understandable manner which anyone can follow, and without any question of our ability to prosecute, and to punish in the case of prosecutions that are successful.

As hon. members will note, there is an option as to the form of prosecution. The offence may be dealt with by either summary conviction or on indictment. There is also a range of punishment in response to the seriousness of the crime, which would be judged by the court, in the provision providing this option. It would of course be up to the Crown prosecutor to determine whether to proceed by way of indictment or summary conviction.

As is the practice with all these kinds of wordings which appear very often throughout our legislation, the Crown prosecutor would take the circumstances of the case into consideration in deciding to proceed by either indictment or summary conviction. Regardless of the method chosen to proceed, it would then be at the discretion of the judge to decide the severity of the sentence up to the maximum of two years and/or the fine which would be imposed.

As is standard practice, the judge would consider the circumstances in imposing sentence upon conviction being established. I might point out that the judge does not have to impose the maximum provided by this amendment. He might impose the minimum, which could be one day in jail or an absolute discharge. The range of deterrent is there. Our courts have proved their experience in applying judgments and sentences wisely in relation to the circumstances.

It is not our intention to see this treatment rendered indiscriminately to each and every violator of this section of the act. Again, circumstances could determine it. For example, it is not intended to institute prosecution of a person who comes forward to a port of entry, even though he or she may have been a deportee, if only to seek advice. Nor will this apply to someone who might come to the border and be turned down at the port of entry. It is to permit prosecution of those persons who succeed in entering Canada without the required consent.

● (2020)

I should also like to advise hon. members that it is our intention, and I am sure it will be the practice of any of my successors in this portfolio, to exercise compassion in certain circumstances. A deportee might be coming forward for a very urgent matter, an understandable matter such as an illness or a death in the family in Canada, or even a more happy occasion such as a wedding or a celebration, without having had time to present his or her case for return, that is, to receive the consent of the minister, in advance, which, of course, would be the proper way to do it, need not lie about his or her previous deportation because it would be our intention to issue minister's permits and such authority could be delegated, as is often the case, to regional officials across this country.

So, again, provision for people who deliberately want to beat the system is there and the deterrent is there, but in cases where there are genuinely compassionate grounds existing we will not hold those people up; we will be letting them in, temporarily, of course, on a minister's consent, provision for which is made in the bill.

[Mr. Andras.]

As hon. members will also note, we have been careful to protect the appeal system. It is my understanding, from legal advice I have been given, that the upholding of an appeal, or quashing or staying of a deportation order, would not leave the person involved with a stigma, thereby attracting the punishment of the law as we are amending it here in terms of the deportation order. So where a deportation order has been made but an appeal upheld, or where it has been quashed by the Immigration Appeal Board in the exercise of its special jurisdiction on humanitarian or unusual hardship grounds, a person would not be considered a deportee for the purposes of the act.

I am grateful for the co-operation indicated in the opening minutes of this debate. I am very keen to hear the views of the hon. members about this situation during the time which remains to us, and I look forward to the continuation of the debate with gratitude to all hon. members for their apparent willingness to give this bill speedy passage.

Mr. Jake Epp (Provencher): Mr. Speaker, there are a number of observations I should like to put on record in connection with Bill S-12 and the so-called loophole it is designed to close. The Immigration Act is being amended at a time when many of us are awaiting the government's green paper on immigration policy. No doubt this will contain some interesting information regarding immigration problems and the annual growth in Canada's population.

The bill is unique in my experience, at least, in that it has been introduced and passed in the Senate, so the minister's comments when he appeared before the Senate Committee on Foreign Affairs, are now before us. The relevant section of the act presently reads as follows:

> Unless an appeal against such order is allowed a person against whom a deporation order has been made and who is deported or leaves Canada shall not thereafter be admitted to Canada or allowed to remain in Canada without the consent of the minister.

The argument against the present law is based on the fact that a person who has been deported is able to return to Canada immediately without any penalty being imposed on him. The only penalty which could be inflicted on such a person would be to deport him again, and this procedure could be carried on indefinitely, if one cared to do so. Bill S-12 makes it an offence for such a person to return to Canada without the consent of the minister. If a person who had not received such permission returns to Canada after having been deported, one of two things could happen—he could be found guilty on summary conviction and suffer the penalties spelled out in the bill before us, that is to say, a $500 fine or six months' imprisonment or a combination of both, or dealt with as having committed an indictable offence for which the maximum penalty is two years.

The minister explained that his authority in this area would be exercised with a certain compassion—that he would be guided by humanitarian considerations. He mentioned, for example, illness or death in a family, or some urgent family matter, and stated that in such circumstances leniency would be shown. This aspect was considered in the other place when the bill was under consideration there, and I am glad the minister has referred to it in some detail today.