

Immigration Act, 1976

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: The recorded division shall stand deferred.

We will now deal with Motions Nos. 55 and 56, which will be debated together, and a vote on Motion No. 55 will be applied to Motion No. 56.

Mr. Dan Heap (Spadina) moved:

Motion No. 55

That Bill C-55, be amended in Clause 17 by striking out line 27 at page 25 and substituting the following therefor:

"48.01(1)(a) and (b) shall be removed from".

Motion No. 56

That Bill C-55, be amended in Clause 17 by adding immediately after line 3 at page 26 the following:

"55(2) Subsection 55(1) does not apply to persons found to be not eligible on the basis of paragraph 48.01(1)(b) if they are subsequently determined under this Act not to be a Convention refugee."

Mr. Hawkes: Mr. Speaker, I rise on a point of order. Earlier in the House today we approved Motion No. 53. I think it was carried unanimously. Since I think it takes care of the concerns contained in Motions Nos. 55 and 56, I wonder whether the Hon. Member for Spadina (Mr. Heap) might in fact withdraw the motions with unanimous consent of the House.

Mr. Heap: The Hon. Member for Calgary West (Mr. Hawkes), being younger than I, got up faster than I did.

I was about to say that in view of the fact that Motion No. 53 has been adopted and that I believe it covers the same ground and accomplishes the same purpose, I seek leave to withdraw Motions Nos. 55 and 56.

Mr. Deputy Speaker: I gather the Hon. Member has leave to withdraw Motions Nos. 55 and 56.

Some Hon. Members: Agreed.

Motions Nos. 55 and 56 (Mr. Heap) withdrawn.

Mr. Deputy Speaker: We will now deal with Motions Nos. 65 and 67 which will be debated together but voted on separately.

Mr. Hawkes: Mr. Speaker, I rise on a point of order. I think I withdrew Motion No. 65 at an earlier point, so we are just dealing with Motion No. 67 now.

Mr. Deputy Speaker: The Hon. Member is correct. We will now deal with Motion No. 67.

Mr. Sergio Marchi (York West) moved:

Motion No. 67

That Bill C-55, be amended in Clause 19 by striking out lines 23 to 45 at page 43 and lines 1 to 25 at page 44 and substituting the following therefor:

"83.3 An appeal lies to the Federal Court of Appeal from a decision of the Refugee Division under section 71.1 on a claim or under section 71.3 on an application, on any ground of appeal that involves a question of law, a question of fact, or a question of mixed law and fact."

He said: Mr. Speaker, Motion No. 67 addresses the third area of major concern of the Liberal Party in respect of Bill C-55.

Most of the organizations and countless numbers of witnesses who appeared before the committee basically articulated their concerns on three elements—pre-screening, safe country, and appeal. Motion No. 67 deals with the appeal mechanism. The current appeal as proposed would have an appeal with leave to the Federal Court only on points of law. Not only is the Federal Court the wrong body—and that belief is universally held—but it is also wrong to suggest that it only be done with leave, at the choice of the court. To make matters worse, it will only be on points of law rather than on points of fact and points of circumstance surrounding the claimant.

Therefore, Motion No. 67 is a secondary motion. The first motion which was defeated earlier would have suggested a different appeal mechanism, that is to say, an appeal to a separate body, to the deputy chairman of the refugee board, or to a group of refugee board members who did not hear the particular claim. We were trying to ensure that there would be maximum opportunity for the claimant to make a proper appeal. We must keep in mind that we are—

Mr. Hawkes: Mr. Speaker, I rise on a point of order. I am sorry to interrupt the Hon. Member for York West (Mr. Marchi), but I think the content of Motion No. 68 is very similar to the content of Motion No. 67. I wonder whether those two motions could be debated together, and that is why I thought it was best to interrupt with that suggestion. They are almost identical in some of the wording, and I think it might be appropriate to consider the two ideas in the one debate.

Mr. Deputy Speaker: Of course to do that I would need unanimous consent.

[Translation]

Mr. Jourdenais: Mr. Speaker, amendment No. 68 is standing in my name. Personally, I see no objection.

[English]

Mr. Deputy Speaker: Is there unanimous consent to group Motions Nos. 67 and 68?

Some Hon. Members: Agreed.

[Translation]

Mr. Fernand Jourdenais (La Prairie) moved: