



CHAPTER 82

An Act to amend the Immigration Department Act

[Assented to 28 November 1978]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1968, c. 68,
s. 2, am.

1. Section 2 of the Immigration Department Act (1968, chapter 68), replaced by section 1 of chapter 64 of the statutes of 1974, is amended by adding at the end the following paragraph:

“foreign
national”.

“In this act, “foreign national” means a person who is neither a Canadian citizen nor a permanent resident within the meaning of the Act respecting immigration to Canada (Statutes of Canada, 25-26 Elizabeth II, chapter 52) and the regulations thereunder.”

1968, c. 68,
s. 3,
replaced.

2. Section 3 of the said act, amended by section 3 of chapter 9 of the statutes of 1969 and by section 111 of chapter 6 of the statutes of 1974 and replaced by section 2 of chapter 64 of the statutes of 1974, is again replaced by the following section:

Respon-
sibilities
of
Minister.

“3. The Minister is responsible for the planning, coordination and implementation of government policies respecting immigrants and foreign nationals who settle temporarily in the province of Québec otherwise than as the representative of a foreign government or as an international civil servant.

Functions.

His functions are to inform, recruit and select such persons, facilitate their settling in Québec and ensure their harmonious integration into Québec society and more particularly with the francophone majority.

Selection
of foreign
nationals.

The selection of foreign nationals wishing to settle permanently or temporarily in Québec is intended, in particular,

(a) to contribute to the enrichment of the socio-cultural heritage of Québec, to the stimulation of its economic development and to the pursuit of its demographic objectives;

(b) to facilitate the reuniting, in Québec, of Canadian citizens and permanent residents with their close relatives from abroad;

(c) to enable Québec to assume its share of responsibilities regarding the reception of refugees and other persons in a particularly distressful situation;

(d) to favour the coming, among foreign nationals who apply therefor, of persons who will be able to become successfully established in Québec;

(e) to facilitate the conditions of the stay in Québec of foreign nationals wishing to study, work temporarily or receive medical treatment, having regard to the reasons for their coming and the capacity of Québec to receive them.

Duties of
Minister.

The Minister shall, for those purposes:

(a) study the available data respecting the needs of the labour market in Québec, the employment available there and the opportunity for settlement there by immigrants, having regard to the characteristics of the population and the programmes for the development of the territory;

(b) carry on studies and research regarding emigration pools susceptible of providing Québec with immigrants and regarding the steps to be taken for their recruitment and selection;

(c) take the necessary measures to inform, recruit, select and favour the establishment of such persons on the territory in relation to the demographic, economic and socio-cultural needs of Québec, while respecting their right to mobility;

(d) establish and maintain immigrants aid services to receive and assist immigrants upon their arrival in Québec and give them any assistance necessary, to keep in touch with them and give them any assistance they need;

(e) take the measures necessary so that the persons who settle in Québec may acquire the knowledge of the French language upon arrival or even before they leave their country of origin;

(f) establish and maintain services of adaptation entrusted with the harmonious integration of immigrants into Québec society and more particularly with the francophone majority;

(g) take with the departments concerned the necessary measures to establish standards for the recognition in Québec of diplomas obtained abroad and studies undertaken or training received there and experience acquired, in view of the assignment of corresponding equivalents;

(h) define goals regarding the number of foreign nationals that may be admitted over a given period, having regard, in particular, to the demographic, economic and socio-cultural needs of Québec."

1968, c. 68,
ss. 3a-3c,
added.

3. The said act is amended by inserting, after section 3, the following sections:

Application
for
permanent
residence.

“3a. A foreign national wishing to settle permanently in Québec must file an application with the Minister in the manner determined by regulation.

Process.

The Minister shall process the application, having regard to the order of priorities prescribed by regulation.

Selection
certificate.

The Minister shall issue a selection certificate to the foreign national who meets the conditions and criteria of selection determined by regulation.

Idem.

Notwithstanding the third paragraph, the Minister may, in accordance with the regulations, issue a selection certificate to a foreign national in a particularly distressful situation, in particular, in the case of Convention refugees as defined in the Act respecting immigration to Canada, or in any other case where the Minister considers that the results obtained following the application of the selection criteria do not reflect whether or not the foreign national will be able to become successfully established in Québec.

Application
for
temporary
admission.

“3b. Excepting the classes of foreign nationals excluded by regulation, a foreign national seeking temporary admission to Québec to work, study or receive medical treatment must file an application with the Minister in the manner prescribed by regulation.

Certificate
of
acceptance.

The Minister shall issue a certificate of acceptance to the foreign national who meets the conditions determined by regulation.

Idem.

Notwithstanding the second paragraph, the Minister may, in cases provided for by regulation, exempt a foreign national from the application of the conditions contemplated in the second paragraph and issue a certificate of acceptance to him.

Regula-
tions.

“3c. The Lieutenant-Governor in Council may make regulations

(a) determining classes of foreign nationals who have filed an application for a selection certificate referred to in section 3a;

(b) determining the conditions of selection applicable to each of such classes, having regard, in particular, to criteria such as the formation and the professional training and experience of the foreign national, the needs of the labour market in Québec in his profession, his age and personal qualities, his general culture, his knowledge of languages, the assistance he may receive from relatives or friends residing in Québec, and determining the weighting of the selection criteria;

(c) determining the conditions required of a person residing in Québec who is prepared to assist a foreign national in settling in Québec, in particular, requirements regarding such a person's financial situation and obligations;

(d) determining the cases where and the classes of foreign nationals to whom the Minister may issue a selection certificate referred to in the fourth paragraph of section 3a, and determining the procedure to be followed in a case where the Minister considers that the results obtained following the application of the selection criteria do not reflect whether or not the foreign national will be able to become successfully established in Québec;

(e) for the purposes of section 3b, determining, while having particular regard to labour market conditions in Québec, the conditions that must be met by a foreign national seeking to stay temporarily in Québec to work, determining the conditions that must be met by a foreign national seeking to stay temporarily in Québec to study or receive medical treatment, establishing the cases where the Minister may exempt a foreign national from the application of the conditions referred to in the second paragraph of section 3b, and determining the classes of foreign nationals who may be excluded from the application of section 3b;

(f) determining the form and tenor of an application for a selection certificate referred to in section 3a or of an application for a certificate of acceptance referred to in section 3b, and the procedure to be followed for the obtaining of such certificates;

(g) prescribing an order of priorities for the processing of applications for a selection certificate referred to in section 3a;

(h) determining the criteria regarding the obtaining, maintaining and extension of services of adaptation and language instruction provided by the department to persons settling in Québec who apply therefor and determine the criteria and mechanisms for the granting of financial assistance to persons entitled to it.

Coming
into force.

Regulations made pursuant to this section come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

1968, c. 68,
s. 9,
replaced.

4. Section 9 of the said act, amended by section 4 of chapter 64 of the statutes of 1974, is replaced by the following section:

Advisory
board.

"9. The Lieutenant-Governor in Council may constitute an advisory board after consultation by the Minister with the main agencies, groups and representative associations concerned with matters relating to immigration. That advisory board is composed of not more than fifteen members to advise the Minister on any matter which he submits to it respecting immigration,

the adaptation of immigrants to their new environment and the preservation of ethnic customs, and to transmit to the Minister any advice such board considers appropriate respecting the same matters.

Members. The members of such board shall receive no salary as such; they may be indemnified for their expenses in attending meetings and may receive an attendance allowance fixed by the Lieutenant-Governor in Council.

By-laws. Such board may make such by-laws as it deems appropriate for its internal management; such by-laws come into force upon approval by the Lieutenant-Governor in Council."

1968, c. 68,
ss. 13a-13c,
added. **5.** The said act is amended by inserting, after section 13, the following sections:

Investigation by Minister. "**13a.** In the exercise of the functions and powers conferred on him by this act or the regulations, the Minister may, personally or through a person designated by him, investigate any matter under his jurisdiction.

Prohibitions. "**13b.** To hinder an investigator in the performance of his duties, to mislead him or attempt to mislead him by misrepresentation or by failing or refusing, without valid reason, to fully answer all the questions that may lawfully be posed, or to refuse to obey any order he may give under this act or the regulations, is prohibited.

Certificate of investigator. An investigator must, if required, present a certificate of his status signed by the Minister.

Offence and penalty. "**13c.** Every person who contravenes this act or the regulations is guilty of an offence and is liable, on summary proceeding, in addition to payment of the costs, to a fine of not less than fifty nor more than one thousand dollars."

Coming into force (13 Dec. 1978, G.O., 1978, p. 7227). **6.** This act will come into force on the date to be fixed by proclamation of the Government, except any provisions excluded by that proclamation, which will come into force on any later date that may be fixed by proclamation of the Government.