

*Private Members' Business*

be instances when a judge will be unable to have a criminal immigrant deported. I will touch on these instances later.

If our criminal justice system is unable to carry through on a deportation it will have once again discriminated against a non-Canadian. Canadian criminals will be eligible for parole. Non-Canadian criminals, however, will have to serve out their full sentence no matter what circumstances surrounding their behaviour while in custody.

Without a deportation an individual under these circumstances could spend the rest of his or her life in prison at the expense of the Canadian taxpayer. This again potentially violates both the word and spirit of section 15.1 of the Canadian Charter of Rights and Freedoms.

Reform MPs believe in effective laws to deter crime, like the member who sponsored the bill. Reformers, however, believe in laws that will stand up under the scrutiny of our most basic rights, even challenges from the Trudeau charter, which many feel has failed to protect the basic fundamental rights of Canadians. That is another debate.

We want laws will stand the test of time and unfortunately the bill as it is written fails to deliver.

• (1355)

Aside from these basic concerns there are a number of other serious problems with the bill that must be addressed at some point. Section 4.3 is one example of the short-sighted nature of the bill. As I mentioned earlier, a judge can add deportation as an additional punishment for non-Canadian criminals with any chance of parole removed. Yet section 4.3 states the criminal can only be deported to his home nation with the consent of that foreign state.

Many countries like Somalia and Vietnam refuse to take back criminal nationals. Under the bill we could develop a backlog of criminals in limbo ordered to be deported but not allowed to leave, all the while with the Canadian taxpayer on the hook for their time in jail.

Section 4.6 again highlights the seriousness of the bill's flaws. This section states no foreign criminal can be deported unless the criminal's home state either has conditional release laws similar to Canada's or agrees to conditional release provisions similar to Canada's.

In effect the hon. member is asking the rest of the world to adopt Canada's haphazard criminal justice and parole systems. If others do not do so, and there are dozens such as Vietnam and the state of California, the federal government would be unable to deport them.

I now ask the House to look at section 4.5 of Bill C-316. It reads: "The order may provide for the removal from Canada to the foreign state of members of the family of the foreign

offender on the same basis as described in section 33 of that act", that being the Immigration Act.

When an individual commits a crime care for dependent children is assumed to be passed on to another family member, a wife, husband or other relative. When this is not possible, as is the case with a single parent, these dependants become wards of the state. Whether the provincial family services departments across the country would allow for the deportation of children into uncertain and potentially dangerous circumstances is not clear. This is an issue that should be examined at length before the House debates Bill C-316 again.

Finally, I wish to bring to the attention of the House what I see as the largest oversight in the bill. Section 2 states section 3(f) of the Immigration Act would be amended by adding the following: the bill is to "ensure the expeditious removal from Canada of any person who has entered Canada and has subsequently been convicted of a serious criminal offence while in Canada".

What does the word "entered" mean and to whom does it apply? The answer can be found in the Immigration Act definitions. According to the act the word "entry" and all its derivatives are defined as follows: "Entry means lawful permission to come into Canada as a visitor". The bill will only apply to those in Canada on a temporary basis. The bill will not affect criminal immigrants at all, only those temporarily in Canada who will have to leave in any event when their visitor's permit expires.

I share the hon. member's concerns over criminal immigrants. During my time with the Standing Committee on Citizenship and Immigration these concerns were brushed aside time and again by Liberal MPs. The hon. member for Cambridge is a rare exception to that rule. This general indifference to criminal immigrants is sad to see since the small majority stains the entire immigration process.

After all, each of us in the House has a family history that extends beyond this country's shores. Each of us is an immigrant or a descendant of immigrants.

I and the rest of the Reform Party share this member's basic concerns that those who come to Canada unwilling to contribute peacefully to the betterment of our country but choose instead to violate its laws and threaten its people have no legitimate place in Canada.

Regrettably Bill C-316 as it now stands has too many loose ends and too many unanswered questions. Should the member seek the unanimous consent of the House to withdraw the bill and have the material referred to the Standing Committee on Citizenship and Immigration, I would be more than willing to support him. The issue is too important to leave any longer and certainly has merit for further consideration.

If he chooses to push ahead with the bill as is I will support it in second reading on principle and intent. If, however, each issue mentioned in my speech is not addressed and the numerous