

# Mobility: Immigration alert

December 2023

## Canada

### Overview of key immigration updates for Québec

#### Implementation of electronic submission of applications

On 22 November 2023, the Ministry of Immigration, Francisation and Integration (MIFI) announced that beginning on 11 December 2023, employers can submit applications online for Quebec Acceptance Certificates (CAQ) and Validated Job Offers (VJO), via the ARRIMA platform. This platform is already in use for other types of applications. Electronic transmission will become mandatory as of 22 January 2024. An exemption will be maintained for certain sectors, such as the agricultural sector. Decisions will be issued electronically as well.

In addition, this change allows for the use of *unnamed* Labour Market Impact Assessments (LMIA). The use of unnamed LMIA is highly practical. Where there is a determined need, an employer can seek the necessary LMIA for the occupation in question, even before identifying the foreign national to fill the role(s). It facilitates greater efficiency in workforce planning. Once the identity of the foreign national is known, then the employer can apply for the necessary CAQ to support their work permit application.

#### Impact:

- ▶ Electronic submissions of CAQ applications should help to shorten overall processing times and allow for the simultaneous issuance of LMIA and CAQ approvals.
- ▶ Employers will have access to a secure platform to submit applications, make payments and communicate with the MIFI.

- ▶ The ability to obtain unnamed LMIA will allow employers to be more strategic and efficient in workforce planning.

#### New French language requirement for foreign nationals under LMIA/CAQ-based work permits

The MIFI will require verbal French language skills at level 4 or above for foreign nationals who have been working in Quebec for three years and seek an extension of their temporary foreign worker status based on an LMIA and CAQ.

Furthermore, employers who seek a CAQ to support new foreign workers will need to commit to supporting the foreign national's efforts to become more proficient in the French language during normal working hours. The implementation, terms and conditions governing these new requirements have yet to be communicated.

Impact: Foreign nationals, except those within certain sectors, will need to demonstrate verbal French skill at level 4 or higher in the following situations:

- ▶ Foreign national is seeking a work permit based on an LMIA and CAQ; and
- ▶ Foreign national has already been working in Québec for three years.

To date, work permits that are exempt from LMIA/CAQ are not affected by this requirement.

## **Reform of economic immigration programs - requiring a proficiency in French**

On 7 June 2023, the MIFI proposed regulatory changes to economic immigration programs. These proposals were published in the form of a draft regulation in the *Gazette officielle du Québec*. Following this publication and pursuant to public consultations, the MIFI made certain adjustments to the proposed regulations. Key reforms are detailed below.

### *Programme de sélection des travailleurs qualifiés (PSTQ)*

- ▶ The new *Programme de sélection des travailleurs qualifiés* (PSTQ) will replace the current *Programme régulier des travailleurs qualifiés* (PRTQ) on 29 November 2024.
- ▶ Under the new PSTQ program, French language proficiency is required for applicants (verbal and in some cases written abilities as well). Accompanying spouses will also need to demonstrate basic oral French language abilities.
- ▶ Validated Job Offers will now be valid for a longer period going from a 12-month duration to an 18-month duration.

The delay in the implementation of the new PSTQ provides an opportunity to review the current eligibility criteria and determine if an application should be submitted under the current program where it is best to do so.

### *Programme de l'expérience québécoise (PEQ) Diplômés:*

- ▶ The work experience requirement under the existing program has been removed. This has allowed for a wider pool of applicants to be eligible under this program.
- ▶ Applicants will need to demonstrate French language proficiency in Level 5.
- ▶ New eligibility criteria will come into effect on 23 November 2024. As of this date, to be eligible under this category, a graduate must demonstrate that they have completed studies in French.

Those who would be negatively impacted by the changes should aim to submit their applications before 23 November 2024, where possible.

### *Other economic immigration programs*

- ▶ The new business immigration programs will come into effect on 1 January 2024.
- ▶ Québec-based sponsors in Family Sponsorship cases (destined for Québec) will have to confirm that they will support the applicant's efforts to become proficient in the French language.

## **2024-2025 immigration plan in Québec**

The MIFI shared their multi-year immigration planning for 2024 and 2025. The targeted planning period has been reduced to a two year window from the usual four years, in light of the upcoming implementation of the economic immigration programs reform as well as the increasing number of foreign nationals in Québec.

The multi-year immigration plan in Québec for 2024 and 2025 maintains immigration targets at 50,000 annual admissions in economic immigration programs (skilled workers, investors, and entrepreneurs). In addition, the government plans to admit up to 6,500 additional permanent residents beyond the announced levels, targeting graduates of Québec -based institutions.

We are monitoring changes closely and will notify you of any important updates in a timely manner in order to prepare the next steps with you and your employees, if applicable.

Should you have any questions about how this might impact your business, please feel free to contact your EY Law LLP immigration professional.

## EY | Building a better working world

EY exists to build a better working world, helping create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

Follow up on Twitter @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://ey.com/privacy). EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit [ey.com](https://ey.com).

### About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit [EYLaw.ca](https://EYLaw.ca).

© 2023 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 011584-23GbI

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact EY or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.

[ey.com/en\\_ca](https://ey.com/en_ca)

**George Reis, Managing Partner**  
+1 416 943 2535  
[george.reis@ca.ey.com](mailto:george.reis@ca.ey.com)

**Batia Stein, Partner**  
+1 416 943 3593  
[batia.j.stein@ca.ey.com](mailto:batia.j.stein@ca.ey.com)

**Roxanne Israel, Partner**  
+1 403 206 5086  
[roxanne.n.israel@ca.ey.com](mailto:roxanne.n.israel@ca.ey.com)

**Marwah Serag, Partner**  
+1 416 943 2944  
[marwah.serag@ca.ey.com](mailto:marwah.serag@ca.ey.com)

**Stephanie Lipstein, Partner**  
+1 514 874 4610  
[stephanie.lipstein@ca.ey.com](mailto:stephanie.lipstein@ca.ey.com)

**Author:**  
Vanessa Popescu  
+1 514 874 4498  
[vanessa.@ca.ey.com](mailto:vanessa.@ca.ey.com)

**Alex Israel, Partner**  
+1 416 943 2698  
[alex.d.israel@ca.ey.com](mailto:alex.d.israel@ca.ey.com)

**Christopher Gordon, Partner**  
+1 416 943 2544  
[christopher.d.gordon@ca.ey.com](mailto:christopher.d.gordon@ca.ey.com)

**Nadia Allibhai, Partner**  
+1 613 598 4866  
[nadia.allibhai@ca.ey.com](mailto:nadia.allibhai@ca.ey.com)

**Jonathan Leebosh, Partner**  
+1 604 899 3560  
[jonathan.e.leebosh@ca.ey.com](mailto:jonathan.e.leebosh@ca.ey.com)

**Melanie Bradshaw, Partner**  
+1 416 943 5411  
[melanie.bradshaw@ca.ey.com](mailto:melanie.bradshaw@ca.ey.com)