

Immigration Act, 1976

Mr. Siddon: He said the same thing yesterday.

Mr. Broadbent: He said one thing a year ago and his Government is doing just the opposite today. I will tell the Minister why I say the Prime Minister is turning his own promise upside down.

He said he would not turn them away if they got to shore, so what is he going to do now? He is going to send Canadian ships out to stop them before they get to shore. That is playing with words. The Minister knows it, the Prime Minister knows it, and the people of Canada are tired of this kind of hypocrisy. It is not merely an absence of justice, it is a travesty of justice.

The Minister, who is not in the House now, knows full well—I do not say that critically. I respect your visual admonition, Mr. Speaker, about referring to the presence or absence of a Member. I apologize. I assume he is not here for good reason and I am not being glib on the point. I am just saying that the Government knows full well that this provision is playing with words. It is in effect a turning away of the ships before they get here. More than that, the kind of process the Government is using compounds the unfairness, from our perspective. It says that a representative of the Coast Guard is going to make the decision. He or she is going to be boarding the ship and ultimately deciding whether the people concerned are in a condition to be turned away. What that means in effect is that these people will have no chance for any kind of hearing on whether or not they are bona fide refugees. That is very clearly what we are saying. Up until now these people have gone through a process to decide whether or not they are bona fide refugees. This recommendation of the Government, if it becomes law, will give not to an immigration official but to a Coast Guard employee with no training, and of course there is no appeal process, the right to decide whether this boatload of people is or is not a boatload of legitimate refugees.

We have a couple of quite disreputable incidents like that in our history. In 1914 we turned away a boatload of Sikhs with quite fatal consequences for some of them. In 1939, not so long ago, a boatload of Jews were denied access. It is easy for us, I know, to make nice moral distinctions about what happened in the past. We do not know what we would have done had we been there. What we know is that we as a nation have grown in our sensitivity and commitment to human liberty and human rights for those who do not yet reside within our borders. We in this Party are not going to accept a clause in a Bill which will leave open the possibility of a repetition of what happened in 1914 and 1939.

A second concern of Canadians, and a deeply felt and legitimate concern, is about the profiteering which has been going on. People want to exploit the desires of others to come to our land. They have made money based upon the suffering of these people and their desire to come to this country. Well, we in this Party favour an intensification of the punishment of fines and imprisonment for those who profiteer in this way to get around or break Canadian law. If the goal is or ought to be

the putting to an end of that kind of profiteering and the effective curbing of some of the abuses, one would have hoped that the Bill we have before us would deal effectively with that. It does not deal with profiteering as such at all. It contains a provision which could lead to the imprisonment or imposition of serious fines on church people, representatives of Amnesty International, or other totally sincere and empathic human beings who are devoting a good part of their lives to try to facilitate the entry into Canada of legitimate refugees.

I do not say that lightly and I want to read into the record Clause 95.1 of the Bill which clearly makes this possible. It says this:

Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet the coming into Canada of a person who is not in possession of a valid and subsisting visa, passport or travel document where one is required by this Act or the regulations is guilty of an offence and is liable—

It goes on to talk about prison sentences and fines up to the multi-thousand dollar level. I want to make a couple of points about that. First, most legitimate refugees who came to this country in recent years from Central America had no documents and could not get them. If they went to get them in a number of countries in Central America they would be put in jail or worse, so they arrive without them. They are arriving, perhaps even as we are debating now, with the aid of tremendously concerned church people.

● (1710)

According to my reading of this provision, the church people are subject to the penalties under the law. That is totally unacceptable to the members of my Party.

Some Hon. Members: Hear, hear!

Mr. Broadbent: There is now an agreement for this measure to be in committee by Friday of this week. We will move a number of very specific amendments there. However, I will make a suggestion now which I hope the Government will begin considering. I assume the Government had good motives in terms of getting at the abuse associated with profiteering and wrong-doing of that kind, and that there was bad drafting of the legislation. I will put it that way. If that is the case, in my judgment there should be no reference at all to documentation being required for these refugees and we should get to the real problem. I suggest that instead of Clause 95(1) we ought to be considering in principle wording such as the following:

Every person who knowingly organizes, induces, aids or abets, or attempts to organize, induce, aid or abet a person to come into Canada in a clandestine manner, or to make a false refugee claim, is guilty of an offence.

If a person commits an offence fitting within this category, he or she should be liable to the punishments included in other sections of the Bill. That would mean that the church person, who is acting in good faith, or refugees who have no documents, would not be punished by the laws of Canada. We do not want to punish refugees. We want genuine refugees to be acceptable to this country.