

Private Members' Business

The death of Georgina Leimonis was tragic but it was not an isolated incident. Less than two months after her murder, a 25-year old metropolitan Toronto police officer, Constable Todd Baylis, was killed while on duty.

Constable Todd Baylis and his partner had been out on a routine foot patrol when they spotted a suspect who was a known drug trafficker. As they began to pursue the suspect, a gun fight broke out and Constable Baylis was shot in the head before he could even draw his weapon.

Constable Baylis' killer, Clinton Gayle, was very well known to police and immigration authorities. He had a lengthy criminal record which included several convictions for trafficking in narcotics, possession of unregistered and restricted weapons, assault, attempted theft and escape from custody. It was because of his criminality that Clinton Gayle had been ordered deported in 1991. At the time of Constable Baylis' murder, Gayle was out on \$2,000 bond and had been awaiting deportation for a two year period.

• (1340)

I truly believe that Clinton Gayle would have been deported prior to the murder of Constable Todd Baylis had the measures contained in Bill C-316 been in place.

Before I go any further, I would like members to know that the two cases I have just outlined are not isolated incidents. This is not just a Toronto problem. Tragedies such as these could have occurred and have occurred in Montreal, Vancouver and other parts of the country.

The Minister of Citizenship and Immigration has made great strides to limit access by serious criminals to immigration procedures that delay their removal from Canada. As a result of measures contained in Bill C-44, the rights of serious criminals to appeals under the immigration system have been limited. These same individuals will no longer be eligible for any form of early release or parole if they are serving a sentence for a criminal offence.

I applaud the minister for his swift action on these two elements and for his efforts to improve enforcement of deportation orders. However, I remain concerned that there is still room for serious offenders to fall through the cracks from the time they are sentenced to the time they are deported. My bill aims to fill those cracks.

Bill C-316 would permit a court, in addition to any other sentence, to order the removal of a non-citizen convicted of an offence punishable by 10 years or more. These serious criminals would have access to appeals within the criminal process but not to appeals currently available under the Immigration Act.

I understand there is some concern that the measures contained in this bill could be interpreted as a double punishment against non-citizens, a harsher sentence than a Canadian citizen

committing the same crime would receive. The reality is that distinction currently exists. Non-citizens do not have all the rights of citizenship and non-citizens who commit crimes are currently subject to a criminal sentence and deportation. The only difference is that with Bill C-316, sole responsibility for both matters would lie with the courts rather than with the immigration department.

The measures being proposed would not only accelerate the deportation process of violent offenders but would also save the Canadian taxpayers money. The savings would primarily come from not having to duplicate the court hearing process. An offender's immigration status would be determined by the sentencing judge after an individual has been convicted of an offence punishable by 10 years or more as opposed to having one court determine criminality and the other immigration status.

Although it may take judges some time to get their heads around this legislation, if we have the courtroom, the lawyers and a judge familiar with an individual's past and present record, does it not make sense to deal with both issues at once? I submit to you that it does and that the Canadian taxpayers would prefer to see it done this way. I also know that there are judges and crown prosecutors who would prefer to have it done this way.

There are two additional measures of significance in this bill of which members should be aware. The first relates to how we treat offenders who came to Canada at an early age. Immigration advocates have argued that deporting someone who came to Canada as a child is unjust.

• (1345)

Some have even said our society should accept some responsibility for the way Clinton Gayle acted because he came to Canada in his early teens and was essentially a product of our environment. I agree with that argument to a certain degree. There has to come a point when we as Canadians say enough is enough.

My bill proposes anyone who came to Canada prior to the age of 16 and has remained free of criminal conviction for a period of at least five years should be exempt from deportation.

The second measure provides for the removal by court order of foreign offenders to their country of origin if reciprocal conditional release provisions exist in that country. The Transfer of Offenders Act currently makes provisions to transfer an offender to his or her country of origin if the offender chooses to be transferred and if a bilateral agreement exists.

Bill C-316 will remove that decision from the offender and will transfer it to courts thereby allowing a judge to order that an offender will serve the remainder of his or her sentence in their country of origin. I acknowledge my proposal may require certain bilateral agreements to be amended but I am confident that can be done with relative ease.