

Private Members' Business

Concerns have been raised in reference to the possible deportation of family members with the offender. I advise the House these measures are currently contained in the Immigration Act. The reason for this is if the family members are financially dependent on the offender or if the offender was their sponsor, once the offender was transferred to his or her country of origin there would be an absence of financial support for the offender's family. This is currently done at the discretion of an immigration officer and under my bill it would be left to the discretion of the courts.

The two key elements of the bill, namely that sentencing courts be allowed to order the deportation of a person convicted of an indictable offence carrying a penalty of 10 years or more, and that the crown be permitted to initiate the transfer of foreign nationals to their country of origin, were contained in the final report of the safety net conference held in Hamilton last fall.

At this conference parliamentarians of different political stripes, immigration officials, immigration lawyers, enforcement authorities and victims groups specifically recommended the changes today being proposed in Bill C-316.

The bill has received the endorsement of the Canadian Police Association, the Metro Toronto Police Association, Victims of Violence and CAVEAT. The Minister of Citizenship and Immigration has on several occasions stated consideration should be given authorizing judges to issue deportation orders at the time of sentencing rather than requiring a separate step. He included this suggestion in his strategy for immigration and citizenship entitled "Into the 21st Century". He mentioned it during his speech on Bill C-44. I know he has been giving Bill C-316 the utmost consideration because we have discussed it on numerous occasions.

I have received a great deal of co-operation from the minister's office in preparing for today's occasion. However, I am aware the minister has some technical concerns with the bill and I have advised him I am prepared, willing and able to accept any amendments required to address the technical and drafting elements of the bill he is concerned with.

• (1350)

In conclusion, I leave members with the following to ponder. On April 2, I attended a memorial service for Georgina Leimonis in Toronto. Although the Leimonis family is still grieving the loss of Georgina, it does not want such a tragedy to be repeated. Members of the family have asked me to do everything in my power to see these amendments are enacted, and I am asking members for their support.

I would also like members to remember these often repeated words which Miss Kristina Kolesnyk of Galt Collegiate shared

with me in her letter following the death of Georgina Leimonis: those who do not learn from history are doomed to repeat it.

Please support Bill C-316 so Canadians can feel more secure in their homes, neighbourhoods and on their streets.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I am pleased to have this opportunity to speak on behalf of the Reform Party on Bill C-316 put forward by the hon. member for Cambridge.

It is very encouraging after a year and half to see the Liberals finally starting to realize Canada has a crime problem and action does have to be taken. Part of this action by necessity involves taking a hard look at our immigration policy. We must examine the safeguards now in place to deter immigrant criminals from coming to Canada.

We must also scrutinize how to remove those who slip by the safeguards and cause pain to Canadian people. Our constituents expect no less from us.

I will go through the bill in some detail and outline some of the flaws I see in it. I understand the Canadian Police Association had a major part in the drafting of the legislation. Nevertheless, there are some problems. I hope as I go through these the hon. member can either ease my concerns about some of the problems I see or commit himself to strengthening the provisions, intents and phrasing of Bill C-316.

My first concern lies in what I see as the basic discriminatory nature of the bill. The purpose of Bill C-316 is to give Canada's judges an extra option when dealing with criminal immigrants. Not only could criminal charges be laid but the judge as a punishment could order deportation of the criminal, a unique sentencing option available only for immigrant criminals.

Compare this with section 15(1) of the Canadian Charter of Rights and Freedoms:

Every individual is equal before and under the law, and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Under the bill those immigrants charged with a serious criminal offence will be under added pressure to plea bargain away the threat of deportation, a threat not facing a Canadian citizen in the same position. This provision appears to discriminate on the basis of national origin. For this reason alone I am fearful the bill would be struck down on its first charter challenge as being unconstitutional.

Section 3.8 raises questions on the constitutionality of the bill. Under this section criminal immigrants ordered deported by a judge could never be entitled to a conditional release, statutory release, temporary absence or accelerated review under the Corrections and Conditional Release Act. There will