

*Immigration*

point that in that case we did not repeal the entire Criminal Code and bring in a new one; we amended the Criminal Code in one respect. In this case we are repealing, in its entirety, the present Immigration Act, as provided in clause 128 of the bill.

I submit that because clause 128 of the bill repeals in its entirety the present Immigration Act, Bill C-24 is removing the question of domicile from the existing legislation. It seems to me that there is something that is analogous to the very principle of the report stage, indeed to the rules that govern the report stage which give us the right at that stage to put back into the legislation something that was removed at the committee stage. I realize that the time when the concept of domicile was removed was when the bill was brought before the House and given second reading, but what I am trying to address myself to is Your Honour's contention that there is nothing in Bill C-24 on domicile, and therefore that report stage motions Nos. 2, 9 and 22 bring in a new idea.

My contention is that Bill C-24 pronounces on domicile by virtue of the fact that it repeals in its entirety the previous legislation known as the Immigration Act, and that it is relevant to the whole process of striking out the whole concept of domicile for members at the report stage to ask that the concept of domicile be put back into the legislation. It is for this reason that I contend, sir, that motions Nos. 2, 9 and 22 should be allowed, at least procedurally.

**Hon. Bud Cullen (Minister of Manpower and Immigration):** Mr. Speaker, I do not think there is any necessity to elaborate on the arguments that have already been put forward by you and the introduction that you were good enough to make to the House when you indicated the grouping of the particular motions. What we have done here, very clearly, is to eliminate the original bill. We do not have a bill that we are simply amending; we have done away with the bill completely, and all the concepts that we are dealing with are subject to amendment.

What is attempted by motion No. 9 is to reintroduce a concept which was in the old bill. It endeavours to introduce another concept in the bill which was not considered when we brought this new bill into being. On that basis, it seems to me that your point is well taken, sir, and that the idea of reintroducing a concept of domicile from an old bill into this new one, which does away completely with the old act, is inappropriate. Therefore, the motion should be ruled out of order.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, the minister has said that we have done away with the old Immigration Act. He is a little premature. We have not done away with it. It is still the law of this land. As my colleague pointed out very clearly, we are changing the law, or we are proposing to change it, I assume, by repealing the Immigration Act at a later date. In the meantime, I would respectfully submit that a concept such as domicile, which has historically been associated with the right to immigrate or to stay in this country once you have immigrated, is part of the legislation in respect of immigration.

[Mr. Knowles (Winnipeg North Centre).]

I find it difficult to comprehend how parliament at this stage of the proceedings should not be entitled to say there is a concept which we think protects people and it should be incorporated. I am not trying to argue the merits of it now; I am merely trying to argue the procedural point of view. It would seem to me that the function of the rules of parliament should permit us to do something which is clearly relevant to the basic theory of immigration. We have in the bill provisions which deal with residence, and we want to add a clause or put back a clause that was formerly recognized regarding people who have acquired Canadian domicile.

● (1700)

**Mr. Knowles (Winnipeg North Centre):** And keep alive a concept.

**Mr. Brewin:** And keep alive a concept which is there at the present time. I respectfully submit that parliament should be allowed to do this, and should not be restricted by any interpretation of the rules which would prevent the will of parliament being expressed on this highly important subject.

**Mr. David MacDonald (Egmont):** Mr. Speaker, the hon. member for Okanagan-Kootenay (Mr. Johnston) and I briefly discussed these motions, and I am prepared to act on his behalf and move them, if they are acceptable to the Chair. With regard to the acceptability of motions Nos. 2 and 9 concerning the concept of domicile, it has already been stated clearly by some hon. members that this is something that is part and parcel of the present Immigration Act. There is a real question, in line with the comments of the hon. member for Winnipeg North Centre (Mr. Knowles), as to whether, in dealing with the new legislation, that would be considered to be a new motion. That is particularly so with respect to the fact that there are going to be hundreds of thousands of people—we do not know exactly how many; this is something we tried to determine in committee; perhaps the number will be well over a million—who will continue to be defined under this category.

Perhaps Your Honour did not have an opportunity, because of the length and complexity of the bill and the shortness of time, to notice that in clause 127 the concept of domicile is very clearly stated and very clearly referred to as being part of the new administration in terms of the coming into force of this bill. Just to refresh the mind of hon. members, in clause 127 we find these words:

Where a person acquired Canadian domicile in accordance with the Immigration Act as it read before it was repealed by subsection 128(1) of this act and did not lose Canadian domicile before the coming into force of this act, a deportation order may not be made against that person on the basis of any activity carried on by him before the coming into force of this Act for which a deportation order could not have been made against him under the Immigration Act as it read before it was repealed by subsection 128(1) of this act.

In other words, what I am saying is that it is not just a question of this presently being the status under the Immigration Act, which will cease to exist when Bill C-24 becomes law; indeed, there is going to be for many hundreds of thousands of Canadians certain legal protection and legal recognition under