

*Establishment of Immigration Appeal Board*

defence which might help to make a better balanced and a better informed decision.

In fact, if clause 21 is maintained as it is, once again, the basic right of any citizen to justify himself on a charge laid against him is being denied. All that is involved, then, is giving the appellant an opportunity to present a detailed defence to inform the minister and to prevent misuse of authority.

● (9:30 p.m.)

[*English*]

**Mr. Marchand:** Many suggestions have been made which could probably be accepted. I think that the first amendment suggested by the hon. member for Carleton, concerning the board of appeal, is already contained in the law. His wording is different and I have no objection to considering some drafting which will suit us both and will suit the house. I do not quarrel with his intention; this is what we are trying to achieve.

So far as his second amendment is concerned, this is something quite different.

**Mr. Lewis:** Could the minister indicate which was the first and which was the second amendment? I do not remember the order.

**Mr. Marchand:** The first amendment is to clause 14 and it concerns the jurisdiction of the board of appeal.

The second amendment is much more serious. I do not think it would be wise for this house to outline a new immigration policy in this bill, and this is what the hon. member's amendment is suggesting. This is the amendment to clause 17 concerning sponsorship. From the very moment that this board is given the right to accept anybody, notwithstanding the law, it will have more power than the department or parliament. I think that if the only criteria according to which a new immigrant is accepted is that he should become a good Canadian citizen, then the basic law will have to be amended so that the department will know what criteria it has to follow. Otherwise it will be operating under a restricting law, because the board of appeal will have overriding powers. In such a case it will cease to be an appeal. Clause 8 provides that a person can be admitted on humanitarian grounds. This is a very exceptional case. Apart from that case the law must be followed, and it is the law of the land. The amendment proposed by the hon. member for Carleton will give to this board more power than is given under the Immigration Act. If the house wishes that, it will have to achieve

[*Mr. Goyer.*]

this purpose through an amendment to the act and not through this bill.

Perhaps there is good reason for extending this right of appeal, but I do not see how the law can be changed through an amendment to this bill. My first reaction to the amendment is that it would amend the policy and I do not see how this can be done through such an amendment to this bill.

Concerning clause 21 which refers to security—

**Mr. Bell (Carleton):** Before the minister deals with another matter could he indicate his view on whether this clause should be expanded to include the right of appeal for landed immigrants?

**Mr. Marchand:** I am ready to consider that, but we must be clear on this. The landed immigrants continue to have the right to sponsor relatives. We do not take away this right from them. This bill gives them the right of appeal, as well as the right to sponsor.

**Mr. Bell (Carleton):** We understand that.

**Mr. Marchand:** I think it was the hon. member for Royal who said that landed immigrants will no longer have the right to sponsor. That is not so; they continue to have that right. Perhaps I did not understand him well but I will be able to check it in *Hansard*.

**Mr. Fairweather:** What I meant was that there was some reference to it in the white paper.

**Mr. Marchand:** I think it would be wise, before modifying the policy, to wait for the white paper, at which time we can incorporate such amendments. I do not think such amendments can be made to this bill.

With regard to the matter of security under clause 21, the hon. member for York South used the phrase: "We want particulars in general terms". I wrote this phrase down because I wanted to be sure that I understood him. I do not know what he meant, but I am sure he said it. Perhaps his thinking was so fluid that this was the only way in which he could express it.

**Mr. Lewis:** I do not withdraw those words, because I think they make sense. One can give particulars in general terms, despite the minister's surprise. As a matter of fact I think it was the hon. member for Dollard who made the same suggestion, even though he did not use those precise words.