

any fundamental changes in the present system, it has two underlying concerns. First, whether individual justice is best served by a more rigorously legalistic adversary system with precise rules of procedure, of evidence, and of precedence, or by a less formal, more direct attempt to discover and respond appropriately to the facts as each case warrants. Second, courts and legal procedures in general are designed to protect rights, not to grant privileges. Immigration per se is, in this sense, a privilege, extended by the Parliament of Canada. The judiciary, or other independent bodies, should not, as far as possible, become involved in the selection of immigrants, although the current rights of review by the courts should be preserved. Also, the Committee wanted to ensure that procedures in Canada were not of a nature to encourage people to avoid applying for landed immigrant status abroad. It must not be made easier for would-be immigrants to achieve their objectives simply by arriving in Canada as visitors, and then taking their chances.

126. The Committee noted that many submissions recommended safeguards that are already in effect: at Special Inquiries the subject is now informed of his right to retain counsel; he has a right to the services of interpreters at no charge and to witnesses if necessary; he is read the report of charges against him, and is told of the purpose and possible consequences of the inquiry. The Committee rejects the suggestion that Special Inquiry Officers be appointees independent of the Department of Manpower and Immigration. It further recommends no change in the practice that where the inquiry concerns a person seeking to enter Canada, the onus of proof of admissibility lies upon that person, while where it concerns a person already within Canada, the onus of proof that the person is subject to deportation lies on the Minister. It agrees with the Canadian Bar Association (and with actual departmental practice) that *"There should be no 'further examination' (by a Special Inquiry Officer) leading to deportation without a formal Special Inquiry hearing"* (067).