

*Immigration Act, 1976*

In 1939 Jewish refugees from Hitler's Germany came to South America, the United States of America, and finally to Canada. Canada turned away 907 Jewish refugees, many of whom died in death camps as a result. There was also the case of would-be East Indian immigrants; they were the wrong colour under our racist policies of the past, and those desperate people were turned away. We now have legislation which will ensure that people are turned away at the ports, the bus stations, the airports and the train stations. Genuine refugees whose lives are at stake in countries which torture, imprison and kill people, could be turned away under the provisions of this Bill.

Let me get into some specifics of what is wrong with this Bill. First of all, Bill C-84 would introduce a new security certificate system for procuring deportation of certain recent arrivals. It would deny these people the right to apply for refugee status. It would turn ships away from our territorial waters if they were considered to be bringing in undocumented passengers. And, of course, there would be punishment for anyone helping those people come to Canada without the usual travel documents, documents which are available only in official offices that people would likely not be able to get to.

• (1610)

With respect to the new security certificates, the proposed law will allow a Minister of Employment and Immigration and a Solicitor General to sign a certificate saying that someone is a security risk without saying what he did or what is the evidence against him. The charge and the evidence would be reviewed *in camera* by the Security Intelligence Review Committee which would then tell the accused as much of the accusation as it thinks would not harm national security. The accused would reply and the Security Intelligence Review Committee would recommend to the Minister whether or not to sustain the certificate. Therefore, there are now provisions which can ensure that someone who is a security risk will not be allowed to stay in the country.

There are provisions for the security of Canada but, nonetheless, there are provisions which ensure that a person is not to be deported back to the country of origin, and ensure that security considerations are treated along with the refugee application. If necessary, a third country is considered to which the person could go rather than back to the country where that person's life may be very much at risk.

Bill C-84 would separate permanent residents from non-permanent arrivals and provide a different security certificate system for the non-permanent arrivals. They would be reviewed by the Federal Court and a judge would decide whether or not to quash the certificate. In terms of the substance of the matter, Federal Court judges do not have experience or expertise in this area. They will not be able to deal in an appropriate fashion with those applications. Their expertise and experience is on the legal reasoning, not on the substance of these cases. Therefore, we will see a procedure set up that is totally inappropriate for the question at hand.

With respect to denial of access to refugee status determination, Clause 5 of Bill C-84 would deprive people accused in the security certificate of eligibility to seek refugee status determination. They are not even going to get into the system whereby it would be decided whether or not they were genuine refugees. This, of course, is a callous way of saying that genuine refugees will not be turned away from the country because people who are genuine refugees will not even be considered. We will not even find out whether or not they are genuine refugees; they will be screened out right at the beginning.

Of course, this provision is contrary to international obligations that Canada has undertaken only fairly recently. Canada has signed the United Nations Convention. The United Nations Convention relating to the status of refugees requires that the refugee status claim be heard first and the security risk be examined as part of that procedure. That has been the case, and still is the case until the law is changed. Of course, the United Nations High Commission for Refugees would assist where there is such a problem of a security risk in a genuine refugee case. The representative of the United Nations High Commission for Refugees raised objections to Clause 5, and other clauses, in representations to the committee, but the Government has ignored those recommendations for amendment.

With respect to turning ships away, Clause 8 of Bill C-84 empowers the Minister to order any ship to be turned away from Canada's territorial waters by whatever force is necessary if he considers it is carrying bogus refugee claimants. My Party and the United States representative are concerned that real refugees may be turned away at the same time and the ship captains may unload their passengers in a country where they will be in danger, or they may simply be sent back to sea. Until this year, Canada strongly opposed countries such as Malaysia doing this very thing. We have made representations against the kind of activity the Government itself is now contemplating. That is disgraceful. It should not be allowed. A civilized country would not do that. Canada, in signing the United Nations Convention undertook not to do that sort of thing.

We have asked for an amendment requiring such a ship to be escorted into a Canadian port where the captain could be punished if he had a load of bogus refugees. Certainly, the captain ought to pay for that. One of the ironies of this Bill is that it threatens and is tough on the victims, the people who are exploited, yet it would let extremely unscrupulous people who are trading in human misery, such as ship captains with bogus refugees, off the hook. We suggested that instead, the Government ought to throw the book at such a captain and any people involved in this kind of activity. By all means, bring them into port and punish them. That would be the deterrent.

The Government has talked about the need for a deterrent in view of these organized ship loads of people coming. But where is the deterrent if a ship captain can organize some kind of bogus deal, bring people in, make a lot of money on them, and then is simply turned away? There is no risk to the captain