

*Immigration Act*

There are two decisions referred to in connection with this matter. One was referred to by my good friend from Greenwood. The first reference is re Offman, 62 D.L.R. 223, 1921, and the second is re Samegima, 3 W.W.R. 56, 1931. These cases, as mentioned by the hon. member for Greenwood, state that it is not sufficient reason to say that the applicant is in Canada contrary to the provisions of the Immigration Act and effected entry contrary to the provisions of section 33, subsection (7) of the said act. These decisions have been followed in recent cases. However, the sponsor of the bill claims that the reasons now being given are that the applicant does not possess an immigrant visa, a proper medical certificate or some other document. Since the immigrant visa can be refused without reason being given, since the medical certificate can be refused without reason being given, the result is the same. In other words, the department and its officials are usurping the law of Canada, the law laid down by the parliament of Canada.

I want to repeat that I believe it is high time that, in a democracy such as Canada, people who apply for citizenship, who have served Canada in many different ways and have been here 20 or 30 years, were given reasons for the refusal of their citizenship. If one reason is, "You are a communist and you cannot become a citizen of Canada", then that person should be told this. He should be told he does not qualify because of security reasons, not because he attended some meeting or did something while at university. This is getting down to the level of McCarthyism. I am not blaming the minister particularly, because some of the ministers before him have not done anything to remedy the situation. People come to the offices of members of parliament or go to the offices of lawyers in the various cities, but no one can get information for them. The department is breaking the law. The law is not being enforced in Canada.

I support the bill wholeheartedly. As I say, I am not blaming the minister, because this dirty linen was on his doorstep when he took over. However, it is high time somebody cleaned up this situation. How can we expect new citizens to apply for citizenship or to value democracy when the department is usurping the law? I want to repeat that this is a bureaucratic frustration of justice and it is up to us as members of parliament to speak out against it. I support the bill and I congratulate the hon. member for bringing this problem before the House of Commons.

**Mr. Hubert Badanai (Parliamentary Secretary to Minister of Citizenship and Immigration):** Mr. Speaker, I have followed with considerable interest the comments of the

hon. member for Greenwood (Mr. Brewin) who introduced this bill. The bill purports to require of the department the reasons for deportation beyond the lack of a visa or other document, et cetera, and that they be given in each case where deportation is ordered under the Immigration Act.

The explanatory note attached to the bill reads as follows:

The purpose of this amendment is to give reality to the hearing by a special inquiry officer provided for by sections 27 and 28 of the act and to put an end to proceedings in which the only issue in the hearing is whether or not an applicant has an immigrant visa or other document, which can only be granted to him by officials of the immigration department and which are refused without reason.

It seems clear to me from the explanation given that the bill is intended to operate in those cases, principally if not entirely, where visitors to Canada apply for the privilege of permanent admission or, in any event, refuse to leave Canada in accordance with the conditions governing their original entry. In such cases the individuals do not have in their possession an immigrant visa or other document prescribed by the regulations as being prerequisite to securing "landed immigrant status".

The explanatory note contains two inferences which I do not think I can let pass without comment. The first of these is that the department withholds immigrant visas or other documents, and orders deportation without reason. This, if taken at face value, would certainly indicate a complete lack of responsibility on the part of the department, absolutely at variance with the facts. The department takes a very serious view indeed of the whole matter of deportation and I can assure hon. members—

**Mr. Brewin:** On a point of order, may I say to the hon. member that the statement they refuse without reason does not mean it should be without reasons given. I am not suggesting that the department acts without reason.

**The Acting Speaker (Mr. Batten):** I cannot accept the hon. member's point of order as a point of order.

**Mr. Badanai:** The hon. member takes exception to my statement that his bill refers to deportation without reason, and I would point out that this is not true. The department takes a very serious view of the whole matter of deportation, and I can assure hon. members that deportation proceedings are not instituted without good reason. The second implication, which is another interpretation, is that the possession of a visa or other document is really not important in itself, and some other substantive reason for deportation is required.