

Mobility: immigration alert

May 2022

Canada

Recent updates to Quebec immigration

Executive summary

The landscape of Québec immigration has been impacted in multiple ways via the adoption of new legislation, along with new measures to facilitate the entry of Temporary Foreign Workers (TFWs). A summary of these changes is provided below.

Policy changes regarding the Facilitated Labour Market Impact Assessment (FLMIA) process for Québec employer

As of 24 May 2022, changes were announced to the current agreement between the Employment and Social Development Canada (ESDC) and the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) for employers seeking to hire TFWs using the facilitated process. The key measures are as follows:

- ▶ Wages offered to TFWs under the FLMIA process will dictate whether employers will need to apply under the High-Wage Positions Stream or the Low-Wage Positions Stream. This is a shift from the prior policy allowing all eligible occupations under this process benefiting from the High-Wage Positions Stream.
- ▶ Should an LMIA application be filed under the Low-Wage Positions Stream, employers will be eligible for an exemption on the cap related to the proportion of low-wage positions at specific work locations. This new measure became effective on 24 May 2022 and will continue until 31 December 2023.
- ▶ Added flexibility is provided under the FLMIA process allowing for skill level C occupations to be added to the target list of occupations. More specifically, 65 new

occupations have been added to the list including key occupations in manufacturing, financial and healthcare sectors. This allows employers to file LMIA applications without having to undertake the prescribed recruitment procedures under the regular LMIA process.

The added flexibility to the TFWP program in Québec addresses the recruitment challenges faced by employers, taking into account severe labor shortages in key industries, especially impacted by the ongoing pandemic.

Policy changes regarding the International Mobility Program Plus (IMP+)

On 24 May 2022, the Minister of Immigration, Refugees and Citizenship (IRCC) announced that the IMP+ has entered into effect. It is a new work permit stream for those who have obtained a Québec Selection Certificate (CSQ). Prior to the adoption of this new program, unless they qualified under a different temporary status, all Québec-Selected Skilled Workers (QSWs) from abroad were required to wait for their Permanent Residence (PR) application to be adjudicated before they could begin residing and working in the province. This allows skilled talent to move to Québec earlier and benefit the Québec labor market whilst their PR application is being finalized.

As part of the IMP+, eligible QSWs can seek a three-year open work permit allowing them to gain employment with a Québec employer, even before submitting their application for permanent residence to IRCC.



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The eligibility criteria are as follows:

- ▶ Be issued an IMP+ letter of invitation from the province of Québec
- ▶ Hold a CSQ granted under the Regular Skilled Worker Program or the Permanent Immigration Pilot Project in AI, IT and VFX sectors
- ▶ Be residing outside of the province of Québec

In 2022, IMP+ will be subject to an application intake cap of 14,700, targeting QSWs that have already received CSQs in the past several years. In 2023, the annual intake cap will be set at 7,350 per year.

Policy changes regarding the Bill 96 adoption

On 23 May 2022, the National Assembly of Québec adopted Bill 96- An Act respecting French, the official and common language of Québec. The legislators of Bill 96 have indicated that its purpose is to underline and protect the French language as the official and common language of the Québec province. It has been understood that the changes should come into effect within one year. Several media reports indicate that it will face court challenges. The key impact to TFWs and new immigrants are:

- ▶ Dependent children of TFWs will be eligible for public or subsidized education in a language other than French, for a maximum period of three years. This is a non-renewable period. Under the current regulations, a dependent child of a TFW is eligible to attend a public or subsidized English school if they are living in Québec temporarily. There is currently no cap on the period of eligibility. However, they lose eligibility once a selection certificate under the Québec Immigration Act is issued. More specifically, the eligibility ceases to have effect on 30 June 2022 of the school year during which the selection certificate is issued.
- ▶ The legislation sets a limit to the amount of students who can be enrolled in an English language college in Québec (CEGEP) at 17.5 percent of the overall student population in Québec. Students will be required to take core French courses (or French-instruction courses for English eligibility holders) at CEGEP level and pass a French proficiency exam to graduate. This would be a new measure. Once in effect, dependents of TFWs who seek to study at the college (CEGEP) level will need to be mindful of the limited space available at English colleges along with the additional graduation requirements with respect to language.
- ▶ Immigrants, including refugees, moving to Québec will have access to services in English or another language for a maximum period of 6 months following their arrival. After this period, all governmental services will be provided solely in French with minor exceptions falling under “the health, public safety, or the natural justice principle.” This would be a new measure. Employer and community organizations may need to provide further support for new immigrants as they navigate and adapt to their new environment.

Some of the new key measures outlined above are aimed at reducing overall delays and efforts required of employers in seeking work authorization for eligible TFWs. The changes will be beneficial for key industries who are facing known labor shortages, especially in light of the ongoing pandemic and recovery. The added flexibility to the TFWP and IMP+ program will allow Québec employers to tap into a larger pool of skilled talent.

As it relates to the TFWP, although classified as low-wage occupations, such skill level C occupations are often the most essential, the inclusion of these role in the Facilitated LMIA process serves to validate their importance in supporting business and institutions of all types.

Furthermore, the IMP+ program will help to shorten the path for skilled workers, already selected by the provincial authorities to arrive and contribute to the local economy and labor market. Québec employers will have fewer compliance requirements to handle and will have little or no involvement in the process of obtaining the IMP+ work permit, reducing the burden in hiring these key skilled workers.

Notwithstanding that there are still improvements to be sought in supporting vital businesses, the implementation of these new measures provides benefits not only Québec employers, but also the Québec and Canadian economy, both in the in short-term and in the long-term to ensure a smooth transition from temporary residence to permanent residence.

The changing Québec immigration landscape highlights the importance of proper strategic planning in hiring TFWs.

Lastly, the recent adoption of Bill 96 may lead to additional discussions when hiring TFWs and supporting those who are currently in your workplace. While it is likely to face court challenges, it should be taken into account in the recruitment of foreign workers and the long-term strategy to secure their integration.

Should you have any questions with respect to these new measures, please do not hesitate to contact your EY Law LLP professional.

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