

per Member. Is there unanimous consent to proceed in that way?

Some Hon. Members: Agreed.

Hon. Barbara McDougall (for Minister of State (Immigration)) moved:

Motion No. 73

That Bill C-55, be amended in Clause 23

(a) by striking out line 29 at page 48 and substituting the following therefor:
"graph 115(1)(p), (s), (bb), (cc),"

(b) by striking out lines 24 to 26 at page 50 and substituting the following therefor:

"(9) In this section,

"court of appeal" means, in the province in which an order under this section is made, the court of appeal for that province as defined in the definition "court of appeal" in section 2 of the Criminal Code; "judge" means

(a) in the Province of Quebec, a judge of the Superior Court for the district in which the vehicle in respect of which an application for an order under this section is made, was seized,

(b) in the Provinces of Ontario, Nova Scotia and British Columbia, a judge of the county or district court of the county or district in which the vehicles was seized,

(c) in the Provinces of Newfoundland and Prince Edward Island, a judge of the Supreme Court thereof,

(d) in the Provinces of New Brunswick, Manitoba, Alberta and Saskatchewan, a judge of the court of Queen's Bench thereof, and

(e) in the Yukon Territory and the Northwest Territories, a judge of the Supreme Court thereof."

Motion No. 74.

That Bill C-55 be amended in Clause 25

(a) by striking out lines 19 and 20 at page 51 and substituting the following therefor:

"person under this Act, an offence under section 96 or an offence under section 99 in relation to the coming into Canada of that person or an examination of that person under this Act, if that person came to Canada"

(b) by striking out lines 30 and 31 at page 51 and substituting the following therefor:

"tion of that person under this Act, an offence under section 96 or an offence under section 99 in relation to the coming into Canada of that person or an examination of that person under this Act, that took place".

Motion No. 76 (Revised).

That Bill C-55, be amended in Clause 35

(a) by striking out lines 4 to 8 at page 56 and substituting the following therefor:

"35.(1) If Bill C-84, entitled An Act to amend the Immigration Act, 1976 and the Criminal Code in consequence thereof, is assented to during the second session of the thirty-third Parliament and section"

(b) by striking out lines 33 to 37 at page 56 and substituting the following therefor:

"(2) If Bill C-84, entitled An Act to amend the Immigration Act, 1976 and the Criminal Code in consequence thereof, is assented to during the second session of the thirty-third Parliament and"

Motion No. 77

That Bill C-55 be amended in Clause 43

(a) by striking out line 5 at page 61 and substituting the following therefor:

Immigration Act, 1976

"decision and the reasons therefore as soon as possible after making the"

(b) by striking out line 15 at page 61 and substituting the following therefor:

"decision and the reasons therefor as soon as possible after making the".

Mr. Benno Friesen (Parliamentary Secretary to Minister of Employment and Immigration): I thank Hon. Members for their co-operation. I think they will find that the motions are by and large consequential and, as my friend the Hon. Member for Calgary West (Mr. Hawkes) indicated, simply clean-up the terms. Therefore, it may not be necessary for me to use the total 15 minutes. I will however, deal with them clause by clause.

Motion No. 73 deals with Clause 23. This amendment is a clerical correction in that it deletes a reference to a provision of Bill C-84. All of the consequential amendments flowing from Bill C-84 are dealt with conditionally in Clause 35.

The reported Bill refers to a provision of Bill C-84 to provide definitions of "judge" and "court of appeal" for the purposes of Section 94.1. Because of the possible anomaly that would result if Bill C-84 were delayed beyond the date of proclamation of this Bill, it is preferable that these definitions be spelled out here.

These definitions are identical to those found in proposed Section 103.2 of Bill C-84, and this amendment has no substantive impact on the operations of the mechanism to protect third-party rights in the event of a seizure of a vehicle under Section 93.

Motion No. 74 deals with Clause 35(a) and (b). While Section 96.1 protects refugee claimants and Convention refugees from prosecution for many offences committed in order to flee to safety in Canada, it did not cover offences punishable under Section 99 of the Act. The offences covered under Section 99 include infractions such as the failure to have necessary passports and visas.

Since lack of documentation is a chronic problem among refugee claimants who flee their country of persecution on short notice, it would be inappropriate to commence prosecution until the claim has been determined.

Further, there will be no prosecution of those determined to be Convention refugees for passport and visa violations provided they have made their presence in Canada known to an immigration officer in a timely fashion provided for in Subsection 96.1(3).

Motion No. 76 deals with Clause 35(a) and (b). These amendments correct grammatical errors in the clause as reported from the committee. The reported wording appeared to make the operation of this clause conditional on the proclamation of the relevant sections of Bill C-84 during this session. With this amendment, the operation of the clause is conditional on Bill C-84 receiving Royal Assent during the present session and will operate whenever both this Bill and the relevant clauses of Bill C-84 are proclaimed.

Motion No. 77 deals with Clause 43(a) and (b). The committee amended Clause 14, subsections 48.02(1) and (2)