

*Immigration Act, 1976*

**Mr. Speaker:** I thank the Hon. Member for his question. Perhaps I can reread the preliminary ruling. Motions Nos. 4, 6, 7 and 9 will be grouped for debate but voted upon separately.

**Mr. Sergio Marchi (York West):** Mr. Speaker, I would like to address Motion No. 6 which was presented as an amendment under my name on behalf of my Party.

Essentially the intention of Motion No. 6 is to remove the prescreening process and allow the refugee claimant to go directly before the refugee board. This was one of the key amendments we put forward for discussion at report stage. There are essentially three overriding principles, three overriding amendments that every witness wanted this Parliament and this Government to make, namely, amendments to prescreening, to the safe country concept and to the appeal mechanism.

Our prescreening amendment is our first amendment, that is, if we are going to establish a refugee board and put in place a refugee board that is distinct from the immigration program and immigration flow, in order to deal specifically and with a great deal of expertise on refugee claims, it would be our contention, and the contention of every single witness who came before us and who wrote to us, that we should provide accessibility to that refugee board.

Anyone who comes to this country and claims to have a reason to fear going back to one's country, should have legitimate grounds to be assessed by the refugee board. Therefore, many groups and many witnesses have found it very dangerous to place around that refugee board a barrier, a wall. That wall is defined by having a prescreening.

On the one hand, the Government is saying it is putting in a refugee board which is a new and improved processing, with which I would agree, but at the same time it is saying it is going to have a prescreening which is going to determine who will be able to access the refugee board. We believe very strongly that this is the wrong procedure.

If we are going to provide for a refugee board, we should allow the refugee board to make the determination on who is properly a refugee or non bona fide refugee. Regardless of the answer of the refugee board, this House and this Parliament would at least be assured, and have some satisfaction and comfort in knowing that the refugee board, which is mandated to deal with refugee matters, has given a ruling rather than two officers at the border crossing. The two officers at the border crossing will say, "Let us hear part of your story, but do not give us all your story because that will be part of a complicated hearing before the refugee board". If you, Madam Speaker, were a refugee claimant and were coming to this country—God forbid, because no one would want to be a refugee—you would not want to give only part of your story in order for one of the two officers to get a taste of whether you merit or do not merit a further hearing. A real claimant fleeing persecution would want to put all the facts and all the

circumstances on the table in order to convince those two officers clearly and profoundly that, indeed, the protection of this country was required.

• (1120)

What groups have argued quite legitimately and logically is that we would be adding another burden of bureaucracy at the front end of the system. Rather than having each claimant appear at one hearing of the refugee board we would be asking refugees to do it twice. We would be asking them to do it once at a prescreening and then, if the person is approved, they will have to do the same in front of the refugee board.

From the point of view of accessibility and of ensuring that the two officers in the predetermination process do not rule against a legitimate refugee who will be sent packing back to his or her country in the face of danger, and also from the view of expediency and time, it makes more sense to have one hearing. It makes more sense to have a hearing done quickly and fairly. That is why we moved Motion No. 6. We did so in order to remove the prescreening process and to allow claimants to go directly to the refugee board.

We believe that that is the proper, just and most effective manner of trying to deal with claimants who arrive on our doorstep. We cannot allow a newly created refugee board to be diluted by two officers at some border-crossing where in fact they will make the most important determination. What is the use of having a refugee board if two officers at the border are going to refuse access to the board to a refugee claimant?

If we really want to deter abuse and discourage people from making frivolous claims, then I suggest that a one-hearing process directly to the refugee board, which would take less time, is the best disincentive to people making fraudulent applications. If they know that they can make it once at the prescreening process and drag that on and then perhaps go into another hearing before the refugee board, then that will not deter people as much as saying, "You have one hearing and one hearing only. It is before the refugee board. If you are turned down you have an appeal, yes, but the refugee board hearing is what really counts".

We have submitted this amendment in the hope that the Government will remove the prescreening process, reduce the time for hearings and allow maximum security for the safety of individuals without having to undermine the integrity and the effectiveness of the refugee board through a prescreening process.

This is one of the three very fundamental changes that have been advocated by organizations which were basically split into two camps. Members of one camp said that there are so many fatal flaws that the Bill is unamendable. They suggested that the Government withdraw the Bill and go back to the drawing board. The other camp advocated the following. Members of that camp said, "If you are going to allow Bill C-55 to stand on the books, then we urge you to change three essential items, namely, the prescreening process, the safe