

Immigration Act, 1976

We are saying it will be fair, but we can already see from this clause that it will not be fair. It will not be fair because when we have refugees entering Canada, when they first meet an immigration official or somebody who represents the law these people get nervous, they are tired, they are afraid precisely because they have just fled a country where they had problems, where authority was represented by an individual who would not think twice before throwing them behind bars and torturing them if they dared utter a single word in his presence.

According to this clause, if during the interview the adjudicator asks the refugee or the person applying for refugee status: "are you applying for refugee status?", and if that person happens to be nervous or fails to understand because there is an interpreter, and for all sorts of reasons, because he feels cornered by the authorities and because in his country he has experienced difficulties with officials and was scared, if he does not answer right away even before they begin to question him, the kind of questions which, according to the legislation, are very important, like whether or not he should be transferred to the next stage so his case can be reviewed, if he does not ask for it he will not have the right during the interview to say: I want refugee status.

This is a lengthy clause, and any ordinary man who takes a close look at it will find it hard to understand that if he fails to ask for refugee status right from the start he will be turned down later on. A man can indeed be a genuine refugee, and those who will have applied will be genuine refugees, but they will be afraid to say they want refugee status because in their country anyone making such a request is likely to be mistreated.

Witnesses gave evidence before the legislative committee; unfortunately I was not qualified to sit on that committee, but some people said, and I quote:

• (1330)

[English]

"The principle of immediate claim may not be compatible with the claimant's emotional state upon arrival."

[Translation]

Others said:

[English]

"Newly arrived refugees may be afraid to make a claim".

[Translation]

This is exactly what I said earlier. Those people are so nervous—I could tell you how we had a witness one evening in committee, someone who came from Guyana; it took an hour and a half before he could speak by himself and give us answers, although ours was not the type of questioning that could have sent him to prison. All we wanted to know was what had happened when he landed in Canada, in Toronto. Finally, after an hour and a half, at 11 p.m., he started telling us what had happened during the first interview he had when

he came to Canada, with the first person he met. And he was not a fellow from the woods back in his country, he was the principal of two CEGEPS, a well-educated man, well-mannered, very knowledgeable; but he was nervous indeed because he had a wife and a four-year-old child and he was afraid he would be sent to prison, as had been done in his own country.

And if Bill C-55 was written in such a way as to be fair, the Government should accept the fact that the majority of Canadians want a refugee determination formula that will allow identification of genuine refugees as against the others, in order to offer them long-lasting protection in Canada. The Government should recognize that the refugee determination process should both protect genuine refugees and deter those who abuse it. Those two goals should not be considered as necessarily opposite, and the implementation of the four following criteria, which I hope I have time to indicate, will help us reach that goal.

First, the formula must guarantee as much as possible that legitimate refugees can be identified and protected, which Section 45 does not do. Second, the formula must be effective, which means that it must be accompanied by a fast determination process which is both economical and practical, as this is the very basis of the Bill. Third, the formula must comply with the constitutional guarantees for equity and meet the basic requirements of legal administrative tribunals. Fourth, the formula must be in tune with the international legal commitments of Canada as signatory to the United Nations Convention on Refugees, and by not allowing the claimant from saying at any time during the hearing that he claims refugee status, we are going against this Convention.

Naturally, there will be a lot of debate on this point. There has already been a lot of discussion and there will be more. However, I believe that the Government should amend Section 45 along the lines that I mention in Motion No. 4:

[English]

That Bill C-55, be amended in Clause 14 by striking out lines 20 to 37 at page 11 and substituting the following therefor:

[Translation]

Here it is:

"45.(1) Subject to subsection (5), where a person who is the sub-".

Therefore, Madam Speaker, when you realize all the good these people do in Canada after they settle down, I think it is necessary that this Section 45 be amended using the words I have just mentioned.

[English]

Mr. Dan Heap (Spadina): Madam Speaker, I am very happy to support the amendment of the Hon. Member for La Prairie (Mr. Jourdenais).