

Immigration

Some hon. Members: Agreed.

Some hon. Members: No.

The Acting Speaker (Mr. Ethier): All those in favour of the motion will please say yea.

Some hon. Members: Yea.

The Acting Speaker (Mr. Ethier): All those opposed to the motion will please say nay.

Some hon. Members: Nay.

The Acting Speaker (Mr. Ethier): In my opinion the nays have it.

Some hon. Members: On division.

The Acting Speaker (Mr. Ethier): I declare the motion lost. Motion No. 37 (Mr. Fairweather) negated.

[Translation]

Mr. Louis Duclos (Montmorency) moved:

Motion No. 38.

That Bill C-24, An Act respecting immigration to Canada, be amended in Clause 55 by striking out lines 33 to 44 at page 36 and substituting the following therefor:

- “(a) a member of the inadmissible class described in paragraph 19(1)(c) unless the offense in question is a political offense;
- (b) a member of an inadmissible class described in paragraph 19(1)(e), (f) or (g);
- (c) a person described in paragraph 27(1)(c) or 27(2)(c); or
- (d) a person who has been convicted in Canada of an offense under any act of Parliament for which a term of imprisonment of five or more years has been imposed,

and the Minister is of the opinion that the person should not be allowed to remain in Canada.”

Mr. Speaker, my participation in this debate will be about an amendment to clause 55 of Bill C-24. At the committee stage, I proposed an amendment to clause 55 of the bill which would have abolished outright the possibility of removal, that is sending a refugee back to his country. This amendment was of course in accordance with clause 33 of the Geneva Convention on refugees, where it is said, I quote:

However, a refugee will not be entitled to the benefits of the present clause, if there are any serious grounds for considering him as a threat to the security of his country of residence or if, having been sentenced for a particularly serious criminal offence, he is considered as a threat for the community of the said country.

Mr. Speaker, does that mean that Canada, as a signatory to the Geneva Convention, has the obligation of resorting to removal in some cases? No, for in to the same clause of the convention, we find the following. I quote:

No clause of this convention will affect other rights or benefits granted to refugees, irrespective of the convention.

As I said before the standing committee, I recognize that there can be some cases where we have to deal with distasteful characters, as the minister knows, but I submit that it is morally unjustifiable to send back to their country people who

[The Acting Speaker (Mr. Ethier).]

risk torture or death, whatever the seriousness of their offences, especially if these offences were politically motivated. In fact, we shall have very strange legislation on this subject. Since clause 56 allows the non-implementation of a removal order if the refugee has not been able to obtain the authorization to remain in any other country, removal will only take place in the case of the people on whom their country of origin wishes to avenge itself. For instance, since Vietnam does not especially want to settle its account against General Quang, he will be able to ask to stay in Canada under clause 56. On the other hand, a Chilean who will have been a member of a popular unit under the Allende regime could not make use of clause 56 since the Pinochet administration would be only too happy to let him come back to Chile to torture him and possibly have him executed.

Mr. Speaker, what is ridiculous is that, basically, a decision taken by a foreign government will determine if an individual will come under clause 56 or under clause 55. We could always punish in Canada the refugees who might constitute a real danger for our country—even though there are very few of them according to what we heard in the standing committee—but nothing justifies the removal to his country of origin of someone who risks being mistreated, and this is an understatement since such people can even risk death in the case of certain Latin American countries.

The amendment that I have submitted to the House in motion No. 38 constitutes in fact a compromise and aims first of all at excluding the possibility of removal in the case of a political offence, such as provided in clause 19(1)(g). The part of my amendment found in subclause (2) therefore only aims at making our new Immigration Act in accordance with the Geneva Convention. Section 1(f) of the Geneva Convention explicitly provides that the refugee who has committed a political offence is entitled to the protection of the Convention while the one who has committed a non-political offence cannot claim this protection.

Mr. Speaker, it would be quite unacceptable for Canada, which has set as one of the objectives of this new law respecting immigration—and I quote clause 3(g) of Bill C-24, “to fulfil Canada’s international legal obligations with respect to refugees”—to allow itself to act against the principles enshrined in the Geneva Convention by not making, in clause 19(1)(d), a difference between political offences and those which are not. This is why, Mr. Speaker, the first part of my amendment, subclause (a), must be adopted by this House if Canada is to abide, as the Minister of Manpower and Immigration (Mr. Cullen) so often reminded us, by the requirements set in the Geneva Convention.

As for the second part of my amendment, to be found at subclause (d), it simply aims at being in agreement with an amendment presented by the minister himself when this bill was studied in committee. Indeed, Mr. Speaker, subclause (c) of clause 55 originally concerned those persons who had committed an offence for which a term of imprisonment of 10 years or more may be imposed. At the very request of the minister himself, the committee amended this subclause which