

Immigration Act, 1976

would be preferable to have refugee division members handle this particular phase of the process.

On September 8 John Frecker of the Law Reform Commission of Canada said that where there is as much concern expressed about procedures as there has been about the access tests, we would do well to take a second look because legal challenges might well tie the system in knots. Why do members of the Government, in particular the Parliamentary Secretary, not address this particular comment? It would be interesting to have on record their assessment as to whether the Bill would not be eventually tied up in knots in terms of legal challenges.

John Frecker went on to say that there is an alternative. It is that it is possible to have a hearing by one refugee division member only.

Before concluding may I draw to your attention, Madam Speaker, what the Canadian Employment and Immigration Union said on the same day as Mr. Frecker. Representatives of the union said that adjudicators have had no involvement before this time in refugee issues, which is one of the reasons this amendment is now before the House, and therefore they would have to be carefully trained. This is why if we run through the testimony given we will see that the evidence is strongly in favour of refugee division members handling this particular process, this particular link in the totality of the chain of the process.

You can see what is motivating us, Madam Speaker. It is not just a partisan opinion. It is the process itself that has generated this amendment. There was a consultation with interested parties in committee. Nevertheless, that consultation did not seem to produce any result from what are credible sources of competent groups in the country.

Mr. Ernie Epp (Thunder Bay—Nipigon): Madam Speaker, I appreciate this opportunity to say something in support of Motion No. 13 which would amend Clause 14 of Bill C-55 by deleting a series of proposed sections, all of which are designed to create barriers to access for persons who may have more than valid refugee claims but who will, if the Government has its way, be prevented from having any access to Canada's refugee determination process.

I want to join with others in the opposition Parties, and in particular with my good friend, the Hon. Member for Spadina (Mr. Heap), in opposing the Government's intention. It is of course the Hon. Member for Spadina who has put forward Motion No. 13.

We have before us a fundamental question of humanity as it will operate in Canada's refugee determination system. We have here a fundamental proposal by the Government to deny Canadian humanity in the application of the law. In considering that possibility, while I see government Members sitting silent while we in the Opposition speak to the importance of Canadian humanity, I want to consider what is involved with this particular proposal.

Its essence is a proposal to allow a couple of persons, one of them an immigration officer, to ask very limited questions. They will ask not whether someone is actually a refugee or has a valid refugee claim to put forward, but whether the person has come from a country which is not itself the country from which he or she has escaped, whether this is a safe third country, as the jargon goes, to which such a person might be returned. They will ask if there is any credibility to the claim that the person is making in terms of the country involved, not the person himself or herself.

● (1250)

Then two possibilities will be considered. Did the person come from a country with which we have good relations and to which that person may be sent back because he or she will not suffer in that country; or is the person conceivably making a claim to being a refugee in a country with which we again may well have good relations and which we do not wish to regard as productive of refugees?

The last years have given us good reason to recognize that the individual experience of persons in various countries including, tragically, sister nations of the Commonwealth can be such that they have every reason to put forward a claim to being refugees. In fact, they are in danger of their lives; they may have suffered severely in their bodies; they may have experienced torture or psychological terror of a most serious type.

Immigration officers who are quite unsympathetic to the claim of persons from that country generally, may deny them the opportunity to put their claim forward. That is the chief concern with the motion put forward to delete all those provisions and raise a barrier to a person who wishes to put a refugee claim forward to the Canadian authorities and the established refugee determination process. This is an attempt to raise a barrier against refugees and against the whole spirit of Canadian humanity which has opened our door to refugees in the past, and which did so quite triumphantly in the summer of 1986. Suddenly this past summer it was slammed shut as the Conservative Government saw an opportunity to turn its back on Canadian humanity and come up with extreme legislation which could only pander to some of the worst tendencies that exist in Canadian minds and hearts, and begin playing to Canadian prejudice.

The consequence of the proposal in Bill C-55 is a rejection of our commitments to the United Nations, to the community of nations to which we have been joined since the end of the Second World War. It is a rejection of our commitments under the Convention, and under the UN Charter of Rights. This charter states that every person who, in his or her experience has been forced out of their society or country for fear of life and safety, has a right to have their claim to refugee status considered. Under the UN Convention which we joined with other nations to ensure safety for refugees, those particular commitments are being denied in this Bill.