

*Immigration Act, 1976*

Above all, Mr. Speaker, whatever actions may be deemed appropriate, given the specific circumstances involved, we will not do anything to risk the health or personal security of any person.

The Bill provides powers of search and seizure in respect of smuggling activities and it provides for the forfeit and sale of vehicles used by smugglers.

I should note, Mr. Speaker, that the several clauses dealing with search and seizure are, in essence, the same as those which exist under the current Customs Act.

*[Translation]*

According to the proposed legislation, heavier fines would be imposed on transportation companies carrying people who are not in possession of the required documents. The illegal entry of aliens in highly irregular situations is the main and most obvious source of abuse. However, the vast majority of people who do not have the required documents and arriving at points of entry into Canada use regular means of transportation such as aircraft, trains and buses.

In the past, some transportation companies have been unwilling to check whether their passengers have the required travel documents or were apparently not in a position to do so. The new provisions are aimed at encouraging carriers to be far more vigilant.

Of course, the best solution would be to prevent people not in possession of travel documents from boarding. The Government will now have the power to require any carrier to deposit a security for unpaid fines. Vehicles may be seized if these provisions are not observed.

Recent events have clearly shown we must have broader powers to detain claimants who do not have the required documents until their identity has been established, which is necessary both for security reasons and so that we can return immediately those who do not require Canada's protection.

According to the proposed amendments, a claimant may be detained as long as necessary, provided that after twenty-eight days, the Immigration Adjudicator is satisfied that the Government has made every possible effort to establish the claimant's identity. The reasons for detention will be subject to review every seven days after the first twenty-eight-day period.

Mr. Speaker, I realize that this legislation will increase the Government's powers with respect to detention. However, I may remind Hon. Members that both Bill C-55 and this legislation concerning deterrence and detention are subject to the Canadian Charter of Rights and Freedoms, which grants everyone the right to fundamental justice and the usual legal recourse.

Both Bills take into consideration our obligations under the Geneva Convention on the Status of Refugees, Canada's traditionally humanitarian approach to the refugee question, and the rules established as a result of the Supreme Court decision in the Singh case.

Mr. Speaker, this brings me to the last and, I must say, more radical aspect of this legislation, namely, returning individuals who constitute a threat to the security of the State. Under these amendments, there will be no hesitation in dealing with such persons.

*[English]*

The process assures that we can act with the rapidity appropriate when we face security threats. Equally, it assures due process under the Charter of Rights. I would like to outline briefly the steps of the process so that Members are assured as to both of these elements.

When the Government has information showing that a person may be a security threat to Canada, that person may be detained for a period of up to 28 days to allow for the issuance of a certificate by the Minister and the Solicitor General certifying that the person named is prohibited from entering and staying in Canada. The Minister's certificate will constitute grounds to keep the person in detention and bar him from the refugee determination system.

The evidence in support of the certificate will be reviewed by a judge of the Federal Court of Canada and the person affected will be given an opportunity to be heard. If the Federal Court Justice is satisfied that the claimant poses a security threat, the person will be removed from Canada without recourse to the refugee determination system.

The last thing Canadians want is for their refugee determination system to be misused by terrorists and criminals. I would remind the House that there are persons who, under international law, are excluded from the benefits of the Geneva Convention relating to the status of refugees.

These then are the new features introduced by this Bill. A whole new refugee determination system for Canada is embodied in Bill C-55. It is a comprehensive attempt to deal with an extremely complex and difficult challenge.

*[Translation]*

We expect these measures will deter individuals who do not need our protection from coming to Canada by illegal means. These persons are free to apply for landed immigrant status. If they are accepted, they, as so many hundreds of thousands before them, will enter Canada, their heads held high.

Mr. Speaker, the legislation introduced by the Government today is only one of a series of initiatives taken by this Government to make its immigration and refugee policies more consistent. The Government has increased immigration levels. It has emphasized assistance to refugees abroad and provided a safe haven for the legitimate refugees who have come to Canada. In other words, we welcome those who come here openly and we shall continue to do so.

Unfortunately, the inappropriate and ill-assorted policies of the past are encouraging an increasing number of people to use a side door.