

Immigration Act, 1976

matters. He suggested that the Supreme Court of Canada might be asked to reconsider the Singh decision. In his concluding comments he suggested on the other hand, that it is just as well to have a generous attitude and allowing the Charter to apply to all is not such a bad thing, and that we may want to back the suggestion of asking our Supreme Court justices to rethink the question. He also suggested that he was not endeavouring to be too partisan this afternoon and wanted careful consideration of the issue.

Has he given any thought to the possibility of Bill C-55 being given lengthy and very careful consideration by the standing committee under the able direction of his colleague from La Prairie, who I know will not be partisan about this Bill in giving it critical consideration? The committee, which was under the chairmanship of his colleague from Calgary, has done very good and careful work and it might well be trusted to do exactly that with Bill C-55 when the House has concluded second reading consideration.

Mr. Boyer: Mr. Speaker, there were two questions. Regarding the first, I will not change what I said with respect to a further examination of the Singh decision. The time to re-examine that is at hand. I can assure the Hon. Member that my remarks today were well thought through and well considered. I fundamentally believe that, although the legislation before the House does not in any way directly raise Charter questions, that is very much in the mind of Canadians as they view this. They wonder how far, to what extent, and under what circumstances the Charter of Rights applies to people who come to this country. That is why I submitted that one suggestion. It is only one idea.

• (1720)

With regard to the Member's second question, I feel very strongly that both Bills should be considered promptly right here in Committee of the Whole. We have all heard from our constituents on this issue, perhaps more than on any other issue.

The Hon. Member for Vancouver—Kingsway, formerly of the Lakeshore, referred to Edmund Burke and the obligation of Members to use their best judgment for the benefit of their constituents. Each of us had heard loudly and clearly from our constituents and we are quite capable of representing those views here in Parliament. The distilled wisdom of the collective people of the country can be brought to bear here. I do not think we need protracted hearings. I believe Members of Parliament can deal with this. My own personal view is that both Bills should be dealt with right here in Committee of the Whole.

Mr. Berger: Mr. Speaker, I would like to address a comment and perhaps a question to the Hon. Member. He stated that he supports the exclusion of certain refugees from the refugee determination process, namely those who come from safe third countries and those with unfounded claims. He is, therefore,

against the idea of universal access to the refugee determination system which was supported by Rabbi Plaut and the standing committee. Both those reports were in favour of universal access.

Rabbi Plaut's report reflects the broadly established consensus in the community of people who are knowledgeable about refugee law that if we have a process which turns claimants around within three or four months, abusers will not come. It would not be worth their while. The cost to come to Canada would be prohibitive if they knew that three or four months after arrival they will be sent back home.

Rabbi Plaut recommended that we ensure that everybody have access to the system and that there be procedural safeguards to ensure that cases are properly understood and that claimants have the opportunity to prepare their case adequately.

Does the Member think it is fair that Bill C-55, which he states he supports, would require refugee claimants to establish a credible basis for their claim within 72 hours of their arrival in Canada? They are in a new country, the language of which they may not speak and the laws and procedures of which they may be unfamiliar with.

I remind the Hon. Member that Rabbi Plaut studied the question of manifestly unfounded claims and rejected that concept. He said that we should not be screening people out on the basis of the fact that they cannot establish a credible basis for their claim, if you will, within a short period after their arrival but that they should have full access to the refugee determination system. Why does he not support that proper and appropriate principle?

Mr. Boyer: Mr. Speaker, first, I do not believe that one element alone makes a good response to this problem. It may be, as the Member says, that Rabbi Gunther Plaut, representing a consensus on that one issue, felt that determination within a three-month period would largely deter others from coming here and abusing the system. That is not my view.

My view is that that is one element, combined with several others, such as features in this Bill and the counterpart legislation introduced earlier today dealing with detention, determination penalties, and so on, which together provide a package of responses which over-all will have the desired result which we both want, which is that the system not be abused.

On the point that the Hon. Member raised, I have no hesitation whatsoever in recognizing the appropriateness of the safe third country approach. That will be decided by Cabinet. Cabinet will look at such matters as the human rights record of those countries involved and the records of those countries in protecting refugees. These matters are well documented by independent sources such as Amnesty International to which the Cabinet will have access. Indeed, the Cabinet would be receiving advice on these matters from a credible source. That is another reason why I am fully supportive of this.