

Immigration Act, 1976

in those circumstances. It would be far better to have the ship brought into port and have these captains face the music of a very heavy fine and prison sentence.

I might add that the inter-church groups which have appeared before the committee and have made representations on this subject were very clear on this point, as they were on other points. They say that what is necessary is to separate the real refugees from bogus refugees and to look very strenuously at measures to punish those who are using refugees for commercial purposes, to make money, by organizing these trips to Canada. By letting them off the hook, as the present legislation would, we are not going to solve that problem at all.

We also have the new provision, something we have never seen before in Canada, and something which is certainly startling to people who are helping refugees, that is, punishment for persons helping undocumented refugees to come to Canada. Under the present law, thousands of Canadians have advised and otherwise helped refugees to come to an immigration office at a Canadian port of entry, whether by land, sea or air. This has not been illegal. Bill C-84 would make it an offence, punishable by up to a \$10,000 fine or five years in prison if the group is of 10 persons or more.

The Minister has promised never to prosecute humanitarian groups. Church groups have been told that in fact they are not going to be prosecuted, and they have not been prosecuted in the past. They have not been prosecuted in the past because they have not done anything against the law. Now we have the suggestion that there be a new offence simply for advising people of their right to apply for refugee status, people who do not have documents.

How does this happen? Many refugees do not have documents. They cannot get documents because in fact they are persecuted in their own countries. We should, therefore, not be surprised that we have refugees appearing in Canada who do not have appropriate documents. The Government should not be surprised by this. To say, however, that anyone who would help such a person must be helping someone who is an illegal refugee, not a genuine refugee, is to completely misunderstand the situation.

People who are really trying to get away from the system, to get around our rules, will probably be well able to get the necessary documents. This sort of thing is not going to help us deal with well financed terrorist groups, for example, who do not seem to have any trouble getting very good travel documents.

● (1620)

This type of legislation will not solve the problem of undesirables arriving on our shores with inadequate documentation. It will not do that at all. What it will do is punish people who in all good faith are serving to aid people for humanitarian reasons.

Refugees are among the most miserable, exploited and oppressed people in any part of the world. I commend those who work to help them to find new homes. The idea that these people should now be criminalized is really a scandal. The church representatives themselves tell us that they do not want just to be let off the hook by a Minister who will be too generous to see that they are prosecuted and that they can rely on his goodwill to ensure that the letter of the law is in fact not enforced. These people have said that they do not want to feel or believe that they have committed an offence. They want to be proud of the laws of Canada. They do not want to think that they are breaking the law, that it is only because of the goodwill of the Minister who has made an exception that they are not being prosecuted. That is not good enough for them. They are decent citizens.

I say that a law such as that is not a law good enough for Canada. It is wrong to have a law that is so pernicious, so extravagant and so unnecessary that the Minister promises in advance that it will very seldom be implemented. What kind of a law is that? Of course, there could be any type of change and such a law could in fact be implemented.

We know that people who work with refugees in the United States, members of church groups, members of churches which are now sanctuaries for refugees, are breaking the law and are risking prison sentences. We can see that happening in Canada because our good friends are saying that they will defy any such law which is implemented and passed by Parliament. They will defy it and risk criminal sanctions as a result.

I commend these people for putting conscience at such a high level. I hope that we do not pass a law that will force people in good conscience, because of their humanitarian concerns, to break the law in order to help a very needy and exploited person, a refugee.

The NDP offered amendments to clarify this matter so that it would be an offence only in the case of someone who tries to evade immigration examination, or someone who organizes people to make deliberately false refugee claims. I note that the Leader of the New Democratic Party, the Hon. Member for Oshawa (Mr. Broadbent), advocated this in his speech in the House. He recommended that the law be rephrased to state that every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet a person to come to Canada in this fashion be guilty of an offence. He recommended that that not be so in the case of advice given by church organizations, Amnesty International and all other types of organizations to help people. That recommendation was made and the Government has refused to accept it.

This clause has offended Canadians widely since it seems created for the purpose of intimidating those who are helping people who are fleeing persecution. I am sad to see that the Government is persisting with this. I hope that it will see the error of its ways and change its mind on this very significant part of the legislation.