

Immigration Act, 1976

for the consideration of the case of a human being in desperate circumstances applying for refugee status.

The Canadian Bar Association went on to say that the absence of review of the merits may permit different decisions in different regions of the country. This is why the conclusion of the Canadian Bar Association, which has unfortunately been ignored by the Government, is to have a more open appeal system. That is the obvious conclusion because we need an appeal system which considers the merits of a case. That is the purpose of this amendment.

On September 3 Amnesty International appeared before the committee and said that the appeal system in this Bill is woefully inadequate. They pointed first to the fact that after the refugee division decision is made the Federal Court will not be accessible because most refugee claims are made on facts and not on law. That is what this motion is all about. It highlights the importance of considering the merits and the facts.

Amnesty International points out as well that after the screening the United Nations High Commissioner for Refugees recommends that the decision should be reviewed on the merits. This is not in Bill C-55. This is a deficiency in the Bill which we are trying to point out through Motions Nos. 67 and 68. We bring it to your attention in the hope that the Government will come to its senses and see the merits of this proposal, as it will do if it is, as it claims, a humanitarian government and one that will take into consideration the particular situation of individuals who knock at our doors.

● (1200)

This deficiency in the Government's Bill must be corrected, and that is why the motion was supported, not only by opposition Members but by the Member for La Prairie who is the Chairman of the Standing Committee on Labour, Employment and Immigration. In your experience as a politician, Mr. Speaker, when have you heard a government Member criticize a Bill from his own Government as the Hon. Member did a few moments ago?

Mr. Gormley: Is there something wrong with that?

Mr. Caccia: It only happens when such a Member is genuinely upset and believes the legislation is so deficient that he or she must rise to criticize it. That has happened very rarely in the history of this Parliament.

Mr. Robinson: It never happened with the Liberals.

Mr. Caccia: It has nothing to do with the Party. I applaud the Member for La Prairie for having the guts to say what he did. It could apply to the Tory Party, the Liberal Party or the New Democratic Party. I am simply saying that if he finds the courage to get up and make the points he made, there must be something profoundly wrong with the Bill, particularly this clause. Yet we still do not see the two Ministers of Immigration here to defend this lousy Bill C-55. At least we see the

weak Parliamentary Secretary to the Minister coming in at the last minute, without extending the courtesy of hearing what his colleagues say on this measure.

Motions Nos. 67 and 68 are very important because they represent a fundamental element of the design of the appeal system. They are more than just motions, they represent a desire and intent to design a fairer system of appeal. That is why we want the Parliamentary Secretary to reply to the interventions made on this, and give us the reasons why the Government is not paying attention to these two motions.

Mr. Ray Skelly (Comox—Powell River): Mr. Speaker, I could not pass up the opportunity to comment during the debate on these motions. I want to personally offer my congratulations to the Hon. Member for La Prairie (Mr. Jourdenais) for the vigorous contribution he has made to the House with respect to this particular Bill. One rarely sees a situation in which a government Member of Parliament finds that he or she must divert from cabinet policy or government legislation. Members of Parliament sometimes find themselves opposed to a certain policy, but government Members in particular may feel compelled to support legislation no matter how the principle may affect them personally or their constituents.

Opposition critics have done a good job on this legislation. I am particularly proud of the vigorous work of the Member for Spadina (Mr. Heap) whose efforts have been acknowledged by people in my riding.

I believe Hon. Members should recognize the job done by the Member for La Prairie who has taken a principled and I believe honourable position on this legislation. He has made a very humanitarian contribution and provided thoughtful criticism of the legislation. I believe many Members can learn a lesson from the Member for La Prairie in the way he has acquitted himself in taking a stand against his Party on the basis of a firm humanitarian principle.

The Member for Davenport (Mr. Caccia) said that a certain disciplined approach must be taken in order to carry out an action once it has been decided upon. I have had eight years experience in the House and would note that the Liberal Party members never suffered from those pangs of conscience when they were in government. There was no wavering or criticism once their leader decided on a course of action.

Mr. Allmand: Not true.

Mr. Caccia: You were not even here when that happened.

Mr. Skelly: The Liberal Government never yielded and I think that Party has a lot of gall to take such a sanctimonious stand.

Mr. Caccia: Don't give us that smoke and mirrors.

Mr. Skelly: I think we have hit a nerve in the Hon. Member.