

DIVISION V
FINAL

8. This Regulation comes into force on 1 January 2024.

106529

Gouvernement du Québec

O.C. 1570-2023, 25 October 2023

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), for each class of foreign nationals wishing to stay temporarily or settle permanently in Québec, 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 12 of the Act, a foreign national who belongs to one of the classes listed in section 6 of the Act must be selected by the Minister of Immigration, Francization and Integration by obtaining the Minister's consent to the foreign national's stay and such consent is required, unless the foreign national is covered by an exemption provided for by government regulation;

WHEREAS, under the first paragraph of section 15 of the Act, 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 and 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;

WHEREAS, under the second paragraph of section 22 of the Act, the Government determines, by regulation, which persons or groups of persons may file a sponsorship undertaking application with the Minister and the applicable conditions;

WHEREAS, under section 23 of the Act, an undertaking is entered into according to the terms and for the time prescribed by government regulation;

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 and such a grid may include selection factors and criteria such as training, work experience and knowledge of French;

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 first paragraph of section 30 of the Act, subject to section 31 of the Act, the conditions applicable to a person who or a partnership that participates in the management of an investment or of a deposit of a sum of money by a person who files an application in the economic class are determined by government regulation;

WHEREAS, under the second paragraph of section 30 of the Act, the Government also determines, by regulation, conditions relating to the investment, deposit, management and disposition of the sums invested or deposited, including their reimbursement and confiscation;

WHEREAS, under the first paragraph of section 38 of the Act, despite section 19 of the Act and in the cases determined by government regulation, the Minister may select for permanent immigration a foreign national who does not meet a condition or selection criterion applicable to him or her if, after examining the application, the Minister is of the opinion that the foreign national can successfully settle in Québec;

WHEREAS, under paragraph 3 of section 56 of the Act, the Minister may refuse to examine a person's application in any other case provided for by government regulation;

WHEREAS, under the paragraph 6 of section 57 of the Act, the Minister may reject a person's application in any other case provided for by government regulation;

WHEREAS, under section 82 of the Act, the Government may, by regulation, determine the cases in which an applicant is exempted from paying the fees required for the examination of an application referred to in sections 73 to 78 of the Act;

WHEREAS, under section 106 of the Act, a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Québec Immigration Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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*)

““control” means legal or de facto control, exercised directly or indirectly, in any manner whatsoever; (*contrôle*)

““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 unit 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 with an enterprise on which the foreign national exercises control or in an inadmissible sector referred to in section 1 or 2 of Schedule E” 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 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”;

(3) by striking out paragraphs 9 and 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 replaced by the following:

“**31.** A skilled worker is a foreign national at least 18 years of age who settles in Québec to hold employment that

(1) is not on behalf of an enterprise on which the foreign national exercises control;

(2) is not in an inadmissible sector referred to in section 1 or 2 of Schedule E; and

(3) the foreign national is likely able to hold.”.

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,

(1) 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; and

(2) a work experience, training period or the practice of a profession in Québec in an inadmissible sector referred to in section 1 or 2 of Schedule E is not valid.

§§§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) have a TEER category 0, 1 or 2 profession that does not require an authorization to be practised in Québec or that the foreign national intends to practise in Québec in a context where such an authorization is not required;

(2) have work experience in the profession for a period of at least 1 year acquired in the 5 years preceding the date of filing of the application;

(3) be the holder of a diploma obtained prior to the date of filing of the application and corresponding at least, in Québec, to a university diploma, a diploma of college studies in a technical program, 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;

(4) 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*;

(5) 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*.

32.4. For computing the period required by paragraph 2 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 3 of section 32.3,

(1) a university diploma must attest to at least 30 credits if it is issued by a Québec educational institution or at least 1 year of full-time studies in other cases;

(2) 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;

(3) 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) have a TEER category 3, 4 or 5 profession that does not require an authorization to be practised in Québec or that the foreign national intends to practise in Québec in a context where such an authorization is not required;

(2) have work experience in the profession for a period of at least 2 years including at least 1 year in Québec acquired in the 5 years preceding the date of filing of the application;

(3) 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;

(4) have an oral knowledge of French at level 5 or above according to the *Échelle québécoise des niveaux de compétence en français*;

(5) 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*.

32.7. For computing the period of 1 year in Québec required by paragraph 2 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 2 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 3 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) have a profession on the list of regulated professions drawn up by the Minister;

(2) meet one of the following requirements:

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

(b) have training or a diploma that is partially or fully recognized by the regulatory body of that profession in Québec, dated not more than 5 years on the date of filing of the application;

(3) 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*;

(4) 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*;

(5) 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*.

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*;

(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*;

(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*.

§§§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 full-time employment in Québec in a TEER category 0, 1, 2 or 3 profession that is not in an inadmissible sector referred to in section 1 or 2 of Schedule E or with an enterprise on which the foreign national exercises control;

(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 section 1 or 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*;

(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 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 “unless its” in the portion before paragraph 1 by “and the financial contribution is non-refundable unless their”;

(2) 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;”

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

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

20. The following is inserted after section 44:

“**44.1.** The Minister agrees to the reimbursement of the investment before the end of its term and of the financial contribution 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 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 the agreement by the Minister to the reimbursement; in the latter case, the financial contribution must also be reimbursed within that prescribed time.

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 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 is partially or fully recognized by the regulatory body of that profession in Québec, dated not more than 5 years on 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*;

(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.

The condition provided for in paragraph 2 does not apply where practising the profession in Québec does not require an authorization or the foreign national intends to practise it in Québec in a context in which such an authorization is not required. ”

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 those of any of the profiles 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*;

(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 Innovative enterprise business project consists of the 2 following profiles:

- (1) Start up of an innovative enterprise;
- (2) Implementation of an innovative project.

50.1. The selection conditions of the Start up of an innovative enterprise profile are the following:

(1) have the intention to start up an innovative enterprise, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur;

(2) have the intention to 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 innovative enterprise corresponding to at least 10% of the value of the capital;

(3) obtain, for the purposes of the start up of the innovative enterprise, appropriate support services from an organization specialized in innovation.

50.2. The selection conditions of the Implementation of an innovative project profile are 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 the intention to implement an innovative project as part of the operation of an innovative enterprise;

(5) obtain, for the purposes of the implementation of the innovative project, 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 Enterprise start-up business project consists of the 2 following profiles:

- (1) Start-up enterprise;
- (2) Started-up enterprise.

52. The selection conditions of the Start-up enterprise profile are the following:

(1) have experience in enterprise management for a period of at least 2 years, acquired in a sector other than an inadmissible sector referred to in section 1 or 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 the intention, alone or with others, including a maximum of 3 foreign nationals filing a selection application as entrepreneur, to start up an enterprise

(a) for which are planned, 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 selection conditions of the Started-up enterprise profile are 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) 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 cannot meet the conditions of the Started-up enterprise profile.

§§IV. Component 3: Entrepreneurial acquisition

55. The Entrepreneurial acquisition business project consists of the 2 following profiles:

- (1) Enterprise under acquisition;
- (2) Acquired enterprise.

56. The selection conditions of the Enterprise under acquisition profile are 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 the intention 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;

(3) have the intention 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;

(4) obtain, for the purposes of the acquisition of control of the enterprise, appropriate support services from an organization specialized in entrepreneurial acquisition;

(5) make an offer to acquire the object of which complies with the requirements of paragraphs 2 and 3 not later than 2 years after the date of filing of the application.

57. The selection conditions of the Acquired enterprise profile are 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.

57.1. Despite section 1, “control” means direct or indirect legal control for the application of this component only.”.

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 1 and 2 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 71 is amended in the French text by replacing “il” by “elle” wherever it appears.

33. 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 is an associate of 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.”.

34. Section 77 is amended by replacing “a partnership” in the second paragraph by “is an associate of a partnership”.

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

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

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

38. 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 replacing “a partnership” in the fourth paragraph by “is an associate of a partnership”;

(3) by striking out the fifth paragraph.

39. Section 92 is revoked.

40. 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).”

41. 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.”

42. Section 101 is amended

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

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

43. Section 102 is amended by striking out “permanent”.

44. Section 104 is amended by inserting “or removal” after “addition”.

45. 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.”

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

47. 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.”.

48. The following is inserted after section 108:

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

49. Section 111 is amended

(1) by inserting “for permanent immigration” at the end of paragraph 2;

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

“(3) the foreign national obtains a decision after an application to add or remove a family member.”.

50. 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.

51. Section 118 is amended

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

(2) by striking out the second paragraph.

52. 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”.

53. 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”.

54. 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 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent” by “more according to the *Échelle québécoise des niveaux de compétence en français*”;

(3) by striking out “in Québec”.

55. 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”.

56. The following is inserted after section 118.7:

“**118.8.** The following applications filed under the regular skilled worker program 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 and 58 and Schedule A, as they read on 28 November 2024:

(1) the applications for selection for permanent immigration on an invitation by the Minister before 29 November 2024;

(2) the applications to add or remove a family member filed under that program before 29 November 2024.

However, in the case of an application filed by a foreign national referred to in section 118,

(1) those provisions of section 25 do not apply; and

(2) despite paragraph 2 of section 58, the foreign national is not required to obtain every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A.

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 and 58 and Schedule A, as they read on 28 November 2024.

118.10. Subject to this Chapter, an application for selection for permanent immigration filed under the Québec experience program before 23 November 2023 is processed and decided in accordance with section 33, 34 or 35, as they read on 22 November 2023.

For the purposes of these provisions, employment held with an enterprise on which the foreign national exercises control is not eligible.

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 23 November 2024.

118.12. An application for selection for permanent immigration filed under the investor program before 1 January 2024 is processed and decided in accordance with the provisions of section 1, with respect to the definitions of “investment dealer” and “trust company”, and subdivision 3 of Division II of Chapter III, as they read on 31 December 2023, and, as of 29 November 2024, of Schedule A, as it read on 28 November 2024.

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 31 December 2023, to which the parties have agreed to extend certain effects beyond 31 December 2023, that agreement being valid only for the applications referred to in the first paragraph.

If the foreign national changes their 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 1 January 2024 is processed and decided in accordance with subdivision 4 of Division II of Chapter III as it read on 31 December 2023 and, as of 29 November 2024, with Schedule A as it read on 28 November 2024.

118.14. An application for selection for permanent immigration filed under the entrepreneur program before 1 January 2024 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 and Schedule E, as they read on 31 December 2023, and, as of 29 November 2024, Schedule A, as it read on 28 November 2024.

118.15. 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.

118.16. A sponsorship undertaking application filed before 23 November 2023 is processed and decided in accordance with sections 68 and, as applicable, 83, 84 and 92, as they read on 22 November 2023.

Section 68.1 does not apply to such an application.”.

57. Schedule A is revoked.

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

59. Schedule E is replaced by the following:

“SCHEDULE E

(ss. 4, 31, 32.2, 35, 37, 47, 48, 49, 52, 100 and 118.14)

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.

An employment is in an inadmissible sector when the employer operates an enterprise in that sector, whether or not the employment contributes to it. Similarly, is in an inadmissible sector a work experience, training period or

the practice of a profession in an enterprise in that sector, whether or not that work, training period or the practice of that profession contribute to it.”.

60. Until 29 November 2024, the Québec Immigration Regulation (chapter I-0.2.1, r. 3) is to be read as follows:

(1) in section 58 as replaced by section 29 of this Regulation,

(a) by replacing “skilled worker selection program” in paragraph 1 by “regular skilled worker program”;

(b) by replacing paragraph 2 by the following:

“(2) has filed an application under the regular skilled worker program and obtained every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A.”;

(c) by striking out paragraph 3;

(2) by adding the following at the end of section 118:

“The requirement to obtain every cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2.1, r. 4) in the awarding of the points in respect of the factors and criteria in the Selection Grid for the Economic Class in Schedule A, provided for in paragraph 2 of section 58, does not apply to a foreign national referred to in the first paragraph.”;

(3) in Schedule A,

(a) by adding “attesting to at least 1 year of full-time studies” at the end of paragraph *b* of criteria 1.1 and 6.1;

(b) by adding the following at the end of criteria 1.1, 1.2, 6.1 and 6.2:

“The Québec secondary school vocational diploma and the Québec postsecondary school technical diploma must attest to at least 900 hours.”;

(c) by adding the following at the end of criteria 2.1:

“The experience in Québec must not have been acquired in an inadmissible sector referred to in section 1 or 2 of Schedule E.”;

(d) by striking out “des personnes immigrantes adultes or its equivalent” in the portion before paragraph *a* of criteria 4.1 and 6.5.

61. This Regulation comes into force on 23 November 2023, except

(1) section 1, insofar as it strikes out the definitions of “enterprise accelerator”, “university entrepreneurship centre”, “investment dealer”, “enterprise incubator” and “trust company” and inserts the definitions of “contributed capital”, “organization specialized in innovation” and “organization specialized in entrepreneurial acquisition” in section 1 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), paragraph 4 of section 1, sections 13 to 28, section 50, and section 56 insofar as it enacts sections 118.12 to 118.14 of the Regulation, which come into force on 1 January 2024;

(2) section 12 insofar as it enacts paragraph 4 of section 34 of the Regulation and section 56 insofar as it enacts section 118.11 of the Regulation, which come into force on 23 November 2024;

(3) section 1, insofar as it strikes out the definition of “Québec diploma” in section 1 of the Regulation, sections 6, 8, 10 and 11, section 56 insofar as it enacts sections 118.8 and 118.9 of the Regulation, and section 57, which come into force on 29 November 2024.

106532

Gouvernement du Québec

O.C. 1580-2023, 25 October 2023

Financing of the Secrétariat du bingo for the period from 1 April 2023 to 31 March 2024

WHEREAS, under section 50.0.3 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), the Government may require an annual contribution from bingo lottery scheme licence holders for the purpose of financing the Secrétariat du bingo;

WHEREAS, under section 50.0.3 of the Act, the percentage of the contribution and the collection procedure are to be determined by the Government;

WHEREAS, for the purpose of financing the Secrétariat du bingo, it is expedient to require an annual contribution from bingo lottery scheme licence holders for the period from 1 April 2023 to 31 March 2024, and to determine the percentage of the contribution and the collection procedure;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security: