

Establishment of Immigration Appeal Board

the evening I said I was in process of drafting such an amendment. Now I have completed it and perhaps I may read it. I intend to move:

That clause 21 (1) be amended by striking out all the words in lines 5 to 10 inclusive and substituting therefor the following:

"if the board finds, on the basis of security or criminal intelligence reports filed with them, which reports the board shall keep secret but the existence of which it shall disclose to the appellant, it would be contrary to the national interest to stay the execution of the order, continue or renew the stay or render the decision, as the case may be."

And that clause 21 (2) be struck out.

I would then propose a consequential amendment to clause 20 as follows:

That clause 20 be amended by inserting the following words after the word "discretion" in line 38, namely: "or if reports have been filed pursuant to section 21 shall"

I am not proposing to argue this at the present time. I am only putting the amendments on record so as to facilitate the minister's consideration of the matter.

Mr. Wahn: Like other members I am concerned about clause 21 and hope that an amendment can be introduced by the minister which will avoid any possibility of arbitrary action under that clause.

I welcome the intention to provide an appeal procedure for Canadian citizens who are sponsoring relatives. In general I believe the departmental officials have been fair and reasonable in such cases. Nevertheless it is in accordance with sound principle that there should be provision for appeal from the exercise of this type of discretion, and I am delighted to know that this bill when it becomes law will provide for such appeals in the case of sponsored immigrants.

It is because I welcome this provision for appeal by Canadian citizens that I urge the minister to extend this right to all residents of Canada. It is possible that for some time the immigration regulations may permit persons who are not Canadian citizens to sponsor the entry of relatives, and in such cases there is no reason at all why residents of Canada who sponsor the entry of relatives should not be placed in exactly the same position in this regard as are Canadian citizens. Indeed it would be unjust to give Canadian citizens who are sponsoring relatives the right of appeal while denying Canadian residents who are not Canadian citizens the same rights. So I strongly urge the minister to extend clause 17 to include all persons who under the regulations are permitted to sponsor relatives.

Moreover I would hope that when the regulations are laid down they will permit applications to be filed in Canada on the part of persons who may be here legally, but on a temporary basis, for example as students or visitors, and who wish to become permanent landed immigrants. Presumably such persons would be entitled to obtain permanent landing privileges, provided they have the skills or the other training which will enable them to become good Canadian citizens.

If, by any chance, an application by such a person should be refused by the officials, I would suggest to the minister that the applicant be given the right to appeal to the Immigration Appeal Board. In other words, I am asking that the right of appeal under clause 17 should be extended to all Canadian residents who sponsor relatives, and further that it should be extended to all persons who are here legally on a temporary basis and who have filed an application for permanent landing. I do not think the extension of the appeal facilities in this way would overburden the appeal board. Moreover such an extension would be in accordance with sound principle, and I urge the minister to agree to it.

[*Translation*]

Mr. Goyer: Mr. Chairman, just a few short remarks on clause 21, concerning security cases.

The minister mentioned a few minutes ago that the government was carrying out an inquiry on security in Canada and that he considered it slightly repulsive to observe that someone who constituted a security case could not in any way present a defence. On this, it might be appropriate, under clause 21, if the ministers required to sign such certificate were to give a general reason for their refusal in the security case involved. It could be done in a general way, without having to supply evidence to the board, and by filing the certificate in camera, simply to enable the appellant to present a detailed defence, which would be submitted to the ministers concerned who, in turn, could re-examine the record in the light of this defence and then issue either a negative certificate, one that would cancel the first one.

In fact, there is no doubt that in cases of security, it is difficult to introduce detailed evidence to give the opportunity for a defence. But if, at least, the appellant were to get an indication of the general reason why the minister rejects the appeal, the appellant would have the possibility of presenting a