

*Immigration*

long before this. I find myself slightly embarrassed by the fact that a year or so ago,—subject always to the will of parliament and after consultation with people concerned with the subject matter of the bill—I made certain commitments that I would do my best to present it persuasively to the House for passage as soon as possible.

What it boils down to is that section 35 of the present Immigration Act, which deals with deportees who may not return to Canada, reads as follows:

Unless an appeal against such order is allowed, a person against whom a deportation 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.

As I am not a lawyer, when I first saw that I thought we were reasonably well protected, but I have since found that is not the case. Hon. members will be able to tell from the bill that we propose to amend that section to read as follows:

35.1 Every person against whom a deportation order is made who

(a) is deported or leaves Canada, and

(b) returns to Canada without the consent of the Minister,

is, unless an appeal against the deportation order is allowed, guilty of an offence and is liable

(c) on conviction on indictment, to imprisonment for two years, or

(d) on summary conviction, to a fine of not more than five hundred dollars or to imprisonment for six months or to both.

The original wording of the act constitutes a serious loophole in our deportation law, and our legislation is acquiring increasing significance as time goes by. The loophole is the lack of a significant deterrent to previous deportees who return to Canada without the consent of the minister.

● (2010)

The reason it is a loophole is that Section 35(1) of the current act places the burden of proof on the examining officer of the department rather than on the person who has been a deportee and who is attempting to come back into Canada. The burden of proof is there. It reads "shall not thereafter be admitted to allow to remain." That, of course, is the action or otherwise of the admitting officer, and not of the deportee. It is a silly situation. We have had some ludicrous results from it. I will not bore or titillate the imagination of the House by detailing them all.

I have seen some evidence, however, about one chap who came across the border 12 times, another 17 times. We were not able to deter them. All we could do was send them back from whence they came. The very fact they repeated this action so frequently indicates there is no deterrent there. Such a person does not mind being deported once more. It is apparently more profitable for him, whatever way he would describe profitability, to take his chance on being deported again, because that is the only punishment he would incur.

**Mr. Knowles (Winnipeg North Centre):** He is a commuter.

**Mr. Andras:** That is right. I am told that we had a ridiculous situation where the deportee was escorted to the border and put across it by our escorts responsible for getting him there, who then made the mistake of stopping

thereafter for a cup of coffee, with the result that the deportee was once more back in Canada before them!

I do not say this totally facetiously because this is a serious enough matter. In addition to the weakness in the wording of the act as it now exists, and which I hope to get the consent of this House to change, it having been dealt with in the other place, there is the horrendous problem we face in terms of the number of border crossings annually. It makes this an empty deterrent for people who want to come here. Between 35 million and 40 million foreign visitors annually cross the border into Canada. Approximately 30 million Canadians leave Canada and return. With that arithmetic members can visualize something in the neighbourhood of 70 million border crossings into Canada annually.

Each one of those crossing has by implication the necessity for someone to make a judgment as to admissibility into this country. In actual practice, that would be impossible. I do not think anyone in this House would subscribe to the idea that we set up a bureaucracy to be able to examine each person who enters Canada in terms of those kinds of numbers. If those who are inclined to criticize the government for the growth of the civil service would recommend that we do such a thing, they would be on very tenuous ground indeed. Apart from the numbers we would need to man our borders to examine each and every person who comes in, the implication of what I could only call a police state would be frightening to the most hawkish among us.

Yet the wording of the act is such that if an officer does not ask a question of the person entering Canada who could be a deportee, it would be very difficult for us to prosecute and get a conviction of that deportee under the law as it now exists. The deportee does not have to volunteer the information that he has previously been deported from this country. If he does not lie or get in by falsehood, we cannot pin upon him an accusation of coming by stealth which is necessary to charge him under certain sections of the Criminal Code. There really is no penalty, and therefore no deterrent in the case of a person trying to get into this country.

We do not claim there are great numbers of people who abuse this situation. When I mention such large numbers of crossings as 70 million per year, I do not want to convey the impression that a large percentage of individuals who have been deported from this country are in fact coming back across the border. However, the fact is that this is a situation in which the numbers who abuse the system are not really the important aspect. It is the type of people who do this that bothers us most.

I do not think I am exaggerating when I indicate to hon. members that very often the kinds of persons such as those about whom I gave illustrations, who cross back quite regularly, were involved in criminal activities. They come to Canada for very unacceptable reasons and are, in the main, themselves very unacceptable people. They are the very kind of people we are determined not to allow freedom to, so that they may move about this country and prey upon people who are legitimately here.

The effect of the proposed amendment will be to make it an offence to return without the minister's consent, thereby creating a deterrent and doing this in a clear and