other words, the appeal would not be considered if it is on points of fact or on new evidence.

Essentially, the Federal Court will only be able to rule if the previous process, namely, the refugee board, was fair from a procedural viewpoint but not from a substantive one. We on this side of the House have grave concerns with that kind of philosophy because decisions emanating from a refugee board will really be decisions that can legitimately dictate between life and death, between torture and no torture, between harassment and no harassment, between persecution and no persecution. We are not talking simply about a very trivial decision. We are talking about a decision with respect to the question of the life or death of an individual.

We are suggesting that if that is in fact what will be flowing from this decision-making process, we need an appeal structure which will be able to correct any human problems or fallacies which occur during that human process. We should err on the side of safety and caution rather than being sorry when it is too late. The amendment proposed by the Senate would have the force and authority to change the appeal system from law to points of fact and to allow new evidence to be brought at the stage of appeal.

When this Bill was before the legislative committee and at second and third reading, we offered a number of different formats in terms of whether there should be a written decision, whether there should be a one-member panel from the refugee board, or whether a group of two or three panelists would hear these appeals. We were flexible with respect to the actual structure of the appeal mechanism, but we wanted to guarantee a safeguard that the appeal mechanism, whatever its structure, would be based on points of fact and would permit new evidence in order to be as sure as possible that the individual would not be endangered by a very weak appeal system. That is what the Senate amendment tries to do, and the Government has rejected it. We were disheartened by the refusal of the Government to try to put in place the safest appeal mechanism as is humanly possible.

It should also be pointed out that currently only 2 per cent of all the cases flowing from refugee decisions which go before the Federal Court are successful. We believe there is a lesson there. When we basically have an appeal mechanism which disregards 98 per cent of the cases based on points of law, there is something wrong. I think we are not too late to try to change that trend, that kind of thinking. Our refugee determination system will only be as good, as solid and as foolproof as its appeal mechanism. Right now, with the proposals contained in Bill C-55, that appeal mechanism is very weak and many people are suggesting that it is the intention that there be less claimants allowed to go through the system. I do not want to believe that that is the case, but that is the perception. We in this country need to deal with those very real perceptions in the next several days as Parliament debates this very sensitive issue.

We ask the Government to reconsider its thinking on the appeal mechanism. I am not proposing this type of appeal on behalf of my Party simply to lengthen the process. No one in this Chamber wants to needlessly prolong or delay the procedure of refugee determination. What we are suggesting is not to lengthen the procedure, but to suggest that human mistakes will be made along the way, that these mistakes can have very serious consequences, and that we need an appeal mechanism which will act as a safety net in order to catch perhaps a few of those mistakes. I think it is better to have that kind of appeal mechanism than trying to live with a troubled conscience because our appeal system was so weak, we sent X number of people back to their original homelands only to face a fate none of us would like to face in our lifetimes. That is the rationale of the Senate's amendment. It is the rationale of our support for it. We hope that it will become the rationale of the Government and of the Minister of Immigration as well.

• (1650)

The eleventh amendment concerns the safe country concept. Essentially, the problem is that the Government is making the federal Cabinet the architect and the arbitrator of what is safe. With respect to this amendment, once again, the Senate in a different part of the Bill tried to remove from the Governor in Council the power to prescribe the safe country list. The Government did not necessarily refuse this amendment. What it did is it amended the Senate amendment. It did not necessarily agree with the principle that the Senate was putting forward. The Government response merely added the clause and the words to suggest that we are going to keep this at the federal Cabinet level but that now a country's record with respect to human rights will be taken into account.

We believe that is a very meaningless amendment. It states that these various records will be looked at, but it really does not guarantee that the political and diplomatic pressures will be removed because in the end the decision will be the Cabinet's. After everything is considered those political and diplomatic pressures in our estimation will still be so great that they will become the foremost priority, and certainly individual merits will be secondary.

That is why we disagree with the response of the Minister and the Government to the eleventh amendment. However, we realize that in the response of the Government it wishes to add a particular proviso suggesting that it will account for the human rights record of any particular country. I will also be making a further amendment to the Government's proposal at the end of my remarks today to suggest that if the Government really wants to have the Cabinet make those decisions, and if it will write in the legislation that it will account for human rights records, then the Cabinet must also consider an advisory list of safe countries as defined by the refugee board.

If the Government and the Minister want to maintain the decision-making process with respect to a safe country in Cabinet, then this amendment would not only force the Government or the Cabinet to consider the human rights