

53. A bond remitted before 31 December 2009 to a pension fund of a pension plan pursuant to section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, c. 20) may, at its term, be replaced by a new bond that meets the conditions set forth in the second and third paragraphs of that section.

54. The provisions of section 49 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, c. 42) do not apply to a pension plan to which this Regulation applies.

55. Despite section 119 of the Act as amended by section 8, a pension committee has until 31 August 2010 to send to the Régie des rentes du Québec the actuarial valuation report of a pension plan whose date is after 30 December 2008 and prior to 30 November 2009.

56. The fourth paragraph of section 14 of the Regulation respecting Supplemental Pension Plans, as made by Order in Council 1073-2009 dated 7 October 2009, does not apply to an actuarial valuation report whose date is prior to 15 December 2009.

57. Division IX of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90 dated 8 August 1990, is revoked.

58. Section 1, made by Order in Council 1098-2006 dated 6 December 2006, of the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 415-2004 dated 28 April 2004, is amended

(1) by replacing paragraphs 1.1 and 2 by the following:

“(1.1) the provisions mentioned in the Regulation respecting the funding of the pension plans of the municipal and university sectors, made by Order in Council 541-2010 dated 23 June 2010, in accordance with the terms and conditions provided for in that Regulation and by considering that pension plan as a multi-employer pension plan for which the employer employing the greatest number of active members is a university;

(2) sections 142 to 146 of the Act, in their version prior to 1 January 2010, and sections 143 to 146 of the Act, as enacted by chapter 42 of the Statutes of 2006.”;

(2) by adding the following at the end:

“However, the instructions in section 39 of the Regulation respecting the funding of pension plans of the municipal and university sectors may only be given by the Minister responsible for the administration of the Act to facilitate the establishment of a pension plan for employees working in childcare services (R.S.Q., c. E-12.011).”.

59. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and has effect since 31 December 2008.

9922

Gouvernement du Québec

O.C. 544-2010, 23 June 2010

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

Immigration consultants

Regulation respecting immigration consultants

WHEREAS, under subparagraphs *k*, *l*, *m*, *n* and *p* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations governing the matters set forth therein concerning immigration consultants;

WHEREAS, under subparagraph *q* of that section, the Government may make regulations determining the provisions of a regulation whose violation constitutes an offence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting immigration consultants was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

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 respecting immigration consultants, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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, advises, 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 Chambre des notaires du Québec, the Barreau du Québec or to a person holding a special authorization issued under section 42.4 of the Professional Code (R.S.Q., c. C-26) by one of those orders and allowing the person to engage in the activities governed by this Regulation.

DIVISION II RECOGNITION OF IMMIGRATION CONSULTANTS

§1. Recognition

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

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

(2) is a member in good standing of a body, other than the bar of a province or the Chambre des notaires du Québec, designated as an authorized representative under the Immigration and Refugee Protection Regulations (SOR-02-227);

(3) has neither communicated or contributed to the communication of information the person knew 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 or its regulations in the 3 years preceding the application for recognition;

(4) has passed the Minister’s examination on Québec immigration rules; and

(5) 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, on a full-time basis, 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 1985-1986.

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 \$1,000.

The person must demonstrate that he or she meets the conditions required.

An application is to contain the following documents:

(1) a document proving that the person or the enterprise for which the person carries on activities is registered in the register of sole proprietorships, partnerships and legal persons, or that the enterprise has an establishment in Québec;

(2) a document proving that the person is a member in good standing of a body referred to in subparagraph 2 of the first paragraph of section 4; and

(3) a document proving that the person meets the condition regarding French knowledge in subparagraph 5 of the first paragraph of section 4.

An immigration consultant’s recognition is valid for 2 years.

§2. *Renewal, suspension and revocation*

6. A consultant who wishes to renew recognition must

(1) file a renewal application on the form provided by the Minister not later than the 60th day preceding the recognition's date of expiry and pay fees of \$1,000; and

(2) demonstrate that he or she still meets the conditions provided for in subparagraphs 1 and 2 of the first paragraph of section 4.

The Minister may deny the application of a consultant whose recognition is suspended pursuant to section 7. In such a case, a new application for renewal may be filed only after demonstration is made that the reason for suspension no longer exists.

A recognition renewal is valid for 2 years.

7. The Minister may suspend an immigration consultant's recognition if the consultant

(1) no longer meets the condition in subparagraph 1 of the first paragraph of section 4;

(2) is suspended from a body referred to in subparagraph 2 of the first paragraph of section 4; or

(3) has defaulted on an obligation provided for in this Regulation.

The Minister may lift the recognition suspension if the consultant demonstrates 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 a body referred to in subparagraph 2 of the first paragraph of section 4;

(2) has committed an offence against the Act respecting immigration to Québec or its regulations;

(3) has defaulted on an obligation provided for in this Regulation; or

(4) was granted recognition by error.

In the cases provided for in subparagraphs 2 and 3 of the first paragraph, the consultant may not file a new application for recognition before the expiry of a 5-year period following the date of revocation.

§3. *Register*

9. The Minister keeps an up-to-date register of recognized immigration consultants and consultants whose recognition is suspended or revoked.

The register is public.

DIVISION III OBLIGATIONS OF IMMIGRATION CONSULTANTS

10. Immigration consultants must obtain a mandate in writing from the person who resorts to their services and give that person a copy of the mandate at the time of signing.

The mandate must clearly indicate the object and scope of the services to be provided, the remuneration paid by that person to the consultant, the terms and conditions of payment and the costs or other expenses required for the mandate 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 a person who resorts to their services.

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. 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.

14. 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 OFFENCE AND MISCELLANEOUS

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

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. Persons who, on 4 November 2010, act as immigration consultants within the meaning of section 1 of this Regulation may continue to do so until 2 February 2011.

At the expiry of that period, those persons must be recognized to act as immigration consultants.

However, those persons have a 12-month period following the date of their recognition to demonstrate that they meet the condition in subparagraph 4 of the first paragraph of section 4, and a 24-month period following the same date to demonstrate that they meet the condition in subparagraph 5 of the first paragraph of section 4.

18. This Regulation comes into force on 4 November 2010.

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Gouvernement du Québec

O.C. 545-2010, 23 June 2010

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

Selection of foreign nationals — Amendment

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 governing the matters set forth therein;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4);

WHEREAS it is expedient to amend the Regulation;

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 3 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

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. *f* and *m*)

1. The Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4) is amended by adding the following paragraph at the end of section 11:

“The foreign national or the sponsor must also indicate to the Minister whether the services of an immigration consultant have been used to counsel, assist or represent him in connection with his application and, if such is the case, the consultant’s identity.”.

2. This Regulation comes into force on 2 February 2011.

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