

*Establishment of Immigration Appeal Board*

That is when, under circumstances I need not describe as everyone is aware of them, it was decided that commissioner Sedgwick be asked to prepare a second report. The letter of the Prime Minister, dated January 27, 1965, asked Mr. Sedgwick to prepare a second report on ministerial discretion in the case of the minister of immigration.

And it is the second report which is before us and which precisely contains commissioner Sedgwick's recommendations on ministerial discretion.

In fact, the commissioner made recommendations with which I am generally in agreement. He recommended that ministerial discretion in immigration matters be abolished. I shall quote his reasons, if you will allow me, because I think they are basic if we are to understand the bill before us. On page 8 of his report, commissioner Sedgwick says this:

In recommending that the board's decisions be final I do so for these reasons:

In other words, it means that any decision by the Immigration Appeal Board would be final and that the minister would have no authority to quash or change the board's decision.

1. To make appeals to the board subject to review and final determination by the Minister is to render the board essentially sterile.

That is very true. My one year experience at the department of immigration showed me that cases are usually dealt with very quickly, at the board level, for an appeal is then made directly to the minister, and this reduces the prestige and authority of the present Immigration Appeal Board.

If the board's decision is unfavourable, recourse to the minister is almost automatic in a great proportion of cases and the board is reduced to a mere stepping stone between the special inquiry officer and the minister.

The second reason:

2. This would relieve the minister of a great deal of pressure of an undesirable nature.

The undesirable pressure referred to a while ago.

My inquiries satisfy me that the pressures brought to bear have often dictated the disposition of cases.

Thus, commissioner Sedgwick indicates here that the decisions were made after pressures had been brought to bear and the cases were solved according to those pressures.

As I said, Mr. Speaker, that influence is legitimate or it is not; often, it is very difficult for the minister himself or the deputy

[Mr. Tremblay.]

minister or the director of immigration to make a difference between the simple compassionate grounds which may exist in an appeal case and the other reasons which may incite people to act.

The third reason is as follows:

3. Ministerial duties and commitments are onerous and such that it is impossible for the minister to give careful consideration to a multitude of individual cases.

It is a real problem which I mentioned earlier. It was also pointed out by the hon. member for Carleton. It is that the minister of immigration has so much responsibility in the field of general immigration policy that his time could be more usefully spent otherwise than in making decisions, which is something really useful and important but that other people can do possibly as well as he can under more favourable conditions than those in which the minister finds himself most of the time.

And the fourth reason is as follows:

4. I would expect that an independent board exercising discretion along the lines indicated above would soon, on the basis of precedent—

That is the jurisprudence we talked about.

—evolve intelligible and reasonable guide lines which would be made known to members of the legal profession and others particularly interested in immigration matters as well as to the public generally.

Mr. Speaker, commissioner Sedgwick's report contains several recommendations, but this basic recommendation, along with changes we shall discuss later, is embodied in Bill No. C-220, establishing a new Immigration Appeal Board which will be granted much more authority than the present board. With the exception of security cases only, the decision of the board will be final; however, appeal to the Supreme Court is possible on points of law.

A special commission must be maintained with respect to immigration appeals in security cases. I realized very early, upon becoming head of the department of immigration, that security cases are very serious. A report on security problems in Canada regarding immigration had been prepared for me, when I was appointed minister of immigration. A conference was called immediately by the minister of justice, now President of the Privy Council (Mr. Favreau) and myself, including all senior officers of the Royal Canadian Mounted Police, the department of immigration and the Department of Justice, in