

*Immigration Act, 1976*

today, the safe country concept is a very questionable principle and foundation upon which the Government is building its entire refugee determination system. The problem is that there was no protection in Bill C-55 to ensure that safe countries would accept the people rather than send them on to other countries. The Government has made a change in this clause and is suggesting that it is enough protection for people to be returned to a so-called safe country and enjoy protection or entry into the refugee determination system there.

However, the words that the Government proposes to use say that the claimant would be allowed to return to that country if removed from Canada or would have the right to have the merits of his or her claim determined in that country. There are two problems with that amendment. The first is that the word "return" is weak in terms of ensuring the person's safety. We urged at committee stage and urge again today that rather than "return", "enter or admission" would be much much better for the safety of the claimant.

The second problem is that, in the alternative, to return to that country they would have the right to have the merits of their claims determined in that country. We believe that instead of "or" the word should be "and". If the Government is going to persist with either one, it should include an "and" if it is at all concerned about the safety of individuals rather than sending them into orbit.

We on this side of the House do not like the word "return" because it does not really say very much. In fact, many Governments in Europe have forcibly removed refugee claimants to a safe third country on the basis of the word "return". That is to say, many countries allow a person to return, but that does not mean the country will allow the person to enter the country legally or will admit the person legally. In many cases individuals who are returned to a particular country can be kept in a transit lounge until being removed.

That is why we believe that our previous amendments were correct. The word "return" is simply not good enough. It will not protect the individual from being orbited from one country to the next. We implore the Government, and in particular the Minister, to insist that the word "return" be changed to either "enter" or "admit".

At the end of my remarks on this particular aspect I will be moving an amendment to the Government's proposal to try to modify very significantly the word "return" and to suggest that the clause should be a tandem one, that it should provide for admission and entry into the refugee system in order that we do not send a person back to a country, the refugee system of which he or she does not have access to.

We would have hoped that the Government would have moved much more strongly in this area in terms of ensuring the person's return to a safe country. We on this side do not agree with the concept or principle of safe countries. However, if the Government wishes to include the safe country concept, we ask the Government, at the very least, to have a foolproof

method for using the concept. The word "return" is, in our opinion, simply not good enough. We are seeking an amendment to that clause in order to ensure that a person will not be sent back and forth between countries but will have a safe country to return in which he or she will be able to enter the refugee system and receive a fair hearing.

Amendment No. 5 also deals with the concept of the safe country. The problem with Amendment 5, as reported by the Senate, is that in Bill C-55 the suggestion is made that the transit provision of a claimant in another country is only in reference to a person catching a connecting flight. That is to say, the Government has built into its legislation that we cannot consider a country to be safe if a person is only in transit there, connecting with another flight and coming to Canada. If asked which country you last came from, the country in which you changed flights would not be considered a safe country because you were simply in transit there.

The Senate objected to the fact that it only made reference to transportation via an air flight. The Senate wanted to amend that clause to indicate that any country in which you changed vehicles would not be considered a safe country. Whether you were changing planes, boats, trains, or any other form of transportation in a country, it would not be considered a safe country to which that person could be returned.

• (1630)

The Senate wanted to expand that clause not only to include connecting flights, but connections with other modes of transportation. Otherwise, there would be discrimination based on how one got to Canada. A person catching a connecting flight in West Germany could not be considered for return to that country. It should be taken into consideration that the refugee may be in a certain country temporarily to connect to other forms of transportation from that point to Canada, directly or indirectly.

We suggest that this amendment was in keeping with the original intention of the Government. Let us be very clear that if a person is only in transit and simply changing transit in a particular country, that country should not be considered as a safe country for return because that person would have no status there.

That is why we believe amendment No. 5 from the Senate was worth while. We hope the Government will change its mind and make it very clear that the question of transit and connections for transportation are not restricted to airplanes but take into account other transportation modes.

Amendment No. 7 also concerns the safe country concept and who determines that safe country list. The Senate, like Members on this side of the House, are concerned that the Cabinet is responsible for devising the safe country list. That is a flawed decision because we believe when a Cabinet is involved in the day to day domestic affairs of the country, when it must deal with such issues as free trade, day care, abortion and a multitude of other questions, it is impractical