

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

9707

Draft Regulation

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

Immigration consultants

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 respecting immigration consultants, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to regulate the activities of immigration consultants. For that purpose, it defines the expression “immigration consultant”, determines the conditions required to be recognized as an immigration consultant by the Minister, as well as the documents to be provided with an application for recognition. The draft Regulation also determines the obligations of immigration consultants. It also sets the fees payable for an application for recognition or for its renewal.

Lastly, the draft Regulation includes transitional measures so that the recognition of immigration consultants is gradually implemented.

The draft Regulation has an impact on persons who carry on activities as immigration consultants.

Further information may be obtained by contacting Lucy Wells, Assistant Deputy Minister, Immigration sector, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9; telephone: 514 873-0706, extension 21262; fax: 514 873-0453.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Immigration and Cultural Communities, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9.

YOLANDE JAMES,
*Minister of Immigration and
Cultural Communities*

Regulation respecting immigration consultants

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *k* to *n*, *p* and *q*)

DIVISION I GENERAL

1. In this Regulation, “immigration consultant” means a natural person who, for remuneration, assists or represents a person who files an application with the Minister under the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (c. I-0.2, r.4).

2. Every immigration consultant must be recognized in accordance with this Regulation.

3. This Regulation does not apply to a member in good standing of the Barreau du Québec or the Chambre des notaires du Québec.

DIVISION II RECOGNITION OF IMMIGRATION CONSULTANTS

§1. Recognition

4. The Minister recognizes as an immigration consultant a person who

(1) carries on activities for an enterprise having an establishment in Québec or registered in the register of sole proprietorships, partnerships and legal persons in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) is a member in good standing of the Canadian Society of Immigration Consultants;

(3) has neither communicated or contributed to the communication of information the person knows or should have known to be false or misleading to the Minister, an investigator or an inspector, nor committed an offence against the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or its regulations in the 3 years preceding the application for recognition;

(4) has not defaulted repeatedly on one or more obligations as an immigration consultant in the 3 years preceding the application for recognition or its renewal;

(5) has passed the Minister's examination on Québec immigration rules; and

(6) shows a knowledge of French appropriate to the carrying on of his or her activities.

A person is deemed to have an appropriate knowledge of French if the person has

(1) passed an examination recognized by the Minister;

(2) received, full time, no less than 3 years of secondary or post-secondary instruction provided in French;

(3) passed the fourth or fifth year secondary level examinations in French as the first language; or

(4) obtained a secondary school certificate in Québec from and after the school year 1985-86.

Recognition is valid for 1 year.

5. To be recognized as an immigration consultant, a person must file an application on the form provided by the Minister and pay fees of \$500.

The person must demonstrate that the conditions to be recognized as an immigration consultant are met and provide the following documents, where applicable, with the application:

(1) a document proving that the person is registered in the register of sole proprietorships, partnerships and legal persons;

(2) a document proving that the person is a member in good standing of the Canadian Society of Immigration Consultants;

(3) a document proving that one of the conditions in subparagraphs 1 to 4 of the second paragraph of section 4 is met.

§2. Renewal, suspension and revocation

6. To renew recognition, a consultant must file an application for renewal on the form provided by the Minister not later than the 60th day preceding the recognition's date of expiry and pay fees of \$500.

Recognition is renewed for the same term if the consultant demonstrates that the conditions in subparagraphs 1 to 4 of the first paragraph of section 4 are still met.

7. The Minister may suspend an immigration consultant's recognition if the latter is suspended by the Canadian Society of Immigration Consultants or if the condition in subparagraph 1 of the first paragraph of section 4 is no longer met.

The Minister may lift the recognition suspension if the consultant provides evidence that the reason for suspension no longer exists.

8. The Minister may revoke an immigration consultant's recognition if the consultant

(1) ceases to be a member of the Canadian Society of Immigration Consultants;

(2) has communicated or contributed to the communication of information the consultant knows or should have known to be false or misleading to the Minister, an investigator or an inspector, or committed an offence against the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or its regulations;

(3) has defaulted repeatedly on one or more obligations provided for in this Regulation; or

(4) was granted recognition by error.

In the cases provided for in subparagraphs 2 and 3, a consultant may not file a new application for recognition before the expiry of a 3-year period following the revocation date.

§3. Register

9. The Minister keeps an updated register of recognized immigration consultants and consultants whose recognition is suspended or revoked and makes the register public.

DIVISION III OBLIGATIONS OF IMMIGRATION CONSULTANTS

10. Immigration consultants must obtain a mandate in writing from the person they assist or represent and give that person a copy of the mandate at the time of signing.

The mandate must also indicate the fees, costs or other expenses required for it to be carried out.

11. Immigration consultants must certify in writing that they took the measures necessary to ensure the authenticity of the documents and the truthfulness of

the information communicated to the Minister in support of an application made by the person they assist or represent.

12. Immigration consultants must inform the Minister of any change in the address of their establishment in Québec or of the end of consulting activities within 30 days of the change or end of activities.

13. Where an immigration consultant is no longer a member of the Canadian Society of Immigration Consultants, or was the subject of a suspension or disciplinary or administrative penalty imposed by the Society, the consultant must inform the Minister within 10 days of the event.

14. Immigration consultants may not, by any means whatsoever, make false or misleading representations to a person who resorts to their services, in particular as regards their level of competence or the extent or effectiveness of their services and those generally provided by immigration consultants.

15. Immigration consultants may not communicate or contribute to the communication of information they know or should have known to be false or misleading to the Minister, an investigator or an inspector.

DIVISION IV MISCELLANEOUS

16. The fees payable under sections 5 and 6 are adjusted on 1 January of each year based on the percentage change in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the period ending on 30 September of the preceding year.

The amounts are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister informs the public of the adjustment by such means as the Minister considers appropriate.

17. Any violation of section 10, 11, 12, 13, 14 or 15 of this Regulation constitutes an offence.

18. A person who, on *(insert the date of coming into force of this Regulation)*, acts as an immigration consultant within the meaning of section 1 of this Regulation may continue to do so until the 90th day following that date.

At the expiry of that period, the person must be recognized by the Minister to act as an immigration consultant.

Upon renewal of their recognition, that person and every person recognized between *(insert the date of coming into force of this Regulation)* and *(insert the date occurring 12 months after the date of coming into force of this Regulation)* must demonstrate that they meet the conditions in subparagraphs 5 and 6 of the first paragraph of section 4.

19. This Regulation comes into force on *(insert the date occurring 60 days after the date of its publication in the Gazette officielle du Québec)*, except subparagraphs 5 and 6 of the first paragraph of section 4, which come into force on *(insert the date occurring 12 months after the date of coming into force of this Regulation)*.

9706

Draft Regulation

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

Selection of foreign nationals — Amendment

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, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the selection of foreign nationals to harmonize it with the draft Regulation respecting immigration consultants. The proposed amendment requires persons who apply for a selection certificate, a certificate of acceptance or an undertaking to indicate whether they have used the services of an immigration consultant and, if such is the case, to provide the consultant's identity.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Lucy Wells, Assistant Deputy Minister, Immigration sector, 360, rue McGill, 4^e étage, Montréal (Québec) H2Y 2E9; telephone: 514 873-0706; fax: 514 873-0453.