

*Establishment of Immigration Appeal Board*

told one hon. member that as far as he is concerned there is nothing in the clause that narrows any existing rights, that takes away existing rights; that the section is designed to provide an additional right.

But, Mr. Chairman, not only is it important that the minister should make this statement in the committee at this time; he should also make sure that this is a matter of departmental policy and is an attitude which will be adopted by his officials. Because if the officials were to say to an applicant who wished to sponsor a relative, immediately after the initial letter refusing his application was sent out "That is the end of the matter; you must now go to the board", then in effect this clause does narrow or take away existing rights.

The concern of some in this regard has been allayed, at least to some extent, by what the minister has said; but before this debate is over I hope the minister will go on to assure us that in fact this will not be the approach of his department under any circumstances. I hope the minister will again assure us that there will continue to be the possibility of an administrative review of initial refusals of sponsorship applications, including a personal consideration of the matter by the minister himself.

If this is not to be the case, Mr. Chairman, and a person has recourse only to the appeal board, then as soon as the initial letter of refusal is sent out the obvious problem arises for the sponsor of having to come to Ottawa, to hire counsel to speak for him, with all the expense that this involves.

I would point out, Mr. Chairman, that the bill does not make clear—though this seems to be hinted at in some of the clauses—that the board can and may hold sittings outside of Ottawa. This is one aspect about which the minister should give the committee some assurance. It seems to me it would be unduly expensive, indeed difficult, for a person in Vancouver or in Windsor or in Halifax to have to travel to Ottawa to have his appeal dealt with. Particularly in the case of appeals by persons of foreign extraction who have not been in this country very long—even though they may be citizens—people might be somewhat fearful and concerned about having to appear before this court. If an administrative review were not available, then in the case of people who might be fearful about coming to Ottawa to face this new type of court, appeals that might otherwise have been made under some administrative procedure may not

[Mr. Gray.]

be taken, and to this extent existing rights may be narrowed.

There is another point that I should like to make at this time, Mr. Chairman. At present when somebody applies to bring in a relative from Europe for example and the department refuses the application, no reasons are given for the refusal. All the applicant receives is the bald statement in a letter that the requirements of the act have not been met. Specifically in the case of sponsors I should like the minister to explain how a person can decide whether or not he would want to appeal a case without his having some clear initial statement of the reasons the application for sponsorship has not been accepted.

Certainly this bill should make very clear, or we should be assured that the regulations will make clear, that if a sponsor does decide to launch a formal appeal he should have at the initial stage the necessary information on which to ground his appeal. There would indeed be a narrowing of rights and a deprivation of justice if an applicant were to file a formal appeal and then have his appeal turned down on the basis of insufficient grounds or facts on which to base it—grounds and facts which would not be within the knowledge of the sponsor who is appealing because the information was not made available to him at the outset.

If this clause 17 is to remain in the bill there must be at the very moment the law comes into effect a change made in the administrative procedures of the department so that the reasons for turning down an application for sponsored immigration are contained in the initial letter of refusal. Of course, I recognize there is an area of difficulty where a refusal is based on security grounds, and this may be an exception to the rule. But where reasons for refusal are based on, for example, lack of training or skill—which may be the case if proposals contained in the white paper become law—or on a lack of funds, a lack of economic strength on the part of the sponsor—or even on reasons of health of the immigrant, then these reasons must be clearly set out in the initial letter of refusal written by the department. Otherwise, Mr. Chairman, I suggest that clause 17 will have little meaning.

At the same time, Mr. Chairman, I suggest that except in the case of security matters the basic criteria on which decisions are made—I do not refer to the broad statements in the present law itself or its regulations, but to the basic and detailed criteria—should be made