

Regulations and other Acts

Gouvernement du Québec

O.C. 1030-2019, 9 October 2019

Québec Immigration Act
(chapter I-0.2.1)

Québec Immigration —Amendment

Regulation to amend the Québec Immigration Regulation

WHEREAS, under section 9 of the Québec Immigration Act (chapter I-0.2.1), the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals;

WHEREAS, under section 26 of the Act, the Government may, by regulation, determine that achieving a score obtained by applying a selection grid is one of the selection conditions referred to in section 9 of the Act;

WHEREAS, under the first paragraph of section 29 of the Act, 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, and 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;

WHEREAS, under the second paragraph of section 29 of the Act, likewise, the Government may, by regulation, determine the conditions an employer must comply with after hiring such a foreign national or permanent resident, taking into account Québec employers' economic reality;

WHEREAS, under section 34 of the Act, a foreign national who is in a special hardship situation may be selected by the Minister in the cases and on the conditions determined by government regulation;

WHEREAS, under the first paragraph of section 42 of the Act, in the cases prescribed by government regulation, a foreign national may file an application for selection only if invited to do so by the Minister;

WHEREAS section 104 of the Act provides in particular that a regulation made under sections 26, 29, 34 and 42 and under section 9, in the case of provisions relating to a permanent immigration program, 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, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

WHEREAS it is expedient to make the Regulation to amend the Québec Immigration Regulation without prior publication;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Francization and Integration:

THAT the Regulation to amend the Québec Immigration Regulation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Québec immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 26, 29 and 34, and s. 42, 1st par.)

1. The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended by replacing section 21 by the following:

“**21.** A foreign national who wishes to settle permanently in Québec must be selected by the Minister in accordance with section 18 of the Act.

The Minister selects as permanent resident a foreign national who, as the case may be,

(1) belongs to the family class and is covered by an undertaking made by a sponsor in accordance with Division V of Chapter III of this Regulation; and

(2) is recognized as a refugee when the foreign national is already in the territory of Québec.”

2. The following is added after section 24:

“§0.1. Learning about democratic values and the Québec values

24.1. A foreign national and family members accompanying the foreign national must obtain an attestation of learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12) so that the foreign national may be selected by the Minister under one of the programs listed in section 24.

The first paragraph does not apply to a dependent child under 18 years of age or to a foreign national with a medical condition preventing the foreign national from obtaining the attestation provided for in that paragraph.

24.2. An attestation of learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12) is issued to a foreign national and the family members referred to in section 24.1 who, on the conditions set out in section 24.4,

- (1) pass the Minister’s assessment on those values; or
- (2) participate, in Québec, to the entire course prescribed by the Minister pertaining in particular on those values.

24.3. A foreign national and the family members referred to in section 24.1 pass the assessment referred to in the first paragraph of section 24.2 if they adequately answer to a minimum of 75% of the assessment questions.

In case of failure, it is possible to again take the assessment, on the conditions set out in section 24.4 and in compliance with the time period provided for in the first paragraph of section 24.5. Despite the foregoing, 2 weeks must elapse before a person referred to in the first paragraph may again take the assessment.

24.4. A foreign national and the family members referred to in section 24.1 may take the assessment provided for in paragraph 1 of section 24.2 as of the filing of the application for selection for permanent immigration. In case of failure, they may again take the assessment once. After 2 failures, they may choose to participate in the course provided for in paragraph 2 of section 24.2 or again take the assessment a third time but, in that case, they renounce to obtain the learning attestation by participating in the course as part of the application of selection.

Despite the first paragraph,

- (1) a foreign national who stays in Québec while holding a study or work permit issued under the Immigration and Refugee Protection Regulations (SOR/2002-227) may

(a) participate in a course referred to in paragraph 2 of section 24.2 and obtain the learning attestation before filing the application for selection for permanent immigration; or

(b) take the assessment provided for paragraph 1 of section 24.2 as of the filing of the application for selection for permanent immigration. In case of failure, the foreign national may again take the assessment and participate in the course or, after failure of the repeating of the assessment, participate in the course and obtain the learning attestation; and

(2) a family member who is not referred to in paragraph 1 and who is included in the application for selection for permanent immigration filed by the foreign national referred to in that paragraph may

(a) participate in the course referred to in paragraph 2 of section 24.2 and obtain the learning attestation after the filing of the application for selection for permanent immigration; or

(b) take the assessment provided for in paragraph 1 of section 24.2 as of the filing of the application for selection for permanent immigration. In case of failure, the family member may again take the assessment once. The family member may refuse to again take the assessment and participate in the course or, after failure of the repeating of the assessment, participate in the course and obtain the learning attestation.

24.5. The attestation provided for in section 24.1 must be received by the Minister not later than 60 days following the date of the Minister’s request, made under section 55 of the Act, respecting the documents and information to be provided for the examination of an application for selection for permanent immigration.

The attestation must have been obtained within the 2 years preceding the examination of the application for selection for permanent immigration.”

3. Section 25 is amended by adding the following paragraph:

“The first paragraph does not apply to a foreign national who has already been selected as permanent resident by the Minister under the regular skilled worker program and who files an application to add or remove a family member.”

4. The following is inserted after section 32:

“**32.1.** Where a foreign national who has already been selected as permanent resident under the regular skilled worker program files with the Minister an application to add or remove a family member, the Minister applies, for the purposes of the examination of the application, the Selection grid for the economic class in Schedule A, including the list to which it refers, and the Regulation respecting the weighting applicable to the selection of foreign nationals, applied by the Minister to render a decision as part of the first application for selection.

In addition, as regards a foreign national already selected and, where applicable, family members accompanying the foreign national as part of the first application for selection, the Minister examines the new application based on the facts and circumstances that prevailed for those persons at the time the Minister rendered the decision as part of the first application for selection.”

5. Section 33 is replaced by the following:

“**33.** The Minister selects, under the Québec experience program, a foreign national who has stayed in Québec for the main purpose of studying if the foreign national

(1) obtained from a Québec educational institution, during the 3 years preceding the date of filing of the application, an attestation or diploma included in section A or B of Part II of the list of areas of training made by the Minister under section 28 of the Act that is, as the case may be,

(a) a university diploma attesting to a bachelor’s degree, a master’s degree or a doctorate;

(b) a diploma of college studies in a technical program;

(c) an attestation of college studies attesting to 900 hours or more of training;

(d) a vocational diploma which, alone or with an attestation of vocational specialization obtained consecutively, attests to 900 hours or more of training;

(e) an attestation of vocational specialization attesting to 900 hours or more of training;

(2) has not begun a new program of studies in Québec since the issue of the diploma referred to in paragraph 1;

(3) the foreign national and, where applicable, the foreign national’s spouse or de facto spouse, show an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent, that they show, as the case may be,

(a) by the result of a standardized test;

(b) by the meeting of the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11);

(c) by the successful completion of at least 3 years of full-time studies in French at the secondary or post-secondary level;

(4) has completed at least 900 hours of full-time studies during the foreign national’s stay in Québec or, if the attestation or diploma attests to more than 1,800 hours of studies, the foreign national has stayed in Québec for at least half the duration of the program of studies;

(5) has complied with the conditions of the stay;

(6) does not have a scholarship including a condition of return to the foreign national’s country at the end of the program of studies or has complied with that condition;

(7) if the foreign national has obtained an attestation or diploma attesting to 900, but less than 1,800 hours of studies, has at least 6 months of work experience in Québec, acquired after the program of studies and in the field of training;

(8) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.”

6. Section 34 is replaced by the following:

“**34.** The Minister selects, under the Québec experience program, a foreign national staying in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada, if the foreign national

(1) has complied with the conditions of the stay;

(2) does hold full-time employment in Québec included in the list of employment in demand collated by the Minister under section 28 of the Act;

(3) has held the employment

(a) for at least 12 months in the 24 months preceding the date of filing of the application in the case of a foreign national who holds an employment in skill level 0, A or B within the meaning of the National Occupational Classification;

(b) for 18 months in the 24 months preceding the date of filing of the application in the case of a foreign national who holds an employment in skill level C or D within the meaning of the National Occupational Classification;

(4) has met the conditions for access, as listed in the National Occupational Classification, applicable to the profession the foreign national practises as part of the employment;

(5) has complied with the special conditions of the employment offer;

(6) the employment held is not in a field listed in Part 2 of Schedule E;

(7) the employment held is not on behalf of the foreign national or an enterprise over which the foreign national exercises control;

(8) the foreign national and, as the case may be, the foreign national's spouse or de facto spouse show an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent, that they show, as the case may be,

(a) by the result of a standardized test;

(b) by the meeting of the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11); or

(c) by the successful completion of at least 3 years of full-time studies in French at the secondary or post-secondary level; and

(9) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.”.

7. Section 38 is amended by replacing “amounts received by donation” by “donations received”.

8. Section 44 is amended by replacing “the selection application” in paragraph 1 by “the foreign national's application for selection”.

9. Section 51 is amended by replacing “an amount complying with” in paragraph 4 by “and a security deposit the amounts of which comply with”.

10. Section 53 is amended by replacing paragraph 3 by the following:

“(3) the requirement for the foreign national to provide to the Minister, on request, the information relating to start-up and security deposits and the documents held by the parties to the contract concerning those deposits;”.

11. Section 54 is amended by replacing “Québec application for selection” in paragraph 2 by “the application for selection for permanent immigration”.

12. Section 98 is amended by replacing “files an application for selection for permanent immigration under the regular skilled worker program” in the second paragraph by “wishes to settle in Québec”.

13. Section 100 is amended by replacing “owned, in full or in part, by the foreign national” in subparagraph 4 of the first paragraph by “on which the foreign national exercises control”.

14. Section 102 is amended by striking out “as permanent resident”.

15. Sections 115 and 116 are revoked.

16. Schedule A is amended by replacing “and whose legal origin is demonstrated” in factor “13. Financial Resources” by “, whose legal origin is demonstrated and does not include donations that the foreign national or the spouse or de facto spouse accompanying the foreign national received in the 6 months preceding the date of filing of the application for selection”.

17. This Regulation comes into force on 1 November 2019, except section 2, which comes into force on 1 January 2020.

The amendments to paragraph 3 of section 33, replaced by section 5 of this Regulation, and the amendments to paragraph 8 of section 34, replaced by section 6 of this Regulation, also come into force on 1 January 2020. Up to that date, paragraph 3 of sections 33 and 34 continue to apply as they read on 31 October 2019.

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