



GMS Flash Alert

Immigration Edition

2020-314 | July 13, 2020

Canada - Amendments to Initially Proposed Requirements under Quebec Experience Program

On July 9, 2020, Quebec's new Minister of Immigration, Francization and Integration ("MIFI"), Nadine Girault, announced further amendments to the qualifying criteria for the Quebec Experience Program ("PEQ").¹

- The minimum required work experience to qualify under the PEQ Foreign Worker Stream was decreased from the initially proposed 36 months to 24 months.
- The PEQ Graduate Stream will now include a transition clause for applicants who are expected to graduate by December 31, 2020.
- Lastly, the new regulation will come into force on July 22, 2020.

(For related coverage of the PEQ, see the following issues of *GMS Flash Alert*: [2020-262](#) (May 29, 2020), [2019-187](#) (18 December 2019), and [2019-167](#) (8 November 2019).)

WHY THIS MATTERS

The changes may require some swift and nimble actions on the part of employers and the employees they bring into Quebec from abroad (this includes partners/spouses of such employees). As the changes will come into force on July 22, 2020, applicants who currently qualify for PEQ should consider submitting an application if their spouse/common-law partner does not have the required level of French language ability. Furthermore, Quebec graduates who have already obtained their diploma and students who are expected to complete their studies by December 31, 2020, will be able to apply under the current PEQ requirements.

Due to these modifications, not only will some employers have to cope with additional costs, employees may also consider applying for programs outside the province of Quebec.

Language Requirements

As previously announced, in 2021, spouse/common-law partners will be required to show a level 4 of verbal French. This new requirement will officially enter into force on July 22, 2021. All applications submitted prior to this date do not require proof of the spouse/common-law partner's language level.

Furthermore, MIFI will continue to accept an attestation of completion of an advanced intermediate-level French course offered by a Quebec recognized educational institution for applicants who have already completed this course, who are currently taking, or are already registered for these courses before July 22, 2020.

PEQ – Foreign Workers

The new change will require foreign workers to provide evidence of 24 months of paid, full-time (at least 30 hours per week) legal employment in Quebec within the preceding 36 months of the submission of their application instead of the initially proposed, 36 months. Employment in lower skill levels will be excluded under the amendments (National Occupational Classification ("NOC") skill levels C and D).

KPMG NOTE

The government anticipates that this reduction will lessen administrative tasks related to work permit renewals for employers. However, it still represents an increase of one year (12 months) from the previous PEQ requirements.

Summary of Changes

The various changes are summarized in the table below:

	Current Requirement	Announced Changes (as of July 9, 2020)
Minimum Work Experience	12 months (full-time) within 24 months of submitting application	24 months (full-time) within 36 months of submitting application (NOC levels C and D not applicable)
File Processing Time	20 business days	6 months
French Language Fluency	Level 7 verbal French	No changes
French Language Fluency (spouse or common-law partner)	Not required	Level 4 verbal French (as of July 22, 2021)

PEQ – Graduates Stream

A long-awaited transition clause was introduced for Quebec graduates. Students who are currently in the province of Quebec and who have obtained or are expecting to obtain their eligible diplomas by December 31, 2020, can apply

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under the current PEQ regulations.

Furthermore, a mandatory internship that is part of the student's study program will contribute to the calculation of the required work experience, up to a maximum of three months of full-time work.

In addition, holders of an eligible vocational diploma will require 18 months of work experience after graduation instead of the initially proposed 24 months.

The various changes are summarized in the table below:

	Current Requirement	Announced Changes (as of July 9, 2020)
Minimum Work Experience after graduation	Not required	12 months for university or technical college graduate (NOC 0, A, or B); OR 18 months for professional high school graduate (NOC 0, A, B, or C) *Note, NOC Skill Type level C occupations are only admissible if the profession is linked with the diploma obtained.
File Processing Time	20 business days	6 months
French Language Fluency	Level 7 verbal French	No changes
French Language Fluency (spouse or common-law partner)	Not required	Level 4 verbal French (as of July 22, 2021)
Eligible diplomas	Bachelor's degree; Master's degree; Doctorate; Diploma of college degrees – technical training; Diploma of vocational studies – 1,800 hours + of studies; Diploma of vocational studies with an attestation of vocational specialization showing 1,800 hours of education that leads to a specific trade; Diploma issued within 36 months preceding the application submission by an educational institution recognized by the <i>Ministère de l'Éducation et de l'enseignement supérieur</i> .	No changes

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Pilot Programs

In order to fulfill specific needs, the Quebec government will also be introducing two pilot programs:

- 1) Program for nurse aides, care-givers, and orderlies; and
- 2) Program for the sector of artificial intelligence and information technology.

No specific requirements were provided for these as the government is still elaborating these programs.

KPMG NOTE

Impact on Employers and Employees

The KPMG International member firm in Canada's immigration team welcomes the proposed changes; however, employers may need to apply for work permit extensions as the foreign nationals are unlikely to be granted permanent residence via the Quebec process before the expiry of their work permits.

This is especially true for the Global Talent Stream Labour Market Impact Assessment-based ("LMIA") work permit, which has a validity of two years. With a work requirement of 24 months under the PEQ Worker Stream, applicants will need to obtain a second work permit when they submit their PEQ applications.

Furthermore, it is also important to note that the start date on a work permit does not always reflect the actual start date of employment. On a two-year work permit, a foreign national may only be working for 22 months due to his travel itinerary and the actual start date of his employment. This is especially true for foreign nationals that are outside Canada when their work permit applications are approved. Therefore, an additional two months of employment will be required on a fresh work permit in order to apply for immigration through the PEQ.

Based on the previous requirement of 12 months of full-time work experience, foreign workers were able to obtain the coveted Certificate of Selection for Quebec before the end of their work permits and apply for a work permit extension under the "A75 CSQ-holder" work permit. As this process is exempt from both LMIA and Quebec Acceptance Certificate (*Certificat d'acceptation du Québec* or "CAQ"), the employer would not be required to pay the additional costs of CAD\$1,404 linked to these applications and would instead be required to pay the employer compliance fee of CAD\$230.

Due to these modifications, not only will some employers have to cope with additional costs, employees may also consider applying for programs outside the province of Quebec, such as the Canadian Experience Class ("CEC") under the Federal Skilled Worker Program. Consequently, employers in Quebec may struggle to attract talent from foreign nationals who are seeking to become Canadian permanent residents as quickly as possible.

Reminders

Employers are encouraged to review their foreign worker population, especially those employed under NOC levels C and D to help 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

The amendments will enter into effect on July 22, 2020. However, amendments pertaining to the French-language ability requirement for accompanying spouses or common-law partners under both PEQ streams will come into force on

KPMG NOTE continued

July 22, 2021. As such, efforts should be made to submit applications at the earliest opportunity possible. 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 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

In order to effectively determine your needs for foreign workers and their retention, and strategize the most effective and efficient way forward, it is advisable that you contact your qualified immigration counsel. Our KPMG Law LLP (Canada) team remains available for a consultation and to answer your questions (see the Contact Us section).

We will continue to monitor the implementation of the changes affecting the Quebec immigration programs and, through GMS *Flash Alert*, provide you with immediate insight and strategies as appropriate.

FOOTNOTE:

1 For the July 9 press release (in French), "Programme de l'expérience québécoise (PEQ)" on the Ministry of Immigration, Francization and Integration (*Ministère de l'Immigration, de la Francisation et de l'Intégration* or "MIFI"), website, see: <http://www.mifi.gouv.qc.ca/fr/presse/communiques/com20200709.html>.

Also see the transcript of the July 9 "Conférence de presse de Mme Nadine Girault, ministre de l'Immigration, de la Francisation et de l'Intégration" on the website for the *Assemblée Nationale du Québec* at:

<http://m.assnat.qc.ca/fr/actualites-salle-presse/conferences-points-presse/ConferencePointPresse-62741.html> .

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Contact us

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