

Immigration Act, 1976

far different from that of many other countries. Over the past five or ten years, and certainly in the period since the end of the war to 1983-84, Canada established a reputation in the world in the area of refugee policy and resettlement of refugees. The Canadian people were awarded the Nansen Medal in 1985 by the United Nations because of the generosity that Canadian people have shown to refugees. How can the Parliamentary Secretary stand up in the House and justify the reprehensible actions of the Government and this illegitimate piece of legislation by referring to the situation in European countries? Should Canada not be standing up and saying that we will not follow this lead and will not decrease the safe havens that are available to refugees? Should we not be saying that we will not reduce or seek to limit our obligations but will stand up and demand that other countries respect the rights of refugees under the UN Convention?

● (1710)

As my colleague, the Member for York West (Mr. Marchi), has suggested on a number of occasions, we could even take the bold move of suggesting to the United Nations that a conference be called to deal with this issue, which is again totally in line with the kind of leadership role Canada has played over the course of the past 35 to 40 years.

As I said in debate on this Bill several months ago, it is ironic, when we are considering Bill C-84 which would turn boats away from our shore, that we were awarded the Nansen Medal. I believe Nansen was a Norwegian explorer and humanitarian who, in the period after the First World War, began giving documents to displaced persons, refugees I believe from the Austro-Hungarian Empire that disappeared as a result of the First World War. These documents came to be known as Nansen passports. Of course, the Nansen Medal was named after this individual.

Is it not ironic that in 1985 the people of Canada were awarded for our generosity to refugees a medal which was named after a person who gave visas and documents to undocumented refugees, yet in 1987, the Government proposes legislation that would put undocumented refugees in jail?

I want to deal briefly with another aspect of this legislation. Comments have been made about the aiding and abetting provisions of the Bill that would result in Canadians who are involved in church groups, humanitarian organizations and other groups like Amnesty International which help refugees, being put in jail for aiding the illegal entry of refugees or undocumented persons into Canada.

I also want to point to an aspect of the Bill that relates to the Government's power of search and seizure, which was commented upon by the Senate. Clause 103.03 of the Bill states:

For the purpose of exercising the authority under Section 103.02, an immigration officer or a peace officer may, with such assistance as the officer deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

The Senate recommended that this provision be struck out because it argues that this kind of provision, which is similar to the powers in the Narcotics Control Act and Customs Act is excessive in relation to immigration matters. Yet the Minister of Employment and Immigration yesterday rejected this particular recommendation from the Senate. Canadians should know that this kind of provision can be used against them.

In conclusion, I hope other Members will join in this debate so that we may study the many contentious provisions of this Bill. Rather than playing some kind of ping-pong with the other House, as we have on other occasions, perhaps cool heads will prevail in this House and appropriate attention will be paid to some of the very sound recommendations made by the other House. Perhaps we will be able to arrive at a consensus, such as the suggestion during one of the previous confrontations with the other House of a conference between the two Houses to ensure that Canadians have greater respect for the laws that are passed by this Parliament.

Mr. Heap: Mr. Speaker, I thank the Hon. Member for Laurier (Mr. Berger) for his presentation in this matter which, as always, is a very thoughtful one.

I would like to ask him if he would comment a little further on a point that he touched. He spoke of the irony of having a law passed to make it an offence for Canadians to assist an undocumented refugee to come to Canada. The irony he referred to was in relation to the Nansen Medal given in the name of a person who had saved lives by giving documents to undocumented people.

He is speaking of a humanitarian tradition in the Nansen Medal and humanitarian action by people, many of whom are associated with explicitly humanitarian groups such as Amnesty, the churches and so on. I am sure the Hon. Member is aware that the Minister of Employment and Immigration (Mr. Bouchard) has gone on record many times saying, in effect, to the witnesses before the committee in August: "Oh, you are good people. We do not intend to prosecute you". He never defined whom he would not prosecute, but he was addressing certain people there. He meant, "You are the type we will not prosecute".

The recommendation from the other place is that the decision to prosecute should be limited by requiring the written authorization of the Attorney General. The recommendation following that of the Government was for the Attorney General or the deputy. However, it is not clear yet what is the application of the Minister's statement that "you would not be prosecuted because we know you are doing good work".

I would like the Member to comment on two aspects of that. First of all, has he a comment on the quality of the law, perhaps even on what might be the quality of the law in the eyes of the Supreme Court in light of the Charter, quality of the law which can only be administered by having someone say, "Oh well, certain people would not be prosecuted because we know they are good people"?