

*Establishment of Immigration Appeal Board*

which fall into the classifications for which the regulations permit sponsorship. Why should they not have the right to appeal? The minister may say that if they do not have the right to appeal under this bill, they still have the right to go to him and plead for his consideration. If I understand it correctly, I believe that is the case. I think that whatever is excluded from this bill will remain for the minister to deal with at his discretion.

If there is any validity, and there is, and if there is any logic, and there is, in having an independent appeal tribunal to deal with these matters, instead of having the minister loaded with discretionary obligations—and two ex ministers have said that this is too heavy a load for the minister to carry, and I did not hear the present minister deny this—then surely there is logic in having for a sponsor one who is a landed immigrant, who is not a citizen, and who has the right under the regulations to sponsor relatives coming to Canada. I do not understand this. I do understand the reasons for some cases. I hope the minister will be able to explain the reason that the right to appeal is limited to the Canadian citizen under clause 17.

I had intended to suggest an amendment. Whether or not I will do it now in view of the amendment of the hon. member for Carleton remains to be seen. I was going to suggest an amendment that clause 17 provide no more than that a sponsor has the right to appeal a refusal of an application for admission; put a period there, and then go on to say that the board in disposing of such an appeal may either allow it, dismiss it, or render such decision or make such order as in the circumstances of the case the board deems just. This would leave the discretion with the board to deal with a particular case on the merits and on the particular circumstances and facts which are presented to it. Only then will you have a genuine appeal on the merits where the human considerations which everyone has stressed will properly be taken into account.

Mr. Chairman, the minister in his speech in reply on second reading gave notice of something which he intends to propose in respect of clause 10 dealing with the point provided for in that clause, namely that a single member may be able to do the work which the board itself is empowered to do. If I remember correctly—and again I hope the minister will correct me if I am wrong—the amendment he intended to move was that the board as a whole, rather than the chairman, would designate the member who can do that work.

[Mr. Lewis.]

I should like to say to the minister, so that he may think about it—if he considers it worth thinking about—that I have very grave doubts in my mind about whether one member of the board should be given the authority to determine an appeal. I have no objection to the other part of the clause, namely that instead of the board as a whole or even a panel of the board having to make all the inquiries and hear all the evidence, the work could be expedited if one member of the board does that job for the board as a whole. In other words, he may make the inquiry, hear the evidence and make a report to the board. I have grave doubts however as to the desirability of not only having the one member hold the hearing but also determine the case on behalf of the board. He may at his discretion refer the matter at any stage to the board; but he is the one who decides this, if I remember the particulars correctly.

I asked the minister to consider whether it is wise to have one member of the board, not necessarily even the chairman or vice chairman, not only hear the evidence but also determine the matter in final form. According to this bill which is before us, the decision if final.

I have another matter which, I am sure the minister has guessed, worries me about clause 10. This provides that the member or members shall make the preliminary inquiry or report to the board as a whole, and the board may make a decision on the report or it may hear further evidence if it so wishes. Nowhere in this clause is there any provision which states that the appellant is to receive a copy of that report. I think this is another detail which is of the utmost importance. If evidence is taken by one or more members of the board and the board is given the authority to make its decision on the report alone—it does not have to ask for any further evidence—then I submit that this clause ought to provide that the appellant must have available to him a copy of the report on which the tribunal will rest its decision. Otherwise you do not have the kind of justice which we proudly boast about in our country, and which I am sure the minister and his officials are as anxious to have as are those of us on this side of the house.

Finally, I should like to say a further word on the security matter. I have not been a member of parliament for long, and before I came here I heard—and I hope you will forgive me for putting it in this