

Immigration Act, 1976

The other matter not answered by the Government is what will happen in the case of an uprising overnight in some corner of the globe. Here is a Cabinet which is in charge of drafting a list. Presumably it is also charged with adding or deleting member countries from that list. But how can a Cabinet react so swiftly and quickly in terms of internal strife in some country which would produce refugees who would come to our country and ask for status and we would check our list and say, "Well, I am sorry, the country from which you came is still on the list. We cannot help you". That would not take into account the latest and the most updated scenario in that country which may in fact be legitimate but because they are still on the list the prescreening officers will have to follow our safe country list.

The Cabinet is in charge of the nation's business and it faces domestic pressures. At this time the Cabinet is very much involved with the free trade question and other issues concerning the economy. We might have the Deputy Prime Minister (Mr. Mazankowski) or the Prime Minister (Mr. Mulroney) stay away for a period of time so that there would be a delay in terms of reviewing that list. In the meantime, what is the human cost to those individuals who have claimed status and have not been permitted to land here and have their cases considered because they happen to come from a country that is still on the list, but that should not be on the list? Those are practical concerns that must evolve with this policy. Entrusting Cabinet to oversee the drafting of such a list could be a very precarious responsibility indeed.

• (1520)

Therefore, in light of those circumstances, I together with others moved a number of amendments to attempt to overcome this situation. Our first suggestion was that a safe country concept is not necessary. In fact, those people who come to this country and obtain an oral hearing should have the refugee board members determine if their cases are legitimate without playing a game of chess and taking risks with prescreening and the safe country concept.

If the Government wished to insert in the legislation the safe country concept, we suggested that the Cabinet draft a list that would be advisory and not be the letter of the law and written in stone. That list would serve in an advisory capacity to the refugee board members. In that manner, if there was a mistake in the list, or if any changes were needed, then the refugee board members in that division would take it upon themselves to use that as an advisory list and make the required deviances. The Government refused.

We also suggested that the refugee division be empowered to draft such a list regarding the safe country concept. On a day to day basis they handle refugee claimants, they are in touch with the geopolitical situations in other countries, and they are in touch with the United Nations High Commission for Refugees and the international network. Therefore, there would be the assurance that this list had been devised, drafted, changed, and monitored regularly by people who are in the

business, are knowledgeable, have credibility, and make it their top priority, rather than a Cabinet with a million and one things on the go with this having to wait at the bottom of the list.

Those recommendations were made in an effort to overcome the practical problems envisioned by most organizations when they testified on the safe country concept. All of our efforts were unsuccessful. The Government persisted, it wished to move on the Bill, and it has.

What are the effects of legislating a safe country under the United Nations Convention? Will the United Nations High Commission on Refugees be enamoured with the possibility of Canada enacting safe country legislation, basically washing its hands of its responsibility, and passing the problematic buck to someone else? What message are we sending to the countries where we would be sending those individuals, or the countries that are members of the United Nations Convention when they are being asked to stay the course and make their commitment to refugees and at the same time we are stating in our policy that, if we can, we will send you somewhere else?

The message is not positive. Moreover, it will allow and encourage other countries to do the same thing. Other countries will say if Canada has been a leading authority in the plight of refugees and it can enact safe country legislation, why could we not do it. If Canada does it, perhaps it is the correct thing to do. One can see the cumulative effect of that type of thinking. Virtually every country under the pact, and non-members of the Convention, will legislate safe third country and the whole world will be a safe third country. Refugees will bounce between countries, orbit around countries, become more desperate and, therefore, perhaps give more impetus to those consultants, smugglers, abusers, and manipulators among us to take those desperate individuals and attempt to have them come in the back door rather than the front door.

While we do not condone abuse and fraudulent claims, we would prefer to send out the message that, if you have a claim then you have an opportunity to lay that claim fairly and quickly at the front door of this country, rather than locking the front door and encouraging more desperation and having the cumulative effect of people and manipulators spearheading the movement of coming in through the back doors of this country and other countries.

In the long run, having a safe country concept will not do Canada, or our international partners, any favours at all. We would rather pay the price now and have a system that gives people a chance, and which takes away the desperation and the impetus for those people to give \$10,000 to \$20,000 to a captain of a ship in order that they can be brought to Canada because they perceive no other way of getting recognition as a refugee. We are suggesting that that be removed, that we pay the price now rather than paying a higher price later on.

Another spin-off from the safe country concept that is left with many refugee organizations is that the Government is not intent or enthusiastic about having individual claimants