

*Establishment of Immigration Appeal Board*

file a certificate asking that that be done. The amendment I propose simply provides that in fact there shall be an appeal in these cases as in other cases, but that the evidence and the sources of information in security cases should not be revealed. On the other hand, however, the appeal board may require that particulars as to the reasons for which the would be immigrant is being excluded be furnished by the department.

In any sort of proceeding it is an elementary and fundamental rule of justice that the case against a man should be set out with reasonable particularity so he shall have the opportunity to meet the case against him. I may say that as long ago as 1930 Chief Justice Duff of the Supreme Court of Canada said this rule was applicable to immigration proceedings. The Canadian Bill of Rights passed by this parliament speaks of a right to a fair hearing. It has been made perfectly clear that a fair hearing involves some degree of knowledge of the case which is made against the person concerned.

In his remarks yesterday dealing with what I have said about this, the minister spoke of the fact that I referred to immigrant applicants who came from behind the iron curtain. This is perfectly true; I did refer to them. I sought to point out the very great loss to Canada which could result from the application of security requirements which in my view are outdated, and which have brought about the exclusion of many persons from countries such as Poland and Yugoslavia.

I pointed out that this situation does not prevail in other western democratic countries such as France and Germany, which have imported labour in substantial numbers from behind the iron curtain who have made a very large economic contribution to the prosperity of those countries. I referred to this merely as an indication of my view that security precautions, even though they may be necessary in some cases, sometimes are given an importance far beyond what they deserve or beyond what is required.

The cases I have in mind in respect of this amendment are not primarily the cases of people who come from behind the iron curtain. I am thinking of people from all over the world, particularly from countries like Italy and Greece whose names presumably appear on the political lists in the countries from which they come. Personally I know that in many of these cases the information when investigated, turns out to be flimsy and inadequate. Unless these people have the

[Mr. Brewin.]

right of appeal and have the right to know the substance of the case made against them, then the people who are most deserving of consideration by this house in dealing with the matter of immigration appeals will be excluded from the application of the legislation.

The minister spoke of the immigrant or the sponsor having no rights. I am sorry the minister is engaged at the moment; perhaps he will have an opportunity to look at my remarks later. I should like to say to him that this statement that they have no rights is a misconception; it is not a sound statement. In the past we have conferred and no doubt in future we in this parliament will confer statutory rights on people who wish to come to Canada. We confer those rights largely for our own benefit; we wish them to have a fair hearing.

Again, if the minister were to doubt my statement on this matter I would refer him to the Supreme Court of Canada case of Leon Ba Chai in respect of which Chief Justice Taschereau, speaking of the Supreme Court of Canada, clearly stated that the father of a would be immigrant who sought to bring his child to Canada had a clear right to a fair hearing in accordance with the law.

We are now trying to expand this right by giving a right of appeal. We should give that right full scope by making sure the right of appeal is available to those who need it most; that is, the cases involving so-called security reasons. I notice the minister is disengaged now, and perhaps the house will forgive me if I repeat what I said a moment ago. If the minister will look at the Leon Ba Chai case he will find that no less a person than Chief Justice Taschereau clearly stated there is a statutory right for a sponsor to have a fair hearing concerning the right of the person to be in this country.

So it is not correct, as the minister has repeatedly said, to say that no such right exists. No doubt other ministers have said this, and I do not blame the minister for saying it. These are rights which do not exist unless we as members of parliament have in fact conferred these rights on such people.

In dealing with this problem the minister says there is no half way house. He says you either must have a full hearing in which all evidence and all sources of material are disclosed in these security cases, or no appeal at all. I should like to say to the minister with all respect that someone has given him some very bad advice. So far as I am concerned I