

Mr. Marchand: I think this phrase expressed very well the state of mind of the hon. member for York South. However I know that lawyers in this house will agree with me that one cannot give access to part of the evidence, because the argument will be advanced that the appellant was only able to see part of the file and this would give rise to frustration and to a feeling that in fact he had nothing at all on which to base his appeal. If this house is to make a decision it will have to decide whether to produce all the evidence or none at all.

Mr. Lewis: Will the minister permit a question? Suppose the reason for which a person is not admitted is that he was a member of the communist party in a certain country. Is there any reason why that person cannot be provided with a piece of paper saying that the refusal of his application was due to the fact that he was a member of the communist party in such and such a country from 1939 to 1950? This is the kind of particular to which I was referring. If he obtains this information, he will be able to meet it. He may not know the evidence on which that conclusion was based but he will be able to produce whatever evidence he has to show he was not a member of the communist party during those years, if that is the truth. These are the kind of particulars in general terms which would enable a person to meet the general charge against him, with whatever evidence he may have at his disposal.

Mr. Marchand: Knowing the hon. member for York South as well as I do, I am sure that if ever a board told him that his client was refused permission to immigrate on the basis of a report to the effect that he was a communist, the next step that the hon. member for York South would take would be to ask for proof of such allegation. Otherwise he would be greatly frustrated. Is that not so?

Mr. Lewis: If I am frustrated, it will not be the first time. I will ask the minister whether he recalls an earlier debate with regard to the Spencer case when I cited to the house an actual case involving a security matter in which I was involved? If the nature of the charge were indicated to the appellant he might not get all he wants, but he would get something on which to base his defence.

● (9:40 p.m.)

Mr. Marchand: I think, in this case, the hon. member for York South has chosen his example very well and in general terms. You know very well, however, that there are some

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other cases which will be much more complicated. If we were to say to a prospective immigrant, for example, that he is refused because we think he is a criminal or related to the organization called the Mafia, this would be stated publicly because it would come up before the seven members of the board. They would know it, the clerks would know it and the lawyers who were present would know it. Even if it were not a public hearing this would be known. Do you think this man would stand for that? We would have to prove that our report is well founded, and this might lead to many complications. It might even go much further than that, because if this information is revealed some man may be found murdered. I know what you want to cover and I have the same desire. This is the reason I had hoped the house might be wise enough to wait until after we have the report of the royal commission on security. I am sure the New Democratic Party will make its opinions known to that commission. Perhaps at that time we might be able to find a solution which will be satisfactory to everybody.

I do not say that we are trying to put the responsibility on one institution, because in the end we take the responsibility. The Solicitor General and I say that we make the decision. We do not place the responsibility on the board or on any immigration officer. We take the responsibility because we have seen the file. It is we who take the responsibility and say that it is not possible for the person to be admitted. We are not hiding behind the board or any immigration officer. This is a difficult matter and I am not very much at ease in discussing it. I am sure the hon. member for Carleton knows very well, and possibly better than I do, what we are referring to and the difficulties which are involved in getting around this. I do not say there are no ways and means, but it is not easy to have a reasonable law. This is the reason I think, if we are not to produce all the evidence to the prospective immigrant, that it is much better not to give him any. In any event, we are trying to go a little bit further.

So far as clause 19 is concerned the hon. member for York South mentioned that he wanted the report to be made available to the applicant. This sounds reasonable to me. I think this is what is intended. Possibly it would be a good thing to introduce this into the law. We must recognize, according to the Canadian law, that only Canadian citizens have rights; the others do not have rights.