chose this route a headstart over those who applied abroad because either way the applicant would face the same selection criteria. An applicant who was turned down here probably would have been rejected abroad and vice versa. But when combined with the universal right of appeal available to them, the would-be immigrants who came to Canada to apply gained an enormous advantage over those who followed the normal practice and procedure of applying abroad, because if their application for landed status was turned down they would stay in this country illegally, in effect forcing a deportation order on themselves and thus gaining the right to a hearing by the Immigration Appeal Board. In this way, they gained access to the discretionary powers of the board to permit them to stay in Canada on compassionate or humanitarian grounds, even although, in many cases, the legality of the deportation order or the facts upon which it was based were not even challenged by the board.

But, more important, as a mounting backlog of appeals led to long delays in board hearings, appellants became entrenched in this country through the very process of living here and trying to support themselves. In these circumstances, it became more and more difficult for the Appeal Board to reject their appeal. As the backlog of appeals swelled, the time delay increased dramatically. On the average, a person who appealed a deportation order last week could have counted on waiting many years for a decision if we were not to change the legislation. This is obviously unfair in that it clogs the system so that the legitimate immigrant appellant is forced to wait for years under the shadow of a deportation order. It is equally unfair to those applicants who played by the rules, waiting in their own country for a ruling on their application for an immigrant visa. And it makes a mockery of the policy under which this government, as authorized by Parliament, regulates the flow of immigration by applying criteria based on the ability of the applicant to settle successfully in Canada.

As I have mentioned, some 90 per cent of the persons whose appeals are now awaiting hearing by the Appeal Board, and whose numbers have in effect made the appeal process unworkable, are either visitors or illegal entrants.

Since last June, the government has been attempting to check the growth of this problem by a series of three administrative measures. The first, announced last June 23, was a review of a backlog of cases awaiting an immigration inquiry. Such an inquiry, conducted by an officer of my department, is the stage at which a deportation order is issued if warranted. Since a large proportion of the persons whose cases were heard had shown, while awaiting the inquiry, that their prospects of adapting to life in Canada were better than had been expected, a majority received favourable decisions. Shortly after this step was taken, and probably in anticipation of tighter controls in future, because the word spreads very quickly around the world about these measures, there was a tremendous surge in the flow of self-styled visitors into Canada. I think the crisis was reached last October when as many as 4,500 people in this category arrived at Toronto international airport alone in a single weekend. At the same time, the number of applications in Canada for immigrant status began to escalate dramatically. The situation was clearly becoming unmanageable.

Immigration Appeal Board Act

As a second step, the government announced last November 3 the revocation of section 34 of the immigration regulations which had permitted application within Canada for immigrant status. The third step was the introduction on January 1 of this year of regulations requiring registration of visitors staying in Canada for more than three months, and employment visas for visitors wishing to take jobs, because it had been evident for some time that control over the length of stay and the employment activities of visitors to Canada was inadequate, particularly in the light of dramatic increases in their numbers, from slightly more than 28 million in 1955 to almost 39 million in 1971.

Briefly, the new regulations require that persons who are not Canadians or landed immigrants, and who wish to stay in Canada for more than 90 days, must register with an immigration officer. Furthermore, such persons, no matter how long they intend to stay, must obtain an employment visa if they wish to work. But all these initiatives having been taken, the fundamental problem inherent in the appeal system remains. As I mentioned earlier, the backlog of people awaiting a hearing by the Appeal Board was 17,472 at the end of May. I might say that but for those special administrative measures taken last year there might have been another 12,000 cases awaiting the board. Taking into account the existing capacity of the board, and the rate at which it is receiving new appeals, it is distinctly possible that by the end of this year, unless the law is amended, the backlog could reach between 25,000 and 30,000. That would mean, very simply, that many persons who appealed a deportation order could count on a 20-year stay in Canada while awaiting the outcome. Bearing in mind that this possibility would be open to every person from abroad who set foot in Canada, such a situation could only be described as a pure farce. Certainly Canada's selection policy for the orderly acceptance of immigrants, and the integrity of the appeal system would be totally undermined.

So obviously, Mr. Speaker, the law must be changed. An apparent solution to the backlog might be to simply increase the size of the board to match the workload of appeals. But, just to keep abreast of its workload, now averaging about 1,000 appeals a month, the board would have to be enlarged to 75 members. The effect of that for comparison would mean that we would have to have permanently a board which was larger than the combined strength of the Supreme Court and the federal court put together. But beyond the size of the board, if the universal right of appeal to the board remains unchanged, a single individual could take up the time of the board with several appeals in succession if, after being deported, he managed to slip back into the country.

● (1600)

May I remind you that there are 39 million visitors crossing our border and 78 million border crossings every year. The fellow, once deported, would automatically gain the right to another hearing by the appeal board. Clearly, what is required is not merely an expansion of the board but an adjustment of the present procedures open to the board and, above all, an adjustment of the categories of persons who are going to have access to it. I would remind hon. members, with regard to the question of access, that