

Establishment of Immigration Appeal Board

This is the reason we have stated that Canadian citizens who wish to bring relatives or dependants here to Canada shall have the right of appeal, and not the prospective immigrants themselves.

Mr. Fairweather: Does the minister really mean what he said when he said that only Canadian citizens have rights and that non-citizens in Canada have no rights? I am sure he did not mean that.

Mr. Lewis: That is what he said.

Mr. Marchand: If you refer to landed immigrants, of course they have rights here in Canada; but those who are not here in Canada do not have any rights according to the Canadian laws. Therefore, we are not depriving anybody of their rights. To my knowledge—and someone may have other information—we are the first country to give a legal right of appeal against a department in this field. This is the reason we are endeavouring to make the experiment in respect of one class. Even the members are not in agreement concerning the consequences of this clause. One member stated that the board will be swamped and the other said that they would not have any appeals under those circumstances. The truth probably is that it would be busy as usual, but we really do not know. We have to make the experiment. I do not think the house has any interest in putting a burden on the board when we do not know whether it will be able to carry that burden.

I am ready to consider a few amendments along the lines I mentioned with regard to some other points. I do not think it is in the interest of this country to make a substantial modification. I am ready to look at this, but I say again that if the house wishes to modify the immigration policy of this country, it will have to do it through the basic law in respect of immigration and not through this special legislation, the purpose of which is to set up a board of appeal.

Mr. More: Mr. Chairman, may I put just one further question to the minister dealing with this general discussion. Earlier, in answer to remarks I made, he said that actually clause 17 was in addition to the present avenues we now have. I was pleased to hear this. However, I am looking for this in the person of another incumbent minister. I am wondering whether this is a personal assurance or whether there is anything which indicates it would be incumbent on the new minister. I do not see such an assurance in the bill itself.

[Mr. Marchand.]

Mr. Marchand: This discretionary power is given by section 8 of the Immigration Act. It is reproduced, with two exceptions, in this new bill. It appears in clause 26. There are only two exceptions to this discretionary power:

(a) a person under order of deportation who was not issued such a written permit before the coming into force of this subsection, or

(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 means that if a person appeals to the board to be permitted to bring a relative to Canada and is turned down, at this moment I have no discretion; but prior to such a procedure I have all the discretion I have now.

Mr. More: That is exactly the point on which I should like to have assurance.

Mr. Marchand: This is the reason, as I said, that the only thing this bill does is to add more rights. If a person in the first place comes to me and I say no, that we will not accept this person, then he still has the right to go to the board of appeal and have my decision reversed. This is a right which does not exist now.

Mr. Gray: In other words the minister is assuring the house that the applicant may be told that he may go to the appeal board, and he may have the impression that the right of discretion is no longer available.

Mr. Marchand: Mr. Chairman, I am not going to say here what the department is going to do in future years when we may no longer be here, although the hon. member for Essex West probably will be. It is not our intention to do that. We want to add rights; we do not want to take away any rights.

Mr. Wahn: Could the minister tell me what the policy reason is, that a person who is here legally but on a temporary basis will not have the right to appeal to the Immigration Appeal Board.

● (9:50 p.m.)

Mr. Marchand: Mr. Chairman, there is no reason that all immigrants should not have the right to appeal. In the white paper we have tried to set down a new policy, according to which Canadian citizens have more rights than landed immigrants. I do not know whether this principle will be recognized by the house and integrated into the law, but this was its origin. We think that when a landed immigrant is accepted as a Canadian citizen he should enjoy more rights than a