



Bulletin

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A DELICATE AND CONTROVERSIAL IMMIGRATION PROBLEM

The following statement on current Canadian policy "towards draft resisters and military deserters" was made on May 8 to the House of Commons Standing Committee on Labour, Manpower and Immigration by Mr. Allan J. MacEachen, the Minister of Manpower and Immigration:

...Our policy towards draft evaders is simple and straight forward - if an applicant for landed immigrant status in Canada otherwise meets our immigration criteria, the fact that he is, or could be, a draft evader has no bearing on his eligibility.

Our policy on deserters does not lend itself to such simplification, and to understand our approach more clearly it is helpful to review briefly past practice.

Up until January 1968, and for some time prior to that date, Canadian immigration officers at all points, in Canada, at border points and abroad, were under instructions not to process the application for landed immigrant status of any persons in active military service, unless and until such persons showed proof of discharge, or imminent discharge. In other words, persons known to be serving in the armed forces of any country were not processed for permanent entry to Canada unless they were discharged or were in the process of being discharged.

In January of last year, this policy was changed with respect to armed service personnel of other countries applying from *within* Canada for landed immigrant status.

CHANGING POLICY ON DESERTERS

Since January 1968, armed service applicants, including U.S. deserters, applying from within Canada have been granted landed immigrant status if they otherwise meet immigration criteria. In other words,

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if a member of the armed services of another country is legally in Canada as a non-immigrant, then decides while he is here to apply for landed immigrant status, such status is normally granted if he scores the required number of points, meets medical requirements and has no criminal record.

The instruction to immigration officers requiring them to obtain proof of discharge continued in effect at ports of entry and offices abroad until July 29, 1968.

On that date, the earlier mandatory instruction requiring proof of discharge for armed services personnel applying outside Canada and at border points was withdrawn, as it had been withdrawn some six months earlier for similar persons who had already entered Canada as visitors and were applying for landed immigrant status.

It was replaced by a more permissive approach, which, instead of requiring officers to bar permanent entry to armed service personnel, allowed them to exercise discretion. Since July of last year, immigration officers at border points and offices abroad have been operating under a set of guide-lines designed to assist them in exercising this discretionary authority in a reasonable and humane way....