

What is the significance of this fact? The Committee seriously considered recommending that all those from refugee-producing countries should be immediately allowed to apply for landing without having the credible basis test applied to them. The simplicity of this solution was attractive. With one decision, over 30,000 cases would be removed from the backlog. The majority on the Committee ultimately rejected this idea however. We were concerned that such an approach would pose practical and legal problems and, in landing all claimants from certain countries regardless of their personal circumstances, would send a message that Canada's rules need not be followed. The Committee recognizes that in designing the program around the credible basis test the Minister has chosen to emphasize the refugee nature of the program. The Committee supports this policy.

Nevertheless, the fact that many claimants come from refugee-producing countries can be incorporated into the system in a more direct and realistic manner than is happening now. This can be accomplished, within the case-by-case framework established by the Minister, by considering much more carefully each and every decision to contest a case, paying particular attention to the country of origin of the claimant. For this purpose, information on the current rates of acceptance by country of origin of refugee claimants in the new system should be immediately supplied to all backlog counsellors and case presenting officers. This approach is sanctioned by our refugee law, which explicitly recognizes that country of origin is important to a refugee claim by specifying that evidence relating to the record of human rights of the claimant's country and the disposition of claims to be Convention refugees made by other persons who alleged fear of persecution in that country are relevant to the credible basis decision.

The Committee itself has seen the result when decisions to contest cases are made with little justification. We witnessed a lengthy credible basis hearing where the result (acceptance) was quite clear from the beginning. Although the case was "contested", the case presenting officer asked no questions and made no submissions. We are informed that such a case is not atypical. The claimant on that occasion came from a country with a current acceptance rate by the Immigration and Refugee Board of 97%. The Committee is not recommending that this person should have been automatically accepted. Rather, in view of his country of origin, the immigration officer making the initial recommendation to contest, and the case presenting officer making the actual decision, should have had strong reasons for doing so.

What might those reasons be? The personal information form submitted by the claimant might reveal no grounds whatever on which a refugee claim would be successful,