

The Hon. Member certainly proposes a matter of extreme importance, but I am not satisfied today that it is a matter of urgency. As I said to the Hon. Member when he rose and put forward a very precise and cogent request a few days ago, in deciding that it is not appropriate at this time does not mean that the door is closed. This is a matter of ongoing importance to the entire country. Most certainly there may be circumstances under which it would be appropriate for the Hon. Member or other Hon. Members to raise the matter again.

GOVERNMENT ORDERS

[English]

IMMIGRATION ACT, 1976

MEASURE TO AMEND

The House resumed from Monday, September 21, consideration of Bill C-55, an Act to amend the Immigration Act, 1976 and to amend other Acts in consequence thereof, as reported (with amendments) from a legislative committee, and Motions Nos. 18 and 21 (Mr. Marchi, p.9156).

Mr. Benno Friesen (Parliamentary Secretary to Minister of Employment and Immigration): Mr. Speaker, just to close off the comments, yesterday in debate the Hon. Member for York West (Mr. Marchi) was pointing out under the provisions of these motions that the Bill did not fulfil the requirements of the Convention and that in fact it contravened the Convention. I would point out again that the UNHCR representative here in Ottawa testified before the committee that the Bill did not contravene the Convention. Given an opportunity to choose between taking the word of the Hon. Member for York West or that of the UNHCR representative, I think I will take the UNHCR. The fact is that the Hon. Member for York West seems to be operating under the notion that if he repeats an error often enough it will become true.

Mr. Deputy Speaker: Is the House ready for the question on Motion No. 18?

Some Hon. Members: Question.

Mr. Deputy Speaker: Mr. Marchi moved:

Motion No. 18

That Bill C-55, be amended in Clause 14 by striking out lines 19 to 29 at page 14.

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour of the motion will please say yea.

Some Hon. Members: Yea.

Immigration Act, 1976

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Standing Order 114(11), the recorded division on the proposed motion, and on Motion No. 21, stand deferred.

The next grouping will include Motions Nos. 22, 23, 24, and 30, which will be debated together but voted upon separately.

Mr. Dan Heap (Spadina) moved:

Motion No. 22

That Bill C-55, be amended in Clause 14 by striking out line 25 at page 14 and substituting the following therefor:

"country that complies with".

Motion No. 23

That Bill C-55, be amended in Clause 14 by striking out line 29 at page 14 and substituting the following therefor:

"a member, and would be allowed to return to that country, if removed from Canada, and has the right to have the claim determined therein";

Motion No. 24

That Bill C-55, be amended in Clause 14 by striking out lines 29 to 41 at page 14 and substituting the following therefor:

"a member, and the adjudicator and member of the Refugee Division are satisfied that the person,

- (i) has a right to have the claim determined on the merits in that country;
- (ii) would be protected from refoulement to the country where persecution is feared if found to be a Convention refugee by that country;
- (iii) would be granted adequate protection and firm resettlement by that country, if found to be a Convention refugee by that country; and
- (iv) has no significant ties to Canada, based on duration of time in Canada or close family or friendship ties, such that the choice of Canada as the country of refuge is not logical nor justifiable."

Motion No. 30

That Bill C-55, be amended in Clause 14 by adding immediately after line 5 at page 16 the following:

"The adjudicator and member of the Refugee Division who determines a claimant to be ineligible under paragraph 48.01 (1)(b) shall also during that same inquiry specify the prescribed country to which the claimant may be removed."

He said: Mr. Speaker, these four amendments concern the question of what has been called "safe third country", although that wording does not appear in the present clause as amended by the Government.

What I am concerned about in general is that a person might be sent back to a so-called safe third country and might not be safe. He might not be safe because that country might not accept him and might send him on to somewhere else. If the country sends him back to Canada, there may be provisions for dealing with his situation justly under the revised laws. However, if a country does not send him back to Canada, but sends him on to still another country, we do not know what will happen.