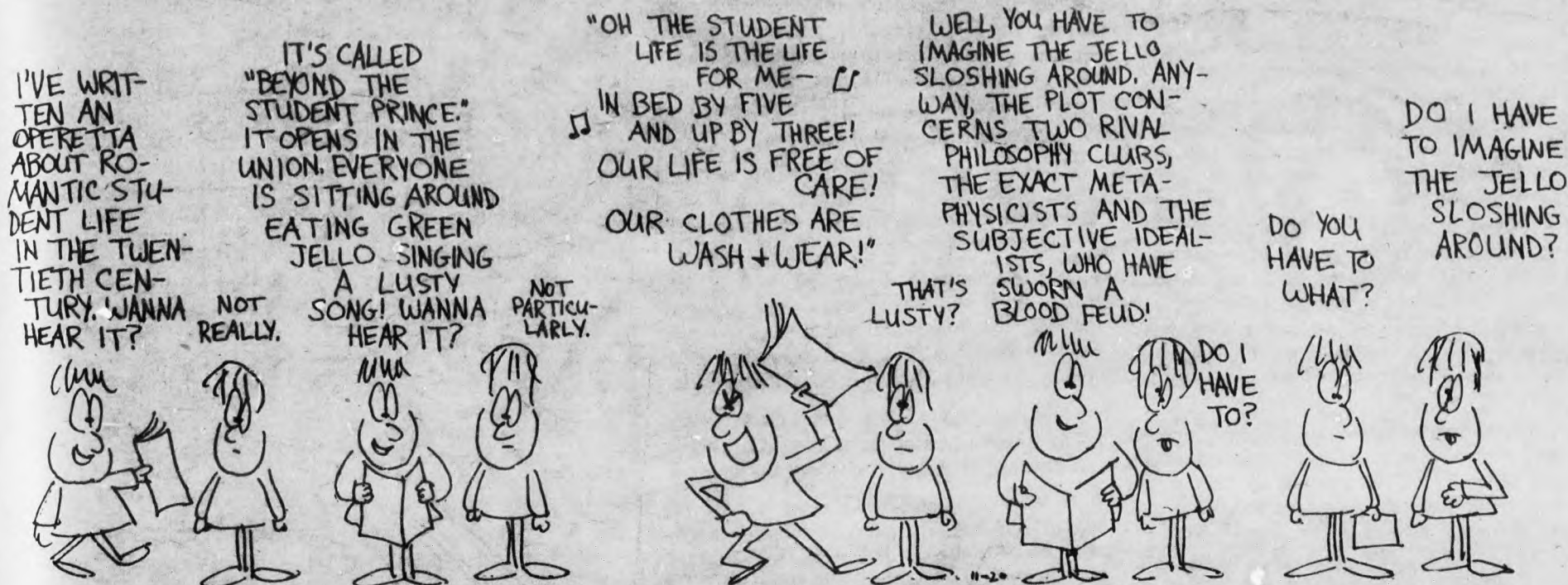


Lean and Hungry

George Kopp



Gov't Hits Draft Dodgers and Deserters

(COP)

The federal government is moving to crack down on the flow into Canada of draft dodgers, deserters and politically active people generally.

Otto Lang, minister of manpower and immigration, told a recent press conference that stringent immigration rules proposed in a special report for the government are aimed at ensuring that Canada gets "the cream of the crop."

"Revolutionaries would be kept out of the country if they are intending to subvert our democratic process," Lang said.

The report, compiled by Toronto lawyer Joseph Sedgwick at government request, calls for a security review board which would consider the cases of people engaged in extra-parliamentary opposition in their homelands.

The government would have the last word in defining security risks because the minister of immigration would decide on appeals against negative review board decisions.

The operation of such a board is complicated, Sedgwick says, "because those in charge of security cannot in most cases reveal, publicly, their information or its source."

"I assume that the security board will sit in camera," he writes, "and that it will have the power to consider evidence that would not be evidence under the strict rules they apply in Courts of Law, and particularly that it would have the right to receive evidence by way of solemn declaration."

The proposal would also allow the government more space to co-operate with United States officials in discouraging draft

dodgers and deserters from emigrating to Canada. Once the word spreads in the U.S. that appeals will be limited and applicants may have to go through strict security clearance, the number of "exiles" applying for landed immigrant status will likely decrease. The applicants could not afford the risk of being turned down and deported back home where they would face jail terms of a minimum of five years.

Draft dodgers and deserters usually use their "illegal" stay in Canada to accumulate the points they require for admission to Canada under the point system.

If they are ordered deported because they do not at first meet the requirements, they can appeal the ruling. And because the backlog of appeals is so heavy, their case may be

postponed for up to a year. In the meantime they can line up for a job and be "entrenched."

In most cases, the board, faced with a dramatic change in status, grants the appeal. Under the new proposal, the draft dodger or deserter would not be able to make that long appeal. He could only go to a special inquiry officer who the report says should deal with appeals quickly. The person would be swept out of the country.

The only recourse would be to apply for political asylum. Sedgwick recommends that the person responsible for the fate of this person be the minister of immigration.

"The granting of political asylum is essentially a political question which would be more sensibly received by the minister than by a quasi-judicial body such as the appeal board," Sedgwick says.

Sweden is the only country which recognizes desertion as grounds for political asylum, and there is reasonable doubt that Canada will follow Sweden's course.

The other recommendations in the report are measures that would "sensibly reduce" the legal recourse of those who pose as visitors to seek landed immigrant status while still in Canada.

Sedgwick suggests that applicants for landed immigrant status in Canada be examined in the same way as if they applied abroad. Should their application be rejected they would have the right to an inquiry by a departmental special inquiry officer. There would no longer be a right to appeal to the independent immigration appeal board, except by leave of the board, and such leave should be given only in special circumstances.

At the heart of the current "breakdown," says Sedgwick, is a liberal immigration policy

which allows immigrants to get a foothold in Canada even when they don't meet the necessary criteria.

The right of appeal at the disposal of a person facing deportation is so far-reaching that it is years before the court of last resort—the appeal board—can order him out of the country via an "exclusion" order.

Meanwhile, the report says, a person did not meet the criteria when he first applied has a tendency to become "entrenched". He may have married, started a family and got a job, thus changing the whole complexion of his case.

Sedgwick objects that this procedure gives an unfair advantage over someone who, for example, applies for landed immigrant status overseas.

If turned down, this landed applicant has the right to an investigation by a special inquiry officer. But unlike a person who enters Canada as a "tourist" and then applies for landed immigrant status, the overseas applicant has neither the right nor the opportunity to go before the immigration appeal board.

Sedgwick insists that "immigration to Canada by persons other than Canadian citizens or those having a Canadian domicile is a privilege determined by statute, regulation or otherwise, and is not a matter of right."

Visitors entering Canada, "who are less than truthful as to their reasons for coming here," should not have any special rights, he says.

Although Lang declined comment on when the report would become law, it is known that the government would like to see it implemented as soon as possible to rid themselves of the opposition criticism of Liberal immigration policies.



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