

*Supply—Citizenship and Immigration*

There are several aspects of the matter I would like to ask about. The minister will recall an announcement in the house in 1951 with respect to the children of Chinese-Canadian citizens in which it was indicated that the provisions would be relaxed whereby in the case of those over 21 and up to 25, where there was hardship or merit, there would be provision made for their entry. I wonder therefore if the minister could define that type of hardship, or the grounds of merit, relied upon to produce in certain cases permits for entry. We would like to know the lines of policy which are being followed. So far as I am concerned it would appear that one case is dealt with favourably and that another of a similar nature is refused.

As I say, the lack of reasons given for refusal makes it almost impossible to know whether to appeal or how to conduct the appeal. Would the minister say a word or two in describing the type of case where hardship or merit would apply, and give examples where these have been relied upon as justifiable admissions.

**Mr. Harris:** Mr. Chairman, it must be obvious to the committee that as soon as I made the announcement almost every Chinese citizen in Canada who had a son in China over the age of 21 and under 25 made application for his admission to Canada. And, of course, that is an exaggerated statement because they are still coming in. Nevertheless we were faced with all the applications which could be sent in as a result of that. We had some question in our minds as to what precisely we could do by way of definition. And we finally left the definition just precisely as I indicated, that each case would have to be dealt with on its merits, realizing of course that the decisions might not be correct in some cases but that on the average they would be acceptable.

Perhaps the committee would be interested to know the number who have come in under this grouping. There have been 23 of the age of 21; 19 aged 22; 7 aged 23; 6 aged 24 and 10 aged 25 in the month of May of this year only. That is a representative month. The total is 65 in this group.

Now, if it happened that a son was well established in China, so far as we could decide, and if the father here had other children either to look after his business or to look after him in his old age, that would be the type of case that would not meet the definition of hardship. If on the other hand the father happened to be the sole proprietor of a business, if he was getting on in years

[Mr. Fulton.]

and had a son abroad of that age who could come forward and assist him, that could be a case where hardship would intervene. We would consider it a case of hardship and grant the request.

**Mr. Fulton:** I should like to ask a question with respect to all cases of this kind, and immigration applications generally. Can the minister give an assurance that it will be laid down as a matter of policy that in these cases, except where it is a matter of security or political loyalty, a duly appointed representative of the applicant will be allowed to have access to the files and documents on which such refusal is based so that he will be able to prepare a case on appeal either to the minister or to an immigration appeal board, if one were set up or, if necessary, to a court? There has been occasion for a ruling of this kind. Many times counsel have had great difficulty in obtaining information upon which to base applications; and the same applies to members of parliament.

**Mr. Harris:** Is my hon. friend referring to Chinese cases, or is he making a general reference?

**Mr. Fulton:** I am referring particularly to the Chinese; but I would refer to it generally, because I think it covers a general situation.

**Mr. Harris:** I do not think I can agree to the suggestion made by the hon. member. We have been through all this before. I know the representations which have been made to him presumably by the same persons who have seen me.

**Mr. Fulton:** Various people have been making these representations.

**Mr. Harris:** I agree; but I was thinking of particular groups.

**Mr. Fulton:** The Chinese benevolent society and others.

**Mr. Harris:** Yes. As the hon. member knows, we discussed this at some length—perhaps not this particular detail, but the over-all theory of immigration—when we were revising the Immigration Act two years ago. And all but one member in that committee—and I think this was endorsed by the house—held the view that immigration could not possibly become a matter of law, and we did not want to get into the system which obtains in some other countries whereby we would try to define in a law those persons who could be admitted to Canada, so that one could approach the courts in this country and have a judge decide in an action at law whether an applicant came within the terms of the law.