

*Immigration Act, 1976*

smuggled. This, of course, is because the ship's master who is ordered to leave Canadian waters under the Bill will neither have his or her ship seized nor be penalized in any substantive way. Why not instead authorize the arrest of such ships' masters, given reasonable and probable grounds, and authorize the sale of the ships upon conviction if so ordered by a court? It seems to me that that would really deter smugglers from attempting to bring people into Canada as they did in Nova Scotia.

Such a change is especially important, I believe, given the danger under the present wording of the Bill that ships' captains might simply abandon in international waters people they are carrying in their cargo holds after being ordered out of Canadian waters. This might well happen because of a fear that no other country would permit them to land. As Hon. Members know, this has happened in South Asian seas and I see in today's paper that immigration officials are also very concerned about what this Bill might do to their attempts to act as public servants of Canada.

Why not instead amend the clause to say something like the following: "Every person who, being the master or member of a crew of a vehicle used for transportation by sea, disembarks or allows the disembarkation or attempts to disembark or allow the disembarkation of a person or group of persons at sea is guilty of an offence"? Or perhaps the following wording would be better: "Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet a person to come into Canada in a clandestine manner or to make a manifestly unfounded or fraudulent refugee claim is guilty of an offence".

It seems to me that clauses like that would give us the power to seize the ships of those scoundrels who have been doing these things and effectively deter such people from bringing people into Canada.

My second example deals with the questions of penalties for bringing undocumented aliens into Canada. Clause 9 provides large penalties for any person who knowingly helps someone come to Canada who does not have a valid visa, passport or travel document where one is so required. The way the clause is worded, it would not appear to catch the scoundrels who profit in bringing refugees for a fee.

Take, for example, the well-known cases of the Turks, Portuguese and Brazilian men and women who came here to claim refugee status. These people came to Canada with valid travel documents. They did not need visas at the time. They simply reported at ports of entry and applied for refugee status. The people who arranged those scams would not appear to be caught by the wording of the Bill as it is before us today, but they should be. It seems to me that other wording would make the clause deal more effectively with the situation I just mentioned. It is true that Section 95.3 would have caught the people who smuggled in the 174 refugees last month or those who brought the Tamils in last summer, but as I read the Bill,

if the smuggling were done other than by ship, it would not be caught by the proposed wording.

It is important that many responsible individuals, including the former Primate of the Anglican Church, Bishop Bernard Hubert, President of the Canadian Conference of Catholic Bishops, and a great many other distinguished Canadians who have spoken against this Bill, feel that the Bill would catch church and other humanitarian or volunteer-aid groups who try to help undocumented refugees make refugee claims at the border. As well, the Canadian Bar Association has protested the Bill.

Many people aided by these volunteer groups do have well-founded refugee claims. Refugees cannot get valid travel documents from their countries. Can a Cambodian get a valid travel document? Can a Chilean who goes to the tenth floor of a downtown office building in Santiago get a valid travel document? Can an Afghan get a valid travel document to leave Kabul?

A great many responsible organizations and individuals have spoken out against this Bill, calling for it to be redrafted. Others have said that it violates the Charter of Rights. I can only say amen to the view voiced by so many citizens of good will that we should refer the Bill to the Supreme Court of Canada for a decision as to its validity under the Charter of Rights.

Let me say a word about the so-called queue-jumping argument in favour of the Bill. As our laws have been, as they are now and as I trust they always will be, immigrants and refugees are in different queues. They do not mix. One does not jump from one line to the other. One is either in the immigrant system or in the refugee system. To argue that this Bill will stop refugee applicants from jumping into the immigrant queue is simply incorrect, to put it gently.

For the reasons indicated, I will not support this Bill when it comes to a vote next week.

**Mr. Redway:** Mr. Speaker, I was interested in the Hon. Member's comments, as I always am, and took considerable note of them. The reasons he pointed out for not supporting the Bill disturbed and bothered me. I wonder if perhaps he might elaborate on them.

The first reason he has suggested for his lack of support of the Bill is the fact that there is no provision in the Bill, as he says, for seizure of a ship in circumstances such as those we have seen this past summer. I am sure the Hon. Member has acquainted himself with the Bill and with Clause 11 and all that goes thereafter. All that refers to the question of seizure, and I would just like to quote from it. It reads:

103.01 (1) An immigration officer or a peace officer may, where the officer believes on reasonable grounds that a vehicle was used in any manner in connection with a contravention of section 95.2 or 95.3, seize the vehicle as forfeit.