Mr. Sergio Marchi (York West): Madam Speaker, it is always difficult to follow a speaker of such eloquence as is the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria), but I will try nonetheless.

I would like to direct my attention to two motions, Motion No. 29 presented by the Hon. Member for Spadina (Mr. Heap) and Motion No. 34 presented by the Hon. Member for La Prairie (Mr. Jourdenais), who is the Chairman of the Standing Committee on Labour, Employment and Immigration. Both motions are very important. They deal with the very concern we all have about Bill C-55.

Motion No. 29 proposes to delete a paragraph that would suggest that a claimant who comes to Canada from a country shall be considered as coming to Canada from that country whether or not the person was lawfully in that country. That paragraph is used to define who cannot be considered for a claim under the refugee board and to define what a safe country means.

It is a very crucial paragraph because, essentially, it says that if a person comes from a country that supports and respects Article 33 of the Convention, the *non-refoulement* article, then for the purposes of this Bill, even though that person may not have enjoyed any kind of status while coming through that safe country, he will nonetheless be deemed to have resided in that country. That will formulate the basis for calling that country a safe country.

Unless we delete that paragraph, Canada and Parliament will be condoning the sending of individuals into orbit. We would not be taking our responsibilities seriously. Rather than ensuring that an individual would not go to a country where he could face persecution, we would be sending him to such a country if that person did not enjoy status in the country to which we returned him. That country will obviously not respect any claims made by an individual who does not have status and could as well send that person into orbit.

That paragraph undermines one of the two commitments we made under the Geneva Convention. First we are committed to seeking individuals from refugee camps in order to allow them to resettle. The second commitment is not to send back to a country a person who may eventually face persecution in that country.

Either the Government supports its commitments under the Geneva Convention or it does not. If it does not support them, let the Government say so loudly and clearly. Let it use the front door rather than some clauses hidden in the bosom of Bill C-55 to undermine the very Convention we signed in the 1950s.

A country does not show leadership when it tolerates and promotes the sending of individuals into orbit and the passing of the buck to another country. An officer at the border may ask a person from which country he came last, and if the person says he came from the United States, without batting an eyelash, the officer will send him back to the United States. This will occur without even determining whether or not it is safe for an El Salvadoran to go back to the United States, given the number of refugee claimants who get deported from the United States back to that Central American country.

If the Government wishes to implement a safe country concept, then let it determine what "safe country" means. Let us have guarantees with those countries, as the Minister of State for Immigration (Mr. Weiner) mentioned repeatedly in the House during Question Period. If we are not prepared to determine what "safe" means, then I do not think we should legislate a safe country concept.

Motion No. 34 presented by the Hon. Member for La Prairie is also significant. The motion proposes to delete the paragraph which reads as follows:

> (b) the disposition under this Act or the regulations of claims to be Convention refugees made by other persons who alleged fear of persecution in that country,

That paragraph will allow officers to make a determination based on the experiences of other individuals from the same country. Again, that is a complete shift from looking at individual circumstances in favour of looking at generalities. I do not know what other piece of legislation operates in that way.

Disability claims and workers' compensation claims do not generalize based upon the class of worker or the community from which an individual comes. There is no suggestion that if a person is of Italian background and lives West of Yonge Street, we can generalize about what kind of claim he will present. There is no suggestion that if an individual comes from a certain cultural background, he will have a certain bias toward one thing or another because seven out of 10 previous cases told us that. We do not judge an individual's claim, whether it be for workers' compensation or disability benefits, on the collective claims from particular communities, so why should we do it in this legislation?

No one is suggesting that we are in favour of illegitimate claims. We are all in favour of deterring those who want to run around our regulations, but it would be highly discriminatory to give authority and powers to two officers to make a judgment on an individual claim based on someone else's story. If an individual from Uganda once made a frivolous claim and then another Ugandan came to make a refugee claim, why should his claim be marred by the previous one simply because both claimants came from the same country? I think it is very dangerous to have in the heart of our legislation a paragraph providing that previous claims can somehow affect the outcome of an individual's claim. That is not the basis of the Geneva Convention. The Geneva Convention is clearly founded on the merits of individual circumstances. That is why we will have a refugee board. If we planned to allow collective accounts to determine individual claims, we would have no need for a refugee board.