

Immigration Act, 1976

national institution of Parliament, in 1987 to draft legislation that would allow and permit a fine against an individual, a priest, a nun, who is assisting a refugee claimant who has no documentation. It is not a signal or legislation that we should be proud of. I do not know of any progressive country in the western world that has in its legislation such a repugnant and regressive element. Surely, if we are to draft legislation to target those who are the culprits, those who circumvent our laws, let us not have legislation that is so wide and encompassing that it throws a blanket around everyone and treats them as potential criminals. That is not the manner in which legislation is drafted. It has an objective, a target, and we must provide the legal tools and wording to enable us to zero in on the real abusers and not make criminals out of those who wish to help their fellow man.

This is not only the position of the Opposition. George Cram, of the Inter-Church Committee for Refugees stated:

I do not want to be guilty of committing an offence for doing humanitarian work. I do not want to feel inside myself that what I am doing is illegal, and I do not want to be liable for prosecution. The offence is what you are creating, not the prosecution.

Another member of the Inter-Church Committee for Refugees, Nancy Pocock, a woman who has dedicated most of her life to assisting refugees, and not assisting refugees to circumvent the law, stated:

If my government tells me it is a crime to help these people, I will have to say I am obeying a higher law and I am going to continue to help them when they need me.

In what was very moving testimony, at committee, Rabbi Gunther Plaut stated, referring to the committee and Parliament:

You can render the Canadian people and the refugee community of the world and causes of humanity in general a true service if you manage to eliminate from this Bill clauses that treat such people worse than the worst of criminals.

There was a second reading of this Bill during which these concerns were outlined. There was a legislative committee that heard from Canadians, and the Government had a chance to listen. Thus far in report stage the Government has declined to accept any amendments, wording changes, or inclusions of the words humanitarian, church, non-profit, charity, volunteer, which would state clearly that beyond intentions, which are not worth the paper on which they are written if we have this legislation, we are not after individual Canadians who complement the work of the Government's elected officials by doing a job that would ultimately cost the Canadian Government and taxpayers millions of dollars. This is volunteer work, work that is done by people who are moved from the gut and the heart. The Government is moved by neither its gut or heart to make those actions liable under the law to a fine or imprisonment.

I again call upon the Government, at report stage, now at the eleventh hour, to heed these concerns, listen to the concerns of Canadians who are saying to the Government to go after the culprits, the smugglers, and the consultants who are

charging \$15,000 a head, but do not place them in the same sleazy category that is occupied by those smugglers.

That is the challenge and the purpose of this amendment. I look forward to having a more progressive and enlightened response from the Government, rather than pretending to ignore legitimate, substantial, and real pleas.

Hon. Chas. L. Caccia (Davenport): The motion of the Hon. Member for Spadina (Mr. Heap) deserves the full support of every Member in the House, as explained by those who preceded me in this debate.

Yesterday during a similar debate in the House on a motion by the Hon. Member for York West (Mr. Marchi), the Parliamentary Secretary to the Minister of Employment and Immigration (Mr. Friesen) said something that was revealing and important. As reported at page 8626 of *Hansard*, he said:

I have never once felt threatened by the law because of my interest in refugees.

That is because under the present legislation, no one is threatened by the law for his or her interest in refugees.

• (1200)

Under the auspices of the Government and steered by the Parliamentary Secretary for the second day, because both Ministers of Immigration are absent, the Bill before us includes a clause which the Hon. Member for Spadina wants to delete, and quite rightly so, as it is a clause that will threaten anyone who gets involved in refugee work. That is why we are very upset about this matter and have raised it at second reading stage, in committee and here today at report stage.

Yesterday in Ottawa there was a group of Canadians including the Committee of Canadians Representing Human Rights Activists, the Anglican Bishop Edward Scott, the President of the Canadian Council of Churches and representatives from the Canadian Labour Congress, the Canadian Conference of Catholic Bishops, the Canadian Ethno-Cultural Council, the Canadian Jewish Congress, the National Action Committee on the Status of Women and a number of lawyers described as experts in immigration, refugee law or the Charter of Rights. They actually went much further than we are going in this debate today in that they urged the Government to scrap its callous new refugee legislation. One of the reasons they proposed this yesterday is this particular clause, the clause the Hon. Member for Spadina wants to have removed for the reasons just given by the Hon. Member for York West.

A number of Canadians have commented on this legislation, particularly on this clause. I would like to draw to the attention of the House the words of George Cram of the Inter-Church Committee for Refugees. He said that he does not want to be guilty of committing an offence for doing humanitarian work. Clause 9 of the Bill amends Sections 95.1 and 95.2 to make individuals or members of organizations,