Currently, there is no universally accepted definition under the Geneva Convention for a credible basis but there is a definition for "manifestly unfounded", which is very clear, precise, and well accepted.

I believe the Hon. Member is posing a motion that is valid and quite sensible. If there is a trace of credibility, if there is a trace of authenticity to an individual's claim, then that should automatically be the business and the subject of a review before the refugee board.

• (1610)

We have suggested in the past, as have organizations, that if a claimant comes to our shores and makes an application for refugee status, then that should be the subject of an oral hearing before the new refugee board. Groups and individual Members of Parliament, including myself, have advocated that, since it would be the most fair process to follow. It would ensure that we would not be barring or returning an individual who may be a legitimate and bona fide refugee.

When I say "may" I mean exactly that, since neither we nor the two officers at the border should be the judges of that claim. That should be a subject matter for the refugee board to determine with its two officers who are knowledgeable on refugee related matters to make a judgment. That is what the entire refugee determination system means. The word "determination" is critical. The critical aspect of determination should be handled by the refugee board which is knowledgeable and competent.

We also believe that it would be the expeditious thing to do, in order to alleviate the growing and very difficult backlog that has been created over the last number of years in which we see that the backlog becomes increasingly greater. As soon as the Government, as it has done in the past, invokes quasi-amnesty through an administrative review, then by the time we are finished debating Bill C-55 there will be another monstrous backlog that the Government will have to address in order to allow the new refugee determination system not to be paralysed from the very outset, but to start in fact with the decks cleared of this great and huge backlog.

We are therefore suggesting from the point of view of speed that it would be an additional bureaucratic layer to have a hearing or a prescreening at the outset and then, if it is determined that a person should move on, another oral hearing in front of the refugee board. We are suggesting that there is no need for the same claimant to have two separate hearings. We are suggesting that he should be able to tell his story once, that being before the competent board.

The Government argues that it wants this measure to expedite matters and suggests that it wishes to have it to deal with those who wish to abuse our system by having two hearings. No refugee coming to a refugee prescreening stage would want to give part of a story. If one is a legitimate refugee, then one will want to put all the facts, all the circumstances and all the other intervening variables on the table so that the case may have a good chance of being approved.

If that is the reality, and there is no doubt that that will be the reality for claimants at a prescreening process, then we are suggesting that there is no need for a prescreening. What we need is a competent board to offer a proper and effective hearing and to review the individual merits and circumstances of a case. If the individual is refused at that stage, then Parliament, the Government and Canadians can at least be assured that the decision was rendered by a competent body rather than having a guilty conscience by having two screening officers send an individual away from the country and us worrying about whether or not that individual was in fact a legitimate refugee.

The motion makes a great deal of sense. It speaks to the validity of having the refugee body be the judge and jury rather than having two officers at the border prescreening and making a judgment thus rendering the refugee board null and void with respect to that one claimant.

Ms. Lynn McDonald (Broadview—Greenwood): Mr. Speaker, I want to speak briefly in support of Motion No. 35A and to express some appreciation for the willingness of the Government to include the word "any" in the wording. It is a rather crucial point. When we have a very bad piece of legislation, a piece of legislation that will screen out many people who will not have a chance to make their claims, what this wording will do is minimize slightly that screening-out procedure. Now, excessive procedures will not be even more excessive than they might otherwise have been.

What this means is that the issue of credibility will be given a fair chance. A refugee who supposedly has a shred of credible evidence will have a chance to present that evidence and to have it evaluated. It will not be excluded automatically. It will not be excluded on the say-so of officials. The intention, one which has been expressed by Ministers, is that refugees who do have some kind of supporting evidence will have that evidence evaluated and at least have a chance to make their case. It is a very small amendment. It does not change the nature of the Bill. However, we certainly welcome it in that it goes in the right direction.

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.

Mr. Deputy Speaker: The question is on Motion No. 35A standing in the name of the Hon. Member for Spadina (Mr. Heap). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion 35A (Mr. Heap) agreed to.

Mr. Deputy Speaker: The next motion is Motion No. 40 standing in the name of the Hon. Member for Spadina (Mr. Heap).