

Immigration Act, 1976

Mr. Deputy Speaker: In my opinion the nays have it. I declare the motion lost.

Motion No. 24 (Mr. Heap) negated.

Mr. Deputy Speaker: The next question is on Motion No. 30 standing in the name of the Hon. Member for Spadina (Mr. Heap). Is it the pleasure of the House to adopt this motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour will please say yea.

Some Hon. Members: yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it. I declare the motion lost.

Motion No. 30 (Mr. Heap) negated.

• (1230)

Mr. Deputy Speaker: The next grouping includes Motions Nos. 25, 31, 32 and 33. They are grouped for debate but will be voted on separately.

Mr. Fernand Jourdenais (La Prairie) moved:

Motion No. 25

That Bill C-55, be amended in Clause 14 by striking out lines 37 to 41 at page 14 and substituting the following therefor:

"(ii) by an adjudicator and a member of the Refugee Division as not being eligible to have the claim determined by that Division, other than a claimant declared ineligible pursuant to paragraph (a) who has been returned to Canada by the country which has issued the valid and subsisting travel document by that country pursuant to Article 28 of the Convention or a claimant declared ineligible pursuant to paragraph (b) who has been returned to Canada by the prescribed country, or as not having a credible basis for the claim."

Mr. Dan Heap (Spadina) moved:

Motion No. 31

That Bill C-55, be amended in Clause 14 by adding immediately after line 5 at page 16 the following:

"(6) Notwithstanding paragraphs (1)(c), (1)(e) and (3), a person is eligible to have a claim determined by the Refugee Division if the claim is based on facts that arose since the claimant's most recent departure from Canada, and in the opinion of the adjudicator and the member of the Refugee Division considering the claim, the claim is not manifestly unfounded."

Motion No. 32

That Bill C-55, be amended in Clause 14 by striking out lines 6 to 26 at page 16 and substituting the following therefor:

"(6) In determining whether a claim to be a Convention refugee is manifestly unfounded, the adjudicator and the member of the Refugee Division shall consider whether the claim is:

(a) clearly fraudulent; or

(b) not related to the criteria for granting refugee status in the Convention."

Motion No. 33

That Bill C-55, be amended in Clause 14 by striking out lines 6 to 26 at page 16 and substituting the following therefor:

"(6) In determining whether a claimant has a credible basis for the claim to be a Convention refugee, the adjudicator and the member of the Refugee Division shall consider any evidence adduced by the claimant at the inquiry or hearing and may consider any other evidence, including:

(a) the factual basis of the claim, and

(b) the record with respect to human rights of the country that the claimant left, or outside of which the claimant remains, by reason of fear of persecution."

[Translation]

Mr. Fernand Jourdenais (La Prairie): Mr. Speaker, once again I am pleased to take part in the debate, particularly because for some time now I have been able to express my views on Bill C-55. I repeat that as far as I am concerned we should not even be debating Bill C-55 as it is now drafted.

[English]

Mr. Speaker, I think I have to clarify many things before I mention something about the motion that I want to be accepted. I was elected very democratically in the riding of La Prairie, Quebec. I came to the House of Commons to find out that there are a great many committees here. There was one committee in particular in which I was very interested. I refer to the McGrath Committee.

The McGrath Committee was convened so that back-benchers would have the right to participate more in the workings of the Government in terms of the legislative work that the Government has to do while in power instead of twiddling their thumbs on the back benches.

When I came to this place I joined the Standing Committee on Labour, Employment and Immigration. Within two months I was elected Vice-Chairman of that committee. I participated very strongly in the workings of the committee since over one-third of the population of my riding does not speak French or English. They are of ethnic origin. As far as I am concerned Bill C-55 is definitely not what we should have in order to define the status of refugees.

If one reads the comments of many experts in the field of refugees one will find a comment that I myself read three or four times before I got up to speak on this matter. I refer to a comment of Mr. Pierre Duquette, a well-known Montreal lawyer in the field of refugee matters.

[Translation]

And unless I am mistaken I believe Mr. Duquette once worked for the Minister of State for Immigration. Surely if he had been hired it was because he was highly qualified indeed.

Mr. Duquette states:

[English]

"In comparison with the current situation, Bill C-55 will put people's lives in danger". He suggests that all decisions should