

*Government Orders*

committee on the status of women; the Canadian labour congress—incidentally, I congratulate CLC officials for the quality of their submission as well as for their very supportive position regarding immigrants and refugees; the inter-church committee for refugees; the Quebec association of immigration lawyers; the Canadian ethnocultural council; the immigration and refugee board; the customs and excise union, etc.

None of these organizations supported the bill. The overwhelming majority of them strongly opposed this legislation. Some even made suggestions to help the House ensure that this bill is better designed, and that it is fair and efficient. Some asked for the outright withdrawal of that legislation because it is unfair and it violates commitments made by Canada regarding political asylum.

To that effect, allow me, Mr. Speaker, to quote from an article written by Nantha Kumar, which appeared in a Montreal publication called *Hour*, on December 15, 1994. The author alludes to a war said to be fought against refugees within the Department of Citizenship and Immigration.

*[English]*

The war is being fought on two fronts. Abroad, plain clothed immigration officers sit at major international airports, intercepting people they suspect are heading for Canada to apply for refugee status. At home, a propaganda war is being waged against claimants in order to convince Canadians that a more hard line approach is needed.

Montreal immigration lawyer, Richard Kurland, says that he has discovered “a department within the immigration department”. Kurland says the communication strategy is clearly intended to sell the Canadian public on an enforcement oriented immigration policy. For example, when a government sponsored report by Professor James Hathaway criticized the fairness and legality of some practices at the Immigration and Refugee Board, it failed to make the front pages of most newspapers.

What instead made headlines the day the Hathaway report was released was the first of a series of immigration abuse stories. “The anti-immigrant and anti-refugee stories at the time were extraordinary”, adds Kurland.

The Minister of Citizenship and Immigration, says Kurland, “is not only under serious political pressure from the Reform Party. He is also under siege by the department within the department”.

*[Translation]*

We, Bloc Quebecois members, deplore this regrettable swing to the right by the Minister of Citizenship and Immigration. Such a move, which signals a dangerous shift towards intolerance, is made so as to manipulate public opinion and make Canadians forget that the vast majority of them, including myself, have come here in successive waves of immigrants, since the discovery and founding of this country.

I agree that something must be done regarding criminals in Canada, including those who are not Canadian citizens and who are seeking refugee status. However, any measure must comply with the Charter, as well as with the international conventions to which Canada is a party. I should also add that the minister and all of us agree that the overwhelming majority of immigrants are honest and law-abiding people.

• (1230)

The question therefore arises whether we really need legislation to deal with this very small minority. After all, the government already has a whole arsenal of laws, regulations and resources to deal with the small number of criminal immigrants.

At the very least, this bill raises some very serious constitutional questions. For instance, since its decision in the Singh case in 1985, the Supreme Court has determined that everyone in Canada, not just every citizen or every permanent resident but everyone in Canada, is protected by the Charter of Rights and Freedoms. According to the Supreme Court, an inquiry is necessary in situations that are not clear.

The Supreme Court also says that the potential cost of conducting an inquiry on certain refugees does not constitute reasonable grounds for restricting that right, even if the government says it would be too expensive. According to the Supreme Court, this would not justify depriving someone of the right to an inquiry.

We are very critical of Bill C-44. The powers of senior immigration officers, which are already very extensive, have been considerably expanded with respect to the exclusion of claimants of refugee status at the Canadian border or at points of entry. The bill gives these senior immigration officers the authority to issue a warrant for the arrest of a person who fails to appear. Such warrants may be issued in the case of any person with respect to whom a decision is to be made or an examination or inquiry is to be held. The warrant may be served by the police in order to force the person concerned to appear.

I am very concerned about the excessive authority vested in senior immigration officers. In any democratic society, judges, and not mere public servants, are authorized to issue arrest warrants.

Regarding the right to appeal on compassionate grounds, the original wording of the bill was amended to read that the minister must issue a statement that a person constitutes a danger to the public, before he loses his right to appeal, and the minister has said he intends to make frequent use of this authority.

The term “danger to the public” is very ambiguous. No definition is given, which opens the way to arbitrary decisions and abuse. Who will make the very crucial decision to state that someone is a danger to the public? The minister, public servants, the RCMP or the Canadian Security Intelligence Service? On what grounds? Will they go through thousands of files with a fine tooth comb to find out whether someone constitutes a