

*Immigration Act*

Where a person seeks to come into Canada, the burden of proving that he has a right to come into Canada or that his admission would not be contrary to this act or the regulations rests on him.

This seems to reinforce, or at least this puts into very definite law the situation where each and every individual—not just immigrants, visitors or aliens, but Canadian citizens—could well be faced with the position where, through no fault of their own, they might come to one of the national borders of their own country without specific documentation. Perhaps they are people who are new Canadian citizens. They discover that they are not able to document or prove what in fact, their citizenship is with respect to their own country. Here is a case of turning traditional British law upside down. According to this Immigration Act, a person is presumed to be an alien until he can prove himself a citizen.

What has bothered me most about this legislation from start to finish is that it has a kind of suspicious or mean quality to it. People are being taken, not at their best or not even as they might normally be, but potentially at their worst. I suggest a clear indication of that can be found in clause 19 of the bill where we find a marginal note used to explain the inclusion of a new definition with respect to inadmissible classes. The clause I am referring to is 19(1)(d). The following persons would not be admissible:

—persons who there are reasonable grounds to believe are likely to engage in criminal activity—

The marginal note says this is new and is intended to deal with persons who, though never convicted of any offence, are known to be closely connected with organized crime. This is an interesting definition. The marginal note is even more interesting: it provides for a new class of people who would be inadmissible to Canada because they might potentially be criminally-minded or criminally-active. While the note explains this is intended to deal only with persons known to be closely connected with organized crime, the clause obviously encompasses a much wider group of persons. How the minister, in law, can defend or explain this particular definition, given the nature of our society, profoundly disturbs me.

I do not know how the minister can think this kind of definition would be acceptable when people are increasingly concerned about the danger of false arrests. They are increasingly concerned about the way civil liberties can be so readily violated with regard to the use of secret information that is often traded between countries which in many instances cannot be adequately documented. I think, in particular, of organizations which have little definable reputation in this country, such as Interpol. I am not sure in what way the minister is able to defend this guilt by association clause which he has so willingly included in the inadmissible classes.

More important for people who will come here as legitimate immigrants is the clause which deals with the increased grounds for deportation. That has attached, now, terms and conditions. The minister, quite obviously, is attempting through this piece of legislation to provide some mechanism under the Immigration Act to determine where people will live and what they will do. This will not be in terms of incentives or

[Mr. MacDonald (Egmont).]

in terms of the creation of a climate, as suggested by the joint committee report which talked much more about inducement than regulation. Perhaps this is the difference between the bill before us and the joint committee report. Sections 84 and 85 of the joint committee report deal with the problems of regional development and immigration. The joint committee recommended:

As now proposed, the only inducement offered to a prospective immigrant to settle in a designated community is the opportunity to emigrate immediately.

That, of course, was the backing-up of its position, explored by the joint committee, that there would be some kind of incentive to, as the committee said, jump to the head of the queue if a person would agree to settle in a community or area which would help to balance off the inflow of new immigrants. The committee went on to say:

That the proposal be approached imaginatively and that consultation with the provinces be undertaken about the various ways of applying the principle which the committee wishes to promote, the one of the goals immigration can help to serve in regional development.

That is a very different kind of proposal than that brought forward by the minister, one which would in a sense impose terms and conditions on the landing of this immigrant. If those terms and conditions are violated, that person even might be required or forced to leave the country. Indeed, if there was a violation of those terms and conditions, clause 27(1)(b) would allow for the deportation for any contravention of a term and condition even beyond his or her control. This certainly misses both the point and the spirit of this legislation.

**The Acting Speaker (Mr. Turner):** Order, please.

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## PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

**The Acting Speaker (Mr. Turner):** It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Broadview (Mr. Gilbert)—Finance—Request for increased financial support for housing for low income groups; the hon. member for Winnipeg South Centre (Mr. McKenzie)—External Affairs—Soviet action against symposium of Jews in Moscow—Possibility of Canadian protest; the hon. member for Vancouver South (Mr. Fraser)—Income Tax—Possibility of change in treatment of revenue earned by Indian bands—Government position.