

Immigration Act, 1976

Last night the Parliamentary Secretary stated that it is not necessary to help them in that way because they can get a visa at the consulates in the United States. That is false for a great many of the people who are in genuine need as refugees because we have a quota. There are only so many hundreds of visas to be issued to such people in a year in the consulates in the United States, and also because they examine them not primarily as refugees but as immigrants. If they do not match up to our economic requirements for immigrants, then they are turned down for a visa, notwithstanding that they may be in great need as refugees.

I am forced to the conclusion that the Government has decided firmly and clearly to make a major change in Canada's refugee policy, but not to announce it as such. It had made a major change in which it will say, "No more inland claims will be accepted unless those people have come on a visitor's visa", which very few will be able to get. Usually only well-to-do people, diplomats or celebrities are able to get them, unless they happen to be transiting through Gander from some country in Eastern Europe, in which case of course their case will be handled quietly, not through any refugee determination procedure but simply on a so-called humanitarian basis at the time of arrival, meaning it will be completely closed to the public, totally subject to political pressure of the current government, whichever government might be in power.

I think it is unfortunate that the Government has chosen to make such a basic change in our refugee policy, a basic denial of our obligations to the United Nations, without any announcement. That is the only conclusion I can come to from the Government's considered refusal to accept any kind of clarification or amendment to Clause 9 of the Bill.

Therefore my motion is that we delete Clause 9 as being quite offensive, both to thousands of Canadians and to our international obligations.

Mr. Sergio Marchi (York West): Mr. Speaker, I am pleased to support Motion No. 16 put forward by the Hon. Member for Spadina (Mr. Heap). Yesterday I moved an amendment to change the wording of the proposed Sections 95.1 and 95.2 of the Bill. I did so because I think everyone recognizes that proposed Sections 95.1 and 95.2 could have and should have been amended. I do not believe there is a Member of Parliament or a Canadian who would concur with the powers granted to the Government under those sections.

The Hon. Member who spoke before me was correct when he said that despite the objections of the Ministers and the Parliamentary Secretary this clearly creates a new offence. The offence would be operative around the word "documentation" and the word "visa" and somehow any Canadian, any priest, any individual assisting, aiding or abetting an individual refugee claimant who does not have a proper visa in his or her back pocket is liable to a fine and to imprisonment. If it is a group over 10, that fine can be up to \$500,000, and up to 10 years in prison.

• (1150)

It is 1987 and we live in what we would like to believe is a progressive country, which it is, because its progressive element is rooted in the people, and perhaps not in the Government. But imagine enacting a piece of legislation that would in law, place an individual who acts out of humanitarianism for fellow human beings in attempting to assist the refugee claimant in the same category as the sleazy smugglers and consultants whom everyone wants to put out of business.

Before the committee studying Bill C-84 prior to report stage, the churches and other organizations clearly stated that they have never counselled fraudulent applications, that they have never counselled evading the law of Canada, and they have never suggested that any claimant rip up his or her documentation before arriving in Canada.

Those organizations went on the record in support of amending proposed Sections 95.1 and 95.2. I tried to do this and was unsuccessful in committee, and in the House yesterday. Those organizations would be in favour of making it an offence to evade the law, and counsel fraudulent claimants, whether or not they have documents.

During the Portuguese scam people came in with their documents, and their claims were largely unfounded. Making those actions liable to a fine or to imprisonment would receive the approval and the blessing of the church organizations and the non-church organizations. There is no disagreement with the witnesses who came before the committee and suggested that action. Obviously, those organizations would object strenuously and passionately if those proposed Sections 95.1 and 95.2 were allowed to stand.

We have had a song and dance from the two Ministers of immigration—the Cheech and Chong show—when they suggested that the churches do not worry. They also suggested to individual Canadians that they should not worry; we will not put you in prison, or fine someone who assists refugees. Canadians are asking, if that is the intention, why at the same time is legislation being enacted that would allow the Government to do the very things that it is suggesting it will never do? Why create a law that will imprison or fine people that it does not want fined or imprisoned? It is hypocritical. It is attempting to straddle two sides, and that simply cannot be done. If the Government is serious in its intentions, it should be reflected in the legislation.

It is the ultimate responsibility of Members of Parliament to create laws, and ensure that the taxpayers' dollars are wisely spent. Those two elements are fundamental. We have to draft laws that protect Canadians, our country, and our civil liberties. Those laws must ensure that regardless of who is the Minister tomorrow or next week, or who is the Government tomorrow or next week, there is a law that cannot be undermined, abused, or misused.

This is a clear and flagrant abuse in drafting legislation. It is irresponsible for a legislative assembly, particularly the