

Draft Regulations

Draft Regulation

Act respecting municipal taxation
(chapter F-2.1)

Municipal tax for 9-1-1 — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation to amend the Regulation governing the municipal tax for 9-1-1, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation governing the municipal tax for 9-1-1 (chapter F-2.1, r. 14) in order to increase the amount of the municipal tax for 9-1-1 from \$0.46 to \$0.52 per month and determine the date on which the amendment takes effect, that is, 1 January 2024. It also introduces a mechanism to adjust the amount of the tax on an annual basis. This adjustment will take effect from 1 January 2025.

Further information on the draft Regulation may be obtained by contacting Nicolas Bouchard, Direction de la fiscalité et des relations de travail municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, La Tour, 5^e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83817; email: nicolas.bouchard@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nicolas Bouchard at the above contact information.

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation to amend the Regulation governing the municipal tax for 9-1-1

Act respecting municipal taxation
(chapter F-2.1, s. 262, 1st par., subpar. 13, and 3rd par.)

1. The Regulation governing the municipal tax for 9-1-1 (chapter F-2.1, r. 14) is amended in section 2 by replacing “\$0.46” by “\$0.52”.

2. The following is inserted after section 2:

“**2.1.** The amount of the tax is adjusted, on 1 January each year, by a rate corresponding to the annual change in the average all-items Consumer Price Index for Québec, excluding alcoholic beverages, tobacco products, smokers’ supplies and recreational cannabis for the 12-month period ending on 30 June of the year preceding the year for which the amount of the tax is to be adjusted.

The adjusted amount is rounded down to the nearest cent if it includes a fraction of a cent that is less than \$0.005; it is rounded up to the nearest cent if it includes a fraction of a cent that is equal to or greater than \$0.005.

Not later than 30 September of the year preceding the year for which the amount of the tax is to be adjusted, the Minister of Municipal Affairs, Regions and Land Occupancy informs the public of the result of the adjustment carried out under this section in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.”.

3. The amount of the municipal tax for 9-1-1 is adjusted, pursuant to section 2.1 of the Regulation governing the municipal tax for 9-1-1, enacted by section 2 of this Regulation, as of 1 January 2025.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 1, which comes into force on 1 January 2024.

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Draft Regulation

Québec Immigration Act
(chapter I-0.2.1)

Québec immigration — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Québec Immigration Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends all the programs in the economic class, particularly to make knowledge of French a selection condition in all the programs. It replaces the regular skilled worker program by the skilled worker selection program, and amends substantially the investor program, the self-employed worker program and the entrepreneur program, as well as the Québec graduate component of the Québec experience program. The draft Regulation makes other amendments to the Québec Immigration Regulation (chapter I-0.2.1, r. 3), in particular regarding an employment offer's impact on Québec's labour market and the validation of an employment offer, as well as the consent for the stay of a foreign national coming to Québec to study. In addition, the draft Regulation amends the obligations of the sponsors who file an undertaking application under the family class. Lastly, the draft Regulation contains transitional provisions.

The draft Regulation does not impose new requirements to Québec enterprises and has an impact on a very restricted number of enterprises. The new skilled worker selection program will not result in costs for enterprises. It will even generate savings since enterprises will have access to a larger labour pool. The amendments to the Québec experience program could have an impact on the attractiveness for foreign students of programs of studies in English offered by private educational institutions. However, French programs offered by such an institution could become more attractive. As for entrepreneurs, the amendments will promote innovation and the creation of new enterprises in Québec. They will also ensure the sustainability of existing enterprises and of employment depending on them. The financial intermediaries taking part in the investor program will see a reduction of revenues related to the program, an impact that appears acceptable given the projected increase of the rate of settlement of the persons selected and their knowledge of French.

Further information on the draft Regulation may be obtained by contacting Claire Malbouires, Director, Direction des politiques d'immigration permanente, Ministère de l'Immigration, de la Francisation et de l'Intégration; email: reforme.immigration@mifi.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claire Malbouires at the above contact information.

CHRISTINE FRÉCHETTE

Minister of Immigration, Francization and Integration

Regulation to amend the Québec Immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 12, 15, 1st par., s. 22,
2nd par., ss. 23, 26, 29, 1st par., ss. 30, 38,
1st par., s. 56, par. 3, s. 57, par. 6, ss. 82 and 106)

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

(1) by striking out the definitions “enterprise accelerator”, “enterprise incubator”, “investment dealer”, “Québec diploma”, “trust company” and “university entrepreneurship centre”;

(2) by inserting the following definitions in alphabetical order:

““contributed capital” has the meaning assigned to it by section 19 of the Insurers Act (chapter A-32.1); (*capital d'apport*)

““organization specialized in entrepreneurial acquisition” means an organization having an establishment in Québec and whose principal activity consists in providing support services – in particular training and mentoring – and brokerage for the transfer of enterprises; (*organisme spécialisé en repreneuriat*);

““organization specialized in innovation” means an organization having an establishment in Québec and whose principal activity consists in providing support services – in particular training, mentoring or seeking funding – to persons whose business project covers the start-up or growth of an innovative enterprise; (*organisme spécialisé en innovation*);

““profession” means an occupation corresponding to a basic group within the meaning of the National Occupational Classification, unless the context indicates otherwise;

““TEER category” means the “training, education, experience and responsibilities” category within the meaning of the National Occupational Classification; (*catégorie FEER*)”;

(3) in the definition of “educational institution”

(a) by adding “Québec” before “educational institution” in the portion before paragraph 1;

(b) by replacing “an educational institution at the university level referred to in section 1” in paragraph 6 by “an institution, a legal person or a body referred to in section 2”;

(4) by replacing “a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3)” in the definition of “financial institution” by “a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2)”.

2. Section 4 is amended by adding “that is not for an enterprise on which the foreign national exercises control” at the end.

3. Section 10 is amended by replacing “an educational institution” by “a Québec educational institution”.

4. Section 11 is amended by replacing “an educational institution” in subparagraph 1 of the first paragraph by “a Québec educational institution”.

5. Section 20 is amended

(1) by replacing paragraph 4 by the following:

“(4) a foreign national who comes to study and is authorized to do so without a study permit;”;

(2) by striking out “as temporary foreign worker, international student or” in paragraph 7;

(3) by replacing “child of preschool age accompanying the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment” in paragraph 8 by “preschool child”;

(4) by replacing paragraph 9 by the following:

“(9) a foreign national staying in Québec and authorized to work who intends to undergo training prescribed by a regulatory body of a profession;”;

(5) by striking out paragraph 13.

6. Section 24 is amended by replacing “regular skilled worker” in paragraph 1 by “skilled worker selection”.

7. The following is inserted after section 24:

“**24.0.1.** Where a foreign national belonging to the economic class files an application for selection for permanent immigration to add or remove a family member, the Minister examines the application based on the selection conditions in force and the facts at the time of the

decision rendered after the first application, as regards the foreign national and family members already selected under that first application.

In the case of the addition or removal of a spouse or de facto spouse, the Minister examines the application based on the facts at the time of the examination as regards any condition related to net assets.”.

8. Section 25 is amended by replacing the words “regular skilled worker” wherever they appear by the words “skilled worker selection”.

9. Section 31 is amended by inserting “that is not for an enterprise on which the foreign national exercises control and that” after “employment”.

10. The heading before section 32 is amended by replacing “Regular skilled worker” by “Skilled worker selection”.

11. Sections 32 and 32.1 are replaced by the following:

“**§§§I. General**

32. The Minister selects a foreign national under the skilled worker selection program if the foreign national meets the general selection conditions for the program and the selection conditions for one of its 4 components:

(1) High qualification and specialized skills;

(2) Intermediate and manual skills;

(3) Regulated professions;

(4) Exceptional talent.

32.1. The general selection conditions for the program are as follows:

(1) if applicable, meet the criteria of the invitation to file an application;

(2) if applicable, have complied with any condition for the return to the country imposed by a bursary for studying in Québec;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.

32.2. For the purposes of the program, the profession of the foreign national is the profession that the foreign national intends to exercise in connection with the employment referred to in section 31 and that the foreign national has designated as main profession in the expression of interest to settle in Québec.

§§§II. *Component 1: High qualification and specialized skills*

32.3. The selection conditions for component 1, High qualification and specialized skills, are as follows:

- (1) be 55 years of age or younger;
- (2) have a TEER category 0, 1 or 2 profession that is not listed as a profession for which an authorization to practise is always required, in section A in the list of regulated professions drawn up by the Minister;
- (3) have work experience in the profession for a period of at least 1 year, acquired elsewhere than in an inadmissible sector referred to in sections 1 and 2 of Schedule E, in the 5 years preceding the date of filing of the application;
- (4) where the profession is a TEER category 0 or 1, be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a diploma of college studies in a technical program or a university diploma attesting to a major, a bachelor's degree, a master's degree or a doctorate;
- (5) where the profession is a TEER category 2, be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a vocational training diploma, an attestation of vocational specialization, an attestation of college studies or a vocational training diploma with an attestation of vocational specialization;
- (6) have an oral knowledge of French at level 7 or above and written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;
- (7) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*.

32.4. For computing the period required by paragraph 3 of section 32.3, a training period completed by the foreign national in his or her profession as part of a program of

studies attested to by a diploma in the 5 years preceding the date of filing of the application is considered to be work experience that meets the requirements of that paragraph.

The computed period for such training periods may not exceed 3 months.

32.5. For the purposes of paragraph 5 of section 32.3,

- (1) a vocational training diploma, an attestation of vocational specialization and an attestation of college studies must attest to at least 900 hours if they are issued by a Québec educational institution or at least 1 year of full-time studies in other cases;
- (2) a vocational training diploma with an attestation of vocational specialization must cumulatively attest to at least 900 hours, lead to a specific trade and be issued by a Québec educational institution.

§§§III. *Component 2: Intermediate and manual skills*

32.6. The selection conditions for component 2, Intermediate and manual skills, are as follows:

- (1) be 55 years of age or younger;
- (2) have a TEER category 3, 4 or 5 profession that is not listed as a profession for which an authorization to practise is always required, in section A of the list of regulated professions drawn up by the Minister;
- (3) have work experience in the profession for a period of at least 2 years including at least 1 year in Québec, acquired elsewhere than in an inadmissible sector referred to in sections 1 and 2 of Schedule E, in the 5 years preceding the date of filing of the application;
- (4) be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a secondary school diploma, a vocational training diploma, an attestation of vocational specialization or an attestation of college studies;
- (5) have an oral knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;
- (6) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*.

32.7. For computing the period of 1 year in Québec required by paragraph 3 of section 32.6, a training period completed in Québec by the foreign national in his or her profession as part of a program of studies attested to by a diploma in the 5 years preceding the date of filing of the application is considered to be work experience that meets the requirements of that paragraph.

32.8. For computing the period required by paragraph 3 of section 32.6 other than the period of 1 year in Québec, the following is considered to be work experience that meets the requirements of that paragraph:

(1) work experience acquired outside Québec in a profession that is part of the same broad occupational category, within the meaning of the National Occupational Classification, as the foreign national's profession;

(2) a training period completed by the foreign national in his or her profession as part of a program of studies attested to by a diploma.

32.9. The computed period for the training periods referred to in sections 32.7 and 32.8 may not exceed 3 months.

32.10. For the purposes of paragraph 4 of section 32.6,

(1) a vocational training diploma that is not issued by a Québec educational institution must attest to at least 1 year of full-time studies;

(2) an attestation of vocational specialization must attest to at least 600 hours if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases;

(3) an attestation of college studies must attest to at least 900 hours if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases.

§§§IV. Component 3: Regulated professions

32.11. The selection conditions for component 3, Regulated professions, are as follows:

(1) be 55 years of age or younger;

(2) have a profession on the list of regulated professions drawn up by the Minister;

(3) meet one of the following requirements:

(a) be authorized to practise the profession in Québec;

(b) have training or a diploma that are required by the regulatory body to be authorized to practise the profession in Québec, or that are partially or fully recognized by that regulatory body, dated less than 5 years from the date of filing of the application;

(4) when the profession is a TEER category 0, 1 or 2, have an oral knowledge of French at level 7 or above and a written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(5) when the profession is a TEER category 3, 4 or 5, have an oral knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(6) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*.

32.12. For the purposes of section 31, the fact that a foreign national filing an application under this component is not authorized to practise the profession in Québec is not taken into account.

§§§V. Component 4: Exceptional talent

32.13. The selection conditions for component 4, Exceptional talent, are as follows:

(1) be clearly outstanding in his or her profession through exceptional expertise likely to contribute to Québec's prosperity;

(2) have recognized accomplishments connected with that expertise;

(3) have practised the profession as a main profession for a period of at least 3 years in the 5 years preceding the date of filing of the application.

32.14. For computing the period required by paragraph 3 of section 32.13, a training period completed by the foreign national in his or her profession, as part of a program of study attested to by a diploma, in the 5 years preceding the date of filing of the application is considered to be the practice of the profession that meets the requirements of that paragraph.

The computed period for such training periods may not exceed 3 months."

12. Sections 33, 34 and 35 are replaced by the following:

“§§§I. General

33. The Minister selects a foreign national under the Québec experience program if the foreign national meets the general selection conditions of the program and those of either of its components:

- (1) Québec graduate;
- (2) Temporary foreign worker.

33.1. The general selection conditions of the program are the following:

(1) have an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(2) if a spouse or de facto spouse is included in the application, he or she has an oral knowledge of French at level 4 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.

§§§II. Québec graduate component

34. The selection conditions of the Québec graduate component are the following:

- (1) stay in Québec;
- (2) in the 3 years preceding the filing of the application, have obtained from a Québec educational institution a university diploma attesting to a bachelor's degree, a master's degree or a doctorate, a diploma of college studies in a technical program, a vocational diploma attesting to at least 1,800 hours or a vocational diploma followed by an attestation of vocational specialization cumulatively attesting to at least 1,800 hours and leading to a specific trade;
- (3) have stayed in Québec for the main purpose of studying and for at least half the duration of his or her program or programs attested to by the diploma and, where applicable, by the attestation referred to in paragraph 2;

(4) comply with one of the following conditions:

(a) have completed the program or programs in French;

(b) have successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level;

(5) if applicable, have complied with any condition for the return to the country imposed by a bursary for studying in Québec;

(6) have a written knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*.

§§§III. Temporary foreign worker component

35. The selection conditions of the temporary foreign worker component are the following:

(1) stay 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, or while holding a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse;

(2) actually hold employment in a TEER category 0, 1, 2 or 3 profession that is not in an inadmissible sector referred to in sections 1 and 2 of Schedule E or in an enterprise on which the foreign national exercises control, full time in Québec;

(3) have held employment complying with the requirements of paragraph 2 during a period of at least 2 years in the 3 years preceding the date of filing of the application.”.

13. Section 37 is amended by replacing paragraphs 1 to 4 by the following:

“(1) has management experience for a period of at least 2 years, acquired elsewhere than in an inadmissible sector referred to in sections 1 and 2 of Schedule E, in the 5 years preceding the date of filing of the application;

(2) has, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$2,000,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) holds a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(4) has an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(5) not later than 120 days after the date of the Minister's request for that purpose, makes a 5-year term investment of \$1,000,000 with IQ Immigrants Investisseurs Inc. and a non-refundable financial contribution of \$200,000 to IQ Immigrants Investisseurs Inc., through a participating financial intermediary and in accordance with an investment agreement entered into with the intermediary;

(6) has been issued a work permit under paragraph c of section 204 of the Immigration and Refugee Protection Regulations (SOR/2002-227) after the date of the Minister's notice of intent to render a selection decision;

(7) in the 2 years following the date of issue of the work permit, has stayed in Québec for a period of at least 6 months and the foreign national or his or her spouse or de facto spouse included in the application has stayed in Québec for another period of at least 6 months.”.

14. Sections 38 and 39 are replaced by the following:

“**38.** To be a participant, a financial intermediary must be a party to a participation agreement entered into with the Minister and IQ Immigrants Investisseurs Inc.

39. The Minister enters into the participation agreement where the financial intermediary meets the following conditions:

(1) it is a trust company authorized under the Trust Companies and Savings Companies Act (chapter S-29.02) or registered as an investment dealer in accordance with the law;

(2) its authorization to carry on trust company activities has been issued or, as the case may be, its registration as an investment dealer has been made at least 3 years before and is not suspended or attached with a condition or a restriction incompatible with its participation;

(3) it has had its head office and its executive office in Québec, including the upper management and the administration responsible for the monitoring of the annual plans and operating budgets, for at least 3 years.”.

15. Section 40 is revoked.

16. Section 41 is amended by replacing “the Minister's notice of intent to render a selection decision” in paragraph 3 by “the Minister's request referred to in paragraph 5 of section 37”.

17. Section 42 is revoked.

18. Section 43 is amended

(1) by replacing “a subsidiary of Investissement Québec” by “IQ Immigrants Investisseurs Inc.”;

(2) by replacing “the Minister's notice of intent to render a selection decision” by “the Minister's request referred to in paragraph 5 of section 37”.

19. Section 44 is amended

(1) by replacing paragraph 1 by the following:

“(1) the foreign national has filed his or her work permit application in the 6 months following the date of issue of the Minister's notice of intent to render a selection decision and the application has been denied;”;

(2) by replacing “obtaining” in paragraph 2 by “the foreign national obtains”;

(3) by striking out “a visa or” in paragraph 3.

20. The following is inserted after section 44:

“**44.1.** The Minister agrees to the revocation of the investment before the end of its term at the request of the interested person and, in the case of the foreign national, provided that the foreign national renounces expressly to contest the decision of cancellation or refusal justifying the reimbursement before the expiry or, where applicable, the decision confirming the cancellation or refusal.

The request and, where applicable, the renunciation must be sent by the financial intermediary.”.

21. Section 45 is replaced by the following:

“**45.** IQ Immigrants Investisseurs Inc. must reimburse the amount of the investment within 30 days following the date of expiry of the investment or of its revocation.

IQ Immigrants Investisseurs Inc. sends to the Minister a written attestation of the reimbursement within 30 days following the reimbursement.”.

22. Section 47 is amended

(1) by replacing “to work there and who practises a profession or commercial activities” in the portion before paragraph 1 by “to practise a profession;”;

(2) by adding the following at the end:

“(6) does not practise the profession in an inadmissible sector referred to in Schedule E.”.

23. Section 48 is amended by replacing paragraphs 1 and 2 by the following:

“(1) has work experience in his or her profession for a period of at least 2 years, acquired on the foreign national’s behalf elsewhere than in an inadmissible sector referred to in Schedule E, in the 5 years preceding the date of filing of the application;

(2) if the profession is listed as a profession for which an authorization to practise is always required in the list of regulated professions drawn up by the Minister, meet one of the following conditions:

(a) be authorized to practise the profession in Québec;

(b) have training or a diploma that are required by the regulatory body to be authorized to practise the profession in Québec, or that are partially or fully recognized by that regulatory body, dated less than 5 years from the date of filing of the application;

(3) has, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$100,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(4) holds a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(5) has an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(6) deposits with a financial institution for start-up a minimum amount of \$50,000 where the territory in which the foreign national intends to practise the profession is situated within the territory of the Communauté métropolitaine de Montréal or \$25,000 where the territory is situated outside that territory; and

(7) undertakes, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.”.

24. Section 49 is replaced by the following:

“§§I. *General*

49. An entrepreneur is a foreign national at least 18 years of age who settles in Québec to operate an enterprise that is not included in an inadmissible sector referred to in Schedule E, and to wield a significant portion of the power to manage its business, as part of any of the following business projects:

- (1) Innovative enterprise;
- (2) Enterprise start-up;
- (3) Entrepreneurial acquisition.

49.1. The Minister selects, under the entrepreneur program, a foreign national who meets the general selection conditions of the program and the conditions of any of the business projects.

49.2. The general selection conditions of the program are the following:

(1) hold a diploma obtained before the date of filing of the application and corresponding minimally, in Québec, to a secondary school diploma;

(2) have an oral knowledge of French at level 7 or above according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes*;

(3) undertake, for 3 months from the date the foreign national obtains the status of permanent resident, to provide for his or her basic needs, those of accompanying family members and those of his or her dependent children who are Canadian citizens, and to have for that purpose financial resources at least equal to the amount required according to the scale in Schedule C.”.

25. The heading before section 50 is replaced by the following:

“§§II. *Component 1: Innovative enterprise*”.

26. Section 50 is replaced by the following:

“**50.** The selection conditions of the Innovative enterprise business project are met by

(1) the demonstration of the intent to start up an innovative enterprise; or

(2) the demonstration of the intent to carry out an innovative project.

50.1. The demonstration of the intent to start up an innovative enterprise requires the following:

(1) have a business plan showing that the foreign national, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur, intends to start up an innovative enterprise in which the foreign national intends to hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital corresponding to at least 10% of the value of the capital;

(2) obtain, for the implementation of the business plan, appropriate support services from an organization specialized in innovation.

50.2. The demonstration of the intent to carry out an innovative project requires the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have started up an innovative enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(3) hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital corresponding to at least 10% of the value of the capital;

(4) have a business plan showing that the foreign national, as part of the operation of an innovative enterprise, intends to carry out an innovative project;

(5) obtain, for the implementation of the business plan, appropriate support services from an organization specialized in innovation.”

27. The heading before section 51 is replaced by the following:

“§§III. Component 2: Enterprise start-up”.

28. Sections 51 to 54 are replaced by the following:

“51. The selection conditions of the Enterprise start-up business project are met by

(1) the demonstration of the intent to start up an enterprise and its start-up; or

(2) the demonstration of the start-up of an enterprise.

52. The demonstration of the intent to start up an enterprise and its start-up requires the following:

(1) have experience in enterprise management for a period of at least 3 years, acquired elsewhere than in an inadmissible sector referred to in sections 1 and 2 of Schedule E, in the 5 years preceding the date of filing of the application;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$600,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) have a business plan showing that the foreign national, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur, intends to start up an enterprise

(a) for which the foreign national intends to incur, for a period covering not more than its first 2 years, start-up or operating expenses of a minimum value of \$300,000 where the principal establishment is to be situated within the territory of the Communauté métropolitaine de Montréal or \$150,000 where it is to be situated outside that territory; and

(b) in which the foreign national intends to hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital corresponding to at least 25% of the value of the capital;

(4) have been issued a work permit under paragraph *a* of section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) after the date of the Minister’s notice of intent to render a selection decision;

(5) at the earliest 1 year after the registration of the enterprise in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1) and not later than 2 years after the issue of the work permit,

(a) demonstrate having started up the enterprise during a stay in Québec, in accordance with paragraph 3; and

(b) demonstrate the payment of the enterprise start-up or operating expenses and hold an interest in its contributed capital in accordance with subparagraphs *a* and *b* of paragraph 3.

53. The demonstration of the start-up of an enterprise requires the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$300,00, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) have started up an enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(4) hold, alone or with his or her spouse or de facto spouse, if included in the application, an interest in the contributed capital of the enterprise corresponding to at least 25% of the value of the capital;

(5) show the effectiveness of the start-up of the enterprise at the earliest 1 year after its registration in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1).

54. A foreign national to whom a work permit has been issued in the case referred to in paragraph 4 of section 52 may not demonstrate the start-up of an enterprise provided for in section 53.

§§IV. Component 3: Entrepreneurial acquisition

55. The selection conditions of the Entrepreneurial acquisition business project are met by

(1) the demonstration of the intent to acquire an enterprise; or

(2) the demonstration of the acquisition of an enterprise.

56. The demonstration of the intent to acquire an enterprise requires the following:

(1) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$600,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(2) have a business plan showing the following:

(a) the foreign national intends to acquire, alone or with his or her spouse or de facto spouse, if included in the application, control of an enterprise that has been in operation for at least 5 years from one or more transferors none of whom has been selected under the entrepreneur program in the 5 years preceding the date of filing of the application or is a group whose holder of its control has thus been selected;

(b) the foreign national intends to incur, alone or with his or her spouse or de facto spouse, if included in the application, expenses necessary for the acquisition, of a minimum value of \$300,000 where the main establishment of the enterprise in Québec is situated within the territory of the Communauté métropolitaine de Montréal or \$150,000 where it is situated outside that territory;

(3) obtain, for the implementation of the business plan, appropriate support services from an organization specialized in entrepreneurial acquisition;

(4) make an offer to acquire the object of which complies with the requirements of paragraph 2 not later than 2 years after the date of filing of the application.

57. The demonstration of the acquisition of an enterprise requires the following:

(1) have been staying in Québec for at least 2 years on the date of filing of the application, being authorized to work under a work permit not related to a specific employment and issued otherwise than under section 206 of the Immigration and Refugee Protection Regulations (SOR/2002-227), or a study permit;

(2) have, with his or her spouse or de facto spouse, if included in the application, net assets whose lawful origin must be demonstrated and at least \$300,000, which amount excludes donations received in the 6 months preceding the date of filing of the application;

(3) acquire and hold, alone or with his or her spouse or de facto spouse, if included in the application, the control of an enterprise in operation for at least 5 years from one or more transferors none of whom has been selected under the entrepreneur program in the 5 years preceding the date of filing of the application or is a group whose holder of its control has thus been selected;

(4) obtain, for the acquisition of the enterprise, appropriate support services from an organization specialized in entrepreneurial acquisition.”

29. Section 58 is replaced by the following:

“**58.** The Minister may select a foreign national who does not meet a selection condition or criterion applicable to the foreign national where the foreign national belongs to the economic class and is in one of the following cases:

(1) has filed an application under the skilled worker selection program, the investor program, the self-employed worker program or the entrepreneur program, has an exceptional profile or a unique expertise for Québec and, where the program so requires, demonstrates the lawful origin of the net assets he or she has with his or her spouse or de facto spouse, if included in the application;

(2) has filed an application under component 1 or 2 of the skilled worker selection program and holds a diploma required under that component;

“(3) has filed an application under component 3 of the skilled worker selection program and meets the conditions provided for in paragraphs 2 and 3 of section 32.11.”.

30. Section 68 is amended by inserting “, while promoting the learning of French, as well as knowledge of democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12)” at the end of subparagraph 2 of the first paragraph.

31. The following is inserted after section 68:

“**68.1.** A sponsorship undertaking application must include a plan for the reception and integration of the foreign nationals covered by the undertaking.

The reception and integration plan must contain the following information:

(1) a summary of the means that will be used to ensure compliance with the obligations provided for in section 68 and the reception in the region of settlement;

(2) the name, contact information and role of every person taking part in the reception and integration of the foreign nationals;

(3) any other information requested by the Minister.

Despite the foregoing, if the application is filed for the family class, no plan is required in respect of foreign nationals who are under 18 years of age or over 55 years of age.”.

32. Section 76 is amended

(1) by replacing the last sentence of the first paragraph by the following:

“The demonstration must be based on income from a Canadian source or property held in Canada and requires that the person has and continues to have, for the duration of the undertaking,

(1) a gross annual income to provide for his or her basic needs and those of the family members at least equal to the minimum income required, as determined in Schedule B; and

(2) the minimum amount required to provide for the sponsored person’s basic needs, as determined in Schedule D.”;

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

“Where the sponsor owns a sole proprietorship or a partnership, only the net enterprise income is taken into consideration for the purposes of the first paragraph.”;

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

“The first paragraph does not apply where the person on whose behalf the sponsor subscribes to an undertaking is

(1) his or her spouse, de facto spouse or conjugal partner who does not have dependent children;

(2) his or her spouse, de facto spouse or conjugal partner who has a dependent child who does not have dependent children;

(3) his or her dependent child who does not have dependent children; or

(4) referred to in paragraph 5 of section 59.”.

33. Section 78 is amended by inserting “76 or” after “provided for in section”.

34. Section 83 is amended by replacing “92” in the second paragraph by “68.1”.

35. Section 84 is amended by replacing “92” in the second paragraph by “68.1”.

36. Section 89 is amended

(1) by adding “In addition, the group must have the minimum amount required to provide for the sponsored person’s basic needs, as determined in Schedule D.” at the end of the first paragraph;

(2) by striking out the fifth paragraph.

37. Section 92 is revoked.**38.** Section 99 is amended

(1) by inserting “, in the 2 years preceding the date of the application,” in the portion before subparagraph *a* of paragraph 3 after “has been convicted”;

(2) by replacing “140 or 141” in subparagraph *f* of paragraph 3 by “140, 140.1 or 141”;

(3) by replacing “a previous temporary or permanent employment offer” in paragraph 4 by “an employment offer that was validated or had been the subject of a positive assessment as to its impact on Québec’s labour market”;

(4) by adding the following after paragraph 5:

“(6) retains the services of a recruitment agency for temporary foreign workers that does not hold a valid licence issued in accordance with the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers (chapter N-1.1, r. 0.1).”

39. Section 100 is amended

(1) in the first paragraph

(a) by striking out “permanent” in the portion before subparagraph 1;

(b) by replacing subparagraph 4 by the following:

“(4) is full time;”;

(c) by replacing “a field referred to in Part 2 of” in subparagraph 5 by “an inadmissible sector listed in sections 1 and 2”;

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

“In the case of the validation of an employment offer, the following conditions must also be met:

(1) the employment is not with an enterprise over which the foreign national exercises control;

(2) the employer has been operating an enterprise in Québec for more than 1 year;

(3) the foreign national to whom the employment offer is made meets the conditions for access to the profession listed in the National Occupational Classification to hold the employment and, where applicable, the specific conditions set out in the employment offer.”

40. Section 101 is amended

(1) by striking out “permanent” in the portion before paragraph 1;

(2) by striking out “or trade” in paragraph 3.

41. Section 102 is amended by striking out “permanent”.**42.** The following is inserted after section 104:

“**104.1.** An employer that simultaneously files several applications for the assessment of an employment offer’s impact on Québec’s labour market is required to pay the fees provided for in section 77 of the Act as if filing a single application when the following conditions are met:

(1) the employer is registered as an agricultural operation in accordance with the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensation (chapter M-14, r. 1.1);

(2) the hourly wage and scheduled start date for the employment are the same for all the employments offered;

(3) the employments offered belong to the same profession, which is one of the following professions:

(a) agricultural service contractors and farm supervisors (code 82030);

(b) contractors and supervisors, landscaping, grounds maintenance and horticulture services (code 82031);

(c) managers in agriculture (code 80020);

(d) managers in horticulture (code 80021);

(e) harvesting labourers (code 85101);

(f) livestock labourers (code 85100);

(g) nursery and greenhouse workers (code 85103);

(h) specialized livestock workers and farm machinery operators (code 84120).

The exemption applies for all the applications that meet the conditions set out in the first paragraph.”.

43. The heading of Chapter VI is replaced by “REJECTION OF AN APPLICATION, REFUSAL TO EXAMINE AND INVALIDITY OF A DECISION”.

44. The following is inserted after the heading of Chapter VI:

“**104.2.** The Minister may reject the application of a foreign national in the following cases:

(1) the foreign national has not complied with a condition imposed under the Immigration and Refugee Protection Regulations (SOR/2002-227) while staying in Québec in the 5 years preceding the examination of the application;

(2) the foreign national has not complied with an obligation required under section 8, 13, 14 or 15 in the 5 years preceding the examination of the application;

(3) the foreign national files an application for selection for permanent immigration and his or her spouse or de facto spouse, included in the application, is covered in paragraph 1 or 2.

104.3. The Minister may refuse to examine the application of a foreign national who has already filed an application that has been rejected under section 104.2 where the non-compliance with the condition or obligation having justified such rejection dates more than 5 years.”.

45. The following is inserted after section 108:

“**108.1.** The decision to validate an employment offer is valid for a period of 18 months.”.

46. Section 111 is amended by inserting “for permanent immigration” at the end of paragraph 2.

47. Section 113 is amended

(1) by replacing paragraph 1 by the following:

“(1) acts as or purports to be a financial intermediary participating in the investor program without being a party to an agreement allowing the intermediary to participate in accordance with this Regulation;”;

(2) by striking out “40,” in paragraph 2.

48. Section 118 is amended

(1) by inserting “foreign” after “temporary” in the portion before subparagraph 1 of the first paragraph;

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

“A foreign national referred to in the first paragraph may file with the Minister an application for selection for permanent immigration under the regular skilled worker program. The application is processed and decided in accordance with the provisions of section 1, with respect to the definition of “Québec diploma”, and of sections 24 and 32, the first paragraph of section 58 and Schedule A, as they read on (*insert the date preceding the date of coming into force of this Regulation*).”.

49. Section 118.3 is amended by replacing “Québec experience program under section 33 of this Regulation is processed and decided under that section” by “Québec graduate component of the Québec experience program is processed and decided in accordance with section 33 of this Regulation”.

50. Section 118.4 is amended by replacing “Québec experience program under section 34 of this Regulation is processed and decided under that section” by “Temporary foreign worker component of the Québec experience program is processed and decided in accordance with section 34 of this Regulation”.

51. Section 118.5 is amended

(1) by replacing “or, as the case may be, paragraph 3 of section 34 as they read on 21 July 2020” by “as it read on 21 July 2020, which is substituted for paragraph 1 of section 33.1,”;

(2) by replacing “level 8” by “above”;

(3) by striking out “or its equivalent”;

(4) by striking out “in Québec”.

52. Section 118.6 is amended by replacing “The conditions provided for in paragraph 9 of section 33 and paragraph 5 of section 34 of this Regulation do not apply” by “The condition set out in paragraph 2 of section 33.1 of this Regulation does not apply”.

53. The following is inserted after section 118.7:

“**118.8.** Except in the case provided for in section 118, the following applications are processed and decided in accordance with the provisions of section 1 with respect to

the definition of “Québec diploma” and of sections 24, 25, 32 or, as the case may be, 32.1, and 58 and Schedule A, as they read on (*insert the date preceding the date of coming into force of this Regulation*):

(1) the applications for selection for permanent immigration filed under the regular skilled worker program on an invitation by the Minister before (*insert the date of coming into force of this Regulation*);

(2) the applications to add or remove a family member filed under that program before (*insert the date of coming into force of this Regulation*).

118.9. A foreign national selected for permanent immigration under the regular skilled worker program may file an application to add or remove a family member under the program. The application is processed and decided in accordance with the provisions of section 1, with respect to the definition of “Québec diploma”, and of sections 24, 25, 32.1 and 58 and Schedule A, as they read on (*insert the date preceding the date of coming into force of this Regulation*).

118.10. Subject to this Chapter, an application for selection for permanent immigration filed under the Québec experience program before (*insert the date of coming into force of this Regulation*) is processed and decided in accordance with section 33, 34 or 35, as they read on (*insert the date preceding the date of coming into force of this Regulation*).

118.11. The condition set out in paragraph 4 of section 34 does not apply to an application for selection for permanent immigration filed under the Québec experience program before (*insert the date that is 1 year after the date of coming into force of this Regulation*).

118.12. An application for selection for permanent immigration filed under the investor program before (*insert the date of coming into force of this Regulation*) is processed and decided in accordance with the provisions of section 1 with respect to the definitions of “investment dealer” and “trust company”, subdivision 3 of Division II of Chapter III, section 58 and Schedule A as they read on (*insert the date preceding the date of coming into force of this Regulation*).

A foreign national who has filed such an application does business with a financial intermediary who is a party to an agreement entered into pursuant to section 39, as it read on (*insert the date preceding the date of coming into force of this Regulation*), to which the parties have agreed to extend certain effects beyond (*insert the date of coming into force of this Regulation*), that agreement being valid only for the applications referred to in the first paragraph.

If such a foreign national changes financial intermediary, the foreign national may also do business with a participating financial intermediary in accordance with section 38.

118.13. An application for selection for permanent immigration filed under the self-employed worker program before (*insert the date of coming into force of this Regulation*) is processed and decided in accordance with subdivision 4 of Division II of Chapter III, section 58 and Schedule A as they read on (*insert the date preceding the date of coming into force of this Regulation*).

118.14. An application for selection for permanent immigration filed under the entrepreneur program before (*insert the date of coming into force of this Regulation*) is processed and decided in accordance with the provisions of section 1 with respect to the definitions of “enterprise accelerator”, “university entrepreneurship centre” and “enterprise incubator”, subdivision 5 of Division II of Chapter III, section 58 and Schedules A and E as they read on (*insert the date preceding the date of coming into force of this Regulation*).

118.15. For the purposes of the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4), when the application is necessary for the purposes of sections 118, 118.8, 118.9, and 118.12 to 118.14, Schedule A as it read on (*insert the date preceding the date of coming into force of this Regulation*) applies with the following modifications:

(1) the education level provided for in criteria 1.1 and 6.1 excludes the secondary school vocational diploma attesting to less than 1 year of full-time studies;

(2) the education level provided for in criteria 1.1 and 6.1 and area of training provided for in criteria 1.2 and 6.2 exclude the Québec secondary school vocational diploma and the Québec postsecondary school technical diploma attesting to less than 900 hours;

(3) the period of the professional experience of a skilled worker provided for in criterion 2.1 excludes the period of any employment in an inadmissible sector referred to in sections 1 and 2 of Schedule E.

118.16. A permanent immigration pilot program becomes, on the date of revocation, a program under which the following applications are processed and decided in accordance with its provisions, as they read on the date preceding the date of revocation:

(1) the applications filed under such a permanent immigration pilot program before the date of revocation;

(2) the applications filed by a foreign national selected under such a permanent immigration pilot program to add or remove a family member.

This Regulation applies as if such a program was covered by section 24.

118.17. A sponsorship undertaking application filed before (*insert the date of coming into force of this Regulation*) is processed and decided in accordance with sections 68 and, as applicable, 83, 84 and 92, as they read on (*insert the date preceding the date of coming into force of this Regulation*).

Section 68.1 does not apply to such an application.”

54. Schedule A is revoked.

55. The heading of Schedule B is amended by replacing “DE CEUX” in the French text by “À CEUX”.

56. Schedule E is replaced by the following:

“SCHEDULE E

(ss. 32.3, 32.6, 35, 37, 47, 48, 49, 52, 100, 118.14, 118.15)

INADMISSIBLE SECTORS

1. Loans on salaries, cheque cashing or pawn broking;

2. Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages;

3. Real estate commerce, leasing, brokerage or development, and insurance brokerage.

An employment is in an inadmissible sector when the employer operates an enterprise in that sector, whether or not the employment contributes to it.”

57. This Regulation comes into force on (*insert the date that is 15 days after the date publication in the Gazette officielle du Québec*), except section 12, insofar as it enacts paragraph 4 of section 34 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), which comes into force on (*insert the date that is 1 year after the date of coming into force of this Regulation*).

106264

Draft Regulation

Québec Immigration Act
(chapter I-0.2.1)

Québec immigration —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend various provisions relating to immigration, appearing below, may be made by the Minister of Immigration, Francization and Integration on the expiry of 45 days following this publication.

The draft Regulation revokes the Regulation respecting quotas of brokers and trust companies (chapter I-0.2.1, r. 2) so that financial intermediaries who take part in the Investor Program are no longer required to hold a quota assigned by the Minister to enter into an investment agreement with a foreign national who files an application for selection under that program if the number of applications received within a period is determined by a decision made under section 50 of the Québec Immigration Act (chapter I-0.2.1). The draft Regulation also revokes the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) and makes amendments to the Immigration Procedure Regulation (chapter I-0.2.1, r. 5) and to existing permanent immigration pilot programs, consistent with the amendments proposed by the draft Regulation to amend the Québec Immigration Regulation, published in this issue of the *Gazette officielle du Québec*.

Further information on the draft Regulation may be obtained by contacting Claire Malbouires, Director, Direction des politiques d’immigration permanente, Ministère de l’Immigration, de la Francisation et de l’Intégration; email: reforme.immigration@mifi.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claire Malbouires at the above-mentioned contact information.

CHRISTINE FRÉCHETTE
Minister of Immigration, Francization and Integration