

It could be argued that the subject of deportation and the penalties for which deportees returning to Canada are liable are already covered by the Criminal Code and the Immigration Act. Section 46 and 48 of the Immigration Act address themselves to these circumstances, as does section 115 of the Criminal Code, for that matter. The person concerned is prohibited from returning to Canada, but a duty is placed specifically on an immigration officer to ascertain whether or not that person has ever been deported. The onus, in other words, lies not with the person entering Canada but with the immigration officer, and if the person entering Canada does not of his own free will inform the officer that he has previously been deported he is not liable under the law. This is the loophole my party would like to see closed.

● (2030)

We could argue that section 46 of the Immigration Act should have applied during this period of time. I was rather shocked to find, on reading the report of the proceedings in the Senate, that the government has not attempted to convict any people under these acts since the legal advice received by the minister was that these sections were not specific enough to be able to get a conviction. Thus Bill S-12, in essence, creates a new offence whereby if a person re-enters Canada without the express permission of the minister he will be liable to an offence under the laws of Canada as spelt out in this bill.

The so-called green paper that is going to lead us into this great national debate of ours opens up all kinds of questions regarding immigration as well as the deportation of those who come to Canada illegally. We are very concerned that the government and its officials be given the power to regulate immigration, and specifically those immigrants who disobey the laws of Canada. However, I was completely surprised to hear the minister say he really did not have the power to prosecute those who, having once been deported, return to Canada, and that the only thing he could really do was to give them another one way ticket out of the country at our expense.

Under section 5 of the Immigration Act, which deals with the so-called prohibited classes, it is my understanding that the minister does have the power to declare that a person is within that prohibited class. Then there are further sections in the act dealing with the prosecution of those people who, having once been deported, return to Canada. Just as an aside, one of the subsections of section 5 of the Immigration Act relates to people suffering from epilepsy who now cannot enter Canada. I have written to the minister about this particular matter because I feel it is a discriminatory aspect of the act that should be removed as soon as possible. Therefore I thank the minister for assuring me and the House that this part of the act will be removed at a very early date.

Some hon. Members: Hear, hear!

Mr. Epp: Under section 5 of the act, as well as in Bill S-12, there is no power of enforcement. However, the minister and the government will have the support of this party in getting on with the job of keeping undesirables out of the country.

Immigration

To a great extent immigration is, in my opinion, in a mess. I know the minister has attempted through various means to exercise some control within the immigration department over the numbers and types of people who come to Canada. I should like to quote from the Senate debate on immigration and the control thereof. The government leader in the Senate, Senator Ray Perrault, spoke specifically about what he thought of the immigration situation today. As reported at page 166 of the Senate debates for October 23, 1974, he said:

Honourable senators, with respect to the need for this amendment to the Immigration Act, I would say that I come from an area which has been afflicted most adversely by those who contravene deportation orders. It has become a serious problem in the Vancouver area, and especially in the whole of southern British Columbia. Montreal and Toronto have also been affected. The criminal elements have been making a mockery of Canadian immigration laws. They have been deported from this country, and there are many cases on the record—the information can be made available to the committee—in which within 24 hours those criminal elements have returned to Canada, engaging in crime and completely flouting any regulations which exist.

Whatever is done, in my view it is imperative that the two chambers of Parliament deal expeditiously with this particular measure. Law enforcement agencies are thoroughly alarmed about what has been going on. To have the present section stand without any penalty whatsoever, and allow a system to continue whereby time after time, when the minister orders people to be deported, they return across the border within a few hours, is not good enough. There are even cases on record in which they have returned within two hours of deportation, to go through the whole cycle again. Whatever we do, it is obvious that we must act.

So I think the views of the government leader in the Senate on immigration are pretty clear. He feels that there has not been the control that Canadians have been demanding regarding the movement of immigrants and of those who come to this country without the immigration rights people have sought in other places.

I should also like to quote what Senator Laird said when this bill was before the other place. He sponsored the bill, and as reported at page 232 of the Senate Debates for November 5 last had this to say on the subject of immigration today:

I am told—and here again I presume all honourable senators have had occasion to read about these cases—that in some of the larger cities like Montreal, Toronto and Vancouver, there have been many instances of very undesirable characters being deported, coming back into the country and engaging in criminal activities here, then simply being deported again and going through the cycle just about as many times as they feel like it. We want to stop this.

That certainly has my support. Obviously what is needed is a very strong tightening of present immigration regulations as they apply to those who refuse to obey the law. When the Minister of Manpower and Immigration (Mr. Andras) appeared before the Standing Senate Committee on Foreign Affairs on Thursday, November 7, 1974, he cited an example of the type of situation that the immigration department has had to deal with under the present law. As reported at page 1:6 he said this:

The first example involves a chap who is a pimp. He was deported first on February 10, 1966, and then deported again on the following dates: November 14, 1966; November 28, 1966; February 29, 1968; March 18, 1968; March 21, 1968 . . .

That is three days later, Mr. Speaker.

. . . April 9, 1968; October 22, 1968; and November 27, 1968. For all I know, he may be back in Canada again.