

*Immigration*

Therefore, I am quite dissatisfied and disappointed that the minister in this instance would act in this way, in view of the length of time the committee spent on the matter and in view of the importance of this particular section as it was amended and put in the revised bill that has come back to the House, and that he would have recommended this in view of the recommendation of the committee in its collective wisdom.

I want to say a couple of things more because, as you will note, we have ten motions that are currently before us for debate at present, two of which stand in my name, namely, motions Nos. 20 and 21. With respect to motion No. 20, I think you will realize that this motion would attempt to clarify a situation which was discussed in committee. It was discussed with respect to the kind of liability that would exist for those who would fall under the inadmissible category. It was generally agreed in the discussion that took place with the minister and his officials that it was not satisfactory that there be such a blanket inclusion that anyone who was convicted under any act of parliament would therefore be liable to exclusion or perhaps to deportation.

We discussed whether or not we could be more precise in terms of the definition of those acts under which one could not be convicted and still be accepted as a legitimate applicant. Indeed, as it is presently drafted in the bill—and, again, it shows the unwarranted powers and rather illegal approach of the minister and the department—it would mean that if an individual had been convicted of illegal parking on Parliament Hill, which I believe is a summary offence, he could be regarded as an unacceptable applicant. Or if, on the other hand, he had been caught twice fishing without a licence, again he might be convicted of a summary offence and not considered an acceptable applicant.

The same might be true if one were to give a cigarette to a person under the age of 16. These are the kind of ridiculous examples one can give which show that we have not drafted a precise bill, but have given tremendous and, I think, unwarranted powers to the minister. This will make his job not easier but more difficult. It would create, of course, a considerable amount of anxiety and suspicion on the part of those who come into contact with the immigration procedures.

Motion No. 21 is an instance where an individual who does not comply with the conditions or requirements of the Immigration Act or the regulations or any orders or directions would, in a sense, also come under the act. Here we have a situation where an individual might break a regulation or in some way inadvertently defy an order or a direction and would immediately find himself in jeopardy. When we discussed this in committee, we were quickly assured by the minister and his officials that this would not happen, that the individual in question would not be in danger of breaking a regulation or defying an order or a direction of which he did not have knowledge.

But as you well know, it is one thing to have a verbal assurance in a committee from an official, or even from the minister, and another thing to have it clearly stated in the statute. My motion would say that this would refer to an act or

regulation which had been made public. This would ensure that an individual could not inadvertently, or without knowledge, break a regulation. When we come to dealing with something as increasingly complex as immigration, it would be almost impossible to think of instances where individuals would not be, perhaps even only in a marginal way, in defiance of some regulatory obligation.

Again, I think the minister has not clearly defended, explained or provided in law protection against the growing number of regulations and orders in council which can jeopardize the individual applicant. That is why I think that not to allow for direct knowledge being made available to an individual is to infringe upon that individual's human rights. There are a number of other amendments to which I would like to speak, but time does not permit. However, I hope they will be given, each in their own way, serious study by the minister.

[*Translation*]

**Mr. Louis Duclos (Montmorency):** Mr. Speaker, I would like to speak a few minutes only on motion No. 18 in my name, amending clause 19(1)(g). As you know, under that clause an inadmissible class is established, that of persons that are likely, as the term occurs all through the legislation, as that are likely to or "*susceptibles de*" engage in acts of violence that would or might endanger the life or safety of persons in Canada or are members of an organization that is likely to engage in violence. I find that clause unacceptable because it enshrines both the principle of guilt by apprehension and that of guilt by association. In other words, the fact alone of being a member of rather than being active or being actively involved in an association that is likely to engage in violence puts a person in an inadmissible class.

My amendment proposes at least to eliminate guilt by association, a concept that is fully foreign to our law, by refusing or rather eliminating as a cause of inadmissibility the mere fact of being a member of an association that might endanger the life or safety of persons in Canada.

Mr. Speaker, I would stress that my amendment would still give immigration officers all the power they need to exclude persons who there are reasonable grounds to believe are likely to engage in acts of violence or that are likely to take part in illegal activities by an organization that is likely to engage in such acts of violence.

Mr. Speaker, the problem is that there exist a number of political movements, national liberation movements or other organizations of that type that often include two components, one that could be termed the political arm, the organization of a purely political nature very often urging changes through peaceful ways and means, and the other that is termed the fighting arm, that chooses to use violent means to attain its ends. It would therefore be possible that someone having joined in good faith a political movement, a national liberation movement, his name would appear on the membership list, and he or she would be denied entry into Canada for the sole reason that there would be a second component, the other one using violence.