

Immigration

by a stroke of the pen the immigration practices, the right to restrict, expand and extend the opportunities of people to come into the country under the order in council provisions contained in section 57 of the Immigration Act. I mention section 57 because it brings us to the first clause of this bill which refers to the right of the government pursuant to section 57 of the act. This is the regulatory granting clause.

I would ask the committee to look at section 57 and the enormous authority which in 1952 the House of Commons invested in the government, giving it unrestricted power of almost life and death over the opportunity of people to immigrate to this country. Section 57 of the Immigration Act provides:

The governor in council may make regulations for carrying into effect the purposes and provisions of this act and, without restricting the generality of the foregoing, may make regulations respecting.

- (a) the terms and conditions under which persons who have received financial assistance to enable them to obtain passage to Canada or to assist them in obtaining admission to Canada may be admitted to Canada;
- (b) literacy, medical and other examinations or tests and the prohibiting or limiting of admission of persons who are unable to pass them;
- (c) the terms, conditions and requirements with respect to the possession of means of support or of passports, visas or other documents pertaining to admission;
- (d) the admission to Canada of persons who have come to Canada otherwise than by continuous journey from the country of which they are nationals or citizens;
- (e) the prohibiting or limiting of admission of persons brought to Canada by any transportation company—

This incredible power was given in 1952 by the Canadian Parliament to the government. Obviously, it is utterly impossible for the day to day decisions with regard to who should come to Canada, how they should come in and under what conditions, to be made by parliament. Anyone will admit that. But there must be a better method and a better opportunity for the House to scrutinize the rules and regulations under which the government operates. I made that point very emphatically yesterday, and I would simply ask the minister now to give us some idea of his plans.

I know, and the minister knows better than I do, that proposals have been made from time to time to draft new legislation. Some of those proposals have reached cabinet, some have been rejected. I can understand the political and other problems which face the cabinet in having to come to a conclusion. Officials of the immigration service would like nothing better than regulations which have received parliamentary approval, in order to avoid having to come to the minister to secure orders in council day in and day out so they can deal with situations which have suddenly arisen.

I recognize the difficulties of people in the service, in the government and in the House of Commons. However, I suggest the minister and the government take their courage in their hands, refer this matter to the committee and let the committee have complete freedom of access to departmental records, to talk to people in the government service and to private and quasi-public associations which have some knowledge of the facts relating to immigrants or people who come to Canada as visitors. We all know of

[Mr. Baldwin.]

the problems. Let the problems be settled in the forum which exists for that purpose, that is, the Parliament of Canada. I suggest, with due deference to the minister—I think he probably agrees with me—that we should dump the whole thing in the lap of parliament and say, “Here is the problem. Here are the difficulties. Here is the green paper. Here are some proposals.

I suggest that a committee should be established and empowered to consider the whole spectrum of immigration difficulties, not only with regard to admission but with regard to economic possibilities. The committee should consider what can be done, for example, with regard to parts of western and northern Canada and problems in Quebec. We know they exist. I can understand the government, faced with the political difficulties, having some hesitation. Let this matter come to the House of Commons, representing all the people of Canada. Let them grapple with it and solve the problems.

● (1220)

Of course, the government is not bound to approve all recommendations. It has the right of veto or of changing them when the new legislation is introduced. I recognize that the minister cannot bind the government, but at least if we had an earnest of his intentions, through a statement made today, it would be of some benefit not only with regard to this particular measure but to the extent to which this problem affects very many people throughout the country.

Mr. Lambert (Edmonton West): Mr. Chairman, I had hoped to have some material in front of me, particularly a judgment of the Immigration Appeal Board which is relevant to clause 1 of the bill. First let me say that I object violently to this type of procedure. Perhaps I wore out my welcome with previous ministers of immigration, telling each of them that the practice in force since 1967 was wrong and that we were building up real problems.

I do not know at how many hearings on the estimates of the Immigration Appeal Board and of the department I raised the problem of the increasing number of appeals. I appreciate what the problem is but I have extreme difficulty in understanding why the House is not being asked to amend the Immigration Act. Section 7(3) of the act, as interpreted by the Immigration Appeal Board, allows people who are rightly in the country to appear before an immigration officer and to obtain a special inquiry pursuant to that section, after which they are in the circuit for the full immigration appeal procedures. If that is the case, why not amend section 7(3) or, for that matter, all of section 7? But now we are being asked to approve a regulation flying directly in the face of a statutory provision. That is an abuse of the parliamentary process.

In future, practitioners who look at the Immigration Act to determine the rights of individuals under section 7(3) will also have to look at this little, two-clause bill. On the face of these clauses, section 7(3) and regulation 28 are incompatible. That being the case, why is this procedure being adopted? What bothers me about the bill is that it has retroactive effect, in the same way that the regulations issued late in November or early December last year had retroactive effect to November 3, thus affecting the