

*Government Orders*

danger to the public in Canada? The decisions will be secret. This is contrary to the practice in our judiciary system, where hearings are public. Those are just a few of our concerns.

There is another aspect I would like to discuss. The bill does not weigh the seriousness of the crime and the danger to the host country, in this case Canada, as provided under the Geneva Convention on refugees. According to many authors and legal experts, if a person is threatened, on political grounds, with certain death, life imprisonment or serious abuse if he returns to his country of origin, he should be granted refugee status even if he is guilty of a serious crime.

• (1235)

The seizure of international mail by immigration officers just mentioned by the minister constitutes another very dangerous provision in a democratic society.

The Refugee Convention distinguishes between crimes of common law and those of a political nature, a distinction completely absent from Bill C-44.

According to the manual of the UN Office of the High Commissioner for Refugees, consideration must first be given to the nature of and reason for the crime, in other words whether it was committed for truly political reasons or whether the motive was monetary or purely personal.

Neither does the bill make a distinction between prosecution and persecution. According to the manual of the UN Office of the High Commissioner for Refugees, a person guilty of a common law offence who is liable to an extreme penalty may be in a situation that is tantamount to persecution as defined by the Geneva Convention. In certain countries, prosecution may be a means of persecuting someone, and the law may be applied in a discriminatory manner.

The bill refers to a person convicted of an offence that, if committed in Canada, would carry a term of imprisonment of ten years or more. It mentions the maximum sentence for the offence, not the sentence actually handed down. As you know, the circumstances of a crime may vary from one extreme to another, justifying a maximum or minimum sentence accordingly.

It should be pointed out that, in general, Canada's Criminal Code does not specify minimum sentences for offences. Thus, an individual convicted of an offence for which a term of imprisonment of ten years or more may be imposed might not be sentenced to jail or even fined. He might simply be put on probation or given a suspended sentence.

Among the most important briefs submitted to the legislative committee, I would like to cite the very comprehensive document and testimony of the Inter-Church Committee for Refugees. This organization is concerned that certain classes of refugees will be found inadmissible at a point of entry or elsewhere in Canada, and that they will be deported without an impartial examination of their need for protection. This organization, which includes about ten Canadian churches, is therefore asking that refugee claimants be allowed to present arguments against their deportation before an impartial and independent tribunal.

They object to legitimate refugees claiming refugee status at the border being turned around without even considering their need for protection. The right of asylum is entrenched not only in the Geneva Convention but also in the Charter of the Organization of American States, as well as several other international instruments.

Notwithstanding the excellent presentations from such organizations and individuals, who are very knowledgeable on the subject, the government is rigidly standing its ground, except for making a few minor changes.

On the other hand, section 7 of the Canadian Charter of Rights and Freedoms states that no one may be deprived of the right to liberty and security, except in accordance with the principles of fundamental justice. Section one of the Charter says that these rights may be subject only to reasonable and demonstrably justified limits.

It should be pointed out that Bill C-44 is a very technical, difficult, complex and sensitive bill.

• (1240)

The Liberal government is showing a blatant lack of sensitivity towards immigrants and refugees who are victims of persecution. In so doing, the Liberal government goes back on promises made in its red book.

Today, the minister stated the same inflexible position as he did at first and second reading. He paid no attention to the opinion of the opposition.

The Minister of Citizenship and Immigration already had the means, as I said earlier, to deny criminals entry into Canada and to send them back to their country of origin. Several administrative measures like the ones mentioned earlier by the minister have been taken to do so. The minister created working groups made up of immigration, RCMP and local police officers in Montreal, Toronto and Vancouver in order to arrest and deport criminals in the process of obtaining immigrant or refugee status.

This House is also considering Bill C-37, an act to amend the Young Offenders Act and the Criminal Code. This bill also deals