

*Establishment of Immigration Appeal Board*

**Mr. Dinsdale:** A further supplementary, Mr. Speaker.

**Mr. Speaker:** Order, please. Orders of the day.

● (3:20 p.m.)

**IMMIGRATION****PROVISION FOR ESTABLISHMENT OF APPEAL BOARD**

The house resumed, from Tuesday, February 21, consideration in committee of Bill No. C-220, to make provision for appeals to an immigration appeal board in respect of certain matters relating to immigration.—Mr. Marchand—Mr. Batten in the chair.

**The Chairman:** When the committee rose last evening clause 7 of the bill was under consideration. Clause 6 was allowed to stand, clauses 2, 3, 4 and 5 having been agreed to. Does the committee wish to continue with clause 6 or clause 7?

**Mr. Marchand:** I wish to move an amendment to clause 6. I have no French translation, though I shall obtain it during the discussion.

I move:

That clause 6 of Bill C-220 be amended by striking out lines 39 to 41 on page 2 and substituting therefor the following:

**Sittings.** (2) The Board may sit at such places in Canada as it sees fit.

**Quorum.** (3) The Chairman and not less than two other members, or the Vice-Chairman and not less than two other members if at least one of such persons is a person described in subsection 7 of section 3, constitute a quorum of the Board.

Hon. members will understand that to mean, I think, that one of the lawyers or barristers attached to the board will have to be part of the quorum.

**Mr. Bell (Carleton):** I think this meets the objections raised yesterday, particularly with respect to the board's sitting anywhere in Canada. I hope the board will seek the opportunity to suit the convenience of appellants in many parts of Canada. The amendment also meets the point I have taken that a legally trained person on the board should always form part of the quorum. This amendment is quite acceptable.

**Mr. Lewis:** I merely want to say that I hope the minister's response to this request, though not a major one is an augury of how he will deal with other amendments put forward. I am glad the amendment is before the committee.

Amendment agreed to.

Clause as amended agreed to.

[Mr. Greene.]

On clause 7—*Court of record.*

**Mr. Bell (Carleton):** On this clause I wish to raise two issues. One of them I dealt with briefly when speaking on second reading, the question of what normally will be the type of appeal. Is it the intention that the appeal shall generally be an appeal on the record, or that it shall be a hearing de novo?

I believe generally an appeal on the record would be less than satisfactory. Usually the appellant—the applicant for entry into Canada—at the time of the hearing before the special inquiry officer has little advice; often he may not be represented, and frequently he may not have had the opportunity to consider how best to present his case. An appeal on the record therefore would be less than satisfactory.

If the appeal is to be by way of a hearing de novo, is it to be a hearing de novo in all cases, or is that to be left to the discretion of the appellant or the board? On what basis is this to be determined? How will it be determined under what procedure an appeal shall be heard? Nothing in the bill deals with this matter.

**Mr. Lewis:** May I ask the hon. member whether clause 10 is not relevant?

**Mr. Bell (Carleton):** Which part of clause 10?

**An hon. Member:** Read it.

**Mr. Lewis:** It seems to me that that clause sets out the hearing procedure in general and as to the taking of evidence, in particular. It states that the board can act on the record as presented to it or take other evidence if it sees fit. I may have misread this, but it seems to me that the clause proposes that.

**Mr. Bell (Carleton):** It seems to me that clause 10 relates to what the board shall do after a hearing of an appeal by one of its members, and not to what that member hearing the appeal shall do.

**Mr. Marchand:** I propose to amend clause 10. If the hon. member wants to relate clause 7 to clause 10, perhaps he prefers to have clause 7 stand until the amendment to clause 10 is moved.

**Mr. Bell (Carleton):** Could I finish my comments about clause 7? I have dealt with the first matter that I think the minister should consider.