

oath. The minister and I both have difficulty in that after the evidence is taken down under oath an appeal could result in the changing of that information.

● (1630)

My point is this. Throughout the discussions which took place—

**Mr. Cullen:** On a point of order, Mr. Speaker, I do not wish to interrupt the hon. member but I believe he is talking to motion No. 44. As I read motion No. 44, it says “unless there are reasonable grounds to believe that the claim is fraudulent, frivolous, or unfounded”. Is the hon. member addressing himself to that or to the fact of a public hearing?

**The Acting Speaker (Mr. Ethier):** Order. The hon. member can address himself to either motion No. 42 or No. 44; they are grouped for debate.

**Mr. Epp:** Thank you, Mr. Speaker. I will be getting to the minister's intervention in a moment. According to the bill, a refugee will not have an oral hearing. It is true that under Clause 70 an applicant's declaration will be taken under oath, but an immigrant may come here and in the initial stages fail to give all the evidence, not because of any fraudulent intent but simply because, due to the new situation in which he finds himself, information which would assist in establishing whether his claim should go forward as a refugee cannot be properly adjudged. For that reason I strongly feel there should be some mechanism whereby an applicant is entitled to an oral hearing.

When we were debating this in committee there was much discussion about what could result at an oral hearing. We wondered whether a claim would be made which was fraudulent, frivolous or unfounded simply to buy time. The appeal process could be the means to buy time to remain in Canada for a longer period. I believe this amendment goes a long way to prevent claims going forward for people buying time, so to speak. After the initial evidence is in, a claim could be judged very quickly as to its validity. For this reason I bring forward the amendment, with a view to providing for an oral hearing based on strong evidence respecting the validity of any claim for refugee status.

**Mr. Andrew Brewin (Greenwood):** Mr. Speaker, I should like to support this amendment. When the amendment was brought forward we frequently heard it said that the board would be flooded with these fraudulent, frivolous or unfounded claims. It is strange that people on the outside say that, but those on the Immigration Appeal Board with many years of experience do not say it at all. It is perfectly true that some years ago there was a terrible backlog of cases, but that was under quite different circumstances from those pertaining now. At that time visitors were allowed to apply from within Canada. The board was new at the job and did not have as many members as it has now. When the chairman of the board comes to our committee and says that yes, they can handle the situation, then I suggest that depriving a person of the right is unwarranted.

### *Immigration*

Personally I think the board can be trusted to determine very quickly and without undue delay whether a claim is fraudulent, frivolous or unfounded. I think the amendment moved by the hon. member for Provencher (M. Epp) is sound. The reasons I have heard so far against it, unless the minister has different or better ones today, are in themselves unfounded. I would not say they were fraudulent. I would not even say they were frivolous. But in my view they are unfounded.

**Mr. David MacDonald (Egmont):** Mr. Speaker, may I speak briefly to both motion 42 and 44. May I first refer to my own motion, No. 42. Clause 70 provides:

A person who claims to be a Convention Refugee and has been informed in writing by the Minister pursuant to subsection 45(5) that he is not a Convention refugee may, within such period of time as is prescribed, make an application—

The amendment uses the words “within such reasonable period of time”. I realize there may be a fine point of distinction here, but we are faced with the situation, as we were in a number of instances in committee, of wrestling with what kind of clear intent is put into the law which will carry over in effective procedures dealing with people in various circumstances.

The difficulty with this clause as it presently stands is that it says “within such period of time as is prescribed”. We could find ourselves in a situation for a variety of reasons which could make it difficult to provide sufficient time for a person to make an application for review. In the proposed amendment there is put into law the very clear intent that there be a reasonable time so as to make it difficult, if not impossible, for such an application to be pursued.

With regard to the second motion, No. 44, I am delighted not only that my colleague from Provencher has brought it forward but that the hon. member for Greenwood (Mr. Brewin) has risen in support of it. It seems to me to strike at the heart of the whole process of dealing with those who apply for refugee status.

As the bill presently stands, Clause 71 says “is of the opinion that there are reasonable grounds to believe that a claim could, upon the hearing of the application, be established, it shall allow the application to proceed”. That puts the burden, if you like, on the individual to prove that there will be a successful outcome. As members on all sides have learned with respect to a number of refugee applications, often the initial decision made on that basis is not the fairest, most just, or the one which relates to the actual facts of the situation. By using the words “fraudulent, frivolous, or unfounded” we are using the words which were discussed in the committee. If I recall correctly, the word “unfounded” was suggested either by the minister or his officials as a word that would protect against the kind of burdening I have described or against making it functionally impossible for the board to do its job effectively and fairly.

I think that those who have taken the time and the trouble to study the procedures by which people have their refugee applications considered believe that this is not an unwarranted situation. I believe it is a reasonable approach, one that is fair