



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 74

**An Act mainly to improve
the regulatory scheme governing
international students**

Introduction

**Introduced by
Mr. Jean-François Roberge
Minister of Immigration, Francization and Integration**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

This bill amends mainly the Québec Immigration Act with regard to decisions relating to the management of international student applications filed in accordance with that Act.

The bill gives the Government the power to make such decisions. It sets out the cases where those decisions are made on the recommendation of the Minister after consultation with, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education, and those where the decisions must be made on the joint recommendation of the Minister and, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education.

The bill also specifies that all decisions relating to the management of applications made under the Québec Immigration Act may vary on the basis of any distinction considered useful, whether they are decisions of the Government concerning international student applications or of the Minister concerning other applications relating to temporary or permanent immigration filed in accordance with that Act.

Moreover, the bill amends the Québec Immigration Act to make admission to a designated educational institution a condition of any immigration program intended for international students, unless the Government provides otherwise regarding certain foreign nationals. It directly designates certain educational institutions and gives the Government the power to designate other educational institutions on the joint recommendation of the Minister and, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education.

In addition, the bill confers on the Minister of Education and the Minister of Higher Education functions allowing them to support decision-making relating to the management of international student applications. It empowers them to determine by regulation the information that must be collected and communicated to them for that purpose, in particular by educational institutions. It also allows them to determine, for private educational institutions, the maximum number of students who may be admitted to educational services or categories of educational services those institutions dispense, taking

into consideration, in particular, the capacity of the institution, and the minimum threshold of students resident in Québec whom the institutions must admit to those educational services or categories of educational services.

The bill also amends the Québec Immigration Regulation, among other things to provide that certain international students must receive their education at the educational institution for which the Minister's consent to their stay was given.

Lastly, the bill contains transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting private education (chapter E-9.1);
- Québec Immigration Act (chapter I-0.2.1);
- Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15);
- Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1).

REGULATION AMENDED BY THIS BILL:

- Québec Immigration Regulation (chapter I-0.2.1, r. 3).

Bill 74

AN ACT MAINLY TO IMPROVE THE REGULATORY SCHEME GOVERNING INTERNATIONAL STUDENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

QUÉBEC IMMIGRATION ACT

1. The Québec Immigration Act (chapter I-0.2.1) is amended by inserting the following section after section 15:

“**15.1.** Unless the Government, by regulation, provides otherwise regarding certain foreign nationals, admission to a designated educational institution is a condition of any international student class immigration program.

The following are designated educational institutions:

(1) educational institutions referred to in section 36 of the Education Act (chapter I-13.3); and

(2) educational institutions designated by the Government on the joint recommendation of the Minister and, according to their respective jurisdictions, of the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology.

A designation order comes into force on the date of its publication in the *Gazette officielle du Québec*.

The Minister publishes the list of designated educational institutions in any medium the Minister considers appropriate.”

2. The heading of Division III of Chapter V of the Act is amended by striking out “MINISTER’S”.

3. Section 50 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Minister may make a decision relating to the receipt and processing of applications filed in accordance with Chapter III, unless such a decision concerns international student applications, in which case it may be made only by the Government.

A decision is made taking into account, in particular, the guidelines and objectives set out in the annual immigration plan, economic and labour needs, the need to promote diversity in the origin of applications for selection, humanitarian considerations, any situation that could compromise the health, safety or well-being of immigrants, Québec's capacity to receive and integrate immigrants or the public interest.”;

(2) by replacing “maximum number of applications the Minister intends to receive” in the second paragraph by “maximum number of applications the Minister will receive”;

(3) by replacing “The Minister’s decision” in the third paragraph by “A decision”.

4. Section 52 of the Act is replaced by the following section:

“52. A decision made under section 50 or 51 may apply to an immigration class, an immigration program or a component of such a program. It may vary on the basis of any distinction considered useful and provide for exceptions. It must specify the reasons justifying it.

The decision is made for a maximum period of 24 months and may be modified at any time during that period. It is published in the *Gazette officielle du Québec* and takes effect on the date of its publication or on any later date specified in it.

The Minister also publishes every decision in the medium the Minister considers appropriate.”

5. The Act is amended by inserting the following section after section 52:

“52.1. A decision made by the Government concerning international student applications is made on the recommendation of the Minister after consultation with the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions.

Despite the first paragraph, such a decision must be made on the joint recommendation of the Minister and, according to their respective jurisdictions, of the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology where

(1) it pertains to the suspension of the receipt or processing of applications; or

(2) it pertains to the maximum number of applications the Minister will receive, if that maximum number is set on the basis of a distinction, in particular on the basis of a region of Québec, level of instruction, cycle of studies, educational services, category of educational institution, school service centre, educational institution or program of studies, or if exceptions are provided for.”

6. Section 53 of the Act is amended by replacing “made by the Minister under section 50 or 51” by “made under section 50 or 51”.

7. Section 104 of the Act is amended

(1) by inserting “9, 10,” after “of sections” in the first paragraph;

(2) by striking out “9, 10 and” in the second paragraph.

ACT RESPECTING PRIVATE EDUCATION

8. Section 15 of the Act respecting private education (chapter E-9.1) is amended

(1) in the first paragraph,

(a) by striking out “, not below the capacity of the facilities at the disposal of the institution,”;

(b) by inserting “, taking into consideration, in particular, the capacity of the facilities at the disposal of the institution and the needs relating to the educational services or categories of educational services concerned” at the end;

(2) by adding the following paragraph at the end:

“In addition, the Minister may determine the minimum threshold of students resident in Québec, within the meaning of government regulations, who must be admitted to educational services or categories of educational services dispensed by the institution.”

9. Section 17 of the Act is amended by replacing “under section 15” in the first paragraph by “as well as the minimum threshold of students resident in Québec determined under section 15”.

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

10. Section 2 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by adding the following paragraph at the end:

“(8) proposing measures to support decision-making relating to the management of international student selection applications under the Québec Immigration Act (chapter I-0.2.1), taking into account the reality specific to the education network and the guidelines and objectives defined under that Act, and collecting the information necessary to that end, in particular information enabling the admission and registration of international students to be documented.”

11. The Act is amended by inserting the following section after section 2:

“2.1. The Minister may, by regulation, determine the information that the bodies referred to in section 6 must collect and communicate to the Minister for the exercise of the Minister’s duties provided for in paragraph 8 of section 2.

The regulation may determine the manner in which such information is to be communicated.”

ACT RESPECTING THE MINISTÈRE DE L’ENSEIGNEMENT
SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE
ET DE LA TECHNOLOGIE

12. Section 4 of the Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(8.1) propose measures to support decision-making relating to the management of international student selection applications under the Québec Immigration Act (chapter I-0.2.1), taking into account the reality specific to the field of higher education and the guidelines and objectives defined under that Act, and collect the information necessary to that end, in particular information enabling the admission and registration of international students to be documented; and”.

13. The Act is amended by inserting the following section after section 4:

“4.1. The Minister may, by regulation, determine the information that an educational institution must collect and communicate to the Minister for the exercise of the Minister’s functions provided for in subparagraph 8.1 of the first paragraph of section 4.

The regulation may determine the manner in which such information is to be communicated.”

QUÉBEC IMMIGRATION REGULATION

14. Section 1 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended by striking out the definition of “Québec educational institution”.

15. Section 11 of the Regulation is amended by replacing “a Québec educational institution” in subparagraph 1 of the first paragraph by “an educational institution designated under section 15.1 of the Act”.

16. Section 13 of the Regulation is amended

(1) by inserting “and, where the consent was obtained under the first paragraph of section 11, at the educational institution for which it was given” at the end of the first paragraph;

(2) by replacing “elementary and secondary school instructional services or educational services in vocational training within the meaning of the Education Act (chapter I-13.3)” in the second paragraph by “elementary or secondary school instructional services within the meaning of the Education Act (chapter I-13.3), vocational training within the meaning of that Act”.

TRANSITIONAL AND FINAL PROVISIONS

17. A decision made under section 50 or 51 of the Québec Immigration Act (chapter I-0.2.1) that is in effect before (*insert the date of assent to this Act*) continues to apply until the date the decision provides it is to cease to have effect. It may be modified in accordance with section 52 of that Act.

18. Section 13 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3) applies as it read on (*insert the date that precedes the date of assent to this Act*) to a foreign national who is the subject of a valid international student selection decision rendered before (*insert the date of assent to this Act*).

19. This Act comes into force on (*insert the date of assent to this Act*), except sections 1, 14 and 15, which come into force on the date of publication in the *Gazette officielle du Québec* of the first order made under subparagraph 2 of the second paragraph of section 15.1 of the Québec Immigration Act (chapter I-0.2.1), enacted by section 1.

