

### Immigration

cerned. I do not suggest that there be a wholesale application of that principle, but I urge the minister to make sure that no real injustices are brought about in respect of people who came here genuinely believing they would be entitled to apply to stay, and have no other restrictions against them. If this happens, I think we will feel a little better about having consented to the passage of this bill.

**Hon. Robert K. Andras (Minister of Manpower and Immigration):** As I understand the hon. member's representation, and I think I do and I will re-examine it when it is available in printed form, I believe I can give the assurance. In the case of Miss Nazarali particularly, I am pleased to note in the Appeal Board judgment that in addition to creating the situation with which we are dealing in Bill C-212, there was a further expression of opinion, that had that not been the case the Appeal Board would have seen fit to perhaps grant her appeal on other grounds. That makes it, happily, easy for me to agree to the hon. member's suggestion.

There is another factor there which makes it quite possible, as illustrated by my comments under Bill C-197, in that she did arrive before November 30, 1972, and so on that ground also, to the degree that it is within my jurisdiction, since it is now before the Appeal Board, I will certainly make recommendations to my representative in this case to apply a relaxed approach to that appeal. I am reasonably confident that that effort will be successful, as I have previously indicated in the case of all appeals of that nature that were made by people who arrived here on or before November 30.

I am very happy in that particular case, with the name identified to it, to acquiesce. I had intended to do that in any event. Also, I think it is a good suggestion to examine other cases. I cannot commit myself to a wholesale removal of the prohibitions which may exist on many grounds. I want to be quite sure of my ground before I make an individual case commitment. But we will examine them. I think the objectives stated by the hon. member are shared by me and the department and, I am sure, by every member of this House. We are not trying to be punitive in respect of those people caught in this particular legal argument. We are most concerned about our ability to control the future. I would add my appreciation for the dispatch which this bill has received. He intend to see that it is carried out with the intent expressed by most of us.

**Hon. Marcel Lambert (Edmonton West):** Mr. Speaker, there is one thing I want to explain which I did not deal with before. My vehemence in this debate is not related in any way to the fact that the young lady in this case happened to be a resident of my constituency. I have never met her, and had never heard of her. I must commend counsel who represented her through her appeal for a very skilful and intelligently argued case.

● (1420)

Again I will say to the minister that I am disappointed that the department has chosen to travel via this route. I think it is a shameful way to proceed. The right way to proceed would have been to amend the Immigration Act and to ensure that its implementation would have been as of now. I find it totally repugnant to accept that parlia-

[Mr. Baldwin.]

ment is asked to resurrect deportation orders made on grounds that were found to be beyond the power of the minister. I cannot for the life of me see why we should be asked to validate that type of action.

**Mr. Speaker:** Is the House ready for the question?

**Some hon. Members:** Question.

**Mr. Speaker:** Is it the pleasure of the House to adopt the said motion?

**Some hon. Members:** On division.

Motion agreed to, bill read the third time and passed.

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### CRIMINAL CODE

#### REINSTATEMENT OF LAW RELATING TO CAPITAL PUNISHMENT THAT EXISTED PRIOR TO DECEMBER 30, 1972

The House proceeded to the consideration of Bill C-2, to amend the Criminal Code, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs.

**Mr. Speaker:** Perhaps hon. members expect the Chair to refer briefly to some of the motions which are before the House. I should like to refer in particular to motions Nos. 1, 4 to 10 inclusive, and 12. I must tell hon. members that I have serious reservations about the procedural aspect of these motions. I do not want to prejudice them in any way, and I know they are motions about which hon. members have thought a great deal.

I appreciate the fact that they were debated from a procedural standpoint when they were before the committee as amendments to the bill, and it may well be that hon. members would want to give their views from a procedural standpoint before the Chair is called upon to express his opinion on these motions. I would be grateful if hon. members were to offer advice and guidance to the Chair in this respect.

**Mr. Jim Fleming (York West):** Mr. Speaker, having heard your comments, and having attended committee meetings at which discussions were held regarding the admissibility of various amendments to the bill, including some which are before you for your consideration, I have the feeling that I may have difficulties, together with my colleague the hon. member for Saint-Denis (Mr. Prud'homme) who shares responsibility for putting them forward, in having them accepted by you. I rise at this time, not in any way to question your wisdom or the decision you must ultimately make, but to at least bring to your attention our arguments and our views on why we feel these amendments should indeed be accepted.

During the second reading debate on Bill C-2 about 130 speeches were made in which the constantly repeated issue was that of the degree of punishment. This matter was constantly raised and it was suggested repeatedly that it would be decided in committee the degree of punishment to be contained in the bill. On January 29, in the early stages of the debate, I gave notice while speaking on