● (1140)

Furthermore, how fast will Canada react to new surges of violence and human rights abuses? How much lag time will occur before people from a place of sudden unrest will be accepted as bona fide refugees? Finally, what in God's name is a third safe country? Is the United States, which freely deports Guatemalans and El Salvadorans, a safe country? Is Great Britain, which deports Tamils, among others, a safe country? Is Guatemala, which is a democracy, a safe country? If they are not, which clearly they are not for these individuals, will Canada have the courage to keep these countries off the safe country list? And why has the Government failed to present a list of third safe countries which could be debated freely by Members of Parliament?

The safe third country concept is riddled with serious and fatal flaws. It is completely unfair and unreliable for the Government to measure and determine a person's claim of persecution according to this concept. In following this path Canada would be one of the first countries to legislate this third safe country concept. As such, it would only serve to encourage other countries to consider adopting similar restrictive responses. This would inevitably lead to a world-wide corridor of closed and locked doors.

Toward this end, has the Government asked itself what will be the cumulative effect and result of all countries undertaking a third safe country concept? Where would the 15 million to 20 million refugees go? What options would they have? What actions would they resort to as an alternative to facing torture or certain death in their native lands? How many rich and unscrupulous immigration consultants like John Santos would such a policy create?

It is obvious, Mr. Speaker, to anyone with foresight that such an opting out on a grand scale would undermine any real international solution to this international phenomenon. It would destroy the shared responsibility and commitment which countries have for the plight of refugees. It would jeopardize the United Nations convention relating to the status of refugees signed in 1951. If this does happen, as it very well could in the foreseeable future, it would not be a proud achievement for our country to be regarded as the chief architect in dissolving the world's resolve toward combating the problem facing refugees.

My Party and I are asking today that the Government abandon its safe third country concept as the centrepiece of its refugee policy, and furthermore that the Government reject its pre-screening exercise. Doing so would allow claimants to enter the refugee board directly and immediately where their claims could be presented and a decision rendered. Under this scheme the decision-making process would be expeditious, fair and humane, which is precisely what the consultation process has demanded.

By rejecting such a model the Government is compounding the red tape, by adding a needless pre-screening layer of bureaucracy at all border points. It would increase the over-all

cost which would be associated with this extensive network across the country and would burden Cabinet by establishing, monitoring, and revising so-called safe country lists which, in the end, may not be in the best interests of the individual refugees. Talk about inefficiencies and inconsistencies!

While the Government claims that the new refugee board is non-adversarial, the facts and legislation prove much different, and this is where the third deficiency lies within the system. The Government's own documentation suggests and proposes that a departmental immigration lawyer will present "pertinent facts" about the claim to the two refugee board members. This will automatically make the hearing highly adversarial and highly controversial.

After all, whose interests will the lawyer be representing? From where would he obtain his information? Would he receive it from the immigration adjudicator involved in the first pre-screening stage? If so, is that proper and is that made known to the refugee claimant? Again, why mix immigration officials with the refugee process? If the refugee board is intended to be a specialized body dealing exclusively with refugee related matters and its officers are competent and knowledgeable in the plight of refugees, why intervene with immigration personnel?

Our clear and unwavering recommendation is to allow the refuge board and its officers to take the proper and fair course with the refugees coming before it and that the department keep its distance unless otherwise requested.

The fourth serious problem with the refugee determination system is its appeal procedure. The Government has proposed that the appeal mechanism be to the Federal Court of Canada, with leave. It could not have selected a worse apparatus since the Federal Court has only the mandate to hear argument on the legal process and points of law and not on the facts and circumstances facing the individual refugee. The Federal Court cannot receive new evidence, reassess the credibility of the claimant by examination, or permit opinions or advice by either the United Nations High Commission on Refugees or non-governmental organizations. It is unrealistic to expect that such reforms in our court system would occur in the foreseeable future. Therefore, under these terms the appeal is shamefully weak and again runs counter to all the individual evidence presented during the extensive consultation process leading up to this piece of legislation.

The Liberal Party's position has always been that, to a large degree, the refugee determination system is only as viable and as strong as its appeal mechanism. The Government's plans for appeal are most inadequate and mean that an error in judgment by the refugee board can be fatal for the claimant. In an attempt to avoid this monumental concern we advocate a separate and independent appeal board whereby mistakes and errors could be avoided or corrected.

To add insult to injury, the Government has also declared that the appellant be deported until the Federal Court has considered the appeal. This is a most unbecoming and