

Supply

provinces today to see the success of these people and their descendants who have grown into a very lively, vital and integral part of Canadian society and, indeed, our Canadian identity.

• (1620)

Government policy has been outlined recently in the Government's response to petitions which some Members have presented in the House concerning Canada's refugee policy. It is worth quoting the Government's response to the petitions and recalling to Hon. Members on the government side and to Ministers what was said. I quote directly from the answer which states:

There are three components to Canada's refugee policy. First, there is the assistance which is provided through the United Nations High Commission for Refugees that includes aid to refugees, technical assistance to the UNHCR, and diplomatic initiatives to deal with the root causes of refugee situations.

Parenthetically, that is obviously not the subject of today's motion.

Second, there is the program of government and private sponsorship of refugees abroad who can best be helped by resettlement in this country. Third, there is the protection, which we guaranteed when we signed the Geneva Convention and Protocol, against the return of any refugee on Canadian soil to a territory where he would fear persecution on the basis of his race, religion, nationality, membership in a particular social group, or political opinion.

I quote further an element of trumpeting which the Government provided in its response:

While Canada has established excellent standards of refugee status determination, it is recognized that there is a need to streamline our procedures which have broken down in the face of increasing volumes. There is a need to overhaul the way we deal with people who arrive spontaneously at our borders. To this end, the Government will be bringing legislation before the House shortly.

That, of course, refers to the legislation which the Government has brought forward in Bill C-55.

Because Canada has undertaken solemn international obligations to protect a person who is out of his or her country and unable to return because of fear of persecution on account of political, religious, or the other reasons mentioned, I think that it would behove the Government to consult the UNHCR which is, in a sense, the custodian of the Geneva Convention and Protocol. Let us be sure that within the forum of those who have also signed this Protocol any measures that Canada brings in to change its policy and procedures are determined to be in compliance with the Protocol. I do not think there could be any greater disgrace within the international community than having a country whose citizens won the Nansen Medal see its Government undertake a change in policy which might essentially nullify the validity and the commitment of the signature on that Protocol and Convention.

I do not think there is argument within the House that the system proposed in the present legislation is more simple than the one it replaces. What we have to discuss is, of course, is it more fair? Indeed, is it as fair as we as Canadian legislators can make it under the circumstances?

The proposed system contrasts the eight steps of the existing system with a three-step process. It would be hard to argue that that is a more complex process than what is in place at the moment. But we have to determine if there are improvements that can be made in the interests of fairness. Having a simple system is simply not good enough for a country that can take some legitimate pride in its past record.

I would now like to deal with some of the problems that we perceive with Bill C-55 as presently drafted. Obviously, we do so not in an attack on the Government but in an attempt to have the Government address these concerns and modify the legislation accordingly.

We feel that there is an aura of inaccessibility about the procedures that are proposed. Instead of ensuring that everyone who arrives in Canada claiming to be a refugee gets his or her claim heard, there is some sense that the return to another country might be what they should expect if they want a realistic assessment of their prospects. The use of technicalities in some artificial categories, such as the safe third country category, also brings into question the intent of the Bill.

The initial screening, which can only be appealed from out of the country, proposes a bureaucratic barrier which, in the past, has jeopardized the safety of some refugee claimants. It has led to frustration and an enormous expense and effort on the part of refugee claimants for a consideration that we do not feel really warrants that sort of stress being put on refugee claimants.

Apparently, the second stage oral hearing can be appealed, but only to the Federal Court and only on matters of law as opposed to matters of fact. That is a grave deficiency because, surely, in a refugee determination process it is the facts of the case of the individual refugee claimant which should govern.

Where are the provisions for humanitarian or compassionate consideration such as those found in the current legislation? About 12 per cent of the current cases that do not meet the technical situation, the technical definitions, are situations in which compassionate people such as cabinet Ministers are willing to allow refugee claimants to stay in the country. I think that is something that the Government has to consider.

I would like to talk, and I hope at not too great a length, about the concept of safe third country, because I feel that in some ways it is a dangerous one and, in many ways, a very sensitive one. First, we know that the definition of safe third country is something that, on the enactment of the Bill, will be expropriated by senior bureaucrats in the Department of Immigration. We know that the individual adjudicator or member of the board will not have control over the definition of what is a safe third country. He or she will not have control over the designation of a safe third country. Therefore, it is a concept that will be bureaucratized and centrally controlled. One would assume, because such is the habit of bureaucracies, that it will be applied rigidly.

Obviously, this concept would require some form of return agreement with other countries, otherwise there would be no