

directive.) However, if such a revised non-immigrant list were included in the Immigration Regulations and the list of countries whose nationals could enter without immigrant visas were also included (embracing as they do only citizens by birth of old Commonwealth countries), unfavourable comments might be made with respect to the special immigrant privileges granted to certain types of British subjects.

N.A. R[OBERTSON]

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PCO

*Note du ministre de la Citoyenneté et de l'Immigration
pour le Cabinet*

*Memorandum from Minister of Citizenship and Immigration
to Cabinet*

CABINET DOCUMENT NO. 383-61
CONFIDENTIAL

Ottawa, October 16, 1961

IMMIGRATION REGULATIONS

1. As a first step in the revision of the Immigration Act and Regulations, it is proposed to introduce a revised set of Regulations. A draft of the proposed new Regulations is submitted herewith, based upon discussions held in the Cabinet Sub-Committee on Immigration Policy. The draft proposals, in the form in which they are now submitted, are for discussion as to content only, inasmuch as they have not yet been submitted to the Department of Justice for final drafting.

2. The two principal criticisms of Canada's present immigration legislation are that:

- (1) it is based on racial or colour discrimination; and
- (2) that it contains no provisions for appeals to the courts against arbitrary and bureaucratic decisions of the Department.

Provision for appeals to the courts can only be provided by amendments to the Act itself, but the policies and provisions which are attacked as discriminatory are to be found almost exclusively in the Regulations, rather than in the Act. That is why a revision of the Regulations has been undertaken first, as the initial step which can be completed fairly quickly in the total process of legislative overhaul.

3. The revised Regulations now presented for consideration have, therefore, as a principal objective the elimination of any valid grounds for arguing that they contain any restrictions or controls based on racial, ethnic or colour discrimination. An attempt has also been made to "houseclean" the Regulations in their entirety, by eliminating or modernizing numerous provisions which are obsolete in their present form or which require to be brought into line with current practice and administrative procedures.

4. Minor changes in wording or alterations of a procedural and technical nature are proposed in almost all of the present Regulations. A number of deletions or alterations have been made for the purpose of removing obsolete or outmoded provisions. The most important of these technical and procedural changes affect the responsibilities of transportation companies bringing immigrants to Canada. In some instances the penalties provided for failure by transportation companies to comply with the requirements of the Regulations are increased, in others decreased. The net effect is of no great significance, one way or the other, except that the penalties imposed will now, in almost all cases, be based on summary conviction procedures, rather than on arbitrary administrative action by the Department. The objective in the new Regulations is to maintain adequate administrative control over the activities of