

Immigration Act

brought into this country by the simple edict: You do not meet the regulations and we will not tell you why. That was never the intent of parliament.

I have become sufficiently familiar with the proceedings of the house to know that I would be over optimistic to expect this bill to be passed in the brief hour that we have to discuss it. But I do urge hon. members of the house, particularly the government members who happen to be here, that they urge that this blot upon the administration of our immigration law that goes to the very root of the administrative process be removed. The present procedure—perhaps I have tried to detail too technically how it works out—has the result that an arbitrary administrative decision can be substituted for the process contemplated in the Immigration Act and by parliament itself. I do urge upon those members who are listening to me that if they agree with some of the things I have said they make sure that the minister thoroughly understands their position, so that in due time when he has become more familiar with his duties as minister he may himself bring legislation before the house which may incorporate the basic and fundamental principles provided in the act.

Mr. Eldon M. Woolliams (Bow River): Mr. Speaker, I want to congratulate the hon. member for Greenwood (Mr. Brewin) on bringing forward this bill. I agree with him and I want to incorporate his remarks in mine so I can be quite brief. I should like to draw the analogy immediately that the same problem arises when certain people in this country apply for citizenship. I have said this ever since I have been a member of the House of Commons, even when the Conservatives were in power, and I still want to repeat it now that the Liberals are the government.

I am convinced, and I say this with respect, that the procedure has become a bureaucratic frustration of justice in relation to a fair hearing on a deportation order and a fair hearing on the rejection of a citizenship application. There are hundreds of people in this country who have been refused citizenship. After a certain period of time, the act provides that they can apply again. Sometimes their application is accepted, they pass the judge's hearing and the application gets down to Ottawa. Then, because some file exists that only the bureaucrats and the minister can see, this person is refused citizenship in this country. Surely, a person has a right to a fair hearing to find out what the evidence against him is.

I can give one example. I know a man in my own riding, and I am not going to give his name, who has applied twice for citizenship. This man's father was a citizen, but

because this man went over to Europe, for some technical reason he has to apply for citizenship and has been refused. The only reason for the refusal that we can find, and this is hearsay because we cannot examine the file, is that he attended a meeting of Tim Buck's in East Coulee or some other place. I recall that when I was practising law in the town of Tisdale I went to hear Dorise Nielsen, who was a good friend of Tim Buck. I heard her on many occasions, but I did not go there because I was a supporter of Tim Buck. I have always been a Conservative. I am certain, whether this man attended one of Tim Buck's meetings or not, he should have been given a fair hearing. If the refusal of his application for citizenship is based on the fact he is a communist sympathizer, then he should be told of this so he can meet it. How can you meet something if you are never presented with it, if you can never go before a board and say, "What have you against my becoming a Canadian citizen?" There may be five points presented and the applicant cannot answer them. Somebody can judge whether or not he is a credible witness with reference to those five points.

It seems to me, and I say this with respect, that this particular department has a tendency in this direction. I agree with the hon. member for Greenwood (Mr. Brewin) that this word "security" is used rather loosely. We are told questions cannot be answered because of security reasons. This department is flaunting the law. This bill would not be before the house if the department would implement the law as it is. As I understand it this bill really is directed at a hearing by a special inquiry officer who settles doubtful cases referred to him by an immigration officer. His duties are found set out in sections 23 to 29 of the Immigration Act, being chapter 325, volume V of the revised statutes of 1952. If he finds that a person seeking to come to Canada is not eligible under the regulations, he makes a deportation order.

The Immigration Act does not require a special inquiry officer, or other appeal authority, to state the reasons for deportation. However, the forms include a space entitled, "Reasons for Rejection". As the hon. member for Greenwood pointed out, there are judicial decisions to the effect that reasons for deportation should be given in words. The department has got around this ruling, as the hon. member for Greenwood says, by refusing to give him an immigrant's visa, or something else. They say, "You have not got this document that only the department can supply; you have not got it, so then you have not won your case. Your appeal is dismissed." What a terrible usurpation of natural justice.