

IN THE MATTER OF THE "IMMIGRATION ACT"

and

IN THE MATTER OF THE APPLICATION OF KARNAIL SINGH SAROYO.

SUBMISSION IN SUPPORT OF AN APPEAL TO THE "MINISTER"

The Applicant appeared before a Board of Inquiry held in the Immigration Building at Victoria, B.C., on the 24th day of September, 1948.

The decision of the Board was that such application be rejected and the applicant be deported for the reasons as set forth in the transcript of the Board Minutes.

It is submitted on behalf of the Applicant:-

1. The Applicant does not contend that he is a person who is able to comply with the exceptional provisions of Order-in-Council B.C. 2115.
2. The Applicant bases his Appeal on the grounds, that the facts disclosed on the hearing before the Board of Inquiry, are such as to humbly submit that he is a person that the "Minister" may in exercise of the power, him enabling, as conferred up the "Minister" by the above Act, issue a written permit authorizing the Applicant, having landed in Canada, to remain therein without being subject to the provisions of the Act.
3. That in the exercise of the power conferred on the "Minister" the following facts should be favourably considered:
 - (a) The Applicant is a person of good character and repute.
 - (b) The Applicant is a person possessing educational training which qualifies and fits him to undertake and assume duties in connection with business that he will be engaged in if permitted to remain in Canada.
 - (c) The Applicant's wife is a Canadian Citizen and has always resided in Canada.
 - (d) The Applicant's wife is now pregnant and intends to remain in Canada.
 - (e) Having regard to the family connection of the Applicant's wife and her association with the business affairs of her father, Mayo Singh, it can be safely assumed that the Applicant will not likely become a public charge.
 - (f) That deportation of the Applicant will cause extreme hardship not only to the Applicant, but also to his wife and expected child.
4. It is further respectfully submitted that there are ample reasons for the exercise of the power to grant a permit on compassionate grounds.
5. The facts disclosed in the transcript show the position and worth of the family of the wife, which has contributed to Lumber Industry in the Province and place beyond any possibility of doubt the financial future of the Applicant.
6. Having been born and brought up in Canada as a Canadian Citizen the order of deportation passed against her husband amounts in fact, if not in law, to a sentence of exile against her, in as much as under the family law of the Sikh community to which the family belong, it is the sacred duty of a wife to remain with he husband. In ordinary times this might not be considered a

hardship, but in the existing circumstances now prevailing in Upper India, the Petitioner's wife would be exposed to grave physical danger, especially as the former home of her family is situated in a part of the Punjab which has been the scene of extreme violence and disorder.

All of which is respectfully submitted.

"W.C. Moresby"

Counsel for Appellant

Dated at Victoria, B.C., this 8th day of October 1948.