

*Statements by Ministers*

Appeal with leave. Once again, the Liberal Party strongly disagrees and believes that the entire refugee determination procedure is only as effective and fair as its appeal process. The Liberal Party favours an oral appeal to a three-member refugee appeal board before proceeding to the Federal Court of Appeal. An additional level of appeal to a specialized body would ensure and safeguard claimants' rights.

It should be noted that the Federal Court lacks the expertise in refugee law and understanding of international and individual country situations. Also, its mandate precludes it from receiving new factual evidence and reassessing the credibility of the claimant. It is unrealistic to expect that changes and reforms in the Federal Court will take place in the foreseeable future. A competent and specialized appeal body, as advocated by numerous witnesses, must be part of the process and would place an appropriate priority on the important issues of the right to life, liberty and freedom, the absence of which has given rise to the refugee phenomenon.

Another fall-out from this piece of legislation is the silence on the right to legal counsel from the initial stages of the process. The Government does not feel it is necessary or practical to provide individuals with the right to counsel prior to an inquiry. The Liberal Party disagrees once again. We believe that it is necessary to give counsel to all refugees. From the refugee's perspective especially, where his or her liberty or security is in jeopardy, this right becomes all the more important.

Moreover, it is incorrect that some information collected prior to the inquiry, without the presence of counsel, can be used against the claimant. The Liberal Party does not believe this practice to be right or constitutionally fair. Therefore, we ask the Minister to change this very serious flaw.

In his prepared statement the Minister made the decision to slap visa requirements on Portugal. It is amazing that the Government decided to impose visa requirements. Fortunately, due to pressure, it decided to reverse itself at the eleventh hour. Notwithstanding this decision, I believe the Minister has besmirched the good name of an ally and owes the Portugese-Canadian community an apology.

In short, if the process limits access to the process and denies a refugee claimant the right to counsel, and if the process does not, from beginning to end, provide an appropriate and strong appeal for the refugee claimant, how fair is that process? How have we as a country helped the claimant seek refugee status in this country?

In conclusion, I would like to quote from the report of Rabbi Gunther Plaut. He said:

The number of refugees we are asked to admit, and especially the number of inland refugee claimants, is small when compared to the vastness of our land, the wealth of its resources and the peaceful internal and external conditions which are Canada's. To be sure, like everyone else we worry about our own well-being but our adherence to the U.N. Convention, and the incorporation of its principles into Canadian law, are flags we have run up on our pole of moral purpose, and there they must continue to wave.

It is my humble submission, Mr. Speaker, that that flag has been pulled down the pole of morality. This policy is bankrupt of any morality and discussions which have been held over the last number of years. First, there is an absence of right to legal counsel. Second, there is the question of limiting access to the refugee process. Third, there is an absence of a strong and genuine appeal body. Once those three elements are stripped away there is no longer a legitimate, genuine, and effective process which will protect the rights of individuals who are escaping torture and death. It will not protect the interests of Canadians and Canada. I hope that these elements will be changed.

In addition to the legislative changes, I hope that the regulations which the Minister has highlighted will be subject to a parliamentary debate so that we can expand on our principles on the floor of the House of Commons, thus informing Canadians of what really lies behind the ten-page statement we just heard from the Minister.

**Mr. Dan Heap (Spadina):** Mr. Speaker, on behalf of the New Democratic Party I am happy to respond to the Minister's announcement. I welcome the fact that he has made an announcement, although it is a matter of great regret that there has been so much delay. I am personally satisfied that it was possible for me to withdraw my legal action which would have required the Minister to respond. I am very pleased that he has now finally responded.

After a long delay we have a report by the Government which contains about five good points and about six serious flaws. The report of Rabbi Plaut, which is universally praised, was due in December of 1984. It was received by the Minister before April, according to what the Minister said in a committee. It was not made available until the end of June. Then of course it was referred to the standing committee for consideration. There was a half-year delay. Then the reports of the standing committee were tabled in November and December, and neither of them had the substantial response required and envisaged by the rules, until at least a month or two later. We are told now that the program will not begin until mid-July. However, we at last have something in front of us.

• (1520)

As I say, there are five good points. I believe they will be unanimously supported by all sides of the House because they were unanimously supported by the standing committee. There is the matter of an oral hearing for all claimants, as the Supreme Court required more than a year ago, although it has not yet of course been put into action. We are told, however, it will be at some point. There is the matter of an independent and well-informed decision-making body. This is true up to a point, according to the Minister's announcement, but only put to a point. I will come back to that and the matter of the very shabby appeal provision. There is the matter of the new convention refugee determination board with full and part-time members. That is also good. There is the matter of the non-adversarial format for the hearings which was also asked