

*Immigration Act, 1976*

being rendered after many years of debate and challenges and after great expense to many Canadians and organizations.

• (1220)

When the Minister of State for Immigration appeared before the committee he said quite clearly in his speech that the fundamental objectives of Bill C-55 were to provide protection to those who need it, and that he believed this piece of legislation met the justice system, the Constitution, and the Charter. However, he said that without backing it up with a legal opinion and without allowing justice officials to make reference to the legal opinion which they drafted.

However, every other legal witness who appeared before the committee differed with the opinion of the Minister. In fact, Barbara Jackman from the Canadian Bar Association said that the association felt it did not comply with the Convention obligations and that many of the association's lawyers felt that it did not comply with the Charter. That was the representative view of many legal and expert witnesses who testified before the committee. They indicated that constitutionally the provisions in both these Bills would be left wanting.

On the one hand we have the legal concerns. However, on the other hand we have the real concerns of Canadians much later in the process. If this piece of legislation, or Bill C-84, which preceded it, is found to be unconstitutional it will render our system null and void. It will place in chaos or in paralysis a determination system which was supposed to work. That is the real problem in terms of the constitutionality debate. Canadians from one coast to the other will be angry with a Government in which they placed their trust and confidence to enact a determination system that worked correctly, under the law, quickly, and fairly for refugee claimants.

What will the Government tell these Canadians in a year or two years' time if it is still in power? What will it say to them about why it proceeded with the Bill? What will it tell Canadians after years of debate when they see another piece of legislation which does not do what it was purported to do, namely, provide a refugee determination system which works on behalf of Canadians, in which they can have some degree of satisfaction, trust, and confidence, and which works on behalf of refugee claimants who are accessing it?

That will be the greatest political dilemma. Perhaps it will place a barrier on further progression in terms of immigration policy and programs. It will have a long-term impact and effect upon what we legislate in Parliament.

Is the current Government serious in terms of raising targets? Is it serious about increasing the number of refugees it wishes to accept? The other day the Prime Minister said that the Government wishes to increase the number of refugees coming to Canada. If they are serious and genuine about those concerns, they must pay close attention to not allowing this piece of legislation to be struck down by the courts. If that happens, I fear that many Canadians will lose patience and

turn the frustration and anger which they feel for the Government into a policy of fewer immigrants, fewer refugees, less compassion, and less tolerance. That is a possibility.

As Canadians are watching the debate, perhaps they are assuming that the Government and the federal Parliament will take their legislative responsibilities seriously and pass legislation which is in keeping with our legal norms, with our justice system, and with our Charter. I say to the Government that it cannot have it both ways. It cannot have a piece of legislation which will be struck down by the courts and expect Canadians to have confidence in and support a progressive immigration policy and program such as we saw in the 1950s, 1960s, and 1970s.

Turning away from the domestic scene, another aspect is the international stage or the international community and how we appear among our peers, friends, or allies. What will be the world impact, repercussion, or impression when it learns about Bill C-84 and Bill C-55? What message will we be sending to the more than 100 countries that are signatories to the United Nations Convention on Refugees? What signal will we be sending to individual countries that are being urged to protect and encourage a resolve to try to come to grips with the refugee crisis in the international community? What directions are we encouraging those countries to take by our refugee legislation? Are we in fact strengthening that resolve among countries which subscribe to the United Nations Convention? Are we increasing their determination to stay the course or, by these two pieces of legislation, are we dismantling the incentive or efforts in trying to keep the pact together and to have it meaningful in these trying times across the globe? What happens to our international leadership in the field of refugee assistance? What is the significance to a country which for the first time won the Nansen Medal for its achievements and for its record of human rights in the area of refugee assistance? For the very first time a country and its people, rather than an individual or an organization, won the Nansen Medal. What are we to say to those who subscribe to the pride which all Canadians felt in being on top in this sphere internationally?

Quite often Canada, for a number of reasons and in numerous areas, has been able to play a complementary role with other countries in solving a problem. When it came to refugees, I think every Canadian felt a great sense of pride in Canada not being third best or second best but in fact being a leader in setting the trend and setting the standards. With that background, I do not think Canadians feel the same sense of pride once they learn about Bill C-55 and Bill C-84.

These are some of the questions and dilemmas with which the committee grappled. These are some of the dimensions which we should be addressing in this third reading debate.

Of course there are the problems with the Bill itself. We largely had two camps of organizations and testimony. On the one hand many individuals and organizations suggested that the Bill was badly drafted, that the Bill had too many shortcomings, and that the Bill did not do justice to our tradition in