

was the system which was put forward by the government primarily on the claim that it would be fast. It said it would be fast and fair. There are some arguments about the fairness, and I will come back to that, but there can be no argument that it is not fast, as the government first said it would be.

The fact is that most of those who have had decisions so far have been accepted. With that of course I do not quarrel, since in the cases that I have heard of they deserved it. But the delay that is caused by this double system is causing great harm to refugee claimants. Justice delayed is justice denied. It is causing the breakdown of families. The wife and children are often separated and do not know why they are not being brought to join the husband and father. It is also destroying the new system. The backlog is greater than it was a year and a half ago, even if it is now divided into two categories.

• (1815)

Therefore the Canadian Council for Refugees, at its meeting on June 2, proposed that the minister amend the law in order to deal with this problem. It proposed that the minister amend the Immigration Act to delete the requirement for an initial prescreening hearing for refugee claimants, that she amend the Immigration Act to incorporate a full appeal as a right, and that the resources for the initial prescreening hearing stage be immediately reallocated to the appeal and the full hearing stage.

In other words, instead of spending the money on some very high-priced help, as well as some middle-priced help, to do the job twice—once at the preliminary hearing where 95 per cent are sent forward and once at the full hearing where 75 per cent are found to be refugees—do it once. Cut out that first prescreening, that first inquiry and use the funds and the staff from that.

The board member could be used to speed up the work at the second stage. Since only one-quarter at the second stage are being refused, there would still be money left over to give a decent appeal in accordance with international legal practice and in accordance with general Canadian practice.

Adjournment Debate

These refugee claimants are being discriminated against by being denied the right of an appeal in a life-threatening case which would be available even to a convicted murderer under Canadian legal practice.

Therefore, I urge the minister to consider seriously the proposal of the Canadian Council for Refugees.

Mr. Bill Kempling (Parliamentary Secretary to Minister of Employment and Immigration): Madam Speaker, I welcome the opportunity to expand upon the reply given by the Minister of Employment and Immigration to the hon. member for Trinity—Spadina on March 7, 1990.

The suggestion made by the hon. member to land all persons in the backlog according to the basic criteria of health and security is in fact a general amnesty. The hon. Minister of Employment and Immigration has said that “an amnesty—would be an especially inappropriate response to a court decision which addresses itself to the application of rule of law and the requirement of fairness. Declaring an amnesty would subvert the very notion of the rule of law, and be patently unfair to the thousands of refugees who legitimately need Canada’s protection”. Such action would also send a clear message to bogus refugee claimants that they can come to Canada illegally and sooner or later they will be granted permanent residence.

As the hon. member is aware, in its report on the backlog clearance which was tabled on December 19, 1989, the Standing Committee on Labour, Employment and Immigration stated:

The committee recognizes the purposes of the various aspects of the program announced by the minister. Case-by-case processing means that all individuals are treated in the same manner and dealt with fairly. Adopting the credible basis test sends a message that Canada will be generous to those who need our protection, yet firm with those who do not qualify. Humanitarian and compassionate criteria protect those who might otherwise be placed in danger. The committee accepts and supports these general goals.

The Minister of Employment and Immigration acted quickly and responded to Mr. Justice Jerome’s decision by providing new guidelines for administering the humanitarian and compassionate reviews of refugee claimants. Procedures were developed to ensure that everyone in the backlog, including those who were refused prior to this court decision, has the opportunity