

Immigration Procedure Regulation

Québec Immigration Act
(2016, chapter 3, ss. 41 and 43)

DIVISION I

FILING OF AN APPLICATION

1. Every person filing an application with the Minister under the Québec Immigration Act (2016, chapter 3) must use the form supplied by the Minister and, except for an application referred to in the second paragraph, file the application at the Québec immigration office in Montréal.

An application for selection filed pursuant to the Regular Skilled Worker Program must be filed using the online form.

2. Every application must be filed with payment of the applicable fees required by the Québec Immigration Act.

3. An application for selection under the Program for refugees abroad is deemed to be filed in accordance with section 1 as soon as the minister responsible for the Immigration and Refugee Protection Act (S.C. 2001, c. 27) sends to the Minister the information relating to the foreign national filing the application.

4. For a foreign national to file an application for selection with the Minister pursuant to the Program for persons selected on the basis of humanitarian considerations while ordinarily resident in Québec, the foreign national must be authorized by the Minister responsible for the Immigration and Refugee Protection Act to apply for permanent resident status for humanitarian and compassionate considerations under section 25, 25.1 or 25.2 of that Act.

5. A foreign national who is staying in Québec must have complied with the conditions of the stay in order to file with the Minister an application for selection for temporary or permanent immigration.

DIVISION II

INTERVIEW

6. For the purposes of sections 54 and 55 of the Québec Immigration Act, the Minister may call any foreign national to an interview to have the foreign national demonstrate the truthfulness of the facts set out in his or her statements, to provide the Minister with any information or document the Minister considers relevant or to establish the authenticity, integrity or validity of the documents contained in the foreign national's application.

For the purposes of the override power provided for in section 58 of the Québec Immigration Regulation made by Order in Council 963-2018 dated 3 July 2018, the Minister may call a foreign national to an interview to determine whether the foreign national may successfully settle in Québec or has an exceptional profile or unique expertise for Québec.

The Minister calls a foreign national to an interview by means of a notice which states the date and place of the interview and the documents to be provided to the Minister.

DIVISION III

ENTRY IN THE EXPRESSIONS-OF-INTEREST BANK

7. The Minister is to enter in the expressions-of-interest bank an expression of interest submitted by a foreign national 18 years of age or older.

DIVISION IV

FINAL

8. This Regulation comes into force on 2 August 2018.

103619

M.O., 2018

Order number AM 2018-007 of the Minister of Immigration, Diversity and Inclusiveness dated 6 July 2018

Québec Immigration Act
(2016, chapter 3)

Regulation respecting quotas of brokers and trust companies

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

CONSIDERING the coming into force of the provisions of the Act on 2 August 2018 pursuant to Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

CONSIDERING the first paragraph of section 31 of the Act which authorizes the Minister, if the number of applications for selection the Minister intends to receive

is determined by a decision made under section 50 of the Act, to require a person or partnership who or that participates in the management of an investment of a foreign national to hold a quota;

CONSIDERING subparagraphs 1 and 2 of the first paragraph of section 31 of the Act which set forth that the Minister may set the minimum quota of the person or partnership and determine the terms and conditions for assigning a quota to the person or partnership, in particular by establishing a quota calculation formula and determining the value of the parameters;

CONSIDERING subparagraphs 3 and 4 of the first paragraph of section 31 of the Act which set forth that the Minister may prescribe the monetary administrative penalties applicable to a person who or a partnership that does not comply with the quota assigned and determine conditions relating to the transfer of a quota;

CONSIDERING section 104 of the Act which provides that a regulation made under section 31 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING the decision concerning the receipt and processing of applications for selection submitted by foreign nationals in the economic class and undertaking applications filed under the collective sponsorship component of the program for refugees abroad, made by the Minister by Ministerial Order 2018-009;

CONSIDERING that it is expedient to require a person or partnership who or that participates in the management of an investment of a foreign national in the “investor” subclass to hold a quota for that period for receiving applications;

CONSIDERING that it is expedient to encourage applications for selection from investors with a view to promoting full participation of immigrants, in French, in community life and to seeing them remain in Québec;

ORDERS AS FOLLOWS:

the Regulation respecting quotas of brokers and trust companies, attached to this Order, is hereby made.

Montréal, 6 July 2018

DAVID HEURTEL,
*Minister of Immigration,
Diversity and Inclusiveness*

Regulation respecting quotas of brokers and trust companies

Québec Immigration Act
(2016, chapter 3, ss. 31 and 104)

1. A broker or trust company must hold a quota assigned by the Minister to enter into an investment agreement with a foreign national who files a application for selection if the number of applications to be received by the Minister within a period is determined by a decision made under section 50 of the Québec Immigration Act (2016, chapter 3).

“Investment agreement” means an agreement signed in accordance with paragraph 3 of section 37 of the Québec Immigration Regulation made by Order in Council 963-2018 dated 3 July 2018.

2. A broker or trust company wishing to hold a quota must send to the Minister a notice of participation not later than 5 weeks before the date scheduled as the beginning of the period for receiving applications.

3. The quota assigned to the broker or trust company corresponds to the minimum quota set in section 5, to which is added a variable number of investment agreements determined on the basis of the historical relative performance of the broker or trust company (i) relative to all the brokers or trust companies.

The quota is determined using the following formula:

$$\text{Quota}_i = \text{Nb min} + (\text{Nb max} - \text{Nb min} \times N) = P_i$$

Where,

Nb min: minimum quota set in section 5;

N: number of brokers or trust companies holding a quota;

Nb max: maximum number of applications to be received determined by a decision of the Minister made under section 50 of the Québec Immigration Act;

P_i : historical relative performance of the broker or trust company (i).

4. The historical relative performance of a broker or trust company (P_i) is determined on the basis of the number of investment agreements entered into and for which a selection certificate was issued, taking into account the importance attached to French-speaking applicants and the total number of investment agreements entered into in accordance with that same section. It is determined using the following formula:

$$P_i = \sum_{a=1}^k [(IH_a * ICSQ * PCSQ_{ai}) + (IH_a * IC * PC_{ai}) + (IH_a * ICSF * PCSF_{ai})]$$

Where,

K: number of historical years provided for in paragraph 1 of section 6;

IH_a: historical importance of the year (a) according to the following formula:

$$IH_a = \frac{(k+1)-a}{k+(k-1)+\dots+1} \text{ (where } a = 1 \text{ represents the most recent year)}$$

ICSQ: relative importance assigned to the investment agreements entered into and for which a selection certificate was issued;

PCSQ_{a,i}: share of the investment agreements entered into and for which a selection certificate was issued in the year (a) for the broker or trust company (i);

IC: relative importance assigned to all the investment agreements entered into;

PC_{a,i}: share of the investment agreements entered into in the year (a) for the broker or trust company (i);

ICSF: relative importance assigned to the investment agreements entered into for which a selection certificate was issued and the main applicant demonstrated a French language proficiency level at least equal to the advanced intermediate level for oral comprehension and oral expression;

PCSF_{a,i}: share of the investment agreements entered into for which a selection certificate was issued and the main applicant demonstrated a French language proficiency level at least equal to the advanced intermediate level for oral comprehension and oral expression in the year (a) for the broker or trust company (i).

$$ICSQ+IC+ICSF = 1$$

$$\sum_{i=1}^n (PCSQ_{a,i}) = 1$$

$$\sum_{i=1}^n (PC_{a,i}) = 1$$

$$\sum_{i=1}^n (PCSF_{a,i}) = 1$$

$$\sum_{i=1}^n (P_i) = 1$$

5. The minimum quota assigned by the Minister to a broker or trust company is calculated as follows:

$$\text{Nb min} = (\text{Nb max} \times 20\%) / N$$

Where,

N: number of brokers or trust companies holding a quota;

Nb max: maximum number of applications to be received determined by a decision of the Minister made under section 50 of the Québec Immigration Act.

6. For the purpose of calculating the historical relative performance of a broker or trust company, the value of the following parameters is determined:

- (1) $k = 5$;
- (2) $\text{ICSQ} = 80\%$;
- (3) $\text{IC} = 15\%$;
- (4) $\text{ICSF} = 5\%$.

7. The holder of a quota may not transfer the minimum quota assigned by the Minister under section 5.

The holder may, however, transfer a maximum of 10% of the variable number of investment agreements determined on the basis of the historical relative performance of the broker or trust company relative to all the brokers or trust companies, calculated as provided in sections 3 and 4.

Despite the second paragraph, a transfer occurring less than 30 days before the date of the end of the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act is invalid.

8. An agreement in writing signed by the transferor and the transferee must be sent to the Minister not later than 30 days before the date of the end of the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act.

9. The number of investment agreements entered into between a quota holder and foreign nationals originating from a source area referred to in a decision made under section 50 of the Québec Immigration Act may not exceed the percentage of applications that may be received from that source area for a particular period.

10. A broker or trust company that fails to reach the assigned quota is subject to an administrative monetary penalty in the amount of \$15,000 for each application for selection that is not submitted to the Minister in the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act.

The amounts collected under the first paragraph are deemed to be applicable fees required by section 74 of the Québec Immigration Act.

11. For the purposes of section 117 of the Québec Immigration Regulation and despite section 7 of this Regulation, a broker or trust company already participating in the Investor Program on 2 August 2018 may, at the time the entity it created or acquired begins participation in the program, transfer to it the entire quota held by the broker or trust company. For the assignment of the subsequent quota, the historical relative performance of the broker or trust company that created or acquired the entity is transferred to the entity, as long as the broker or trust company no longer participates in the Investor Program.

12. This Regulation replaces the Regulation respecting quotas of brokers and trust companies (chapter I-0.2, r. 0.3).

13. This Regulation comes into force on 2 August 2018.

103620

M.O., 2018

Order number AM 2018-008 of the Minister of Immigration, Diversity and Inclusiveness dated 6 July 2018

Québec Immigration Act
(2016, chapter 3)

Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING the Québec Immigration Act (2016, chapter 3) assented to on 6 April 2016;

CONSIDERING the coming into force of the provisions of the Act on 2 August 2018 under Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;