

*Immigration Act, 1976*

guilty of being a liar, a cheat, and a queue jumper by illegally trying to get into Canada. That is what the Minister says.

Therefore, we begin the whole process by bringing him to an inquiry. An inquiry is the procedure for examining why a person should not be deported. The onus is on him to prove that he should not be forced to leave the country. That is the way this refugee claimant is treated from the outset, because the Government has chosen to found the whole Bill on the philosophy of the abuser rather than on the philosophy of refugees.

The Government delayed the first Plaut report for half a year and has suppressed the second Plaut report. It has ignored the reports of the committee. It has put in arbitrary regulations in February which have sent away many legitimate refugees. It has refused to examine the refugees in the airplane that was stopped improperly in Buenos Aires. It has refused to examine the evidence about those refugees, which was brought by a competent lawyer sent by the private sector to Buenos Aires to examine them.

It simply scorned any evidence from the people who know something about real refugees. It has pumped out misleading propaganda about the Bill which follows on a policy of several senior officials for several years in trying to instill in the public the idea that most refugee claimants are phonies.

The Government published the ministerial overview which makes claims about the law which the law itself denies. The Bill itself, as printed, denies the main claims of the ministerial overview.

Most people do not have time to read the Bill and most people are not lawyers and cannot understand 60 pages of legalese. Therefore, they read the ministerial overview and form the opinion that the Bill is good and support it. However, the ministerial statements are false and misrepresent what is exactly in Bill C-55.

The Minister's statement that no one with a shred of genuine fear of persecution will be sent back to the country he is fleeing is false. The Minister cannot possibly support it by reference to the law.

Any time that I or anyone else has asked the Minister to discuss the actual words of the law, the Minister slides out by saying that if there are some fine points to be considered, they can be taken up in the committee hearings later on.

It is not fine points with which we are concerned, it is the fundamentals of the law. The Minister has refused ever to talk with individuals or groups and come to grips with the fact that his statements are contradicted by the Bill he is asking me and other Members of the House to support.

One way in which this Bill treats refugees as guilty until proven innocent is in Clause 93 which provides the Government with the power to seize an aircraft of an airline that brought someone to Canada who is considered to have inadequate travel documentation, in other words, someone who is a refugee claimant.

This law goes further than the present law which provides for fining the airline. The Europeans have already begun to copy the existing law for fining airline companies, and presumably then will copy the proposed legislation if it passes and seize aircraft in order to force payment of the fine. According to this proposed law, if an airline brings someone here under existing law and the United Nations declaration for the protection of refugees, including anyone who lied in order to claim refugee status and might be found to be a refugee afterwards, the fact of having brought that person without adequate documents will be an offence for which the airline may have its aircraft seized. This is the principle of guilty until proven innocent.

There is also the principle of safe country about which there has been much talk. The Minister has never given a serious and safe answer to that principle.

In the press conference, the Hon. Minister of Employment and Immigration (Mr. Bouchard) said: "People with refugee status elsewhere and people arriving from safe third countries who had reasonable opportunity to claim protection will be returned to those countries". That is not what Bill C-55 says. Instead, Clause 48.1(1) states:

A person who claims to be a Convention refugee is not eligible to have the claim determined by the Refugee Division if

(b) the claimant came to Canada from a country that has been prescribed as a safe third country for all persons or for persons of a specified class of persons of which the claimant is a member and would be allowed to return to that country, if removed from Canada, or has a right to have the claim determined therein;

In other words, the fact of being allowed to return is enough by itself. It does not say that he will also have the right. The clause states: "The right to return or the right to have his claim determined". It does not say both. It does not say what happens after he returns to that country.

The point is that these two officers, the refugee board member and adjudicator, according to this law, do not have the power to send that person on to the refugee board if he is ineligible by reason of coming from a country that is described as a safe country for that class of person.

Contrary to what the Minister has repeated again and again in the House and outside the House, this law states that a person who claims to be a Convention refugee is not eligible to have his claim determined by the Refugee Division, he is not eligible to have those two officials send him on to the refugee board, which is the express and only meaning of this clause, he is not eligible if he came from what we are told will be described as a safe third country.

We have never been given any description in the law of what is a safe third country. The Cabinet is simply given a list which it approves as safe third countries. We do not know what considerations go into that decision because the Minister has refused to explain it or put it into this legislation.

There is also the matter of the humanitarian and compassionate factors. The Minister said that a Minister will be able to do as he does now, but the law is entirely silent on the