

Immigration Act, 1976

before the committee, where we can do the job that needs doing.

Mr. Deputy Speaker: Questions or comments? The Hon. Member for York West (Mr. Marchi), to be followed by the Hon. Member for Spadina (Mr. Heap).

Mr. Marchi: Mr. Speaker, I have listened with a great deal of attention to what the former chairman of the Standing Committee on Labour, Employment and Immigration has had to say, and I am heartened by the movement that he has displayed over the course of his 20 minute speech on the motion for the second reading of this Bill. He has articulated, I think very genuinely, some of his concerns with respect to the Bill, and the fact that he, together with the opposition Parties, would like to see some very significant amendments in order to make the Bill supportable.

I am unsure as to what he meant in the last portion of his remarks when he said that it was his wish that the Liberal Party allow the Bill to go to committee. I do not think the Liberal Party has the liberty of stopping it from going to committee. We will certainly be there and we will be moving amendments and calling witnesses. We are certainly going to play an active part in committee consideration of the Bill.

I heard the Hon. Member speak of his concerns about the safe third country concept, as well as the appeal process. I may have missed the portion of his remarks wherein he discussed the prescreening stage. I am wondering what his views on that are. The Minister seems to suggest that it is not a prescreening. The constituency, on the other hand, feels very strongly that this does in fact undermine the effectiveness of the refugee board in doing the work that we all want it to do.

I am curious as to how he views the role of the two officers at the border point and whether he favours a removal of that provision, or whether he favours a provision which would call for both Members to be from the refugee board as opposed to one being from the immigration team.

I am wondering whether he would care to share with the House his views on that very fundamental and important first step, a step that could be the last step for many refugees, if those provisions are allowed to stand.

Mr. Hawkes: Mr. Speaker, I thank the Hon. Member for his question. Let me say at the outset that the motion which the Hon. Member moved, if passed by the House, would halt progress of the Bill through the House. It would never be considered. That is why I urge the Liberal Party to rethink its position on it.

The more important issue which the Hon. Member raises is the matter of the first stage hearing. The advantage that this legislation provides is the fact that we would have, for the first time, an expert body, a group of people whose sole concern would be refugees, a group of people who are knowledgeable about country-specific conditions, handling these matters. If that board has discretion, then, in my view, there is universal

access to an oral hearing in stage one. If that board is not to have discretion, then it amounts to a screen.

There are lawyers who tell us, very clearly, that the way the fine print now reads, it is a screen. The Minister has said many times in the House that that discretion is there for the board person. But if it is the expert person who is deciding and the decision is that there is not the slightest bit of evidence that the claimant needs the protection of Canada, then that is an absolute decision; or the decision could be that there is some doubt as to the matter, in which event it proceeds to stage two.

I believe that a properly functioning board person, with that kind of expertise and that kind of discretion, would always err on the side of sending the matter forward for a more complete examination, thus providing more time for the claimant to produce the necessary evidence to substantiate the claim for refugee status.

• (1920)

It is at that stage when the board itself hears the case and says that there is not the slightest scintilla of possibility that the person needs the protection of Canada. If that is what they are doing, then I say that it is universal access and it is a hearing. A fuller hearing can take place at stage two if there is any possibility that a person may need the protection of Canada.

I think that would work. The more I think about it, the more convinced I am that the discretion lies at the heart of it.

Mr. Heap: Mr. Speaker, I have three questions. I will try to list them quickly and ask the Hon. Member to respond.

I am certainly interested in his expression of concern or sympathy with some of the objections raised with people in the public who have expertise about the Bill.

My main question is: when this goes to committee, does the Member envisage that the committee and the majority members on the committee, namely members of his caucus, will be willing to allow the time to go into the amendments which have been suggested by the public thoroughly and to deal with them fairly, or will they just say: "Well, a couple of meetings, then back to report"? That sort of thing has happened not on all Bills, but on some Bills.

Second, when he says that Cabinet should be less sanguine about naming third countries and perhaps give the first round to the refugee board, would he go so far as to advocate amending the law so as to include in it the criteria of the safe third country?

For example, must a safe third country be one which guarantees not to *refoule* the person to the country from which he says he is fleeing, or is a safe third country that will give the person a refugee hearing which meets Canadian standards, with of course the guarantee not to *refoule* if he is found to be a refugee? What other criteria, less than that or more than that, would the Member consider for the safe third country? Would he be willing to write those into the law?