

Gazette
officielle
^{DU} Québec

Part

2

No. 28

14 July 2004

Laws and Regulations

Volume 136

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, pars. *b* and *f*)

1. The Regulation respecting the selection of foreign nationals is amended in subsection 1 of section 1

(1) by replacing “management experience” in subparagraph *e.1* by “management experience (entrepreneur)”;

(2) by adding the following after subparagraph *e.1*:

“(e.2) “management experience (investor)”: the actual assuming on a full-time basis of responsibilities and duties related to the planning, management and control of financial resources, and of human or material resources, provided that such responsibilities and duties are not assumed in the context of an apprenticeship, training or specialization process attested to by a diploma;”.

2. Section 34.1 is amended

(1) by inserting “the Minister and” in the first paragraph after “agreement with”;

(2) by replacing “his mandatary with” in the first paragraph by “the foreign national’s mandatary with the Minister and”;

(3) by replacing subparagraph *a* of the third paragraph by the following:

“(a) an undertaking by the foreign national to make an investment of at least \$400,000 with a broker or trust company which must invest the amount with Investissement-Québec or one of its subsidiaries, no later than 90 days after the issue of the notice of compliance in respect of the agreement sent to the foreign national by the Minister, for the purposes of financing

i. a program established under sections 27 and 59 of the Act respecting Investissement Québec and La Financière du Québec (R.S.Q., c. I-16.1);

ii. the exercise of the Minister’s responsibilities in accordance with section 12 of the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (R.S.Q., c. M-25.01);”;

(4) by inserting the following after subparagraph *a* of the third paragraph:

“(a.1) the opening of a separate account in the name of the foreign national by the broker or trust company;

(a.2) the establishment of the identity of the foreign national by his name, sex, date of birth, permanent address, citizenship, personal telephone number, the type of document proving the foreign national’s identity, the number of that document and the place where it was issued; any change in any of the particulars must be notified to the mandatary by the foreign national within 30 days of the change;

(a.3) a prohibition against the foreign national’s changing brokers or trust companies from the date of filing of the application for a selection certificate, except for reasons related to the broker or trust company, such as bankruptcy, cessation of management activities, an acquisition or amalgamation, or professional misconduct;”;

(5) by striking out “the Minister receives notice by Investissement-Québec or one of its subsidiaries that” in subparagraph *b* of the third paragraph and by replacing “has been” by “is” and “this agreement” by “this Regulation”;

(6) by replacing “the Programme des immigrants investisseurs pour l’aide aux entreprises” in subparagraph *c* of the third paragraph by “a program referred to in subparagraph *a*”;

(7) by replacing subparagraph *d* of the third paragraph by the following:

“(d) the agreement must be irrevocable before the end of its term, unless the selection certificate is cancelled by the Minister or the investor’s application for a visa or permanent residence within the meaning of the Immigration and Refugee Protection Act is denied and, for that purpose, it must provide that the broker or trust company is required to reimburse the investment to the investor by depositing the investor’s funds in the country from which the funds originated, in an account in the investor’s name, and file a document with the Minister attesting to the reimbursement within 30 days of the deposit;”.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 351-2003 dated 5 March 2003 (2003, G.O. 2, 1274). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

3. The following is inserted after section 34.1 :

“**34.1.1.** The agreement referred to in section 34.1 must also contain at least the following provisions :

(a) a requirement for the foreign national to file with the application for a selection certificate a statement from the broker or trust company attesting to compliance with the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (S.C. 2000, c. 17) and the regulations thereunder and with sections 83.1 and 83.11 of the Criminal Code (R.S.C. 1985, c. C-46);

(b) a requirement for the foreign national, the broker or trust company to provide the Minister with proof of registration, if any, of the broker or trust company in the registry of lobbyists under the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011);

(c) a description of the procedure for the exchange of information between the parties to the agreement.”.

4. Section 38 is amended by replacing “has been transferred to his broker or his trust company in Québec” in the second paragraph by “has been invested with Investissement-Québec or one of its subsidiaries”.

5. Schedule A is amended by replacing the title of criterion “3.2 Management experience:” by “3.2 Management experience (investor) or Management experience (entrepreneur):”.

6. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.