

THE REFUGEE CLAIMANT BACKLOG CLEARANCE

On 1 January 1989 Canada's new refugee determination system came into effect, and with it the hope that our inland refugee determination system would finally be put on a sound footing. The legacy of the previous system, however, remained with us in the form of a backlog of at least 85,000 cases involving over 100,000 people, all of whom had made refugee claims before January 1989. Just under one year ago, the Minister announced how the government would proceed to deal with this enormous backlog. There would be a case-by-case hearing of each refugee claim in order to determine whether or not the claim had a credible basis. If not, and if there were no humanitarian or compassionate features to the individual case, the claimant would be removed from the country. Claimants who left voluntarily prior to their credible basis hearing would receive a letter of introduction to the immigration post abroad and would be guaranteed an interview with a visa officer. The Minister stated that the clearance would be completed within two years.

The Committee believes that, with current procedures, this goal cannot be achieved and that significant adjustments are necessary. In this Report, we suggest some of these; there are no doubt additional adjustments that the Department can devise, indeed, must devise if the program is not to collapse under its own weight.

The Committee recognizes the purposes of the various aspects of the program announced by the Minister. Case-by-case processing means that all individuals are treated in the same manner and dealt with fairly. Adopting the credible basis test sends a message that Canada will be generous to those who need our protection, yet firm with those who do not qualify. Humanitarian and compassionate criteria protect those who might otherwise be placed in danger. The Committee accepts and supports these general goals. Nevertheless, the Committee thinks that there are drawbacks to the system as it is designed, drawbacks that threaten to prolong the process unduly, seriously strain our resources, and add to the distress of claimants caught up in the backlog.

The primary problem with the current design of the program is the necessity of processing such large numbers of people through a complex quasi-judicial hearing. The credible basis hearing requires a significant commitment of resources for each and every case. In addition to the claimant and his or her counsel at each hearing, an adjudicator, a member of the Immigration and Refugee Board, a case presenting officer and, frequently, an interpreter must be present. Nevertheless, the Committee believes that there are methods of