

Bill C-4 Key Quotes from the House of Commons September 19, 2011

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Hon. Jason Kenney (Minister of Citizenship and Immigration, CPC)

We must act to send a very clear message that Canada is the most open developed country in the world to immigration, to newcomers, to refugees who need our protection and seek new opportunities. **In order to maintain that remarkable openness, which by the way represents in Canada the highest level of immigration per capita in the developed world wherein we add .8% of our population per year through legal immigrants, and the highest level of refugee resettlement in the developed world through the 20% increase in our targets for refugee resettlement, by next year we will be accepting some 14,000 resettled refugees.** Last year we welcomed 280,000 new permanent residents and we are increasing our program for refugee resettlement. In order to maintain that generosity, that openness, and the public support which is necessary to maintain that attitude of openness, we must demonstrate to Canadians that our system is characterized by fairness and the rule of law.

My friend opposite and others have said that there is no so-called queue for refugees. **First, I do not know how he knows that all or most of those who pay smuggling syndicates are refugees.** We constantly hear from the critics that when we talk about our efforts to stop smugglers from targeting Canada we are talking about refugees. How do they know that? We know that many of the people in the two vessels who came to Canada most recently were coming from India transiting through Thailand, both democracies, both with the rule of law and protection for human rights.

What this bill seeks to do is maintain Canada's commitment to our domestic and international legal obligations with respect to refugee protection and to respect our humanitarian obligation to **protect bona fide refugees fleeing persecution while at the same time changing the business model of the criminal smuggling syndicates.** That is the objective of this bill.

What the bill would do would be to say that we would grant people who are deemed to be bona fide refugees who have arrived in a designated smuggling event a **temporary residency status in Canada for up to five years, after which we would then reassess the conditions in their country of origin to determine whether the country conditions have improved and whether the risk that was determined at their refugee hearing still continues.** [...] should conditions in that country not have improved after five years, they would then have access to permanent residency in Canada as a further reflection of our humanitarian instinct.

Contrary to some of the demagoguery we hear from critics of the bill, **we would continue, notwithstanding that public opinion environment, to allow illegally smuggled migrants who file the refugee claim access to our asylum system,** which is the fairest asylum system in the world, bar none. They would continue to have access to that system. We would not send back a single person who is deemed by our legal system likely to face danger of persecution or risk to their lives in their country of origin.

Under the new asylum system adopted by Parliament last year in Bill C-11, the Balanced Refugee Reform Act, **bona fide asylum claimants will receive a positive protection decision and therefore permanent residency within about three months of making their**

claim. Such smuggled migrants in the asylum system who are bona fide refugees would be automatically released from immigration detention when they receive a positive asylum decision, and permanent residency in about 90 days.

Let me point out by way of comparison, because there is a lack of perspective in context here, that **most of our peer democracies, most other liberal democracies, including those governed by social democratic parties such as the Labour government in Australia, have mandatory detention for all or almost all asylum claimants, not just illegally smuggled asylum claimants, but all or almost all asylum claimants.** That was the law adopted by the United Kingdom under the previous social democratic Labour government. That is the law in Australia under the social democratic Labour government.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC)

The bottom line is that human smuggling undermines Canada's security. Large-scale arrivals make it difficult to properly identify those who arrive, including the smugglers. They hide on these ships. They dress themselves exactly the same way as the potential refugees. It is almost impossible, and it takes a tremendous amount of work of both the CBSA, Canada Border Services Agency, and our RCMP officers to try to determine who will apply for refugee status and who is a smuggler.

Answering question from Don Davies (NDP) regarding delays for sponsoring family members: While I appreciate what the member is saying in making large assumptions about an individual who eventually is qualified for refugee status, **I do not think true refugees fleeing for their lives from their countries of origin come to this country and are concerned.** What they are concerned about is their ability to achieve refugee status and to start a new life. The five-year period to ensure that we are doing this properly still allows us to keep our arms as wide open as we ever have as a country in welcoming those who need our assistance, but at least it is telling human smugglers that they are not going to take advantage of our country anymore.

Mr. Don Davies (NDP Citizenship and Immigration Critic)

Bill C-4 purports to deal with preventing human smugglers from abusing Canada's immigration system, **but in reality it is directed almost solely at refugee claimants who arrive in Canada utilizing whatever means are at their disposal.** It is fair to say that it reflects a style of government that reacts quickly to exploit fear in our society, to take people's misery and exploit it for political purposes and to proceed with knee-jerk legislation that is not based on fact, not based on law, not based on reason and not based on fairness.

[...] **a designated refugee claimant, even if he or she is a legitimate, bona fide legal refugee, will be separated from his or her family for at least five years.** He or she cannot travel to see family for at least five years. That is how Canada, under the Conservative government's legislation, is purporting to treat a bona fide refugee.

Under Bill C-4, refugees would be victimized three times: first, by their persecutors; second, by their smugglers; and finally, by Canada.

In the minister's words at the unveiling of the monument to commemorate the MS St. Louis just this year, the monument was described as a concrete perpetual expression of regret. The minister went on to remind us that we must learn from the lessons of history in order to apply them in the future, and said:

'Canada will never close its doors to legitimate refugees who need our protection and who are fleeing persecution.'

It violates that section [Section 31 of the 1951 Convention] because it is **imposing penalties on account of people's illegal entry or presence on refugees who are directly fleeing persecution.**

Mr. Francis Scarpaleggia, (Public Safety Critic, Lib.)

[...] **refugees are not queue jumpers.** There is a misconception across the land that when refugees come to Canada and claim refugee status, they are depriving others who would like to come to Canada of their right to do so. I say sadly that it is the government that has actually fostered this notion. [...] However, refugees are not queue jumpers. **By letting a refugee into Canada, we are not slowing down or otherwise causing a regular immigration application to be sidelined.**

There is a process for determining who is a legitimate refugee and who is a person whose claim is without proper merit. That process goes back at least 20 years, if I am not mistaken, or maybe a little less than 20 years. We know that that process is embodied in an institution of government that we call the Immigration and Refugee Board.

What has happened is the government has politicized the process of appointing people to the IRB which has made the backlog even worse.

There are problems with this bill. **It creates two classes of refugees.** One class would be the regular refugee stream. The second class would be denoted by the minister as designated arrivals, which, upon being designated accordingly, would be treated differently. They could be held in detention for up to 12 months.

A major problem with Bill C-4 is that it probably violates the Charter of Rights and Freedoms. [...] It means the legislation could be challenged and if it is challenged, it may be struck down. That would create more problems down the line. A government should really do things properly or it may find itself with problems down the line.