

*Immigration Act, 1976*

The whole point is that the Government did not listen to those concerns or to those witnesses. It did not listen to them in Bill C-84 when virtually every amendment from the NDP and the Liberal Party was defeated. They were not accepted at committee stage, nor were they accepted at report stage or at third reading.

Essentially, it was the same story with Bill C-55. It is true that the Government accepted a number of the amendments which it sponsored. It tinkered with clauses here and there, but with respect to the major tenets of the legislation, the major concerns of groups and organizations, it did not listen. It did not move and it did not allow those amendments.

I must ask myself why the process is there. What is a committee to do when it calls organizations from British Columbia to Newfoundland to come in to make presentations, to allow them to answer questions from MPs, when at the end of the process not one of their proposed amendments or concerns will be listened to? Their variables are not in the equation that we are discussing today. I find that upsetting because that is not the way that a democratic institution ought to function.

I am not suggesting that every opinion that one hears from every witness will be the major plank in the legislation. I am not suggesting that at all. I am saying that you cannot draft legislation in a vacuum and expect the country to agree with every clause in the legislation.

• (1210)

Yes, the Government is charged with proposing legislation but there should be an opportunity at committee stage for interested and concerned Canadians to be heard and have their concerns addressed. The process is as important as the substance of the legislation. The two go hand in hand.

It was therefore with some degree of sadness that many Canadians went through the system, after the so-called reform of the committee structure, only to find out that by and large the legislation is the same after the process. This despite the intervention of hundreds of organizations who make it their business to be vigilant about legislation affecting their constituencies.

Another important point is that as we discuss Bill C-55 we cannot forget Bill C-84. That Bill was introduced as emergency legislation. That is why one of our amendments dealt with a sunset clause. By definition, emergencies do not last forever. Therefore emergency legislation should not become permanent legislation. We tried to get the Government to be sensitive to that fact when dealing with Bill C-84, but without success, and the Bill will shortly be law.

The Minister said in committee, and again this morning on the floor of the House of Commons, that claimants will have a chance for a fair oral hearing. On August 26 he said in committee that everyone with an arguable refugee claim will receive a full oral hearing before an expert and independent

tribunal. No claimant will be removed from Canada without being seen by a member of the new refugee board. If you are a refugee arriving by boat, those words do not apply. Under the provisions of Bill C-84 an incoming vessel full of claimants, who we know very little about, can be turned away.

That creates an unfortunate situation. For example, let us take the case of a brother and sister who have to flee from El Salvador. The brother takes an airplane and lands at Toronto International Airport. Unfortunately, the sister took a boat and arrived off the coast of Canada. Those two individuals can and probably will meet very different fates. The brother will be processed as soon as he lands. He will say he is a refugee and hopefully we will guarantee him a hearing under this Bill. His sister, arriving off the coast of Newfoundland or British Columbia, may be turned away along with everyone else on the boat before the claim can be heard. We are in a sense discriminating based on the mode of transportation.

The Government has not been able to say in any reassuring way that it will know how many of those people have documents, how many of them are making fraudulent claims. It cannot make the proper determination at sea unless it sends immigration officers to interview the individual passengers.

We suggested that we bring the boat in and, if it is determined that they are not bona fide refugees, that we charge the captain and the rest of the culprits and put them in prison or fine them. We are not discouraging smugglers if we just allow the boat to turn around at sea and go back to where it sailed from. The captain of the ship, having been paid anyway, can simply dump them somewhere else.

More importantly, we will not have had a chance to examine those people under the refugee determination system. That is why I have placed on the floor of this House our concerns about Bill C-84 and Bill C-55. They are not consistent with each other if we take the words of the Minister seriously. We are concerned about the contradictions between the two Bills. We should do something about them.

Another area of great concern is in the legality of both pieces of legislation. A great number of people suggested that certain clauses in both Bills are unconstitutional. They offend certain parts of the Charter of Rights and Freedoms. For that reason many people suggested some key amendments. Yet not only were those amendments refused, the Government also refused for a long time to allow officials from the Department of Justice to testify in committee.

The Government has refused to this day to show Canadians the basis for this legislation, including the legal opinions it received. Finally, it refused many requests, including that of our Party, to send the legislation, once it is passed, to the Supreme Court of Canada for judicial review. In that way we would know whether the legislation meets the standards of our Constitution and the Charter of Rights and Freedoms. If it does not, then we are able to change it. Above all, we are able to do so with a great savings in time rather than see the piece of legislation being dragged through the courts and a decision