

*Government Orders*

These designated class of people will not have to meet the provisions of the act except the landing requirements specified by their particular regulations. The designation for the classes for the relaxed requirements has the possibility of discriminating positively or negatively with regard to people's race, nationality, religion, national origin.

The government is particularly interested in using this for what it calls excellence. That is the third stream that the government wants to create as compared with family reunification or refugee. It wants to create within the independent immigrant stream the class of excellence. There is no indication of how it is to be judged.

Mr. Carter Hoppe, chairman of the immigration section of the Canadian Bar Association in Ontario says: "The immigration officials seem to want to have this retroactivity provision to clean up bureaucratic nightmares created by whom? Not only are the retroactivity provisions unfair from an applicant's perspective, but suddenly the rug could be pulled out from under her or him. It will not help us to attract immigrants and will send the wrong message."

This kind of change will engender rivalry and bitterness among Canadians and among immigrants of different nationalities, races, religions or skills and occupations which is my third point.

My fourth point is that by innuendo this act slanders refugee claimants in general.

• (1740)

Undoubtedly this act is intended particularly to target refugee claimants and when the amendments were first proposed or discussed with me was in connection with refugees.

The government keeps reiterating its emphasis on abuse although it has not shown that the refugees commit any more abuse than other people in proportion to their numbers. They are being made to suffer unfair restrictions on the rights of refugees both to entry and to appeal.

This is an attempt to curry favour with the powerful people we were mentioned earlier such as the powerful Conservatives who are more conservative than the Conservatives.

My next example of the flaws in this bill is that it seriously restricts access by genuine refugees to the Canadian refugee determination system. Section 46.01(1) seriously reduces the right recognized by the Supreme Court of Canada in the same decision of 1985 of everyone physically present in Canada who claims refugee status to have an oral hearing. This it does by shifting the responsibility for certain decisions to the senior immigration officer who would not be told to hear the substance of the bill.

Mr. Speaker, I see you are signalling me that the time is short but I thought I had five minutes left. Are you saying only two? The last speaker went on for about 50 minutes. I think the clock moves at different speeds.

The government claims that it has eliminated the first step of the RID but it has put important parts of it into the hands of the senior immigration officers such as, for example, the decision to send a person back to a so-called safe third country. The country most often talked about is the United States, which is nakedly violating its obligations under international law not to refoule refugees who are trying to get its protection.

The judge who acted in one of these cases, district Judge Johnson, said as follows: "It is unconscionable that the United States should accede to the protocol and later claim that it is not bound by it. This court is astonished that the United States would return Haitian refugees to the jaws of political persecution, terror, death and uncertainty when it has contracted not to do so. The government's conduct is particularly hypocritical given its condemnation of other countries which have refused to abide by the principle of non-refoulement. As it stands now, article 33 is a cruel hoax and not worth the paper it is printed on". That is referring to the UN convention on refugees.

Our government is negotiating to send refugee claimants back to the United States by the perhaps tens of thousands and without having given them a chance of a hearing without any guarantee whatsoever they would get a fair hearing in the United States. The evidence against that is that the United States sent 98 per cent of Salvadorans back to Salvador, clearly an unjust practice by the United States.