



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 416

**An Act to amend the Act respecting
the Ministère des Communautés
culturelles et de l'Immigration**

Introduction



Introduced by
Madam Monique Gagnon-Tremblay
Minister of Cultural Communities and Immigration

**Québec Official Publisher
1992**

EXPLANATORY NOTES

This bill amends the Act respecting the Ministère des Communautés culturelles et de l'Immigration in order to grant the Minister increased power with respect to issuing selection certificates.

It also creates the possibility for the Minister to issue a certificate of identity to foreign nationals in Québec.

Finally, it introduces certain amendments to the Government's regulatory power and enacts other measures of an administrative nature or for concordance in order to facilitate administration of the Act.

Bill 416

An Act to amend the Act respecting the Ministère des Communautés culturelles et de l'Immigration

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3.1 of the Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-23.1) is amended by adding, at the end of the fourth paragraph, the following sentence: “Conversely, the Minister may refuse to issue such a certificate to a foreign national who meets the conditions and criteria of selection if he has reasonable grounds to believe that the foreign national does not intend to settle in Québec or is unlikely to settle successfully in Québec or that the settlement of the foreign national would be contrary to public interest.”

2. The said Act is amended by inserting, after section 3.1.1 enacted by section 1 of chapter 3 of the statutes of 1991, the following section:

“3.1.2 A foreign national in Québec who does not hold a selection certificate may make an application to the Minister for a certificate of identity. He shall file his application in the manner prescribed by regulation.

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

3. Section 3.2.1 of the said Act, enacted by section 2 of chapter 3 of the statutes of 1991, is amended by inserting the words “of acceptance or a certificate of identity” after the word “certificate” in the second line.

4. Section 3.2.2 of the said Act, enacted by section 2 of chapter 3 of the statutes of 1991, is amended

(1) by inserting the words “, a certificate of identity” after the word “acceptance” in the second line of the first paragraph;

(2) by inserting, in the French text, the words “ou l’attestation” after the word “certificat” in the first lines of subparagraphs *a* and *b* of the first paragraph;

(3) by inserting, in the French text, the words “de l’attestation ou pour” after the word “ou” in the second line of subparagraph *c* of the first paragraph.

5. Section 3.3 of the said Act, amended by section 3 of chapter 3 of the statutes of 1991, is again amended

(1) by inserting the words “, his financial situation” after the word “languages” in the sixth line of paragraph *b*;

(2) by adding, at the end of paragraph *c*, the words “and the cases of termination of an undertaking”;

(3) by adding, at the end of paragraph *c.2*, the words “and prescribing exemptions to one or several conditions by reason of the family situation or minority of the foreign national for whom the undertaking is subscribed”;

(4) by inserting, after paragraph *d*, the following paragraph:

“(d.1) determining the conditions that must be met by a foreign national who applies for a certificate of identity under section 3.1.2 and determining classes of foreign nationals for which these conditions may vary;”;

(5) by replacing paragraphs *f*, *f.1* and *f.2* by the following paragraphs:

“(f) determining the form and tenor of applications for a selection certificate under section 3.1, a certificate of identity under section 3.1.2 or a certificate of acceptance under section 3.2, establishing the procedure to be followed for obtaining such certificates and prescribing their form;

“(f.1) determining the conditions of validity of a certificate of identity, a selection certificate or a certificate of acceptance and their duration and providing that the duration of a certificate of acceptance may vary, in the case of a foreign national coming to Québec to study, according to whether he is a minor or of age or according to the program of study or the duration of his studies, in the case of a foreign

national coming to Québec to work, according to his professional experience or the needs of the labour market in Québec in his profession or, in the case of a foreign national coming to Québec to receive medical treatment, according to the duration of the treatment ;

“(f.2) prescribing the duties payable for the processing of an application for an undertaking, a selection certificate or a certificate of acceptance, for the issue of either certificate or the subscription of the undertaking and determining the cases of total or partial exemption from the payment of such duties; duties may vary, in the case of an undertaking, according to the family situation of the foreign national, in the case of a selection certificate, according to the classes of foreign nationals or, in the case of a certificate of acceptance, according to the reason for the temporary admission to Québec of the foreign national;”.

6. Section 12.1 of the said Act, replaced by section 5 of chapter 3 of the statutes of 1991, is amended by inserting the words “, a certificate of identity” after the word “acceptance” in the fourth line of the first paragraph.

7. Section 12.3 of the said Act, replaced by section 5 of chapter 3 of the statutes of 1991, is amended by inserting the words “, a certificate of identity” after the word “acceptance” in the first line of paragraph *a*.

8. Section 12.4 of the said Act, enacted by section 5 of chapter 3 of the statutes of 1991, is amended by replacing the words “or a certificate of acceptance” in the second line by the words “, a certificate of acceptance or a certificate of identity”.

9. Section 12.7 of the said Act, enacted by section 5 of chapter 3 of the statutes of 1991, is amended by replacing the words “or the certificate of acceptance” in the fifth and sixth lines by the words “, the certificate of acceptance or the certificate of identity”.

10. Section 16 of the said Act is amended by replacing the words “or the Deputy Minister” in the second line by the words “, the Deputy Minister or a person designated in writing by the Minister or the Deputy Minister”.

11. Section 39 of the said Act, enacted by section 6 of chapter 3 of the statutes of 1991, is amended by replacing the word “March” in the second line by the word “July”.

12. The provisions of this Act will come into force on the date or dates fixed by the Government.