

*Immigration Act, 1976*

I just want to be sure that the Hon. Member is not getting himself into a position where he is urging the Chair to change the ruling. It may well be that what the Hon. Member has to say can be raised in debate. However, I would hear the Hon. Member further.

**Mr. Marchi:** Mr. Speaker, I certainly have the utmost respect for Your Honour and for the Chair. The Table Officers, however, and I did not discuss Motions Nos. 15 and 17.

With all due respect, what I was going to suggest is that a similar amendment was proposed by myself in committee. This particular amendment focuses on the key word "humanitarian" in an attempt to overcome Clause 95.1 and Clause 95.2 which clauses provided the most concern with respect to religious and non-religious groups. Therefore it was an attempt at report stage to try to insert the word "humanitarian" within the motion so as to exclude very clearly religious groups and non-religious groups that would be helping refugees out of humanitarianism and compassion, and certainly not to mislead the system or to propose fraudulent claims.

**Mr. Speaker:** I thank the Hon. Member for his intervention. While he was giving his remarks I was listening but I was also able to have some further consultation with the Clerk. Perhaps there was not quite as much consultation with the Hon. Member as I had thought, partly because these motions came in very late on Friday night, which is nobody's fault. I suggest that perhaps in the next little while the Hon. Member might meet with the Table Officers to discuss the matter further to see whether there might be some reason to adjust the ruling. All other rulings on all other motions stand.

Continuing debate with the Hon. Member for York West (Mr. Marchi).

**Mr. Sergio Marchi (York West):** Mr. Speaker, before lunch I was debating Motion No. 9 moved by my colleague from the New Democratic Party. This is an amendment that is very similar to my Motion No. 10. It concerns provisions for the security certificate that we would like to amend.

What we are suggesting is that if in fact the individual claimant is found to be some kind of a security threat or falls within an undesirable category within the Immigration Act, then by all means we are supportive of detaining that individual to ascertain his identification to see whether or not there is sufficient cause to merit that individual's further detention or deportation.

• (1510)

Our concerns articulated by my Motion No. 10, and by Motion No. 9 which we are presently debating, are that under the current legislation any individual who is deemed to have been the recipient of such a security certificate would not necessarily have the opportunity of entering into the refugee determination process. The provision as stated in Bill C-84

would restrict accessibility to the system and undermine the crucial universality component.

Many times a certificate may be granted based on information received from the country of origin. In the case of real refugees, often it is not unusual for the government of the country from which they are escaping to provide Canada, or another country receiving that claimant, with information that would suggest that that person is either an undesirable or poses a security threat. For instance, an individual in another country may be seen as an offender, for standing up for democracy. Obviously within our system of justice, and within the Canadian parameters, someone who stands up for democracy, as we do every single day, would not be considered a security threat or an undesirable. Many times information received from the country or the government of origin would actually substantiate the fact that the person's case is probably legitimate, that is, because of political or religious pressures that individual is escaping as a refugee under the definition of the United Nations Convention.

Our first concern is that by declaring this certificate, it would override or ignore the very information that can be utilized to determine and substantiate the individual's true refugee claim. However, if Canadian authorities find the claim to merit further consideration, then that individual should not be sent back to the country from which he or she is escaping because he or she may be in some particular trouble, may face certain persecution, torture, imprisonment, or probable death.

Another aspect that colours this particular clause is that if we deny accessibility to individuals to have their case properly determined within the refugee board or the refugee system where the issue is properly disposed of rather than making a predetermined determination by the Minister or his official, that is of great concern to our United Nations obligations under the Geneva Convention. In fact, a representative of the United Nations High Commission appeared before the legislative committee which was studying Bill C-84 and expressed considerable reservation concerning this particular clause which would guarantee that an individual would not be allowed to pursue the refugee process and would be deported and expelled from the country.

That runs contrary to the non-refoulement undertaking that we as a country have given under the United Nations Convention. Therefore, it was not without passing concern from the United Nations High Commission that these representations were made at the committee, and in correspondence exchanged between the High Commissioner for Refugees and the Government of Canada. I believe there has been considerable concern expressed internationally that, if Canada enacts this particular legislation with this particular clause as it stands, it would be undermining the non-refoulement undertaking.

Since Canada has been at the leadership level in terms of providing and offering leadership for the salvaging of the plight facing refugees, the concern is that other countries may legislate similar clauses. If that happened on a frequent basis