

removed from Canada to a country where that person's life or freedom would be threatened and so on. That is good as far as it goes. It refers, and I quote Section 48.01(1):

(a) the claimant has been recognized by any country, other than Canada, as a Convention refugee—

They are to send this person back to some other country but not to the country from which the individual has been found to be a refugee. The UNHCR has asked that that non-refoulement principle be applied to all people who are found ineligible under Section 48.01. Non-refoulement means that we do not send a person back to the country of persecution directly or indirectly, even through another country. It also means that we do not send him or her back when we have not determined that he or she is not a refugee. In other words, if we have not listened to the claim, we do not know if the individual is a refugee or not and we do not send him or her away if there is a chance that the country to which we send the person would send him or her back to the place where the individual was claiming to be persecuted.

I ask that we comply with the UNHCR's request based on the Convention which we signed 20 years ago.

The Hon. Parliamentary Secretary made much in the committee and in Parliament here of the fact that he asked the UNHCR representative whether UNHCR found Canada in contravention of the Convention. The answer was no, but the UNHCR representative did not say that this law fully complies with the Convention. The UNHCR representative made a number of requests that he said would bring the law into compliance. This is the diplomatic way in which the UNHCR normally deals with countries that are signatories to the Convention because it does not have any power of enforcement. It cannot take Canada to court and enforce a decision compelling Canada to comply with the Convention and its articles. It can only request, and it has requested us. I hope the Hon. Parliamentary Secretary will respect the request of the UNHCR. It simply means that Canada would have to find out whether a person will be allowed to remain in that other country.

We will hear from the Hon. Member for Calgary West (Mr. Hawkes), I am afraid, about all the bogus refugees who will be allowed to eat off the fat of the land here while Canada is trying to find out whether Germany, France or Sweden will take a person back. I think that will be stretching the point, but we will have to put up with it for a little while, I guess. I would ask that, after the Parliamentary Secretary has had his fun, he support this motion.

● (1650)

Mr. Deputy Speaker: Does the Hon. Member for Spadina (Mr. Heap) have the unanimous consent of the House to withdraw Motion No. 44?

Some Hon. Members: Agreed.

Motion No. 44 (Mr. Heap) withdrawn.

Immigration Act, 1976

Mr. Deputy Speaker: On debate on Motion No. 43, the Hon. Member for York West (Mr. Marchi).

Mr. Sergio Marchi (York West): Mr. Speaker, before the Hon. Member for Calgary West (Mr. Hawkes) has his fun, let me add a comment to the debate on this motion on behalf of my Party.

No one disagrees that if a refugee claimant asks for protection in Canada and we discover that he clearly enjoys the protection of refugee status under another country, that person should be returned to the country that has offered him protection. If it is found, through the determination system, that an individual had access to the refugee determination system of another country and that could be proven, there would be no argument against suggesting that the claimant return to that country because we have a long enough list of individuals who do not have any protection from any country. I think it is our responsibility to offer protection to those who do not have any other protection. Those who seek protection for the first time should be the priority, and rightfully so.

In the course of debate, the Minister of State for Immigration (Mr. Weiner) said on a number of occasions, both in committee and in the House of Commons, that he would look for guarantees. If Canada were to send an individual back to his second country, the Minister said that there would be some kind of guarantee. He also used the word "agreement" in response to a question I put in the House of Commons, but later in committee changed his tune and said that he would be looking for arrangements. Quite obviously an arrangement is something very different from a guarantee or an agreement.

If all the countries on the list of safe countries guaranteed that they would respect the safety and protection of a claimant, then the Government would be able to sell its policy to Canadians from coast to coast. However, it simply wishes to have a safe country concept without telling us which countries will be on the list. It will not tell us how those countries will get on such a list. The Government will not tell us if the United States of America will be considered safe for Central Americans or if Great Britain will be considered safe for Tamil refugees. On top of that, the Government says that it will only return an individual to a country.

The Government is asking for too much. The Government is asking for our trust and confidence, but it is not deserving of that trust and confidence because there are too many questions and gaps and there are too many places where a fatal mistake could be made. One such mistake would be too many.

This motion suggests that the clause read that a person be returned to and remain in a particular country, rather than just be returned to that country. A claimant can be returned to West Germany, Holland or Great Britain, but those countries may not offer refugee status, may not offer a chance to apply under their refugee determination systems, may not grant visitor status or may not grant landed immigrant status. Upon a claimant's return, they may simply send him to another