

Immigration Act, 1976

Some Hon. Members: Question.

The Acting Speaker (Mr. Redway): The question is on Motion No. 17 standing in the name of the Minister of State (Immigration) Mr. Weiner. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion agreed to.

The Acting Speaker (Mrs. Champagne): The next grouping for debate are Motions Nos. 18 and 21.

The first question is on Motion No. 18.

Mr. Sergio Marchi (York West) moved:

Motion No. 18

That Bill C-55, be amended in Clause 14 by striking out lines 19 to 29 at page 14.

Motion No. 21

That Bill C-55, be amended in Clause 14 by striking out lines 20 to 29 at page 14 and substituting the following therefor:

"a country that the Refugee Division considers to be a safe third country for the claimant and would be admitted to that country, if removed from Canada, or has a right to have the claim determined therein";

He said: Madam speaker, Motions Nos. 18 and 21 represent an attempt on behalf of our Party to address the second major concern of three. First, we moved amendments unsuccessfully on prescreening. Motion No. 18 would have the effect of deleting "safe country" as a concept and as a fundamental piece of Bill C-55, and it really infringes upon the latitude that the two officers can have at the border crossings.

Motion No. 18 would suggest that the safe country concept be deleted. Motion No. 21 assumes the Government will stick hard and fast to the safe country concept, and, therefore, Motion No. 21 suggests that if the safe third country concept is going to be advocated by the Government, the Refugee Division should be given the responsibility of drafting such a safe country list to ensure that individuals will in fact be guaranteed their safety rather than have the Cabinet charged with the responsibility of drafting such a list.

• (1710)

Of the two motions our Party would obviously support Motion No. 18 which, if accepted, would make Motion No. 21 redundant.

Why is it that the Government wants to implement a safe country concept? Why is it that it wishes to have most of those individual claimants deported or orbited back to what it calls a safe country? Why is it that the Government has not provided a definition of "safe"? Why is it that the Government refuses to answer this question with respect to a Salvadoran who comes from the United States to Canada and is sent back to the United States? Would the United States be a safe country for that Salvadoran given the reality that most of those individuals are deported from the United States because of its foreign policy *vis-à-vis* Central America? Why is it that the

Government refuses to answer this question with respect to a Tamil who passes through Great Britain and is returned to Great Britain? Would that Tamil be in danger of his life or would he not? Would Great Britain be deemed to be a safe country?

Why is it that the Government refuses to answer questions with respect to what will happen given internal strife in some countries which are perhaps on our safe country list today and which tomorrow may have a revolution? The next day we may get individuals coming to us from that country. What will happen with those people given the fact that the list will have become out-dated because of the new internal pressures in that so-called safe country?

Those questions were not answered at second reading. Nor were they answered in committee. We are now looking for some of the answers here on the floor of the House of Commons. It seems to me and to a great number of people in the country that the imposition of a safe third country concept is really a nice way of saying that we wish to send our responsibilities off to someone else. It is synonymous with saying, "Let someone else deal with that person. Let some other country try to come to grips with that problem. We do not have the fortitude to do so".

Such a move will have serious repercussions throughout the world. It will have very serious repercussions in terms of our commitment to the Geneva Convention. If we cannot satisfy ourselves in returning a person to another country that we call safe that indeed his physical safety will be protected, then are we not guilty of contravening the Geneva Convention? Are we not guilty of contravening a responsibility we have as a country to try to spend our energy and time to ensure that that person will enjoy either safety or entry into another country's refugee determination system? Instead we have the safe country concept as the centre-piece of Bill C-55.

Every witness who came before the committee on Bill C-55 advocated the removal of the safe country concept. They suggested that we have a responsibility to allow the claimant to make his or her story before a refugee board, that we are not talking about months and years for the claim to be heard and decided upon but rather that the refugee board be the ultimate arbiter of the case. If the refugee board rules against the refugee, then so be it. At least we will have been assured that the process offered the refugee the ultimate opportunity to present his or her case.

But through the safe country concept we would be prejudging. We would be predetermining. We would be sending forth a judgment without having taken the time or the energy to listen to the circumstances of an individual. At the very heart of the refugee determination system are the merits of the individual's circumstances. We cannot base those judgments on the collective circumstances of someone else who came before that person. Nor can we make a predetermination based on the country that that person may have stopped in for a number of hours or a period of days or weeks.