

Regulations and other Acts

Gouvernement du Québec

O.C. 675-2009, 10 June 2009

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 on the matters set forth in that section;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., c. 1981, c. M-23.1, r.2);

WHEREAS 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 18 March 2009 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 the 45-day period;

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, b.4, c, c.2, c.3, f, f.1.0.1, f.2* and *g*)

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

(1) by inserting the following after subparagraph *b.1* of paragraph 1:

“(b.2) “Québec diploma” means one of the following diplomas, attesting to at least 1 year of full-time studies:

i. a diploma issued by the Minister of Education, Recreation and Sports or by a Québec university;

ii. a diploma issued by a college-level educational institution for training acquired in Québec.

The following is deemed to be a Québec diploma:

i. a diploma issued by the minister responsible for education or by a university of a province or Canadian territory;

ii. a diploma or training acquired outside Québec and recognized as equivalent by a Québec professional or trade regulatory body, except a diploma leading to the practice of the profession of physician according to code 3111 or 3112 of the NOC;

iii. a diploma or training acquired outside Québec and related to a profession or trade regulated in Québec, where the holder holds an authorization to practise the profession or trade issued by a Québec regulatory body;

iv. evidence certifying successful completion of formal training acquired outside Québec, related to a profession governed by a professional order in Québec and referred to in an arrangement for mutual recognition

* 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 1117-2008 dated 5 November 2008 (2008, *G.O.* 2, 5143). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the holder has the legal authorization to practise required by that arrangement;

v. evidence certifying successful completion of formal training acquired outside Québec, related to a trade regulated in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the Québec regulatory body certifies that the holder meets the conditions regarding training and, where applicable, professional experience required by that arrangement;”;

(2) by inserting the following after subparagraph *g.1* of paragraph 1:

“(g.1.1) “List of preferred areas of training” means the publication bearing that title and authorized by the Minister, as it reads at the time it applies, listing the most promising areas of training in respect of the needs of the labour market;”.

2. Section 8 is amended by replacing the second paragraph by the following:

“A foreign national in the class of persons in a particularly distressful situation referred to in paragraph *b* or *c* of section 18 whose record does not contain all the information necessary for a decision is to be called for a selection interview.”.

3. Section 18 is amended by inserting “or section 65.1 of the Immigration and Refugee Protection Regulations” in subparagraph *iv* of paragraph *c* after “Act”.

4. Section 22 is amended

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

“(c) the application of a foreign national who is a skilled worker, where the foreign national or his spouse or de facto spouse accompanying him submits a validated employment offer, then the application of a skilled worker whose training or his accompanying spouse’s or de facto spouse’s training belongs to a promising area in respect of the needs of the labour market according to the List of preferred areas of training, and finally, the application of other skilled workers;”;

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

“The training referred to in subparagraph *c* must have been attested to by a diploma obtained in the 5 years preceding the date of filing of the application or, failing that, must have led to the full-time practice of a profession related to the diploma for at least 1 year in the 5 years preceding that date.”.

5. Section 40.1 is amended

(1) by inserting “for 5 years” after “given” in paragraph 2;

(2) by replacing subparagraph *a* of paragraph 2 by the following:

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

6. Section 47 is amended by replacing “37 months” in subsection 5 by “49 months”.

7. Section 56 is amended by adding the following paragraph at the end:

“Where the purpose of an application for a selection certificate, in relation to the preceding application, is to add a family member of the foreign national, the foreign national and his family members are exempt from the payment of the fees if they already hold a valid selection certificate.”.

8. Schedule A is amended

(1) by replacing criterion 1.1 by the following:

“1.1 Education level

(a) secondary school general diploma

(b) secondary school vocational diploma

(c) postsecondary school general diploma attesting to 2 years of full-time studies

(d) postsecondary school technical diploma attesting to 1 year of full-time studies

(e) postsecondary school technical diploma attesting to 2 years of full-time studies

(f) secondary school vocational diploma, or post-secondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of Part I or II of criterion 1.2

(g) postsecondary school technical diploma attesting to 3 years of full-time studies

(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of Part I or II of criterion 1.2

(i) undergraduate university degree attesting to 1 year of full-time studies

(j) undergraduate university degree attesting to 2 years of full-time studies

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

(l) master's degree attesting to 1 year or more of full-time studies

(m) doctorate”;

(2) by replacing criteria 1.2 to 1.4 by the following:

“1.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I
Section B of Part I
Section C of Part I
Section D of Part I
Section E of Part I
Section F of Part I
Section G of Part I

Section A of Part II
Section B of Part II
Section C of Part II
Section D of Part II
Section E of Part II
Section F of Part II
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.”;

(3) by replacing criterion 5.1 by the following:

“5.1 Stay in Québec

(a) to study for 1 regular full-time semester if study is the main activity

(b) to study for at least 2 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

(e) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 3 months

(f) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 6 months

(g) for business for at least 1 week

(h) other stay for not less than 2 weeks

(i) other stay for at least 3 months

The stay, other than the stay referred to in paragraph g, must have been completed by the foreign national or the foreign national's accompanying spouse, including de facto spouse, in the 10 years preceding the date of filing of the application for a selection certificate.

The stay referred to in paragraph g must have been completed by the foreign national in the 2 years preceding the date of filing of the application for a selection certificate.”;

(4) by replacing paragraphs d to f of criterion 6.1 by the following:

“(d) postsecondary technical diploma attesting to 1 year of full-time studies

(e) postsecondary technical diploma attesting to 2 years of full-time studies

(f) postsecondary technical diploma attesting to 3 years of full-time studies

(g) undergraduate university degree attesting to 1 year of full-time studies

(h) undergraduate university degree attesting to 2 years of full-time studies

(i) undergraduate university degree attesting to 3 years or more of full-time studies

(j) master's degree attesting to 1 year or more of full-time studies

(k) doctorate";

(5) by replacing criteria 6.2 to 6.4 by the following:

"6.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I
Section B of Part I
Section C of Part I
Section D of Part I
Section E of Part I
Section F of Part I
Section G of Part I

Section A of Part II
Section B of Part II
Section C of Part II
Section D of Part II
Section E of Part II
Section F of Part II
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.";

(6) by replacing the numbering of criteria 6.5 to 6.7 by 6.3 to 6.5;

(7) by inserting “, as well as the particular requirements for access to the profession in Québec” at the end of the first dash of the first paragraph after criterion 7.2.

9. This Regulation comes into force on 8 July 2009, except sections 1, 4 and 8, which come into force on 14 October 2009.

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