—and appeal before a body such as the Immigration Appeal Board. If the government is unwilling to produce acceptable and satisfactory evidence, we feel that deportation should not be ordered. Such situations should not often arise, if reasonably effective immigration screening procedures exist.

It will be noted that my proposed amendment does not go as far as the royal commission recommended. It said if there was not adequate evidence they should not proceed with the deportation. I am prepared that they should proceed, but only after some due judicial process and appeal before such a body as the Immigration Appeal Board. I have inserted a formula which will provide for confidentiality.

If these very distinguished gentlemen were entrusted with this job by Mr. Pearson and could recommend what they did, then what was done by Mr. St. Laurent in the middle of the war can also be done here. Instead of doing violence to either side, and instead of doing violence to the confidentiality of secret sources of information so as to provide for a full judicial process hearing, the amendment I propose will serve that purpose. I have very little hope with the present attitude that this amendment will be adopted. It is much too sensible. The tendency these days is to try to use the word security, wave it around like a magic wand, and let the cabinet decide these matters. We do not need such a strict division as the Americans have, but it makes sense to let the judiciary body do its work and to let the cabinet do its work. I certainly do not approve the sort of thing set out in these proposed changes.

● (1510)

**Hon. Bud Cullen (Minister of Manpower and Immigration):** Mr. Speaker, many hon. members as well as many representatives of non-governmental organizations have expressed concern about Clauses 39 and 40 and to a lesser extent about Clauses 41 and 42. These clauses were discussed at some length in the committee, and as a result of interventions there by the hon. member for Fundy-Royal (Mr. Fairweather), the hon. member for Davenport (Mr. Caccia) and others, substantial amendments were made in committee. I believe members who were able to attend the committee sessions now have a better appreciation of the purpose of these clauses and the manner of their implementation, but I think it might be helpful to the House in considering these motions if I were again to review the intended application of the clauses in question.

Bill C-24 describes several classes of persons who may be inadmissible or deportable because of engagement in criminal or subversive activities. I would refer hon. members in particular to paragraphs 19(1)(d) to 19(1)(g) inclusive, as well as to 27(1)(c) and 27(2)(c). Where the evidence of such engagement can be freely disclosed in public, we would proceed against the person concerned by way of a full and proper inquiry before an adjudicator. This is what is done now, and what would be done in most cases in the future.

There are some cases, however, where the evidence cannot be freely disclosed, and consequently an inquiry cannot be held. The evidence may contain elements whose disclosure would endanger national security; it may have been provided in the strictest confidence by an agency of the government of another country, or it may have been supplied by an important undercover agent whose usefulness would come to a quick end if his existence were revealed. These cases are a minority, but unfortunately they are usually the most serious ones.



At present the department finds itself in rather a difficult position. The minister can take action against non-immigrants in Canada by declaring that they have ceased to be non-immigrants and making deportation orders against them under sections 7(4) and 7(5) of the 1952 act. But there is no comparable power to deal with people seeking admission to Canada or those who have been admitted as landed immigrants, no matter how grave the danger to Canada or Canadians. We have no choice but to let such people come into or remain in Canada, as the case may be.

This has long been recognized as a serious problem, and was mentioned as such by the Royal Commission on Security some years ago. It all boils down, of course, to a conflict between the right of the individual to fair and just treatment and the right of Canada to defend its legitimate interests and those of its citizens and residents. It is a difficult decision to make, but we believe that in this area the right of the state must be paramount. Clauses 39 and 40 attempt to secure the state's interests without taking away from the individual any more than is absolutely necessary.

Clause 39 deals with people who are not permanent residents, that is, visitors in Canada, people not yet admitted to Canada, and people who are in Canada unlawfully. We feel Canada owes these classes rather less than it owes its permanent residents, but even so clause 39 does not give the minister the absolute power he has under the 1952 act. Although the minister and Solicitor General would be entitled to issue non-contestable certificates, the person concerned would still have the right to an inquiry before an adjudicator, and in some cases to a hearing by the Immigration Appeal Board at which he could seek to establish that he and the person named in the certificate were not one and the same. This is a significant improvement over the 1952 act.

Permanent residents are a different matter. We do owe them more consideration, no matter how serious the evidence against them. Under the provision proposed in Clause 40, the opinion of the minister and of the Solicitor General would not be conclusive. Rather, it would have to be submitted to a panel of distinguished citizens for review. This panel—the special advisory board—would not only have access to the minister's evidence, but would be authorized to pass on selected items to the person concerned, and would give the person a hearing at which he could present a defence. The board would then report its conclusions to cabinet, which would in turn review all the evidence before making a decision. The permanent resident would thus receive consideration at three very high levels.

Motions Nos. 29 and 30—and I might also mention motion No. 46, which is on the same topic although not included in this group for debate—appear to agree with the necessity of protecting sensitive information, but suggest that the decision on sensitivity be placed elsewhere. This is a decision which cannot be made casually or out of context. We are convinced it