

*Immigration Act, 1976*

prepared for both education and work with a work permit already in place as soon as they arrive in Canada. The Mennonites felt that that was better for the refugees. Why does the Hon. Member say that it is better to come to the Canadian border than to go through the process at a consular office?

**Mr. Angus:** Mr. Speaker, the Hon. Member used the term "transit papers". To me, a transit paper is a document that allows an individual to go from border A which in this case would be the Mexican-U.S. border, to border B which would be the Canada-U.S. border. Without having heard of transit papers in that context before, I must make that assumption. That means that a refugee must get transit papers at some place other than the United States or Canada, and that means that unless he can get them in Mexico, something that I doubt, he has to try to get them in the country from which he is fleeing. Again, my argument stands. In the middle of the night, a refugee will not shop around for papers, he will get out.

The Hon. Member should know that the consulate offices in the United States are heavily loaded with work. We have heard complaints that people cannot get work permits through the consulate office in Minneapolis without waiting for about four or five months. It is my understanding as well that there are quotas assigned to the offices. They can only process a maximum number of refugee applications or immigration applications each fiscal year, so that obviously has some bearing on the situation.

Perhaps the Mennonite community is able to work through its own church network to accommodate that process, and that is great. Yet there is a whole other group coming through the U.S. because they cannot afford to go around it or over it. They rely on volunteers to drive them a couple of hundred miles here and there, so it is just not a good process that is available to them.

• (1650)

**Mr. Marchi:** Mr. Speaker, notwithstanding that the Hon. Member is not his Party's immigration critic, I would like to commend him most highly for his eloquence on this subject.

One of the concerns we have put forward is that the Government wishes to convince Canadians that if this legislation is passed, the backlogs, the problems, the frustrations, and the loopholes in the refugee determination procedure will be over. From our viewpoint that is very dangerous because that will not be the result. One of the reasons for that is the traditions of this country as referred to by the Hon. Member and others. Another reason is the legal implications.

Every legal expert who appeared before the legislative committee of this House which studied this Bill, and every legal expert before the Senate committee which dealt with this Bill, overwhelmingly suggested that various clauses of the Bill run counter to the Constitution and the Charter of Rights and Freedoms. Therefore, if it is upheld after a court challenge it

will in fact paralyze the policy and create havoc. The logical result is that Canadians will then really lose confidence in the system. In fact, there will be a hemorrhaging of confidence because of the strategy pursued by the Government to the effect that this Bill would be the cure.

I was wondering if the Hon. Member could perhaps comment on the legal ramifications of drafting legislation not in keeping with the law of this country as he sees it from his vantage point?

**Mr. Angus:** Mr. Speaker, I want to thank the Hon. Member for his kind words and his question. Not only am I not the critic, I am not a lawyer either. A lot of us in this House are not lawyers, yet we draft legislation which becomes the law of the land.

There has been a fair bit of comment about the relationship between the clauses in this Bill and the Canadian Bill of Rights. There have been a number of legal rulings handed down that make it clear that components of this Bill are not in conformity with current law, the Constitution, or the Bill of Rights. Without getting into the specifics of that, I think if the Government wanted to ensure that it was right and the critics are wrong, and prevent a haemorrhaging of confidence as the Hon. Member suggested, it has the responsibility not to proceed with the Bill, not to send it back to the other place, but to submit it directly to the Supreme Court of Canada with a request for an early ruling. In that way we would have time to modify this legislation should the Supreme Court agree that it is in violation of existing law.

My understanding is that if this Bill passes into law and an individual is found in breach of this law and goes through all the procedures available, we are talking about two, three or four years, I am not sure, before we get a decision. The Morgentaler case, the decision on which will be announced tomorrow, is a case in point. For how many years has that gone on? Therefore, I encourage the Government to send this Bill over to the Supreme Court now and get a legal opinion.

**Mr. David Berger (Laurier):** Mr. Speaker, at the outset of my comments I would like to address myself to some of the remarks made by the Hon. Member for Surrey—White Rock—North Delta (Mr. Friesen), who spoke earlier this afternoon. He is the Parliamentary Secretary to the Minister responsible for this legislation and presumably should know whereof he speaks.

First, I take particular offence at the manner in which he misrepresented the arguments of honest people who are advocating a long-needed change to our refugee determination system. During the course of his remarks he referred to the fact that we are redefining what constitutes a refugee. What does he mean by that? He went on to explain that anyone, presumably, is entitled to call himself or herself a refugee. The decision would no longer be made by the Government. He asked questions. Are we going to let every interest group decide who is a refugee? I think I am quoting him correctly.