

Establishment of Immigration Appeal Board

that the applicant does not meet the requirements of the law or fall within the regulations and therefore the application cannot be accepted, with I presume, the reasons set out? What about documents in the country of origin of the immigrant which may be of assistance to his case? Is this information to be made available to the sponsor so that he can plead a case? These are reservations about the bill that I think many of us have and which create real fear. As I say, one of my fears is that although it is not the intention the bill may further restrict immigration by sponsorship.

With regard to the humanitarian and compassionate aspects, Mr. Speaker, who can deal with such considerations? The independent tribunal? Of course not. These considerations can be dealt with only by the department. The department may say that these matters will be taken into account when the case is considered by the department, and I am sure they will be; but there is no way of establishing this before a tribunal.

• (5:50 p.m.)

I must say that every application made by a sponsor invites a certain amount of pressure being placed upon the minister. I know that parts of the bill have arisen from the Sedgwick report but I have yet to find any editorial writer who approved of the report. With all due respect to Mr. Sedgwick—I articulated with him in my final year at Osgoode Hall—not many people agree with his conclusions. The department seems to agree with them. We realize there are problems in regard to ministerial discretion, but where do you draw the line? Pretending the problem does not exist does not wipe it out. One must remember that we are not dealing so much with statute law as with human beings, people with emotions. Some people want to join their families and it is not enough to say to a sponsor that his brother, sister, mother or father cannot come to this country for certain reasons unless you can prove to his satisfaction, which at times may be difficult to do, that it is impossible for the relative to come to Canada.

What is the good of sending out a form letter saying that an appeal must be launched within a certain time? How many people take advantage of such a letter? I can see people coming to our offices screaming that they want to appeal when the time limit has expired. An extension is impossible because we

[Mr. Macaluso.]

are bound by the law. I feel that the provision respecting appeals by sponsors might inhibit immigration through sponsors.

The present appeal board is not satisfactory. Its decisions may be reviewed by the minister. In sponsored cases the minister has discretion. I ask the minister and his staff to devise some plan whereby a line can be drawn so that people may be helped without the board or department being swamped with appeals. I find it difficult to accept that the ministerial discretion with respect to sponsored appeals should be done away with. I agree with many of the contentions on this subject raised by the hon. member for York South. I hope the minister will review this matter. He must have some answers to the problems.

In all conscience I could not let the opportunity pass of expressing my fear in regard to appeals by sponsors. Under clause 23 an appeal lies to the Supreme Court of Canada. But, Mr. Speaker, the Supreme Court of Canada deals with the law. The regulations are based on the law. Certain conditions are set down in the act and any tribunal will know about those, including the Supreme Court of Canada. The Supreme Court of Canada cannot look at humanitarian and compassionate aspects and it will be impossible for the appeal tribunal set up under this bill to do so.

Canadian immigration procedures throughout our history have always considered humanitarian and compassionate grounds. Ignoring those grounds in this bill is to take a cold-fish attitude to immigration by sponsors. We shall have turned in a full circle. Families will not be reunited. I do not agree with my good friend from Parkdale that we shall be swamped with appeals by sponsors. This bill will have the reverse effect. I fear that such an effect is the purpose of this measure.

Mr. Raymond Langlois (Mégantic): Mr. Speaker, I do not intend speaking long on Bill C-220. I have not many problems concerning immigration in my riding. I wish to mention one particular instance involving a person who came from the United States and wanted to work in Canada.

The minister ought to clarify one point to which the hon. member for Hamilton West (Mr. Macaluso) referred. The minister cannot attend to all individuals; there are thousands of cases. There ought to be some procedure to correct injustices which arise from time to time through shortcomings or loopholes in the