

*Establishment of Immigration Appeal Board* with immigration and other social groups concerned with this problem.

The only way to obtain human decisions is to allow these people to decide, to give them full authority and jurisdiction to judge the cases as presented.

In my opinion, this jurisdiction is established by the legislation. The court will be able to judge not only legal problems, but factual problems and then make a decision according to the exceptional circumstances. It will be empowered to do so.

Will the court do it, Mr. Speaker? I cannot swear it to this house and I see no legislation which would allow anyone to swear that a human court, or even a man, will behave in all circumstances in a humane manner. The only thing is that the structure, as it is, gives all the safeguards that human problems will be taken into consideration in the field of immigration. Even if we inserted in the very legislation the word "humane", and asked the court to judge in a humane way, it might not do so, as there would be no real guarantee. We have to know whether the court can do so if it wishes; I think it could and I do not see what we could add to the bill to strengthen our purpose. In that field, I am not satisfied that the text does not offer the safeguards announced in the statement made yesterday by my parliamentary secretary (Mr. Munro).

I should like to say now that, with two specific exceptions mentioned in section 26, the minister retains all his rights; in other words, he will have the power to admit into Canada, by virtue of a permit or under his own authority, people who do not strictly comply with all the conditions spelled out in the act. He will still be able to do so; this ministerial privilege has not been taken away from him. The only privilege withdrawn from him is that of reversing a decision taken by the Immigration Board, as it is, or modifying such a decision. Otherwise, the minister has the same powers as before, and he may, on humanitarian grounds, accept into Canada people who, normally under the act, would not be admissible.

Therefore, even in that respect, Mr. Speaker, I do not think we are worse off than before. I would say to the hon. member for Hamilton West (Mr. Macaluso), who said that he was afraid just the same, that I do not see how we can legislate against someone's fear. I try to understand the reason for it and I do not see how we can give greater protection than this.

[Mr. Marchand.]

Now, in the field of sponsorship, Mr. Speaker, we are making an experiment. It must be realized that Canada is, to my knowledge, the only country in the world which gives such a legal right as that granted in Bill No. C-220. I know of no other country which allows its citizens to sponsor by right people, non citizens, with an appeal before the courts, and even up to the Supreme Court, on a point of law. That is surely an innovation.

Now, we can be told, and we have been told, that we could go further. I think there is no harm in saying here, Mr. Speaker, that we would like Canadian citizens to have the right to sponsor all the people that the landed immigrants, as defined in the white paper, can bring into Canada now.

Take the white paper for instance. Look at the category of people that the landed immigrants are allowed to bring into Canada. Well, citizens will be able by right to ask that those people come to Canada. This is only an experiment. We prefer not to include it in the act because we can easily extend it in the future, if the results are satisfactory. How many people will come under that arrangement? We have no idea, however we believe that we must try it with one category of people and then go further if the experiment is successful and if there is need to. Therefore we are not removing any of the present rights included in the act. The immigrants and the citizens will have the same rights they had under the former act.

• (6:50 p.m.)

We are simply adding that legal right to bring someone in, a legal right with appeal before an arbitration board which decides on the case.

The hon. member for Carleton (Mr. Bell) pointed out a legal heresy allegedly found in the text. Since he is a lawyer and I am not, I must admit that I cannot give him an answer. The fact that at one point the minister is acting in contradiction with one of his own officials does seem a bit strange. I cannot say if it is really an illegal or incongruous provision. In any case, it is a matter that can be studied.

Mr. Speaker, there is another very important matter, namely the security cases. The hon. member for York South (Mr. Lewis) dealt with that and I think that personally all the values he mentioned are as dear to me as they are to him. I know what he is aiming