

SUBMISSIONS TO: The Honourable Bernard Valcourt
 Minister of Employment and Immigration

RE: Bill C-86
 (Amendments to Immigration Act)

FROM: Canadian Civil Liberties Association

DELEGATION: A. Alan Borovoy
 (General Counsel)

 The Honourable Robert Stanfield
 (Board Member)

Ottawa

August 11, 1992

This is a request by the Canadian Civil Liberties Association for the Minister of Immigration to alter the legislative timetable that has been assigned to Bill C-86 (Amendments to the Immigration Act).

Having been first introduced on June 16th, second reading occurred on June 23rd. The committee hearings on the bill began barely more than a month later. And those few weeks occurred in the middle of the summer when many people are away on vacation.

The bill is lengthy - more than 100 pages - and complex. Consider a somewhat typical example of the complexity. Section 21(2) of the bill would amend section 32(7) of the Act as follows:

Where the person referred to in subsection (6) is a person other than a person described in 19(1)(c), (c.1), (c.2), (d), (e), (f), (g), (j), (k), or (l) or 27(2)(h), the adjudicator may, subject to subsection 32.1(5), make a departure order

It is virtually impossible to read - let alone to grasp - all of these complex provisions within the time period that has been allotted for these hearings. For voluntary organizations with limited resources, such a schedule means either that they don't participate in the public debate or their participation is severely curtailed.

If the bill were merely an exercise in tinkering and adjustment, our request might be significantly less urgent. As it happens, however, the bill proposes a number of potentially dangerous concepts. For example, it would make mere membership in a number of legitimate organizations a deportable offence for permanent residents. And this includes, not only present, but also past membership. Among the taboo organizations are those that there are reasonable grounds to believe are or were "engaged in the commission of any offence that may be punishable under any Act of Parliament by way of indictment or in the commission outside Canada of an act or omission that, if committed in Canada, would

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constitute such an offence". On this basis, mere membership in a trade union that committed a minor act of mischief during the course of violating a ban on demonstrations or picket lines would become a deportable matter in Canada. Incredibly, a person could suffer deportation without having been remotely involved in the illegality in question.

Elsewhere the bill would authorize the deportation of permanent residents for involvements in acts of "terrorism". While genuine terrorists certainly should be subject to deportation from this country, the proposed definition is so broad that it is capable of catching a wide variety of non-terrorists. While it may be true, as has been pointed out, that the bill could authorize the deportation of anyone who furthered the activities of the Nazi holocaust, it could also authorize the deportation of the Jews who attempted to resist the Nazi holocaust. Nowhere does the definition of "terrorism" distinguish acceptable from unacceptable acts of violence.

In view of the foregoing, the Canadian Civil Liberties Association calls upon the Minister to postpone the hearings on Bill C-86 until - at the earliest - the late fall of this year. The issue of immigration and the changes the bill proposes to make can have a significant impact on the people and institutions of this country. The bill deserves, therefore, a serious public debate. Such a debate is not possible if the government clings to its present timetable. In deference to the millions of Canadians whose interests are so deeply involved and in deference to the importance of serious public debate, the Canadian Civil Liberties Association urges this change in the legislative timetable.