

### *Immigration Appeal Board Act*

any person ordered deported from Canada has already had access, first, to an examination officer, and then, to a special inquiry officer of my department before there is any question of an appeal.

I really believe that in the light of the experience which has been gained in the five years of the operation of the Immigration Appeal Board Act we must ask ourselves if every person, by the mere act of setting foot on Canadian soil, should gain access to the board and from it access to the federal and Supreme Courts. The bill before you suggests that he or she should not. It provides that the right of appeal from a deportation order should be confined to those persons to whom Canada has some pre-established legal or moral obligation, not one that is thrust upon it by the unidentified or unknown entry into this country of a person from abroad. I think that the comments, if I interpret them correctly, from all hon. members of all parties in the House who, when we discussed these matters, particularly on May 17, in the Standing Committee on Labour, Manpower and Immigration, lead me to believe that members from all sides agree that this change is necessary.

I know there are some who would say that we should have acted two or three years ago, and certainly I will say that with the benefit of hindsight. First, it is easy to say and, second, it is hard to dispute. But I think many of us felt that the act and the regulations of 1967 had been a noble experiment, liberal with a small 'l', and certainly represented the consensus of all groups in the House at that time. I think perhaps it was typical of the Canadian concern for people of other lands which has led this country, for example, into so many peacekeeping missions, some of them under conditions which more coldly calculating people might have rejected out of hand.

Even with the problems we face, if we had to make a mistake, it was better to err on the side of preserving the universal right of appeal too long than to abandon it or restrict it before we have conclusive evidence that this action is necessary. Surely, it was not too unreasonable to hope that the revocation of the right to apply in this country for immigrant status might staunch the flow of people who came here calling themselves visitors but who were in fact determined to stay. We tried that, and only when that step had been taken and the flow still continued, could we be sure that the only solution, in addition to enlarging the capacity of the board, was to put the right of appeal in a more realistic framework.

The provisions of the bill before us fall into three distinct categories. The first provides an opportunity during a period of 60 days from the proclamation of this bill for persons who have been in Canada continuously since November 30 to apply for an adjustment of their status. The second is a series of permanent amendments to prevent the recurrence of the situation in which the Immigration Appeal Board now finds itself, and the third is a group of temporary amendments to deal with the backlog. I have mentioned already the adjustment of status program, and I will be returning to it in more detail in a minute, but I do want, in listing the other main provisions of the bill, to stress that the adjustment of status program is part of a package made justifiable and possible by the permanent and temporary amendments that bear directly on the appeal process for the future.

[Mr. Andras.]

The main permanent amendments, first, provide for the Governor in Council to appoint up to seven temporary Immigration Appeal Board members for terms of up to two years. They also modify the existing appeal rights by confining the future appeal rights to persons who have been issued an immigrant or non-immigrant visa abroad and who are ordered deported for any reason while seeking admission at a port of entry at that precise moment in time. It will also provide the right of appeal to landed immigrants and to persons who come forward under the adjustment opportunity program and to persons, finally, who have a substantial claim to refugee status or to Canadian citizenship. In determining whether a person has substantial grounds for consideration as a refugee, the board will be guided by the United Nations convention relating to the status of refugees to which Canada has been a signatory since 1967. Finally, the main permanent amendments introduce a procedure for disposing quickly of claims based on what the appeal board determines are unsubstantiated grounds to claim refugee status or Canadian citizenship.

The main temporary amendments to the bill, first, provide for the Governor in Council to appoint such additional temporary members as may be necessary to enable the appeal board to eliminate the backlog at the earliest possible time. It also enables appeals to be determined for this period by single members of the appeal board instead of a panel of three as at present and only for the period pending the elimination of the backlog. Those temporary amendments also guarantee appeal rights to visitors, legal entrants, and other persons who are ordered deported after the bill comes into force if their further examination has been ordered before the first reading of the bill which took place last Monday. I would like to stress the point that any person, no matter what his status under the immigration law, who has been reported for special inquiry—which, as you know, could lead to a deportation order—or who was awaiting a hearing by the appeal board on the day this bill was given first reading will keep the right of appeal, so that that right of appeal for those people is not withdrawn retroactively.

● (1610)

I emphasize that during the period when the backlog is being cleared the board has the power to hear appeals filed by landed immigrants or in complex cases, by three member panels. It is reasonable to assume that, generally speaking, it is the routine cases that will be heard and dealt with by single members of the board. Moreover, a single member will have the right to refer a case to a panel of three if he is concerned about the complications that have arisen.

At the risk of repeating myself, Mr. Speaker, I want to say that I am gratified that it is now possible to announce this program, offering an opportunity for the people who have lived in this country prior to November 30 to apply for adjustment of their status. It is an announcement that I have long been anxious to make. The right to apply in Canada for immigrant status was a noble experiment that proved unworkable, and has had to be laid to rest, but I think decency demands that it be done fairly.

This program which accommodates most people caught by the November 3 announcement last year and have