

under which an official could act, but the minister's position enables him to make a favourable decision.

In looking at this clause I notice there is a reference to an application for admission into Canada of a relative, pursuant to regulations made under the Immigration Act. If there is a refusal, a person may appeal. If the board decides that person comes within the regulations made, the application shall be approved. The officials look at the matter in the same light, and they sometimes approve and sometimes deny an application. If you go to the minister you get some approvals and some rejections. I am disturbed by the limitations in the act. If we look at the statement the parliamentary secretary made we find he said that we should treat people with equality and consistently; that no law can be fair unless it provides a considerable area of discretion because sometimes there will be humanitarian or compassionate reasons for admitting people who, under the general rules, would be inadmissible. These are the things about which I am concerned.

In reply to my submissions on clause 17, the minister said it was an experiment in recognizing legal sponsorship. He said we were the only country in the world that gave this right. We set up a board that is independent and which cannot be overruled. These things are fine. However, if I knew of a case in which I thought there was some validity for an appeal, I would hesitate to say to those people, "We have a board and you should present your case to this board. The decision of the board is final."

Clause 26 reads in part:

The minister may issue a written permit authorizing any person to enter Canada or, being in Canada, to remain therein, other than

(b) a person in respect of whom an appeal under section 17 of the Immigration Appeal Board Act has been taken that has not been successful.

This is the particular clause of the bill that concerns me. I have not been involved in security cases, but I have been involved in cases of sponsorship. I can think of many cases which do not fall directly within the regulations. but the use of ministerial discretion has allowed the application.

I suggest that the amendments, of which the hon. member for Carleton has given notice, do enlarge the clause and permit a discretion. It is easy to say the board will give humanitarian and compassionate consideration to these things, and that they will do so with equality and consistently. I can think of another board, The Pension Commission with

*Establishment of Immigration Appeal Board*

which we have to deal. Time and time again the position of the house with regard to it has been stated by members on both sides. It takes refuge in its interpretation of the regulations and the law.

It is for this reason I say to the minister and to his parliamentary secretary that I feel what we are trying to do is to be more flexible and provide these things; but I am afraid of clause 17. Although it appears to give some of these things, I am afraid it might not do so.

**Mr. Marchand:** May I say to the hon. gentleman that, as I see it, all the rights and privileges that exist under the present law are being retained. This means going to the department to appeal to the minister. Nothing is removed. However, if you come to me and I say "No, this person is not going to be accepted," you can still appeal to that board. This is an added right. We are not suppressing anyone.

**Mr. More:** I thank the minister for his explanation. Perhaps I have used too many words in an effort to make clear my concern. I was going to ask the minister directly if he would tell the house whether this clause removed the right to ask him to intervene in a case before it went to appeal. If it does not, then I do not have the concern I was expressing.

• (9:00 p.m.)

**Mr. Gray:** Mr. Chairman, I think the Minister of Manpower and Immigration should be commended by the members of this committee for the aims he is obviously seeking in his attempt to bring a greater degree of humanity and fairness into various aspects of the operations of his department. However, I think it is the duty of the members of this house to try and make sure—and in so making sure to assist the minister—that these aims are in fact carried out by this and other legislation presented by the minister regarding his departmental responsibilities.

For example, if we look at the wording of clause 17 it appears to widen the rights of sponsors by providing for further consideration of applications that are turned down. I should like to suggest to the committee what has also been suggested by other members, namely that under certain circumstances this clause as it is presently worded may in fact narrow these rights.

There is nothing in this bill that defines what is a refusal, or who should determine at what stage a refusal occurs. I think it is important to note that the minister has just