technical diploma attesting to one or two years of full-time studies (e) postsecondary technical diploma attesting to three years of full-time studies (f) university degree 6.2 Québec diploma	Diploma issued by a Québec educational institution, in Québec or abroad, diploma or training determined by a government regulation as giving access to the authorization to practise a profession or trade regulated in Québec as well as diploma or training recognized as equivalent by the regulatory body concerned.

Factors	Criteria	Factors	Criteria
<p>6.3 Areas of training</p> <p>Diploma listed in one of the following sections in the List of areas of training</p> <p>section A of the areas section B of the areas section C of the areas section D of the areas section E of the areas</p> <p>The diploma must have been obtained in the five years preceding the date of filing of the application for a selection certificate or, failing that, the foreign national must have practised full-time a profession related to the diploma for at least one year in the five years preceding the application.</p> <p>If there is more than one diploma, the most advantageous diploma for the foreign national is retained.</p>	<p>6.4 Second specialty</p> <p>Diploma in a second specialty obtained in the ten years preceding the date of the application for a selection certificate.</p>	<p>6.5 Professional experience</p> <p>6 to 11 months 12 months or more</p> <p>The professional experience must have been acquired in the five years preceding the date of filing of the application for a selection certificate and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.</p>	<p>25 years of age 26 years of age 27 years of age 28 years of age 29 years of age 30 years of age 31 years of age 32 years of age 33 years of age 34 years of age 35 years of age 36 years of age 37 years of age 38 years of age 39 years of age 40 years of age 41 years of age 42 years of age 43 years of age 44 years of age 45 years of age 46 years of age 47 years of age 48 years of age 49 years of age 50 years of age</p>
<p>6.6 Age</p> <p>18 years of age 19 years of age 20 years of age 21 years of age 22 years of age 23 years of age 24 years of age</p>	<p>6.7 Language proficiency</p> <p>(a) oral interaction in French (b) written comprehension in French</p>	<p>7. Validated employment offer</p>	<p>7.1 Validated employment offer in the metropolitan area of Montréal</p> <p>7.2 Validated employment offer outside the metropolitan area of Montréal</p> <p>A validated employment offer is an offer made by an employer in Québec to a foreign national or the foreign national's accompanying spouse, including de facto spouse, for permanent full-time employment that satisfies the following conditions:</p>
			<p>– the employment is in a skill level higher than D within the meaning of the National Occupational Classification and the worker meets the conditions of access to the profession within the meaning of the classification;</p>

Factors**Criteria**

– the employment is not referred to in Minor Group 647 of the National Occupational Classification (child care and home support workers)

– the hiring of the foreign national in Québec will likely result in a positive or neutral effect on the labour market in Québec by basing the assessment on direct employment creation or employment retention, the creation or transfer of skills or knowledge, or the filling of a labour shortage in the profession or trade concerned;

– the hiring of the foreign national in Québec does not and is not likely to adversely affect the settlement of any labour dispute at the workplace where the foreign national would carry on the employment, or the employment of any person involved in the dispute, or to contravene the application of the Labour Code (R.S.Q., c. C-27);

– an employer who has been operating a business in Québec for more than 12 months undertakes in writing to reserve the employment for the foreign national and the foreign national undertakes in writing to hold that employment as soon as the foreign national enters Canada.

The metropolitan area of Montréal means the territories in respect of which the regional conferences of elected officers for Montréal, Laval and Longueuil, established under section 21.5 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1), amended by section 21 of chapter 8 of the Statutes of 2006, carry on their activities.

8. Children

8.1 12 years of age or younger

8.2 from 13 to 21 years of age

A child means a dependent child of the foreign national, the accompanying spouse, including de facto spouse, and an accompanying dependent child who is a Canadian citizen.

Factors**Criteria****9. Financial self-sufficiency**

Making of a contract by a skilled worker, a self-employed person or an entrepreneur, on the form provided by the Minister, in which he or she undertakes to meet his or her basic needs, those of accompanying family members and a dependent child who is a Canadian citizen for a period of three months.

The foreign national must also declare in the contract that the foreign national will have, for that period, financial resources at least equal to those in the scales in Schedule C to meet their basic needs; in the case of a foreign national whose application for permanent residence is processed in Canada, the foreign national must prove that his or her gross income will allow the foreign national to meet their basic needs.

That requirement begins on the date of the foreign national's arrival in Canada or, in the case of a foreign national whose application for permanent residence is processed in Canada, on the date of issue of the selection certificate.

10. Adaptability

Overall assessment of the foreign national based on

– knowledge of Québec, in particular the labour market, the economic sector in which the foreign national intends to work and living conditions;

– steps taken to facilitate the foreign national's socioeconomic integration, in particular to improve language proficiency in French or English or obtain a permit to practise a regulated profession or trade and any other steps to facilitate integration;

– personal qualities regarding professional activities, in particular the foreign national's ability to capitalize on acquired knowledge and achievements, the knowledge of the difficulties relating to the immigration project or any other consideration relating to the immigration project.

Factors	Criteria	M.O., 2006
11. Financial resources	<p>Net assets obtained legally with the accompanying spouse, including de facto spouse, if applicable, of at least</p> <p>\$50,000 \$75,000 \$100,000 \$125,000 \$150,000 \$175,000 \$200,000 \$250,000 \$300,000 \$350,000 \$400,000 \$450,000 \$500,000 or more</p>	<p>Order number 2006-012 of the Minister responsible for the Act respecting immigration to Québec dated 15 September 2006</p> <p>An Act respecting immigration to Québec (R.S.Q., c. I-0.2)</p> <p>Regulation respecting the weighting applicable to the selection of foreign nationals</p> <p>THE MINISTER OF IMMIGRATION AND CULTURAL COMMUNITIES,</p> <p>CONSIDERING that, under section 3.4 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister may, by regulation, establish the weighting of selection criteria for foreign nationals;</p>
12. Business project	<p>12.1 Ability to carry out a business project in Québec</p> <p>(a) market exploration, in particular regarding the knowledge acquired on the laws and regulations in Québec, the steps taken to understand the sector of activities and the actions taken to create ties with the business community in Québec;</p> <p>(b) feasibility of the project, in particular regarding the relevant sector of activity, the scope of the project, the implementation and operations strategy and the choice of the region for carrying out the project and supporting reasons;</p> <p>(c) relevant financial resources to carry out the business project.</p> <p>12.2 Acquisition of an enterprise in Québec</p> <p>An enterprise in Québec must be an enterprise described in subparagraph <i>ii</i> of subparagraph <i>b</i> of the first paragraph of section 21, but it must not have been acquired in the five years preceding the filing of the application by another foreign national who has obtained a selection certificate as an entrepreneur.</p>	<p>CONSIDERING that, under that section, a regulation made by the Minister is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, notwithstanding section 17 of that Act, may come into force on the date of its publication in the <i>Gazette officielle du Québec</i>, or on any later date fixed in the regulation;</p> <p>CONSIDERING that the Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals made by Order in Council 838-2006 dated 13 September 2006 comes into force on 16 October 2006 and replaces, in particular, Schedule A to that Regulation;</p> <p>CONSIDERING that the Regulation respecting the weighting applicable to the selection of foreign nationals was made by Order dated 9 September 1996 (1996, <i>G.O.</i> 2, 4029);</p> <p>CONSIDERING that it is expedient to replace the Regulation;</p> <p>ORDERS AS FOLLOWS :</p> <p>The Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, is hereby made.</p>
13. Investment agreement	<p>In compliance with the Regulation.”.</p>	<p>LISE THÉRIAULT, <i>Minister of Immigration and Cultural Communities</i></p>

36. This Regulation comes into force on 16 October 2006.