



April 1959

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Citation Information

Kronby, Malcolm. "The Administration of the Immigration Act." *Osgoode Hall Law Journal* 1.2 (1959) : 1-9.

DOI: <https://doi.org/10.60082/2817-5069.2526>

<https://digitalcommons.osgoode.yorku.ca/ohlj/vol1/iss2/1>

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The Administration of the Immigration Act

OSGOODE HALL LAW SCHOOL JOURNAL

Vol. 1

APRIL 1959

No. 2

The Administration of The Immigration Act

MALCOLM KRONBY *

The purpose of this article is to review the main statutory provisions relating to the administrative procedure under the Canadian Immigration Act^{1a} and to relate to them, insofar as possible, a selection of cases. This is made difficult by the fact that the bulk of decided cases pertains to the Immigration Act, R.S.C. 1927, c. 93, which was repealed when the new act came into effect on January 1st, 1953, and to the Chinese Immigration Act, R.S.C. 1906, c. 95, repealed in 1947. The reader is therefore cautioned that the application of cases under the old Acts is in most instances merely the opinion of the writer. However, it should be noted that the terminology of these older cases has been revised particularly in clearly analogous cases to conform with the language used in the current statute. Further it will be noted that no attempt is made to deal with the socioeconomic problems raised by the immigration law.^{1b} Our concern is solely with the procedure under our present immigration law and if this article aids any practitioner in unravelling the statutory tangle, the writer will be well satisfied.

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^{1a} Except where otherwise noted, all references to the Act are to the Immigration Act, R.S.C. 1952, c. 42.

All references to Regulations are to regulations under Order-in-Council, P.C. 1954-1351, to be found in S.O.R. 1955, page 1855 ff.

^{1b} Anyone wishing to pursue this subject may obtain a most worthwhile bibliography from the Department of Citizenship and Immigration; this volume, available from the Departmental Library, Ottawa, was published in February 1958, and covers the years 1946-1957.

Immigration Officers

The chief administrative official is the Minister of Citizenship and Immigration. Immigration officers, for purposes of the Act, are persons so appointed in the manner authorized by law, or the chief customs officer at a port of entry if no immigration officer is available. These officers have the powers of special constables, and may administer oaths and take evidence in any matter arising under the Act.²

The Minister, in his capacity as chief administrative official, has the right to refuse to disclose information received by the Department.³ It has been held that *mandamus* proceedings will lie against an immigration officer to compel the exercise of his jurisdiction,⁴ but such proceedings cannot be used to compel the Minister to consider an appeal.⁵

Special Inquiry Officers

Immigration officers in charge are Special Inquiry Officers. They have authority to determine whether any person shall be allowed to come into Canada, or remain in Canada, or be deported, and for such purposes, acting as commissioners, to issue a summons, administer oaths, issue commissions to take evidence, engage the service of counsel, clerks, stenographers, etc., and to do all other things necessary to provide a full and proper inquiry.⁶

Immigration Appeal Boards

Immigration Appeal Boards are composed of at least three persons nominated by the Minister. The Special Inquiry Officer who makes a deportation order appealed from cannot serve on this Board.⁷

Duties and Rights of Peace Officers

It is the duty of every constable and other peace officer in Canada, and of every person in immediate charge or control of an immigrant station when duly instructed thereto, to execute any written warrant or order made under the authority of the Act, or the regulations, for the arrest, detention or deportation of any person. For the preservation of the peace and in order that arrests may be made, officials in charge of immigrant stations are required to admit therein constables or other peace officers.⁸

² S. 10.

³ *Re Lew Fun Chau: Re Low Sui Sing*, [1955] O.W.N. 821, 112 C.C.C. 264, [1955] 5 D.L.R. 513.

⁴ *R. v. Leong Ba Chai*, [1954] S.C.R. 10, [1954] 1 D.L.R. 401, affirming 105 C.C.C. 136, [1953] 2 D.L.R. 766, which affirmed 7 W.W.R. (N.S.) 321, 103 C.C.C. 350, [1952] 4 D.L.R. 715.

⁵ See *Border Cities Press Club v. A.-G. Ont.*, [1954] O.W.N. 663 and *R. v. The Lords Commissioners of the Treasury* (1872), L.R. 7 Q.B. 387, 394.

⁶ S. 11. Also see Part I of the Inquiries Act, R.S.C. 1927, c. 99, and Regulations, s. 2 and s. 7.

⁷ S. 12. See also material under the heading "Appeals."

⁸ Ss. 13, 14.

Arrest and Detention

The Minister may issue a warrant for the arrest of any person respecting whom an examination or inquiry is to be held or a deportation order has been made under the Act. Provision is made for the issue of orders of detention, including cases where the person concerned is in prison.⁹ Certain classes of persons may be arrested without a warrant;¹⁰ generally, these include persons entering Canada by fraud or stealth, or remaining in or returning to Canada after a deportation order has been issued.¹¹ Any person respecting whom an inquiry is to be held or a deportation order has been made may be detained pending inquiry, appeal or deportation, at an immigrant station or other place satisfactory to the Minister.¹² But a person cannot be held for deportation to any other place than that mentioned in the warrant for deportation.¹³

Reports in Special Cases

The clerk or secretary of a municipality in Canada is required to send to the Director of the Immigration Branch of the Department of Citizenship and Immigration, or to his deputy, a written report as to persons convicted of offences involving disloyalty, persons convicted of narcotics offences, or persons otherwise guilty of illegal or criminal practices, or of offences under the Act.¹⁴ Parliament has not authorized the exercise of this jurisdiction on the complaint of an unknown person. The order of the Minister must direct the investigation of the facts alleged in the complaint, and the jurisdiction of the Special Inquiry Officer as the investigator is limited to investigating the facts alleged. The facts must be alleged in such a manner that the person concerned will have a reasonable opportunity to know the nature of the allegations. The deportation order must state fully the reasons for the decision in respect of the allegations,¹⁵ but there is no analogy between proceedings under such a complaint and an indictment on a criminal charge. The complaint need not set out the precise times and places of the alleged offences, and there need be only reasonable proof of the allegations.¹⁶ Moreover, the deportee can be compelled to answer questions put to him.¹⁷

⁹ Ss. 15-18.

¹⁰ S. 16.

¹¹ S. 19(e) (vii), (viii), (ix), and (x).

¹² S. 1; see also *Re Mah Fung; R. v. Mah Fung* (1930), 43 B.C.R. 187, 54 C.C.C. 374.

¹³ *Re Santa Singh*, [1924] 3 W.W.R. 164, 34 B.C.R. 190, 42 C.C.C. 346, [1924] 3 D.L.R. 1088.

¹⁴ S. 19.

¹⁵ *Samejima v. R.*, [1932] S.C.R. 640, 58 C.C.C. 300, [1932] 4 D.L.R. 246, reversing [1932] 3 W.W.R. 201 (*sub nom. Re Samejima*), 45 B.C.R. 401, 58 C.C.C. 250, affirming 57 C.C.C. 395.

¹⁶ *Vaaro v. R.*, [1933] S.C.R. 36, [1933] 1 D.L.R. 359, 59 C.C.C. 1, affirming (*sub nom. Re Worozcyt*), 5 M.P.R. 151, 58 C.C.C. 161.

¹⁷ *Op. cit. ante.*

Examinations

Every person, including Canadian citizens and persons with a Canadian domicile,¹⁸ seeking to come into Canada, must first appear before an immigration officer for examination. There is immediate admission if nothing appears contrary to the provisions of the Act. Provisions are made, where necessary, for a medical examination. A rejection order, or an order for deferment of examination, may be made if deemed necessary, as for instance if the immigrant is under the influence of alcohol or drugs, or is ill.¹⁹

Under the Regulations,²⁰ every person seeking to enter or "land" in Canada must be in possession of an unexpired passport issued by the country of which that person is a subject or citizen. A travel document or certificate of identification may be accepted in lieu of the passport in certain cases involving women who have become British subjects by reason of marriage to British subjects domiciled in Canada, and in the case of stateless person and refugees. The passport or travel document must carry a Canadian visa, which must indicate whether the holder seeks to come to Canada as an immigrant or non-immigrant,²¹ and must bear a medical certificate sufficient to establish that the holder does not fall into any of the classes enumerated in s. 5(a), (b), (c) or (s) of the Act, (this certificate is not required from persons arriving from "white" Commonwealth Countries, France, or the United States of America). Neither the possession of a visa nor a medical certificate is conclusive in determining admissibility.

In a recent case, where a person who had arrived in Canada as a non-immigrant applied to remain as an immigrant, he was ordered deported, since he had neither immigrant visa nor medical certificate, both of which are required for admission.²² This prompted Ferguson J. to say that the inquiry took on a Gibertian flavour—indeed, it became a farce, in ordering the appellant deported because he did not

¹⁸ "Domicile" for purposes of the Immigration Act, appears to mean residence in Canada with intention of making a permanent home there. It should not be confused with domicile as that term is used in private international law, where, properly speaking, no such status as "Canadian domicile" exists, but rather domicile in one of the Provinces. See s. 4.

See also *Re Carmichael*, [1942] 2 W.W.R. 84, 57 B.C.R. 316, 77 C.C.C. 281, [1942] 3 D.L.R. 519; where a husband returned to Scotland, his wife, who had remained in Canada, was ordered deported on the reasoning that since the husband had clearly lost his Canadian domicile, his wife must also have lost her Canadian domicile. With respect, it appears that the learned Judge confused the meaning of "domicile" under the Immigration Act, with the meaning of the word as used in Conflicts of Law.

¹⁹ Ss. 20-22.

²⁰ Regulations, s. 18.

²¹ "Non-immigrant" is defined in s. 7(1) and (2). It includes tourists and representatives of foreign businesses.

²² "Admission" means both "entry" of a non-immigrant, and "landing" of an immigrant; see s. 2(a), (f) and (n), and *Ex parte Cech*, [1958] O.W.N. 463.

have that which he was applying so earnestly to get from persons empowered to give it to him.²³

Inquiries

An immigration officer, being put upon inquiry, may cause a person to be detained and shall report him to a Special Inquiry Officer.²⁴ Persons arriving from the United States of America, or from the islands of St. Pierre and Miquelon are either admitted or deported immediately; others, if not admitted, may be detained pending deportation.²⁵ Where a person is arrested without a warrant, a Special Inquiry Officer shall forthwith cause an inquiry to be held.²⁶ Inquiries may also be held after a complaint is received pursuant to s. 19 of the Act. The inquiry by a Special Inquiry Officer is to be held apart from the public, but in the presence of the person concerned wherever practical. The accused is entitled to be represented by counsel, although there is probably no right to cross-examine on the evidence presented.²⁷ Evidence need only be credible or trustworthy in the circumstances, and where the person concerned is seeking entry into Canada, the burden of proving that he is not prohibited from entering rests upon him.²⁸ After a deportation order is made out, or at any time from the moment a person is held for inquiry, there is no power in the Court to grant bail.²⁹

The decision of the Special Inquiry Officer is to be rendered as soon as possible after the inquiry, and in the presence of the person concerned wherever practical. The decision is followed by admission into Canada, or permission to remain, or by an order for deportation. No decision taken here bars a further inquiry under ss. 19 or 25 of the Act.³⁰ An inquiry may be reopened by a Special Inquiry Officer, or by order of the Minister, or by majority decision of an Immigration Appeal Board in order to hear additional evidence, and a Special Inquiry Officer, on hearing such additional testimony may confirm, reverse or amend the previous decision.³¹

²³ *Ex parte Mannira*, [1958] O.W.N. 461. See also *Ex parte Shapiro*, 1958, High Court of Justice for Ontario (unreported). In the Mannira Case it was argued by the Department that there were many persons in foreign lands waiting to enter Canada through Canadian representatives in their own countries, and that it would be unsportsmanlike for some persons to enter Canada, and then apply for admission as permanent residents. See also *Re Vojen Cech* (1956), 114 C.C.C. 323, 2 D.L.R. 2nd 607, [1958] O.W.N. 463 (*sub. nom. Ex parte Cech*). But c.f. *Ex parte Mannira*, [1959] O.W.N. 109 (C.A.).

²⁴ S. 23.

²⁵ S. 24.

²⁶ S. 25.

²⁷ See generally, *Local Gov't. Bd. v. Arlidge*, [1915] A.C. 120; *Board of Education v. Rice*, [1911] A.C. 179; *Wibon v. Esquimalt*, [1922] 1 A.C. 202; *Re General Accident Assurance Co.* (1926), 58 O.L.R. 470; and *Re Toronto Newspaper Guild & Globe Printing Co.*, [1953] 2 S.C.R. 18.

²⁸ Ss. 26-27.

²⁹ *R. v. Almazoff*, [1919] 3 W.W.R. 281, 30 Man. R. 143, 31 C.C.C. 335, 47 D.L.R. 533; *R. v. Coleman*, [1935] 3 W.W.R. 161, 43 Man. R. 380, 64 C.C.C. 251, [1935] 4 D.L.R. 444. Only ample oral notice of the proceedings need be given; *Re Naumiec*, [1932] 3 W.W.R. 693, 40 Man. R. 622.

³⁰ S. 28.

³¹ S. 29.

Appeals

No appeal may be taken from a deportation order respecting any person who is ordered to be deported due to medical reasons, under s. 5(a), (b), (c) or (s), or if the person is convicted under s. 4(1) (a), (d), (e) or (f) of the Opium and Narcotic Drug Act, R.S.C. 1929, c. 49.³² Neither does an appeal lie if a person is ordered deported under s. 7(5), which refers to non-immigrants losing their status as being, in the opinion of the Minister, persons described in s. 19(1) (a), (b), (c), (d) or (e),³³ nor if a person's entry permit is cancelled and a deportation order follows.³⁴ In all other cases an appeal may be taken if the appellant forthwith serves a notice of appeal upon an immigration officer or upon the person who serves the deportation order.³⁵ An Appeal is dealt with by the Minister unless he directs that an Immigration Appeal Board hear it. There is a full power of review on appeal, and matters of both law and fact may be considered. The Minister may review the decision of an Immigration Appeal Board, and in either case, the Minister's decision is final.³⁶

There is no analogy between what is called an "appeal" under the Act, and what is known as an appeal to a Court of Appeal in a civil or criminal action. An appeal from a decision under the Immigration Act differs jurisdictionally and procedurally in that: (a) it must be served *forthwith* after the deportation order; (b) it requires no grounds of appeal to be stated; one just says "I appeal": (c) no time or place is fixed for the hearing; (d) there is no statutory right in the "appellant" to produce evidence to show he was deprived of a fair hearing; (e) the "appeallant" lacks the safeguards contained in an appeal in open Court. The "appeal" need only be a documentary review of the proceedings by the Minister, performed in private and as part of his diverse duties. Any sort of representation might be made to the Minister concerning the case. In short, the "appeal" is only the exercise of an executive or political act (in its highest sense) by the official who occupies the Cabinet post to which departmental matters must be referred finally for review or decision.³⁷

Immigration Appeal Boards were established in June, 1954, at Ottawa and Halifax, and in June, 1955, at Toronto and Quebec, and are functioning at present. Since March 1st, 1956, a person wishing to appeal from a deportation order may state in his notice whether he wishes it heard by a new four-man Board, or by the Minister. In the former case, the Board's decision will be treated as final; in the latter

³² S. 30.

³³ The writer would rather not detail the descriptions of these persons, space limitations being what they are. It should be noted that in the provisions relating to appeals, the Immigration Act reaches a labyrinthine peak.

³⁴ S. 8(4).

³⁵ S. 31(1).

³⁶ Ss. 31(2), (3) and (4). But see also material under heading "Deportation", particularly with reference to s. 39.

³⁷ *Re Spalding* (1955), 22 C.R. 138, 16 W.W.R. (N.S.) 157, 112 C.C.C. 96, [1955] 5 D.L.R. 374 (*sub nom. R. v. Spalding*) (B.C.C.A.).

case, the Minister may nonetheless refer the case to the Board, and the decision will be subject to Ministerial review.³⁸

Regulations

The Governor in Council has wide power to make regulations under S. 49 and S. 61 of the Act, but he must not delegate his power to any other person or body.³⁹ A person whose admission is valid under the Statute and Regulations as they exist at the date of admission may not be deported under a latter Regulation, the effect of which is to prohibit the admission of future immigrants of a class in which the person is now a member.⁴⁰ In short, the effect of Regulations is not retroactive.⁴¹

*Deportation*⁴²

Except in the case of a person who is returned to the place whence he came to Canada pending the decision on his appeal, an appeal against a deportation order stays the execution of the order pending decision thereon. A person against whom a deportation order issues shall be deported to the place whence he came to Canada, or to the country of which he is a national, and such person cannot re-enter Canada without the consent of the Minister.⁴³

The law applicable in deportation proceedings is as of the time the alien was admitted to Canada.⁴⁴ The reasons for deportation should be clearly stated in the order; mere reference to a section number of the Act is insufficient.⁴⁵ But if the order is defective in form, another order may be substituted for it to correct the defect.⁴⁶

By S. 33(2) of the Act, no deportation order becomes invalid on the ground of any lapse of time between its making and its execution. The previous Act, in S. 42(3) required deportation "forthwith". The several cases which resulted in lapse of deportation orders because of

³⁸ Corbett, *Canada's Immigration Policy* (1957), at pp. 78-83, 86-88. A bitterly critical evaluation of the appeal procedure can be found in the Toronto "Telegram" for Feb. 2nd. 1959, at p. 34.

³⁹ *Re Behari Lal* (1908), 8 W.L.R. 129, 13 B.C.R. 415.

⁴⁰ *Re Legge*, [1952] O.R. 722, 103 C.C.C. 299, [1952] 4 D.L.R. 673.

⁴¹ See also *In Re Kahim* (No. 2) (1911), 1 W.W.R. 114, 19 W.L.R. 440, 16 B.C.R. 471, affirmed on appeal 2 W.W.R. 580, 21 W.L.R. 536, 17 B.C.R. 276, 19 C.C.C. 394, (1912).

⁴² A concise, although rather dated, report of deportation procedure can be found in Finkleman J., "*Deportation in Canada*", contained in MacKenzie, "*The Legal Status of Aliens in Pacific Countries*," (1937).

An exhaustive survey is Cameron, J.D. "*History of Canadian Immigration Law*", unpublished Ph.D. thesis. Univ. of Tor. 1942.

⁴³ Ss. 32-38.

⁴⁴ *In Re Kahim*, ante footnote 41.

⁴⁵ *Re Hindus and Immigration Act* (1913), 5 W.W.R. 686, 26 W.L.R. 319 (*sub nom. Re Narain Singh*), 18 B.C.R. 506 (*sub nom. Re Thirty-nine Hindus*), 15 D.L.R. 189. The same rule was applied where a deportation order failed to state properly the reasons for rejection; *R. v. Lantalum*; *Ex parte Offman* (1921), 48 N.B.R. 448, 35 C.C.C. 295, 62 D.L.R. 223 (C.A.). See also *Samejima v. R.*, ante, footnote 15.

⁴⁶ *R. v. Smith; ex parte Frattura*, 13 M.P.R. 383, 71 C.C.C. 315, [1939] 2 D.L.R. 39. *Samejima v. R.*, [1932] S.C.R. 640, 58 C.C.C. 300, [1932] 4 D.L.R. 246, reversing [1932] 3 W.W.R. 201 (*sub nom Re Samejima*), 45 B.C.R. 401, 53 C.C.C. 250, affirming 57 C.C.C. 395.

delay in execution (in one case, five years) can now be safely disregarded.

A person cannot be held for deportation to any place other than that mentioned in the warrant for deportation.⁴⁷

A person arrested and detained with a view to his deportation is not committed for any crime within the meaning of the Habeas Corpus Act (in Ontario, R.S.O. 1950, c. 163), so as to enable a Court to admit him to bail, nor have the Courts any jurisdiction at common law to grant bail in such circumstances,⁴⁸ nor is bail available after an appeal is dismissed by the Minister.⁴⁹

Judicial Review

S. 39 of the Act provides, "No court and no judge or officer thereof has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order which the Minister, Deputy Minister, Director, Immigration Appeal Board, Special Inquiry Officer or immigration officer had made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile." (The previous Act contained a similar provision, in S. 23.)

This privative clause applies *only* where the order is made under the authority and according to the provisions of the Act. Where an officer acts without jurisdiction, or where the order does not show on its face that he had jurisdiction, it cannot be said to be made in accordance with the provisions of the Act, and the Court has power to review it.⁵⁰ Thus, where the 1910 Act dealt with persons of "Asiatic race", and the appellant was affected by an Order-in-Council regulating persons of "Asiatic origin" (which could include persons born in Asiatic countries of British parents) it was held that the Order-in-Council was *ultra vires*, and that proceedings thereunder were in excess of the powers conferred by Parliament, i.e. not in accordance with the Act, and that the proceedings were therefore open to judicial review.⁵¹ Precisely the same result was reached in a recent case, on the grounds of an improper delegation of power to make regulations from the Governor in Council to Special Inquiry Officers and immigration officers.⁵²

However, if the person concerned is not a Canadian citizen, or does not have a Canadian domicile, and provided that the proceedings

⁴⁷ *Re Santa Singh*, ante footnote 13.

⁴⁸ *R. v. Almazoff*, ante footnote 29; *R. v. Coleman*, ante footnote 29.

⁴⁹ *Nemec v. Langlais* (1932), 53 Que. K.B. 190 (C.A.).

⁵⁰ *Re Walsh, Collier and Filsell* (1913), 13 E.L.R. 132, 22 C.C.C. 60, 13 D.L.R. 288 (N.S.); *R. v. Barnstead; Ex Parte Hanson; Ex parte Moller*; (1920), 35 C.C.C. 179, 55 D.L.R. 287 (N.S.), wherein it was also held that habeas Corpus and certiorari will be even after an appeal to the Minister.

⁵¹ *Re Hindus and Immigration Act*, ante footnote 45.

⁵² *A.-G. Canada v. Brent*, [1956] S.C.R. 318, 114 C.C.C. 296, 2 D.L.R. (2d) 503, affirming [1955] O.R. 480, 111 C.C.C. 323, [1955] 3 D.L.R. 587, which varied [1954] O.R. 706, 109 C.C.C. 258, [1955] 1 D.L.R. 693.

taken are within the jurisdiction of the official involved, there can be no review.⁵³ The result is that the only way to determine if you are entitled to a judicial appeal is to try for it—and if entitled you will get it, notwithstanding the privative clause.

But it is clearly established that if jurisdiction be well founded, the effect of S. 39 is to bar a review of the evidence by which the official came to his decision,⁵⁴ even if that evidence would be insufficient to convince the Court if it were in the position of the immigration official⁵⁵—indeed, even if the Court considers the conclusion wrong.⁵⁶ However a denial of natural justice may be interpreted as a failure of jurisdiction sufficient to open proceedings to judicial review.⁵⁷ This principle has been applied in other fields of administrative law,⁵⁸ the rationale being that since the principles of natural justice must be observed (whether expressly required by the statute or not) in all proceedings under the statute, a denial of natural justice therefore constitutes a failure (or excess) of jurisdiction, and thus opens the proceedings to judicial review; proceedings which violate the principles of natural justice implicitly cannot be “had, made or given in accordance with the provisions” of the statute, and review is not barred by privative legislation.

The proceedings being open to judicial review, the remedy most often required will be a writ of habeas corpus in order to release a deportee from detention,⁵⁹ with or without certiorari in aid to quash the deportation order. Certiorari alone will usually suffice if there is no problem of detention, and a motion for this remedy may be brought even if an appeal has been launched and has not yet been decided.⁶⁰ On the special and peculiar facts of one case,⁶¹ mandamus was directed to compel an immigration officer to consider an application for admission, but this is unlikely to be encountered in general practice.

⁵³ *Re Gottesman* (1918), 41 O.L.R. 647, 29 C.C.C. 439; *R. v. Schoppelrei*, [1919] 3 W.W.R. 322, 30 Man. R. 137, 31 C.C.C. 255 (C.A.); *Langlais v. Srđ* (1932), 52 Que. K.B. 282, reversing 37 R. de Jur. 392.

⁵⁴ *Ikezova v. C.P.R.* (1907), 12 B.C.R. 454 (C.A.); *Re Immigration Act and Wong Shee*, [1922] 2 W.W.R. 156, 31 B.C.R. 145, (*sub nom. Re Wong Shee*), 37 C.C.C. 371, 66 D.L.R. 485, reversing 30 B.C.R. 70, 36 C.C.C. 405, 59 D.L.R. 626 (C.A.); *Ex parte Narine-Singh*, [1954] O.R. 784, 109 C.C.C. 359, affirmed (*sub nom. Narine-Singh v. A.-G. Canada*), [1955] S.C.R. 395, 111 C.C.C. 321.

⁵⁵ *Re Robinson*, [1948] O.R. 487, 92 C.C.C. 91.

⁵⁶ *Yershensky v. Mognin*, 45 Que. K.B. 166.

⁵⁷ *Re Immigration Act and Munshi Singh* (1914), 6 W.W.R. 1347, 29 W.L.R. 45, 20 B.C.R. 243 (C.A.); *Re McKaig* (1954), 108 C.C.C. 268 (B.C.).

⁵⁸ See for example *Toronto Newspaper Guild v. Globe Printing Co.*, *ante*, and cases cited therein. Space prohibits a discussion of the meaning of “natural justice” but see Griffith and Street, “Principles of Administrative Law” (2nd Ed. 1957), pp. 155-160.

⁵⁹ A score of cases establish the appropriateness of this remedy.

⁶⁰ *Re Spalding*, *ante* footnote 37.

⁶¹ *Re v. Leong Ba Chai*, [1954] S.C.R. 10.