

transportation companies bringing immigrants to Canada, while at the same time eliminating or toning down the more arbitrary provisions of the present Regulations. Some of the provisions presently in effect could well raise awkward questions as to their legality or as to their consistency with principles enunciated in the Bill of Rights.

5. Apart from the foregoing the changes of greatest significance are to be found in Regulation 1(b) which defines "son" or "daughter" (replacing the present unsatisfactory definition of child); Regulation 17 (the literacy test); Regulation 18 (passport, visa and other documentary requirements); and Regulation 20 (admissible classes).

6. *Regulation 1(b)*: The present definition of child excludes all adopted children and all children who would be regarded as illegitimate if born in Canada under Canadian laws respecting domicile and marriage. As a result, whenever it is desired to admit an adopted or illegitimate child as an exception, it is necessary, under present procedures, to obtain the authority of an Order-in-Council to waive the restrictions contained in the present Regulation. The purpose of this restrictive definition has been to maintain effective control over Chinese adoptions or other adoptions of convenience; and also to prevent the entry of children born to the second wives or concubines of Chinese who are in Canada and who desire to bring in the children of their first wife and also the children of their concubine.

By decision of the Cabinet Sub-Committee, no provision has been made in the new definition of "son" or "daughter" for the inclusion of adopted children. However, the new definition adds to the former definition of "child" (which covered legitimate children only) a new clause which makes provision for illegitimate sons or daughters under 21 years of age within certain carefully defined limits. This new provision is intended to make it possible for a woman who is being allowed to come forward to Canada to bring her illegitimate son or daughter under 21 years of age with her. This will cover most cases where there is a valid case for permitting the entry of the son or daughter: but since concubines, as such, are not regarded as wives and therefore not permitted to come to Canada, their children will under the new Regulation continue to be excluded from the definition of "daughter or son."

7. *Regulation 17*: The literacy test set out in the present Regulations is not satisfactory and is not, in fact, being used. The new test proposed is more general in character and will be applied if approved. It is based on a two-fold provision. Scholastic and educational documents will be accepted as *prima facie* proof of literacy: but where any doubt exists, or in cases where the required documents are not readily available, the proposed immigrant may be required to read and to complete a simple form which will test his ability to read and write, or to read an extract from a newspaper and write a few simple sentences in the language of his choice. It is not considered necessary or desirable to spell out the precise details of the test in the Regulation itself.

8. *Regulation 18*: This entire section of the Regulations has been reorganized and developed in more orderly fashion than before. Subsections (1) and (2) concern *passport* requirements and the conditions under which passports are not required. Subsections (3) and (4) deal with *visa requirements for immigrants* to Canada and authorize the Minister to dispense with this requirement under certain circumstances for certain groups and classes of persons. Subsections (5) and (6) repeat, with respect to *non-immigrant* visas, the provisions of the preceding subsections with respect to immigrant visas. The three concluding subsections deal with medical certification, the non-conclusive status of visas and other documents, and the penalty for transportation companies which transport to Canada persons who lack the necessary documents.

Subsections (3) and (4) are probably the most important. Subsection (3) provides that every immigrant to Canada must obtain an immigrant visa issued by a visa officer stationed outside of Canada.