certificate deeming a person to be a security threat, the power is used very infrequently. It is reserved for cases in which it would be injurious to national security to disclose the evidence in an oral hearing. Otherwise an oral hearing is always held to determine if a claimant is admissible or not. Under Bill C-84 it will be possible to use Section 39 certificates in lieu of oral inquiries, not just for those who wish to disclose information injurious to the national interest but to all cases.

Furthermore, an individual who has a certificate 39 presented against him will not be able to go through the refugee system. If in fact that person is to be deported then it will be necessary through that process to establish the country to which he or she cannot be deported for fear of persecution.

• (1620)

Other changes would put that individual before a Federal Court judge rather than the existing Security and Intelligence Review Committee. For speed and fairness, the Government should allow that person the right to go before the review committee. The Federal Court will take more time. Obviously, the Federal Court has a legal expertise rather than a security expertise. If fairness and expeditious processing are at the heart of these concerns, then those movements run counter to what we have heard from the Government.

Amendments are needed with respect to the creation of deportation certificates. Within our present laws there is the power to deport individuals proven beyond a shadow of a doubt to be inadmissible or who pose a security threat to the country. Those laws are established.

We have not been living in a vacuum until this year when the Minister of Employment and Immigration (Mr. Bouchard) told us that we have to do something about deportation. Those laws are presently in place, but with the protection of the rights of individuals and the rights of Canadians. That met with the approval of Canadians while we were drafting the legislation presently on the books. So before the legislation is changed, the Government ought to return to Canadians who approved the present measures. Yes, let us protect our shores. Of course, we always will. But let us have a sensitivity to the justice and the rights upon which this country has been built and forged and hopefully upon which it will continue to be built.

There is another provision in this Bill that the Minister may use force in directing any vehicle that has entered Canadian waters to leave. This power raises several interesting questions. How can the Minister know if everyone aboard is an illegal immigrant without due process? How can the boat be turned around without each person being interviewed? Will the interviews take place on the boat at sea? Will we send the Minister with his immigration officials to execute a policy of the seas? Most Canadians would expect that if there is a boat coming to our shores, ignorance does not help. We need to escort that boat into our port and find out who is on the boat, where they came from, what are their intentions. If we simply turn boats around, whether they are refugees or anyone else, we are acting without any information. We are not dealing with a situation that would allow the process of determination that this country has agreed to and has signed under international obligations.

Also, that would set up two different classes of refugees. If the person arrives by boat, that individual has no due process according to this legislation. If the person arrives at Pearson International Airport and states he would like to declare the status of refugee, he has due process. We cannot afford to have one system with two classes of refugees, because in that manner it is the mode of transportation that dictates the decision and not the circumstances.

What happens if no one wishes to come by boat any more and they come to our airports by charter planes? Will the Minister of Immigration order his CF-18s to protect our airspace? That is the logical conclusion if those steps are followed through when this legislation on turning boats back is highlighted. Therefore, amendments are needed to that section.

Another section that proves to be very difficult is the definition of smugglers. Do we mean consultants who are making a profit of $8,000 to $10,000 a head, who are forging documents for those individuals and dumping them on our shores? Of course, those individuals should be fined, penalized, and, if need be, put in prison. No one agrees with that corrupt, illegal scheme of making profits from human desperation. The time has not been taken to define smugglers. It has not been stated that it is in a transfer of money that the smuggler aspects would apply to those individuals.

In Section 95.1 of the legislation any individual, any Canadian, any church, any priest, any sister who helps a group of more than 10 refugees face the same penalties possible under the law as the phoney immigration consultants who are making profits. Canadians would not want a priest locked up for 10 years for trying to help an El Salvadorean who is hiding in the basement of a church in the United States to come to our border and try to salvage that person's life in the same way that they would want to lock up an individual con artist. Of course not, Mr. Speaker, but that legislation insults the integrity of Canadians. It does not challenge the exploiters and the abusers. It throws a net around everyone who is moved from the heart and the gut to try to do something for their fellow human beings.

Amendments are needed to that clause. Surely, the Minister will acknowledge that there needs to be a tightening up, otherwise we will be saying to churches and individuals, if they aid refugees they will be committing civil disobedience. Think about the type of country we wish to become. What type of a country would we be if the Opposition lies low because they wish to return to their summer holiday and allow that legislation to change the very temperament of this country? That needs to be amended.