

Establishment of Immigration Appeal Board

This is something new and we wish to apply it gradually so that we will know exactly where we are going. Although some hon. members may assume that this is the case, I do not think there is any reason for them to believe that we do not intend to give these rights. Nobody pushed us into this. We created this clause because we believe in the right of appeal. We know that eventually those rights of appeal probably will be extended to all immigrants and Canadian citizens. This is what will happen. If one should look at the evolution of this law I think he would find, even so far as the regulations are concerned, that the trend has been not to restrict the classes of persons who could be sponsored but rather to widen or enlarge the grounds.

Outside the law there is something else which exists in this country; that is, democracy and pressure on the government. As has been apparent, even some members on this side of the house are interested in this clause being really practical and having an influence on our immigration policy. What we are asking—which I think is only reasonable—is that under this clause we have the opportunity to apply this new provision gradually so that we know exactly what impact it will have.

Mr. Lewis: Mr. Chairman, the minister said we are assuming that he does not intend to apply this clause. We are not making any such assumption. He has told us that he does not intend to apply it in all cases; he has been quite frank with members of the committee. He is saying, in effect, that it is his intention not to give this right of appeal to everybody to whom the first amendment to this clause normally would make it applicable. That is what he is telling us. I suspect—and if my suspicion is wrong the minister can correct me—that despite the fact that the minister's present amendment has extended the right to the non-citizen who may apply to sponsor an immigrant, when his regulation appears, nevertheless, it will limit it to citizens.

Mr. Marchand: This may happen.

Mr. Lewis: Exactly, Mr. Chairman; it may happen. I have the suspicion that this is exactly what will happen. So, we have the first amendment which broadens the area to include landed immigrants who are not citizens as well as citizens and then the minister takes unto himself the right to pass an amendment limiting it to citizens. The minister says that he wishes this so that he can experiment with

[Mr. Marchand.]

it and gain experience. I am not being hypocritical when I say to him that I fully appreciate and sympathize with his view. He is entering into a new field and wants to be sure exactly what the result will be when this law is in the hands of the new appeal tribunal. But, Mr. Chairman, with equal force I should like to say that I do not see the logic in his taking the position that he will obtain the experience if he limits it to a certain class. One can only gain the proper experience if every class makes the appeal. Then one would be able to judge the result and the working of the appeal tribunal in respect of every class of relative and every class of sponsor.

If a change should be found desirable, then after a year or two if it were found that the appeal tribunal should not function in this way, the minister or his successor could bring recommended changes before parliament. If he did this in a year or two from now, then he would be able to tell the house exactly what his experience has been, the reason for the required contracting of the area of appeal, and what changes this experience has suggested are necessary. Now, however, he has no reason at all except a desire arbitrarily to decide which classes will have the right tomorrow, a desire arbitrarily to decide whether to increase or decrease the number the day after tomorrow and arbitrarily decide when, if ever, what sponsor may have the right to appeal.

• (5:10 p.m.)

I can well understand that it is necessary with a new tribunal, a new idea, a new avenue, to watch it carefully and make sure it works well. But I urge the minister to consider the logic—at least it seems to me logical—that the only way he can really find out is if everyone, who in the general terms of the first words of the clause has a right to appeal, is given the opportunity to exercise that right. Then the minister will see what happens in every case and will have experience on which to base a conclusion that this kind of case is suitable for appeal and that kind of case is not suitable. Then he can come back to this house and say, on the basis of that experience—and he can outline it to us—"I believe that changes of the following order are required in the law." If they are reasonable changes based on that experience, I would hope that members of all parties in the house would co-operate with him in making those changes.

I think all of us who took part in the debate yesterday, from both sides of the