

Immigration Appeal Board Act

So I am very pleased to see this bill, because the minister has done something to alleviate the plight of people who quite innocently came from Peru, Haiti, the Caribbean area and Portugal with their life savings only to find that when they got here the provision permitting them to apply within Canada for immigrant status had been temporarily removed. The minister is to be congratulated for this.

One of the things that appalled me when I was minister of manpower and immigration—I do not think too many people who are now in the House are aware of this—was that most of the backlog, or a sizeable number of cases to be heard by the Appeal Board did not comprise visitors who had applied for immigrant status in Canada and were refused because of the points system; most of them were persons hiding from something. In many cases they were criminals who crossed the border illegally, but once in Canada could not be legally deported because they were entitled to every step of the appeal process, including appeal to the Supreme Court of Canada. If you have the funds to do so—and the underworld certainly has that kind of money—you can gain many years of postponement by simply taking advantage of the legal procedures in this country, not to obtain immigrant status but simply to prevent your deportation back to the country of origin.

I am not unaware of criminals coming out of jail after a two or three years' sentence and immediately launching an appeal against their deportation to the United States or some other country. We could not close that off at the time because the situation was not covered by the regulations, so until the passage of this bill it is still one of the most flagrant loopholes in our legislation. I was a member of the House at the time, so I am also guilty; but I do not, frankly, understand why this flagrant loophole was not noticed by the lawyers or the people on the committee at the time the bill creating the establishment of the Immigration Appeal Board was drafted.

I do not know why they did not realize that not only was the appeal system made available to those people who had applied for immigrant status in Canada and had been rejected, but was also made available to visitors who had no intention of becoming immigrants, who never applied for immigrant status and who simply said they were not going home when arrested by the RCMP or the provincial police and immediately took advantage of the law to appeal their deportation order. Hence we have, as the minister said, more than 17,000 people waiting for appeals before the Immigration Appeal Board. The board, under its present make-up, could probably hear under the best of circumstances 100 cases a month, which is probably double the realistic figure.

The important feature in this bill, other than the minister's humanitarian gesture, which takes into account the plight of those people who arrived prior to November 30 and who in effect were travelling here at the time we closed the door on applications for immigrant status from within Canada, is clause 5 of the bill which finally limits the right of appeal to certain classes of people, such as landed immigrants who have run afoul of the law after they have been granted immigrant status. This is a very limited number but it dramatically reduces the number of people who in future will take advantage of the appeal

system under the Immigration Appeal Board to appeal what could be a faulty decision at a lower level. What it will do is to eliminate from the appeal system or the right of appeal those visitors who have no intention of becoming Canadians, the criminal types, if you like, who are just resisting deportation back to the United States or their country of origin. I mention the United States because it is obvious that many people come in from that country illegally.

As I said, there is no department that gave me as much satisfaction. One of the problems I was faced with, which is fairly similar to what the present minister is facing, but not the backlog of appeals before the Immigration Appeal Board—one which I had no competence to do anything about—was a problem which I could do something about, namely, the number of cases considered by immigration officers where people are really judged for the first time to see whether they can acquire the status of landed immigrant. I recall that there were no less than 9,000 or 10,000 people in that particular category.

If I may refresh the memory of the members of the House, what we did was to review the 9,000 cases of those who came in, not in light of their original status or in light of the points they could accumulate, but in light of what had happened to them in three years. It was not amnesty, as the editorials were saying. The same editorials which this week are applauding what we are doing were castigating me at the time. What I was trying to do was to clean up the 9,000 cases that were impossible to adjudicate and that could only be added to the 17,000 cases that had already accumulated before the Immigration Appeal Board. I sat in on some of them in Toronto particularly to see the quality and the degree of humanitarianism that existed or did not exist in the hearings.

● (1510)

I remember a Portuguese gentleman coming in one day. I thought I would sit in quietly on his review only because I travel to that country fairly frequently and I understand the language passably. The gentleman in question had been rejected three years previously for very obvious reasons. At the time he spoke very little English and no French. His education, by our standards, might have been third grade. He had about \$85 in his pocket and a return ticket to the Azores. He was married. His family was in Portugal. He had no particular skill that the immigration officers felt was worth very much in the way of points. I think he may have amassed about 20 points, no more.

Three years later when I sat in on the appeal proceeding and listened, he spoke impeccable English. He was well dressed and assured. When questioned about what he was doing in Canada he confessed he had learned English through the YMCA and because of that had become very active in boys' work. When I asked him personally about his financial status he proudly showed me his bank book which contained about four times what I had. He had around \$18,200 in a Canadian bank. I asked him how much he had in Portugal and he admitted he had around \$12,000 which he had sent home to Portugal. I asked him the \$64 question which was, "Where did you get that kind of money in three years?" He said, "If you would like to come down the street ten blocks away, I can show you." Because I was curious I went along with this gentleman and found