

Immigration

specific reference to a political offence really makes no difference. He says a political offence would not be a serious offence here. My understanding is that this provision for the political offence is taken out of the Geneva Convention, which explicitly excludes political offences.

● (1550)

I know that it is not an easy job sometimes to determine whether an offence is really political or whether it is just a violent criminal offence, but I think this is something that has to be done and I think our action follows the convention. If that is the type of person who is not supposed to be sent back to his country of origin under the Geneva Convention then I think the act we pass should accept that distinction.

There is a lot of difference in paragraph (c). The minister is quite right in saying that paragraph (c) was much improved by reference to having been convicted, but the distinction is that it says "of an offence . . . for which a term of imprisonment . . . may be imposed". On the other hand, the amendment of the hon. member for Montmorency refers to a person who has been convicted of an offence for which a term of imprisonment of five or more years has been imposed. It seems to me that that is much better wording. Sometimes people commit offences for which there are extremely severe penalties but under conditions which palliate or ameliorate the offence and the courts decide what is an appropriate sentence. Yet here we are asking parliament to say that so long as you can get more than ten years—you may have only got a six months sentence imposed—you are not excluded from the class of refugees who can be deported. It seems to me that the amendment is a great improvement and, in my view, should be adopted.

I have never thought that these provisions were supposed to deal with political offences, yet we go on gaily, unwilling to accept a clear statement that a political offence is not the sort of offence for which a convention refugee can be deported. Then in the clause which deals with a sentence, we deal with a potential sentence and not with realities as dealt with by the courts. This is all part of a pattern. We push the courts out. We say we know better than the courts about what is a suitable sentence, but I do not believe we do. I think the amendment recognizes that fact.

[*Translation*]

The Acting Speaker (Mr. Ethier): Order, please. Is the House ready for the question?

Some hon. Members: Question.

The Acting Speaker (Mr. Ethier): Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Ethier): All those in favour of the motion will please say yea.

Some hon. Members: Yea.

[Mr. Cullen.]

The Acting Speaker (Mr. Ethier): All those opposed will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Ethier): In my opinion the nays have it.

Some hon. Members: On division.

Motion No. 38 (Mr. Duclos) negatived on division.

The Acting Speaker (Mr. Ethier): The House will now proceed to motion No. 39.

[*English*]

We will now proceed to motion No. 39 in the name of the hon. member for Egmont (Mr. MacDonald).

Mr. David MacDonald (Egmont): Mr. Speaker, with respect to motion No. 39, this really should have been raised yesterday when Your Honour made a ruling with respect to the acceptability of motions. Motion No. 39 is consequential on a number of amendments I had on the order paper with respect to the refugee category, and since they were not acceptable to the Chair, this also will have no meaning and should be dropped. I would ask that the motion be dropped.

The Acting Speaker (Mr. Ethier): The proper manner in which the hon. member can withdraw his motion is to ask for the unanimous consent of the House. Is there unanimous consent to dropping motion No. 39?

Some hon. Members: Agreed.

Motion No. 39 withdrawn.

Mr. Walter Baker (Grenville-Carleton) moved:

Motion No. 41.

That Bill C-24, An Act respecting immigration to Canada, be amended in Clause 64 by striking out lines 27 to 34 at page 39 and substituting the following therefor:

"64. (1) The head office of the Board shall be in Ottawa and the Chairman and such other members as may be designated by the Governor in Council shall live in Ottawa or within reasonable commuting distance thereof."

He said: Mr. Speaker, just to set this motion in proper perspective I would like to indicate that it deals with Section 64 of the Immigration Act, and particularly Section 64(1) as it presently reads that the head office of the Immigration Appeal Board shall be in the national capital region as described in the schedule to the National Capital Act, and the chairman and such other members as may be designated by the governor in council shall live in that region or within a reasonable commuting distance thereof. The purpose of the amendment I am proposing, seconded by my friend, the hon. member for Edmonton Centre (Mr. Paproski), is to provide that the head office of the board shall not be in the national capital region as set forth in the statute but shall be in the city of Ottawa, and the chairman and such other members as may be designated by the governor in council shall live in Ottawa or within a reasonable distance thereof.