

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 77

An Act amend the Immigration Department Act

First reading

Second reading

Third reading



M. JACQUES COUTURE
Ministre de l'immigration

L'ÉDITEUR OFFICIEL DU QUÉBEC



EXPLANATORY NOTES

The proposed amendments to the Immigration Department Act mainly concern

(a) the fixing, by the immigration Minister, of goals regarding the number of foreign nationals that are admissible, having regard to the needs of Québec;

(b) the power conferred on the immigration Minister to issue a selection certificate to foreign nationals wishing to settle permanently in Québec or to foreign nationals who are in a particularly distressful situation;

(c) the power conferred on the immigration Minister to issue a certificate of acceptance to foreign nationals seeking temporary admission to Québec to work, study or receive medical treatment;

(d) the regulatory power of the Government regarding the selection of foreign nationals wishing to settle in Québec on a permanent or on a temporary basis;

(e) the the regulatory power of the Government regarding the selection of foreign nationals wishing to benefit by services of adaptation or language instruction provided by the department or of financial assistance for that purpose;

(f) the change of name of the advisory committee to that of advisory board;

(g) the powers of investigation conferred on the immigration Minister for the application of the act and the regulations;

(h) the penalties applicable in cases of contravention to the act or the regulations.

Sec. 1. The proposed amendment to section 2 of the act provides for a definition of the expression "foreign national".

Sec. 2. The proposed amendment to section 3 of the act is entirely new legislation, intended to require the Minister to determine goals regarding the number of immigrants to be admitted to Québec.

Sec. 3. Sections 3a, 3b and 3c proposed by section 3 of the bill are entirely new legislation.

Bill 77

An Act to amend the Immigration Department Act

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

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:

“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.”

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 amended by adding, at the end of the third paragraph, the following paragraph:

“(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 the various regions of Québec.”

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

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

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



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

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.

“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.

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

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.

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

(a) determining the classes of foreign nationals who may file an application for a selection certificate referred to in section 3a, the conditions and criteria of selection applicable to each of such classes, the standards of evaluation required for the application of those criteria of selection and the conditions required of a person residing in Québec who is prepared to assist a foreign national in settling in Québec, particularly standards regarding such a person's financial situation and obligations;

(b) 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;

(c) 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 temporary

Sec. 4. *Section 9 of the act presently reads as follows:*

“9. The Lieutenant-Governor in Council may constitute an advisory committee composed of not more than fifteen members to advise the Minister upon 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 notice such committee considers appropriate respecting the same matters. The members of such committee shall receive no salary as such; they may be indemnified for their expenses in attending meetings and may receive an expense allowance fixed by the Lieutenant-Governor in Council.

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

Sec. 5. *Sections 13a, 13b and 13c proposed by section 5 of the bill are entirely new legislation. They confer on the Minister the power to investigate, and create infractions in case of contravention to the act or the regulations.*

admission to Québec to work, determining the conditions that must be met by a foreign national seeking temporary admission to 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 3*b*, and determining the classes of foreign nationals who may be excluded from the application of section 3*b*;

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

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

(*f*) determining the criteria and mechanisms for the selection of persons settling in Québec who are to benefit by services of adaptation and language instruction provided by the department, and the criteria and mechanisms for the granting of financial assistance to persons entitled to it.

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.”

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:

“**9.** The Lieutenant-Governor in Council may constitute an advisory board 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.

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.

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.”

5. The said act is amended by inserting, after section 13, the following sections:

“**13a.** In the exercise of the functions and powers conferred on him by this act or the regulations, the Minister may, person-

ally or through a person designated by him, investigate any matter under his jurisdiction.

“13b. To hinder an investigator in the performance of his duties, to mislead him or attempt to mislead him by concealment or misrepresentation or to refuse to obey any order he may give under this act or the regulations, is prohibited.

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

“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.”

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.