If the government refused to present acceptable and satisfactory evidence, the board felt that deportation should not be ordered. Such a situation, according to them, should not occur very frequently if the selection criteria of applicants were reasonably efficient.

The Mackenzie Commission was in favour of the creation of a tight judicial process in the case of deportation of an applicant with permanent resident status. Now, the amendment we are respectfully submitting to the consideration of the House today is designed to ensure that one of the Federal Court of Canada judges would have the authority to issue such security certificates. Many arguments have been put forward at the committee stage against the interference from the Federal Court or the Supreme Court judges in the administrative procedure relating to the deportation of a person from Canada or the issuance of a departure notice. I will not come back on any of these arguments. You just have to read the reports and the minutes of proceedings of the immigration committee to see that most of them are pointless.

The minister, through his deputy minister, stated that several judges of the Federal Court and even of the Supreme Court of Canada would not be granted a clearance if they had to go through the security selection procedure themselves, and rightly so, Mr. Speaker. Even if this reason should be retained, I do not think that it could be an acceptable argument to reject the proposal in motion No. 46. As a matter of fact, this security certificate might well be delivered by one of the judges of the Federal Court who would be granted a security clearance through the RCMP. We realize the absurdity of having our Supreme Court and Federal Court judges take these security tests or obtain these security clearances, which would result in enabling them to play a part in the responsibility designed to ensure compliance with a judicial procedure in the area of immigration.

I think it is extremely regrettable that such interventions should have been made during the debates in committee, and I do not believe that those are grounds that Parliament should maintain in implementing the system to ensure the upholding of the Immigration Act. Therefore, the purpose of this amendment No. 46 is not per se to take away from the Immigration Appeal Board its jurisdiction with respect to the law and the facts nor to make its jurisdiction more complicated with respect to humanitarian or compassionate considerations.

In fact, the only purpose of this amendment is to ensure that the security certificate is subject to examination or control by a judge of the Federal Court who could himself, even in the context of the odiousness of those security ratings, be subject to an inquiry by the RCMP security services. Therefore, it seems to me that the passage of this amendment would have the effect of showing very clearly the security objective that is sought under the provisions of clauses 39 and 40 are not per se incompatible with the intervention at the Federal Court in the area of the issuance of security certificates. In fact, it seems to me to be a quite acceptable compromise which I think represents the kind of minimum solution that people concerned with legality and the rule of law should accept in the context of a legislation whose purpose is not to create other classes of people or another kind of Canadian society for permanent residents but in fact to give them the same benefit of access to and protection from the courts that Canadian citizens have in the exercise of their normal responsibilities.

Consequently, it seems to me that the acceptance of this amendment would appear to me to be the minimum in the case of a board which is also entrusted with the upholding of the law and whose chairman recognized that the issuance of that security certificate appeared as one of the first signs to take away from the commission a jurisdiction that enabled it to put into decisions on permanent residents the minimum humaneness and equity without which this country on which we think we can build a democratic and free society would be greatly blemished from the start for those who believe that Canada still represents a hope of freedom.

[*English*]

The Acting Speaker (Mr. Turner): Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Turner): All those in favour of the motion will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Turner): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Turner): In my opinion the nays have it.

Mr. Knowles (Winnipeg North Centre): On division.

Motion No. 46 (Mr. Joyal, for Mr. De Bané) negatived.

Mr. Andrew Brewin (Greenwood) moved:

Motion No. 47.

That Bill C-24, an act respecting immigration to Canada, be amended in clause 104 by striking out lines 11 to 28 at page 59 and by renumbering the subsequent subclauses accordingly.

He said: Mr. Speaker, the purpose of this amendment is to delete subclause (2) of clause 104 of the bill. Clause 104 provides:

The deputy minister or a senior immigration officer may on reasonable grounds issue a warrant for the arrest and detention of any person—

And so on. Subclause (2) goes on to provide:

Every peace officer in Canada, whether appointed under the laws of Canada or of any province or municipality thereof, and every immigration officer may, without the issue of a warrant, an order or a direction for arrest or detention, arrest and detain or arrest and make an order to detain—

The subclause goes on to say a person may be detained for an inquiry, for removal from Canada, and so on. In effect, the amendment deletes the provision that quite junior officers do not have to get warrants in order to detain people and take their liberty from them. In my view, that would constitute an