

THE ANNOTATED IMMIGRATION ACT OF CANADA, Edited and Annotated by Frank N. Marrocco, Q.C., and Henry M. Goslett. Carswell Company Limited, 1984, pp. xxv and 246, paper.

CANADIAN IMMIGRATION LAW AND PROCEDURE, by Christopher J. Wydrzynski. Canada Law Book Limited, 1983, pp. xli and 511, hardcover.

One up-to-date book on Immigration law is unusual: two such books are worthy of note. However to have two books that complement each other as well as these two is indeed a rarity.

A mandatory requirement for any busy practitioner is an annotated copy of a major statute. Until the publication of the first book reviewed (The Annotated Immigration Act of Canada) there had been no annotated Immigration Act available in Canada. That alone makes this book worthwhile as a quick reference to the interpretive law, which is here cited in cases as late as November 15, 1983.

Many administrative statutes such as this one, however, rely on multiple regulations to introduce flexibility into the daily operations of the enforcing bodies. Determination of the appropriate regulations can be difficult and confusing. Therefore, in addition to the annotated statute the editors have included the general immigration regulations as well as regulations for the designated classes of Indochinese, Self-exiled persons, and Political Prisoners and Oppressed Persons. To round off the book they have also included the Immigration Appeal Board rules (both general appellate and Convention Refugee redetermination applications). The immigration regulations are rather generally annotated, but all other regulations are presented without any appropriate citations.

The fact of having both the Immigration Act and the regulations bound into one book is alone a distinct advantage to the immigration practitioner; the annotations are an added bonus. The only picayune criticism that one might make is that some cases are reported up to seven times in various sections of the Act, but the particular summary of the case is generally repeated verbatim no matter what part of the Act is being annotated. This is a small point, but is one that this reviewer found somewhat annoying in reviewing the book.

This tiny peccadillo, however, does not detract from the outstanding utility of this book as a primary reference for the immigration practitioner, and for that reason it is highly recommended.

The second book, Canadian Immigration Law and Procedure, complements the first in dealing not only with the Immigration Act and Regulations as well as procedures, but also by filling in the gaps that a mere recital of the Act leaves open. The author, a member of the Faculty of Law of the University of Windsor, does a very good job in "fleshing out" the bare bones of the statute and the various regulations. From the earliest chapters the book is replete with factual information of an extremely practical nature. Professor Wydrzynski cites over 1000 cases of recent vintage (since 1976) along with some seminal decisions that have survived the new Act.

The various chapter headings are particularly relevant to an understanding of the practice of immigration law. To take one example, chapter 12 deals with the often-misunderstood Minister's Permits. In this chapter the author succinctly outlines under subheadings the classes of persons eligible for consideration under the discretionary regime, the policy guidelines governing the issue, the application procedure, extensions and cancellations, and the removal of permit holders. The text for this chapter is assisted with 73 footnote citations.

Other chapter headings include Rules of Procedure applicable to Inquiries, with 225 footnotes, and a special chapter on Excludable and Removable Persons dealing mainly with refugees and the problem of National Security and Removal.

In fact the majority of this text is a goldmine of extremely practical information to which anybody can refer for appropriate regulations, procedures, decisions, classifications or limitation periods. The Immigration Appeal Board and judicial review procedures through the Federal Court are both dealt with in separate chapters for those who have need of appeal. Enforcement Powers, and Exclusion and Expulsion Procedures are the headings of two other chapters geared to those who are forced to leave Canada, while for those coming into the country there are chapters on the selection and admission of immigrants, and the admission of visitors.

The final chapter on civil liberties is particularly relevant to the issue of the alien and the Charter of Rights and Freedoms. A number of Federal Court decisions have held that the subject of an inquiry is a compellable witness against himself, and this runs contrary to some of the basic sections of the Charter. Professor Wydrzynski examines the ineffectiveness of the previous Bill of Rights on immigration law, and points out areas in which an application of the Charter may set a new direction. His opinion is that there is much room for such a new direction, and he outlines some of the relevant sections that he feels may apply. The difficulty, as he points out, is that an immigration inquiry is administrative in nature, and most of the legal rights appear to be tied to criminal matters.

This particular chapter is especially timely and still open-ended in terms of settled law, so it is one chapter to which a practitioner might well direct some time and study.

One disappointing aspect of the book is that five out of 16 chapters are devoted to such matters as the legal history of the alien, or the basic nature of the Immigration Act, 1976. While some sort of review is necessary to set the stage for the following substantive elements, almost 20% of the text is set aside for this purpose, and this does detract from the practical use of this book.

Other than this small criticism, however, the book is excellent. The print is of good size and paper quality is more than adequate with a solid binding suited to heavy use in a law office. Cases are cited up to early 1983, and there are many unreported cases to assist the immigration practitioner. Footnotes are used extensively to report the case which cites the proposition used in the text.

This book is highly recommended as a reference for any immigration-related law practice.

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