

1994, chapter 15

**AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE
DES AFFAIRES INTERNATIONALES, THE ACT RESPECTING
THE MINISTÈRE DES COMMUNAUTÉS CULTURELLES ET DE
L'IMMIGRATION AND OTHER LEGISLATIVE PROVISIONS**

Bill 7

Introduced by Mr John Ciaccia, Minister of International Affairs, Immigration and Cultural Communities

Introduced 23 March 1994

Passage in principle 17 May 1994

Passage 15 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01)

Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1)

Act respecting family assistance allowances (R.S.Q., chapter A-17)

Archives Act (R.S.Q., chapter A-21.1)

Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., chapter A-23.01)

Health Insurance Act (R.S.Q., chapter A-29)

Highway Safety Code (R.S.Q., chapter C-24.2)

Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1)

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Acts amended (Cont'd):

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
Act respecting the Conseil des Communautés culturelles et de l'Immigration (R.S.Q., chapter C-57.2)
Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
Act respecting private education (R.S.Q., chapter E-9.1)
Executive Power Act (R.S.Q., chapter E-18)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Education Act (R.S.Q., chapter I-13.3)
Act respecting the Ministère de l'Éducation et de la Science (R.S.Q., chapter M-15)
Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2)
Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1)
Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-23.1)
Government Departments Act (R.S.Q., chapter M-34)
Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5)
Police Act (R.S.Q., chapter P-13)
Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01)
Consumer Protection Act (R.S.Q., chapter P-40.1)
Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1)
Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1)
Act respecting transportation by taxi (R.S.Q., chapter T-11.1)
Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)
Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)
Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)



CHAPTER 15

An Act to amend the Act respecting the Ministère des Affaires internationales, the Act respecting the Ministère des Communautés culturelles et de l'Immigration and other legislative provisions

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES

c. M-21.1,
title,
replaced

1. The Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) is amended by replacing the title by the following title:

“Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles”.

c. M-21.1,
s. 1, replaced

2. Section 1 of the said Act is replaced by the following section:

Minister

“1. The Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles shall be under the direction of the Minister of International Affairs, Immigration and Cultural Communities appointed under the Executive Power Act (chapter E-18).”

c. M-21.1,
s. 2, am.

3. Section 2 of the said Act is amended by adding, at the end, the words “, Immigration and Cultural Communities”.

c. M-21.1,
s. 8, am.

4. Section 8 of the said Act is amended by replacing the words “of the Minister or Deputy Minister” in the second line of the first paragraph by the word “required”.

c. M-21.1,
s. 10, am.

5. Section 10 of the said Act is amended by inserting the words “, de l'Immigration et des Communautés culturelles” after the word “internationales” in the second line.

c. M-21.1,
heading,
added

6. The said Act is amended by inserting, after the heading of Chapter II, the following heading:

“DIVISION I

“INTERNATIONAL AFFAIRS”.

c. M-21.1,
s. 18, am.

7. Section 18 of the said Act is amended by inserting the words “, Immigration and Cultural Communities” after the word “Affairs” in the second line.

c. M-21.1,
ss. 18.1-18.4,
added

8. The said Act is amended by inserting, after section 18, the following heading and sections:

“DIVISION II

“IMMIGRATION AND CULTURAL COMMUNITIES

Functions

“18.1 The Minister shall, in addition, be responsible for the administration of the Acts relating to immigrants and to foreign nationals who settle temporarily in Québec, and the Acts relating to cultural communities.

Policy

“18.2 The Minister shall devise a policy relating to immigrants and to foreign nationals who settle temporarily in Québec, and propose it to the Government. He shall be responsible for the planning, coordination and implementation of the policy.

Functions

The functions of the Minister shall include informing, recruiting and selecting such persons, facilitating their settlement in Québec, and ensuring their harmonious integration into Québec society and, more particularly, into the French-speaking majority.

Policy

“18.3 The Minister shall devise a policy relating to the development of cultural communities and to their full participation in Québec society, and propose it to the Government. He shall be responsible for the planning, coordination and implementation of the policy.

Functions

He shall be responsible, in particular, for programs designed to maintain and develop original cultures and to ensure that they exchange with and draw closer to the French-speaking community.

Functions

“18.4 In exercising his functions, the Minister shall

(1) study available data on Québec’s manpower requirements, available employment and possibilities for immigrant settlement,

taking into account the characteristics of the population and the territorial development programs;

(2) carry out surveys and research regarding emigration pools susceptible of providing immigrants for Québec and regarding methods to be used for immigrant recruitment and selection;

(3) take the necessary measures to inform, recruit and select such persons and facilitate their establishment in Québec according to demographic, economic and socio-cultural needs;

(4) establish and maintain immigrant assistance services responsible for receiving immigrants upon their arrival in Québec, providing them with the required assistance, remaining in contact with them and providing them with the support they need;

(5) take the steps that are necessary to enable persons settling in Québec to acquire, upon arrival or before leaving their country of origin, a knowledge of the French language;

(6) establish and maintain adaptation services responsible for the harmonious integration of immigrants into Québec society and, more particularly, into the French-speaking majority;

(7) take, with the departments concerned, the measures necessary to establish standards for the recognition in Québec of diplomas obtained, studies completed, training received and experience acquired abroad and the corresponding equivalences;

(8) define objectives regarding the number of foreign nationals who may be admitted in a given period taking into account, in particular, the demographic, economic and socio-cultural needs of Québec.”

c. M-21.1,
s. 35.3, am.

9. Section 35.3 of the said Act is amended by inserting the words “, Immigration and Cultural Communities” after the word “Affairs” in the first line of paragraph 3.

c. M-21.1,
s. 35.4, am.

10. Section 35.4 of the said Act is amended by inserting the words “, Immigration and Cultural Communities” after the word “Affairs” in the second line of the second paragraph.

c. M-21.1,
s. 35.11, am.

11. Section 35.11 of the said Act is amended by inserting the words “, Immigration and Cultural Communities” after the word “Affairs” in the first line of the third paragraph.

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

c. M-23.1,
title,
replaced

12. The Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-23.1) is amended by replacing the title by the following title:

“Act respecting immigration to Québec”.

c. M-23.1,
s. 1, repealed

13. Section 1 of the said Act is repealed.

c. M-23.1,
heading,
added

14. The said Act is amended by inserting, after the title, the following heading:

“DIVISION I

“DEFINITION”.

c. M-23.1,
s. 2, am.

15. Section 2 of the said Act is amended

(1) by striking out the first paragraph;

(2) by adding the words “, who settles temporarily in Québec otherwise than as the representative of a foreign government or as an international civil servant” at the end of the second paragraph.

c. M-23.1,
heading,
added

16. The said Act is amended by inserting, after section 2, the following heading:

“DIVISION II

“SELECTION OF FOREIGN NATIONALS”.

c. M-23.1,
s. 3, am.

17. Section 3 of the said Act, amended by section 1 of chapter 70 of the statutes of 1993, is again amended

(1) by striking out the first and second paragraphs;

(2) by inserting the words “is effected within the framework of government policy concerning immigrants and foreign nationals. The selection is” after the word “Québec” in the second line of the third paragraph;

(3) by striking out the fourth paragraph.

c. M-23.1,
s. 3.1, am.

18. Section 3.1 of the said Act, amended by section 2 of chapter 70 of the statutes of 1993, is again amended by inserting the words “of International Affairs, Immigration and Cultural Communities” after the word “Minister” in the second line of the first paragraph.

c. M-23.1,
heading,
added

19. The said Act is amended by inserting, after section 3.2.2, the following heading:

“DIVISION III

“INTEGRATION OF FOREIGN NATIONALS”.

c. M-23.1,
heading,
added

20. The said Act is amended by inserting, after section 3.2.8, the following heading:

“DIVISION IV

“REGULATIONS AND AGREEMENTS”.

c. M-23.1,
s. 4, repealed

21. Section 4 of the said Act is repealed.

c. M-23.1,
s. 6, am.

22. Section 6 of the said Act, amended by section 13 of chapter 70 of the statutes of 1993, is again amended by replacing the words “, with the authorization of the Government, may” in the first line of the first paragraph by the words “may, according to law,”.

c. M-23.1,
ss. 9-12,
repealed

23. Sections 9 to 12 of the said Act are repealed.

c. M-23.1,
heading,
added

24. The said Act is amended by inserting, before section 12.1, the following heading:

“DIVISION V

“INVESTIGATIONS”.

c. M-23.1,
heading,
added

25. The said Act is amended by inserting, after section 12.2, the following heading:

“DIVISION VI

“PENAL PROVISIONS”.

c. M-23.1,
ss. 13-16,
repealed

26. Sections 13 to 16 of the said Act are repealed.

c. M-23.1,
heading,
added

27. The said Act is amended by inserting, before section 17, the following heading:

“DIVISION VII

“BUREAU DE RÉVISION EN IMMIGRATION”

c. M-23.1,
s. 39, am.

28. Section 39 of the said Act is amended by replacing the words “within the time prescribed in section 9” in the last line by the words “within six months of the end of each fiscal year or, if the National Assembly is not sitting, within 30 days of resumption”.

c. M-23.1,
s. 40, added

29. The said Act is amended by adding, after section 39, the following heading and section:

“DIVISION VIII

“FINAL PROVISION

Minister

40. The Minister of International Affairs, Immigration and Cultural Communities is responsible for the administration of this Act.”

CONSEQUENTIAL PROVISIONS

EXECUTIVE POWER ACT

c. E-18, s. 4,
am.

30. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 33 of chapter 51 of the statutes of 1993, is again amended

(1) by adding the words “, Immigration and Cultural Communities” at the end of subparagraph 4 of the first paragraph;

(2) by striking out subparagraph 20 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

c. M-19.2,
s. 3, am.

31. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by replacing paragraph *k* by the following paragraph:

“(k) determine the possibilities for the adoption of children domiciled outside Québec, taking into account the objectives defined by the Minister of International Affairs, Immigration and Cultural Communities under the Act respecting the Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles and the Act respecting immigration to Québec;”.

GOVERNMENT DEPARTMENTS ACT

c. M-34, s. 1,
am.

32. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 42 of chapter 51 of the statutes of 1993, is again amended

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

“(3) The Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles, presided over by the Minister of International Affairs, Immigration and Cultural Communities;”;

(2) by striking out paragraph 19.

Words
replaced

33. The words “Minister of International Affairs”, “Ministère des Affaires internationales” and “Act respecting the Ministère des Affaires internationales” are replaced, respectively, by the words “Minister of International Affairs, Immigration and Cultural Communities”, “Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles”, and “Act respecting the Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles” wherever they occur in the following provisions:

(1) section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) section 2 of the Act respecting the accreditation and financing of students’ associations (R.S.Q., chapter A-3.01), amended by section 1 of chapter 10 of the statutes of 1993;

(3) section 111 of the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);

(4) section 27.3 of the Act respecting family assistance allowances (R.S.Q., chapter A-17);

(5) the schedule to the Archives Act (R.S.Q., chapter A-21.1);

(6) section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., chapter A-23.01);

(7) section 92 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(8) sections 196 and 248 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);

(9) section 290 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(10) section 216 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 92 of chapter 67 of the statutes of 1993;

(11) section 66 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

(12) section 4 of the Act respecting private education (R.S.Q., chapter E-9.1), amended by section 74 of chapter 2 of the statutes of 1994;

(13) section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 139 of chapter 68 of the statutes of 1992, by section 117 of chapter 67 of the statutes of 1993 and by section 75 of chapter 2 of the statutes of 1994, section 210 of the said Act, section 236 of the said Act, amended by section 140 of chapter 68 of the statutes of 1992, by section 119 of chapter 67 of the statutes of 1993 and by section 76 of chapter 2 of the statutes of 1994, and section 255 of the said Act, amended by section 141 of chapter 68 of the statutes of 1992 and by section 77 of chapter 2 of the statutes of 1994;

(14) sections 15, 294 and 296 of the Education Act (R.S.Q., chapter I-13.3), amended by sections 143, 146 and 147 of chapter 68 of the statutes of 1992;

(15) section 1.3 of the Act respecting the Ministère de l'Éducation et de la Science (R.S.Q., chapter M-15), replaced by section 6 of chapter 51 of the statutes of 1993;

(16) section 5 of the Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5);

(17) section 79.7 of the Police Act (R.S.Q., chapter P-13);

(18) section 6 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);

(19) section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1), amended by section 151 of chapter 68 of the statutes of 1992 and by section 78 of chapter 2 of the statutes of 1994;

(20) section 33 of the Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);

(21) section 42 of the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);

(22) section 2 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1), amended by section 1 of chapter 12 of the statutes of 1993;

(23) sections 168 and 353 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(24) section 49 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), replaced by section 14 of chapter 17 of the statutes of 1989;

(25) section 62 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), replaced by section 15 of chapter 17 of the statutes of 1989.

Words
replaced

34. The words “Minister of Cultural Communities and Immigration”, “Ministère des Communautés culturelles et de l’Immigration” and “Deputy Minister of Cultural Communities and Immigration” are replaced, respectively, by the words “Minister of International Affairs, Immigration and Cultural Communities”, “Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles” and “Deputy Minister of International Affairs, Immigration and Cultural Communities” wherever they occur in the following provisions:

(1) section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 17 of chapter 51 of the statutes of 1993;

(2) section 4 of the Act respecting the Conseil des Communautés culturelles et de l’Immigration (R.S.Q., chapter C-57.2), section 8 of the said Act, amended by section 4 of chapter 69 of the statutes of 1993, section 13 of the said Act, amended by section 7 of chapter 69 of the statutes of 1993, and section 22 of the said Act.

FINAL PROVISIONS

References

35. Unless otherwise indicated by the context, a reference in any other Act or in any regulation, by-law, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document to the Minister or Deputy Minister of International Affairs or to the Ministère des Affaires internationales, or to the Minister or Deputy Minister of Cultural Communities and Immigration or the

Ministère des Communautés culturelles et de l'Immigration, is a reference to the Minister or Deputy Minister of International Affairs, Immigration and Cultural Communities or to the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles.

References

In such documents, unless otherwise indicated by the context, a reference to the Act respecting the Ministère des Affaires internationales, the Act respecting the Ministère des Communautés culturelles et de l'Immigration or to any provision thereof is, according to the matter concerned, a reference to the Act respecting the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles, to the Act respecting immigration to Québec, or to the corresponding provision of either Act.

Coming into
force

36. This Act comes into force on 17 June 1994.