the refugee board member to become an expert in Canadian immigration law. We will not ask the refugee board member to become a policeman of inquiry. That is totally inappropriate and totally inconsistent with the role that we will ask them to play in Canadian society.

By voting down these amendments we retain the right of all claimants to have a barrister and solicitor represent them at the inquiry, to meet with them subsequent to inquiry if there is a removal order issued, to prepare the legal documentation, and to apply for leave to the Federal Court of Canada. Surely that is an important principle. Surely we support the provision of counsel in order to protect the rights of the claimant under the Canadian Constitution and Canadian law.

• (1220)

It should be crystal clear to all Members of the House that these amendments were not well thought out and their implications were not well understood. The consequences of the adoption of these would indeed be a tragedy for the legitimate refugees who come to our shores.

Mr. Jim Manly (Cowichan—Malahat—The Islands): Madam Speaker, I want to speak briefly in support of Motion No. 13 which would delete Sections 48, 48.01, 48.02, 48.03, 48.04, 48.05, 48.06, and 48.07 from the Bill.

I want to speak particularly about the concept of a so-called safe third country because there is no safe third country that will be safe for all people. People who apply for refugee determination status require that they be heard on the merits of their individual case rather than being lumped together to be shipped back to some country with which we happen to have good diplomatic relations.

I want to draw the attention of Members opposite to the very serious difficulty of declaring that some country is not a safe country for individual refugee claimants. For example, how will we indicate that the United States is not a safe third country for refugee claimants from El Salvador or Guatemala? It is not a safe country for them, but how will we be able to indicate that without getting ourselves into some diplomatic *brouhaha* with the United States? We are treading very dangerously in respect of our relationship with the United States today and will presumably always need to have some account of our diplomatic relationships with the United States. The Government is building itself a diplomatic time bomb with this concept of a safe third country. It will either face diplomatic embarrassment at some point or there will be a less than fair process for refugee claimants.

Perhaps I can make this more clear by referring to the Government's response to the Standing Committee on External Affairs and International Trade. Last spring the standing committee made its report on official development assistance and said that the Government should establish a grid regarding human relations, and that development assistance should be tied to human relations. In its response, the Government indicated that this was a very dicey step to take because it did not want to become too public in stating the human rights situations in other countries.

If that is true with regard to Third World countries to whom we might be thinking of giving development assistance, it would be even more true in terms of dealing with powerful nations like the United States, with whom we are less than equal.

According to previous regulations, there are some 18 or 19 countries to which we would not return any refugee claimants. With this concept of a safe third country, we do not know that those safe countries will not return refugees to these countries to which we previously said people should not be returned.

I want to quote an E-mail correspondence we received from the General Secretary of the Canadian Council of Churches concerning Bill C-55. Mr. Donald Anderson states:

> We appreciate government work to try to improve Bill C-55. Unfortunately our deep concerns remain. How can we know if a person claiming to be a refugee needs our help if we do not hear their problems? Each person claiming to be a refugee should have a right to have their individual circumstances assessed and their case decided on its merits before competent independent decision-makers. To us, this is the intent of the Convention and Protocol.
>
> Immigration programs may legitimately choose who comes on humanitarian grounds and may set priorities on countries they may come from. We understand the attractiveness of this approach.
>
> Bill C-55 provides for exclusion of people not on the basis of their individual circumstances, but by a political Cabinet decision that the country they transited before arriving in Canada is deemed to adhere to Clause 33 of the Convention, that is, it is deemed the transit country will not return the person in any manner whatsoever to a country where he or she may face persecution. This is a far shot from our obligation to give an individual who arrives in Canada a fair hearing of his or her claim to need our protection.
>
> Also, there is no meaningful appeal to any of the critical decisions made which can remove claimants from Canada in proposed inquiries or hearings.
>
> We cannot accept legislation which sets aside a claimant's right to just procedures in the name of administrative convenience.
>
> We urge you to reconsider, to abandon this Bill C-55 and to speedily replace it with one conforming with the principles of allowing every claimant a hearing on the merits and a meaningful appeal. There are alternative processes we can surely all support.

I urge Members opposite to think very carefully about this entire concept of a safe third country which, in fact, has absolutely no validity whatsoever in the facts of the situation.

Hon. Lloyd Axworthy (Winnipeg—Fort Garry): Madam Speaker, during the entire process of this legislation, second reading, committee stage and now, I never quite understood how the Government deals with the fact that this law we are considering contravenes Canada's signature to the UN Convention dealing with refugee matters. That Convention requires that Canada provide the opportunity for a claimant to be given the chance to present his or her case in front of an independent tribunal to determine its merits. Yet this Bill clearly precludes certain classes of people from making that claim. That is a clear contradiction of an international obligation, to say nothing of the intrinsic transgression of the rights of the individuals involved.