

*Government Orders*

must be pursued for the safety of the people of Quebec and Canada.

We have many more questions and concerns regarding Bill C-44. This bill is an excessive response to certain problems and situations that have arisen over the past few months in Canada. It is the Liberal government's response to the strict, right-wing stand the Reform Party has taken concerning immigrants and refugees.

The minister's speech today only confirms this shift to the right the minister and the Liberal Party have made. I have read the speech he had made as the Official Opposition Critic for Immigration. He was much more of a humanist back then. I endorsed his ideas and objectives in those days, but not any more.

The Bloc Quebecois has condemned and still condemns the murder of a young woman in a Toronto restaurant and that of a Toronto police officer. The unfortunate fact about these two murders is that they were committed by immigrants subject to a deportation order. The media gave far too much notoriety to these incidents.

On July 7, the Minister of Citizenship and Immigration launched a blitz to deport out of Canada some 600 criminal immigrants. To this effect, he set up a special task force of immigration officers and members of the RCMP and the local police, to identify, trace and hasten the expulsion of foreign criminals from Canada.

Based on information from *La Presse*, this special task force has found, after going over the various cases, that only 90 of the 600 immigrants with serious criminal records were in Quebec.

• (1245)

It also found that half, or 45, of them were already in jail. Seven of the 45 still at large had left Canada of their own free will. Of the 38 cases remaining, 5 have been resolved; three criminals had been arrested and deported, and the other two had been summoned before an immigration officer. As of July 19, in Quebec, there were only 33 cases pending and as we speak, I trust these too have been settled.

The special task force was manned by 4 RCMP officers in both Montreal and Vancouver and by 12 officers in Toronto. In addition to creating this group, the Standing Committee on Justice is reviewing the question of how young offenders who are not Canadian citizens and who have been convicted of crimes should be treated. Finally, a memorandum of understanding was signed between the Department of Citizenship and Immigration and Correctional Service Canada for expediting the deportation of foreign criminals.

Again, we urge the government to take the measures required to prevent abuses and protect Canadians and Quebecers against criminals, but we cannot endorse Bill C-44 as it now stands.

In our opinion, some provisions of this bill violate the Geneva Convention on Refugees as well as the Canadian Charter of Rights and Freedoms. Furthermore, it restricts without justification the mandate of the Immigration and Refugee Board.

Unlike the Geneva convention, this bill does not distinguish between refugee claimants who have committed political crimes in their native countries and those convicted of non-political crimes. In determining refugee status, the first thing to be considered should be the nature and purpose of the offence, in particular whether it was committed for political or other reasons.

On the other hand, there should be a certain balance between the seriousness of the crime and the danger to Canadian society. The Geneva convention, confirmed by Federal Court jurisprudence, states that this element of comparison must be considered.

Professor James Hathaway writes that the seriousness of the crime must also be weighed against the possibility that the life or safety of a person sent back to his or her native country may be at risk. The bill does not address this aspect of the issue.

The purpose of the bill is to prevent people convicted of serious offences for which a term of imprisonment of ten years or more may be imposed from claiming refugee status. This means that the actual seriousness of the offence will not be taken into account, which we think is unfair and arbitrary.

In our opinion, the actual sentence imposed and not the maximum sentence should be considered. Every offence can be committed in a great variety of circumstances, some of which call for the maximum sentence while others only call for the minimum sentence. Our Criminal Code does not specify a minimum sentence for most offences. Therefore, a person could be convicted of a crime for which a term of imprisonment of ten years or more may be imposed without being jailed or fined.

• (1250)

He would only be given a suspended sentence or put on probation. Despite all that, the minister can issue a certificate declaring that person to be a public danger, which I think is unfair and arbitrary.

This situation could violate the Geneva convention. Indeed, the manual of the High Commissioner for Refugees says that in evaluating the nature of the crime allegedly committed, all relevant factors, including extenuating circumstances, must be considered. Do not forget that we are talking about refugees