

Immigration Act, 1976

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: The recorded division stands deferred.

Motions Nos. 45, 47, 48 and 49 all deal with Clause 14 and will be grouped for debate but will be voted on separately.

Mr. Dan Heap (Spadina) moved:

Motion No. 45

That Bill C-55, be amended in Clause 14 by striking out lines 20 and 21 at page 19 and substituting the following therefor:

"that neither the applicant nor the applicant's spouse, dependent child nor dependent parent is a person".

Mr. Fernand Jourdenais (Laprairie) moved:

Motion No. 47

That Bill C-55, be amended in Clause 14 by striking out line 22 at page 19 and substituting the following therefor:

"described in paragraph 19(1)(c)."

Mr. Dan Heap (Spadina) moved:

Motion No. 48

That Bill C-55, be amended in Clause 14 by striking out lines 22 and 23 at page 19 and substituting the following therefor:

"described in paragraph 19(1)(b), (c), (d), (e), (f), (g) or (j), or 27(2)(c) or (a)".

Motion No. 49

That Bill C-55, be amended in Clause 14 by striking out line 29 at page 19 and substituting the following therefor:

"(b) five years or more may be imposed, but the Minister may issue a permit or permits to enable the applicant, with his family if accompanying, to enter and remain in Canada for such period of time as the Minister may determine."

He said: Mr. Speaker, we now get away, for a while at least, from the technicalities of this law and get to a fairly simple point, that is, whether a person who otherwise would be landed will be barred because of his family. This amendment asks that we correct that type of injustice part way. I would like to correct it all the way, but I failed in committee. In committee I wanted to amend page 19 at lines 20 and 21 by dropping the reference to the family so that it would say "if the immigration officer is satisfied that the applicant" is not a person described in paragraph 19(1)(a), (b), (c), (d), (e), (f), (g) or (j) or 27(2)(c). However, I was defeated in that. I am not now asking for the same thing, only for part of it.

With some regret I suggest that we replace the words "that neither the applicant nor any member of the applicant's family is a person described" in that way, with the words "that neither the applicant, nor the applicant's spouse, dependent child nor dependent parent" is a person described in that way.

The term "family", referring to any member of the applicant's family, is a rather flexible term even within the Immigration Act and regulations because the Minister may, from time to time, add to or take away from the term "family" a

certain family category. He has that power under the regulations. There is immediate family as well as more distant relatives.

Therefore, I am suggesting that we should make this exclusion applicable only to a person whose spouse, dependent child or dependent parent falls under these prohibitions. We do not want to break up husband and wife or separate parent from dependent child or adult child from dependent parent. Others are more separable. I will, therefore, for the purpose of this motion, concede that if a person who individually should be landed, which is what this clause is dealing with, has a dependent of that sort, that dependent may exclude the person from being landed. Surely it should not be applied to anyone who is not a dependent in that specified sense.

I agree with the Hon. Member for Calgary West (Mr. Hawkes) that this Bill, on this and one or two other limited points, is a distinct advance in humaneness over the previous legislation. The finding that once a person is found to be a refugee he has the right to be landed is an advance. However, we do qualify and limit that right. This paragraph reads:

Notwithstanding any other provision of this Act, an immigration officer to whom an application is made under subsection (1) shall grant landing to the applicant—

That is good, but it goes on to say:

—if the immigration officer is satisfied that neither the applicant nor any member of the applicant's family is a person described in paragraph 19(1)(a), (b), (c), (d), (e), (f), (g) or (j) or 27(2)(c)—

What are Subparagraphs 19(1)(a) and (b)? They are grounds, in the present legislation, upon which a person may be found inadmissible. Section 19(1) provides that:

No person shall be granted admission if he is a member of any of the following classes:

(a) persons who are suffering from any disease, disorder, disability or other health impairment as a result of the nature, severity or probable duration of which, in the opinion of a medical officer concurred in by at least one other medical officer,

(i) they are or are likely to be a danger to public health or to public safety, or

(ii) their admission would cause or might reasonably be expected to cause excessive demands on health or social services;

If a refugee's dependent is suffering from some illness of this sort the refugee cannot be landed.

Such a case, to which I have referred before, has been brought to our attention. It was brought to our attention by the Mennonite Central Committee in correspondence in the spring and was reiterated by them when they were testifying before the committee two weeks ago. In Southeast Asia a family had waited for some years in a refugee camp and had finally been selected to be brought to Canada. About two days before they were to take a plane to Canada, an X-ray revealed that one adult son of the family had a spot on his chest that might indicate tuberculosis. Therefore, he and the rest of the family were excluded from coming to Canada. I am not sure whether the rest of the family had the choice to leave him behind and chose not to, or whether they were not given that choice. In