

because it denies the right of appeal to claimants whose claims were classified as not having a credible basis. They have already been through that screening once or they would not be at the refugee division.

It seems to me that if the initial inquiry said that they have a credible basis, but the refugee division decided in a full hearing they do not, then there is room for a difference of opinion. In fact, there would be a difference of opinion and there would also be room for error. I believe it is unreasonable to deny that claimant the right of appeal, however limited it is, which is available to the rest.

We have to remember that a mistake here is not like a mistake in granting a building permit or driving licence. A mistake in turning away a claimant who is a real refugee could result in death or imprisonment unjustly. Therefore I think we should not be in such a hurry to cut off the few claimants who are likely to get through determination and then be found not to have a credible basis for their claim. I hope we defeat Motion No. 70.

I want to hear further debate on Motion No. 57 since, as I say, it contains a good one and a bad one as it looks to me right now.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

Mr. Deputy Speaker: It is my duty, pursuant to Standing Order 66, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: The Hon. Member for Eglinton—Lawrence (Mr. de Corneille)—External Affairs—Mozambique—Request for more assistance/Request for co-ordinated measures to aid African front-line states; the Hon. Member for Winnipeg North (Mr. Orlikow)—Energy—Price of natural gas in Manitoba/Government position; the Hon. Member for Algoma (Mr. Foster)—Trade—Canada-United States negotiations—Domestic price of wheat/Canadian position.

GOVERNMENT ORDERS

[English]

IMMIGRATION ACT, 1976

MEASURE TO AMEND

The House resumed consideration of Bill C-55, an Act to amend the Immigration Act, 1976 and to amend other Acts in consequence thereof, as reported (with amendments) from a legislative committee, and Motions No. 37 (Mr. Heap, p. 9207),

Immigration Act, 1976

Motion No. 53 (Mr. Weiner, p. 9207), Motion No. 57 (Mr. Weiner, p. 9207), and Motion No. 70 (Mr. Weiner, p. 9208).

Mr. Benno Friesen (Parliamentary Secretary to Minister of Employment and Immigration): Mr. Speaker, if I can say *en passant*, I find the remarks of the Hon. Member rather mystifying when he says that the person could be sent back to imprisonment or death. I think he will accept the fact that we have included protection under Article 33 of the Convention, which would forestall just that kind of eventuality.

Let me begin at the beginning with Motion No. 37 which stands in the name of the Hon. Member. He will recall that in committee we already made provision for the UNHCR representative to be present at the proceedings. In this subsequent amendment we refined that provision. The motion put forward by the Hon. Member would require the Minister to notify the office of the UNHCR every time a criminal, terrorist or subversive is denied access to the refugee determination system and to give all other ineligible claimants an opportunity to contact the UNHCR. That has the consequence of putting an obligation on the Minister and also on the UNHCR.

I do not know if that is the intent of the Hon. Member, but since we have already provided protection under Article 33 of the Convention, I would think the Hon. Member would accept that we have taken care of those people he sees as being at risk.

Motion No. 53 standing in the name of the Government deals with Clause 17. The change is simply to make the text of Section 55, as found in the reported Bill, subsection 55(1), in order to accommodate the following subsection. At committee stage a difficulty in the interpretation of the proposed amendment to Section 55 was identified. Officials undertook to identify a solution to the problem. This amendment resolves the problem in that subsection 55(2) will ensure that a person denied access to the refugee division because he or she comes from a country which complies with Article 33 of the Convention can be returned only to that country. The individual may choose to go elsewhere. This limitation will cease to be in effect when the claimant has been reintroduced into the refugee determination system pursuant to Section 48.03, and the adjudicator and refugee division member have either determined there is no credible basis for the claim, or referred the claimant to the refugee division which has determined that the claimant is not a Convention refugee.

Motion No. 57 deals with Clause 18. This amendment will provide a consistent wording between subsection 71(3) and subsection 48(5). Subsection 48(5), added by the committee, allows the presence of agents of the UNHCR at inquiries. It is recognized that the UNHCR does not have representative offices in most Canadian cities. In recognition of that fact, it will be possible, with the consent of the claimant, for local agents of the UNHCR to attend hearings before the refugee board as well as to attend inquiries.

Notwithstanding the screening mechanisms in place before the adjudicator and refugee division member, it is possible that