

Business of the House

● (1910)

BUSINESS OF THE HOUSE

Mr. Mazankowski: Mr. Speaker, I rise to give the House notice that, at the next sitting of the House, immediately before the order of the day for resuming debate on Motion No. 5, standing in my name, regarding capital punishment, and on the amendment proposed thereto, I shall be moving a motion that the debate shall not be further adjourned, pursuant to Standing Order 57.

Mr. Deputy Speaker: Orders of the Day.

GOVERNMENT ORDERS

[English]

IMMIGRATION ACT, 1976

MEASURE TO AMEND

The House resumed consideration of the motion of Mr. Bouchard that Bill C-55, an Act to amend the Immigration Act, 1976, be read the second time and referred to a legislative committee and the amendment of Mr. Marchi, (p. 7338).

Mr. Jim Hawkes (Calgary West): Mr. Speaker, I enjoyed Private Members' Hour. It is always a bit disconcerting to have one's presentation interrupted. I understand I had three or four minutes left on my allocated time.

The first point I made is that the current law needs changing. To my mind, the better course at this stage is to have Bill C-55 referred to committee. Once we have the opportunity to hear the testimony of the experts in this area, we can then amend the Bill such that it will achieve what Canadians and Members of this House would like to see it achieve. Before concluding, I should like to leave Hon. Members with a sense of the major issues to which the legislative committee should direct its attention.

The Minister has said that the Bill is not cast in stone. He has said, clearly and consistently, that the refugee board member who conducts the oral hearing at the first stage shall have discretion as to whether or not the case should proceed to a later stage. That is an important principle. If the Bill is not clear in that respect, if the testimony before the committee indicates that amendments are required to make that clear, then I would urge that those changes be made.

There is a lot of concern about the issue of appeal, of review. The words vary from place to place. What is really involved is that in any situation where the object is to protect life, there must be a way of correcting an error. Whether that ability exists in the legislation by virtue of the humanitarian and compassionate grounds allowed the Minister or whether there needs to be wording changes is a point for discussion. In any event, we must not bring the Bill back before the House

without there being some principle in it which will allow for the correcting of an error.

It is inconceivable that the two-person panels across the country would be capable of adjudicating these matters day in and day out, year in and year out without error. There will be mistakes made, and we must have a mechanism to correct such errors.

I would urge Cabinet to be a little less sanguine about the responsibility of naming safe third countries. The Cabinet has a complex task, a complex job. In terms of international relations, it is not unknown to have linkages. Cabinet must deal with trade concerns, concerns about peace and war, concerns related to alliances.

In naming safe third countries, we are dealing with human rights issues. I suggest to the House that we examine the idea that the expert body, the board itself, might propose to Cabinet safe situations, thus giving the elected representatives of this country the final say. I suggest that that might be a better body to propose safe third country situations than that which has previously been considered.

The fourth item relates to the whole issue of abusers. I have read and reread the legislation, and I am still not certain how this whole process begins. Under the current law, an individual claiming to be a refugee is referred to an inquiry. The inquiry is adjourned and another hearing takes place, with evidence taken under oath, and it then moves on to later stages.

Under Bill C-55, the process may start at the same beginning point, where a claim is made and an inquiry starts, and it then has to be adjourned, with a refugee board person then being brought in. That process may result in a backlog. It is that administrative process that may cause a backlog. It may be the mechanism that might benefit abusers. I would urge the committee, and those preparing to testify before the committee, to take a close look at that process.

If what I fear is correct, the solution may be to split the situation so that the refugee hearing is separate from the Immigration Board inquiry. That may be administratively sounder; it may be fairer to the refugees; and it may be cheaper from the taxpayers' point of view. It simply may work best.

People talk about visitor visas. That is the screen that keeps refugee claimants out of this country. It is a broad and brutal brush. I have seen it in operation.

Bill C-55, with careful scrutiny and necessary arrangements, will produce a situation which, I am convinced, will be fairer to bona fide refugees than any system that exists in any country in the world. But, it needs to go to committee. We need the expert testimony and the wisdom of those who work so hard in this area to enable us to understand the complexities of this issue. We cannot achieve that in the House. The Bill must be referred to committee. I would hope that the Liberal Party might reconsider its position and in fact help us get the Bill