

**6.** The mediation sessions may be held by using any appropriate technological means, with the parties' consent.

#### **DIVISION I** **ROLE OF THE MEDIATOR AND OBLIGATIONS** **OF THE PARTIES**

**7.** The mediator must be capable of acting impartially and diligently and in accordance with the requirements of good faith.

The mediator has a duty to treat the parties fairly and must see that each party has an opportunity to argue its case. The mediator may also propose solutions, with the parties' consent.

**8.** The mediator may suspend a mediation session at any time in the interests of the parties or one of the parties. The mediator may also end the mediation session if warranted by the circumstances.

**9.** If the parties agree to enter into mediation to resolve the complaint, they shall sign a mediation agreement. The agreement shall specify, in particular, that mediation is undertaken freely and voluntarily, the role of the mediator, the obligations of the parties and the confidentiality of the mediation process.

**10.** The parties are required to participate in the mediation process in good faith, to be transparent with each other, including as regards the information in their possession, and to cooperate actively in searching for a solution.

The parties may, at any time in the mediation process, exchange offers, proposals or solutions in order to resolve the complaint.

#### **DIVISION II** **CONFIDENTIALITY OF MEDIATION**

**11.** The mediator and the parties to the mediation must preserve the confidentiality of anything said, written or done during mediation, subject to their agreement on the matter or to any special provisions of the law.

**12.** Consent to allow inadmissible evidence consisting of information and documents exchanged during mediation must be given in writing and be signed by the parties.

#### **DIVISION III** **RESULTS OF MEDIATION**

**13.** When mediation leads to an agreement, a written statement to that effect must be signed by the mediator and the parties.

The mediator must send this statement to the Régie, which ceases examining the complaint.

**14.** When mediation does not lead to an agreement, but the parties agree, in order that mediation be continued, to an extension of the period during which the examination of the complaint is suspended in accordance with section 100.1 of the Act respecting the Régie de l'énergie (chapter R-6.01), as amended by section 12 of the Act to implement the 2030 Energy Policy and to amend various legislative provisions (2016, chapter 35), the mediator sends written notice to that effect to the Régie prior to the end of this period. Failing such notice, the Régie resumes examining the complaint.

#### **CHAPTER III** **FINAL PROVISIONS**

**15.** Division I of Chapter III of the Rules of Procedure of the Régie de l'énergie (chapter R-6.01, r. 4.1) is repealed.

**16.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

103600

Gouvernement du Québec

**O.C. 963-2018, 3 July 2018**

Québec Immigration Act  
(2016, chapter 3)

Québec Immigration Regulation

WHEREAS the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

WHEREAS the provisions of the Act come into force on 2 August 2018 under Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

WHEREAS, under sections 8 and 9 of the Québec Immigration Act, the Government may make regulations on the matters set forth therein with respect to classes of foreign nationals;

WHEREAS, under the first paragraph of section 10 and section 12 of the Act, the Government may, by regulation, determine exemptions related to the matters set forth therein;

WHEREAS, under sections 14 and 15 and the second paragraph of section 17 of the Act, the Government may, by regulation, determine the cases, conditions, manner and criteria applicable to the matters set forth therein;

WHEREAS, under sections 18 and 21 of the Act, the Government may make regulations on the matters set forth therein with respect to the Minister's selection decision;

WHEREAS, under the second paragraph of section 22 and sections 23 and 24 of the Act, the Government may make regulations on the matters set forth therein with respect to sponsorship undertakings;

WHEREAS, under sections 26, 29 and 30 of the Act, the Government may make regulations on the matters set forth therein with respect to the selection of a foreign national who belongs to the economic class;

WHEREAS, under sections 34 and 35 of the Act, the Government may make regulations on the matters set forth therein with respect to the selection of a foreign national in a special hardship situation;

WHEREAS, under the first paragraph of sections 37 and 38 and section 40 of the Act, the Government may make regulations on the matters set forth therein with respect to the Minister's override power;

WHEREAS, under the first paragraph of section 42, the second paragraph of section 43 and section 48 of the Act, the Government may make regulations on the matters set forth therein with respect to the expression of interest and the Minister's invitation to a foreign national to file an application;

WHEREAS, under the second paragraph of section 58 and the first paragraph of section 59 of the Act, the Government may make regulations on the matters set forth therein with respect to the lapse or cancellation of a decision of the Minister;

WHEREAS, under sections 81 and 82 of the Act, the Government may make regulations on the matters set forth therein with respect to fees payable;

WHEREAS, under the second paragraph of section 94 of the Act, the Government may, by regulation, within the specified minimum and maximum limits, set the minimum and maximum amounts of a fine according to the nature of the violation and its seriousness;

WHEREAS, under section 101 of the Act, the Government may, by regulation, prescribe administrative penalties, including monetary penalties, for contraventions of the Act or the regulations and the conditions applicable to such penalties;

WHEREAS, under section 103 of the Act, the regulatory provisions whose violation constitutes a penal offence are determined by government regulation;

WHEREAS, under section 105 of the Act, a regulation made under the Act may provide for exemptions and vary for different immigration cases, classes or programs or components of an immigration program, and according to the different classes of immigration consultants and different application examination stages;

WHEREAS, under section 106 of the Act, a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

WHEREAS, under section 126 of the Act, the Government may, by a regulation made within 12 months after the date of coming into force of the Act, enact any transitional measure applicable to applications filed with the Minister before that date;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Québec Immigration Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 March 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Québec Immigration Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Diversity and Inclusiveness:

THAT the Québec Immigration Regulation, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

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## Québec Immigration Regulation

### Québec Immigration Act

(2016, chapter 3, ss. 8 to 10, 12, 14, 15, 17, 18, 21 to 24, 26, 29, 30, 34, 35, 37, 38, 40, 42, 43, 48, 58, 59, 81, 82, 94, 101, 103, 105, 106 and 126)

### CHAPTER I DEFINITIONS

#### I. In this Regulation,

“accompanying family member” means, with respect to a foreign national, a family member who is selected by the Minister to accompany the foreign national to Québec where the foreign national is selected; (*membre de la famille qui l’accompagne*)

“Act” means the Act respecting immigration to Québec (2016, chapter 3); (*Loi*)

“basic needs” means food, clothing, personal necessities and any other expenses pertaining to living in a house or a dwelling. Such needs also include any special benefits awarded by the Gouvernement du Québec under the Individual and Family Assistance Act (chapter A-13.1.1) and referred to in section 83 and Schedules I to III to the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1); (*besoins essentiels*)

“child” means, with respect to any person, the child of whom that person is the biological father or mother and was not adopted by a person other than the spouse or de facto spouse of one of the parents, or the adopted child of whom that person is either of the adoptive parents; (*enfant*)

“conjugal partner” means, with respect to a person, a person at least 16 years of age residing outside Canada who has been in a conjugal relationship with the person for at least 1 year; (*partenaire conjugal*)

“de facto spouse” means a person at least 16 years of age who is in one of the following situations:

(1) the person has been living for at least 1 year with a person of the opposite sex or the same sex who is at least 16 years of age; or

(2) the person has had a conjugal relationship for at least 1 year with such a person but, since the person is being persecuted or the subject of any form of penal control, cannot live with that person; (*conjoint de fait*)

“dependent child” means a child who

(1) is less than 22 years of age and is not a spouse or de facto spouse; or

(2) is 22 years of age or older and has depended substantially on the financial support of one of the parents since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition; (*enfant à charge*)

“educational institution” means

(1) an educational institution within the meaning of section 36 of the Education Act (chapter I-13.3);

(2) a college established in accordance with section 2 of the General and Vocational Colleges Act (chapter C-29);

(3) a private educational institution for which a permit has been issued under section 10 of the Act respecting private education (chapter E-9.1);

(4) an educational institution operated under an Act of Québec by a government department or a body that is a mandatary of the State or an arts training institution recognized by the Ministère de la Culture et des Communications;

(5) the Conservatoire de musique et d’art dramatique du Québec established pursuant to the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);

(6) an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1); (*établissement d’enseignement*)

“employer” means a person, enterprise or organization established in Québec and that exercises daily control on work carried out by an employee and that is responsible for hiring, firing, disciplining, training, assessing work, affecting positions, remuneration and integration of the employee in the enterprise or organization; (*employeur*)

“employment” or “work” means any activity for which a person receives valuable consideration; (*emploi ou travail*)

“enterprise accelerator” means an organization having an establishment in Québec that offers support services, in particular, in the search for financing, to persons whose business projects involve the growth of innovative enterprises; (*accélérateur d’entreprises*)

“enterprise incubator” means an organization having an establishment in Québec and that offers coaching services, in particular, hosting, to persons whose business projects involve the creation of innovative enterprises; (*incubateur d’entreprises*)

“family member” means, with respect to a person, a person who is

- (1) the spouse or de facto spouse; and
- (2) the dependent child of that person or of the spouse or de facto spouse and, where applicable, the dependent child of that child; (*membre de la famille*)

“financial institution” means a bank having an establishment in Québec and that is a member of the Canada Deposit Insurance Corporation and that is governed by the Bank Act (S.C. 1991, c. 46) or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3); (*institution financière*)

“investment dealer” means a person registered as such within the meaning of section 1.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10); (*courtier en placement*)

“management experience” means the assuming of duties related to the planning, management and control of financial resources and of human or material resources under the person’s authority; the experience does not include the experience acquired in the context of an apprenticeship, training or specialization process attested to by a diploma; (*expérience en gestion*)

“National Occupational Classification” means the document by that name published by the Government of Canada; (*Classification nationale des professions*)

“nephew” or “niece” means, with respect to a person, the child of the sister or brother of that person; (*neveu ou nièce*)

“parent” means, with respect to a person, ascendant in the first degree; (*parent*)

“Québec diploma” means one of the following diplomas, attesting to at least 1 year of full-time studies:

- (1) a diploma issued by the Minister of Education, Recreation and Sports or the Minister responsible for Higher Education or by a Québec university;

- (2) a diploma issued by a college-level educational institution for training acquired in Québec.

The following is deemed to be a Québec diploma:

- (1) a diploma issued by the minister responsible for education of a Canadian province or territory or by a university therein;

- (2) a diploma or training acquired outside Québec and recognized as equivalent by a Québec professional or trade regulatory body, except a diploma leading to the practice of the profession of physician according to code 3111 or 3112 of the National Occupational Classification;

- (3) a diploma or training acquired outside Québec and related to a profession or trade regulated in Québec, where the holder holds an authorization to practise the profession or trade issued by a Québec regulatory body;

- (4) evidence certifying successful completion of formal training acquired outside Québec, related to a profession governed by a professional order in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the holder has the legal authorization to practise required by that arrangement;

- (5) evidence certifying successful completion of formal training acquired outside Québec, related to a trade regulated in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the Québec regulatory body certifies that the holder meets the conditions regarding training and, where applicable, professional experience required by that arrangement; (*diplôme du Québec*)

“Québec resident” means any Canadian citizen or permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) who is domiciled in Québec; (*résidant du Québec*)

“relative” means, with respect to a person, the person who is connected to the other by blood relationship or by adoption; (*membre de la parenté*)

“sponsor” means a person who gives an undertaking on behalf of a foreign national; (*garant*)

“spouse” means a married person who is at least 16 years of age

(1) who was not, at the time of the marriage, another person's spouse; and

(2) who is not the de facto spouse of another person while living separately from the spouse for at least 1 year; (époux)

“trust company” means a trust company within the meaning of the Act respecting trust companies and savings companies (chapter S-29.01) or the Trust and Loan Companies Act (S.C. 1991, c. 45); (*société de fiducie*)

“university entrepreneurship centre” means an organization managed by an institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) or an organization affiliated to such an institution and that offers coaching services to entrepreneurs. (*centre d'entrepreneuriat universitaire*)

## CHAPTER II

### TEMPORARY IMMIGRATION

#### DIVISION I

##### GENERAL

**2.** A foreign national who wishes to stay temporarily in Québec to work, study or obtain medical treatment must, in accordance with section 12 of the Act, unless the foreign national is a person referred to in section 20 of this Regulation, be selected by the Minister by obtaining the Minister's consent under

- (1) the temporary foreign worker program;
- (2) the international student program;
- (3) the program for temporary stay for medical treatment; or
- (4) the temporary immigration pilot program referred to in section 16 of the Act.

**3.** The Minister's consent to a foreign national's stay is certified by the issue of a Québec certificate of acceptance.

#### DIVISION II

##### TEMPORARY FOREIGN WORKER PROGRAM

**4.** A foreign national belongs to the temporary foreign worker class if the foreign national comes to Québec to hold temporary employment.

**5.** The Minister consents to a foreign national's stay under the temporary foreign worker program if

(1) a written employment contract has been signed with an employer whose employment offer has been the subject of a positive assessment as to its impact on Québec's labour market; and

(2) the conditions for access to the profession listed in the National Occupational Classification to hold the employment and, where applicable, the special conditions specified in the employment offer, are met.

A foreign national who stays in Québec to offer home care must, in addition to the conditions provided for in the first paragraph, meet the following conditions:

(1) have a secondary school diploma attesting to at least 11 years of full-time elementary and secondary school studies;

(2) understand and speak French or English.

**6.** The written employment contract must contain

(1) the duration of the contract, the place where the foreign national will be employed, a description of the duties, hourly wage, work schedule, vacation and holidays;

(2) where applicable, the deadlines to be met with respect to a notice of termination or resignation, the social benefits offered, such as a health and hospital insurance plan or a retirement savings plan, the conditions relating to lodging offered by the employer and the terms of payment, by the employer, of round-trip transportation expenses between the country of origin and the work place of the foreign national;

(3) a provision under which the standards established in the Act respecting labour standards (chapter N-1.1) relating to the terms of payment of the wage, the computing of overtime, meal periods, statutory general holidays, absences and leave for family or parental matters, absences owing to sickness, an accident or a criminal offence, indemnities and recourses under that Act apply to the foreign national to the extent provided for in that Act;

(4) an undertaking on the part of the employer to pay the contributions necessary for the employee to benefit from the protection under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) to the extent provided by that Act.

**7.** Consent for the foreign national's stay is given for the employment and the employer indicated in the application.

**8.** A temporary foreign worker must hold the employment for the employer or, if the foreign national comes to work in the agriculture sector, employments for employers, for which the Minister's consent has been given.

**9.** The Minister consents to the stay of a temporary foreign worker who wishes to extend the stay if the conditions provided for in sections 5 and 6 are met and the worker complies with the requirement provided for in section 8.

### DIVISION III INTERNATIONAL STUDENT PROGRAM

**10.** A foreign national belongs to the international student class if the foreign national comes to Québec to study in an educational institution.

**11.** The Minister consents to a foreign national's stay under the international student program where the foreign national

(1) has been admitted to an educational institution;

(2) has and will continue to have, for the foreign national and the family members accompanying the foreign national and for the duration of the stay in Québec, sufficient financial resources to

(a) pay round-trip transportation expenses between the place of residence abroad and the destination in Québec, tuition and other study-related fees;

(b) pay the amount for a health and hospital insurance for the duration of the stay to study or for purchasing such insurance on the foreign national's arrival in Québec, except if the foreign national is covered by the Québec Health Insurance Plan or a reciprocal social security agreement including a health component; and

(c) provide for basic needs without having to hold employment in Québec; and

(3) where the foreign national is under 17 years of age and the holder of parental authority is not in Québec, the holder has delegated to a Québec resident of full age rights and powers of custody, supervision and education in the interest of the child and respect the child's rights.

The Minister also consents to the stay of the foreign national under the program where the foreign national is a minor child who

(1) is required to attend elementary or secondary school and who is accompanying the holder of parental authority staying in Québec as a temporary foreign worker, international student or to receive medical treatment;

(2) is the responsibility of a director of youth protection designated under the Youth Protection Act (chapter P-34.1) or a local community service centre established under the Act respecting health services and social services (chapter S-4.2).

**12.** The foreign national's financial resources to provide for basic needs must be at least equal to the scale provided for in Schedule C. To calculate basic needs for the first year, the amount must be increased by \$500 to cover settling-in-expenses. In the case of a foreign national who is 17 years of age and whose holder of parental authority is not in Québec, the basic needs are calculated as if the foreign national were 18 years of age.

Where a Québec resident wishes to provide for the foreign national's basic needs and, where applicable, those of the accompanying family members, the resident's financial resources must be at least equal to the scales provided for in Schedules B and D. In addition, an undertaking previously subscribed to by the resident must be taken into account in calculating the resident's financial capacity to provide for the foreign national's basic needs.

**13.** An international student must receive the education for the level of studies for which the Minister's consent was given.

The term "level of studies" means elementary and secondary school instructional services or educational services in vocational training within the meaning of the Education Act (chapter I-13.3), general and vocational instruction at the college level within the meaning of the General and Vocational Colleges Act (chapter C-29) or education at the university level within the meaning of the Act respecting educational institutions at the university level (chapter E-14.1) and, in the latter case, the cycle of studies.

**14.** The international student must make studies the student's principal activity unless

(1) the principal purpose of the stay is work;

(2) the student is accompanying the holder of parental authority staying in Québec as a temporary foreign worker, international student or to receive a medical treatment; or

(3) the student has filed an application to obtain protection under paragraph *b* or *c* of subdivision 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**15.** An international student who is not covered by the Québec Health Insurance Plan must hold, for the duration of the stay in Québec, a health and hospital insurance for the student and for accompanying family members.

**16.** The Minister consents to the stay of a temporary international student who wishes to extend the stay if the conditions provided for in sections 11 and 12 are met and the student complies with the obligations provided for in sections 13 to 15.

#### **DIVISION IV** PROGRAM FOR TEMPORARY STAY FOR MEDICAL TREATMENT

**17.** A foreign national belongs to the temporary stay for medical treatment class if the foreign national comes to Québec to receive medical treatment in a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2).

**18.** The Minister consents to a foreign national's stay under the program for temporary stay for medical treatment if

(1) the Minister of Health and Social Services certifies that the medical treatment required may be given; and

(2) the foreign national has sufficient financial resources to pay the expenses related to the medical treatment and basic needs and, where applicable, those of accompanying family members.

**19.** The Minister consents to the person's temporary stay for medical treatment who wishes to extend the stay if the conditions provided for in section 18 are met.

#### **DIVISION V** EXEMPTIONS

**20.** The following persons are exempted from the requirement to obtain the Minister's consent to stay in Québec:

(1) a foreign national who comes to hold employment for a continuous period of not more than 30 days;

(2) a foreign national who comes to hold employment that does not require an assessment of an employment offer's impact on Québec's labour market;

(3) a foreign national who comes to study under a federal assistance program for developing countries;

(4) a foreign national who comes for training for a period of not more than 6 months;

(5) for a period of not more than 6 weeks as of his or her arrival in Canada, the foreign national referred to in section 214 of the Immigration and Refugee Protection Regulations (SOR/2002-227) who stays in Québec to study;

(6) a minor child who has filed an application to obtain protection under paragraph *b* or *c* of subdivision 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) or the minor child of a foreign national in Québec who has filed such an application;

(7) a minor child already in Québec who is required to attend elementary or secondary school and who accompanies the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment;

(8) a child of preschool age accompanying the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment;

(9) a family member of a foreign national staying in Québec as a diplomat, consular officer, representative or official, properly accredited, of a foreign country or of the United Nations or any of its agencies or of any inter-governmental organization in which Québec or Canada participates, or as a member of the staff accompanying the foreign national coming to or in Québec to carry out official duties;

(10) a person protected in Canada within the meaning of section 95 of the Immigration and Refugee Protection Act;

(11) a foreign national who stays in Québec and whose spouse or de facto spouse is a Canadian citizen or permanent resident who has filed an undertaking on behalf of the foreign national;

(12) a foreign national who holds a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act issued with a view to the granting of permanent residence;

(13) a person registered as an Indian under the Indian Act (Revised Statutes of Canada (1985), chapter I-5).

### **CHAPTER III** PERMANENT IMMIGRATION

#### **DIVISION I** GENERAL

**21.** A foreign national who wishes to settle permanently in Québec must, in accordance with section 18 of the Act, be selected by the Minister, unless the foreign national belongs to the family class, is recognized as a refugee when already in Québec or is a family member of the family class or the refugee.

**22.** The Minister's selection decision for permanent immigration is certified by the issue of a Québec certificate of selection.

## DIVISION II ECONOMIC CLASS

**23.** A foreign national belongs to the economic class if the foreign national is

- (1) a skilled worker;
- (2) an investor;
- (3) an entrepreneur; or
- (4) a self-employed worker.

**24.** A foreign national who belongs to the economic class must, to settle in Québec, be selected by the Minister under

- (1) the regular skilled worker program;
- (2) the Québec experience program;
- (3) the investor program;
- (4) the entrepreneur program;
- (5) the self-employed worker program; or
- (6) the permanent immigration pilot program referred to in section 32 of the Act.

### §1. *Expression of interest*

**25.** A foreign national of the economic class must, to file an application for selection under the regular skilled worker program, have filed with the Minister an expression of interest to settle in Québec and have been invited by the Minister to file the application.

**26.** The Minister invites a foreign national who has filed an expression of interest to file an application for selection, without the invitation criteria being applied, where the foreign national is staying in Québec as a diplomat, consular officer, representative or official, duly accredited, of a foreign country or of the United Nations or any of its agencies or of any intergovernmental organization of which Québec or Canada is a member and who carries out official duties in Québec, or is a member of the staff of any such diplomat, consular officer, representative or official.

**27.** An expression of interest is valid for a period of 12 months as of the date of its filing by the Minister in the expressions-of-interest bank.

**28.** The expression of interest of a foreign national who files an application for selection after having been invited by the Minister, and those of the foreign national's spouse and dependent child of full age included in the application become invalid.

**29.** The expression of interest of a foreign national who fails to file an application for selection, not later than 90 days after having been invited by the Minister, becomes invalid.

**30.** The Minister withdraws from the bank the expression of interest that is invalid.

### §2. *Skilled workers*

#### I - General

**31.** A skilled worker is a foreign national at least 18 years of age who settles in Québec to hold employment the foreign national is likely able to hold.

#### II - Regular skilled worker program

**32.** The Minister selects, under the regular skilled worker program, a foreign national where the foreign national obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

#### III - Québec experience program

**33.** The Minister selects, under the Québec experience program, a foreign national who has stayed in Québec for the main purpose of studying if the foreign national

(1) obtained from a Québec educational institution, during the 3 years preceding the date of filing of the application, a university diploma attesting to a bachelor's degree, a master's degree or a doctorate, a diploma of college studies in a technical program or a secondary vocational diploma which, alone or with an attestation of vocational specialization obtained consecutively, attests to 1,800 hours or more of continuing training and leads to a trade;

(2) has not begun a new program of studies in Québec since the issue of the diploma referred to in paragraph 1;

(3) shows an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has completed his or her program of studies in Québec in French;

(b) has filed the result of a standardized test showing the oral knowledge of French;

(c) has filed a document certifying that the foreign national has met the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11); or

(d) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec;

(4) stayed in Québec for at least half the duration of his or her program of studies and complied with the conditions of the stay;

(5) does not have a scholarship including a condition of return to the foreign national's country at the end of the program of studies or has complied with that condition; and

(6) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

**34.** The Minister selects, under the Québec experience program, a foreign national staying in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada, if the foreign national

(1) has complied with the conditions of the stay;

(2) does hold full-time employment in Québec and held such employment during a period of at least 12 months in the 24 months preceding the date of filing of the application;

(3) shows an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has completed the program of studies in Québec entirely in French

(b) has filed the result of a standardized test showing the oral knowledge of French;

(c) has submitted a document certifying that the foreign national has met the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11); or

(d) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec; and

(4) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

**35.** The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in paragraphs 1 to 4 of section 34.

### §3. Investor program

**36.** An investor is a foreign national at least 18 years of age who settles in Québec to invest in Québec.

**37.** The Minister selects a foreign national under the investor program if the foreign national

(1) has experience in management for a period of at least 2 years during the 5 years preceding the selection application;

(2) has, alone or with the accompanying spouse or de facto spouse, net assets of at least \$2,000,000 whose lawful origin must be demonstrated;

(3) makes a 5-year term investment of \$1,200,000 with a subsidiary of Investissement Québec for which the foreign national has entered into an investment agreement with a financial intermediary bound by an agreement with the Minister and the subsidiary and that will be the foreign national's mandatary in Québec;

(4) obtained the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

**38.** The foreign national's net assets do not include the amounts received by donation in the 6 months preceding the date of filing of the application for selection.

**39.** The Minister may enter into an agreement with a financial intermediary who is an investment dealer or a trust company to allow the foreign national to take part in the investor program. The financial intermediary must

(1) be registered with the Autorité des marchés financiers and not be the subject of a suspension of rights;

(2) have its head office in Québec and its executive office, including the upper management and the administration responsible for the monitoring of the annual plans and operating budgets; and

(3) have been acting as an investment dealer or a trust company for at least 3 years.

The subsidiary of Investissement Québec referred to in paragraph 3 of section 37 is also part of the agreement referred to in the first paragraph.

**40.** The implementation of the agreement may not be entrusted, in whole or in part, to a third person without prior notification of the Minister.

**41.** The investment agreement must provide for

(1) the establishment of the identity of the foreign national by the foreign national's name, sex, date of birth, domicile address, citizenship, personal telephone number, email address, the type of document proving the foreign national's identity, the number of that document and the place of issue;

(2) the requirement that the foreign national notify in writing the financial intermediary of any change in the information provided for in subparagraph 1 within 30 days following the change; and

(3) the undertaking of the financial intermediary to open a separate client account in the name of the foreign national not later than 110 days following the date of the Minister's notice of intent to render a selection decision.

**42.** The foreign national must, within 120 days following the date of the Minister's notice of intent to render a selection decision, make the investment provided for in paragraph 3 of section 37.

**43.** The term of the investment is 5 years as of the date on which the amount is invested with a subsidiary of Investissement Québec. The date must be subsequent to the date of the Minister's notice of intent to render a selection decision.

**44.** The investment is irrevocable before the end of its term unless its reimbursement is justified by any of the following situations:

(1) the selection application is denied or rejected;

(2) the selection decision concerning the foreign national is cancelled before obtaining the status of permanent resident;

(3) the foreign national's application for a visa or permanent residence is denied;

(4) the foreign national dies before obtaining the status of permanent resident.

**45.** The financial intermediary must reimburse the investor the amount invested with a subsidiary of Investissement Québec within 30 days following the date of expiry of the investment or of its revocation.

Investissement Québec sends to the Minister a written attestation of the reimbursement within 30 days following the reimbursement.

**46.** As of the date of filing of the application for selection, the foreign national may not change financial intermediary unless the change is justified by a reason such as the status, bankruptcy or cessation of activities of the financial intermediary, or the purchase or merger of the financial intermediary's enterprise.

#### *§4. Self-employed worker program*

**47.** A self-employed worker is a foreign national at least 18 years of age who settles in Québec to work there and who practises a profession or commercial activities alone or with others, with or without paid help provided the worker

(1) is free to choose the means of work performance;

(2) organizes the work;

(3) provides the required tools and equipment;

(4) carries out most of the specialized duties; and

(5) collects the profits and supports the loss risks resulting from the work.

**48.** The Minister selects a foreign national under the self-employed worker program if the foreign national

(1) deposits with a financial institution situated in the region where the foreign national intends to practise his or her trade or profession for start-up an amount complying with Factor 11 of Schedule A, based on the Regulation respecting the weighting applicable to the selection of foreign nationals; and

(2) obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

### **§5. Entrepreneur program**

**49.** An entrepreneur is a foreign national at least 18 years of age who settles in Québec to carry out a business project consisting in, according to the component of the program,

(1) the operation in Québec of an enterprise that the foreign national creates, alone or with other persons, including a maximum of 3 foreign nationals who file an application for selection as entrepreneur, when the entrepreneur has received, for that purpose, an offer of service from an enterprise accelerator, an enterprise incubator or a university entrepreneurship centre; or

(2) the operation in Québec of an enterprise the foreign national creates or acquires.

#### I - Component 1 of the entrepreneur program

**50.** The Minister selects a foreign national referred to in paragraph 1 of section 49, as part of component 1 of the entrepreneur program, if the foreign national obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

#### II - Component 2 of the entrepreneur program

**51.** The Minister selects a foreign national referred to in paragraph 2 of section 49, as part of component 2 of the entrepreneur program, if, according to the business project presented, the foreign national

(1) holds and controls, alone or with the accompanying spouse or de facto spouse, at least 25% of the equity of the enterprise the foreign national creates or at least 51% of the equity of the enterprise the foreign national acquires, the value of that participation must be equal to or greater than the amount that must serve to start up the business project;

(2) manages the enterprise himself or herself or participates actively as an associate in the management and daily operations of the enterprise;

(3) the enterprise does not carry out an economic activity referred to in Part 1 of Schedule E;

(4) deposits, with a financial institution with which the foreign national has entered into a deposit contract including the elements provided for in section 53, for start-up an amount complying with Factor 11 of Schedule A based on the Regulation respecting the weighting applicable to the selection of foreign nationals; and

(5) obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

**52.** Where the foreign national acquires an enterprise, the enterprise must have been in operation for the 5 years preceding the date of filing of the application for selection and must not have been acquired by another foreign national who has been selected as entrepreneur in the 5 years preceding that date.

**53.** The deposit contract must include

(1) the establishment of the identity of the foreign national by the foreign national's name, sex, date of birth, domicile address, citizenship, personal telephone number, email address, the type of document proving the foreign national's identity, the number of that document and the place of issue;

(2) the requirement that the foreign national notify in writing the financial institution and the Minister of any change in the information provided for in paragraph 1 within 30 days following the change;

(3) the requirement that the foreign national provide to the Minister, on request, the information relating to the status of the deposit and the documents held by the parties to the contract concerning the deposit;

(4) the withholding of an amount provided for in Factor 11 of Schedule A determined based on the Regulation respecting the weighting applicable to the selection of foreign nationals as performance guarantee of the business project up to the date of the Minister's decision referred to in section 54 or 56.

**54.** The Minister determines that the entrepreneur has carried out the business project where, in 12 consecutive months following the date of the selection decision, during a period not exceeding 36 months following the date of the foreign national's arrival in Québec as permanent resident,

(1) the sum deposited as the start-up deposit of the business project, in accordance with paragraph 4 of section 53, has been used for the creation or acquisition of the enterprise;

(2) the enterprise that has been created or acquired complies with the business project presented with the Québec application for selection and is in operation;

(3) the entrepreneur holds and controls, alone or with the accompanying spouse or de facto spouse, at least 25% of the equity of the enterprise the foreign national created or at least 51% of the equity of the enterprise the foreign national acquired, the value of that participation must be equal to or greater than the amount used to start up the business project; and

(4) the entrepreneur manages the enterprise himself or herself or participates actively as an associate in the management and daily operations of the enterprise.

**55.** The financial institution gives to the entrepreneur access to the amount withheld under paragraph 4 of section 53 as performance guarantee of the business project within 30 days following the written notice of the Minister's decision made under section 54. The institution confirms in writing to the Minister the date as of which the entrepreneur has access to that amount.

The financial institution gives the entrepreneur access to the amount withheld in any of the following situations:

(1) the foreign national's selection application is rejected or denied;

(2) the selection decision concerning the foreign national is cancelled before obtaining the status of permanent resident;

(3) the foreign national's application for a visa or permanent residence is denied;

(4) the foreign national dies before obtaining the status of permanent resident.

**56.** The Minister may confiscate the amount deposited as performance guarantee of the business project of the entrepreneur where the Minister determines that the business project has not been carried out in accordance with section 54.

**57.** At least 30 days before the date of confiscation of the amount withheld under paragraph 4 of section 53, the Minister informs the entrepreneur of the Minister's intention to confiscate the amount and the reasons on which it is based.

The Minister gives the entrepreneur the opportunity to make observations and, where applicable, to send to the Minister any document deemed appropriate.

#### *§6. Override power*

**58.** The Minister may select a foreign national in the economic class, except under the Québec experience program, who does not meet a condition or selection criterion if the Minister is of the opinion that the foreign national can successfully settle in Québec.

Despite the first paragraph, the Minister may not make a selection decision for a foreign national that does not obtain a cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A, except if the foreign national has an exceptional profile or an expertise unique for Québec.

### **DIVISION III** **FAMILY CLASS**

**59.** A foreign national belongs to the family class if the foreign national is, in respect of the sponsor who undertakes on behalf of the foreign national,

(1) the spouse, de facto spouse or conjugal partner;

(2) the dependent child;

(3) the father, mother, grandfather or grandmother;

(4) the brother, sister, nephew, niece, grandson or granddaughter, an orphan having lost both parents and under 18 years of age who is unmarried or not a de facto spouse;

(5) an unmarried minor whom the Québec resident intends to adopt and may adopt under Québec law; or

(6) a person related to the foreign national, regardless of age or degree of relationship with the sponsor, where the sponsor does not have a spouse or de facto spouse, child, father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew or niece

(a) who is a Canadian citizen, an Indian or a permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27); and

(b) whom he or she could sponsor.

**60.** The following foreign national does not belong to the family class:

(1) the spouse, de facto spouse or conjugal partner of the Québec resident who has previously subscribed to a sponsorship undertaking on behalf of another spouse, de facto spouse or conjugal partner that has not ended;

(2) the spouse who, on the date of the union with the Québec resident, was also the spouse of another person;

(3) the spouse of the Québec resident when they lived separately for 1 year or more and one of them is the de facto spouse or conjugal partner of another person.

#### DIVISION IV HUMANITARIAN CLASS

**61.** A foreign national in a special hardship situation who belongs to the humanitarian class must, to settle in Québec, be selected by the Minister under the program for refugees abroad or the program for persons selected on the basis of humanitarian considerations.

**62.** The Minister may select a foreign national in a special hardship situation under any of the programs referred to in section 61 where the Minister is of the opinion, in particular, that the foreign national is able to participate in community life in Québec or the integration process of the foreign national is the subject of a positive opinion regarding the participation of the foreign national in community life in Québec.

**63.** For the purposes of section 62, the Minister takes into account the level of hardship of the foreign national, in particular with respect to risks to his or her physical integrity.

In addition, the Minister takes into account the personal qualities and language proficiency of the foreign national and accompanying family members, the relationship with a Québec resident who is the spouse or de facto spouse or a relative in the first or second degree, the work experience of the foreign national or accompanying family members, an undertaking application of a sponsor referred to in subdivision 3 or 4 of Division V filed on his or her behalf or financial assistance paid by the State.

#### §1. Program for refugees abroad

**64.** A foreign national who is in a special hardship situation may be selected under the program for refugees abroad by the Minister if the foreign national is

(1) a refugee within the meaning of the Convention relating to the Status of Refugees outside Canada; or

(2) a humanitarian-protected person outside Canada who belongs to the country of asylum class referred to in sections 146 and 147 of the Immigration and Refugee Protection Regulations (SOR/2002-227).

#### §2. Program for persons selected on the basis of humanitarian considerations

**65.** A foreign national who is in a special hardship situation may be selected under the program for persons selected on the basis of humanitarian considerations by the Minister if the foreign national is

(1) in a hardship situation such that the foreign national deserves humanitarian consideration because, as the case may be,

(a) his or her physical or psychological well-being and that of his or her family lawfully in Québec would be seriously affected if the foreign national could not live in or come to Québec;

(b) the foreign national is outside Canada with a relative who has been selected by the Minister and his or her physical or psychological well-being and that of the relative would be seriously affected if the foreign national could not accompany the relative to Québec;

(c) although not a resident of Québec, the foreign national is successfully established in Québec and has no significant ties with his or her country of origin;

(d) his or her physical security would be threatened particularly due to risks of imprisonment, torture or death if the foreign national could not come to Québec; or

(e) his or her application for permanent residence is processed in Canada under section 25, 25.1 or 25.2 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) or section 65.1 of the Immigration and Refugee Protection Regulations, his or her physical or psychological well-being would be seriously affected if the foreign national could not come to or settle in Québec and his or her return to the country of origin would cause serious harm; or

(2) concerned by the lifting of the suspension of a removal order to a country of which he or she is a national and whose application for permanent residence is examined in Canada under section 25, 25.1 or 25.2 of the Immigration and Refugee Protection Act or section 65.1 of the Immigration and Refugee Protection Regulations.

## **DIVISION V** **SPONSORSHIP UNDERTAKING**

### *§1. General*

**66.** A natural person who files with the Minister a sponsorship undertaking application on behalf of a foreign national and accompanying family members must

- (1) be 18 years of age or older;
- (2) be a Québec resident and ordinarily reside in Québec, except in the case of a person referred to in section 75;
- (3) have complied with the monetary requirements of the sponsorship undertaking or, failing that, has reimbursed the amounts received under the Individual and Family Assistance Act (chapter A-13.1.1) or the Immigration and Refugee Protection Act (S.C. 2001, c. 27);
- (4) is not the subject of a removal order made under the Immigration and Refugee Protection Act;
- (5) is not detained in a penitentiary or prison;
- (6) has not been convicted in Canada of murder or any of the offences listed in Schedule I or II to the Corrections and Conditional Release Act (S.C. 1992, c. 20) punishable by summary conviction or by way of indictment; that condition is removed if the person has been acquitted in the last instance or pardoned under the Criminal Records Act (S.C. 1985, c. C-47) or served the sentence imposed at least 5 years before the date of filing of the undertaking application;
- (7) has not been convicted outside Canada of an offence that, if committed in Canada, would constitute an offence referred to in paragraph 6, unless a 5-year period following the expiry of the sentence imposed under the foreign law has elapsed before the date of filing of the undertaking application;
- (8) has not, in the 5 years preceding the date of filing of the undertaking application, been the subject of forced execution of a court judgment ordering support payment, or of a remedy for the execution of support referred to in Chapter VI of the Act to facilitate the payment of support (chapter P-2.2) or, failing that, has paid all arrears owed;

(9) is not a recipient of last resort financial assistance under a Québec Act, except owing to age or disability creating a severely and permanently or indefinitely limited capacity for employment; and

(10) is not the subject of a cancellation procedure under the Citizenship Act (R.S.C. 1985, c. C-29).

**67.** The undertaking entered into by the Minister with the sponsor binds the sponsor as of the signing.

Despite the foregoing, the obligations of the sponsor provided for in the undertaking take effect from the date the foreign national obtains the status of permanent resident under the Immigration and Refugee Protection Act or, in the case of a national admitted under a temporary resident permit issued under section 24 of that Act, on the date of issue of the permit, if the application is filed in Québec, or on the date of the foreign national's arrival in Québec, if the application is filed abroad.

**68.** A sponsor who subscribed to an undertaking on behalf of a foreign national and, where applicable, family members accompanying the foreign national to Québec must, in their regard,

- (1) provide for basic needs in accordance with the scales prescribed by Schedule C or D as the case may be;
- (2) provide the necessary support in integration activities such as search for employment and school enrolment as well as support for access to public services and participation in community life;
- (3) reimburse to the Gouvernement du Québec any amount paid as last resort assistance benefits under the Individual and Family Assistance Act; and
- (4) reimburse to the government of a province any amount paid as last resort assistance benefits or any other similar benefit under an Act of that province.

If more than one sponsor subscribed to an undertaking, each is jointly and solidarily liable for the obligations contracted.

### *§2. Undertaking under the family class*

**69.** A sponsorship undertaking application is filed by a resident who complies with the conditions referred to in section 66 of this Regulation on behalf of a foreign national who belongs to the family class and, where applicable, accompanying family members.

**70.** The spouse or de facto spouse of the person filing a sponsorship undertaking application may join into the application and subscribe to the undertaking if that person meets the conditions provided for in section 66 of this Regulation.

**71.** The person filing a sponsorship undertaking application on behalf of his or her minor child must show that the person holds and exercises parental authority in respect of the child.

Where parental authority is held or exercised solely by the other parent or jointly, the sponsor must obtain from that parent authorization in writing for the settling of the child in Québec.

**72.** A person who files a sponsorship undertaking application on behalf of his or her dependent child for whom a decision granting adoption recognized by the sole operation of law under the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3) is made while the person is residing in Québec, or on behalf of a minor child the person intends to adopt and may adopt under Québec law, must include in the application a statement issued by the Minister of Health and Social Services certifying that the Minister has taken cognizance of the steps taken by the person to receive the child and that there are no reasons to oppose the adoption.

Where an officer authorized under the Immigration and Refugee Protection Regulations (SOR/2002-227) provides the minister with new evidence under subsection 8 of section 117 of those Regulations, the Minister must notify the sponsor thereof and the Minister of Health and Social Services so that the Minister may confirm or amend the statement.

**73.** A person who files a sponsorship undertaking application on behalf of a minor child covered by paragraph 4 of section 59 of this Regulation must include a document issued by an agency having the authority to inquire into the conditions of taking in charge and placing a child, certifying that it has taken cognizance of the steps taken by the sponsor to receive the child and that such steps are in the interest of the child and respect the child's rights.

The person must also subscribe to an undertaking in writing to apply to the Superior Court within 90 days of the child's arrival to have a tutor appointed to the child. The person must in like manner agree to exercise the rights and obligations of parental authority until such appointment.

**74.** Where a sponsor subscribes to an undertaking on behalf of a child referred to in paragraph 2 of section 59 of this Regulation, who was adopted and of full age, the adoption, if made while the sponsor resided in Québec, must comply with Québec law.

**75.** A Canadian citizen residing abroad who subscribes to an undertaking on behalf of his or her spouse, de facto spouse, conjugal partner or dependent child who has no dependent children, must undertake to reside in Québec when that person will have obtained the status of permanent resident.

**76.** A person who files a sponsorship undertaking application must demonstrate that he or she is able to comply with an undertaking subscribed to on behalf of the foreign national and family members accompanying the foreign national to Québec and is also able to subscribe to an undertaking on behalf of family members who do not accompany the foreign national. The demonstration must be based on income from a Canadian source or property held in Canada.

The first paragraph does not apply where a sponsor subscribes to an undertaking on behalf of his or her spouse, de facto spouse or conjugal partner who does not have dependent children or on behalf of his or her dependent child who does not have dependent children or, in the case of an undertaking on behalf of a person referred to in paragraph 5 of section 59 of this Regulation.

**77.** A person who files a sponsorship undertaking application is presumed to be able to fulfil his or her undertaking in accordance with section 76 if the person demonstrates that he or she has had, for the 12 months preceding the examination of the application and will continue to have, for the duration of the undertaking, a gross annual income from a Canadian source equal to the minimum income required from the sponsor to provide for his or her basic needs and those of the family members, as determined in Schedule B, to which is added the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

Where the sponsor owns a sole proprietorship or a partnership, only the net enterprise income from a Canadian source is taken into consideration for the purposes of the presumption provided for in the first paragraph.

**78.** For the purposes of the calculation provided for in section 77, the sum of the income of the spouses or de facto spouses filing jointly a sponsorship undertaking application in accordance with section 70 of this Regulation is taken into account.

**79.** An undertaking subscribed to previously by a person filing a sponsorship undertaking application must be taken into account in the calculation of the person's financial capacity to fulfil the new undertaking.

**80.** Where the conditions of subdivision 1 and this subdivision are met, the undertaking is entered into. The duration of the undertaking is

(1) 3 years, in the case of a person described in paragraph 1 of section 59 of this Regulation;

(2) 10 years or, where applicable, until of full age, according to the longer of those periods, in the case of a person described in paragraph 2, 4 or 5 of section 59 or a dependent child accompanying the person referred to in section 59, if the family member is under 16 years of age on the date on which the sponsor's obligations take effect;

(3) 3 years or up to 25 years of age, according to the longer of those periods, in the case of a person described in paragraph 2, 4 or 5 of section 59 or a dependent child accompanying the person referred to in section 59, if the family member is 16 years of age or older on the date on which the sponsor's obligations take effect; or

(4) 10 years, in the case of a person described in paragraph 3 or 6 of section 59, or in the case of a spouse or de facto spouse of that person.

**§3. Undertaking under the program for refugees abroad (Collective sponsorship)**

**81.** An undertaking application for the sponsorship of a foreign national referred to in section 64 of this Regulation may be filed with the Minister by

(1) a class E legal person (experienced);

(2) a class R legal person (regular); or

(3) a group of 2 to 5 natural persons.

**82.** The legal person referred to in section 81 must

(1) be constituted under Part III of the Companies Act (chapter C-38), the Religious Corporations Act (chapter C-71), the Roman Catholic Bishops Act (chapter E-17), the Act respecting fabriques (chapter F-1) or the Professional Syndicates Act (chapter S-40), or is incorporated as a non-profit corporation within the meaning of the laws of Canada or any province thereof, if it carries on activities in Québec and is registered in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) have been carrying out its activities for at least 2 years;

(3) not be a political party or a party authority within the meaning of Chapter I of Title III of the Election Act (chapter E-3.3); and

(4) have complied with the monetary requirements given under a sponsorship undertaking or, failing that, have reimbursed the amounts paid under the Individual and Family Assistance Act (chapter A-13.1.1) or the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**83.** A class E legal person is a person who

(1) has 10 years or more of experience in sponsorship in Québec acquired over a period of 15 years preceding the date of coming into force of the Minister's decision made under section 50 of the Act ;

(2) has filed, in the 12 months preceding the date of coming into force of the Minister's decision made under section 50 of the Act, the minimum number of sponsorship undertaking applications set in the decision; and

(3) has subscribed to, in the 36 months preceding the date of coming into force of the Minister's decision made under section 50 of the Act, undertakings on behalf of foreign nationals of at least 3 different nationalities.

A class E legal person is part of subclass ES (specific) if the person files only sponsorship undertaking applications of foreign nationals who will settle outside the territory of the Communauté métropolitaine de Montréal, as certified by the reception and integration plan referred to in section 92.

**84.** A class R legal person is a person who does not meet the criteria provided for in section 83.

A class R legal person is part of subclass RS (specific) if the person files only sponsorship undertaking applications of foreign nationals who will settle outside the territory of the Communauté métropolitaine de Montréal, as certified by the reception and integration plan referred to in section 92.

**85.** An organization related to a class E or R organization is excluded from any of those classes.

The administrators, representatives and members of the board of directors of a class E or R organization may not form a group of 2 to 5 persons referred to in paragraph 3 of section 81.

**86.** Each person forming a group of persons referred to in paragraph 3 of section 81 must meet the conditions provided for in section 66.

**87.** A legal person or a group of persons referred to in paragraph 3 of section 81 may not file a sponsorship undertaking application if the number of applications filed for a same period is equal to or greater than the number determined by a decision of the Minister made under section 50 of the Act.

**88.** The legal person or group of persons referred to in paragraph 3 of section 81 filing an undertaking application must demonstrate that it would be able to fulfil the undertaking subscribed to on behalf of the foreign national and the family members accompanying the foreign national to Québec and that it would also be able to subscribe to an undertaking on behalf of the family members not accompanying the foreign national. The demonstration must be based on income from a Canadian source or property held in Canada.

**89.** Each person who is part of a group of persons referred to in paragraph 3 of section 81 is presumed to be able to fulfil the undertaking in accordance with section 88 if the person demonstrates that he or she has had, for the 12 months preceding the examination of the application and will continue to have, for the duration of the undertaking, a gross annual income from a Canadian source equal to the minimum income required from the sponsor to provide for his or her basic needs and those of the family members, as determined in Schedule B, to which is added a minimum share of at least 20% of the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

Where the person owns a sole proprietorship or a partnership, only the net enterprise income from a Canadian source is taken into consideration for the purposes of the presumption provided for in the first paragraph.

The sum of the shares of each member of the group must be equal to the total of the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

**90.** A legal person is presumed to be able to fulfil the undertaking for which it files an application if it demonstrates that it has had and will continue to have, for the duration of the undertaking, an annual amount at least equal to the amount required for the sponsored person's basic needs, as determined in Schedule C.

**91.** An undertaking subscribed to by a member of the group of persons referred to in paragraph 3 of section 81 or by the group of persons must be taken into account by the Minister in the calculation of the group's financial capacity to fulfil the new undertaking for which it is filing an application.

**92.** The legal person or group of persons referred to in paragraph 3 of section 81 filing a sponsorship undertaking application with the Minister must include a plan for the reception and integration of the person covered by the undertaking and accompanying family members.

The plan must, in particular, contain the means that will be used to ensure compliance with the obligations provided for in section 68 and the reception in the region of settlement. It must also indicate the name, contact information and role of every person taking part in the reception and integration of the foreign nationals covered by the undertaking application.

**93.** A settlement report for the persons covered by the undertaking must be filed with the Minister not later than 3 months following the date of their settlement in Québec and not later than 3 months following the date of expiry of the undertaking.

**94.** The Minister may refuse to examine the sponsorship undertaking application of the legal person or group of persons referred to in paragraph 3 of section 81 if, in the 2 years preceding the examination of the application, the legal person or group of persons has not complied with the obligations incumbent upon the person or group of persons under section 68 or 93 or has contravened section 95.

**95.** No person may profit, in any way, from an undertaking subscribed to on behalf of a foreign national and accompanying family members, in particular by receiving interest on an investment, the levy of charges or the acceptance of a donation.

The legal persons referred to in paragraphs 1 and 2 of section 81 may, however, receive administration fees that may not exceed 1% of the amount required to provide for the basic needs of the foreign national and accompanying family members on behalf of whom the undertaking has been subscribed to, as provided for in Schedule C.

**96.** The duration of the undertaking subscribed to on behalf of a foreign national referred to in section 64 of this Regulation is 1 year.

**§4.** *Discretionary undertaking in an economic class program or under the program for persons selected for humanitarian considerations*

**97.** Where the Minister selects a foreign national under an economic class program or under the program for persons selected for humanitarian considerations, the Minister may require that an undertaking be subscribed to, for a period of 3 years, on behalf of that foreign national,

(1) by a Québec resident who meets the conditions referred to in sections 66 to 68 and, in that case, sections 70 and 76 to 79 apply with the necessary modifications; or

(2) by a legal person referred to in section 81 of this Regulation and, in that case, sections 82, 90 and 95 apply with the necessary modifications.

## CHAPTER IV EMPLOYER

### DIVISION I CONDITIONS RELATING TO THE EMPLOYER

**98.** An employer wishing to hire a foreign national under the temporary foreign worker program must obtain from the Minister, in accordance with section 15 of the Act, a positive assessment as to the employment offer's impact on Québec's labour market.

An employer wishing to hire a foreign national who files an application for selection for permanent immigration under the regular skilled worker program may file an application for the validation of the employment offer.

**99.** The Minister refuses the employer's application for the assessment of the employment offer's impact on the labour market or the application for validation of the employment offer of the employer if the employer

(1) is on the list provided for in section 209.997 of the Immigration and Refugee Protection Regulations (SOR/2002-227);

(2) has been condemned, during the 2 years preceding the date of the application, by a final decision of the Human Rights Tribunal relating to discrimination or reprisals relating to employment;

(3) has been convicted of an offence against

(a) section 458 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) for a contravention of the first paragraph of section 32 of that Act, section 461 of that Act for a contravention of section 290, section 463 or section 464 of that Act;

(b) paragraph 1 or 5 of section 134 of the Charter of human rights and freedoms (chapter C-12) relating to employment;

(c) section 143 of the Labour Code (chapter C-27) for a contravention of section 14 of that Act;

(d) section 30 of the Act respecting collective agreement decrees (chapter D-2);

(e) subparagraph 3 of the first paragraph of section 115 of the Pay Equity Act (chapter E-12.001);

(f) section 139, 140 or 141 of the Act respecting labour standards (chapter N-1.1);

(g) section 119 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) for a contravention of section 101 of that Act; or

(h) section 235 of the Act respecting occupational health and safety (chapter S-2.1) or section 236 of that Act for a contravention of section 30 or section 185 of that Act;

(4) failed, during the 2 years preceding the application, to comply with the conditions relating to a previous temporary or permanent employment offer; or

(5) operates an enterprise whose activities consist in offering personnel placement or leasing services and the employment offered is for providing a worker required to meet the temporary workforce needs of a client, another person or a public body under a contract entered into with the latter.

### DIVISION II EMPLOYMENT OFFER

**100.** The Minister gives a positive assessment as to the employment offer's impact on Québec's labour market or validates the permanent employment offer where the employment

(1) does not and is not likely to adversely affect the settlement of any labour dispute at the workplace where the foreign national would carry on the employment, or the employment of any person involved in the dispute, or to contravene the application of the Labour Code (chapter C-27);

(2) corresponds to the employer's legitimate labour needs;

(3) will likely result in a positive or neutral effect on the labour market;

(4) is not employment on behalf of the foreign national or an enterprise owned, in full or in part, by the foreign national;

(5) is not in a field referred to in Part 2 of Schedule E.

In addition, in the case of the validation of a permanent employment offer, the employer must have been operating an enterprise in Québec for more than 12 months and the employment must be full-time.

**101.** To determine if the employment will likely result in a positive or neutral impact on Québec's labour market or for the validation of the permanent employment offer, the Minister takes into account, in the Minister's assessment,

(1) direct employment creation or employment retention;

(2) the development or transfer of skills;

(3) the filling of a labour shortage in the profession or trade concerned by the employment offer;

(4) the reasonable efforts made by the employer to hire or train Québec residents;

(5) the work conditions and salary offered that are regarded as incentives for Québec residents to hold or continue to hold the employment; and

(6) the employer's ability to meet the conditions offered, financially or materially.

**102.** An employer whose permanent employment offer is validated by the Minister must reserve that employment for the foreign national so that the foreign national may hold it as soon as the foreign national arrives in Québec as permanent resident.

#### CHAPTER V REQUIRED FEES

**103.** The following persons are exempted from paying the fees provided for in section 73 of the Act:

(1) a foreign national who has applied for protection conferred under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) a minor child whose situation is the responsibility of a youth protection director designated under the Youth Protection Act or a local community services centre established under the Act respecting health services and social services;

(3) a minor child that may be exempted from the payment of the financial contribution determined under section 473 of the Education Act (chapter I-13.3).

**104.** Where a selection application involves, in relation to the previous application, the addition of a member of the foreign national's family belonging to the economic class, the foreign national and family members are exempted from paying the required fees if they are already subject to a selection decision that is still valid.

#### CHAPTER VI DURATION AND LAPSE OF THE DECISION OF THE MINISTER

**105.** The Minister's consent for a foreign national's stay given under section 5 of this Regulation is valid for the duration provided for in the positive assessment of the impact on Québec's labour market but for not more than 36 months.

The start of the period provided for in the first paragraph takes effect on the date of the issue of a work permit under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**106.** The Minister's consent for a foreign national's stay given under section 11 of this Regulation is valid for the duration of the program or level of studies indicated in the foreign national's application but for not more than 49 months.

In the case of a child under 17 years of age accompanying the holder of parental authority who stays in Québec as temporary foreign worker, international student or to receive medical treatment, the Minister's consent is of the same duration as the Minister's consent for the stay of the holder of parental authority.

If the child under 17 years of age is not accompanied by the holder of parental authority, the Minister's consent for the stay is for a period of 14 months.

**107.** The consent for a foreign national's stay given under section 18 of this Regulation is valid for the expected period for the medical treatment.

**108.** The selection decision for permanent immigration is valid for a period of 24 months or until a decision respecting the application for permanent residence is rendered under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**109.** The selection decision for temporary immigration lapses where the foreign national

(1) is subject to a removal order for which there is no stay or is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act; or

(2) obtains a new decision for the same reason as the temporary stay.

**110.** The sponsorship undertaking lapses if the foreign national on behalf of whom it is taken

(1) does not meet the requirements of this Regulation;

(2) is not admitted as permanent resident under the undertaking; or

(3) is not the subject of a selection decision as permanent resident within 24 months following the date on which the undertaking is signed.

**111.** The selection decision for permanent immigration lapses where

(1) the foreign national is subject to a removal order for which there is no stay or is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act; or

(2) the foreign national obtains a new selection decision.

## CHAPTER VII INDEXING

**112.** The amounts in Schedules B, C and D are adjusted on 1 January of each year by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 30 September of the year preceding the year for which the fee is to be adjusted. The Minister publishes the rate without delay on the Minister's website and in the *Gazette officielle du Québec*.

## CHAPTER VIII OFFENCES

**113.** Every person who

(1) acts as financial intermediary without having entered into, in accordance with section 39, an agreement with the Minister, allowing the intermediary to participate in the investor program,

(2) contravenes section 40, 95 or 102,

is guilty of an offence and is liable to the penalties provided for in section 94 of the Act.

## CHAPTER IX TRANSITIONAL AND FINAL

**114.** Applications for selection certificates filed before 2 August 2018, except those filed under the Québec experience program, are continued and decided under the Regulation respecting the selection of foreign nationals and the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) as they read on 1 August 2018.

**115.** Despite section 18 of the Québec Immigration Act (2016, chapter 3) and section 21 of this Regulation, a foreign national who belongs to the family class within the meaning of sections 59 and 60 or is domiciled in Québec and belongs to the class of foreign nationals who are in a special distressful situation within the meaning of paragraph a of section 18 and paragraph 1 of section 27 of the Regulation respecting the selection of foreign nationals, as they read on 1 August 2018, or a family member of the foreign national must, until 2 August 2020, be selected by the Minister to settle permanently in Québec.

The Minister selects as permanent resident, during the period provided for in the first paragraph, a foreign national who

(1) belongs to the family class and is covered by an undertaking made by a sponsor in accordance with Division V of Chapter III of this Regulation; and

(2) is recognized as a refugee when the foreign national is already in the territory of Québec.

**116.** Every selection certificate issued by the Minister under section 115 or 3.1 of the Act respecting immigration to Québec (chapter I-0.2), as it read on 1 August 2018, to a foreign national who belongs to the family class or is recognized as refugee while already in the territory of Québec remains valid until its term or until a decision regarding an application for permanent residence has been rendered under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**117.** Every agreement entered into with a financial intermediary who is an investment dealer or a trust company before 2 August 2018 is deemed to be entered into under section 39 of this Regulation.

Despite the foregoing, an investment dealer or trust company who does not have a head office in Québec and who participates in the investor program may, despite subparagraph 2 of the first paragraph of section 39, continue to participate in the program for a period of 4 years as of the date of coming into force of this Regulation, if, in the year following that date, the dealer or company creates or acquires an entity that is a dealer or trust company registered with the Autorité des marchés financiers and whose rights are not suspended by the latter.

**118.** The Minister consents, under the temporary worker program, to the stay of a foreign national who was staying, as of 1 August 2018 in Québec as a live-in caregiver and who wishes to extend the stay, if the foreign national meets the conditions provided for in section 9 and

- (1) undertakes to reside with his employer; and
- (2) if the foreign national does not understand or speak French, the employer undertakes, in the work contract, to facilitate access to French classes outside working hours.

The Minister may select a foreign national referred to in the first paragraph who wishes to settle in Québec under the regular skilled worker program, although the foreign national does not meet a selection condition or criterion where the Minister is of the opinion that the foreign national can successfully settle in Québec.

**119.** This Regulation replaces the Regulation respecting the selection of foreign nationals.

**120.** This Regulation comes into force on 2 August 2018 except

- (1) paragraph 2 of section 83, which comes into force on 2 August 2019;
- (2) paragraph 3 of section 83, which comes into force on 2 August 2021.

## SCHEDULE A

(ss. 32, 33, 34, 37, 48, 50, 51, 53, 58)

### SELECTION GRID FOR THE ECONOMIC CLASS

<i>Factors</i>	<i>Criteria</i>
<b>1. Training</b>	<b>1.1 Education level</b>
	(a) secondary school general diploma
	(b) secondary school vocational diploma
	(c) postsecondary school general diploma attesting to 2 years of full-time studies

- (d) postsecondary school technical diploma attesting to 1 year of full-time studies
- (e) postsecondary school technical diploma attesting to 2 years of full-time studies
- (f) secondary school vocational diploma, or post-secondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of Part I or II of criterion 1.2
- (g) postsecondary school technical diploma attesting to 3 years of full-time studies
- (h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of Part I or II of criterion 1.2
- (i) undergraduate university degree attesting to 1 year of full-time studies
- (j) undergraduate university degree attesting to 2 years of full-time studies
- (k) undergraduate university degree attesting to 3 years or more of full-time studies
- (l) master's degree attesting to 1 year or more of full-time studies
- (m) doctorate

The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.

### 1.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I  
 Section B of Part I  
 Section C of Part I  
 Section D of Part I  
 Section E of Part I  
 Section F of Part I  
 Section G of Part I  
 Section A of Part II

Section B of Part II  
 Section C of Part II  
 Section D of Part II  
 Section E of Part II  
 Section F of Part II  
 Section G of Part II

The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.

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## 2. Experience

### 2.1 Professional experience of a skilled worker

less than 6 months  
 6 to 11 months  
 12 to 23 months  
 24 to 35 months  
 36 to 47 months  
 48 months or more

The experience must have been acquired in the 5 years preceding the date of filing of the application for a selection certificate and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.

### 2.2 Professional experience of a self-employed worker

6 months  
 1 year  
 1 ½ years  
 2 years  
 2 1/2 years  
 3 years  
 3 1/2 years  
 4 years  
 4 1/2 years  
 5 years or more

The experience of a self-employed person is based on the period of practice on the person's behalf of the profession the person intends to practise in Québec.

### 2.3 Experience in management of the investor

6 months  
 1 year  
 1 ½ years  
 2 years  
 2 1/2 years  
 3 years  
 3 1/2 years  
 4 years  
 4 1/2 years  
 5 years  
 5 1/2 years  
 6 years  
 6 1/2 years  
 7 years  
 7 1/2 years or more

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## 3. Age

18 years of age  
 19 years of age  
 20 years of age  
 21 years of age  
 22 years of age  
 23 years of age  
 24 years of age  
 25 years of age  
 26 years of age  
 27 years of age  
 28 years of age  
 29 years of age  
 30 years of age  
 31 years of age  
 32 years of age  
 33 years of age  
 34 years of age  
 35 years of age  
 36 years of age  
 37 years of age  
 38 years of age  
 39 years of age  
 40 years of age

41 years of age  
 42 years of age  
 43 years of age  
 44 years of age  
 45 years of age  
 46 years of age  
 47 years of age  
 48 years of age  
 49 years of age  
 50 years of age

– written expression:  
 beginner  
 levels 1 and 2  
 levels 3 and 4  
 intermediate  
 levels 5 and 6  
 levels 7 and 8  
 advanced  
 levels 9 and 10  
 levels 11 and 12

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#### 4. Language proficiency

##### 4.1 French

According to the Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes or its equivalent:

(a) oral

- oral comprehension:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12
- oral expression:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12

(b) written

- written comprehension:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12

##### 4.2 English

According to the Canadian Language Benchmarks or its equivalent:

(a) oral

- oral comprehension:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12
- oral expression:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12

(b) written

- written comprehension:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12
- written expression:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12

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#### 5. Stay and family in Québec

##### 5.1 Stay in Québec

- (a) to study for 1 regular full-time semester if study is the main activity
- (b) to study for at least 2 regular full-time semesters if study is the main activity

- (c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies
- (d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma
- (e) to work, with a work permit of at least 1 year and full-time work experience of 6 months
- (f) to work for at least 3 months if work is the main activity
- (g) to work for at least 6 months if work is the main activity
- (h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months
- (i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months
- (j) for business for at least 1 week
- (k) other stay for at least 2 weeks
- (l) other stay for at least 3 months

The stay, other than the stay referred to in paragraph *j*, must have been completed by the foreign national or the foreign national's accompanying spouse or de facto spouse in the 10 years preceding the date of filing of the selection application.

The stay referred to in paragraph *j* must have been completed by the foreign national in the 2 years preceding the date of filing of the selection application.

## 5.2 Family in Québec

Relationship with a Québec resident who is, in relation to the foreign national or the foreign national's accompanying spouse or de facto spouse,

- (a) spouse or de facto spouse
- (b) son or daughter, father or mother, brother or sister
- (c) grandfather or grandmother
- (d) uncle or aunt, nepehw or niece

## 6. Characteristics of the accompanying spouse or de facto spouse

### 6.1 Education level

- (a) secondary school general diploma
- (b) secondary school vocational diploma
- (c) postsecondary school general diploma attesting to 2 years of full-time studies
- (d) postsecondary technical diploma attesting to 1 year of full-time studies
- (e) postsecondary technical diploma attesting to 2 years of full-time studies
- (f) postsecondary technical diploma attesting to 3 years of full-time studies
- (g) undergraduate university degree attesting to 1 year of full-time studies
- (h) undergraduate university degree attesting to 2 years of full-time studies
- (i) undergraduate university degree attesting to 3 years of full-time studies
- (j) master's degree attesting to 1 year or more of full-time studies
- (k) doctorate

The diploma attesting to training must have been obtained before the date of filing of the selection application.

### 6.2 Areas of training

Québec diploma or diploma issued abroad listed in the following sections in the List of areas of training:

Section A of Part I  
 Section B of Part I  
 Section C of Part I  
 Section D of Part I  
 Section E of Part I  
 Section F of Part I  
 Section G of Part I  
 Section A of Part II  
 Section B of Part II  
 Section C of Part II  
 Section D of Part II  
 Section E of Part II  
 Section F of Part II  
 Section G of Part II

The diploma attesting to training must have been obtained before the date of filing of the selection application.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.

### 6.3 Professional experience

6 to 11 months  
 12 months or more

The professional experience must have been acquired in the 5 years preceding the date of filing of the selection application and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.

### 6.4 Age

18 years of age  
 19 years of age  
 20 years of age  
 21 years of age  
 22 years of age  
 23 years of age  
 24 years of age  
 25 years of age  
 26 years of age  
 27 years of age

28 years of age  
 29 years of age  
 30 years of age  
 31 years of age  
 32 years of age  
 33 years of age  
 34 years of age  
 35 years of age  
 36 years of age  
 37 years of age  
 38 years of age  
 39 years of age  
 40 years of age  
 41 years of age  
 42 years of age  
 43 years of age  
 44 years of age  
 45 years of age  
 46 years of age  
 47 years of age  
 48 years of age  
 49 years of age  
 50 years of age

### 6.5 Language proficiency

According to the Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes or its equivalent:

#### (a) oral French

- oral comprehension:
  - beginner
    - levels 1 and 2
    - levels 3 and 4
  - intermediate
    - levels 5 and 6
    - levels 7 and 8
  - advanced
    - levels 9 and 10
    - levels 11 and 12
- oral expression:
  - beginner
    - levels 1 and 2
    - levels 3 and 4
  - intermediate
    - levels 5 and 6
    - levels 7 and 8
  - advanced
    - levels 9 and 10
    - levels 11 and 12

- (b) written French
- written comprehension:
    - beginner
      - levels 1 and 2
      - levels 3 and 4
    - intermediate
      - levels 5 and 6
      - levels 7 and 8
    - advanced
      - levels 9 and 10
      - levels 11 and 12
  - written expression:
    - beginner
      - levels 1 and 2
      - levels 3 and 4
    - intermediate
      - levels 5 and 6
      - levels 7 and 8
    - advanced
      - levels 9 and 10
      - levels 11 and 12

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## 7. Validated employment offer

### 7.1 Validated employment offer in the metropolitan area of Montréal

### 7.2 Validated employment offer outside the metropolitan area of Montréal in one of the following administrative regions:

- (a) Abitibi-Témiscamingue
- (b) Bas-Saint-Laurent
- (c) Capitale-Nationale
- (d) Centre-du-Québec
- (e) Chaudière-Appalaches
- (f) Côte-Nord
- (g) Estrie
- (h) Gaspésie-Îles-de-la-Madeleine
- (i) Lanaudière
- (j) Laurentides
- (k) Mauricie
- (l) Montérégie
- (m) Nord-du-Québec
- (n) Outaouais
- (o) Saguenay-Lac-Saint-Jean

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## 8. Children

### 8.1 12 years of age or younger

### 8.2 13 to 21 years of age

A child means a dependent child of the foreign national or the foreign national's accompanying spouse or de facto spouse and an accompanying dependent child who is a Canadian citizen.

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## 9. Financial self-sufficiency

Making of a contract in which the foreign national undertakes to provide for basic needs, those of the accompanying family members and those of a dependent child who is a Canadian citizen for a period of 3 months.

The foreign national must also declare in the contract that the foreign national will have, for that period, financial resources at least equal to those in the scales in Schedule C to provide basic needs; in the case of a foreign national whose application for permanent residence is processed in Canada, the foreign national must prove that his or her gross income will allow the foreign national to provide basic needs.

That requirement begins on the date of the foreign national's arrival in Canada or, in the case of a foreign national whose application for permanent residence is processed in Canada, as of the date of the selection decision.

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## 10. Business project

### 10.1 Service offer assessment (component 1)

The service offer of the enterprise accelerator, enterprise incubator or university entrepreneurship centre is assessed according, in particular, to the

- nature of the business project, the field of activity concerned and needs related to its implementation
- region of operation of the enterprise
- proposed support plan
- operating plan
- expertise of the enterprise accelerator, enterprise incubator or university entrepreneurship centre

### 10.2 Business project assessment (components 1 and 2)

The business project assessment is carried out, with the necessary modifications, from

- the description of the project and of the enterprise
- the market analysis

- the marketing plan
- the operating plan
- the financing plan
- the business profile
- the project management approach and risk analysis
- the economic and social benefits of the business project
- the enterprise and support from the environment
- the implementation stages of the business project

### 11. Amount of deposit

#### 11.1 Deposit for start-up

11.1.1 Practice of a trade or profession in the metropolitan area of Montréal or an enterprise situated outside the metropolitan area of Montréal

- (a) \$15,000
- (b) \$20,000
- (c) \$25,000
- (d) \$40,000
- (e) \$50,000
- (f) \$100,000
- (g) \$200,000
- (h) \$300,000
- (i) \$400,000 or more

11.1.2 Practice of a trade or profession outside the metropolitan area of Montréal or enterprise situated outside the metropolitan area of Montréal

- (a) \$15,000
- (b) \$20,000
- (c) \$25,000
- (d) \$40,000
- (e) \$50,000
- (f) \$100,000
- (g) \$200,000
- (h) \$300,000
- (i) \$400,000 or more

#### 11.2 Security deposit

- (a) \$100,000
- (b) \$200,000
- (c) \$300,000
- (d) \$400,000
- (e) \$500,000 or more

### 12. Investment agreement

Compliant with the Regulation.

### 13. Financial Resources

Net asset obtained with, if applicable, the spouse or de facto spouse accompanying the foreign national and whose legal origin is demonstrated, of at least

	\$50,000
	\$75,000
	\$100,000
	\$125,000
	\$150,000
	\$175,000
	\$200,000
	\$250,000
	\$300,000
	\$350,000
	\$400,000
	\$450,000
	\$500,000
	\$600,000
	\$700,000
	\$800,000
	\$900,000
	\$1,000,000

### SCHEDULE B

(ss.12, 77, 89, 112)

#### MINIMUM INCOME REQUIRED TO PROVIDE FOR A PERSON'S BASIC NEEDS AND THOSE OF THE FAMILY MEMBERS

The gross annual income scale is established as follows:

Number of family members	Gross annual income
0	\$23,483
1	\$31,699
2	\$39,137
3	\$45,012
4	\$50,096

The gross annual income is increased by \$5,084 for each additional family member.

**SCHEDULE C**

(ss. 12, 68, 90, 95, 112)

## FOREIGN NATIONAL'S BASIC NEEDS

The scale of basic needs for 1 year is established as follows:

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
0	1	\$6,270
	2	\$9,405

Basic needs are increased by \$3,135 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
1	0	\$12,538
	1	\$16,849
	2	\$19,019

Basic needs are increased by \$2,170 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
2	0	\$18,388
	1	\$20,598
	2	\$22,231

Basic needs are increased by \$1,634 for each additional person under 18 years of age and by \$5,846 for each additional person 18 years of age or older.

**SCHEDULE D**

(ss. 12, 68, 77, 89, 112)

## MINIMUM AMOUNT REQUIRED TO PROVIDE FOR A FOREIGN NATIONAL'S BASIC NEEDS

The scale of the minimum amount required to provide for a foreign national's basic needs is established as follows:

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
0	1	\$8,128
	2	\$12,883

The gross annual amount required is increased by \$4,296 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
1	0	\$17,176
	1	\$23,077
	2	\$26,058

The gross annual amount required is increased by \$2,979 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
2	0	\$25,188
	1	\$28,216
	2	\$30,461

The gross annual amount required is increased by \$2,236 for each additional person under 18 years of age and by \$8,008 for each additional person 18 years of age or older.

**SCHEDULE E**

(ss. 51, 100)

## List of INADMISSIBLE ECONOMIC ACTIVITIES AND EMPLOYMENT FIELDS

PART 1 – Inadmissible economic activities for the enterprises referred to in component 2 of the entrepreneur program

- Loans on salaries, cheque cashing or pawn broking;
- Estate development, real estate development or estate or insurance brokering;
- Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages.

PART 2 – Inadmissible employment fields under the temporary foreign worker program and the regular skilled worker program

- Loans on salaries, cheque cashing or pawn broking;
- Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages.

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