

Draft Regulations

Draft Regulation

Québec Immigration Act
(chapter I-0.1.2)

Québec experience program — Amendment

Notice is hereby given of the publication of the Regulation to amend the Québec Immigration Regulation, appearing below. In accordance with section 104 of the Québec Immigration Act (chapter I-0.2.1), the draft Regulation is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). It is however provided that it may be made by the Government on the expiry of 30 days following this publication.

The draft Regulation amends the conditions that apply to the selection of foreign nationals under the Québec experience program. The amendments affect in particular the conditions related to required work experience, skill level of associated employment and oral knowledge of French. It contains transitional provisions varying the effect of some of those amendments.

Certain amendments provided for in the draft Regulation could have an impact on certain enterprises employing temporary foreign workers who wish to file an application under the Québec experience program. It is important to mention that the proposed amendments do not affect the vast majority of enterprises in Québec, since only a minority of them employ temporary foreign workers selected under the program. Most of the temporary foreign workers do not wish to become permanent resident and do not file an application for selection under the Québec experience program.

Further information on the draft Regulation may be obtained by contacting Guillaume Vaillancourt, Director General, Direction générale des politiques et programmes d'immigration et de prospection, Ministère de l'Immigration, de la Francisation et de l'Intégration; email: guillaume.vaillancourt@mifi.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Owen-John Peate, Assistant Deputy Minister for

Immigration and Prospection, Ministère de l'Immigration, de la Francisation et de l'Intégration; email: owenjohn.peate@mifi.gouv.qc.ca.

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Regulation to amend the Québec Immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9 and 106)

1. The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended in section 33

(1) by striking out “or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec” in subparagraph *d* of paragraph 3;

(2) by striking out “and complied with the conditions of the stay” in paragraph 4;

(3) by inserting the following after paragraph 6:

“(7) has complied with the conditions of the stay;

(8) does hold full-time employment in Québec and has held such employment for a period and in a skill level within the meaning of the National Occupational Classification that correspond to one of the following requirements, according to the diploma referred to in paragraph 1:

(a) in the case of a university diploma attesting to a bachelor's degree, a master's degree or a doctorate, or a diploma of college studies in a technical program: an employment held during a period of at least 12 months in the 24 months preceding the date of filing of the application, in skill level 0, A or B;

(b) in the case of a secondary vocational diploma: an employment held during a period of at least 24 months in the 36 months preceding the date of filing of the application, in skill level 0, A, B or C; in the case of an employment in skill level C, the employment must be related to the secondary vocational diploma;

(9) if applicable, the spouse or de facto spouse shows an advanced beginner's oral knowledge of French, level 4 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has filed the result of a standardized test showing the oral knowledge of French;

(b) has filed a document certifying that the foreign national has met 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) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level.”

2. Section 34 is amended

(1) by replacing paragraph 2 by the following:

“(2) does hold full-time employment in Québec, in skill level 0, A or B within the meaning of the National Occupational Classification, and held such employment during a period of at least 36 months in the 48 months preceding the date of filing of the application;”;

(2) by striking out “or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec” in subparagraph *c* of paragraph 3;

(3) by inserting the following after paragraph 4:

“(5) if applicable, the spouse or de facto spouse shows an advanced beginner's oral knowledge of French, level 4 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has filed the result of a standardized test showing the oral knowledge of French;

(b) has filed a document certifying that the foreign national has met 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) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level.”

3. Section 35 is amended by replacing “1 to 4” by “1 to 5”.

4. The following is inserted after section 118.2:

“118.3. Subject to section 118.2, an application for selection for permanent immigration filed under the Québec experience program under section 33 of this Regulation before (*insert the date of coming into force of this Regulation*) is processed and decided under that section as it read on (*insert the date preceding the date of coming into force of this Regulation*).

118.4. An application for selection for permanent immigration filed under the Québec experience program under section 34 of this Regulation is processed and decided under that section as it read on (*insert the date preceding the date of coming into force of this Regulation*) where it is filed by a foreign national who was staying in Québec as of (*insert the date preceding the date of coming into force of this Regulation*) while holding a work permit issued under the Immigration and Refugee Protection Regulations (SOR/2002-227) or being otherwise authorized to work in accordance with that Regulation.

118.5. An application for selection for permanent immigration filed under the Québec experience program as of (*insert the date of coming into force of this Regulation*) is processed and decided under paragraph 3 of section 33 or, as the case may be, paragraph 3 of section 34 as they read on (*insert the date preceding the date of coming into force of this Regulation*) if it is filed by a foreign national who, on that date, had registered for an intermediate French course, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent, offered by a Québec educational institution in Québec, or had begun or successfully completed such a course, provided if he or she presents the result of the course in support of the application.

118.6. The conditions provided for in paragraph 9 of section 33 and paragraph 5 of section 34 of this Regulation do not apply to an application for selection for permanent immigration filed under the Québec experience program before (*insert the date occurring one year after the coming into force of this Regulation*).

5. The provisions of this Regulation come into force on (*insert the date of coming into force of this Regulation*), except paragraph 3 of section 1, to the extent that it enacts paragraph 9 of section 33 of the Québec Immigration Regulation, and paragraph 3 of section 2, which come into force on (*insert the date occurring one year after the coming into force of this Regulation*).

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