



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 9
(2019, chapter 11)

**An Act to increase Québec's
socio-economic prosperity and
adequately meet labour market needs
through successful immigrant
integration**

Introduced 7 February 2019
Passed in principle 9 April 2019
Passed 16 June 2019
Assented to 16 June 2019

EXPLANATORY NOTES

This Act aims to increase Québec's socio-economic prosperity and adequately meet labour market needs through successful immigrant integration.

To that end, the Act amends the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion. It clarifies certain functions of the Minister of Immigration, Diversity and Inclusiveness and entrusts the Minister with new ones, including as regards coordination of the promotion of immigration to Québec, of prospection for and the recruitment of foreign nationals and of the implementation of reception, francization and integration services for immigrants.

In addition, the Act provides that the Minister may collect from immigrants the information necessary to know their situation, especially as regards their level of knowledge of French and their integration into the labour market, to put services in place for them and to assess their needs and satisfaction with respect to those services. It further provides that the departments and bodies concerned must communicate to the Minister, according to terms determined by agreement, the information necessary for the exercise of ministerial responsibilities and functions.

The Act also amends the Québec Immigration Act to clarify its objects, notably by stating that it aims to promote the integration of immigrants and of the family members accompanying them, more particularly through their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms.

Moreover, the Act empowers the Government to determine, by regulation, conditions affecting a foreign national's permanent residence which the Minister may impose when selecting such a foreign national but provides that the Minister may not impose such conditions on a minor child accompanying the foreign national. It also empowers the Minister to cancel an invitation to file an application for selection made in error to a foreign national.

The Act broadens the Minister's discretion to require that an undertaking be entered into on a foreign national's behalf if the Minister considers that such an undertaking is necessary to the success of the foreign national's stay or settlement in Québec.

The Act reiterates that the Minister develops reception, francization and integration programs for immigrants and implements immigrant support services in Québec and abroad, while specifying that the Minister fosters employers' commitment to those ends.

The Act specifies, among other things, that the Minister's decision regarding the management of applications may, if it so indicates, apply to applications received before its effective date.

The Act also allows the Minister to require a selected person to demonstrate the truthfulness of the facts set out in his or her statements and to call the person to an interview to that end.

The Act reviews the Government's regulatory powers in relation to employers wishing to hire a foreign national or permanent resident, extends the Government's regulatory power regarding the cases in which an applicant may be exempted from paying the required fees, grants the Government the regulatory power to provide for other cases in which the Minister may refuse to examine or reject a person's application, and contains certain adjustments pertaining to investigation and penal matters.

Subject to an exception, an application filed with the Minister before 2 August 2018 under the Regular Skilled Worker Program is terminated if, at the time the Act is assented to, the Minister has not yet made a selection, refusal or rejection decision on the application.

Lastly, the Act provides that if a foreign national whose application is terminated meets certain requirements, the Minister is to invite him or her to file an application for selection as a permanent resident under that program. In addition, it sets certain conditions for the processing of the application filed by such a foreign national.

LEGISLATION AMENDED BY THIS ACT:

- Québec Immigration Act (chapter I-0.2.1);
- Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1).

Bill 9

AN ACT TO INCREASE QUÉBEC'S SOCIO-ECONOMIC PROSPERITY AND ADEQUATELY MEET LABOUR MARKET NEEDS THROUGH SUCCESSFUL IMMIGRANT INTEGRATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION, DE LA DIVERSITÉ ET DE L'INCLUSION

1. Section 2 of the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1) is amended by replacing “guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, in full equality and in keeping with democratic values, and propose them to the Government” in the first paragraph by “and propose to the Government guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, in full equality and in keeping with democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12)”.

2. Section 3 of the Act is amended by striking out the second paragraph.

3. Section 4 of the Act is amended by replacing paragraphs 2 to 9 by the following paragraphs:

“(2) to ensure and coordinate, with the support of the departments and bodies concerned, the promotion of immigration to Québec and prospection for and the recruitment of foreign nationals in foreign countries;

“(3) to offer immigrants a personalized support pathway, in particular by providing them with support in their immigration process and steps to learn French and integrate, and by informing them about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12), the importance of the French language, Québec culture and the vitality of the regions;

“(4) to select, as temporary or permanent immigrants, foreign nationals who are able to fully participate, in French, in particular by integrating into the labour market, in Québec society;

“(5) to contribute, through the selection of foreign nationals as temporary or permanent immigrants, to the occupancy and vitality of the regions and to meeting Québec’s needs, including current labour market needs, and reflecting Québec’s choices, in light of economic, demographic, linguistic and socio-cultural realities;

“(6) to see that families are reunited, to participate in international solidarity efforts and to respond to other humanitarian situations;

“(7) to coordinate, with the support of the departments and bodies concerned, the implementation of reception, francization and integration services for immigrants aimed, in particular, at their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms;

“(8) to foster the commitment and coordinate the actions of the departments and bodies and of the other social actors concerned, including the municipalities, in order to build more inclusive communities that contribute to immigrants’ long-term settlement in the regions, promote immigrants’ and ethnocultural minorities’ full participation, in French, in community life, in full equality and in keeping with democratic values and the Québec values expressed by the Charter of human rights and freedoms, and contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society;

“(9) to assess immigration’s contribution to Québec by ensuring follow-up of immigrants’ situation for such purposes as knowing their level of knowledge of French and finding out how they are integrating into the labour market, with a view to ensuring their full participation in Québec society; and

“(10) to promote immigration’s contribution to Québec’s prosperity, to the preservation and vitality of French—the common language knowledge of which is the key to successful participation in community life—as well as to the occupancy and vitality of the regions and to Québec’s international influence.”

4. Section 7 of the Act is amended

(1) by inserting “and functions” after “responsibilities” in the introductory clause;

(2) by replacing paragraph 6 by the following paragraph:

“(6) collect from immigrants the information necessary

(a) to know their situation, in particular as regards their level of knowledge of French, their integration into the labour market, and obstacles to their full participation in Québec society;

(b) to develop and implement programs, guidelines and policies, monitor their relevance and effectiveness and assess the same on an ongoing basis; and

(c) to put services in place for immigrants and assess their needs and satisfaction with respect to those services.”

5. The Act is amended by inserting the following section after section 7:

“**7.1.** The departments and bodies concerned periodically communicate to the Minister, according to terms determined by agreement, the information necessary for the exercise of ministerial responsibilities and functions.”

QUÉBEC IMMIGRATION ACT

6. Section 1 of the Québec Immigration Act (chapter I-0.2.1) is amended by replacing the second paragraph by the following paragraphs:

“A further object of this Act is to promote the integration of immigrants and of the family members accompanying them, in particular through their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12).

This Act promotes, through a shared commitment between Québec society and immigrants, the latter’s full participation, in French and in full equality, in community life in addition to contributing, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society.”

7. Section 6 of the Act is amended by inserting “foreign” after “temporary” in paragraph 1.

8. Section 15 of the Act is replaced by the following section:

“**15.** The Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to stay temporarily in Québec must comply with. It may, in particular, determine the cases in which an employer must obtain a positive assessment from the Minister as to the employment offer’s impact on Québec’s labour market before hiring such a foreign national and the conditions the employer must meet to obtain such an assessment.

Likewise, the Government may determine the conditions an employer must comply with after hiring such a foreign national, taking into account Québec employers’ economic reality.”

9. Section 18 of the Act is replaced by the following section:

“18. To settle permanently in Québec, foreign nationals must be selected by the Minister, unless they are covered by an exemption provided for by government regulation.”

10. The Act is amended by inserting the following section after section 21:

“21.1. When selecting a foreign national, the Minister may impose conditions on the foreign national which affect the permanent residence granted under the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) in order to ensure, among other things, the protection of public health, the meeting of regional and sectoral labour needs, the financing or entrepreneurial acquisition or regional or sectoral creation of enterprises, or the foreign national’s linguistic, social or economic integration. The Minister may not impose such conditions on a minor child accompanying the foreign national to Québec.

The Government determines, by regulation, the conditions the Minister may impose and the cases in which the Minister may impose, amend, lift or cancel them.”

11. Section 26 of the Act is amended by replacing “is to include selection” by “may include selection factors and”.

12. Section 29 of the Act is replaced by the following section:

“29. The Government may, by regulation, determine the conditions an employer wishing to hire a foreign national who wishes to settle permanently in Québec or a permanent resident who has already settled in Québec must comply with. It may, in particular, determine the cases in which an employer may, in order to facilitate a foreign national’s selection for permanent immigration, file an application with the Minister for the validation of the employment offer and the conditions the employer must meet to obtain such validation.

Likewise, the Government may determine the conditions an employer must comply with after hiring such a foreign national or permanent resident, taking into account Québec employers’ economic reality.”

13. Section 40 of the Act is amended by replacing “When exercising discretion under the first paragraph of section 37 or 38, the Minister” by “The Minister”.

14. The Act is amended by inserting the following section after section 49:

“49.1. The Minister may cancel an invitation to file an application for selection made in error to a foreign national.

If the foreign national has already filed an application for selection following such an invitation, the Minister may terminate it. In such a case, the Minister must return the required fees paid by the foreign national.”

15. Section 50 of the Act is amended

(1) by inserting “economic and labour” after “Québec’s” in the first paragraph;

(2) by replacing “and the order of priority for processing and disposing of applications that have yet to be examined” in the second paragraph by “the order of priority for processing applications, the suspension of the processing of applications and the disposition of applications not yet under examination”;

(3) by replacing the third paragraph by the following paragraph:

“The Minister’s decision may, if it so specifies, apply to applications received before its effective date. In such a case, the Minister informs the persons concerned and, if applicable, returns the sums they have paid as fees.”

16. Section 54 of the Act is amended by replacing “or files an application with the Minister” by “, files an application with or has been selected by the Minister”.

17. Section 55 of the Act is amended by adding the following sentence at the end: “The Minister may, among other things, call the person to an interview.”

18. Section 56 of the Act is amended

(1) by replacing “if” in the introductory clause by “in the following cases:”;

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

“(3) any other case provided for by government regulation.”

19. Section 57 of the Act is amended

(1) by replacing “if” in the introductory clause by “in the following cases:”;

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

“(6) any other case provided for by government regulation.”

20. Section 60 of the Act is replaced by the following section:

“60. The Minister develops reception, francization and integration programs for immigrants. Such programs are aimed in particular at their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12) and at the establishment of harmonious intercultural relations. By offering support services to immigrants, such programs contribute to promoting their full participation, in French and in full equality, in community life and their long-term settlement in the regions.

Within that framework, the Minister establishes and implements services, in Québec and abroad, in the areas under the Minister’s responsibility while fostering employers’ commitment. The Minister determines eligibility requirements for those services.”

21. The Act is amended by inserting the following section after section 61:

“61.1. The conditions the Government determines, by regulation, under sections 15 and 29 may, in particular, aim to ensure the success of reception, francization and integration programs and services.”

22. Section 73 of the Act is amended by inserting “foreign” after “temporary” in paragraph 1.

23. Section 82 of the Act is amended by replacing “a foreign national” by “an applicant”.

24. Section 88 of the Act is amended by inserting “or a presiding justice of the peace” after “Court of Québec” in the introductory clause of the first paragraph.

25. Section 92 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(3) profits in any manner from an undertaking entered into on behalf of a foreign national and of the latter’s accompanying family members or from actions taken for the purpose of entering into such an undertaking, including by collecting interest on an investment or accepting a gift, except if collecting reasonable fees for services rendered.”;

(2) by inserting the following paragraph after the first paragraph:

“The Government may, by regulation, define what are reasonable fees under subparagraph 3 of the first paragraph.”

26. Section 126 of the Act is replaced by the following section:

“**126.** The Government may, by a regulation made within 24 months after 2 August 2018, enact any transitional measure for the purposes of the provisions of this Act, including those concerning applications filed with the Minister before that date.”

FINAL PROVISIONS

27. The first regulation made under the second paragraph of section 21.1 of the Québec Immigration Act (chapter I-0.2.1), enacted by section 10, must be examined by the competent committee of the National Assembly for a period not exceeding three hours before it is enacted by the Government.

28. An application filed with the Minister before 2 August 2018 under the Regular Skilled Worker Program is terminated if, on 16 June 2019, the Minister has not made a selection, refusal or rejection decision on the application.

Subject to section 33, any required fees paid by an applicant having filed such an application must be returned, without interest, to the applicant.

No damages or indemnity may be claimed from the Government, the Minister or any of their subordinates or mandataries in connection with such an application.

The first paragraph does not apply to an application whose purpose, with respect to a prior application on which a selection decision has already been made, is to add a family member of the foreign national.

29. The Minister invites, not later than 16 January 2020, every foreign national whose application is terminated under section 28 to file an application for selection as a permanent resident under the Regular Skilled Worker Program if the foreign national

(1) has submitted an expression of interest to the Minister not later than 16 December 2019; and

(2) is in either of the following situations:

(a) the application terminated under section 28 was filed with the Minister by the foreign national under section 5.01 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4); or

(b) the foreign national is staying in Québec on 16 June 2019 and is, at that time, the holder of a study permit or work permit issued under the Immigration and Refugee Protection Regulations (SOR/2002-227).

The Minister enters the expression of interest referred to in subparagraph 1 of the first paragraph in the expressions-of-interest bank referred to in section 43 of the Québec Immigration Act.

30. The Minister invites the foreign nationals referred to in section 29 according to a ranking corresponding to the date on which their expression of interest was entered in the expressions-of-interest bank. The Minister determines the number of foreign nationals invited under each invitation, taking into account the Minister's processing capacity.

The Minister publishes the decision in any medium the Minister considers appropriate.

A decision made by the Minister under the first paragraph is not a regulation within the meaning of the Regulations Act (chapter R-18.1).

31. A foreign national who is invited by the Minister must, within 60 days after receiving the invitation, file an application for selection.

Failing that, the foreign national receives a refund in accordance with the second paragraph of section 28, he or she may not be invited again by the Minister under section 29 and his or her expression of interest becomes invalid.

If, before the expiry of the time limit specified in the first paragraph, the foreign national notifies the Minister that he or she does not wish to file an application for selection, the second paragraph applies, but the foreign national's expression of interest remains in the expressions-of-interest bank. The expression of interest remains valid until the end of the period specified in section 27 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).

32. For the purposes of the definition of "dependent child" in the Québec Immigration Regulation and for the purpose of awarding points in accordance with the Selection grid for the economic class in Schedule A to that Regulation, the age assigned to a foreign national who files an application for selection following an invitation made under section 29 and to his or her accompanying family members is the age they were at the time the application referred to in section 28 was filed.

33. The required fees paid by a foreign national who filed an application that is terminated under section 28 stand in lieu of the fees required, for the foreign national and the family members who were to accompany him or her, for an application he or she files following an invitation made under section 29, to the extent that no fees were refunded to him or her under the second paragraph of section 28.

However, the fees required under the Québec Immigration Act for the foreign national's accompanying family members who were not included in the application terminated under section 28 are payable.

34. The application of sections 29 to 33 with respect to a foreign national does not prevent the application, with respect to that foreign national, of Division II of Chapter V of the Québec Immigration Act.

35. This Act comes into force on 16 June 2019, except sections 9 and 25, which come into force on the date to be set by the Government.