



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 74
(2024, chapter 43)

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

**Introduced 10 October 2024
Passed in principle 20 November 2024
Passed 5 December 2024
Assented to 6 December 2024**

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EXPLANATORY NOTES

This Act 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 Act 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 Act 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.

The Act amends the Québec Immigration Act to make admission to a designated educational institution to pursue recognized studies 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 certain studies and gives the Government the power to designate other educational institutions and studies on the joint recommendation of the Minister and, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education.

Moreover, the Act amends the Québec Immigration Act to provide that immigration planning pertains to both temporary and permanent immigration.

In addition, the Act 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 minimum threshold of students resident in Québec whom the institutions must admit to educational services or categories of educational services that they dispense.

The Act 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 Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- 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 ACT:

- 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. Section 3 of the Québec Immigration Act (chapter I-0.2.1) is amended by inserting “temporary and permanent” after “develop a multi-year”.

2. Section 4 of the Act is amended by inserting “temporary and permanent” after “composition of”.

3. Section 5 of the Act is amended

(1) by inserting “temporary and permanent” after “projected” in the first paragraph;

(2) by replacing “the number of selection decisions concerning immigrants wishing to settle permanently in Québec that may be made” in the second paragraph by “the projected number of selection decisions for temporary and for permanent immigration of foreign nationals”.

4. The Act 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 to pursue recognized studies is a condition of any international student class immigration program.

The following are recognized studies:

(1) preschool education services and elementary school instructional services, as well as studies certified by a diploma, certificate or other official attestation awarded by the Minister of Education, Recreation and Sports or by an attestation of qualification issued by a school service centre under section 223 or 246.1 of the Education Act (chapter I-13.3);

(2) studies certified by a diploma or other attestation awarded under the College Education Regulations (chapter C-29, r. 4);

(3) studies certified by a degree, diploma, certificate or other attestation of university studies awarded by an educational institution at the university level, a legal person or a body referred to in section 2 of the Act respecting educational institutions at the university level (chapter E-14.1); and

(4) studies designated by the Government.

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.

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

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

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

6. 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, the objective of ensuring the preservation and vitality of French, the only common language of the Québec nation, 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”.

7. 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 48 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.”

8. 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, language 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.”

9. 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”.

10. Section 73 of the Act is amended by adding the following paragraph at the end:

“The Minister returns to a foreign national who filed an application as an international student the sums paid as fees if the Minister refuses the application on the grounds that the educational institution to which the student has been admitted ceased to be designated or that the studies for which the student has been admitted to the institution ceased to be recognized in accordance with section 15.1 on or after the date the application was filed.”

11. 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

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

13. 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

14. 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.”

15. 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

16. 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”.

17. 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

18. 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”.

19. Section 11 of the Regulation is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) has been admitted to a designated educational institution to pursue recognized studies, in accordance with section 15.1 of the Act;”;

(2) by inserting the following paragraph after the first paragraph:

“The condition provided for in subparagraph 1 of the first paragraph does not apply to a foreign national who applies to the Minister for consent to complete studies already underway in the educational institution to which the foreign national has been admitted.”

20. Section 13 of the Regulation is amended

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

(2) by inserting the following paragraph after the first paragraph:

“However, where an international student obtains the Minister’s consent for another educational institution, the requirement under the first paragraph applies as if the Minister’s previously given consent remained valid until the date on which the student is authorized to study at the other institution. If the student is not authorized to do so, the requirement applies as if the previously given consent remained valid for its remaining period of validity.”;

(3) 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

21. A decision made under section 50 or 51 of the Québec Immigration Act (chapter I-0.2.1) that is in effect before 6 December 2024 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.

22. Section 13 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), amended by section 20 of this Act, applies as it read on 5 December 2024 to a foreign national who is the subject of a valid international student selection decision rendered before 6 December 2024.

In addition, until the date of coming into force of section 4 of this Act, it is to be read as if “in the context of recognized studies and” in the first paragraph was struck out.

23. Not later than 6 December 2027, the Minister must, in collaboration with the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions, report to the Government on the implementation of the decisions relating to the management of international student applications made since 6 December 2024 under the Québec Immigration Act (chapter I-0.2.1).

The Minister tables the report in the National Assembly within the following 30 days or, if the Assembly is not sitting, within 30 days of resumption.

24. This Act comes into force on 6 December 2024, except sections 4,10,18 and 19, 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 third paragraph of section 15.1 of the Québec Immigration Act (chapter I-0.2.1), enacted by section 4.

