

*Establishment of Immigration Appeal Board*

residuum of ultimate ministerial discretion. My fear was, and still is, that finality of decision in the board may lead to a more rigid, inflexible administration. To put it simply, I say that I have never seen any board, commission or civil servant, however senior, who is prepared to stick its or his neck out as far as a politician frequently must and will do.

I know there are many persons in Canada today, sir, making good citizens who were admitted by me in the exercise of ministerial discretion, or I should say ministerial instinct, and who I doubt very much would ever have gained admission from any board, however enlightened and superior that board might have been. It is a simple fact of life that politicians must learn to take chances, chances which others in less rigorous occupations do not take.

Without question, sir, the majority opinion is against me; that is to say, the majority opinion of those who have served in this field and who are expert. I press the matter no further. My purpose in raising the issue is really to state a warning and an admonition to the new board that it must import into its consideration of appeals a warmth of human understanding, a compassionate and humanitarian approach, a readiness to take chances, attributes which are not usual, if I may say so, among public tribunals.

Now, sir, a very genuine advance in this bill is the provision for appeals by sponsors. But I am somewhat concerned by the safeguards with which they are hedged in. The authority given to the governor in council to make regulations limiting the classes of relatives in respect of whom appeals may be made is really a power to render the legislation nugatory. I do not suggest for a moment that the minister has any such intention, but I do submit that the house ought to have a clear undertaking from the government as to what are its intentions in this respect. For example, to what classes of relatives is it the intention to limit the appeal; how far does the government propose to go; how limiting will the regulations be? I say to the minister in this particular aspect the government must not give with one hand and take away with the other.

There is an interesting constitutional problem raised by the bill, Mr. Speaker. Departmental decisions on admission to Canada are taken in the name of the minister and may well be taken by the minister personally. Under this legislation, then, there is an appeal to an independent tribunal from an exercise

[Mr. Bell (Carleton).]

of judgment by a minister of the crown. To many this is constitutional heresy, although the same situation now applies to appeals to the tax appeal board from decisions on fact or law or on mixed fact and law taken by the Minister of National Revenue. I think there may be others in the chamber who may wish to comment on this interesting, indeed novel, constitutional development.

I return, sir, to the principal point I wish to make this afternoon. I venture to repeat myself by saying that the board must bring warm hearted, human understanding to the cold print of immigration laws. Humanitarian and moral considerations are basic, and they must have respect rather than lip service.

Canadian life has been greatly enriched and our culture expanded and advanced by the diverse peoples who have entered Canada both before and since world war II. Each day each of us is reminded of how these new arrivals, filled with enthusiasm, energy and the will to succeed, have enriched our culture and expanded our Canadian tradition in fields such as science, the arts, education, yes and even politics. We need, in my submission to this house, many, many more immigrants from abroad. We on this side intend to press consistently and regularly for a greatly expanded immigration flow and a much more aggressive immigration policy.

**Mr. David Lewis (York South):** Mr. Speaker, as the parliamentary secretary to the minister said last night, it is obvious that the problems affecting immigration are often very difficult. I suppose they are difficult because of three factors. The first is the need for immigration in Canada. I think we are all agreed, as the hon. member for Carleton (Mr. Bell) has just emphasized, that our country can expand more effectively by the admission of appropriate immigrants in as large numbers as the economy of the country can accept.

Second, in order to make sure that admission to Canada follows some kind of objective test we must, of course, have rules to govern such admissions.

● (3:30 p.m.)

Third, there must be human compassion. For the officers of the department each case necessarily is a number, not because the officers are heartless—they are not. In my many dealings with them I have been much impressed with their decency and compassion. But they deal with thousands of applications every week and it necessarily follows that