

*Immigration*

I point out at the outset that while it introduces in general terms the concept of domicile, which I believe, indeed, to be an important one and worthy of retention in an immigration bill, it in no way has the scope that is presently enjoyed by those who have domicile in Canada. Indeed, I am really taking the minister at his word when he testified in committee; I believe that this will be an adequate provision to include in a responsible and reformed Immigration Act. Certainly it provides for and allows all the latitude which I believe is required for the minister to deport people of criminal intent or criminal activity with whom the minister was considerably concerned in committee. However, it seems to me that people who have resided in Canada for a period longer than five years should not be deported unless serious criminal offences are involved. This is certainly a great deal weaker than the previous domicile provision.

Under the law as it presently stands and under the bill now before the House, quite frankly we are in a situation where people, perhaps through no fault of their own but in the process of adjustment to a new country, could end up for a brief period of time on welfare or in receipt of social security assistance, whereupon they would then be liable to deportation. I do not think that the occasional dependence upon the state of an individual who comes here is reason or cause enough for the minister to want to exercise, under the bill as it presently stands, the right of deportation.

I know the minister has said that the aspect that concerned members was adequately covered under the new citizenship act, but I think there is very little difference between the provisions of the citizenship act as it presently stands and the exercise of the right of deportation. In the present situation, without the provisions I have outlined in motion No. 23, clearly an individual who came here for one day would have just the same legal rights as the individual who has resided here for ten years and who has participated as a responsible member of our society. I do not think that the minister realistically feels that that is a fair way to deal with those who will be residents in Canada for a considerable period of time, and this is why I have introduced this concept but not, of course, the designation, of domicile in this particular motion. Therefore, I ask hon. members to give these provisions very serious re-consideration.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, before I move on to deal with this particular amendment may I say something I omitted, by mistake, to say yesterday or the day before in the great heat of the moment and the asperity which characterized our debate at that time. I made some reasonably caustic remarks about some of the committee members, but I exempted from my strictures the hon. member for Davenport (Mr. Caccia) and the hon. member for Montmorency (Mr. Duclos). However, I intended—I see she has just walked out—also to include the hon. member for Trinity (Miss Nicholson) who was chairman of the committee, an extremely fair and patient chairman.

**Some hon. Members:** Hear, hear!

**Mr. Brewin:** I certainly do not want any remarks of mine to cast any reflection upon what she did in this respect.

Motion No. 24 is in my name and it is fairly simple. It is an amendment to clause 27. The clause presently provides that a person may be deported who came into Canada or remained therein with a false or improperly obtained passport, visa or other document pertaining to his admission, or by reason of any fraudulent or improper means or misrepresentation of any material fact, whether exercised or made by himself or by any other person. My amendment would have the effect of striking out lines 19 to 21 of the clause and substituting therefor the words "pertaining to his admission or was granted landing by any wilfully false and fraudulent misrepresentation of any material fact".

● (1420)

As has been interpreted by the Supreme Court of Canada in the Brooks case, if one gets into Canada by reason of a false misrepresentation, the act would apply without any proof whatsoever of intent to deceive. Those who are familiar with immigration matters realize that the situation is highly complex. People who are unfamiliar with the procedures are required to fill in forms, answer questions and are excited by the circumstances under which they find themselves. A person should not be subject to deportation, unless what he said was wilfully false or fraudulent.

The minister added the words "misrepresentation of any material fact". That reference is entirely proper and is indicated in my amendment as well. He would not accept the amendment to include the word "wilfully". I think it should be included. The United States immigration act is in exactly the form I am suggesting. It refers to "wilfully false and fraudulent misrepresentation of any material fact." The Americans have been able to make their system work. We should include that wording in the act in order to avoid striking out a person who unintentionally makes a mistake. Some members of this House do not appreciate that to be deported from Canada, after investing money to come to this country and looking forward to making one's way here, is a very traumatic and a very penal exercise. One must realize that these people told their friends they were going to Canada, and then they have had to return home. If it were wilful, I agree they should not stay. If it was an innocent misstatement of fact, they should not be deported.

I approve of motion No. 23 in the name of the hon. member for Egmont (Mr. MacDonald). I am not entirely sure about motion No. 26. I will have to study that further. The basic ideas in motion No. 23 are excellent. They refer to democratic governments and the motion seeks the same purpose I am seeking by referring to "intentional misrepresentation." That would be a great improvement over what we have at the present time.

**Hon. Bud Cullen (Minister of Manpower and Immigration):** Mr. Speaker, it is incumbent upon me to make my comments at third reading stage, but I should like to join the hon. member for Greenwood (Mr. Brewin) in the tribute he paid to