

*Citizenship and Immigration*

to do. To introduce restrictions at any point in the new regulations would have run counter to the government's basic objective which remains to foster and encourage, wherever possible, changes and improvements which will result in the immigration of larger numbers of suitably qualified immigrants to Canada.

The general effect of section 31, taken as a whole, is to improve the position of nationals of all countries, without weakening the position of any. The chief beneficiaries will be the Asians, Africans and nationals of Middle Eastern countries. Not only will sponsors in Canada be able to apply for a wider circle of relatives from these countries than formerly, but for the first time unsponsored applicants from these parts of the world with the necessary qualifications will be admissible to Canada. Heretofore, qualified persons from these areas without relatives in Canada could only be admitted by order in council.

Next to the Asians, Africans and nationals of Middle Eastern countries, persons from the Central and Latin American countries, including the West Indies, stand to benefit. Nationals of these countries will for the first time come within the admissible classes on the basis of their education, training and skills.

To a less significant extent, the nationals of European countries will also derive additional advantage from the new regulations. In the past, persons from continental European countries other than Britain and France could be admitted if they came to Canada to enter approved employment or to establish themselves in approved business, trade or profession, or in agriculture. Henceforth, they will come within the admissible classes if they have the necessary training and skills to qualify and have sufficient means to maintain themselves in Canada pending their successful establishment.

The new regulations make no mention of the special agreements which are in effect with India, Pakistan and Ceylon, formerly referred to in section 21. This does not mean that the agreements do not continue in full force and effect. Quite the contrary, the enlarged provisions of the new regulations bring directly into the admissible classes those qualified but unsponsored immigrants from these three countries who formerly were covered by the agreements and make it unnecessary to have a special regulation to provide for them. It is in fact the view of the government that the agreements with India, Pakistan and Ceylon will no longer be necessary, and it is the intention to arrange discussion on this point at an early date with the

[Mrs. Fairclough.]

representatives of the governments concerned. Until such time, however, as these discussions have been completed to the mutual satisfaction of the governments directly concerned, these agreements will remain in effect without change.

Less important revisions of the new regulations include an extended definition of "child". The new definition makes provision for illegitimate sons or daughters under 21 years of age in cases where the mother herself is a legal resident of Canada or an immigrant to Canada. The literacy test in the former regulations, which was not satisfactory and, in fact, rarely used, has been abolished. The requirement of education, training and skills contained in the new regulations will, to a large extent, take the place of any formal requirement concerning literacy. The provisions of the former regulations dealing with passport and visa requirements have been reorganized and developed in more orderly fashion.

Part II of the regulations, made by the minister under section 62 of the act deal entirely with the jurisdiction of the immigration appeal board and appeals procedure. Under the former legislation the general board of immigration appeals, as it was then known, was given only a limited measure of jurisdiction to hear certain classes of appeals; the remaining classes of appeals were being dealt with by the minister or by the local, regional or headquarters appeal boards consisting entirely of departmental officials. This practice has been subject to criticism on the grounds that no opportunity was given for an appeal presented to a tribunal free to conduct its proceedings independently of departmental officials.

The assignment of all appeals to an independent board is further evidence of the government's desire to have all matters relating to appeals from deportation dealt with in the most impartial manner possible.

For the first time also the regulations codify and clarify the procedures and the rights and privileges of persons subject to deportation in so far as questions relating to the conduct of inquiries under the act are concerned.

The provisions of part II of the regulations safeguard the interest of the individual and ensure that he will receive a fair hearing. These provisions follow the principles of natural justice and are in line with the spirit of the bill of rights.

It is my hope that the new immigration regulations will commend themselves to all members of parliament, regardless of party, to all Canadians and to prospective immigrants around the world. They represent a conscientious and sincere effort on the part