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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 77

## Québec Immigration Act

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**Introduction**

**Introduced by**  
**Madam Kathleen Weil**  
**Minister of Immigration, Diversity and Inclusiveness**

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## EXPLANATORY NOTES

*This bill replaces the Act respecting immigration to Québec. Its purposes are the selection of foreign nationals wishing to stay temporarily or settle permanently in Québec, family reunification of Canadian citizens and permanent residents with their close relatives who are foreign nationals, and the reception of refugees and other persons in special hardship situations.*

*The bill also aims to foster the full participation of immigrants in Québec society through collective and individual commitment so that they may contribute, in particular, to Québec's prosperity and international influence and to the vitality of the French language.*

*The bill substantially reproduces certain current provisions of the Act respecting immigration to Québec, notably in the matter of immigration planning. In this respect, it maintains the powers enabling the Government to set conditions for the selection of foreign nationals for permanent or temporary immigration and to determine the cases in which a person or a group of persons may enter into a sponsorship undertaking to assist a foreign national in settling permanently in Québec. It grants the Minister of Immigration, Diversity and Inclusiveness the power to create pilot immigration programs of a set duration for the purpose of developing new immigration programs.*

*The bill reformulates the current provisions on reception, francization and integration programs to specify that such programs are aimed at fostering immigrants' full participation in Québec society and to empower the Minister to implement them.*

*In addition, the jurisdiction of the Administrative Tribunal of Québec is extended in immigration matters by, among other ways, providing a recourse for foreign nationals belonging to the economic class whose application for selection for permanent immigration was refused.*

*The Government is authorized to determine the cases in which an employer wishing to hire a foreign national must file an application with the Minister for the assessment or validation of an employment offer and is granted the power to impose any necessary conditions on an employer who hires such a foreign national.*

*The bill maintains the current mechanism for the management of applications for selection for permanent immigration and extends it, notably, to applications for selection for temporary immigration and to applications made by employers. It also introduces a model based on expressions of interest by foreign nationals, which are used to constitute a bank of candidates and choose, on the basis of invitation criteria determined by the Minister, the candidates best suited to Québec's needs.*

*The bill revises the current provisions applicable to immigration consultants to better regulate their activities. The Minister is granted, among other powers, the power to refuse an application for recognition as an immigration consultant for public interest reasons. The bill also modernizes the provisions concerning inspection and investigation powers, the penal provisions, the provisions regarding administrative penalties, including monetary penalties, and any obsolete or inappropriate provisions.*

*Lastly, various amending provisions, notably, with respect to the Minister's functions and responsibilities under the Act respecting the Ministère de l'Immigration et des Communautés culturelles, are introduced.*

**LEGISLATION AMENDED BY THIS BILL:**

- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère de l'Immigration et des Communautés culturelles (chapter M-16.1);
- Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70);
- Act to amend the Act respecting immigration to Québec (2004, chapter 18).

**LEGISLATION REPLACED BY THIS BILL:**

- Act respecting immigration to Québec (chapter I-0.2).

**LEGISLATION REPEALED BY THIS BILL:**

- Act to amend the Act respecting immigration to Québec (2001, chapter 58).

**REGULATION AMENDED BY THIS BILL:**

- Regulation respecting immigration consultants (chapter I-0.2, r. 0.2).

# **Bill 77**

## **QUÉBEC IMMIGRATION ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **OBJECTS**

**1.** The purposes of this Act are the selection of foreign nationals wishing to stay temporarily or settle permanently in Québec, family reunification of Canadian citizens and permanent residents with their close relatives who are foreign nationals, and the reception of refugees and other persons in special hardship situations.

This Act also aims to foster the full participation of immigrants in Québec society through collective and individual commitment so that they may contribute, in particular, to Québec's prosperity and international influence and to the vitality of the French language.

**2.** In this Act, a "foreign national" is a person who is neither a Canadian citizen nor a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27).

### **CHAPTER II**

#### **IMMIGRATION PLANNING**

**3.** To develop a multi-year immigration plan, the Minister, taking into account such elements as Québec's immigration policy, the demand for immigration to Québec and Québec's needs and capacity to receive and integrate immigrants, submits multi-year guidelines to the Government for approval.

**4.** The multi-year guidelines address such matters as the composition of immigration and the projected number of persons to be admitted. They are to be tabled in the National Assembly for examination by the competent committee, which may, for that purpose, hear any person or body.

**5.** Taking into account the multi-year plan, the Minister establishes an annual immigration plan the purpose of which is to specify projected immigration levels.

The plan indicates the projected or estimated number of foreign nationals that Québec expects to receive and the number of selection decisions concerning immigrants wishing to settle permanently in Québec that may be made. Those numbers may be broken down by class, by immigration program or by program component.

The plan is tabled in the National Assembly not later than 1 November each year or, if the Assembly is not sitting, within 15 days after resumption.

## **CHAPTER III**

### **TEMPORARY AND PERMANENT IMMIGRATION**

#### **DIVISION I**

##### **IMMIGRATION CLASSES AND PROGRAMS**

**6.** The classes of foreign nationals wishing to stay temporarily in Québec are

- (1) the temporary worker class;
- (2) the international student class; and
- (3) the person on a temporary stay for medical treatment class.

**7.** The classes of foreign nationals wishing to settle permanently in Québec are

- (1) the economic class;
- (2) the family class; and
- (3) the humanitarian class.

**8.** The Government may, by regulation, determine other classes in addition to those listed in sections 6 and 7.

**9.** For each class, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals.

**10.** To stay or settle in Québec, foreign nationals belonging to one of the classes listed in sections 6 and 7 must file an application with the Minister under an immigration program, unless they are covered by an exemption provided for by government regulation.

An application under a family class program must be filed by a sponsor.

**11.** Despite the immigration program under which an application is filed by a foreign national, the Minister may decide to examine the application under a different immigration program.

## **DIVISION II**

### **TEMPORARY IMMIGRATION**

**12.** A foreign national who belongs to one of the classes listed in section 6 must be selected by the Minister by obtaining the Minister's consent to the foreign national's stay. Such consent is required, unless the foreign national is covered by an exemption provided for by government regulation.

**13.** The Minister's consent to a foreign national's stay is given once the foreign national meets all the conditions of an immigration program under which the application is examined.

**14.** The Minister's consent is certified in the manner and on the conditions prescribed by government regulation.

**15.** An employer wishing to hire a foreign national must, in the cases and on the conditions determined by government regulation, and after filing an application, obtain from the Minister a positive assessment as to the employment offer's impact on Québec's labour market.

The conditions applicable to an employer who hires a foreign national after having obtained a positive assessment for an employment offer are determined by government regulation.

**16.** For the purpose of developing new temporary immigration programs, the Minister may, by regulation, implement a temporary immigration pilot program lasting up to five years.

The maximum number of foreign nationals who may be selected under a temporary immigration pilot program is 400 per year.

The Minister determines, by regulation, the conditions and required fees applicable under such a program.

## **DIVISION III**

### **TRANSITION TO PERMANENT IMMIGRATION**

**17.** A foreign national who is staying temporarily in Québec may file an application for selection under an immigration program intended to allow the foreign national to settle permanently in Québec.

The selection conditions and any selection criteria applicable to the foreign national under such a program are determined by government regulation.

## DIVISION IV

### PERMANENT IMMIGRATION

#### §1.— *General provisions*

##### 1. SELECTION FOR PERMANENT IMMIGRATION

**18.** To settle permanently in Québec, a foreign national must be selected by the Minister, unless the foreign national belongs to the family class or is covered by an exemption provided for by government regulation.

**19.** The Minister selects a foreign national who meets all the conditions of an immigration program under which the application is examined.

**20.** The Minister's selection decision also applies to the family members who are included in the application filed with the Minister by the foreign national.

**21.** The Minister's selection decision is certified in the manner and on the conditions prescribed by government regulation.

##### 2. SPONSORSHIP UNDERTAKING

**22.** A person or a group of persons may, by contract, give a sponsorship undertaking to the Government to assist a foreign national and the family members accompanying the foreign national in settling permanently in Québec.

The Government determines, by regulation, which persons or groups of persons may file a sponsorship undertaking application with the Minister and the applicable conditions.

**23.** An undertaking is entered into according to the terms and for the time prescribed by government regulation.

**24.** The Government may, by regulation, determine the cases in which an undertaking may be cancelled or considered to have lapsed and the situations in which the Minister may lift the effects of a lapse.

#### §2.— *Economic class*

**25.** A foreign national who belongs to the economic class may be selected by the Minister under a program intended to attract persons who are able to contribute to Québec's prosperity by settling in Québec.

**26.** 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. The grid may include selection criteria such as training, work experience and language skills.

**27.** The weighting of the selection criteria referred to in section 26, the passing score and, as applicable, the cut-off score for a selection criterion are set by ministerial regulation.

**28.** The Minister may, in collaboration with the other ministers concerned, collate economic information, such as a list of priority areas of training or economic sectors, with a view to assessing a foreign national's ability to contribute to Québec's prosperity by settling in Québec.

That information may be published in any medium the Minister considers appropriate.

**29.** An employer who wishes to hire a foreign national may, in the cases and on the conditions determined by government regulation, file an application with the Minister for the validation of the employment offer.

The conditions that apply to an employer who hires a foreign national after the validation of an employment offer are determined by government regulation.

**30.** Subject to section 31, 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.

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.

**31.** If the number of selection applications the Minister intends to receive is determined by a decision made under section 49, the Minister may, by regulation, require a person or partnership referred to in section 30 who or that participates in the management of an investment of a foreign national to hold a quota. The Minister may also, in the same manner,

(1) set the minimum quota of the person or partnership;

(2) determine the terms and conditions for assigning a quota to the person or partnership, in particular by establishing a quota calculation formula and determining the value of the parameters;

(3) prescribe the monetary administrative penalties applicable to a person who or a partnership that does not comply with the quota assigned by the Minister, set their amount and determine the applicable conditions; and

(4) determine conditions relating to the transfer of a quota.

**32.** For the purpose of developing new economic immigration programs, the Minister may, by regulation, implement a permanent immigration pilot program lasting up to five years.

The maximum number of foreign nationals who may be selected under a permanent immigration pilot program is 550 per year.

The Minister determines, by regulation, the conditions, selection criteria and required fees applicable under such a program.

§3. — *Family class*

**33.** To settle permanently in Québec, a foreign national who belongs to the family class must be the subject of an undertaking by a natural person or a group of natural persons in accordance with sections 22 to 24.

§4. — *Humanitarian class*

**34.** A foreign national who is in a special hardship situation may be selected by the Minister in the cases and on the conditions determined by government regulation.

**35.** The Government determines, by regulation, the cases in which an undertaking entered into on behalf of a foreign national who is in a special hardship situation constitutes one of the elements the Minister may take into account in selecting that foreign national.

**36.** For the purpose of facilitating the permanent immigration of persons from countries or regions affected by a humanitarian crisis, the Government may, by regulation, if the urgency of the situation requires it, implement an immigration program with a set duration and determine its conditions.

## CHAPTER IV

### OVERRIDE POWER

**37.** Despite section 13, the Minister may consent to the stay of a foreign national who does not meet a condition of a program under which the foreign national's application is examined. The conditions the Minister may override are prescribed by government regulation.

In addition, the Minister may refuse to consent to the stay of a foreign national who meets all the conditions prescribed by regulation if the Minister has reasonable grounds to believe that the foreign national's stay in Québec would be contrary to the public interest.

**38.** Despite section 19 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.

In addition, the Minister may refuse to select a foreign national who meets all the conditions determined by regulation if the Minister has reasonable grounds to believe that the foreign national has little likelihood of successfully settling in Québec or that his or her settling in Québec would be contrary to the public interest.

**39.** When exercising discretion under the first paragraph of section 37 or 38, the Minister may require that an undertaking be entered into on behalf of the foreign national if the Minister believes that such an undertaking is necessary for the foreign national to successfully stay or settle in Québec.

## **CHAPTER V**

### **APPLICATION PROCEDURE AND MANAGEMENT**

#### **DIVISION I**

##### **CONDITIONS FOR FILING AN APPLICATION WITH THE MINISTER**

**40.** The conditions relating to the filing of any application made under this Act are determined by ministerial regulation.

#### **DIVISION II**

##### **EXPRESSION OF INTEREST**

**41.** In the cases prescribed by government regulation, a foreign national may file an application for selection only if invited to do so by the Minister.

A foreign national who wishes to be invited to file such an application must submit an expression of interest in staying or settling in Québec to the Minister.

**42.** The Minister enters the expression of interest submitted by a foreign national who meets the submission conditions prescribed by ministerial regulation in the expressions-of-interest bank.

The conditions governing the validity of an expression of interest, including the time for which it is valid, as well as the effects of its invalidity are determined by government regulation.

**43.** The Minister determines the criteria on the basis of which the Minister invites foreign nationals to file an application for selection in accordance with section 10. The Minister may also establish an order of priority for those invitation criteria.

The Minister's decision is valid for a maximum period of 24 months and may be modified at any time during that period. The Minister publishes the decision in the *Gazette officielle du Québec* and in any medium the Minister considers appropriate. The decision takes effect on the date of its publication or on any later date specified in it.

An invitation criterion may be a score, a selection condition or criterion or any other criterion relating to a foreign national's ability to successfully stay or settle in Québec, such as training or a trade or occupation. Such an invitation criterion may notably also be a region of destination in Québec, a country or region affected by a humanitarian crisis or the existence of an international commitment.

**44.** On the basis of an invitation criterion or a group of invitation criteria, the Minister invites foreign nationals to file an application for selection. The Minister may also invite foreign nationals according to a ranking that is determined by applying a score or an order of priority for the invitation criteria or that is determined according to the number of invitation criteria met by each foreign national.

Taking into account the Minister's processing capacity, the annual immigration plan and any decision made under sections 49 and 50, the Minister determines the number of foreign nationals invited per invitation criterion, group of invitation criteria or ranking referred to in the first paragraph.

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

**45.** A decision made by the Minister under section 43 or 44 is not a regulation within the meaning of the Regulations Act (chapter R-18.1).

**46.** The Minister may invite a foreign national who is subject to section 41 to file an application without the invitation criteria being applied if the Minister is of the opinion that the foreign national's staying or settling in Québec would constitute an exceptional contribution to the prosperity and influence of Québec society.

**47.** The Government determines, by regulation, the cases in which the Minister invites a foreign national referred to in section 41 to file an application for selection without the invitation criteria being applied.

**48.** The Minister may withdraw a foreign national's expression of interest from the bank if the Minister has reasonable grounds to believe that the foreign national's staying or settling in Québec would be contrary to the public interest.

### **DIVISION III**

#### **MINISTER'S DECISION RESPECTING APPLICATION MANAGEMENT**

**49.** The Minister may make a decision on the receipt and processing of applications filed with the Minister in accordance with Chapter III. Such a decision is made taking into account such elements as the guidelines and the

objectives set out in the annual immigration plan, Québec's needs and capacity to receive and integrate immigrants or the public interest.

Such a decision may pertain to the maximum number of applications the Minister intends to receive, the period for receiving applications, the terms and conditions for suspending the receipt of applications, and the order of priority for processing and disposing of applications that have yet to be examined.

The Minister's decision may, if it so specifies, apply to applications received in the three months preceding its effective date that have yet to be examined. In such cases, the Minister informs the applicant and, if applicable, returns the sums the applicant paid as fees.

**50.** In addition, the Minister may make a decision on the maximum number of expressions of interest that may be entered in the bank and the maximum number of foreign nationals that the Minister invites under section 44. The Minister may also determine the period for submitting expressions of interest or suspend the submission of expressions of interest.

**51.** A decision made by the Minister under section 49 or 50 may apply to an immigration class, an immigration program or a component of such a program.

A decision made by the Minister on the basis of humanitarian considerations or to ensure the fair processing of expressions of interest and applications from all quarters may also apply to a country, a region or a group of countries or regions.

A decision concerning applications filed under section 15 or 29 may, in particular, apply to a region of Québec, an economic sector, a trade or an occupation, taking into account Québec's labour market needs.

A decision stands for a maximum period of 24 months and may be modified at any time during that period. The Minister publishes the decision in the *Gazette officielle du Québec* and in any medium the Minister considers appropriate. The decision takes effect on the date of its publication or on any later date specified in it.

The reason for a decision must be included in the decision.

**52.** A decision made by the Minister under section 49 or 50 is not a regulation within the meaning of the Regulations Act.

## **DIVISION IV**

### **REFUSAL TO EXAMINE, REJECTION OF AN APPLICATION AND INVALIDITY OF A DECISION**

**53.** A person who submits an expression of interest to or files an application with the Minister must, at the Minister's request, demonstrate the truthfulness of the facts set out in his or her statements.

**54.** A person referred to in section 53 must also, at the time, within the time limit and in the manner specified by the Minister, provide the Minister with any information or document the Minister considers relevant.

**55.** The Minister may refuse to examine a person's application if

(1) the person has, in the five years preceding the examination of the application, directly or indirectly provided the Minister with false or misleading information or documents; or

(2) the person has been the subject of a decision made for public interest reasons under section 37, 38, 48 or 63.

**56.** The Minister may reject a person's application if

(1) the person has failed to demonstrate to the Minister, as required under section 53, the truthfulness of the facts set out in his or her statements;

(2) the person has failed to provide information or documents required by the Minister under section 54;

(3) the application contains false or misleading information or documents;

(4) the person has, in the five years preceding the examination of the application, directly or indirectly provided the Minister with false or misleading information or documents; or

(5) the person has been the subject of a decision made for public interest reasons under section 37, 38, 48 or 63.

**57.** A decision of the Minister is invalid if it expires, is cancelled or lapses.

The Government determines, by regulation, the time for which a decision made by the Minister is valid, the grounds for cancelling a decision, the cases in which a decision lapses and the situations in which the Minister may lift the effects of such lapse.

## CHAPTER VI

### PARTICIPATION IN QUÉBEC SOCIETY

**58.** In collaboration with the other ministers concerned, the Minister develops reception, francization and integration programs for immigrants to promote their full participation, in French, in the economic, political, cultural and social spheres of Québec society.

Within that framework, the Minister establishes and implements services in Québec and abroad in the areas under the Minister's responsibility and determines the eligibility requirements for those services.

**59.** The Minister may allocate financial assistance to an immigrant who, in accordance with the conditions determined under a program referred to in the first paragraph of section 58, has access to reception, francization or integration services.

## CHAPTER VII

### IMMIGRATION CONSULTANT

**60.** A person wishing to act as an immigration consultant must, subject to the second paragraph of section 61, be recognized by the Minister.

**61.** The Government may, by regulation, define "immigration consultant" and determine classes of immigration consultants.

It may also exempt the members or a class of members of a professional order from all or some of the provisions applicable to immigration consultants.

**62.** The Minister recognizes a person as an immigration consultant or renews a person's recognition as such if the person meets all the conditions determined by regulation.

The Government also determines the cases in which the Minister must not recognize a person as an immigration consultant or renew a person's recognition as such.

**63.** Despite any regulation enacted under section 62, the Minister may refuse an application for recognition or for the renewal of recognition as an immigration consultant if the Minister has reasonable grounds to believe that the applicant's recognition as such would be contrary to the public interest.

**64.** The time for which an immigration consultant's recognition is valid is prescribed by government regulation.

**65.** The obligations of immigration consultants and the prohibitions applicable to them in the exercise of consulting activities are determined by government regulation.

**66.** The Minister may suspend or revoke an immigration consultant's recognition in the cases prescribed by government regulation or if the Minister is of the opinion that the public interest requires it.

**67.** The Minister keeps an up-to-date register of recognized immigration consultants, indicating those whose recognition has been suspended or revoked in the last five years.

The register is published in any medium the Minister considers appropriate.

**68.** Division IV of Chapter V applies to applications filed with the Minister under this chapter.

## **CHAPTER VIII**

### **PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**69.** A decision made by the Minister may be contested by the following persons before the Administrative Tribunal of Québec within 60 days after the date of its notification:

(1) a natural person whose undertaking application on behalf of a foreign national has been refused or whose undertaking on behalf of a foreign national has been cancelled;

(2) a foreign national belonging to the economic class whose application for selection for permanent immigration has been refused, unless the decision was made under the second paragraph of section 38;

(3) a foreign national in respect of whom a temporary or permanent immigration selection decision has been cancelled;

(4) a person who or a partnership that has incurred a monetary administrative penalty prescribed by a regulation under paragraph 3 of section 31 or sections 96 and 97; and

(5) a person whose recognition as an immigration consultant has been refused, suspended or revoked or has not been renewed, unless the decision was made for public interest reasons.

## **CHAPTER IX**

### **REQUIRED FEES**

**70.** The fees to be paid for the examination of an application for selection for temporary immigration filed by a foreign national are

(1) \$191 for an application filed as a temporary worker; and

(2) \$109 for an application filed as an international student or as a person on a temporary stay for medical treatment.

**71.** The fees to be paid for the examination of an application for selection for permanent immigration filed by a foreign national belonging to the economic class are

(1) \$15,000 for an application filed as an investor;

(2) \$1,034 for an application filed as an entrepreneur or a self-employed worker; and

(3) \$765 for an application filed as a skilled worker.

**72.** The fees to be paid for each family member accompanying a foreign national referred to in paragraph 2 or 3 of section 71 are \$164.

**73.** The fees to be paid for the examination of a sponsorship undertaking application are \$272 for the first foreign national and \$109 for every other foreign national included in the application.

**74.** The fees to be paid for the examination of an application for the assessment of an employment offer's impact on Québec's labour market or for the validation of an employment offer are \$191.

**75.** The fees to be paid for the examination of an application filed by an immigration consultant are:

(1) \$1,600 for recognition as an immigration consultant; and

(2) \$1,300 for the renewal of recognition as such.

**76.** The fees prescribed in this chapter are payable at the time the application is filed unless a ministerial regulation made under section 40 provides otherwise.

**77.** The fees are adjusted and rounded off in accordance with section 83.3 of the Financial Administration Act (chapter A-6.001) and the regulation made under that Act.

The Minister publishes the results of the adjustment in the *Gazette officielle du Québec* and informs the public of the results by any other means the Minister considers appropriate.

**78.** With the exception of the fees to be paid for the examination of applications referred to in sections 70 to 75, the Government may, by regulation, set fees for any other application or for any stage in the processing of an application.

The Government may also, in the same manner, set the fees to be paid in connection with an expression of interest or the issue or filing of any document.

**79.** The Government may, by regulation, determine the cases in which a foreign national is exempted from paying the required fees.

## **CHAPTER X**

### **DELEGATION AND AGREEMENTS**

**80.** The Minister may, by agreement, delegate all or some of the powers conferred on the Minister by this Act to another minister or to a body of the Administration within the meaning of the Public Administration Act (chapter A-6.01).

**81.** The Minister may enter into an agreement for the administration of this Act and the regulations with another minister, an association, a partnership or a person, such as a body or a municipal authority.

## **CHAPTER XI**

### **INSPECTION AND INVESTIGATION**

#### **DIVISION I**

##### **INSPECTION**

**82.** The Minister may appoint an inspector to verify compliance with this Act and the regulations.

The inspector may, in the exercise of inspection functions,

(1) enter, at any reasonable time, the establishment of a legal person, an employer or an immigration consultant;

(2) take photographs or make recordings on the premises mentioned in subparagraph 1;

(3) examine and make copies of any document containing information relating to the activities of the persons mentioned in subparagraph 1; and

(4) require that, within a reasonable time, any information or document relating to the application of this Act and the regulations be provided or communicated to the inspector for examination or reproduction.

A person having custody, possession or control of any document relating to the application of this Act and the regulations must, at the inspector's request, send the document to the inspector within a reasonable time and facilitate its examination, regardless of the medium and of the means by which it may be accessed.

## **DIVISION II**

### **INVESTIGATION**

**83.** The Minister may conduct an investigation or commission a person the Minister designates to conduct an investigation on any matter relating to the application of this Act and the regulations.

## **DIVISION III**

### **MISCELLANEOUS PROVISIONS**

**84.** Legal proceedings may not be brought against inspectors and investigators for acts performed in good faith in the exercise of inspection and investigation functions.

**85.** Inspectors and investigators must, on request, provide identification and produce a certificate of authority signed by the Minister.

**86.** Any document produced for an investigation and certified by the Minister or an investigator as being a true copy of the original is admissible as proof and has the same probative force as the original.

## **CHAPTER XII**

### **PENAL PROVISIONS**

**87.** Anyone who

(1) acts in such a way as to falsely suggest that his, her or its conduct or activities in relation to matters to which this Act applies are authorized or approved by the Minister or the Government, notably by using the expression "Immigration-Québec", "Ministère de l'Immigration, de la Diversité et de l'Inclusion" or "Ministère de l'Immigration du Québec" or any similar expression, or

(2) makes or knowingly uses a document that falsely suggests it is made, sent or issued by the Minister or the Government, notably by using the expression "Immigration-Québec", "Ministère de l'Immigration, de la Diversité

et de l'Inclusion" or "Ministère de l'Immigration du Québec" or any similar expression,

is guilty of an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$10,000 to \$100,000 in any other case.

Immigration consultants who, by whatever means, make false, misleading or incomplete representations as to their recognition as immigration consultants or level of competence or as to the extent or effectiveness of their services are also liable to the minimum and maximum fines set out in the first paragraph.

**88.** Anyone who

(1) acts as an immigration consultant without being recognized as such by the Minister,

(2) directly or indirectly, by an act or omission, communicates to the Minister information or documents that he, she or it knows or should have known to be false or misleading in relation to an application filed with the Minister or an expression of interest to stay or settle in Québec, or

(3) in any way hinders an inspector or investigator in the exercise of inspection or investigation functions, or misleads the inspector or investigator by concealment or misrepresentation, or refuses to provide information or a document the inspector or investigator is entitled to obtain under this Act,

is guilty of an offence and is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and \$5,000 to \$50,000 in any other case.

**89.** Anyone who contravenes a regulatory provision whose violation constitutes an offence is guilty of an offence and is liable to a fine of \$1,000 to \$50,000 in the case of a natural person and \$2,000 to \$100,000 in any other case.

However, the Government may, by regulation, within the specified minimum and maximum limits, set the minimum and maximum amounts of a fine according to the nature of the violation and its seriousness.

**90.** The minimum and maximum fines prescribed by this Act or the regulations for a first offence are doubled for a second offence. Those amounts are tripled for a third or subsequent offence.

**91.** If an offence under this Act or the regulations is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines are twice those prescribed for the offence.

**92.** Anyone who does or omits to do something in order to assist a person in committing an offence under this Act or the regulations, or advises,

encourages, incites or causes a person to commit such an offence, is considered to have committed the same offence.

**93.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

**94.** If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of the first paragraph, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

**95.** Penal proceedings instituted under this Act are prescribed one year from the date on which the prosecutor became aware of the commission of the offence.

However, no proceedings may be instituted if more than five years have elapsed from the date of the commission of the offence.

### **CHAPTER XIII**

#### **REGULATIONS**

**96.** The Government may, by regulation, prescribe administrative penalties, including monetary penalties, for contraventions of this Act or the regulations and the conditions applicable to such penalties.

**97.** A regulation made under section 96 may prescribe monetary administrative penalties for contraventions of

(1) a provision of a regulation made under section 9 that is a condition applicable under an economic immigration program;

(2) a provision of a regulation made under the second paragraphs of sections 15 and 29 or under section 65; and

(3) section 60.

The regulation sets the amounts of the monetary administrative penalty, taking into account the nature of the violation and its seriousness. The amounts

may differ depending on whether the violation was committed by a natural person or a legal person.

**98.** The regulatory provisions whose violation constitutes a penal offence are determined by government regulation.

**99.** A regulation made under any of sections 15, 17, 18, 21, 26, 27, 29 to 31, 34, 35, 40 to 42, 47 and 78 is not subject to the publication requirement set out in section 8 of the Regulations Act and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation.

The same holds for a regulation made under any of sections 9, 10 and 96 to 98 in the case of provisions relating to a permanent immigration program.

**100.** A regulation made under this Act may provide for exemptions and vary for different immigration cases, classes or programs or components of an immigration program, among other things. Such exemptions may also vary for different classes of immigration consultants or different application processing stages.

**101.** A regulation made under this Act may apply to an application according to the date on which it was filed or to the application processing stage and may apply to an expression of interest according to the date on which it was submitted.

## CHAPTER XIV

### AMENDING PROVISIONS

#### INDIVIDUAL AND FAMILY ASSISTANCE ACT

**102.** Section 91 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by replacing “any dependants who accompany the foreign national, to settle in Québec must repay the amount granted under a last resort financial assistance program to the foreign national and those dependants” by “the family members accompanying the foreign national within the meaning of that Act, to settle in Québec must repay the amount granted to the foreign national and those family members under a last resort financial assistance program”.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**103.** Section 30 of the Act respecting administrative justice (chapter J-3) is amended by replacing “concerning an undertaking, a selection certificate or a certificate of acceptance” by “concerning a sponsorship undertaking, a temporary or permanent immigration selection decision, recognition as an immigration consultant or a monetary administrative penalty”.

**104.** Section 6 of Schedule I to the Act is amended by replacing “17” by “69”.

ACT RESPECTING THE MINISTÈRE DE L’IMMIGRATION ET DES  
COMMUNAUTÉS CULTURELLES

**105.** The title of the Act respecting the Ministère de l’Immigration et des Communautés culturelles (chapter M-16.1) is replaced by the following title:

“ACT RESPECTING THE MINISTÈRE DE L’IMMIGRATION, DE LA DIVERSITÉ ET DE L’INCLUSION”.

**106.** Sections 1 to 4 of the Act are replaced by the following sections:

**“1.** The Ministère de l’Immigration, de la Diversité et de l’Inclusion is under the direction of the Minister of Immigration, Diversity and Inclusiveness appointed under the Executive Power Act (chapter E-18).

The Minister is responsible for immigration, ethnocultural diversity and inclusiveness.

**“2.** The Minister is to develop guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, and propose them to the Government. The Minister is notably to develop a government-wide policy on those matters.

The Minister is to coordinate and monitor the implementation of those guidelines and policies.

**“3.** The Minister is to advise the Government and government departments and bodies on any matter under the Minister’s responsibility.

The Minister is to exercise the functions of office in collaboration with the other ministers concerned, in keeping with their respective missions and functions.

**“4.** The Minister’s functions in matters of immigration, ethnocultural diversity and inclusiveness are, more particularly,

(1) to plan the number of immigrants Québec wishes to receive and the composition of that immigration;

(2) to promote immigration and inform immigrants;

(3) to select, as temporary and permanent immigrants, foreign nationals who will be able to fully participate in Québec society;

(4) to contribute, through the selection of temporary and permanent immigrants, to meeting the needs and reflecting the choices of Québec and to

promote immigration's contribution to Québec's prosperity and international influence and to the vitality of the French language;

(5) to ensure family reunification, participate in international solidarity efforts and respond to other humanitarian situations;

(6) to contribute, by the provision of reception, francization and integration services, to immigrants' full participation, in French, in Québec society;

(7) after consultation with the other ministers concerned, to coordinate the implementation of reception, francization and integration programs aimed at enabling immigrants to fully participate, in French, in Québec society;

(8) to foster the commitment and coordinate the actions of government departments, bodies and social actors in order to build inclusive communities and promote immigrants' and ethnocultural minorities' full participation, in French, in Québec society.”

**107.** Sections 5 and 6 of the Act are repealed.

**108.** Section 7 of the Act is amended

(1) by adding “, including agreements for the sharing of information to satisfy the obligations incumbent on the Minister under the Acts for which the Minister is responsible” at the end of paragraph 2;

(2) by replacing paragraph 4 by the following paragraph:

“(4) take the necessary measures, in collaboration with the other ministers and the bodies concerned, to facilitate the recognition, in Québec, of qualifications acquired abroad;”;

(3) by replacing paragraph 5 by the following paragraphs:

“(5) establish comparisons between diplomas and education obtained abroad and those obtained within Québec's education system;

“(6) obtain from government departments and bodies the information necessary to develop and implement guidelines and policies and follow them up.”

#### ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES COMMUNAUTÉS CULTURELLES ET DE L'IMMIGRATION

**109.** Paragraph 1 of section 3, sections 8 and 9 and paragraphs 2, 8 and 9 of section 11 of the Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration (1993, chapter 70) are repealed.

## ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC

**110.** The Act to amend the Act respecting immigration to Québec (2001, chapter 58) is repealed.

## ACT TO AMEND THE ACT RESPECTING IMMIGRATION TO QUÉBEC

**111.** Sections 2 and 6 and paragraph 5 of section 10 of the Act to amend the Act respecting immigration to Québec (2004, chapter 18) are repealed.

## REGULATION RESPECTING IMMIGRATION CONSULTANTS

**112.** Section 1 of the Regulation respecting immigration consultants (chapter I-0.2, r. 0.2) is repealed.

**113.** The Regulation is amended by inserting the following section before section 5:

**“4.1.** An immigration consultant must be recognized by the Minister in accordance with section 60 of the Québec Immigration Act (*insert the year and chapter number of this Act*).

An immigration consultant who is recognized by the Minister is entered in the consultants register provided for in section 67 of the Act.”

**114.** Section 7 of the Regulation is amended by replacing “is to deny an application for renewal” in the second paragraph by “may not grant the renewal of an immigration consultant’s recognition”.

**115.** Sections 10, 15, 24 and 25 of the Regulation are repealed.

## CHAPTER XV

### TRANSITIONAL AND FINAL PROVISIONS

**116.** The multi-year guidelines and the annual plan approved by the Government under sections 3.0.0.1 and 3.0.1 of the Act respecting immigration to Québec (chapter I-0.2) which are in force on (*insert the date of coming into force of this Act*) are deemed to have been approved under Chapter II of this Act.

**117.** A selection certificate issued under section 3.1 or a certificate of acceptance issued under section 3.2 of the Act respecting immigration to Québec before it was replaced by this Act is valid and is deemed to be a decision made under this Act.

**118.** A sponsorship undertaking subscribed under section 3.1.1 of the Act respecting immigration to Québec before the replacement of that Act by this

Act is valid and is deemed to have been entered into under section 23 of this Act.

**119.** A decision made by the Minister under section 3.5 of the Act respecting immigration to Québec before the replacement of that Act by this Act is deemed to have been made under the provisions of Division III of Chapter V of this Act.

**120.** Any civil or penal proceedings pending on (*insert the date of coming into force of this Act*) are continued, without further formality, as if the provisions under which they were brought were still in force.

**121.** The Government may, by a regulation made within 12 months after (*insert the date of coming into force of this Act*), enact any transitional measure applicable to applications filed with the Minister before that date.

**122.** The required fees prescribed in Chapter IX must, on the date of its coming into force, be adjusted in accordance with section 77 as if they had been in force since (*insert the date of introduction of this bill*).

**123.** This Act replaces the Act respecting immigration to Québec.

**124.** The Minister of Immigration, Diversity and Inclusiveness is responsible for the administration of this Act.

**125.** The provisions of this Act come into force on the date or dates to be set by the Government.



