

Immigration Act

through the requirements of trying to find a Canadian to fill the job.

The act also allows us to reunite people in this country with their families living abroad. That is an important thing, and this is a humanitarian government which believes in family reunification. Close relatives of Canadian residents receive processing preference as members of the family class.

The act's humanitarian aspects are also reflected in the provisions relating to refugees. They are an admissible class, based on the UN definition of a Convention refugee, and the legislation confirms in law our international obligations towards refugees within our borders. Further, the legislation is flexible enough so that, when warranted, we can admit people on compassionate grounds even when they do not precisely fit the UN refugee definition.

While this law expresses our concern for families and refugees, it also reinforces our responsibility to protect ourselves from those whose admission would pose a threat to the health or safety of Canadians, or whose purpose in entering the country is not legitimate. For example, to discourage people from coming to Canada as visitors with the intention of staying or working illegally, the act requires every visitor wishing to work or study here to obtain the required authorization from a visa officer abroad before seeking admission. And anyone who wants to come to Canada permanently must apply from outside the country and receive an immigrant visa before arriving here. I know the hon. member for York North (Mr. Gamble) is familiar with that because he was talking about the "Buffalo shuffle".

Protecting Canadian society from criminal activity goes hand in hand with controlling illegal immigration. Aliens who pose a threat to public safety, order and national security are refused admission to Canada, and there are provisions to deal with the threats presented by international terrorism, kidnapping and organized crime. People who are asked to leave Canada have a guarantee of fair treatment through the inquiry process which ensures that the civil rights of those subject to immigration hearings are protected.

Anyone refused entry or asked to leave the country has the right to be heard at an impartial immigration inquiry presided over by an adjudicator. Adjudicators are officers specially trained in immigration law and the relevant parts of civil and criminal law. The adjudicator is there to render an objective decision after carefully weighing evidence presented by both the federal government and the person concerned. That is what I was referring to earlier when I talked about common sense.

If the adjudicator rules in favour of the subject of the inquiry, that person will be allowed to enter or remain in Canada. On the other hand, a ruling in favour of the government will result in the issuance of a deportation order, exclusion order or departure notice.

The act provides for two less drastic alternatives to deportation. Instead of deporting a person at the border for some minor offence like not having all the proper documentation, we can now issue an exclusion order entitling that person to

re-apply for admission at a later date. The other alternative is the departure notice, which may be issued to a visitor in Canada who has committed a minor infraction of immigration law and is required to leave. Once the terms of the departure notice have been fulfilled, the person may re-apply for entry at any time.

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Despite the act's humane approach, visitors or permanent residents, that is landed immigrants, who deliberately commit serious crimes or major violations of Canadian law are, of course, deported.

The social and demographic realities of a modern world would require an immigration act which recognizes the increasing incidence of threats to our wellbeing, threats such as international terrorism.

However, immigration is a two-way street. Canada's act illustrates how immigration policy can work in the interests of both those who live here and those who wish to do so. There is a balance to be struck, a system which allows reasonable expression in the appropriate circumstances, and allows common sense to be applied. I believe we can do this with the legislation we now have.

Some hon. Members: Hear, hear!

Mr. Wilson: Good reading, David!

Mrs. Margaret Mitchell (Vancouver East): I am pleased to speak to Bill C-258 because it also gives me a chance to comment on the Immigration Act and the immigration policies of this country, many of which cause me serious concern.

The proposal to amend the Immigration Act by closing off legal manoeuvres, removing the discriminatory powers of adjudicators and enforcing immediate deportation causes me some concern, and in that respect, our party does not support this bill. We completely agree, of course, that persons who have committed serious criminal acts should not be admitted to Canada and should be immediately dealt with under the law. However, I think the very rigid changes which have been proposed by the hon. member for York North (Mr. Gamble) would have the effect of dealing in a very rigid and punitive way with people who are not criminals in that sense. I would like to say that we do not condone breaking of the law. One may feel humanitarian sympathy for persons who have broken the law, but they must still be dealt with under the law. What I am saying is that it is absolutely essential that the adjudicators exercise flexibility and discretion when dealing with individual cases.

I would like to give some specific examples from my experience as a Member of Parliament. In my riding we frequently deal with immigration cases. Often there are humanitarian considerations which must be taken into account. People must have a chance to be heard, must have a right to due process of appeal and must have a chance to have legal advice and help as well. There may be a situation where the minister might consider a departure notice rather than a deportation decision.