

Immigration

invasion of what is otherwise a healthy situation. After all, Mr. Speaker, what is the purpose of a warrant? No one can arrest a person unadvisedly; they have to establish, usually by affidavit, good and sufficient reason for believing an offence has been committed before an arrest can be made. In other words, they have to consult a senior officer.

● (1520)

For many years we have regarded the limitation of the right to arrest as one of the great protections of our law. Indeed, without such limitation or restriction any police officer or immigration officer could walk into a house and arrest somebody. He could do it without needing any piece of paper giving him authority, or without prior consultation. The bill, as it stands would move us, willingly or unwillingly, in the direction of a police state. It is often said by officials that this power will not be abused. But that has not always been its history. I know many immigration officials whose good judgment and good sense I respect. But I have also known some who were not so restrained and would not have been sorry to exercise this wide power of arrest and detention. I therefore say that this provision in the bill is unnecessary. Officials could get a warrant from the deputy minister or a senior immigration official and, having obtained it, carry it out. The warrant should be obtained after they have discussed the matter with a senior official and filed an affidavit with a senior official or with the deputy minister.

Such provisions are not included in the law to protect people. It was said in committee that the legislation would enable officials to act promptly, that is to say, to bring people before an inquiry quickly after they have been detained. But that is small comfort to the person detained. I do not think members of this House would appreciate being detained 48 hours and not being given reasons for their detention. Therefore, this is a serious question.

People who immigrate to this country are uncertain of our customs and laws. They think we live in a society of law and freedom; therefore, many would be shocked if they underwent the experience of arrest without warrant. We cannot justify such provisions by saying they are convenient for the administration of the law. It is always convenient for police officers and immigration officials to exercise powers unhindered by too much red tape. It would be convenient for them, but it is not so convenient for those detained. We must consider their side of the question, as well as the so-called efficient operation of immigration policy. We do not need any law providing for arrest without warrant.

Hon. Bud Cullen (Minister of Manpower and Immigration): Mr. Speaker, the hon. member tried to evoke the spectre of the police state. But such arguments are mere hyperbole when applied to the reality of the particular section of the act being considered. It was clearly stated during committee stage that this power of arrest would be used only in the case of those who fail to appear for an inquiry, those whom we wish to remove, and in the case of over-stayed visitors and ship's deserters. These are the groups of people who, with relatively

few exceptions, will go to almost any lengths to stay out of the hands of immigration officials and who are most likely to disappear if an officer has to leave them while he seeks a warrant.

The power to arrest without warrant exists in the current Immigration Act, but I suggest that under Bill C-24, even when a person is arrested without warrant, the arresting officer must be satisfied that the person is dangerous to the public or is likely to go into hiding. The arresting officer must immediately inform a senior immigration officer, who is given the power to release the person if he is not satisfied that there would be a danger to the public or that the person would not appear when asked to do so. If detention is continued, it must be reviewed by an adjudicator in 48 hours, and he in turn can release the person if he is not satisfied that detention is lawful according to the same criteria.

These safeguards are not in the present act, but exist in Bill C-24. I think the bill fully protects the rights of persons arrested. If the motion is not defeated, the battle against illegal immigration will be immeasurably more difficult to wage.

The Acting Speaker (Mr. Turner): Is the House ready for the question? Is it the pleasure of the House to adopt the said motion? All those in favour will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Turner): All the opposed will please say nay.

Some hon. Members: Nay.

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

Mr. Knowles (Winnipeg North Centre): On division.

The Acting Speaker (Mr. Turner): I declare the motion negated on division.

Motion No. 47 (Mr. Brewin) negated.

The Acting Speaker (Mr. Turner): The House will now consider motion No. 48.

Mr. Andrew Brewin (Greenwood) moved:

Motion No. 48.

That Bill C-24, an act respecting immigration to Canada, be amended in clause 111 by striking out lines 32 to 40 at page 62 and by renumbering the subsequent paragraphs accordingly.

He said: Mr. Speaker, this motion would strike from the bill power whereby an immigration officer could ask people to identify themselves satisfactorily. Usually, this means that such people are required to be fingerprinted. I do not know why such identification should so often apply to fingerprinting. I do not object to fingerprinting per se, but think that if some people are to be fingerprinted, everybody should be fingerprinted.

Mr. Epp: What?