

*Immigration Act*

What must be concluded, therefore, is that the Bill does not go far enough. The Hon. Member for Spadina proposes oral hearings as an extra feature of the refugee determination process. But what is he trying to achieve? Is the current system unfair? No. Are refugees being sent away? No. Mr. Speaker, the problem is delay, and my hon. friend's Bill will do nothing to deal with that.

I therefore must oppose his proposal.

**Miss Aideen Nicholson (Trinity):** Mr. Speaker, I must commend the Hon. Member for Spadina (Mr. Heap) for raising this important subject which is certainly deserving of continued study and thought by all of us.

● (1630)

The Hon. Member's Bill deals with people in Canada, not those selected abroad for permanent residence in Canada as is the case with some well known refugee movements, for example, from Vietnam, Hungary, Uganda and so on. The Hon. Member's Bill deals with those who come to Canada and then apply for refugee status. We do have an obligation by virtue of our signature to the Geneva Convention on Refugee Status in 1969, to ensure that people are not sent back to their own countries if their fear of persecution is real. It is essential that they receive a fair hearing and, moreover, it must be seen by others that natural justice prevails.

Oral hearings do have a very general appeal. Claimants certainly feel more satisfied if they have direct access to those making recommendations about their future. I am sure that members of the Refugee Status Advisory Committee, as they examine sworn statements, must sometimes encounter doubts which could be resolved by a simple question or brief conversation with the claimant. Our refugee policies and practices are subject to ongoing review and in fact, as has been said, a modified program of oral hearings was introduced last year in May in Montreal and in June in Toronto. In my view, that program should be extended.

However, before guaranteeing all applicants the right to a hearing, it will be necessary to take other steps to ensure that the refugee determination process, which is already very lengthy, does not become more so for refugees who want to get on with establishing their new lives in Canada.

The Geneva Convention on Refugee Status defines a refugee as a person who, by reason of a well founded fear of persecution, for reasons of race, religion, nationality, membership in a particular social group or political opinion is, first, outside of the country of his nationality and is unable, or by reason of such fear, is unwilling to avail himself of the protection of that country or, second, not having a country of nationality, is outside the country of his former habitual residence and is unable, or by reason of fear, is unwilling to return to that country. This definition has, from time to time, appeared somewhat limiting, and so in Canada we have had on occasion special programs for people who did not meet the definition of the Geneva Convention on Refugee Status but who clearly were in need of special humanitarian and compassionate treat-

ment. The refugee movements from Chile and Lebanon, for instance, are two examples of this kind.

When the new Immigration Act was written in 1976, I was Chairman of the Standing Committee on Labour, Manpower and Immigration, and the question of dealing with refugees was one on which a good deal of time and thought were spent. The determination system which was written into the Immigration Act gave the right to anyone facing removal from Canada to make a claim for refugee status. This applies not only to persons trying to enter the country but also to those who have been in Canada for any period of time as visitors. Those 1976 amendments also provided for the establishment of the Refugee Status Advisory Committee which has the authority to examine refugee claims and which is the subject of the Bill before us today.

As has been said, the 1976 amendments also give the Minister decision-making powers over the validity of claims, allow for a second evaluation of rejected claims by the Immigration Appeal Board, and allows refugee claimants the right to appeal to the courts. Until their status is finally determined, refugee claimants are able to stay in Canada. Canada does not remove or deport people waiting for determination of a refugee claim. By the time all of the avenues of appeal are exhausted, in many cases the final decision takes about three years, and in most cases applicants are allowed to work during that time.

Canada's effort in formulating and administering refugee policy is one which is a very essential reflection of Canada's humanitarian interests. Canada, on a per capita basis, has accommodated more refugees than any other country in the world. Canadians have shown the capacity to care, to reach out to those who are suffering persecution for reasons of race, religion and politics, and to give comfort to the homeless and stateless. We have also shown a concern to ensure that our institutions and administrative practices reflect those humanitarian ideals, and that, I gather, is the spirit of the Bill before us today.

However, we also have to exercise our humanitarian instincts and goals in the context of the protection of the best interests of Canada and of ensuring overall fairness in our immigration policies. Unlike other countries, Canada has not in the past faced the spectacle of large numbers of people claiming refugee status arriving at our border. Our geography, the fact that we are surrounded by sea on three sides, has provided a degree of isolation from turbulence in other lands which gives rise to large numbers of refugees. Air travel has changed that, however, and we live in times when strife and civil unrest are common. We are also living in difficult economic times. It is estimated that 70 million or 80 million people are on the move in the world. They move because of war, revolution, poverty, or simply in the hope of creating a better future for themselves and their children. Some of these people are refugees, some are not.

In February, 1982, the Government made some changes in the system of refugee determination in the interests of greater fairness and openness. The new reforms separated the refugee determination process from immigration procedures to ensure