

**Press Release  
June 16, 1992**

**Immigration and  
Refugee Board**

Gordon Fairweather, Chairman of the Immigration and Refugee Board (IRB) said today the Board supports the federal government's proposal to abolish the two-stage review process for refugee determination in favour of a single hearing. "Our goal has always been quick determination of refugee status. Dropping the first stage review is another positive step to expedite decision making," Mr. Fairweather declared.

Mr. Fairweather noted that the initial hearing — which is a joint hearing of Immigration Canada and the IRB — has served its purpose. "What Parliament had in mind when it approved the initial hearing in 1988 was to stop large movements of claims that are manifestly unfounded. These kinds of claims have been essentially eliminated and, at the initial hearings, well over 90 percent of today's claims are being approved and referred directly to the IRB for the second stage hearing of the refugee determination process." Mr. Fairweather also stated he was pleased the government had responded to his request for an independent mechanism for dealing with serious complaints against Members.

Mr. Fairweather said the Board also supports changes to legislation governing the IRB that will allow the Board greater management flexibility. For example, members of the Immigration Appeal Division of the IRB will be able to sit on hearings of the Convention Refugee Determination Division when the number of refugee claims so warrants. The IRB Chairman observed the legislative changes will affect persons in many levels of Canadian society and he looks forward to the impending consideration of the measures by Parliament. ■

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**Refugee Issues Misrepresented in  
Amendments**

**Canadian Council for Refugees**

As predicted, amendments to the Immigration Act tabled by the Minister of Employment and Immigration yesterday cover a wide range of issues. The Canadian Council for Refugees has mixed reactions to the changes affecting refugees.

"Measures to speed up family reunification of young children, husbands and wives are very welcome. We also believe that many of the administrative measures to speed up refugee processing and landing and to improve immigration services are welcome and timely," says Nancy Worsfold, Executive Director of the Canadian Council for Refugees.

The elimination of the "credible basis" stage in the refugee determination process was predictable. As the Canadian Council for Refugees argued when it was first proposed, it has proved impractical. It has been extremely expensive and a waste of time. Ninety-five percent of refugee claimants passed this stage, confirming that abuse of the system is negligible.

The Canadian Council for Refugees applauds the measures to improve training and the new disciplinary procedures for members of the Immigration and Refugee Board. It is disappointing that the government has not addressed the political nature of the appointments to the IRB. Problems with Board decisions can be expected to continue.

The gravest concern raised by the proposed legislation is the distressing possibility that genuine refugees will be declared ineligible and sent away at the border. Much decision making has been taken away from the quasi-independent immigration adjudicators and given to senior immigration officers. Decisions will be made without the claimant having a right to counsel. Genuine refugees may be sent away at the border with absolutely no recourse. The

government is clearly committed to sending away genuine refugees without a hearing. There is a serious danger that the human rights of claimants will be violated.

The government's intention is to limit access by entering international agreements assigning the responsibility for hearing refugee claims. "We are deeply concerned that the government has indicated particular interest in entering such an agreement with the United States given their recent indifference to the rights of Haitian refugees. We call on the government not to enter into such agreements unless the countries involved are signatory to the Geneva Convention Relating to Refugees and meet Canadian and international standards of fairness, natural justice and due process. At stake is the integrity of Canada's humanitarian tradition."

The government's emphasis on the need for official identification papers is misplaced and will cause serious obstacles for many refugees. The people most in need of protection are often those who have the most difficulty in obtaining ID from their government. Imposing sanctions on them is totally unacceptable.

Another significant area of concern is the lack of a meaningful appeal. Not only does the Bill fail to remedy this problem, the legislation will reduce the already narrow possibility of an appeal on technical points of law by moving it from the Federal Court of Appeal to the Trial Division. The government has signalled its disregard for the integrity of our human rights record by ignoring demands for a more effective appeal mechanism and further weakening the existing limited appeal. "Every system makes mistakes and needs a mechanism to correct them. Mistakes in refugee determination lead to deportation with

*(Continued on page 27)*