

and 21 thereof the following: "or that there exist compassionate or humanitarian considerations that in the opinion of the board warrant the granting of special relief".

The Chairman: Is there agreement to the amendment proposed by the hon. member for Carleton?

Some hon. Members: Agreed.

Amendment agreed to

Clause as amended agreed to

Clause 18 agreed to.

On clause 19—*Notice of appeal.*

• (5:30 p.m.)

Mr. Lewis: Mr. Chairman, I merely wish to indicate that as the bill now stands there is no requirement that the appellant be given information on which he can base his appeal. I do not think the right of appeal will mean anything unless the appellant knows on what he is going to appeal to the board. I have copies of a proposed amendment, Mr. Chairman. I move:

That clause 19 of Bill C-220 be amended by designating the present clause as subclause (1), and by adding immediately thereafter a new subclause (1), and by adding immediately thereafter a new subclause (2) as follows:

"(2) Every appellant under section 11 and section 17 shall be provided by the minister with particulars of the grounds on which the deportation order or refusal to approve an application for admission was based in such manner as is prescribed by the rules of the board".

One hon. member has already spoken to this concept, Mr. Chairman, so I do not think I should take the time of the committee any further.

[*Translation*]

Mr. Marchand: Mr. Chairman, I do not object in principle to the amendment before the house. On the other hand, we tried last night to move an amendment strictly in accordance with the wishes of the hon. member for York South (Mr. Lewis). In the face of a great many objections, we finally realized that the best place for such an amendment is in the Immigration Act itself which governs the activity of immigration officers, since they will have to comply with that requirement or the minister may become subject thereto under the Immigration Act.

Now, I cannot dispute the merit of the proposition itself, since I am in agreement. The only thing I can do, if the house rejects this amendment, is to give the undertaking that, as soon as the legislation becomes operative, all immigration officers affected by this

Establishment of Immigration Appeal Board

clause will be required through regulations to make the report and to give reasons to the appellant. And as soon as the Immigration Act is introduced in the house, it will be up to the house to move the amendment to have it incorporated in the act.

This is purely a technical problem but I would prefer, Mr. Chairman, that clause 19 be left as is and that, through our regulations, the officers be required to give reasons, or that I give them myself to the party making an appeal. I solemnly undertake to do this as soon as the legislation is passed. And as soon as the general legislation is introduced in the house, I shall support an amendment in accordance with the one the hon. member for York South has just moved.

[*English*]

Mr. Lewis: Mr. Chairman, I am grateful to the minister for his very clear and unequivocal undertaking that the purpose of the amendment I have just moved will in fact be carried out by his department, but with very great respect I do not see any technical objection to the amendment. I did appreciate in drafting the amendment some of the points that might arise—I do not say I realized all of the points—with regard to inquiry officers and other officers of the department, as well as the terms of the Immigration Act and regulations which control them. This is why the amendment does not seek to have the report of the inquiry officer or any other officer of the department given to the appellant. It is also why the amendment asks that the minister provide the grounds.

From my little knowledge of the Immigration Act I cannot see where a technical problem arises on this point. Therefore I am wondering whether the minister would allow the clause to stand. I did understand him to say that he is not arguing against the merits of the amendment but is in agreement with it; it is purely this technical difficulty that he said he stumbled upon last night. I do not know whether the minister and his advisers considered this particular approach of laying this duty upon the minister rather than automatically requiring the furnishing of some departmental document. Perhaps this question was not considered, and if this is the case would the minister consider standing clause 19 so as to give the matter some further thought. Because we are not going to pass the bill today; it is now twenty minutes to six.

Mr. Marchand: We may.