

It may be suggested that in such cases they would, in accordance with the normal procedure, be asked to leave the country voluntarily by a certain date that if they declined to do so an inquiry would be held and a deportation order issued and when the deportation order was issued they would have the right to appeal under clause 17. But why leave it until that point? If I have stated the position correctly I can well understand that these people will eventually have the right of appeal from the deportation order. But why should it be necessary to reach that point? There will be some cases when it is reached, but why put people to the anxiety, the delay and the pain involved in waiting through the period until they are confronted by an order which they must obey or else forfeit their right to come to Canada again either as a visitor or in any other capacity? Is it not perfectly just, reasonable and sensible to give a person who resides in Canada and whose application for immigrant status has been refused, the right of appeal in the same way as it is given to a sponsor in the case of a sponsored immigrant?

Another point which worries me and my colleagues a great deal is the question of the grounds for appeal. The parliamentary secretary to the minister said last night, as reported on page 13269:

You will wish to note particularly, Mr. Speaker, that the Board will render written reasons for its decision to allow or dismiss appeals.

I do not see any such requirement in the bill and I think it is of the utmost importance that there should be such a requirement. If I am told, as has been suggested by someone, that the fact that there is a right of appeal from the board to the Supreme Court of Canada means that the board will have to give written reasons for its decisions, I suggest there is no such requirement in the law. In the case of administrative tribunals, whether quasi-judicial or not, it is well established that they are perfectly free to issue what the courts have called "silent orders" rather than "speaking orders", and when a man goes into court faced with a silent order he is in an awful fix because he does not know what he is appealing against or appealing from. There is no requirement for written reasons.

I will take the house one step back in the process, Mr. Speaker. Before the appeal board is even reached, where is there a requirement that the person who is refused admission to Canada or who is faced with an order of deportation has to be given the particulars

*Establishment of Immigration Appeal Board* upon which the deportation order was issued or the particulars upon which the decision to refuse admission was reached? There is no such requirement in the law and I see no reason why there should be any change in the practice simply because there is to be a different appeal board. In the past no such reasons were given beyond the cryptic expression: You do not meet the requirements of the act or regulations. That is the umbrella which is thrown at the person concerned and it is an umbrella which is full of holes. It does not protect him at all. I foresee that exactly the same thing will happen again.

● (3:50 p.m.)

My third objection to this bill, then, is that it does not provide statutorily the elementary justice to which everyone is entitled, the right to a bill of particulars as to the reasons for refusal of admission or the issue of a deportation order. I chose my words carefully. I did not say that a person should have the evidence against him or the sources of the information made available to him. I am not concerned about that at this point because this is not a criminal proceeding. What I said was that under the statute we should have the right to require and to obtain the particulars of the grounds on which the action was taken so that a person can be told in general terms that he does not meet certain particular requirements of our law or that he suffers from certain particular disabilities, and that is why an order for deportation has been issued or his application has been refused. Unless this information is available to him the appeal will prove to be a sham, which I am confident the minister and the government do not intend it to be. Unless this person has the particulars he cannot prepare a proper case for the appeal board, and unless the board is given the right to exercise some discretion and to apply humanitarian considerations the appeal by a sponsor will be a snare and a delusion, which I hope the minister did not intend it to be.

In such a case the board would simply be going through the exercise of discovering whether or not the legal requirements were met, and of course they would not have been met or the case would never have reached the board. The board would be going through the exercise of discovering whether or not the officers of the department applied the regulations in every case and not what are the humanitarian considerations. I am quite certain that the officers follow the purely routine