

make a few remarks, partly in comment on the minister's reply on second reading and partly and more specifically with regard to some of the clauses.

If I remember correctly, the minister said—and I agree with him—that this is a bill dealing with a narrow matter, namely the establishment of an appeal tribunal, and that all the other matters with respect to immigration in general have to wait for a report from the special committee studying the white paper, and legislation that may follow it. He said also that whatever discretionary power the minister may have under the Immigration Act he will continue to have. As I remember, he did qualify that by saying “subject to this bill”, but the point that concerns some of us is that once this bill becomes law, the department will naturally and properly refer to the appeal board any matter in which there is a right of appeal under this bill, namely a deportation order or the sponsorship of immigrants in certain classes.

Any request that the minister consider the matter and apply the discretion which he may still have under some sections of the Immigration Act would, I imagine, be answered by the suggestion that instead of bothering him to use his discretion the person concerned take the road of appeal which is now provided under this bill. What concerns us is that under this bill the role of ministerial discretion is closed in practice if not in law. I find it very difficult to imagine that the deputy minister or any official in the minister's department will consider a case which can properly be placed before the appeal tribunal. It seems to me that they could very well say: This is a matter for the appeal tribunal, you had better go there for your remedy.

With regard to clause 17, the minister said that the reason for the limitation of the class of relatives in respect of which a sponsor may appeal to the board under that clause is that certain classes will be established, and he indicated what they would be. He said that if that works happily—I think he used the French word for “happy”—then we will expand the area.

As I listened to the minister I asked myself for whom it was to work happily. What are the criteria by which one decides whether the appeal board works happily? It works happily only if it functions in accordance with the rules laid down by this bill, and if it gives the parties concerned what lawyers and courts call natural justice. I do not see why the minister needs to arrogate to himself the decision—because it will be he who will make

*Establishment of Immigration Appeal Board* it—as to whether in fact the appeal board works happily. How will he determine whether to expand the list of classes of relatives in respect of whom an appeal may be made, or to reduce it. It seems to me that if sponsors are to have the right of appeal, all of them should have that right and I am afraid I was simply not impressed by the argument of the minister on this point.

● (8:30 p.m.)

Although they are not in typed form, because I scribbled them between six and seven o'clock while sitting at this desk, I too have amendments to clause 17 which I will either propose or put to the minister in the form of a suggestion. One of these is that the landed immigrant, as well as other Canadian citizens should have the right to appeal. I see no reason at all for having this distinction, as the hon. member for Carleton has properly said. If my memory serves me correctly—and I hope the minister will correct me if I am wrong—the white paper proposes that only persons who have been citizens for a certain period have the right to sponsor immigrants. It may be that this was the reason for the limitation in clause 17. Personally I object to that limitation, if I am correct in understanding that it is in the white paper, and I object to the limitation here.

I know for a fact—I am not dealing with theory—that in my constituency and in other constituencies in metropolitan Toronto—and I am sure members from any metropolitan area in Ontario or other parts of the country know likewise—that there are landed immigrants who have made an excellent contribution as workers in this country, many of whom have developed a business, and who for one reason or another have been here for eight or 10 years without becoming citizens or without seeking citizenship. I have spoken to many of these people. I have argued with them that they ought to seek to become citizens. More and more of them will be persuaded to do so.

Some time last year I spoke in this house on a resolution which appeared on the order paper in my name urging the government to change some of the requirements in an application for citizenship, because I am convinced that in many cases with which I have been acquainted the landed immigrant does not seek to become a citizen because the requirements in respect of language, the fact that he has to take time off work to go to a certain place, and the fact that there are no citizenship courts, frighten him. Now, however, they have the right to sponsor the kind of relatives