

that authority should not be given to the board, that exceptions should not be made by this board, but should be made, as formerly, by the minister under his discretionary powers, I am quite prepared to agree that the board, instead of making the final decision, recommend to the minister on the basis of all the evidence it has received.

● (4:40 p.m.)

If the minister does these two things, the right of appeal by a sponsor will have real meaning to the people concerned. In every case with which I have had to deal, the people concerned are usually emotionally involved. These cases affect their future and the future of their relatives and all these things are terribly important to them. I am sure the minister is as aware of this as I am. I do not think it is possible to meet a situation involving such real human concern by an amendment such as the minister is proposing, unless there is the power to consider factors other than the technical grounds of an appeal.

Mr. Brewin: I should like to reinforce the appeal which has been made to the minister with respect to clause 17. There are two parts involved. The first question is: Who has the right of appeal? I would point out to the minister that there are two sides to this matter of sponsorship. Who can sponsor? This is decided at the present time by the regulations. The regulations set out the relationships which are permitted, the financial circumstances, and so on. The other question is: Who may be sponsored? The two go together.

In either case the minister, or the governor in council, by making regulations specifies the classes of people who may be sponsored and lays down the general rules, and it is my suggestion that all those who are named as potential sponsors should have the right to go to the appeal tribunal and say: We have been ruled out, although we comply with the general regulations laid down. There is no reason whatever why the governor in council in addition to setting out the rules of sponsorship should tell one class of sponsors that they have no right of appeal.

On this question of the right of appeal, may I remind the minister and the department that sponsorship is itself based upon compassionate grounds, upon relationships. We have two streams of immigrants, as the minister well knows—those we allow to enter on economic grounds because of the contribution they are likely to make to this country, and

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those who are allowed to come in on compassionate or family grounds. The regulations necessarily spell out in some detail the conditions of entry.

For example, a person may be allowed to sponsor a grandmother, but in order not to extend the category too far an age limit is imposed—she must be over 65, or over 70. Or certain financial conditions may be imposed. But it is precisely considerations of this kind which cannot finally be dealt with in accordance with rigid rules. If, in the other field, when an order of deportation has actually been made, the appeal board is given the right to make orders on what might be called compassionate or discretionary grounds, then in respect to appeals by sponsors there is no reason why the board should not be entitled to take into account the very situations which I know the minister will have taken into account in the past when making discretionary orders with respect to these sponsored immigrants.

I think the minister has shown a laudable willingness to accept suggestions in this field. I would say to him that those who are affected by this measure will feel their rights are infinitely better safeguarded if they are not subject to what could be an arbitrary limitation.

The minister, through the governor in council, confers certain rights. Let those rights be subject to appeal, irrespective of who the sponsors are. If this is done the appeal board will become a more generous and worthwhile recognition of the human problems involved in these cases.

Mr. Roxburgh: Last night I spoke briefly on this matter urging that the board should be able to act in certain of these cases on compassionate grounds. The minister must have a reason for the position he is taking and I would like him to tell the committee what that reason is.

Even if the power to take into account other than strictly legal considerations were used only sparingly it would give the people concerned greater confidence in the government and in this parliament. After all, notwithstanding the law and the regulations now in effect, a number of cases have in the past been determined on compassionate grounds. As I say, I should like the minister to tell us the reason for his objection to the course suggested; I am sure he must have a very good one.