We must ask how a person will be treated in the country to which we send him back, even if we think that that country complies with the non-refoulement article only, the only one for which the Government has shown respect. It has shown contempt for the other 40-odd articles of the Convention which we signed 20 years ago.

On the surface, the Government's amended version appears to be better. The Government has persuaded Canada's Ambassador to the United Nations to say on the radio this morning that since the Government has fixed the Bill up, the UN might like it better. I do not think that Canada's Ambassador to the United Nations knows any more than he did the last time he opened his mouth and was properly criticized for not knowing what he was talking about on this point.

• (1210)

In administration, this clause may actually turn out to be worse than the one it replaces because there is no guarantee that when a person is shipped back to country *x* he will have a chance to make his refugee claim there and no guarantee that he will have the rights of refugees, other than *non-refoulement*, which the convention requires and which Canada should require.

We heard warmhearted statements from the Minister last spring that we would only send refugees back to countries that would give them the same treatment that Canada gives them. That is a lot of malarkey. The Government abandoned that along with many other of its promises. We will send them back without knowing how the country will treat them. The Government is pulling a shameful dodge with Clause 14, Section 48.01(1)(a). I hope that Members will instead support Motions 11, 13 and 14.

Mr. Jim Hawkes (Calgary West): Madam Speaker, it was a bit of a surprise to hear the Hon. Member for Spadina (Mr. Heap) supporting Motion No. 11 because he was in attendance during all 55 hours of hearings, the clause by clause study, and certainly most, if not all, of the hearings which took place in the fall of 1985, and a lot of the hearings and visits in between. I think the Hon. Member does understand this very complex Bill and how particular amendments might affect it.

I have read Motion No. 11 more than once. I am not surprised that the motion was moved by the Member for York West (Mr. Marchi) because he did not attend all the hearings. In fact, he was at about 10 per cent of them and missed the entire clause-by-clause study. The moving of this amendment is not a discrepancy from past behaviour. This particular amendment puts us in the exact situation in which we are today. It creates an impossibility to remove; it effectively wipes out the removal decision. It provides the opportunity to re-enter the system again and again.

This motion would do another very important thing. Because the Government has a concern for legitimate refugees and an understanding of the fear and trepidation with which many true refugees arrive at our border points, through this Bill they will be provided with a barrister and solicitor. Right from the moment that they face any significant decision, such as a denial of entry to this country, and through all of the eligibility and credibility stages to learn whether they are legitimate refugees, they will have counsel. This amendment would take that counsel away. It would eliminate the protection which is provided to claimants by the decision of the state to provide a barrister and solicitor. I am not sure that that is what the mover of the motion intended, but that would be the impact.

We heard a lot from the Member for York West about the need for a single hearing. That is consistent with the advice which we received from many groups, to decide as many issues as possible in a single hearing. It is possible to decide in a single hearing whether a person is a refugee deserving of the protection of Canada. However, there is another decision which must be made in every case, that is, whether the person is entitled to enter Canada or should be removed from Canada. The advice of the committee was that the two issues should not be mixed.

Motions Nos. 11 and 14 in combination indicate the emergence from the Liberal Party of Canada of a new thought which no one has recommended. These two motions together clearly say that refugee board members should be making immigration decisions about who is eligible to come into this country and who is not, who should be removed from this country and who should not. They are saying that the people appointed to the refugee board, because of their sensitivity to countries with specific conditions around the world and to the true plight of refugees, to hold a non-adversarial hearing and encourage people to tell their story about persecution and torture, should suddenly be made enforcement officers making expulsion decisions.

That is the consequence of Motion No. 14 and it is consistent with Motion No. 11. The Liberal Party of Canada wants refugee board members to become policemen on immigration matters. I hope that that is unacceptable to all Members of this Chamber. It is inappropriate.

Through this Bill we are proposing that we decide, at a single two-person oral hearing, whether a person is admissible to Canada, should be removed from Canada, and has any basis of a claim to the protection of Canada. If there is any possibility that the person might need the protection of Canada, the Government says that they should go forward to the refugee board, made up of compassionate and knowledgeable Canadians, where they should have a non-adversarial hearing to determine whether or not they need the protection of this country.

However, all cases where there is no evidence of the need for the protection of Canada will be dealt with in a single hearing. Under the scheme of the Bill the adjudicator alone, in the presence of the refugee board member, will make the removal and admission decision, which is an immigration decision. The refugee board member or the adjudicator will send that person forward for a full refugee board hearing. We will not be asking