

Private Members' Business

faster and more efficient government management of the country seems irresponsible.

We have to find a way to speed up the deportation process and not to paralyze the judicial system with excessive legal considerations.

[English]

I have touched on the constitutional arguments against this bill. Now let me discuss broader reasons that I cannot support it. If it were to pass we would be transferring the responsibility for removing potentially dangerous criminals from the federal immigration department, whose representatives are experts in the field, to provincial crown attorneys and judges. We should not dilute federal responsibility for something as important as the deportation of violent offenders.

I am not questioning the competence of provincial crown attorneys or judges, far from it. However these individuals already have exceptionally busy dockets and in many cases do not have the time or the expertise to deal with complex immigration cases.

As well, the international obligations Canada has with respect to immigration matters are not well known to judges acting in criminal matters. As a result it would take both time and money to train lawyers and judges to deal with immigration cases.

Furthermore, we must recognize that recommendations to the provincial court may take into consideration many factors which should not be part of a deportation hearing. Plea bargaining could become a convenient way for people who should not be in this country to stay in this country. Who is to say that deportation could actually be carried out?

• (1415)

Once a judge orders an offender removed, is it the court's responsibility to deport the individual? What would happen with the order of a judge that cannot be executed because the individual cannot be received outside Canada? Is the court to find a suitable country? Is the jurisdiction to be transferred back to the immigration department after the order has proven to be impossible to execute?

Deportation can be a complex process requiring travel documents and international co-operation. These are affairs that are best handled by the immigration department which will continue to be responsible for all other deportations of persons who have entered Canada illegally, have been convicted of serious crimes in other countries, or have otherwise violated the Immigration Act.

This is not the only part of the bill which neglects to take into account the fact that Canada cannot unilaterally remove people to other countries. The section concerning changes to the

Transfer of Offenders Act also seems to forget that we need international co-operation to have an effective removal system.

The purpose of the act is to accommodate non-Canadians serving sentences by making it possible, on the basis of an arrangement between states, to transfer offenders so that they can serve time in their homeland. The act is not meant to support orders that may have been made by courts. In fact the act has nothing to do with the legal system. It is based on arrangements of an administrative nature between sovereign states.

Bill C-316 wants to change this. It proposes that the act be amended to allow Canada to remove any foreign criminal serving time in a Canadian prison. This just is not realistic. What would be the incentive of a foreign country to pass a treaty with Canada whereby we would transfer to them the cost of punishing offenders who have committed crimes here? The answer is simple. There is none.

The legislation may also be potentially unfair to a defendant in a deportation hearing. The government wants to ensure that all dangerous foreign offenders are ordered removed. We also want to ensure that humanitarian concerns which are an important part of the immigration system are consistently applied to all persons subject to removal orders.

I think we would all agree it is generally pretty easy to stand and criticize something. What is difficult is to work hard to find alternatives that do work. I am happy to say that we in government do not just sit and listen. We act.

Many of the proposals the bill would seem to resolve have already been dealt with in Bill C-44. As members know, the legislation was recently approved by the House and is currently before the Senate. Bill C-44 is good legislation. A serious criminal element, no matter how small, that has infiltrated our immigration system can be handled by Bill C-44.

In closing, the government is making progress in tackling the small number of criminals who have infiltrated our immigration program. The system works but it could work better. We recognize this and as a result we have taken action. I can assure members that we will continue with the progress, but we must take measured steps and weigh our options carefully. All too often there is a difference between what sounds good and what is practical.

We congratulate the hon. member for Cambridge for his initiative, but at this time Bill C-316 just does not fit the situation.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, I am pleased to rise today to offer my thoughts on the bill presented by my friend and colleague from Cambridge, Bill C-316, an act to amend the Immigration Act and the Transfer of Offenders Act.