

**CANADA-QUÉBEC
ACCORD
RELATING TO IMMIGRATION
AND TEMPORARY ADMISSION
OF ALIENS**

Québec 

Gouvernement du Québec
Ministère des Relations avec les citoyens
et de l'Immigration

Printed in March 2000

Accord

BETWEEN

THE GOVERNMENT OF CANADA, as represented by the Minister of Employment and Immigration Canada, Mrs. Barbara McDougall (herein after referred to as «Canada»)

OF THE FIRST PART

AND

THE GOUVERNEMENT OF QUÉBEC, as represented by la Ministre des Communautés culturelles et de l'Immigration et Vice-présidente du Conseil du trésor, Mrs. Monique Gagnon-Tremblay and le Ministre de la Justice et Ministre délégué aux Affaires intergouvernementales canadiennes, Mr. Gil Rémillard (herein after referred to as «Québec»)

OF THE SECOND PART

TAKING into account section 95 of the *Constitution Act*, 1867;

AND WHEREAS the Parliament of Canada and the Legislature of Québec have enacted legislation in relation to immigration;

AND WHEREAS the Government of Canada and the Government of Québec concluded, on February 20, 1978, an *Agreement with regard to cooperation on immigration matters and on the selection of foreign nationals wishing to settle either permanently or temporarily in Québec* (herein after referred to as the Cullen-Couture Agreement);

AND WHEREAS it is the wish of the Government of Canada and the Government of Québec to conclude a new agreement, inspired by the Cullen-Couture Agreement, in order to provide Québec with new means to preserve its demographic importance in Canada, and to ensure the integration of immigrants in Québec in a manner that respects the distinct identity of Québec;

AND WHEREAS the *Immigration Act* (Canada) is designed, among other things, to enrich and strengthen the cultural and social fabric of Canada, taking into account its federal and bilingual character;

AND WHEREAS Canada and Québec attach importance to the reunification of families and wish to assume their share of responsibility with respect to humanitarian considerations, particularly with respect to refugees and persons in similar situations;

AND WHEREAS the *Canadian Charter of Rights and Freedoms* guarantees certain mobility rights to every person who has the status of a permanent resident of Canada and guarantees equal protection and equal benefit of the law to everyone, without discrimination;

THE PARTIES HERETO agree on the following matters in order to determine their respective areas of activity relative to immigrants and aliens in order to meet the needs and the particular situation of Québec.

1. This Accord relates to the selection of persons who wish to reside permanently or temporarily in Québec, their admission into Canada, their integration into Québec society, and the determination of levels of immigration to Québec.
2. An objective of this Accord is, among other things, the preservation of Québec's demographic importance within Canada and the integration of immigrants to that province in a manner that respects the distinct identity of Québec.
3. Canada shall determine national standards and objectives relating to immigration and shall be responsible for the admission of all immigrants and the admission and control of aliens. Canada shall discharge these responsibilities in particular by defining the general classes of immigrants and classes of persons who are inadmissible into Canada, by setting the levels of immigration and the conditions for the granting of citizenship, and by ensuring the fulfilment of Canada's international obligations.
4. Québec has the rights and responsibilities set out in this Accord with respect to the number of immigrants destined to Québec and the selection, reception and integration of those immigrants.

I. LEVELS OF IMMIGRATION

5. Canada shall establish annually the total number of immigrants for the country as a whole, taking into consideration Québec's advice on the number of immigrants that it wishes to receive.
6. Canada undertakes to pursue a policy with respect to immigration levels that will allow Québec to receive, out of the annual total established for the country as a whole, the percentage of immigrants referred to in section 7, with Québec having the right to exceed this figure by five per cent of the Canadian total for demographic reasons.
7. Québec undertakes to pursue an immigration policy that has as an objective the reception by Québec of a percentage of the total number of immigrants received in Canada equal to the percentage of Québec's population compared with the population of Canada.
8. In order to assume its full responsibility for the reception of immigrants based on humanitarian considerations, Québec undertakes to receive, out of the total number of refugees and persons in similar situations received by Canada, a percentage at least equal to the percentage of immigrants that it undertakes to accept.

II. ADMISSION AND SELECTION

General

9. Canada and Québec acknowledge that applications for permanent residence shall ordinarily be submitted and considered outside the country.
10. Canada shall determine which persons may have their application for permanent residence considered in Canada.
11. The selection process described in sections 12 to 21 applies to applications for permanent residence considered in Canada as well as outside Canada, except in the cases described in section 20.

Immigrants

12. Subject to sections 13 to 20,
 - (a) Québec has sole responsibility for the selection of immigrants destined to that province and Canada has sole responsibility for the admission of immigrants to that province.
 - (b) Canada shall admit any immigrant destined to Québec who meets Québec's selection criteria, if the immigrant is not in an inadmissible class under the law of Canada.
 - (c) Canada shall not admit any immigrant into Québec who does not meet Québec's selection criteria.

Family Reunification

13. Canada has sole responsibility for the admission of immigrants in the family class and the assisted relative class, including the responsibility for establishing whether an individual immigrant belongs in either of those classes.
14. Canada has sole responsibility for the establishment of selection criteria for family class immigrants and Québec shall be responsible for the application of those criteria, if any, with respect to such immigrants destined to Québec.
15. Subject to section 16, Canada and Québec may each establish their own criteria for the selection of immigrants in the assisted relative class and Québec shall be responsible for the application of those criteria, with respect to such immigrants destined to Québec.

16. Where an immigrant destined to Québec seeking admission as a member of the assisted relative class meets either Québec's or Canada's selection criteria, that person shall be admitted if he is not in an inadmissible class under the law of Canada.

Refugees

17. In accordance with its international obligations, Canada shall determine who is a refugee within the meaning of the *United Nations Convention Relating to the Status of Refugees*, and who are persons in similar circumstances in need of Canada's protection.
18. Subject to section 20, refugees and persons in similar circumstances identified by Canada who are destined to Québec and who meet Québec's selection criteria shall be admitted by Canada if they are not members of an inadmissible class under the law of Canada.
19. Subject to section 20, Canada shall not admit a refugee or person in similar circumstances identified by Canada who is destined to Québec and who does not meet Québec's selection criteria.
20. Where permanent resident status is granted to a person already in Québec who is recognized as a refugee, Québec's consent shall not be required.

Undertakings

21. Where a law of Canada
 - (a) requires that a family member submit an undertaking to the Government of Québec with respect to an immigrant that the family member wishes to sponsor or assist, or
 - (b) requires that the family member meet financial criteria,

Québec alone shall be responsible for the administration of such undertakings and the determination and application of such financial criteria, where the family member is a resident of Québec.

Visitors

22. Québec's consent is required in order to admit into the province:
 - (a) any foreign student, except a student chosen under a Canadian government assistance program for developing countries;

- (b) any temporary foreign worker whose admission is subject to Canada's requirements relating to the availability of Canadian workers; and
- (c) any foreign visitor entering Québec to receive medical treatment.

Other Parts of Canada

- 23. For greater certainty, this Accord does not affect the ability of Canada to admit an immigrant, refugee or alien destined to a part of Canada other than Québec.

III. RECEPTION AND INTEGRATION

- 24. Canada undertakes to withdraw from the services to be provided by Québec for the reception and the linguistic and cultural integration of permanent residents in Québec.
- 25. Canada undertakes to withdraw from specialized economic integration services to be provided by Québec to permanent residents in Québec.
- 26. Canada shall provide reasonable compensation for the services referred to in sections 24 and 25 provided by Québec, if:
 - (a) those services, when considered in their entirety, correspond to the services offered by Canada in the rest of the country;
 - (b) the services provided by Québec are offered without discrimination to any permanent resident of Québec, whether or not that permanent resident has been selected by Québec.
- 27. The obligation to withdraw with compensation contemplated by section 25 does not apply to economic integration services provided by Canada on an equal basis to all residents of the country.
- 28. Canada alone shall have responsibility for services relating to citizenship.
- 29. Nothing in this Accord shall be construed as restricting the right of Canada to provide services to Canadian citizens relating to multiculturalism or to promote the maintenance and enhancement of the multicultural heritage of Canadians.

IV. GENERAL

30. Canada and Québec shall take any measures which are necessary to implement this Accord.
31. Canada and Québec agree to consult each other before making any amendments to their statutes and regulations affecting the operation of this Accord.
32. The French and English language versions of this Accord are equally authoritative.
33. This Accord may be re-opened at the request of either party with prior notice of six months. Failing agreement on amendment, the Accord continues in force.
34. Annexes A, B C, and D form part of this Accord.
35. The Cullen-Couture agreement terminates as of the date of coming into force of this Accord.
36. This Accord comes into force on April 1, 1991.

IN WITNESS WHEREOF the parties have signed in three copies, on the fifth of February 1991.

By:

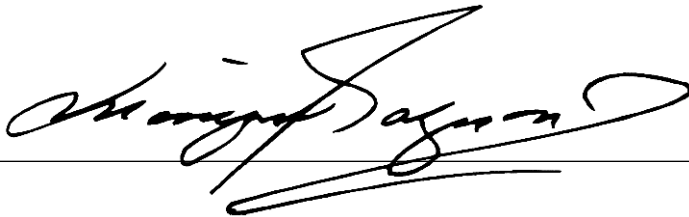
FOR THE GOVERNMENT OF CANADA

A handwritten signature in black ink, reading "Barbara McDougall", written over a horizontal line.

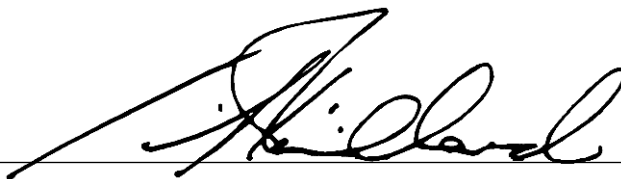
The Honourable Barbara McDougall
Minister
Employment and Immigration

By:

FOR THE GOVERNMENT OF QUÉBEC

A handwritten signature in black ink, reading "Monique Gagnon-Tremblay", written over a horizontal line.

Monique Gagnon-Tremblay
Ministre des Communautés culturelles et de l'Immigration et
Vice-présidente du Conseil du trésor

A handwritten signature in black ink, reading "Gil Rémillard", written over a horizontal line.

Gil Rémillard
Ministre de la Justice et
Ministre délégué aux Affaires
intergouvernementales canadiennes

ANNEX “A”

I. OBJECT OF THE ANNEX

1. The object of this annex is to set out the modalities of implementation of the Canada-Québec Accord.

II. JOINT COMMITTEE AND IMPLEMENTATION COMMITTEE

Joint Committee

2. A Joint Committee is hereby established which has a general mandate to promote the harmonization of the economic, demographic and socio-cultural objectives of the two parties in the area of immigration and integration, as well as to coordinate the implementation of the policies of Canada and Québec relating to these objectives.
3. The Committee's mandate shall, among other things, be:
 - a) to approve the joint directives formulated by the Implementation Committee;
 - b) to ensure the exchange of information, documents and analyses, and promote joint projects for research on, and evaluation of, migration flow;
 - c) to promote further understanding of the order of priority assigned to classes of immigrants, and ensure that applications submitted by immigrants destined for Québec are processed as quickly as possible;
 - d) to provide an opinion on changes that Canada wishes to make to the definition of classes of immigrants and classes of persons who are inadmissible;
 - e) to discuss the standards established by Québec with which residents of Québec must comply in order to sponsor or assist a relative in being admitted to Québec;
 - f) to form standing or *ad hoc* committees, and act as mediator in any disputes which may arise within these committees;
 - g) to study, at least once a year, reception and integration services provided by Canada and Québec;

- h) to permit Québec to notify Canada in advance of the countries on which it intends to concentrate its efforts in order to meet its recruitment objectives;
 - i) to perform the duties specifically assigned to it under this annex.
- 4. The Joint Committee will examine each year the trends respecting the number of immigrants actually received compared to the number projected.
- 5. The Joint Committee shall be co-chaired by the person designated by the minister of Employment and Immigration Canada and the person designated by le ministre des Communautés culturelles et de l'Immigration du Québec. Other permanent members shall be the co-chairpersons of the implementation committee, and a representative of the Department of External Affairs and International Trade of Canada.

The co-chairpersons may appoint other members as necessary. Secretariat services for the Joint Committee shall be provided by a co-secretary designated by the minister of Employment and Immigration Canada and a co-secretary designated by le ministre des Communautés culturelles et de l'Immigration du Québec.

- 6. The Joint Committee shall meet at least once each year.

Implementation Committee

- 7. An Implementation Committee is hereby established which has a mandate to coordinate implementation of the Accord and develop the necessary terms and conditions of operation. The Implementation Committee shall work under the direction of the Joint Committee, which may assign it any task that it considers necessary.
- 8. The duties of the Implementation Committee shall, among other things, consist of:
 - a) preparing the joint guidelines required for implementation of the Accord;
 - b) resolving any problems which may arise from implementation of these guidelines;
 - c) ensuring, to the extent possible, that there is no duplication of the duties performed by officials representing Canada and Québec;

- d) reviewing the changes that Canada and Québec wish to make to their laws, regulations and directives respecting immigration;
 - e) ensuring the exchange between the parties of all pertinent information concerning administration and operations;
 - f) permitting Canada to inform Québec rapidly where the file of a person claiming refugee status is being considered by a Canadian immigration centre located in Québec;
 - g) permitting Canada to inform Québec regularly of the issuance of Minister's Permits for persons destined to Québec.
9. The Implementation Committee shall be co-chaired by a representative designated by the minister of Employment and Immigration Canada and a representative designated by le ministre des Communautés culturelles et de l'Immigration du Québec. The co-chairpersons shall be assisted by members designated by each of the two parties, including, for Canada, a representative of the Department of External Affairs and International Trade.
- The parties may appoint *ad hoc* members as necessary. Secretariat services for the Implementation Committee shall be provided by a co-secretary designated by the minister of Employment and Immigration Canada and a co-secretary designated by le ministre des Communautés culturelles et de l'Immigration du Québec.
10. The Implementation Committee shall meet at least twice each year.

III. IMMIGRATION LEVELS

11. a) Canada shall notify Québec, to the extent possible before April 30 of each year, of the options being considered with respect to the levels of immigration it plans to set for the coming year or years, separating them by component;
- b) Québec will inform Canada, to the extent possible before June 30 of each year, of the number of immigrants which it wishes to receive for the coming year or years, separating them by components.

IV. SELECTION AND ADMISSION

12. Canada and Québec shall inform each other of their respective choice of selection criteria, their relative weight, the process of consideration of applications, as well as any changes which they wish to make thereto.
13. Canada will decide whether an application for permanent residence may, as an exception to the rule, be considered within Canada rather than outside the country.
14. Québec is responsible for the selection of immigrants destined to that province.
15. Immigrants selected by Québec shall be referred to federal authorities for assessment relating to the admission and the issuance of visas.
16. Canada will determine whether an immigrant is admissible and, in appropriate cases, confer permanent resident status.
17. Canada and Québec will inform each other, as soon as possible and with supporting documentation, of any refusal by either party of an application made by an immigrant destined to Québec.

Family Reunification

18. The parties agree to put in place a mechanism to process applications from family class applicants which will:
 - a) ensure Québec the possibility to meet these applicants, outside the country, for counselling interviews where it considers this desirable; and
 - b) ensure the processing of applications from these applicants during the normal time period.

V. VISITORS

19. Canada will consult Québec on the identification of categories of temporary foreign workers whose work permit is not governed by conditions respecting the availability of Canadian workers, and will advise Québec of these categories as well as any changes which Canada intends to make to such categories.

20. Québec shall be responsible for:
- a) determining jointly with Canada whether there is a Canadian citizen or permanent resident available to fill the position offered to the temporary worker;
 - b) providing prior consent for the granting of entry to any temporary foreign worker whose admission is governed by the requirements concerning the availability of Canadian workers, to any foreign student, or to any visitor coming to receive medical treatment.
21. Where the prior consent of Québec is required under section 22 of the Accord, such consent shall be given in writing.

VI. RECEPTION AND INTEGRATION

Reception at Ports of Entry

22. Canada and Québec will come to an agreement on administrative and financial provisions which will permit Québec to offer reception services at ports of entry, including airports or other places or buildings under federal jurisdiction.

Identification of Services Subject to Withdrawal

23. a) Canada and Québec agree that the services listed in Annex "B" are the federal services subject to withdrawal with compensation pursuant to the Accord.
- b) The Joint Committee shall re-examine, as often as it wishes but no less than once a year, the list of services set out in Annex "B".

Compensation

24. a) In accordance with section 26 of the Accord, Canada will pay compensation to Québec, in accordance with the procedures established in Annex "B", where it is established that:
- 1. the reception and integration services offered by Québec correspond, when considered in their entirety, with those offered by Canada in the rest of the country; and

2. those services are offered without discrimination to all permanent residents in the province, whether or not they have been selected by Québec.
- b) Unless there is an agreement by the parties to the contrary, the modalities respecting payment of compensation set out in Annex “B” will apply where other federal services are, pursuant to s.23(b), added to the list of these subject to withdrawal and compensation under Part III of the Accord.

Reference of Federal Services Non-Subject to Withdrawal

25. In order to facilitate the reception and integration of permanent residents in Québec:
 - a) it shall be the responsibility of Québec:
 1. to ensure the reception of all permanent residents and to provide them with a referral service in order to refer them to the government services most appropriate to their needs;
 2. to counsel permanent residents in order to facilitate and accelerate their adaptation and integration to Québec society;
 3. to assist permanent residents in determining their initial place of settlement in Québec;
 4. to assist permanent residents to integrate into the Québec labour market;
 5. to provide permanent residents with the means to learn the French language and to become familiar with the principal characteristics of Québec society;
 6. to provide permanent residents in need with temporary financial assistance.
 - b) It shall be the responsibility of the Canada employment service:
 1. to inform Québec of employment opportunities in the various regions of Québec;

2. to provide, within the framework of existing programs which are not subject to withdrawal under Part III of the Accord, services corresponding with identified needs, in particular those relating to programs administered by Canada Employment Centres which are offered to all members of the population.

VII. RULES GOVERNING THE EXCHANGE OF INFORMATION

26. Subject to section 27 of this Annex, the parties will provide each other with all information and all documents necessary to the exercise of their responsibilities under the Accord.
27. In accordance with section 96 of the *Unemployment Insurance Act*, R.S.C. 1985 c.U-1, as amended, the Minister of Employment and Immigration hereby authorizes access to information relating to the validation of offers of employment for temporary workers.
28. Canada and Québec undertake not to use the information exchanged in implementing this agreement for any other purpose, and not to disclose such information for any other purpose.
29. The communication by Canada of personal information shall remain subject to *the Privacy Act*, R.S.C. 1985 c.P-21, as amended. Similarly, Québec shall be subject to the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, L.R.Q., c.A-2.1.

VIII. GENERAL PROVISIONS

30. This annex is complementary to the Accord and its provisions shall in no way restrict the meaning or scope of the Accord.
31. Canada and Québec undertake to implement any measures necessary to ensure that their respective laws and regulations relating to immigration do not prevent full implementation of the Accord.
32. Québec will provide a mechanism for review of decisions taken by it in the exercise of its responsibilities under the Accord.

33. Canada and Québec may, in accordance with the procedure established by the Joint Committee, delegate to each other any of their specific responsibilities under this agreement.
34. In all cases where Canada admits an immigrant destined to Québec within the framework of this annex, the document authorizing such admission shall bear an information code indicating Québec's selection decision.

ANNEX “B”

1. Canada shall withdraw from the following reception and linguistic, cultural and economic integration services:
 - Adjustment Assistance Program (AAP)
 - Immigrant Settlement and Adaptation Program (ISAP), including the Job Finding Clubs
 - Host Program for Refugees (HPR)
 - Settlement Language Training Program (SLTP)
 - Direct Course Purchases and Training Allowances for Language Training (Language Training under the CJS)
 - The parts of the Citizenship and Community Participation Program (CCPP) dealing with the integration of immigrants
 - The Counselling and Placement of Immigrants (CPI)/Canada Employment Centre and certain immigrant services provided in the regional CECs, as well as airport reception services for refugees selected abroad.

COMPENSATION

- 2.1 For 1991-92, 1992-93, 1993-94 and 1994-95, financial compensation paid to Québec shall be equivalent to:

\$75 M for 1991-92
\$82 M for 1992-93
\$85 M for 1993-94
\$90 M for 1994-95

- 2.2 For 1995-96 and the following years:

- 2.2.1 When the proportion of immigrants granted landing in Québec in relation to the rest of Canada during the previous complete calendar year is lower than its proportion of the population of Canada, annual financial compensation shall be equivalent to the basic amount multiplied by the escalation factor where:

- The basic amount for 1995-96 shall be equivalent to \$90 M.

- The basic amount for the other years shall be the basic amount of the previous year, indexed.
- Escalation factor =

$$1 + \left[\frac{\text{Total federal expenditures less debt service } (k) \text{ less total federal expenditures less debt service } (k-1)}{\text{total federal expenditures less debt service } (k-1)} \right] + \left[\frac{\text{Non-Francophone immigrants in Québec } (t) \text{ less Non-Francophone immigrants in Québec } (t-1)}{\text{Non-Francophone immigrants in Québec } (t-1)} \right]$$

where:

- t* refers to the calendar year preceding the complete calendar year corresponding to the fiscal year for which annual compensation is calculated and *t-1* corresponds to the preceding calendar year.
- k* corresponds to the fiscal year preceding that for which annual compensation is calculated and *k-1* corresponds to the preceding fiscal year.

Non-Francophone immigrants in Québec = number of non-Francophone immigrants in Québec as established by Québec on the Québec Selection Certificates either by Québec counsellors or by federal visa officers, on the basis of candidates statements.

Total federal expenditures less the debt service is established according to the federal government’s public accounts.

2.2.2 When the proportion of immigrants granted landing in Québec in relation to the rest of Canada during the previous complete calendar year is equal to or greater than its proportion of the population of Canada, annual financial compensation shall be equivalent to the basic amount multiplied by the escalation factor where:

- The basic amount for 1995-96 shall be equivalent to \$90 M.
- The basic amount for the other years shall be the basic amount of the previous year, indexed.
- Escalation factor =

$$1 + \left[\begin{array}{l} \text{Total federal} \\ \text{expenditures} \\ \text{less debt service (k)} \\ \text{less} \\ \text{total federal} \\ \text{expenditures} \\ \text{less debt service (k-1)} \\ \hline \text{Total federal} \\ \text{expenditures} \\ \text{less debt service (k-1)} \end{array} \right] + \left[\begin{array}{l} \frac{\text{immigrants in Québec (t)}}{\text{immigrants in Canada (t)}} \quad \text{less} \quad \frac{\text{immigrants in Québec (t-1)}}{\text{immigrants in Canada (t-1)}} \\ \hline \frac{\text{immigrants in Québec (t)}}{\text{immigrants in Canada (t)}} \end{array} \right]$$

where:

t refers to the calendar year preceding the calendar year corresponding to the fiscal year for which annual compensation is calculated.

k corresponds to the fiscal year preceding that for which annual compensation is calculated and k-1 corresponds to the preceding fiscal year.

Immigrants in Québec = number of immigrants in Québec

Immigrants in Canada = number of immigrants in Canada

Total federal expenditures less the debt service is established according to the federal government's public accounts.

- 2.3 When part of an escalation factor is negative, this part is deemed equal to 0.
- 2.4 Regardless of the year under consideration, when during a given year there is a sudden increase in the number of immigrants granted landing which is not a result of an increase in the number of immigrants selected by Québec, Canada shall guarantee in addition that Québec receives part of any new budgets that may be appropriated by Canada from time to time to meet Canadian needs in the way of integration services for these immigrants; this part shall be at least equal to:

Number of non-Francophone immigrants
in Québec in the increase

Budget appropriated x _____

Number of non-Francophone immigrants
in Québec and non-Anglophone immigrants elsewhere
in Canada in the increase

where:

Non-Francophone immigrants in Québec = number of non-Francophone immigrants in Québec as established by Québec on the Québec Selection Certificates either by Québec counsellors or by federal visa officers, on the basis of candidates statements.

Non-Anglophone immigrants elsewhere in Canada = number of non-Anglophone immigrants elsewhere in Canada as established by Canada.

- 2.5 For the purposes of this article, the expression “non-Francophone” designates a person who does not speak French, and the expression “non-Anglophone” designates a person who does not speak English.
3. Financial compensation is payable in four quarterly instalments on the first day of the quarter beginning April 1, 1991.

Payments are determined on the basis of the best data available in Canada on each parameter at the moment the payments are made. Final readjustments, if necessary, shall be made on December 31 of the following fiscal year.

In the case described in article 2.4, payment is due within the following 12 months or as soon as the necessary data for the calculation are available.

4. Canada shall make available to Québec all the information necessary to verify the calculation of Canada's financial compensation to Québec.
5. Québec shall make available to Canada all the information necessary to verify that the services provided by Québec correspond, when considered in their entirety, with those provided by Canada elsewhere in the country.

GENERAL

6. Québec shall provide on its territory the services required by refugees (permanent residents) in transit to another province which would otherwise be provided by Canada, and Canada shall provide elsewhere in the country the services required by refugees in transit to Québec.
7. Québec shall reimburse Canada for any contribution that Canada is obliged to make on behalf of Québec under this Agreement to a non-governmental organization in accordance with an uncancelled commitment at the time that this Agreement comes into force.

ANNEX “C”

ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS GOVERNING THE PRESENCE OF QUÉBEC AGENTS ABROAD

A) GENERAL PROVISIONS

1. Canada and Québec will inform each other of any recruitment activities that either intends to undertake abroad.
2. Each party will inform the Implementation Committee of the assignments and transfers of officers-in-charge in its office abroad.
3. The officials of the Canada and Québec departments will not take notice or advantage of information and instructions provided for the exclusive use of the other party.
4. Québec officials may make, with the agreement of the head of mission, periodic or occasional visits to Canada Immigration Offices in cities where Québec has no permanent representation.
5. The costs incurred for accommodation during periodic or occasional joint Canada-Québec missions will be shared by both parties.

B) PROVISIONS FOR THE PRESENCE OF QUÉBEC OFFICIALS IN CANADIAN MISSIONS

1. The posting abroad of an Immigration Officer of the Gouvernement du Québec shall be communicated, through the Canada Employment and Immigration Commission, by the Department of External Affairs and International Trade of the Government of Canada to the foreign government concerned.

This communication will ensure that the Québec immigration officer is granted the same advantages, including those of first installation, as those enjoyed by a member of the non-diplomatic personnel of the Government of Canada in the location where the said officer is posted.

2. Any specific agreement with respect to the permanent presence of Québec officials in a Canadian Mission shall take the form of a lease (of tenancy or subtenancy, as the case may be) consented to and approved by those Ministers of Canada and of Québec duly empowered to do so, and in the case of a subtenancy, this lease shall be subject to the terms of the main lease held by Canada. A model lease (of tenancy or subtenancy, as the case may be) will be agreed to between the Department of External Affairs and International Trade of Canada and the responsible authority of the Gouvernement du Québec.
3. The space placed at the disposal of Québec, subject to its availability as determined by the Department of External Affairs and International Trade of Canada, will comprise the required number of rooms, preferably adjoining, in keeping with the number of officers posted to the mission. These offices will be identified by the inscription: "Immigration Québec".
4. The cost of telegraph and telephone communications incurred by Québec will be assumed by Québec, but these services will be requested from and supplied by Canada through its own facilities.
5. Any service rendered by the personnel of Canada over and above the services included in the lease shall be subject to special agreement and additional compensation.
6. Subject to the collective agreements in force, the Québec office will keep the same working hours and statutory holidays as the Canada Immigration staff at the mission concerned. The salaries and working conditions for locally recruited Québec staff will follow, as closely as possible, those of local staff with comparable qualifications and responsibilities recruited by the Canada Immigration service.
7. Québec personnel, whether members of the Fonction publique du Québec or recruited locally, will be subject to the same security requirements and rules as the corresponding staff of a Canadian mission abroad.
8. Québec personnel will conform to the standards governing the activities of the members of a diplomatic mission. If a member of the Québec staff fails to comply with these standards, the Head of the Mission may intervene, and his decision, which can be appealed to the two parties, will be enforced in the interim.

ANNEX “D”

1. The parties subscribe to the objectives and the spirit of the investor immigrants program as contained in the *Immigration Regulations, 1978* and the *Regulation respecting the selection of foreign nationals* on January 30, 1990. As a result, Québec undertakes to administer its program in a manner consistent with the spirit and objectives described above.
2. The parties agree to harmonize their respective standards and practices in the implementation of this program.
3. The parties agree to maintain the following mechanisms applicable to the admission of investor immigrants destined to Québec.
 - a) Where an immigrant investor satisfies the requirements of the Québec regulations respecting the selection of foreign nationals, including the definition of investors, minimum investment, eligible business or commercial venture and guarantee, Canada shall then, subject to statutory requirements for admission to Canada, issue that immigrant an immigrant visa.
 - b) Should difficulties arise in interpreting definitions mentioned in, or resulting from, the previous paragraph, the parties agree to undertake appropriate consultations which will end only by mutual consent of the parties, following which Canada shall take appropriate action in response to the immigrant's visa application.

Letter of Understanding between the Minister of Employment and Immigration Canada and the Ministre des Communautés culturelles et de l'Immigration et Vice-présidente du Conseil du trésor du Québec

On February 5, 1991, Mrs. Monique Gagnon-Tremblay, ministre des Communautés culturelles et de l'Immigration et Vice-présidente du Conseil du trésor, Mr. Gil Rémillard, ministre de la Justice et ministre délégué aux Affaires intergouvernementales canadiennes, on behalf of Québec, and Mrs. Barbara McDougall, minister of Employment and Immigration Canada, on behalf of Canada, signed an Accord relating to Immigration and the Temporary Admission of Aliens.

Canada and Québec believe that it is necessary to establish administrative directives and procedures to ensure a smooth transition from the existing system under the Cullen-Couture Agreement to the new system and to ensure the proper functioning of that new system from the time that the above-mentioned Accord comes into force.

THE PARTIES AGREE THAT:

1. The Canada-Québec Accord relating to Immigration and the Temporary Admission of Aliens will come into force on April 1, 1991.
2. The Implementation Committee established under the Cullen-Couture Agreement shall:
 - 2.1 formulate, by April 1, 1991, joint directives, administrative practices and mechanisms for cooperation which will provide for prompt and efficient implementation of the Accord;
 - 2.2 maintain, as part of this mandate, those joint directives, administrative practices and mechanisms for cooperation provided for under the Cullen-Couture Agreement or deriving from it which are compatible with the Accord.
3. The joint directives, administrative practices and mechanisms for cooperation thus formulated must be approved by the Joint Committee.
4. The joint directives, administrative practices and mechanisms for cooperation provided for under the Cullen-Couture Agreement or deriving from it shall remain in force until April 1, 1991.
5. In formulating a joint directive on family reunification, the Joint Committee will examine the proposal appended to this document, in which the federal party has expressed an interest.

6. Québec shall offer to those employees who are affected by the withdrawal of federal services provided for in the Accord, and who are employed at the time of signature of this document, who have indeterminate status or who are in process of being confirmed in vacant and permanent positions and who wish to join the service of the Government of Québec, regular employment at a comparable level of complexity, with the salary level to be paid to correspond to the salary rate which is equal to or the next level higher than the salary rate of the employee at the time of transfer. The employee who is classified outside of his or her salary range in the new job classification resulting from the transfer shall have a right to the salary protection which applies in Québec. Once in the Québec Public Service, these persons shall enjoy the same rights and privileges as public servants employed by the Government of Québec.

The terms of the Québec offer will be based on the principles included in the agreement in principle signed on October 3, 1990 by the President of the Treasury Board of Canada and the President of the Treasury Board of Québec relating to the unified administration of federal and provincial consumer taxes.

Canada will assume the costs of the transfer and will make payments to the pension plans of these employees for the years of service accumulated before their transfer.

Canada and Québec will negotiate a special reciprocal agreement on the transfer of retirement plans. They will agree, as well, to determine and pay a compensatory lump sum related to the additional cost of service subsequent to the transfer.

IN WITNESS WHEREOF the parties have signed in three copies, on the fifth of February 1991.

By:

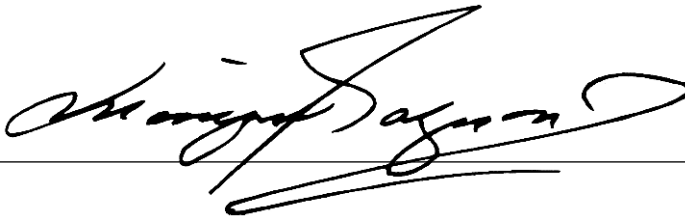
FOR THE GOVERNMENT OF CANADA

A handwritten signature in black ink, reading "Barbara McDougall", written over a horizontal line.

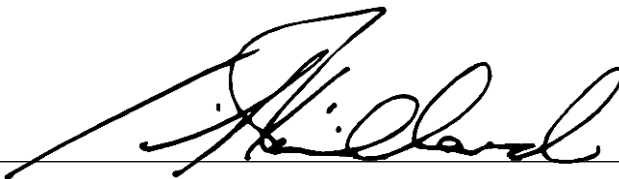
The Honourable Barbara McDougall
Minister
Employment and Immigration

By:

FOR THE GOVERNMENT OF QUÉBEC

A handwritten signature in black ink, reading "Monique Gagnon-Tremblay", written over a horizontal line.

Monique Gagnon-Tremblay
Ministre des Communautés culturelles et de l'Immigration et
Vice-présidente du Conseil du trésor

A handwritten signature in black ink, reading "Gil Rémillard", written over a horizontal line.

Gil Rémillard
Ministre de la Justice et
Ministre délégué aux Affaires
intergouvernementales canadiennes

ANNEX

PROPOSAL TO BE STUDIED BY JOINT COMMITTEE

Family Reunification

To ensure that cases involving family reunification are processed as promptly as possible, Canada and Québec agree to establish a procedure in accordance with the following rules:

- Québec shall establish the financial standards and receive the undertakings prescribed by the federal legislation governing persons who wish to sponsor a family member to come to Québec.
- Once sponsorship has been assured:
 - Canada shall contact the relative abroad in order to finish processing the application;
 - Canada shall give the candidate the Québec form along with the federal forms, and return to Québec the original of the Québec form and copies of the federal forms completed by the candidate;
 - Canada shall give the Québec information documents to the candidate and advise him that he will be required to attend a counselling appointment to be scheduled by Québec;
 - Québec shall determine whether the counselling interview will be held abroad or in Québec and shall schedule the appointment accordingly; when the counselling interview is held abroad, the appointment shall be scheduled within three months or within the normal time frame for processing the application for admission.