

*Immigration Appeal Board Act*

relation to the exercise of that discretion on humanitarian and compassionate grounds in hardship cases.

The principle of allowing visitors to Canada to apply for landed immigrant status was a very enlightened and good one. Unfortunately, the application of that principle has created difficulties leading to chaos, confusion, disaster and despair in many cases. Little did the government know when it brought forth these changes it was making it very difficult for itself to find solutions. The mere fact of having five ministers from 1967 to the present time did not help. It really accentuated the complexities of the problem and decreased the possibility of solution. The changes added to the administrative mess we have today in which, as the minister said in his own words, we have a backlog of roughly 17,500 cases awaiting appeal.

The minister knows it is difficult to blame either the government for that enlightened principle or any one minister, least of all the present minister or the hon. member for Verdun (Mr. Mackasey), who attempted to deal with this very complex problem. When the hon. member for Verdun brought in phase one of the administrative clean-up last June, he realized that something had to be done quickly. In very short order between 12,000 and 13,000 cases were handled with a less rigorous approach than had been the case in the past.

The other important date was November 3. The results of the October 30 election had a very chilling effect on the present government, and it was confronted with an ever-increasing number of appeal cases coming before the board. It attempted to pass a regulation denying visitors within Canada the right to apply for landed immigrant status. This step was absolutely necessary, even though it worked hardship on many people. We in the NDP, and I am sure all members of the House, welcome the provisions the minister has set forth in the bill permitting people who came to Canada prior to November 30th, and who are still in Canada, the right to apply for landed immigrant status. This is one way of softening the hardship that was imposed on November 30th. As you know, Mr. Speaker, this change on November 3 failed to stop many applicants from taking advantage of the deficiencies in the act, and there is no quick way of stopping a visitor from remaining in Canada and using the appeal procedures to delay his departure. This is why all members of the House welcome the changes presented by the minister.

The three principles that have been set forth in the bill are: The opportunity for a person to regularize his immigrant status; the provision to eliminate the existing backlog of cases; and the procedure to modify the appeal system for the future.

In regard to the first principle, the opportunity for persons in Canada to regularize their immigrant status, there has been a steady and increasing flow of visitors from all parts of the world. Some apply and qualify, some apply and do not qualify but take advantage of the appeal machinery, putting it into motion in the way of special inquiry hearings and hearings before the Immigration Appeal Board. Even though some had deportation orders made against them, those orders were not enforced because the officials were unable to apprehend those persons to send them back. In some cases visitors to Canada never applied, and became lost in the woodwork, as the

[Mr. Gilbert.]

hon. member for Hamilton West (Mr. Alexander) said earlier this week. This has made it very difficult for the immigration department to deal with them.

As the hon. member for Greenwood (Mr. Brewin) has said, we are not only dealing with human beings, with all the emotional feelings they embrace, but also with their relatives and loved ones. They had the idea when they came to Canada there would be an opportunity to better themselves. In some cases persons came to escape political prosecution, whether real or imaginary. The result of this administrative mess has been terrible abuse by many visitors who have taken advantage of the loopholes and deficiencies in the law. This has created ill feeling among visitors, landed immigrants and Canadians, particularly because of the strain put on the employment situation, the shortage of housing and the shortage of school facilities.

At this time I should like to give credit to the government. When it was in this administrative mess it permitted a group of Ugandans to come to Canada. This was not a very popular move because of the strain this put on employment, housing and school facilities. It took a fair amount of courage at that time to recognize the humanitarian needs of these people who had been ousted from their own country, but who came to Canada and were welcomed by the government. This took great courage and I give the hon. member for Verdun full credit for taking the initiative in welcoming these people to Canada.

The administrative nightmare of the backlog of cases created a tremendous strain on the Immigration Appeal Board. As the minister has said, this seriously affected the integrity of the board. May I say without hesitation that the members of the board are conscientious, capable and concerned. I have had the privilege of appearing before them many times on behalf of constituents and have found them to apply the principles in a very fair and democratic way. I think they have built up a body of law with regard to immigration which has been to the advantage of Canadians and which provides some groundwork in respect of applications.

● (1230)

The second principle with regard to the elimination of the backlog, which has been dealt with by the minister, is the appointment of seven temporary members to the Immigration Appeal Board for terms of up to two years. In addition, the appointment of two additional vice-chairmen will enable panels to sit in Ottawa, Montreal, Toronto and Vancouver, so that all individual members will be permitted to determine appeals until the backlog is eliminated. When one looks at what has happened in the past when a person in British Columbia had an appeal, one realizes that this meant he or she had to come to Ottawa to present the appeal. This involved hardship and probably also involved additional cost. Now, we have moved slightly by the setting up of appeal boards in Montreal and Toronto and, in addition, are to have the benefit of the additional vice-chairmen sitting in the four major centres across the country, Ottawa, Montreal, Toronto and Vancouver. We welcome this because of the experience of the past.

The final principle with regard to changing the appeal system in the future, allows persons seeking admission at the port of entry who have been issued an immigrant or