

Immigration Act

two others are very large questions that, strictly speaking, sir, are not within the ambit of the legislation now before us, as the hon. member for Winnipeg South Centre clearly recognizes. But certainly if there is any strong demand, strong feeling, in the house or in the country that something ought to be done about these matters which have been raised, I think the government, particularly in a matter of this kind, would be bound to take notice of them. However, Mr. Chairman, I would hope that now we have had a number of general speeches we can perhaps get on to the detail of this particular case of legislation while giving consideration to these larger questions.

Mr. Woolliams: Because of your remarks you have just lost the Saskatoon by-election.

Mr. Hales: Mr. Chairman, I had just a very brief remark to make on this bill, but it being five o'clock I think I should call it five o'clock.

Mr. Pickersgill: I wonder if permission could not be given to the hon. gentleman to make his remark, if there is any hope of getting through clause 1.

Mr. Churchill: Mr. Chairman, much as I would like to hear the hon. member at the present moment, I think we should now carry on with private members' business and stick to the rules.

The Deputy Chairman: Order. It being five o'clock, and in order to permit the house to proceed to the consideration of private members' business, it is my duty to now leave the chair.

The Acting Speaker (Mr. Batten): Order. It being five o'clock, the house will now proceed to the consideration of private members' business as listed on today's order paper, namely notices of motions and public bills.

IMMIGRATION ACT**AMENDMENT PROVIDING FOR DISCLOSURE OF REASONS FOR DEPORTATION**

Mr. Andrew Brewin (Greenwood) moved the second reading of Bill No. C-18, to amend the Immigration Act (disclosure of reasons for deportation).

He said: Mr. Speaker, the purpose of this bill is to bring hearings of deportation proceedings into line with principles of natural justice, into line with the solemn declarations contained in the bill of rights, and into line with the intention expressed in the Immigration Act that every would-be immigrant should have a fair hearing as to his admissibility. This bill, if it were adopted, would have the effect of putting an end to the type of

proceeding which has been described as farcical by the highest courts in the land.

To explain the situation, it is necessary for me to review briefly the Immigration Act and the procedures which have grown up under that act. The Immigration Act is based upon the vital necessity, if Canada is to grow and prosper, of encouraging immigration into this country. It is also based upon the necessity of regulating the flow of immigration by reasonable restrictions. The act sets out in great detail the people who are prohibited from entering Canada. These prohibited classes include those who are mentally or physically defective, those with criminal records, alcoholics, drug addicts, prostitutes, members or supporters of subversive organizations, and those who are likely to become public charges. The act also excludes those who do not comply with the regulations contained in the act. This last prohibition is the most important of all, because I would say that in nine cases out of ten applicants are excluded by the regulations rather than by the prohibitions in the act.

The regulations, which are passed by the cabinet under the authority of the act, really lay down the main criteria of admissibility. The first stream which is admitted are those who have the skill and training which make it likely they will be able to establish themselves successfully in Canada. The second stream represents persons whose relationships to those already in Canada justify their admission. The regulations also provide for a system of documents, visas, letters of pre-examination, and medical certificates. These documents can be issued by immigration officials in the country of origin. This enables the applicants to be examined so as to determine whether they are eligible for admission under the act and regulations.

The act further provides for a hearing by special inquiry officers, with a right of appeal from their decision to an immigration appeal board, or in some cases to the minister. The special inquiry officer is required by the statute itself to receive evidence, although he has some wide discretion as to the type of evidence, and to permit the applicant to be represented by counsel. He then determines whether the applicant is admissible under the standards of admission set up by the act and regulations.

I suggest, Mr. Speaker, that it is perfectly obvious that the intention was that parliament desired to provide a full and fair hearing for those who sought admission to the country. This indeed has been declared to be the fact by the courts on a number of occasions. The courts have also made it clear that a fair hearing requires the person who is threatened with deportation to be