

GMS Flash Alert

Immigration Edition

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Canada - New Requirements under Quebec Experience Program

On May 28, 2020, Quebec's Minister of Immigration, Francization and Integration (MIFI) announced key amendments to the qualifying criteria for the Quebec Experience Program (PEQ).¹

The minimum work experience needed to qualify under the PEQ Foreign Worker Stream will increase from 12 months to 36 months. Furthermore, the experience must fit within NOC levels 0, A and B for consideration. Lastly, the PEQ Graduate Stream will now require work experience of varying lengths depending on the completed studies. (For related coverage of the PEQ, see the following issues of *GMS Flash Alert*: [2020-187](#) (18 December 2019) and [2020-167](#) (8 November 2019).)

WHY THIS MATTERS

The amendments would significantly increase the overall processing time to qualify and obtain Permanent Residency in Quebec under the PEQ to approximately 59 months. Specifically, once the amendments are in force, an employee would require 36 months of qualifying work experience (instead of 12). In addition, the government has indicated that files are likely to take 6 months² to be processed, compared to the expedited processing time of 20 business days previously. Finally, the posted processing time for immigration authorities to process an application for Permanent Residence under the Quebec-Selected Skilled Worker category is currently 17 months. Thus, the total delay from start to finish is lengthy.

Other changes will result in stricter rules overall in terms of minimum required work experience and (for spouses) language fluency and certification.

PEQ – Foreign Workers and Qualifying Occupations

The amendments will not impact current temporary foreign workers who are in Quebec with a valid work permit. After the changes come into force, new temporary foreign workers will need to provide evidence of 36 months of paid, full-time (at least 30 hours per week) legal employment in Quebec within the preceding 48 months of the submission of their application. Employment in lower skill levels will be excluded under the amendments (NOC skill levels C and D).

New Language Requirements for Spouse/Common Law Partner

An accompanying spouse or common-law partner will need to demonstrate fluency in verbal French at a level 4 of French Speaking and Listening on the *Échelle Québécoise des niveaux de compétence en français des personnes immigrantes adultes*. This requirement will enter into force one year after the amendment comes into effect.

In addition, transcripts showing the completion of an approved French course from a recognized educational institution will no longer be accepted.

PEQ – Graduates Stream

Currently, graduates who have earned an eligible diploma in the province of Quebec can apply under the PEQ by showing that they have completed their studies and have reached a B2 level in verbal French (speaking and listening).

With the changes coming into force, work experience after graduating from a Quebec school will now be mandatory for selection. The new requirements are summarized below:

- I. B2 level of verbal French;
- II. Diploma issued within 36 months preceding the application submission by an educational institution recognized by the *Ministère de l'Éducation et de l'enseignement supérieur*;
- III. Eligible diploma from a Quebec institution:
 - a. Bachelor's degree
 - b. Master's degree
 - c. Doctorate
 - d. Diploma of college degrees – technical training
 - e. Diploma of vocational studies – 1,800 hours + of studies
 - f. Diploma of vocational studies with an attestation of vocational specialization showing 1,800 hours of education that leads to a specific trade
- iv. Work experience:
 - a. 12 months of work experience within 24 months preceding the submission of the application in a related field for a university or technical college graduate in NOC 0, A or B; or
 - b. 24 months of work experience within 36 months preceding the submission of the application in a related field for a professional high school graduate in NOC 0, A, B or C.

Impact on Employers and Employees

Employers may need to work harder to retain their foreign workers in Quebec. They will also need to apply for more work permit extensions as foreign nationals are unlikely to be granted Permanent Residence via the Quebec process within a short time.

In addition, those who usually apply under the regular Quebec Skilled Worker Program via the online platform, ARRIMA, may now be joined by others who would have ordinarily applied under the PEQ but are now choosing to proceed under

the ARRIMA platform. This may render the pool of candidates more competitive. To increase the chances of selection under ARRIMA, employers will be further encouraged to support their employees with a Validated Job Offer to increase their chances of selection under the program.

Employees may consider applying under programs outside the Province of Quebec such as the Canadian Experience Class (CEC) under the Federal Skilled Worker Program. This program can take into account any Quebec work experience to qualify. Once submitted, an application may be processed within 6 months. The speed of such applications may be alluring to employees and their dependent family members.

For those who intend to settle outside Quebec, CEC applications may be a viable option. It would be necessary to satisfy the immigration authorities that they will relocate to their destination province once they obtain permanent residency. Employers may struggle to attract talent who are seeking to become Canadian Permanent Residents as quickly as possible.

KPMG NOTE

Mobility Rights

Section 6 of the Canadian Charter of Rights and Freedoms affirms mobility rights for permanent residents and Canadian citizens. While Canadians have the right to live and work in any province in Canada, care must be taken to ensure that all immigration applications reflect the true intention of the applicant. Individuals who seek to permanently settle in Quebec should undertake the Quebec immigration processes and avoid any risk or allegation of misrepresentation in the future.

Reminders

As indicated above, employers are encouraged to review their foreign worker population, especially those employed under NOC levels C and D to ensure that an application is submitted under the PEQ program as soon as they are eligible based on the existing selection criteria.

Entering into Force, and Attention to Timing of Applications and Work Permits in Listed Occupations

Most of the proposed amendments will enter into effect immediately from the date of its official publication. However, amendments pertaining to the French language ability requirement for accompanying spouses or common-law partners under both PEQ streams, will come into force one year from the date of publication. As such, efforts should be made to submit applications at the earliest opportunity. Foreign workers who currently hold work permits should be grandfathered in and benefit from the previous eligibility criteria.

Note that special attention should be given to individuals who currently hold work permits in occupations listed under national occupational classification (NOC) level C and D. Once the amendments come into force, experience under these NOC levels will no longer be eligible to apply under the PEQ (Foreign Worker Stream). Prior to the effective date of the new regulation students with valid post-graduate work permits will be able to apply under the PEQ – Temporary Foreign Workers under the old criteria as well.

We Are Here to Help

Should you have any questions, please do not hesitate to contact your qualified immigration professional or a member of the KPMG Law LLP (Canada) team (see the Contact Us section).

We will continue to monitor the implementation of the changes affecting the Quebec immigration programs and provide you with immediate insight and strategies as appropriate.

FOOTNOTES:

1 For the official ministerial decree (May 28, 2020), see:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=104448.pdf>.

2 For the May 28 press release (in French), see

<http://www.mifi.gouv.qc.ca/fr/presse/communiqués/com20200528.html>.

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Contact us

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