

*Immigration Act, 1976*

matter and we have no guarantee that the Minister or his successor will respect the promise he has made today.

There is also the matter of credible claims. Again, the Minister likes to talk about discretion because it is so vague. The law states that the person cannot be sent on to the board unless he is determined to have a credible basis for the claim. Clause 48.1(4) states:

In determining whether a claimant has a credible basis for the claim to be a Convention refugee, the adjudicator and the member of the Refugee Division shall consider any evidence adduced at the inquiry or hearing regarding

It goes on to list two points, the wording of which means only two points. Rather than "including" two points, it states that they shall hear evidence "regarding" two points. One is the record with respect to human rights of the country that the claimant left and the other is the disposition under this Act or the regulations of claims to be Convention refugees made by other persons who alleged fear of persecution in that country.

In other words, if Canada has not received many refugees from that country or believes that it has a good human rights record, for which there is no definition, then that person must be accused of not having a credible basis for his claim and will not be allowed to appear before the refugee board to make his claim, because he is not eligible. That is what the law says, not what the Minister says. I cannot vote for the twaddle I hear from the Minister. I am asked to vote for the law and I will vote against this law. I believe that if Members of Parliament would read Clause 48 and consult their consciences, they would have to vote against it as well.

• (1730)

Another major fault in this law is that the Federal Court is not only limited by its own nature, but it cannot review the merits of a decision. It cannot review a bad decision made in that first screening, nor a decision made in the later hearing, if there is one for that person. It cannot review the merits. It cannot ask if his story was true. It can only look at certain points of procedure and can only do that after there has been a written appeal. By experience we know that fewer than 5 per cent of written requests for permission to appeal are in fact granted. So the chance is very, very small of getting any sort of review.

There is also Clause 48.3(3) which introduces into the refugee consideration the idea that even after an individual is found to be a refugee, he will not be landed if the officers examining him think he will be unable or unwilling to support himself. We have refugees who are children, unaccompanied. We have refugees who have been so badly tortured in the country they left that their mental or physical health does not permit them to earn a living, at least at the beginning. Those people would be excluded by this law. They will be told: "You are a refugee, but, sorry, we do not want you. You are not financially advantageous to Canada".

Another reason that this Bill should be withdrawn is that there is, and has been for many months, a better way to handle this refugee determination. The standing committee, acting on

the directive of the former Minister of Employment and Immigration, spent hundreds of hours examining this subject, looking at the report from Rabbi Plaut, listening to the officials of the Immigration Commission and to members of the public who have had experience in the matter, and came up with a system to which the Government has never yet replied, even though the Standing Orders directed it do so.

It would be a system in which the first step from the border would be a meeting with two members of the refugee board, after about a week in which the refugee claimant could orient himself and find a lawyer, if that is what he or she wanted, which is the right of everyone in Canada. The refugee board would decide either that he is a refugee and should be processed with a view to landing, or that he is not a refugee, in which case a senior level of the board would not do a rehearing but would do a paper review.

The hearing would be examined in order to catch a possible error. The senior level of the board would be able to receive further evidence and would give an answer to the refugee claimant so he would know what the accusation was against him, where he failed on his claim. He would then be able to explain a point which was misunderstood or to add further evidence he did not realize at first was needed. But none of that is allowed at this pre-screening on safe third country or credibility. In most cases the board members do not have to give their reasons and will not do so because they will be too busy. They will not do it unless the law requires them to do so.

The system we propose would require that the reasons be given so that the refugee claimant has a normal chance on paper to state his response to the reasons for being rejected. That review committee would then have the responsibility for either upholding the original decision that he is not a refugee or saying there should be a rehearing. Perhaps in a very few cases there would be a rehearing since, as the Minister has said, nothing is perfect and no one is infallible.

This is based on public support. There are hundreds of organizations in Canada which have gone on record as supporting this approach and as opposing this Bill. Some of the largest are the Canadian Labour Congress and at least 11 of the major churches in Canada, the Jewish Congress and the active members of the Canadian Bar Association, immigration section. Within a couple of days I believe they will make their position generally public. There is a growing campaign. There are church services devoted to the welcoming of the refugees and to opposition to Bill C-55. There are public rallies devoted to opposition to Bill C-55. There is a growing petition campaign from Nanaimo to St. John's, Newfoundland. People are saying, "Do not put this Bill into action. This Bill does not help refugees. This Bill would turn refugees away."

I want to say a few words in closing, not about Canadian opposition to this, but to the international meaning of it. A previous speaker mentioned the international line-up of countries which will be inclined to follow Canada's lead and close all the doors. These are the countries primarily of western Europe and North America. Yes, our officials for