

Immigration

at a later date to tie together those technical, administrative process matters when we deal with the act itself.

I tried to deal with the question of retroactivity last evening. I sense that we may not reach agreement, but I state again my feelings. I find retroactivity, in terms of changing the rules of the game on a retroactive basis, to be repugnant but in this instance I believe we are maintaining what was the intent of the government and, I still say, a validly stated intent through section 57 of the regulations—

Mr. Lambert (Edmonton West): This is wrong.

Mr. Andras: The hon. member says it is wrong. The Immigration Appeal Board has said it is wrong. We, however, proceed on the basis that it is right and seek leave to appeal. As I said last night, I would take my chances on that appeal to a superior court except for the emergency situation we face right now, the time which would be bound to elapse before a decision was reached, the harm which would be done to this country as well as to very many innocent people, the harm which would be done by irresponsible and reprehensible actions on the part of so-called immigration counsellors who have exploited innocent people in countries abroad before. So we decided to deal with the matter in this way, on the grounds of urgency. I do not argue that this is not retroactive in the strictly legal sense of the word. In the sense that it amounts to changing the rules, I do not believe it is.

The hon. member for Kent-Essex raised a point which has been bothering him for some time. I can tell him that I am concerned about it. However, this is more a manpower situation than one which concerns immigration. But since I have to deal with both I cannot really dodge that issue, either. There are certainly more than 6,000 offshore workers here now, including foreign students, who will work at these jobs and there is an increasingly effective foreign seasonal worker program. We will pay more attention to this.

We do not intend to unnecessarily deny an employment visa to Portuguese or any other workers who are in this country or who can be brought to this country. Indeed, we will try to get them here, through the program I have described, to engage in occupations which Canadians will not undertake. I do not think time is available to me in which to embark on a whole discussion about the erosion of the work ethic, and who is or who is not at fault here. I will simply say it is a phenomenon which is occurring throughout the western world.

We have experienced difficulty with some employers when we have suggested bringing offshore workers in. I should point out that we are obliged to conform with provincial labour standards and other standards. We cannot bring foreign workers in if working conditions, including but not limited to wages, are substandard. We will co-operate in an effort to find innovative ways to overcome some of these problems involving housing, accommodation, and so on. The hon. member can doubtless point to many employers who do meet the appropriate standards. But there are, unfortunately, other employers who will not conform and who then scream murder and say that we are contributing to an erosion of the work

[Mr. Andras.]

ethic. However, I am well aware that the important thing is to get food costs down, and this means production.

As to the appeals before the court, where the people involved are eligible under the adjustment of status program I enunciated the other day, to the degree it is within our jurisdiction we shall continue to apply relaxed criteria in recommendations to my representatives before that court. This matter is ultimately under the jurisdiction of the Immigration Appeal Board, but I have reason to believe the board will look upon this with sympathy as it did in the case of a similar program which was successfully carried out last summer. I am very glad to say, with regard to a particular case with a name attached to it, the case of Miss Nazarali, she will be landed even if our appeal to a higher court is successful. Many of these cases will succeed, but I think on other grounds, grounds which will not jeopardize our ability to control the situation in the future. In the Koo Shew Wan case—that is the Federal Court decision of May 23, I believe—there will probably be another inquiry held, though on what basis I am not sure right now. But I am totally sympathetic to the individual situation there, and I will do my best to make sure that in setting our house in order we do not trap those two individuals.

Mr. Lambert (Edmonton West): Mr. Chairman, I am more concerned than I was before at the minister's casual approach to what I say is really a case of retroactivity. The minister seems to have the wrong impression as to the nature of my objections. I am not objecting to the closing off of applications to become landed immigrants made by people who come here as visitors. I have never objected to that. Therefore, action taken by parliament to close that avenue is perfectly legitimate as far as I am concerned. However, I do not accept that it is right that parliament should be asked to do it in a way which the Supreme Court of Canada has condemned.

I hope the minister will read the judgment of the majority in the Podlaszecka case. Mr. Justice Laskin was most pointed in his remarks. How the minister's legal officers or the Department of Justice can suggest it is possible that there is a remaining difference of opinion following the judgment delivered by Mr. Justice Laskin, I fail to see. It is this point which concerns me. Those people who were ordered deported between the end of November and the end of June, or as a matter of fact up to now, under the general grounds of regulation 28 (1)—

An hon. Member: One o'clock.

The Chairman: Order, please. An hon. member has noted that it is one o'clock.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2 p.m.

The Deputy Chairman (Mr. Laniel): When the committee rose at one o'clock it was considering clause 1.

Mr. Lambert (Edmonton West): Mr. Chairman, I do not wish to delay the committee much longer. In complet-