

the number of completed credible basis hearings fell to 141. Thus, every week, the backlog of credible basis hearings within the backlog clearance as a whole will continue to grow. The Committee estimates that for the backlog to be completed by the end of September 1991, some 675 hearings must be completed every week from now on. In contrast, in the entire month of November only slightly over 800 hearings were completed. At that rate, the backlog will take a further 6.1 years to complete.

The issues involved in a credible basis hearing can be complex. A claimant's story may require considerable time to recount; many require far more time than the half-day that is scheduled. Yet in many cases, the result is clear at an early stage in the hearing.

Such a complex hearing is not necessary in all cases. The law provides that if the Minister is of the opinion that the claimant has a credible basis for the claim and so informs the adjudicator and member of the Refugee Division, the latter shall determine that the claimant has a credible basis for the claim. This power of the Minister not to contest cases has been delegated primarily to case presenting officers. When used appropriately, it is a very important tool to eliminate lengthy hearings and conserve scarce resources and personnel. The Committee thinks that at the present time the power to concede cases is not being used appropriately and that far too many cases are being contested.

It is entirely predictable that many claimants in the backlog will be found to have a credible basis for their claims. Indeed, the current success rate of backlog claimants is some 98%, although this figure may be expected to be lower in the future as the mix of claimants being processed changes. Why is the figure so high? Many of those being processed first come from those countries which were on the former "B-1" list — a list in effect from May 1986 to February 1987 of countries to which Canada was reluctant to deport people.* Those individuals were given Minister's Permits in order to keep them out of the clogged former refugee system and they are now in the backlog. Also in the backlog are people from the same countries who arrived after that time. Furthermore, there are significant numbers of claimants from other countries which also produce refugees, as evidenced by their high rate of acceptance under the new system.** In short, there are a significant number of people in the backlog whose claims are likely to be found credible and they are objectively identifiable by their country of origin.

* This list appears as Appendix 1 to this Report.

** A list of acceptance rates, as calculated by the Committee, by country of origin, of all refugee claims decided in Canada between 1 January 1989 and 31 October 1989 appears as Appendix 2 to this Report.