

Immigration Act, 1976

country, and many refugee groups have called that sending refugees into orbit.

The United Nations High Commission for Refugees is not the only group that has asked for that clarification. If the Government does not like the word "remain", perhaps it might like the word "admitted". Many different witnesses in addition to the United Nations High Commission have promoted that concept. The Canadian Bar Association has commented on that concept. The Inter-Church Committee suggested that the word "arrangements" is vague and that refugees will be put in orbit.

The Halifax Refugee Assistance Group has spoken on this issue. The Mennonite Central Committee said that there would be a problem if claimants were sent back to these countries because they may not have access to the determination systems there and will not have to be away longer than 90 days.

Rabbi Plaut, Pierre Duquette, representatives of Amnesty International, Professor Hathaway and representatives of the Canadian Bar have all suggested quite strongly that simply returning someone is not a guarantee that that person will be able to stay, as the Minister of State suggested. Return is not necessarily admission to a country. When all the verbiage is stripped away, this is in essence a lack of commitment on behalf of the Government to go the extra distance that would ensure that a returned person would not be put into an eternal orbit or sent back to the very land from which he wished to escape.

Through this motion, we are asking the Government to live up to its commitments and not simply state that it has good intentions. It should put its intentions into law so that the legislation will match the intentions. Canada is not governed by intentions or by speeches made by the Minister; it is governed by the letter of the law.

As Bill C-55 stands, it leaves a lot to be desired. It is not enough to say that we are protecting refugees by returning them to a safe country. The concept is weak and the terminology is weak. I hope that the Hon. Member for Calgary West will clarify the Government's position on that.

Mr. Jim Hawkes (Calgary West): Mr. Speaker, I would have thought that someone from the Opposition would have mentioned the reality, which is that this clause is very, very positive for Convention refugees. We are putting into statute law the right of anyone determined to be a Convention refugee to apply for landed immigrant status in this country.

Historically, such applications have been made, but no one has ever had the right to make them. Relatives will not have that right. The only ones who will have the right by statute law to apply for landed immigrant status in Canada through an immigration officer will be those we determine to be Convention refugees. That is the essence of the clause.

One begins to wonder if anyone read the clause or attended the hearings to hear the testimony on it. The Bill is very complex.

The amendment proposes that we add to the clause the word "remain". What does that mean? Does it mean remain for 10 minutes, for 10 days, for 10 years, for 10 lifetimes? Is the addition of the word "remain" a clarification or an added confusion? I simply suggest that it is an added confusion. The amendment would provide a legal opportunity for someone to have a right whom we do not want to have that right for a particular reason.

Let us say, for example, some persons are born in a country like the U.S.S.R. They lived there on a Green Card for 40 or 50 years. Then they decide all of a sudden they would like to be Canadian citizens. They come across the border, where we conduct a refugee hearing. We say we cannot send them back to the U.S.S.R. Should we immediately give them the very special privilege to apply for landed immigrant status in Canada? Or should we have the power under the Act simply send them to the U.S. where they have a viable Green Card? That is the kind of situation we are dealing with.

● (1700)

Citizenship in many nations of the world is conferred at birth. It exists for life and cannot be revoked. You cannot even deny it or give it up. Whatever your country of origin, you will have a right to the Canadian refugee determination system. That is appropriate and that is what universality is all about. We may indeed decide it would be inappropriate and a default under the Convention to send them back to the country of origin. Yet surely we should retain the right to send them back to the country they lived in permanently, which they have not fled, and in which they make no claim to be persecuted. They make no claim on us to protect them from that country and that country is willing to have them back.

This would not be a large category. It may never be invoked. However, do you want to leave another loophole that will perhaps turn Canadians against refugees because they do not understand the difference between people who need protection and those who do not? Or should we try to close off all the loopholes so that we are left with a system which helps us determine who is a Convention refugee so we can offer them the very special privilege of this clause, new in Canadian statute law, of applying for landed immigrant status inside the country?

I suggest to Members of the House that we do not need the word "remain". By putting it in we simply create another loophole for a bogus claimant to make a legal argument on what the word "remain" means. Without greater specificity, it means a lack of clarity for the clause. It does not change the nature of the clause, it simply adds another loophole. On that basis I think we should reject it.

Ms. Lynn McDonald (Broadview—Greenwood): Mr. Speaker, this amendment is crucial to the Bill and the change