

Establishment of Immigration Appeal Board

board, and then beyond the appeal board to the minister. It is that situation which the minister sought to correct, if I understand aright. In effect, what the minister said to parliament—and I commend him for it—was that he wanted to place appeals on such matters in the hands of a tribunal which will have the final decision; the decision should not be shunted from the appeal tribunal back to him to have the final word on the matter.

It seems to me that by reserving to the government the right to limit the classes of people who may appeal, or on whose behalf an appeal may be launched, the minister is preserving precisely what he sought to get rid of. The old procedure will still be there. It will be possible to go through the officers of the department and up to the minister for a decision. The old appeal board, of course, will not be in existence, so that in cases where the present appeal procedure is excluded the appellants concerned will have fewer avenues of approach than they had before. They will be able to go through officialdom to the minister only without any appeal tribunal being available to them.

What is the purpose of this? As I understood the minister, he said that we have to do this in order to find out how the new appeal procedure will work and whether it will work happily. As I asked the other day, Mr. Speaker, work happily for whom? The minister is concerned about the number of appeals. He came to the committee and the committee agreed unanimously that he should have the authority to appoint up to nine members to the appeal board instead of only seven. We have agreed to the provision in the bill that one member of the board is sufficient to hear the evidence, even though a panel of members of the board will have to make the decision in the matter.

I should like to repeat what I said to the minister at an earlier stage, that we ought to give everybody who so wishes the opportunity to use the right of appeal which is provided for in clause 17. If at a later date the minister finds from experience that his policy is not working, that some harm is being done, that something untoward is occurring, then he can come back to parliament with a new plan. I would hope that that plan would be one to increase the number of people who sit on the appeal board, perhaps to establish a number of panels at points across Canada to deal with appeals instead of merely having the one board with panels travelling across the country.

[Mr. Lewis.]

I submit that the minister should not at this point start by introducing what I can only describe as the deliberate creation of a delusion in the minds and hearts of the people affected that they have a right of appeal, only to find that the governor in council will tell them that they do not have that right as a result of an arbitrary decision having been made which is entirely unrelated to the particular circumstances and merits of the case. This we cannot accept, Mr. Speaker. Neither can we agree to third reading of this bill so long as this undemocratic, undesirable and reprehensible reservation of power to the government is retained in clause 17 of the bill. I therefore move, seconded by the hon. member for Winnipeg North Centre (Mr. Knowles):

• (3:50 p.m.)

That Bill C-220 be not now read a third time, but that it be referred back to the committee of the whole house for the purpose of reconsidering clause 17 thereof.

[Translation]

Hon. Jean Marchand (Minister of Manpower and Immigration): Mr. Speaker, I shall not go over everything that was said on second reading in committee of the whole. The hon. member for York South (Mr. Lewis) did not bring up any new arguments. It was more of the same. All I can do, obviously, is to repeat what I have already said.

There is only one point I should like to stress. I can only agree wholeheartedly with the hon. member for York South when he deals with the merits of the case. We have asked, or rather, I have asked that this section might be applied progressively by order in council for a very good reason: a new right is being granted Canadian citizens, Canadian residents. As I have said, we are trying out something new. What will be its impact? Will the Appeal Board, as we are setting it up, as we see it, really suffice to take this into account? Perhaps it will be necessary to change it. Then, if such a move is imperative, it will have to be made. Therefore, all I asked and all we ask, is a chance to conduct experiment and to extend it progressively until everybody is on the same footing.

There is no doubt, Mr. Speaker, that it would not be sensible to give certain classes of citizens in Canada certain rights which would be denied to others.

Canada is the first country, as far as I know, to give a right to sponsor, a legal right, a right with a right of appeal to a court, and what we are asking the house is merely an