

*Supply—Citizenship and Immigration*

**Mr. Harris:** No, they did not.

We went into that matter at some length, and indeed the minister brought it to the attention of the committee, pointing out that the discretion vested in the minister was so extensive that, as the Leader of the Opposition said today, the power was so great that "even the minister might not wish to exercise it."

Nevertheless the committee did decide that the theory of immigration in Canada must be that the minister would be responsible to parliament to explain the policy in detail, and his administration of it; and if the administration of the act and of the policy did not meet with the approval of hon. members, then the minister would be subjected to such criticism as members felt they should make. It was felt that we could not have these things going through our courts with decisions being made on the law.

Starting from that, it seems to me it would not be possible, nor would it be desirable for that matter, to disclose to the applicants information which is on the file in this department, and which would lead the minister and those under him to come to a conclusion in a particular case. I did not understand my hon. friend's concluding words, when he said that hon. members do not have access to these documents. I have never hesitated to offer a file to any member who asked for it, always knowing that, under his responsibility as a member of parliament, such member would consider it confidential. Yet at the same time I know the hon. member has in mind cases where, to the applicants, it would seem that if they knew the problem in the mind of the official they could meet such specialized objection by producing new evidence. I shall not attempt to make a joke of a serious matter, but I could say that we have people who come to our office and say, "I am so and so; what do I have to tell you in order to get into Canada?"

That is something we do not want to encourage. So that I think we ought to leave it the way it is. I grant you that quite probably members of parliament in particular should be given all the information available to enable them to criticize a minister of the government. But I do not think that we can have an applicant going outside the department and suing in the courts in an attempt to prove his right to enter Canada. As I say, the committee decided that should not be done.

**Mr. Fulton:** The minister realizes of course that both the Supreme Court of Canada and the courts of British Columbia have lately laid it down that applicants for admission to Canada do have certain legal rights.

**Mr. Fulton:** Yes, they did. And it was on the basis of Chinese who alleged that under the law they were Canadian citizens. They were applying for admission to Canada, and their admission had been refused by the departmental officials. The courts said that there is a legal right, and that this right is conferred upon them under Canadian legislation as it exists today. The departmental officials were ordered to review the decision that they had made, as a matter of law.

One of the cases involved the question of whether an adoption in China was legal, and whether our courts should recognize it and, if so, whether the immigration branch should recognize it and give effect to it on this application for admission to Canada. Therefore it is not correct to say, whatever may have been the intention when the committee had the Immigration Act before it, that there are no legal rights involved here.

Then, further, this applies, as I pointed out, not only to applications from these Chinese but it applies particularly where a deportation arises. I referred the committee this morning to the case where a judge of the Ontario supreme court felt it was inconsistent with standards of Canadian justice that the reasons for the deportation order should not be communicated to the person concerned so that her counsel could meet the case in court. I think, particularly in the case of deportation—

**Mr. Harris:** Would my hon. friend permit me?

**Mr. Fulton:**—there must be the fullest disclosure.

**Mr. Harris:** I am not familiar with the case the hon. member referred to first about the adopted child. I must say that my former remarks would be subject to that. But referring to the other case the Supreme Court of Canada did not say anything about legal rights whatever except that the department should process the case. The difficulty there was that the application was sent in. The officer concerned wrote a letter saying that because of certain circumstances we cannot proceed with the application you filed. The supreme court said that is not so; you must proceed with it. They made no decision whatever on the merits of the case, recognizing I think that they did not have the authority to do so.

With respect to the case in Toronto, my hon. friend is taking advantage of me just as his leader did, because it is before the courts in Toronto. I can show him that file,