

*Supply—Citizenship and Immigration*

belonged away back to some labour union that was accused of having a communist tinge to it, or something like that? And what of a person who does not have the power or influence to deal with these things and seeks to have a decision reversed?

I suggest to the minister that the present process should be reversed and the minister and his officials should be given, in the primary instance, the responsibility of deciding whether citizenship should be granted or refused, as in the case of immigration. I suggest they should be required, in the course of normal and fundamental justice and the rights enshrined in the bill of rights, and so on, to give, if they are going to refuse admission, the reason for so doing. If it is some deep dyed security source, perhaps they do not need to disclose the source. We have discussed that before and I do not want to go into detail. If citizenship is refused, then is the time to go, by way of appeal, to some tribunal. It might be the same tribunal that I hope the minister is going to set up in connection with immigration; it could be an immigration and citizenship appeal tribunal.

**Mr. Orlikow:** It could be similar to the one for government employees, although I hope it would be better.

**Mr. Brewin:** Yes, this would be an independent tribunal. I am not satisfied that the county court judges are in themselves the best people to deal with these matters. We have just had an illustration of one county court judge whose judgment did not seem to be too sound in this sort of matter. But if you had a tribunal composed of people who were chosen by reason of their sympathy, experience and understanding of these matters, which would review not one case but all cases, if there was some reason to doubt the decision of the minister in his discretion and if the person refused citizenship wanted to question the minister's refusal, he could go to this tribunal. This would reverse the present procedure, which I suggest does not make a great deal of sense; it does not make any sense to have the judge give his judgment first with a regard to a limited number of things and then to give the minister power to completely disregard that judgment without any reason being given. I suggest that this basic section of the act should be looked at very carefully by the minister, and when he is considering amendments to the Immigration Act he should also consider amendments to the citizenship act.

[Mr. Brewin.]

I believe, Mr. Chairman, that if time permitted I could give many instances of where this procedure would render a measure of justice that does not exist at the present time. I do not propose to take time to do that, but I believe that other members could tell the minister and his predecessors of many instances of refusal of citizenship where such matters should properly have been the subject of judicial review. My hon. friend the member for Hamilton South desires to question the minister in respect of a case that has received a good deal of attention recently. I refer to the Bergsma case in Hamilton. In that case, as we know, a judge apparently refused citizenship, or refused to say that a man was of good character because he refused to take an oath, on conscientious grounds as I understand it.

I would like to ask the minister—we have had some discussion of this case—whether he would like to make a statement to the committee as to whether the injustice to this individual is to be remedied, and what he suggests is a remedy that would see that this particular couple are not refused citizenship on grounds which have no substance whatever, and indeed are obviously inconsistent with the bill of rights.

**Mr. Winch:** Mr. Chairman, I most certainly want to add a few words with regard to the question raised by the hon. member for Greenwood on one phase of this estimate. This is a matter about which I cannot speak in as restrained a manner as the hon. member, because I am really burned up about it. I refer to the granting of citizenship. Over the past few years I have had a number of cases and I have found there is absolutely no difference in policy under the present minister when compared with the policies of his predecessors. I think one of the policies of the Department of Citizenship and Immigration is a disgrace to so-called Canadian democracy and should disgust everyone who believes in democracy. I refer to the principle that allows a person to be found guilty without trial; to be found guilty without a hearing; to be found guilty without a charge being laid; to be found guilty without the applicant concerned even knowing what the charge is. That has been the situation in the past, and it is the damnable situation that exists at the present time.

Even this year I have been battling over the months with the minister with regard to the granting of two certificates of citizenship to people in my own constituency. Both were recommended by the court for citizenship.