

● (2050)

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, I do not know whether any information is available from the Department of Fisheries and Oceans on the possible deleterious effects of dyes on the seals and seal pelts. However, that information will be sought. In the meantime Senator Marshall may want to contact the Greenpeace organization. Perhaps they would provide an explanation for him.

**Senator Marshall:** Honourable senators, I think it would be dangerous if I contacted them.

I wonder if the evidence is in the files of the food and drug section of the Department of National Health and Welfare. In any event, could the Leader of the Government in the Senate ask for a copy of that letter, even if it is two years old? Could he also ask if there is any new evidence on the green dye that the Greenpeace organization might be using, or will use, and whether the department can provide a sample of it.

**Senator Perrault:** Honourable senators, when the information is made available it will be brought to the Senate.

**Hon. G. I. Smith:** That is no answer.

## FREEDOM OF INFORMATION

### STATUS OF PROPOSED LEGISLATION

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, in response to Senator Nurgitz's question about freedom of information legislation and the status of negotiations with the provinces, I can say that consultations with the provincial attorneys general have recently taken place. The government is now re-examining certain aspects of the legislation in light of the representations made by the provinces on the subject.

Senator Godfrey inquired whether the government and its officials will act as if the freedom of information legislation has been passed. I have made inquiries on this point and can report that the policy announced by the Prime Minister has not been countermanded or nullified. However, it is certainly difficult to give a definitive answer on this point since certain aspects of the legislation are being re-examined. Obviously, we may end up with slightly different provisions in the bill when it comes before Parliament again.

Senator Nurgitz asked whether the government would separate the protection of individual privacy provisions from the freedom of information legislation and introduce them in a separate bill. Honourable senators, the government views Bill C-43 as a whole, including the provisions protecting individual privacy. Also, certain aspects pertaining to privacy are also being re-examined consequent to representations made by the provinces.

## EMPLOYMENT AND IMMIGRATION

### REFUGEE STATUS DETERMINATION PROCESS

**Hon. Raymond J. Perrault (Leader of the Government):** Honourable senators, a question was asked by Senator Hai-

[Senator Marshall.]

dasz on February 11, 1982, as reported at page 3608 of Senate Hansard, regarding the refugee status determination process. Honourable senators, the answer is a rather long document. I am prepared to have it printed in the record of today's proceedings, if honourable senators agree, and then perhaps other questions can be asked.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

*(The answer follows:)*

In reply to the first question of the honourable senator, I would like to inform him that the refugee status determination process was reviewed by a Task Force on Immigration Practices and Procedures appointed in September 1980, and their report was released in November 1981. Three positive steps were taken at that time.

(1) The number of private members appointed to the Refugee Status Advisory Committee was increased from four to seven.

(2) The pamphlet "Claiming Refugee Status in Canada", which has been prepared jointly by the CEIC and the UNHCR, was revised and given wider distribution.

(3) Committee members were advised that in all cases of tie votes, recommendations were to be made in favour of the claimants.

(4) A commitment was made to hold a symposium in late February to discuss the report.

The symposium was held in Toronto on February 20 and 21, 1982, and new guidelines were announced for the Refugee Status Advisory Committee dealing with both the criteria for determination and the assessment of credibility.

Henceforth, the committee is to be governed in its deliberations by two overriding presumptions. First, the applicant is presumed to be telling the truth unless there is clear evidence to the contrary; and secondly, the benefit of the doubt must always be resolved in favour of the applicant. This pertains both to the application of the criteria as well as to the assessment of credibility.

When the current Immigration Act was being considered in a parliamentary committee, refugee determination was discussed in the context of removal procedures. This fact has given rise to the perception by some that a refugee claim is simply a device to beat the Immigration Act.

Changing this attitude is even more important than clarifying each and every aspect of the definition or of credibility. There are, to be sure, important issues that demand clarification. For example, the RSAC was instructed that an individual need not be singled out for persecution to be a convention refugee, that highly visible political activity is not a prerequisite for refugee determination; that a person may be a refugee even if there is no evidence of past persecution but there are reasonable grounds to fear persecution in future; or that the possession of a valid passport is not a basis for rejecting a refugee claim.