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inappropriate in the case of refugees, because the appeal system will only allow an appeal by leave on questions of law.

Yet, the whole question with a refugee is not a question of law; it is a question of his story, what happened, is he telling the truth, is it really a case of persecution? It is the facts upon which the dispute will have to be based, not the law. It is very ironic to give him the only kind of appeal he cannot use. It does not make any difference to his case, even if he could get to that court.

However, I want to mention how the Minister has perhaps gone further than he intended to go. He has taken away the right of judicial review of all Canadians in this matter. Under this Act, and this includes the whole of immigration, not just refugees, according to Section 83.1 Canadians lose the automatic right to seek judicial review by the Federal Court against what they think is an unjust decision by a government official. I understand that that right dates back to the 16th Century. When Canadians became Canadians we inherited that right from a long way back, that automatic right to review by the court. Now that is to be turned into a right by leave only and, as I say, the Federal Court gives leave to only about 2 per cent to 5 per cent of the requests it gets.

This means that if a Canadian citizen or a landed immigrant, not a refugee, who is trying to sponsor a relative from the old country, is turned down, and is turned down again at the Immigration Appeal Board by a procedure which he thinks is unjust, he has practically lost any recourse to the courts. He can only appeal by leave to the Federal Court. He will have very little chance of getting that leave or of getting an examination of his complaint against the officials. It is a very serious attack on the rights of 25 million Canadians.

Of course it is not intended in that way, I would suppose. It is intended only to attack the refugees, to restrict their right to appeal against a possibly unjust decision at some stage of the refugee determination. It restricts their right to an appeal against a government appointed official, which is a right that we believe belongs to everybody in Canada, including a refugee claimant. However, the Government is so eager to take away that right from refugees that it is taking it away from all Canadians so far as they have any concern with immigration matters.

There are two other matters upon which I wish to touch very briefly. One is that the Act now legislates exclusion, as did the Government by its regulations on February 20, of all that have been classed as humanitarian and compassionate considerations. For decades Canada has practised and legislated the principle that there are some people who cannot be narrowly defined as refugees, who cannot show that they are being or will be persecuted individually, who should not be sent back.

When there is civil war in Lebanon with women being shot in Beirut because they went out to buy bread, when people in Iran are being drafted into a war which has already killed a million people, we have refused to force people to return to those countries, at least at the present time. That has been our

humanitarian and compassionate program, available under the present Immigration Act. However, it will not be available to a person who comes in, claims refugee status, and cannot prove that he or she is individually liable to persecution but simply says, "I don't want to go back to my home in the middle of a civil war". That person will be deported to civil war because the officials have no opportunity to do anything but consider the person's refugee claim. If the person says, "I am not a refugee, but my house is right in the middle of where they are shooting and I had to get out", according to the Act the officers at the border will have to say, "Go, get out". He will not get to the refugee board, let alone to the special committee which under the present law reviews cases of humanitarian concern. What we have is a very unfortunate mess in this Act.

I remind the Hon. Minister, Hon. Members, and others interested that a proposal was put forward in January by the Canadian Council of Churches, which is widely supported by many other groups, including the Bar Association, the Jewish Congress, the Labour Congress, the Confederation of National Unions in Quebec, and so on. It is simple. First, two officers of the refugee board who are competent to decide upon all questions relating to refugees are to meet the person as soon as possible. All questions touched in this Act can be decided by those officers. Once they have made a favourable decision, he will be landed. When there is an unfavourable decision, there will be a review by another section of the same competent board just to catch any possible errors. It is recognized in discussion with the Department that that could be completed normally in three months. If the person used the right of appeal to the Federal Court, that could take longer. However, as I say, that not only relates to refugees, it is something which all Canadians claim as a right, the right of appeal to the Federal Court.

There is and has been before the Government for months a fair, quick, and efficient system for recognizing real refugees when they come to Canada. In accordance with our Charter, we have said that they must have an oral hearing before the person who will decide their fate. That hearing must not be on the question of from what country he comes, not on the question of what country he might have stopped in on the way, but on the question of the merits of his claim, that is, what happened to make him run away from his home or why does he think he is being persecuted or would be persecuted. That is what must be orally heard by the refugee board, according to the decision of the Supreme Court, not just the question of from what country he comes.

I ask the Government to withdraw the legislation, to sit down with members of the standing committee and other Members of Parliament, and to work out a revised form of it which would avoid the fatal flaws mentioned in the Liberal motion. I have tried to outline only a few of them in my few minutes.

Mr. Robinson: I should like to commend the Hon. Member for Spadina (Mr. Heap), not only on his excellent speech but