

Deportation criteria ill-defined

by Doug Smith
of The Manitoban
for Canadian University Press

Traditionally, immigrants to Canada have been given the hardest work, the worst farmland, the lowest pay and the poorest of living conditions. In keeping with this xenophobic tradition, through which the country has been developed on the backs of people with funny last names, comes the new federal immigration bill.

The bill, which was passed by the house of Commons in July, gives wide-ranging powers to officials of the department of immigration to decide who will be admitted to Canada and who will be deported. The legislation overturns many judicial concepts such as the right to a hearing, the assumption of innocence until guilt is proven and introduces a form of guilt by association.

The bill has drawn considerable criticism for increasing the grounds for deportation and refusal of admission. The government has justified these regulations as being necessary for continued national security.

However, NDP MP Andrew Brewin says the government has not provided any evidence that immigrants have constituted a major threat to national security. Brewin says he thinks the government's actions were highly exaggerated and added that deportation should only be used in the rarest of cases.

An immigrant can now be refused admission to Canada if it

is thought that he or she is not a genuine immigrant.

Also included in the prohibited class are those people for whom there are reasonable grounds to believe they will engage in acts of espionage or subversion against democratic governments. This is coupled with a ban on people likely to engage in, or instigate, the subversion by force of any government in the world.

This legislation could bar people who had opposed the Chilean junta or the regime of Idi Amin. If the legislation had been in effect in the 1930's it would have allowed the deportation of refugees from Nazi Germany, because it would have allowed the deportation of refugees from Nazi Germany, because many of them were likely to advocate the destruction of the German government.

The legislation is frightening not only in the way it appears to cut out many political refugees but in the way decisions are reached on the basis of mere speculation rather than any hard proof. A person merely needs to be associated with such a disapproved group to be deported. Association is another term that is being left to interpretation by the authorities.

A person can be deported if he or she falls into any of the above described prohibited categories. It will be possible for the minister of immigration or the solicitor-general to file a security certificate that can be

considered grounds for deportation. This type of catch-22 will allow the government to deport anyone without the benefit of an appeal.

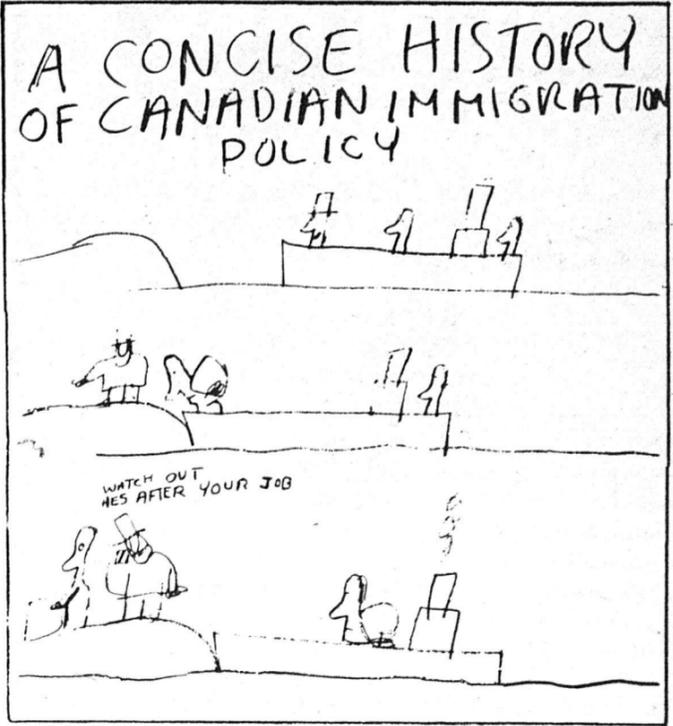
Many of the rights which a Canadian citizen takes for granted will be denied to immigrants by the new bill. Immigration officers will now have the right to search, detain and arrest any immigrant without a warrant. This power is also extended to any Canadian peace officer.

The act abolishes the concept of domicile, through which an immigrant who lived in Canada for five years could only be deported for subversion, espionage or dealing in narcotics. These people will now be as susceptible to deportation as any other immigrant.

While a person can become a citizen after three years there are many political refugees who prefer to retain their original citizenship in hopes of returning to their homeland. The new legislation almost forces them to take out citizenship to avoid deportation.

All non-citizens entering or leaving the country can be fingerprinted and photographed under the new legislation.

Refugee status will be granted by a refugee advisory committee. This committee will review cases without having hearings in which the applicant can state their case. Even if refugees are certified by the committee, they must qualify on the point system that is used to



judge other immigrants. The point system assesses age, education, employability and where the person is going. The new legislation also gives more points to the discretionary judgment of the immigration officer.

Opponents of the bill have suggested that immigrants who participate in a strike may be deported because their actions are not fostering the development of a strong and viable economy in the country. These same people point to the 1919 Winnipeg general strike, special legislation was passed in an

attempt to deport the leaders of the strike. They were not deported because of the force of public opinion at that time.

Brewin, the NDP immigration critic, says one of his major objections to the bill is that many of its provisions delegate the real law-making authority to the governor-in-council rather than to Parliament. He says this will probably result in the cabinet following the advice of its bureaucrats. He adds that the real rules of the game will be made up in secret, with no input from the people of Canada.

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