

Immigration Act, 1976

of that law. I am not suggesting that the churches or non-profit organizations be put above the law. No one, including government Ministers and the present Prime Minister (Mr. Mulroney), is above the law. But when there is a law that makes liable individual groups and Canadians who legitimately and out of humanitarianism come to the aid of a person fleeing persecution, then what type of country are we trying to become under this Conservative administration?

Is the Government proud to follow the lead of the United States of America? In that country members of the clergy have to hide refugees away from law enforcement officials. Is that the direction which this Government wishes to take? Unless the Government changes Section 95.1, not only will it be following the course taken by the United States of America, it will in fact supersede that country.

It is for that reason that at the committee stage and at second reading we tried to move members of the Government and the Minister away from this wording in order not to allow a blanket-type of legislation which will potentially incriminate everyone yet catch only a few. That is not the way to draft laws. When laws are drafted we have a purpose, an objective. In this case the objective is abusers of the law. Let us clearly define who are the abusers. Once we have done that, let us target our laws appropriately and effectively in order to get those people.

Why put in the same category a manipulator who charges \$15,000 a head, dumps people in the oceans and leaves them to pick up another load to bring somewhere else, and a parish priest of a church in my riding who continues to help people in need whether or not they have identification documentation? The action of my parish priest is different from that of the smuggler who makes half a million dollars on every load. Why, under the law, are the priest and the smuggler potentially one and the same? It is my intention to differentiate between the two.

This is not to say that the Liberal Party or the New Democratic Party or the Chairman of the standing committee are in favour of abuse because they rise to speak about this issue. This issue has become like the constitutional accord, every time we try to make an amendment, we are seen as anti-Quebec. That approach cannot be taken. That is why I am moving the amendment today to include the word "humanitarian". This is an attempt to amend the law in this way by stating:

Every person who knowingly, and for other than a humanitarian or commercial purpose, smuggles, organizes, induces, aids or abets—

This is a specific word that would set clear in legislation the intention of which the Minister speaks, which intention suggests that churches, organizations and individuals who are helping refugees legitimately are not the target and cannot be the target under this legislation. In response in committee the Minister said: "We cannot use words that cannot be defined by the law, words that would allow smugglers or others to profit through the loopholes". I am not saying that "humanitarian"

is the only word to use. However, by using that word it is our intention that we be very specific in this law.

I would like to advise the Parliamentary Secretary that the words "charity", "non-profit" and "humanitarian" have been used in 38 different statutes of this Government.

• (1630)

With all due respect, Mr. Speaker, I am not in the mood to listen to the response from the Parliamentary Secretary when he asked what it means when the Hon. Member for York West suggests a humanitarian. It is general, broad, and it does not appear anywhere else. I am sure that when checking the federal statutes and the Immigration Act there are legal definitions of the word "humanitarian", otherwise that word would not appear 38 different times in our federal statutes. I am sure that there is a definition of a church and a non-profit organization.

My point is that the Minister, the Parliamentary Secretary, or indeed the government Members cannot use the excuse that legally they could not find the phrases to define those very people whom we are trying to exclude from this regressive law, but in fact the words presently are in our federal statutes. If there is a political will to state clearly in intentions and also in law that the target of the Bill will not be and cannot be those groups and Canadians who are presently serving their fellow man, in this case, refugees, then it can be implemented

I ask the Parliamentary Secretary why there was no legal word or phrase that would set forth the intention that the Government does not want to throw in jail or fine a priest, or an individual Canadian who is helping refugees, but that under the law those intentions are real? In other legislation in other areas of policy in the Government or in the federal domain drafters have been able to come up with those terms and define them. Given the precedent, and the fact that "humanitarian" is used 38 times in our federal statutes, why was it not possible to find this word or another word with the same meaning to put in this legislation in order to match intentions with the law? Intentions are only as good as the paper on which they are written. It is the courts and the decision-makers that will ultimately interpret and follow the law. According to proposed Sections 95.1 and 95.2 it makes liable any individual, church, or otherwise, who legitimately will be aiding refugees without documentation.

Thank you for your patience, Mr. Speaker.

Mr. Orlikow: I must admit that I came in late. I wonder if I heard the Hon. Member—

The Acting Speaker (Mr. Paproski): I hope that the Hon. Member is not rising on a question or a comment. There are no questions or comments allowed under Standing Order 114.

Mr. Heap: With unanimous consent.