



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 9

**An Act to increase Québec's
socio-economic prosperity and
adequately meet labour market needs
through successful immigrant
integration**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Minister of Immigration, Diversity and Inclusiveness**

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EXPLANATORY NOTES

This bill aims to increase Québec's socio-economic prosperity and adequately meet labour market needs through successful immigrant integration.

To that end, the bill amends the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion. It clarifies certain functions of the Minister of Immigration, Diversity and Inclusiveness and entrusts the Minister with new ones, including as regards coordination of the promotion of immigration to Québec, of prospection for and the recruitment of foreign nationals and of the implementation of reception, francization and integration services for immigrants.

In addition, the bill provides that the Minister may collect from immigrants the information necessary to know their situation, especially as regards their level of knowledge of French and their integration into the labour market, to put services in place for them and to assess their needs and satisfaction with respect to those services. It further provides that the departments and bodies concerned must communicate the information necessary for the exercise of ministerial responsibilities and functions to the Minister, according to terms determined by agreement.

The bill also amends the Québec Immigration Act to clarify its objects, notably by stating that it aims to promote the integration of immigrants, more particularly through their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms.

Moreover, the bill empowers the Government to determine, by regulation, conditions affecting a foreign national's permanent residence which the Minister may impose when selecting such a foreign national. It also empowers the Minister to cancel an invitation to file an application for selection made in error to a foreign national.

The bill broadens the Minister's discretion to require that an undertaking be entered into on a foreign national's behalf if the Minister considers that such an undertaking is necessary to the success of the foreign national's stay or settlement in Québec.

The bill reiterates that the Minister develops reception, francization and integration programs for immigrants and implements immigrant support services in Québec and abroad, while specifying that the Minister fosters employers' commitment to those ends.

The bill reviews the Government's regulatory powers in relation to employers wishing to hire a foreign national or permanent resident, extends the Government's regulatory power regarding the cases in which an applicant may be exempted from paying the required fees, and contains certain adjustments pertaining to investigation and penal matters.

Lastly, subject to an exception, an application filed with the Minister before 2 August 2018 under the Regular Skilled Worker Program is terminated if, at the time this bill is introduced, the Minister has not yet made a selection, refusal or rejection decision on the application.

LEGISLATION AMENDED BY THIS BILL:

- Québec Immigration Act (chapter I-0.2.1);
- Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1).

Bill 9

AN ACT TO INCREASE QUÉBEC'S SOCIO-ECONOMIC PROSPERITY AND ADEQUATELY MEET LABOUR MARKET NEEDS THROUGH SUCCESSFUL IMMIGRANT INTEGRATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION, DE LA DIVERSITÉ ET DE L'INCLUSION

1. Section 2 of the Act respecting the Ministère de l'Immigration, de la Diversité et de l'Inclusion (chapter M-16.1) is amended by replacing “guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, in full equality and in keeping with democratic values, and propose them to the Government” in the first paragraph by “and propose to the Government guidelines or policies on immigration and on the full participation, in French, of immigrants and ethnocultural minorities in Québec society, in full equality and in keeping with democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12)”.

2. Section 3 of the Act is amended by striking out the second paragraph.

3. Section 4 of the Act is amended by replacing paragraphs 2 to 9 by the following paragraphs:

“(2) to ensure and coordinate the promotion of immigration to Québec and prospection for and the recruitment of foreign nationals in foreign countries;

“(3) to offer immigrants a personalized support pathway, in particular by providing them with support in their immigration process and steps to learn French and integrate and by informing them about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12), the importance of the French language, Québec culture and the vitality of the regions;

“(4) to select, as temporary or permanent immigrants, foreign nationals who are able to fully participate, in French, in Québec society, in particular by integrating into the labour market;

“(5) to contribute, through the selection of foreign nationals as temporary or permanent immigrants, to meeting Québec’s needs, including labour market needs, and reflecting Québec’s choices, in light of economic, demographic, linguistic and socio-cultural realities;

“(6) to see that families are reunited, to participate in international solidarity efforts and to respond to other humanitarian situations;

“(7) to coordinate, with the support of the departments and bodies concerned, the implementation of reception, francization and integration services for immigrants aimed, in particular, at their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms;

“(8) to foster the commitment and coordinate the actions of the departments and bodies and of the other social actors concerned in order to build more inclusive communities that contribute to immigrants’ long-term settlement in the regions, promote immigrants’ and ethnocultural minorities’ full participation, in French, in community life, in full equality and in keeping with democratic values and the Québec values expressed by the Charter of human rights and freedoms, and contribute, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society;

“(9) to assess immigration’s contribution to Québec by ensuring follow-up of immigrants’ situation for such purposes as knowing their level of knowledge of French and finding out how they are integrating into the labour market; and

“(10) to promote immigration’s contribution to Québec’s prosperity, to the preservation and vitality of French—the common language knowledge of which is the key to successful participation in community life—to the vitality of the regions and to Québec’s international influence.”

4. Section 7 of the Act is amended

(1) by inserting “and functions” after “responsibilities” in the introductory clause;

(2) by replacing paragraph 6 by the following paragraph:

“(6) collect, from immigrants, the information necessary to know their situation, in particular as regards their level of knowledge of French and their integration into the labour market, to develop and implement programs, guidelines and policies, to monitor and assess their relevance and effectiveness, to put services in place for immigrants and to assess immigrants’ needs and satisfaction with respect to those services.”

5. The Act is amended by inserting the following section after section 7:

“7.1. The departments and bodies concerned periodically communicate to the Minister, according to terms determined by agreement, the information necessary for the exercise of ministerial responsibilities and functions.”

QUÉBEC IMMIGRATION ACT

6. Section 1 of the Québec Immigration Act (chapter I-0.2.1) is amended by replacing the second paragraph by the following paragraphs:

“A further object of this Act is to promote the integration of immigrants, in particular through their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12).

This Act promotes, through a shared commitment between Québec society and immigrants, the latter’s full participation in community life in addition to contributing, through the establishment of harmonious intercultural relations, to the cultural enrichment of Québec society.”

7. Section 6 of the Act is amended by inserting “foreign” after “temporary” in paragraph 1.

8. Section 15 of the Act is replaced by the following section:

“15. The Government may, by regulation, determine the conditions an employer wishing to hire a foreign national must comply with.

It may, in particular, determine the cases in which the employer is required to file an application with the Minister for an assessment as to the employment offer’s impact on Québec’s labour market and the conditions that employer must meet to obtain a positive assessment.”

9. The Act is amended by inserting the following section after section 21:

“21.1. When selecting a foreign national, the Minister may impose conditions on the foreign national which affect the permanent residence granted under the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) in order to ensure, among other things, the protection of public health, the meeting of regional and sectoral labour needs, the regional or sectoral creation of enterprises or the financing of such enterprises, or the foreign national’s linguistic, social or economic integration.

The Government determines, by regulation, the conditions the Minister may impose and the cases in which the Minister may impose, amend, lift or cancel them.”

10. Section 29 of the Act is replaced by the following section:

“29. The Government may, by regulation, determine the conditions an employer wishing to hire a permanent resident must comply with.

It may, in particular, determine the cases in which the employer may file an application with the Minister for the validation of the employment offer and the conditions that employer must meet to obtain such validation.”

11. Section 40 of the Act is amended by replacing “When exercising discretion under the first paragraph of section 37 or 38, the Minister” by “The Minister”.

12. The Act is amended by inserting the following section after section 49:

“49.1. The Minister may cancel an invitation to file an application for selection made in error to a foreign national.

If the foreign national has already filed an application for selection following such an invitation, the Minister may terminate it. In such a case, the Minister must return the required fees paid by the foreign national.”

13. Section 50 of the Act is amended by inserting “economic and labour” after “Québec’s” in the first paragraph.

14. Section 60 of the Act is replaced by the following section:

“60. The Minister develops reception, francization and integration programs for immigrants. Such programs are aimed in particular at their learning French and learning about democratic values and the Québec values expressed by the Charter of human rights and freedoms (chapter C-12) and at the establishment of harmonious intercultural relations. By offering support services to immigrants, such programs contribute to promoting their full participation in community life, in full equality, and their long-term settlement in the regions.

Within that framework, the Minister establishes and implements services, in Québec and abroad, in the areas under the Minister’s responsibility while fostering employers’ commitment. The Minister determines eligibility requirements for those services.”

15. The Act is amended by inserting the following section after section 61:

“61.1. The conditions the Government determines, by regulation, under sections 15 and 29 may, in particular, aim to ensure the success of reception, francization and integration programs and services.”

16. Section 73 of the Act is amended by inserting “foreign” after “temporary” in paragraph 1.

17. Section 82 of the Act is amended by replacing “a foreign national” by “an applicant”.

18. Section 88 of the Act is amended by inserting “or a presiding justice of the peace” after “Court of Québec” in the introductory clause of the first paragraph.

19. Section 92 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(3) profits in any manner from an undertaking entered into on behalf of a foreign national and the latter’s accompanying family members or from actions taken for the purpose of entering into such an undertaking, in particular, by collecting interest on an investment or accepting a gift, except the collection of reasonable fees for services rendered.”.

FINAL PROVISIONS

20. An application filed with the Minister before 2 August 2018 under the Regular Skilled Worker Program is terminated if, on (*insert the date of introduction of this bill*), the Minister has not made a selection, refusal or rejection decision on the application.

Any required fees paid by an applicant having filed such an application must be returned, without interest, to the applicant.

No damages or indemnity may be claimed from the Government, the Minister or any of their subordinates or mandataries in connection with such an application.

The first paragraph does not apply to an application whose purpose, with respect to a prior application on which a selection decision has already been made, is to add a family member of the foreign national.

21. This Act comes into force on (*insert the date of assent to this Act*), except section 19, which comes into force on the date to be set by the Government.

