

It is a scandal that there should be a potential of 25,000 people queuing up for appeals, yet since 1967 we have witnessed this blind insistence by this administration on its methods of admitting people to Canada, either under the point system, which is faulty both as to concept and administration, or by allowing visitors to apply for landed immigrant status from within Canada. Of course, there were bound to be abuses and we have seen this. This was pointed out by the hon. member for Hamilton West (Mr. Alexander), by myself and by colleagues past and present. The hon. member who has just taken his seat agreed with me years ago that there was a problem. This was stated at hearings on the estimates, but not a blessed thing was done. Now, we are rushing in an attempt to stem this flood when there should never have been even a breach in the dyke.

Let us consider whether the provisions of this bill will deal with the problem. An expansion of the Immigration Appeal Board is not really going to cure the situation. We are to have seven new commissioners but, just as with the Canadian Pensions Commission when an attempt was made to deal with a backlog by appointing new commissioners, it will take four or five months for whoever is appointed to become familiar with the situation, get into operation and show some progress. By that time, we will be more than 20,000 appeals in arrears.

I have had some experience in taking appeals before the Immigration Appeal Board and, as far as the present members are concerned and the consideration given the appellant, I have no cause for complaint. I have no adverse comments to make as far as the staff and the administration are concerned. You could not find a more co-operative group.

Having regard to this problem of appeals, it is at the special inquiry level where the difficulties develop. This is the stage where appeals are generated. I do not think the special inquiry officers are in all instances properly trained. I have read transcripts of the proceedings before special inquiry officers which included questions that would not be allowed in any kangaroo court. The transcripts contain hearsay evidence and breaches of all the rules designed to protect witnesses. Far too many decisions are made on the basis of these inquiries, with the result that many persons are disqualified.

We also have an open door in respect of deportation orders being made so that cases can be heard by someone else. In this way responsibility is shifted. I suggest to the minister there is a concerted movement, involuntarily induced by the mechanics imposed upon the special inquiry officers, to merely shift the decision to another level, namely the Immigration Appeal Board. This is particularly true in cases where there might be some difficulty. One can read the transcripts and see that there is an almost automatic shift of responsibility. The officers ask individuals if they want to appeal, and provide these potential appellants with a great deal of assistance. They then must queue up for three, four or five years for disposition of their appeals. Surely, this is wrong.

I suggest that the main difficulty starts at the special inquiry level. Too many special inquiries are improperly conducted. I suggest this is not because of ill will but the result of lack of training. The officers ask questions and

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arrive at decisions based upon the answers to questions which would not be allowed by the Immigration Appeal Board. These questions would not be allowed in the most fundamental of our courts in this country, where the rights of individuals are protected. Why should these inquiries be far more ranging and more prejudicial to the individual? It is absolutely wrong to make an appellant follow the deportation route to an appeal. The stigma of a deportation order is not readily apparent to a native-born Canadian. Does the minister realize that on the application forms for citizenship there appears the question: "Have you ever had a deportation order made against you"?

Let us assume that a deportation order is made and an appeal is commenced, following which the Immigration Appeal Board quashes the order. That does not alter the original answer "yes" to that question on the application for citizenship: "Have you ever had a deportation order made against you?" The quashing of a deportation order is not the equivalent of a pardon granted by the Solicitor General. In this case, if a person has been found guilty of an offence, has paid the penalty and has been of good conduct during a period of prohibition, an order is made which wipes the slate clean, after which an individual is entitled to answer "no" to the question: "Have you ever been convicted of an offence?" That is not so in respect of a deportation order.

● (1450)

I find it extraordinary that such a stigma should be imposed on innocent bona fide people who dispute the assessment of points with an immigration officer. If they should have 45 out of the potential 50 points required, they are turned down. They have the right of appeal before a special inquiry officer, but probably 95 or perhaps 98 out of every 100 original assessments are confirmed by the special inquiry officer. The only avenue open is the deportation route. That is a shame; it is a punishment. I would say it is sort of an administrative blackjack that is put to the head of the potential immigrant who, first of all, has a natural repugnance, the same as any of us, to be subjected to a deportation order. There is a social stigma attached to that. This may discourage people from taking these appeals because they would have to be subject to a deportation order. If there is a deportation order made against a person and the appeal cannot be heard for four or five years, that person cannot put a big toe out of the country for even five minutes without voiding the appeal.

If a person were to do so he would be deemed to have left the country and could not be re-admitted because there is a deportation order against him. He would be deemed to have left the country voluntarily. I had a case not so long ago involving a man in Edmonton. He was a skilled tradesman. There was an honest dispute between himself and the immigration officer concerning the number of points he had been assessed. He went before the special inquiry officer and did not win there. Then, he filed an appeal. However, his wife in India was seriously injured in an automobile accident and out of natural concern, of course, he took the first plane he could get in order to be at his wife's bedside. That man is forever kept out of this country because of that. He does not have the chance of an icicle in Hades of ever getting back into this