

Establishment of Immigration Appeal Board

The Chairman: Order. House in committee of the whole on Bill C-220, an act to make provision for appeals to an immigration appeal board in respect of certain matters relating to immigration.

On clause 2—*Definitions*.

Mr. Bell (Carleton): Mr. Chairman, I was prepared to go ahead but I understand that the Minister without Portfolio wishes to call it seven o'clock.

Mr. Turner: Mr. Chairman, I think it was the feeling of the house before the minister spoke that we might adjourn the committee, by leave, until eight o'clock.

The Chairman: Is that agreed?

Some hon. Members: Agreed.

The Chairman: Pursuant to an order of the house passed yesterday, I do now leave the chair. The committee will resume at eight o'clock.

SITTING SUSPENDED

SITTING RESUMED

The committee resumed at 8 p.m.

The Deputy Chairman: When the committee rose at seven o'clock it was considering clause 2.

Mr. Bell (Carleton): Mr. Chairman, seldom have I heard a more useful and pointed debate on second reading of a bill than that which occurred this afternoon. It was a debate which defined, I think, three basic areas of disagreement with respect to the principles of the bill. I venture to suggest that on clause 2 we should come to grips with these three basic principles.

On all sides of the house there is unanimity of opinion that a new Immigration Appeal Board should be established. There is undoubtedly a desire that that board should be genuinely effective, and that in the administration of immigration procedures and laws it act with that degree of human understanding and compassion which I think is essential.

Some of us on this side of the house feel that the bill, as drafted, is too rigid and too inflexible. It does not permit that degree of warm-hearted administration so necessary in immigration matters.

[Mr. Marchand.]

The first area where some of us disagree with the minister has to do with the powers of the Immigration Appeal Board, and what it may do on an appeal. On this side we feel that the powers of the board are much too restricted; that they are too legalistic; that here it is purely a matter of an appeal from the special inquiry officer, with the ordinary rules of appeal applying, and with little opportunity for the board to consider other factors not directly related to the legalistic approach. This is evident when we find that the board can only allow or dismiss the appeal. If it dismisses an appeal, deportation is ordered. When deportation is ordered a clause in the bill permits the order to be suspended or stayed. This is permitted in two circumstances—and here I refer to a person who is not a permanent resident. It is permitted where there are reasonable grounds for believing that if the order is carried out the person concerned will be punished for political activities in his country or will suffer unusual hardships. An example is deportation behind the iron curtain. That can be most difficult, particularly where a man has deserted from a ship.

The second situation is where exceptional circumstances exist. The use of the expression "exceptional circumstances" in that context, leads me to believe the the board would interpret those circumstances as *ejusdem generis* with the other circumstances involving activities of a political character, or where unusual hardships will arise. It will be the rarest type of case where there would be a stay of the deportation order.

● (8:10 p.m.)

Of course, once a stay is granted it might be extended and ultimately the board might make an order to admit the person as a landed immigrant. It would seem to be much preferable that this question should not be approached in such a negative way but that the board should be given authority to grant immediately the status of a landed immigrant to a man who appears before it as an appellant, if the circumstances are right. This is a positive approach. It would not simply be a case of staying the deportation order and subsequently, perhaps years later, admitting the man as a landed immigrant. By doing as I suggest we could remove all the suspense and anxiety felt while the fear of deportation was hanging over a man's head. This is the first area of disagreement. We on this side of the house would like to see the board given a positive right to make an order when a case