

*Supply—Citizenship and Immigration*

and I am satisfied, even though he is making the speech, that he himself would do as I did and order the deportation of that person.

**Mr. Fulton:** That may be so. Mr. Chairman, but my point is this. I am not discussing the case or the merits of the case, I am discussing what was said by the judge *obiter dictum*. He could see no reason why the reasons for the deportation should not be communicated.

**Mr. Harris:** If my hon. friend comes and looks at the file—

**Mr. Fulton:** Good heavens, that indicates to me something which I find quite unacceptable, that the judges of our courts cannot be told the reasons for these things. The minister says he has adequate reasons, but that to me is perfectly unacceptable. Personally, the minister would have to do a great deal more arguing to satisfy me it was an acceptable proposition. I have a specific question to put before the committee with respect to the implications in these cases where the applicant urges Canadian citizenship. I have discussed this matter generally with the Chinese benevolent association, and it is my understanding that they are not really satisfied with the investigation that is made in Hong Kong. I do not want to be unfair to the officials there. They probably work under pressure and under difficult circumstances, but where these people claim and say that they can provide *prima facie* proof that they are in fact Canadian citizens by birth and have been back to China, then they should have the right to come here.

I understand they would not object to posting a bond or purchasing a return ticket. They should have the right to come here if their application is rejected and prove their case to the minister before a Canadian court. The minister, at least by inference, suggested that where there was a matter of law involved it might be regarded as a case not to be entirely at his discretion. There is a question of law involved as to whether this person is or is not a Canadian citizen. If they cannot prove that in court in Hong Kong, if they cannot assert their claim there, then I suggest it would be fair, and I think it would relieve the pressure on the department and might cut out a lot of correspondence, to have them come over here and submit their case to Canadian courts. Until they get the permission from the department they cannot make arrangements with the transportation company to bring them.

[Mr. Harris.]

**Mr. Harris:** I have just one word on that. We are in a rather awkward position on these cases. There are not very many of them. I know of only three or four at the moment. These are people who approach our officers in Hong Kong and say: "We are Canadian citizens." It happens that the immigration department has nothing to do about Canadian citizens. They have a right to enter Canada by law. We cannot bar them and do not. It is the responsibility of the Department of External Affairs to deal with Canadian citizens abroad who wish to come to Canada. Nevertheless, it happens, as a matter of convenience, that our senior officer in Hong Kong functions in this particular case for the Department of External Affairs. I recognize the difficulty that confronts a person who says: "I am a Canadian citizen" to prove it, and of the officer abroad who has the responsibility of making a decision. Representations have been made about this matter, and I have been considering it to see if I can find a way by which no Canadian citizen would be barred from re-entering Canada because of the lack of information which there may be at the port where he is, if there is such information available in Canada.

**Mr. Dinsdale:** I was glad to hear the minister say that the case of the children of Canadian citizens over 21 years of age—the father living alone in this country—would be given special consideration. That is the situation in many of these cases because of the fact that the families have been separated for years. I want to press the inquiry a little further, because I was of the understanding that the emphasis was just the other way; that if there were any members of the family remaining on the mainland, regardless of the situation of the father in Canada, that case would not be considered.

**Mr. Harris:** Will my hon. friend let me have the case he has in mind?

**Mr. Dinsdale:** Yes.

**Mr. Macdonnell:** One question arises from the letter I read. What instructions are given to our representatives in Europe at the moment? When they are giving a picture of the situation do they take into consideration the fact that employment is not as good as it was a year ago? Are there instructions to try to give the clearest picture they can of the actual problem?

**Mr. Harris:** Yes. We try to keep abreast of conditions here and give our instructions to our officers abroad on a timely basis, and not too far behind conditions. If I remember correctly, I do not think there is any real