

Beyond Tomorrow Reports



Beyond Tomorrow on Immigration: Legal Impacts of the *Canada-Québec Accord relating to Immigration and Temporary Admission of Aliens* for Federal and Québec Immigration Law and the International Student Program

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Executive Summary

This report examines the evolution of Québec's immigration regime and the legal, political, and institutional foundations governing the allocation of immigration responsibilities between Canada and Québec. It traces the gradual process by which Québec moved from an advisory role to a decision-making position through a series of agreements concluded since 1971, culminating in the 1978 Cullen–Couture Agreement, a pivotal moment when Québec was assigned significant responsibilities in the general economic immigration category. These responsibilities included the authority to select immigrants seeking to establish themselves permanently or temporarily in Québec.

These advances were consolidated by the constitutional objectives articulated during the Meech Lake negotiations. Although those objectives were never adopted, they directly shaped the conclusion of the 1991 *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens* (the Accord). The Accord, which remains in force, is the principal instrument of two-level immigration governance. Its foundation lies in s. 95 of the *Constitution Act, 1867*, which assigns concurrent jurisdiction to the Parliament of Canada and the provincial legislatures. Like the Cullen–Couture Agreement, the Canada–Québec Accord grants Québec exclusive authority to select immigrants seeking to establish themselves permanently in its territory and the authority to authorize the temporary establishment of categories of aliens. Moreover, the Canada–Québec Accord enables the province to play an essential role in planning immigration levels, and transfers to it full responsibility for reception, francization, and integration services, together with financial compensation from the federal government. This contractual architecture, unique within the federation, embodies a model of cooperative federalism rooted in s. 95.

The report indicates that the exercise of these powers enabled Québec to gradually develop an international-student immigration system and, subsequently, the Québec Experience Program conceived as an accelerated pathway to permanent residence for graduates educated in Québec. Successive changes to the Québec Experience Program, the rapid increase in temporary admissions under the International Student Program, and the lack of a precise legal framework for concurrent jurisdiction over temporary immigration contributed to significant systemic dysfunction, which culminated in 2024 when the federal and Québec governments abruptly halted the Québec Experience Program's expansion. The current situation highlights the limits of a system characterized by the coexistence of ill-defined objectives between the governments of Canada and Québec in the area of temporary immigration.

In light of these observations, three guiding principles emerge: (1) the conclusion of an additional protocol to the *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*, to develop more precise legal parameters for federal and Québec jurisdiction over temporary immigration; (2) the conclusion of a memorandum of agreement with all Canadian provinces and territories to consider prospectively Canada's social, economic, and demographic needs in relation to permanent and temporary immigration; and (3) the restoration of public confidence in the immigration system, which has been seriously shaken in recent years. Convening estates general on immigration or establishing a royal commission of inquiry on immigration would be effective means of mobilizing Canadian society around a constructive dialogue on immigration issues.

Editorial note. This report was last updated on May 1, 2026. Since then, the Government of Quebec has decided to temporarily reopen the Quebec Experience Program, which is discussed in Part Three of the report.

General Introduction

Is Canada's immigration system on the brink of chaos? Tony Keller, a *Globe and Mail* columnist, thinks so. In an essay titled *Borderline Chaos*,¹ published in 2025, Keller argues that the federal and provincial governments have abandoned best practices in economic immigration, centred on the selection of educated and talented immigrants that had been at the heart of Canada's strategy since the enactment of the *Immigration and Refugee Protection Act* (IRPA) in 2001.² Moreover, he criticizes a series of government decisions that have, among other consequences, altered the nature of the temporary-admission programs for foreign workers and international students.

This report aims to account for government decisions that weakened the International Student Program's position, thereby leading to drastic adjustments to the Program in 2024. Before presenting the Program's excesses and the solutions advocated by Québec, however, it is essential to define more precisely the legal organization of Canada's immigration system.

The operation of these legislative arrangements rests on governance structured by bilateral agreements under which the federal government and a provincial government agree on the allocation of their respective responsibilities. This report examines one of the thirteen federal-provincial-territorial contractual arrangements, namely Québec's, because it represents a model that is both paradigmatic and unique in Canada. The *Canada-Québec*

¹ Tony KELLER, *Borderline Chaos, How Canada Got Immigration Right, and Then Wrong*, Toronto, Sutherland House, 2025 at 103. He is not the only one to share this perspective; see also: Ninette KELLEY, Jeffrey G REITZ, Michael J TREBILCOCK, *Reshaping the Mosaic: Canadian Immigration Policy in the Twenty-First Century*, Toronto, University of Toronto Press (UTP Insight), 2025.

² *Immigration and Refugee Protection Act*, SC 2001, c. 27.

Accord relating to Immigration and Temporary Admission of Aliens, concluded in 1991 and commonly known as the “Canada–Québec Accord”, constitutes the most advanced federal–provincial immigration system within the Canadian federation.³

In this respect, the Canada–Québec Accord has become the model for other provinces to emulate, and that is why the Québec model transcends the bounds of a regional case study. In Ontario, Premier Doug Ford stated at the Council of the Federation meeting in Huntsville in July 2025: “Would I like to be treated the same way as Quebec? Yes, and so would every other premier and territory”,⁴ expressly invoking s. 95 of the *Constitution Act, 1867*. In Alberta, Premier Danielle Smith went a step further by announcing in February 2026 a provincial referendum on, among other matters, granting the province greater control over economic immigration. At a press conference, she stated expressly that “what we’re looking at is a model very similar to what Quebec

³ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *CANADA–QUÉBEC Accord relating to Immigration and Temporary Admission of Aliens*, February 5, 1991, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/mandat/politiques-directives-operationnelles-ententes-accords/ententes/federaux-provinciaux/quebec/accord-canada-quebec-relatif-immigration-admission-temporaire-aubains.html>> [Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*]. On the development of two-level migration governance, Mireille PAQUET, *La fédéralisation de l’immigration au Canada*, Montréal, Presses de l’Université de Montréal, 2016, online: <https://www.google.ca/books/edition/La_f%C3%A9d%C3%A9ralisation_de_l_immigration_a_u/u489DwAAQBAJ?hl=fr&gbpv=1&pg=PA1983&printsec=frontcover>; Mireille PAQUET, “Federalism and Immigration in Canada”, in H BAKVIS and G SKOGSTAD, eds, *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 4th ed, Toronto, University of Toronto Press, 2020 at 326.

⁴ David BAXTER, “Premiers push for more immigration control, but experts say debate needed”, *Global News*, August 4, 2025, online: <<https://globalnews.ca/news/11317700/canada-immigration-reform-premiers/>>. This request by the premiers of provinces other than Québec followed the intemperate statements made by the Premier of Québec in 2024: François CARABIN, “François Legault to ask Trudeau for ‘all powers’ over immigration”, *Le Devoir*, March 14, 2024; François CARABIN, “Trudeau says no to transferring full immigration powers to Québec”, *Le Devoir*, March 15, 2024; Tommy CHOUINARD, “Repatriation of immigration powers: Legault weighs his ‘options’ if Trudeau says no”, *La Presse*, March 14, 2024.

has had since 1991”,⁵ directly referring to the Canada–Québec Accord.⁶ In British Columbia, Premier David Eby adopted a similar position: “We need to take control of our own immigration in B.C., making those decisions on behalf of British Columbians, instead of those decisions being made over 4,000 kilometres away”.⁷ Eby indicated that he was prepared to “convene interested provinces” to begin a “serious conversation” on immigration and its effects on infrastructure.⁸ These convergent positions, taken by provincial governments of otherwise distinct political orientations, show that the Québec experience, long perceived as a constitutional singularity, has become a common reference point in the Canadian debate on immigration governance. Accordingly, this report’s analysis of the Québec model is not merely an exercise in legal and institutional history; it offers an interpretive lens through which to understand the evolution of Canadian immigration law. It is therefore a substantive issue of interest to all Canadian governments, Parliament, and legislatures.

By validating the parameters governing the exercise of concurrent jurisdiction through recognition of Québec’s autonomy, particularly with respect to the general economic immigration category, the distinctiveness of the Québec model is institutionalized, and a mode of two-level governance is established.

⁵ “Alberta referendum: Danielle Smith calls Notley and Lukaszuk’s “Nazi” comments “disgusting””, *Global News YouTube Channel*, February 20, 2026, online: <<https://www.youtube.com/watch?v=-83yHmXGYEg>>.

⁶ Michelle BELLEFONTAINE, “Alberta Premier Danielle Smith announces fall referendum on immigration, constitutional questions”, *CBC News*, February 20, 2026, online: <<https://www.cbc.ca/news/canada/edmonton/alberta-danielle-smith-fall-referendum-9.7098568>>.

⁷ Katie DeROSA, “B.C. premier wants temporary foreign worker program cancelled or reformed”, *CBC News*, September 5, 2025, online: <<https://www.cbc.ca/news/canada/british-columbia/b-c-premier-wants-temporary-foreign-worker-program-to-be-cancelled-or-reformed-1.7625804>>.

⁸ Simon LITTLE et Richard ZUSSMAN, “Temporary foreign worker program should be ‘reformed significantly or cancelled’: Eby”, *Global News*, September 4, 2025, online: <<https://globalnews.ca/news/11393208/eby-temporary-foreign-worker/>>.

The shared responsibilities governed by the Canada–Québec Accord originate in s. 95 of the *Constitution Act, 1867*.⁹ This provision appears in Part VI of the *Constitution Act, 1867*, which governs the division of powers between the two legislative orders. This Part contains seven sections: 91, 92, 92A, 93, 94, 94A, and 95. Section 91 enumerates the exclusive powers of the Parliament of Canada; s. 92, those of the provincial legislatures. Sections 92A–95 of the *Constitution Act, 1867* address other fields of jurisdiction in which both legislative orders may act. Section 95 assigns concurrent jurisdiction to both legislative orders in the areas of agriculture and immigration. Section 95 of the *Constitution Act, 1867* reads as follows:

95 In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

Apart from certain obsolete judicial decisions rendered in the last century,¹⁰ the scope and limits of s. 95 have not been examined by the courts, including the Supreme Court of Canada, because no litigation has arisen.¹¹ The content of this field therefore remains imprecise, although it may be delineated by exclusive federal and provincial powers, particularly those enumerated in ss. 91, 92, and 93 of the *Constitution Act, 1867*. S. 91(25), concerning aliens, now referred to as foreign nationals, assists in this endeavour. Yet this federal power is likewise marked by gaps in case law, so that this interpretive avenue offers only a limited foundation. Sections 92(13) (property and civil rights) and

⁹ *Constitution Act, 1867*, 30 & 31 Vict., ch. 3 (R.-U.).

¹⁰ *In re Nakane and Okazake*, (1908) 13 B.C.R. 370, 375 (C.A.); *In re Narain Singh* (1908), 13 B.C.R. 477 (C.S.); *R v Hildebrand*, [1919] 3 W.W.R. 286 (C.A. Man.).

¹¹ *Law Society of British Columbia v Mangat*, 2001 SCC 67, is the only decision in which s. 95 of the *Constitution Act, 1867* was argued. The Court made only a laconic observation on the point at para 52: “[...] immigration is generally a matter of concurrent jurisdiction of the federal and provincial governments.” The Court’s decision rested on s. 91(25) of the *Constitution Act, 1867*, namely jurisdiction over naturalization and Aliens.

93 (education) also play a determining role in defining the limits of the legal field of “immigration” identified in s. 95.

Despite the limited case law on the content of the immigration field, the text of s. 95 has two legal dimensions of interest for this report. The first concerns the concurrent character of the jurisdiction. No jurisprudential theory has developed an analytical framework for this quality of a jurisdiction when it is described as *concurrent*, rather than *exclusive*. Yet the proposition that the federal and provincial orders may legislate in the same field presupposes that two valid legislative regimes may coexist. Such coexistence inevitably generates overlaps between the two legislative orders: some will be conflictual, others will not. Where conflicts arise, s. 95 expressly provides a rule for resolving them. If federal and provincial legislative provisions are found to be incompatible, the provincial provisions must give way. They will be inoperative to the extent of the incompatibility.

In constitutional law, this conflict-resolution rule is known as federal paramountcy. This second legal dimension inscribed in s. 95 imposes a legislative constraint on the provinces, from which Québec is especially keen to free itself. Such an opportunity arose in 1987, when the Mulroney government initiated a series of constitutional negotiations to reach a compromise acceptable to Québec, which had refused to sign the *Constitution Act, 1982*. Those negotiations led to the Meech Lake Accord. The Accord included general proposals granting all provinces greater autonomy in administering immigration programs, as well as proposals specific to Québec. These proposals are examined in Part 1 of this report.

Although this reform would never come to fruition because of the failure of the Meech Lake Accord, its spirit would profoundly influence the architecture of the subsequent Canada–Québec negotiations. Those negotiations would lead to the conclusion of the 1991 Canada–Québec Accord, which bears the imprint of a failed, yet politically decisive, constitutional compromise.

Part 2 of this report is devoted to a detailed account of the responsibilities shared by the two orders of government, as defined in the Canada–Québec Accord. Its objective is to highlight the Accord’s innovations, which construct a conception of federalism shaped by the concurrent jurisdiction assigned in s. 95 of the *Constitution Act, 1867* and requiring the interweaving of normative regimes as a phenomenon inherent in the system. In immigration, the federal and Québec governments took the lead by concluding the first intergovernmental agreement. It would be followed by other federal–provincial–territorial agreements, narrower in scope than the Canada–Québec Accord and generically known as the Provincial Nominee Program.

In a sense, the contractual innovations contained in the Canada–Québec Accord create a field of experimentation conducive to the study of federalism. Yet, as in any laboratory environment, some experiments prove especially fruitful while others reveal shortcomings. Nevertheless, these experiments make it possible to gradually learn how to navigate a new environment that raises more questions than it answers, thereby further complicating its translation into the constitutional and administrative legal systems governing immigration. The International Student Program falls into the latter category. It is the subject of Part 3 of this report.

Taken together, this report’s three parts show that the evolution of Québec’s immigration regime — whether the constitutional foundations of its autonomy, the contractual arrangements for the division of powers, or the transformations of programs for international students — is part of a gradual consolidation, over some sixty years, of a legal and political sphere in immigration matters that is distinct to Québec.

Part 1.

Historical Background of the Exercise of Québec Jurisdiction over Immigration

The contemporary architecture governing Canada–Québec immigration relations results from a historical evolution marked both by successive administrative adjustments and by unsuccessful attempts at constitutional reform. The establishment in 1968 of a Québec immigration department, mandated to conclude agreements with the Canadian government, marked the beginning of a gradual reconfiguration of responsibilities for the reception, selection, and integration of immigrants. This dynamic, extending over several decades, underscores Québec’s growing ambition to exercise decisive influence over immigration policies directly affecting its social, economic, demographic, and linguistic development. The first agreements, concluded in 1971, 1975, and 1978, illustrate this gradual progression: initially limited to the presence of Québec representatives in federal offices abroad and the provision of advisory opinions to Canadian authorities, they ultimately led, with the Cullen–Couture Agreement, to a substantial transformation of the immigration system. For the first time, Québec acquired significant autonomy in selecting permanent-immigration candidates, complemented by decision-making powers respecting certain categories of aliens staying temporarily in its territory. The introduction of the *Certificat de sélection du Québec* (Quebec Selection Certificate, CSQ) and the *Certificat d’acceptation du Québec* (Québec Acceptance Certificate, CAQ) was a structuring phase, enabling the province to establish its own criteria and priorities in accordance with its specific needs.

Although this succession of agreements highlights the gradual strengthening of Québec's prerogatives, it does not fully capture the genesis of the 1991 Canada–Québec Accord. This process must also be situated within the broader context of the constitutional negotiations concerning the Meech Lake Accord, undertaken to reintegrate Québec into the 1982 Canadian constitutional framework. The proposals devised in this context were intended not only to recognize Québec's distinctiveness but also to reassess the allocation of responsibilities for permanent immigration and for the admission of certain categories of aliens, including those authorized to work and study. The introduction of sections 95A–95E into the *Constitution Act, 1867* would have substantially altered the federal balance, notably by limiting the scope of federal paramountcy and recognizing increased provincial participation in the administration of temporary residents. Moreover, the preamble to the Meech Lake Accord contained a formal and unequivocal commitment by Canada's first ministers to Québec. This commitment was to incorporate the principles of the Cullen–Couture Agreement into a new agreement, guarantee Québec an immigration volume proportional to its demographic importance, and accompany the transfer of responsibilities for reception and integration services with fair financial compensation. Although these proposals were not implemented following the failure of the Meech Lake Accord ratification process, they formed the political and normative foundation for subsequent negotiations.

The conclusion of the Canada–Québec Accord in 1991 was the logical culmination of two historically convergent dynamics: on the one hand, Québec's progressive assertion through administrative agreements of increasing complexity; on the other, the constitutional impetus generated by the Meech Lake Accord, whose principles were transposed into a contractual framework in the absence of constitutional amendment. The Canada–Québec Accord consolidates the advances achieved and establishes a system founded on formal recognition of Québec's specific immigration needs.

The first section of this report is devoted to an analysis of this process. It retraces the decisive stages preceding the adoption of the Canada–Québec Accord and shows how the history of earlier agreements and constitutional negotiations shaped the political and legal parameters of the Québec immigration model.

Section 1. The First Federal–Québec Cooperation Agreements

On November 5, 1968, the Québec legislature assented to the *Act respecting the Ministère de l'Immigration*.¹² Under this Act, the minister is generally responsible for the administration of immigration legislation and for concluding, in conjunction with the Québec government, any agreement with the Government of Canada to facilitate the implementation of the Act.¹³ Four agreements were concluded with the Government of Canada under this legislative scheme, in 1971, 1975, 1978, and 1991. The 1991 agreement, entitled the *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*,¹⁴ remains in force today. Before describing its content, it is useful to briefly examine the agreements preceding the Canada–Québec Accord, as they illuminate the steps taken by the two orders of government to gradually structure the exercise of federal and Québec powers founded on the concurrent jurisdiction in immigration established by s. 95 of the *Constitution Act, 1867*.

In 1971, that is, three years after the enactment of the *Act respecting the Ministère de l'Immigration*, the federal (Lang) and Québec (Cloutier) immigration ministers reached a first agreement. Entitled *Agreement respecting the Presence of Québec Immigration Department Orientation Officers in Federal Immigration Offices Outside Canada*,¹⁵ the Agreement specifically authorized the Québec government to assign its officers to Canadian immigration offices.¹⁶ Those officers were also responsible for providing information about Québec to aliens interested in settling in Québec and to immigration candidates whose applications were under review by a federal officer. In addition, the officers could provide a strictly advisory opinion to federal officers before a decision was made concerning the assignment of a candidate to Québec. The Lang–Cloutier Agreement conferred no decision-making authority on

¹² *Act respecting the Ministère de l'Immigration*, SQ 1968, c 68. This statute was amended several times and was then replaced in 2016 by the *Act respecting immigration to Québec*, CQLR c I-0.2.1.

¹³ *Act respecting the Ministère de l'Immigration*, supra note 12, ss 2–7.

¹⁴ *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3.

¹⁵ GOVERNMENT OF QUEBEC, *Agreement respecting the presence of Québec immigration department orientation officers in federal immigration offices outside Canada*, Canadian intergovernmental agreement, May 18, 1971, Agreement no 1971-010.

¹⁶ *Id.*, s. 2.

Québec.¹⁷ In 1975, a second agreement was developed under the auspices of Ministers Andras and Bienvenue.¹⁸ Québec's only new gain under that agreement was the authorization to assign immigration officers to every city in which Canada had stationed federal visa officers, whether in federal government offices or in separate premises.¹⁹ With respect to immigration decisions, the functions and powers of Québec officers remained the same as those assigned under the Lang–Cloutier Agreement.²⁰

It was with the third agreement, concluded in 1978, that Québec truly took flight. The *Cullen–Couture Agreement* transformed the federal–Québec relationship.²¹ Under that Agreement, Québec was granted the power to select permanent-immigration candidates destined for the province, and that power prevailed over federal powers.²² Once it has made its selection, Québec issues a CSQ to a candidate, enabling the selected candidate to then submit their application to federal authorities so that they may continue assessment under federal legislation with a view to admission to Canada. In addition, the Cullen–Couture Agreement includes provisions respecting categories of temporary-residence candidates, particularly foreign workers and international students:²³ “[f]or these categories of aliens, Québec’s prerogatives were strengthened: federal officers could proceed with admission only if Québec had first expressed its consent by issuing a CAQ.”²⁴ To implement these new powers, Québec amended the *Act respecting the Ministère de l’Immigration* of 1968 and conferred on the government regulatory powers respecting immigrant categories, selection criteria, the weighting of those criteria, sponsors’ financial

¹⁷ *Id.*, s. 10 et 11.

¹⁸ GOVERNMENT OF QUEBEC, *Canada–Québec Agreement respecting the exchange of information and the recruitment and selection of aliens residing outside Canada who wish to reside permanently in the province of Québec or to be admitted temporarily in order to take up employment there*, Canadian intergovernmental agreement, October 17, 1975, Agreement no 1975-033.

¹⁹ *Id.*, s. 2.

²⁰ *Id.*, s. 6.

²¹ GOVERNMENT OF QUEBEC, *Canada–Québec Agreement respecting cooperation in immigration matters and the selection of aliens wishing to settle in Québec permanently or temporarily — Cullen–Couture Agreement*, Canadian intergovernmental agreement, February 20, 1978, Agreement no 1978-011.

²² *Id.*, Part III.

²³ *Id.*

²⁴ *Id.*

requirements, processing priorities, language criteria, and integration and financial-assistance services.²⁵

The Canada–Québec Accord was therefore negotiated within this contractual framework. This history, however, only partially accounts for the events that led to the conclusion of the Canada–Québec Accord; the Accord also resulted from the constitutional negotiations on the Meech Lake Accord.

Section 2. The Advances of the Meech Lake Accord

The constitutional negotiations undertaken following the patriation of the Constitution in 1982 were intended primarily to reintegrate Québec into Canada's constitutional framework. After the Government of Quebec refused to sign the *Constitution Act, 1982*, the federal government, under Prime Minister Mulroney, proposed in 1985 that a further round of negotiations be initiated.²⁶ It invited the Government of Quebec to set out the conditions for its reintegration in order to sign the *Constitution Act, 1982*.²⁷ Among those conditions was recognition of enhanced immigration powers. On June 3, 1987, the first ministers of Canada and the provinces reached a consensus on several constitutional amendments, grouped in the Meech Lake Accord.²⁸

The immigration proposals in the Accord fall into two categories. On the one hand, the document contains general proposals capable of being adopted by all federal and provincial governments. These are ss. 95A–95E. On the other hand, the preamble formalizes a specific undertaking by Canada's first ministers

²⁵ *Act to amend the Act respecting the Ministère de l'Immigration*, SQ 1978, c 82, s. 3. The Cullen–Couture Agreement was supplemented in 1990 by a supplementary agreement intended to further define the selection criteria applicable to immigrant investors. See: GOVERNMENT OF QUEBEC, *Canada–Québec Agreement respecting immigrant investors*, Canadian intergovernmental agreement, February 5, 1990, Agreement no 1990-004.

²⁶ France HOULE, “Implementing Québec intercultural policy through the selection of immigrants”, dans S. BAGLAY et D. NAKACHE (eds), *Immigration Regulation in Federal States*, vol., 9, *International perspectives on migration*, Dordrecht (Netherlands), Springer, 2014 at 117, online: <https://doi.org/10.1007/978-94-017-8604-1_6>.

²⁷ QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 33, 18 June, 1987 at 8688-8695.

²⁸ See GOVERNMENT OF CANADA, *1987 Constitutional Accord or Meech Lake Accord*, Ottawa, Government Affairs, June 3, 1987 (updated October 5, 2021), online: <<https://www.canada.ca/fr/affaires-intergouvernementales/services/federation/accord-constitutionnel-1987.html>>.

to Québec, based on the recognition that an immigration agreement would be concluded with the federal government.

2.1 General Provisions

Section 3 of the Meech Lake Accord proposed inserting ss. 95A–95E immediately after s. 95 of the *Constitution Act, 1867*. The adoption of those provisions would have substantially altered the allocation of jurisdiction over immigration. To facilitate an understanding of the meaning and scope of these new provisions, it is useful to reproduce the two provisions of the *Constitution Act, 1867* that establish the general parameters of federal and provincial jurisdiction over immigration. They are ss. 91(25) and 95 of the *Constitution Act, 1867*.

91 [...] it is hereby declared that [...] the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated, that is to say: [...]

25. Naturalization and Aliens.

95 In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; [...] and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

At the time the *Constitution Act, 1867* was adopted, the use of the word immigration in s. 95 was significant. It denoted the act by which aliens came to settle permanently in Canada. Section 95 did not assign jurisdiction over aliens and, consequently, temporary residents. This latter category was understood to fall within the exclusive jurisdiction of Parliament under s. 91(25). Accordingly, it was the exercise of provincial jurisdiction over the general category of immigration that was subject to the doctrine of federal paramountcy. The scope of that doctrine was considerable because provincial laws enacted under s. 95 could be declared inoperative if held incompatible “with *any Act* of the Parliament of Canada”. Another significant feature of the proposals concerned the breadth of the federal government’s exclusive jurisdiction over aliens under s. 91(25). That jurisdiction is likewise extensive, since any person seeking

admission to Canada for permanent or temporary residence falls within the exclusive jurisdiction of Parliament.

In light of the interaction between ss. 91(25) and 95, ss. 95A and 95B(1) and (2) of the Meech Lake Accord are of particular interest in relation to the amendments that would have been made to s. 95 of the *Constitution Act, 1867*.

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.²⁹

95B (1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

95B (2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

Under s. 95A, the Government of Canada would have been required to negotiate an agreement with a provincial government at that government's request. The English version confirms this reading: "The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province." The

²⁹ *Id.*

French version also unequivocally shows that it created a federal obligation to negotiate, since the present indicative and the expression “at the request” are used in the text.

Moreover, the provision indicates that the scope of this negotiation may concern “immigration or the temporary admission of aliens”. Accordingly, the proposal to clarify the scope of s. 95 to include temporary immigration formed part of the clarifications sought by the provincial authorities. An examination of the Canada–Québec Accord shows that three categories of aliens are indeed covered: temporary foreign workers, international students, and foreign visitors coming to receive medical treatment. Moreover, s. 95B(1) limits the effects of the exclusive federal jurisdiction set out in s. 91(25) with respect to temporary immigration, and those of the doctrine of federal paramountcy in s. 95 with respect to permanent immigration. With respect to both categories, s. 95B(1) specifies that concluded agreements have “the force of law and shall from that time have effect notwithstanding class 25 of section 91 or section 95”.

However, the recognition of provincial jurisdiction over aliens and immigrants was not without limits. Under s. 95A, that jurisdiction was to be exercised in pursuit of local interests particular to each province, since an agreement so concluded had to be “appropriate to the needs and circumstances of that province”. That was already what s. 95 stated: “[i]n each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province [...]” Beyond that general limit, s. 95B(2) expressly enumerated the matters over which the provinces could not exercise their new jurisdiction. These included “[...] general classes of immigrants, [...] levels of immigration for Canada and [...] classes of individuals who are inadmissible into Canada”. It is noteworthy that no specific mention was made of temporary residents, thus leaving open an unregulated area of interpretation. There are two possibilities: either the first ministers intended to leave the matter unresolved because they had not agreed on it, or they intended to broaden the concept of immigrants to extend it to temporary residents. Although answering this question lies beyond the purpose of this report, it is nevertheless important to restate the general rule set out in s. 95B(2): future agreements must be compatible with the matters reserved to Canada that are listed in that provision.

To conclude our examination of the Meech Lake Accord’s immigration provisions, we briefly describe ss. 95B(3), 95C, 95D, and 95E. Section 95B(3) reaffirms the primacy of the *Canadian Charter of Rights and Freedoms*, which forms part of the Constitution of Canada, over any agreement or measure

adopted under those provisions.³⁰ This provision is a useful reminder,³¹ but does not alter the principles and rules already established: all governmental and legislative action is subject to the Charter, pursuant to s. 32(1) of the *Constitution Act, 1982*. Moreover, pursuant to s. 52 of the *Constitution Act, 1982*, a court and, ultimately, the Supreme Court of Canada, may declare legislative or governmental action inoperative if it contravenes the Constitution of Canada. Finally, the Meech Lake Accord's three other provisions address procedural matters. Sections 95C and 95D prescribe mechanisms for adopting and amending an agreement concluded under s. 95A. Section 95E establishes the constitutional-amendment procedure applicable to these new provisions should they be adopted.

2.2 Specific Provisions

In its preamble, the Meech Lake Accord set out an additional undertaking specifically directed to Québec: the conclusion of a bilateral immigration agreement between the federal and Québec governments. The preamble stated explicitly that all of Canada's first ministers undertook that the Government of Canada would reach an immigration agreement with Québec. The undertaking was distinctive in that it incorporated three fundamental principles forming the basis for negotiating such an agreement.

These principles were as follows. The proposed agreement would provide: (a) for the incorporation of the selection principles arising from the Cullen–Couture Agreement; (b) a guarantee of an immigrant volume proportionate to Québec's demographic importance within Canada, with the possibility of exceeding that volume by up to 5%; and (c) Canada's undertaking to transfer to Québec responsibility for reception and integration services for aliens wishing to settle in its territory.³² The preamble reads as follows:

³⁰ *Id.*, s. 95B(3): "The Canadian *Charter of Rights and Freedoms* applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement." See the full text of the Meech Lake Accord, *supra* note 28.

³¹ It is possible that this inclusion was intended as a reminder of the violations of fundamental rights that had occurred in the history of Canadian immigration law. On this point, see: Ninette KELLEY and Michael J TREBILCOCK, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 2nd ed, Toronto, University of Toronto Press, 2010. A more recent version has since been published: N KELLEY, J G REITZ, MJ TREBILCOCK, *supra* note 1.

³² Meech Lake Accord, *supra* note 28, Preamble; QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 33, 1 June, 1987 at 7854.

The First Ministers of Canada and the provinces, considering:

[...] that they have also reached unanimous agreement on certain additional commitments in relation to some of those amendments, make, on behalf of themselves and the governments they represent, the following commitments:

1. [...]
2. The Government of Canada will, as soon as possible, conclude an agreement with the Government of Quebec that:
 - a. incorporate the principles of the Cullen–Couture Agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives;
 - b. guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons;
 - c. provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all aliens wishing to settle in Québec where services are to be provided by Québec, with such withdrawal to be accompanied by reasonable compensation.

and the Government of Canada and the Government of Quebec will take the necessary steps to give the agreement the force of law under the proposed amendment relating to such agreements.

The Meech Lake Accord failed, but notwithstanding that failure, Québec and Canada entered into negotiations to conclude a new immigration agreement based on the undertaking in the preamble to the Meech Lake Accord.³³ In 1991, the parties ratified the *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*,³⁴ which is based on the three principles set out in the preamble.

Before examining the content of the Canada–Québec Accord, this report provides an overview of the parliamentary debates on the Meech Lake Accord’s immigration provisions that contributed to its rejection.

2.3 Overview of Parliamentary Debates

The Meech Lake Accord’s immigration provisions did not receive unanimous support from members of the House of Commons, the National Assembly, and other provincial legislative assemblies, including Newfoundland’s.

Most parliamentary interventions concerned either the constitutional entrenchment of the 1978 Cullen–Couture Agreement or the general implications of proposals 95A–95D.³⁵ In Québec, the Parti Québécois, the Official Opposition, expressed some scepticism about the Accord’s true scope, but did not substantiate its arguments. In fact, the Parti Québécois’ questioning concerned more the appropriateness of constitutionally entrenching the Cullen–Couture Agreement, which it regarded as superfluous.³⁶ It took the position that the Cullen–Couture Agreement had already been negotiated under s. 95 of the *Constitution Act, 1867* and, because it was already in operation, no further measures were necessary.³⁷ In response, the government in office, formed

³³ The Québec Minister of Immigration and Cultural Communities at the time, the Honourable Monique Gagnon-Tremblay, stated that the parties were awaiting the coming into force of the Meech Lake Accord before beginning negotiations on the immigration agreement: QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 34, vol., 31, no 55, 13 June 1990 at 3203-04.

³⁴ Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3.

³⁵ CANADA, *House of Commons Debates*, 2, 33, vol., 8, 29 September 1987, at 9425, 9467, 9509, 9845, 10250; QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats, Parliamentary Committees, Standing Committee on Institutions, Hearing of persons and organizations concerning the Meech Lake constitutional agreement (2)*, 1, 33, 13 May 1987 at 2126; 20 May 1987 at 7711.

³⁶ QUÉBEC, NATIONAL ASSEMBLY, supra note 35, 20 May 1987 at 8923.

³⁷ *Id.*, at 8712, 8843, 8895, 8901, 9014.

by members of the Liberal Party, regarded the situation as an opportunity to constitutionally entrench a future agreement that would better equip Québec to achieve two major objectives: (1) maintaining its demographic importance and (2) implementing enhanced government programs for immigrants, intended to support their adaptation and integration into Québec's economic and social life.³⁸ In its view, the Meech Lake Accord represented progress over the Cullen–Couture Agreement and a guarantee of cultural security intended to counter the decline in Québec's average fertility rate, which had been decreasing since the 1960s.³⁹

Within the federal House of Commons and the Senate, concerns about the Meech Lake Accord's immigration proposals were more significant. These concerns focused on the adverse consequences of a potential irreversible reduction in federal jurisdiction.⁴⁰ The devolution to the provinces of the power of selection and integration repeatedly prompted strong reactions that raised the possibility of fragmentation of the Canadian migration system, or even the balkanization of Canada.⁴¹

In May 1990, two months before the deadline for ratification by all provinces, Newfoundland Premier Clyde Wells sharply criticized the Meech Lake Accord generally, and its immigration-jurisdiction provisions. He considered them unworkable and advocated for their removal.⁴² When his requests were not met, Premier Wells recommended that the members supporting his government refuse to ratify the Meech Lake Accord during a sitting of the Newfoundland

³⁸ *Id.*, at 8695, 8697, 8726, 8733, 8907, 8908, 8918, 8958, 8973, 9022 and 9023.

³⁹ *Id.*, CHRIS KOSTOV, "Canada-Quebec Immigration Agreements (1971–1991) and Their Impact on Federalism" (2008) 38-1 *American Review of Canadian Studies* 91, 93.

⁴⁰ CANADA, HOUSE OF COMMONS, *House of Commons Debates*, 2, 33, vol., 8, 6 October 1987 at 9744, 10288, 10289; CANADA, SENATE, *Debates*, 2, 34, vol., 3, 21 January 1988 at 2563, 2798, 2800, 2922–2923; CANADA, SENATE, *Debates*, 2, 34, vol., 1, 4 October 1989 at 546.

⁴¹ CANADA, SENATE, *Debates*, 2, 33, vol., 3, 30 March 1988 at 2990–2991.

⁴² CANADA, HOUSE OF COMMONS COMMITTEES, *Special Committee to review the proposed resolution accompanying the Meech Lake Accord*, 2, 34, vol., 3, 1 May 1990, Nos 17–21 at 108.

House of Assembly.⁴³ Later, the Legislative Assembly of Manitoba would do the same.⁴⁴ At the prescribed deadline, June 2, 1990, the objective set by the resolution authorizing the amendment to the Constitution of Canada had not been achieved. It provided:

Whereas: [...]

- that the proposal concerns, in part, matters referred to in s. 41 of the Constitution Act, 1982;
- that that section provides that the Constitution of Canada may be amended by proclamation issued by the Governor General under the Great Seal of Canada, authorized by resolutions of the Senate, the House of Commons, and the legislative assembly of each province;

Although the new agreement could not be founded on the constitutional basis that ss. 95A–95E would have provided, the federal and Québec governments nevertheless implemented the specific provisions contained in the Meech Lake Accord. They therefore concluded the Canada–Québec Accord in 1991 and, notably, it contains a strict amendment procedure. Indeed, s. 33 of the 1991 Accord provides:

“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.”

⁴³ The Premier at the time, the Honourable Clyde Wells, announced in his May 25, 1989, Speech from the Throne that he would ask the legislature not to approve the Accord. See: NEWFOUNDLAND AND LABRADOR, HOUSE OF ASSEMBLY, *Journal of Debates*, 1, 40, vol., 1, 25 May 1989. See also: Michel VENNE, “Newfoundland will nevertheless withdraw its support”, *Le Soleil*, March 23, 1990; Jenny HIGGINS, “Meech Lake”, *Newfoundland and Labrador Heritage*, 2012, online: <<https://www.heritage.nf.ca/articles/politics/wells-government-meech.php>>.

⁴⁴ MANITOBA, LEGISLATIVE ASSEMBLY, *Journal of Debates*, 2, 3, vol., 153, 22 June 1990; see also: Chantal HÉBERT, “The Meech Accord is finishing its death throes. Newfoundland and Manitoba will deliver the final blow”, *Le Devoir*, June 22, 1990, at 9–10; Maxence BILODEAU, “On June 22, 1990, Manitoba’s Elijah Harper refused debate on the Meech Lake Accord”, *Radio-Canada*, June 22, 1990, online: <<https://www.youtube.com/watch?v=P5zFk837yuo>> (video).

The wording of s. 33 protects the Accord against any change absent a unanimous agreement between the parties. By including that provision in the Accord, Québec secured very strong protection for its gains. However, although the Accord has considerable normative force, it does not have the force of law, unlike what might have been the case had the Meech Lake Accord been ratified, given the wording of s. 95B(1).⁴⁵

Summary of Part 1

The first section of this report traces the evolution of relations between the federal and Québec governments on immigration, from the establishment of Québec's first immigration department in 1968 to the unsuccessful constitutional negotiations surrounding the Meech Lake Accord. It shows how, through four successive agreements concluded in 1971, 1975, 1978, and 1991, Québec gradually strengthened its powers and responsibilities in relation to the selection and integration of immigrants seeking to settle permanently in the province. The earliest agreements, focused principally on the presence of Québec officials in federal offices abroad and on the opportunity to provide advisory opinions, did not alter the balance of powers.

Only with the conclusion of the 1978 Cullen–Couture Agreement did a significant discontinuity emerge, conferring on Québec jurisdiction to select permanent-immigration candidates and the ability to intervene in the admission process for certain categories of temporary aliens, including workers and students. Henceforth, the applications of candidates seeking to settle in Québec

⁴⁵ For a review of the case law from different judicial perspectives on the normative force of intergovernmental agreements, see Johanne POIRIER, “Une source paradoxale du droit constitutionnel canadien : les ententes intergouvernementales”, (2009) 1 *Revue québécoise de droit constitutionnel* 6 at 23, 27–28; Jesse HARTERY, “La compétence concurrente en matière d’immigration : rendre aux provinces canadiennes ce qu’elles ont perdu”, (2018) 63:3&4 *RD McGill* 487 at 540; H BRUN and E BROUILLET, “Le partage des pouvoirs en matière d’immigration : une perspective québécoise”, in Pierre THIBEAULT, Benoît PELLETIER and Louis PERRET, eds, *Les mélanges Gérard-A Beaudoin : Les défis du constitutionnalisme*, Cowansville, Éditions Yvon Blais, 2002 at 55; P-L BEAUREGARD, A-G GAGNON and J-D GARON, “Managing Immigration in the Canadian Federation: The Case of Quebec”, in S Yiagadeesen and H DUNCAN, Eds, *International Affairs and Canadian Migration Policy*, Cham, Palgrave Macmillan, 2021 at 227–45, online: <https://doi.org/10.1007/978-3-030-46754-8_11>.

could not proceed through the federal bureaucracy to complete the assessment leading to admission to Canada until Québec had issued a CSQ. With respect to applications for temporary residence, Québec would indicate its willingness to receive candidates in its territory by issuing a CAQ. These new prerogatives led to amendments to Québec's 1968 *Québec Immigration Act*. In addition to the integration and inclusion services offered to newcomers, those amendments enabled Québec to choose, among the general immigration classes created by Parliament, those to which it would give priority in establishing selection criteria, their weighting, and the administrative priorities associated with those classes.

This analysis of the institutional trajectory would nevertheless be incomplete without considering the impact of the constitutional negotiations relating to the Meech Lake Accord. From 1985, those negotiations aimed to reintegrate Québec into the 1982 Constitution, and the text of the Meech Lake Accord included important immigration proposals grouped in ss. 95A–95E. Had the Meech Lake Accord been ratified, those measures would have expanded provincial powers in both permanent immigration and the temporary admission of aliens, while reducing the scope of federal paramountcy under s. 95 and the effect of exclusive federal jurisdiction under s. 91(25). Section 95A established a federal obligation to negotiate an agreement with any province that wished to do so, while s. 95B(1) gave agreements so concluded an effect distinct from the constitutional provisions that define federal and provincial powers. It should nevertheless be noted that the scope of those new prerogatives was not unlimited: s. 95B(2) preserved national standards and objectives concerning immigration classes, immigration levels, and inadmissibility criteria. Finally, the Meech Lake Accord also included a specific undertaking to Québec in its preamble: the incorporation of the principles of the Cullen–Couture Agreement into a subsequent agreement, the guarantee of an immigrant volume proportionate to its demographic importance, with the possibility of exceeding it by 5%, and the transfer of responsibility for reception and integration services, with financial compensation.

The political rejection of the Meech Lake Accord by two provinces in 1990 did not, however, extinguish the aspirations expressed through those proposals. Rather, it prompted Canada and Québec to negotiate an agreement based on the commitments set out in the Meech Lake Accord's preamble: the 1991 Canada–Québec Accord.

Part 2.

The Advent of the Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens

The emergence of the 1991 Canada–Québec Accord marks a decisive stage in the contemporary evolution of migration in Québec and in the development of Canadian federalism as applied to immigration. After two decades of negotiations and the conclusion of three successive agreements, which had gradually expanded Québec’s role without fundamentally transforming intergovernmental dynamics, the 1991 Accord constituted a qualitative break. It conferred on Québec a status that shifted from that of a consulted actor to that of an effective partner exercising structuring prerogatives in a field of concurrent jurisdiction set out in s. 95 of the *Constitution Act, 1867*. The Accord’s preamble expressly recalls that constitutional foundation while reaffirming the objectives that justified the shared intention to restructure migration governance, including the preservation of Québec’s demographic importance within the Canadian federation. Moreover, the preamble reiterates the importance of protecting Québec’s distinctive character through shared responsibilities for selection, followed by the admission of persons seeking to settle permanently or temporarily in Québec, and through recognition of Québec’s particular collective interests, expressed in francization, integration, and the development of policies responsive to Québec national needs.

In the first section, this report will describe the contractual provisions of the Canada–Québec Accord both to explain their content and to identify the scope and limits of the responsibilities recognized for each order of government. After

this initial descriptive examination of the text of the Accord, we will move to the analytical level in the second section. This report will then examine the mechanisms used by the Accord's drafters to implement this constitutional architecture by allocating different responsibilities to the federal and Québec governments. We will see that the Canada–Québec Accord is structured around an approach that favours a federal balance through concerted coordination of responsibilities which, within the framework of s. 95 of the *Constitution Act, 1867*, promotes negotiated normative coexistence between the two orders of government while recognizing that certain procedural and substantive matters remain within the exclusive jurisdiction of one legislative order or the other.

This second discussion does not aim to examine exhaustively the mechanisms that structure the concrete operation of migration processes. Only four mechanisms will be considered. By presenting certain examples, the aim is to make more visible the constitutional complexity of the migration field and the administrative-law logistics required to implement the interlocking constitutional jurisdictions engaged in immigration.

Three structuring contributions emerge from this architecture and should be identified at the outset because they form the backbone of Part II and guide the analysis that follows: first, the preservation of Québec's demographic importance within the federation, guaranteed by the federal undertaking to align annual levels; second, Québec's exclusive jurisdiction over the selection of economic-class immigrants, exercised through the CSQ; and third, the complete withdrawal of the federal government from the provision of reception, francization, and integration services to permanent residents established in Québec, together with indexed financial compensation. These three pillars, on which Parts I, II, and III of the Accord respectively rest, are the culmination of the commitments made in the preamble to the Meech Lake Accord and transposed, in 1991, into a contractual framework in the absence of a formal constitutional foundation.

As recalled in the introduction, these three contributions are precisely why the Québec model, long perceived as a constitutional singularity, is now explicitly invoked by the premiers of Ontario, Alberta, and British Columbia as a desired benchmark. The study that follows accordingly seeks not only to trace the Canada–Québec Accord's legal architecture, but also to identify which aspects of that architecture are transferable and which remain inseparable from Québec's distinctive historical and political trajectory.

Section 1. The Accord's Contractual Provisions

The Canada–Québec Accord confers on Québec jurisdiction that is unique in Canada.⁴⁶ No other Canadian province has obtained analogous prerogatives through the negotiation of agreements with Canada after those obtained by Québec. This singularity is explained by Québec's distinctive historical trajectory, traced in Part I, marked by the gradual accumulation of administrative agreements and by a particular political and constitutional context, notably that of the Meech Lake Accord negotiations.

The Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens confers three principal benefits on Québec: (1) the preservation of Québec's demographic importance, ensured by the parties' undertaking to coordinate the total number of immigrants and refugees admitted to Québec;⁴⁷ (2) exclusive responsibility for the selection of immigrants in the economic class;⁴⁸ and (3) the federal government's withdrawal from the provision of integration services to permanent immigrants, accompanied by financial compensation.⁴⁹ The provisions of the Accord are organized into three distinct sections, which are described below. The first section of the Accord is entitled "Levels of Immigration." The second is entitled "Admission and Selection"; the third is entitled "Reception and Integration." These three sections of the Canada–Québec Accord — described in that order in what follows — are supplemented by a fourth, which addresses various provisions, and by Annex A, which sets out the arrangements for implementing the Accord. This Annex is organized into eight brief sections. The fourth section and Annex A of the

⁴⁶ C KOSTOV, *supra* note 39 at 91; Margaret YOUNG, *Immigration: The Canada–Québec Accord*, Ottawa, Law and Government Division, BP-252E at 3, March 1991 (revised September 1998), online: <<https://publications.gc.ca/Collection-R/LoPBdP/BP/bp252-f.htm>>. GOVERNMENT OF QUEBEC, MINISTÈRE DES COMMUNAUTÉS CULTURELLES ET DE L'IMMIGRATION DU QUÉBEC, *Au Québec pour bâtir ensemble : Énoncé de politique en matière d'immigration et d'intégration*, 1990, reprinted 1991, Québec, Direction des communications du Ministère des Communautés culturelles et de l'Immigration du Québec, ISBN 2-550-21357-2 at 37, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/politiques/PO_batir_ensemble_MIDI.pdf>; Samuel PROULX-CHÉNARD, *L'Encyclopédie canadienne*, "Politique d'immigration québécoise", *Historica Canada*, 2022, online: <<https://thecanadianencyclopedia.ca/fr/article/politique-dimmigration-du-quebec>>.

⁴⁷ *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*, *supra* note 3, Part I, Immigration Levels, ss 5–8.

⁴⁸ *Id.*, Part II, Admission and Selection, ss 9–23.

⁴⁹ *Id.*, Part III, Reception and Integration, ss 24–29.

Canada–Québec Accord will not be examined exhaustively; selected content will be mentioned in order to further an overall understanding of the Canada–Québec Accord. Finally, the description of the contractual provisions will also identify legislative changes that have occurred since the Canada–Québec Accord was concluded in 1991 and that reflect the evolution of Canada’s immigration system.

Before describing the provisions of the Canada–Québec Accord, it is useful to identify certain elements of section 3 of the preamble. In that section, the parties acknowledge that 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.” It further provides that Canada discharges these responsibilities “in particular by defining the general classes of immigrants and classes of persons who are inadmissible into Canada.” These provisions reproduce those contained in s. 95B(2) of the Meech Lake Accord. Finally, the parties agree that the determination of immigration levels and the conditions for the granting of citizenship, as well as the fulfilment of international obligations, fall within Canada’s responsibility. In short, section 3 of the preamble is of central importance to understanding the scope and limits of the Canada–Québec Accord as a whole.

1.1 Immigration Levels

Part I of the Canada–Québec Accord is entitled “Levels of Immigration.” For present purposes, immigration in the Accord refers specifically to the process through which aliens establish permanent residence in Canada. Until 2024, the process established in this part of the Accord served to determine the annual level of permanent immigrants admitted into the country, excluding the number of aliens residing temporarily in Canada, particularly to study or work. After 2024, temporary-resident levels were incorporated into the immigration levels planning process. This inclusion was important to Québec for several reasons, some of which are discussed in this report. More generally, it should be noted that the number of foreign workers and students had risen continuously since the Harper government took office in 2006 and had surpassed the number of permanent immigrants. In 2024, an immigration crisis emerged that, among other things, led governments to include temporary immigration in discussions concerning multi-year immigration levels planning.

Before describing the process established in Part I of the Canada–Québec Accord, it should be noted that section 1 specifies that the Accord concerns, among other things, the determination of immigration levels for Québec.⁵⁰ However, the parties jointly agreed that this determination rests on the principle that Canada bears primary responsibility in this regard, as specified in section 3 of its preamble. Indeed, Ottawa had rejected any arrangement that would legally bind it to Québec’s wishes. The federal government maintained that determining immigration levels fell within its exclusive jurisdiction and was an essential instrument of its national economic planning.⁵¹ In its view, a formal undertaking in Québec’s favour risked establishing a precedent and undermining the coherence of Canadian immigration policy.⁵² The final version of the 1991 Canada–Québec Accord is therefore based on this compromise: the exclusive exercise of authority over admissions into the country, grounded in jurisdiction over aliens under s. 91(25) of the *Constitution Act, 1867*, leaves room for Québec to exercise jurisdiction over immigration within the province pursuant to s. 95.⁵³

The determination of immigration levels was one of the principal sources of tension between Ottawa and Québec during the negotiations leading to the adoption of the Canada–Québec Accord. These tensions continued the constitutional debates surrounding the Meech Lake Accord, during which Québec’s claims came into conflict with federal concerns about the unity of Canada’s immigration system. Québec’s concern was based on the observation that immigration was the principal driver of population growth, while the proportion of francophone immigrants received in the province had declined

⁵⁰ *Id.*, supra note 3, s. 1.

⁵¹ CANADA, *House of Commons Debates*, 2, 34, vol., 12, 22 November 1990 at 15597.

⁵² *Id.*, at 15598.

⁵³ CANADA, LIBRARY OF PARLIAMENT, *Immigration: The Canada–Québec Accord*, by Martin McCallum and Julie BÉCHARD, Ottawa, 2024, Publication no 2011-89-E at 7, online: <<https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/HillStudies/PDF/2011-89-F.pdf>>. According to these authors, the term “guarantee,” which had been used in the Meech Lake Accord, created difficulties and was deliberately excluded when the Canada–Québec Accord was concluded. The parties instead adopted language focused on objectives to be achieved rather than a legally guaranteed undertaking. This terminological substitution undoubtedly reflects the constraints identified in Part I, namely the impossibility of embedding the commitments made in the Canada–Québec Accord in the constitutional framework that would have resulted from ratification of the Meech Lake Accord. It may be hypothesized that Meech’s failure required the parties to favour a more flexible approach in order to avoid judicial challenges.

over time.⁵⁴ This decline reinforced Québec's fear that, if immigration levels were determined unilaterally by Ottawa without regard to Québec's particular circumstances, the result would exacerbate the province's linguistic minoritization rather than support the vitality of French. Far from peripheral, this issue lay at the heart of Québec's concerns because it directly engaged in two fundamental dimensions: demography and language.⁵⁵

The Canada–Québec Accord therefore seeks to make immigration levels an essential demographic and linguistic instrument for maintaining Québec as a predominantly French-speaking society within Canada. It was precisely from this perspective that, when presenting the Accord to the National Assembly on March 19, 1991, Québec's Minister of Immigration emphasized that the negotiations aimed to provide Québec with "better means of preserving its demographic importance within Canada and of ensuring the integration of immigrants in a manner that respects the distinctive character of Québec society".⁵⁶ The Minister also stressed Québec's desire to prevent immigration from becoming "a factor in the minoritization of Québec's population," at the very time Ottawa was contemplating unprecedented immigration levels for the years ahead.⁵⁷

Accordingly, sections 5 to 8, which comprise Part I of the Accord, establish a framework for intergovernmental coordination in setting immigration levels, intended to support coherent and predictable immigration planning at the national and provincial levels.⁵⁸ Section 5 of the Accord provides, first, that Canada is to establish annually the total number of immigrants for the country as a whole, while taking Québec's advice into account regarding the number of immigrants it wishes to receive each year. Under section 6, the federal government undertakes to pursue an immigration levels policy that will allow Québec

⁵⁴ QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 34, vol., 31, no 69, 24 October 1990 at 4641.

⁵⁵ QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 34, vol., 31, no 103, 19 March 1991 at 7065.

⁵⁶ *Id.*, at 7066.

⁵⁷ The reference to the "unprecedented" plan concerns the government's 1990 announcement that it would raise Canada's annual immigration levels to approximately 250,000 in the early 1990s, a significant and sustained increase over preceding years. See: GOVERNMENT OF CANADA, CANADIAN EMPLOYMENT AND IMMIGRATION Advisory Council, *Immigration Levels, 1991–95: Statement by the Minister of Employment and Immigration*, Ottawa, September 1990 at 34.

⁵⁸ *Au Québec pour bâtir ensemble: Énoncé de politique en matière d'immigration et d'intégration*, supra note 46 at 7.

to receive, out of the annual total established for the country as a whole, the percentage of immigrants referred to in section 7; that section sets the objective of a percentage “equal to the percentage of Québec’s population compared with the population of Canada”, while section 6 gives Québec the right to exceed that figure by five per cent of the Canadian total for demographic reasons. This arrangement, which did not appear in the Cullen–Couture Agreement, was considered indispensable by Québec so that the province could plan its immigration levels in keeping with its demographic objectives and its capacity to receive and integrate newcomers.⁵⁹ Moreover, section 7 provides that Québec also undertakes to maintain an immigration policy consistent with the principles set out in sections 5 and 6. Finally, in order to fully assume its responsibility for the reception of immigrants based on humanitarian considerations, Québec undertakes in section 8 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 it undertakes to accept, thereby consolidating its role in the humanitarian immigration component.

As for the implementation of these undertakings, Annex A to the Canada–Québec Accord provides that, each year and no later than April 30, the Government of Canada must send Québec its immigration levels plan for the following year.⁶⁰ The Government of Quebec must then return its own plan to the federal government no later than June 30 of the same year.⁶¹ Moreover, implementation of the undertakings takes the form of multi-year planning provided for in Annex A to the Accord.⁶² In this regard, the current *Québec Immigration Act* provides that the Minister of Immigration, Francization and Integration regularly submits to the Government multi-year immigration guidelines concerning temporary and permanent immigration.⁶³ For that purpose, the Minister must take into account Québec’s immigration policy, immigration demand, Québec’s needs — including those of its regions — and its capacity to receive and integrate newcomers.

⁵⁹ QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, supra note 54.

⁶⁰ Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3, Appendix A, s. 11; C. KOSTOV, supra note 39 at 98.

⁶¹ Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3, s. 11.

⁶² *Id.*

⁶³ *Québec Immigration Act*, supra note 12, s. 3.

These multi-year guidelines are tabled in the National Assembly for a general consultation conducted by the Committee on Citizen Relations.⁶⁴ This consultation is based on a consultation document entitled *Immigration Planning in Québec*,⁶⁵ accompanied by the *Compendium of Immigration Statistics in Québec*.⁶⁶ The consultation documents provide an in-depth analysis of immigration in Québec and examine a range of contemporary issues, particularly the division of jurisdiction between the two orders of government, the situation of French, and the evolution of humanitarian immigration.⁶⁷ They also describe in detail the principal measures introduced to regulate the overall volume of immigration and set out the proposed guidelines for the relevant multi-year period.⁶⁸

Québec citizens participate substantially in these consultations. For example, during the 2026–2029 multi-year planning cycle, the Committee heard 88 individuals and organizations, received 140 briefs and 26 comments, and considered the responses of 979 participants in the online questionnaire.⁶⁹ Pursuant to section 176 of the *Standing Orders of the National Assembly*, the Committee meets in working session following the consultation in order

⁶⁴ This is the committee responsible for holding the general consultation and conducting public hearings on the consultation paper concerning immigration planning in Québec. See: QUÉBEC, NATIONAL ASSEMBLY, *Règlement et autres règles de procédure*, Bibliothèque et Archives nationales du Québec, Québec, September 2024, s. 146, online: <<https://www.assnat.qc.ca/fr/abc-assemblee/fondements-procedure-parlementaire/reglement-assemblee.html>>. QUÉBEC, NATIONAL ASSEMBLY, *Commission des relations avec les citoyens : compétences actuelles*, online: <<https://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/crc-43-1/index.html>>.

⁶⁵ QUÉBEC, NATIONAL ASSEMBLY, COMMITTEE ON CITIZEN RELATIONS, *General consultations and public hearings on the consultation paper entitled: Immigration planning in Québec for 2026–2029*, working paper — observations and recommendations, November 2025 at 1, June 6, 2025, online: <<https://www.quebec.ca/nouvelles/actualites/details/la-commission-des-relations-avec-les-citoyens-tiendra-des-auditions-publiques-la-planification-de-limmigration-au-quebec-pour-la-periode-2026-2029-63472>>.

⁶⁶ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Public consultations 2023: Immigration planning in Québec for 2024–2027: Statistical compendium on immigration in Québec*, May 2023, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/planif-pluriannuelle/planif-pluriannuelle-2024-2027/BRO_RecueilStat_PlanificationImmigration.pdf>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*, at 2.

to formulate its observations, conclusions, and recommendations.⁷⁰ This exercise contributed to a more precise determination of projected immigration levels and to the identification of Québec's priority sectors. In this regard, the Committee particularly underscored the "critical importance, for maintaining and developing businesses in the regions," of temporary workers in various sectors, including manufacturing, food processing, and tourism.⁷¹

This Committee report supports the Minister's annual decisions when it is time to establish an annual immigration plan. Under s. 5 of the *Québec Immigration Act*,⁷² the purpose of the annual plan is to specify the projected volumes of temporary and permanent immigration. It indicates the planned or estimated number of aliens Québec intends to receive and the projected number of temporary and permanent selection decisions concerning aliens. These numbers may be allocated by category, immigration program, or stream within a program. This allocation is important because it has budgetary implications, for the budget devoted to immigrant reception and integration programs. Finally, the plan must be tabled in the National Assembly no later than November 1st of each year or, if the Assembly is not sitting, within 15 days after it resumes its proceedings.⁷³

At the federal level, implementation of the Canada–Québec Accord is governed by the IRPA.⁷⁴ Among the Act's objectives is to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces. The IRPA must be construed and applied in a manner that facilitates cooperation between the federal government and provincial governments, among other things.⁷⁵

Sections 7 to 10 of the IRPA define the framework for intergovernmental consultation in immigration matters. Section 7 authorizes the Minister, with the approval of the Governor in Council, to enter into international agreements in this field. Section 8 authorizes agreements between the federal government and the provinces, and requires selection, sponsorship, the granting of status,

⁷⁰ *Règlement et autres règles de procédure*, supra note 64, s. 176.

⁷¹ *General consultations and public hearings on the consultation paper entitled: Immigration planning in Québec for 2026–2029*, supra note 65 at 10.

⁷² *Québec Immigration Act*, supra note 12, s.5.

⁷³ *Id.*

⁷⁴ *Immigration and Refugee Protection Act*, supra note 2, s. 3(1)(f).

⁷⁵ *Id.*, s. 3(3)(c).

and related regulations to be consistent with those agreements, without limiting the application of the grounds of inadmissibility set out in the IRPA. Finally, section 10 provides that the Minister must consult the provinces on immigration policies and programs, annual admission levels, their regional distribution, and integration measures, to ensure national coordination that takes provincial needs into account.

At the federal level, Immigration, Refugees and Citizenship Canada (IRCC) conducts the consultation process to establish its multi-year immigration levels plan, known generally as the ‘Levels Plan’. Consultations may address different questions depending on the planning cycle. The 2025–2027 cycle concerned the balance among the various immigration categories, the role of immigration in the vitality of communities across the country, and the means by which Canada should respond to humanitarian crises. The department also sought the views of relevant stakeholders on incorporating temporary residents into the Levels Plan, particularly with respect to the proposed reduction in their numbers.⁷⁶

To conduct these consultations, IRCC undertakes a range of engagement activities, including circulating an online survey to thousands of stakeholders and partners active in sectors related to immigration and inviting them to participate in virtual regional discussion sessions.⁷⁷ In the context of these federal consultations, it is noteworthy that in Québec IRCC circulates its survey and invites participation only among Québec organizations with a national mandate. This explains the low participation rate among Québec organizations.⁷⁸ At the same time, the department gathered targeted input from key actors, including urban planners, municipalities directly involved in integrating newcomers, economists from major Canadian financial institutions, and various experts and opinion leaders. Finally, IRCC maintained close cooperation with the provinces and territories, in accordance with the IRPA. This collaboration rests on a jointly developed consultation framework and includes, among other things,

⁷⁶ GOVERNMENT OF CANADA, *An Immigration System for Canada’s Future*, message from the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship, Ottawa, December 20, 2023, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/campagnes/avenir-systeme-immigration-canada/message-ministre.html>>.

⁷⁷ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, 2024 IMMIGRATION LEVELS *Consultation — Final Report* at 3, October 24, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/consultations/consultations-2024-niveaux-immigration-rapport.html>>.

⁷⁸ *Id.*, at 8. Five percent of the survey responses came from Québec organizations.

ongoing participation in a specialized working group of the Forum of Ministers Responsible for Immigration.⁷⁹

In 2024, the multi-year levels planning process provided for in the Canada–Québec Accord was modified at the request of the Government of Quebec, which was facing a number of social challenges. Having argued that its capacity to receive and integrate newcomers had been exceeded,⁸⁰ Québec also obtained a substantial reduction in the number of admissions of permanent and temporary residents (foreign workers and students). In its 2025–2027 Levels Plan,⁸¹ the federal government announced a gradual reduction in the number of permanent resident admissions, from approximately 395,000 in 2025 to 380,000 in 2026, then 365,000 in 2027. Ottawa also stated its intention to “include, for the first time, targets for temporary residents, taking into account the full scope of all newcomers and helping reduce temporary resident volumes to 5% of Canada’s population by the end of 2026”.⁸² This target represents a substantial reduction, since temporary residents were expected to account for approximately 7.2% of the total population in 2025.⁸³

⁷⁹ *Id.*, at 3.

⁸⁰ Researchers, public commentators and political parties have criticized the use of the concept of the capacity to receive and integrate newcomers, particularly because of its equivocal nature: see Rima EL KHOURI, “Le mystère de la ‘capacité d’accueil’”, *La Presse*, October 4, 2023. In response, the MIFI joined with the Fonds de recherche du Québec – Société et Culture to issue a call for proposals under the Actions concertées program. See the GOVERNMENT OF QUEBEC, FONDS DE RECHERCHE DU QUÉBEC press release, “Launch: Capacity of Québec society to receive newcomers and their durable establishment in the regions”, October 4, 2023, online: <<https://frq.gouv.qc.ca/lancement-capacite-daccueil-de-la-societe-quebecoise-et-etablissement-durable-des-personnes-immigrantes-en-region/>>. One objective of the new program is to “improve knowledge of Québec’s capacity to receive and integrate newcomers in the field of immigration.” Grants have been awarded, and the results of the research conducted will be published within a few years.

⁸¹ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, 2025–2027 *Immigration Levels Plan*, Ottawa, October 24, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/nouvelles/2024/10/plan-des-niveaux-dimmigration-2025-2027.html>>. GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Government of Canada reduces immigration*, news release, Ottawa, October 24, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/nouvelles/2024/10/le-gouvernement-du-canada-reduit-limmigration.html>>.

⁸² *Id.*

⁸³ GOVERNMENT OF CANADA, STATISTICS CANADA, *The Daily — Canada’s population estimates: First quarter 2025*, Ottawa, June 18, 2025, online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/250618/dq250618a-eng.htm?utm=>>.

In Québec, this shift took the form of the announcement of “measures to curb the growth in the number of non-permanent residents”.⁸⁴ Indeed, Québec’s 2026 Immigration Plan marks a significant change of direction.⁸⁵ It maintains permanent immigration at approximately 45,000 persons per year while, for the first time, establishing quantified targets for temporary admissions. These targets relate in particular to the Temporary Foreign Worker Program, for which Québec projects between 40,400 and 55,700 admissions, and the International Student Program, for which estimates range from 44,500 to 68,500 persons. The Québec Government thus states:

“For the first time, the plan also addresses Québec’s temporary-selection targets in the programs for which its consent is required, namely the Temporary Foreign Worker Program and the International Student Program.”

The document also sets out an estimate of the number of temporary residents admitted under these two programs who obtained work or study permits from the federal government.⁸⁶

This most recent round of consultation on immigration levels took place in a national context characterized by a desire to reduce migration flows across Canada. It thus marked a turning point at which public opinion shifted towards more openly anti-immigration discourse. Scholars have also asked whether we are witnessing the end of Canadian exceptionalism, characterized by “a deliberate policy of increasing immigration levels, strong public support, and

⁸⁴ GOVERNMENT OF QUEBEC, OFFICE OF THE MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Temporary immigration — Québec limits the increase in the number of non-permanent residents*, Québec, Archives of the Office of the Premier of Québec 2018–2028, August 20, 2024, online: <<https://www.quebec.ca/nouvelles/actualites/details/immigration-temporaire-quebec-limite-laugmentation-du-nombre-de-residents-non-permanents-57781>>.

⁸⁵ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *2026 Annual Immigration Plan*, Québec, ISBN 978-2-555-02506-6, November 2025 at 5, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/plan-immigration/PL_immigration_2026_MIFI.pdf>.

⁸⁶ *Id.*

the absence of openly anti-immigration political parties”.⁸⁷ The discourse that values immigration as an economic and demographic driver is waning, and the immigration model is beginning to fracture.⁸⁸

1.2 Admission and Selection

This section briefly describes the provisions under Part II of the Canada–Québec Accord, since they will be analysed in greater detail in the second part of this report.

Like the issue of immigration levels, selection capacity as defined by the 1991 Accord is presented by the Government of Quebec as a decisive benefit. According to the minister then in office, the power of selection gives Québec more effective tools to preserve its demographic importance within Canada. It also serves to ensure the integration of immigrants in a manner that respects the distinctive character of Québec society, while facilitating the achievement of linguistic integration objectives. In the minister’s words, this element represents a “significant addition to Québec’s responsibilities in immigration and integration,” one that “extends Québec’s responsibility further,” while forming part of a trajectory of “reclaiming [...] the powers essential to its development in accordance with its own objectives”.⁸⁹ The minister’s emphasis on the importance of Part II of the Canada–Québec Accord was intended to underscore that Québec was no longer content with merely participating in immigration management. It aspired to become the principal architect of its own policy directions within immigration programs.

The second part of the Canada–Québec Accord reflects this ambition. Considered the Accord’s most important part, it comprises 15 sections that set out in detail the organization of immigration-related responsibilities. In this section, we first describe the process for handling immigration applications and then address the categories of immigrants to which it applies.

⁸⁷ Catherine XHARDEZ et Chedly BELKHODJA, “Crise ou transformation? Revisiter l’exceptionnalisme migratoire québécois”, (2025) 49(1) *Possibles* 8, 10 DOI: online: <<https://doi.org/10.62212/revuepossibles.v49i1.827>>; Triadafilos TRIADAFILOPOULOS, “The foundations, limits, and consequences of immigration exceptionalism in Canada”, (2021) 51(1) *American Review of Canadian Studies* 3–17, online: <<https://doi.org/10.1080/02722011.2021.1923150>>. Michael TREBILCOCK, “The Puzzle of Canadian Exceptionalism in Contemporary Immigration Policy”, (2019) 20(3) *Journal of International Migration and Integration* 823–849, online: <<https://doi.org/10.1007/s12134-018-0633-6>>.

⁸⁸ C. XHARDEZ et C. BELKHODJA, supra note 87.

⁸⁹ QUÉBEC, NATIONAL ASSEMBLY, *Journal of Debates*, 1, 34, vol., 31, 19 March 1991 at 7064.

– *Processing immigration applications*

Sections 9 to 11 of the Canada–Québec Accord establish the process for handling applications submitted by immigrants seeking permanent resident status in Québec.

Section 9 sets out the principle that applications for permanent residence “shall ordinarily be submitted and considered outside the country,” thereby establishing the fundamental rule governing application processing. Although apparently procedural, this direction structures the entire logic of receiving and assessing applications by locating the process upstream, before arrival in Canada. Section 10 introduces an important clarification. Where certain applications for permanent residence may be considered in Canada, the federal government alone is responsible for determining which persons may submit such an application from within the country. This point clearly shows that, although selection responsibilities are shared, preliminary control over access to the process remains with Canada.

These sections were drafted when the overwhelming majority of applications for access to Canadian territory were in fact made by persons wishing to establish themselves permanently. The other category of persons who could seek permanent resident status consisted of asylum seekers who made a protection claim upon reaching Canada’s border. Asylum seekers recognized as refugees in Canada may apply for permanent resident status from within Canada. Section 10 of the Accord was directed primarily to meeting the needs of persons recognized as refugees in Canada. In respect of them, section 11 provides that “the selection process described in sections 12 to 21 applies to applications considered in Canada as well as outside Canada, except in the cases described in section 20.”⁹⁰

Years later, the Canadian Experience Class and the Québec Experience Program — which will be discussed again in the third part of this report — were introduced into immigration law, allowing categories of temporary residents to apply for permanent residence from within Canada. The sequence in which these programs were created is worth noting. Indeed, Québec could not, acting alone and in light of sections 3 (establishment of the general categories of immigrants) and 10 of the Canada–Québec Accord, have introduced its own Québec Experience Program before the federal government first established

⁹⁰ Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3, s. 20: “Where permanent resident status is conferred on a person who is recognized as a refugee while already in Québec, Québec’s consent is not required.”

this pathway to permanent residence. Thus, the federal government created the Canadian Experience Class in 2008; Québec introduced its own program in 2010.

– *Categories of immigrants covered by the Accord*

This part of the Canada–Québec Accord, entitled “Immigrants,” comprises 12 sections, numbered 12 to 23.

Since 1978, Canada’s immigration system has been organized around three broad categories of immigrants seeking to establish permanent residence in the country: economic immigration, the family class (called “family reunification” in 1991), and the refugee category, supplemented by the category of persons in need of protection (humanitarian immigration). This tripartite structure constitutes the general framework within which the Accord’s provisions on the selection and admission of immigrants operate.

Section 12 of the Canada–Québec Accord sets out the general procedure applicable to immigrants, subject to the specific rules set out in sections 13 to 20. It establishes four principles. First, Québec has “sole responsibility for the selection of immigrants destined to that province,” which makes it the principal actor in assessing immigration applications concerning its territory. Administratively, this responsibility is exercised through the issuance of a CSQ. Second, it reaffirms that Canada retains exclusive responsibility for admission, that is, the final decision-making prerogative concerning an immigrant’s entry and establishment in the country. Third, 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.” Thus, once Québec issues a CSQ to an immigration candidate, that person may apply to IRCC, which determines whether the person may be admitted to Canada. Fourth, section 12 affirms the principle that Canada “shall not admit any immigrant into Québec who does not meet Québec’s selection criteria”.⁹¹ Consequently, unless and until an immigrant has received a CSQ, the application cannot proceed at the federal level. It is nevertheless understood, in accordance with section 23 of the Accord, that the federal government retains the discretion to admit that immigrant to a province other than Québec.

Following this general provision, sections 13 to 16 set out the specific rules applicable to the family class. Section 13 first reiterates the fundamental principle that Canada retains responsibility for the admission of immigrants

⁹¹ *Id.*, s.12.

in this category. It then establishes shared responsibilities for setting the selection criteria in the family class by distinguishing two subcategories: “family class immigrants” and “assisted relatives.” With respect to family class immigrants, Canada unilaterally establishes the selection criteria, while Québec is responsible for applying them to applicants destined for the province. By contrast, section 15 of the Canada–Québec Accord provides that, with respect to assisted relatives, Canada and Québec “may each establish their own criteria for the selection of immigrants in the assisted relative class,” but Québec remains responsible for applying them to persons wishing to settle in its territory.⁹² Finally, section 16 produces an effect comparable to that of section 12(b),⁹³ by ensuring consistency between the selection responsibility exercised by Québec and Canada’s admission responsibility. Thus elaborated, this section presents an internal architecture organized around a general principle set out in section 12, followed by a specific application to the family class, in which responsibilities are allocated differently according to the two subcategories.

With respect to refugees, section 17 of the Canada–Québec Accord provides that Canada retains primary responsibility for assessing which asylum seekers meet the definition of “refugee” within the meaning of the *United Nations Convention relating to the Status of Refugees*⁹⁴ and for determining which persons in similar circumstances require protection. Refugee status may be determined in or outside Canada. If proceedings take place outside Canada and result in a favourable decision for the refugee-status applicant, Québec is then called upon to act. With respect to overseas refugees, Québec may exercise the

⁹² The assisted relatives category no longer exists as such, but a concept of extended family remains. For further information, see GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *CIMM — Family reunification and humanitarian exemptions — March 8, 2021*, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/comites/cimm-08-mar-2021/cimm-regroupement-familial-exemptions-motifs-humanitaires-08-mar-2021.html>>, which states: “Before the implementation of the *Immigration and Refugee Protection Act* in 2002, Canada had an assisted relatives category in addition to the family reunification category. Assisted relatives, who could include members of the extended family, had to be sponsored and meet selection criteria as economic immigrants, and sponsorship gave them additional points.”

⁹³ Canada–Québec *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3, s. 12(b): “Subject to sections 13 to 20: (a) [...] (b) Canada shall admit any immigrant destined to Québec who meets Québec’s selection criteria, provided that the immigrant is not a member of an inadmissible class under the law of Canada; (c) [...]”.

⁹⁴ *Convention Relating to the Status of Refugees*, July 28, 1951, [1969] Can TS no 7, online: <<https://www.ohchr.org/fr/instruments-mechanisms/instruments/convention-relating-status-refugees>>.

power of selection under section 18 of the Accord. The processing of overseas refugee resettlement applications will be described in greater detail in section 2.3 of this report. Section 19 completes this framework by providing that 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.” This provision follows the pre-existing logic applicable to immigrants in other categories, under which Québec selection is a *sine qua non* condition for admission to the province, subject to the federal framework for identifying, among overseas asylum seekers, those who will be recognized as refugees.

The final section of the Canada–Québec Accord addresses the sponsorship undertaking, a mechanism under which a sponsor undertakes to meet the financial needs of family members and assist them with their integration into Québec. This sponsorship obligation applies to persons who have a marital relationship (*de jure* or *de facto*) or a relationship of filiation with an immigrant, a refugee or a person requiring protection, and for whom they seek admission as permanent residents. Section 21 provides that Québec has exclusive responsibility for monitoring those family obligations and for establishing and applying the related financial standards.

Finally, the last subsection of this part of the Canada–Québec Accord concerns visitors. Section 22 follows a similar logic, making Québec’s consent a prerequisite “before admission to the province” for three categories of temporary-residence applicants; this consent is expressed not by issuing a CSQ, but by issuing a CAQ. The three categories are foreign students not participating in a Canadian development-assistance program, temporary foreign workers whose admission is subject to federal requirements concerning the availability of Canadian workers, and persons travelling to Québec to receive medical treatment. This provision reaffirms Québec’s role in controlling access to its provincial territory for certain temporary statuses, while remaining within the general framework of federal jurisdiction over admission. Extending Québec’s role to temporary statuses continues an evolution that began with the Cullen–Couture Agreement, under which provincial control already extended beyond permanent immigration alone.

1.3 Reception and Integration

In Part III of the Canada–Québec Accord, Canada undertakes to withdraw from the delivery of linguistic and cultural reception and integration services to permanent residents established in Québec.⁹⁵ Québec will henceforth provide those services, as well as specialized economic-integration services, including employment information and support.⁹⁶ This establishes an arrangement under which Canada retains control over setting national standards for admission and citizenship, while Québec is assigned effective responsibility for the integration of permanent residents in its territory.

Canada's withdrawal from the delivery of linguistic and cultural reception and integration services is accompanied by an obligation to provide financial compensation.⁹⁷ This is consistent with the commitments contemplated in the constitutional negotiations on the Meech Lake Accord, under which the transfer of federal responsibilities to a province was to be accompanied by an equivalent transfer of financial resources. Accordingly, the transfer to Québec of federal responsibilities relating to integration is legally contingent on Québec's compliance with two fundamental requirements: (1) Québec's reception, francization and integration services must, taken as a whole, correspond to those provided by Canada in the other provinces and territories; and (2) the services must be offered to every permanent resident in Québec without discrimination, regardless of whether that resident was selected by the province.⁹⁸ The latter point is directly linked to the preambular clause providing that the *Canadian Charter of Rights and Freedoms* confers mobility rights on Canadian citizens and permanent residents, as well as equality before the law.⁹⁹ Accordingly, a permanent resident who initially immigrated to Ontario or British Columbia and subsequently settles in Québec must have access to integration services equivalent to those available to persons selected by Québec.

Appendix A to the Canada–Québec Accord sets out Québec's responsibilities for the reception and integration of permanent residents exhaustively. Québec must therefore ensure the reception of all permanent residents; provide them

⁹⁵ CANADA–QUÉBEC *Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3, s. 24.

⁹⁶ *Id.*, s. 25.

⁹⁷ *Id.*, appendix B.

⁹⁸ *Id.*, s. 26.

⁹⁹ *Canadian Charter of Rights and Freedoms*, s. 6, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

with advice to facilitate and expedite their adaptation and integration into Québec society; assist with initial settlement in the territory (housing, basic administrative steps, etc.); promote integration into Québec's labour market; provide the resources needed to learn French and to become familiar with the "principal characteristics of Québec society".¹⁰⁰ Finally, it must provide temporary financial assistance to permanent residents requiring last-resort assistance.¹⁰¹

After the Canada–Québec Accord was concluded, Québec implemented an action plan entitled *Au Québec pour bâtir ensemble*.¹⁰² The plan guided government action on integration in three directions: developing French-language learning services, promoting the openness of the receiving society, and encouraging harmonious intercommunity relations.¹⁰³ These mandates were pursued by strengthening the Centres d'orientation et de formation des immigrants (COFI), which had existed since the 1970s.¹⁰⁴ Their principal mandate was to provide information and guidance services to immigrants upon their arrival in Québec. Today, these integration services are grouped within Accompagnement Québec.¹⁰⁵

At the same time, Canadian employment services retain a supplementary function, notably by providing labour-market information and offering certain federal programs accessible to the population as a whole, thereby ensuring continuity of federal employment services in Québec.¹⁰⁶ Finally, the implementation of Part III and Appendix A of the Canada–Québec Accord is

¹⁰⁰ Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens, supra note 3, s. 25 a), appendix A.

¹⁰¹ *Id.*

¹⁰² *Au Québec pour bâtir ensemble: Énoncé de politique en matière d'immigration et d'intégration*, supra note 46.

¹⁰³ *Id.*, p.16.

¹⁰⁴ *Id.*, p. 6.

¹⁰⁵ GOVERNMENT OF QUEBEC, *Service d'intégration pour les personnes immigrantes*, Accompagnement Québec, November 24, 2025, online: <<https://www.quebec.ca/immigration/service-integration-personnes-immigrantes#c73990>>. This webpage states that "MIFI integration support officers, present in all regions of Québec, assess immigrants' immediate and future needs and prepare an individualized action plan with them to help them: settle in Québec (Settlement); learn about Québec society (Collective life); learn French (Francization); have their skills recognized (Recognition of skills); enter the labour market (Employment); and, more generally, obtain information on immigration procedures (Immigration procedures).

¹⁰⁶ CANADA–QUÉBEC Accord, supra note 3, s. 25 b), appendix A.

overseen through a monitoring mechanism in the form of the Canada–Québec Joint Committee. At least once a year, the Committee examines the reception and integration services offered by the two orders of government, thereby making it possible to verify their equivalence and compliance with the principle of non-discrimination.¹⁰⁷

Despite Canada’s withdrawal from settlement and francization, certain areas remain within exclusive federal jurisdiction, notably services relating to citizenship,¹⁰⁸ as well as those relating to multiculturalism.¹⁰⁹ This means that the Canada–Québec Accord does not suspend the application of federal multiculturalism policy. Rather, it provides for coexistence between federal policy and the Québec model focused on francization and the concept of a distinct society. The development of the Québec model, known as “interculturalism,” has led the province gradually to depart from the integration model based on Canadian multiculturalism entrenched in the *Constitution Act, 1982*. In 2025, the Québec legislature enacted the *An Act respecting integration into the Québec nation* (2025), which affirms a distinctly Québec model of integration “distinct from Canadian multiculturalism”.¹¹⁰ The 2025 Act therefore signals an assertion of identity that places the French language, a common culture and adherence to Québec values at the heart of the integration process.¹¹¹ Since the Canada–Québec Accord was concluded in 1991, Québec’s resolve to affirm its distinctive identity, particularly in exercising its jurisdiction over immigrant integration, is another change that the province has progressively brought about.

With respect to the financial compensation granted by the federal government to Québec to enable it to carry out its new mandates and deliver the services from which Canada has withdrawn,¹¹² the Canada–Québec Accord fixed its amount for 1991–1995. Compensation was subsequently adjusted pursuant to a funding formula set out in the Canada–Québec Accord. The formula provides, on the one hand, for an indexation factor¹¹³ and, on the other, for two scenarios on the basis of which the amount of compensation is determined. Under the

¹⁰⁷ *Id.*, appendix A.

¹⁰⁸ *Id.*, s. 28, appendix A.

¹⁰⁹ *Id.*, s. 29, appendix A.

¹¹⁰ *An Act respecting integration into the Québec nation*, CQLR c I-14.02 [enacted by SQ 2025, c 13, s 1], s. 2, online: <<https://www.legisquebec.gouv.qc.ca/fr/document/lc/I-14.02>>.

¹¹¹ *Id.*, s. 3.

¹¹² Canada–Québec *Accord*, supra note 3, s. 1, appendix B

¹¹³ *Id.*, s. 2, appendix B

first scenario, Québec receives fewer immigrants than its share of Canada's population.¹¹⁴ Under the second scenario, Québec receives as many immigrants as, or more immigrants than, its share of Canada's population.¹¹⁵ To date, the latter situation has never arisen. Moreover, the compensation formula is designed so that financial compensation is never reduced and increases each year.

¹¹⁴ The formula is as follows: Amount for the following year = Amount for the preceding year $\times$ (1 + Increase in federal expenditures + Increase in non-francophone immigrants).

¹¹⁵ The formula is as follows: Amount for the following year = Amount for the preceding year $\times$ (1 + Increase in federal expenditures + Difference between Québec's and Canada's immigration rates).

Public Accounts, 1995–2026, relating to immigrant integration¹¹⁶

Year	Authorized appropriations	Canada–Québec compensation
1995	21,982,000	90,000,000
1996	19,945,000	90,000,000
1997	20,678,000	90,641,000
1998	18,587,000	91,140,000
1999	18,331,000	102,326,000
2000	17,903,000	107,796,000
2001	26,866,000	127,827,000
2002	23,053,000	168,213,000
2003	23,554,000	173,796,000
2004	22,656,000	210,041,000
2005	23,260,000	156,430,000
2006	28,292,000	172,622,000
2007	28,287,000	199,570,000
2008	35,032,000	202,364,000
2009	38,840,000	218,500,000
2010	43,701,000	232,000,000
2011	44,301,000	258,000,000
2012	41,185,000	283,000,000
2013	41,412,000	284,000,000
2014	40,612,000	285,000,000
2015	40,409,000	320,000,000
2016	50,015,000	340,000,000
2017	91,656,000	345,000,000
2018	74,904,000	378,000,000
2019	156,915,000	490,000,000
2020	194,676,000	559,000,000
2021	155,855,000	591,000,000
2022	235,156,000	650,000,000
2023	295,430,000	697,000,000
2024	*	726,000,000
2025	*	775,000,000
2026	*	867,000,000

¹¹⁶ GOVERNMENT OF QUEBEC, MINISTÈRE DES FINANCES, *Comptes publics*, vol., 2, fiscal years 1995–1996 to 2022–2023, Québec; from 2023, see CANADA, *Relationship with Québec, IRCC Minister’s Transition Binder 2025-03*, March 2025, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/cahiers-transition/ministre-2025-03/relation-quebec.html>>. J FROZZINI, “System Intertwining and Immigration Action Plans: The Case of a Provincial Funding Program in Quebec (Canada)”, (2024) 1 *Humans* 50–65, online: <<https://doi.org/10.3390/humans4010004>>.

Since 1991, reception and integration services offered by the Government of Quebec have evolved, with the most notable changes being those made by the government of the Coalition Avenir Québec. With the rollout of Francisation Québec on June 1, 2023, and particularly in response to the growing proportion of persons residing in Québec under different temporary statuses, the scope of services has been extended to foreign workers and students, especially with respect to French-language learning. Support services, including those offered by Accompagnement Québec, are now designed for immigrants in the broad sense, including permanent residents and temporary residents who intend to obtain permanent residence.¹¹⁷

Summary of Section 1

The provisions of the 1991 Accord confer responsibilities on Québec that are unprecedented in Canada and have not been granted to the other provinces under their own agreements, generally called Provincial Nominee Programs.¹¹⁸ Three significant advantages for Québec emerge: the assurance of demographic representation reflecting Québec's share of the national population, exclusive jurisdiction over the selection of immigrants in the economic class, and the complete withdrawal of the federal government from providing reception and integration services, which Québec now assumes in exchange for federal financial compensation.

The Canada–Québec Accord's overall architecture reflects this far-reaching reorganization. Determining immigration levels remains a federal government prerogative but now occurs within an institutionalized framework of consultation and coordination that enables Québec to establish its targets within the levels set by the federal government. Selection across the various immigrant categories, for its part, rests on a rigorous allocation of responsibilities, notably on the principle that Québec applies its own selection criteria when immigration applicants wish to settle permanently in its territory. Temporary immigration, however, is the subject of only one provision prescribing a minimal framework:

¹¹⁷ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Rapport annuel de gestion 2023–2024*, Québec at 75–76, September 24, 2024, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/rapport-annuel-gestion/RA_annuel_gestion_2023-2024_MIFI.pdf>.

¹¹⁸ *Immigration and Refugee Protection Act*, supra note 2, s. 8.

Québec's consent to the entry into its territory of certain categories of aliens. Finally, integration is subject to comprehensive federal regulatory abstention, albeit with oversight mechanisms and guiding principles, including respect for equality and mobility rights guaranteed by the *Canadian Charter of Rights and Freedoms*.

In examining the content of this agreement, this report has identified changes intended to adapt the Accord to contemporary historical circumstances. Two of those changes concern provisions on immigration levels that originally contemplated establishing targets for the number of permanent immigrants but now apply to temporary immigrants. The groups concerned in this category are foreign workers and students. Another notable change concerns the scope of section 10 of the Canada–Québec Accord. It was originally introduced to permit consideration, within Canada, of permanent-residence applications made by persons recognized as refugees in Canada. Since 2008, it has extended to temporary residents eligible for permanent residence through the Canadian Experience Class. In 2010, Québec created its own Québec Experience Program, which could not have come into being had Canada not first created this pathway. This legislative sequence, under which immigration programs are first initiated by the Parliament of Canada and then followed by legislation enacted by the National Assembly, applies to all immigrant categories. As a reminder, section 3 of the Canada–Québec Accord's preamble provides that 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 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.

These two adaptations of the Canada–Québec Accord to contemporary realities are of interest because they identify areas of constitutional flexibility. In the next section, this report examines several mechanisms for implementing concurrent jurisdiction over immigration that have been mobilized to construct the two-level migration system. Although this examination is not exhaustive, it nonetheless makes it possible to understand certain essential parameters for analysing Canadian and Québec immigration law. For researchers interested in

the thirteen agreements arising from the Provincial Nominee Program,¹¹⁹ these developments may guide their analyses of immigration-law systems in the other provinces.

This evolving interpretation of section 95 also finds historical support in the text of the Meech Lake Accord itself. As explained in the first part, proposed section 95A provided that the Government of Canada was to negotiate, at a province's request, an agreement "in the field of immigration or the temporary admission of aliens." The wording adopted by Canada's first ministers in 1987 thus explicitly distinguished the two concepts — immigration in the sense of permanent settlement and temporary admission — while treating them as two subjects capable of being governed by a bilateral agreement under section 95. In the absence of constitutionalization, this distinction had no formal legal effect; nonetheless, it reflects a political and intergovernmental understanding, shared from the late 1980s onward, that the subject matter of "immigration" in section 95 could reasonably encompass temporary residence. In that sense, the proposed evolving interpretation is not an isolated judge-made extension: it extends a constitutional intention already articulated but left unresolved by the failed ratification process.

The exercise of concurrent jurisdiction over immigration provided for in section 95 of the *Constitution Act, 1867* was initially established by the federal and Québec governments through the Canada–Québec Accord and subsequently formalized through the enactment of statutes and regulations. The interaction between constitutional law, the Canada–Québec Accord, and federal and Québec immigration law will be analysed in the next section.

¹¹⁹ For access to the agreements concluded between the federal government and the other thirteen provinces, see: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Immigrate as a provincial nominee*, Ottawa, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/services/immigrer-canada/candidats-provinces.html>>; Sasha BAGLAY and Delphine NAKACHE, "Immigration Federalism in Canada: Provincial and Territorial Nominee Programs (PTNPs)", in S BAGLAY and D NAKACHE, eds, *Immigration Regulation in Federal States*, vol., 9, *International Perspectives on Migration*, Dordrecht (Netherlands), Springer, 2014 at 95, online: <https://doi.org/10.1007/978-94-017-8604-1_6>; Delphine NAKACHE and Sarah D'Aoust, "Provincial/Territorial Nominee Programs: An Avenue to Permanent Residency for Low-Skilled Temporary Foreign Workers?", in PT LENARD and C STRAEHLE, eds, *Legislated Inequality: Temporary Labour Migration in Canada*, Montréal, McGill-Queen's University Press, 2012 at 158, online: <<https://www.jstor.org/stable/j.ctt1pq1k6?utm=>>. GOVERNMENT OF CANADA, STATISTICS CANADA, *The Provincial Nominee Program: Its Expansion in Canada, Economic and Social Reports*, by G PICOT, E CROSSMAN and F HOU, Ottawa, 2023, online: <<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2023007/article/00004-fra.htm>>.

Section 2. Mechanisms for Implementing Concurrent Jurisdiction

The characterization of a jurisdiction as “concurrent” in the division of powers, and the precise meaning of that adjective in this context, have not been explicitly developed by the courts.¹²⁰ In 1867, the adjectival meaning of the French term “concurrent” referred to that “which concurs, which acts simultaneously.” Its semantic field encompassed the idea of concerted action designed to bring two elements together or into convergence. In contemporary French, semantic evolution has displaced the notion of convergence with those of rivalry or competition, whereas no such semantic shift is apparent in English. The term “concurrent” conveys, and continues to convey, the idea of “occurring or operating at the same time,” while also evoking conjunction, cooperation, coherence and harmony.¹²¹ This broad interpretation is adopted in this section because immigration encompasses a multitude of facets and constitutional issues relating to the division of powers.

Moreover, choosing this meaning reveals a close correlation between the concepts of concurrent and exclusive jurisdiction and the theory of cooperative federalism. By emphasizing an interpretation of jurisdiction centred on conjunction, coherence and harmony, cooperative federalism seeks to limit the excessive application of the doctrine of federal paramountcy (which applies in both exclusive and concurrent jurisdictions) and to promote the coexistence

¹²⁰ In Supreme Court jurisprudence, the expression “concurrent jurisdiction” is usually used to describe circumstances in which several courts are vested with jurisdiction to decide the same case. A Boolean search conducted on December 14, 2025, on the Supreme Court of Canada judgments website identified more than one hundred decisions concerning the concurrent jurisdiction of courts over a given matter.

¹²¹ For the meaning of concurrent in French, see *Dictionnaire Littré*, “concurrent, rente,” online: <<https://www.littre.org/definition/concurrent>>; *Dictionnaire historique de la langue française*, Dictionnaires Le Robert, Paris, 1994, “concurrent,” at 467. For its meaning in English, see *Oxford English Dictionary*, Oxford University Press, 2025, “concurrent (adj & n),” online: <https://www.oed.com/dictionary/concurrent_adj?tab=meaning_and_use#8676364>.

of legal systems.¹²² It also calls upon governments to regard the interlocking of normative regimes as a normal phenomenon. Consequently, collaboration between the federal government and the provinces is encouraged, particularly through intergovernmental agreements.¹²³

Our analysis of the Canada–Québec Accord has brought to light the issues to which governments gave priority in constructing the integrated two-level legal system that characterizes Canadian immigration law, in which subjects (immigrants), objects (programs) and various processes (establishing immigration levels, selection, admission and integration) interact. The principal processes examined in this section are selection, admission and integration. Establishing immigration levels by the two orders of government will not be addressed, as it is a complex process that falls primarily within administrative management.

The approach adopted takes as its starting point the central role played by the Canada–Québec Accord in structuring the immigration issues within its scope.

¹²² *Reference re Pan-Canadian Securities Regulation*, 2018 SCC 48, [2018] 3 SCR 189 at para 18: “By facilitating cooperation between Parliament and the legislatures within the existing constitutional boundaries, cooperative federalism supports, rather than supplants, the division of legislative powers: see *Canadian Western Bank v Alberta*, 2007 SCC 22, [2007] 2 SCR 3 at para 22.”; Jean-François GAUDREAU-DESBIENS and Johanne POIRIER, (2017), “From Dualism to Cooperative Federalism and Back?: Evolving and Competing Conceptions of Canadian Federalism,” in N DESROSIERS, P MACKLEM and P OLIVER (eds), *Oxford Handbook of the Canadian Constitution*, Oxford, Oxford University Press, at 391–413; C LEO and M AUGUST, “The Multilevel Governance of Immigration and Settlement: Making Deep Federalism Work,” (2009) 42(2) *Revue canadienne de science politique* 504; E BROUILLET and B RYDER, “Key Doctrines in Canadian Legal Federalism,” in Peter Oliver, Patrick Macklem and Nathalie DesRosiers (eds), *The Oxford Handbook of the Canadian Constitution*, New York, Oxford University Press, 2017. Several texts have been published on the doctrine of federal paramountcy. One of the earliest to undertake an in-depth study of it was D ALHÉRITIÈRE, “De la prépondérance fédérale en droit constitutionnel canadien,” (1971) 12:4 *Les Cahiers de droit* 579–583, online: <https://www.erudit.org/fr/revues/cdl/1971-v12-n4-cd5002511/1004987ar/?utm_>.

¹²³ On intergovernmental agreements, Johanne Poirier’s work is essential. See, for example: Johanne POIRIER, “Les ententes intergouvernementales dans les régimes fédéraux : aux confins du droit et du non-droit,” in Jean-François GAUDREAU-DESBIENS and Fabien GÉLINAS (eds), *Le fédéralisme dans tous ses états : Gouvernance, identité et méthodologie*, Brussels, Bruylant, 2005, at 441–471; Johanne POIRIER, “Intergovernmental Agreements in Canada: At the Crossroads between Law and Politics” in *Institute of Intergovernmental Relations, Queen’s University: The State of the Federation 2001–2002*, Kingston/Montréal, McGill-Queen’s University Press, 2003, at 425–462 ; Johanne POIRIER, “Intergovernmental Relations: The Lifeblood of Federalism,” in John KINCAID and J LECKRONE (eds), *Teaching Federalism*, Elgaronline, January 3, 2023, ch 8, at 79–90.

Indeed, the parties to the Accord structured their respective areas of intervention to minimize, if not eliminate, conflictual overlaps between normative regimes that might otherwise ground constitutional challenges. This report has identified four modalities for exercising jurisdiction over immigration, to be examined in the following order: exclusive federal occupation, federal regulatory abstention, shared responsibilities and legislative coexistence. These modalities correspond to the different forms of articulation of jurisdiction mobilized during the historical evolution of this legal regime; they have clarified certain external and internal parameters of the application of section 95 of the *Constitution Act, 1867*.

2.1 Exclusive Federal Occupation

The first modality for exercising jurisdiction is one under which the Parliament of Canada acts alone in relation to an immigration matter. The Canada–Québec Accord identifies several situations in which the parties agreed to recognize Parliament’s exclusive exercise of jurisdiction. As section 3 of the Canada–Québec Accord provides, Canada “[...] is responsible [...] for the admission and control of aliens. It fulfils those responsibilities [...] by defining [...] the categories of persons who are inadmissible to Canada [...]”.¹²⁴ In all these matters, Québec does not legislate because they do not form part of concurrent jurisdiction over immigration. They fall under Parliament’s exclusive jurisdiction over aliens under section 91(25).

These legislative matters occupy a very important place in federal immigration law. Indeed, nine of the twelve divisions of Part 1 of the IRPA concern admission, grounds of inadmissibility, detention and removal.¹²⁵ Moreover, it is the Department of Public Safety and Emergency Preparedness, rather than IRCC, that is responsible for their enforcement.

¹²⁴ A terminological clarification is useful here. The word “inadmissibility” was used when the Agreement was concluded because the legislation then in force was the *Immigration Act, 1976*, 25–26 *Eliz II*, c 52, s 19, online: <<https://quai21.ca/recherche/histoire-d-immigration/loi-sur-l-immigration-de-1976>>. With the enactment of the *Immigration and Refugee Protection Act* in 2001, “grounds of inadmissibility” replaced the term “inadmissibility”.

¹²⁵ *Immigration and Refugee Protection Act*, supra note 2, ss 0.01, 2–9.

The latter has been assigned three broad categories of responsibilities relating to the administration of the IRPA.¹²⁶ First, it controls the entry of persons seeking admission to Canada, a function that rests largely on the verification of documents, including medical certificates and criminal-record checks, the permanent resident visa, and work or study permits. Next, the Minister has jurisdiction over all enforcement measures, including the application of grounds of inadmissibility, the detention and removal of inadmissible persons. Finally, the Minister is responsible for establishing policy directions on enforcement and inadmissibility based on security considerations, violations of human or international rights, sanctions, transborder criminality or activities relating to organized crime.¹²⁷

A second example of exclusive federal occupation is found in section 3 *in fine* of the Canada–Québec Accord, which provides that Canada “shall ensure the fulfilment of its international obligations.” In this respect, the IRPA incorporates into domestic law two standards derived from international treaties: the definition of refugee found in the *United Nations Convention relating to the Status of Refugees*, and the definition of torture set out in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.¹²⁸ The latter definition, applicable to the refugee-protection regime, was incorporated into positive law later, which explains the absence of any reference to that international standard in the Canada–Québec Accord.

Part 2 of the IRPA deals principally with refugee-status determination in Canada. In the Canada–Québec Accord, section 17 addresses this issue and provides that Canada alone has responsibility for determining refugee status:

¹²⁶ The statute constituting that department is the *Department of Public Safety and Emergency Preparedness Act*, SC 2005, c 10, online: <<https://laws-lois.justice.gc.ca/PDF/P-31.55.pdf>>. In addition to the general powers set out in s 4 of that Act, s 5 provides that the Minister coordinates the activities of entities for which the Minister is responsible and establishes their strategic priorities in public safety and emergency management. One of those entities, the Canada Border Services Agency, enforces border legislation, including legislation set out in the *Immigration and Refugee Protection Act* concerning, among other matters, the admission of persons to Canada. *Canada Border Services Agency Act*, SC 2005, c 38, online: <<https://laws-lois.justice.gc.ca/PDF/C-1.4.pdf>>.

¹²⁷ *Immigration and Refugee Protection Act*, supra note 2, s 4(2).

¹²⁸ *Ibid*, s 2, which refers to both conventions. For the text of the *United Nations Convention relating to the Status of Refugees*, supra note 90; for the text of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, December 10, 1984, online: <<https://www.ohchr.org/fr/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>>.

17. Pursuant to its international obligations, Canada determines who is a refugee within the meaning of the *United Nations Convention relating to the Status of Refugees* and which persons in similar circumstances require its protection.

Responsibility for determining refugee status concerns the implementation of the *United Nations Convention relating to the Status of Refugees* in Canadian domestic law, a matter distinct from its conclusion.¹²⁹ In Canadian law, implementation of a convention or treaty may fall to either order of government, or to both, depending on whether the treaty's subject matter falls within federal or provincial jurisdiction.¹³⁰ In this instance, establishing categories of immigration status that determine individuals' eligibility to enter Canada — whether refugee status, permanent resident status or temporary resident status — falls to the Parliament of Canada by virtue of its jurisdiction over naturalization and aliens. Parliament exercises this power by setting the parameters for the application of a status. In the case of refugee status, Canada has incorporated the *United Nations Convention relating to the Status of Refugees*'s definition of refugee into its domestic law.¹³¹

¹²⁹ In Canadian law, constitutional jurisdiction concerning the negotiation and conclusion of international treaties is an issue whose complexity has continued to grow, particularly since the 1960s. The Government of Canada nevertheless maintains “that the treaty-making power derives from the royal prerogative and was delegated to Canada by the Letters Patent, 1947.” See Stéphane Paquin, “LA RÉFORME INACHEVÉE : LE FÉDÉRALISME CANADIEN ET LE RÔLE DES PROVINCES DANS LES NÉGOCIATIONS INTERNATIONALES,” (2022) *Revue québécoise de droit international* 73 at 80–81. To support the federal government's assertion, Paquin cites the following document: GOVERNMENT OF CANADA, *Federalism and International Relations*, Ottawa, Secretary of State for External Affairs, 1968 at 14.

¹³⁰ In the 1937 *Labour Conventions* case, the Judicial Committee of the Privy Council held, among other things, that the power to implement treaties follows the division of powers in ss 91 and 92 of the *Constitution Act, 1867*: *Attorney General for Canada v Attorney General for Ontario*, [1937] AC 326 at 349, as cited in François CHEVRETTE and Herbert MARX, *Droit constitutionnel*, Montréal, Les Presses de l'Université de Montréal, 1992, at 1194; S PAQUIN, *supra* note 129 at 80.

¹³¹ *Immigration and Refugee Protection Act*, *supra* note 2, s 96.

To understand the scope and limits of section 17 of the Canada–Québec Accord, it is important to note that the Government of Canada presents the Canadian refugee-protection system as having two components: the In-Canada Asylum Program and the Overseas Refugee Resettlement Program.¹³² Only the former program is relevant to the application of section 17.

This component of the refugee-protection system applies to refugee claimants who present themselves at the Canadian border and seek recognition of refugee status, as well as to those already in Canada who make such a claim. In broad outline, refugee-status determination in Canada proceeds as follows. When an officer of the Canada Border Services Agency finds a claim eligible, a conditional removal order is issued and the refugee claimant's file is referred to the Refugee Protection Division of the Immigration and Refugee Board of Canada.¹³³ While awaiting a decision by the Immigration and Refugee Board of Canada, the refugee claimant is issued a Refugee Protection Claimant Document by the border-services officer. The claimant may present the document to federal authorities to obtain health-care coverage or to apply for a work or study permit.¹³⁴

An unfavourable decision by the Immigration and Refugee Board of Canada renders the removal order enforceable. Subject to the pre-removal risk assessment process, an unsuccessful asylum seeker may therefore be removed from Canada.¹³⁵ Conversely, where a favourable decision has been made on a pre-removal risk assessment application, the federal government issues a document entitled “Verification of Status”¹³⁶ permitting the individual to remain in Canada so long as the risk of persecution persists in the state against which the protection claim was made.

¹³² *Ibid.*, s 99(1). To simplify the text, we use the term “refugee” to encompass refugees and protected persons.

¹³³ *Immigration and Refugee Protection Act*, supra note 2, ss 100–101.

¹³⁴ CANADA, IMMIGRATION AND REFUGEE BOARD OF CANADA, *Make a Refugee Claim*, December 15, 2025, online: <<https://irb-cisr.gc.ca/fr/presenter-demande-asile/Pages/fda-etape-1.aspx>>.

¹³⁵ *Immigration and Refugee Protection Act*, supra note 2, s 112 ff.

¹³⁶ GOVERNMENT OF CANADA, *What document can I use to prove my status in Canada as a refugee or protected person?*, April 17, 2026, online: <<https://ircc.canada.ca/francais/centre-aide/reponse.asp?qnum=611&top=11>>.

When the Immigration and Refugee Board of Canada renders a favourable decision, the claimant is recognized as a refugee, and the tribunal provides a letter confirming the decision.¹³⁷ Recognition of refugee status renders the removal order inoperative: admission to Canada is no longer conditional. If the refugee wishes to travel outside Canada, they must obtain a refugee travel document from Passport Canada.¹³⁸

Finally, a person recognized as a refugee in Canada may subsequently apply for permanent residence.¹³⁹ It should be specified that an application for permanent residence is unrelated to the formalities governing the selection of permanent residents or to those governing Québec's consent, which we examine further below. Section 20 of the Canada–Québec Accord clarifies this point, expressly providing that “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.”

This description of the procedures and documents issued to asylum seekers and persons recognized as refugees in Canada shows that the federal government alone exercises responsibility for these persons and for the immigration procedures and controls to which they are subject. Québec provides health and social services to refugees living in its territory. Asylum seekers also have access to these services, except for health care, which is administered by the federal government.¹⁴⁰

¹³⁷ *Immigration and Refugee Protection Act*, supra note 2. The government website refers to a letter or official document, without further detail.

¹³⁸ GOVERNMENT OF CANADA, *I am a refugee and need to travel outside Canada. What documents do I need to travel?*, April 17, 2026, online, <<https://ircc.canada.ca/francais/centre-aide/reponse.asp?qnum=610&top=11>>. A refugee travel document is a document “recognized in all countries as a valid travel document.” The webpage nevertheless specifies that a refugee cannot use a Refugee Travel Document to travel to the country of which they are a citizen or the country in which they claimed to have been persecuted.

¹³⁹ *Immigration and Refugee Protection Act*, supra note 2, s 99(4). A protected person's application for permanent residence must be made in accordance with Part 1 of the *Immigration and Refugee Protection Act*.

¹⁴⁰ Adèle GARNIER, “Les relations fédérales-provinciales et les politiques relatives aux personnes réfugiées au Canada,” in Adèle GARNIER, Sarah DUBUC and Christina R CLARK-KAZAC (eds), *La Migration forcée au Canada*, Montréal, McGill-Queen's University Press, 2025, ch 10, at 152, at 164.

In short, the concurrent jurisdiction over immigration conferred by s. 95 of the *Constitution Act, 1867* does not extend to the admission of any person into Canada, regardless of status. Indeed, the principal purpose of the admission process lies here: to verify, attest to, and register an individual's status before authorizing entry into Canada. Once that authorization has been granted, the federal government continues to exercise controls, and consequently its constitutional jurisdiction, over every person in Canada whose stay is conditional or temporary. In other words, the exclusive jurisdiction of the Parliament of Canada over aliens, conferred by s. 91(25) of the *Constitution Act, 1867*, concerns the status of persons regarded as aliens within the meaning of the IRPA. It extends to all matters concerning their admission into Canada and the conditions governing the validity of their temporary stay. It is therefore a jurisdiction with significant ramifications. The same is true of jurisdiction over naturalization, also addressed in s. 91(25). Naturalization is the process by which an individual's status changes from that of an alien to that of a permanent resident and, subsequently, to that of a Canadian citizen.¹⁴¹

2.2 Federal Regulatory Abstention

The second mode of exercising jurisdiction in immigration matters takes the form of the federal government's abstention from regulating a particular immigration field, thereby preventing legal disputes from arising in the absence of federal legislation. Integration is a paradigmatic example. As noted above, under the Canada–Québec Accord, the federal government has withdrawn from the provision of integration services in Québec, thereby granting Québec complete normative autonomy with respect to the services provided in the province. Integration is precisely the field in which Québec has most strongly asserted its jurisdiction through the various successive agreements described in Part I.

¹⁴¹ GOVERNMENT OF CANADA, LIBRARY AND ARCHIVES, *Citizenship and Naturalization Records*, May 21, 2021, online: <<https://www.bac-lac.gc.ca/fra/decouvrez/immigration/citoyennete-dossiers-naturalisation/Pages/introduction.aspx>>. See also France HOULE and Arnaud DESROCHERS, "La construction historique du statut de sujet et d'étranger dans la législation préconfédérative et canadienne entre 1763 et 1948," submitted to *Revue de Droit de l'Université de Sherbrooke* (March 2026); see also Delphine NAKACHE and Yves LE BOUTHILLIER, *Droit de la citoyenneté au Canada*, Montréal, Éd Yvon Blais, 2016 at 505.

The federal government's regulatory abstention from the field of integration is explained primarily by identity-related and pragmatic considerations. On the latter point, the principal difficulty lies in the federal government's limited capacity to provide such services throughout a territory as vast as Canada. Thus, the distinction between matters of local concern and those of national scope is a fundamental principle of the division of powers enshrined in the Canadian Constitution. This distinction corresponds to the situation contemplated by s. 95 of the *Constitution Act, 1867*, as expressed in the opening words of that provision: "In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province [...]". Moreover, immigrant services are chiefly provided by community organizations funded through the amounts allocated by the federal government under Annex A to the Canada–Québec Accord. With respect to the evolution of the organization and operation of community organizations more generally, it is useful to note that Québec formalized its relationship with these organizations in 2001. It approved an initial government policy entitled *Community Action: An Essential Contribution to the Exercise of Citizenship and Québec's Social Development*, followed by a framework adopted by the Ministère de l'Emploi et de la Solidarité sociale in 2004.¹⁴²

As to identity-related considerations, one of the most persuasive arguments Québec has historically advanced to the federal government in order to justify its investment in the normative sphere of immigrant integration has been that Québec is a society that is culturally distinct, particularly in relation to language and the intercultural model founded on laicity. The adoption of the *Charter of the French language* in 1977 was the first significant legislative initiative to protect French. Other identity-related legislative initiatives followed. By way of illustration, mention should be made of the *Act respecting the laicity of the State* and the *An Act respecting integration into the Québec nation*, which concerns immigrants more specifically and provides in s. 1:

¹⁴² GOVERNMENT OF QUEBEC, MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE, *Community Action: An Essential Contribution to the Exercise of Citizenship and Social Development in Québec*, Québec, September 2001, online: <https://rqge.qc.ca/wpcontent/uploads/2015/02/SACA_action_communautaire_contribution_essentielle.pdf>. GOVERNMENT OF QUEBEC, MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE, *Reference Framework for Community Action*, Québec, July 2004, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/publications-adm/politiques-directives-procedures/CREF_action_communautaire_MESS.pdf>.

“The purpose of this Act is to establish the Québec model for integration into the Québec nation, which fosters living together, as well as the vitality and preservation of Québec culture as the common culture and vector for social cohesion, a culture of which the French language is the main vehicle and which enables immigrants and persons identifying with cultural minorities to integrate into Québec society.”¹⁴³

In this regard, s. 2 of the Canada–Québec Accord underscores the importance of this objective for Québec. The Accord “aims, among other things, [...] to ensure that the integration of immigrants into Québec is carried out with full respect for Québec’s distinctive character.” By way of reminder, recognition of the distinctive character of Québec society was one of the principal issues in the negotiations over the Meech Lake Accord.¹⁴⁴

¹⁴³ *Charter of the French language*, 1977, c 5 [CQLR, c C-11], online: <<https://www.legisquebec.gouv.qc.ca/fr/document/lc/C-11>>; *Act respecting the laicity of the State*, 2019, c 12, c I [CQLR, c L-0.3], online: <<https://www.legisquebec.gouv.qc.ca/fr/document/lc/L-0.3>>. See also *Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies*, SQ 2017, c 19 [CQLR, c R-26.2.01], online: <<https://www.legisquebec.gouv.qc.ca/fr/document/lc/R-26.2.01>>; *An Act respecting integration into the Québec nation*, supra note 110. Finally, the Minister of Justice recently introduced two bills. The first aims to strengthen laicity in Québec and, among other things, amends the preamble to the *Act respecting the laicity of the State* by inserting the following clause: “WHEREAS the laicity of the State is a foundation of national integration;” *Act to strengthen laicity in Québec*, SQ 2026, c 6, assented to April 2, 2026, online: <<https://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-9-43-2.html>>. The second is Bill 1, *Constitution Act, 2025 respecting Québec*. It includes several identity-related provisions, including preservation of the French language, mentioned twenty-three times in the bill. See: *Constitution Act, 2025 respecting Québec*, Bill 1 (introduction), 2, 43 (QC), 2025, online: <<https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/CQ/25-001f.pdf>>.

¹⁴⁴ It should nevertheless be noted that this issue has been the subject of extensive debate and reporting in Canadian constitutional law. On this subject, see, in particular: GOVERNMENT OF CANADA, *The Distinct Society: Origins, Interpretations, Implications*, by B O’NEIL, Ottawa, Political and Social Affairs Division, December 1995, online: <<https://publications.gc.ca/Collection-R/LoPBdP/BP/bp408-f.htm>>.

Immigrant integration and inclusion are among the least controversial matters when interpreting the scope of the subject of “immigration” in s. 95 of the *Constitution Act, 1867*.¹⁴⁵ Before the establishment of the Canadian Federation, the Canadian colonies already exercised important responsibilities: they provided several reception services to newcomers in their respective territories.¹⁴⁶ After 1867, Québec and Ontario in particular continued to provide reception services, but lacking sufficient tax revenues, the federal government took over. In 1954, Maurice Duplessis’s government introduced income tax in Québec,¹⁴⁷ and these new tax revenues enabled subsequent Québec governments to exercise this jurisdiction once again and provide integration services to immigrants. Beginning in 1991, Québec gradually expanded its service offerings with federal compensation.

¹⁴⁵ The range of services offered to immigrants has expanded since Confederation, from reception services to integration services — including those related to the implementation of francization, employability and support programs — and inclusion services aimed at protecting rights and achieving objectives of belonging and of combating systemic discrimination. Gérard BOUCHARD, *L’interculturalisme : un point de vue québécois*, Montréal, Boréal, 2012, 288 pp; GOVERNMENT OF QUEBEC, MINISTÈRE DE L’IMMIGRATION, DE LA DIVERSITÉ ET DE L’INCLUSION, *Québec Policy on Immigration, Participation and Inclusion*, Québec, 64 pp, November 2015, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/politiques/PO_ensemble_quebec_MIDI.pdf>; see also VINEBERG, R, “History of Federal-Provincial Relations in Canadian Immigration and Integration”, in J BILES, M BURSTEIN AND J FRIDERES (eds), *Integration and Inclusion of Newcomers and Minorities across Canada*, Montréal, McGill-Queen’s University Press (2011), 250 pp.

¹⁴⁶ At the time of Canadian Confederation, community organizations in Québec providing reception services to immigrants were already well established. France HOULE, “Genèse du contrôle migratoire au Canada : construction coloniale du régime d’admission (1763–1867),” forthcoming.

¹⁴⁷ GOVERNMENT OF QUEBEC, REVENU QUÉBEC, *History and Foundations of Taxation in Québec*, 2025, PDF document, at 7, August 2017, online: <<https://numerique.banq.qc.ca/patrimoine/details/52327/3447707?docref=gZOxYHh07dO71HjoVNhAWA>>.

2.3 Shared Responsibilities

The third and most elaborate mode of implementing the Canada–Québec Accord concerns the sharing of responsibilities between the two orders of government relating to jurisdiction over “immigration” in the narrow sense. This section addresses only immigration programs leading to permanent residence in Canada.

This architecture of shared responsibilities is not immune from a paradox that Johanne Poirier has brought to light in her work on intergovernmental agreements in Canada. Poirier has shown that these instruments occupy a singular place in the Canadian normative order: they are legally binding between the parties, structure the concrete exercise of constitutional jurisdiction, and shape the legitimate expectations of administrations, yet they do not possess the force of law enforceable before the courts in the same manner as a constitutional or legislative provision. The Canada–Québec Accord is an exemplary illustration of this hybrid form: in Poirier’s formulation, it is a paradoxical source of Canadian constitutional law, at once a vector of effectiveness and a vector of vulnerability. This dual nature explains why the Canada–Québec Accord has, for more than thirty years, structured a distinctive immigration regime while remaining exposed to the administrative and political reversals that Part III examines in detail.

The allocation of responsibilities in this specific field is of great interest because it accords with Canadian federalism, under which the Parliament of Canada has jurisdiction over matters of national concern, while the provinces assume responsibility for matters of local scope. A further noteworthy observation is that the specific immigration matters addressed in ss. 9–21 of the Accord have the effect of limiting, and even displacing, the doctrine of federal paramountcy, if Québec complies with the parameters set out for it in the Canada–Québec Accord. It should be emphasized that this arrangement gives effect, in a sense, to the now-defunct s. 95B(1) *in fine* of the Meech Lake Accord, which provided that “any agreement concluded between Canada and a province in relation to immigration has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.”

The Canada–Québec Accord contains various provisions that give priority to Québec law in precisely defined legislative fields. In federal law, the mechanism used to give effect to this primacy of Québec law is the express statement that specified provisions of the IRPA or the *Immigration and Refugee Protection Regulations* (IRPR) do not apply in Québec. To illustrate this point, we consider three examples: refugee resettlement, sponsorship undertakings, and the selection of economic-class immigrants.

- *Refugee resettlement*

The first example concerns the implementation of the Refugee Resettlement Program Abroad. This federal program concerns persons outside Canada whose refugee status has previously been recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR).¹⁴⁸ Refugees living in refugee camps may benefit from a permanent resettlement program, administered by the UNHCR, in a country willing to receive them.¹⁴⁹ Procedurally, the UNHCR recommends candidates recognized as refugees to the Government of Canada. At that stage, a selection process begins for candidates wishing to resettle in Canada.

Sections 18 and 19 were included in the Canada–Québec Accord precisely to share responsibility for the selection of refugees abroad between the two orders of government. This exclusive jurisdiction represents the culmination of the transfer initiated by the Cullen–Couture Agreement in 1978. These sections provide:

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.

As a consequence of these sections of the Accord, Québec applies its own criteria to candidates who wish to settle in Québec, and the IRPR expressly recognizes that Québec applies its own rules.¹⁵⁰ It is useful to note, however, that the selection criteria established by the two orders of government, federal and Québec, are based on similar considerations, including the need for protection and the ability to integrate into the Canadian or Québec way of life, depending on the intended place of settlement. Once again, the principle set out in s. 3 of

¹⁴⁸ *Immigration and Refugee Protection Regulations*, SOR/2002-227 (Canada Gazette II), ss 138 (sponsorship organization) and 140.3(1), online: <<https://laws-lois.justice.gc.ca/PDF/SOR-2002-227.pdf>>.

¹⁴⁹ See UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, "Refugee Resettlement in Canada," UNHCR, online: <<https://www.unhcr.ca/fr/au-canada/le-role-du-hcr-reinstallation/reinstallation-refugies-canada/>>.

¹⁵⁰ *Immigration and Refugee Protection Regulations*, supra note 148, para 139(1)(h).

the Accord, under which Canada determines the general classes of immigrants, applies here. This is therefore a sharing of responsibilities directly encompassed by the subject of “immigration” in s. 95 of the *Constitution Act, 1867*.¹⁵¹

- *Sponsorship undertakings*

The second example concerns sponsorship undertakings. The paradigmatic case is family reunification, which may be initiated while the principal applicant submits an application to immigrate to Canada, or later, after the principal applicant has become established in Canada. In either situation, the principal applicant must undertake responsibility for their family members by signing a sponsorship undertaking. For families destined to Québec, the obligations that sponsors must assume under sponsorship undertakings are determined by Québec, in accordance with s. 21 of the Canada–Québec Accord, which provides:

21. Where a family member is a Québec resident, Québec alone shall be responsible for the administration of such undertakings and the determination and application of such financial criteria where a law of Canada requires that a family member:

- a. submit an undertaking to the Government of Quebec with respect to an immigrant whom the family member wishes to sponsor or assist;
- b. meet financial criteria.

Section 137 of the IRPR recognizes the primacy of Québec law over sponsorship undertakings. Under Québec law, the modalities governing such undertakings are set out in ss. 22, 23, 24 and 33 of the *Québec Immigration Act* and ss. 61 ff of the *Regulation respecting immigration to Québec*.¹⁵² A sponsorship undertaking is a contract, and this matter generally falls within provincial jurisdiction over property and civil rights (s. 92(13) of the Constitution Act,

¹⁵¹ *Ibid*, s 138; *Québec Immigration Regulation*, CQLR c I-0.2.1, r 3, ss 61 and 63. Candidates who wish to establish themselves in a Canadian province other than Québec are selected by the federal government. This general matter is addressed by section 23 of the *-Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*, supra note 3: “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.”

¹⁵² *Immigration and Refugee Protection Regulations*, supra note 148, s 137.

1867). More could be said on this question, but for the purposes of this report, the objective is simply to demonstrate the many constitutional ramifications of immigration law.¹⁵³

- *Selection of economic-class immigrants*

This third example is described in greater detail because the sharing of responsibilities between Québec and Canada with respect to the selection of economic immigrants is more complex. It is useful for illustrating in greater detail the interrelationship between s. 3 of the Canada–Québec Accord, concerning the establishment of general classes by the federal government, Québec’s exercise of responsibility for selection, and the effect of the doctrine of federal paramountcy.

At the outset, it is useful to recall that, in accordance with s. 3 of the Canada–Québec Accord, the Parliament of Canada is responsible for defining the general classes of immigrants. However, s. 12(2) of the IRPA does not define the economic immigration class, but rather a process: “A alien may be selected as a member of the economic class on the basis of their ability to become economically established in Canada.” The IRPR sets out the classes of persons authorized to immigrate to Canada as economic immigrants (such as skilled workers) and the rules governing the selection process (selection criteria and the weighting of those criteria).¹⁵⁴

The general federal classes of economic immigrants implemented by Québec are skilled workers, skilled tradespersons, and businesspersons. The businesspersons class is divided into several subcategories, including investors, entrepreneurs, and self-employed persons.¹⁵⁵ In accordance with s. 3 of the

¹⁵³ As prescribed by the *Québec Immigration Regulation*, supra note 151, s 68, integration measures include “assistance in seeking employment and school enrolment, as well as support for access to public services and participation in community life, while promoting the learning of French and the Québec values expressed by the Charter of human rights and freedoms.”

¹⁵⁴ *Immigration and Refugee Protection Regulations*, supra note 148, s 75. To assess this capacity, selection grids setting out criteria weighted through a points system are established by regulation for each subcategory of foreign nationals authorized to immigrate to Canada in the general economic immigration class.

¹⁵⁵ *Ibid*, which identifies four other categories framed as programs rather than immigrant categories. Three programs are not relevant to Québec: the Provincial Nominee Program, the Atlantic Immigration Program, and the Start-up Business Class. The fourth program, the Canadian Experience Class, does not apply to Québec. However, the principle underlying that program is of interest to Québec, and we return to it in the next section.

Canada–Québec Accord, Québec’s classes are identical to the federal classes because only Canada has the authority to establish general classes.¹⁵⁶ Québec is not required to implement every federal class, but where it chooses one or more, their implementation must be compatible with the pre-established general federal classes.

By contrast, s. 12 of the Canada–Québec Accord assigns Québec responsibility for selecting immigrants covered by these classes. It provides:

- a. Québec has sole responsibility for the selection of immigrants destined to that province [...];
- b. Canada shall admit any immigrant destined to Québec who meets Québec’s selection criteria [...];
- c. Canada shall not admit any immigrant into Québec who does not meet Québec’s selection criteria.

Although paragraph (b) of s. 12 indicates that Canada admits an immigrant who meets Québec’s selection criteria, that responsibility does not imply an absence of restrictions on the setting of those criteria. Indeed, as already noted, s. 12(2) of the IRPA specifies that selection is made based on an alien’s ability to become economically established in Canada. To assess that ability, Canada has established a system that includes selection grids defining criteria weighted by a points system. This system is established by regulation for each subcategory of alien authorized to immigrate to Canada as an economic immigrant. Given the existence of this federal system, based on evaluating aliens’ ability to become economically established in Canada, Québec does not have the authority to implement a selection system on a basis other than that prescribed by the federal government and that would not make it possible to select individuals who are able to become economically established in Canada. In other words, as long as the federal system of criteria and points is directed to the selection of such immigrants, Québec cannot establish a selection system on grounds incompatible with those of the federal system. As we noted above, the application

¹⁵⁶ *Québec Immigration Regulation*, supra note 151, s 23. Investor and entrepreneur programs previously existed in federal law, but were discontinued on February 11, 2014, although, as the federal list indicates, the programs remain in force in Québec: *Immigration and Refugee Protection Act*, supra note 2, s 87.5(1). However, the *Immigration and Refugee Protection Regulations* recognizes that they apply in Québec: *Immigration and Refugee Protection Regulations*, supra note 148, ss 90 and 97. Thus, Québec now has flexibility to retain or abolish programs even where the federal government has terminated certain programs. Moreover, in that regard, Québec ended the Québec Experience Program on November 19, 2025.

of the doctrine of federal paramountcy is suspended where responsibilities are shared under the Accord. That suspension, however, has effect if, and only if, Québec implements a selection system compatible with the one established by the federal government.

Moreover, before the implementation of the Express Entry (federal) and Arrima (Québec) systems, Québec replicated the federal classes and federal selection criteria. The only difference between the two normative frameworks lay in the weight assigned to each criterion. For example, Québec assigned greater weight to proficiency in French than in English, whereas Canada assigned equal weight to knowledge of each language.¹⁵⁷ Since the launch of the electronic Express Entry (2015) and Arrima (2019) systems, the process for selecting immigration candidates has changed, but the conceptualization of the selection system, based on criteria and points, remains the same. This electronic system has two stages: an expression of interest and an invitation from the Minister.

At the first stage, the selection process has become more complex insofar as criteria and groups of criteria are now examined by means of an algorithm integrated into the electronic system, which assigns a numerical score to each expression of interest by correlating the alien's attributes, qualifications, and so on.¹⁵⁸ These expressions are then placed in a pool from which applications are drawn at regular intervals. The draws are conducted according to an assessment of labour market needs. As a result, the first-come, first-served procedure for reviewing applications that governed the selection of candidates under the former system no longer exists. With the advent of Arrima (and Express Entry), selection now occurs, in a sense, in real time.

¹⁵⁷ *Regulation respecting the weighting applicable to the selection of aliens*, CQLR, c I-0.2.1, r 4. That regulation was repealed (by Ministerial Order 2023-002, (2023) GO II, 4990) and replaced by the *Québec Immigration Regulation*, supra note 151, effective 2024-11-29.

¹⁵⁸ For a concrete example, see: *Ministerial Order 2025-004 of the Minister of Immigration, Francisation and Integration dated June 20, 2025, under the Québec Immigration Act (c I-0.2.1, s 44), respecting the criteria, groups of criteria and ranking on the basis of which an alien is invited to submit an application for selection under the Skilled Worker Selection Program*, (2025) no 27 GO II 4126 at 146. It should be noted that these electronic systems produce assessments that are more complex and nuanced than those previously made by human beings.

Candidates who meet labour market needs receive an invitation from the Minister to apply for selection under one of Québec's selection programs.¹⁵⁹ At this stage, an invited candidate submits a selection application in which they must demonstrate that they meet the regulatory requirements applicable to each program. The regulatory distinction between "criteria" and "requirements" is important. A criterion permits evaluation; it creates an evaluative space. A requirement does not. It is either met or it is not. Once the application has been submitted, the candidate may be called for an interview¹⁶⁰ or selected based on the record by the Minister. This stage serves to determine whether the requirements are met and, if so, the candidate is issued a CSQ.¹⁶¹ The issuance of the CSQ marks the end of Québec's selection process and the beginning of the admission process administered by the federal government.¹⁶²

In short, the sharing of responsibilities between the two orders of government with respect to the subject of "immigration" in s. 95 of the *Constitution Act, 1867*, as it concerns economic-class immigrants, operates as follows:

¹⁵⁹ With respect to matters legislated by Québec — that is, programs available to immigrants in the economic class — there are six: (1) Skilled Worker Selection Program, (2) Québec Experience Program, (3) Investor Program, (4) Entrepreneur Program, (5) Self-Employed Worker Program and (6) Permanent Immigration Pilot Program. Except for the 6th program, programs 1, 2 and 5 exist in federal law.

¹⁶⁰ *Immigration Procedure Regulation*, CQLR, c I-0.2.1, r 5, online: <<https://www.legisquebec.gouv.qc.ca/fr/pdf/rc/I-0.2.1,%20R.%205.pdf>>. Under the *Immigration Procedure Regulation*, c I-0.2.1, r 5, online: <<https://www.legisquebec.gouv.qc.ca/fr/pdf/rc/I-0.2.1,%20R.%205.pdf>> and s 6 of the *Immigration Procedure Regulation*, "demonstrate the truthfulness of the facts set out in his or her statements" *Immigration and Refugee Protection Regulations*, supra note 148, s 79(3); however, Québec assigned more points to knowledge of French than to knowledge of English. See the former *Regulation respecting the weighting applicable to the selection of foreign nationals*, supra note 157.

¹⁶¹ *Québec Immigration Regulation*, supra note 151, s 22.

¹⁶² Having now obtained all required documents, the candidate may submit a complete immigration application to the Department of Citizenship and Immigration. The Department then carries out the usual health and criminality checks. Once it has ascertained that there are no barriers to meeting the requirements for admission to Canada, a permanent resident visa is issued authorizing the alien to enter Canada.

Stages	Jurisdiction	Responsible government
1 st	Establishment of general immigration classes Matter of national concern	Federal responsibility
2 nd	Selection of classes from among those established by Canada Must not be incompatible with Acts of the Parliament of Canada (doctrine of federal paramountcy)	Provincial responsibility
3 rd	Establishment of selection criteria Must not be incompatible with Acts of the Parliament of Canada (doctrine of federal paramountcy)	Provincial responsibility
4 th	Determination of the weighting of criteria Must not be incompatible with Acts of the Parliament of Canada (doctrine of federal paramountcy)	Provincial responsibility
5 th	Procedure for assessing applications Procedural breach: judicial review	Provincial responsibility
6 th	Selection decision Unreasonable decision: judicial review	Provincial responsibility

2.4 Legislative Coexistence

This fourth mode may be observed in relation to temporary stays in Québec. In the Canada–Québec Accord, this category is called “visitor.” Section 22 of the Accord identifies three classes of visitors: temporary foreign workers, foreign students, and persons coming to Québec to receive medical treatment. This report does not address the category of persons coming to Québec to receive medical treatment. The sole example considered in this section concerns the Temporary Foreign Worker Program (TFWP). Part III of this report examines the operation of the International Student Program (ISP) in greater detail.

The first observation to be made is that the Canada–Québec Accord’s provisions concerning visitors are laconic, partly because temporary statuses were not at the centre of governmental concerns at the time. Legislative and governmental action focused primarily on permanent immigration.

Section 22 is the only provision that addresses this question. It reads as follows:

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;
- c. and any foreign visitor entering Québec to receive medical treatment.

Section 22 specifies only two matters. First, Québec must consent to a visitor's entry into its territory; second, it sets out the scope of the Accord. For example, with regard to temporary foreign workers, only programs under which a Labour Market Impact Assessment must be conducted are covered. Consequently, the International Mobility Program (IMP) is excluded because it is not governed by "Canada's requirements relating to the availability of Canadian workers".¹⁶³ In other words, an employer wishing to hire a foreign worker covered by the IMP need not obtain an Labour Market Impact

¹⁶³ GOVERNMENT OF CANADA, DEPARTMENT OF IMMIGRATION, REFUGEES AND CITIZENSHIP, *Evaluation of the International Mobility Program*, Audit and Evaluation Branch, Evaluation Division, July 2024, at 13, online: <https://www.canada.ca/content/dam/ircc/documents/pdf/francais/organisation/rapports-statistiques/evaluations/programme-de-mobilite-internationale-fr.pdf>; GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Hire through the International Mobility Program*, Ottawa, May 5, 2026, online: <https://www.canada.ca/fr/immigration-refugies-citoyennete/services/travailler-canada/embaucher-etranger-temporaires/programme-mobilite-internationale/qui.html>.

Assessment before making a job offer to an alien.¹⁶⁴ It follows that Québec's consent, expressed through the issuance of a CAQ, is not required for this group of foreign workers under the Canada–Québec Accord.¹⁶⁵

¹⁶⁴ This program encompasses several classes of foreign workers found in the *Immigration and Refugee Protection Regulations*. The Government of Canada website groups them into three categories: (1) workers exempt from a work permit, including highly skilled workers and researchers (Global Skills Strategy); artists; and full-time international students. (2) Workers eligible for an open work permit, such as permanent residence applicants holding a bridging open work permit; Indigenous peoples separated by the Canadian border; post-graduation work permit holders; spouses or common-law partners of international students; family members of certain foreign workers; applicants in the Working Holiday category of International Experience Canada (IEC); and (3) workers eligible for an employer-specific work permit (Labour Market Impact Assessment-exempt), including French-speaking workers outside Québec; applicants under the Global Skills Strategy (where the employment is Labour Market Impact Assessment-exempt); applicants in the following IEC Program categories: Young Professionals and International Co-op Internship; and workers under a free-trade agreement. See: GOVERNMENT OF CANADA, DEPARTMENT OF IMMIGRATION, REFUGEES AND CITIZENSHIP, *Who You Can Hire: Hire through the International Mobility Program*, Ottawa, March 13, 2026, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/services/travailler-canada/embaucher-etranger-temporaires/programme-mobilite-internationale/qui.html>>. On family members of certain foreign workers: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Open Work Permits for Family Members of Foreign Workers*, Ottawa, June 17, 2025, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/services/travailler-canada/instructions-speciales/epoux-enfant-charge.html>>.

¹⁶⁵ *Québec Immigration Regulation*, *supra* note 151, s 3.

To illustrate the operation of s. 22, the example of legislative coexistence that we wish to advance concerns the Labour Market Impact Assessment requirement.¹⁶⁶ For each temporary foreign worker whom an employer wishes to hire, the employer must apply for an Assessment before making a job offer. At the federal level, Employment and Social Development Canada (ESDC) is responsible for conducting the Labour Market Impact Assessment in accordance with s. 203 of the IRPR. However, in the context of hiring a foreign worker who will work in Québec, s. 203(4) of the IRPR provides that an assessment in respect of an offer of employment in Québec must be made “in concert with the competent authority of that Province.”¹⁶⁷

In practice, however, it is not the assessment that is established jointly by the two orders of government, but rather the decision whether to authorize the employer to hire a temporary worker. Indeed, a joint decision is made by the federal and Québec departments once each has conducted its own assessment: “For positions in Québec involving more than 30 consecutive days of work, Labour Market Impact Assessment applications must be submitted simultaneously to Service Canada [i.e., the department of Employment and Social Development] and to the Ministère de l’Immigration, de la Francisation

¹⁶⁶ The Temporary Foreign Worker Program “allows employers to hire temporary foreign workers to address labour and skills shortages.” See: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Determine Whether You Need a Labour Market Impact Assessment*, Ottawa, April 23, 2026, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/services/travailler-canada/embaucher-etranger-temporaires/verifier-besoin-etude-impact-marche-travail.html>>. Under this program, an employer may hire a worker in a high-wage or low-wage position, agricultural workers under the Seasonal Agricultural Worker Program: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Hire a Temporary Worker through the Seasonal Agricultural Worker Program: Apply for an Labour Market Impact Assessment*, Ottawa, February 17, 2026, online: <<https://www.canada.ca/fr/emploi-developpement-social/services/travailleurs-etrangers/agricoles/agricoles-saisonniers/demande.html>> or workers under the Agricultural Stream. The principal difference between the two programs is that, under the first, a alien must be from Mexico or a participating Caribbean country; under the second, the worker may be from any country: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Hire a Temporary Foreign Worker for an Agricultural Position*, Ottawa, January 29, 2025, online: <<https://www.canada.ca/fr/emploi-developpement-social/services/travailleurs-etrangers/agricoles.html>>.

¹⁶⁷ *Immigration and Refugee Protection Regulations*, supra note 148, s 203.

et de l'Intégration (MIFI) of Québec.”¹⁶⁸ Under sections 100 and 101 of the *Québec Immigration Regulation*, MIFI is responsible for the assessment (in Québec, it is called the Labour Market Impact Assessment of the Employment Offer).¹⁶⁹ It should be noted that the federal and provincial assessments apply similar criteria. Consequently, the risk of differences of opinion between the two orders of government is likely low.

Based on the two favourable assessments, a joint favourable decision is issued to the employer, who may then proceed with recruitment and offer the position to a worker. Once the worker has accepted the offer, the latter may apply to the Québec government for a CAQ. Upon receiving the CAQ, the worker submits their application to the federal government to obtain a work permit that will allow them to enter Canada as a temporary worker.

Because Labour Market Impact Assessments concern matters related to labour (an area of exclusive provincial jurisdiction, save for exceptions), but are required to issue work permits (an area of exclusive federal jurisdiction) to certain categories of temporary workers, it was essential to establish a mechanism of legislative coexistence. Indeed, absent that prior arrangement, founded on the division of exclusive legislative powers under the *Constitution Act, 1867*, Québec could have opposed a worker's temporary stay in its territory by refusing to issue a CAQ. This sharing of federal–Québec responsibilities illustrate the interweaving of exclusive jurisdictions at the intersection of concurrent jurisdiction over immigration. Moreover, it also illustrates the limits that the federal government may impose on Québec.

Indeed, although the power to issue a CAQ may have obvious practical consequences for temporary workers, it is nevertheless confined to a defined

¹⁶⁸ See GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Hire a Temporary Foreign Worker under the Agricultural Stream: Apply for an Labour Market Impact Assessment*, tab “Hire a Temporary Foreign Worker in Québec,” Ottawa, February 17, 2026, online: <<https://www.canada.ca/fr/emploi-developpement-social/services/travailleurs-etrangers/agricoles/agricoles/demande.html>>. It must also be understood from the *Immigration and Refugee Protection Regulations* and ss 15 of the *Québec Immigration Act* and 98 of the *Québec Immigration Regulation* that each department conducts its own assessment. See also the *Canada–Québec Accord relating to Immigration and Admission of Aliens*, supra note 3, section 20, Annex A, concerning joint Labour Market Impact Assessment. By contrast, MIFI is responsible for assessing the validity of the employment offer: see Hugues LANGLAIS and Hélène MAYRAND (eds), *Droit de l'immigration et de la citoyenneté*, 2nd ed, LexisNexis, Montréal, 2022, at 49.

¹⁶⁹ See the requirements in s 203(3) of the *Immigration and Refugee Protection Regulations*, supra note 148, and those prescribed by the *Québec Immigration Regulation*, supra note 151, s 101. The two assessments apply similar criteria.

category of aliens: those for whom a Labour Market Impact Assessment is required. Beyond that category, the power to agree or refuse to issue a CAQ has limited reach, since this procedure does not apply to the IMP. Yet the IMP permits more than three times as many workers to enter Canada as are authorized to come to work in Canada under the Temporary Foreign Worker Program.

Despite the reductions announced in 2025, the Government of Canada stated that its overall annual targets “for temporary worker arrivals have been set at 367,750.” By program category, this figure breaks down as follows: 285,750 workers under the IMP and 82,000 workers under the Temporary Foreign Worker Program (TFWP).¹⁷⁰ In Québec, the Government of Canada estimates that approximately “45,000 work permit holders under the [TFWP] and approximately 95,000 work permit holders under the [IMP]” were issued between January 1st and August 31, 2023.¹⁷¹

It was notable because of the substantial increase in the number of IMP workers in its territory that Québec changed its political discourse beginning in fall 2023. Because the number of temporary residents was not included in annual planning, at least until very recently, the sharp growth in IMP temporary workers and their families generated social-service costs for which Québec was unprepared. This situation led the Québec government to argue that it had exceeded its capacity to receive and integrate newcomers who are “non-

¹⁷⁰ The principal difference between the two classes of workers lies in the type of work permit issued by the federal government. Temporary workers admitted under the International Mobility Program enter Canada with an open work permit (once in Canada, a worker may seek employment in the province of their choice). In addition, spouses and children may accompany those temporary workers. By contrast, workers admitted under the Temporary Foreign Worker Program are issued a closed work permit (that is, one tied to the employer that recruited them). In addition, spouses and children may not accompany those workers. See GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *CIMM – Temporary Foreign Workers – October 21, 2025*, Ottawa, February 18, 2026, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/comites/cimm-21-oct-2025/travailleurs-etrangers-temporaires.html>>.

¹⁷¹ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *CIMM – Temporary Worker Programs in Quebec – November 7, 2023*, June 3, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/comites/cimm-07-nov-2023/programmes-travailleurs-temporaires-quebec.html>>.

permanent residents”¹⁷² and to initiate negotiations with the federal government. As noted above, this resulted in immigration-level planning that now includes temporary residents and, in turn, a reduction not only in the number of foreign workers but also in the number of international students.

Summary of Part 2

Part 2 of this report first describes the content of the Canada–Québec Accord. Its normative architecture is organized around three central sections, dealing respectively with immigration levels; the selection and admission of immigrants and visitors; and the reception and integration of immigrants. This third section is supplemented by an annex specifying the arrangements for the federal government’s transfer of this jurisdiction to the Québec government. In matters of immigration levels, Canada retains the prerogative of setting annual levels, while considering Québec’s recommendations; Québec, for its part, undertakes to receive a proportion of immigrants corresponding to its demographic importance. The multi-year planning mechanisms prescribed respectively by the *Québec Immigration Act* and the IRPA ensure ongoing coordination between the two government bodies.

The section on migration categories provides an in-depth analysis of the allocation of selection responsibilities across the three main immigrant categories: the economic category, family reunification, and refugees. For these categories, Québec exercises a circumscribed selection power culminating in the issuance of a CSQ. As for visitors, Québec may consent to the temporary stay in its territory of three categories of persons: foreign temporary workers, international students, and visitors seeking medical treatment. For these categories, Québec signifies its consent to their admission to its territory by

¹⁷² The expression “non-permanent resident” designates persons who are lawfully in Canada without permanent resident status: international students, temporary workers, asylum seekers and holders of temporary permits (for medical stays, for example). Its entry into public discourse is interesting because, since 1991, it had instead been technical vocabulary used notably by Statistics Canada, which officially began including non-permanent residents in its census data in 1991. Previously, those persons had been excluded from official counts. See GOVERNMENT OF CANADA, STATISTICS CANADA, “Canadian Social Trends: Non-permanent Residents in Canada: A Portrait of a Growing Population from the 2021 Census,” by Catherine TUEY and Nicolas BASTIEN, June 20, 2023, online: <<https://www150.statcan.gc.ca/n1/pub/75-006-x/2023001/article/00006-fra.htm>>.

issuing a CAQ. The provisions on integration, grouped in the third part of the Accord, confer on Québec exclusive responsibility for reception, francization, and integration services, while preserving certain federal prerogatives, notably in humanitarian immigration, citizenship, and multiculturalism. The evolution of services offered in Québec since 1991, especially as reflected in reforms such as Francisation Québec and Accompagnement Québec, attests to the integration model's ongoing adaptation.

Part 2 sets out the mechanisms for applying concurrent jurisdiction over immigration that illuminate the scope and limits of s. 95 of the *Constitution Act, 1867*. Four forms of intervention have been identified: (1) exclusive federal occupation in the field of the admission and control of aliens and the determination of refugee status; (2) federal regulatory abstention, characterized by Ottawa's complete withdrawal from integration services; (3) shared responsibilities in selecting immigrants in the economic category, family class, and overseas refugees; and, finally, (4) legislative coexistence under the Temporary Foreign Worker Program, in which both orders of government must conduct a joint labour-market impact assessment. Through these mechanisms, the Canada–Québec Accord ensures the coexistence of complementary normative regimes, reduces the risk of constitutional conflicts, and offers concrete examples of the exercise of shared immigration jurisdiction under s. 95 of the *Constitution Act, 1867*. These examples demonstrate the many ramifications of immigration law and the interweaving of concurrent (s. 95) and exclusive (ss. 91(25) and 92(13)) jurisdictions. Part 3 of the report, which concerns international students, will highlight the overlap between ss. 95 and 93 (education).

Finally, this analysis has also brought to light the limited protections available to Québec in respect of persons who stay temporarily in its territory for work purposes. Those limits reflect the ambiguity of s. 95, since in 1867 the subject matter of “immigration” concerned only persons seeking to establish themselves permanently in the territory.¹⁷³ Temporary stays certainly existed at the time, but it was not until the *Immigration Act, 1976* that a clear distinction was drawn between a “visitor” and a “permanent resident,” which also explains the use of the term “visitor” in the Canada–Québec Accord, as well as the limited attention paid to this category of immigrants. With the adoption of the IRPA in 2001, interest in this category would grow. On the one hand, the concept of the “temporary resident” would emerge. On the other

¹⁷³ *Immigration Act, 1976*, supra note 124. See, in particular, s 2, “visitor,” and s 4, which concerns, among other matters, permanent residents.

hand, the number of temporary residents would begin to rise significantly under the Harper government (2006–2015) and would continue to do so until the onset of the 2024 crisis. Although the governments’ immediate response to that crisis was to reduce the number of foreign workers admitted to the territory, discussions, particularly with economic and university stakeholders, continue today. The question now is whether, and to what extent, a more liberal and contemporary interpretation of the subject matter of “immigration” in s. 95 should be expanded to include temporary residents. Although further research is required to answer that question, it is useful to observe a tendency to conceive of immigration, at least as it concerns certain categories of temporary residents, as a continuum leading to permanent residence. This is particularly true of the international students addressed in the final part of this report.¹⁷⁴

In short, the four modalities described — exclusive federal occupation, regulatory abstention, shared responsibilities, and legislative coexistence — provide an operational grammar for cooperative federalism in immigration, but they do not thereby neutralize the sites of tension that Part III will bring to light.

Three fault lines should be identified at this point. First, the asymmetry between the treatment of permanent immigration, extensively governed by the Canada–Québec Accord, and that of temporary immigration, which is addressed by only one provision (s. 22), creates a structural grey area particularly vulnerable to dysfunction. Second, the exclusion of the IMP from the scope of Québec’s consent reveals a practical limit on the province’s power over reception: Québec may refuse to issue a CAQ, but it cannot legally oppose the entry into its territory of more than two-thirds of temporary workers. Finally, the Accord’s purely conventional nature — lacking the force of law within the meaning of s. 95B(1) of the failed Meech Lake Accord — exposes Québec’s gains to a legal fragility whose full extent was revealed by the 2024 migration crisis. These three fault lines will inform the analysis of the International Student Program.

¹⁷⁴ The concept of “temporary resident” formally entered Canadian immigration law with the enactment of the *Immigration and Refugee Protection Act*, supra note 2, s 22.

Part 3.

The International Student Program: A Project under Reconstruction

The progressive transformation of Québec's International Student Program reveals an institutional dynamic that has been reconfigured since the conclusion of the Canada–Québec Accord, in which immigration, economic, linguistic, and territorial imperatives intersect. Since 1991, the admission of international students has been structured through a dual selection process, involving a joint but differentiated allocation of responsibilities between federal authorities and the Québec government. In this context, the CAQ has proved to be an essential instrument because it is a prerequisite for obtaining a federal study permit. Before issuing a CAQ, Québec applies its own criteria in accordance with its policy orientations. Over time, the exercise of this jurisdiction has become more refined, moving beyond a strictly administrative logic and becoming part of a more elaborate intervention strategy, one that now applies not only to students but also to educational institutions themselves. This part will focus on postsecondary institutions, with particular attention to universities.

A close description of the requirements for entry, stay, and admission reveals an immigration regime for international students in which the federal and Québec criteria share common elements, such as enrolment in a designated learning institution, proof of adequate financial resources, and an assessment of the genuineness of the study plan. The criteria also contain some redundancies, which no doubt reflect tensions inherent in the division of powers between the two orders of government. Moreover, the normative evolution of this Program also shows how Québec initially and gradually strengthened its capacity to alter the terms of selection in response to a demographic and economic context

characterized by a desire to attract international talent and the need to address labour shortages, support university vitality, and ensure the vitality of the French language.

The introduction of the Québec Experience Program in 2010 was, in this respect, a decisive step. The establishment of an accelerated pathway to permanent residence for graduates educated in Québec reflects the government's recognition of the strategic value of the human capital represented by cohorts of international students. The Québec Experience Program proved to be one of the most effective instruments of economic immigration policy, while also exerting considerable influence on the university ecosystem. It helped strengthen Québec's attractiveness, significantly increase the number of international students, and alter migration trajectories associated with study. However, this success produced unforeseen consequences, including an increase in applications for permanent residence, educational institutions' growing dependence on international financial resources, and, more generally, a widening gap between the skills of selected applicants and the sectoral and regional requirements of the labour market.

The Québec Experience Program's structural constraints necessitated a substantial overhaul of immigration policy targeting students. The 2020 reform marked a break with the Program's original philosophy, in that earning a diploma no longer sufficed, by itself, to demonstrate integration, which is now "proven" through work experience. This recalibration reflects a shift in the centre of gravity of selection, from an education-focused approach to one prioritizing employability. At the same time, however, it ushered in a period of instability, manifested in heightened questions about the coherence of government strategies, the actual capacity to direct migration flows, and the management of the institutional ambitions of postsecondary educational institutions.

The first two sections of this part are descriptive in nature. The first examines the requirements and procedure applicable to the International Student Program, followed by an examination of those applicable to the Québec Experience Program, which provides a simplified transition to permanent residence. The third section examines the effects of the Québec Experience Program in greater detail, analyzing its excesses and the successive reforms undertaken by the Québec and Canadian governments.

Section 1. Program Requirements and Procedure

Before the conclusion of the Canada–Québec Accord, an international student wishing to undertake studies in Canada was subject only to the requirements of the federal program. Those requirements included enrolment in a program of study accredited by a duly authorized institution,¹⁷⁵ proof of sufficient financial resources for the duration of the studies, and the acquisition of a study permit. Since the advent of the Canada–Québec Accord, and more specifically s. 22 thereof, a student's obtaining a CAQ has become a prerequisite to filing their study-permit application with federal authorities.

The issuance of a CAQ cannot be reduced to a mere administrative formality. The Québec government uses this administrative instrument as a pre-authorization procedure preceding the federal government's review of the application. The CAQ's legal significance is indisputable, since it gives Québec the power to add legislative and regulatory requirements to those established by the federal government. In their original configuration, these provisions concerned only the category of international students. As a general category falling under federal jurisdiction, pursuant to s. 3 of the Canada–Québec Accord, it was foreseeable that Québec would replicate the requirements established at the federal level. Nevertheless, as we will see in section 3 of this report, Québec now exercises influence over the admission process of postsecondary institutions, acting within the scope of its exclusive jurisdiction over education.¹⁷⁶ Before turning to that stage, however, it is appropriate to specify the requirements for international students and the procedure to follow to obtain authorization to study in Canada.

Québec replicates the general requirements defined by the federal government while incorporating requirements specific to administering its Program. With respect to obtaining a letter of acceptance for a program of study, Québec requires that it come from an educational institution located in its territory. Proof of admission to a designated Québec university is a mandatory requirement for issuing a CAQ.¹⁷⁷ As regards proof that the student

¹⁷⁵ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *List of Designated Learning Institutions (DLIs) – Québec*, Ottawa, “Study in Canada” website, updated November 14, 2025, online <<https://www.canada.ca/fr/immigration-refugies-citoyennete/services/etudier-canada/permis-etudes/preparer/liste-etablissements-enseignement-designes.html>>. This list now comprises 417 post-secondary institutions.

¹⁷⁶ *Constitution Act, 1867*, *supra* note 9, s 93.

¹⁷⁷ *Québec Immigration Regulation*, *supra* note 151, s 10.

has sufficient financial resources to cover their essential needs throughout their studies, as well as those of any accompanying family members, Québec's requirements are similar to those imposed by the federal government. Québec adds certain specifications, including that the student's financial resources must be independent of employment in Québec.¹⁷⁸ In practice, financial resources may come from various sources, including the student's personal savings or funds obtained through a scholarship.¹⁷⁹ Finally, income from employment on or off campus may also be considered, but only in an application to extend a stay, and provided that this employment is already a stable source of income.¹⁸⁰ During their period of study in Québec, students must regard their studies as their primary activity.¹⁸¹

Once those criteria are met, the MIFI issues a CAQ. This certificate enables the student to apply to the federal government for a study permit. In their study-permit application, the student must establish that they meet all the requirements prescribed by the IRPR. The admission requirements do not differ from those in force in Québec: the student must include in their application a letter of acceptance for a program of study offered by a designated learning institution and the CAQ. They must also establish the availability of adequate financial resources.¹⁸² With respect to that evidence, unlike Québec, the IRPR sets no specific threshold because these regulations apply throughout Canada. It is recognized that what constitutes adequate financial resources varies significantly among Canadian provinces, cities, and universities. Accordingly, the IRPR entrusts federal authorities with establishing administrative benchmarks to

¹⁷⁸ *Ibid.*, ss 11–12.

¹⁷⁹ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Immigration Procedures Guide, Chapter 2 – Temporary Immigration, Section 2.2: International Student Program*, September 2025, at 14, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/gpi/GPI_ch2_sect-2_2_PEE.pdf>.

¹⁸⁰ *Ibid.*, at 14.

¹⁸¹ *Québec Immigration Regulation*, *supra* note 151, s 14.

¹⁸² *Immigration and Refugee Protection Regulations*, *supra* note 148, ss 216(1), (3) and 220.

guide this assessment, which are set out in IRCC's operational instructions and guidelines.¹⁸³

The other federal requirements relate more directly to admission to Canada. The federal officer must be satisfied that the student's study plan is genuine. The student must establish that they are pursuing studies with that bona fide intention and that they will leave Canada once their temporary stay has ended.¹⁸⁴ Finally, the student must also meet the other requirements for admission to Canada, including the absence of grounds of inadmissibility related to criminality, security, health, or misrepresentation.¹⁸⁵ Once authorization to enter Canada has been granted, the international student is recognized as having temporary resident status. As Langlais notes, obtaining that status is conditional upon presenting, at a port of entry and during an examination, the documents required to substantiate the alien's particular circumstances.¹⁸⁶

Empirical data suggest that, between 1992 and 2003, Québec's policy of promoting student immigration achieved its objectives, as evidenced by a gradual increase in the proportion of international students in university enrolment. Available data indicate that international students accounted for 4.0% of total university enrolment in 1992–1993, 5.7% in 1998–1999, and 6.3% in 1999–2000. This increase continued until 2003 but was followed by a period of stagnation. The proportion of students stood at approximately 8.1% to 8.4%. In absolute terms, the number of international students admitted to Québec universities was 10,194 in 1992–1993, 15,000 in 1999–2000, and 21,216 in 2002–2004. A similar trend of stagnation is evident between 2003

¹⁸³ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Operational Instructions and Guidelines, Study Permits: Assessing the Application*, Ottawa, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/publications-guides/bulletins-guides-operationnels/residents-temporaires/permis-etudes/evaluation-demande.html>>. Case law recognizes that these guidelines are an essential source of information for applicants. Students who comply with them may therefore legitimately expect that this compliance will be considered sufficient to meet the proof-of-funds requirement in s 220 of the *Immigration and Refugee Protection Regulations*. *Ocran v Canada (Citizenship and Immigration)*, 2022 CanLII FC 175, online: <<https://canlii.ca/t/jmk0l>>.

¹⁸⁴ *Immigration and Refugee Protection Regulations*, *supra* note 148, s 216(1).

¹⁸⁵ On the issue of examination, see the *Immigration and Refugee Protection Act*, *supra* note 2, ss 34–42 and 18 for physical authorization to enter Canada.

¹⁸⁶ H LANGLAIS and H MAYRAND, *supra* note 168, at 35, para 2-14.

and 2009, with cohorts of approximately 22,000 international students.¹⁸⁷ After sustained growth of approximately 4.2% in the 1990s, a period of stagnation was observed for five years (2003–2009).¹⁸⁸

This stagnation was attributable, at least in part, to the absence of a specific mechanism facilitating international students' transition to permanent immigration. Indeed, despite growing recognition of the economic and social potential of aliens who graduated in Québec, the cumbersome general Québec legal framework applicable between 1991 and 2010 required students to satisfy the conditions of two other programs before they could hope to obtain permanent residence. First, an international student had to apply to the federal government for a post-graduation work permit.¹⁸⁹ This temporary permit was intended to provide a transition period in which to acquire local work experience. Consequently, it was only after accumulating that experience, or concurrently, that the graduate could apply for a CSQ under the Québec Skilled Worker Program.¹⁹⁰ This scheme, inherited from the 2001 IRPA reform, rested on a standardized selection grid comprising criteria such as education, field of study, age, experience, the presence of children, knowledge of French, and possession of a validated job offer.¹⁹¹

In addition to its administrative complexity, this process for obtaining permanent residence created other difficulties for Québec graduates. They were placed in competition, in the pool of international applicants who had applied for immigration under the Québec Skilled Worker Program, with thousands of international candidates, many of whom had longer work experience or a field of

¹⁸⁷ GOVERNMENT OF CANADA, STATISTICS CANADA, *Postsecondary Enrolments, by Registration Status, Type of Institution, Student Status in Canada and Gender of Person*, Table 3710001801 (formerly CANSIM 4770019), May 13, 2026, online: <https://www150.statcan.gc.ca/t1/tbl1/fr/tv.action?pid=3710001801&request_locale=fr>.

¹⁸⁸ The creation of the international student stream of the Québec Experience Program in 2010 was intended in part to revitalize Québec's International Student Program by making it more attractive; see: CENTRE INTERUNIVERSITAIRE DE RECHERCHE EN ANALYSE DES ORGANISATIONS (CIRANO), "*Évolution de la part des étudiants internationaux dans les effectifs étudiants universitaires, de 1992 à 2018 (archivé)*", *Le Québec économique*, August 21, 2020, online: <<https://qe.cirano.qc.ca/graphique-evolution-part-etudiants-internationaux-effectifs-etudiants-universitaires-1992-a-2018-archiver>>.

¹⁸⁹ *Immigration and Refugee Protection Regulations*, supra note 148, ss. 186 and 205.

¹⁹⁰ *Règlement sur l'immigration au Québec*, supra note 151, in particular ss. 40–43 and Schedule A (Skilled Worker Selection Grid), in the version in force before 2010.

¹⁹¹ *Ibid.*, s. 40 ff.

study more highly valued in the selection grid.¹⁹² Moreover, the administrative process was cumbersome and uncertain. The required documentation was extensive, the points threshold difficult to meet without established work experience, and the scales afforded only marginal recognition to the value of a diploma obtained in Québec.¹⁹³ In concrete terms, no priority or accelerated pathway was granted to locally educated international students. This absence of differentiated treatment created a genuine paradox: Québec invested in the education, social integration, and francization of international students, yet had no effective mechanism to retain them.

Yet, as early as its 1991 policy statement, Québec explicitly recognized the essential role that international students play in developing its university and college network and ensuring its international reach.¹⁹⁴ Their presence was regarded as a strategic advantage, both for institutions' academic vitality and for the expansion of international exchanges and Québec's attractiveness as a receiving society.¹⁹⁵ This orientation also formed part of a broader perspective of valuing the integration potential of persons staying temporarily. Indeed, the policy statement emphasized that international students provided significant assurances regarding their integration and their contribution to Québec's economic and social growth. Analysis of official documents published by the Québec government between 1991 and 2010 confirms the persistence of the same rationale. International students were invariably described as immigration selected under Québec's criteria, with significant economic, scientific, and integration potential.¹⁹⁶ Moreover, this strategic perspective was consistent with the intention of participating in the transition to a knowledge economy, a transition that underpinned federal immigration-law reform and culminated in the adoption of the IRPA in 2001.

¹⁹² MCGILL UNIVERSITY, *Attraction et rétention des étudiants internationaux au Québec : pour une cible ambitieuse, mémoire présenté à la Commission des relations avec les citoyens de l'Assemblée nationale dans le cadre de la planification de l'immigration au Québec*, Mémoire déposé dans le cadre des consultations en vue de la planification du niveau d'immigration 2017–2019, August 3, 2016.

¹⁹³ GOVERNMENT OF QUEBEC, MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES, *Rapport annuel de gestion 2009–2010*, Montréal, 2010, Collection BAnQ, online: <<https://www.mifi.gouv.qc.ca/publications/fr/ministere/Rapport-annuel-2009-2010.pdf>>.

¹⁹⁴ *Au Québec pour bâtir ensemble, énoncé de politique en matière d'immigration et d'intégration*, supra note 46 at 37.

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*, at 38.

Moreover, during this period, other Canadian provinces sought to adapt their model for retaining international students in order to facilitate access to permanent residence. This intention rested on federal administrative data showing that, depending on the arrival cohort, 20% to 27% of international students became permanent residents within 10 years of their first study permit.¹⁹⁷ These data indicated strong potential for international students to transition to permanent residence. Discussions with the federal government thus led to the creation of the Canadian Experience Class in 2008.¹⁹⁸ By creating that new general category pursuant to s. 3 of the Canada–Québec Accord, the federal government authorized Québec to establish its own program.

To reinvigorate its International Student Program, Québec established a “Québec Graduates” stream within the Québec Experience Program, which it created in 2010 and which broadly draws inspiration from the federal Canadian Experience Class.

¹⁹⁷ 1990–1994: 27%; 1995–1999: 20%; 2000–2004: 25%. GOVERNMENT OF CANADA, STATISTICS CANADA, “*International Students as a Source of Labour Supply: Transition to Permanent Residency*”, *Economic and Social Reports*, by Yoonjong CHOI, Eden CROSSMAN and Feng HOU, vol., 1, no 6, Ottawa, June 23, 2021, online: <<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2021006/article/00002-eng.htm>>.

¹⁹⁸ *Regulations Amending the Immigration and Refugee Protection Regulations*, SOR/2008-254 (Canada Gazette Part II), s. 3. These Regulations introduced the Canadian Experience Class (CEC), notably by adding s. 87.1 to the *Immigration and Refugee Protection Regulations*.

Section 2. The Streamlined Transition to Permanent Residence

Having come into force on February 14, 2010, the Québec Experience Program introduced, within the economic-immigrant selection stream, a new mechanism described as “simplified selection.” From its inception, the Program has been organized around a defined structure comprising two distinct components: one for temporary foreign workers and the other for Québec graduates. This section examines only the latter component. At the conclusion of the Québec Experience Program application-assessment process, the MIFI selects an international student who meets the Program’s general requirements and the criteria specific to the Québec Graduates stream.¹⁹⁹

From 2010 to 2020, the Québec Experience Program initially operated through a set of general requirements with which every applicant had to comply, irrespective of the selection stream contemplated. A student seeking to obtain a CSQ through the Québec Experience Program had to demonstrate sufficient oral French proficiency, equivalent to a functional level on Québec’s proficiency scale. This language requirement was consistent with Québec policy directions concerning the protection and promotion of the French language. Financial self-sufficiency was also required: the student had to undertake to cover their basic needs and those of accompanying family members for three months after acquiring permanent resident status. In addition to those general requirements, the Québec Graduates component operated on the basis of a set of specific criteria that transformed Québec academic experience into tangible evidence of integration. The student had to reside in Québec when filing the application, demonstrating both the continuing nature of their intention to settle and their actual presence in the territory. The applicant was subsequently required to establish that they had obtained, during the three years preceding the filing of the application, a diploma issued by a Québec educational institution.

Unlike the Québec Skilled Worker Program in its pre-2010 form, the field of training is not considered in obtaining permanent residence under the

¹⁹⁹ *Règlement sur l’immigration au Québec*, supra note 151, ss. 33, 33.1 and 34. *Order in Council no 1289-2009, amending the Règlement sur la sélection des ressortissants étrangers* (2009) 50 GO II 5914. See the *Immigration and Refugee Protection Regulations*, supra note 148, s. 87.1: “[...] for the purposes of subsection 12(2) of the Act, the Canadian experience class is prescribed as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada, their experience in Canada, and their intention to reside in a province other than the Province of Quebec.”

Québec Experience Program. The eligible credentials include those that, from the Program's inception, corresponded to training levels the Government of Quebec considered strategic: a bachelor's degree, master's degree, doctoral degree, technical college diploma, or vocational diploma comprising at least 1,800 hours. The Québec Experience Program also requires the student to have resided in Québec for the purpose of pursuing studies there for at least half of the period of the program leading to the credential submitted. The principal objective is to prevent any disconnect between earning a diploma and a genuine experience of living and participating in Québec society. This dimension is also reflected in the criteria concerning French. From its introduction, the Québec Experience Program has allowed students to demonstrate their French-language proficiency either by completing their university program in French or by attending a French-language secondary or post-secondary educational institution for a substantial period. This language requirement rests on a fundamental principle of Québec policy: French proficiency is the cornerstone of occupational and civic integration.

Following the introduction of the Québec Experience Program in 2010, the Program remained relatively stable for nearly a decade, until the major reform of July 2020.²⁰⁰ That reform altered the Program's internal logic, particularly its Québec Graduates component, by adding requirements absent from the Program's original version. The principal change was the introduction of a requirement for post-graduation work experience. Whereas the 2010 model rested solely on obtaining a Québec diploma, regarded as sufficient evidence of integration, the 2020 reform henceforth required graduates to have acquired skilled work experience in Québec after completing their studies.²⁰¹ A graduate applicant must hold full-time employment in Québec when applying for a CSQ.

The reform also introduced a restriction on the maximum duration of studies. Whereas the former Program imposed no time limit on filing an application after graduation, the new framework requires that the applicant have not exceeded the normal duration of their program of study, plus a maximum of three additional years in the case of a diploma comprising more than 1,800 hours. This requirement seeks to ensure the coherence and continuity of a student's course of study and to align it with a strategy to strengthen selection

²⁰⁰ *Règlement modifiant le Règlement sur l'immigration au Québec* (2020), 22 GO II 2461, s. 3. These Regulations introduced the Canadian Experience Class, notably by adding s. 87.1 to the *Immigration and Refugee Protection Regulations*, supra note 148.

²⁰¹ *Règlement sur l'immigration au Québec*, supra note 151, s. 34.

in favour of applicants considered better positioned for integration.²⁰² Finally, although the deadline for filing an application remains 36 months after obtaining the diploma, the student must establish that they have acquired all of the required work experience during that period. The allotted period thus becomes a strictly defined time frame within which the student must meet all of the new employment-related requirements.

The implementation of the Québec Experience Program was not merely a revision of procedures intended to simplify the selection of international graduates; it also transformed the way student immigration in Québec was understood. The newly available data made it possible to better monitor international students' study and integration pathways. Using the more precise data generated by the Québec Experience Program, the Government of Quebec progressively developed tools to monitor, among other things, the retention of graduates in Québec in a context of labour shortages.²⁰³ Moreover, the data show that this evolution of the Program was accompanied by a more refined understanding of the actual profile of international students enrolled in Québec universities.

According to a 2023 study by the Institut du Québec, the institutional distribution reveals a significant concentration of international students in English-language institutions, notably McGill University, where they account for approximately 24% of students; Concordia University, where they account for 17%; and the Université de Montréal, where they account for 11.7%. The study also identifies the principal countries of origin: France (33.7%), China (12.2%), the United States (6.2%), India (5.8%), and Iran (4.5%). Geographically, students remain markedly concentrated in the metropolitan region: only approximately one quarter of international students settle outside the Island of Montréal. The regions with at least one university institution — Capitale-Nationale, Estrie, Saguenay–Lac-Saint-Jean, and Mauricie — contain the majority of international students outside the Montréal region. Finally, labour-market data reveal a structural change: in 2018, 44% of international students worked while studying, compared with only 20% in 2000. This increase

²⁰² GOVERNMENT OF QUEBEC, *Program de l'expérience québécoise (Québec Experience Program)* — *Une réforme du Québec Experience Program pour une meilleure intégration au marché du travail*, July 9, 2020, online: <<https://www.quebec.ca/nouvelles/actualites/details/programme-de-lexperience-quebecoise-une-reforme-du-peq-pour-une-meilleure-integration-au-marche-du-travail>>.

²⁰³ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Rapport d'évaluation du Programme de l'expérience québécoise — 2010–2014*, Montréal, 2016 (CRC028M).

reflects their gradual integration into Québec's economy before graduation. The principal sectors of employment are retail trade (19%), accommodation and food services (26%), and business services (16%).

The Québec Experience Program would prove to be a resounding success. The number of CSQs granted through this transitional Program rose from approximately 1,900 in 2010 to more than 10,700 in 2018. Nevertheless, that success would also generate excesses that would ultimately lead to the Program's permanent discontinuation, despite the implementation of various measures intended to prevent them. However, as mentioned in the editorial note at the beginning of the report, the Québec government reopened temporarily the Québec Experience Program for a period of two years in 2026.

Section 3. The Impacts of the Québec Experience Program

An examination of the Québec Experience Program's effects reveals the structural tensions generated over the course of its development by a mechanism initially designed to facilitate the accelerated integration of international students. Its implementation gradually led to a substantial increase in international-student enrolments, driven both by students' aspiration to obtain permanent resident status and by the clear financial interest of educational institutions, many of which altered their business models to target this expanding clientele.

Although this dynamic initially benefited educational institutions, it generated considerable administrative pressures, particularly because of the substantial increase in permanent-residence applications that the federal government proved unable to process within acceptable time frames. This undermined Québec's ability to meet the annual objectives set in its immigration-levels planning. At the same time, ministerial reports underscore the ambivalent role of the Québec Experience Program (Québec Experience Program) in migration pathways: some studies portray it as a purely procedural advantage that applicants would choose to retain even in the face of extended delays, whereas others highlight its incentive effect, particularly with respect to

learning French or the decision to pursue post-secondary studies in Québec.²⁰⁴ Despite these divergent interpretations, the question whether the Program could meet labour-market needs quickly became the government's principal concern.

In fact, notwithstanding the potentially favourable assessment of indicators concerning immigrant employment, a structural mismatch emerged between the skills of graduates selected through the Québec Experience Program and the needs of sectors facing labour shortages. Those shortages were located primarily outside Montréal and affected only a limited number of trades and occupations. The Program's inability to adapt selection to regional economic imperatives consequently weakened its legitimacy and justified a thorough reassessment of its selection mechanisms. This analysis arose in a context marked by a substantial increase in the number of international students, which generated cross-cutting challenges concerning access to housing, demands on public services, and the sustainability of the French language. Collectively, those factors strengthened the Government of Quebec's determination to exercise greater control over the system.

Housing. Federal official sources now expressly link the rapid growth in the number of international students to pressures in the rental market. In a news release announcing the cap on study permits, IRCC states that "rapid increases in the number of international students arriving in Canada also puts pressure on housing".²⁰⁵ This position was reiterated a few months later in an official departmental note, according to which the 43% decrease in the number of international students during the first nine months of 2024, compared with 2023, had already contributed to lower rents in certain large cities, by more than 10% in Vancouver and more than 8% in Toronto.²⁰⁶ For its part, Statistics Canada

²⁰⁴ *Ibid*, see also QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats de la Commission des relations avec les citoyens*, 1, 43, vol., 47, no 27, 23 September 2023, online: <<https://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/crc-43-1/journal-debats/CRC-230920.html>>.

²⁰⁵ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Canada to Stabilize Growth and Decrease Number of New International Student Permits Issued to Approximately 360,000 for 2024*, News release, Government of Canada, January 24, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/nouvelles/2024/01/le-canada-stabilisera-la-croissance-et-reduira-denviron-360-000-le-nombre-de-permis-detudes-delivres-aux-etudiants-etrangers-pour-2024.html>>.

²⁰⁶ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *CIMM – Housing Shortages – November 25, 2024*, Ottawa, March 18, 2025, online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-nov-25-2024/housing-shortages.html>>.

showed that international students were significantly more likely than Canadian-born students to live in unsuitable housing, particularly in municipalities where they were more concentrated.²⁰⁷

Public services. In the same news release announcing the cap on study permits, IRCC also states that the rapid increase in the number of international students was putting pressure not only on housing, but also on “health care and other services”.²⁰⁸ The same reasoning appears in the report on the 2024 consultations on immigration levels, in which respondents considered that “the most important areas requiring investments to support increased immigration in their region were, [after housing (89%)], health care services (76%), public transportation (39%) and post-secondary education and skills training (34%)”.²⁰⁹

The sustainability of French. Official data confirm that Québec’s linguistic situation gives rise to growing concern. According to Statistics Canada, the proportion of Québec’s population for whom French was the first official language spoken fell from 83.7% in 2016 to 82.2% in 2021.²¹⁰ The same agency also reports that the proportion of the population speaking French most often at home, including all responses, declined from 82.4% to 81.0% between 2016 and 2021.²¹¹ At the policy level, the Government of Quebec expressly presents the sustainability and vitality of French as a central objective of its immigration

²⁰⁷ GOVERNMENT OF CANADA, STATISTICS CANADA, *Housing International Students: Housing Suitability across Municipalities*, by Max STICK, Feng HOU and Haozhen ZHANG, *Economic and Social Reports*, vol., 4, no 5, Ottawa, May 22, 2024, online: <<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2024005/article/00001-eng.htm>>.

²⁰⁸ *Canada to Stabilize Growth and Decrease Number of New International Student Permits Issued to Approximately 360,000 for 2024*, *supra* note 205.

²⁰⁹ GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *2024 Consultations on Immigration Levels – Final Report*, Ottawa, October 24, 2024, online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2024-consultations-immigration-levels-report.html>>.

²¹⁰ GOVERNMENT OF CANADA, STATISTICS CANADA, *While English and French Remain the Main Languages Spoken in Canada, Linguistic Diversity Continues to Grow*, *The Daily*, Ottawa, August 17, 2022, online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/220817/dq220817a-fra.htm>>.

²¹¹ GOVERNMENT OF CANADA, STATISTICS CANADA, *Geographic Perspective, 2021 Census – Québec*, Ottawa, November 16, 2022, online: <<https://www12.statcan.gc.ca/census-recensement/2021/as-sa/fogs-spg/page.cfm?dguid=2021A000224&lang=F&topic=6>>.

policy and reiterates that French is the common language and the language of immigrant integration.²¹²

This structural tension must be situated within the constitutional perspective developed in Parts I and II. Drawing on the modernized *Official Languages Act* and its quantified targets for francophone immigration outside Québec, the federal government exercises an exclusive jurisdiction — jurisdiction over official languages — that produces direct migratory effects on Québec, without Québec having a mechanism to challenge it under the Canada–Québec Accord. This is a concrete example of the blind spots in two-level governance: exclusive federal powers that interact with immigration, without formally constituting immigration powers, fall outside the Accord’s negotiated scope and may indirectly compromise its gains.

²¹² GOVERNMENT OF QUEBEC, MINISTÈRE DE LA LANGUE FRANÇAISE, *Au Québec, l’avenir s’écrit en français : Plan pour la langue française*, Québec, April 2024, online: <<https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/langue-francaise/pol-plan-langue-francaise/plan-langue-francaise.pdf>>. Moreover, another dimension of the Canadian immigration landscape should be noted. In 2024, the federal government adopted the *Policy on Francophone Immigration* under the modernized *Official Languages Act*: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Policy on Francophone Immigration*, Ottawa, 2024, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/publications-guides/strategie-immigration-francophone-2024.html>> *Official Languages Act*, SC 2023, c 15 (RSC 1985, c 31 (4th Supp)). This policy aims progressively to increase admission targets for French-speaking permanent residents outside Québec, which were 4.7% in 2023 and 7.21% in 2024, with increasing targets of 8.5% in 2025, 9.5% in 2026 and 10% in 2027. To that end, the federal government has introduced particularly attractive selection measures: Francophone candidates can obtain up to 50 additional points under the Comprehensive Ranking System through Express Entry, even if French is their second language: GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Francophone Immigration Outside Québec, IRCC Minister Transition Binder 2025-05*, Ottawa, September 11, 2025, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/transparence/cahiers-transition/ministre-2025-05/immigration-francophone-hors-quebec.html>>.

It is precisely in this sense that language issues remain at the heart of the problem of retaining international students in Québec. French proficiency, far from constituting an advantage unique to Québec, is now actively promoted by the federal government as a means of attracting newcomers across the Canadian provinces. Québec may thus find itself in a paradoxical position: since the 1991 Canada–Québec Accord, it has invested in the francization and linguistic integration of international students. Yet that same linguistic competence, which Québec has helped develop, may become a transferable asset for other provinces, which would benefit from it without having borne the cost.²¹³

It is against this complex backdrop, marked by the suspension of the Québec Experience Program in 2024 and its abolition in 2025, that Québec undertook a significant reorientation of its student-immigration policy. The alternative measures that emerged, including the financial incentives introduced in 2023 and the establishment of a quota-based framework through Bill 74, demonstrate a strategic repositioning intended to reconcile Québec’s international attractiveness with its economic imperatives and sociolinguistic objectives. This section analyzes these transformations and seeks to better understand their systemic effects on post-secondary institutions, migration dynamics, and the governance of student immigration.

²¹³ For that reason, the causal effect of the new *Policy on Francophone Immigration* on Québec’s ability to retain international student talent within its territory should be evaluated. For an economic analysis of the causal effects of public policies, one may consult the work of economics professors; one example is William ARBOUR, Guy LACROIX and Steeve MARCHAND, “Prison Rehabilitation Programs and Recidivism: Evidence from Variations in Availability”, published online ahead of print March 6, 2024, online: <<https://jhr.uwpress.org/content/early/2024/03/04/jhr.1021-11933R2/tab-references>>.

3.1 The Program's Excesses

Simplifying the transition of international students to permanent residence quickly produced a convergence of supply and demand. A growing number of international students wished to pursue studies in Québec, while post-secondary institutions had financial needs exceeding the government grants available to them. Some educational institutions, recognizing the economic gain, developed a business model centred on serving this particular clientele.²¹⁴ Other institutions created programs for this target group whose added value was measured more in terms of direct financial benefit than in terms of their contribution to advancing the institution's mission.²¹⁵ To meet the growing demand for international students within institutions, the profession of international-student recruiter expanded.²¹⁶ Beyond the financial motivations of post-secondary institutions, which had captured the public imagination, the increase in permanent-residence applications from international students produced unforeseen consequences for which the federal and Québec administrations proved insufficiently prepared.

²¹⁴ See Virginie HÉBERT, “Langue et nation : l’effet “recadrage” du projet de loi 96”, *Policy Options Politiques*, June 1st, 2021, online: <<https://policyoptions.irpp.org/2021/06/langue-et-nation-leffet-recadrage-du-projet-de-loi-96/>>; Romain SCHUÉ, “Le campus montréalais du Cégep de la Gaspésie reste anglophone”, *Radio Canada*, November 18, 2020, online: <<https://ici.radio-canada.ca/nouvelle/1750336/cegep-montreal-gaspesie-langue-francais-quebec>>.

²¹⁵ See FÉDÉRATION QUÉBÉCOISE DES PROFESSEURES ET PROFESSEURS D’UNIVERSITÉ, *Les étudiant-es internationaux-ales dans les universités québécoises : Portrait de la situation*, Montréal, FQPPU, November 29, 2024, online: <https://fqppu.org/wp-content/uploads/2024/11/20241129_PortraitpersonnesetudiantesinternationalesQc_VF.pdf>; Samuel-Elie LESAGE, “Étudiants universitaires internationaux : une “clientèle” lucrative”, *Institut de recherche et d’informations socioéconomiques*, July 6, 2022, online: <<https://iris-recherche.qc.ca/blogue/education/etudiants-universitaires-une-clientele-lucrative/>>.

²¹⁶ Matthew HALLIDAY, “L’univers obscur des agent-e-s de recrutement à l’international”, *Affaires universitaires*, November 2, 2022, online: <<https://www.affairesuniversitaires.ca/articles-de-fond-fr/univers-obscur-des-agent-e-s-de-recrutement-a-l-international/>>. The College of Immigration and Citizenship Consultants regulates regulated international student immigration advisers; see the College’s portal: <<https://college-ic.ca/?l=en-CA>>.

IRCC observed that the substantial issuance of CSQs in this category,²¹⁷ combined with those issued in other Québec economic-immigration categories and with applications from the other Canadian provinces, caused a substantial increase in the number of files the federal government had to process for permanent residence. Thus, in 2020, approximately 38,000 persons previously selected by Québec in the skilled-worker category — a category that includes international students who used the Québec Experience Program — were still awaiting the Government of Canada’s processing of their applications. This situation generated considerable delays and compromised Québec’s ability to meet the annual objectives established in its immigration plans.

Other criticisms also emerged in the MIFI’s evaluation reports on the Québec Experience Program. Their authors maintain that a significant number of international students applying under the Québec Experience Program would have been eligible for the Regular Skilled Worker Program. From this perspective, they argue that the Québec Experience Program is not a determining factor in the decision to settle in Québec, but rather an advantage. As those reports note,

²¹⁷ From an administrative perspective, the relevance of the Québec Experience Program must also be assessed in relation to its performance compared with that of the Regular Skilled Worker Program. Since April 2010, through its Declaration of Client Services, the Ministère has undertaken to decide every application for a CSQ made under the Québec Experience Program (Québec Experience Program) within a maximum of 20 working days. Information in the annual reports attests both to higher volumes and to the Program’s capacity for expeditious processing. During fiscal year 2010–2011, all decisions were made within the prescribed time limits. During 2011–2012, the compliance rate remained 74.1%, then rose to 84% in 2012–2013 and reached 86.4% in 2013–2014, based on 4,713 decisions. Despite the observed variations, average processing time remained under 20 days for applications submitted by both international students and temporary workers. By comparison, only 17.4% of CSQ applications processed on a priority basis under the Regular Skilled Worker Program from 2010 to 2013 met the prescribed time limits, out of a total of 12,326 files. The Québec Experience Program is therefore a particularly effective instrument, capable of absorbing a significant increase in applications while maintaining processing times clearly shorter than those of the Regular Program. Thus, in less than a decade, the Québec Experience Program (Québec Experience Program) became the principal economic-selection mechanism for skilled workers, reflecting both its attractiveness to applicants and its central role in implementing Québec’s immigration policy. GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Program de l’expérience québécoise - Rapport d’évaluation – Évaluation de Program*, Montréal, February 14, 2020, at 30; see also *Program de l’expérience québécoise - Rapport d’évaluation – Évaluation de Program*, Montréal, 2015, at 20, Collection BAnQ, online: <<https://numerique.banq.qc.ca/patrimoine/details/52327/4520320>>. The name of the Regular Skilled Worker Program was changed in 2024 to the Skilled Worker Selection Program. See: <<https://www.quebec.ca/en/immigration/permanent/skilled-workers/skilled-worker-selection-program>>.

immigration is a life project that candidates do not readily abandon because of delays or the complexity of procedures. Others, however, consider that the Québec Experience Program has a significant incentive effect, encouraging individuals to undertake studies in Québec and potentially stimulating French-language learning abroad to meet the Program's eligibility criteria. Between these two perspectives, several studies underscore the difficulty of empirically assessing the Québec Experience Program's impact on migration decisions: some regard its effect as neutral, others as positive, and still others as impossible to quantify precisely.²¹⁸

Nevertheless, the decisive consideration motivating the discontinuation of the Québec Experience Program was its adverse effect on Québec's ability to secure a workforce adequate to meet labour-market needs. In 2019, the employment rate of immigrants aged 15 to 64 was 74.9%; correspondingly, their unemployment rate had fallen to 6.9%. These figures initially appeared promising, but closer analysis in the context of Québec's labour market reveals less favourable results. Indeed, in 2019, while Québec had 137,530 job vacancies in the third quarter, 68% of those vacancies were outside the Montréal region. Moreover, 2023 assessments by the Ministère du Travail, de l'Emploi et de la Solidarité sociale reveal that there are 260 occupations facing a shortage or a slight shortage for the 2023–2027 period. This number exceeds that of occupations assessed to be in balance, out of a total of 500 occupations.²¹⁹ In this context, the Québec Experience Program's ability to promptly select graduates already established in Québec exposed a significant shortcoming: the inability of those new permanent residents, as well as of those selected under the temporary foreign worker stream, to address the labour shortages facing Québec.

²¹⁸ *Program de l'expérience québécoise - Rapport d'évaluation – Évaluation de Program*, Montréal, February 14, 2020, *supra* note 217 at 40–45. Finally, the relevance of the Québec Experience Program was also assessed in light of the Ministère's internal management and operational imperatives. The Program helps contain operating costs by favouring simplified processing by officers rather than advisers, in a context of overall growth in immigration volumes.

²¹⁹ GOVERNMENT OF QUEBEC, MINISTÈRE DU TRAVAIL, DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE, *État d'équilibre du marché du travail à court et moyen termes : Diagnostics pour 516 professions*, 2023 edition, Québec, February 2024, at 9, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/publications-adm/rapport/RA-diagnostic_professions.pdf>.

Given results that were less conclusive than expected, the minister responsible for the MIFI suspended the Québec Experience Program in 2024,²²⁰ and ended it with the publication of the 2026–2029 Immigration Plan.²²¹ Through that decision, the Government of Quebec signaled its intention to reduce by 13% by 2029 the number of temporary-permit holders in the two Programs offering a potential route to permanent residence: the Temporary Foreign Worker Program and the International Student Program. Indeed, the consultation document expressly states the government’s objective of reducing the number of persons, through a combination of the Temporary Foreign Worker Program and the International Student Program, from 200,495 in 2024 to 175,100 in 2029. With respect to students alone, the objective is to reduce their number from 128,090 in 2024 to 110,100 in 2029, a reduction of 14%. To justify this decision, the MIFI indicates that the reduction is intended, first, to alleviate difficulties in accessing housing and pressure on public services.²²² The sustainability of the French language is also a fundamental consideration motivating the repeal of the Québec Experience Program. Indeed, the government draws a correlation between the rapid increase in the number of non-permanent residents, including international students, and challenges concerning the vitality and sustainability of French, while reaffirming the decisive role of French proficiency in integration and participation in Québec life. The growing cost of integration services is also cited.

²²⁰ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Plan d’immigration du Québec 2025*, Québec, October 2024, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/plan-immigration/PL_immigration_2025_MIFI.pdf>.

²²¹ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *La Planification de l’Immigration au Québec pour la période 2026–2029, cahier de consultation*, Québec, April 2025, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/planif-pluriannuelle/CAH_CahierConsultation_PlanifPluri2026_29_FR_FIN.pdf>.

²²² However, these justifications have been questioned in several briefs submitted during the “General consultation and public hearings on the consultation paper entitled ‘La planification de l’immigration au Québec pour la période 2026–2029’”; see: UNION ÉTUDIANTE DU QUÉBEC, *Planification de l’immigration au Québec pour la période 2026–2029 - Mémoire présenté par l’union étudiante du Québec à l’occasion des consultations publiques pour la planification de l’immigration au Québec 2026–2029*, CRC-009M, 2025; TABLE DE CONCERTATION DES ORGANISMES AU SERVICE DES PERSONNES RÉFUGIÉES ET IMMIGRANTES, *Au-delà des chiffres : l’immigration au service d’une société juste et inclusive - Mémoire dans le cadre de la consultation gouvernementale sur la planification de l’immigration pour 2026–2029*, CRC-098M, 2025; AMNISTIE INTERNATIONALE CANADA FRANCOPHONE, *Mémoire à la Commission des relations avec les citoyens de l’Assemblée Nationale – La planification de l’immigration au Québec pour la période 2026–2029*, CRC-138M, 2025.

Despite objections expressed through various channels of communication during this period of disruption, the Government of Quebec held its course. During the transitional period between the suspension and the end of the Québec Experience Program, it attempted in particular to affect a gradual transition through the implementation of a scholarship program. That measure did not, however, produce the expected results, clearing the way for more drastic measures. These alternative solutions will be examined in the final part of this report.

3.2 Developing Alternative Solutions

Beginning in 2020, the Government of Quebec initiated a series of substantial revisions to its student-immigration policy, justified by two observations: on the one hand, the Québec Experience Program proved particularly effective as a mechanism for retaining international students who had graduated;²²³ on the other, its rapid expansion did not ensure a match between the profiles accepted and sectoral and regional labour-market imperatives.²²⁴ Confronted with this difficulty, the government sought to reassert strategic control over the structure of student immigration, relying both on economic analyses and on administrative observations concerning the expansion of the Québec Experience Program. Consequently, the Government of Quebec would undertake a structural refocusing.

The first structural measure designed to support this reorientation was implemented in 2023: the Québec Experience Program providing an exemption from additional tuition fees for international students.²²⁵ This initiative was intended to encourage students to choose fields considered priorities by the government, including information technology, engineering, health and social services, education, and educational childcare services.²²⁶ Its scope also encompassed the regions, targeting international students enrolled in and selected by a university or college institution located outside the territory of

²²³ See *Rapport d'évaluation du Programme de l'expérience québécoise*, report dated February 14, 2020, *supra* note 217 at 42.

²²⁴ *Ibid.*

²²⁵ GOVERNMENT OF QUEBEC, *Exemption des droits de scolarité supplémentaires selon le programme d'études et la région*, Québec, May 5, 2026, online: <<https://www.quebec.ca/education/etudier-quebec/aide-financiere-etudiants-internationaux/exemption-droits-scolaire-supplementaires-selon-programme-region>>.

²²⁶ *Ibid.*

the Communauté métropolitaine de Montréal.²²⁷ Its stated objective was both to strengthen the attractiveness of Québec institutions in those fields and, consequently, to increase the retention of graduates with the potential for rapid integration into occupations facing shortages.²²⁸ Nevertheless, the empirical results differed significantly from the initial forecasts. Students continued to favour disciplines not targeted by the Program, particularly the social sciences, management programs, and certain technical training programs considered non-priority fields.²²⁹ The department concluded that the measure suffered from a structural inadequacy: financial incentives had no influence on program-of-study preferences, and the Program was unable either to shape cohort composition or to foster retention in sectors experiencing shortages.²³⁰

It was in this context that the decision to introduce quotas emerged. The government concluded that it had become imperative to manage volumes, control the sectoral composition of cohorts, and ensure active governance of admissions by institution.²³¹ *An Act mainly to improve the regulatory scheme governing international students* (Bill 74), assented to in December 2024, provides the legal foundation for this new approach. The *Québec Immigration Act* was amended to expressly confer on the minister the authority to set a quantitative limit on applications for CAQs for studies, allocate those volumes among institutions and, where appropriate, suspend or restrict certain program categories.²³² This legal authority is the cornerstone of the new framework. It allows the government not only to manage admission volumes, but also to

²²⁷ *Ibid.*

²²⁸ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *La planification de l'immigration au Québec pour la période 2026–2029*, consultation paper, Québec, April 2025, online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/planif-pluriannuelle/CAH_CahierConsultation_PlanifPluri2026_29_FR_FIN.pdf>.

²²⁹ GOVERNMENT OF QUEBEC, MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION, *Plan d'immigration du Québec 2024*, Montréal, October 2023, at 25, online: <https://cdncontenu.quebec.ca/cdncontenu/adm/min/immigration/publicationsadm/planimmigration/PL_immigration_2024_MIFI.pdf>.

²³⁰ *Ibid.*, at 26.

²³¹ GOVERNMENT OF QUEBEC, COMMISSION DES RELATIONS AVEC LES CITOYENS, *Consultations particulières et auditions publiques sur le projet de loi no 74, Loi visant principalement à améliorer l'encadrement relatif aux étudiants étrangers : Procès-verbaux des séances des 5 et 6 novembre 2024*, 43, 1, 5-6 November 2024. See also QUÉBEC, NATIONAL ASSEMBLY, *Journal des débats*, 1, 43, vol., 47, no 153, 10 October 2024.

²³² *An Act mainly to improve the regulatory scheme governing international students*, SQ 2024, c 43.

distribute those volumes among designated educational institutions. In other words, Québec established a body of rules allowing for the quantitative planning of student immigration in accordance with economic, linguistic, and territorial objectives. Bill 74 also paves the way for more interventionist management of the system, allowing the introduction of “specific requirements” or “additional criteria” in the processing of applications. Consequently, it reflects a transfer of decision-making authority to the governmental level, consolidating the political capacity to shape cohort composition considering national priorities.²³³

Under Bill 74, the Government of Quebec adopted an Order in Council establishing a system of numerical quotas to limit the number of applications for CAQs for studies that may be received and processed. An overall cap was set for the period from February 26, 2025, to February 26, 2026, with an express objective of reducing application volumes by approximately 20% compared with the preceding year.²³⁴ This new framework is a significant departure from the previous admissions model, which was based on primarily administrative processing of applications on a “first come, first served” basis and contained no quantitative restriction.

Once made, the Order in Council assigns the minister responsibility for allocating this overall cap among institutional quotas for designated learning institutions.²³⁵ When the February 2025 Order in Council came into force, the system rested essentially on restricting new CAQ applications. Students already enrolled in Québec and holding a valid CAQ or study permit were generally not included in their institution’s quotas, and their renewals did not affect the authorized maximum capacity.²³⁶ By excluding enrolment renewals from the calculation, postsecondary institutions could maintain a total number of foreign students considerably above the limits set by government planning. Beginning in mid-2025, and during a period of gradual adjustment, the government clarified the interpretation and application of Bill 74:²³⁷ any application requiring the

²³³ *Québec Immigration Act*, supra note 12, s. 3

²³⁴ *Order in Council 155-2025 respecting the receipt and processing of applications submitted as an international student, for the period from February 26, 2025, to February 26, 2026, under the International Student Program*, (2025) no 9 GO II 157.

²³⁵ *Order in Council 632-2025 respecting the amendment of Order in Council no 155-2025 of February 19, 2025, respecting the receipt and processing of applications submitted as an international student, for the period from February 26, 2025, to February 26, 2026, under the International Student Program* (2025) no 21 GO II 157.

²³⁶ *Order in Council 155-2025*, supra note 234.

²³⁷ *Order in Council 632-2025*, supra note 235.

issuance of a new CAQ must be treated as an admission, irrespective of the student's status, whether that student is a new arrival or is continuing a program of study already begun in Québec. The objective is therefore no longer confined to regulating migration flows; it extends to controlling the entire stock of foreign students in order to ease pressure on housing, services, and resources devoted to francization.

At the same time as Québec established quotas, the Canadian federal government introduced a national cap on study permits beginning in 2024.²³⁸ The new federal regime now requires every student subject to the cap first to obtain a Provincial Attestation Letter issued by the province in which the student wishes to pursue studies.²³⁹ This attestation is a mandatory completeness requirement: without it, the federal immigration department systematically declines to consider a study-permit application. Provincial authority is consequently strengthened within the selection process, since the issuance of Provincial Attestation Letters is a necessary step for every admission subject to the federal cap.

²³⁸ CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Ministerial Instructions with respect to the processing of certain applications for a study permit made by an alien as a member of the student class*, (2025) 158 (Canada Gazette Part I), online: <<https://gazette.gc.ca/rp-pr/p1/2024/2024-08-24/html/notice-avis-fra.html#nel>>.

²³⁹ For a letter of acceptance issued by a university to be valid, it must contain certain information: the institution's full contact information (which was not previously required), the expected duration of studies, including a start date and an end date corresponding to the normal duration of a full-time program. The Program's credits must be specified, as must the breakdown of instructional hours completed in Québec, abroad or online, where applicable. The institution must also specify the required tuition fees and any scholarships or financial assistance awarded. Finally, the letter must bear the official seal and signature of the registrar or person authorized to manage student records, as well as any other relevant information, such as an enrolment deadline. See *Guide des procédures d'immigration*, supra note 179.

The combined effect of these measures had immediate consequences for educational institutions. Beginning with 2025 enrolments, several universities, CEGEPs, and private colleges experienced a 10% reduction in new admissions, as well as a decline in renewals, particularly in fields where applications are ordinarily more numerous.²⁴⁰ This decline results from the convergence of two major constraints: on the one hand, the provincial limit on the number of CAQs that may be issued and, on the other, the federal control exercised through the Provincial Attestation Letter, which restricts effective access to a study permit.

The simultaneous decline in new admissions and renewals from 2025 onward represents not only a demographic challenge, but also a systemic disruption for a university model that, for more than a decade, has depended on internationalization and the steady increase in the number of foreign students. Since these changes, universities have faced considerable financial difficulties. Foreign students are a substantial source of own-source revenue for educational institutions because the tuition fees they pay exceed those charged to Québec and Canadian students. Several universities have emphasized the inconsistency between their core objectives — including attracting talent, strengthening innovation, and contributing to international visibility — and

²⁴⁰ GOVERNMENT OF QUEBEC, MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DIRECTION DE L'ACCÈS À L'INFORMATION ET DES PLAINTES, *Réponses aux demandes d'accès à l'information – Octobre à décembre 2025, dossier no 25429*, Montréal, October 17, 2025, online: <https://cdncontenu.quebec.ca/cdncontenu/adm/min/education/publicationsadm/enseignementsuperieur/Accessinformation/reponsestransmises/2025/octobrededecembre/25429_Diffusion.pdf>. For concrete testimony from universities, see the briefs they submitted during the most recent consultation on Québec's immigration planning for 2026–2029: *Mémoires déposés lors du mandat "Consultation générale et auditions publiques sur le cahier de consultation intitulé 'La planification de l'immigration au Québec pour la période 2026–2029'"* QUÉBEC, NATIONAL ASSEMBLY, COMMISSION DES RELATIONS AVEC LES CITOYENS, *Mémoires déposés lors du mandat "Consultation générale et auditions publiques sur le cahier de consultation intitulé La planification de l'immigration au Québec pour la période 2026–2029"*, Québec, August 15, 2025, online: <<https://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/CRC/mandats/Mandat-54013/memoires-deposes.html>>. For example, see the briefs submitted by McGill University, CRC-067M; Concordia University, CRC-047M; and Université de Montréal, CRC-103M.

the new restrictions imposed by government.²⁴¹ In response to this criticism, the Government of Canada decided to restore the exemption for international graduate students from study-permit caps when it announced its 2026–2028 Immigration Levels Plan.²⁴² This announcement was welcomed with relief by Canadian universities belonging to the U15.²⁴³

These problems have highlighted the need for an independent evaluation of the International Student Program at the Canadian level. In 2025, the Auditor General of Québec conducted a performance audit,²⁴⁴ as did the Auditor General of Canada in 2026.²⁴⁵ That same year, the Standing Committee on Citizenship and Immigration issued a report entitled *Reconstituting Canada's International*

²⁴¹ Martine LETARTE, “Universités québécoises : sous-financement, quotas et crise de recrutement”, *Affaires universitaires*, November 24, 2025, online: <<https://www.affairesuniversitaires.ca/articles-de-fond-fr/universites-quebecoises-sous-financement-quotas-et-crise-de-recrutement/>>; Marie-Lou BERNATCHEZ, “Les universités québécoises face à l'imposition de nouveaux quotas pour les admissions internationales”, *Affaires universitaires*, March 4, 2025, online: <<https://www.affairesuniversitaires.ca/actualites/les-universites-quebecoises-face-a-limposition-de-nouveaux-quotas-pour-les-admissions-internationales/>>.

²⁴² GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *Canada's Immigration Levels. Restoring Balance and Control of Our Immigration System through Admission Targets and Other Measures*, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/mandat/initiatives-ministerielles/niveaux.html>>. See Canada's 2026–2028 Immigration Levels Plan in GOVERNMENT OF CANADA, IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, *2025 Annual Report to Parliament on Immigration (Annex A)*, online: <<https://www.canada.ca/fr/immigration-refugies-citoyennete/organisation/publications-guides/rapport-annuel-parlement-immigration-2025.html#annexe>>.

²⁴³ U15 CANADA, News release, “U15 Canada Welcomes Study-permit Exemption for International Graduate Students”, November 5, 2015, online: <<https://u15.ca/fr/publications/statements-releases/communiqué-u15-canada-salue-lexemption-des-permis-detudes-pour-les-etudiants-diplomes-internationaux/>>.

²⁴⁴ GOVERNMENT OF QUEBEC, AUDITOR GENERAL, *Étudiants étrangers au collégial et à l'université. Audit de performance : ministère de l'Enseignement supérieur et Ministère de l'Immigration, de la Francisation et de l'Intégration*, Rapport du Vérificateur général du Québec à l'Assemblée nationale pour l'année 2025–2026, ch 4, November 2025, online: <https://www.vgq.qc.ca/Fichiers/Publications/rapport-annuel/217/VGQ_nov2025_chapitre4_web.pdf>.

²⁴⁵ GOVERNMENT OF CANADA, AUDITOR GENERAL OF CANADA, *International Student Program Reforms*, Report of the Auditor General of Canada to the Parliament of Canada, 2026, online: <<https://www.canada.ca/fr/verificateur-general/notre-travail/rapports-daudit/rapport-verificatrice-generale-2026-reformes-programme-etudiants-etrangers.html>>.

Student Program.²⁴⁶ Numerous findings and recommendations emerge from their work, but the effects of the legislative and regulatory changes that have been made, or will be made in response, cannot yet be analyzed because they are still too recent. Also, the recent decision of the Government of Quebec to temporarily reopen the Québec Experience Program will impact on their overall assessment.

Summary of Part 3

Part Three of this report underscores the complex and gradual evolution of Québec's International Student Program, showing its transformation into a major regulatory and strategic field. Initially focused on the admission of foreign students in accordance with federal requirements, the regime became more complex following the Canada–Québec Accord with the addition of Québec-specific mechanisms, including the requirement to obtain a CAQ. Going beyond its merely procedural function, this instrument enables the Québec government to incorporate its own approach to international student immigration and to take an active part in selecting applicants. This part highlights the overlay of federal and provincial criteria concerning admission to a program of study at a designated institution, financial resources, territorial eligibility, and the coherence of the study plan. It shows that these criteria now structure the international student's migration pathway and attest to the existence of a dual system in which each order of government pursues interdependent objectives.

The introduction of the Québec Experience Program in 2010 was a significant transformation, as it affords graduates trained in Québec facilitated access to permanent residence. Designed to optimize local human capital, the Québec Experience Program facilitates an accelerated transition and contributes to a significant increase in the number of foreign students. This success, however, produced systemic distortions, including increased financial dependence of postsecondary institutions on foreign students, the proliferation of programs designed by these institutions specifically to attract this student population, a substantial increase in permanent-residence applications, and saturation of

²⁴⁶ CANADA, PARLIAMENT, HOUSE OF COMMONS, STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION, *Reconstituting Canada's International Student Program*, April 2026, 45th Parliament, 1, (Julie Dzerowicz, Chair), online: <https://publications.gc.ca/collections/collection_2026/parl/x64-1/XC64-1-1-451-4-fra.pdf>.

the federal processing system. Government assessments of the Program also reveal a mismatch between the skills of selected applicants and the actual requirements of the labour market. This reinforces the view that the program is effective in retaining graduates but insufficiently adapted to addressing sectoral and regional labour shortages.

The 2020 reform marked a break by making skilled work experience, rather than the diploma alone, the central selection criterion. This reorientation shifted from the automatic recognition of academic integration to an imperative of measurable economic performance. This restructuring nevertheless remains insufficient to ensure alignment among the immigration of these graduates, institutional capacity, and socioeconomic imperatives. The period from 2023 to 2025 was characterized by the emergence of more interventionist measures aimed at regulating numbers through institutional and provincial quotas that permit structured control over admissions to postsecondary programs. This measure is supported by legislative reform and by a new federal mechanism limiting study permits. The consequences were swift: reduced enrolments, financial constraints on universities, and growing questions about institutional autonomy and the coherence of government directions.

General Conclusion

The convergent analysis of the report's three parts reveals an evolving political and institutional project aimed at establishing, within the Canadian federation, a robust and distinctive Québec architecture for immigration, grounded in historical foundations, a unique contractual framework, and administrative and programmatic instruments undergoing continual adaptation.

In Part One, the examination of the evolution of federal–Québec agreements first revealed that the gains now in place developed gradually. From the initial agreements of the 1970s, which were solely consultative in purpose, to the 1978 Cullen–Couture Agreement, Québec systematically pursued the goal of increasing its influence in a field considered strategic to its demographic and linguistic future. This progression was given political support by the negotiations over the Meech Lake Accord. Those constitutional discussions led to the proposal of an innovative conceptual and political model for reconsidering the distribution of powers in immigration. Despite the Meech Lake Accord's failure to be ratified, its proposed ss. 95A and 95B and the commitments set out in its preamble exercised a structuring influence. They provided the intellectual, normative, and political foundation for the 1991 Canada–Québec Accord, which transposes into a contractual framework several ambitions expressed in the Meech Lake Accord.

Part Two of this report shows how the Canada–Québec Accord forms the normative basis of a distinctive immigration partnership, structured around a distribution of provincial and federal jurisdiction that is both concurrent and exclusive. The Accord is not limited to an instrument of intergovernmental collaboration. It rigorously structures the allocation of responsibilities and establishes the conditions that enable Québec to adjust its directions in relation to immigration levels, the selection of economic immigrants (by making the issuance of a CSQ mandatory for the selection of permanent immigrants), the shared exercise of jurisdiction over family reunification and refugees, and full

responsibility for integration. Together, these arrangements reflect an intention to reconcile provincial autonomy and uniform national standards in a context of asymmetric federalism. Financial compensation, whose continual increase reflects the growing scope of Québec's responsibilities, likewise illustrates the institutional recognition of this expanded role. Finally, the Accord also authorizes Québec to influence the management of temporary residents, including temporary foreign workers and foreign students, by making the issuance of a CAQ a prerequisite to their admission to the territory. Going beyond a merely administrative framework, this mechanism enables the Québec government to integrate its admissions policy into an overarching strategy for managing migration flows, linguistic integration, and adaptation to the requirements of its economy.

Thus, Part Two brings to light the importance of the Canada–Québec Accord in structuring the contemporary configuration of immigration law and policy in Québec. By establishing clearly defined responsibilities and setting out the concrete modalities for their exercise, the Canada–Québec Accord stabilized interactions between the two orders of government in a field where overlapping jurisdiction is particularly conducive to constitutional tensions. Far from amounting to a mere sectoral transfer, it establishes a genuine governance architecture based on coordination, complementarity, and mutual recognition of national and subnational interests. Ultimately, Part Two shows that the Canada–Québec Accord remains the cornerstone of Québec's immigration action and a unique model in Canada. More than 30 years after its conclusion, it continues to guide policy development, structure intergovernmental interactions, and shape the way Québec conceives its place within the federation. Although it will need to evolve to account for the growth of temporary statuses, new selection mechanisms, and changing socioeconomic needs, its importance remains decisive to understanding the contemporary dynamics of federalism and immigration in Canada.

The trajectory of the International Student Program, as set out in Part Three, illustrates the growing complexity of the immigration field and its legal implementation. Over the years, Québec has strengthened its role in the selection and regulation of foreign students, drawing on both administrative instruments and legislative reforms. Initially designed as a bridge between studies and permanent establishment, the Québec Experience Program first increased Québec's attractiveness before revealing major imbalances in managing volumes, meeting sectoral needs, and the capacity of the federal system to absorb permanent-residence applications. Moreover, experience shows that giving value to the diploma alone is not in itself a sufficient selection mechanism to ensure a durable alignment among immigration, the labour market, and the development of the knowledge economy, which has been

at the heart of the federal strategy since the enactment of the IRPA in 2001. The subsequent imposition of occupational criteria and the introduction of quotas attest to a strategic repositioning by the government to not only control migration flows but also the composition of cohorts and their impacts across the territory. It also reveals the fundamentally structural character of the issues associated with international student immigration, which cannot be reduced either to administrative logic or to an isolated institutional dynamic. This analysis leads to a twofold conclusion: first, international student immigration has become a lever of Québec immigration policy, requiring nuanced and proactive governance; second, the instruments used — from the CAQ to quotas — attest to the emergence of a model based on planning and strategic selection rather than the spontaneous expansion of academic and occupational pathways.

The advent of this model raises the question whether Canada's immigration strategy should be comprehensively reassessed. Indeed, the management of Québec's International Student Program is only the visible portion of this complex whole. Since the Harper administration, a transformation of the temporary-immigration model has been observed; under the Trudeau administration, the management of permanent-immigration programs — particularly the significant increase in immigrant and refugee levels — has destabilized provincial and territorial administrations in Canada. This destabilization illustrates the risks inherent in reforming federal immigration law without sufficient prior consultation with the provinces and territories. From this perspective, it would accord with the spirit of cooperative federalism to contemplate, before any federal legislative reform, concluding a memorandum of agreement or memorandum of understanding with all Canadian provinces and territories concerning both permanent and temporary immigration and integration. Such a partnership approach would permit better coordination of linguistic-integration objectives with the concrete circumstances of immigrants who are becoming permanently established in all Canadian provinces.

The convergent statements by the premiers of Ontario, Alberta, and British Columbia, mentioned in the introduction, are thus explained by the analysis developed throughout this report. It is no accident that these provincial governments, despite their distinct political orientations, look to the Québec model as a reference point: over more than 30 years, the 1991 Canada–Québec Accord has shown that immigration governance based on recognizing provincial particularities and the structured sharing of responsibilities is not only legally viable but also administratively effective. The dysfunction of the International Student Program, however, confirms that this architecture, however sound, can produce its effects only if there is continuous and transparent coordination between the two orders of government. In that sense, the Québec experience is both a laboratory and a warning for the Canadian federation as a whole. In this regard, s. 22 of the Canada–Québec Accord, although it is the basis

for Québec consent with respect to temporary residents, remains a minimal frame of reference. Given the expertise accumulated in managing temporary immigration, one promising direction would be to contemplate an additional protocol to the Accord specifically addressing the development of the parameters of s. 22.

“Is Canada’s immigration system on the brink of chaos?” Tony Keller asked. Answering in the affirmative, Keller proposed maintaining the immigration model established by the IRPA, which draws a clear distinction within the economic immigration program between permanent and temporary immigration. In 2001, economic immigration programs were built on the assumption that international talent, recruited principally through the skilled worker program, would constitute the principal pipeline for permanent immigration. In 2026, the validity of that assumption should instead be questioned. Given Canada’s and Québec’s contemporary needs for specialized labour, it would be useful to rethink economic immigration programs. This discussion could build on the lessons learned through the Canadian Experience Class and the Québec Experience Program, which have shown, notwithstanding the latter’s systemic dysfunctions, the value of rethinking certain programs based on a migration continuum.

Finally, account must be taken of the reputational harm suffered by Canada and Québec as a result of the abrupt changes to temporary-immigration programs in recent years. Indeed, the management of the migration crisis has eroded public trust to such an extent that some commentators consider that many years will be needed to repair the damage.²⁴⁷ The question now is: Can we wait? If the answer is no, a process must be initiated to rebuild that trust; without it, reform of the immigration regime will not be possible. To engage Canadian society in a constructive dialogue on immigration issues, convening estates general on immigration or establishing a royal commission of inquiry on immigration would be effective mechanisms. Despite prevailing discourse, immigration has been, and remains, necessary to our economic development and constitutes an incomparable cultural and social enrichment. Since the country’s founding, Canadians have subscribed to this nation-building project, and it is a safe bet that they will renew their support as soon as compelling and robust ideas are put forward.

²⁴⁷ Peter MANSBRIDGE, “Moore-Butts – How did Immigration Become a Dirty Word?”, *The Bridge* (with Gerald Butts and James Moore), March 31, 2026 (podcast).

It is precisely this “beyond tomorrow” dimension that demands the seriousness of the exercise. The decisions that Canada and Québec make over the next five years concerning the relationship between permanent and temporary immigration, the role of the provinces in selection and integration, and the legal instruments through which these compromises will be entrenched will durably structure the normative geography of Canadian immigration federalism. This report does not purport to anticipate those decisions, but it illuminates their historical foundations, legal mechanisms, and structural tensions, which make them at once necessary and politically difficult.

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I hope that the brief federal–Québec legal history and its contemporary evolution presented in this report will contribute to a better understanding of the complexity of federal and Québec normative interactions in immigration law and of their interventions in the regulation of this regulatory system. Within this system, many functional issues overlap with social, economic, demographic, and linguistic challenges. To meet these challenges, whether viewed atomistically or holistically, it bears recalling that immigration has exercised, and will continue to exercise, a determining influence on the course of Canadian history. The evolution of Canadian federalism rests both on a strong provincial identity and on nation-building projects capable of capturing the imagination and ideals of the people who inhabit Canada. Whether in the past or the future, immigration has been and will remain one of the founding projects of the Canadian federation.