

safety of the state. I do suggest that the appellant should know about the existence of such reports and that they are the grounds for action against him. If he knows about them he will have the opportunity to produce evidence showing that such reports perhaps are erroneous. There have been, and there will be again, cases of mistaken identity. I know of instances myself where grave injustice has been done because of mistaken identity.

I shall not argue the matter further. Members on all sides of the house expressed their views last night. I think the minister can accept the amendment without in any way prejudicing the safety or interests of the state. No member of this house seeks to do anything through any amendment which would be prejudicial to the state. I submit this amendment provides a reasonable interim solution until the royal commission on security reports.

Mr. Brewin: Mr. Chairman, the most vexed problem in the whole field of immigration is reconciling the contrary requirements of justice to the individual and the security of the state. The hon. member for Carleton has produced his solution. When the minister dealt with this matter yesterday he said this on page 13311 of *Hansard*:

When we discuss the bill clause by clause, if a workable suggestion is made in this connection, guaranteeing what we want to guarantee, I will be the first to accept it. However, it is not easy to do so at the present time.

Of course it is not easy, but that is no reason for not dealing with a problem. I know that an amendment is before the committee and that it would not be in order at this time for me to move another amendment. I wish to tell the committee that after the amendment of the hon. member for Carleton has been dealt with I wish to move an amendment. Perhaps I could read it to the committee so that the committee may consider it. My amendment, Mr. Chairman, suggests that if the minister by certificate says that the order for deportation or refusal of admission is a matter that affects the security of Canada, and it would be contrary to the interests of Canada to disclose the source of information justifying such order or refusal, then the board may conduct the hearing of the appeal in camera, in respect of such evidence, in the absence of the accused or his counsel; but the board may direct that the minister shall furnish to the board and the appellant particulars of the allegations without disclosing the source thereof.

23033—8451

Establishment of Immigration Appeal Board

The hon. member for York South discussed this matter. He said that in wartime, when dealing with matters of security, the defence of Canada regulations originally provided for people to be interned on order of the Minister of Justice. There was no basis for internment except the minister's order, if he thought it necessary for the security of the state in wartime. Many of German or Japanese origin were deprived of their liberty, not by the normal process of law, but by direction of the minister. Through experience, and because of the possibility of injustices arising, the Defence of Canada Regulations were changed to provide the right of appeal. That right would be exercised by a tribunal similar to the immigration appeal board proposed by this legislation. That tribunal travelled around the country. Later it was found possible, not to disclose evidence on which the internment was based but to furnish particulars of the grounds for internment, without giving the source. Those particulars gave to the interned person or his counsel or lawyer, as the case might be, not a detailed source of security information, but the substance of the case to be made against him.

At the present time as the minister and other hon. members know, people are refused admission to Canada, sometimes on security grounds and sometimes, not because they belong to subversive organizations, but because they do not meet the regulations. No information is given to these people. The purpose of our amendment is to make certain that there is a fundamental right, bringing with it a fundamental sense of justice to those concerned with appeals. This sense of justice is taken away if you say: "Because somebody says this is a security matter you have no right of appeal." I submit that my proposal, based on experience in security matters at a time of greater national emergency that we now face in any sense, provides a reasonable compromise. It gives people in all cases the right to appeal. It does not take this right away from them simply because someone has issued a certificate. And it provides that the source of the information shall not be disclosed.

• (5:50 p.m.)

This security business has been pushed much too far in regard to immigration policy. I would remind the minister and his department that in Western Europe, where problems of security might be thought to be of greater concern than they are here, literally thousands of people have been permitted to