

*Establishment of Immigration Appeal Board*

technicalities involved in immigration matters and they do this meticulously, with great rigidity and sometimes, in my experience, with too much satisfaction and glee. An appeal is not worth anything if all that an appeal board can do is to deal with the legal requirements without taking into account all the facts concerning the person involved and the humanitarian and compassionate considerations that must be the basis of any law, as they are of most of our laws which deal with the state and condition of human beings.

My major objection to this bill, however, is directed to a provision which carries forward in the new law an idea which is vicious, basically undemocratic in every sense of the word, and destroys much of the good which the minister intended to achieve through this legislation. I say this with words which are not chosen with ease. I am referring to the clause which says that notwithstanding everything else in this act the board simply cannot proceed when it is faced with an alleged security case. The board will receive a statement signed by the Minister of Manpower and Immigration (Mr. Marchand) and by the Solicitor General (Mr. Pennell) stating that on the basis of security or criminal intelligence reports received and considered by them it will be contrary to the national interest to admit such a person or not to deport him, and that will be all. The statement cannot be questioned and they are not required to produce the particulars on which their conclusion is based. They simply file a statement with the board that in their opinion a man is a national risk for security reasons or on the basis of some criminal record which they say is in their possession. The certificate which they file is conclusive proof of the matter and no further evidence is required—"no nothin'".

Please forgive me, Mr. Speaker for such illiterate language, but I wonder what kind of a charade we are playing? If this bill means what it says, then what nonsense is this? If the minister and the Solicitor General make the final decision in any case, then why do they not make it in their offices instead of producing a certificate before the board and putting the person to the expense of obtaining legal assistance in order to put his case before the board, only to be faced with a certificate which tells him nothing except that he is undesirable? If that is the minister's intention, why does he not issue the certificate from his office? This would be evil enough, but to play the charade of bringing such a certificate before the board seems to me to compound the evil.

[Mr. Lewis.]

Why do we do this? I find that every time something is said about security reasons every one of us, myself included, stands up, beats his breast and speaks about the welfare and security of Canada, while rights, freedoms and civil liberties go out the window. I remind the house that in the middle of the last war large numbers of people were arrested under the defence of Canada regulations. Later, as a result of agitation throughout the country, internment tribunals were established and despite the fact that we were at war the regulations which established those internment tribunals gave them the right to demand and obtain from the relevant minister particulars of the charges against a person. They had the right under the legislation to obtain those particulars concerning the person affected. Thousands of internees were able to come before a tribunal with a piece of paper which told them what they were accused of. By definition they were all security risks or they would not have been interned in the first place. Some ministerial authority had already decided that they were security risks and that is why they were interned. We gave them the right to know the nature of the charges against them despite the fact that we were in the middle of the war. They were not given the sources of those charges, the names of the people who made the allegations or the details of the inquiry or investigation that had been made, but they were acquainted with the nature of the charges so they could meet them.

I challenge anyone in the house to tell me how our tremendous and admirable national war effort suffered because we gave people the rights to which they should normally be entitled. Was any part of that war effort eroded or affected in any way by the fact that we gave internees the elementary rights to which I referred? This was done by a government of the same party which is now in power. If we had the courage and vision to act like a civilized society with regard to those whom we interned in the middle of a war, governed as they were by the defence of Canada regulations which took away all normal processes of law as had to be done in time of war, can we not do it now for people who attempt to come to Canada in time of peace? The number of people affected is likely to be very small indeed in comparison with the number of people who were interned during the war, and the dangers to our country's security and our country's future are minimal in peacetime.