

*Immigration Act, 1976*

whereby we do recognize the right of potential refugees to seek asylum as they touch upon Canadian territory?

**The Acting Speaker (Mr. Paproski):** Is the House ready for the question?

**Some Hon. Members:** Question.

**The Acting Speaker (Mr. Paproski):** The question is on Motion No. 14 standing in the name of the Hon. Member for Spadina (Mr. Heap).

Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** No.

**The Acting Speaker (Mr. Paproski):** All those in favour of the motion please say yea.

**Some Hon. Members:** Yea.

**The Acting Speaker (Mr. Paproski):** All those opposed please say nay.

**Some Hon. Members:** Nay.

**The Acting Speaker (Mr. Paproski):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Paproski):** Pursuant to Standing Order 114(11) the recorded division on the proposed motion stands deferred.

At the request of the Hon. Member for York East, the Chair has taken a further look at Motions Nos. 15 and 17. Similar motions were moved in committee but the two motions, which were negatived in committee, did not use the word "humanitarian". The Chair is thus inclined to allow both motions to be moved and debated with one debate and one vote disposing of both. The Chair wishes to explain that the short lead time between the return of the Bill and the start of the report stage caused a bit of a rush. Hopefully, the House will understand this further clarification of statements made this morning and earlier this afternoon.

● (1620)

**Mr. Sergio Marchi (York West)** moved:  
Motion No. 15

That Bill C-84 be amended in Clause 9 by striking out lines 25 to 32 at page 8 and substituting the following therefor:

"95.1 Every person who knowingly, and for other than a humanitarian or commercial purpose, smuggles, organizes, induces, aids or abets or attempts to smuggle, organize, induce, aid or abet a person to make a manifestly unfounded or fraudulent refugee claim is guilty of an offence and is liable".

Motion No. 17

That Bill C-84 be amended in Clause 9 by striking out lines 1 to 9 at page 9 and substituting the following therefor:

"95.2 Every person who knowingly, and for other than a humanitarian or commercial purpose, smuggles, organizes, induces, aids or abets or attempts to smuggle, organize, induce, aid or abet a group of ten or more persons to make a manifestly unfounded or fraudulent refugee claim is guilty of an offence".

He said: Mr. Speaker, I wish to thank Your Honour and the Table Officers for allowing me to make my representations. As Your Honour has quite rightfully pointed out, there was not enough time between Friday night and today to discuss the difference between my amendment in committee and my Motions Nos. 15 and 17.

Essentially, Clause 9 was probably the one that epitomized the concern of Canadians the most, namely, that it would allow under the law an individual Canadian, a priest, a nun or any other individual layman, to be fined or imprisoned for aiding a refugee applicant who does not possess identification documents or a Canadian visa. Mr. Speaker, you can well imagine the uproar from Canadians, in particular civil liberty groups, the Canadian Bar Association, churches, non-profit organizations and Amnesty International as a result of placing the onus on these individuals to pay the price rather than on the smugglers and consultants about whom everyone has agreed something must be done.

The Minister has said, "Do not worry. We will never put in prison or fine a priest or a nun who helps legitimate refugees". I am not concerned with the meaning or the intention of the Minister since Ministers come and go. Even you and I, Mr. Speaker, will go one day, much to the regret of the House of Commons. This is why during bad governments in particular it is important to have good legislation, legislation which will protect the citizens of Canada.

This piece of legislation, perhaps interpreted by the present Minister or by someone else, can be interpreted according to the letter of the law and would therefore make liable any individual Canadian, including thousands and thousands of church groups, although this wording is not limited to religious institutions. Many social and humanitarian organizations have been at the forefront of helping those less well off than you and me, Mr. Speaker.

Who do Hon. Members think were the first to advocate food banks, particularly in the basements of churches in the Province of British Columbia? These food banks came to the aid of those who did not have food on their tables. Can Hon. Members think of any more regressive or humiliating thing than to have to line up for one's food? It was the churches and it is still the churches which have filled the vacuum in 1987 with the plenty which surrounds us, and the line-ups are getting longer.

The churches and other organizations have come to the aid of those looking for a home. To date, Governments have not said anything particularly negative about the role played by churches and non-profit organizations. However, all of a sudden the same institutions which help refugees will now be made liable to imprisonment or to fines. I challenge the Government to produce one Canadian who would be in favour