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OFFICIAL REPORT
(HANSARD)

Tuesday, September 20, 2011

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, September 20, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)

[English]

SAFE STREETS AND COMMUNITIES ACT

Hon. Peter Van Loan (for the Minister of Justice and Attorney General of Canada) moved for leave to introduce Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

(Motions deemed adopted, bill read the first time and printed)

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PETITIONS

MEGA-QUARRY DEVELOPMENT

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have the honour to present a petition signed by a number of people from my riding.

The petitioners wish to draw the attention of all members of Parliament to the proposed mega-quarry in Melancthon Township in Dufferin County, Ontario. It would be the largest open-pit quarry in Canada at over 900 hectares, or 2,300 acres. The proposed mega-quarry would delve more than 60 metres, or 200 feet, deep, which is well below the water table. The proposed mega-quarry would threaten the headwaters of the Nottawasaga, Grand and Saugeen watershed systems and the Mad, Noisy, Pine and Boyne river sub-watersheds, consequently detrimentally and permanently affecting the aquifers in the area of the proposed mega-quarry. The proposed mega-quarry would put at risk the drinking water of over one million Canadians. The proposed mega-quarry would threaten freshwater fish species, particularly in the Pine River, and would further harm freshwater fish species and their regeneration affecting Georgian Bay and Lake Huron. The proposed mega-quarry would remove from production some of Ontario's best farmland. The proposed mega-quarry would threaten the Grand and Nottawasaga river watersheds, including various freshwater fish species. The proposed mega-quarry

would threaten local flora and fauna, including species at risk like the bobolink, a small endangered blackbird. The proposed mega-quarry would initially see 150 truckloads of aggregates leaving the quarry per hour heading south, and 150 empty truckloads returning to the quarry, and other trucks transporting 52 tonnes of explosives to the quarry per day on local roadways not designed to carry such traffic.

Based on the proposed mega-quarry application, there are distinct issues relating to the use of water operations based on NAFTA considerations, which may have a very substantially negative financial implication federally and provincially.

Therefore, the petitioners call upon the Government of Canada to conduct an environmental assessment under the authority of the Canadian Environmental Assessment Act on the proposed Highland Companies' mega-quarry development.

The Speaker: I would remind hon. members that it is the practice not to read the entire petition but just to provide a brief summary thereof.

CANADIAN WHEAT BOARD

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is with pleasure that I bring to the House a petition from Manitobans concerned the Canadian Wheat Board.

As it was pointed out clearly yesterday, tens of thousands of prairie wheat farmers have sent a very strong message to the Conservative government that they do not want the Canadian Wheat Board to be dismantled. This is what this petition is about.

I would ask the government to respond to this petition.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

*Government Orders***GOVERNMENT ORDERS**

●(1010)

*[English]***PREVENTING HUMAN SMUGGLERS FROM ABUSING CANADA'S IMMIGRATION SYSTEM ACT**

The House resumed from September 19 consideration of the motion that Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act, be read the second time and referred to a committee, and of the amendment.

The Speaker: The last time the bill was before the House, the hon. member for Newton—North Delta had eight minutes left in debate.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, it is my pleasure to continue with the points I was making yesterday. Once again I want to express my concern that this piece of legislation is being presented under public safety when the bill actually deals with immigration and citizenship. This is a real issue. Since when have we as Canadians seen the arrival of immigrants in this country as a public safety issue? I urge the government to send this bill to the Standing Committee on Citizenship and Immigration as it goes through its committee stage.

Yesterday I mentioned very briefly the impact this legislation would have on families. We as Canadians pride ourselves on being compassionate and caring. The world looks to Canada to be compassionate and caring. People across the world choose to make Canada their home. I am a first generation immigrant. I came from England. I chose Canada to be my home. One of the reasons I chose Canada is its inclusivity and acceptance of people from around the world.

This legislation is going in the wrong direction. The legislation sends the wrong message to refugees. There are people who have spent years in war-torn territories running for their lives, separated from their families, not knowing where they will get their next meal. Some people do not even know where they are going to sleep the next night, whether they will wake up in the morning, or how many of their loved ones they will lose.

The legislation tells refugees that when they arrive in Canada it will take up to a year to examine their designations. During that time they will be in isolation and given a special designation for which the criteria are not clear at all. A lot of power seems to be vested in the minister and there seems to be a lot of smoke and mirrors in that we do not know the criteria. Once they have been designated they will not get to apply for permanent residence for five or six years.

This means the individuals who arrive here, who have already been torn from their families and have suffered enough, would not get travel documents. They would be able to work, but they would not have any rights. They would not have permanent residence. We would throw their lives into further turmoil and uncertainty for five or six years. They would not know if the families they left behind would ever be able to join them. They would not have the needed mental relief in knowing they have arrived in a safe haven. We must think about what that must feel like.

Imagine, for example, a young woman with two children who arrives here but her husband and two other kids are still back in Somalia. For six or seven years she cannot apply for permanent residence or for her family to join her. What are we saying to her? We are saying that we are going to provide her with this vacuum for five or six years, but she does not have any of the rights. She cannot apply for permanent residence. By the way, permanent residence does not take place the day someone applies for it. It takes time as well. Imagine the amount of time she will have to wait until the rest of her family can join her. It could take 10 to 15 years, depending on how we do the math.

●(1015)

Surely that is not the kind of image of Canada that we want to project to the world. We want the rest of the world to see us as compassionate and caring.

By creating two levels of refugees and denying appeals in that first year we are saying that we are prepared to break conventions governing the rights of refugees and the rights of children. That concerns me as a Canadian. I know Canadians right across this country will be concerned about that.

We pride ourselves on our family values. We pride ourselves on being a welcoming nation. I urge this House not to support this bill because we would be sending a message to the world that we are becoming a much colder, less caring nation when we see legislation such as this bill going through.

Let us see who is opposed to this legislation. There is the Canadian Council for Refugees. I talked to some of my constituents. When I phoned them they said, "This is ridiculous. It is not a problem." If we are worrying about smugglers, we already have a life sentence for smugglers. In Canada that is the highest penalty that can be given.

This is actually more punishment for people who have already suffered atrocities and difficulties that most of us in this chamber cannot even imagine.

As a counsellor I had the privilege of working with children who arrived here as refugees after spending years in detention camps or in very unsafe and volatile living conditions. Dealing with those children is extremely challenging. Now we are leaving those same children in a vacuum for five, six or seven years, maybe even longer.

The Canadian Council for Refugees is opposed to this legislation, as is Amnesty International. The Canadian Civil Liberties Association has taken a position, as have the Canadian Bar Association and the Centre for Refugee Studies. What keeps coming up over and over again is that this bill is a draconian piece of legislation.

Government Orders

I urge all members to look at what it is we are trying to address. If we are trying to address the smugglers, let us focus on enforcement, provide extra resources and go after the smugglers. Let us not punish people who have already been victimized.

Let us all put ourselves in the position of a refugee. Let us imagine how we would feel reaching a safe haven called Canada and then being faced with detention and uncertainty.

I ask members to please defeat this bill.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I thank my colleague for raising some of the very serious concerns that we in the NDP have about this bill.

I would like to ask the hon. member about another issue we have heard a lot about from people. Certainly as members of Parliament we deal with the process of appeals for humanitarian and compassionate applications. This is something we all are quite familiar with. It is an underpinning of the fairness of Canada's immigration and citizenship system.

Under this bill we know that designated persons would not be able to make such an application for five years. It is certainly removing a provision that normally has been part of the system, and has been there as a safeguard to ensure that legitimate applications based on humanitarian and compassionate grounds can come forward.

I would ask the member to comment on that. Also, does she think this bill is removing an element that has been very much a part of our system of evaluating applications and that compassionate and humanitarian grounds are very legitimate?

Ms. Jinny Jogindera Sims: Madam Speaker, as Canadians we pride ourselves on fair, open and transparent processes. However, this legislation would establish a process whereby those who are designated would not have access to the appeal process. That is absolutely wrong. It goes against the very fabric of who we are as Canadians. It violates some international conventions on the rights of refugees. To detain refugees for a year as they await designation without access to an appeal process is disturbing and very un-Canadian. Is the first lesson we want to teach those who arrive here from volatile and dangerous conditions or war-torn countries that a world-respected country like Canada will not offer them an appeal process?

The fundamental problem with this legislation which purports to address human smuggling is that it does not address human smuggling. Human smuggling will continue. The only way to stop it is not by punishing the victims who have already suffered enough, but by providing funding and additional resources to enforcement agencies to allow enforcement officers to do their job.

• (1020)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I checked yesterday's information because I am baffled by the government saying that as a developed, industrialized country we have provided more support for refugees than any other industrialized country. According to the minister, we will be accepting 14,000 refugees next year. However, according to Amnesty International's website, Germany and the United States each provides support for one-quarter of a million refugees.

I am baffled by this claim and I wonder if the member has any further information about it.

Ms. Jinny Jogindera Sims: Madam Speaker, I will certainly be examining those figures more closely. This legislation is not about how many refugees will come to this country. Rather, it is about how we will treat those who land on our soil. Once again I want to focus on who we are as Canadians and how we wish to treat those people who have suffered through war, persecution and very difficult environments. We can all use numbers to confuse, but as parliamentarians we have a responsibility to ask ourselves from a humanitarian point of view what the bill is attempting to address.

Smugglers do not live on the boats or planes that transport refugees here. They are probably living very comfortable lives. This bill would not reduce the amount of money they charge people for transportation. Rather, it would lead to further persecution of victims. Let us enforce the excellent legislation and laws presently in place to target smugglers. We do not need this law against smugglers.

Hon. Judy Sgro (York West, Lib.): Madam Speaker, we all know where our hearts are on many of these issues and I share many of the thoughts and comments of the hon. member.

Coming back to what the bill should do, which is to deal with those involved in human smuggling, I would like to hear the member's suggestions and comments on what is required in order to discourage human smuggling and, most importantly, what kind of actions we should be taking.

• (1025)

Ms. Jinny Jogindera Sims: Madam Speaker, what is key is the existing legislation. Rather than looking for a new kind of photo op and public safety issue where there is none, let us look at the existing law and enforce it. We have heard in the past that the enforcement agencies do not have enough staffing. Therefore, let us put additional resources in place to target those who are engaged in human smuggling instead of victims.

I absolutely believe that those who are engaged in these illegal activities need to be brought to justice by way of our judicial system. It is a good system with appropriate laws in place. The maximum sentence for human smuggling is life imprisonment, the highest punishment conferred in Canada. In that context, let us concentrate on enforcement by targeting where smugglers live and how they operate. To detain refugees once they arrive in Canada is draconian.

[Translation]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Madam Speaker, I thank my colleague from Newton—North Delta for her excellent and very relevant speech.

My question has to do with the provisions of the bill that prevent refugees from appealing to the appropriate authorities. We know what happened. Yesterday, the Minister of Citizenship, Immigration and Multiculturalism made reference to Australia. But in Australia, the supreme court intervened and invalidated the provisions that prevented refugees from appealing.

Government Orders

What does my colleague think about these provisions in Canada? Does she think that they could also be invalidated by the Supreme Court of Canada?

[English]

Ms. Jinny Jogindera Sims: Madam Speaker, in Australia the appeal process was overruled. If this bill passes as is, I expect that it will be overturned here as well.

As Canadians, we respect international law and have signed many United Nations conventions. Therefore, it makes no sense to attempt to put legislation in place that we know will be overturned. It would be akin to giving oneself a black eye, which makes no sense.

I question the purpose of the bill and why it comes under public safety. This is an immigration and citizenship issue. However, the government is putting it forward as a public safety issue. Let us look at it for what it is rather than tarnish our reputation in the eyes of the international community.

Mr. Mike Wallace (Burlington, CPC): Madam Speaker, it is my pleasure to speak to Bill C-4 today. However, as this is my first time rising in the House since the election in May, I would like to take one moment to thank the voters of Burlington for sending me back here with 54% of the vote. It was a very nice election.

I want to congratulate all members, whether new or returning to the House. As well, I believe it is important to welcome the pages who are just starting out this week. Remembering everyone's names and idiosyncrasies is a tough job. They do a great job and I thank them. I hope they have a great year.

I am pleased to stand in the House today to speak in support of the bill. It will go a long way to making our nation safer by cracking down on the illegal and dangerous activity of human smuggling. The Preventing Human Smugglers from Abusing Canada's Immigration System Act is a critical piece of legislation that responds to a critical need.

The smuggling of people is not a new crime. In fact, it has been happening around the world for many decades. I am sure all hon. members have heard stories of people paying a fee to bypass legal and proper immigration processes to sneak across the Mexico-United States border.

My riding of Burlington is not that far from the U.S. border, and on a weekly basis a number of people come to see me regarding the issue of crossing the border illegally.

When I was first elected, I was amazed that individuals in discussing with me how they came to Canada eventually would admit that they got here illegally. They did not follow the legal process. They claimed refugee status when they arrived at the border. Then they would come to my office because they wanted me as their MP to help them continue the illegal process they had started.

Out of respect for the office I hold as a member of Parliament, I told those individuals that I would not interfere in any illegal activity that they had undertaken. I instructed them to follow the legal and appropriate processes to immigrate to Canada, under the refugee system and the immigration system. Often we would call those people a few weeks later to determine what they had decided to do, but they would be hard to find and in some cases we could not find

them at all. It does happen. It happens in Burlington. It happens across this country and has been happening for many years.

It may come as a surprise to some that this problem is not new to Canada. Every year thousands of people seeking asylum try to enter Canada illegally by air or by land through the help of organized criminal smuggling networks.

As well, illegal immigration by sea is not new to Canada. In 1999, close to 600 immigrants from China's Fujian province arrived on Canada's west coast in four different vessels. What has changed is that Canadians are aware now of the direct impact this criminal activity is having on our nation. Canadians have received a wake-up call that Canada is being increasingly targeted by organized human smugglers based out of Southeast Asia who view our immigration system as a very generous system to be exploited for profit.

Two events in recent years have served to raise the profile of this issue in the minds of Canadians. One is the ship that recently came to British Columbia. My constituents have been asking what we will do to stop this from happening in the future.

Last August, 492 Sri Lankan Tamils arrived in British Columbia aboard the vessel the *MV Sun Sea*. This occurred less than one year after the arrival of the *MV Ocean Lady*, which carried 76 Sri Lankan Tamils.

These two events are an issue in my riding. Although we are in Burlington, thousands of miles away from where the activities took place, Burlingtonians and all Canadians are concerned about how we could allow those events to happen.

• (1030)

While these two vessels landed on the west coast, this is an issue that, as I said, extends across the country. In the past, Canadian border authorities have also dealt with cases of human smuggling in eastern Canada, including at the Port of Montreal.

This is a growing transnational issue that threatens our national security. It also raises significant concerns regarding human rights and the rule of law here in Canada.

These human smugglers are making huge profits by promoting illegal immigration. They are not immigration consultants. They are not helping people with the actual process. They are taking thousands of dollars from individuals and putting them on inappropriate ships and sending them to countries, including Canada, where they think they can get away with bypassing the immigration system. They are charging individuals large sums of money to transport them to a country and advising them to claim asylum, refugee status, when they arrive. This unlawful activity has implications for our country. Ultimately, it affects our system and all Canadians across this country.

Government Orders

I am sure that hon. members can well imagine how conducting identity and admissibility examinations of over 500 individuals arriving on a single boat can significantly tax our immigration and border security systems. Let us be frank about it: we are not set up for mass immigration or mass asylum seekers in that format.

Sadly, the costs of human smuggling to society are more than can be measured on balance sheets. Often this illegal transport means great misery, illness and even death for many of the individuals involved, who are transported thousands of miles in very unsafe conditions.

This was clearly seen in the terrible events that occurred off the coast of Australia's Christmas Island in December of last year. Thirty people lost their lives when a wooden boat operated by suspected human smugglers was destroyed in stormy weather. The Christmas Island example in Australia is just one of many incidents that have happened around the world.

Further, human smuggling is fundamentally unfair to those who follow the rules and wait their turn to come to Canada, which we all see in our offices. We all sympathize with those who are following the rules and are trying to become Canadian immigrants by following the legal procedure.

I am a sixth or seventh generation Canadian, but my in-laws came here from Italy. They came through the legal route. They had to wait their turn to get here. They followed the process. They did not come on a boat and claim refugee status after paying a smuggler thousands of dollars to escape from Italy. They followed the rules. They expect everyone else to follow the rules. They welcome immigrants, obviously. In my family, particularly through marriage; people in my in-laws' family are almost all immigrants. They have been very successful. Canada has been good to them. Canada is the better for their arrival and their contribution, but they did it the legal way, and that is what this bill is about.

Canada welcomes thousands of new immigrants and refugees every year through one of the most generous and fair refugee systems in the world, but when Canada is forced to deal with the arrival of a vessel filled with hundreds of illegal migrants, the resulting backlog of work means that those who go through the proper immigration channels get pushed back in line. This is not fair to them, their children or their spouses.

We will not stand idly by while criminal organizations target our country and our generosity. That is why our government took action in October of last year and first introduced this legislation to send a clear message to human smugglers that Canada will not tolerate them. That is why we have reintroduced this legislation in this session. We believe that the passing of this bill cannot come soon enough.

This issue is not going to go away. We must act now. We must be responsible parliamentarians.

• (1035)

With this legislation we are taking firm and reasonable action to defend the integrity of our borders. We are determined to protect our immigration and refugee system from abuse and to prosecute human smugglers to the full extent of the law.

While Canadians are, by and large, supportive of a generous and open immigration and refugee system, we also understand that every sovereign country has a responsibility to protect its citizens and the integrity of its borders. This bill clearly shows that we will not tolerate abuse of our immigration system, either by human smugglers or by those unwilling to abide by the rules. At the same time, it will allow us to continue offering protection to legitimate refugees.

The new legislation will enable the Minister of Public Safety to declare the arrival of a group of persons as an "irregular arrival" and make those involved subject to the bill's measures. The bill recognizes the gravity of this decision by stating in clear terms that only the Minister of Public Safety can make this decision and that it cannot be delegated to another official.

The legislation will also make it easier to prosecute human smugglers, establish mandatory minimum prison sentences for those who are convicted of human smuggling, and hold shipowners and operators to account for the use of their ships in human smuggling operations. This bill reduces the attraction of coming to Canada by way of an illegal smuggling operation.

The legislation contains measures to prevent those who come to Canada as part of an irregular arrival, including those who subsequently obtain refugee status, from applying for permanent resident status for a period of at least five years, including those who obtain that refugee status.

We want to enhance the opportunity to rescind the refugee status and remove from Canada those who return to their country of origin for a vacation or who demonstrate in any other way that they are not legitimately in need of Canada's protection. We must prevent individuals who come to Canada as part of a designated human smuggling operation from sponsoring family members for a period of up to five years.

Many of Canada's global allies and partners have found themselves the target of organized human smuggling ventures. This is an international problem, and it must have an international solution. No nation can solve illegal smuggling by acting purely on its own. That is why we have appointed a special adviser on human smuggling and illegal migration, Mr. Ward Alcock, to coordinate a whole-of-government approach to this issue. Mr. Alcock's role allows us to engage other international partners with a common voice to find ways to prevent these vessels from departing from their home country in the first place.

Since his appointment in October of 2010, Mr. Alcock has met with officials in Australia and a number of other states in southeast Asia, as well as with representatives at the United Nations, to discuss approaches to managing irregular immigration that is happening around the world. He has also attended several meetings of the Bali process, which is a regional forum that brings together more than 50 countries and international organizations that are developing practical measures to combat human smuggling and related crimes in the South Pacific region.

Government Orders

Adding weight to this international discussion, the Prime Minister has urged leaders from the APAC nations to work together to find concrete solutions to the problem of human smuggling. Last fall, the Prime Minister met with international allies at the annual Asia-Pacific Economic Cooperation forum highlighting the critical need for stronger and more effective laws to crack down on this global problem. This ongoing collaboration is critical to shutting down human smuggling operations and will send a very strong message to would-be smugglers that their illegal activities will no longer be tolerated.

• (1040)

The measures we are introducing today will substantially improve our ability to crack down on those who engage in the illegal activity of human smuggling. These measures respect our international obligations and commitments that provide assistance and sanctuary for those who are legitimate refugees and who need our protection. Canada opens its doors to make sure they have the quality of life and opportunity that they all deserve so that they are able to start a new and better life here.

We call on all hon. members to support this legislation and help us pass this act as soon as possible.

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Madam Speaker, I would ask the hon. member for Burlington how the bill would address the human smugglers' criminal activities and how it would prosecute them.

• (1045)

Mr. Mike Wallace: Madam Speaker, I thank the hon. member for the question and I congratulate her on her election to the House.

I will use an analogy that will make the point.

Those who are active in illegal activity, whether human smuggling or other illegal activity, need customers to be able to provide this illegal activity. In this case, the human smugglers look at Canada as a place where they can bypass all the rules. They look at Canada as a place where they can get people in to claim asylum; Canada will treat them like gold, and there will be no issue. Therefore, if they pay the \$10,000 or whatever it is, the smuggler will get them here, and they will be fine. Of course, the smugglers do not live here. They live in their own countries.

With this legislation we would make Canada's borders less like a doormat. We would let the global community know that we have a system that gives fair treatment to true refugees who come through a legitimate process but that we will not tolerate boatloads of illegal, illegitimate refugees coming from human smugglers. This would take away the opportunity for the human smugglers to use Canada as a doormat. It would discourage them from putting together boats of people to come to Canada. That is what this legislation does. That is how it would tackle human smugglers who are the core of the problem.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Madam Speaker, I do not think that the hon. member opposite answered the previous question from the NDP member, who asked what, exactly, the government was doing about the criminals who exploit these immigrants to bring them here.

In my opinion, this bill still goes after the victims instead of those who traffic these immigrants. The bill requires some major amendments. In addition, I believe that the entire bill still focuses more on criminals than on victims. The government wants to invest money in prisons and give additional penalties, but what will it do for victims in terms of support, follow-up and assistance?

I wonder whether the member would agree to split this bill into several parts, so that we can examine the many provisions that it contains. I think most of us would agree on half of the measures in this bill. There are some very good measures, but some are unacceptable, especially those that affect Quebec's traditional values and that go completely against what the Government of Quebec and Quebec society have always advocated.

[*English*]

Mr. Mike Wallace: Madam Speaker, I congratulate the member on his re-election. I believe he is the longest-serving member in the House.

The answer is, no, I do not think we are interested in splitting up the bill. It is a package and it works better as a package to discourage human smugglers from using Canada as a place to deploy illegitimate refugees.

The last point was about the values of Quebeckers. I believe the values of Quebeckers are the same values as all other Canadians, whether they live in British Columbia, Burlington or Nova Scotia, and their values are about fairness. A fundamental piece of our immigration and refugee system is fairness and appropriateness for those who are coming here through the legitimate system that exists. We have a generous and well-respected immigration and refugee process that is recognized around the world and it is fair. What is happening is that human smugglers are trying to take advantage of the system and circumvent it. Whether one is a Quebecker, an Ontarian or a British Columbian, people think it is fair. This legislation puts fairness first and foremost in our immigration and refugee system.

• (1050)

Mr. Mike Sullivan (York South—Weston, NDP): Madam Speaker, the member opposite suggested that this bill was somehow fair. If I were a refugee, it would not matter to me how I got here but it matters to the government how a person gets here. If the government decides that refugees got here by a method it did not like, such as having to pay somebody to travel, a method that has been used for centuries to come to North America, how does it decide that it is fair to treat refugees who it deems to be illegal different from refugees it decides are legal? How is it fair that there are two classes of refugees, both of whom are equally refugees?

Mr. Mike Wallace: Madam Speaker, in his question he answered his own question. Do most Canadians not think it is fair that the legal process that is available in that country is followed? That is what fairness is. It is taking the legal route. Is it fair that we put criminals in jail if they do something illegal? Just because they do it illegally, do we not treat them fairly?

Government Orders

We have a system that treats legal refugee claimants fairly. Why would we bend the rules of our legal system for those who come here illegally and turn a blind eye to it? Do we say, “They got here illegally. So what?” That is not fair to the thousands and thousands of immigrants who come here through legal channels and the legal refugee process. That is what fairness is. That is why this legislation brings fairness to our system, continues to treat refugees fairly and goes after human smugglers who are trying to use Canada as a doormat.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Madam Speaker, the vast majority of Canadians, I am sure we all agree, believe very strongly in the Charter of Rights and Freedoms in this country. The issue of arbitrary detention for very long periods of time is extremely troubling. We do not subscribe to that approach as it is being proposed in Bill C-4 and as the member for Burlington has talked about.

I would like to ask a very practical question. What happens if somebody is detained for an extremely long period of time because he or she is suspected of being a smuggler and it turns out that the person is a perfectly legitimate refugee? Is there any kind of compensation accorded to that person?

Mr. Mike Wallace: Madam Speaker, the answer is, no. Those who are coming here are detained for up to a year or until there is a determination that they are legitimate refugees, which could happen sooner than a year. The process is simple.

The vast majority of calls from people in my riding wanted us to ensure that these people were legitimate refugees. This legislation addresses that issue by having a detention process where these refugees are not travelling across the country where we do not know where they are, but that we keep them in place until we determine whether they are legitimate refugees. It is the appropriate thing to do. It is the fair thing to do. This is the right legislation for this kind of human smuggling.

[*Translation*]

The Deputy Speaker: Resuming debate. Speeches will now be 10 minutes each and will be followed by five minutes of questions.

The hon. member for Vaudreuil-Soulanges.

[*English*]

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Madam Speaker, I would first congratulate the member for Burlington on his election victory. I am glad his leader finally allowed him to speak his mind six months after his victory. I hope to hear from him sooner rather than later but I guess that is for his leader to decide.

I will speak to this bill, first, to express my concerns with its shortcomings and then, to suggest to the members opposite some of the ways the government may be able to improve it.

Chief among my concerns are the effects this bill will have on children and their families. My second concern is with the effect that this bill will result in wasteful spending of taxpayer dollars on a non-existent problem and the negative effects this bill will have on our economy.

I am a family man. My daughter is a priority for me. One of the reasons I serve in this House is so she may grow up in a better world

and have a better life. It is something I wish for all children, not just for my own and not just for Canadian children. I am sure there are many members in this House who have similar wishes and who wish for the well-being of children.

As members know, our country is a signatory to the United Nations Convention on the Rights of the Child. This month, we celebrated the 21st anniversary of its ratification. It is an important document because it outlines the international consensus of basic rights of children. So, it is with great worry that I see that Bill C-4 may jeopardize our commitment to this important convention.

I do not want to believe that the government would detain children for up to a year just because the children were trying to flee the most dire circumstances, whether it be war, famine or persecution. Unfortunately, Bill C-4 would result in the detention of children. I think many Canadians will feel shameful when they learn that our government intends to detain children, regardless of their country of origin. Perhaps the government intends to build detention centres so Canadians will not be able to see its actions in this respect. Simply put, the detention of children that would result from this bill is not acceptable and runs contrary to Canadian values.

I will outline how the government would be in violation of the UN Convention on the Rights of the Child. I would like to explain a bit about this convention to the members opposite and to whom it applies.

Article 1 of the convention states:

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

The Conservative government often likes to speak of the age of consent in its care for children. This convention applies to all people aged zero to eighteen.

Bill C-4 would put us in contravention of Article 2 of the convention, which states:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Subsection (2) states:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Bill C-4 would create two classes of refugee claimants with a different set of rights. In effect, the bill would discriminate against children who will fall under the category of “designated claimants”. This is in clear violation of Article 2 of the convention.

Bill C-4 would put us in contravention of Article 3 of the convention, which states:

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In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

I think it is quite clear and obvious to the members opposite that this implies that refugee children must be treated in the same way we would treat our own children. I think members would also agree that they would not accept the detention of their own children, especially if their children were fleeing a war-torn area.

• (1055)

Bill C-4 would violate article 7(2) of the convention that states:

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Even if Bill C-4 had provisions for children to be detained, it would be difficult for the government to fulfill its obligations to the convention with its detention centres because of article 31, the right to play, and article 39, the right to psychological and physical recovery of child victims, which states:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

It would mean that children would need to be provided with acceptable play areas, areas for cultural expression, access to psychological and counselling services and services that cater to the child's development. It is fine for the Prime Minister to use the UN to justify things like going to war, for his international position and beliefs on foreign affairs, yet reject a convention made by the same body to which we were signatory.

It is all fine and dandy to promote child and maternal health, except when the child and mother are refugees. We will have to build state-of-the-art facilities with play areas, educational opportunities, office spaces for the teams of psychologists and educators and medical staff.

This brings me to my second point, which is the costs incurred as a result of this ideologically piece of legislation.

Has the government factored in how much new detention facilities would cost? Did the government just think it could detain children, without fulfilling its obligations to the convention? Let us remind the government of its duties and obligations in this matter. Article 22(1) reads as follows:

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

Article 22(2) states:

For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any

other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Rather than punish the victims, we should show compassion and help them integrate into our society. I remind members across to look at what happened in 1979 and 1980 when over 50,000 Vietnamese people arrived on our shores by boat. These refugees came from a war-torn nation that was considered an enemy of our neighbours. From listening to media reports of the day not everyone was happy with their arrival, yet the progressive government of that day showed leadership in helping the refugees integrate. The Vietnamese Canadian community have been vibrant players in Canada's economy. We have two members within our caucus who come from this community, the member for Brossard—La Prairie and the member for Beauharnois—Salaberry.

I pause to think how low we have sunk with this terrible legislation.

• (1100)

The bill only drives home the fact that the Conservatives have given up the “progressive” label and that they fail when it comes to progressive leadership. Instead of integrating, they are saying that people have to wait five years. Instead of welcoming these people, they are detaining them and children.

We should actually love our neighbours, not fear them. We should provide, within this legislation, a part where children and their families will be able to apply for humanitarian and compassionate exceptions.

The legislation, as it is written, is not acceptable. It should be referred back to committee to be altered.

• (1105)

The Deputy Speaker: I should inform the hon. member that there was an error in calculation. He did have the full 20 minutes for his intervention. I regret that he may have felt rushed. If he has any additional comments that he wishes to make, he officially still has eight minutes left.

Mr. Jamie Nicholls: That is okay, Madam Speaker.

The Deputy Speaker: Questions and comment, the hon. member for Saanich—Gulf Islands.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, this issue of having a Canadian law that will require jailing children of potential refugee claimants in Canada, the entire family, man, woman and child to be kept in detention for a full year, with only one review by the minister, is one of the most egregious parts of this so-called human smuggling legislation, which I now refer to as the “anti-refugee law”.

As long as we keep calling it human smuggling legislation, we allow it to continue under disguise. It is actually anti-refugee legislation.

I want put for the hon. member the scenario of the MV *St. Louis* in 1939 in Halifax Harbour. Under our current laws, Captain Gustav Schroeder, who bravely took money and brought Jewish refugees from Nazi Germany to our shores, would be jailed for life. That is already Canadian law; that is not in this bill. Further, all 937 German Jewish refugees would be kept in internment for a year in Canada.

I accept that the hon. members from the government benches said yesterday that this would be far preferable to being sent back to death camps in Nazi Germany, but I really do not think that is how Canadians want to treat refugees who come to our shores, putting men, women and children in jail for a year.

Could the hon. member expand on how he sees the bill affecting the children of refugee families?

Mr. Jamie Nicholls: Madam Speaker, we can see that the effect of detaining children and families would be terrible.

Imagine something happening in Canada where all of a sudden we had a natural disaster or some form of persecution causing Canadians to flee to another country. Then when they arrived at that country, they were not welcomed and integrated. Rather they were protected from the people of that country through detention because the public opinion there had been turned against all outsiders.

I imagine the feeling of those families would be terrible. It would terribly psychologically damaging on those families, especially on their children. There are documented medical and physiological effects of child refugees who are not integrated or welcomed. There are serious physiological effects and psychological repercussions, PTSD, and all sorts of things that make it very difficult on a child's personal development. It is not in the best interests of the child. When that child eventually does integrate into society, extra care will be needed, which will take up resources.

Why do we not start from point zero, helping these families integrate into our society rather than pushing them away?

• (1110)

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Madam Speaker, I would like to thank my colleague from Vaudreuil-Soulanges for speaking about detaining children. In addition to subjecting children to completely arbitrary detention, this bill, Bill C-4, would negatively and permanently affect their development. Allow me to elaborate.

I have here a 2004 study from the Australian Human Rights Commission. It states that detaining children and adolescents has negative effects on their development and that the repercussions worsen with longer detention. Effects include anxiety, suicidal thoughts, self-harming behaviour—including self-mutilation—and lifelong post-traumatic stress. These are but a few examples of the major effects and problems that children can experience.

As my colleague said, my parents arrived as refugees with the boat people in 1979. If Bill C-4 had been in effect then, my two brothers, then one and three, would likely have been detained for an indefinite period—at least a year if not more—and these catastrophic effects would have permanently affected their development.

In addition, Bill C-4 is unfair. I would like my colleague to explain why arriving by boat is different. That is what the Conservatives are condemning. They want to penalize, for a second or third time, people who arrive here, legitimately seeking refugee protection. Yet we are putting extra pressure on them and they are being slapped with an inappropriate label. How does the member for

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Vaudreuil-Soulanges think this discrimination could affect these refugees?

[English]

Mr. Jamie Nicholls: Madam Speaker, the member is completely within reason. The fact is this legislation would have the effect of institutionalizing racism in our refugee system.

When I listened to the media reports during the 1979-80 arrival of the boat people from Vietnam, people on call-in shows said that those people did not belong here, that they were not Canadian, that they should wait their turn and that they were jumping the queue. The government of Joe Clark showed courage and compassion. It showed great values of welcoming these refugees. It even put resources overseas in Vietnam to process people coming here within a two-week period, not a five-year period or a one-year period. We are talking about 50,000 people who were processed in a period of two years and the government of the day processed them within two weeks, with limited resources and staff. Yet the current government says that it cannot do it and that it will not let queue-jumpers come here.

In effect, what it is doing is institutionalizing racism in our country, and I find that extremely diserving.

The Deputy Speaker: At this point, the time for 20 minute speeches has elapsed and we will revert to 10 minute speeches and 5 minutes for questions and comments.

The hon. member for Westlock—St. Paul.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Madam Speaker, it is a pleasure to be back in the House and to see you in the chair once again.

Before I start my comments, I want to say that it has always been a Conservative government, whenever in power, that has led the way in welcoming immigrants and helping bring them into our society and country, and breaking colour barriers when it has come to the first members of Parliament of different origins. We in this Conservative government are proud of our history when it comes to this, and we stand by that history.

It is my great pleasure to stand in the House today in support of this important piece of legislation. I have listened with great interest to the debate in the House today over the Preventing Human Smugglers from Abusing Canada's Immigration System Act.

However, the conversation has not been confined to the House, and nor should it be. This is an issue that has sparked much interest and discussion among Canadians and our global allies and partners. Last summer, it was one of the predominant issues in my riding.

Hon. members have heard much about this legislation over the course of these debates and they have had much to say about it. But it is important to take a step back, get past the rhetoric and fear-mongering and remind ourselves of the seriousness of this crime and why we must take measures to address it.

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The United Nations defines human smuggling, or migrant smuggling, in the following way:

The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

Simply put, it is the act of bringing people illegally from one nation to another for profit, often in the holds of ships or cramped containers.

Most disturbing is the fact that no one fully knows accurately the number of people who are smuggled each and every year. The data are scattered and incomplete. There are some things, however, that we do know.

We know there are intricate networks of human smugglers around the globe willing and able to help migrants evade national border controls, migration regulations and visa requirements. They do not do this out of the kindness of their hearts or out of a desire to help these individuals; human smugglers do their work in the name of profit and greed.

We know that human smuggling is a highly profitable business with a fairly low risk of detection and punishment. That makes it increasingly attractive to organized criminal syndicates that work transnationally, across borders and regions.

One of the great attractions to this type of crime is its low overhead costs, with no regulations or safeguards necessary to ensure the safety of the migrants who are smuggled. The more profit these smugglers make, the more brazen they become and the more risks they are willing to take with the lives of their passengers.

We also know that human smugglers are very opportunistic and flexible. They constantly change their routes and their methods to avoid capture.

Most important, we know that this problem can only be addressed with a coordinated, multifaceted approach among our global allies and partners. This is why Canada, along with more than 100 other countries, is signatory to various international conventions and protocols that condemn human smuggling and aim to protect legitimate asylum seekers.

Human smuggling is a problem that affects virtually every nation in the world, either as a country of origin, transit or destination.

Until a few years ago, most Canadians were either unaware of this criminal activity or perhaps believed that it was a crime that happened far away from our borders. That was until we received a sobering wake-up call when two vessels arrived on our west coast within a year of each other. The MV *Ocean Lady* arrived in 2009 carrying 76 immigrants. The MV *Sun Sea* arrived less than a year later carrying almost 500 migrants.

The reaction of most Canadians was swift. In an Angus Reid poll shortly after the MV *Sun Sea* arrived, almost half of the Canadians surveyed said they believed that all passengers and crew should be deported, even if they were found to have no links to terrorism. That is a telling number and, quite frankly, one we cannot ignore.

Does this mean that Canadians have suddenly become intolerant or hateful toward immigrants? Not at all. Canadians are proud of our

welcoming and diverse multicultural society. What Canadians are telling us, however, is that they are outraged that human smuggling syndicates are exploiting Canada's fair and generous immigration system to make a quick profit. They share our government's grave concerns that Canada will continue to be a magnet for these irregular arrivals unless we do something now. These concerns are not unfounded.

● (1115)

We continue to hear stories of possible ships headed to Canada. As recently as July, we learned that Indonesian authorities had stopped a ship filled with migrants that may have been destined for our shores.

There is no time to waste. We must send a clear message to these human smugglers that Canada will not tolerate their abusing our immigration system. Furthermore, we will not tolerate the threat that human smuggling poses to our national security. It can be very difficult to establish the identities of smuggled migrants, many of whom come with no documentation whatsoever.

When faced with facts, it is clear that the Preventing Human Smugglers from Abusing Canada's Immigration System Act cannot come soon enough. With this legislation we are taking firm, reasonable actions to defend the integrity of our borders, protect our immigration and refugee system from abuse, and prosecute human smugglers to the fullest extent of the law.

This legislation will strengthen our legal response to irregular arrivals in several crucial respects. It will give our immigration and law enforcement officials more time to identify and investigate individuals who are part of an irregular arrival. We believe that mandatory detention for up to one year is necessary and reasonable to allow for a thorough investigation of individuals who decide to arrive en masse.

This legislation will also enhance the ability of law enforcement officials to identify and engage human smuggling ventures. This includes establishing minimum jail sentences for convicted smugglers and extending the time period under which these offenders can and will be prosecuted. It will allow us to hit smugglers where they feel it most, in their pocketbooks. For example, it would amend the Marine Transportation Security Act to increase the penalties for owners and operators of vessels who fail to provide passenger information before entering Canadian waters; who refuse to comply with a ministerial direction to leave or not enter Canadian waters; or who provide false or misleading information to Canadian officials. Stiffer consequences, stiffer fines and stiffer sentences will send a message to human smugglers that we will not sit idly while they target our borders and our country, whether by sea, land, or air.

In fact, our work does not begin and end with our own borders. We are working closely with our international partners to prevent these criminal ventures from departing for Canada.

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This legislation sends a clear message, that Canada is a fair and generous and welcoming country for those who want to work for a better life, but there are legal and legitimate ways that must be followed to do so. These measures will substantially enhance our ability to crack down on those who engage in human smuggling, and these respect our international obligations and commitments to provide assistance and sanctuary for those refugees who need our protection and help to start a better life.

Our government will continue to push ahead with our goal of passing this important bill to ensure the security and safety of Canadians, and to protect the rights of refugees who are following the proper legal steps to make Canada their home.

I call on all hon. members to support swift passage of this legislation.

• (1120)

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Madam Speaker, does the member opposite actually believe that human smugglers will read *Hansard* and Canadian legislation before collecting money from desperate people who are fleeing strife and war-torn countries and persecution? What measures does this legislation take to prevent the actual smugglers working overseas? What can Canada do to get the smugglers who are overseas collecting the money in other countries?

Mr. Brian Storseth: Madam Speaker, as I said in my speech, this is about profit, this is about greed, this is about the selfishness of these human smugglers. Of course, they are going to go to places where they have the best chance of abusing the system.

This legislation is about fairness, it is about reasonableness, it is about making sure that Canada is not used as a doormat and a target for these human smugglers.

Of course, they are going to go to where it is most profitable for themselves, and this legislation helps make Canada not one of those targeted countries.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Madam Speaker, as a former immigration minister, I look at my colleagues across the way and I feel like the Tea Party is a watered-down version of them, considering what they are trying to pass here today. It is appalling that anyone would try to label people who are already victims.

First of all, the extraterritoriality of this bill cannot even be enforced. If the goal is prevention, we should enter into an international treaty, which would allow all countries to attack the vultures directly and would avoid labelling these would-be refugees.

My question is very, very simple. Can the member tell me if the government sought a legal opinion that confirms that this bill is not unconstitutional?

[*English*]

Mr. Brian Storseth: Madam Speaker, in fact, Canada is working with over 100 other countries to ensure not only that Canada is not a target but also that certain other countries are not destination points, and to help other countries that are origin points. It is important that we take a global, holistic approach to this to make sure that we do the right thing.

My hon. colleague across the way was the Liberal Party's lieutenant in Quebec during that party's decline in the last several years in the province. I am surprised that he does not realize the position of the people of Quebec and the people Canada when it comes to this reasonable and fair approach to refugees and asylum seekers.

• (1125)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, could the government member opposite provide any empirical evidence for the repeated claim that Canada is being targeted? Most refugees around the world seek asylum in other countries of the developing world and Canada receives a very small proportion of the world's refugees.

Mr. Brian Storseth: Madam Speaker, I am disappointed that her question was so brief.

I do not know about empirical evidence, but I have seen the pictures and can point to the ships that we have confiscated and that are sitting in Canadian harbours and show that Canada is in fact a target for those in other countries.

[*Translation*]

Mr. Matthew Dubé (Chambly—Borduas, NDP): Madam Speaker, I would like to quickly come back to a comment made by my colleague across the floor. He said that human trafficking presents a minimal risk. This raises the question as to why they are introducing even more arbitrary and draconian bills, when instead we could be enforcing existing measures better to end human trafficking, without penalizing refugees.

[*English*]

Mr. Brian Storseth: Madam Speaker, I can assure everyone that I did not say that human smuggling was minimal, nor did I in any way mitigate the importance of this piece of legislation.

I understand that the hon. member may not have been in the chamber representing constituents last summer when this was such a huge issue across the country.

I believe the approach that the Government of Canada is taking is a fair, reasonable and tough action to prevent abuse of Canada's immigration system by human smugglers.

We had a strong mandate given to us in May of this year to take action such as this, and I can say that constituents in my riding were appalled at the games that the NDP and Liberal Party played in the last Parliament on this legislation. It is time to take real steps to get something done on this.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I am pleased to be part of the debate on Bill C-4, for which, in the spirit of my colleague for Saanich—Gulf Islands, I propose the short title to be “the refugee punishment act”.

I would start by posing the context for the bill. It is not coming forward from the Conservative government in isolation. It is part of a larger movement that the Conservative government is promoting to create a more punitive society in Canada. It is this movement that so many Canadians are unhappy with, and the reason the vast majority of Canadians did not vote for the Conservative government.

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To put it in perspective, Canada has a long and proud history of making itself a better country and of governments being in the lead. We had governments that were committed to Canada having a just society, a society in which people had equal opportunity and where human rights and individual rights were respected no matter what corner of Canada a person came from.

We have also had a movement towards an inclusive society, one whereby Canada was part of the international family of nations and a country that would welcome people from other countries who wanted to come to Canada to build their lives and succeed and contribute to Canada. The idea of an inclusive society also incorporated Canada's acceptance of a share of the most vulnerable refugees from other countries.

The Liberals have a movement towards a sustainable society. That is one through which we leave Canada in as good a shape as it was, or better, environmentally as well as socially and economically.

These are important movements that government provides leadership on. They create the character of Canada, the nation we are so proud of and a nation the rest of the world respects.

I see a Conservative government across the aisle moving towards a punitive society, a society based on raising fears, anger and resentment among its people. It is one based on pitting one group against another in fear or resentment. We have seen any number of initiatives that are slowly building the platform for a more punitive society, and I am sad about that. I regret that Canada is going backwards with this movement towards a more punitive society, and that is what the bill is all about.

Yesterday the immigration minister summed up what the bill was about. He said it was about a disincentive for smuggling. What does a disincentive for smuggling mean with the way the bill is laid out?

It does not mean working with the international community to prevent smuggling. It does not mean identifying who is profiting from it and working to stop them from exploiting refugees. No, the disincentive would be punishing the victims so harshly that refugees would think twice about Canada being a safe harbour in their time of greatest need. That is not the Canada we want to create.

We recognize the mistakes that Canada has made in the past. One example was the horrible breach of humanity in turning away the *St. Louis* and its German-Jewish refugees. That is a recognition that we are a Canada that has a humanitarian responsibility towards refugees. However, this bill is about punishing refugees as a disincentive to smugglers, and I take great exception to that approach to public policy in our country.

I join the Liberal Party and other members in wanting a government that would hit hard against those who profit from human misery, terrorism, exploitation and those who would take the most vulnerable in their time of need and make money from it.

• (1130)

Of course we want to crack down on that. Of course we want to protect Canadians from unscrupulous smugglers. However, this bill is not one that does that.

Already provisions exist against smugglers, and no further resources are provided by the bill to actually put into effect the provisions we have in our laws to impose life imprisonment or huge fines on those who are caught smuggling.

The bill is not an effective way to accomplish the objective of cracking down on smuggling. The bill is about punishing refugees. Unfortunately, in its process and content, it feeds cynicism, it is sowing conflict and it undermines compassion for human beings at the most vulnerable times in their lives.

The Liberals support pragmatic evidence-based solutions to human smuggling. We certainly do not support this re-victimization of the refugees by punishing the most vulnerable.

I want to talk about my assertion that the bill feeds cynicism. Several members have quoted polls showing that Canadians would just as soon turn back boats like the *Sun Sea* and the ones that came to the shores of British Columbia a year ago or two years ago. They would just as soon turn them back.

How cynical, because it is the government's own comments that stoked the fears, the anger and the resentment that were then reflected in the polls. The comments of the Prime Minister and the immigration minister linked refugees fleeing for their lives to terrorism and to illegitimacy. It was those kinds of comments that the polls were reflecting. To stoke those fears, then poll the public, and then use the results to justify this bill to punish refugees is just the highest political cynicism that one can imagine.

The bill did not see a public consultation. Were the various parties involved in thinking about how we can actually crack down on smuggling? There was no consultation, because this is a bill to gain political advantage by stoking fear, anger and resentment among Canadians. That is what the bill is all about, so why would the government consult on it? Making people afraid, coming up with a supposed solution, and then garnering some votes is the height of cynicism, and the Conservative government specializes in it.

Because of the absence of public consultation, the bill is unlikely to survive the charter challenge. That is because it creates two classes of refugees and because it likely flouts international law, but that is not an impediment to the members opposite, because they will use this as part of that larger platform toward a punishment agenda, a punitive society based on fear.

Canadians deserve better than that. They deserve thoughtful public policy that really goes to the root of the problem and genuinely attempts to improve Canadians' lives through public policy that shows leadership, not just petty partisanship.

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The bill also sows conflict, and I think we saw that in a number of the speeches in which the members of the Conservative Party talked about illegitimate refugees. What is an illegitimate refugee? A refugee is a refugee, and when refugees come to Canada's shores, we have mechanisms to determine whether they are here to exploit Canada or whether they are people fleeing for their lives. We have mechanisms for that, so to brand all of the refugees that come on a boat as illegitimate is just part of the landscape of the punitive agenda. It stokes resentment among Canadians and creates two classes of refugees, which is completely unacceptable.

The bill refuses to consider the application of the second class of refugees for permanent residence. It has greater political interference in considering the applications. In the bill men, women and children would all be sent to mandatory detention for no reason for 12 months. They would have to wait five years before even applying for permanent residency status. They are restricted from leaving Canada during that time. Worst of all, after five years they would risk being sent away because someone might assess their country as not being sufficiently dangerous.

We have seen tragic—

• (1135)

The Deputy Speaker: Order, please.

Questions and comments.

The hon. member for Cariboo—Prince George.

Mr. Richard Harris (Cariboo—Prince George, CPC): Madam Speaker, I listened to the member's comments. What she is not realizing is that the reason that Canadians elected a strong, stable Conservative government is because we talked about fighting organized crime and terrorism, either within or outside our own borders. This is one of the measures that we talked about, and now we are putting it into force.

Members incorrectly state that we are punishing refugees. They know that is not true, but they need to have some sort of a basis to talk about. They do not want to talk about punishing the criminals, as we are going to do.

I want the member opposite to please explain why her party and the NDP are dead set on allowing criminal organizations to abuse Canadian generosity for financial gain. Would she answer that question, please?

Ms. Joyce Murray: Madam Speaker, before I answer that, I would like to ask the member opposite whether he has met a Tamil refugee and looked in the face of a mother with children who was part of a group being discriminated against in their own country for years, a country where 10,000 citizens of their community were murdered just before the end of the civil war and whose community may have been among those where two and a half million of their citizens were displaced during the tsunami of 2004 and forced to fend for themselves in a hostile political climate. Has the member met one of those Tamils, looked the person in the face and said that by punishing you refugees, we think we will be able to prevent smuggling?

• (1140)

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Mr. Speaker, I would like to ask the member if she would elaborate on how this legislation would violate our Canadian Charter of Rights and Freedoms.

Ms. Joyce Murray: Madam Speaker, just as the Conservative government has tried to propose changes to our citizenship in Canada that would create two classes of Canadian citizens, it is now proposing measures that would create two classes of permanent residents in Canada.

Some of the most vulnerable people, as I have mentioned, are incredibly strong at heart to survive reversals that we cannot even imagine, including the loss of family members, disasters and crimes against humanity, but they would be subject to being a different class of permanent resident because of the Conservative government's attempt to penalize and punish refugees as a way to pretend to make Canada's citizens safer.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Madam Speaker, we were in office at the time of the September 11 attacks, and we always tried to strike a balance between openness and vigilance. We must fulfill our responsibilities to protect citizens and fight crime, but at the same time, we do not want to build a wall around our country.

Can my colleague tell us just how dangerous it would be, under this bill, to ignore the fact that, when it comes to immigration, each refugee case is specific, and to start discriminating against certain countries, certain groups and certain people, which would put a black mark on them and prevent them from entering Canada?

Ms. Joyce Murray: Madam Speaker, I want to thank the hon. member for his question.

This Conservative government is seeking to politicize everything that has to do with immigration. It has given the minister decision-making power that once was in the hands of the proper authorities. It is very dangerous for Canada to have an immigration system that is so politicized that immigrants will not speak up about things they do not like for fear that the minister will punish them for decisions made by their home country and the migrants from their country.

Ms. Manon Perreault (Montcalm, NDP): Madam Speaker, I rise in this House today to oppose this bill, which has been described as draconian by a number of experts, including the Canadian Civil Liberties Association. This bill is discriminatory and gives too much power to the Minister of Citizenship, Immigration and Multiculturalism.

This bill authorizes the minister to designate as an irregular arrival the arrival in Canada of a group of persons. Those persons can thereby become designated foreign nationals. Their fate is left in the hands of the minister. In fact, if the minister deems that examinations could not be done in a timely manner, if he suspects that the persons were smuggled in exchange for money or that a criminal organization or terrorist group is involved in the smuggling, these refugees become designated claimants.

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These designated claimants are then subjected to a host of abusive and discriminatory rules. Such measures would be inconsistent with the rights granted under section 15 of the Canadian Charter of Rights and Freedoms and would violate section 31 of the Convention Relating to the Status of Refugees by imposing penalties on refugees for illegal entry or presence.

Furthermore, this bill clearly violates the charter. The designated claimants—and that also includes children—must be detained upon their arrival or when they are designated. Their detention will only be reviewed after one year, or longer if the minister deems that their identity has not been established. These designated claimants may only be released when it has been established that they are refugees or when there are exceptional circumstances.

This bill obviously gives the minister too much power. This bill is arbitrary and gives the minister a great deal of discretion regarding the status of these people. These people have just arrived in Canada and are immediately treated as criminals, placed under suspicion, and, in the case of designated claimants, detained.

The Supreme Court has already abolished mandatory detention without review of security certificates. The court was clear: detention without valid reasons cannot be allowed in Canada. And yet this bill seems to ignore the Supreme Court decision.

This detention provision would allow indefinite detentions based on identity issues. There would be no possibility of release until the minister deems that the identity of the designated applicant has been fully established.

Canada has ratified many international treaties that prohibit arbitrary detention. Why does this government wish to pass a bill that would allow officers to go ahead with arbitrary detentions? Furthermore, the conditions for release are not specified. It might be a complex administrative task to establish conditions without considering individual cases.

What concerns me is that the decisions made by the Minister of Citizenship, Immigration and Multiculturalism regarding applications by designated persons cannot be appealed to the refugee appeal division. This fuels my fear that this bill advances a process based on arbitrary decisions. I wonder about the recourse open to these designated applicants.

This provision could seriously contravene the Convention relating to the Status of Refugees, which protects refugees from such laws. My NDP colleagues also reminded the government of the provisions of the Convention relating to the Status of Refugees when the government attempted to prevent refugees from certain countries from appealing decisions.

This bill unfairly attacks refugees and does not resolve the underlying problem. It is based on arbitrary decisions by the minister, decisions that cannot be appealed.

● (1145)

The bill does not stop there. It even limits claims on humanitarian grounds. Once people become designated claimants, they can not make a claim on humanitarian grounds or apply for a temporary resident permit for five years. This provision is just one more obstacle. The bill goes much too far.

Despite the Convention relating to the Status of Refugees, designated claimants cannot receive a passport. Article 28 of the convention, which requires States to issue travel documents, would not apply to designated claimants.

That means that the government is suspending some of the rights of designated claimants. What is the government trying to do? Alienate all refugees? Criminalize them as soon as they arrive?

This bill not only has a significant effect on the rights of refugees, but it also applies to previous cases. Under a retroactive designation provision, the government can consider anyone who has arrived in Canada since March 2009 as a designated claimant.

We see here the scope of the power that this bill grants to the minister. He can go back to 2009, decide that a refugee is a designated claimant and impose all the provisions that accompany that status on the person in question.

This bill attacks refugees rather than the real culprits: traffickers and smugglers. There is already a serious sentence for those who are found guilty of human trafficking: life in prison. This bill unfairly punishes those who are trying to seek refuge in Canada and encourages discriminatory practices.

What worries me is the significant amount of power that would be granted to the minister if this bill were passed. The bill is based on the minister's decisions.

We must ask ourselves what the Conservatives hope to gain with such a bill. They claim that they want to fight the spread of human trafficking. Their solution is to give the minister the power to make important decisions on the status of refugees without giving them the ability to appeal that decision. The Conservatives' solution is to detain children for as long as it takes to determine their identity.

The NDP recognizes that human trafficking is a problem but it is proposing real solutions that address the real problem. The criminals—traffickers and smugglers—are the ones who must be punished.

Several months ago, the House passed a bill regarding refugees. It was strong but also balanced and fair. I believe that we should focus on improving the enforcement of that law.

● (1150)

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I thank my colleague, the member for Montcalm, for her speech.

This bill is a little odd, in light of the fact that changes were recently made to the Immigration and Refugee Protection Act. I would like my colleague to tell us why she thinks we have this new bill. Why has it come to this? What is the current legislation lacking for us to have a fair and equitable system?

Ms. Manon Perreault: Madam Speaker, I thank my colleague for his question.

I will use my time to mention that there is already legislation to punish traffickers. We already have a system to welcome refugees. Yes, I said "welcome". We welcome refugees, mostly people who have suffered and who are coming to Canada in search of a better life. With this bill, Canada no longer intends to welcome these people. It would instead allow immigration officers to detain children. Do we want our country known for that?

Government Orders

This is a draconian bill. A number of experts have spoken out against it. It goes too far, and the best example of that is the mandatory detention of children. I am talking about children—young people who do not know what is happening to them. They have travelled very far to come to Canada. Their parents promised them a safer and better life, new friends and welcoming neighbours. I have a hard time imagining a smooth transition for these children. In fact, it is the complete opposite. Their arrival starts with mandatory detention. I cannot understand how the government can defend such a position or how it can think that it is necessary to detain children. I have a hard time understanding that someone could detain a frightened child who does not understand what is happening.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, how can we attempt to work on Bill C-4 without first understanding the problem?

The bill is based on false premises. For instance, we cannot compare ourselves to countries like Italy, where the African coast is 350 kilometres from the island of Lampedusa. Some tens of thousands of refugees arrive there every year. The island has become overpopulated, with people there living practically elbow to elbow.

It is a serious problem. The European Union has worked on finding humanitarian solutions to this problem. Here, we are not at all in the same situation. We have the Arctic Ocean on one side and no one will enter the country through there. Our context is not remotely similar and we are not dealing with the arrival of a large number of boats full of refugees. Even if we were dealing with that kind of situation, we would have to respond to it in a humane way. Putting everyone in prison will not change anything. It will only require more prisons.

I would call this bill the “restricting access to refugee status act”. We cannot expect Sri Lankan refugees to arrive in business class on Japan Airlines with their lawyers. For the most part, they are farmers or small business owners who have left a war zone, who were caught in the crossfire of the conflict. They left their country with whatever means they had. They pooled their money together, bought a rusty old boat and set sail to try to seek refuge somewhere. If they were a group of Saudi millionaires, they would have bought a brand new Airbus and arrived at Pearson airport or Trudeau airport with their passports and cash.

Let us be reasonable. The worst thing about this bill is the social tension it creates; it fuels the animosity of one part of the population towards a targeted group. Then, as soon as the public begins to demand action, measures are taken. That is not a vision; it is a refusal to see the facts.

It is important to look at our history. In the past, Canada has made some unfortunate decisions. Remember what happened to Japanese Canadians during the last war; remember the Chinese head tax. We have had to apologize for those decisions. Before we make another unfortunate decision, we need to reflect and not do something that we will need to apologize for later.

We have also done good things in the past. We welcomed those fleeing the Bolshevik revolution in eastern Europe.

● (1155)

We saw how critical people were of these refugees when they arrived. Many people said that there were too many Ukrainians, Germans, and so on. But we have had Ukrainian premiers and there are people from all backgrounds who have become some of the most productive members of our society. If we had pointed fingers, lumped them together and set up barriers in their path, we would not be where we are today. And what a shame that would be.

We now have a chance to make a dignified and generous choice, and I believe we have the means to do just that. It costs less to send a young person to university than to prison. We cannot be swayed by xenophobia and poor instincts. People having a morning chat in a restaurant are allowed to make extreme comments and pass judgment without much thought, but not those of us paid \$160,000 a year to be here. We are supposed to think and act intelligently.

● (1200)

[*English*]

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, I listened intently as my friend opposite made his presentation.

We have heard a lot of opposition members complain that Bill C-4 discriminates, that it puts children in detention and that it denies asylum seekers due process, but when we drill down into the bill, that is not the case at all. It currently takes 48 hours to review someone's detention, and there would be reviews in 7 days, 30 days and 30 days after that. In Bill C-4 there is an advantage for people seeking asylum. There is ongoing review. As soon as people can establish they are legitimate refugees, they are released from detention, from wherever they are held. That is an advantage in this bill.

Does the member opposite not see that as an advantage? Why does the NDP focus on the hyperbole instead of looking at the facts and advantages in this bill?

[*Translation*]

Mr. Marc-André Morin: Mr. Speaker, the Conservatives seem to think that everything happens in a perfect world. Bureaucracy is working well and there are regular channels that refugees can go through. However, I have before me a letter from one of my constituents who wrote to me from West Sussex, in the UK. He said he wants to sponsor his two daughters and bring them to Canada, but his efforts have been unsuccessful since 2010. He tried calling the immigration department office in Sydney, but the only response he got was on a broken answering machine and no one returned his call. He also wrote several letters, but received no response.

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I have a lot of comments I would like to make in response to everything I am hearing here today. First of all, I would like to pick up on my colleague's idea.

Government Orders

Bill C-4 is supposed to punish traffickers with a view to discouraging them. However, this bill punishes refugees more than traffickers. It punishes victims, people in distress who simply want to escape a miserable, atrocious psychological, physical, family-related or interpersonal situation. These people are in danger and simply want to get away from all that.

What is happening, however, is that out of fear, the Conservatives are trying to create a climate of distrust. I am talking about xenophobia. Then it becomes very difficult for immigrants, and I know what I am talking about. My parents had a very hard time integrating on a cultural level, because people do not trust one another.

I would like to ask my colleague if he has thought about how we could improve this bill by targeting the traffickers instead of legitimate refugees.

• (1205)

The Acting Speaker (Mr. Bruce Stanton): Order, please. The hon. member for Laurentides—Labelle must have sufficient time to answer.

Mr. Marc-André Morin: Mr. Speaker, naturally, human beings do have unfortunate tendencies, such as not trusting other groups. We have even heard important people, here in Ottawa, say that there are too many French Canadians in the public service. We must be very careful because if we go down that slippery slope we are going to create mistrust. Of course, imprisoning children does not punish human traffickers. However, the idea of incarcerating our own children and sending them to adult prison is going a bit far.

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Mr. Speaker, Bill C-4 is profoundly unfair to refugees. This bill, as presented by the government, is vague, arbitrary and discriminatory.

How can the Conservatives justify the arbitrary detention of young children? It is simply bizarre for a political party in a country like Canada to present this kind of bill in this House.

I would like to know more about the process by which these designated persons are going to be designated. I see this as a flagrant lack of transparency. What powers will the minister have in all this?

The power to designate enables the minister to discriminate between two classes of refugee protection claimants based on the method by which they arrived in Canada. That means that a person who arrives by air would not be designated or affected by this legislation, but a person who arrives by boat would be. Equality before the law is a fundamental principle in Canada, enshrined in the Canadian Charter of Rights and Freedoms.

How can they be proposing a bill that imposes a set of penalties on “designated” persons in direct contravention of article 31 of the refugee convention, which Canada has signed and which expressly prohibits states from imposing penalties on refugees on account of their illegal entry or presence in the territory of a state, particularly where their life, their freedom or their security is threatened.

The government is giving itself the power to arrest and detain any non-citizen, even including residents, based on a mere suspicion of criminality. We are talking about mere suspicion. How can mere suspicion justify detaining people, including children? This is

arbitrary detention, and I would remind this government that as such it is a violation of the Canadian Charter of Rights and Freedoms. I do not know whether this government thinks it can place itself above the Canadian Charter of Rights and Freedoms, but, as if that were not enough, the Conservatives are not limiting themselves to designated persons or refugee protection claimants. This applies to all non-citizens.

This is an unbelievable assault on the rights of newcomers. Not only will we designate refugees arbitrarily, but we will also put them in detention with no independent review for a year. In addition, these persons will be designated arbitrarily without knowing the reasons why they are to be detained for a year. I would remind this government that the highest court in Canada has clearly held that detention without review for a long period of time is contrary to the Canadian Charter of Rights and Freedoms.

One Commonwealth country already tried to enact a bill like the one the government wants to introduce today. Not only do the Conservatives want to put children in prison—or in detention, the word means the same thing—but their bill does not address the real issue in any event, which is to punish the traffickers, not the refugees. The title of the bill is perfectly clear, but when we read the bill, we realize that the content does not, in any way, address the objective of punishing traffickers. What is happening here is that the refugees are being punished.

On that point, the Canadian Council for Refugees points out, “Mandatory minimum sentences will not deter: under the Immigration and Refugee Protection Act smuggling is already punishable by life imprisonment and mandatory minimums have been shown not to work as deterrents.” It also reminds us that Australia has tried punishing refugees in an effort to deter them, but it did not work.

I would also like to stress this fact, “The Australian public was deeply divided, with many previously unengaged citizens joining a grass-roots network to protest at their country’s inhumane treatment of refugees.” Why does this government want to push ahead when we know very well that the Canadian Council of Refugees is telling us this type of legislation is ineffective?

The Australian Human Rights Commission conducted a national inquiry into children in immigration detention and its finding, unsurprisingly, was that children had suffered numerous breaches of their human rights. We are calling for Bill C-4 to be withdrawn. The government should review the bill and tackle the real problem.

• (1210)

As my colleague, the hon. member for Argenteuil—Papineau—Mirabel, said yesterday, between 2008 and 2009, the government had already spent \$45 million. I know we have to talk about economics when we talk to the Conservatives, because it seems that human rights and social justice do not mean much to them.

To detain children and detain refugees, we are going to have to build detention centres. What money is going to be used to build them? Taxpayers’ money. Is this going to help us build our economy? No, unfortunately; it is only going to make us look like a country that does not respect human rights.

Government Orders

Let us talk about children now. It is impossible to read this bill without being outraged by the provisions that affect children. Detaining and deporting children—are these things really possible in a free and democratic country like ours? Unless they are accepted as refugees or released on discretionary grounds by the minister in exceptional circumstances, children will stay in detention for at least a year. How can that be justified?

I would also like to remind the Conservatives that the United Nations Universal Declaration of Human Rights proclaims that childhood is entitled to special care and assistance. That is being completely disregarded by this government, which would deprive designated persons, including children, of the opportunity to make an application on humanitarian and compassionate grounds for five years, and I would repeat, with no right of appeal, which is a right instituted in our Canadian Charter of Rights and Freedoms. It is a fundamental right.

The conventions on refugees and the rights of children lay down specific requirements to protect the children's freedom. Detaining children must be a last resort, and must be for as short a time as possible. A child may not be illegally or arbitrarily detained, and has the right to challenge the legality of such detention before a court or other independent authority.

Do the Conservatives really care about the family, the fundamental unit of our society? When I read this bill, I do not think so. Do the Conservatives recognize Canada's past commitments on the international stage, or do they intend to enact an unfair, undemocratic and discriminatory law?

Let us talk about family reunification. As I said, designated persons may not make an application on humanitarian and compassionate grounds or apply for permanent residence for five years. This means that their family members, who may be in danger in their country, will not have the opportunity to come to Canada until five years have passed. That provision is an unwarranted barrier to making an application on humanitarian and compassionate grounds and is in direct contravention of the Convention on the Rights of the Child and the Convention relating to the Status of Refugees. In addition to blithely disregarding the rights of children, the bill deprives certain refugees of the security and stability they need in order to integrate into Canadian society.

I would also like to remind this government that Canada is among the countries that have signed these two conventions. Today, in the House, we see Canada completely flouting its international obligations. The United Nations General Assembly has affirmed the principle that human beings must be treated “without any discrimination” and are entitled to enjoy all of the fundamental rights and freedoms recognized.

In closing, I would like to remind this government, which makes it a point to tell us over and over how Canadians have given it a strong mandate to defend them, that only 40% of the public voted for this government, and 60% disagree with the policies it is trying to adopt today in the House.

● (1215)

[*English*]

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I commend the new member of the New Democratic Party for the passion in which she delivered her speech. However, I was a little discouraged in the fact that I found it short on facts and short, in some cases, on truth.

I have sat here this morning and I have listened to the New Democratic Party bring forward the misconception that bona fide refugees are being punished and that this denies international obligations. I heard the gentleman across the way, the past speaker, say that we were violating international United Nations conventions.

I would remind that party and that member that until these individuals are deemed refugees they are not refugees. They are asylum seekers until the IRB deems them to be refugees. Even if they are deemed to be refugees, they still may be inadmissible to Canada if they are found to have committed war crimes, crimes against humanity or many of those other things.

I urge the member to be cautious in her blanket statement that we are treating refugees wrong. Canada is warm and open to refugees, but many of the people who come here are deemed to be asylum seekers who do not meet the criteria for refugees. For that, I would ask her to be cautious.

Why do NDP members needlessly impugn Canada's reputation in the world when they state that we are not living up to the obligations under United Nations conventions?

[*Translation*]

Ms. Ève Pécelet: Mr. Speaker, first, I would like to remind the hon. members that the NDP does not need to impugn Canada's reputation on the world stage because this government has been doing so since 2006. The Conservatives have done a good job in that regard and continue to do so.

Second, refugees may not be allowed into Canada but that is not the issue. Does this really give the government the right to detain children illegally and arbitrarily? Does it give the government the right to treat refugees like criminals when they have committed no crime? My answer is no. It is illegal. It violates both international and Canadian law. It violates the Canadian Charter of Rights and Freedoms.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I would like to give the hon. member for La Pointe-de-l'Île a moment to catch her breath. I can feel her passion. She had a good vacation.

I agree with most of what she is saying but I would like to ask her a question. In a legislative process, we also have to propose amendments and give our opinions on the bill as a whole. How would she define the role of the immigration minister? Does the minister have the right to use flexible tools in some cases or must he simply be subject to a law?

Government Orders

Ms. Ève Pécelet: Mr. Speaker, this bill gives the minister power without granting those affected by his decisions any right to appeal. They cannot be sure that the minister's decision will be impartial. Under this bill, the minister has all the power and is not subject to any sort of monitoring. The minister can basically do whatever he wants. That is exactly what is being given to the minister.

In a democratic society, a minister should never be given the power to make such important decisions that affect people's lives, safety and stability without the assurance that he will be monitored by someone. As it stands, the minister can do whatever he wants. We know this government's record. The Conservatives have a tendency to put the paperwork into the shredder and then there is no evidence. Right now, the minister can do whatever he wants and no one is able to monitor him.

• (1220)

[English]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, it is a pleasure to follow my colleague from La Pointe-de-l'Île who gave, not only a passionate discussion of the issue, but also a very thoughtful one. I congratulate my colleague from Vancouver Quadra for her statements this morning, as well as the member for Laurentides—Labelle and the speech from the member for Scarborough—Rouge River which I had a chance to listen to yesterday.

I have also had a chance to listen to the interventions from the minister who took some exception to some of the statements made in the House and insisted that what Canada was doing was in the finest traditions of Canadian respect for the law. I want to take some time to ask how the minister can actually say that in good conscience.

He said that after the arrival of the boat from Sri Lanka, polls showed that the Canadian public wanted to refuse people all right of entry and that this measure was very modest in comparison to what the public were demanding.

I have the advantage of having been around for quite a while and I was present in the House during the debate on the Charter of Rights and Freedoms. I was present in the House when we voted in favour of the Charter of Rights and Freedoms. I think I am correct in saying that I am the only member here who can point to that. That debate focused on the question of what we should do to protect to minorities even when it is unpopular, because at that moment we were reflecting on our history as a country.

We were reflecting on the fact that if a poll were taken on the decision of the government of the day, which was a Liberal government, supported strongly by the official opposition, the Conservative Party at the time, to intern Japanese Canadians without trial, without right of appeal, simply on the basis of their race and on the basis of the minister having designated someone as a person of Japanese origin and who, therefore, would be incarcerated. If we had taken a poll that would have been very popular.

Is this something where we hold a finger in our mouth and hold up the finger to see which way the wind is blowing? That is not the issue here. This is an issue about the substance of Canadian law, the process that we must follow as a country in order to uphold our obligations to ourselves under the charter and our obligations to

other countries. I will go back to the basics. I will use the words of my good friend from Crowfoot, the former chair of the House foreign affairs committee, with whom I had the great pleasure of working for a period of time. He said that everybody was an asylum seeker, that they are not necessarily a refugee. That is correct.

However, this law would give the minister the power, in effect, the obligation, to designate someone in a particular category so that person would be treated differently than another asylum seeker who is also claiming refugee status. The minister uses his power to designate an individual and, as a result of that power, that person is put in detention. That separates out different kinds of refugees depending on the circumstances under which he or she comes to Canada.

• (1225)

[Translation]

Let us be clear: the popularity of the bill is not the issue here. The Conservatives are telling us that they are concerned about the economy, but that is not evident in the debate. They are addressing the issue of refugees and introducing crime bills. The Reform Party is still there; it has not disappeared. The name of the party has changed, but the Conservatives have not changed their stripes. They are not concerned about the economy. They are concerned about something else.

For us, the issue is very clear: is it legal for the government to treat people who are trying to obtain refugee status differently, based on the way in which they arrive in Canada? I do not think that that is in line with the Canadian Charter of Rights and Freedoms. The Charter clearly states that everyone has the same rights and must be treated the same way. People cannot be treated differently based on the way in which they arrived in Canada, because this can be unfair to an individual.

[English]

Let us take our responsibility as members seriously. If the government were serious about this, it would refer the legislation to the Supreme Court of Canada. It would say that reasonable people, and that includes about every law professor and a former chair of the Immigration Appeal Board who I spoken to, have said that they do not consider this goes outside the framework of the law.

However, the government has chosen not to do that. It has not changed the legislation. It is the same bill it produced the last time the House would not have passed in its formation at that time, because the government did not have a majority. Now that it has a majority, it has said that it will go ahead and push the law forward.

For the members opposite, let me clearly make the position of the Liberal Party. We do not care whether the legislation is popular or not. The question is whether it is legal, constitutional and, therefore, the right thing to do.

Government Orders

I probably have spent as much time as anyone, with very few exceptions, particularly my colleague from Scarborough—Rouge River who has lived with this issue, looking at the situation in Sri Lanka. If the government were to say that it wants to get tough on the people who are smuggling, we would say that smuggling is already illegal, that it is already against the law. It is not as if we have no legal structure in our country to deal with people trafficking in persons. It is not as if we have no laws to deal with this question. It is not as if we do not have the ability, if we can get the proof, to actually arrest people, charge people and have a trial. However, the purpose of the legislation, and the minister said it yesterday, is to ensure that people who might consider trying to come to Canada under these circumstances think long and hard before they do it.

Therefore, contrary to what the Conservative member from Musquodoboit said earlier, this is not about treating people who come by this means more fairly, which was an absurd argument, this is about actually discriminating against people who were coming in this circumstance.

The government may win all kinds of kudos from people who say that this is right on, that we should lock those people up and throw away the key. Frankly, it is important for a political party to say that this is not the issue here. The issue here is the law of Canada, which includes the charter, which is the Constitution of Canada, and that is the weakness of this bill. I can take members hammer and tongs through every piece of sentence in this law and say that, in its most simple form, it creates two classes of refugees. If people come by plane, they are one class. If they come by car, they are in another class. However, if they come in a boat, we do not want to have anything to do with them. That is wrong. Like cases, people who are applying for refugee status, should be treated fairly and squarely, according to the fundamental principles of Canadian justice.

• (1230)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I have two very simple questions for the member for Toronto Centre.

First, would the member not agree that by again calling for the House to refer an important matter, a matter that is of urgent importance to Canadians, to the Supreme Court rather than legislating on it here that the Liberal Party is again abdicating its responsibility to address the concerns of Canadians?

The Liberals are all assembled in the House. Are they not abdicating their responsibility as legislators to take the steps to ensure that a legal vacuum does not exist?

Second, would the member for Toronto Centre not agree that Canada has been targeted by human smuggling groups, criminal groups, organizing boatloads of human beings to come to our shores because of the negligence of the Liberal Party over the years to legislate and to ensure that the rules were followed in this area?

Would the member not agree with those two points?

Hon. Bob Rae: Mr. Speaker, I would not agree with a single sentence that the member has spoken.

I am really astounded that somebody of his experience would make that kind of a comment. It is proof that the red Tories are gone. I do not know where they once were, but they certainly are not over

on the other side anymore. He has become a Reformer, just like the others.

The member says that there is a legal vacuum. There is no legal vacuum. This is a myth which is perpetrated by the other side. There is no crisis. People are not sitting on the edge of their chairs because of this issue. It is astonishing to me. What the Conservatives are doing is trying to whip something up and are responding in that way.

No, I do not agree with his point of view that we are abdicating responsibility. We are taking our responsibilities as members, and that is exactly what we are going to continue to do.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I thank the hon. member for Toronto Centre for his very thoughtful speech. I also thank him for his very touching words yesterday during the tribute to our leader, whom we miss very much.

There is one thing I find very interesting regarding the creation of classes of refugees, classes of asylum seekers, and it has to do specifically with the issue in Bill C-4, which prevents foreign nationals designated by the Minister of Immigration from appealing a decision of the Refugee Appeal Division.

Yesterday, the Minister of Immigration gave an example: Australia's supreme court invalidated the provisions that prevent these claimants from appealing.

I would like to hear what the member for Toronto Centre has to say about this and about the Supreme Court of Canada.

Hon. Bob Rae: Mr. Speaker, the government will obviously not be referring this to the Supreme Court. And if it does not refer it, there will be years of persistent appeals.

I have no doubt that the Supreme Court would clearly state that asylum seekers must be treated fairly and that they cannot be told that they have no right to appeal. That clearly goes against every fundamental trial opportunity in our justice system.

• (1235)

[*English*]

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, given the experience of the member for Toronto Centre in Sri Lanka and his exposure to the issue, I would like to hear the member respond to the declarations by the Conservative government that this will be a deterrent, that punitive measures on refugees will be enough to keep people from fleeing for their lives and seeking asylum in other countries.

Hon. Bob Rae: Mr. Speaker, I wish we had more time to discuss that.

The question of the member for Papineau is a sign of the health of our caucus that these questions and answers are quite unrehearsed.

If we look at the pattern around the world, what creates a demand for refugee asylum are desperate circumstances in the countries in question. We can see a pattern in many parts of the world of profound hardship and deep problems, political oppression and other challenges.

Government Orders

The number of people who will claim asylum and get there in the most desperate of circumstances will grow all the time. That is what makes it important for us as a country to be clear on what we are about. As a country, we are about treating people fairly. The whole refugee structure is all about that.

[*Translation*]

Mr. François Pilon (Laval—Les Îles, NDP): Mr. Speaker, I am speaking today because Bill C-4, An Act to amend the Immigration and Refugee Protection Act contains a number of elements that truly bother me.

One of those elements is the clause allowing for the detention of a permanent resident or foreign national simply on the basis of reasonable grounds to suspect—and I would like to emphasize the word “suspect”—that the person is inadmissible because of their involvement in serious or organized crime. That could lead to major problems and to various abuses of the system.

First, any refugees arriving here without having been granted status from Citizenship and Immigration Canada—and goodness knows there are plenty of delays—will mandatorily be detained when they arrive. That flies in the face of numerous international conventions signed by Canada, including the UN Convention relating to the Status of Refugees, which states the following in subsection 31(1):

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

Bill C-4 directly contravenes this article of the convention signed by Canada.

Second, these changes to the Immigration and Refugee Protection Act will give too much discretionary power to the Minister of Citizenship, Immigration and Multiculturalism. These changes will allow the minister to proceed with arbitrary detentions. As I mentioned earlier, the government will be able to detain refugees on the simple pretext that they are suspected, but not accused, of criminal activities. There is an important distinction between the two. The government could detain, without valid proof, any refugee who looks suspicious to the Minister of Citizenship, Immigration and Multiculturalism. This could obviously lead to serious abuses.

Arbitrary detention also runs counter to the Canadian Charter of Rights and Freedoms, according to the Supreme Court of Canada which struck down arbitrary mandatory detention without review of security certificates. Once again, this amendment directly contravenes many international treaties signed by Canada.

The government says that this bill will reduce human trafficking. That is a noble cause and no one opposes the principle. However, the NDP opposes Bill C-4 because these changes concentrate far too much power in the hands of the Minister of Citizenship, Immigration and Multiculturalism. Furthermore, the bill penalizes all refugees who arrive in Canada, but takes no action against the traffickers.

What the NDP would like to do is directly punish the criminals, the traffickers, also called human smugglers. Bill C-4, as currently worded, punishes legitimate refugees and the people who try to help

them. The process set out in this bill is vague, arbitrary and clearly discriminatory.

In closing, the current government is actively destroying Canada's fine international reputation, which includes being a country that welcomes immigrants. This must stop.

• (1240)

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, the Conservative government has talked a lot about the fact that boatloads of refugees come to Canada, and it describes this as a problem that needs to be solved right away. What the Conservative government has failed to mention, however, is that in 2010, when the boat carrying Sri Lankan refugees arrived in the port of Vancouver, the number of claimants from that boat amounted to only 2% of all asylum seekers in Canada.

Does this proportion of refugee boat people really justify a bill that strikes such a blow to refugees who are leaving their country because they are victims of persecution or human rights violations?

Mr. François Pilon: Mr. Speaker, I thank my hon. colleague for his question.

Whether it is the number of refugees or anything else, nothing justifies such a bill. All it does is punish refugees, people who are already suffering. This bill does nothing constructive. It should target the smugglers, not the refugees.

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, today we are considering a bill that amends other legislation. At this point, one of the questions we have to ask ourselves is: do we really need this new legislation, and how does it improve things as compared to the existing law? We have to start by looking at the problem from that standpoint.

If we believe the title of the bill, its purpose is to prevent human smugglers from abusing the immigration system. However, when we look at the clauses of the bill and peel back its layers, we realize that there are a lot more clauses dealing with a new designation, a new category, referred to as “designated foreign national”, which comes with conditions and penalties that may be very harsh for the people concerned, than there are clauses dealing with human smugglers. So we may wonder what the real objective of the bill is.

I wonder about something else when it comes to how the bill is presented. It gives an impression—and impressions given to the public are important—of a presumption of guilt when people arrive by boat. It is as if all these people are presumed at the outset to be guilty, or presumed to have engaged in some criminal activity or other. Honestly, I am uncomfortable with this impression of matters.

Government Orders

Something else that bothers me a bit is that the minister is given a power that might be described as arbitrary, the power to decide whether a person is a designated foreign national. On what basis will that be done? What guarantee do we have of the integrity of the process, and that it is not just a matter of whim? There does have to be something to base this kind of decision on. If we examine the consequences that flow from this designation, it is a very important decision. We have to have assurances that a minister will be relying on very reasonable grounds to be in a position to apply this. We do not see this kind of guarantee in the bill. Similarly, the minister has no accountability for his decisions. The whole purpose of this House is precisely to hold the government accountable. I see nothing in this bill where the minister can be held accountable for this kind of decision, which has major consequences for people. It is important to remember this. We are not talking about inanimate objects; we are talking about human beings.

I am also concerned about the consequences of designation. Many other people will be speaking more eloquently than I about suspended rights, potential detention, the fact that children are going to be detained in some cases, temporary exclusions and all sorts of things. What strikes me is that people are being labelled, as if they were being indelibly tattooed. For years afterwards, their lives will be affected by decisions like this. I have a problem with this. I think we already have everything we need right now to deal with these cases.

Another thing that worries me a lot is retroactive designation. I do not understand the purpose of retroactive designation. Where are we going with this? Why have retroactive designation? I have not heard anyone on the government side explain the reason for this retroactive designation. Are they simply wanting another kick at the can for a bill that failed earlier, a few years ago?

• (1245)

I hope not. That being said, that is something that has no place here.

Are all these refugees fundamentally dishonest? Think about that for a minute. Do all these people want to slip through the cracks in the system and cut to the front of the line? I am not so sure about that.

People here in Canada have a hard time keeping their own laws straight, so just imagine what people from the other side of the world know about our immigration laws. They can be taken for a ride. I agree that we have to look at trafficking and address the traffickers, but I have a hard time with the trafficking victims being attacked. It is rather ironic to see that the victims are not being protected in this bill.

When it comes to victim protection, I would like to see something in the legislation that gives the authorities—our officials, our police, the coast guard—the means to enforce the law. It seems like there are fewer and fewer means to enforce the law and more and more constraints on the authorities who have deal with a larger volume of cases.

As far as I can tell in my riding, from talking to my constituents, processing times are increasing. So if other procedures are added again and resources are not provided to process those files, all we are

going to accomplish is that more people will stay in detention, not necessarily because they deserve it, but because we do not have the means to process the files. But the government is not tackling that issue.

I have talked about a lot of things so far, but not much about smugglers. Why? Well, there is little about them in the bill. Basically, there are only two things: the scope of the definition of a smuggler is slightly broader so as to include those who incite people to use smugglers or traffickers; and there are additional penalties for aggravating circumstances. How many smugglers are going to be intercepted with this bill? How many traffickers are going to be stopped under this bill? I have a feeling that the number is close to zero because the real problem is not being addressed.

I feel that the issue has been blown out of proportion; an immigration issue that has to do with lack of resources when people arrive in large numbers has become a public safety issue, although it is not one at all. We must avoid anything arbitrary or decisions that appear arbitrary. It is important for the reputation of our country that our minister does not give the impression of making arbitrary decisions. It is important for our parliamentary system.

We have an immigration act. Why not give the department the means to enforce it properly, even when there are extra costs on occasion?

To conclude, the bill should definitely be split in order to tackle the issue of smugglers on its own. I believe that the government would then have the support of this side of the House.

• (1250)

[*English*]

Mr. Brad Butt (Mississauga—Streetsville, CPC): Mr. Speaker, I listened quite carefully to what the member was saying and I am concerned. It seems to me the member is advocating that people who claim refugee status in this country should not need to have proper documentation so that we can verify who they are, where they are from, and that they are bona fide refugees. The Immigration and Refugee Protection Act requires that an applicant establish his or her identity and the Canadian courts have upheld this.

Is the member really saying that anyone who arrives in Canada should simply be released to walk around freely when we do not know who the person is or what the person has done in his or her country of origin, or whether the person has committed crimes in other lands? How would this ensure the safety and security of Canadian families?

[*Translation*]

Mr. Denis Blanchette: Mr. Speaker, what I said during my speech is very simple. I said that we currently have an Immigration Act that I believe does the job and does not require amendments, such as the ones proposed in this bill. Simply put, we should enforce the existing legislation and give departmental officials the means and the resources to do so. We do not need to go further than that.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I want to thank my colleague from Louis-Hébert and officially congratulate him on his election.

Government Orders

This morning, the member for Laurentides—Labelle raised a point that was also touched upon by the member for Toronto Centre. They made it clear that an immigrant is an immigrant, that there are a number of ways to immigrate, whether it is by sea, air or land, and that a smuggler is a smuggler. We have legislation in Canada to imprison these smugglers for life. There is no punishment greater than that, other than death. A refugee is a refugee. When we talk about refugees who arrive by boat, as has happened in the past, they do not arrive with their papers and their passports. We have to understand that they are refugees. So perhaps people should look at the definition of the word “refugee,” because a refugee is a refugee.

I have a question for my colleague. Does he not get the impression that the current government is not in a position to enforce the laws that it has proposed itself?

• (1255)

Mr. Denis Blanchette: Mr. Speaker, I would like to thank my colleague for her question, as it gets to the very heart of my speech—the resources given to the public administration to enforce the law. There is a supposed problem and instead of allocating resources to fix it, they are creating a new law. Why? Maybe because it makes for a good press conference or photo shoot. It is not as sexy to provide departments with the resources needed to implement measures. At this point in time, I think we need to start by providing the means to enforce existing laws.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, when the Minister of Citizenship, Immigration and Multiculturalism introduced and spoke to the bill, he made reference to the primary purpose of the bill being to get at the profiteers or smugglers.

We have argued that the bill will not have any impact on that. In the hon. member's comments, he made reference to the number of smugglers this particular bill will actually catch. I believe he said it would catch zero.

I wonder if he would just expand on that particular point. We believe it will have minimal, if any, impact whatsoever. Would the member add a comment on that?

[*Translation*]

Mr. Denis Blanchette: Mr. Speaker, I would like to thank my colleague for his question.

I do not believe that the legislation we have before us will allow us to take action against traffickers. All that is happening, and we have heard it from the other side of the House, is that we are moving the problem to another country. I think that we should be using international agreements to resolve this type of issue, but that is not what the government is currently doing.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-4, following many of my colleagues from the NDP who have pointed out the serious flaws and problems with the bill. Of course, we all remember the bill that was presented in the previous Parliament, Bill C-49.

I want to begin my remarks today by registering my concern about what I have seen over the years from the government. It seems to me that refugees have become scapegoats; they have become political

footballs to target and, in many ways, to tarnish. The bill before us today, a continuation of Bill C-49, seeks to do that.

I have been listening to the debate today in the House and have heard Conservative members say that smugglers should be prosecuted to the full extent of the law and that this bill is about going after smugglers. However, as my colleagues have pointed out, in actual fact the bill really does not speak to that issue.

In reality, Parliament did pass a bill a few months ago dealing with refugees. The laws that we already have in place contain provisions ensuring a life sentence for human smuggling. This raises the serious question of why this legislation is coming forward and what its purpose is.

When the bill was originally introduced in the previous Parliament, many organizations, such as the Canadian Council for Refugees, Amnesty International Canada, the Canadian Civil Liberties Association, the Canadian Bar Association, and the Centre for Refugee Studies, examined the bill and in a thoughtful way pointed out its serious problems.

These organizations studied the issue, not from a partisan point of view but a neutral point of view, as to whether or not the proposed legislation would be harmful to our refugee process or would assist that process. All members of the House, and certainly the government, should be aware that the response to the bill was resoundingly negative by the organizations that work closely on the issue.

We in the NDP have significant concerns. We are concerned that the bill would basically allow two classes of refugee claimants. It would allow designated claimants to be detained mandatorily, including their children. I think it is very powerful that many members today have spoken of their feelings about this aspect alone. What would it mean to incarcerate and detain children or not allow family reunification? This is a serious problem with the bill.

I remember a few years ago, when another boat arrived off the coast of B.C. from Fujian province in China, dozens of claimants were detained. I remember visiting them in jail in Burnaby, British Columbia. I remember the incredible issues and concerns they had in terms of not having access to lawyers, not being able to make proper phone calls, not having culturally sensitive provisions and food, and being separated from their families. That was a few years ago, and this bill was not even in effect at that time. I remember delivering a series of letters by the detained women from Fujian province to the minister, imploring the minister to address their grievances and the situation they were facing in staying in jail for many months.

Government Orders

If the bill goes through, we will see a system set in place that would give enormous power to the minister. Notwithstanding any other provisions in the bill, this is something that we should be very worried about. We have seen so much legislation from the government that centralizes authority and power and decision-making and discretion with the minister. Why on earth would we undermine our system overall and confer such extraordinary powers on the minister to designate claimants and then, as a result, place them in detention? That alone is a serious problem with the bill.

• (1300)

Canada has had a reputation of being a fair and reasonable country in protecting refugees and their rights, providing settlement in this country and upholding international law. Yet many of us today, in expressing our thoughts and concerns about this bill, point to the fact that this bill itself may end up facing a charter challenge and that it may be in contravention of international treaties. This leads me to wonder why this bill has come forward.

Why are we targeting human smuggling in this fashion when we already have provisions in the law that deal with such smuggling? We already have provisions in a new refugee bill that produced a more balanced result. Why is this particular bill coming forward?

I have come to the conclusion, as I think have many others, that it is more about a political line or optic that the Conservative government wants to lay down. It is like their get tough on crime approach. It has nothing to do with dealing with real issues and complex situations; it has everything to do with laying down a very simplistic approach that gives more power to the minister and actually strips away the rights we have had for refugees in this country.

Another very problematic provision in the bill is the fact that designated claimants would be denied access to appeal. They could not make an application on humanitarian and compassionate grounds. These are all hallmarks of the system we have in place. They are actually provisions that we members of Parliament use. We hear from constituents who are often in very difficult situations, who have come from another country and are going through the process and who may end up making an application on humanitarian and compassionate grounds to the minister. Yet here we have this bill that, all of a sudden, would not allow that to happen.

So it seems to me that this is a very serious step being taken. Here I would note that in the previous Parliament, the three opposition parties adamantly opposed the bill, and in fact the government did not bring it forward because it knew that the bill would likely be defeated by a majority in Parliament. Now we have a majority Conservative government, but that does not deter us from raising these significant points and alerting the public that, while the government might be fear-mongering and putting a political spin on this, the reality is that this is very bad legislation.

I want to thank the organizations that have taken the time to examine the bill thoroughly to give us their analysis to help us see the reality that this bill is very bad.

In today's global world, it seems very ironic to me that we have a government hell-bent on allowing capital to move wherever it wants with no restraints. We have a government that has, at the top of its

agenda, trade agreements that have virtually no restraints. So there is this idea of freedom of movement in the globalized world. Yet when it comes to people, the real resource in our world, humans and their capacity to produce and to live productive lives, we see this draconian legislation aimed at slamming people who may make very legitimate refugee claims in this country, who may be fleeing persecution and may have been taken advantage of and exploited.

There is no question that we need to focus on the problems that exist with human smuggling, but as I have pointed out, there are already very stiff provisions dealing with that aspect. This bill does not speak to that; this bill is targeted at the refugee claimants themselves. It is targeted at the people who are in that situation, if they arrive by boat. So this is bad legislation.

I am very proud that New Democrats are standing up against this legislation and pointing out the problems with it. I hope that if it does go to committee, we will have an opportunity to go through this bill in great detail, to make substantive changes and come to some recognition that the bill as is cannot go forward.

• (1305)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, this has been a very enlightening debate. One of the references I have heard during the course of this debate was the misnomer in the title of this particular bill. This bill has been referred to by one of my colleagues as a refugee punishment pact, as opposed to the title the government has for it.

My friend from Vancouver East comes from an area of this country that has been very welcoming to new Canadians over the years and, certainly, the broader community around them.

The picture the government is trying to paint to justify the changes in this legislation is that of an outright rash of illegal refugees coming to the borders, and certainly through B.C.

Is that the member's experience? Is that what she knows to be true in this particular issue?

Ms. Libby Davies: Mr. Speaker, the member for Cape Breton—Canso is entirely correct. We have had isolated cases where people have arrived by boat and the government has really stoked fear in people. I can remember some situations where that has occurred. However, there are probably more people who arrive by plane, for example, or over the border. Very little attention is paid to that in terms of specific legislation.

It really demonstrates for us that this legislation has been targeted to a very specific group that is way beyond what is actually taking place. We already have stiff provisions around human smuggling. We already have other laws that deal with our refugee system. This legislation is way over the top, it is bad legislation and it is clear that we need to change it.

• (1310)

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Mr. Speaker, I thank my colleague for her eloquent words, as well as for her help in the past during my wife's immigration process to this country.

Government Orders

Does my colleague agree that the government is dangerously trying to sow cultural intolerance and division among Canadians and could she elaborate on the effect this fearmongering and targeting of refugees and immigrants will have on the very fabric of Canadian society?

Ms. Libby Davies: Mr. Speaker, that is a very thoughtful question and one that the government does not want to answer. It wants to run for cover.

The fact is that when we look at this legislation and the agenda as a whole, it is about division, scapegoating and targeting people. It is about using optics in the media and playing on people's fears. I cannot think of a worse kind of public policy agenda. I think most Canadians would be abhorrent to that kind of agenda and yet this legislation is clearly targeted to meet a political end for the government. That is something we cannot tolerate.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am glad to have an opportunity to participate in this extremely important debate. For all of us who have spent some time in the House, issues of refugees and immigration continue to be an important part of the work we do here in Parliament.

For those who are watching, here is a bit of history.

On June 16, 2011, the Minister of Public Safety introduced Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act. The short title, if we can call it that, is, "Preventing Human Smugglers from Abusing Canada's Immigration System Act", which is quite a ridiculous title actually.

As a former minister of citizenship and immigration, I understand the difficult legal and political pressures that are faced by any minister of citizenship and immigration. I also know how hard it is to establish the balancing act between the rights of individuals and their need for a safe, secure and legal immigration system. However, as someone who represents one of the most culturally diverse areas in Canada, I am concerned that Bill C-4 casts too wide a net. This new net would catch some of those who hope to abuse our system but, at the same time, it would make many honest and decent people legitimately seeking a new life pay a hefty price.

I want to be clear as I go forward. I am now and have always been a strong supporter of measures that will help make Canada and Canadians safer. However, I am not prepared to support measures that will make Canadians feel safe while offering no actual safety enhancements. It is very similar to the crime bill and all the other things that make people feel better but, in reality, are very ineffective and simply cost a lot more money. Many of the provisions in Bill C-4 are exactly that. They are knee-jerk and miss the mark when it comes to real safety for all of the people who are trying to get to our shores.

Bill C-4 would allow the minister, or an officer, which is an important point, to refuse to consider an application for permanent residence. It would change the legal definition of a criminal organization. It would provide that the immigration division must impose conditions on the release of certain designated foreign groups. Clearly, that is another form of discrimination. It also would extend the time for instituting summary conviction proceedings from six months to a draconian five years.

For example, Bill C-4 would allow the government to arbitrarily label groups of people arriving on our shores with a specific designation. This may sound simple to some of those watching who may not understand how complex our immigration laws are. Let us take a closer and more practical look at what this might mean if it were applied to a real situation.

In 2010, the ship *Sun Sea* approached our west coast with some 500 men, women and children aboard. It had been determined that the affair involved criminal human smuggling and even terrorist implications. Those who were involved in any of that should be severely punished. However, it was also determined that several of the passengers were innocent victims of circumstance, particularly the children.

One could imagine if the government were to designate the entire passenger list as criminal or terrorist. I think Canadians and all of us in the House would be shocked if we started throwing innocent men, women and children in jail simply because of the manner in which they arrived. Had they arrived by plane or car it would not be an issue, but because they were arriving by boat it was an issue. Most of these people did nothing wrong and a hard-line one-size-fits-all approach is not prudent nor is it appropriate.

Another example of Bill C-4 is that it would provide for a minimum punishment for the offence of human smuggling. Most Canadians, myself included, want human smugglers to be punished severely. However, there is legislation on the books and if that part needs to be reinforced, then that should be reinforced, but we do not punish the innocent people who were struggling to escape from abuse, the severity of which many of us have no idea.

• (1315)

Bill C-4 has been designed to promote a feeling of safety rather than overhauling the system in a way that would create and shape an effective system that offers actual safety to Canadians and fairness to those who are trying to come to Canada for the right reasons.

We can do better than what is offered in Bill C-4. I hope all parliamentarians have a true opportunity to work on this legislation to ensure it accomplishes what it is meant to accomplish, which is to ensure that our country is protected from terrorists and does not become an open door policy for people who try to get here to abuse our system, but that it also ensures that we are punishing those who need to be punished and not punishing innocent people who are trying to come to our country.

Most of us understand that our world from the perspective of terrorism, security and the related legal frameworks changed dramatically forever on September 11, 2001. Bill C-4 responds to the politics of September 11, but it fails to truthfully and adequately address the realities also associated with 9/11.

Government Orders

Bill C-4 is setting the tone for a relationship between the government and all new Canadians. The government has made a great deal out of its emerging relationships with Canada's minority communities but these actions speak much louder than the words. Politics of division should not be shaping changes to Canada's immigration and refugee systems. I believe that is not the intent but clearly that is how it appears to everyone. Unorthodox does not equal bad. Just because people arrive in an unusual manner does not mean they have nothing to offer to Canada, nor does it mean that they are a threat.

Canada's former Governor General Adrienne Clarkson was a refugee claimant to Canada, as are many other people in this country. She and her family fled to Canada from Hong Kong using, again, less than conventional means. It might not have been a boat but it was unconventional. Ms. Clarkson's family fled to Canada in the wake of war in the Pacific in 1942. It is only through her father's government connections that the Poy family gained the opportunity to flee to Canada as part of the repatriating of Canadian government staff. She had that opportunity. Not everyone is quite as lucky.

The Chinese Immigration Act 1923 prevented the Clarkson family, the Poyes, as they were known then, immediate entry into the country until the Department of External Affairs intervened and smoothed away the barriers that were preventing her from coming here. It would seem that Adrienne Clarkson, a refugee who came to Canada through all the wrong channels and then worked hard to raise her family and to contribute to our society, eventually becoming the Queen's representative, was worth the benefit of the doubt.

We can just imagine what would have been lost if Adrienne Clarkson had been turned away because she had failed to apply correctly. She was desperate to get out of the country.

We can do better than the version of Bill C-4 that is on the table today. As I indicated earlier, I hope all parliamentarians will have an honest opportunity to work together on this issue. It is such an important one because it tells the world what Canada is all about. Canada is not about taking boatloads of people, putting them all in jail and treating them all as if they were terrorists, when we clearly know that is not the case.

• (1320)

Mr. Brad Butt (Mississauga—Streetsville, CPC): Mr. Speaker, the hon. member for York West and I have known each other for many years. I know she was a former minister of citizenship and immigration and she will appreciate how from time to time there are very difficult situations the governments of the day and the minister of the day must deal with when situations present themselves.

Canada certainly is not encouraging boatloads of refugees through smugglers to come to Canada, but it does happen from time to time. I am surprised to hear the member speak against the bill recognizing the fact that she was in the minister's shoes at one point in time and perhaps may have wanted to exercise some of the powers under the bill.

Could she explain why things are different today than when she was the minister previously?

Hon. Judy Sgro: Mr. Speaker, clearly we were a government that did not react on a knee-jerk basis every time by announcing we would put people who did this or that in jail. We were much more compassionate. I do understand very well, as do several of my colleagues on this side of the House who have been ministers.

It is a balancing act between doing what is constitutionally right and what is legally right by respecting the rights of people who are being terrorized and endure tremendous hardships when they are fleeing from their countries.

We are lucky in this country because we have a roof over our head and food on the table. We have no idea how tough or difficult life is for the many people who are desperate to escape from war-ravaged countries. Until we attempt to walk in their shoes, we have no understanding of how terror and starvation can lead them to pursue such desperate and illegal measures as paying \$50,000 to get on a boat to come here. They are desperate and it is that desperation that ministers need to take into consideration in the balancing act of the choices they must make.

[Translation]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I would like to thank the member for York West.

Is that not the crux of the issue? We are talking about immigration, which is a topic she is familiar with as she was the minister. This morning the member for Burlington spoke about security. Is the crux of the issue not that the current government is mixing up security and immigration? Refugees are not necessarily people we worry are going to jeopardize Canada's security. The majority of them are not dangerous; they are simply poor and need asylum.

Another department deals with security.

[English]

Hon. Judy Sgro: Mr. Speaker, the reality is there are thousands of people abroad who are desperate to escape their war-ravaged countries to come to Canada. More money needs to be put into a process that would deal with the backlog of applications that every country has. Last I heard, Canada was obligated to take in 20,000 refugees. We took in 14,000. More money is required for a system to process legitimate refugees from refugee camps so that they can come to Canada.

People are frustrated with the system and how long it takes. They are desperate people. If they had any other choice, they would not pay all of that money to get on one of those boats and be subjected to the conditions we have seen.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, my colleague has brought to our attention the method used by the current government when dealing with issues, whether they be justice, immigration or whatever issues they might be, which is to scare the heck out of the Canadian public first.

My hon. colleague was the minister of citizenship and immigration and brought forward some very relative changes in that department while there. Could she list the names of all boats that brought in illegal refugees during her term? Were there any at all during her term as minister?

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● (1325)

Hon. Judy Sgro: Mr. Speaker, there were none at that time. That is not something that is encouraged in this country and people know that abroad. That is the result of people trying to steal money from those who are desperate and provide them that opportunity.

As a government and a country, the message we need to send is that is not an acceptable way to come here. What I would hope to hear from the government is that it will commit to more resources.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, Bill C-4 concerns me in a very particular way and I think it should be rejected for many reasons, but mainly for humanitarian and social justice reasons.

I am able to stand before you here today in part because my parents were granted refugee status in 1980, thanks to the Canadian government's openness and its profound understanding of the precarious situation they found themselves in at the time. That extremely positive move allowed thousands of Vietnamese people to escape the miserable conditions in which they lived and to regain their dignity in Canada.

I do not dare even think about the additional consequences my parents would have suffered if Bill C-4 had been in force when they arrived in this country. Through their story, I will explain my position and demonstrate why I think this bill is clearly unfair and, more importantly, misses the target.

In 1979, after the Vietnam war, my parents decided to flee their country because of the horrible living conditions imposed by the new political regime and in the hopes of finding a better quality of life elsewhere. They could no longer endure the restrictions, the violence and the injustices that happened after the war. They jumped at the first opportunity to flee in the middle of the night, in secret, with my two brothers, who were one and three at the time. They made their way to a port and paid the smugglers with the last of their belongings, that is, whatever they could carry, such as clothing and jewellery. They got on a boat, with the direction indicated by a compass, in other words, anywhere, without knowing if the smugglers would take them to a safe harbour, take them somewhere dangerous or simply abandon them along the way. They risked their entire lives and those of their children.

Why did they decide to come by boat? The answer is simple: they had no other choice. Some 400 other people were also on the boat with them.

This bill creates two categories of refugees, including those who are designated because of their method of arrival, namely, by boat. These refugees are at a higher risk of detention than those who arrive by plane. This provision violates the Canadian Charter of Rights and Freedoms, which guarantees equality before the law, as well as the Convention relating to the Status of Refugees, which prohibits States from imposing sanctions on refugees because of their illegal entry. What is meant by illegal entry? This term has not been defined and remains unclear.

In addition, few refugees think to bring proof of identity. Their only concern is to save themselves, to disappear as quickly and quietly as possible. These people who do not have any identification

are automatically suspected of not being real refugees. As a result, the minister could deem them to be “designated foreign nationals” and they could be detained. The burden of proof is being reversed here. Refugee claimants arriving in Canada are no longer free while they wait for their claims to be processed. They are detained and considered “designated foreign nationals” until proven otherwise. This arbitrary detention is contrary to the charter and international law.

As my parents can attest, the journey made by refugees is long and difficult. Their ultimate goal is to survive the many dangers and threats they face: a lack of hygiene, food and water, as well as the many attacks by pirates who may rape the women, steal the refugees' belongings or commit gratuitous acts of violence against them just to scare them. That is exactly why most countries in the world, including Canada, signed the Convention relating to the Status of Refugees in 1951.

The convention's preamble states that human beings shall enjoy fundamental rights and freedoms without discrimination. It seems that the members of the Conservative government forgot this principle when they drafted this odious bill.

At the time, my parents were able to choose a host country since they were recognized as refugees on humanitarian grounds. Clearly, they were questioned, photographed and made to take an oath. Canada provided them with identification documents since they did not have any.

Under Bill C-4, my parents and my brothers likely would have been deemed “designated claimants” and would have all been mandatorily detained upon their arrival for a period of one year or possibly more. Since my parents did not have any documents, it was very difficult to establish their identity. Such imprisonment is completely arbitrary and discriminatory, is it not?

Before arriving in Canada, they were already scarred from their painful escape: recurring nightmares, irrational fear of thieves, no trust or great difficulty developing trust in people, and constant suspicion of everyone.

● (1330)

They saw danger everywhere at all times. They have also suffered greatly from being uprooted from their country and their family. They never talk about that experience because it was too atrocious, too harsh and the memories are unbearable. Nonetheless, in order to help put things into context, yesterday my parents agreed to retell their story to me.

It is hard to live in a refugee camp and go through the trials of being on the boat; it is also hard to adapt to the way of life in the new country, to culture shock, to social integration, to the temperature, to social isolation caused mostly by the language barrier and because they were potentially dangerous foreigners. At the time, my parents spoke rudimentary French.

Sending them to prison to boot under the pretext that they represented a potential threat would have been completely ludicrous in their case and in the case of thousands of other Vietnamese refugees.

Government Orders

Why not attack the traffickers more effectively in this case and dig deeper into what they are doing here and abroad instead of attacking the refugees?

Fortunately at the time, Canada opened the door to my parents and all those people in distress who were fleeing their country. My parents were gradually able to integrate into Canadian society. They learned French and worked very hard. When they arrived, they had to cope with underpaid exhausting work, frustration and discrimination. However, they managed to integrate. They went to school, they took care of us and they both became nurses. Today my parents take care of sick people and they do so with the same compassion they were shown by Canadians when they first arrived here in need of refuge.

My parents would have had an entirely different experience if the bill the Conservatives are proposing today had been in effect. They might have been detained with their two young children for a year or more. They would have been denied the right to social integration and dignity. Canadian society as a whole would miss out, because to send refugee claimants to prison is to deny Canada many courageous and intelligent people who want to contribute to the country's growth.

If Canadian authorities had made a mistake and had denied my parents refugee status, they would have been able to appeal. But this bill takes that right away from refugees because rulings on claims by designated persons cannot be appealed to the Refugee Appeal Division. This violates the provisions of the Convention relating to the Status of Refugees.

The Conservatives are saying that this bill will reduce the amount of human trafficking. But in reality, the bill, in its current form, puts too much power in the hands of the Minister of Citizenship, Immigration and Multiculturalism and unjustly penalizes refugees.

I agree that we should punish criminals, traffickers and smugglers directly. However, the bill, as it stands, punishes legitimate refugees and the people trying to help them.

If Canada had not accepted my parents, we would not be who we are today. My brothers, sisters and I inherited this desire to serve our country from our parents and the Canadians who welcomed them. For other stories like this to have a happy ending, we need to recognize the rights of those coming after us.

I am asking the members here to put themselves in the shoes of a refugee. Imagine the desperate conditions these people endure in war-torn countries: fear, hunger, suffering and torture. Would they not try to flee, risking their lives and carrying only the bare essentials? After fleeing the violence and persecution, they would be imprisoned upon their arrival in Canada. Does that make any sense? Detaining a person who is claiming refugee status without providing an independent review is both discriminatory and shocking.

This bill also strips certain refugees of the opportunity to apply for permanent residence. Refugee claimants are not allowed to sponsor their wife or children for five years. That is another clear violation of family rights.

As well, as we said earlier, children are imprisoned, with all of the negative consequences that can have on a child's development.

I would like to conclude by asking the government and this House that this bill be withdrawn and reworked so that it actually tackles the issue of traffickers and smugglers, not the rights and freedoms of refugees.

• (1335)

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Mr. Speaker, I would like to thank my colleague for sharing this story with us. I would like her to comment on the economic impact of the bill. As I mentioned previously, this bill will lead to the construction of prisons and detention centres. And, as my hon. colleague explained, people will have psychological problems and, if they are accepted as refugees or permanent residents, they will probably have to go to the hospital, which will cost taxpayers even more money. Above all, an individual may not seek permanent residence, work or attend school for five years.

For the benefit of the government, I would like her to speak about the economic impact of this bill.

Ms. Anne Minh-Thu Quach: Mr. Speaker, I would first like to thank my colleague for raising this very relevant aspect of the bill. Economically, there are a lot of negative consequences. This bill is also very repressive with regard to the treatment of human beings. As my colleague said, it would result in a lot of detentions and would be very costly. The individuals detained would suffer considerable harm—especially the children—and they would not even have the means to cover the cost of a psychologist or mental health professional to help them.

As for the children who would be detained, according to a number of studies, their detention is more detrimental before age 5 or 6 and is the most detrimental before age 3 because it is during the first three years of life that children develop their physical, mental and social capabilities.

These children would be detained for close to a year. Other studies show that being removed from the school environment causes setbacks, which leads to a phenomenon of regression in children.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, the Canadian Council for Refugees, Amnesty International Canada, the Canadian Civil Liberties Association, the Canadian Bar Association and the Centre for Refugee Studies are all opposed to this bill. I would like to ask the hon. member if she thinks that the Conservative government is stubbornly committed to passing this bill for ideological reasons.

Ms. Anne Minh-Thu Quach: Mr. Speaker, I thank the hon. member. I really think that, with this bill, the government wants to show that it is fighting terrorism and crime. This is totally the wrong approach to the matter, because its way of showing people that it is attacking terrorism and crime is really inappropriate. Instead, it is attacking refugees, people who need help, people who urgently need support in order to get back to a normal, healthy life.

Government Orders

I can go on: many decisions are completely vague and arbitrary, contravening a number of charters and conventions. It is totally unjustified; bill C-4 absolutely must be withdrawn so that it can be revised and reworked.

• (1340)

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, first, I want to thank the hon. member for her touching, first-hand account of how some refugees who come here by boat can make very positive contributions to this country.

I would like to ask the hon. member the following question. In her speech, she made a distinction between traffickers, smugglers and those who help refugees. Perhaps she could tell us more about this distinction so that we can fully grasp what happens to those people.

Ms. Anne Minh-Thu Quach: Mr. Speaker, I thank the hon. member.

Traffickers are those who bring migrants, refugees and so on to the country in order to make a profit. Smugglers are just those who do so without necessarily profiting from it. There are also those who welcome people once they are here. For example, the Red Cross provided my parents with very specific help when they fled from their country.

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, first, it seems like the Conservative members are extremely confused about the difference between immigrants and refugees. This morning, we heard the hon. member for Burlington refer to his Italian in-laws. By no means do I wish to say anything negative about in-laws—I have wonderful in-laws, one of whom is from the Philippines and also immigrated here—but I am convinced that, in their home country, the member for Burlington's in-laws were not subject to persecution, violation of their human rights, danger of torture or risk to their lives. There is a big difference.

We are talking here about refugees who face grave danger and flee their country to escape these threats to their safety and their integrity. I also heard the government side say that we are facing an invasion of refugees and that we must put a stop to it immediately. The Conservatives are referring to a particular case that occurred in 2010, where Sri Lankan refugees, who had indeed done business with traffickers and smugglers, were arriving by boat and requesting asylum. However, it is important to realize that there were approximately 500 people on that boat requesting asylum. Were these requests to be processed, they would represent 2% of all cases processed by the Immigration and Refugee Board.

In response to another Conservative member who stated that we do not want them to conduct any investigations at all, I would like to say that we simply want all refugee claimants, whoever they may be, to have access to the same system, which would not be the case if Bill C-10 were to be passed.

Bill C-10 also shows the government's contempt for the international conventions and treaties that Canada has signed, for example, the 1951 Convention relating to the Status of Refugees, the 1966 International Covenant on Civil and Political Rights, and the 1989 International Convention on the Rights of the Child, not to mention the Canadian Charter of Rights and Freedoms, which I will come back to later.

Bill C-4 has four problems and should therefore be defeated or at least heavily revised. The first problem has been mentioned several times. The bill separates refugees into two separate categories: refugees whose claims are processed in the regular manner and refugee claimants who could be deemed to be designated foreign nationals. If one person arrives by plane or by boat, he or she is considered a refugee claimant who can request the regular process. If a group of people arrives by boat, under the bill, they must be deemed to be designated foreign nationals.

There are two separate processes for two separate classes, which was a completely arbitrary decision on the immigration minister's part. This particular provision contravenes article 31 of the Convention relating to the Status of Refugees, which specifically says that the Contracting States shall not impose penalties on account of their illegal entry or presence in Canada. But that is exactly what the government wants to do. It wants to be able to detain them for a year. That is a violation of the Convention relating to the Status of Refugees. And it is definitely a violation of section 15 of the Canadian Charter of Rights and Freedoms, which deals with the rights of every individual, whether Canadian or a refugee, to equality before and under the law. But we are going to have two separate classes that will be subject to two separate processes.

The second problem is the mandatory detention of designated foreign nationals for 12 months. For one thing, that is a violation of the Canadian Charter of Rights and Freedoms, under which every individual has a right to legal counsel and the guarantee of habeas corpus. So it is also a violation of article 9 of the International Covenant on Civil and Political Rights, which requires the same thing.

The third problem is that refugee claimants cannot apply for permanent residence for at least five years. That is specifically a violation of article 9 of the Convention on the Rights of the Child because the best interests of the child are not looked after in that decision. It seems the government is looking more after the best interests, the political ones in particular, of the Minister of Immigration. This also poses a problem when it comes to a very current issue, family reunification. After all the nice things the Conservatives had to say about it, now that the time has come to put something on paper to make the reunification process easier, they are putting up barriers blocking it.

• (1345)

That is the case with Bill C-4.

Government Orders

The fourth problem, and I mentioned it a number of times this morning, is the fact that the government is preventing refugees from appealing to the Refugee Appeal Division. For refugees who arrive via airplane, their case will be examined by the Immigration and Refugee Board of Canada. These people have the right to appeal a decision that they deem to be unfair. For refugees who arrive via boat and who are declared “designated foreign nationals,” they do not have that opportunity. That clearly violates article 16 of the Convention relating to the Status of Refugees. Article 16 specifically states that a refugee shall have free access to the courts of law on the territory of all contracting states. In addition, it states that a refugee shall enjoy in the contracting state in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi*.

It is clear that this bill creates two classes of asylum seekers, which completely goes against the principle of equality that should guide the legislators in this House.

I would like to raise one last point regarding the issue of appeals. Yesterday, the Minister of Citizenship, Immigration and Multiculturalism held Australia as an example to follow.

The immigration minister failed to mention that in November 2010, the Australian supreme court issued a ruling in the case of a Sri Lankan refugee, in which it was deemed unconstitutional, under the Australian Constitution, that he did not have access to the appeal courts. Thus, the Australian supreme court invalidated these provisions. The same thing will happen in Canada, for the same reasons.

I think it is clear that the government has no respect for its international obligations—obligations that Canada agreed to and signed off on. It is clear that the government is trying to politicize the issue of refugees for its own purposes by using sheer populism to attack victims of persecution who are trying to seek asylum in Canada. By refusing equal treatment to all asylum seekers, it is clear that the government has no respect for the Canadian Charter of Rights and Freedoms.

For all of these reasons, I am unable to support Bill C-4, a bill that I believe is unfair, that punishes people who are already victims and that will certainly have very few consequences for human traffickers.

I would remind the House that under current Canadian legislation, human traffickers, or smugglers, already face the maximum sentence they can be subjected to, that is, life imprisonment. This bill includes a few additional factors that would have absolutely no deterrent effect.

This bill's intention is clear. Taking a closer look, we can see that nearly half of the bill simply discriminates more and creates different classes of asylum seekers. Thus, the bill is misnamed. This bill does not address human trafficking. This bill does not tackle the main problem, that is, smugglers who abuse the situation and take advantage of the desperation of people facing persecution, human rights violations, or even torture or death. The bill simply aims to discriminate against various groups of asylum seekers and allow the Canadian government to treat people differently in a very serious situation. This will reflect poorly on us internationally.

● (1350)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, when the minister introduced Bill C-4, he said the primary purpose of it was to target the profiteers and to go after the smugglers. It is interesting that the member talked about punishing the victims. That is a point we really need to pick up on.

In the bill the government is zeroing in on the profiteers, and the number of profiteers who are going to be penalized by this bill is zero. On the other hand, I want to pick up on the point of who is actually being punished. Individuals are landing on our shores, whether by plane or boat, and for the most part are seeking asylum because if they stay in the countries they originate from, their lives could be shortened. There are threats of torture and all sorts of other horrendous acts.

Would he not concur with me that they are already victims, and now they will be victims a second time because of the government's action? Would he concur with that?

[*Translation*]

Mr. Guy Caron: Mr. Speaker, I thank the hon. member for Winnipeg North for his very pertinent question.

Indeed, that would be the case. Clearly, this bill does nothing more to address the issue of smugglers. The current Criminal Code already sets out a maximum sentence. As for the other aspect of the bill, concerning asylum seekers, they are persecuted and the victims of human rights violations. They often have to risk their lives and flee their country in order to ask for protection. This bill would have them treated like second-class asylum seekers, compared to today's asylum seekers. This bill completely flies in the face of the Canadian spirit that led to the signing of international conventions to protect the rights of refugees. With this bill, the Conservative government seems to be making a mockery of those rights.

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I thank my colleague for his speech. He made several references to our international obligations with respect to this problem. I would like my colleague to speak more about the measures that the House could adopt to deal with the problem of trafficking while meeting our international commitments.

Mr. Guy Caron: Mr. Speaker, my colleague's question is very pertinent, and the answer quite simple. We must provide the people responsible for law enforcement—the coast guard, the police, the courts—with the means to do their job, together with our international partners, in order to get rid of smugglers, the vultures who take advantage of people's despair to turn a profit.

A bill such as this one will not solve the problem. With regard to the other part of the bill, which deals with handling asylum seekers, the solution is simple. The necessary resources must be allocated to the existing body, the Immigration and Refugee Board. This body takes into account many elements when deciding whether or not to grant refugee status, and the process should be available to all asylum seekers, whether they arrive by boat or other means.

Statements by Members

•(1355)

[English]

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, again today we have misinformation being given by both parties on the other side. Yesterday, one of the members indicated that 99% of the refugee claimants, asylum seekers from the *Ocean Lady* and the *Sun Sea*, had been processed. Nothing could be further from the truth.

Again today members opposite are implying that on this side of the House there is a lack of compassion. We have increased the number of refugees who can access Canada by 2,500 a year.

Is it not reasonable that our border and security officials have access to know whom they are dealing with and to determine whether these people are simply fleeing persecution or could, in some cases, be fleeing prosecution?

[Translation]

Mr. Guy Caron: Mr. Speaker, the Conservative member does not seem to have heard my presentation. The Immigration and Refugee Board already has a process for investigating smugglers and examining claims for asylum. We are asking that all refugees, no matter how they arrive here, have access to the same process, not that the government create two separate processes because that is how it has decided to score political points.

[English]

The Acting Speaker (Mr. Bruce Stanton): I must tell the hon. member for Cape Breton—Canso that I will have to interrupt his speech at 2 o'clock for the usual statements by members.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I appreciate that overwhelming sound of indifference from my colleagues when they heard that my speech would be cut short.

This has been a very enlightening debate. Many of the speakers have brought very important points forward today throughout the course of the debate, certainly in the presentation that was presented by our leader, the member for Toronto Centre. In light of his vast experience on this topic and what he has done and seen over the course of his career, he sees a government that has certainly missed the mark in bringing forward this legislation.

We have seen it time and again, regardless of the issue such as the omnibus justice bill presented today. With regard to legislation on immigration before us now, the government has taken the approach that it first wants to soften the ground. It wants to scare the Canadian public into thinking that there is some type of crisis in our midst, that there is this onslaught of illegal refugees who are towering on our shores.

In the debate earlier today we heard from the member for York West, a former minister of citizenship and immigration. She had never dealt with a case like this during her tenure. Several of those involved in the debate today spoke with reference to the fact that there had been no significant increase, yet it has been put before the Canadian people that there is a degree of urgency because of an onslaught of refugees.

We see the same thing with the omnibus justice bill, which was presented and will be debated later in the House, that there is a crime

wave sweeping across the country. When that fear is created, the government then is in a position to move forward with its ideologically driven mandate and agenda. That is the whole focus right now of the government.

I look forward to resuming, and I know all members in the House are looking forward to the remainder of my speech once we come back after question period.

•(1400)

The Acting Speaker (Mr. Bruce Stanton): The member for Cape Breton—Canso has seven minutes remaining in his remarks when we resume debate on the motion and five minutes for questions and comments.

Statements by members, the hon. member for Richmond—Arthabaska.

STATEMENTS BY MEMBERS

[Translation]

PROSTATE CANCER

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, prostate cancer is the most frequently diagnosed cancer in men. This year alone, 5,100 Quebecers will be diagnosed with prostate cancer and, unfortunately, roughly 840 of them will lose their battle with this terrible disease. However, in some cases the cancer can be treated successfully if it is detected and treated in the early stages. That is why it is essential to increase and support prevention and research efforts to eradicate this terrible disease.

On behalf of my colleagues in the Bloc Québécois, I would like to send a word of encouragement to those who are fighting this cancer and to their loved ones. My sincere thanks go out to all those who spend their days raising public awareness about adopting healthy lifestyles. All the people who devote themselves to this cause, whether they are volunteers, caregivers or doctors, are truly remarkable, and we want to acknowledge them today.

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[English]

TRACK AND FIELD

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, I rise today to acknowledge the achievements of Jenna Martin from Bridgewater, Nova Scotia, in South Shore—St. Margaret's.

Jenna won the Canadian women's 400-metre title at the national track and field championships this past June in Calgary. She participated in the World Track and Field Championship in South Korea and also finished sixth in the women's 400-metre final at the World University Games in China. She has been an NCAA All-American, as well as a Canadian junior athlete of the year. Now Jenna is preparing to train for the 2012 Olympics in London.

In closing, I would like to congratulate Jenna, as well as her long-time coach Charles Scarrow, also from Bridgewater, Nova Scotia. I congratulate Jenna on all her accomplishments so far and wish her the best of luck to bring home the gold for Canada and Nova Scotia in 2012.

* * *

NATIONAL AWARDS

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I would like to take this opportunity to congratulate some NWT residents who have received national recognition this year.

Fort Smith *Slave River Journal* was awarded the best all around newspaper from the Canadian Community Newspaper Association in its circulation category.

Dr. Curtis Brown from the South Slave Divisional Education Council was given the Canadian Association of School Administrators Award as the best school superintendent in Canada.

Sylvia Clement, a 29-year-old single mother of two, was awarded the Council of the Federation 2011 Literacy Award for her work.

Di Ann Blesse was the winner of the Canadian Teachers' Federation Outstanding Aboriginal Educator Award.

Paul Bennett, principal of Yellowknife's J.H. Sissons Schools, was chosen as one of Canada's 32 outstanding principals.

Buffalo Airways won two Gemini Awards for the reality show, *Ice Pilots*.

All over the vast NWT, our residents work hard to build our territory. The results are exceptional, and these national awards recognize that.

* * *

MINING INDUSTRY

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, new figures from the Mining Association of Canada estimate that approximately \$136 billion worth of investment is projected over the next five years for the Canadian mining industry, including both new projects as well as expansions to existing operations.

Multi-billion-dollar investments are planned in virtually every province and territory of Canada. Indeed, global demand for commodities is creating opportunities not seen since the postwar boom of the 1950s.

Canada is among the most attractive jurisdictions in the world for mineral exploration and new mine investment. As this government focuses on the economy and jobs as its number one priority, continuing to work in partnership with the mining industry is one of the ways we can keep Canada's economy strong.

Mining in Canada is truly the \$136 billion opportunity, creating jobs and bringing hope from coast to coast to coast.

* * *

PROSTATE CANCER AWARENESS MONTH

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, September is Prostate Cancer Awareness Month. Prostate cancer is

Statements by Members

the most common cancer among men, with over 25,000 new diagnoses this year alone. Of that, 4,100 men will die this year.

Yet prostate cancer is preventable. Early detection and screening can result in a 90% cure rate. However, because this disease is asymptomatic in the earliest stages, regular prostate exams and PSA levels, where appropriate, are essential.

As a physician, I have worked to raise awareness about prostate cancer and to encourage my male patients to have early exams and tests when they reach the age of 40 and yearly afterwards.

There are hereditary factors that can lead to prostate cancer, but there are also dietary and environmental factors that play a role as well.

All men out there over 40 who have not had a prostate exam should take charge of their health and go get a checkup.

* * *

●(1405)

FOREIGN AFFAIRS

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, last week the leader of the Palestinian Authority announced his intention to unilaterally approach the UN Security Council this Friday to seek recognition of a Palestinian state.

Today, Canada's foreign affairs minister is in New York to ensure that Canada's views are widely known. Canada does not see this action as helpful in bringing peace to the region. Such action will make the resumption of peace talks more difficult and will raise expectations in the minds of all Palestinians.

Canada supports a two-state solution achieved through negotiations for a permanent peace. It is well known that the UN will likely veto any application for UN member state status.

Our government encourages the Palestinian Authority to abandon such action and to return to the peace talks.

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[Translation]

KAREL MAYRAND

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I would like to share with everyone my pride in the remarkable citizen engagement of Mr. Karel Mayrand, who is originally from Rimouski.

Mr. Mayrand is the David Suzuki Foundation's director general for Quebec and was recruited by former vice-president of the United States and Nobel Peace Prize winner Al Gore to be a presenter for his Climate Reality Project.

Statements by Members

The only francophone presenter chosen by Mr. Gore, Mr. Mayrand participated in the 24 Hours of Reality event in New York to make people aware of the serious consequences of climate change and the urgent need to take action to counter its effects. You can watch his presentation, in French, on the Climate Reality Project Canada site.

His background is impressive and inspiring. He wanted to become an agent of change and, through his involvement, effort and perseverance, has achieved that goal and now works with the most influential people in the field.

Congratulations, Mr. Mayrand. We hope that your commitment will set an example for those who also want to make a difference.

* * *

[English]

PROSTATE CANCER

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, this is Prostate Cancer Awareness Week.

Prostate cancer is the most common cancer diagnosed in men. It is the third leading cause of cancer death and will claim an estimated 4,100 lives this year alone, including many in my hometown of Oshawa. Most prostate cancers can be cured if detected and treated in their earliest stages.

We are extremely proud of our work to accelerate progress in cancer research, prevention and treatment for Canadians. Funding of \$250 million over five years will be renewed for the Canadian Partnership Against Cancer to continue its excellent work. Last year alone our government, through the Canadian Institutes of Health Research, invested an additional \$159 million in cancer research.

Early detection, and leading a healthy, active lifestyle can decrease the risk of developing prostate cancer.

Through the combined efforts of both the government and Canadians we can make a difference and save lives. Please join me in recognizing Prostate Cancer Awareness Week.

* * *

PUBLIC SAFETY

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, Canadians can count on this government to keep our streets and communities safe.

As part of our commitment to crack down on crime, our government took the important step of bringing to Canadians' attention the 32 most wanted criminals, including Shameer Allie. This individual had been on the run since January, when CBSA had ordered his deportation after he had been found guilty of numerous criminal offences, including assault.

Despite the opposition's complaints, we went ahead with our approach, and it is delivering results. So far, six of those 32 dangerous criminals have been arrested.

Our government will continue to take action to protect Canadians and to make our streets and communities safer. I know that my constituents in Etobicoke Centre will definitely appreciate this.

RAIL TRANSPORTATION

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise today to call for action on high speed rail in Canada.

My former leader and friend, Jack Layton, assigned me the Quebec City to Windsor high speed rail portfolio to increase the use of passenger rail and improve the service in that corridor.

Well known to all, Jack expected us to not just criticize or be in opposition, but to build a plan and see it through.

With that in mind, I have been researching and reaching out, and last week launched the Need for Speed campaign. My first goal was to determine interest in a Quebec City to Chicago route that would link Canada to the United States. I went to Michigan and met with elected members and bureaucrats alike. With \$200 million in upgrades from Detroit to Chicago currently happening, Americans at all levels of government are interested in a future rail connection with Canada.

In Canada I met with the private sector, elected officials and others who see the merits of higher speed rail. The problem in Canada is that we see study after study, but no action.

I have asked the Minister of Transport to create an inclusive working group of municipalities, provinces and the public and private sectors to develop a long-term business plan, ultimately bringing Canada into the modern rail age.

I miss Jack. He was a big supporter of high speed rail. It is projects like this that keep his legacy alive.

* * *

● (1410)

PUBLIC SAFETY

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, on May 2 Canadians gave us a strong mandate to keep the streets and communities safe.

As part of that mandate, we made a promise to re-introduce important law and order legislation that would keep Canadians safe from coast to coast to coast, legislation that was opposed by the NDP and the Liberal Party. We said we would pass it within the first 100 sitting days.

I am very proud to say that today the Minister of Justice tabled the Safe Streets and Communities Act, a comprehensive piece of legislation that will keep Canadians safe, legislation that will protect our children from sex offenders, eliminate house arrest and eliminate pardons for sex offenders and give law enforcement officials, courts and victims tools they have told us they need.

We promised Canadians that we would be taking this action, and today we are delivering on that promise. I call upon members of the opposition to support these important law and order measures.

* * *

[Translation]

MARTHE ASSELIN-VAILLANCOURT

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, I am pleased to pay tribute today to Marthe Asselin-Vaillancourt, a pioneer in social involvement in Saguenay—Lac-Saint-Jean.

Ms. Asselin-Vaillancourt's career has been exceptional in many ways. Since 1976, she has been dedicated to the issue of women who are victims of violence. She has been director of a Crime Victims Assistance Centre, co-chair of the Canadian Panel on Violence Against Women, and regional and provincial vice-president of the Association québécoise de la défense des droits des retraités in Jonquière.

I would also like to point out that as part of the 150th anniversary celebrations in Saguenay—Lac-Saint-Jean, she was recognized for being the woman who has made the greatest and most consistent contribution over the past 25 years.

Mr. Speaker, as you probably know, her most recent distinction was receiving the Order of Canada.

She is a great woman whose commitment to her community has been a source of inspiration for over 50 years and will continue to be for future generations. Today, I would like to express my admiration for Ms. Asselin-Vaillancourt. Her contribution to our community is invaluable.

On behalf of the people of Jonquière—Alma, I congratulate Ms. Asselin-Vaillancourt on receiving the Order of Canada and offer my sincere thanks for all of the work that she has done—

The Speaker: Order, please. The hon. member for Prince Albert.

* * *

[English]

THE ECONOMY

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, our Conservative government is squarely focused on what matters most to Canadians, jobs and economic growth.

Canada's economy has created nearly 60,000 net new jobs since July 2009, the strongest job growth on record in the G7. We are working hard to implement the next phase of Canada's economic action plan and its job-creating measures, like the hiring credit for small businesses.

The global economic recovery, especially in the U.S. and Europe, does remain fragile. The last thing Canada's economy needs now are the massive NDP and Liberal job-killing tax hikes that would kill jobs and set Canadian families back.

Staying the course with our prudent low-tax plan will support Canada in completing the economic recovery and help create jobs for Canadians.

Statements by Members

[Translation]

PROSTATE CANCER

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, this week is Prostate Cancer Awareness Week, and I would like to take the time to mention the 25,000 men who will be diagnosed in 2011 as well as the 4,000 of them that we could lose to this disease.

I think about the families and friends of those who will have to face this immense challenge. In particular I am thinking about our political family, which suffered such a huge loss this summer.

However, I cannot help but think about the Canadian men and women who participate in initiatives such as Movember and other fundraisers, because, despite all of the great accomplishments, we must still work to raise awareness amongst men 50 and older. We encourage them to talk to their health care professionals to learn more about the disease.

We demonstrated it just this morning in Parliament, where I had a screening test. With research, awareness and the generosity of Canadians, we will one day beat this disease and improve the lives of our families.

* * *

● (1415)

[English]

INTERNATIONAL CO-OPERATION

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, in the year since the Prime Minister launched the Muskoka initiative at the G8, Canada has worked toward real results, saving the lives of mothers and children around the world.

The lives of countless women and their newborns depend on simple solutions: strengthening health systems, training midwives, fighting childhood diseases and improving nutrition.

Canada is a leader on the humanitarian stage and keeps its commitments when it makes a pledge. We recognize that we must entrench accountability in everything we do and deliver on our promises.

The World Health Organization and the World Bank estimate that by 2015 the G8 Muskoka initiative will prevent the deaths of 1.3 million children under the age of 5, and prevent the deaths of 64,000 mothers.

I stand to applaud the Prime Minister and the Minister of International Cooperation for leading the world and saving the lives of the most vulnerable mothers and newborn children.

* * *

PROSTATE CANCER

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): Mr. Speaker, prostate cancer will afflict one in seven men in this House of Commons and across Canada. This disease is the most common cancer among Canadian men. As many as 25,000 Canadians are diagnosed with it every single year. Last year, our friend and colleague, Jack Layton, was one of them and faced the disease with courage and determination.

Oral Questions

As a cancer survivor myself, I joined Jack in encouraging Canadian men over 40 to get checked, because the earlier it is detected the better chance they have of beating it.

September is prostate cancer month. This year the Prostate Cancer Canada Network wants us men to know that it is our time as men to take charge of our own health. I ask all members of this House and all men in Canada to join in the fight against prostate cancer.

* * *

[Translation]

THE ECONOMY

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, the leader of the New Democratic Party apparently has a miracle solution to get the economy back on track: tax increases and irresponsible spending. She is wrong. Canada's economy does not need job-killing tax hikes, nor does it need spending that would slow the economic recovery and mean a step backwards for Canadian families.

The global economic recovery remains fragile. We must not underestimate the impact of problems beyond our borders on the Canadian economy.

The NDP is acting irresponsibly by claiming that tax increases are the answer. On the contrary, they would jeopardize our recovery.

This is just one more troubling example of how ill-equipped the NDP is to govern Canada. Our government will stay on course with our prudent plan to keep taxes low, thereby bolstering our economic recovery.

Our Conservative government remains firmly focused on what matters to Canadians: jobs and economic growth.

ORAL QUESTIONS

[Translation]

THE ECONOMY

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, unlike the Conservative government, President Obama gets it. He knows that his government has to invest in the economy because the private sector is not doing so. The same is true here in Canada. The Conservatives are making bad choices. The tax cuts for big corporations and big banks have not created jobs.

Why is the government refusing to face facts and accept that it is up to the government to stimulate the economy and create jobs?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, Canadians gave us a strong mandate and we are focused on economic growth and job creation. Again today, the IMF has predicted that Canada will lead the G7 economies. This shows that our plan is the right plan. We will keep taxes low. I want to remind hon. members that 600,000 net new jobs have been created since we came to power. We will continue to implement the budget. There will be a new small business hiring tax credit. That is what creates wealth.

[English]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, there is more bad economic news. The Conference Board of Canada dropped Canada's rating on income equality. The middle class is falling further behind. Inequality has increased in the past 10 years. Surprise, surprise; it is the same 10 years of the big tax cuts for big corporations.

Is this not another example of the Conservatives' economic inaction plan?

• (1420)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, our Conservative government is focused on what actually matters to Canadians: creating jobs and economic growth. Just today the IMF forecasted that Canada's overall economic growth will lead the G7 over the next two years. This is another example of our economic leadership, which includes nearly 600,000 net new jobs since the end of the recession in July 2009, which is the strongest job record in the G7.

[Translation]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, the Conservatives' economic action plan is simply not working. The unemployment rate went up last month. Canada is on the brink of another recession. The gap between the rich and the poor keeps growing. Yesterday the Prime Minister showed that he not only does not understand the principle of social justice, but he refuses to see the economic dangers on the horizon, as they were in 2008.

When will he open his eyes and take action?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, on the contrary, our economic action plan is working very well. Again, some 600,000 net new jobs have been created since the end of the recession. If that is a failure, then it is hard to say what plan would work better. The worst part is that the NDP voted against the plan.

We will stay the course. The state of our country's public finances is the most enviable of the G7 countries. This shows that our plan of keeping taxes low and emphasizing economic growth and job creation is a winning formula.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, inequality is not only a moral outrage in any democracy, but it also makes for a bad economic foundation. Inequality means lower family incomes, young people and workers not being given the opportunity to pursue their studies, consumers spending less, and fewer good jobs being created.

Why does this government refuse to take economic inequality seriously? Why does it refuse to act?

*Oral Questions**[English]*

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the most important equality plan for Canadians is a job. We have created more than 600,000 net new jobs in Canada since the end of the recession. Canadians gave us a strong mandate in the general election to protect and complete Canada's economic recovery.

The way to go is not what the member opposite suggests. It is not to run up more deficits and more debt. We see clearly around the world what that brings down on countries that follow that course, including the course recommended by the official opposition of a \$10 billion tax hike in Canada.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, clearly Conservatives are out of touch. Canadian households have never been so deeply in debt, never. Scotiabank says Canada will likely be the first country to go back into a recession. Now the International Monetary Fund projects Canada's unemployment rate will keep rising and is downgrading Canada's economic prospects.

When will the Minister of Finance finally wake up to our economic reality, or is he happy just to watch from the sidelines as Canadians face another economic downturn?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, there the member goes again, badmouthing our country and trying to reduce confidence in our economy. In fact, Canadian consumers have confidence in our economy and that is why we have economic growth.

If the member opposite bothered to read the report the IMF issued today, she would see that according to the IMF we are going to have the best economic growth in the G7 over the course of the next two years. That is because we have sound fiscal and economic fundamentals, but she would have us move away from that.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I appreciate the warm applause from the Conservative Party.

The Minister of Finance has to face the harsh fact that the IMF report today, which he has quoted very selectively from, states very clearly that the IMF is changing its growth projections for Canada. He has to recognize very clearly that the IMF said something else quite significant at the end of its report and he said that it is precisely because Canada has the fiscal room to move that it is important for Canada to look hard at the need for flexibility in the face of changed circumstances. This is where we part company with the government. Will the minister not admit that the world is—

• (1425)

The Speaker: I will have to stop the hon. member there.

The hon. Minister of Finance.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the IMF report set out the anticipated rates of growth in Canada at 2.1% in 2011 and 1.9% in 2012, which would be the best in the G7 over the course of the next two years. The IMF "Fiscal Monitor" also noted that Canada will continue to have by far the lowest total government net debt to GDP ratio in the entire G7: 33.3% in 2016 compared to—and I know the member opposite loves debt—the G7 average of 92.9%.

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I did not hear the love in the minister's answer.

What I would like to say to the minister is very simple: circumstances have changed. The circumstances relevant to the minister's budget are no longer relevant today. That is the problem. That is the challenge facing Canada. Yes, we have some flexibility. We do have some leeway, but will the minister take advantage of that leeway? That is the important question we are asking him.

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we have indicated that if we are faced with a large external shock to our economy from Europe or elsewhere, we would, of course, be pragmatic and flexible. We have said that before, and I say it again here today. We would act as we have acted before.

What we would not do is run the Government of Canada like the member opposite ran the Government of Ontario between 1990 and 1995. He ran the Province of Ontario into massive debt and deficit from which that province is still trying to recover.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I did not hear the love in that response, but let us just look at the facts of what the government is doing.

It says that it is focusing on the economy and jobs. We have just been faced with two pieces of legislation that have already dramatically increased the size of the debt and deficit in Canada, and according to the Parliamentary Budget Officer, they are going to increase Canada's debt by \$15 billion over the next five years. That is the agenda is being foisted upon the country by a government that claims to be worried about the economy.

The government has to show some flexibility and leadership in the face of these changed circumstances.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we are on track to balance the budget. We ran substantial deficits in 2009 and 2010. We have reduced that deficit by about half and we will continue to do that.

This is in stark contrast to what the hon. member opposite did in the Province of Ontario over five years. Year after year he was in denial and continued raising the deficit, accumulating a massive public debt in the Province of Ontario.

We are not going to go that route. We are going to stay the course and go back to a balanced budget.

Oral Questions

[Translation]

G8 SUMMIT

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I would like to reassure the President of the Treasury Board. I am not going to ask him a question about the G8 Summit today. I hope that this will motivate him to stand and speak.

A total of \$20 million was granted to a private company to study the cuts to public services. That is \$90,000 a day being wasted! The President of the Treasury Board is throwing taxpayers' money out the window while cutting jobs.

Why is the government paying contractors top dollar to do its dirty work?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, since the end of the recession, 600,000 jobs have been created here in Canada. Canadians gave us a strong mandate to protect and pursue Canada's economic recovery. While the opposition is calling for tax increases that would result in the loss of jobs and harm the economy, the government has a plan to keep taxes low and focus on job creation for Canadians and economic growth.

We know that irresponsible spending and out-of-control debt are the main problems other countries are facing today. That is why the demands of the opposition will not be met.

• (1430)

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, once again, I am going to have to respond to the spokesperson for the President of the Treasury Board. The reality is that the cuts to public services will be carried out by private consultants and will cost taxpayers \$20 million. As we saw with the F-35s, the Conservatives do not really like the tendering process.

When the public interest is not consistent with their ideology, they forget about the public interest. Can the President of the Treasury Board explain to us why this contract was awarded without a tendering process?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, that is completely false, and Treasury Board's involvement with the private sector is an integral part of our plan to ensure that Canada avoids the economic and financial problems that have heavily hit many of the other countries in the world. Once again, fortunately, 600,000 new jobs have been created since the end of the recession, thanks to the good work of the world's best minister of finance, as he was named last year.

* * *

[English]

SERVICE CANADA

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the Conservatives are spending \$90,000 a day for an outside consultant to plan cuts and that is their explanation. Canadians will not buy it. A day's pay for the consultant is more than a year's pay for front-line Service Canada workers. While Conservatives throw money away on high-priced consultants, they are forcing Canadians to accept cuts to the programs and services they rely on.

When will the government come clean on its cuts?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, under our government we have created about 600,000 net new jobs since the end of the recession which, as I said earlier, is the best record among the advanced economies. The opposition, on the other hand, is calling for higher taxes which would, of course, kill job creation in Canada and is the wrong way to go.

With respect to spending, we certainly are opposed to reckless spending. I think Canadians expect us to be prudent in the way we look at spending in Canada, so we are through the deficit reduction action plan. Private sector advice is valuable, important and essential and it is part of our task of appropriately—

The Speaker: Order. I will stop the minister there as his time has expired.

The hon. member for Nanaimo—Cowichan.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, warning signs about a possible recession are everywhere and yet Conservatives want to cut the front-line workers that help Canadians who have lost their jobs. This is not the time to cut services at EI processing centres. When times are tough for Canadians, they deserve to have those services to help them.

When will the minister take the service part of Service Canada seriously and stop cutting workers at EI centres?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the hon. member should get her facts correct. Front-line service at Service Canada will not be affected with the plan we are bringing in. What we are doing is taking the backroom operations where EI gets processed and making it more responsive to the needs of Canadians.

Right now, most of the processing is manual paperwork. We are in the 21st century. We need to automate that. We need to make sure that the services we are delivering are efficient, effective and responsive to Canadian needs. We are protecting front-line service delivery.

[Translation]

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, during the last election campaign, the Conservative slogan in Quebec was “Notre région au pouvoir”, or our region in power. The reality is that if you are not in power, the government will make cuts in your region. This summer, it announced that 600 jobs would be cut in employment insurance claim processing centres in Canada. These cuts will hurt the isolated rural regions of eastern Canada.

Why reduce employment insurance services when the ranks of the unemployed are swelling and the economic situation is deteriorating?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, during the global recession there was a large increase in the number of employment insurance claims. We responded by hiring a number of people to process the claims. We succeeded. Claimants received their benefits in a reasonable time. However, the good news is that more Canadians than before have found work and we no longer have to deal with so many claims. Therefore, we have adjusted our staff.

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, when people lose their jobs, they do not receive free Internet access as a bonus. Not everyone can file their claims over the Internet.

It is interesting to note that two Service Canada centres that were opened in Conservative ridings in Nova Scotia will remain open. Meanwhile, bigger centres in opposition ridings will close.

Will the government stop favouring Conservative ridings and start serving Canadians fairly?

• (1435)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, I just explained that some people were hired on a temporary basis. That was understood at the time by those people and the unions. The demand for employment insurance has decreased. Consequently, we have to reduce the number of employees and make sound use of taxpayers' money. That is what we are doing. I can assure the member that the service provided to the public will not be affected.

* * *

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, if cuts are made to Canada's ozone monitoring network, we will lose a third of the world's resources to monitor the growing hole in the ozone layer.

This network has been collecting research data for 45 years. It is a key player in international efforts to protect the ozone layer.

How will this government explain to other countries that Canada is withdrawing from an important monitoring mechanism that is provided for in the Montreal Protocol?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, as my colleague is aware, since we took power, Canada has created nearly 600,000 net new jobs.

[English]

I must say that while *Nature* is a worthy journal, the story to which she refers is completely without facts or science. We are not cutting any ozone-monitoring services or closing the World Ozone and Ultraviolet Radiation Data Centre, which Canada has hosted for years. However, we are optimizing and streamlining the way we monitor and measure ozone, making the best use of taxpayers' dollars.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the minister says he is not cutting jobs with ozone-related research and yesterday he told the House that cuts to Environment Canada will only affect "surplus" workers. It is hard to imagine where he is finding surplus when key programs like ozone monitoring are now often run by only one person.

Oral Questions

Before we take his word on what a "surplus" worker is, will the minister tell the House what analysis his department has done that shows the actual impacts of these cuts?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, I do not know how I can be much more clear. I have said we are not closing any of our ozone-monitoring services or closing the World Ozone and Ultraviolet Radiation Data Centre.

As we are doing across government, we at Environment Canada will be taking a close look at all of our spending through the next year, and the results of our deficit reduction action plan will be revealed in next year's budget.

* * *

G8 SUMMIT

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, documents show that the Auditor General was misled on key facts surrounding the G8 spending. For example, who handled the intake of applications? It was Sondra Reid, the minister's constituency assistant. Who handled questions from municipalities? It was David Pearson, the minister's political right hand. Who secured the cash? It was Mr. Muskoka Moneybags himself, who bragged to mayors that he could secure money personally from the Prime Minister for a program that did not exist.

His fingerprints are all over this file. When will he take responsibility for this abuse of public trust?

The Speaker: I would encourage the hon. member to abstain from making those types of derogatory comments.

The hon. parliamentary secretary.

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, that is completely incorrect. The facts have not changed. The Auditor General looked at this recently and made some helpful observations about how we could move forward in a more transparent and clear way.

The Auditor General also made some observations with respect to the administration of this program.

However, here is the good news. The good news is every dollar is accounted for. All 22 projects came in on or under budget. In fact, the program itself was underspent by some \$5 million.

* * *

AIR CANADA

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, despite ongoing talks at Air Canada, the minister has leapt into the fray and indicated she would order flight attendants back to work, giving an unmistakable preference to management negotiators.

Oral Questions

Clearly, the government is ready to use this opportunity to again undermine employee pension security, just as it did earlier this year. Pension security must be part of any plan to stimulate this economy.

Why is the government so eager to compromise the pension security of over 6,800 Air Canada workers?

• (1440)

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, our labour minister has been front and centre in ensuring that whatever happens, the parties involved in this discussion continue their discussions. The pensions seem to be at the middle of it. We hope they can settle. However, it is very important that we ensure the economy is not negatively impacted. The pensions will be dealt with in due time.

* * *

G8 SUMMIT

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, the Auditor General's report on the G8 legacy fund said that no public servants were involved. We now know that is wrong. Employees of FedNor were involved. Clearly, somebody misled the Auditor General.

I have a motion at the government operations committee this afternoon calling for an investigation into this matter.

Will the government, which rode into power on the white horse of accountability, support my motion, or does it think now that it has a majority, accountability no longer matters?

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, again the facts have not changed. This issue was thoroughly heard. The Auditor General had all the government information.

However, let me give members more good news on this.

Rehabilitating the airport in North Bay, fixing up the provincial highway and building a community centre that was used during the summit are all public infrastructure projects that added great value to the municipalities and were recommended by the municipalities themselves.

* * *

[Translation]

TAX HARMONIZATION

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, I would like to respectfully ask the Minister of Industry if he was of sound mind when, on September 12, he said that the Conservatives broke their promise to Quebecers to compensate the Quebec government with \$2.2 billion by September 15 because the province is refusing to tax items such as books, baby feeding supplies and diapers.

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, a joint press release was issued by the Province of Quebec and the Government of Canada. This shows that we have been negotiating on this issue in good faith from the outset. Things are moving forward and are going well, as the finance ministers for both Quebec and Canada have said. It is time to stop nitpicking and look at the result. It is on the way.

Those members over there were in power for 13 years and always said that the sales tax could not be harmonized. We get things done, and we will keep our promise.

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[English]

INFRASTRUCTURE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, whether it is the Gardiner Expressway in Toronto or Montreal's Champlain Bridge, Canada's major infrastructure is crumbling, leaving too many Canadians with a white-knuckle drive to work.

At the same time, the IMF said today it predicts Canada's unemployment rate is going to rise above 7.5%.

Infrastructure means jobs. Is it not time for the government to move Canada forward and invest in job creation and public safety?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, no government in history has invested more in Canada's infrastructure than our present government. In budget 2011 we continued to build on our unprecedented commitment by making the annual \$2 billion gas tax fund permanent. It is very important for municipalities, and I think the opposition voted against it.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, Torontonians are about to lose a thousand jobs in the public transit system. That means longer waits for buses and trains, and fare increases. Meanwhile, in Calgary trains are literally breaking down. Commuters across Canada are stuck in traffic jams. The mayor of Calgary, who happens to be in town this week, has long called for a federal transit strategy.

Could the minister explain why Canada is the only OECD or G7 country without a national transit plan or strategy?

• (1445)

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, we have to respect our partners. Municipalities and provinces are responsible for transit issues and we respect that. We do not have to tell Toronto's city councillors how to manage the transit in their own city. We have to respect them. We are there to support them with the money of the population of Canada in Toronto. That is what we will continue to do.

Oral Questions

[Translation]

CHAMPLAIN BRIDGE

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Mr. Speaker, yesterday, the Minister of Transport, Infrastructure and Communities told the House, and I quote, "...we have invested...in Montreal bridges, mainly in the Champlain Bridge, to ensure the smooth flow of traffic..." Clearly, the minister should revise his strategy. For 40 years now, we have been hearing that the bus lane is just a temporary solution.

When will we see a sustainable solution for motorists, public transportation users and truck drivers?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, if public transportation is a priority for the official opposition, I would like my colleague to explain why the NDP voted against the Toronto Rocket project, against the Métrobus 803 project in Quebec City, against the Evergreen Line project in Vancouver and against a number of other projects. We will continue to do the work, to do what is necessary for public transportation and to ensure that all federal infrastructures are kept in good working order, while respecting provincial jurisdictions.

Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP): Mr. Speaker, the minister does not seem to understand the scope of the problem: a highway is collapsing, a bridge is urgently shut down. It is clear that this government simply does not have an infrastructure modernization plan that is focused on job creation. Patching up a bridge that is at the end of its useful life is not a sustainable strategy nor is it a safe one.

When will the minister understand that if he wants to ensure the smooth flow of traffic, a new bridge is needed?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, if we were to have a new bridge or other infrastructure, it would take seven to ten years to complete. How does my colleague think that new infrastructure would resolve Montreal's traffic problems today? That is unbelievable. We must ensure that the infrastructure in place now is still able to endure the load of existing traffic for a number of years and that all of the options are considered regarding future infrastructure.

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[English]

LIBYA

Mr. Peter Braid (Kitchener—Waterloo, CPC): Mr. Speaker, the situation in Libya this past summer has seen the toppling of the Gadhafi regime and the emergence of a real democratic hope. However, despite these gains we recognize that the situation does remain unstable.

Could the Parliamentary Secretary to the Minister of Foreign Affairs please update the House on the situation in Libya?

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, today the Prime Minister attended the high-level meeting on Libya at the United Nations

chaired by the Secretary-General. Canada has been at the forefront of the international effort to protect civilians in Libya against the oppressive Gadhafi regime.

Canada stands ready to support the new Libyan government through the UN coordinated efforts committed to helping the people of Libya.

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TAX HARMONIZATION

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the people of B.C. have spoken loud and clear. In a historic referendum they rejected the HST tax grab that the Prime Minister rammed through the House. Now the Conservatives are planning to punish British Columbians.

Forcing them to pay back over a billion dollars is a spiteful reaction to the province's fair and democratic decision. When will the government agree to respect voters and treat B.C. voters fairly?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I am sure the member opposite knows, there is an agreement between the Government of Canada and the Government of British Columbia.

HST is a provincial responsibility. I met yesterday with the Minister of Finance of British Columbia. He reported to me, of course, the results of the referendum there. We are now working on the exit strategy since this is a provincial responsibility and the provincial government will not be continuing with the HST.

● (1450)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, this money has already been invested in health care, education and other family priorities. Forcing the province to pay it back will hurt very important services and create a hole in the province's budget.

The government needs to do the right thing, the fair thing. Will the government drop its plan to punish British Columbians for rejecting its HST?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the HST is a provincial responsibility. There is an agreement between the Government of Canada and the Government of British Columbia. The agreement has provisions with respect to repayment of the sum that was advanced by the Government of Canada. That sum was advanced as part of the agreement to proceed with the HST. The province is not proceeding with that now. It follows that honouring the agreement will require repayment.

[Translation]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, let us talk about honouring and keeping promises. In the Conservative Party platform unveiled on April 8 and in numerous statements made by the Prime Minister and his Quebec lieutenant, the Minister of Industry, during the election campaign, they promised to compensate Quebec with respect to the GST by September 15. It was a formal promise.

Oral Questions

In a joint press release issued on September 14, the finance ministers from Quebec and Canada had to admit that the promise would not be kept. What is the problem?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we have had a lengthy series of discussions with the Government of Quebec with respect to the HST and those discussions have continued.

The Minister of Finance of Quebec and I agreed a week or so ago that we would continue the discussions toward the end of September. I am hopeful and relatively confident that we will arrive at an agreement.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, who is in charge in the finance minister's shop? During the election campaign, the Prime Minister promised, with his hand on his heart, that Quebec would get the \$2.2 billion it has been owed for ages.

The two finance ministers say that there is progress, but we have yet to see anything.

Can the Minister of Finance confirm that the \$2.2 billion that the federal government owes Quebec is being held up in his department?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I am sure the member opposite is familiar with negotiations.

We are negotiating with the Government of Quebec. We need to agree on the terms with respect to the HST, and then the payment would flow after that. This is entirely normal. It is the procedure we are following. There is goodwill on both sides. We will carry on with the discussions with the goal of reaching an agreement by the end of September.

* * *

RAIL TRANSPORTATION

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, for the third time, I have a question for the Minister of Transport about his government's rail service review, which is almost a year old. It said that the shippers of grain, oilseeds and special crops, forest products, minerals and the like were getting very bad service from the railways at a very high cost, and it called for new legislation to enforce binding contracts on the railways.

Will that legislation be introduced and enacted in this calendar year? For the third time, yes or no?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, in March of this year, our government announced a comprehensive strategy that responds to the findings of the review.

Our government is following up on its commitment to improve the performance of the rail-based supply chain. We will soon be naming the facilitator and the review process will be officially launched.

CANADA-U.S. RELATIONS

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the buy American provisions and the United States country of origin labelling provisions have been found by the WTO to discriminate against Canadian livestock exports.

Without question, this protectionist action has cost the Canadian livestock industry billions of dollars.

Just when will the government stand up for Canadians against U.S. protectionism? Is the minister now prepared to serve notice to the U.S. and demand compensation for Canada's livestock industry?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I do not know if the member for Malpeque slept through the whole country of origin labelling WTO challenge that we had or not.

That panel has released an interim report that was very favourable to Canada. The Americans are now negotiating with us in good faith on a way forward. We are hopeful that we can settle this very quickly and continue to move on.

I hope the member stays awake for the good result we will have.

* * *

● (1455)

AIR CANADA

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, with Canada close to another recession, one would think the government would have better things to do than tamper with the rights of working people, but that is just what it is doing.

Air Canada says that it is close to a deal. The union says that it is close to a deal. Both sides know it is better for business if a collective agreement is reached around the bargaining table.

If the government is so worried about the economy, why will it not leave Canadian workers alone and start focusing on the economy?

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, exactly what we are doing is focusing on the economy, as the hon. member pointed out. We introduced the notice of our intention for back to work legislation if the two parties are unable to reach a deal, as the member pointed out. I am very optimistic that they are close to a deal and I hope that I will have something more to say later on today.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, employees have the right to negotiate their collective agreement. They have the right to use pressure tactics. It is called a right for a reason. Threatening workers with special legislation takes their rights away. The economy is not just big business profits; it is also workers' salaries and pensions.

Will the minister stop interfering in the Air Canada negotiations and, instead, encourage the parties to negotiate an agreement that will be acceptable to them both?

*Oral Questions**[English]*

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, it is very true that the best deal the parties can get is one that they conclude themselves, which is why our officials are still at the table sincerely trying to help the two parties find their way to a deal or to a process to a deal.

The reason that we introduced the notice of back to work legislation yesterday was to protect the economy and to protect the Canadian travelling public, of which 65,000 people could be stranded on the first day of a strike.

We are always considering the needs of the Canadian economy but, most important, the Canadian public as well.

* * *

THE ECONOMY

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, today, the IMF again reminded the world that the global economy remains turbulent. Now more than ever our government has to stay focused on what matters, the economy.

While our government is focused on just that through our low tax plan for jobs and growth, the NDPs' plan would hike taxes on job-creating businesses by \$10 billion a year, killing jobs at the worst possible moment. That is the wrong plan for the economy and for Canadian jobs.

Could the Minister of Finance outline why we need to stay the course on our plan?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I thank the hon. member for Calgary Centre for that brilliant question about the news that we had just today from the IMF.

Our Conservative government is focused on what matters to Canadians, which is economic growth, of course, and the creation of jobs.

The IMF today forecasted Canada would have the strongest economic growth in the G7 over the course of the next two years.

We are faced with turbulence from abroad, of course. We are faced with a serious situation with respect to sovereign debt in several European countries and the banking consequences of that, particularly with European banks. We are faced with turbulence from outside.

However, as the IMF said today, we have relatively healthy economic fundamentals here in—

The Speaker: Order, please. I will have to stop the minister again.

The hon. member for St. Paul's.

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ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, yesterday, the Walk 4 Justice concluded its cross-country journey to raise awareness of the hundreds of aboriginal mothers, aunts, daughters and sisters who are missing or have been murdered.

The government has failed to provide justice for the victims, healing for the families or an end to the violence.

If the government wants to be tough on crime, then it should call a public inquiry. If it wants to prevent violence against women, then it should call a public inquiry.

How many more aboriginal women need to die before the government takes this issue as the serious crisis that it is?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, we take this issue very seriously. The fact is that no government in the history of this country has stood up for the rights of victims more than this government.

When it comes to aboriginal women in particular, we have been working with law enforcement agencies across the country. As the member knows, the RCMP now has a new Centre for Missing Persons. Law enforcement databases have been updated to investigate missing and murdered aboriginal women specifically. We are also boosting victims' services across the country, particularly in aboriginal communities.

* * *

● (1500)

CANADIAN WHEAT BOARD

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Canadian Wheat Board is the largest and most successful grain marketing company in the world. We do not dismantle a \$6 billion a year corporation without significant closing costs that KPMG has actually set at \$500 million.

In this era of high deficits, how can the Conservatives defend borrowing \$500 million they do not have just to indulge the foolish free market flight of fancy of a feckless Minister of Agriculture?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, getting past the political hackery, the reality is that Canadians gave us a strong mandate on May 2. We continue to move forward on an issue on which we campaigned long and hard in some six elections in which I have been involved.

However, I will quote someone who said, "When the government is intending to change legislation, I honestly do not see the grounds for going to court. The government has the right to change legislation".

Do members know who said that? It was the member for Winnipeg Centre.

* * *

CANADA-U.S. RELATIONS

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, last week, the U.S. administration proposed the inclusion of buy American provisions as part of their draft infrastructure funding proposal.

Routine Proceedings

Our government moved quickly on the matter, raising concerns with the American administration to defend Canadian workers and businesses.

This is what the Canadian Federation of Independent Businesses had to say:

Open bilateral trading arrangements are vital to SMEs on both sides of the border. CFIB is pleased to see the Canadian government moving quickly on this matter....

Would the hard-working Minister of International Trade explain why the government is raising such strong concerns with the proposed legislation?

Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I thank the member for Kelowna—Lake Country for his hard work on the international trade committee. He is doing great work there.

I have raised our concerns regarding the draft buy American provisions with Ambassador Jacobson, as well as with Ambassador Kirk, and we have triggered formal consultations on the matter. I reminded the ambassadors that, if enacted, the proposed restrictions would send a negative signal to governments around the world that trade restrictions are an acceptable policy choice. They are not.

Our government will continue to advocate opportunities for Canadian workers and businesses alike through free and open trade.

* * *

[Translation]

TRANSPORT

Ms. Lise St-Denis (Saint-Maurice—Champlain, NDP): Mr. Speaker, we have communicated repeatedly with the Minister of Transport, Infrastructure and Communities regarding commercial float planes taking off at Lac-à-la-Tortue and on the Saint-Maurice River, but to no avail. The mayor of Shawinigan has also been trying for months to reach the minister about this matter.

What measures does the minister plan to take regarding the illegal commercial flights that are causing noise pollution and threatening the safety of my constituents?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, such situations come under the authority of local officials. People in the community set up anti-noise committees and committees to improve the quality of life and the environment. It is up to the local people to reach an agreement amongst themselves. Various points of view have been put forward, but from a Transport Canada perspective, no rules have been broken. It is up to the people of the community to come up with solutions. Transport Canada officials have already attended meetings. There are many mayors and many Canadian municipalities, and we could not possibly speak to each of them whenever they like.

* * *

JUSTICE

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, with the omnibus bill they introduced today, the Conservatives are clearly trying to impose their regressive and ideological vision of justice.

They want to put more young people in prison, deny offenders who have redeemed themselves the pardon they deserve, prevent the justice system from imposing conditional sentences that would allow for rehabilitation, and fill Quebec's prisons.

How can the minister justify not only imposing values on Quebecers that are not their own, but also sticking them with the bill to the tune of hundreds of millions of dollars?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our government's mandate from Canadians is to keep our streets and communities safe by moving quickly to reintroduce comprehensive law and order legislation.

The government is taking action to protect families, stand up for victims and hold criminals accountable.

I would ask that the member really reconsider whether she thinks that those who sexually abuse children should in fact be entitled to a pardon. Our government believes that is inappropriate. They are a danger to children, and she should be protecting children.

• (1505)

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, there have been consultations and I believe if you seek it, you would find unanimous consent to revert to presenting reports from committees.

The Speaker: Does the hon. member have the unanimous consent to revert to presenting reports from committees?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, pursuant to Standing Orders 104 and 114, I have the honour to present, in both official languages, the second report of the Standing Committee on Procedure and House Affairs regarding the membership of committees of the House and I should like to move concurrence at this time.

The Speaker: Does the hon. member have unanimous consent?

Some hon. members: Agreed.

Government Orders

(Motion agreed to)

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POINTS OF ORDER

ORAL QUESTIONS

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, my point of order relates to the conduct of hon. members in question period yesterday and today. I regret to raise this, but I am hoping that by mentioning it early enough in this fall session, we might remember the good intentions when we first met after the election at the beginning of this 41st Parliament.

I would like to remind members of Standing Order 16, which says when a member is speaking, no member shall interrupt him or her. I also would like to reference Standing Order 18, which says that no member shall use offensive words against either the House or any member thereof.

It is not one or two members who have fallen off the wagon, shall I say. There has been a collective falling off the wagon. I could barely hear the member for Toronto Centre when he was speaking and I could barely hear the member for Vancouver East when she was speaking.

I would like your ruling on this, Mr. Speaker. It is a legitimate point of order that members must restrain themselves and experience the kind of decorum that we once so fervently hoped for in the House.

The Speaker: I thank the hon. member for raising this matter. Of course, I always do my best to make sure that members can be heard both when they are posing and answering questions and I will continue to do that over the next few weeks.

GOVERNMENT ORDERS

[*Translation*]

PREVENTING HUMAN SMUGGLERS FROM ABUSING CANADA'S IMMIGRATION SYSTEM ACT

The House resumed consideration of the motion that Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act, be read the second time and referred to a committee, and of the amendment.

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I am pleased to join the debate on Bill C-4. We have already had the opportunity to discuss this type of bill in the House. It was called Bill C-49. What always fascinates me about the Conservative government's approach, and not in the best sense of the term—

Some hon. members: Oh, oh!

The Speaker: Order, please. I ask that hon. members continue their conversations outside the House. We have resumed debate and I am having a hard time hearing the hon. member for Richmond—Arthabaska, who has the floor.

Mr. André Bellavance: Mr. Speaker, thank you for intervening, especially after the leader of the Green Party rose on a point of order to say that people were heckling and making noise while hon. members were making speeches or asking questions. Thank you for your intervention. Personally, it does not bother me that much. I am used to hearing all that, but I would indeed appreciate it if things were a bit quieter.

I was saying that what fascinates me about the way the government introduces bills is the titles. The short title of Bill C-4 is pure demagoguery. I would even say that introducing a bill to attack a given problem is a way of misleading the public. The vast majority of Canadians will not read the bill, which is quite natural, because they have other things to do besides reading a stack of bills as they are not legislators. Nevertheless, they will read some excerpts in the media and on the Internet. However, they will not necessarily have the entire bill on hand. They often go no further than the title. That is why I have often called this government the marketing government. The purpose of marketing is to sell a certain product and to a certain extent that is what is being done here. The government is saying that this is what it wants to do about refugees and that the bill will prevent smugglers from abusing Canada's immigration system. If a referendum were held, I think everyone would agree. Everyone would agree with the short title. However, when we read the bill, we see that there is a problem.

We all remember the last election campaign and a Conservative ad — which even targeted the Bloc Québécois—that showed a large, listing, rusty vessel like the Titanic, with a lot of people on board. The invaders were coming. They waged a campaign of fear about various issues, such as the crime rate and refugees, and it was always fear of the other that dominated. That has been this government's *modus operandi* since it was elected, both with a minority and with a majority.

The major difference evident since the beginning of the session and with the adoption of special bills, particularly in the case of the postal strike, is that they are going to do what they want. Naturally, we will do everything in our power to make the public aware of what the government wants to do when it does not make sense. I believe that this bill falls into that category.

The short title does not really indicate what the bill is about. The Bloc Québécois already came out against Bill C-49 when it was introduced for the first time in the House. Bill C-49 was the predecessor of Bill C-4.

In fact, while the government says it is cracking down on human smugglers, it is instead punishing people fleeing persecution, including children. I heard the earlier response given by the Minister of Public Safety, who introduced the bill. He keeps saying that we need to protect the children. Obviously. None of us got elected by saying we did not want to protect children.

Government Orders

When people are smuggled into the country, by boat or some other means, obviously they often bring their children. At least that is what we see in many cases. They are all in the same boat, if you will forgive the pun. The Canadian government is going to welcome them, but not exactly in the way they imagined. So it is misleading to give the bill this title. Lastly, we know very well that real refugees will be treated like common criminals. That is what this bill will do. The Conservatives are once again using a specific example from recent events to advance their law and order agenda, even though the measures they are proposing will not change anything at all about the specific situation.

The example given is this: on August 13, 2010, 492 Sri Lankans arrived in Canada on board the MV *Sun Sea*. When all of this hit the media, the Conservative government promised to tighten the law in order to discourage human smugglers wanting to organize more shipments to Canada. When the Tamil immigrants arrived, the federal government indicated that the ship's passengers included human trafficking criminals and members of the Tamil Tigers, which is considered to be a terrorist group under Canadian law.

• (1510)

There is another example. Some of the 76 other Tamils from Sri Lanka who arrived on the *Ocean Lady* in 2009 and claimed refugee protection remained behind bars for over six months. None of them were recognized as being members of the Tamil Tigers. They were finally freed when the government determined that they did not pose a threat to national security.

The Conservatives are doing whatever they want. People's fear is allowing the Conservative government to pass almost any bill that tightens the rules, and the government is jumping in with both feet. We are not against laws that ensure that smugglers are held criminally responsible for what they have been doing. These individuals do not deserve to be treated like honest people; quite the opposite is true. That is not the problem. The problem is that this bill will allow the government to completely disregard the rights of people who, for the most part, are real refugees and victims of persecution. These people often arrive with their children and they are put in prison by the military. This is a serious problem.

The Bloc Québécois opposes any new refugee category that would be justified only by the manner in which refugee claimants arrive. The fact that some refugee claimants arrive in a group does not mean that they are not legitimate refugees. In our opinion, a new category that puts even heavier burdens on refugees would be prejudicial. Unfortunately, that is what Bill C-4 would do.

One of the consequences of this bill is that refugee claimants who arrive in a group can be automatically imprisoned for a maximum of 12 months with no possibility of disputing their arrest. One year; that is nothing to scoff at. That is called an arbitrary arrest. People arrive by boat in a group and, right away, they can be put in prison for a period of 12 months and that is it. They do not have any rights. Often, these people are penniless and vulnerable. They are not familiar with our laws. In many cases, they do not even know the language. They managed to escape, to save themselves from extremely difficult conditions. Often, they were persecuted in their country. When they arrive, we welcome them by putting them in prison.

This is a matter of fundamental human rights and democracy, specifically, the right to liberty.

Not only would this illegal immigration bill violate the Canadian Charter of Rights and Freedoms, but it would also violate Canada's international obligations under the 1951 Convention relating to the Status of Refugees, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. This bill would violate at least three treaties that exist to protect fundamental human rights.

If only for that, we should look carefully at this issue and realize that we must revise this bill, which is nothing but smoke and mirrors. We believe that the existing legislation, if it were properly enforced, is sufficient to deal with the arrival of ships. That is what experts in the field already confirmed, when the first Bill C-49 was introduced.

I do not understand why the bill has returned in the same form, with a few minor esthetic changes, when we know very well that it poses some very serious problems. That is why we will oppose this bill.

• (1515)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I would first like to congratulate the hon. member for Richmond—Arthabaska on his remarks. I would like to know more about the way in which the provisions of this bill would infringe on the basic rights of the people who could be victimized. Can the hon. member give us some examples of the basic rights that would be affected by this bill?

Mr. André Bellavance: Mr. Speaker, I thank the hon. member for his very pertinent question.

I have already mentioned that there are several conventions that Canada will quite simply be treating with contempt if this bill is passed. The real problem—and this is what I had prepared for the continuation of my speech—lies with the countries where the basic rights of some people are often violated, leaving them with no choice but to leave because their lives and their well-being are in danger. This is where a generous foreign policy and generous international aid become important, as does the effective promotion to foreign governments of respect for international conventions, especially the Universal Declaration of Human Rights. That is the answer to the hon. member's question. What is at stake here is nothing less than the Universal Declaration of Human Rights. In a quite arbitrary fashion, we are going to take people who claim to be refugees—and that determination is not to be made the moment they arrive, because it is impossible to decide that these people are actually criminals rather than refugees—we are going to detain them, put them in prison and deprive them of all their basic rights just because they came in a group. That is the problem.

• (1520)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to ask the hon. member a question about Canadians' reaction to refugees in Canada.

Government Orders

I remember a situation, about 10 years ago, where a refugee ship arrived on the coast of Nova Scotia. Many people from the village, near the small town of Chester, I believe, went to the shore with hot tea and coats in order to help those people who had no clothes and no food. That was a truly Canadian response. However, Canadians' response to MV *Sun Sea* was a bit different when the Minister of Immigration and the Minister of Justice said that there might be terrorists aboard.

I am a little worried. What is the reaction toward legitimate refugees who are going to be detained with their families for one year under this bill? How does it reflect the generosity of Canadians? I think that is how Canadians would truly respond to young people threatened with political sanctions in their countries.

Mr. André Bellavance: Mr. Speaker, I would like to thank the member for her question.

Therein lies the problem. We have always said that the values of this Conservative government do not reflect Quebecers' values or, in many cases, Canadian values. She gives the example where people, the general public, welcomed refugees in a very humane way. That is what she described. This is not the image that the Government of Canada is going to give to rest of the world with Bill C-4.

I am also reminded of when I was younger and what we called the boat people arrived from Vietnam. They were at my school and in my class in Victoriaville. They came from Vietnam and integrated. They were refugees. I do not think that the solution or the way to welcome these people at the time would have been to take them, put them in prison because they arrived in a group and immediately and arbitrarily regard them as criminals. That is not the way to do things. Obviously, we want to avoid having individuals from terrorist or criminal groups turning up here and leading others to believe they are refugees. This happens in close to 2% of cases. Of course there are potential solutions to prevent these kinds of criminal groups from entering Canada as much as possible but, most of the time, the people who come here really are refugees. And we must welcome them.

* * *

[English]

AIR CANADA

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, I rise on a point of order. Our government remains focused on Canada's economic recovery and the financial security of all Canadians. As the House knows, the government received a strong mandate from Canadians to complete our recovery.

Today, I am very pleased to report to all Canadians and to the House that just minutes ago Air Canada and the Canadian Union of Public Employees, representing the Air Canada flight attendants, have signed an agreement in principle to avoid a work stoppage and maintain full service for passengers.

[Translation]

I would like to congratulate the parties on coming to an agreement that safeguards Canada's economic recovery.

[English]

I want to applaud the efforts of the parties in focusing their attention to the matter and, of course, our federal mediation services that were instrumental in assisting the parties. Our position on Air Canada has been clear: the best agreement is always the one that the two parties can reach themselves.

I strongly encourage the parties to continue to work together so the union can secure ratification by the membership. This is an agreement that is good for both the employees and the employers and, as a result, is good for Canada and all Canadians.

The objective of the legislation that we put on notice yesterday has been achieved and we are so very pleased that air service for Canadians will be protected. We remain committed to protecting Canadians and to keeping our economy growing, strong and on track.

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● (1525)

PREVENTING HUMAN SMUGGLERS FROM ABUSING CANADA'S IMMIGRATION SYSTEM ACT

The House resumed consideration of the motion that Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act, be read the second time and referred to a committee, and of the amendment.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, Bill C-4 is described as an act to amend the Immigration and Refugee Protection Act to prevent smuggling. However, it does nothing of the sort. What it would do is prevent refugees from arriving in Canada.

I think the best way to describe one of the flaws in the bill is to look backward, because that is what the Conservatives are doing with this bill. They are moving Canada backward. In looking backward, what would have happened had the bill been law in the past?

My ancestors arrived in this country from Ireland as refugees of a sort. They were religious refugees. They were practising Catholics who felt threatened that their religion would not be accepted with the British domination of Ireland, so they came to Canada by boat, and they paid good money for that. They came under forged documents, under the wrong name. They did this because they were desperate to leave Ireland. They knew a famine was coming, they knew there was a problem and they were desperate.

Another bunch of my ancestors came from Germany, again by boat. They left because of what they felt was religious persecution against their Catholic faith. They went to the United States first, travelling under the right documents, but they would have been detained had they come to Canada because they came by boat in large numbers and they paid somebody to bring them here.

Government Orders

My most distant relatives from my mother's family coming to Canada came to what is now the United States before the *Mayflower*. They came in 1592 or 1594, something like that. While legislation might not have been in place, there were certainly native North Americans here who, if they behaved the way the Conservatives do, would have jailed all my ancestors as they arrived by boat without documentation, without permission and they paid good money to get here.

These are but some of the ridiculous examples of what would have happened in the past. I say "ridiculous" because that is what this legislation is.

Much more recent than those occasions, in 1939 a ship containing over 900 refugees arrived in North America, looking to find some place to put those refugees. Canada turned it away. That ship went back to Europe. That ship was the *MV St. Louis*. Some members opposite have suggested that it would have been a better thing had the Conservative bill now before us been in place at that time as Canada would not have sent the ship back. Those refugees would have been put in jail instead and they would have been safe.

However, that is not what the minister said the purpose of the bill is. The minister has said that the purpose of the bill is to not allow refugees into Canada. The purpose of the bill is to ensure that the boats do not leave the country of origin. The purpose of the bill is to make it financially unprofitable for the human smugglers to bring these people across because they would know they would end up in jail.

If that is the purpose of the bill, then in 1939 the *St. Louis* would never have left Hamburg in the Conservative's view. Instead of merely 254 German citizens and Jewish people being exterminated as a result of being sent back by Canada, all 937 would have faced probable elimination in the concentration camps in Europe. I know that seems rather extreme, but I am trying to give the bill a historical perspective.

• (1530)

We cannot and should not build our laws in this country on the basis of a knee-jerk reaction to a couple of boats arriving on the west coast that someone, somewhere, declared might have criminals on them. We should not build our systems in a reactionary way, rather than looking at the overall problem.

The overall problem is that there are too many people on this planet who are refugees, who need a place to go, who need to find a home. Canada should be welcoming those people. We should not be asking those boats to stay home. We should not be trying to prevent those people from coming to Canada in the first place, which is what the minister admitted was really the purpose of the bill.

It is somewhat hypocritical of the government to suggest that it welcomes immigrants, that it welcomes immigration. It welcomed them during the last election campaign, touting a Conservative government to the immigrant community as a good thing for them. Many of those people the government was wooing are in fact refugees.

Now that we know the Conservatives' real agenda, which is to prevent refugees arriving in Canada, to prevent the necessary acceptance of people whose countries are so war-torn or so

undemocratic that they absolutely need a place to go, it is wrong. If we are trying to prevent those people coming here, it is wrong. It is so wrong.

I agree with the notion that we should attempt to stop the potential profiteering off the plight of people in very poor and war-torn situations. However, this is not the way to do it. This will not arrest a single smuggler; it will not deal with that problem at all. All it will do is to prevent people who should be allowed to come to Canada from coming to Canada. That is not what I believe.

I do not believe the Conservative government or this House believes that. I believe that we all think that Canada is a great place, a place that should be accepting of as many citizens of the world who want to come here, who can supply us with great labour and resources and their intelligence and world views. We should be accepting of that. To do otherwise, to prevent it and try to restrict it, is wrong-headed.

The specifics of the bill are so wrong that Canada will fly in the face of the convention that it signed at the UN. We signed the UN Convention relating to the Status of Refugees. We are bound by it and yet are doing exactly what it says we should not do:

The Contracting States—

—that is us—

—shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

We should not be violating our commitments to the United Nations. Whether commitments to Libya or to the Convention relating to the Status of Refugees, we must not do that. We must give a strong and convincing signal to the world and Canadians that Canada is an accepting place, that Canada is a place where there are not two statuses of citizens, citizens who came by boat, as my ancestors all did, and citizens who came by plane.

Now that Air Canada is back, they will be able to come by plane in greater numbers. However, we should not be restricting refugees. The legislation is wrong-headed if its intent is to stop the flow of refugees coming to Canada.

• (1535)

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, the opposition does not have a monopoly on friends and family who came to Canada under extremely difficult circumstances. My mother also came to Canada by boat after her family had escaped Germany, dodging dogs and bullets all the way.

The opposition knows that we Conservatives do not maliciously intend to target innocent refugees. This bill is designed to protect these refugees from being duped into the most dire and dangerous of circumstances.

Government Orders

We ask the opposition to call a spade a spade and recognize that Conservatives are not cold-hearted people who hate refugees and want to throw them away into worse circumstances. When refugees first arrive, they are certainly held in better conditions than on the boat they arrived in. It is just a matter of finding out who is who and making sure that the good guys get in and the bad guys do not.

Could the hon. member comment on that?

Mr. Mike Sullivan: Mr. Speaker, I agree that we do not have a monopoly on immigration in this country. Everyone here, with the exception of a handful of native North Americans who are here, is an immigrant to this country in some way.

I would just ask the member to consider how he and his mother would have felt if, upon her arrival in Canada on that boat, she had immediately been put in prison as the result of arriving by boat, which is what this Conservative document would do. For people arriving by boat, particularly a lot of people arriving at the same time and who have paid a lot of money to come, it quite likely means prison.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, the bill under consideration is in violation of article 31 of the United Nations Convention relating to the Status of Refugees that our country has signed. It is something that good members of the global community would want to pay attention to.

Could the hon. member tell us how passing this bill will affect the status of Canada in the world community?

Mr. Mike Sullivan: Mr. Speaker, clearly, when we are a signatory to a declaration at the UN, the other signatory countries expect Canada to live up to its obligations. They expect Canada to live up to what it has signed.

If we pass a law that flies in the face of that law, we will not have the same image to the rest of the world. We will lose credence. We will lose respectability and, when it comes to future declarations, we will lose the trust of those other countries.

[Translation]

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Mr. Speaker, I congratulate the hon. member on his speech.

I would like him to comment on the fact that the Conservatives are trying to bypass the impartial and democratic processes that Canada has previously put in place. There is a refugee board and a commission to hear these kinds of applications. Those institutions are democratic and impartial. The fact that the government is trying to put all the power into the hands of the minister is a grave affront to the impartiality and the democratic nature of the institutions already in place in Canada. I would like him to comment on that.

[English]

Mr. Mike Sullivan: Mr. Speaker, how true that is. When there are laws in place that do exactly what the Conservative government says is needed, then one has to ask the question, why this? What is the purpose of this law? Is it really to do something about smugglers?

No, it is about preventing refugees from coming to Canada. That is what this law is ultimately to do, and the minister has admitted it. There are plenty of laws and regulations on the books determining what a refugee really is, and to determine whether the person has

arrived here with documentation or not and whether or not they should remain in Canada.

Those laws are already there. This legislation goes way beyond that.

● (1540)

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, the time that I have just spent in my riding of Saint-Lambert has allowed me to gauge the extent to which the legislation that we pass in this assembly and the regulations made by the governments, may, for some groups of people, have devastating consequences that we had not thought of at the outset. I have met fathers and mothers who have to live apart from their children and their spouse forever because of one section in the regulations to the Immigration Act that creates a category of family members who cannot be sponsored. These tragic situations have allowed me to become more aware of the heavy responsibilities we have when we pass legislation. The future for hundreds, maybe thousands, of people may be irrevocably affected.

Canadians expect us to enact legislation that protects them and everyone living in Canada, whatever their status, and that does not violate their rights and freedoms. We must always keep in mind that our duty is to put in place laws that are just and fair for all. Laws that reflect, not only our most sacred values, but also the obligations that we have undertaken through the treaties we have signed.

In reaction to the illegal arrival of many foreign nationals who used the services of corrupt smugglers to abuse our immigration system, the government has introduced in Parliament new legislative measures meant to prevent other smugglers from facilitating such arrivals. The objective behind the government's initiative is definitely legitimate. Indeed, large-scale, random arrivals of individuals could dangerously compromise the safety of Canadians and could give rise to illegal human trafficking.

Unfortunately, the fact is that while the safety of Canadians remains a great priority, the government did not choose the right way to achieve that goal. Regarding our international obligations under human rights conventions signed by Canada, specifically, the Geneva convention of July 28, 1951, relating to the status of refugees, Bill C-4 is nothing short of disastrous because it completely misses the mark. Instead of targeting smugglers, the bill targets mainly asylum seekers, whether legitimate or not, as pointed out by the Canadian Bar Association.

The real challenge facing our democracy as a result of these large-scale and unpredictable arrivals "calls for...an effective response...in a way that appropriately recognizes the fundamental values of the rule of law" as stated by the Supreme Court, and the values that Canadians hold dear. The Supreme Court reminds us once again that, "In a democracy, not every response is available to meet the challenge of terrorism" or that, in relation to the bill before us today, the illegal arrival of foreign nationals does not give us the right to create discriminatory laws that destroy freedom and go against our international obligations.

Government Orders

Bill C-4 violates the rights of refugees and asylum seekers. It unduly penalizes refugees, asylum seekers and children. Our main concern has to do with the especially repressive slant the government is trying to introduce in a bill whose ultimate goal should be protection. Presented as an effective legislative measure against potential smugglers who might try to engage in human trafficking, Bill C-4 unfortunately contains very little to target smugglers directly. Most of the provisions in this bill punish not smugglers, but rather asylum seekers and refugees.

This bill disregards many of the rights that are guaranteed by the Canadian Charter of Rights and Freedoms and by international conventions that Canada signed, in particular, the Convention relating to the Status of Refugees, which was signed on July 28, 1951. With regard to this Convention, the bill creates two categories of refugees: refugees who are designated by their method of arrival and other refugees. The first category of refugees will not be treated as well as the others. In this regard, the bill introduces a double standard for victims of persecution who are seeking protection in Canada.

In other words, Bill C-4 is discriminatory in that it treats victims of persecution differently. And yet, according to the spirit of the 1951 Geneva Convention relating to the Status of Refugees, we should not question how refugees escaped the persecution they faced in their home country. In the face of persecution, there is no good or bad way to escape.

The right to equal access to justice is a fundamental right. Unfortunately, the government is in the process of destroying this principle through Bill C-4, which it introduced to the House on the pretext of preventing smugglers from abusing our immigration system when its unspoken objective is actually to go after refugees and asylum seekers.

● (1545)

“Designated foreign nationals” cannot even appeal an unfavourable decision to the Refugee Appeal Division of the Immigration and Refugee Board of Canada. The most serious criminals have full recourse but not the victims of persecution who are seeking to escape their tormentors.

If parliamentarians are asked to accept unfair laws, it will destroy the basis of our democracy.

Similarly, we cannot understand why designated foreign nationals must be deprived of the right to apply for permanent residence, why they must be automatically detained and why the government needs to add more reasons for detaining refugees.

I would like to end my speech by drawing the House's attention to the negative effects that Bill C-4 will have on the rights of the child.

In all cultures, the family is considered to be the mother cell of society. That is why one of the objectives that this Parliament assigned to the Immigration and Refugee Protection Act is that of facilitating family reunification.

By depriving some refugees of the right to apply for permanent residence for five years, Bill C-4 makes family reunification more difficult.

In particular it makes it harder for children to be reunited with their parents when they are designated foreign nationals; that is a clear infringement of the right to a family environment that is guaranteed by the Convention on the Rights of the Child, to which Canada is a signatory.

Finally, Bill C-4 deprives designated foreign nationals, including children, of the possibility of applying for permanent residence for five years, even after the designated foreign nationals have been granted refugee status. But an application for permanent residence is the only way in which the best interests of the child can be evaluated.

If Bill C-4 is passed, it will give the government a tool that it will use to expel children from Canada with no due consideration of their interests. That is contrary to the Convention on the Rights of the Child, to which our country is a signatory.

In a word, the bill targets refugees and refugee claimants instead of smugglers. It should be withdrawn because it is unfair.

The NDP is not alone in opposing it. When 88 major organizations all across Canada come out against a bill, when our legal experts in the Canadian Bar Association are opposed to a bill and lay out the grounds for their opposition, the government should pay attention rather than claim that everyone else is wrong. The objections that are ringing out all over Canada should be taken into consideration.

[*English*]

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I would like to thank my colleague for her very eloquent speech, which was obviously fueled by a great deal of passion on this topic.

I wonder if she could say a bit more about her views on this bill's effects on family reunification and the impacts it would have on refugees who are settled in Canada.

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, I thank my colleague for that question.

The repercussions are enormous and truly dramatic. Husbands and wives who come here as refugees will not be able to reunite their families. That is something completely inhumane and contrary to our conventions. The repercussions really go beyond what this kind of legislation can impose.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I would like to know what the hon. member thinks about what the Minister of Citizenship, Immigration and Multiculturalism was saying yesterday. He said that the purpose of this bill was to influence the economic decision of prospective refugees abroad.

Mrs. Sadia Groguhé: Mr. Speaker, I thank the hon. member for his question.

In terms of the economic aspect and potential deterrence, I do not think there is an impact at all. Refugees who pay smugglers a fortune to come here are fleeing their homelands because they have very good reasons and they are fighting for their lives. They do not leave because of a mere economic need. In my view, it has to do with survival, not only economic considerations.

Government Orders

•(1550)

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, could the hon. member explain how this bill will actually penalize the kingpins of human smuggling networks? I took a close look at every clause of this bill, and I could not find anything guaranteeing that those people would be arrested and punished.

Mrs. Sadia Groguhé: Mr. Speaker, I would like to thank my colleague for his question. As I mentioned in my speech, it is the refugees, the asylum seekers, who are essentially being targeted. This bill has no impact at all on the smugglers, who are the criminals. This bill changes the status of refugees to that of criminals, but the smugglers are not going to be terribly concerned about this new bill.

[*English*]

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, I am shocked that there is an assumption that the bill would somehow affect family reunification. I came to this country by plane, not by boat, and I did not have to use smugglers to be reunited with my family. We have a great system here, a system that works and is legal. I do not know of a single case in which a person who has arrived in Canada and has been granted status has had to use smugglers to be reunited with his or her family.

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, I would like to thank the member opposite for his question. We are not questioning the refugee status. There are conventions and they must be applied, since they are international. In addition to the fact that a refugee is imprisoned for anywhere from one to five years, he or she is not allowed to apply for permanent residence, thus removing any possibility to submit a request for family reunification.

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, it is a privilege to rise today after the passionate speeches of my dear colleagues on this side of the House, especially the members for Scarborough—Rouge River and La Pointe-de-l'Île. I am certain that my fellow Canadians thank them as well.

I am also a member for Scarborough, and I can say that half of my constituents were born somewhere other than Canada. If this kind of legislation had existed in the past, there would be a lot of people missing from my riding, as well as some members missing from the House, for example, the member for York South—Weston. The government is lacking a little common sense in introducing this bill.

[*English*]

I am saddened to see our Conservative colleagues from Scarborough also supporting this legislation that will negatively affect the families of their constituents. We would encourage them to join the rest of Scarborough in opposing this bad bill.

The bill is deeply unfair to refugees. It fails to honour the obligations under both Canadian and international law. It deprives individual cases of the independent review that justice requires. Furthermore, it will create massive costs in unnecessary detention. If it passes, this bill would prove to be unsuccessful in preventing human smuggling. We have seen time and again that more laws do little to prevent crimes like this from happening. We cannot solve a problem merely by addressing the effect and ignoring the cause. This

bill ignores the underlying problem that we face a global refugee crisis.

I would like to draw attention to the fact that the title of this bill is gravely misleading, as it would do more to punish refugees than to punish smugglers. It is wildly unfair to label the refugee crisis as a threat to the safety of Canadians. Canadians are being asked to trade the liberties of people seeking refuge in exchange for the protection of Canadian safety from a perceived threat that has no basis.

We must act within our power to stop illegal human smuggling. Yes, profiting from human trafficking of vulnerable refugees is exceptionally immoral and we want to do everything we can to deter that from happening, but let us find ways of targeting those who are committing the crime rather than the victims. Refugees do not pose a threat to Canadian public safety. This is just another example of the Conservatives' scare tactics and fearmongering.

The Conservatives are trying to sell this bill as if accepting and aiding refugees is a threat to Canadians. It's that "with us or against us", that "us or them" mentality. These tactics are hostile, irresponsible and dangerous. They have no place in the government of Canada, but we know it is how the Harper government works.

Bill C-4 requires mandatory detention of designated persons without independent review—

•(1555)

The Acting Speaker (Mr. Bruce Stanton): As a reminder, the member may know that the use of the surname or name of other hon. members in the House is to be avoided in the course of our speeches.

The hon. member for Scarborough Southwest.

Mr. Dan Harris: My apologies, Mr. Speaker. I will say the Prime Minister's government.

Bill C-4 would require the mandatory detention of designated persons without independent review. This is arbitrary detention, which is contrary to the charter and international law. Mandatory minimum sentences and harsher penalties will not deter smugglers. As of this time, under the Immigration and Refugee Act, smuggling can already be punishable by life imprisonment. This is just another blow to our independent judiciary and its discretion.

Furthermore, refugees know little or nothing about this country other than its reputation for acceptance and generosity. They are fleeing for their lives and the lives and safety of their families. They know nothing of our laws and we want to punish them for that. Among those detained will be children. It is 2011 and we here in Canada are talking about detaining children. There is something absolutely reprehensible and wrong about that fact.

Government Orders

This bill would also provide for mandatory conditions to be imposed on release for persons indefinitely detained beyond 12 months without the possibility of release if the minister is of the opinion that their identities have not been established. Both of those additional measures would deprive persons of liberty without the opportunity for an independent tribunal to review whether they are necessary in the individual case or not, again contrary to the charter and international law.

We heard members speak earlier about Australia, which has had similar policies to lock up refugee claimants in the past at length and to deny them permanent status even when granted refugee status in an effort to stop refugees coming by boat. These policies resulted in refugees, including many children, being traumatized by their experiences in detention. The Australian Human Rights Commission, an organization created by parliament, conducted a national inquiry into children in immigration detention and found that children in Australian immigration detention centres had suffered numerous and repeated breaches of their human rights.

Far from deterring people, depriving refugees of the right to family reunification caused a situation where people arrived by boat and then later their families, spouses and children arrived by more boats. This, in fact, created a market for more human smuggling, and this is the path that the government is taking.

The Australian public was deeply divided, with many previously unengaged citizens joining grassroots networks to protest their country's inhumane treatment of refugees. Luckily, in the past three years Australia has been moving away from the policies of detention and temporary status for refugees. However, here in Canada we apparently like to repeat others' mistakes.

Arbitrary detention is also prohibited by international law, notably by the International Covenant on Civil and Political Rights. Furthermore, this bill would deny designated persons the right to appeal a negative refugee decision to the Immigration and Refugee Board's Refugee Appeal Division. An appeal is a fundamental right and safeguard in refugee decision making, where a person's life and liberty may be at stake. By eliminating the opportunity to correct errors at this first level, the bill would put Canada at risk of violating its most fundamental obligation toward refugees, which is not to send them back to persecution.

• (1600)

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I was interested to hear the hon. member mention the term "fearmongering". I have been listening intently all afternoon to the comments from the opposition side and I have heard nothing, frankly, but fearmongering, allegations of breaches of the Constitution, the charter of rights and international treaties. Every law, of course, is subject to interpretation. It is clear what the interpretation of the opposition is.

On this side of the House, our interpretation is that this law respects in every sense the charter of rights. It is within the democratic society that we know and the democratic society that we know is the very reason so many immigrants want to come to Canada, as our forefathers all did.

Mr. Dan Harris: Mr. Speaker, I am not sure I heard a question but it brings a question to my mind. We have a great country that has

been very accepting of immigrants and refugees over many years. Why is the government seeking to change that?

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I found the prior question interesting. The member made reference to the whole idea of fearmongering. I would look to my colleague from the New Democrats to provide a comment.

When the Prime Minister of Canada stands on the back of a boat called *Ocean Lady* to try to raise the profile and then label refugees as being questionable in terms of arriving in Canada, potentially implying that there are terrorists and others on board that boat, would the member who has spoken to the bill acknowledge that as being a part of fearmongering?

Mr. Dan Harris: Mr. Speaker, I would say that makes part of the government's plan with respect to fearmongering.

With that ship and with others, it has affected several constituents in my riding as it is a riding with one of the largest Tamil populations in Canada.

Just des inquiétudes that has been created by the previous incarnation of this bill in that community has led to people being afraid as to whether their families will eventually be able to come here. It has led to a situation where some are now going to the ministry. Tamils from Sri Lanka are being told by the minister and by the minister's office that it is actually safe to go back to Sri Lanka even though we still have no international eyes on the ground. This is just part of a bigger plan to lower immigration to Canada.

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I think the people in Scarborough Southwest, the people in Ajax—Pickering and the people in many ridings across this country would be surprised and disappointed to know that human smugglers have an advocate in the member for Scarborough Southwest.

There is no question that immigrants to this country, including recent immigrants, want our immigration policy to be based on rules. They want us to legislate for a modern age. We take exception to the member's claim that these issues cannot be resolved, that the situation cannot be improved by legislation. It can.

I would like the member to simply acknowledge a single fact. Will he acknowledge that, under this Prime Minister's government, immigration levels to Canada and the arrival of refugees in Canada have achieved historic highs?

• (1605)

Mr. Dan Harris: What I definitely do not appreciate, Mr. Speaker, is being accused of being a booster for human smuggling.

Government Orders

What I would like to throw back at the government concerns why people in my riding are waiting two and three years right now to be reunified with loved ones when they did arrive legally. Why are they not receiving the immigration and settlement services that they deserve? Why are organizations like the South Asian Women's Rights Organization running immigration settlement services out of an apartment because it cannot get funding from the government?

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak to the bill today and to participate in this very important and serious debate.

I am new to this chamber, like many of my colleagues, but I am not new to the notion of justice and fairness. I do not see much of that in the bill. The bill is yet another clear indication that the government does not make public policy based on facts and evidence but instead on ideology, an ideology that is regressive in the case of the bill, public policy that is punitive and unnecessarily so.

I read the bill line by line, section by section. It comprises 37 sections, 23 of which are directed at persons seeking asylum and the limitation of their rights. How can it fairly be said that this is about human smugglers? The bill is not so much about seeking to punish human smugglers, but rather it is about denying rights to refugee claimants and treating them, not as criminals, but as worse than criminals, which I will expand upon later in my remarks.

How did we arrive at the point where the government is putting through such an ill-considered law? In August 2010, as we have heard, a cargo ship landed on our shores with close to 500 Tamils. It was a shocking situation to many of us. Were they safe? Were they hungry? Did they suffer ill effects from the journey and the conditions in which they were travelling? These people were seeking a better life. I believe they thought Canada was a place of peace, a place of hope, a place where they could make a better life and a place where they could escape whatever injustice and persecution they had encountered earlier in their life. They had the hope that Canada would be a place of refuge.

I agree with those who say that we should be very vigilant about our security. None of us want a system where people who pose a threat are seeking an opportunity to do harm to Canada. I think we all agree on that. With respect to refugee claimants, we all know that there are some who come here who are not legitimate. However, the government seems incapable of acknowledging that there is a rigorous process, that those who do not meet the standards that are required under the law are sent back.

I would also suggest that, like any law, we need to periodically review and assess current legislation to see if it still works and to make improvements where necessary. That is our job as parliamentarians.

However, one would think, by listening to the Conservatives, that the country is being overrun by illegals. In the case of the Tamil refugees two summers ago, it seems that the Conservatives could hardly wait to gain some political advantage from the situation. It was a human tragedy made into political theatre, a race to the bottom.

I reject the idea that because we hold a different opinion on the bill it automatically means that we are soft on crime or we somehow do not care about public security. That is nonsense. As was so aptly stated in this chamber on an earlier occasion, when the only implement we have in our toolbox is a sledgehammer, everything starts to look like a rock.

There was no nuance, no compromise, no dialogue, no amendments, no costing and no acknowledgement that the issue was complex, nothing. Solutions are easy and simple. For the Conservatives it is all or nothing, the world is in black and white. That is not the reality. That is not the world in which we live.

● (1610)

The vast majority of refugee claims are legitimate. Men, women and children come here hoping for a life that is better than the one they had, so much so that they are prepared to risk all, and yes, even to pay smugglers for the opportunity for a better life. Why? For many people around the world, Canada is a place of hope and peace, but that will change under the Conservative government.

Smugglers should be confronted with the full force of the law, and we on this side are prepared to support legislation that does that. Again, the first nine and one-half pages of this bill only speak to denial of the rights of refugees. It only speaks to denial of the rights of victims. This bill is not so much about smugglers; at its core it is about punishing individuals who seek refugee status.

International law is clear: it is not a crime to seek asylum. It seems the Conservatives wish to send the message that even if an individual has a legitimate claim, he or she cannot expect to be treated with the human dignity that should be afforded to all people but instead are treated as a criminal first, in fact worse than a criminal.

In this country suspected criminals have a right to appeal. Suspected criminals have a right to be protected from arbitrary detention. Suspected criminals are assessed on the basis of reasonable and probable grounds based on belief. The lower threshold that is being applied to asylum seekers in this bill is reasonable and probable grounds based on suspicion. The refugees are treated as less than suspected criminals.

It also gives rise as to whether this bill is constitutional, which is what I will focus on. I do not believe, nor does anyone on this side believe, that this bill will withstand a charter challenge. Certainly the Canadian Bar Association does not believe it. Certainly the former chair of the Immigration and Refugee Board does not believe it. I believe that the Supreme Court of Canada, as soon as it gets the chance, will strike this bill down.

This bill calls for mandatory detention for a year. In 2007 the Supreme Court of Canada struck down a law that called for mandatory detention of 120 days under a security certificate. This is three times worse than a law that has already been found to be unconstitutional by the Supreme Court of Canada and yet the Conservatives plow on.

Government Orders

Canadians should know that the Conservative government has already decided that amendments will not be considered. Let us think about that. Let us consider the obvious problems this punitive measure has when judged against the charter. Does this proposal from the Conservatives in any way sound like the Canada we know? Is there not anyone over there on the Conservative benches who can see the clear violation of sections 9 and 10 of the charter?

Let me close by saying that I have no doubt the government will get its way and that this bill will be rammed through the House. That does not make it right. That is regrettable.

We who believe in the charter, we who believe that people should be treated fairly cannot support this legislation. It fails the test of the charter. It fails the test of fairness. It fails the test of justice. It fails Canadians. We will not support this bill.

• (1615)

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, I agree with the member that the world is not black and white.

Most refugees are innocent, but not all. Would the member agree that we need to know who is who before we let them out on the streets? We all want to give relief to those who endure the atrocious situations that smuggled humans endure, but is it not more compassionate to create legislation that would prevent them from getting into those atrocious situations in the first place?

Mr. Sean Casey: Mr. Speaker, I agree with my friend that that is a laudable objective, but the legislation misses the mark.

The legislation, instead of offering a hand of compassion to refugees, says to them, "Welcome to Canada. Now we are going lock you up. We may or may not be back in 12 months."

That is what this legislation does. It is unconstitutional. It shows a level of compassion that Canadians are not comfortable with. There is no way the legislation can be supported. It targets the victims.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, one thing is being overlooked in some respects, although it has been raised in the dialogue, and it is an important issue. More Canadians are going to ask who will pay for this. Where are the economic resources going to come from to lock people up and warehouse them potentially for a year? We saw the situation with the Tamil refugees and it was hundreds of people. That cost is borne by the taxpayer.

Instead of putting our heads in the sand what we should be doing is processing people expeditiously to find out whether or not they can be immigrants to this country. The sooner we do that the sooner they will be contributing to the Canadian economy, paying into the pension system, the tax system, and being successful members of society.

I ask the member to think about those economic consequences.

Mr. Sean Casey: Mr. Speaker, it struck me in the course of preparing my remarks that when people come through the door of my constituency office in Charlottetown, they want to talk about jobs. They want to talk about the fact that the economic situation on Prince Edward Island and in Canada is such that they cannot find work. They want to talk about the fact that the EI claims processing centre in Prince Edward Island is closing and we will be the only one without one. They want to talk about economic issues, and yet we

have a government that is focused on expending our scarce resources on minimum mandatory sentencing and on locking up people who seek asylum. It is misguided.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I appreciate the fact that the member has read the bill very carefully. We have been assuming in much of this that the bill is only directed to people arriving by ship. That seems to be an assumption. However, it has also been the case that we have heard the minister of immigration suggest that, if he so chooses, he will be able to designate other refugees arriving by other means as an irregular arrival of a group. We do not know what a group is. We do not know if it is a family, a couple, or 10 people. It is very uncertain. However, it does appear to be the case that other modes of arrival can be treated as irregular, at the discretion of the minister.

I wonder if the hon. member has any comments on that aspect of the uncertainty created by the bill.

Mr. Sean Casey: Mr. Speaker, the hon. member's reading of the bill is the same as mine. There are provisions within the bill which allow for the arrest of a ship, but irregular entrants to Canada are not defined solely on their mode of arrival. They are defined on the basis of the number. Two people or more could be found to be irregular entrants by any means.

That is another problem with the bill. As I have said, if all one has in one's toolbox is a sledgehammer, everything looks like a rock. It is over-reaching.

• (1620)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP) Mr. Speaker, the Conservative government is very proud of the gains it made in the May election. It says that it received a clear mandate from Canadians to fight crimes like trafficking in refugees. In fact, I feel that they sent Canadians a message of deceit. In Quebec, they decided to mount a campaign of fear in order to convince voters that refugees are a threat to our country's security. I was very sad when I saw a number of advertisements that tried to make Canadians afraid of refugees.

Today, I am trying to make it clear who these refugees are. This government is too wrapped up in its success to understand the refugees' real story. They are women, children, the elderly, victims of civil war, rape and natural disasters. These refugees are not criminals and it is a disgrace that this government is making them out to be criminals.

The real criminals did not appear in the Conservatives' advertisements and they are not among those who will be detained under this bill. This government is deceiving Canadians in order to get an unfair bill passed. Bill C-4 will create problems, it will not put a stop to the problem of smuggling. The greatest problem with this bill is that it was introduced to solve the problem of smuggling, but it will really do little to solve it.

Government Orders

Instead, this bill attacks the victims. It will allow the authorities to detain refugees for up to a year. That means that all refugees who arrive in Canada by irregular means, be they children, women, victims of rape or civil war, will automatically be detained. It should also be added that the definition of the term “irregular arrival” is too vague.

I repeat: this government wants to detain children who have probably already undergone horrific experiences to an extent I cannot even imagine. Does this government understand the effect that a year in a detention centre could have on a child? Is the government ready to take responsibility for that? It appears so.

Based on the speeches I heard yesterday, the government is claiming it wants to protect refugees from things like leaky boats and immigration fees that are too high. If it really wanted to protect refugees, it would never pass a bill that would put children in prison and discourage refugees from escaping to a safe country like ours.

So I find it ironic that the government is ready to invest resources and money to help people in war-torn countries, yet it is not ready to accept and help refugees from those very same countries. I have already pointed out some of the problems with the bill, but there are also others.

This bill is going to divide refugees into two categories: “normal” refugees and refugees with an “irregular arrival”. This division contravenes section 15 of the Canadian Charter of Rights and Freedoms, since the two refugee categories are not going to be equal before and under the law. We have a government that introduces unconstitutional bills, without due consideration. What a disgrace.

Another measure that not only attacks smuggling victims, but also all refugees, provides that all refugees have to wait five years before they can apply for permanent residence. Instead of penalizing the smugglers, this government is going to take away the rights of refugees to bring their families here or even to have their families visit. Picture a two-year-old who will not be seeing his or her parents for five years. It seems that that is what the government would like to see with this bill.

The Minister of Immigration explained yesterday that the government is trying to address the smuggling issue with this bill. He said that it is wrong that victims of conflict in unsafe countries have to pay thousands of dollars to escape.

• (1625)

If this government truly wanted to correct the situation, it would consider other options such as improving the bill previously passed in the House or focusing its efforts on attacking those who are creating the problem, namely the smugglers themselves and not the victims. But this bill could potentially increase the number of illegal refugees, since refugees will no longer have the right to bring their family here in a legal manner. It should be noted that this is what happened in Australia.

I have underscored the many negative aspects of this bill, as my colleagues have over the past couple of days. It is time for the government to stop playing political games with this bill and start considering alternatives that will provide real solutions to the problem of smugglers without penalizing the victims.

We are lucky to live in a democratic country where we do not live in fear. What sort of example will we be setting for the international community if our country welcomes refugees by taking away their fundamental rights and freedoms? Our welcome should not cost them a year in a detention centre.

[English]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I am glad my colleague finished with an interesting point with regard to the detainment for a year. I would like to get her perspective on something I have been thinking about during this process. In the detainments we have seen with Sri Lanka, we will have the families that are detained.

Those detained families are going to have experiences that are not going to be very positive. If they are going to be pushed back into Canadian society or later become immigrants, or if they are sent back abroad, what are the government's responsibilities going to be? Then there are the costs of meeting those responsibilities, as people are potentially going to be locked up for a year. We are not talking about a couple of nights here and there.

We are talking about legislation that identifies that the government would have the right to keep large numbers of people in place for a full year. There is going to be a processing time for that, but obviously the government has decided it is more important to have large numbers of people locked up than it is to try to process refugees more quickly so that they could either move on to their Canadian citizenship application or, alternatively, be sent back home.

I would ask for my colleague's comments on that aspect.

[Translation]

Ms. Charmaine Borg: Mr. Speaker, I want to thank the hon. member for his question.

It is true that staying in a detention centre for a year can have a very negative impact. Detainment can cause psychological problems. I hope the government will be prepared to take responsibility for that. When these people get permanent resident status, they will come back into our society. We want them to be happy with our society, to prosper and to contribute to the economy. Staying in a detention centre for a year is going to hurt the refugees' ability to integrate into our society when they obtain permanent resident status.

[English]

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, victims of conflicts or natural disasters are helped by international relief organizations such as the United Nations. Canada is fulfilling its obligations as a member of the international community and accepts a high number of refugees every year.

Does the hon. member suggest that our country should have no limits on the number of refugees coming here every year?

Government Orders

[*Translation*]

Ms. Charmaine Borg: Mr. Speaker, I want to thank the hon. member for his question. That being said, that is not the point. It is not a question of numbers. We live in a democratic country. If people are prepared to flee by ship—and perhaps not the safest one in the world—to come to Canada, then they should be given a chance. They should not be held in a detention centre. That is the crux of the debate here.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I listened with great interest to our colleague's speech. On this side of the House, we can see that the Conservatives keep playing the division game. With this bill, we see that the minister has all of the authority, all of the control to determine who is telling the truth and who is not.

Is the member worried about the minister's expanded powers, given that this government has played so many political games in this area?

• (1630)

Ms. Charmaine Borg: Mr. Speaker, I would once again like to thank my colleague for his question.

I find this arbitrary government power troubling, especially because we have issues in Canada, although they are not across the board. Where is the oversight process? A mechanism has not really been implemented to watch the government and oversee what it is doing. That is very troubling, and I appreciate the question.

[*English*]

The Acting Speaker (Mr. Bruce Stanton): Before we resume debate on the question, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Portneuf—Jacques-Cartier, National Defence; the hon. member for Vancouver Kingsway, Citizenship and Immigration; and the hon. member for Halifax, the Oil and Gas Industry.

Resuming debate, the hon. member for Davenport.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, our party, as many of my colleagues have eloquently said, does not believe that Bill C-4, as it stands right now, would come close to dealing with the issue of human trafficking.

We have many refugees living in my riding of Davenport. We have advocates on their behalf. I have met with these people, with these refugees' advocates, and they tell me we are dealing with very vulnerable people who are themselves victims of crime.

I have also sat down with members of the business community. These are self-employed small business people, such as roofers and people in the building trades. They follow the letter of the law, and yet they are competing with unscrupulous criminals who are running other kinds of construction and roofing companies and employing groups of individuals who may or may not be themselves victims of human trafficking, although we cannot determine that, and their ability to compete on a level playing field is thus severely compromised.

They come to my office and speak both of frustration about their own business and about a severe and intense concern for these

groups of people they see working in very unregulated work environments with no oversight, with no rights, with no recourse, but with fear for themselves and fear for their families. There is nothing in this bill that would address these very serious issues in communities right across the country.

In fact, the incidence of prosecution for human trafficking is very low. In Ontario, up to 2010 there have only been a handful of prosecutions. In fact, in Toronto itself there have been no prosecutions. There are reasons for that, but those reasons are not addressed in this bill.

Many of our good people in law enforcement and in prosecution see evidence of human trafficking, but it blurs with other kinds of crimes that they are unfortunately much more used to seeing and much more able to prosecute, such as living off the avails of prostitution.

We are saying that the bill does not address the issues of the actual criminals in this situation, but would in fact punish the victims. This seems bizarre to us.

The bill came up in the last Parliament and was roundly rejected by the majority of parliamentarians and the majority of Canadians. The majority of Canadians did not vote for the current government, and the majority of Canadians still reject the bill as it stands today.

I want to remind the House that there was a time many years ago, in an economic downturn, when we accepted a staggering number of refugees. In fact, the largest single group of refugees in our history was accepted in the late 1970s and early 1980s. In 1979 to 1980 we welcomed, as we should, 50,000 to 60,000 Vietnamese refugees, whom we then called “boat people”.

My eldest son's best friend in grade school was the son of a Vietnamese boat person who, when he finally got off that boat, arrived in Canada with absolutely nothing. Today he has a successful small business, owns a home, has a full-time job and has children who no doubt are going to contribute in staggeringly positive ways to our country.

• (1635)

This is the great Canadian legacy of which we should be proud. This is what Canadians expect from their federal government and the kind of leadership that Canadians expect Canada to display to the world. Instead, we see a draconian measure that does not give law enforcement agencies the tools they need to adequately prosecute human traffickers, the criminals in this case.

My riding has refugees and children of refugees. I have no doubt that those families, if given the right kind of attention and support, will become exemplary members of the Canadian family. There is nothing at all in the bill that addresses this issue.

Government Orders

On the issue of the Vietnamese boat people, studies were done which tracked our friends in the Vietnamese community who came in 1979. They found that within 10 years the unemployment rate among the Vietnamese boat people was 2.3% lower than the average unemployment rate at the time for Canada. One in five had started businesses and 99% of them had successfully applied to become Canadian citizens and, by and large, a much lower than average number had to avail themselves of Canada's social safety net. This is the kind of success that compassion brings. This is the kind of success on which Canada has been built. This is the kind of success that we on this side of the aisle believe we should proudly trumpet to the world.

As I said, Canada has a very low rate of conviction for human smuggling. This low conviction rate is due to many factors. The police and RCMP need the tools to deal with this issue effectively. We do not see this in the bill. The bill does not deal with the issue. These are immigration issues, but the government seems to think they are public safety issues. The Conservatives are playing politics with refugees.

We can talk about refugees in sort of a general way, but my riding has refugees who want to contribute to Canadian society. They are here because where they were was a place that they could no longer be, a place they had to flee. Canada has always been a country that welcomed and provided support to those in our world who were terrorized, brutalized and abandoned. That is the kind of Canada the party on this side of the aisle believes in and that is why we in the NDP are very opposed to the bill.

• (1640)

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, after listening to the members opposite today, we are talking about irregular migrants. We are not talking about the refugee system. Canada has the most generous refugee system in the world. Nearly one in ten of global refugees resettle in Canada. Nothing is going to change that with this legislation. We are dealing with irregular migrants and we are putting a system in place to try to deal with that issue.

Members opposite are trying to tarnish Canada's reputation internationally by saying we have become cold-hearted. They are playing the politics of fear and smear and I really wish they would stop.

Mr. Andrew Cash: Mr. Speaker, I listened carefully to the member opposite and struggled to find a question, but I will answer a question that I think he might have asked.

Concern for Canada's international reputation has already been sullied by the reputation of the government. Canada has always stood for a compassionate ethos with regard to refugees. I am sorry, but we in the NDP do not see that reflected in the bill.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I am pleased to have a chance to ask a question because I have been following this debate as well.

In my hand I have a list of organizations that are opposed to Bill C-4. Some 80 civil society organizations dealing with immigration and refugee issues across the country, legal groups, church groups and a wide variety of people have all come out opposed to the legislation.

Is the member familiar with any list that the Conservatives might have that would show some support from civil society, from the people who work in this field, on this legislation, so we could have a balance where we could see that the Conservative government is reaching out to society to try to determine what society thinks of its legislation?

Here is the list of the organizations that do not support it. Has the member heard of another list that shows civil society support?

Mr. Andrew Cash: Mr. Speaker, we cannot find civil society groups that back this legislation. In fact, in Toronto there are advocates and advocacy groups for those who are refugees and victims of human trafficking. None of them have been consulted in the crafting of this legislation. I would ask the government this. How come?

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I can tell members opposite who supports the bill. It is average ordinary Canadians who have asked us to take action against human smuggling. The bill is about that. It is not about the overall refugee program, which, under the minister and this government, has accepted more refugees than in the history of our country.

I have listened for a couple of days and there does not seem to be a focus on human smuggling. There is talk about children and families. These people are being thrown into the holds of rusty boats by profiteers. We want to discourage them from using those services and crack down on human smugglers. Why will the opposition not join us?

Mr. Andrew Cash: Mr. Speaker, the reason we will not join the member is because the bill does not actually crack down on human smuggling. The legislation does nothing to dissuade human traffickers from plying their trade.

Also, the refugee of today is the average Canadian of tomorrow and that is who we should be thinking about here. The legislation does not support those people.

• (1645)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I would like to speak today to voice my outright opposition to Bill C-4, as introduced by the Conservative Party.

I echo my colleagues who, during debate yesterday, so rigorously exposed the major gaps and grey areas in this bill.

Without restating all of the points that were brought up yesterday, I want to say that it is clear that in the eyes of the House and the eyes of Canadians, Bill C-4 directly violates a number of international agreements that Canada has so proudly ratified, such as the Convention on the Rights of the Child and the Convention relating to the Status of Refugees. In addition, it contravenes the Canadian Charter of Rights and Freedoms.

Government Orders

Let us remember that Canada committed to the rights of child refugees and migrants in the Convention on the Rights of the Child. Canada's third and fourth reports highlighted the main measures passed from January 1998 to December 2007 to encourage implementation of the Convention on the Rights of the Child and the optional protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict.

With regard to this report, the Government of Canada should also remember that it is accountable to many Canadian NGOs and to the UN High Commissioner for Refugees, who were asked to comment on the issues to be dealt with in the report.

Canada will have to justify any act that is illegal or violates ratified international agreements.

With regard to the protection of minor refugees, separated minors and unaccompanied minors requesting asylum, we should remember that, in August 2006, the *Overseas Processing Manual* used by Canadian immigration officers for resettling refugees was updated to include a new policy on guardianship.

The Guardianship Protocol established procedures for processing children who are dependents of the principal applicant and minors who are blood relatives, that is, separated minors with a blood relative in Canada who is not their father or mother.

This protocol recognizes that children are particularly vulnerable and encourages de facto guardians or blood relations to obtain legal guardianship. It ensures that the appropriate authorities closely monitor the well-being of these children.

This protocol also ensures that refugee children resettled in Canada receive the care and protection necessary to their well-being.

All recommendations for minor blood relatives made by the UN High Commissioner for Refugees must reflect the child's best interests, and all the decisions made under the protocol must take into account the child's best interests.

In addition, the protocol provides a child with the opportunity to comment on the decision made in his or her regard. In April 2008, the Government of Canada updated its manual for protected persons, *Processing Claims for Refugee Protection*, to include guidelines taking into account the age and sex of the child.

The objective of these guidelines is to support the priority processing of the claims of vulnerable people, including children. These new guidelines respond to recommendations made by the UN High Commissioner for Refugees that Canada should give priority to vulnerable people.

We avoid placing children in detention as much as possible, whether or not they are accompanied. We always try to find another solution that is in the child's best interests.

I would also like to reiterate the response of the Government of Canada to the Standing Senate Committee on Human Rights:

Both the Canada Border Services Agency and Citizenship and Immigration Canada have programs and policies in place to assist and protect vulnerable migrant children within their respective mandates....

Within this context, reuniting families as quickly as possible is a priority for the Government of Canada and a key part of the mandate of Citizenship and Immigration Canada. In overseas family reunification, Citizenship and Immigration Canada works

to fulfill its commitment to process most of these cases within 6 months. In the case of overseas refugee children, concurrent processing of refugee family members who are residing in different locations is facilitated. In the case of resettlement of eligible separated minors from overseas, a Guardianship Protocol adopted in 2006 provides visa and settlement officers with instructions on how to facilitate the resettlement of [these] children....

● (1650)

When unaccompanied, separated or otherwise possibly vulnerable children arrive at a port of entry, or if they are encountered anywhere within Canada, border service officials are trained to pay extra attention to all children and to refer a child to the appropriate provincial or territorial child protection agency, when there is a concern that the child may be at risk. Border officials are instructed and trained to be aware of factors such as age, gender, cultural background, and the child's general circumstances [whether or not they are a refugee]...A child may only be detained as a measure of last resort, and a school-aged child in detention must be provided with educational and recreational opportunities as well as counselling after having been detained for seven days....

Returning an unaccompanied child to his or her country of origin, or nationality, however, is a complex process and is based on the requirements of the Immigration and Refugee Protection Act, the Canadian Charter of Rights and Freedoms and the UN Convention on the Rights of the Child. The Canada Border Services Agency works closely with [these] agencies...

I would also like to remind members of the commitment as part of the way forward that the Government of Canada made to the Standing Senate Committee on Human Rights.

The government appreciates the care and concern that the Standing Senate Committee on Human Rights has shown for children in its report. It has provided guidance on the way forward, and has encouraged a continued commitment to collaborative efforts to meet Canada's obligations under the convention.

The very process of answering the committee's report required extensive discussions and collaboration throughout the federal government, ensuring that policies and programs were again considered through the lens of the best interests of the child principle and the United Nations Convention on the Rights of the Child... The government acknowledges that meeting the needs of children is an on-going process, requiring commitment and diligence.

The government will not waver from its goal of making Canada a better place for children and their families. So, with Bill C-4, can we be assured that children will be the greatest beneficiaries? Can we be assured that the government is still working towards the goal of making Canada a better place for children and their families? Can we be assured that Canadian laws and international conventions ratified in solidarity are being respected?

By trying to pass bills that violate human rights, the government is making a laughing stock of Canada. Many countries and international organizations are watching us and will be aware of the decisions made here. We must be careful not to fuel old prejudices that involve projecting onto foreigners all the evils and all the problems that might exist in a country, all in the name of gaining popularity among certain groups of voters.

Canada will need international allies to support its economy and ensure its growth. These are the same allies who scrutinize what we say and do, and how we treat our communities. To illustrate my remarks, here are a few excerpts from some Amnesty International recommendations. It is worth noting that Bill C-4 is a reincarnation of Bill C-49, which was introduced here and rejected by this House.

Government Orders

There have been serious human rights concerns with respect to the government's response to the arrival of two boatloads of Sri Lankan migrants off the coast of British Columbia—the *Ocean Lady* in October 2009 and the *Sun Sea* in August 2010. Government ministers made inflammatory remarks about those on board, before the boats had even arrived in Canada—particularly with respect to the *Sun Sea*. They were described as illegal migrants, queue jumpers, human traffickers and security threats; and were accused of links to terrorism. Rarely was there any acknowledgement they might be refugee claimants. Notably all 76 individuals who arrived on the *Ocean Lady* were found to be eligible to make refugee claims and have done so.

...Federal political parties need to commit to: not reintroducing Bill C-49 after the election [this is what Amnesty International was calling for]; ensuring that any efforts to tackle human smuggling or human trafficking conform to Canada's obligations under international human rights and refugee law.

• (1655)

[English]

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, during her presentation the member talked a lot about vulnerable persons. As we know, thousands of people die each year using human smuggling services, so anyone using human smuggling services is basically a vulnerable person.

This legislation would not only increase punishment for human smuggling, it would discourage those who would use human smugglers to get to Canada. In essence, this legislation would protect vulnerable people by discouraging them from coming to Canada in an unsafe manner. Why will the NDP not support that?

[Translation]

Mrs. Anne-Marie Day: Mr. Speaker, I would like to thank the member for his question. There are laws in Canada, including one that punishes smugglers with life imprisonment, in fact. So, Bill C-4 is a fake bill. We are talking about refugees and protecting children on this side of the House because this bill masks the fact that legislation already exists to punish smugglers. So it is not necessary to create another law. Steps need to be taken to imprison the smugglers.

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I would like to thank the member for Charlesbourg—Haute-Saint-Charles for giving us such a good example of detailed research. Could she give us the names of some of the organizations that took part in the third and fourth reports of the Convention on the Rights of the Child and that worked with the government?

Mrs. Anne-Marie Day: Mr. Speaker, I thank my colleague for his question. UNICEF Canada, with which we are all familiar, is one of the organizations that took part in these reports, along with the Adoption Council of Canada, the National Alliance for Children and Youth, the Canadian Council for Health and Active Living at Work and a number of others.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I greatly appreciated my colleague's comments. Earlier, we saw how the Conservatives understand this bill. A Conservative member said that it will discourage people who are in situations of human rights violations and situations of war. This bill will discourage these people who are trying to save their lives and the lives of their children and family. They will not come; they will not escape a situation where they risk being killed, because the Conservatives have introduced this bill.

Is this debate not absurd, just like the comments from the Conservative members who do not even seem to understand the scope of this bill that they have introduced in the House?

Mrs. Anne-Marie Day: Mr. Speaker, I would like to thank the hon. member for Burnaby—New Westminster. It really seems that the people who introduced the bill do not understand it. Detention centres are currently being built. In Canada, there are three centres where refugees who are waiting are already incarcerated. The children and mothers are separated from the fathers. That is already happening. There is a social cost. How much will it all add up to? How many centres like that are going to be built?

In the past, immigrants used to come to Grosse Île, near Quebec City. Putting all immigrants and refugees into camps while waiting to be able to integrate them into society because they do not have identification papers and passports is a completely outdated way of doing things. It was a complete failure during Canada's waves of immigration. That is what happened on Grosse Île and near New York City, in the United States. Putting people into such camps is not a good way of doing things.

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, I had the honour of being the official opposition critic for immigration and citizenship when this bill was introduced for the first time as Bill C-49. It was a very bad bill at the time, and I am very disappointed to see that the government is putting it forward again in the same form, now called Bill C-4. We are still discussing a bill that does not work.

• (1700)

[English]

It is a little like *Groundhog Day* where we are going over this again. However, I will try to keep things extremely simple for the members of the government so that they understand why this is a very poor piece of legislation.

An hon. member: Yes you should.

An hon. member: You should be very understanding.

Mr. Justin Trudeau: First, this bill is illegal. Second, this bill is ineffective. Third, this bill—

The Acting Speaker (Mr. Bruce Stanton): Order. I am sure that members will be interested to hear what the member for Papineau has to say.

The hon. member for Papineau.

Mr. Justin Trudeau: Mr. Speaker, as I was saying, this bill is illegal, is ineffective and fundamentally is ideologically driven.

Why is this bill illegal? Under the Canadian Charter of Rights and Freedoms we have the right not to be arbitrarily detained or imprisoned. In a Supreme Court judgment that came down a few years ago, 120 days was put as the outside limit beyond which someone could not be imprisoned without recourse to justice. This bill proposes one year as a mandatory detention. Whether or not the Conservatives like it, the Charter of Rights and Freedoms applies to everyone on Canadian territory, not just Canadian citizens.

Government Orders

This bill is also in violation of our United Nations obligations as a signatory to the UN convention on refugees, which demands that countries that are signatories to the convention on refugees expedite the integration of refugees into citizenship and life within those countries as much as possible.

To stipulate an arbitrary limit of five years before someone can seek permanent residency is in direct violation of both the spirit and letter of our responsibilities under the UN convention.

This bill will not pass legal muster. If it does not pass that, the question then becomes, what does it try to do? The Conservatives have made a lot of hay about how this would be a deterrent. It will prevent vulnerable people from taking the risks that we all recognize are associated with travelling across the oceans on leaky ships.

The problem with that thought process is that the deterrents we are proposing, a potential year of imprisonment or five years without permanent residency, are enough of a disincentive to deter legitimate refugees from coming over.

I remind the House that to be considered a legitimate refugee, the person must be fleeing from a state or country that offers no protection from persecution, torture and death. The refugee and his or her family must be in danger of their very lives and existence with no community or infrastructure to protect them from death or torture.

Refugees are willing to risk spending a little more time in prison in Canada where they will not be persecuted, killed or tortured. As well, although it is against Canadian law and principles, the possibility that they may not be able to bring their families over for five years is not a particularly powerful disincentive.

The bill does not work. It will not prevent people who are legitimate refugees from taking risks to come to Canada.

On the other side of the equation, imposing mandatory minimums of 10 years and harsher penalties on the smugglers who already face life imprisonment and millions of dollars in fines will not make a big difference to what is a multi-billion dollar industry.

If the bill is illegal and ineffective, the issue then becomes why is it in place and why is it being brought forward?

The minister likes to speak of Tamil refugee claimants living in the south of India who have heard they can get a monthly income in Canada and think it is wonderful.

The fact is this bill does not apply to economic migrants. If refugees come here trying to improve their lot in life they are not considered to be refugees. There is an evaluation process and they will be returned home. They do not get to jump any immigration queue by using the refugee process.

Perhaps it will deter economic migrants from boarding leaky ships to cross the ocean. That is fine, but we already have a process. A couple of years ago all parties agreed to pass Bill C-11 to improve the way we process refugees and expedite the return of failed refugee claimants. That is a much more effective deterrent.

● (1705)

What this bill does is punish people who, because they are recognized as actual refugees, are by definition among the most vulnerable people on the planet.

So why do we have a bill that is both illegal and ineffective? It is about ideology. It is about torquing up anti-immigration sentiment. It is about making people feel, every time the term “queue jumpers” is used, that the reason a family of new Canadians cannot sponsor a husband or wife or parents to come over in less than 10 or 12 years these days is that there are ships of queue jumpers showing up. That is a clever and insidious piece of misinformation the government is putting out.

There is no queue for refugees. We have a refugee process. Everyone who arrives here, whether by ship, bicycle, plane or somehow by sneaking across the border, gets evaluated within a process. The idea that the process of evaluation of 500 migrants who have arrived in two ships over the past few years is somehow bogging down our entire system overlooks the fact that we accepted 280,000 immigrants through our immigration process last year. Every year we accept about 250,000 to 260,000 immigrants on average. Every year we accept somewhere between 15,000 and 20,000 refugees. There is an order of magnitude of difference between those two numbers. So to say we are bogging down our system with these boats coming here and getting in our way and costing us lots of money is disingenuous to say the least, but dangerous to the sense of what Canada is and what it is around the world.

We are a country that has made mistakes in the past, in turning around ships like the *St. Louis* and the *Komagata Maru*. We are a country that has made mistakes by bowing to popular opinion and interring Japanese Canadian citizens and Italians and others in World War II.

We are supposed to have learned from our processes and errors. We are supposed to be able to say that we will not do this again, that we will not make these mistakes. Yet this piece of legislation falls into demagogic pandering to people's fears of refugees and others, and is actually a denial of the kind of Canada that we have fought to build over decades and generations.

[*Translation*]

Canada is a country governed by law and justice, seeking to be a safe haven of possibilities for everyone around the globe. As soon as we start closing our doors and turning our backs on the world's most vulnerable people, this is no longer the Canada we all believe in.

[*English*]

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, could the member please enlighten us? Why is it that he believes that human smugglers are somehow integral to or a legitimate part of our refugee process?

His speech failed to mention his idea of effective for tackling this problem, which did not exist at the time of the arrival of boat people from Vietnam in the late 1970s. This problem did not exist at the time of the mistakes made by Liberal governments during World War II with regard to Jewish refugees. It exists today.

Government Orders

Why is it that the member and his party have voted for measures to deter terrorists and to crack down on drug smugglers and other branches of international organized crime but not on human smugglers, who are not a legitimate part of the refugee process for this country and whose involvement in this process this bill would deter and, eventually, if successfully implemented, would end? Could he please answer that question?

● (1710)

Mr. Justin Trudeau: Mr. Speaker, I would ask the parliamentary secretary to look through the bill again to see that there is very little in it to address human smugglers. We would love to be able to crack down on human smugglers; we would love it if this bill were able to go after human smugglers.

If the parliamentary secretary wants to know how, I will give him three ways to do that.

First, we should work with transit countries like Thailand to crack down on and arrest the gangs responsible for human smuggling. The fact is that when the minister announced at one point that 100 arrests had been made in Thailand, those were not arrests of human smugglers but of asylum seekers. So the government's emphasis is again on refugees.

We should also work with transit countries to accept refugees.

Moreover, we should work with originating countries to ensure that their situations improve.

That is not what this bill is doing.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would first like to congratulate the hon. member for Papineau on his speech

I wonder if he could expand on the notion that this bill is based on ideology, and what effect this kind of ideology can have on our society.

Mr. Justin Trudeau: Mr. Speaker, I thank my hon. colleague for her question.

This is part of the Conservative tough on crime ideology, as even Mr. Duceppe used to call it.

The Conservatives are trying to find ways to convince people that they are really tough on crime, as we saw today with their omnibus crime bill that imposes obviously harsh measures, even though it will have no positive effect on a country in which the crime rate is already going down. It is their ideology that makes them say they are being tough on traffickers, yet they introduce a bill that does not target traffickers and instead targets refugees.

That is the triumph of ideology and image over substance.

[*English*]

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I appreciate the comments of my colleague from Papineau on Bill C-4, the fact that punishing vulnerable refugees will be ineffective, illegal and inhumane. He mentioned that it would be five years before a refugee could apply for permanent residency status. Another factor in the bill is that a decision could be made not to allow that

permanent residency because of factors that may have changed in the country of origin.

I would like my colleague to comment on what it would do to the fabric of Canada and the economy of Canada to have refugees remaining in limbo for years after having been determined to be genuine refugees but not able to know whether they can even have a successful permanent resident application.

Mr. Justin Trudeau: This country was built on people seeking better lives for themselves and their families, trying to build their futures. Our ancestors, if they are not first nations, came from all around the world trying to build a better life here in this country. To tell someone once that he or she has been accepted as a refugee, or come from a failed state no longer able to protect them from persecution or death and that they can stay in Canada and start building a life, but that we may send him or her back in a few years if things get better, that uncertainty is not the way we build a strong country. It is yet another failing of the bill.

● (1715)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, as this is my first chance to rise in this new session, I want to welcome you and all of my colleagues back to this place. It is good to see everyone and I look forward to our passionate discussions in debates to come.

Today I rise to debate Bill C-4 or, as the Conservative government has dubbed it, the Preventing Human Smugglers from Abusing Canada's Immigration System Act.

When I started to read the bill, I must admit that I had an odd feeling of déjà vu. The name of the bill reminded me of a movie title that really has nothing to do with the movie itself; it seems out of place and even misleading. With its name, one might think that the bill would be straightforward and do what its name says, that is, prevent human smugglers from abusing Canada's immigration system. Sadly, the bill will not do that.

As written, the bill misses the mark. It takes square aim at the victims of human smuggling, the vulnerable and the poor, those who are desperate to seek a better life and to escape the horrors of oppression, poverty, discrimination and mortal danger. We in the NDP do not believe that the solution to this, or any other problem for that matter, is to punish the victim.

The bill as worded would create two separate categories of refugee claimants. As such, it is discriminatory and a violation of charter equality rights and the refugee convention, which it clearly does. However, these facts do not seem to bother the government so far.

Let me point to more issues that I have with the bill as it stands.

Under this proposed legislation, we see that designated claimants could not apply for permanent residency for five years. Furthermore, if the person fails to comply with the conditions or reporting requirements, this five year suspension can be extended to six years.

Government Orders

This proposed rule applies both to those accepted as refugees and those who have been refused or who never make a claim. For accepted refugees, the worst consequence is that this rule would delay reunification with spouses and children overseas for five years. These families have already suffered a great deal, but with this proposal the government seems bent on adding to their suffering.

We in the New Democratic Party have known for a long time that the Conservative government has not been very concerned about family reunification, but this adds to the lack of empathy on the government's part.

[*Translation*]

The Conservatives state that this bill will result in a reduction in human trafficking. But in reality, in its present form, the bill concentrates too much power in the hands of the Minister of Citizenship, Immigration and Multiculturalism and unfairly penalizes the refugees. By contrast, the NDP wants to directly penalize the criminals: the traffickers and the smugglers. As it presently stands, the bill punishes legitimate refugees and those trying to help them. The proposed process is not clear, and it may be arbitrary and even discriminatory in the extreme.

[*English*]

Parliament just approved a strong and balanced refugee law a few months ago. What we need now is better enforcement. The Conservatives should be less focused on photo ops and more focused on enforcing the laws against human smuggling that we already have and give the RCMP the resources it needs to get the job done, instead of playing politics.

An attempt to play politics is precisely what this is. I am just getting to know many of my colleagues in this place from all across our great country and from all parties so I do feel pretty safe saying that many here in this room are either descendants of people who fled persecution and strife elsewhere in the world or have done so themselves.

When the masses of people from England and France came to this colder end of North America for the first time, many came to escape tyranny and persecution, and to seek a better life that was not available to them in their homelands. Those new arrivals, along with many first nations of this land, came together to be the founding nations of the country that we have today.

Our country is not always perfect but it is a shining beacon to the world, which is exactly why so many people are willing to risk their lives to come here, and that is precisely the point. By punishing the refugees who come here by such desperate means, the government will not reduce the desire of people from around the world to keep trying to come here. People will continue to want to come to Canada because of the greatness of this country. As long as we are this great and caring nation, people will continue to want to come and be part of it.

We should not punish those desperate refugees. We should punish the people who are trying to take advantage of their desperation. We must remember that the name of the bill is preventing human smugglers from abusing Canada's immigration system.

My New Democratic colleagues and I call on the government to do as the bill's title says, go after the human smugglers, and do not punish the innocent refugees who are simply seeking what so many generations before us came to this country to seek, which is a better life and a future for their children and families.

● (1720)

[*Translation*]

Under this bill, designated claimants, including children, will automatically be detained when they arrive or at the moment they are so designated. Children! Detained! How does detaining children solve anything?

Moreover, the Immigration and Refugee Board of Canada will not move to review the detention for a year. People can be released only if it is established that they are refugees. The board orders their release after a year; even then, it cannot release them if the government is of the view that their identities are not established or if the minister determines that there are exceptional circumstances.

In my opinion, this is a clear violation of the charter. We know that the Supreme Court of Canada has already put a stop to mandatory detention without a review of the security certificate. These provisions will result in indefinite detentions in identity issues with no possibility of release until the minister determines that identity has been established. Arbitrary detention is also a serious breach of international treaties. We are therefore asking this government to drop this bill.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, my hon. colleague rightly mentions that one of the reasons the bill would not dissuade people from trying to get to Canada is because of the greatness of this country. It is also because our world, in many parts, is disfigured by war, by poverty, by violence, by corruption and by a lack of protection for the most vulnerable in our world. That is another reason that people want to come to this country and another reason that the bill would not prevent that from happening.

Could my hon. colleague speak to the issue of family reunification and whether the bill would actually create a climate in this country where the reunification of children and their parents can be smoother, quicker and more efficient?

[*Translation*]

Mr. Romeo Saganash: Mr. Speaker, I would like to thank my colleague for his very relevant question.

I think this would be one of the problems. It was noted earlier in the debate that this will be one of the fundamental problems with this bill. Not obstructing family reunification is an absolutely essential factor that must reflect the generosity of this country. Let us stop being afraid of immigrants, let us stop being afraid of the others. We know that people are always afraid of the others. Canadian citizens are even afraid of certain other Canadian citizens if they see photographs of them, on Facebook for example, with a leader of a party other than their own.

This trend is disturbing. We really have to start getting away from this kind of approach in this country we call Canada, since it does not deserve that reputation.

Government Orders

• (1725)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank my colleague for his speech.

There are things we wonder about on this side of the House. We now have a situation where someone who is very wealthy can apply under a process that the Conservatives brought in that is supposedly for the entrepreneur class. So someone who is wealthy can come to Canada, but someone who is poor, who experiences human rights violations, who suffers enormous problems, cannot. I wanted to check with my colleague whether he thinks that the way this Conservative government sees the entire immigration system and the issue of refugees is fair.

Mr. Romeo Saganash: Mr. Speaker, I thank my colleague very much for his question.

One of the things that they do not seem to realize on the other side of the House is the fact that we already have democratic institutions in this country that deal with the situations they are currently concerned about. There are institutions that respond to their concerns, so why are they attacking the poor and vulnerable victims in this bill? This is what is most disturbing.

There is a concept in this country called the rule of law and this bill seems to be taking us away even from that. Canada's international obligations are very clear of course. As a result of signing the Convention Relating to the Status of Refugees, Canada's obligations are clear. The Charter of the United Nations, and last time I checked Canada was a signatory to the Charter of the United Nations, calls on Canada to respect all human rights, the rights of every person. Again, this bill is taking us away from that great principle of international law.

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I will begin my discussion on Bill C-4 by clearly contradicting what has been a repeated false claim from the other side of the House for the folks who are listening in on this debate.

I know many Canadians are very concerned about the bill and about the repudiation of basic Canadian values, of our treaty obligations and a whole variety of things that a number of my colleagues have been raising in the House all day.

What we have heard from the Conservative side is the repeated claim that somehow the number of refugees accepted in Canada has increased.

Anyone watching this debate can go to the CIC website, a federal government website, to see the actual figures. When the Conservative government came to power, 32,500 refugee visas were issued in 2006. Years later, in 2010, there were 24,500 visas issued. People can verify this on the website themselves. Perhaps there are Conservatives striving to change the figures as we speak, but I certainly hope they will keep the figures as they are written now. We can see over the time the Conservatives have been in power is a steady reduction in the number of refugees who are accepted in Canada.

One of the fundamental values we have as Canadians is the belief that those who are living under human rights violations or living in

war should have the ability to apply for refugee status and come to Canada. However, we can see, from the figures that the government publicizes on its own website, what Conservatives have done systematically over the last five years. They have ended the queue. They have told refugees that they will not come to Canada.

It is understandable in that context that the Conservatives have been driving down and closing the door to Canada around the world for those living in situations of extreme violence and difficulty and they have now put forward a draconian piece of legislation that punishes those few refugees who actually make it to our shores.

As we know, when the *Sun Sea* and the *Ocean Lady* came to British Columbia, those people who had risked their lives travelling across the Pacific Ocean were immediately interred. They were put in prison and detention camps. I was able to visit them as a parliamentarian to see the conditions for the men, women, children and families who had escaped Sri Lanka and the systematic ongoing human rights violations that are taking place in northern Sri Lanka.

That has been well-documented by international organizations. Even though they are not allowed into Sri Lanka, Human Rights Watch and Amnesty International have repeatedly spoken of the ongoing human rights violations taking place there now. There are serious assaults, sexual assaults, disappearances and forced imprisonment without trial of individuals in northern Sri Lanka.

Understandably, in that situation any of us would be concerned about our family's welfare and health. We would strive, by any means, to leave that kind of situation. Nobody in this room and no Canadian across the country who had their family under threat would say that it was fine to leave their family under threat.

Those refugees got on a leaky boat with very little water and food. They spent weeks and weeks coming across the Pacific Ocean to come to Canada. They came to Canada for one reason only. They came to Canada to be safe.

This bill would tell those refugees, now that the Conservatives have closed the door to refugees, as we have seen over the last five years, that if they come to Canada to be safe they will be put in prison for a long time.

• (1730)

These are draconian measures that are a complete repudiation of basic Canadian values. There is no process and there is no queue. The Conservatives have closed the doors, as we have seen from the Conservatives' own figures on their website. If women, men and children come to Canada, they will be put in prison, not to verify their identities, which might be a normal process, but to punish them.

The Conservatives make reference to the bill cracking down on human smuggling. The bill is cracking down on refugees. It is imposing penalties on refugees who come here with whatever means they have, the bit of savings they may have been able to take out of the country, despite the human rights violations and the threats to them and their families. They make it to Canada and the Conservatives decide that they will be severely punished. That is only one aspect of this bill that concerns New Democrats and only one aspect of why we are standing in the House speaking out against what the Conservative government is trying to do.

Government Orders

The second is the fact that the bill gives licence to the minister to basically determine, at any time, what he considers to be a political file. We have seen systematically, over the course of the past few years, the Conservatives play political games in all kinds of ways. The Conservatives seem to like to divide one Canadian from another, francophones from anglophones, westerners from Quebeckers and those in Atlantic Canada and new Canadians from those who may have been here, like my family, for a number of generations.

We have seen the Conservatives play what is in my estimation the lowest kind of politics with refugees who only strive to protect their families and come to safety. That is all they are attempting to do, to start a new life in Canada in safety. All they ask for is safety, to live without that constant threat of violence at any time, that constant and unpredictable sense that at any time they may have a family member thrown into prison arbitrarily with no trial, or that a family member may be assaulted or raped, or a family member might simply disappear. These are the realities that exist in that area. Although human rights observers are not allowed into the area, the anecdotal evidence coming out clearly indicates that the human rights violations continue, and everyone should be aware of that.

Refugees strive to come to Canada, so they get in leaky boats with little food and water. These boats are not very safe and they come across the Pacific. They land on our shores and a minister, who is above all influenced by political factors, decides whether they will be thrown into jail for a long time and pay huge fines with what is left of the resources the refugees were able to take with them when they left. That is the second component. We are talking about a draconian law, but we are also talking about giving full powers to a minister who has repeatedly intervened in the immigration system in a political way.

The immigration system is supposed to be sacrosanct. It is supposed to be judged by a system of values that the vast majority of Canadians share. Instead, we have seen the government use those powers in ways that are designed to only further the interests of the Conservative Party. That is also the reason why we are concerned about this bill. A number of members from the NDP have said very clearly why they are concerned about that.

The third issue that I will raise in the time I have left are the violations of international treaties that Canada has signed. I will cite, as many of my colleagues have, the UN convention relating to the status of refugees.

• (1735)

Article 31, it states in part, “The Contracting States shall not impose penalties...on refugees who, coming directly from a territory where their life or freedom was threatened”.

This is a bad bill, it is a political bill and it is a draconian bill. That is why New Democrats are standing up for Canadian values and saying no to Bill C-4.

Mr. Mike Sullivan (York South—Weston, NDP): Madam Speaker, I believe the bill is part of a concerted effort to continue to shrink the number of immigrants and refugees coming to this country. Could he comment on whether he believes this is a bill to punish smugglers or to actually try to put the brakes on people coming to Canada in a concerted way by punishing them for trying to come here?

Mr. Peter Julian: Madam Speaker, when we look at the websites of the Conservatives, in which they talk about closing the door and about having reduced by 24% the number of refugees accepted over five years, it is very clear that this is their intent.

As my colleague knows, this is part of the overall drive that the government has taken. Conservatives campaigned with a sweater vest, but they have come out with a biker vest since they received a majority in May.

We have seen very clearly a switch in our immigration system away from family reunification, away from accepting refugees and more geared toward accepting temporary foreign workers who have no rights in Canada, who are often subject to abuses and who are shipped home once their contract has been completed. This is not the immigration system that we on this side of the House want to see.

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Madam Speaker, the member opposite went on several detours, but one was Sri Lanka. He seemed to imply that the bill had something to do with this government's policy there. There are many responses, many of them already taken by this government to the very worrying situation there, particularly the situation of Tamil refugees who have suffered from the conflict over years and even decades.

Will the member opposite not agree that being soft on the human smugglers who brought two ships to the shores of British Columbia is not going to do anything to ameliorate the situation of Tamils in Sri Lanka or in other countries where they have taken refuge and that on the contrary, Tamils like other would-be refugees seeking a place in Canada want us to be generous by a system that respects and enforces the rules?

• (1740)

Mr. Peter Julian: Madam Speaker, the member knows that the bill does not crack down on human smuggling. The member knows that the Conservative government already has a whole range of measures to crack down on human smuggling. That is not the point or the intent of the bill.

Perhaps the member could speak to this when, hopefully, he will rise in the House and defend the bill around the issue of what the Conservative government has not done when it comes to the systematic human rights violations taking place at this very moment in Sri Lanka. The government has not said that the Sri Lankan government has a responsibility to allow in human rights observers so we can see first-hand what is happening on the ground.

The Conservative government has not taken the initiative to press the Sri Lankan government to stop the human rights abuses that are taking place. Anecdotally we are getting evidence from across northern Sri Lanka that this is taking place by the Sri Lankan military. The government has not taken action at all and that is a disservice both to Canadian values on human rights. It is also a disservice to the hundreds of thousands of Canadians of Tamil origin who want the government to take action and Canadians of all origins who believe that Canada should be a voice for human rights around the world.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-
sor, Lib.):** Madam Speaker, as I have heard the debate over the past two days, it seems the crux of the issue is that when is a deterrence to be an effective one without sideswiping those who are most vulnerable. I commend my colleague for bringing some of that out. I commend other colleagues as well for trying to bring out that argument.

I worry and fear that in some of the arguments being used there is a subtext, which is we will keep most everybody out. Unfortunately that may include the most vulnerable. Could the member comment on that?

Mr. Peter Julian: Madam Speaker, this is where we have hopefully set debate in the House that will allow the government to understand to what extent Canadians are concerned about this.

We have seen the Conservative government, systematically over five years, close the door to refugees. This bill seems to close the door even further, and that is a fundamental repudiation of Canadian values.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Madam Speaker, one has to look back in our history and examine the people who have come to our country, the people who have immigrated and the people who have come on ships seeking refuge.

There are some examples of which the country might not be very proud. One of them was the *Komagata Maru* and the other one was the *MV St. Louis*. In both those examples, people were turned back. They were not even allowed to come to our shores. Years later governments apologized for what happened.

I cannot forget back in the mid-1980s when a ship full of Punjabis came from India. As soon as it arrived on our shores, and I believe it was July 1987, the then Conservative government made the headlines such as, “We have been invaded”, or “They are arriving. Let's do away with them”. The House, if I remember correctly, was brought back in the middle of the summer in order to discuss that.

I had the opportunity and pleasure of meeting some of those people, approximately 25 years later. I have seen them become productive citizens, with their families, who have gone on and are truly Canadians. Some of them even delved into politics.

It brings us to today's situation with Bill C-4. It seems that it is like the Tamils are invading, the Tamils are coming. It is the Tamils, the Tamils.

Let us examine why the Conservative government is raising the flag about the Tamils coming. Why are the headlines, “We have been invaded by the Tamils?” Why are we where we are today?

The Tamil community certainly feels it has been targeted. I remember when Stockwell Day was the leader of this party and he showed up with a brush and went on to say that most of the Tamils were terrorists. Children in schools in my area, where I have a large Tamil population, were scared that if they went to school, they would be called Tamils. There were incidents where young ones were called terrorists and were being abused by other children.

This went on and on over the years. I remember in the winter election of 2005-06, the Conservative Party and the minister today said that they would classify them as terrorists.

Government Orders

The government could have taken a look and said that there was a problem in Sri Lanka, that there was a civil war in Sri Lanka. It could have considered what it could do to intervene and find a solution. That was not the issue. The issue was helping Sri Lanka and the government of Sri Lanka, mostly Sinhalese, in order to alienate the Tamils, and that occurred. The Tamil community rose up and came out on the Hill and said that they wanted intervention. They wanted their government to speak, but nobody listened.

The Liberals also turned a blind eye to it. It was everybody's fault for not listening, the results that occurred after the termination of the civil war. Hundreds of thousands of people were interned in Sri Lanka. There were horror stories of combatants who were executed. A Channel 4 video shows the government of Sri Lanka executing combatants who were arrested. There were stories about women who were raped, children were separated from their parents, and the stories go on and on.

Even to this day, the Tamil community, not only in Canada but around the world, is calling for justice. Some of those people who were going through that hardship decided that enough was enough and that they were going to find a better life. They were going to seek refuge.

Some people, when they come to Canada, find different means. They go from country to country. They come in here with illegal passports. They arrive at our shores and say that they are seeking refuge.

These people decided, like the people of the *Komagata Maru*, back in the 1910s, that they were going to get on a boat and come to Canada. We had two boats, one in 2009, the *Ocean Lady* with 76 Tamils, and in 2010, the *Sun Sea* with 492 Tamils. “Well, we have been invaded by the 568 people who came to our shores, and there were more boats”.

The government decided back then that it would bring in legislation that was draconian. It did not have the numbers then, but it has the numbers now. Now the government is saying that it is going to go ahead with it and not listen. It is going to steamroll the legislation right through and use it as a tool to fund raise.

● (1745)

In many constituencies we saw the ads that were played during the election. We see the outreach the Conservative Party is doing. It is using these two boats and this draconian bill in order to put a wedge right between the communities and between different ethnicities in Canada. It is going back to its reform base and saying, “Give us money in order for us to fight the war”. What war? Five hundred and sixty people arrived on our shores. Is that a war?

We are debating a bill that died last year. The bill says to those people that if they come to Canada and the minister decides to arrest and detain them for a year, they cannot apply to land until five years later.

Government Orders

When people come to this country to seek refuge, they have a hearing. It can take anywhere from nine months to a year, maybe a little shorter, and then they have to apply in order to land. That is a humanitarian and compassionate process. They send their paperwork off to the case processing centre in Vegreville and it just sits and sits. If they are really, really lucky, maybe in four or five years they will be called in in order to land. If it is a concurrent application, which means the individual and his or her family are simultaneously applying, the individual lands and the family comes over.

As we have it right now, we are separating refugees who come to our shores for anywhere between four to five years. If they come on a boat, they cannot apply until five years later and maybe, if the situation in their country has changed in those five years, we will send them back.

For example, in 1939 the *St. Louis* came over full of Jewish people who were seeking refuge from Hitler. We might have kept them here for five years, but when 1945 rolls around, things have changed in Europe and we send them back. Where is the sense in all of this? People have to be looked at when they arrive here. We have to look at the conditions in their country at the time of their arrival.

Let us talk specifically about the 492 Tamils and the 76 Tamils. If this law had been in force they would not have been allowed to apply for landing until five years had passed. It would take five years plus another four to five years before they were landed. That is 10 years. For example, a mother comes over but has separated herself from her child, perhaps because she has lost her husband. The child is five years old when she leaves. She is stranded, but she will not see her child for 10 years. A five year old has been left behind. The child will not see his or her mother until he or she is 15. The child will grow up without a mother, without a parent, but when that child turns 15 and if the child is really lucky and the minister has not changed his mind, the child might come to Canada.

This is the draconian bill the Conservative government is bringing in.

A couple of years ago, an inspector general from the UNHCR, Mr. Arnauld Akodjenou, spoke to the citizenship and immigration committee. We asked him how Canada was reaching out to the UNHCR and asked whether people's credentials and information could be provided as to whether they are really refugees or not. I asked him whether Canada had reached out. The answer was that they had not had anything from Canada.

What Canada was doing, and what Canada is doing under the current Conservative government, is going back to Sri Lanka and asking the Government of Sri Lanka whether these people are legitimate refugees. Somebody who is fleeing a situation comes to Canada and instead of going to the UNHCR and the inspector in order to ask him what to do, we send information back to Sri Lanka. If these people were to be deported, they would be the first ones to be hurt.

When the *Sun Sea* came in 2010 there was an article which stated:

"The UNHCR supports the important work of law enforcement agencies in combating human smuggling...."

Mr. Mahecic of the UNHCR went on to say:

"It is nonetheless important to recognize that while refugees...are a distinct group with critical protection needs. It is not a crime to seek asylum."

The article continued:

Although the war has ended, the UNHCR says Tamils might still have legitimate reasons for seeking asylum.

Let me repeat that, "Tamils might still have legitimate reasons for seeking asylum".

● (1750)

The bill we are debating today is putting the Tamil community at risk. This is not only in Bill C-4—

The Deputy Speaker: Order. The hon. member's time has elapsed. He may be able to elaborate during questions and comments.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I appreciate the enthusiasm of my colleagues to get me on my feet. I also want to commend my colleague who sits in front of me for all the work he has done on immigration and certainly in his riding.

In the debate that has been going on here a term that has been bandied about is "queue jumping", which applies to the immigration system. When it comes to the issue of refugees, it is a concept that is not as tangible. I would like him to comment on that. Could he also make reference to what the Supreme Court decision would impose in this particular situation from this pending legislation?

Hon. Jim Karygiannis: Madam Speaker, I do not consider the people who come to Canada to seek refuge to be queue jumpers. There are a lot of people who have come to this country, including a lot of people in the House, to seek refuge.

In his question, my colleague from Newfoundland mentioned queue jumping. Let us examine queue jumping out of Sri Lanka. These are spousal cases. People are sponsoring their wives. There are a couple of files that I would like to bring to the attention of the House.

A file was opened in my office on September 17, 2010. Today we received an announcement saying, "Please be advised that this application has passed on paper screening stage and is presently in queue for review". The second one is dated March 11, 2011. To this day it is still in process. There is one from January 2011 and today we heard, "We are paper screening". There is one from October 18, 2010, and we heard today, "Please be informed that this file has been paper screened and it is in queue to be reviewed by an officer".

These are examples of people who are sponsoring their families, their wives and their husbands, and they are all from Sri Lanka. According to the minister's website it takes two months in the case processing centre in Mississauga and then it goes to Sri Lanka and it is supposed to be 13 months. These figures speak for themselves. It is not 13 months. It goes on.

If any member of the Conservative Party were to stand and say that he or she does not think the Conservatives are targeting the Tamil community, I have news for that member. When Bill C-4 came forward the Conservatives did not even have the kindness to reach out to the Canadian Tamil Congress.

Government Orders

• (1755)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Madam Speaker, I appreciated the speech from my colleague. He did point out the danger inherent in other aspects of how the government approaches the human rights violations that continue to go on in Sri Lanka. What does he think the Canadian government should be doing to stop what are significant systemic and ongoing human rights violations taking place in northern Sri Lanka?

Hon. Jim Karygiannis: Madam Speaker, before this bill was presented, the responsibility of a sound government, the responsibility of this government, was to reach out to the Tamil community and say, “Let us work with you”, to reach out to the stakeholders.

Just this afternoon I was on the phone with the Canadian Tamil Congress, the national congress of Canadian Tamils that represents 250,000 Tamils in this country. They do not know which person called them. No, I am sorry, the Conservative government has lost their phone number and their coordinates. The Conservatives have not called them. They should be ashamed of themselves.

If the government is going to bring in any bill, any legislation, it has to go to the stakeholders. No stakeholders were consulted.

[*Translation*]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Madam Speaker, let me start by saying that my speech today will stress a fundamentally philosophical tone. Thus, I do not intend to debate the form and the letter of the bill we have before us. My analysis is going to essentially look at background, culture and history. I will still refer to some of the concepts and terms used in the bill, but not more than that.

Although the purpose of the proposed legislative measures is officially to prevent smugglers from abusing Canada's immigration system, we can easily see that a number of the elements that are tackled in the bill actually deal with immigration principles in the wider sense. Given the intrusive nature of those measures and the delegation of power that allows decisions to be made arbitrarily, we cannot avoid feeling that this draconian trend is a harbinger of the initiatives that this government is going to introduce in the coming years. This is not the first issue to show this shift to the right.

Although the wording recognizes the social issue underlying the need for such a bill, it seems that it is no more than a pretext for imposing restrictive measures intended to reposition the Canadian government in immigration matters. If we study the bill before us, we can easily see that far too little effort is made to crack down on crime, that is, criminal wrongdoing or human trafficking. Rather it is a roundabout attempt to regulate immigration and the arrival of newcomers in Canada.

My thoughts are thus informed by the historical background of immigration to Canada. I was born in the community of Uashat, an Innu community 700 kilometres north of Quebec City, and so my remarks will also be influenced by that concept.

If the rules the Conservatives want to establish had been in place in centuries past, Canada as we know it today would simply not exist.

The country and the society we live in today are the heirs of the “irregular arrival”—I am using the terms used in the bill—of immigrants to the continent. In short, a good number of Canadians, if not almost all Canadians, are themselves descended from sometimes massive, uncontrolled, disorderly and even self-interested immigration. When I say that I come from Uashat it is important to understand—and this is what history teaches us—that Jacques Cartier very likely landed close to the current location of my community of Uashat. History also tells us that the Innu displayed boundless tolerance and acceptance. They even lavished the new arrivals with care, and the existence of so many Canadians today serves only to support this undeniable fact.

Let us simply imagine that in the 16th century, when Jacques Cartier arrived, new arrivals suffering from advanced malnutrition had been put into preventive detention—so that their files could be reviewed—or that the authorities refused to consider the cases of immigrants suspected of the slightest criminal activity. There was no bureaucracy or those kinds of procedures at the time, but it serves to highlight a number of truths. It is unthinkable, is it not? We also understand that Canada was very likely populated by people who simply wanted to leave Europe or who had every reason to do so.

And yet this is what we are witnessing today: measures that run counter to the generous and open character of Canada, where traditionally we have not had immigration policies designed to circumscribe the admission of newcomers to the land. Traditionally, the Innu had a somewhat broad, somewhat vague vision of the concept of land ownership, which is still true today. So when the newcomers showed up, they simply shared the land, which was huge in any event, as well as the resources. They exhibited unbounded openness. This is the approach that should be taken in measures to regulate immigration to Canada, in keeping with that traditional intent and the interaction that took place several centuries ago.

That said, it is important to consider the social aspect that underlies the enactment of legislation of this nature. My eyes stopped on certain provisions that even provide for an inference of criminal activity or criminal organizations in the group. So there is very little guidance here, to my mind, and without a lengthy preamble, there is no definition of certain concepts in this new bill.

• (1800)

Without a lengthy preamble, there is no definition of certain concepts in this new bill.

Given the coercive nature of the proposed legislation and its excessive delegation of discretionary powers to the Minister of Citizenship, Immigration and Multiculturalism, it stifles much of the immigration we see in Canada. The door has been opened too wide. The definition and the discretion are too broad. Everything is subject to interpretation and there is nothing objective about any of it.

When taken as a whole, and in its present form, the bill contravenes Canada's obligations in relation to human rights and the rights of refugees, and breaks with a Canadian policy, we might even say a Canadian tradition, that is firmly entrenched and that takes a positive view of immigration and the admission of refugees, a century-old tradition.

Government Orders

As I understand the text of the bill, we would be well advised to reassess a number of the proposed parameters for the methods of punishing human trafficking that it contains and transfer authority to the Royal Canadian Mounted Police, which already has skilled investigators among its members, and allocate it a budget proportionate to the workload associated with managing human trafficking cases within Canada.

The legislation, which has gone off track, should therefore have certain provisions removed, at the very least, and this authority should be transferred to an organization that has already demonstrated its investigative prowess in the past.

The bill clearly will not reduce the extent of human trafficking within Canada; rather, it will bring with it a lot of stigma that will ultimately be borne by all immigrants and legitimate refugees in the country.

● (1805)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Madam Speaker, I would like to thank my colleague from Manicouagan for his excellent presentation and philosophical approach.

A number of years ago, when Preston Manning led a previous iteration of the Conservative party, he said that Canada had too many immigrants. A caricature appeared in the *Globe and Mail* of an aboriginal grand chief with his arms crossed saying, “*My words exactly*”.

I would say to the member for Manicouagan that this is not an accurate portrayal of Aboriginals today. The generosity shown by Aboriginals to those who first came here still underpins the philosophy of the First Nations and has long been the philosophy of our party, the NDP, on this side of the House.

Mr. Jonathan Genest-Jourdain: Madam Speaker, I thank my colleague for his question. It is true, the community I come from makes it a point of honour to ensure that these traditional philosophies remain the basis for our values and what the people in my riding have access to. So, yes, it is still true in 2011. The Innus from Uashat make it a point of honour to show great openness to others, which also benefits us.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Madam Speaker, I would like to thank my colleague for his speech which, although rather philosophical, was a reminder of just how truly generous aboriginal people are.

Can my colleague explain why, in his opinion, this bill is completely unconstitutional?

Mr. Jonathan Genest-Jourdain: Madam Speaker, this is perhaps the lawyer in me speaking, but upon reading the proposed legislation I came across a number of areas that could be challenged, and I can tell you that right now this bill will certainly cause more problems than it will provide solutions, and that it is well outside the current scope of the legislation.

As a lawyer, it is clear to me that this legislation could be challenged, and I am probably not the only person in Canada to feel this way. From a constitutional standpoint—and again this goes beyond the scope of my current remarks—you can believe me when I say that the constitutionality of this legislation is questionable.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Madam Speaker, I have before me the short title of the act, which is “Preventing Human Smugglers from Abusing Canada’s Immigration System Act”. Yet, my colleague’s speech was quite relevant and did not cover smugglers so much as how refugees are accepted in our country. I would have been proud if my colleague had said that this act would enable us to welcome settlers as we did many years ago, but that was not quite the scope of his speech.

I would like my colleague to share with us his reaction to the difference or the gap between the title of the act and how refugees are welcomed.

Mr. Jonathan Genest-Jourdain: Madam Speaker, I thank my colleague for her question.

Simply reading the title of the bill or its subtitle, we might consider that someone wants to get tough on crime, but at the end of the day, when we look at it, we can easily see that there is too little focus on smugglers and the problem they represent. Misappropriation takes place and can be seen on the ground, but too much effort is put into repressing and strictly controlling new arrivals to Canada. This can be distorted and deserves a full re-evaluation.

[English]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Madam Speaker, like many of my colleagues I spent the summer in my riding, Pierrefonds—Dollard, a riding in which more than 30% of the people are immigrants who have come to Canada from all over the world to search for a better way of life for themselves and for their children. I therefore often had the opportunity to take up discussions about issues relating to immigration. I heard a lot of frustrations and concerns about the management of immigration in Canada.

● (1810)

[Translation]

My introductory remarks may appear unrelated to the bill being discussed today, and I understand that the connection may seem tenuous, however I ask for your indulgence. I cannot open my remarks today without relaying the disappointment felt by my fellow citizens at our failure today to discuss their true concerns, such as immigration application processing times, the non-recognition of foreign credentials, and the dearth of funding for immigrant settlement and adaptation assistance.

Now that I have conveyed this displeasure, and since the discussion today concerns not this issue but rather coercive action against refugees, I shall now address Bill C-4.

[English]

I would like now to turn to research from Amnesty International, which shows that in Australia, unsympathetic views from the population toward asylum seekers are not racially motivated, nor do they stem from a lack of compassion; rather, the research found that community fear of asylum seekers stems from the media and both major political parties.

Government Orders

I think it is fair to suspect that our own government is guilty of diffusing such fears. Let us think back, for example, to 2009 and 2010, when immigrants arrived off the shores of B.C. in two different vessels, and the Conservative government of the day showed fear that a significant number of those individuals might have links with the Tamil Tigers, a listed terrorist organization. On that particular matter, Amnesty International reminds us that it is legal to seek asylum by boat under international and domestic law, and that nearly all asylum seekers who arrive by boat are real refugees.

This bill would in fact create two classes of refugees: one class of refugees who arrive by boat, and another class made up of all the others. In this regard, the Canadian Council for Refugees states that this is discriminatory and contrary to the charter, which guarantees equality before the law.

[*Translation*]

My colleague from Saint-Lambert made a very interesting remark: people do not necessarily choose how they escape a natural disaster or menacing regime; they take the first opportunity that arises to save their lives or that of their children. I know that it is inconceivable, but this bill would create two classes of refugees based on method of arrival.

One could be forgiven for wondering why the government has introduced this bill when it has made previous attempts to pass similar legislation. Why has the government not opted instead to introduce changes to assist in combating traffickers rather than refugees? I just alluded to the disparity in the treatment reserved for the two classes of refugees under this bill, but more to the point, this government is engaging in the rhetoric of fear. They refer to immigrants as potential terrorists. They speak of security rather than of issues involving immigration and citizenship. And yet, I believe this to be a matter of immigration and citizenship rather than national security.

On another note, I should stress that this bill would allow for the arbitrary detention of refugees. This matter has been discussed at length, so I will not belabour the point, but this bill could authorize the detention of refugees on the basis of the minister's suspicions or the refugee's method of arrival. I would however like to focus specifically on the treatment of children under this bill.

I join my voice to that of the Canadian Council for Refugees and many other organizations that condemn the raft of measures proposed in Bill C-4, measures that fly in the face of our obligations to refugees and, of course, to children. Indeed, in addition to the proposed measures regarding detention, this bill would slow down the family reunification application process and prohibit applications to travel abroad for a period of several years.

On the matter of child detention, the Australian Human Rights Commission tabled a brief in May 2004 in the Australian parliament stating that child refugee detainees' rights were repeatedly violated. More specifically, the Commission reported that Australian immigration detention law fails to protect children's mental health, provide appropriate health care, protect children's right to an education, and does not necessarily protect children in need of assistance or those with a disability.

Children arriving in Canada already face a number of challenges, even if they arrive under optimal conditions. They have to learn the language and adapt to the climate, a new culture and a new school system that is very different, and often they then have to help their parents and family integrate into this new country when they are sometimes the only one in the family who knows the language or the culture. With these coercive measures, children will hardly be arriving under optimal conditions conducive to their integration into the country.

We have every right to wonder if Bill C-4 aims to protect the rights of these children whom the government plans to so summarily detain if they are refugees that are suspicious or arrive by boat.

Our country signed the Convention on the Rights of the Child, and I am very proud of that fact. This convention states that signatory states must take legislative, administrative, social and educational measures to protect children and to prevent all types of abuse, neglect or negligent treatment. Those protection measures are not being discussed today. We are talking about Bill C-4 and the possibility of detaining children, but we are not talking about what else will be put in place to protect these children who may be put into detention centres. What will be done to ensure that these children receive an education and care? That is not being discussed, and that is very worrying.

The New Democratic Party promised Canadians that it would develop a fair, efficient, transparent and accountable immigration system and that it would put an end to restrictive immigration measures rooted in secrecy and arbitrary decisions by ministers.

• (1815)

We also think it is important to increase resources to reduce the unacceptable backlogs in processing immigration applications, with an emphasis on speeding up family reunification. These are certainly not priorities that are reflected in Bill C-4.

The problem is that the Conservatives are saying that this bill will help reduce the magnitude of human trafficking. In reality, the bill as currently worded puts too much power in the hands of the immigration minister and unfairly penalizes refugees, as we discussed just now with my colleague. We see more than just measures for reducing trafficking. We also see measures that penalize newcomers.

My colleagues and I agree that we have to address trafficking and smugglers, but we are seeing more than that. The thing that worries me about this bill is the way refugees are treated.

Refugee determination by independent decision-makers is a fundamental aspect of a fair justice system. The way we receive refugees is often cited by the international community as a model of fair treatment, but this bill risks putting us in another category. It would not be the last time we disappointed the international community.

Can the minister tell us when the government is going to stop going after refugees and focus only on the criminals?

Government Orders

• (1820)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Madam Speaker, I thank the member for Pierrefonds—Dollard for another fine speech in the House.

I know that her riding, like mine, is quite diverse. I would like to know what she thinks of the immigration system as it is presently managed by the Conservative government. In my riding, we receive many complaints about the fact that it is a poorly managed system and that it penalizes new Canadians. We are now seeing bills along the same lines. I would like to know what she thinks of how this government is managing the immigration system.

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I thank my colleague for asking me this question as it gives me another opportunity to highlight the concerns of the people of my riding.

Wait times are horrible. People who are refused rarely understand why, and cannot speak to anyone about the reason for the refusal or what steps to take next.

People are unable to have their credentials recognized and it is shameful every time a fellow citizen tells me about this problem. In fact, we seek out skilled people. We go to their country and tell them to come to Canada where they will have an incredible quality of life as well as work. When they get here, after leaving behind everything and trusting our representatives abroad, they are unable to find work and their credentials are not recognized. They are intelligent people who have been trained at no cost to our country, and they are not allowed to work.

These are just a few examples of the frustrations of citizens in my riding as well as in other ridings. I hope we will be able to address this soon.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, in the introduction of Bill C-4, the minister and others on the government benches talked about how this bill would target the profiteers and smugglers. We in the Liberal Party and, I believe, most, if not all, members of the opposition have indicated that they are not really the primary victims. The primary victims are the refugees seeking asylum. I would suggest that the number of profiteers or smugglers, which this bill is actually named after and, apparently, targeting, who will be impacted is pretty close to zero, if not zero.

Does the member want to comment on the title of the bill and on how the government seems to be of the opinion that this bill targets profiteers or smugglers?

[*Translation*]

Ms. Lysane Blanchette-Lamothe: Madam Speaker, I would like to thank my colleague for his question.

If this bill were simply about smugglers, we would not be having this debate today. Since so many of us are raising our concerns about the treatment of refugees, there is obviously something wrong with the bill and we are not ready to support it.

I would like to add something here. Yesterday, I spoke to a 10-year-old. He told me that we adopted the British criminal law system in Canada because we felt it was more fair and allowed for a person

to be considered innocent until proven guilty. We even read a page from his history book. It was wonderful. When we finished reading, I kept myself from saying that it could all change soon. I hope that we will still be proud in the future to read our history books that we are innocent until proven otherwise. This bill, which would lead to detaining people on suspicion or because they arrived by boat, does not convince me that I will still be proud to read a history book with a child in a few years.

[*English*]

The Deputy Speaker: The hon. member for Windsor West may begin his intervention but I will have to interrupt him at 6:30.

Mr. Brian Masse (Windsor West, NDP): Madam Speaker, I guess I will wind down this debate here today. A lot of facts in the bill are still out there in terms of specifics that the minister could do to really ramp up his powers. However, I would like to talk more about the personal aspect of this.

I used to work at the Multicultural Council of Windsor and Essex County and I dealt with not just new Canadians but sometimes people who came through the refugee system. It is important that we talk a little about the people who would be affected because, at the end of the day, some of them may be our neighbours, friends and family. They are not just soulless people looking to sponge off Canada, which is often the perception presented by those who are for this bill indirectly. It is there. I can feel it in the House here that they understand people have a certain advantage to take from Canada versus a contribution.

We must remember that refugees come here because they or their families are under physical threat of rape, torture or a series of different things. They often give up every cent they have for the chance at a better life. Sometimes they do not know the language. Sometimes they do not trust the people in whom they are putting their families' lives but they know it is a better chance for them and their survival at that moment in time than the alternative in their own home country.

We can just imagine that the place where we grew up, where we had our family and where we wanted to have a future becomes too dangerous for us to stay. People decide to risk everything to go to a country like Canada which has been a beacon in many respects for the globe and here we are out to punish them.

I cannot think of a single refugee, be it a man or a woman, who walked into the doors of that agency who would have benefited from jail time. I cannot think of a single instance when that would have been necessary for the people I served. I can only imagine the horror situations that we will face when we lock up families up to a year or even for a few months.

There is mental, physical and emotional grief and stress of not knowing one's future not only on the streets of the country where one may be dependent upon social services and other not for profits that remarkably help people every single day, but if the refugees go through our system they become Canadian citizens, taxpayers and contributors. Many have come through this system and have left a mark on our country.

Adjournment Proceedings

If these people are deemed not to be valid through our system, I do not want them going back worse. I do not want them going back with more trauma. I am willing to face the consequences that we live in a world that we cannot turn our backs on. There are evil people out there who take advantage of people on a regular basis, but those victims do not need to be turned away. They need to be supported. We are on one planet here.

We seem to forget that. We think it is a free ride to come over here and people will have a great ticket and never contribute. That is not what is happening on the streets and that is not what is happening with our immigration policies. We know that when people come here they often work harder, take less social assistance and often contribute more. They are like anybody else. They have their chances and once they get here they take those chances and put them to good use.

In the youth programs I used to run, we had eight youth who were born in Canada and making bad decisions. We put them with eight youth who were new to Canada and could not figure things out. We mixed them together and our program had over a 90% success rate where they either went back to school or found a job. The reason was that there was a thirst from the new people who were coming here to have a better opportunity. They remembered some of the war-torn countries they came from and the people they left behind who they missed so dearly, but they had to move on with their lives and, in moving on with their lives, they were grateful to a country that had taken them in.

We are a multicultural country, so when we see these issues and the connections to families that are being broken, that is wrong because we have asked people to come here.

• (1825)

We cannot sustain our society without immigration and without refugees coming here. We cannot sustain the lifestyle that we enjoy right now. That is a fact. We cannot afford our pension system. We cannot afford the trading deficits we have. We cannot afford any of those things. Therefore, we need a workable system. The refugees coming through this system are good people who contribute to our society.

To intern people for up to a year is wrong. What would happen if parents and families are broken up and some are released and others are not?

Let us think of refugees as contributing to and not taking away from our society.

• (1830)

The Deputy Speaker: I regret to interrupt the hon. member. He will have four minutes when the bill comes back for debate.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

NATIONAL DEFENCE

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Madam Speaker, we have recently learned from a report commissioned by the Minister of National Defence that the government plans to cut jobs in the Canadian Forces. This report was produced by a committee that was struck in June 2010, and headed up by General Andrew Leslie, to plan the restructuring of the Canadian Forces.

This report proposes radical measures supposedly intended to try to make the forces more efficient. It recommends massive cuts to military and civilian jobs and the transformation of thousands of stable, full-time jobs into part-time positions, but according to General Leslie, it is merely to trim the fat.

The general recommends that the Minister of National Defence reassign or simply eliminate 11,000 positions among the 145,000 existing positions. In addition, at least 4,500 reservists who currently work full time would have to fill precarious, part-time positions. Lastly, DND would also have to reduce its use of external consultants, who are often retired officers, by 30%.

This favoured consultant of the Minister of National Defence goes much further. He recommends being prepared to accept the risk of completely eliminating certain organizations of the Canadian Armed Forces. Given these recommendations, there is truly cause for concern for the members of our valiant army who have dedicated themselves to serving our country. During the last election campaign, the NDP committed to maintaining DND's budget, and that is the position that my colleagues and I are defending today.

The Valcartier military base is located in my riding of Portneuf—Jacques Cartier. The base employs approximately 7,000 men and women, civilian and military. As a result of the leak of this fairly disturbing report, all of these people want to know whether the government is really going to cut their already tight operating budget.

The Valcartier military base is home to the Royal 22^e Régiment, which has a very special place in the hearts of Quebeckers because of its remarkable history. It is the only regular regiment in Canada that is entirely francophone. Since it was created, the members of the Royal 22^e Régiment have participated in virtually all of Canada's military operations, including the two world wars and, of course, the war in Afghanistan.

The Royal 22^e Régiment is made up of approximately five battalions of soldiers, including two reserve battalions. Most of its members are deployed to the Valcartier base.

In addition to the Royal 22^e Régiment, the Valcartier base also houses the Valcartier Army Cadet Summer Training Centre. All these young people are the army's future and they deserve to have access to the best resources and the best instructors. If we go by General Leslie's report, essential services for these passionate young cadets could suddenly be taken away as a result of draconian cuts to staff.

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The Valcartier military base is a major economic engine for neighbouring communities, such as Shannon and Saint-Gabriel-de-Valcartier. Each position that is cut will likely have a very negative effect on the citizens of Portneuf—Jacques-Cartier.

General Andrew Leslie's report proposes many brutal cuts, and the citizens of Portneuf—Jacques-Cartier are very concerned. The 7,000 employees of the Valcartier military base demand to know whether the government will follow General Leslie's recommendations and what the consequences of implementing these massive cuts will be.

Can the Minister of National Defence or his representative confirm to people in my region that there will be no cuts to the Valcartier base?

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Madam Speaker, I would like to thank the member for Portneuf—Jacques-Cartier for her important question.

The government understands just how much the Valcartier base drives the economy of its region, of Quebec and of Canada. We also understand the role that this military base has played in our past and present military history. I would like to thank all our Canadian Forces members from Valcartier and from the Royal 22nd Regiment who participated in the mission in Afghanistan and for helping with the effects of the flooding of the Vallée-du-Richelieu last spring. But the future and the evolution of this base are part of an overall Canadian armed forces strategy that is national, of course.

In 2008, our government articulated its vision for the Canadian Forces in the Canada First Defence Strategy. This strategy calls on the Canadian Forces to achieve a level of ambition that enables it to meet the country's defence needs, enhance the safety of Canadians and support the government's foreign policy and national security objectives.

To deliver on this level of ambition, the Canadian Forces will maintain its ability to conduct six core missions: conduct daily domestic and continental operations; support a major international event in Canada; respond to a major terrorist attack; support civilian authorities during a crisis, as we saw in Vallée-du-Richelieu this year; lead or conduct a major international operation for an extended period, in Afghanistan and Libya, for example; deploy forces in response to a crisis elsewhere in the world for shorter periods.

To facilitate the military's efforts in meeting this level of ambition, the government committed to providing stable, predictable funding as well as the right equipment and training, and also to working in partnership with Canadian industry. The Government of Canada remains committed to providing the men and women of the Canadian armed forces with what they need to take on the challenges of the 21st century.

Since this government took office, the defence budget has grown by almost \$8 billion—an average of over \$1 billion a year. Of course, the Valcartier military base felt the effects of these increases. After years of this unprecedented growth, Canadians are tightening their belts from coast to coast in the face of the global economic downturn and the slow global recovery.

So too must the Department of National Defence in order to make the best use of tax dollars. Canadians expect the government to be even more vigilant with their money during tough economic times. As stated in Budget 2011, the Department of National Defence is on track to achieving the savings required to meet the commitment to restrain growth in defence spending by: increasing its efficiency and effectiveness of program delivery, focusing on its core role, and meeting the priorities of Canadians.

We cannot do everything, and the department used the 2010 strategic review process to examine its spending to identify savings of \$525 million in 2012-13 and \$1 billion annually thereafter, starting in 2013-14.

• (1835)

The Deputy Speaker: Order, please. I am sorry to interrupt the parliamentary secretary but I am going to give the floor to the hon. member for Portneuf—Jacques-Cartier. The parliamentary secretary can then comment.

Ms. Éline Michaud: Madam Speaker, I will be generous and ask my question again so that I will have the opportunity to discuss this issue with the hon. member. What I have been hearing, at least up to this point, is “increase effectiveness”. This seems to be an administrative euphemism for “major cuts to staff”. I do not know yet whether these cuts will directly affect the Valcartier military base. That is what I would like to know. I will give the hon. member the opportunity to answer this question.

• (1840)

Mr. Chris Alexander: Madam Speaker, the government remains committed to supporting the needs of soldiers in order to allow our troops to continue performing the important tasks we assign them. More than ever, during these difficult economic times, the department is taking its role as a steward of public resources very seriously. It is doing everything possible to ensure sound financial management of taxpayers' money by spending responsibly.

Every government department and agency, including the Department of National Defence and the Canadian Forces, will have to manage their activities within the constraints imposed in the operating budgets. Following the department's participation in the strategic review, millions of taxpayer dollars will be saved over the next few years.

[English]

CITIZENSHIP AND IMMIGRATION

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, this summer the case of the Maeng family gave Canadians an opportunity to observe and reflect upon certain aspects of our immigration system. Specifically, Canadians reflected upon the inadmissibility of an individual on the grounds that he or she “might reasonably be expected to cause excessive demand on health or social services.”

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When this Moncton family was denied permanent residency and ordered to return to South Korea, Canadians were shocked. The Maengs seem to be a perfect example of the Canadian immigrant success story. They are successful small business owners. Their eldest child was a student at Dalhousie University, on his way to becoming a dentist. They lived in Canada for seven years and had obviously established roots in, and a deep connection with, our community.

Canadians were most concerned about the reason for the family's residency denial, the fact that the youngest child, Sung-Joo is autistic. It was determined that the boy would be too much of a burden on the health care system and other aspects of our social safety net.

When I rose in this House on June 7, I asked the minister if he would reconsider the decision to send the Maengs back to Korea. At the time the minister said that he would not comment on the case but claimed that we have a fair process and that the Maengs had been through that process.

I should note that the minister later decided to grant the family a temporary reprieve for three years while the permanent residency process continues. I congratulate the minister on that decision.

While Canadians were happy with this change of heart, the questions remain. I think most, if not all, Canadians agree with the principle that a person should not be granted permanent residency status if the person represents an unacceptable or extraordinary burden on our social safety net. However, it is in the narrow application of this principle that we raise concerns.

My question tonight is directly related to the Maeng case. Why is autism considered a condition that would place an undue burden on our system? I think many Canadians would be surprised or even insulted to hear that their government considers autism to be such a drain.

People with autism spectrum disorder, ASD, are not considered sick by most Canadians. ASD is a developmental disability that may require intervention from medical and educational professionals. However, Canadians realize that autistic individuals make great contributions to our society.

With the proper treatment and resources, autistic individuals can and do excel in life and work. They can be productive members of our society. They are always cherished individuals in our communities.

This Sunday people across Canada and in the United States will gather together for the fourth annual Walk Now for Autism Speaks. I will be joining that walk at Nat Bailey Stadium in Vancouver Kingsway to show my support for better government policy and more resources for people with autism and their families.

People with ASD are valued for their economic contributions and are important members of our families. Our lives are enriched by the perspectives and diversity that come with sharing our lives with people with all kinds of developmental disabilities.

Upon reflecting on this rule, I am also reminded of a case in my own riding where a live-in caregiver could not bring her daughter to live with her due to a medical condition that had developed in the

years since she had come to Canada. After years of being separated from her family, toiling away in Canada working as a caregiver on the promise that her family could join her, this rule kicked in and her dreams were crushed.

There is a very simple solution to this problem. Have the family get medical checks at the beginning of the process and accept that in the intervening years one or more may become sick. It is not very much to ask.

Clearly there is an inherent injustice in the application of this rule. Will the minister commit to review the application of the rules governing inadmissibility on the grounds of presenting a burden to the Canadian system in an effort to make it fair for everyone?

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Madam Speaker, I appreciate the opportunity to respond this evening to the question put and also to comment that I look forward to working with my hon. colleague on the Standing Committee on Citizenship Immigration and Multiculturalism.

I appreciate the depth with which he is at least attempting to put forward in a positive way. He and I could spend some time dealing with the scope and magnitude of the issues that the Immigration and Refugee Board faces when it has to make decisions with respect to individuals.

I really do want to try to address the issue. It is an interesting point and one that deserves an answer, but it is very difficult. We are not in any way, shape or form allowed to divulge personal information, the personal decision-making process about individuals or families who make application to come to Canada, under many different magnitudes and many different opportunities. I find it difficult, based on the fact that the hon. member has pointed out a very specific case. He has the details. He has obviously been given authority by the family to speak to those details. We, as a government, are not in a position to do that.

Quite frankly, I do find that somewhat frustrating and difficult. In my years as parliamentary secretary at Citizenship and Immigration, I have noticed time and time again that members of the opposition speak to individual cases. Many of those times, those questions that arise during question period are not cases that have been brought forward by that individual to either myself or to the minister to review or at least accept the issue, the concern, on a private basis. Generally speaking, they are done in a way that those issues have been brought out through the media. The individuals, the families have gone to the media to discuss these issues and think it is a way that will somehow assist them in their case.

I can assure the House that it does not assist anyone. It does not assist the government, or the individual or the family. It certainly does not assist members of Parliament who have brought these forward, unless members do so because it would somehow assist them in their goals as opposition members to try to make the government look bad. I am certainly not suggesting that my colleague, the critic of the opposition party, is doing it for that reason. I do not believe that, but I believe a number of members of Parliament bring these issues up during question period to do that.

Adjournment Proceedings

I ask this evening that all opposition members, who determine that cases like this, cases that they believe will offer them some sort of media hype or media attention or assist them in their own careers, not to do it in this way.

The way we should be working through this process is simply by speaking to each other, obviously an individual member of Parliament from the opposition speaking with myself as the parliamentary secretary or speaking with the minister in order to try to assist them with the individual case. It really makes it difficult for me to speak to an issue that the member has brought forward with respect to illness on the one hand and on the other hand in his specific case, the issue of autism and the impact that has on an individual's opportunity to come to Canada, whether it be through permanent residency or whether it would be to study, whatever that issue may be.

However, as members of the opposition know, before they stand to ask these questions, they will not get a specific answer. We are simply not allowed to proceed and put forward an individual member's private issues under our Privacy Act.

• (1845)

Mr. Don Davies: Madam Speaker, I am not raising an individual specific case tonight; I am raising an issue of policy.

As well, I think it is fair to say that when individuals are frustrated by poor government policy, they often use the media and the opposition to raise those issues, and that is how positive change is made in our country.

People with autism deserve our support and nurturing. They deserve our understanding, welcoming and full integration in all aspects of our society.

Canada should play a leading role on the world stage by demonstrating that autism is something to be understood and accepted. Autism must never be a barrier to citizenship.

With respect to live-in caregivers, the only just approach is to assess the medical conditions of families once and before they make profound sacrifices. Live-in caregivers should be united with their families immediately upon entry to Canada. We must stop this unjustified and painful separation of families.

Caregivers should be granted permanent residency immediately upon entry to Canada. They should be able to bring spouses and children with them and their family members should also get work permits.

Current government policy treats people with autism as undesirable citizens. Current government policy separates families. Keeping families together is the NDP way. Why is not the government's way?

• (1850)

Mr. Rick Dykstra: Madam Speaker, I can absolutely go through a host of issues, resolutions and legislation that we have passed in the House of Commons that deal exactly with what the member is speaking to.

I would suggest to him that there is a third way for us to work through these issues, and that is in consultation with each other. We did it with Bill C-11, the refugee reform act, and we did it with Bill

C-35, the crooked consultants act. In the last Parliament, with a minority government, these two major pieces of legislation went through with unanimous consent from all parties. I suggest to him that the third way to do that is for us to sit down and continue to work together, to work in committee to bring these issues together, and we will work as a government to try to solve them.

OIL AND GAS INDUSTRY

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, Canadians across the country are talking about fracking, meaning hydraulic fracturation, and the shale gas industry. They want to know what the fracking process entails. They want to know how it is being done and the potential impacts of fracking. They also want to know where it is being done. Most of all, Canadians want assurance that there are systems in place to protect their environment and their health.

Last year the former environment minister told us that shale gas regulations were "a work in progress", despite the fact that hydraulic fracturation has been used in Canada for years. When I asked the government about the status of these regulations on June 22 of this year, no timeline was given. Therefore, I am here tonight to ask the government again. Regulations have been promised; it has been over a year; when can we actually see these regulations?

The current minister said that the government would engage itself on the issue. In fact, he said on June 16, with respect to shale gas projects, "The federal government has an interest and can involve itself when a threat is perceived and reported". When I asked a question on shale gas regulations, the response on June 22 of this year by the Parliamentary Secretary to the Minister of the Environment was, "Environment Canada officials have been given the opportunity to comment on provincial and territorial environmental assessments".

At the beginning of the summer, the government clearly stated that ministry officials were looking into the issue of environmental and health impacts of fracking and that the government was prepared to respond to threats to the environment. However, only a few weeks later it announced massive cuts at the department. How will the government respond when it is cutting 11% of Environment Canada's staffing positions and 20% of its budget?

On top of this, it has announced a 43% budget cut at the Canadian Environmental Assessment Agency. This cut will cripple the agency's ability to prepare for and respond to threats to the environment, including proposed new oil and gas projects like hydraulic fracturation, which is an exploratory mining technique.

It is important to keep in mind that during the 2011 Speech from the Throne, the Canadian Conservative government reasserted its commitment to improving federal environmental assessments, which makes it even more disturbing that it is now actually gutting the very institutions that carry out this environmental oversight.

Adjournment Proceedings

Many of the concerns that Canadians have with fracking have to do with potential impacts on our drinking water systems, but again the government has announced cuts that will come to programs like the action plan on clean water, even though the former environment minister said last March that this plan was a priority. The government has delayed the regulations on fracking and now has made cuts to programs that will protect drinking water. These are the very issues that these kinds of regulations should be addressing. It is clearly problematic, and I hope that the parliamentary secretary will be able to shed some light on the reasons behind the government's actions.

Earlier today I asked the minister in the House if he would provide parliamentarians with the analysis that proves his claims that Environment Canada's functions will not be affected by these massive cuts. He chose not to answer the question, nor has he been able to point to what the government considers core programming. I consider these programs core programming. Considering the wide range of program cuts that are expected, it does not seem as though the government considers any of the programs to be a core function of this department.

Therefore, I ask the parliamentary secretary this: can she provide the evidence I have asked for time and time again in the House on how the government will keep our environment healthy and our water safe, and when will the government move forward with the fracking regulations it said it was going to create?

• (1855)

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Madam Speaker, shale gas is an important strategic resource that could provide numerous economic benefits to Canada. Canada's abundant supply of clean burning natural gas would help strengthen Canada's position as a clean energy superpower.

Our government recognizes that a healthy environment and a strong economy go hand in hand. Our government has taken action in several areas to ensure stewardship of our natural environment, including our action plan for clean water and our clean air regulatory agenda.

At the same time, the member opposite must be cognizant that jurisdiction ultimately lies with the provinces to determine how or if shale gas resources will be developed. Provinces also manage environmental impacts of resource development through their regulatory systems.

Federally, involvement in resource development falls under the mandate of several departments, agencies and boards.

Environment Canada is working within its jurisdiction to examine potential environmental issues related to shale gas development to further our government's strong commitment to the conservation of Canada's natural heritage and the safe, responsible and sustainable development of our nation's natural resources.

Via the Canadian Environmental Assessment Act, Environment Canada provides expertise and advice in relation to both federal and provincial environmental assessments.

To help understand any potential environmental impacts of shale gas development, the Minister of the Environment has undertaken the following initiatives.

The minister has recommended a proposal to the Council of Canadian Academies for an independent, expert panel assessment of the state of scientific knowledge on potential environmental impacts from the development of Canada's shale gas resources.

The minister has also asked Environment Canada officials to develop an in-house work plan to examine any potential environmental aspects of shale gas development.

Working with industry on this matter is also important. I welcome the recent announcement by the Canadian Association of Petroleum Producers, or CAPP, of its guiding principles for hydraulic fracturing.

On September 6 of this year, CAPP announced that it will support the proactive disclosure of fracturing fluid additives. Such voluntary disclosure is an excellent example of industry working proactively with government to help ensure the safe and effective development of this clean burning source of energy.

Ms. Megan Leslie: Madam Speaker, I am pleased to hear that the minister is looking into the state of scientific knowledge and has requested an in-house work plan. The question that remains is whether regulations are forthcoming on hydraulic fracturation.

I do not agree with the position of the government that jurisdiction is solely within the provinces, especially when we consider the possible impacts on drinking water, on the navigable waters act, on the Fisheries Act, and the possible impacts on first nations.

Are regulations on fracking forthcoming?

Ms. Michelle Rempel: Madam Speaker, as I have already indicated to the member opposite, Environment Canada has initiated two examinations into the environmental impact of shale gas fracturing.

One study will be conducted by an independent panel of experts, while a further in-house study examining shale gas development will be undertaken within Environment Canada.

Our government is strongly committed to supporting clean energy initiatives to protect our environment and improve the quality of the air that we as Canadians breathe.

We are committed to the safe, responsible and sustainable development of Canada's natural resources, to securing Canada's position as a global clean energy superpower, and to ensuring economic growth occurs within a framework of environmental stewardship.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:59 p.m.)

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