# THE REFUGEE CLAIMANT BACKLOG CLEARANCE

THE SECOND REPORT OF THE STANDING COMMITTEE ON
LABOUR, EMPLOYMENT AND IMMIGRATION



**Jean-Pierre Blackburn, M.P.**
**Chairman**

**December 1989**

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**Chairman: Jean-Pierre Blackburn**

CHAMBRE DES COMMUNES

**Fascicule nº 13**

Le mardi 5 décembre 1989
Le jeudi 14 décembre 1989

**Président: Jean-Pierre Blackburn**

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*Minutes of Proceedings and Evidence of the Standing Committee on*

# Labour, Employment and Immigration

*Procès-verbaux et témoignages du Comité permanent du*

# Travail, de l'Emploi et de l'Immigration

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RESPECTING:

Election of a Vice-Chairman, pursuant to Standing Order 106(2)

Future business of the Committee

Pursuant to Standing Order 108(2), consideration of the Second Report from the Sub-Committee on Immigration on the Refugee Backlog

INCLUDING:

Second Report to the House

CONCERNANT:

Élection d'un vice-président, conformément à l'article 106(2) du Règlement

Travaux futurs du Comité

Conformément à l'article 108(2) du Règlement, une étude sur le Deuxième Rapport du Sous-comité de l'immigration sur le retard dans le traitement de demandes des réfugiés

Y COMPRIS:

Deuxième Rapport à la Chambre

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Second Session of the Thirty-fourth Parliament, 1989

Deuxième session de la trente-quatrième législature, 1989

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**The Standing Committee on Labour, Employment and Immigration has the honour to present its**

**SECOND REPORT**

In accordance with its mandate under Standing Order 108(2), your Committee assigned to its Sub-Committee on Immigration the responsibility for an investigation into the Refugee Claimant Backlog Clearance. The Sub-Committee has submitted its Second Report to the Committee. Your Committee has adopted this Report which reads as follows:

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## THE REFUGEE CLAIMANT BACKLOG CLEARANCE

On 1 January 1989 Canada's new refugee determination system came into effect, and with it the hope that our inland refugee determination system would finally be put on a sound footing. The legacy of the previous system, however, remained with us in the form of a backlog of at least 85,000 cases involving over 100,000 people, all of whom had made refugee claims before January 1989. Just under one year ago, the Minister announced how the government would proceed to deal with this enormous backlog. There would be a case-by-case hearing of each refugee claim in order to determine whether or not the claim had a credible basis. If not, and if there were no humanitarian or compassionate features to the individual case, the claimant would be removed from the country. Claimants who left voluntarily prior to their credible basis hearing would receive a letter of introduction to the immigration post abroad and would be guaranteed an interview with a visa officer. The Minister stated that the clearance would be completed within two years.

The Committee believes that, with current procedures, this goal cannot be achieved and that significant adjustments are necessary. In this Report, we suggest some of these; there are no doubt additional adjustments that the Department can devise, indeed, must devise if the program is not to collapse under its own weight.

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. Nevertheless, the Committee thinks that there are drawbacks to the system as it is designed, drawbacks that threaten to prolong the process unduly, seriously strain our resources, and add to the distress of claimants caught up in the backlog.

The primary problem with the current design of the program is the necessity of processing such large numbers of people through a complex quasi-judicial hearing. The credible basis hearing requires a significant commitment of resources for each and every case. In addition to the claimant and his or her counsel at each hearing, an adjudicator, a member of the Immigration and Refugee Board, a case presenting officer and, frequently, an interpreter must be present. Nevertheless, the Committee believes that there are methods of

ensuring that this system can be flexible enough to deal expeditiously with the backlog, provided that some procedures and policies are changed. We also think that streamlining is possible in other parts of the program and that certain aspects which relate to humanitarian concerns should be addressed.

The Committee is aware that some of the difficulties with the backlog clearance program that were brought to its attention this fall may have been inevitable at the start of such a complex process. The initial design work on the program and the required rental of office space and hiring of new staff meant that the oral hearings were very slow to start, beginning only some eight months after the Minister's initial announcement. The original completion date for the program has now been revised to September 1991, but with the current rate of progress and the inflexibility of the system, it is obvious to the Committee that that date is unattainable. For example, in November, completed cases remained consistently below the target numbers; indeed, they also remained below what officials maintained were their actual cases processed.

Some initial difficulties seem to have been ironed out over the last few months. For example, there were complaints early in the program that counsel for claimants did not have sufficient time to meet with their clients and prepare their cases. Claimants did not have sufficient time between the notice of their interview date and the interview itself. Because the backlog program is one in which a significant number of claimants will require or desire counsel to assist them, yet the number of counsel with expertise in this area is limited, those on both sides needed to show flexibility and cooperation in order for the system to work. This seems to have happened to some degree, partly as a result of a meeting between representatives of the Commission and the Canadian Bar Association in October. For example, disputes over adjournments are fewer now and the Committee urges all parties to continue to co-operate; adjournments must continue to be granted reasonably, but they must be also not be requested unnecessarily.

The Committee feels strongly that more fundamental changes also need to be made to the backlog clearance program. If processing drags on for years, the result will be an excessive drain on resources and continued pressure on our other immigration and refugee programs. Indeed, there is evidence that existing programs are already being detrimentally affected as a result of experienced staff being diverted to the backlog clearance. There is a very important human dimension as well — the lives of over 100,000 people are left in limbo while they await processing. The Committee believes that the program must be streamlined; our recommendations are carefully tailored to assist the government in reaching that goal.

## STAFFING AND TRAINING

A program of this size has required the hiring and training of a significant number of new staff. The Committee was informed that in Toronto approximately 50% of current staff have been in their present job for less than one year. This means that training becomes very important. The Committee saw at first-hand how the instructions from headquarters are often not made clear to officers in the field when incorrect answers to two questions were given by an inexperienced officer. Even more disquieting was the fact that for one question, the officer had checked with his supervisor before giving the erroneous answer. The Committee therefore urges that ongoing training and monitoring for all employees be emphasized to a greater degree. Management must ensure that guidelines are clear and are followed consistently.

The Committee also urges that the complete complement of staff be introduced as soon as possible. At the present time, many members of the Refugee Division are not fully occupied, to their regret, because there are not enough adjudicators to form complete panels. In order to ensure high productivity and to fully utilize the 51 boardrooms available for the program, 57 Refugee Division members, 66 adjudicators and 78 case presenting officers are required. To attain these figures, seven more Refugee Division members, 24 adjudicators and 21 case presenting officers must be hired. The Committee urges that these positions be staffed as quickly as possible.

Witnesses also informed the Committee that staff morale was low. While the Committee has no direct knowledge of this, we appreciate that newly-hired staff attempting to administer a complex program with minimal training are undoubtedly under significant stress. Further, many staff appear to be under instructions to meet processing targets that are unrealistic. It is hoped that the Committee's recommendations above relating to increased staff and training and our further suggestions below to streamline the process will assist employees who have been feeling unduly pressured.

## THE CREDIBLE BASIS HEARING

The Committee has identified the credible basis hearing as the bottleneck in the design of the backlog clearance. The contrast between the figures for initial interviews completed, which precede the hearing, and the completed hearings themselves well illustrates this point. In the first three weeks of November, over 900 initial interviews were completed on average per week. In comparison, an average of only 226 credible basis hearings were completed. In the final week of November, the number of initial interviews reached 1,341, yet

the number of completed credible basis hearings fell to 141. Thus, every week, the backlog of credible basis hearings within the backlog clearance as a whole will continue to grow. The Committee estimates that for the backlog to be completed by the end of September 1991, some 675 hearings must be completed every week from now on. In contrast, in the entire month of November only slightly over 800 hearings were completed. At that rate, the backlog will take a further 6.1 years to complete.

The issues involved in a credible basis hearing can be complex. A claimant's story may require considerable time to recount; many require far more time than the half-day that is scheduled. Yet in many cases, the result is clear at an early stage in the hearing.

Such a complex hearing is not necessary in all cases. The law provides that if the Minister is of the opinion that the claimant has a credible basis for the claim and so informs the adjudicator and member of the Refugee Division, the latter shall determine that the claimant has a credible basis for the claim. This power of the Minister not to contest cases has been delegated primarily to case presenting officers. When used appropriately, it is a very important tool to eliminate lengthy hearings and conserve scarce resources and personnel. The Committee thinks that at the present time the power to concede cases is not being used appropriately and that far too many cases are being contested.

It is entirely predictable that many claimants in the backlog will be found to have a credible basis for their claims. Indeed, the current success rate of backlog claimants is some 98%, although this figure may be expected to be lower in the future as the mix of claimants being processed changes. Why is the figure so high? Many of those being processed first come from those countries which were on the former "B-1" list — a list in effect from May 1986 to February 1987 of countries to which Canada was reluctant to deport people.* Those individuals were given Minister's Permits in order to keep them out of the clogged former refugee system and they are now in the backlog. Also in the backlog are people from the same countries who arrived after that time. Furthermore, there are significant numbers of claimants from other countries which also produce refugees, as evidenced by their high rate of acceptance under the new system.** In short, there are a significant number of people in the backlog whose claims are likely to be found credible and they are objectively identifiable by their country of origin.

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* This list appears as Appendix 1 to this Report.

** A list of acceptance rates, as calculated by the Committee, by country of origin, of all refugee claims decided in Canada between 1 January 1989 and 31 October 1989 appears as Appendix 2 to this Report.

What is the significance of this fact? The Committee seriously considered recommending that all those from refugee-producing countries should be immediately allowed to apply for landing without having the credible basis test applied to them. The simplicity of this solution was attractive. With one decision, over 30,000 cases would be removed from the backlog. The majority on the Committee ultimately rejected this idea however. We were concerned that such an approach would pose practical and legal problems and, in landing all claimants from certain countries regardless of their personal circumstances, would send a message that Canada's rules need not be followed. The Committee recognizes that in designing the program around the credible basis test the Minister has chosen to emphasize the refugee nature of the program. The Committee supports this policy.

Nevertheless, the fact that many claimants come from refugee-producing countries can be incorporated into the system in a more direct and realistic manner than is happening now. This can be accomplished, within the case-by-case framework established by the Minister, by considering much more carefully each and every decision to contest a case, paying particular attention to the country of origin of the claimant. For this purpose, information on the current rates of acceptance by country of origin of refugee claimants in the new system should be immediately supplied to all backlog counsellors and case presenting officers. This approach is sanctioned by our refugee law, which explicitly recognizes that country of origin is important to a refugee claim by specifying that evidence relating to the record of human rights of the claimant's country and the disposition of claims to be Convention refugees made by other persons who alleged fear of persecution in that country are relevant to the credible basis decision.

The Committee itself has seen the result when decisions to contest cases are made with little justification. We witnessed a lengthy credible basis hearing where the result (acceptance) was quite clear from the beginning. Although the case was "contested", the case presenting officer asked no questions and made no submissions. We are informed that such a case is not atypical. The claimant on that occasion came from a country with a current acceptance rate by the Immigration and Refugee Board of 97%. The Committee is not recommending that this person should have been automatically accepted. Rather, in view of his country of origin, the immigration officer making the initial recommendation to contest, and the case presenting officer making the actual decision, should have had strong reasons for doing so.

What might those reasons be? The personal information form submitted by the claimant might reveal no grounds whatever on which a refugee claim would be successful,

regardless of country of origin. There might be contradictions in the story which require in-depth probing. There could be a number of factors which would lead the officer to recommend that the case be contested, but officers should be required to record these in writing so as to ensure that the decision is taken in a disciplined manner and for cogent reasons.

The Committee recognizes that there will be occasions when the personal information form will not be completed adequately so as to permit the officer to make a reasoned decision. The Committee is aware that often in that situation the immigration officer will ask the claimant questions about the claim, after advising him or her that the questions need not be answered. In some cases the claimant will not wish to discuss the case and the Committee recognizes the validity of this position. In those situations, it might be necessary to inform the claimant that the case will be contested, but the Committee recommends that this decision be subject to reconsideration if the completed personal information form is received well in advance of the hearing.

This approach, however, would be of no benefit without an accompanying change in Commission procedures. It has come to the attention of the Committee that, despite the fact that in law the decision not to contest cases has been delegated to case presenting officers, the reality is that they are unable to change easily the recommendation of the immigration officer. It appears that case presenting officers are under considerable pressure from their superiors not to exercise their own independent judgment regarding contested cases. We therefore recommend that much more flexibility be applied in cases where more complete information becomes available after the initial decision to contest a case has been made.

The effect of the above two recommendations could be dramatic. In place of lengthy contested hearings involving only one claimant at a time (in which the result is often not in doubt), many more uncontested group hearings could take place. As a result, the need for adjournments would be considerably reduced, legal and other counsel time would be saved, resources would be conserved for those cases which truly do need to be contested, and the chances that the backlog would be concluded within a realistic period of time would be greatly enhanced.

To this point, the Committee has assumed that a credible basis hearing is necessary for all cases, including those that are not contested by the Minister. The Committee notes, however, that for group one claimants, those who had already been examined under oath under the old system, the procedures do not call for an oral hearing to ratify the

Minister's concession on the credible basis test. Instead, the Refugee Division member and the adjudicator sign off the file based on the written material and the claimant does not need to appear in person. There are technical reasons why this procedure may not be possible for all groups of claimants, but, if in the government's opinion it is acceptable for group one, at a minimum it could be adopted for those in group three. A paper review for those within the approximately 13,000 cases in this group whose credible basis will not be contested would considerably expedite the process, leaving the oral hearing for those cases where it was clearly needed. The Committee therefore recommends that the Minister seriously consider this change in procedure for group three.

Even for claimants in groups two and four, it may also be possible to eliminate the oral panel hearing for those claims in which the Minister does not contest the credible basis. The Committee realizes that this issue presents some legal difficulties, (as it does as well for groups one and three), but urges nevertheless that the Minister seriously explore the possibility.

## VOLUNTARY DEPARTURE

As part of the process of dealing with the refugee claimant backlog the government has encouraged people to depart voluntarily. If they do so before the credible basis hearing, they are given a letter of introduction to the visa office in their country of origin and are guaranteed an interview if they submit an application to come to Canada as an independent immigrant. Unfortunately for the program, not many people have accepted the offer. As of the end of the third week in November, only 685 people out of 10,434 who had been interviewed (approximately 6.5%) had voluntarily left. Of that number, over 60% were Portuguese claimants who may be expected to benefit from the Commission policy that permits employment validation for those in the construction trades.

It is easy to see why voluntary departure is not popular. Independent immigrants are subject to the points system. Central to that system is the requirement that an applicant either have an occupation specified on Canada's list of occupations deemed to be in demand in this country, or possess a validated job offer from a Canadian employer. Validation means that the employer has established to the satisfaction of a Canada Employment Centre that no Canadian is available to do the job. Without points in either of the above categories, the applicant cannot succeed. Thus, a letter of introduction will be of little use to most refugee claimants. Clearly, the employment validation available to many Portuguese claimants on the basis of their particular line of work is a successful incentive.

The Committee therefore recommends that the model of the construction industry employment validation be used to give more people a realistic incentive to choose to depart voluntarily. It is difficult for the Committee to be precise in regard to which particular occupations might be legitimately considered for validation, but the pressing need in Canada for domestic workers and nannies suggests that this might be one fruitful avenue to explore.

Other approaches are certainly possible. For example, the Commission might wish to consider as an incentive changing the regulations so that people in the backlog who have been successful in obtaining a job in Canada would be automatically awarded one point in the employment category should they depart and apply from abroad. The importance of the one point should not be minimized. In numerous cases, it would enable the person's application to be seriously considered, rather than dismissed out of hand as would be the case for all who lack points in the employment categories. Perhaps the incentive could be made greater by adjusting processing priorities temporarily so that backlog applicants could have their cases dealt with in the first priority category.

One further point with regard to the voluntary departure program was brought to the Committee's attention. The pamphlet prepared by the Commission entitled "The Backlog Clearance Process" which explains the program in general terms contains the following information about voluntary departure:

> One option for claimants is to leave the country voluntarily to avoid the possibility of removal in the future. Claimants who leave before a removal order is made will be able to apply to immigrate to Canada at posts abroad without the Minister's consent to return. They will also receive a letter of introduction to the Canadian Embassy or Consulate in their home country.

While it is correct that claimants may leave voluntarily at any time before a removal order is made, it is incorrect to say that the letter of introduction will be given on the same basis. Instructions to immigration counsellors are explicit that letters of introduction to the visa office will not be issued after the credible basis panel hearing has opened. The Committee recognizes that all claimants are counselled during the initial interview regarding voluntary departure; nevertheless, the pamphlet might be misleading and the Committee recommends that it be changed to reflect the actual policy.

## SPOUSES

The Committee has been informed that there are cases in which two individuals who are married to each other have separate claims being processed in the backlog. The draft regulations state that any claimant found to have a credible basis may apply for landing along with his or her spouse and unmarried children. It would seem unnecessary and inefficient, therefore, to continue to process the claim of one spouse when the other has been accepted. Nevertheless, witnesses informed the Committee that this happens. The Committee recognizes that in some cases the spouse will wish to continue the claim, but the Committee recommends that in any case where a spouse whose claim has not yet been processed agrees, officials cease processing that claim upon acceptance of the other spouse.

## HUMANITARIAN ISSUES

Not all of the Committee's concerns and recommendations relate to questions of efficient processing. The Committee is aware that a number of claimants have close family abroad who may be in danger. Testimony before the Committee indicated that there did not seem to be an effective mechanism to give priority to those claimants so that their claims could be dealt with as early as possible. Even more importantly, it is not clear whether processing of families abroad, even when they may be in danger, actually starts until accepted claimants are landed in Canada. It appears that as a result of the Committee's visit to a processing centre, instructions were clarified in this regard, but the concern remains that the plight of families abroad is not being adequately addressed.

In particular, advising accepted claimants that processing of their families cannot begin until they have been landed must be very frustrating because the regulations that provide for these procedures have not yet come into force, despite the fact that almost a year has passed. The Committee therefore recommends that claimants with family who may be in danger abroad should be processed in priority to other claimants and that, if accepted, their families should be reunited in Canada as soon as possible, using Minister's Permits if necessary! We further urge the government to enact the regulations and begin the process of landing for all accepted claimants as soon as possible. We find the delay in promulgating these regulations completely unacceptable.

The Committee also wishes to comment on the humanitarian and compassionate criteria that are applied at the initial interview. It became quite clear to the members of the Committee during their visit to a processing centre that there was confusion on how the criterion relating to the family class was being interpreted. It is hoped that as a result of the

visit, the Commission has satisfactorily cleared up the misunderstanding and that the rules are now being applied consistently across the country.

Nevertheless, the Committee is of the opinion that the criterion should be widened. At the present time (apart from high-profile defectors), the only people who are accepted on humanitarian and compassionate grounds at this initial stage are close family members who can demonstrate physical or emotional dependency upon a Canadian citizen or permanent resident. The Committee thinks that such a criterion is unnecessarily narrow. We recommend that emotional dependency should not be a required element for acceptance and that assisted relatives should also qualify. This approach would recognize the importance of claimants' ties to relatives in Canada and could be fully justified on humanitarian and compassionate grounds. Close family members who did demonstrate physical or emotional dependency on Canadians but who were not members of the family class or assisted relatives should, of course, continue to qualify.

## CONCLUSION

It is in Canada's best interest to process the backlog as efficiently and fairly as possible, with minimal detrimental effects on other important programs. The Canadian public has the right to expect government resources to be used in the most effective way available. It is also in the best interests of those who have a credible basis for their refugee claim to be accepted and landed as permanent residents as fast as possible so that they may be reunited with their families and continue their lives on a more stable basis. This Report has recommended some important ways in which we believe the twin goals of efficiency and fairness can be better achieved within the existing framework of the backlog process. There must be other ways as well, which the Commission with its considerable expertise can devise. The importance and cost of the undertaking is too important to risk failure.

## SUMMARY OF RECOMMENDATIONS

1. The ongoing training and monitoring of all employees assigned to backlog processing should be emphasized to a greater degree by the Commission than at the present time. Management must ensure that guidelines are clear and are followed consistently.

2. To fully utilize all members of the Refugee Division assigned to the backlog and to fully utilize all available boardrooms, 7 more Refugee Division members, 24 adjudicators and 21 case presenting officers should be appointed or hired for the backlog as soon as possible.

3. In order to save time and resources, the decision to contest the credible basis of a claim should only be made when there are cogent reasons for so deciding. To assist the decision, current rates of acceptance by country of origin of refugee claimants in the new system should be immediately supplied to all backlog counsellors and case presenting officers.

4. Reasons to contest the credible basis of a claim should be recorded in writing.

5. Case presenting officers should be permitted to exercise their independent judgment regarding contested cases and should be able to reconsider cases where more complete information becomes available after the initial recommendation to contest a case has been made.

6. The Minister should extend the paper review process, already used for those in group one whose claims are not contested, to those in group three as well; the possibility of extending this procedure to all uncontested claims in the backlog, thereby eliminating the need for oral hearings in these cases, should be seriously explored.

7. Employment validations should be used to give more people a realistic incentive to choose to depart voluntarily.

8. Other incentives to voluntary departure should be explored, including adjusting the points system so that claimants would have a more viable chance of success as independent applicants and giving increased priority to their applications.

9. The information regarding voluntary departure in the pamphlet entitled "The Backlog Clearance Process" prepared by the Commission should be revised to reflect actual policy with regard to the circumstances in which letters of introduction to posts abroad will be issued.

10. Upon acceptance of the claim of one spouse in any case in which two individuals who are married to each other and have separate claims in the backlog, processing of the other claim should cease in all cases where the second spouse agrees.

11. Claimants with family who may be in danger abroad should be processed in priority to other claimants and, if accepted, their families should be reunited in Canada as soon as possible.

12. The government should enact the backlog regulations and begin the process of landing claimants who have been accepted as soon as possible.

13. A claimant in the backlog who has relatives in Canada who are Canadian citizens or permanent residents who would qualify the claimant as an assisted relative should be accepted on humanitarian and compassionate grounds.

14. Proof of emotional dependency should not be necessary for family class members and assisted relatives. It should continue to be a criterion for acceptance of other close relatives on humanitarian and compassionate grounds.

## ADDENDUM

## REPORT OF CLARIFICATION
## BY DAN HEAP, M.P.,
## TRINITY SPADINA

I support the whole report, but wish to clarify and expand my position with regard to "partial amnesty".

The section on "The Credible Basis" hearing notes an idea "that all those from refugee-producing countries should be immediately allowed to apply for landing without having the credible basis test applied to them." Later it says (as agreed on December 7), "The majority of the Committee rejected this idea however." I gave notice that I may seek further legal advice upon a possible dissent.

My concerns were:

1. Would such a procedure be permissible without change in legislation as it was amended by Bill C-55?

2. If so, would it likely fail if challenged under Section 15 of the Charter?

3. Even if it were legally acceptable, would it be a fair means of expediting the backlog clearance?

After the Committee adjourned on December 7, I obtained informal legal advice, upon which I concluded as follows:

1. This procedure would be permissible under C-55 and the Immigration Act so revised. Although the law provides for the present credible basis hearing for the backlog it does not prohibit Cabinet discretion in choosing not to use that procedure (Compare with the Cabinet decision that "for the time being" it will not use the "safe-third country" clause with new refugee claimants).

2. If challenged (as would be likely), under Charter Section 15, "equality", the procedure would likely be struck down on the ground that it differentiated between claimants solely on the ground of national origin, and could not be defended under Section 1 of the Charter.

3. Even if we chose to take this risk, a problem arises from the difficulty of finding an objective basis for a just differentiation.

   The old "B-1" list and its "no-deport" predecessors in practices and programs of the Commission were never (to my knowledge) tested under the Charter. Some countries were apparently listed on confidential grounds, on Minister's discretion, and the listings kept fairly quiet. This practice would not fly now, and ought not to fly. If the incidence of success or failure by claimants were chosen as the basis of a list — say "x percent of decisions being favourable" — the question is begged "Why?" Because, for example, Nicaraguans have a current success rate of 90% and Guatemalans 84%, at the IRB. I find this very unjust, inasmuch as independent observers such as Amnesty International find the human rights

record of the Guatemalan government far worse than the record of the Nicaraguan government. (In my opinion this injustice likely arises from partisan bias or from a tendency to choose refugees according to their perceived economic value).

If the above-noted idea were adopted, Nicaraguans could be immediately allowed to apply for landing while Guatemalans were required to be tested for "credible basis." This would compound the injustice and further blur the principled basis of refugee status determination.

Therefore I oppose this idea of a partial amnesty and support the conclusion of the majority of the Committee on this point.

## APPENDIX 1

### COUNTRIES ON THE FORMER "B-1" LIST
### (in effect May, 1986 — February 1987)

Sri Lanka
Iran
El Salvador
Lebanon
Guatemala
People's Republic of China
Afghanistan
Albania
Bulgaria
Cuba
Czechoslovakia
Cambodia
North Korea
German Democratic Republic
Laos
Romania
USSR
Vietnam

## APPENDIX 2

## REFUGEE CLAIM ACCEPTANCE RATES

The following list contains the acceptance rates, by country of origin in alphabetical order, of all refugee claims decided in Canada between 1 January 1989 and 31 October 1989. The acceptance rate was calculated from Immigration and Refugee Board data by:

1. Adding together, for each country, the number of claims rejected at the credible basis stage, claims denied at full hearing and claims confirmed at full hearing. This produced the number of completed claims for each country. (Note, the actual number of claims made in relation to a country but not decided as of 30 October may be significantly larger than the figure for completed claims.)

2. Expressing the number of claims confirmed at full hearing as a percentage of the number of completed claims.

Care should be taken in interpreting the results in relation to any country for which the number of decided claims is low.

| COUNTRY | NO. OF COMPLETED CLAIMS | ACCEPTANCE RATE (%) |
|---|---|---|
| Afghanistan | 19 | 84 % |
| Algeria | 12 | 66 % |
| Angola | 2 | 100 % |
| Argentina | 33 | 42 % |
| Bangladesh | 38 | 82 % |
| Barbados | 2 | 0 % |
| Belgium | 5 | 0 % |
| Bolivia | 12 | 92 % |
| Brazil | 8 | 25 % |
| Bulgaria | 2 | 100 % |
| Burundi | 1 | 100 % |

| COUNTRY | NO. OF COMPLETED CLAIMS | ACCEPTANCE RATE (%) |
|---|---|---|
| Burma | 2 | 100 % |
| Chad | 1 | 100 % |
| Chile | 40 | 85 % |
| China | 144 | 69 % |
| Colombia | 9 | 88 % |
| Congo | 1 | 0 % |
| Costa Rica | 4 | 0 % |
| Cuba | 20 | 75 % |
| Czechoslovakia | 127 | 71 % |
| Dominica | 2 | 0 % |
| Dominican Republic | 2 | 0 % |
| East Germany | 2 | 0 % |
| Ecuador | 2 | 50 % |
| Egypt | 4 | 25 % |
| El Salvador | 299 | 84 % |
| Ethiopia | 53 | 83 % |
| Fiji | 6 | 33 % |
| France | 1 | 0 % |
| Gambia | 2 | 50 % |
| Ghana | 54 | 41 % |
| Greece | 1 | 0 % |
| Grenada | 10 | 0 % |
| Guatemala | 78 | 83 % |
| Guinea | 1 | 0 % |
| Guyana | 19 | 21 % |
| Haiti | 21 | 43 % |
| Honduras | 31 | 61 % |
| Hong Kong | 2 | 0 % |
| Hungary | 12 | 42 % |
| India | 36 | 19 % |
| Iran | 391 | 94 % |

| COUNTRY | NO. OF COMPLETED CLAIMS | ACCEPTANCE RATE (%) |
|---|---|---|
| Iraq | 64 | 94 % |
| Israel | 6 | 33 % |
| Jamaica | 39 | 0 % |
| Jordan | 11 | 55 % |
| Kenya | 10 | 20 % |
| Kuwait | 3 | 67 % |
| Lebanon | 649 | 86 % |
| Libya | 7 | 86 % |
| Malawi | 1 | 0 % |
| Malaysia | 1 | 0 % |
| Mali | 2 | 0 % |
| Mauritius | 1 | 0 % |
| Mexico | 11 | 9 % |
| Morocco | 2 | 50 % |
| Mozambique | 1 | 0 % |
| Nicaragua | 40 | 88 % |
| Nigeria | 10 | 10 % |
| Pakistan | 58 | 71 % |
| Panama | 19 | 84 % |
| Paraguay | 1 | 100 % |
| Peru | 18 | 89 % |
| Philippines | 10 | 70 % |
| Poland | 145 | 64 % |
| Portugal | 8 | 0 % |
| Romania | 38 | 92 % |
| Seychelles | 19 | 84 % |
| Sierra Leone | 1 | 100 % |
| Somalia | 650 | 95 % |
| South Africa | 8 | 75 % |
| South Korea | 4 | 100 % |

| COUNTRY | NO. OF COMPLETED CLAIMS | ACCEPTANCE RATE (%) |
|---|---|---|
| South Yemen | 2 | 100 % |
| Sri Lanka | 843 | 97 % |
| St. Vincent | 2 | 0 % |
| Sudan | 2 | 50 % |
| Surinam | 1 | 0 % |
| Syria | 12 | 83 % |
| Tanzania | 1 | 0 % |
| Trinidad & Tobago | 39 | 0 % |
| Tunisia | 1 | 100 % |
| Turkey | 3 | 0 % |
| Uganda | 5 | 40 % |
| U.S. | 19 | 0 % |
| Uruguay | 10 | 10 % |
| USSR | 5 | 80 % |
| Venezuela | 5 | 20 % |
| Vietnam | 1 | 0 % |
| Yugoslavia | 19 | 0 % |
| Zaire | 29 | 93 % |
| (Not stated) | 1 | 0 % |
| | 4,348 | |

## REQUEST FOR GOVERNMENT RESPONSE

Your Committee requests that the Government respond to this Report in accordance with Standing Order 109. In view of the urgency of the problem addressed by this Report, the Committee further requests a response by the earliest possible date.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 5, 6, 7, 8, 9, 10 and 11 of the Sub-Committee on Immigration and Issues Nos. 12 and 13 of the Standing Committee on Labour, Employment and Immigration, which includes this Report*), is tabled.

Respectfully submitted,

Jean-Pierre Blackburn,
*Chairman.*

## MINUTES OF PROCEEDINGS

TUESDAY, DECEMBER 5, 1989

(17)

[*Text*]

The Standing Committee on Labour, Employment and Immigration met at 10:49 o'clock a.m. this day, in Room 112-N Centre Block, the Chairman, Jean-Pierre Blackburn, presiding.

*Members of the Committee present*: Edna Anderson, Jean-Pierre Blackburn, Doug Fee, Dan Heap, Al Johnson, Allan Koury, George Proud, Jacques Vien and Dave Worthy.

*In attendance*: *From the Library of Parliament*: Kevin Kerr, Research Officer.

The Committee proceeded to the election of a Vice-Chairman, pursuant to Standing Order 106(2).

On motion of Al Johnson, it was agreed, by unanimous consent,—That Larry Schneider be elected Vice-Chairman of this Committee.

At 10:51 o'clock a.m., the Committee proceeded to the consideration of its future business.

The Chairman presented the Fifth Report of the Sub-Committee on Agenda and Procedure, which reads as follows:

Your Sub-Committee on Agenda and Procedure met on Thursday, November 9, 1989 and agreed to make the following recommendations:

1. That the Sub-Committee on Labour and Employment hold at least one (1) meeting with witnesses from the Department of Employment and Immigration and Statistics Canada at the earliest opportunity to discuss changes to the unemployment insurance regions.

2. That the Sub-Committee on Labour and Employment subsequently hold a meeting on the Community Futures Program.

3. That the Sub-Committee on Labour and Employment hold, following these two (2) series of meetings, one to two (1-2) meetings with the Deputy Minister, Employment and Immigration on the reorganization of the Canada Employment Centres and the Canada Unemployment Insurance Offices.

4. That the Clerk of the Committee, in connection with the study of the Sub-Committee on Immigration on the Refugee Backlog Program, arrange for the Chairman, Mr. Heap, the Researcher and the Clerk to pay an informal visit to the Immigration office in Toronto which deals with the Refugee Backlog during the week of November 14, 1989 and to report their findings to the Sub-Committee.

5. That the Clerk of the Committee, in connection with the study of the Sub-Committee on Immigration on the Refugee Backlog Program, arrange for Mr. Koury to pay an informal visit to the Immigration office in Montreal which deals with the Refugee Backlog during the week of November 14, 1989 and to report his findings to the Sub-Committee.

6. That those witnesses who have requested to appear before the Immigration Sub-Committee to discuss the Refugee Backlog be invited to send in written submissions rather than make an appearance.

7. That the Immigration Sub-Committee ensure that the Standing Committee on Labour, Employment and Immigration tables the Report on the Refugee Backlog before the Christmas break.

Moved by Allan Koury,—That the Fifth Report of the Sub-Committee on Agenda and Procedure be adopted.

Al Johnson moved, in amendment thereto,—That paragraph 7 be amended by striking out everything after the words "that the Immigration Sub-Committee" and by substituting the following therefor:

"recommend to the Standing Committee on Labour, Employment and Immigration that it table its Report on the Refugee Backlog before the Christmas break".

At 10:57 o'clock a.m., the Committee adjourned to the call of the Chair.

THURSDAY, DECEMBER 14, 1989
(18)

The Standing Committee on Labour, Employment and Immigration met *in camera* at 10:56 o'clock a.m. this day, in Room 307 West Block, the Chairman, Jean-Pierre Blackburn, presiding.

*Members of the Committee present*: Edna Anderson, Jean-Pierre Blackburn, Allan Koury, Sergio Marchi, Larry Schneider, Jacques Vien and Dave Worthy.

*Acting Member present*: Margaret Mitchell for Dan Heap.

*In attendance*: *From the Library of Parliament*: Margaret Young, Research Officer.

Pursuant to Standing Order 108(2), the Committee commenced consideration of its investigation into the Refugee Claimants Backlog.

The Committee proceeded to the consideration of the Second Report of the Sub-Committee on Immigration.

On motion of Mr. Marchi, it was agreed,—That the members of the Sub-Committee on Immigration inform Mr. Marchi of the desired changes to his minority report and that the final decision regarding inclusion be at the discretion of the Chairman following consultation with Mr. Marchi regarding the revised draft.

On motion of Larry Schneider, it was agreed,—That the Second Report of the Sub-Committee on Immigration on the Refugee Backlog be adopted as the Second Report of the Standing Committee on Labour, Employment and Immigration, and that the Chairman be instructed to table the Report in the House of Commons.

On motion of Allan Koury, it was agreed,—That the Chairman be authorized to correct any typographical, stylistic or translation errors contained in the Report.

It was agreed,—That Mr. Heap's Minority Report be entitled "Report of Clarification", and that it be printed as an addendum to the Committee's Second Report.

It was agreed,—That a press conference be held on Tuesday, December 19, 1989, immediately following tabling of the Committee's Second Report in the House of Commons.

At 11:02 o'clock a.m., the Committee adjourned to the call of the Chair.

Elizabeth Kingston
*Clerk of the Committee*