"politicization of the refugee process and basically meaningless".

Amnesty International announced that its Canadian refugee section will not sit on the proposed consultative committee on refugees which the Minister has in mind. They do not want to participate in a process that is largely window-dressing because the power will really rest with the Cabinet and Government. A Toronto immigration lawyer says, "The Minister has given us nothing at all. It is just another slick packing job by the Government to mislead us again and make it look like there were concessions. If this Bill ever passes, genuine refugees will definitely be put at risk." In a letter to the Chairman of the Senate committee, the Canadian Council on Refugees said, "The Government confirms our worst fears that they will deport refugees without concern for their fate in the country to which they are sent."

That is but a small sampling of commentary from refugee groups and organizations not months ago, when we were studying it in committee, but over the last several days after the Minister tabled her response on the floor of the House of Commons.

In the time I have I would like to deal with the three areas we objected to in my speech on Friday. The first is the prescreening stage. The second is the safe country concept and the fact that the Government and the Cabinet will decide what is safe and who is going to be safe. The third is that the appeal process is very weak at best. I want to formulate the primary objections which are at the heart of the national debate which has been waged over the last number of months. In addition, the Government turned down a number of Senate amendments and I would like to spend some time on those because, while less important than the three principal objections, they are still of deep concern.

Amendment No. 1 deals with duty counsel. The problem was that if counsel is imposed on the claimant too soon, it could mean people that will lose the right to choose their own counsel. Alternatively, counsel might not be given enough to prepare for the hearing. In effect, the Senate wanted to give the claimant some reasonable time in which to choose legal counsel.

I agree that if there are concerns that an individual would take an inappropriate amount of time to choose counsel, then obviously that would be offensive and abusive. When you consider the lengthy backlog, obviously the process cannot be abused in that way. However, neither should the Government rush to remove the ability of a claimant to select counsel. I think that is fundamental to our system of law and justice. People are presumed innocent rather than guilty and they have the right, not the privilege, to choose counsel in order to defend that right.

We also think it is all the more important to try to offer reasonable time to a claimant to obtain counsel because the trauma a legitimate refugee is facing would be very much enhanced otherwise. There might be language barriers or other problems. Therefore, we believe that the amendment to provide reasonable time to a claimant to select counsel is reasonable. We regret that the Government chose not to accept the amendment and we plead with it to see the light and accept the amendment.

Amendment No. 2 deals with the possibility that claimants who did not make their claim at the port of entry would not be allowed to make the claim later on in the process. That situation might disenfranchise them of the right to have their claim heard. The Senate amendment suggested that if there were good grounds for not making the refugee claim at the very outset, perhaps because of a language barrier or some kind of trauma, or because the person did not understand the process, the person concerned would be allowed to continue that claim in the process even though it was not made at the very outset.

• (1620)

The Senate's amendment suggests that if there was a legitimate understanding in the opinion of the adjudicator, the person would be allowed a second chance. It is very important to emphasize the words "in the opinion of the adjudicator" because there is still flexibility. Notwithstanding the approval of the Senate's amendment, the adjudicator would still be able to disallow the individual from pursuing his or her claim.

The Government, for whatever reasons, thought that the person should not be allowed to continue in the process if the individual had not, at the very outset, indicated that he or she had a refugee claim to make. I reiterate to the Government that there are instances of legitimate misunderstandings, fears, apprehensions, or language barriers occurring at a point of entry. That should not preclude a legitimate refugee claimant from making that claim very close to the beginning of the process if not at the very beginning.

The Senate amendment allows the adjudicator to refuse that person if, in his or her opinion, he or she is abusing the system. That discretion is still in the hands of the adjudicator.

We believe that the Senate amendment would have been a good compromise. It would allow the refugee claimant to continue in the process because of the legitimate misunderstanding at the beginning. If the person was in fact abusing the system, the adjudicator would have the discretion to disallow him or her from proceeding any further.

We on this side of the House thought that that particular Senate amendment was a very progressive yet very firm compromise which the Government should have agreed to. It has not. We once again urge the Parliamentary Secretary to take that back to the Minister during this debate to determine whether the Government would be in a position to live with what we think is a very safe compromising amendment for both sides of the equation.

Amendment No. 3 has to do with the safe country concept. As I mentioned on Friday and at the outset of my remarks