

*Establishment of Immigration Appeal Board*

• (4:50 p.m.)

**Mr. Marchand:** There is a good reason. It is because I am convinced this authority already exists under clause 17.

What we are dealing with here, as I mentioned a few minutes ago, is sponsored, not unsponsored, immigrants who have to meet the requirements of the law. The very essence of sponsorship is compassion and humanitarian reasons. These immigrants are not accepted into Canada because of their qualifications but because they are relatives of Canadian citizens or landed immigrants. Clause 15 was modified because in cases of deportation you may be dealing with people who do not meet the requirements of the law and who are not sponsored immigrants. We therefore added the reference to compassion and humanitarian grounds.

This board has all of the powers that the minister and the department have right now under the Immigration Act. This means the board can do anything I can do, as minister. They can exercise all the powers that I exercise under section 8 of the Immigration Act. As the hon. member mentioned a few minutes ago, sponsorship is related essentially to compassionate and humanitarian reasons. It is for this reason I do not believe we have to mention these things.

If it will facilitate the passage of the bill, if everybody would be happy, I have no objection to adding humanitarian and compassionate grounds in the clause. However, I firmly object to removing from the authority of the governor in council the establishment of classes. I believe we are conducting an experiment, not because we have been pushed to do so but because we wanted to try to give immigrants new rights. We want to see exactly what the consequences of our policy will be. We have initiated this provision of course with the intention of applying it. We do not want this law only to have it on the statute books. I believe the house should accept clause 17, even if we modify it in the way mentioned a few minutes ago.

In so far as the rest of the clause is concerned, I think we should make this experiment. We are not taking any rights away from the immigrants. They will still have the right to sponsor their relatives. The only thing we add is the right to appeal against a decision, and at the beginning we want this right to be regulated by the governor in council so that we will know exactly the impact on our policy. This is something which has never been tried anywhere else.

[Mr. Roxburgh.]

If an amendment is proposed to add these two words, I have no objection. I do not believe it is necessary. However, in view of the atmosphere in the committee this afternoon, I do not think I am in a position to refuse to put in these words, particularly since I have said I believe they are there now in spirit. I would object to another amendment concerning the powers of the board.

**Mr. Bell (Carleton):** If I were convinced that the minister is right and the board under this clause 17 has the complete powers of the minister, I would not press the matter. I am afraid I am unable to convince myself of that. I think the board here is confined to a legalistic approach and cannot, under clause 17, exercise the discretionary authority the minister has. I am concerned about the situation of a person who comes squarely within one of the prohibited classes under section 6, for example a diseased person who may be the last member of the family in the native land. I do not believe such person could be admitted as a sponsored immigrant under the legislation as it now stands. It is for that reason, and since the minister has invited it, I should like to suggest the following as an amendment:

That clause 17 be further amended by adding thereto after the word "application" in lines 20 and 21 thereof the following:

"or that there exist compassionate or humanitarian considerations that in the opinion of the board warrant the granting of special relief"

I have given a copy of this proposal to the parliamentary secretary, and perhaps the minister has had an opportunity to consider it. Without doubt, this amendment would meet the type of problem which some of us have in mind.

**Mr. Orlikow:** I rise to express some considerable surprise that the minister would be so adamant in his feeling that he and his department must retain the right until some later date to define the classes of relatives for whom an appeal may or may not be made. Yesterday and today the minister has been so reasonable, so compassionate, in accepting amendments designed to broaden the bill. I do not know why he now reverts to an attitude which we have seen so often in the past, that this right of the governor in council must be retained.

I am certain the minister is aware of the discussions which the special joint committee dealing with the white paper on immigration has been having. I am sure he must be aware