

Proceedings on Adjournment Motion

Appeal Board from those two provinces that do not have legal aid schemes. Surely the minister should amend the departmental form and the rules, as requested by the Immigration Appeal Board, to provide that only legal counsel may appear. If he is not agreeable to going this far in respect of inquiries before the special inquiry officers, the minister should provide that there be an appearance only by legal counsel or a representative from the church or social agency.

[Translation]

Mr. Gendron: Mr. Speaker, the minister has informed the hon. member, by an exchange of correspondence, that no decision has as yet been taken on a recommendation made by the Chairman of the Immigration Appeal Board that henceforth only legal counsel be allowed to appear on behalf of appellants before the Board.

There are very compelling arguments both for and against such a move. The hon. member will note that the present government policy is based upon the recommendation of the white paper issued by the Joint Parliamentary Committee that studied this problem very carefully over a prolonged period of time and recommended that the government should not be a party to any system which forces a person to retain legal counsel, possibly at considerable expense.

Furthermore, there is ample indication that many appellants very definitely prefer to be represented before the Board by relatives, friends, clergymen, members of the ethnic community or indeed Members of Parliament because the nature of their appeal to the

Board is not based on legal grounds but rather on compassionate or humanitarian considerations in which area the Board does have authority to exercise discretion in its decisions. Many of these non-legal persons undertake such representation without a fee and at their own expense.

On the other side of the issue, there are good arguments that if only legal counsel were allowed to appear before the Board, a greater measure of control could be exercised through the responsible professional associations in the matter of fees charged and the conduct of counsel from a standpoint of both ability and ethnics.

The minister agrees that some measure of control is necessary, since he has been made aware of some questionable practices on the part of certain non-legal representatives. However, the incidence of this seems to be so slight in relation to total numbers appearing before the Board that a measure depriving people of the possibility of being represented by whomever they choose might seem over-severe. He feels that a sufficient measure of control might be achieved by other regulatory measures which would at the same time not prevent an applicant from choosing his own representative.

The minister hopes that after consultation with the parties involved an equitable and practical solution for all concerned might be found shortly. He appreciates the hon. member's arguments and suggestions, which will certainly prove helpful in finding a better solution to the problem.

[English]

Motion agreed to and the House adjourned at 10.25 p.m.
