

*Immigration Act, 1976*

What this clause does in the present law is make criminals out of thousands of people if they continue to do what they have been doing for years with no suggestion from anyone that they were doing wrong.

Clause 9, Section 95.1 states:

Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce aid or abet the coming into Canada of a person who is not in possession of a valid and subsisting visa, passport or travel document where one is required by this Act or the regulations is guilty of an offence—

It goes on to indicate the punishment upon conviction of up to \$10,000 fine, or on summary conviction a fine of up to \$2,000, or imprisonment for as much as five years on indictment or six months, or both.

Section 95.2 describes the offence in the case of a person who brings in more than 10 people in the way they are described and the punishment in the form of fines and imprisonment are appropriately much larger. That is to say they are appropriately larger if they are appropriate at all.

What we have here is the creation of a new offence, the offence of bringing a person to a Canadian border point and saying that the person, in many cases, does not have a visa or travel document of any sort but is claiming to be a refugee, that he was brought there in order to tell the immigration authorities, as the Minister has told us should be done, and have them decide whether in fact he or she should receive any protection from Canada as a refugee. That does not mean that he will be admitted as an immigrant, only that he will receive protection as a refugee.

● (1140)

This has been done in the past. The law has been quite clear to Ministers, officials and thousands and thousands of Canadians. What is an offence is an attempt to evade immigration authorities. The existing law states in Section 95(a):

95. Every person who

(a) comes into Canada at any place other than a port of entry and fails to report to an immigration officer for examination as required by subsection 12(1)—

is guilty of an offence and is liable—

In other words, if he evades the point of entry, if he evades the examining officer, then he is guilty of an offence. This was clearly done in certain recent cases that were much publicized, cases of people landing by ship and not coming to a regular port where they might have met an immigration officer.

The Bill also states that anyone who knowingly induces, aids or abets or attempts to induce, aid or abet any person to contravene any provision of this Act or the regulations is guilty of an offence. That is clear. If a person enters in an evasive way, and if someone else helps that person to do so then that second person who gave the help is guilty of an offence. That is found in Section 95 of the Act, subsections (a) and (m). Section 95.1 states that any person who:

knowingly contravenes any existing term or condition subject to which he was granted admission or contravenes any term or condition added—

In other words, a person who knowingly feigns refugee status when he knows that to be not the case would be in contravention of the Act and any person who counselled him to do that would also be in contravention of the Act. It may be that some people are now about to be tried in court this month in Toronto for charges of that sort. But the existing offences under the present Act all depend upon whether there is an attempt to evade the regulations, to evade examination, to get in without being examined by an immigration officer who would have the responsibility of saying, "come in" or "stay out".

The new offence that is described here would be an offence without any attempt to evade, without any attempt to deceive, without any attempt to put forward a false refugee claim. Very simply, if a person brings an undocumented non-Canadian to a Canadian port of entry and to the immigration office there then that will now be a serious offence punishable by a fine of several thousands of dollars or several years in prison.

Many members of the public and many Members of Parliament at first thought that there was an error in the drafting of this Bill. When my Leader first spoke to the Bill he suggested there was an error in its drafting. There were attempts made by members of the public and by members of the Opposition in committee, with the assistance of many delegations which appeared before the committee, to correct such an error if in fact it was an error. The motion I moved in an attempt to provide for the creation of an offence that would not attack people who are innocent of any attempt to evade was as follows:

Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet a group of ten or more persons to make a manifestly unfounded or fraudulent claim—

Likewise:

—to enter in a manner that avoids normal entry procedures is guilty of an offence and is liable.

That amendment and all proposed amendments were turned down by the government members of the committee. In fact, at the end of the debate, or toward the end of the debate on that clause, the Parliamentary Secretary said that he believed it would be impossible to find any words better than the words that were there. In other words, we were mistaken in assuming that the Government had made an error in drafting. In fact, the Government intends to make criminals out of thousands of Canadians if they continue doing what they have been doing in good faith.

The people at Fort Erie who have welcomed refugees are aiding refugees. People who give refugees true information about the Canadian law are aiding refugees. They are aiding people to come into Canada. Many of them will come in without proper documents. That is to say, not sneaking in but coming to an immigration office. Therefore it is clear that the Government wishes to intimidate Canadians in order to persuade them to stop helping refugees to come to Canada, unless those refugees have a passport.