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Mr. Heap: My next question concerns the senior immigration officer. I think everybody would agree that we have regarded the senior immigration officer as an enforcement officer.

The government, in telling the public that it was doing away with the first hearing, didn't tell the public that it had transferred half of the first hearing to the port of entry—that is, eligibility. What it is saying is that it will give the SIO cut-and-dried rules: for example, here is the list of prescribed countries; if you came from this country, you are out of luck. So the officer is not investigating. He is just reading a list.

It was argued yesterday by Amnesty that some of the points being dealt with are not so cut and dried. For example, whether a person was recognized as a refugee in country X may not mean the same thing as being recognized as a refugee in Canada.

I would like you to comment on what things you think the new legislation will require of the senior immigration officer to become an investigator rather than just an enforcement officer.

Ms Spencer: We don't want him to become an investigator at all.

Mr. Heap: No, no. The government wants him to apply those provisions of the act in section 46. You say doing that means he has to become an investigator as well as an enforcement officer and that would be wrong. I think it would be agreed—at least I would agree and I think a good many would agree—he should not be an investigation officer. They should be two separate functions, bodies, times and places.

• 0950

The government claims that he does not have to investigate, he just has to find certain cut-and-dried facts: who are you, where did you come from; okay, you stay, or okay, you go. Can you tell us why you think it is not just a cut-and-dried matter of facts, that he is in effect improperly forced to become an investigator?

Ms Spencer: When people land at our doors or at the ports, I think one must recognize the situations from which they are fleeing and have that sensitivity and humanity, realizing that they are humans. It is not a matter of cut and dried, which is what the government is promoting or proposing here. It is a matter of understanding the countries from which these people are coming and some of the problems they are going through. If that individual is going to be given those powers, that individual will need quite a bit of training.

The Chairman: Thank you, Mr. Heap. I regret to have to interrupt you. I have to interrupt all members because they are always so interested they could question all day.

Monsieur Jourdenais, s'il vous plaît.

M. Jourdenais (La Prairie): Merci, monsieur le président. Je vais essayer de parler rapidement, mais les traducteurs ont de la difficulté à me traduire en anglais lorsque je parle rapidement.

Premièrement, je tiens à féliciter ces dames pour être venues ce matin nous présenter leurs opinions et leurs suggestions—

I will say this in English until you get yourself settled.

At the end of her speech the Ontario vice-president of the National Organization of Immigrant and Visible Minority Women of Canada said that she did not like the bill at all. I want to remind her that 73% of the population of Canada is

[Translation]

M. Heap: Les agents d'immigration principaux sont chargés d'appliquer la loi.

Même si les autorités ont décidé de supprimer les premières audiences, en revanche, elles se sont gardées de préciser que, désormais, en ce qui concerne l'admissibilité, il suffira aux agents d'immigration d'appliquer à la lettre le règlement, si bien que si une personne est originaire d'un des pays figurant sur la liste, c'en sera réglé d'office.

Or, Amnistie internationale faisait valoir hier que certains cas n'étaient pas si simples que cela. Ainsi, les critères d'attribution du statut de réfugié ne sont pas les mêmes chez nous que dans certains autres pays.

Comment faudrait-il à votre avis modifier la loi de façon à ce que l'agent principal puisse faire une enquête, et non pas se borner simplement à appliquer la loi?

Mme Spencer: Ces agents n'ont justement pas à faire d'enquête.

Mr. Heap: Pour les autorités, leur rôle se borne à appliquer les dispositions de l'article 46. Or, à votre avis, cela revient à leur faire faire des enquêtes, et non pas uniquement appliquer la loi, ce que vous réprovez justement. Je pense que nous sommes assez nombreux à estimer que les agents d'immigration doivent appliquer la loi, et non pas mener des enquêtes, fonction qui devrait relever d'autres personnes.

D'après les autorités, les agents d'immigration auraient simplement à déterminer les faits, à savoir l'identité des demandeurs, leur pays d'origine, etc. Pourriez-vous nous expliquer comment ces agents seraient dans la pratique menés à faire des enquêtes?

Mme Spencer: Lorsque ces réfugiés arrivent chez nous, il faut tout d'abord les traiter avec compassion. Il ne suffit pas d'établir les faits; il faut également prendre en compte la situation dans leur pays d'origine et tout ce que ces personnes ont eu à subir. Pour faire un bon travail, les agents d'immigration devront recevoir une excellente formation.

Le président: Je m'excuse de vous interrompre, monsieur Heap, mais nous devons respecter l'horaire, sans quoi on n'en finira jamais.

Mr. Jourdenais, you have the floor now.

Mr. Jourdenais (La Prairie): Thank you, Mr. Chairman. I will try to speak quickly, even though I know that the translators have a hard time following me when I speak so quickly.

I wish first of all to thank all the witnesses for appearing here this morning.

Je vais commencer par m'exprimer dans l'autre langue.

La vice-présidente pour l'Ontario de l'Organisation nationale des femmes immigrantes et des femmes appartenant à une minorité visible du Canada s'est élevée très vivement contre le projet de loi. Or, je tiens simplement