find it necessary to criticize the foreign policy of its powerful neighbour and largest trading partner for its disregard of human rights violations in Central America and elsewhere.

I would suggest a permanent liaison between Plaut's proposed ROs (refugee officers) of the immigration department, and decision makers in other branches of the government as well as NGOs, PVOs and private enterprise. Efforts could be coordinated to exert pressure on behalf of refugees in their countries of origin and asylum as well as in Canada.

Conclusion

The Plaut Report recommendations go a long way toward creating a humanitarian refugee determination process in Canada. However, though Plaut recognizes the crucial nature of public support for any refugee policy, I would recommend placing greater emphasis on public education. I concur with his recommendations, but suggest that a closer look must be taken at certain impediments to a fair treatment of refugee claimants (such as discrimination, arbitrary decisions, visa requirements, etc.). In my opinion, a truly effective policy cannot be based solely on what happens within Canada's borders, but must seek to grapple with the root of the problem overseas through diplomatic measures consistent with Canada's humanitarian ideals.

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New Books:

Michael R. Marrus, *The Unwanted: European Refugees in the 20th Century.* (New York: Oxford University Press, 1985).

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Compassion and Pragmatism in Refugee Law

Open wide the floodgates?

Much of the initial media reaction to the recently released Plaut Report on the refugee status determination process unfortunately has given the impression that the changes proposed will in some sense give rise to "gatecrashing" by persons unwilling to comply with ordinary immigration requirements, thereby jeopardizing the ability of Canada to ensure the integrity of its borders. We are told that the adoption of the study's proposals would "encourage purported refugees to arrive here in numbers that would soon overwhelm [the proposed] procedures" (Globe and Mail editorial, June 20, 1985).

This is far from accurate.

It is certainly true that the Plaut Report proposes several important liberalizations to the process by which we assess claims to refugee status. These include the right of a refugee claimant to argue his case at an oral hearing and to have his case decided by an unbiased and knowledgable authority. Furthermore, the Report insists that refugee claimants with genuine financial need have a **right** to work rather than being expected to either starve or panhandle until a decision is made as to whether or not they can remain in Canada. Are these kinds of policies, which are largely required by principles of either domestic or international law, really such as to draw tens of thousands of fraudulent asylum seekers from around the world to Canada?

The answer requires an examination of the whole of the refugee determination process. Insofar as the decision to treat those who have been forced to flee to safety in Canada in a fair and humanitarian way is coupled with a disincentive to abuse of the special procedures by non-refugees, there is little danger of inundation by opportunists. The Plaut Report is emphatic in its recognition of the importance of deterring recourse to the refugee admissions process by persons who are not in danger of persecution, but who seek rather to evade ordinary immigration requirements. The study makes clear that such persons are **not** refugees, and that steps should be taken to ensure that non-genuine claims are discouraged.

How then should we ensure that only genuine refugees benefit from the special admissions procedures?

Rather than imposing general restrictions on access to the refugee determination process (with the attendant risk of inadvertent failure to hear the case of a genuine refugee), the Plaut Report recognizes that the minority of refugee claimants who present abusive petitions do so as a means of securing a prolonged stay in Canada. The unnecessarily complex and unwieldy refugee determination procedures established by current law have resulted in delays of **several years** between the presentation of a claim and its final determination. Since a claimant cannot be required to leave Canada until his case is decided, the law offers tacit encouragement to the making of unfounded refugee declarations as a means of postponing enforced departure from Canada. The Plaut Report's approach to the discouragement of fraudulent claims is thus to dramatically reduce the duration of the determination procedure so as to minimize the incentive to abuse.

To this end, the Report proposes new procedures for the adjudication of refugee cases which are not only more fair than our current system, but also significantly more expeditious. Rather than facing a delay of years between claim and decision, the procedures proposed by Plaut will permit both the hearing and appeal of refugee claims to be dealt with in as little as **six months.** In such a situation, it will not be worthwhile for the majority of fraudulent refugee claimants to come to Canada, as the potential gain from legal or illegal employment while awaiting the decision will in most cases be outweighed by travel and other costs.

Moreover, the government has the opportunity to further discourage unfounded refugee claims by acting on the recent advice of a study by Employment and Immigration Canada, which recommends the doubling of 1985 immigration quotas in order to ensure Canadian economic stability into the next century. Refugee claims abuse is, in large part, a response to the fact that legitimate