

regardless of country of origin. There might be contradictions in the story which require in-depth probing. There could be a number of factors which would lead the officer to recommend that the case be contested, but officers should be required to record these in writing so as to ensure that the decision is taken in a disciplined manner and for cogent reasons.

The Committee recognizes that there will be occasions when the personal information form will not be completed adequately so as to permit the officer to make a reasoned decision. The Committee is aware that often in that situation the immigration officer will ask the claimant questions about the claim, after advising him or her that the questions need not be answered. In some cases the claimant will not wish to discuss the case and the Committee recognizes the validity of this position. In those situations, it might be necessary to inform the claimant that the case will be contested, but the Committee recommends that this decision be subject to reconsideration if the completed personal information form is received well in advance of the hearing.

This approach, however, would be of no benefit without an accompanying change in Commission procedures. It has come to the attention of the Committee that, despite the fact that in law the decision not to contest cases has been delegated to case presenting officers, the reality is that they are unable to change easily the recommendation of the immigration officer. It appears that case presenting officers are under considerable pressure from their superiors not to exercise their own independent judgment regarding contested cases. We therefore recommend that much more flexibility be applied in cases where more complete information becomes available after the initial decision to contest a case has been made.

The effect of the above two recommendations could be dramatic. In place of lengthy contested hearings involving only one claimant at a time (in which the result is often not in doubt), many more uncontested group hearings could take place. As a result, the need for adjournments would be considerably reduced, legal and other counsel time would be saved, resources would be conserved for those cases which truly do need to be contested, and the chances that the backlog would be concluded within a realistic period of time would be greatly enhanced.

To this point, the Committee has assumed that a credible basis hearing is necessary for all cases, including those that are not contested by the Minister. The Committee notes, however, that for group one claimants, those who had already been examined under oath under the old system, the procedures do not call for an oral hearing to ratify the