resolve a case. In other words, the argument that we did not have enough money in Canada to have oral hearings was proven wrong through the experiment. Those few who were allowed to go through this pilot project moved through about seven or eight times more quickly than the average. The executive director of the Department of Immigration knows that, yet they continue to stonewall any efforts to establish the right of a hearing as a right in principle. The result has been a great deal of unnecessary hardship to claimants.

For example, there have been people claiming refugee status who should not have been. They were not trying to deceive us, but belonged in another program. These people should have been brought in on humanitarian grounds, which is provided for in our legislation, or under special programs, which again are provided for in our legislation. A number of groups who could have been brought in under those programs were instead shut out by officials who interpretated their cases negatively without due grounds, leaving them with no rescourse but to seek refugee status since their hardship case was a real one and in many cases was closely related to a refugee claim, as the special program concept shows. Instead of being dealt with immediately, to their benefit, and to save money and staff time, they have been added to the backlog of which is now 20,000. This is bad for every genuine refugee claimant, the staff, and taxpayers.

I would like to give an example that was brought to our attention by a witness before the committee last week. It was pointed out by the witness that our procedures are inefficient as well as inhumane. According to the transcript, a woman from Chile said she had been raped about four times by the military before she left the country. That woman broke down throught out her entire hearing, and the lawyer also said she broke down because it was so hard for her. None of that came out in the transcript. All that one could see written in the transcript was "recess". In other words, the denial of that woman being able to speak directly to those who made the decision made it impossible for people making the decision to properly evaluate her case.

• (1710)

Another case involves a family that has been here for eight years. It is an extreme case, but it happened. They have been here eight years waiting to find out if they will be accepted as refugees. That case could be determined much more quickly if the commission did not put up roadblocks.

There is a further example to which I wish to refer in the testimony before the committee. It is a case of a mother from Uruguay. As the witness said, that country had a reputation for human rights abuses until there were some changes in the Government recently. Her daughter and her son are Canadian citizens. They sponsored her to Canada but she was refused because the youngest child was mentally retarded.

The father of that family of seven children was in gaol for five years, and two of the children had been in gaol, one for six years and another 13-year old for three years. Of her other five children, two or more had been in detention for periods of time. Those submissions were put to the immigration commission, explaining what this woman had been through. She has two children here who are prepared to assist her in settling in Canada. She needs to get out of Uruguay, but was refused admission on the basis of humanitarian grounds. The case went to the Immigration Appeal Board. The Immigration Appeal Board asked why she did not make a refugee claim. She made a refugee claim and was accepted as a refugee but that was three years later. That woman is a basket case from the tension that she has had to undergo in waiting for that decision. Had she been allowed admission on humanitarian or compassionate grounds in the first instance, she would not have been waiting with uncertain status, not knowing if she was going to be sent back to Uruguay where she had already been through hell.

I have heard it claimed by a number of others, not only by lawyers but by church people who have been dealing with refugee matters, that there has recently been a change in interpretation of humanitarian and compassionate guidelines by the commission. An experienced Immigration lawyer states:

> So now we find persons who should come under special programs are not considered under special programs and they are put into the refugee stream because they feel they have no other option. Persons where there is humanitarian and compassionate grounds, because they also have refugee grounds they end up in the refugee stream because they do not want to return to their country of origin for fear of persecution. That is one way of increasing the statistics of the number of claimants. And I think it is being done deliberately by the commission in order to keep their statistics up.

There are ways to deal with this backlog. Whatever will be the legislative result of the intention of the Supreme Court decision, we can deal with the backlog immediately, as several people have noticed. While the legislation is being considered for amendment, perhaps there are administrative decisions that could be taken to ease the backlog considerably. While it would not be eliminated, it would be reduced to a much more manageable proportion.

For example, on the basis of transcripts, there are people who have very strong and credible claims to have been persecuted back home. They not only have reason to fear persecution but in fact have experienced that persecution. Those people could be landed now, without a hearing, without further delay.

Second, there are those such as the mother from Uruguay I have mentioned, who have strong humanitarian claims under our legislation, strong grounds on a humanitarian basis for being admitted and landed in Canada. Those could be taken out of the 20,000 landed who are in the backlog.

There are young children, some preschool children who under our law—which Charles Dickens described as an ass, speaking of the law generally—are required to go independently to a refugee examination to be examined under oath. That child is then dealt with separately from the parents. They are not allowed to have their cases handled together as a group. Those children could be taken out of the stream and dealt with separately once their parents' cases have been dealt with.

There are also those who are from war zones. For those, there should be special programs of the sort we have already