

Immigration

These people make the attempt as often as they can, particularly the Chinese.

Why is there not attached to this bill the protection which the minister provides for compassionate reasons? This should be indicated in the bill. If this minister changes to another portfolio, we will be assured that this will still be the direction of the department. In my experience the immigration department has too often been hinged to the whims of whoever happens to be the minister, rather than to the act. I would like to see some indication that this regulation would apply at border points on compassionate grounds.

Mr. Andras: Mr. Chairman, regulations will flow from this. I do not think we should open up the legislation to describe the exceptions other than the fact there is an option to prosecute by way of summary conviction or indictment. There is an option in the sentence the judge imposes when a conviction has been returned, which ranges from an absolute discharge up to a maximum of two years imprisonment. The courts of this country have indicated their competence to make those kinds of distinctions based on the circumstances of the offences.

In terms of regulations, it is my intention to indicate in regulations the extension of delegation of the authority to issue ministerial consent for coming back into Canada. It would not then be an offence under the act, because ministerial consent would be delegated, as is now the case in the field under certain circumstances. I think that would be the way we would approach it.

I must with respect disagree with the hon. member on putting compassion into the court again. Once a person who has been deported knowingly slips back into the country, under this amendment he could be punished for that offence by either summary conviction or indictment, with the range of penalties I indicated. It is not before the appeal board. The deportation has already been handled. It is after the deportation has been heard by the appeal board, which at that stage has chosen not to extend its compassionate jurisdiction and upholds the deportation order thereby requiring the department to execute the order. That has all passed. This person is coming here in defiance of that deportation order. I presume the Crown attorney and the judge judging the circumstances, if it were a hardened criminal—and I am inclined to agree with the distinction the hon. member makes—are in a position to decide how to proceed with regard to prosecution and the sentence to be imposed, taking those facts into consideration.

Mr. Peters: Mr. Chairman, there are two things I would like to see the minister indicate in this bill. Maybe I used the wrong word in saying compassionate. That is what we used to say in the air force. We asked for compassionate leave to attend a funeral, wedding or something of that nature. That is the type of compassion I was talking about, not with regard to sentencing. I would not ask the court for compassion in that sense.

● (2220)

It seems to me we should clearly indicate to all immigration officers the names and descriptions of persons who have been deported, and make every effort to prevent

[Mr. Peters.]

their entry. For example the banks pin up lists containing the numbers of counterfeit bills, and do not accept bills bearing these numbers. We should make it clear that we do not accept deportees because they have, in a sense, committed a crime. We should use whatever machinery available to us as a means of stopping them coming in here. I agree there are two categories—those who come in for illicit reasons and those who come in—I do not know what the word is—those for whom this country has an attraction even when they do not come here for an illegal purpose.

Mr. Andras: I can only say to the hon. member that I agree with him there is a need to improve constantly our techniques at the border points to make sure that people do not enter this country illegally, whether they are deportees or first-time triers. Of course, that exercise is under way though I do not intend to take up the time of the committee describing what I consider to be the improvements which have been made over the past year or so. However, I do not want to leave the impression that this is a simple matter.

I would remind the committee that there will be a great deal of opportunity to talk about immigration policy and programs when we are considering the new legislation in terms of the green paper to be published, although I tell the committee frankly that this is an amendment which we believe to be absolutely necessary now, because taking a realistic view I think it will be a year before we shall be able to study the Immigration Act in detail. It is always going to be difficult to prevent all illegal border crossings when there are some 70 million crossings a year, and when the border is as wide as ours. Then again, there is a lack of desire on the part of Canadians to see a heavy policy system with a huge bureaucracy.

Mr. Yewchuk: The minister has told us that the bill is directed, more or less, at a criminal element—I think he mentioned 128 people. In that case why was the bill not drafted so as to aim squarely at the criminal element involved?

Mr. Andras: I do not want to give the impression that it is not designed to apply to all those who have been ordered deported and to all cases where a deportation order has been executed. Anybody coming back to Canada having previously been deported will be subject to the deterrents inherent in the bill. But it will be left to the Crown to determine whether to proceed by way of indictment or not. I cannot subscribe to the idea that we consider lightly the return, without the consent of the government, of any person who has been dealt with by a deportation procedure which is also the law of the land. I have indicated that we are not aiming at relatively innocent people; we shall deal less harshly with them or the courts will. I am sure.

I indicated in my opening remarks that the very fact that the bill provides for the minister's consent, and continues to do so, is indicative of some discretionary powers that I hope hon. members would wish to remain in the hands of the minister. I cannot see them exercised for any reason other than a justifiable purpose, such as the compassionate ground that I tried to describe in my illustrations earlier.