



**HillStudies**

In-depth reads on Canadian topics

## IMMIGRATION: THE CANADA–QUEBEC ACCORD

Publication No. 2011-89-E

**5 February 2024**

Revised by Martin McCallum

Research and Education

## AUTHORSHIP

5 February 2024	Martin McCallum	International Affairs and Integrated Reference Services
5 April 2018	Julie Bécharde	Legal, Social and Indigenous Affairs
5 July 2011	Julie Bécharde	Legal, Social and Indigenous Affairs

## ABOUT THIS PUBLICATION

Library of Parliament HillStudies provide in-depth studies of policy issues. They feature historical background, current information and references, and often anticipate the emergence of the issues they examine. They are prepared by Research and Education, which carries out research for and provides information and analysis to parliamentarians, Senate and House of Commons committees and parliamentary associations in an objective, impartial manner.

© Library of Parliament, Ottawa, Canada, 2024

*Immigration: The Canada–Quebec Accord*  
(HillStudies)

Publication No. 2011-89-E

Ce document est également publié en français.

# CONTENTS

## EXECUTIVE SUMMARY

1	INTRODUCTION.....	1
2	PROVINCIAL JURISDICTION OVER IMMIGRATION.....	1
3	OUTLINE OF THE CANADA–QUEBEC ACCORD.....	1
3.1	General.....	1
3.2	Immigration Levels (Sections 5 to 8).....	2
3.3	Family Reunification (Sections 13 to 16, 21 and Annex A, Sections 18).....	3
3.4	Refugees (Sections 17 to 20).....	3
3.5	Visitors (Section 22).....	4
3.6	Reception and Integration (Sections 24 to 29; Annex A, Sections 24 and 25; and Annex B).....	4
3.7	Administration of the Canada–Quebec Accord (Annex A).....	6

## EXECUTIVE SUMMARY

Under section 95 of the *Constitution Act, 1867*, provincial and federal governments share responsibility for immigration. A provincial legislature can make any law concerning immigration to that province “as long and as far only as it is not repugnant to any Act of the Parliament of Canada.”

Since 2001, the principal federal law that governs immigration is the *Immigration and Refugee Protection Act*. With the approval of Cabinet, this Act grants the federal immigration minister the right to enter into agreements on immigration with any provincial government. The Act sets out only one limitation: these agreements cannot limit the application of federal legislation on inadmissibility (i.e., concerning the rejection of an applicant because of security concerns, human or international rights violations, criminality and related criteria). To date, all provinces and two territories have entered one or more of these accords.

The *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens* (the Canada–Quebec Accord) is by far the oldest. It realizes commitments that appeared in the failed 1987 Meech Lake Accord which proposed amendments to the constitution. While the Meech Lake Accord imagined the future negotiation of immigration agreements with other provinces, it articulated in some detail the central elements of a new agreement with Quebec – one that should be concluded “as soon as possible.” These elements included commitments whereby Quebec would select its own immigrants, it would receive immigrants and refugees proportionate to its share of the population, and Canada would withdraw settlement services in Quebec and provide Quebec with compensation for these services.

Compared to later federal–provincial agreements, the Canada–Quebec Accord is also the most extensive. Under this Accord, for instance, Quebec has exclusive responsibility for selecting economic immigrants destined for that province – and for the criteria by which they are selected – rather than simply assessing and nominating some of them to address specific labour market and economic needs. Quebec, uniquely, sets the number of economic immigrants it will receive, rather than consulting with the federal government. It is also the only province that has selection authority over resettled refugees, while Canada identifies the pool of refugees for possible resettlement.

This paper provides an overview of the Accord. It outlines the Accord’s objectives and constitutional background, and it surveys the agreements made under the Accord about immigration levels, family reunification, refugees, visitors, the reception and integration of immigrants, and the ongoing administration of the Accord.

# IMMIGRATION: THE CANADA–QUEBEC ACCORD\*

---

## 1 INTRODUCTION

On 5 February 1991, the Honourable Barbara McDougall, then federal Minister of Employment and Immigration, and Monique Gagnon-Tremblay, then Quebec minister of cultural communities and immigration, signed the *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens* (the Canada–Quebec Accord).<sup>1</sup> The Accord came into force on 1 April 1991. It followed the failure of the Meech Lake Accord which proposed constitutional amendments, and largely accomplished what would have taken place in the area of immigration had the Meech Lake Accord passed.<sup>2</sup> The Canada–Quebec Accord is not a new type of agreement, however. Canada and Quebec have had immigration agreements since 1971. The first agreement, the Lang–Cloutier Agreement (1971), was followed by the Andras–Bienvenue Agreement (1975) and the Cullen–Couture Agreement (1978), which was replaced by the Canada–Quebec Accord (1991).<sup>3</sup> This paper provides an overview of the contents of the Canada–Quebec Accord.

## 2 PROVINCIAL JURISDICTION OVER IMMIGRATION

Section 95 of the *Constitution Act, 1867* gives the federal government and the provinces concurrent legislative powers over immigration. The provinces are limited in that any laws they may pass must not be “repugnant to any Act of the Parliament of Canada.”<sup>4</sup>

The principal federal legislation that governs immigration is the *Immigration and Refugee Protection Act*,<sup>5</sup> which permits the minister of Immigration, Refugees and Citizenship to enter into agreements with the provinces. All provinces and some territories have entered into one or more agreements with the minister, but the Canada–Quebec Accord is by far the most extensive.<sup>6</sup>

## 3 OUTLINE OF THE CANADA–QUEBEC ACCORD

### 3.1 GENERAL

The initial sections of the Canada–Quebec Accord state its contents and objectives. Section 1 sets out the four areas it covers:

- the selection of persons coming permanently or temporarily to Quebec;
- their admission into Canada;
- their integration into Quebec society; and
- the determination of levels of immigration to Quebec.

Section 2 of the Accord introduces an important new objective for Quebec: to preserve Quebec’s demographic weight within Canada and to integrate immigrants into the province in a manner that respects the distinct identity of Quebec. This objective is to be achieved primarily through Quebec’s formal role advising Canada of the number of immigrants it wishes to receive, Quebec’s attempt to ensure numbers of immigrants are proportional to the population of the province and its assumption of all integration services, with particular emphasis on providing permanent residents with the means to learn the French language.

Under the Accord, Canada remains responsible for national standards and objectives relating to immigration, the admission of immigrants (including immigrants to Quebec) and the admission and control of visitors. Admission of immigrants means the application of the criteria that relate to criminality, security and health, in addition to the administrative processing of applications and physical admission to Canada at ports of entry. Quebec is responsible for the selection, reception and integration of immigrants to Quebec. More broadly, Canada agrees not to admit any immigrant or refugee into Quebec who does not meet Quebec’s selection criteria, except for successful refugee claimants who have made their asylum claims to Canada from within the country and who are already in Quebec.

### 3.2 IMMIGRATION LEVELS (SECTIONS 5 TO 8)

The Canada–Quebec Accord incorporates the Meech Lake Accord commitment that Quebec should receive the same percentage of the total number of immigrants admitted to Canada as its percentage of the Canadian population, with the right to exceed this figure by 5% for demographic reasons. The troublesome word “guarantee” contained in the Meech Lake Accord was dropped. Instead, both parties undertake to pursue policies to achieve that goal. Although the Canada–Quebec Accord itself is silent on the matter, such policies, for Canada, could include providing sufficient resources abroad to process immigration applications, particularly in francophone countries, and setting higher processing targets for those visa offices.

Canada remains responsible for establishing national levels of immigration annually, taking into account Quebec’s advice on the number of immigrants it is prepared to receive. For the first time, a formal timetable for consultation is set out in the Accord whereby Canada informs Quebec, by 30 April of each year, of the options being considered with respect to future immigration levels, broken down into the various immigration classes.<sup>7</sup> Quebec, in turn, informs Canada before 30 June of the number of immigrants it wishes to receive in the coming year or years, also broken down into classes.<sup>8</sup> In keeping with this process, the *Immigration and Refugee Protection Act* requires the federal minister of Immigration, Refugees and Citizenship to table an annual report in each House of Parliament by 1 November of each year, if Parliament is then sitting, or otherwise within 30 days of the resumption of sitting by either House. This report contains details of immigration levels for the coming year.<sup>9</sup>

Another provision introduced in the Accord obliges Quebec to receive, among the refugees received by Canada, a percentage at least equal to the percentage of immigrants it had undertaken to accept.

3.3 FAMILY REUNIFICATION  
(SECTIONS 13 TO 16, 21 AND ANNEX A, SECTIONS 18)

Family class members are not “selected” in the same sense as other immigrants. If selection criteria were desired in the future, the Accord provides that Canada would have sole responsibility for establishing them; Quebec would be responsible for the application of these criteria to immigrants destined to that province. In section 18 of Annex A, Canada also commits itself to facilitating interviews of family class applicants by Quebec where Quebec so desires, and Quebec commits itself to ensuring that the processing of those applicants will take place during the “normal time period.”

Federal legislation requires that family class applicants be sponsored by a permanent resident or citizen of Canada. Under the Accord, Quebec administers sponsorship undertakings and sets the financial criteria for sponsors of applicants destined to that province.

3.4 REFUGEES  
(SECTIONS 17 TO 20)

Canada is solely responsible for processing refugee claims made by people already in Canada. For a refugee who crosses at an official port of entry – including into Quebec – Canada Border Services Agency (CBSA) officers must assess the claimant’s admissibility to Canada (in other words, determine whether there are health, safety or criminality concerns), and determine whether the claim is eligible for referral to the Immigration and Refugee Board of Canada, the federal board that adjudicates these claims. Refugee claimants who cross irregularly between ports of entry follow the same process but are first the responsibility of the Royal Canadian Mounted Police, which can refer the claim for refugee protection to the CBSA.<sup>10</sup>

With regard to refugees selected abroad and others in similar circumstances selected abroad, by contrast, Canada determines which individuals qualify in these categories, and Quebec chooses from among them the individuals that it judges are best able to settle in Quebec. The Accord includes an explicit veto for Quebec on these refugee admissions: “Canada shall not admit a refugee [selected abroad] ... who is destined to Quebec and who does not meet Quebec’s selection criteria.” As noted above, Quebec has committed to receiving its appropriate share of refugees and persons in similar circumstances selected abroad.

3.5 VISITORS  
(SECTION 22)

Quebec’s prior consent is required for the admission to that province of three types of visitors: foreign students,<sup>11</sup> temporary foreign workers and foreign visitors entering to receive medical treatment. It should be noted that it is current federal policy and practice to seek the consent of all provinces before admitting foreign students and foreign visitors entering to receive medical treatment.

3.6 RECEPTION AND INTEGRATION  
(SECTIONS 24 TO 29; ANNEX A, SECTIONS 24 AND 25;  
AND ANNEX B)

Canada agrees, in the Canada–Quebec Accord, to withdraw from delivering services for the reception of permanent residents in Quebec and for their linguistic and cultural integration, and to withdraw from a program for the counselling and placement of immigrants. Instead, Canada provides compensation to Quebec for such services, as long as the services correspond to those offered by Canada in the rest of the country, and as long as all permanent residents of the province, whether they were selected by Quebec or not, can have access to them. This latter requirement reflects the fact, noted in one of the recitals at the beginning of the Accord, that the *Canadian Charter of Rights and Freedoms* guarantees freedom of movement to all permanent residents in Canada. Any permanent resident, therefore, may move to Quebec from any province and be eligible for services on the same basis as immigrants actually selected by Quebec.

Canada alone is responsible for services relating to citizenship and is not constrained in any way from providing Canadian citizens with services relating to multiculturalism or from promoting multiculturalism. Section 1 of Annex B lists the settlement and linguistic services from which Canada withdrew. Section 2.1 of that annex sets out the compensation to be paid to Quebec in the initial years of the Accord, which appears in Table 1, below.

**Table 1 – Amounts to Be Paid to Quebec in Fiscal Years 1991–1992 to 1994–1995**

Fiscal Year <sup>a</sup>	Amount (\$ millions) <sup>b</sup>
1991–1992	75
1992–1993	82
1993–1994	85
1994–1995	90
Total	332

- Notes:
- a. In 1990–1991, direct program expenditures in Quebec by the federal government for the services listed in Annex B were approximately \$46.3 million. Expenditures for 1991–1992 therefore represented an increase of 61.9%.
  - b. These numbers represent an annual average increase of 6.3% and are not connected to actual immigration levels.

Source: Government of Canada, “[Annex B](#),” *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens*, 5 February 1991.



Compensation for 1995–1996 and subsequent years was calculated using a base sum of \$90 million (indexed for inflation after 1995–1996) multiplied by an escalation factor.

The value of the escalation factor depends on how many immigrants Quebec has accepted and on how much federal government spending increased in previous years. In a year following one in which Quebec takes a lower proportion of immigrants than its proportion of the Canadian population, the escalation factor reflects the increase in total federal program expenditures (excluding debt service payments) plus any increase in the number of non-francophone immigrants to Quebec.<sup>12</sup> This no doubt reflects the fact that language training is the most expensive aspect of integration.

In a year that follows one in which Quebec takes a proportion of immigrants equal to or greater than its proportion of the population of Canada, the escalation factor reflects the increase in total federal program expenditures (excluding debt service payments) plus the proportional change in Quebec’s share of immigrants over the previous year.

Based on the formulas established under the Accord, the amount of money paid to Quebec for settlement and language services cannot decrease beyond the base sum, indexed for inflation (although it can be changed by mutual agreement). Grants to Quebec under the Accord for fiscal years 2016–2017 to 2021–2022 are shown in Table 2.

**Table 2 – Grants to Quebec Under the Canada–Quebec Accord, 2016–2017 to 2021–2022**

Fiscal Year	Grant Under the Canada–Quebec Accord (\$ millions)
2016–2017	378.2
2017–2018	490.3
2018–2019	559.5
2019–2020	591.6
2020–2021	650.3
2021–2022	697.0

Sources: Receiver General for Canada, “[Section 10 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2017: Volume II*, p. 10.10; Receiver General for Canada, “[Section 10 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2018: Volume II*, p. 294; Receiver General for Canada, “[Section 12 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2019: Volume II*, p. 270; Receiver General for Canada, “[Section 13 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2020: Volume II*, p. 296; Receiver General for Canada, “[Section 12 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2021: Volume II*, p. 288; and Receiver General for Canada, “[Section 13 – Immigration, Refugees and Citizenship](#),” *Public Accounts of Canada 2022: Volume II*, p. 287.

### 3.7 ADMINISTRATION OF THE CANADA–QUEBEC ACCORD (ANNEX A)

The Canada–Quebec Accord establishes two committees to implement it, the Joint Committee and the Implementation Committee. The Joint Committee comprises representatives from both the federal and Quebec governments and is required to meet at least once a year. Among other things, it approves joint directives formulated by the Implementation Committee, ensures the exchange of information and the promotion of joint research projects relating to migration flow, and discusses Quebec’s sponsorship criteria. The Joint Committee’s duties also include monitoring the speed of processing immigrants destined to Quebec, providing an opinion on any changes Canada might wish to make to the definitions of classes of immigrants and inadmissibility, and studying, annually, the reception and integration services offered by both Canada and Quebec. The Accord states that “a representative of the Department of External Affairs and International Trade of Canada” is to be a permanent member of the Joint Committee; however, Global Affairs Canada ceased to have a role on this committee when Immigration, Refugees and Citizenship Canada assumed responsibility for overseas processing.

For its part, the Implementation Committee meets twice a year or more often, as necessary. Its mandate is to coordinate the ongoing implementation of the Canada–Quebec Accord and to develop the necessary terms and conditions for the operation of the Accord. The federal and Quebec governments use the Implementation Committee to discuss proposed changes to their policies and legislation, and to update joint operational guidelines that govern the immigration program.

It is interesting to note that the Canada–Quebec Accord contains a mechanism for its amendment, but not for its termination. A termination clause is a common feature of agreements, and such a clause was found in the Cullen–Couture Agreement, which was replaced by the Canada–Quebec Accord.<sup>13</sup> Section 33 of the Canada–Quebec Accord, however, merely states: “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.” It remains to be seen what would happen if, at some point in the future, one party were to become dissatisfied with the Canada–Quebec Accord and no agreement could be reached.

---

#### NOTES

- \* Previous versions of this document were prepared by Margaret Young, Michel-Ange Pantal and Penny Becklumb, all formerly of the Library of Parliament.
- 1. Government of Canada, [Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens](#) (Canada–Quebec Accord), 5 February 1991.

2. See Secrétariat du Québec aux relations canadiennes, "[The 1987 Constitutional Accord, June 3, 1987 \('the Meech Lake Accord'\)](#)," *Québec's Positions on Constitutional and Intergovernmental Issues: From 1936 to March 2001*, Document 22, 3 June 1987, p. 369.
3. For an overview of these agreements, see Pierre-Loup Beauregard, Alain-G. Gagnon and Jean-Denis Garon, "[Managing Immigration in the Canadian Federation: The Case of Quebec](#)," in Yiagadeesen Samy and Howard Duncan eds., *International Affairs and Canadian Migration Policy*, 2021, pp. 229–232.
4. [Constitution Act, 1867](#), 30 & 31 Victoria, c. 3 (U.K.), s. 95.
5. [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27.
6. Each of the other provinces, the Northwest Territories and Yukon have entered into one or more agreements with the Minister of Immigration, Refugees and Citizenship. As a consequence, all provinces and territories (other than Quebec and Nunavut) now have "provincial nominee programs" under which the province or territory nominates candidates for permanent residency. For a copy of the provincial and territorial agreements, see Government of Canada, [Federal–Provincial/Territorial Agreements](#).
7. The *Immigration and Refugee Protection Act* also requires that the Minister of Immigration, Refugees and Citizenship consult with the governments of the provinces and territories on the number of immigrants expected in each class and their distribution in Canada, taking into account regional and demographic requirements and settlement issues.
8. These provisions appear in Annex A, section 11, of the Canada–Quebec Accord. The four annexes are explicitly made part of the Canada–Quebec Accord.
9. [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27, s. 94. See, for example, Immigration, Refugees and Citizenship Canada, [2022 Annual Report to Parliament on Immigration](#).
10. In case of failed claims, and following successful pre-removal risk assessments, the Canada Border Services Agency is also responsible for removals. For more details about Canada's treatment of refugee claims made at or between ports of entry, see Julie Bécharde and Robert Mason, [Refugee Protection in Canada](#), Publication no. 2020-50-E, Library of Parliament, 30 July 2020; and House of Commons, Standing Committee on Citizenship and Immigration, [Asylum-Seekers at Canada's Border](#), Sixteenth report, May 2023.
11. Quebec's consent is not required for students chosen under a Canadian government assistance program for developing countries.
12. If there were no increase or decrease in non-francophone immigrants to Quebec, the escalation factor would be related only to the increase in government program spending generally (i.e., excluding debt service payments).
13. Part V, section 6 of the *Agreement between the Government of Canada and the Gouvernement du Québec with regard to co-operation on immigration matters and on the selection of foreign nationals wishing to settle either permanently or temporarily in Quebec*, known as the Cullen–Couture Agreement, so named for the federal minister, Bud Cullen, and the provincial minister, Jacques Couture, who signed it in 1978, stated:

This Agreement is concluded for a period of three (3) years from the date of its signature.

It may, however, be terminated at the request of either party on receipt of written notice at least three (3) months before the expiration of this period of three (3) years.

This Agreement will be renewable, on its expiry, by tacit understanding, except that either party may then seek its termination by giving the other a written notice of six (6) months.