

*Establishment of Immigration Appeal Board*

May I say, Mr. Speaker, that I am sure all of us on this side of the house were grateful to the minister for accepting a number of suggestions and implementing them in amendments.

● (3:40 p.m.)

One of the suggestions which he accepted and in respect of which he introduced an amendment was to broaden the area in which sponsors could launch an appeal to the appeal board. You will perhaps recall, Mr. Speaker, that the original proposal in the bill would have limited the right of appeal to citizens of Canada. After a great deal of discussion on the floor of this chamber the minister accepted suggestions from this side and came back with an amendment which changed the word "citizen" to "person". So that as far as the general right of appeal contained in the first sentence of clause 17 is concerned, any sponsor, citizen or non-citizen, it would seem from the wording, would be able to appeal to the immigration appeal board in accordance with the provisions of the bill and the regulations which are to follow its passage.

Having done that, Mr. Speaker, the minister then turned around and took to the governor in council the power to limit the area in which that right may be exercised. He took to the governor in council the power by regulation, as I understand the amendment that the minister brought in, to state which classes of sponsor may use the right of appeal. In answer to an interjection of mine at one point to the effect that it seemed to me that he intended by regulation to limit the right of appeal to citizens and to exclude non-citizens, the minister stated, if I remember his words correctly, "It may be". So it seems that that is the intention of the minister and his department.

Thus, Mr. Speaker, having used language in the first sentence to extend the right of appeal to all sponsors, the minister then takes upon himself or upon the government the authority to limit the class of sponsor that may appeal. He also gives to the governor in council the authority to state in respect of which classes of proposed immigrants such an appeal may be made. In other words, clause 17 as now worded in the amended bill gives a general right to all sponsors to appeal if they feel aggrieved, and it reserves to the government the right by regulation to limit the area within which that appeal may be exercised.

I do not think I use language too strong, Mr. Speaker, when I say that I find that an odious provision. I find it odious for several

reasons of principle. First, it seems to me axiomatic that if you give a right of appeal to a class of person, every member of that class ought to have the opportunity of exercising it if he so wishes. Any proposition whereby parliament lays down a general rule giving everyone in a certain class a right of appeal and then gives to the government the authority to say which persons within that class can exercise that right of appeal is completely unacceptable and thoroughly reprehensible. If parliament does recognize that people have the right of appeal to the immigration appeal board, then parliament should be the one to decide which groups of people within that class may or may not appeal. That decision should not be left to the governor in council.

Second, it seems to me that this will lead to the exercise of a kind of arbitrary, bureaucratic discrimination, and this also is unacceptable. What will be the criterion used to decide which class of sponsors may use the right of appeal and which may not, or to decide in respect to which class of relative the right may be used? This decision will be made by the minister and his advisers. They will decide to start at a certain point, and I expect that at the beginning this right will be limited to citizens only. It will be limited to the closest of relatives, perhaps mothers and fathers, and all others will be excluded.

In these matters, Mr. Speaker, you cannot make decisions arbitrarily. I say that to the minister with the utmost respect to him. You may easily have a case whose elements and characteristics are a great deal more urgent but which falls into the group that is excluded rather than the group that is included. It may be more important, though from the humanitarian point of view more heartbreaking, to keep out someone who is a little more distant than a mother in certain cases than to keep out someone who is a mother. The circumstances of each case are separate and distinct and have to be dealt with on their merits in each particular case. For this reason, Mr. Speaker, the arbitrary decision which is going to be made under the proposed clause 17 of the present bill is unacceptable.

Third, Mr. Speaker, the bill is unacceptable to me because the whole purpose of the immigration appeal tribunal seems to be vitiated by this power which is reserved unto the government. I understood that the purpose of the bill was this. Under the present act you have to go through the procedure of making application to the officers of the department, then to an inquiry officer, then to an appeal