

### *Government Orders*

and if one is not a Canadian citizen and is a danger to Canadian society one has to go.

We have touched on the issue of criminality. I noted the Chair asked us to use language that was sensitive. When we talk about immigrants and criminals we risk getting into the trap of taking an identifiable group, foreigners by definition, and blaming them for things they ought not to be blamed for. There are many cases in history where people in a community have whipped up resentment against an identifiable group of outsiders, often-times foreigners, to support a particular political ideology. When we touch on the issue of immigration and criminals we risk getting into that game.

By way of a backdrop, I want to point out that the overwhelming majority of immigrants and refugees are decent, hard working and law-abiding people. They appeal to Canada for protection because they need our help. Others come to contribute to Canada's economic progress while others seek to be reunited with their families.

However there are exceptions. In recent months there have been a few highly publicized cases of criminals claiming to be refugees, and refugee claimants and immigrants breaking our laws while in Canada. It needs to be understood that these are the exceptions.

If we look at Canadian jails and survey whether the people in our jails were born in Canada or elsewhere, we discover that the immigrant population in our jails is lower than the general population as a whole. Statistics show that immigrants who come to the country are hard working. Oftentimes they are more hard working than the general population as a whole and commit fewer crimes. That does not mean there is not the odd exception, and this bill is about dealing with the odd exception. The government takes these exceptions seriously. The government is taking a number of steps to ensure the system is not open to abuse and that Canadian society is protected.

My friend across the way indicated in his remarks that the minister could kick someone out whenever he wants. The member has his facts wrong. I know the heckles are about to start. Let us say a landed immigrant or a permanent resident—and these words can be used interchangeably—commits a crime and does a sentence. Let us say the person is a danger to society. The government can bring about a process fairly quickly to have him deported. However the person can ask to have it stayed and appeal to immigration and Refugee Board on humanitarian grounds. Such persons can say: "I am sorry. I throw myself on the mercy of the country". Maybe the person has a wife or children here; maybe he has a job and circumstances have changed. He can bring forth all sorts of arguments. Unfortunately, as I said, that is a three-year delay. In law, the minister does not have the right to interfere in that process. That right to

appeal is in the Immigration Act and is in law and the minister must follow the law.

My colleague across the way has said that the rules in place now will do the trick. Unfortunately he is wrong. They will not do the trick, but Bill C-44 will take a step forward in terms of helping to deport landed immigrants who should be deported.

The government has proposed changes to the immigration law that will help prevent immigration fraud and abuse by criminals. Among the most important amendments are changes that prohibit people convicted of serious crimes from claiming refugee status. It also has to be determined that they are dangerous. This applies whether the crime took place in Canada or anywhere else.

It will remove from the immigration and refugee board the power to allow serious criminals to be in Canada on humanitarian and compassionate grounds and to give the minister or his delegates sole authority to do so. This means we can move fairly quickly.

My colleague across the way has suggested that they will still be able to appeal. He has that part right. They will still be able to appeal to the federal court on issues of law, not on issues of fact and law. They will be able to appeal to the federal court, but if they took some time to examine the federal court process they would find they need to have leave to appeal to the federal court. It is not a right. Instead of taking three years, which is the case under the current system, that process will take about 30 days. They may say that three years or 30 days makes no difference, but most Canadians will say that a faster process is a better process.

• (1340)

Had they asked that question at the immigration committee they would have found that this is a much quicker process. If they do not believe me, I encourage them to check it out.

Because it is done by appeal the federal court can deal with it by leave. The federal court can deal with it very promptly. They will not be able to appeal on humanitarian and compassionate grounds. Appealing on law is a very technical appeal. It is not something that is easily done. It is not something that can be done summarily or just on a whim. It has to be based on clear legal arguments.

It is different from an appeal on humanitarian and compassionate grounds. I might ask my colleagues across the way to appreciate the substance of the difference, to appreciate that it is an important difference, and to give the government credit for changing the process from three years to 30 days.

How serious is the problem? It is very serious. Right now the government estimates there is probably about 1,200 people whom it would like to deport and not give the right of appeal to the immigration and refugee board on humanitarian and compassionate grounds. Six hundred of those people are in jail.