

*The Royal Assent*

record of any particular country but they would also take into account a safe country list as prescribed by refugee experts who are impartial and independent of those political and diplomatic pressures that flow into the Government of the day. We believe that this type of amendment will improve what is a bad situation.

Given the opportunity, as I said earlier, we would not permit the safe country concept in the Bill. However, if a safe country concept was really wanted then we would allow refugee experts of the board to make a determination in that respect. If the Government continues to insist that the Cabinet must take these decisions, then what we are trying to do at the eleventh hour is to provide greater safeguards around such a decision to try to give the individual merits of the claim the best chance possible. I will be moving such an amendment even though we disagree very fundamentally and strongly with the whole question of the safe country concept.

The final amendment is with respect to the Immigration Appeal Board. There is a clause in the Bill which suggests that all the members of the present Immigration Appeal Board would essentially lose their employment and would not be able to serve on the new refugee board. That has caused a very serious problem, a problem that has been dealt with by our courts. Lawyers have brought the case to court, suggesting that that particular clause offers a bias in our current system because it is like a cloud over the head of Immigration Appeal Board members who by this clause would not be automatically appointed to the new board. Therefore, those lawyers arguing on behalf of their clients suggest that this offers an unfair bias, and that Immigration Appeal Board personnel may be encouraged to try to side or rule on the side of the Government because of the fact that their tenure is in question.

What we are suggesting is that the Government has the right to appoint individuals who have refugee related expertise on this new refugee board, but we do not want the Immigration Appeal Board to continue in the manner that it has been going because it has been paralyzed from ruling constructively on many cases because of that ruling by the courts recently. The Senate suggested that that particular clause be removed in order to avoid the paralysis of the current Immigration Appeal Board which still has to continue to work until the new system is brought into place. In light of the court ruling in terms of a particular bias, it is incumbent upon the Government to remove that particular clause or to change it. That will remove the cloud that exists over the heads of members of the Immigration Appeal Board.

That is the position of the Liberal Party of Canada. We believe that the Government ought to go further in trying to understand the problems that are at the heart of this debate. It should try to come to grips with the situation that the safe country concept, the prescreening stage, the appeal mechanism, the question concerning duty counsel, the question concerning the Immigration Appeal Board and the single chance to make a claim are very large issues that are still

unresolved. We believe there is a possible compromise that can be attained by the Government.

We are asking at this stage, on those fronts, for the Government to re-evaluate those positions, not to have a Minister of Immigration parade minor changes as major changes, and to refrain from suggesting that this is a different bill of goods, a different piece of legislation from that of her predecessors. It is not.

The quotations I referred to earlier in the House are testimony to the fact that almost on a unanimous basis the constituency in our country is still at odds with these very fundamental and significant principles. The legal community is still at odds with these same principles. It will challenge these principles on these grounds in the courts.

I am not suggesting that these should be used as a threat or as blackmail. I suggest that the Government of Canada and this Parliament has as its foremost obligation the drafting of legislation that is in keeping with our Constitution and Charter. If we draft legislation that does not respect the Constitution, every legal expert says that we will have a legal minefield. I believe that the onus is on the Government and Parliament to produce legislation that does not give rise to such perceptions and statements before this law is proclaimed to be the law of the country.

• (1700)

Therefore, this piece of legislation ought to be reworded so as to remove the possibility of legal challenges. If we as a Parliament are to be challenged on this legislation and if the court agrees with the appellant, then it will essentially strike down the very system the Government is proposing as a remedy to the current law.

I hear someone wants to enter the Chamber, Mr. Speaker. I will certainly take my place and resume my final comments at a later time.

## THE ROYAL ASSENT

[*Translation*]

A message was delivered by the Gentleman Usher of the Black Rod as follows:

Mr. Speaker, the Honourable Deputy Governor General desires the immediate attendance of this honourable House in the Chamber of the honourable the Senate.

Accordingly, Mr. Speaker with the House went up to the Senate Chamber.

• (1710)

And being returned:

**Mr. Speaker:** I have the honour to inform the House that when the House went up to the Senate Chamber, the Deputy