

*Establishment of Immigration Appeal Board*

and the applicant he sponsors meet the regulations under the Immigration Act with respect to an application. That is exactly as it was before. If the appeal board faces a situation where the sponsor and the prospective immigrant he seeks to sponsor to Canada have not met one of the regulations, it has no alternative but to reject the appeal. This becomes clear if the minister will look at clause 15 and then at clause 17. If he looks at the clause dealing with deportation orders he will see that the appeal board has specific authority to consider special circumstances where a person might suffer injury in the country whence he came should he be deported. No such authority is given to the appeal board where there is an appeal by a sponsor with respect to a prospective immigrant he is sponsoring.

This part of the bill, and all matters surrounding it, ought to be substantially changed when we go into committee. I may be wrong, and I should like to be corrected if I am wrong, but in my opinion the appeal board has no authority to deal with, as the parliamentary secretary last night called them, humanitarian or compassionate considerations. Under this bill the appeal board has no more authority to consider the humanitarian aspects than the old board had. I say that because of the particular language in the bill.

This, it seems to me, could not have been an accident. I believe that those advising the minister still think that in applications for entry into Canada, as distinct from deportation orders, the rules and regulations must be strictly complied with without regard to the humanitarian considerations to which the parliamentary secretary referred last night.

● (3:40 p.m.)

This is my first objection. If the parliamentary secretary was right when he said—hon. members will find this in the left hand column on page 13268 of *Hansard* of yesterday—that one of the distinctions the minister seeks to bring about is the one I have been discussing, if he is right in saying that the old appeal board had no authority to apply humanitarian or compassionate considerations and it is now desired that this board of appeal should have the right to apply such considerations, then all I can assert is that the legislation does not in fact carry out that intention. What has happened, I believe, is that somebody persuaded the minister to reduce the authority of the appeal board in relation to a sponsored immigrant to the point at which it

[Mr. Lewis.]

may deal only with legalistic considerations, not with the merits of the case on human grounds at all.

My second objection in principle to this bill—I am still dealing with sponsored immigrants—is the unnecessary limitation as to appeals which is carried into this legislation. What is the purpose of this limitation? The parliamentary secretary suggested last night, if I remember correctly, that unless some limitation were imposed the appeal would be swamped with sponsored cases. Those were not his words but I think I have given an accurate paraphrase of his meaning. If that is the case, I say: so what? We are asked to approve a full-time board of seven men, if I understand the bill correctly. All of them do not have to sit at the same time. Obviously the intention is that they should sit in panels. In fact, the bill provides that one member of the board may deal with certain cases. Thus there is no reason to assume that the work load will be such that the board will be unable to cope with it. Nevertheless, the minister saw fit to include in clause 15 words which will enable the governor in council—mind, I do not say this will necessarily be done—to reduce the numbers of sponsors or classes of sponsors who may appeal under this law.

Why should this be the case? Why not make the right of appeal automatically available to all sponsors in all classes? Why give power to the governor in council to issue regulations prescribing which of such classes of relatives referred to in those regulations may be the subject of appeal under this legislation? I am not persuaded that the possibility of the board being swamped by appeals justifies our taking this power to say to some sponsors that they cannot exercise the right of appeal because their relationship to the applicant is of a certain kind.

My third objection is that there is no right of appeal at all for persons who are not sponsored and who are living in Canada. I appreciate fully that it would be impossible from an administrative point of view, and probably undesirable, to attempt to extend the right of appeal to an unsponsored immigrant in Italy or France who had made application and whose application had been refused. But as the minister well knows, there are thousands of cases in which people arrive in Canada as tourists or jump a ship or enter in some other way. Later they apply for immigrant status and their applications are refused. I cannot understand why they should not have the same right of appeal as is given to others.