

*Immigration Act, 1976*

with the plight of refugees, said the following with respect to prescreening, and I think he put it in very clear language:

I believe that the pre-screening is inappropriate. We do not appoint police officers to determine who is a criminal.

The point there is that police officers have a duty to apprehend suspects who then go before the justice system and a judge makes the final determination properly, fairly and logically. In the prescreening stage provided for by this Bill, there is no fairness, no logic and no sense of order.

The Government has said that it wishes to expedite refugee claims. Yet it is suggesting that there be a prescreening stage. That will expand the amount of time it will take for an individual claim to work itself through the system. There is more room for abuse if individual claimants know they can give their story twice rather than just the once before the refugee board. There will be longer line-ups as a result. The backlog will not be eased. We will be adding a bureaucratic layer at every border crossing in this country. That is very inappropriate if one of your goals is to cut down the amount of time a person has in the system.

● (1240)

It is also inconceivable that at the prescreening stage we are going to ask the claimant to give only part of his or her story. We will have two officers at the border crossing saying, "This is not the place to give us all the facts. We do not want to hear the whole story about how you suffered in prison, about how your family was persecuted and tortured or killed. Just give us a brief synopsis of your story". If you were a refugee claimant would you want to give just part of your story? Of course not. If you were escaping torture or in fear of your life you would want to put all your cards on the table. If that is to be done, and it should be done, then it is only proper that it be done in front of the refugee board. You cannot say to someone, just give part of the story, because there will be the fear that they have not given facts enough in order to warrant an opportunity to start a new and safe life.

How much is enough? What is a credible basis for a claim? How much time do you need; is it 10 minutes, or is it 20 minutes? How many relatives have to be killed, two, your whole family? Is it enough that they burned down your house in El Salvador? Is it enough that they kidnapped your parents or your sister? How much information do the two officers involved need in order to tell the claimant he has a case and to go on to the next stage? Those officers are going to go home at night and ask themselves if they did the right thing. Did that person provide me with enough information? They will wonder, because there was a plane load of claimants and they were under the gun, whether they made the right decision. Did that deadline and a shortage of staff have anything to do with refusing a particular individual an opportunity to give his or her story? Would you want to be that officer? Would I? I would rather do anything else. I would rather be a punch press operator in my father's tool and die shop than make those kinds of decisions. I say that seriously and I mean it, because

not only are we putting refugee claimants in a precarious position, we are asking immigration officials to make decisions which they may live to regret, for personal and religious reasons.

The prescreening stage is a grave obstacle to this process. We do not see the need for it. It will not expedite matters. It will not make the system simpler. It will not allow the claimant to give his story properly. Rabbi Plaut called that the building of a Berlin Wall around the refugee determination system.

Another important question is who will be the officials making the determination? One will be a refugee board member and the other an immigration adjudicator. We suggested to the Government that if it really wanted to maintain its prescreening stage, despite the fact we think it is wrong, then at least it should make sure those two officials are from the refugee division. They would then be knowledgeable, credible, and have had day-to-day experience in judging individual claimants. Why was it necessary to have someone who works for Immigration Canada? Why an immigration adjudicator? People asked, "Don't you trust our immigration officials? Don't you think they are competent? Don't you think they are trustworthy?" Of course we do. They are all that and more. We never suggested that they are incompetent. However, they have a function to fulfil. They are hired as immigration adjudicators, the Immigration Commission is their master. Madam Falardeau-Ramsay, a member of the Immigration Appeal Board, addressed that concern. She said quite simply that immigration officials would make good refugee board members if they were not immigration officials. Therein lies the reason. An immigration adjudicator works for Immigration Canada. They work on immigration-related matters, control, deportation, and the rest. A member of the refugee division looks at the merits.

We suggested that you do not confuse immigration with refugee-related matters. Keep the two clearly delineated. It is good that we have a refugee board—absolutely. However, when you are doing prescreening and you have both an immigration official and a refugee official, you obscure the two lines and create confusion. You do not allow the immigration program to operate properly. That was our first suggestion. We suggested that if they are to be in place they both should be refugee board members. Once again our concerns were not addressed.

● (1250)

We are concerned about what prescreening does. Does it make the system more efficient by allowing in fewer refugees? We came to the conclusion that that must have been part of the equation. The Government must have determined that in order to have a cleaner, more effective and efficient system it would limit the number of claims accessing the system. That is comparable to a hospital suggesting that it would become more efficient by limiting the number of patients it admits. It is comparable to maximizing the efficiency of hospital emergency departments by allowing no one in after a certain hour.