Mr. Benno Friesen Parliamentary Secretary to Minister of Employment and Immigration): Madam Speaker, this motion brings forward several government amendments which are designed to update a number of clauses as a result of the work done in the committee. Some of these amendments are consequential.

In Clause 14(1), this amendment will clarify that the safe third country limitation on eligibility to make a refugee claim is only applicable at the port of entry where, in the original Bill, the adjudicator and refugee board member dealt with the issue of "returnability", they could have quickly concluded that a person already admitted to Canada would not, in all likelihood, be able to return to a country where the person had no ongoing ties of citizenship, nationality, or permanent residence.

Now that the issue is dealt with after the inquiry, we need to avoid the anomaly that those claimants subject to an "inland" inquiry would be ordered removed from Canada, and then would be readmitted into the refugee determination system, because they had originally come to Canada from a country that complies with Article 33 of the Convention, but where that country has no continuing obligation to take them back.

• (1700)

The amendment confirms in law what we all recognize in fact that to return to a "safe" third country is only relevant at the port of entry. The amendment puts the subsection 48.03(1) into a syntax that corresponds to similar provisions elsewhere in the Bill. The amendment also drops a reference to departure notices because the concept of "safe third country" has been limited in law to the port of entry.

Further references to departure notices in Section 48.05 are deleted in amendments to paragraphs (c) and (f). Because the concept of "safe third country" had not been limited in law to the port of entry, it had been necessary to include in Section 48.05 reference to the possible existence of a departure notice. Departure notices can only be issued at "inland" inquiries, and therefore all references to departure notices are being deleted as a consequence of the amendment to paragraph 48.01(1)(b).

Paragraph (g) is a technical amendment that clarifies the role of the adjudicator who determines, at an inquiry reopened for the purposes of Section 48.05, that the Convention refugee cannot be landed and does not have a right, pursuant to Subsection 4(2.1) to remain in Canada.

The adjudicator may confirm the earlier order, or where more serious allegations are raised at the inquiry, the adjudicator may replace an exclusion order with a deportation order. This is likely to be a relatively rare occurrence since only those who pose serious security or criminality risks, who are unwilling to support themselves and their families, or who have medical conditions which pose a danger to Canadians or which impose an excessive demand on Canadian medical and social support facilities, will not be landed. Even those Convention refugees who are ordered removed under this provision are protected against refoulement by subsection 55(1) of the Act.

Since we have clarified that the safe third country concept is only applicable at the port of entry inquiry, there is no longer a need to distinguish between the processes for adding new allegations against the person at the port of entry or inland.

Since the Act requires, at the port of entry, that the adjudicator canvass all potential reasons for inadmissibility, there is no requirement for a direction from the Deputy Minister.

The requirements to inform the person of the new allegation and to provide the person with an opportunity to explain or respond are contained within the principles of natural justice which are always applicable to immigration inquiries.

Mr. Dan Heap (Spadina): Madam Speaker, when I saw this motion on Friday, I read it over several times, looked up the references contained in it as far as I could find them, and tried to understand it. We did hear on Friday about the undesirability of motions being moved at report stage which might have been moved in committee. Presumably this is one to which that might have applied. Fortunately, not only for the Opposition but for the Government, the Speaker did not apply that rule as vigorously as the Minister of State seemed to feel should be done. Therefore this comes in not only after the committee but in report stage.

I studied the amendment to understand what would be the impact and on whom. A few minutes ago, the previous speaker and his colleague, the Hon. Member for Calgary West (Mr. Hawkes), were kind enough to give me some comments as to what the section means, even to show me some of the notes. I decided that I would probably not understand the notes and, having heard the Parliamentary Secretary read them, my opinion is confirmed. I assume the Hon. Member understands what he read, although by the way he read it, I was not convinced. However, I will make the assumption. I think the Hon. Member has confidence in whoever wrote the notes.

Fortunately, I am in a comparable position. I was able to consult last night with a representative of the Canadian Bar Association on this subject. He is recognized as very competent even by persons who disagree. That representative of the Canadian Bar Association said this one is fine, whatever it is doing. He seemed to understand it probably as well as the person who wrote it.

Mr. Friesen: Or read it.

Mr. Heap: If not as well as the person who read it or the person who heard it read.

I will be supporting the motion and recommending that we all support it.

The Acting Speaker (Mr. Redway): Is the House ready for the question?