



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 71

An Act respecting immigration to Québec

Introduction

**Introduced by
Madam Diane De Courcy
Minister of Immigration and Cultural Communities and
Minister responsible for the Charter of the French
language**

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EXPLANATORY NOTES

This bill replaces the Act respecting immigration to Québec. Its purpose is to contribute, through permanent and temporary immigration, to the enrichment of Québec's sociocultural heritage, to economic prosperity and demographic dynamism, to the occupancy and vitality of territories and to the preservation of the French language. It also seeks to confirm Québec's desire to facilitate family reunification and participates in international solidarity efforts, in particular with regard to refugees. Finally, it seeks to encourage the francization and integration of immigrants and the establishment of harmonious intercultural relations, considering that these responsibilities are shared by immigrants and society.

A number of provisions of the Act respecting immigration to Québec are substantially retained, in particular with regard to immigration planning. For example, the Government is still authorized to set the selection conditions applicable to candidates for permanent immigration, regulate the arrival of temporary residents and determine the cases in which an undertaking to provide for the essential needs of a foreign national is required. As well, the bill reformulates the current provisions with regard to integration programs, which will be aimed at the francization, reception and integration of immigrants, and maintains the main avenues of recourse before the Administrative Tribunal of Québec.

To manage demand for immigration, the current mechanism for managing selection certificates is maintained, and an "expressions of interest" model is introduced. The latter will be used to establish a bank of candidates from which those who, according to pre-determined criteria, best meet the needs of Québec will be selected.

The Government is authorized to determine the cases in which an employer wishing to hire a foreign national must file a job offer approval application with the Minister of Immigration and Cultural Communities and to impose conditions on such an employer.

The current provisions applicable to immigration consultants are modified in order to better regulate their activities, and the Minister is empowered to reject an application for recognition as an immigration consultant for reasons of public interest. Provisions concerning investigations, inspections and penalties have been

updated, as have provisions that are obsolete or unsuited to current needs.

Finally, the bill contains amending provisions concerning, among other things, the functions and responsibilities of the Minister provided for in the Act respecting the Ministère de l'Immigration et des Communautés culturelles.

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).

Bill 71

AN ACT RESPECTING IMMIGRATION TO QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND DEFINITION

1. The purpose of this Act is to contribute, through permanent and temporary immigration, to the enrichment of Québec's sociocultural heritage, to economic prosperity and demographic dynamism, to the occupancy and vitality of territories, and to the preservation of French, Québec's official language, as well as to Québec's openness to ethnocultural diversity and its influence outside its borders.

It seeks to facilitate the reuniting, in Québec, of Canadian citizens and permanent residents with close relatives who are foreign nationals, and to ensure Québec's participation in international solidarity efforts with regard to refugees and other persons in particularly distressful situations.

It also seeks to encourage the francization and economic, social and cultural integration of immigrants and the establishment of harmonious intercultural relations, considering that these responsibilities are shared by immigrants and their host society, and to promote the common values of Québec society among immigrants.

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) and the regulations.

CHAPTER II

IMMIGRATION PLANNING

3. The Minister draws up multi-year immigration guidelines, proposes them to the Government for approval and subsequently tables them in the National Assembly for examination by the competent committee of the Assembly.

4. The Minister establishes an annual immigration plan.

The purpose of the plan is to specify the projected numbers of immigrants, taking into account, among other things, the multi-year immigration guidelines, the overall demand for selection certificates and Québec's capacity to welcome and integrate immigrants.

The plan sets out the maximum or estimated number of selection certificates that may be issued. This number may be broken down by class or within the same class, or by source area. The plan also sets out the estimated number of foreign nationals that may be admitted as permanent residents to Québec, and states any decision made by the Minister under section 26.

A source area may comprise a country, a group of countries, a continent or part of a continent.

The plan is tabled in the National Assembly not later than 1 November of each year or, if the Assembly is not sitting, not later than the fifteenth day after resumption.

CHAPTER III

PERMANENT AND TEMPORARY IMMIGRATION

DIVISION I

SELECTION CERTIFICATE

5. For the purposes of this Act, classes of foreign nationals are prescribed by government regulation.

6. Foreign nationals wishing to settle permanently in Québec must successfully apply to the Minister for a selection certificate, unless exempted by government regulation.

The conditions governing the filing of such an application are determined by regulation of the Minister.

7. The selection conditions, including selection criteria, applicable to classes of foreign nationals are determined by government regulation.

8. The weighting of selection criteria for foreign nationals, the passing score and, if applicable, the cutoff score for a selection criterion are determined by regulation of the Minister.

9. The conditions applicable to family members accompanying a foreign national are determined by government regulation.

10. The conditions governing the issue of a selection certificate are determined by government regulation.

The Government also sets the conditions of validity of selection certificates, including their duration, the cases in which they lapse and the situations in which the Minister may lift such lapse.

11. Subject to sections 12 and 13, the Minister issues a selection certificate to foreign nationals who meet all the conditions determined by regulation.

The Minister determines the class of foreign nationals for which each certificate is issued.

12. The Minister may issue a selection certificate to a foreign national who is in a particularly distressful situation, in accordance with the conditions determined by government regulation.

13. The Minister may issue a selection certificate to a foreign national who does not meet a condition which a government regulation permits the Minister to depart from if the Minister believes, after examining the application, that the result does not reflect the foreign national's likelihood of successfully settling in Québec.

In addition, the Minister may refuse to issue such a certificate to a foreign national who meets all the conditions determined by regulation, if the Minister has reasonable grounds for believing 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.

14. The Government determines by regulation how long the Minister may suspend the refusal of a selection certificate application, as well as the conditions and criteria regarding which the Minister may exercise this power.

15. The Government determines by regulation the conditions applicable to a person or partnership participating in the management of a financial investment or a deposit of a sum of money of a person who files an application under this chapter.

It also determines the conditions governing the investment or deposit as well as the management and disposal of the sums invested or deposited.

16. The Minister may, in the cases determined by government regulation, impose conditions affecting the granting of permanent residency under the Immigration and Refugee Protection Act on a foreign national who obtains a selection certificate.

The Minister may, in the cases determined by government regulation or at the request of a permanent resident, modify, lift or cancel the conditions imposed.

DIVISION II

UNDERTAKING

17. The Government determines by regulation the cases in which an undertaking to provide for the essential needs of a foreign national wishing to settle in Québec and of any accompanying family members is required for the issue of a selection certificate. It also determines the cases in which such an undertaking is a factor that the Minister may take into account in the selection of a foreign national.

18. An application for an undertaking is filed with the Minister by a person or group of persons who meet the conditions determined by government regulation.

The conditions governing the filing of such an application are determined by regulation of the Minister.

19. If the conditions set out in section 18 are met, the undertaking is made with the Minister according to the terms and for the duration provided for by government regulation.

20. The Government determines by regulation the cases in which an undertaking lapses and the situations in which the Minister may lift the effects of such lapse.

DIVISION III

EXPRESSION OF INTEREST

21. Subject to section 24 and in the cases prescribed by government regulation, a foreign national must submit to the Minister an expression of interest in settling in Québec.

Foreign nationals who are required to submit an expression of interest must not apply for a selection certificate without being invited to do so by the Minister.

22. The Minister determines by regulation the terms for submitting an expression of interest in settling in Québec.

23. Expressions of interest submitted by foreign nationals who meet the eligibility conditions determined by government regulation are entered by the Minister in the expressions-of-interest bank.

Foreign nationals whose expressions of interest have been entered in the bank may be invited, in the order established by the Minister, to apply for a selection certificate under Division I of this chapter.

24. In the case of a foreign national subject to section 21, if the Minister believes that the foreign national's settling in Québec would constitute an exceptional contribution to the development and influence of Québec society, the Minister may invite the foreign national to apply for a selection certificate without having first submitted an expression of interest.

25. The Government determines by regulation the conditions of validity of an expression of interest, including its duration, as well as the effects of its invalidity.

DIVISION IV

MANAGEMENT OF SELECTION CERTIFICATE APPLICATIONS AND EXPRESSIONS OF INTEREST

26. Despite any other provision of this Act, the Minister may, in particular by taking into account the guidelines and objectives set out in the annual immigration plan as well as Québec's needs and its capacity to welcome and integrate immigrants, make a decision with regard to the receipt and processing of selection certificate applications. Such a decision may concern the maximum number of applications the Minister intends to accept, a suspension on the receipt of applications, and the disposal of applications the Minister has yet to examine.

A decision referred to in the first paragraph may, if it so specifies, apply to selection certificate applications received in the three months preceding its effective date that have yet to be examined by the Minister. In such cases, the Minister notifies the applicant and, if applicable, returns the sums received as fees.

The Minister may also make a decision with regard to the order of priority for processing applications.

The Minister may make a decision on the maximum number of expressions of interest that may be submitted to the Minister or entered in the bank, on the suspension of such submitting or entering, as well as a decision on the order in which foreign nationals will be invited to file a selection certificate application.

The decision may apply to all countries or a source area and to all or part of a class of foreign nationals.

The decision stands for a maximum period of 24 months and may be modified or renewed for the same maximum period. The Minister publishes the decision in the *Gazette officielle du Québec* and in any medium considered appropriate, and it takes effect on the date of its publication or on any later date specified in the decision.

The grounds for a decision must be published as part of the decision.

The Regulations Act (chapter R-18.1) does not apply to a decision made under this section.

DIVISION V

CERTIFICATE OF ACCEPTANCE

27. Foreign nationals who wish to stay in Québec temporarily to work, study or receive medical treatment must successfully apply to the Minister for a certificate of acceptance, unless exempted by government regulation.

The conditions governing the filing of such an application are determined by regulation of the Minister.

28. The Government determines by regulation the conditions governing the issue and validity of a certificate of acceptance, including its duration.

It also determines the conditions applicable to family members accompanying a foreign national who applies for a certificate of acceptance.

29. The Government determines by regulation the cases in which such a certificate lapses and the situations in which the Minister may lift the effects of such lapse.

30. Subject to section 31, the Minister issues a certificate of acceptance to foreign nationals who meet all the conditions determined by regulation.

31. The Minister may, for humanitarian reasons, issue a certificate of acceptance to a foreign national who does not meet a condition which a government regulation permits the Minister to depart from.

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

DIVISION VI

APPROVAL OF JOB OFFERS

32. Employers wishing to hire a foreign national must file with the Minister, in the cases provided for by government regulation, a job offer approval application.

The conditions governing the filing of such applications are determined by regulation of the Minister.

33. The Government determines by regulation the conditions applicable to the job offer and the employer.

34. The Minister approves job offers of employers that meet all the conditions prescribed by regulation.

35. The Government determines by regulation the cases in which a job offer approval lapses and the situations in which the Minister may lift the effects of such lapse.

DIVISION VII

REFUSAL TO EXAMINE, REJECTION AND CANCELLATION

36. A person who submits an expression of interest under section 21 or an application referred to in this chapter must, at the request of the Minister, demonstrate the truthfulness of the statements made.

37. A person referred to in section 36 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.

38. The Minister may refuse to examine a person's application in the following cases:

(1) the person has previously provided the Minister with false or misleading information or documents; or

(2) the person is subject to a decision made for reasons of public interest under the second paragraph of section 13 or 31.

39. The Minister may reject a person's application in the following cases:

(1) the person failed to demonstrate to the Minister, as required under section 36, the truthfulness of the statements made;

(2) the person failed to provide information or documents required by the Minister under section 37;

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

(4) the person has previously provided the Minister with false or misleading information or documents.

40. In the case of a job offer approval application or an application for an undertaking, a decision based on paragraph 1 of section 38 or paragraph 4 of section 39 may be made within two years after the date on which the Minister became aware that false or misleading information or documents were provided. In the case of a certificate application, the time limit is five years.

41. The Minister may cancel a certificate or undertaking in the following cases:

- (1) false or misleading information or documents were provided in relation to the application;
- (2) the certificate was issued or the undertaking made by mistake; or
- (3) the conditions for the issue of the certificate or for making the undertaking cease to be met.

CHAPTER IV

IMMIGRATION CONSULTANT

42. A person wishing to act as an immigration consultant must, subject to the second paragraph of section 43, be recognized by the Minister.

43. The Government, by regulation, defines “immigration consultant” and determines 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.

44. The conditions governing the filing of an application for recognition as an immigration consultant and for the renewal of such recognition are determined by government regulation.

45. The Minister recognizes as immigration consultants persons who meet all the conditions determined by government regulation.

The duration of recognition is specified in the regulation.

46. Subject to sections 50 and 51, recognition of an immigration consultant is renewed if he or she meets the conditions determined by government regulation.

47. The obligations of immigration consultants, including the amount of professional liability insurance they must hold, and the prohibitions applicable to them in the exercise of consulting activities are determined by government regulation.

48. A person who applies for recognition as an immigration consultant or for renewal of such recognition must, at the request of the Minister, demonstrate the truthfulness of the statements made.

49. The person must, 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.

50. The Minister may refuse to examine a person's application for recognition as an immigration consultant or for renewal of such recognition in the following cases:

(1) the Minister is aware that the person provided the Minister with false or misleading information or documents in the five years preceding the application; or

(2) the Minister believes that recognition would be contrary to the public interest.

51. The Minister may reject a person's application for recognition as an immigration consultant or for renewal of such recognition in the following cases:

(1) the person failed to demonstrate to the Minister, as required under section 48, the truthfulness of the statements made;

(2) the person failed to provide information or documents required by the Minister under section 49;

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

(4) the Minister is aware that the person provided the Minister with false or misleading information or documents in the five years preceding the application; or

(5) the Minister believes that recognition would be contrary to the public interest.

52. The Minister may suspend or revoke the recognition of an immigration consultant in the cases provided for by government regulation or if the Minister believes that the public interest requires it.

53. The Minister keeps an up-to-date register of recognized immigration consultants, specifying those whose recognition has been suspended or revoked. The register is published in any medium the Minister considers appropriate.

The information it contains is public information.

CHAPTER V

FEES

54. The Government sets by regulation the fees payable with regard to an expression of interest, to the receipt, processing or examination of an application or the issue or filing of any document, to registration in the register of immigration consultants, and to the review of a decision made by the Minister.

55. The fees payable for examining a selection certificate application filed by a foreign national belonging to the economic class as an investor are \$10,000.

They must be paid when the selection certificate application is filed.

56. 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.

CHAPTER VI

RECEPTION, FRANCIZATION AND INTEGRATION

57. To support the integration of immigrants into Québec society and encourage harmonious intercultural relations, the Minister, in collaboration with the other ministers concerned, develops programs aimed at the reception, francization, and economic, social and cultural integration of immigrants. To this end, the Minister establishes and implements services in these areas.

The Minister determines the conditions subject to which immigrants have access to these services.

58. The Minister may allocate financial assistance to an immigrant who, in accordance with the conditions determined under the second paragraph of section 57, has access to reception, francization or integration services.

CHAPTER VII

REGULATIONS

59. The provisions of a regulation whose contravention constitutes an offence are determined by government regulation.

60. A regulation made under any of sections 6 to 10, 14, 15, 17 to 25, 32 to 35 and 54 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.

61. The regulatory provisions made under this Act may provide for exemptions and vary from case to case, from one immigration category to another, and within the same immigration category. They may also vary according to the class of immigration consultants or to the application processing stage.

CHAPTER VIII

INVESTIGATIONS AND INSPECTIONS

62. The Minister may conduct an investigation, or commission an investigation by a person the Minister designates, relating to the administration of this Act and the regulations.

63. A person who conducts an investigation is, for the purposes of the investigation, vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

64. 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 or employer subject to this Act, the establishment of a recognized immigration consultant, or any premises in which the inspector has reason to believe that immigration consulting activities are being carried out by a person not recognized by the Minister;

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

(3) examine and make copies of any document containing information relating to the activities of the persons mentioned in paragraph 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 or the regulations must, at the inspector's request, send them to the inspector within a reasonable time and facilitate their examination, regardless of the storage medium and the means by which they may be accessed.

65. An inspector may not be prosecuted for acts performed in good faith in the exercise of inspection functions.

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

67. 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 IX

PENAL PROVISIONS

68. Anyone who, directly or indirectly, by an act or omission, communicates or provides to the Minister, an investigator or an inspector information or documents that he or she knows or should have known to be false or misleading in relation to any of the following is guilty of an offence:

(1) an application for a certificate, an undertaking or a job offer approval or for recognition as an immigration consultant or the renewal of such recognition;

(2) any application for access to reception, francization or integration services or for financial assistance relating to such services; or

(3) an expression of interest in settling in Québec.

69. Anyone who contributes to the issue of a certificate to a foreign national, to the making of an undertaking in favour of a foreign national or to the approval of a job offer in contravention of this Act is guilty of an offence.

70. Anyone who in any way hinders an inspector or investigator who is carrying out inspection or investigation duties is guilty of an offence.

71. Anyone who acts as an immigration consultant without being recognized as such by the Minister is guilty of an offence.

72. Anyone who acts in such a way as to falsely suggest that his or her conduct or activities in relation to matters provided for in this Act are authorized or approved by the Minister or the Government, in particular by using the expression “Immigration-Québec”, “Ministère de l’Immigration et des Communautés culturelles”, “Ministère de l’Immigration du Québec” or some similar expression is guilty of an offence.

73. An immigration consultant who, by any means, makes false, misleading or incomplete representations as to his or her level of competence or the scope or effectiveness of his or her services is guilty of an offence.

74. Anyone who helps or, by encouragement, advice, consent, authorization or command, induces another person to commit an offence under this Act or the regulations, commits the same offence and is liable to the same penalty as that prescribed for the offence committed by the other person.

75. If an agent, mandatary or employee of a legal person, partnership, or any other entity commits an offence under this Act or the regulations, its director or officer is presumed to have committed the offence unless it is established that the director or officer exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are deemed to be directors of the partnership unless there is evidence to the contrary designating one or more of them, or a third person, to manage the affairs of the partnership.

76. A natural person who contravenes a regulatory provision whose violation constitutes an offence or who is guilty of an offence under any of sections 68 to 70 is liable to a fine of \$2,500 to \$25,000. A natural person who is guilty of an offence under any of sections 71 to 73 is liable to a fine of \$5,000 to \$50,000.

These fines are tripled in the case of a legal person, a partnership or any other entity.

In the case of a subsequent offence, the fine prescribed by the first offence is doubled.

77. 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 X

REVIEW OF A DECISION AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

78. A decision of the Minister is subject to review in the cases and subject to the conditions determined by government regulation.

79. The following persons may contest the Minister's decision or, if applicable, review decision before the Administrative Tribunal of Québec within 60 days of notification of the decision:

(1) a natural person whose application for an undertaking in favour of a foreign national subject to the obligation to obtain, prior to entering Canada, the documents mentioned in subsection 1 of section 11 of the Immigration and Refugee Protection Act has been rejected or whose undertaking in favour of a foreign national has been cancelled;

(2) a foreign national whose certificate has been cancelled; and

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

CHAPTER XI

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

INDIVIDUAL AND FAMILY ASSISTANCE ACT

80. Section 91 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended

(1) by replacing “subscribed an undertaking under the Act respecting immigration to Québec (chapter I-0.2) promising to help a foreign national, and any dependants who accompany the foreign national, to settle in Québec” by “made an undertaking under the Act respecting immigration to Québec (chapter I-0.2) promising to provide for the essential needs of a foreign national wishing to settle in Québec and of any accompanying family members within the meaning of that Act,”;

(2) by replacing “to the foreign national and those dependants” by “to the foreign national and those family members”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

81. 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 an undertaking, a certificate, or recognition as an immigration consultant”.

82. Section 6 of Schedule I to the Act is amended by replacing “section 17” by “section 79”.

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

83. Section 3 of the Act respecting the Ministère de l'Immigration et des Communautés culturelles (chapter M-16.1) is amended by replacing the first paragraph by the following paragraph:

3. The Minister is to develop guidelines and policies on immigration, the francization and economic, social and cultural integration of immigrants, and intercultural relations, and propose them to the Government.”

84. Section 4 of the Act is replaced by the following section:

4. The main functions of the Minister are

(1) to plan the number of foreign nationals and the composition of immigration Québec wishes to welcome, for a given period, taking into account the needs and reception capacity of Québec society;

(2) to inform immigrants, promote immigration and select foreign nationals possessing the characteristics needed to successfully integrate into Québec society;

(3) to contribute, through immigration, to meeting Québec's workforce requirements and to the occupancy and vitality of its territories;

(4) to regulate the arrival of foreign nationals seeking to stay in Québec temporarily;

(5) to see to family reunification and the reception of refugees and other persons in particularly distressful situations;

(6) to take the measures needed to enable immigrants to learn French or enhance their proficiency in French;

(7) to establish, in collaboration with the other ministers concerned, an annual government program of francization services for immigrants;

(8) to support, in collaboration with the other ministers concerned, the economic, social and cultural integration of immigrants into Québec society;

(9) to encourage the mobilization of regional stakeholders in order to make immigration a strategic factor in the development and vitality of Québec's territories; and

(10) to encourage the openness of Québec society to ethnocultural diversity and promote harmonious intercultural relations.”

85. Section 5 of the Act is repealed.

86. Section 6 of the Act is replaced by the following section:

“6. The Minister is to advise the Government and government departments and bodies on any matter under the Minister's authority.

The Minister must ensure the consistency of government action in areas under the Minister's authority.”

87. Section 7 of the Act is amended

(1) by adding “, including agreements for the exchange of information with a view to discharging the Minister's obligations 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 government departments and bodies concerned, to facilitate the recognition in Québec of training and experience acquired outside Québec;”;

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

“(5) draw comparisons between the diplomas obtained and the studies pursued outside Québec and the Québec education system; and

“(6) obtain from government departments and public bodies the information needed to draw up the Minister’s guidelines and implement the Minister’s policies.”

88. Section 8 of the Act is amended by adding the following paragraph at the end:

“In particular, the Minister must report to the Government on the implementation of the annual government program of francization services for immigrants, subject to the conditions determined by the Government.”

89. Section 14 of the Act is amended by replacing the second paragraph by the following paragraph:

“No deed, document or writing is binding on the department or may be attributed to the Minister unless it is signed by the Minister or the Deputy Minister, or by another public servant or employee duly authorized by the Minister.”

90. Unless the context indicates otherwise, a reference in a regulation or any other document to 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 (chapter I-0.2) is to be understood as a reference to, respectively, a selection certificate or a certificate of acceptance issued under this Act.

91. Not later than (*insert the date that is six months after the date of coming into force of paragraph 3 of section 87 of this Act*), the regulations on the standards for equivalence of the following professional orders must be amended in order to strike out or replace references to the Ministère de l’Immigration et des Communautés culturelles in relation to a comparative evaluation for studies done outside Québec:

- (1) the Ordre des administrateurs agréés du Québec;
- (2) the Ordre des psychologues du Québec;
- (3) the Ordre professionnel des technologistes médicaux du Québec;
- (4) the Ordre professionnel des denturologistes du Québec; and

(5) the Ordre des ingénieurs forestiers du Québec.

Failing such action, the Government may, by regulation, strike out or replace the references referred to in the first paragraph.

92. This Act replaces the Act respecting immigration to Québec.

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

94. The Minister of Immigration and Cultural Communities is responsible for the administration of this Act.

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

