

*Establishment of Immigration Appeal Board*

**Mr. Lewis:** I can assure the minister that he will not. Therefore would he ask his advisers whether they could look at this particular approach or at some similar approach—I have no pride of authorship at all—instead of rejecting the amendment at this stage.

If the minister finds on further consideration that there is an insuperable technical barrier, then we will have to be satisfied with his very genuine and unequivocal undertaking, which I am prepared to accept without any reservation at all. However, I would much rather see the amendment incorporated into the law if the technical difficulty about which the minister spoke can be overcome. Therefore would he agree to allow this clause to stand and to have his advisers look at this particular approach to the problem to see whether a solution can be found?

**Mr. Marchand:** If the hon. member for York South or the other members of the committee are not satisfied with the undertaking I gave, but would prefer to allow the clause to stand and so insist, then I will not oppose this. I do not think there is any problem about allowing the clause to stand until we deal with the other clauses of the bill, and we may find a solution. If hon. members insist on taking this course I will not object.

**Mr. Lewis:** Mr. Chairman, I apologize to members of the committee for taking up time but I am anxious that there shall be no misunderstanding. I accept the minister's undertaking. As I have said, it was given in unequivocal language and I have not the slightest doubt in the world that he will carry it out. The only reason I would prefer to see this provision incorporated in the law is that people outside the house read the law; they do not necessarily read *Hansard*. Furthermore, it completes the sense of the law. I do not doubt the minister's undertaking but I think it would be preferable to incorporate the provision in the law.

**The Deputy Chairman:** Is it agreed that clause 19 and the amendment thereto stand?

**Some hon. Members:** Agreed.  
Clause stands.

On clause 20—*Hearing of appeal*.

**Mr. Bell (Carleton):** Mr. Chairman, I think the minister might agree to stand clause 20 until we have dealt with clause 21. If the committee were to provide that the board should be the body to determine upon security or criminal intelligence reports, I think

[Mr. Marchand.]

there would need to be an amendment to this clause. I gave notice of a potential amendment to this clause last night and we really could not intelligently discuss the clause now until we have dealt with the principle contained in clause 21.

**The Deputy Chairman:** Is it agreed that clause 20 stands?

**Some hon. Members:** Agreed.  
Clause stands.

On clause 21—*Certificate of minister and Solicitor General*.

**Mr. Bell (Carleton):** Mr. Chairman, I now move the amendment of which I gave notice last evening. I move:

● (5:40 p.m.)

That Clause 21 (1) be amended by striking out all the words in line 5 to 10 inclusive and substituting therefor the following:

"if the Board finds, on the basis of security or criminal intelligence reports filed with them, which reports the board shall keep secret but the existence of which it shall disclose to the appellant, it would be contrary to the national interest to stay the execution of the order, continue or renew the stay or render the decision, as the case may be" and that Clause 21 (2) be struck out.

Sir, this was argued at some length last evening, on clause 2. I have little to add. This amendment is in accordance with the report of Mr. Joseph Sedgwick, Q.C. He suggested that security and criminal intelligence documents be put before the board. The minister has chosen the other course, of having a certificate executed by himself and by the Solicitor General. I venture to suggest that that is not sufficient under the circumstances. Reports should be laid before the tribunal, that the tribunal may assess their validity.

This is perhaps the most difficult field for any minister of manpower and immigration to deal with. The Secretary of State is involved also in citizenship matters with a security connotation. As I said last night, I hope that the Max Mackenzie royal commission takes a good and hard look at this whole field.

The proposal put forward in the amendment is a better interim proposal than the one advanced by the minister in the clause as drafted. I can see no objection to it; indeed I think it is essential that a person should know that the grounds advanced against him are based on security or criminal intelligence. I do not suggest that reports should be revealed; to do so would undoubtedly be prejudicial to the interests and possibly to the