place like Chile where people have disappeared by the thousands? What kind of a guarantee do we have that in the turbulent political climate in the Americas, a safe third country concept should include the United States?

If it were left up to the Minister, with the so-called advisory committee, the Minister would be under a tremendous amount of political pressure to include the United States as one of the safe countries. We have a renewed, terrific relationship with the United States of America. Imagine what kind of a backlash there would be if we issued a list of safe third countries for refugees from Central America and the United States was absent from that list. Imagine what kind of pressure we would have from people like George Shultz and the President of the United States.

I do not think it is viable to suggest that the Minister who is subject to those kinds of political pressures should decide something like this about an issue we have tried to depoliticize. I do not think we want to place upon the Minister the responsibility for determining these so-called safe third countries. We would be setting a dangerous precedent. In very many instances what is a safe country to a Canadian is not necessarily a safe country to a potential refugee. That is another reason that this legislation, as it is currently drafted, is simply unworkable. The safe third country concept does not work. If the Minister is given the power to determine what constitutes a safe third country, the question will be a political one rather than a moral one.

The third area of the legislation which was not changed and with which we can absolutely not agree is that dealing with the Government's intention to provide an exclusion for a person who is "contrary to the public interest".

• (1310)

In other words, a refugee coming to this country can make application and say "I am a bona fide refugee; I have come to this country with nothing but the shirt on my back, my children, and my husband" or "my wife". The refugee determination process is set in motion and the refugee board can determine, after all the appropriate security checks, et cetera, that in fact the person is a bona fide refugee. Yet, the Government is reserving the right for an amendment for the exclusion of a person who is "contrary to the public interest".

It seems to me that that is exactly the kind of exception that we want to avoid. We have seen the case most recently of Santokh Singh. Indeed, the Secretary of State for External Affairs (Mr. Clark) may be called to report before the House because he refuses to appear before the committee and clear up the discrepancy of the refugee determination process as it relates to Santokh Singh.

Your Honour will recall that Mr. Singh went through the process. He in fact was cleared by the security people; he got clearance from CSIS as well as the general clearance carried out by the RCMP. He was also cleared by the refugee determination process. Then, all of a sudden, a foreign Government, which happened to disagree fundamentally with the political views of a minority in its own community, allegedly contacted the Minister and said that this person should not be allowed into Canada because it was not in the public interest.

Even though the refugee determination process, in an independent fashion, had given clearance to this individual, by virtue of a foreign Government calling and saying that the person was not to be allowed in because he was "contrary to the public interests", the person can be sent away.

There are constituents in my own constituency of Hamilton East from the Ukraine who may not be the most beloved former citizens of their own country from which they were forced to flee and which was taken over by the U.S.S.R. According to the amendment in this legislation the Soviet Government could call up and say "I don't think Zenon Kramer should be allowed into your country because he might be working contrary to the public interest". I am sure that Ivan Boyko, the current President of the National Congress of the Ukrainian Canadians, is not working in the public interest of the Government of the Soviet Union.

Do we think that by bringing in a Bill which permits the Minister to override the independent findings of a refugee board and respond to the alleged concerns of foreign Governments we will be able to maintain the independence, depoliticization, and integrity of the refugee determination process?

We do not think that is possible. That is why we cannot support the concept of an overriding amendment which would allow any Minister, if the political climate gets hot, notwithstanding what the refugee board may have determined or the security clearance of CSIS and the RCMP may have determined, to reserve the right to get rid of a person if a foreign Government calls up and says that we should. The Minister would be able to disregard the due process which has been the hallmark of the refugee determination process in Canada.

There are certainly three major concerns, some with which I have dealt. One is the safe third country concept. The weak appeal process is also of extreme concern. People who come to Canada to make refugee applications have approximately 72 hours in which to apprise themselves of the fact that they may be able to appeal the case. That was, in fact, extended from the original plan of 24 hours. In three days they may not be able to have access to counsel. They may not learn what opportunities they may have to appeal a decision of the Government. In fact, it seems to me that it is a fundamental flaw in the Bill to give them such a short pre-screening period and immediately to ship them out to the so-called safe third country. I am very surprised—

[*Translation*]

I am quite disappointed, after more than 30 years of progress by the Canadian Government on human rights and refugee policy in Canada, that on the matter of Japanese Canadians that was just mentioned, all Canadians should be