

lower-paid and usually not quite white-skinned population. However, the American Government has tightened up its laws and is chasing those people out. It has deported many thousands of them back to El Salvador where some have already been killed. Thus some of them try to come to Canada.

The Minister is busy trying to prevent them from coming to Canada. He does that in this way. First, he does so with the regulations which were brought in in February and, second, with this legislation. So when the Minister states, "a claimant who comes to Canada—shall be considered as coming to Canada from that country whether or not the person was lawfully in that country", he means that if the person was hiding in the United States he will be considered as coming from the United States. This is so regardless of the fact that the United States was not willing to give him any protection, did not know he was there and most likely would not have given him protection if it did know. That country now deports 98 per cent of the Salvadorans who claim refugee status. However, we will treat him as though he had been coming to Canada from the United States for the purpose of sending him back to the United States. That is the meaning of that clause.

The next clause in the Bill is similar. If he comes on a bus from the United States but says that he came across the United States as fast as he could from Mexico or Central America, then we will say, "Prove that you did not come to Canada from the United States". Of course, he will not be able to do that. In other words, he will be treated as if he came to Canada from the United States. We have never had a straight answer from the Government as to whether it will return Salvadorans to the United States under its present practices. The Government hints that it might not do that, but there has been no firm assurance that it will not do it. Those two paragraphs are judiciously worded so as not to make very plain what it is the Government is doing. But that will be the effect of them.

The first paragraph turns out to be not as good as appeared at first. Part of my reason for saying that is simply that it means that anyone who stayed in the country any longer than just to join a connecting flight to Canada by implication may be considered to have been living there in the sense that that is a safe country and he has protection. We would have a right to send him back there because we do not want to be bothered with him here. That is a fully valid possible interpretation of subparagraph (a).

It is reinforced by the information and the instructions that are being given to the immigration staff at Pearson Airport, and perhaps at other points in Canada. They are required to fill out a form with information from each refugee claimant arriving. They are asked what countries they have been to, and so on and so forth. The sixth question asks this question. "Did the claimant seek or receive the protection of any of the above countries?" At this point he will have already mentioned that he has been in this country and that country. He is then asked, "Okay, did you receive protection there?" The responses are yes, no, or unknown. There are four classes of answer as to

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what kind of protection they received. The first is refugee claim pending, which means that he made a claim and has not had an answer. The second is refugee claim rejected, which simply means that he made a claim but was turned down. The third is refugee claim accepted, which is obvious. He was accepted there but is leaving. The fourth is *de facto* protection. Therein lies the trap. It is a trap, and a very well planned one at that, by the same people who planned this legislation. They have issued instructions to staff in this regard. One of the instructions is printed on a mimeographed sheet distributed to the staff. It pertains to a section called "Third Countries—Protection", and refers to the question numbered 6 to which I referred. The document states:

6. Protection is defined as either the granting of *de facto* asylum or formal refugee status, whereby the claimant is not in danger of involuntary return to a country in which he or she has a well-founded fear of persecution.

If in effect he can be considered to have been allowed to be there, even though he was not officially and formally granted protection, then we will say that he has *de facto* protection. This is the Government's plan.

The final stage of it is contained in a copy that was made of a handwritten instruction in the immigration office at Pearson Airport. It is a handwritten instruction added to the mimeographed instructions. The handwritten instruction states, "deemed *de facto* protection if person admitted as visitor legally transiting *en route* even without visa through any country *en route*". So if he is legally transiting *en route*, he can be classified as having *de facto* protection. If he is classified as having *de facto* protection, then it is clear that the intent of the administration under this Government is to send him back there.

All we get a chance to debate in Parliament is the legislation. We do not get a chance to debate the regulations.

Mr. Friesen: Yes, you do.

Mr. Heap: We do not get a chance to debate the instructions that are written with respect to interpreting regulations.

The Parliamentary Secretary says that we do get a chance to debate the regulations. He may be referring to the fact that if the committee is willing to meet to look at the regulations within the 30 days while they are Gazetted, then we get a chance to debate them in committee. That is not in Parliament. The fact is that these instructions to interpret the regulations are normally not even available to our eyes. But when somebody fortunately makes them available, we understand the weasely way that this law is intended to be used by those who framed it, that is to say, the task force on refugee determination that drafted the law steered it through Parliament and through committee with very selectively incomplete information to the opposition Parties.

[Translation]

Mr. Fernand Jourdenais (La Prairie): Madam Speaker, fair, fast and efficient are three words which scare me when I