

S-1-1 (c)

CONFIDENTIAL

May 12th, 1965.

Security Screening of Applications for  
Citizenship

There might be something to be said for adapting the procedure that now applies to the security screening of employees in the public service to applications for citizenship.

Under Cabinet Directive No. 35 of December 18th, 1963, a new system was inaugurated for employees. Under it, when doubt arises as to the reliability of an employee in a sensitive position, the following steps are taken:-

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- (1) The assistance of the employee himself is sought to provide answers to points of doubt.
  - (2) The officials of the employing department consult the Secretariat of the Security Panel to get their advice.
  - (3) If doubt still remains, and the Deputy Minister of the employing department after examination shares that doubt, he is required to interview the employee in person.
  - (4) If the Deputy Minister is still not satisfied (and assuming that no transfer to non-sensitive employment is possible), the case goes for consideration of a Board of Review consisting of the Chairman of the Security Panel and two members of the Panel not involved in the particular case.
  - (5) After the review, the advice of the Board, together with that of the Deputy Minister go to the Minister for decision. The discretion and responsibility are still that of the Minister.

A reasonable adaptation of the procedure to apply it to citizenship applications might involve the

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following steps in cases where doubt arises on security grounds:-

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- (1) The report concerning the person should be examined at an appropriate level in the Department of Citizenship and Immigration.
  - (2) If the doubt is not resolved, the case could be discussed with the Secretariat of the Security Panel.
  - (3) If doubt still remains, the person should be interviewed by someone in the Department of Citizenship and Immigration (either in Ottawa or in the field as is necessary) to try to clear up any points of uncertainty.
  - B (4) The report should be reviewed by the Deputy Minister of Citizenship and Immigration. If he feels that he can recommend the grant of citizenship, he could, at that point, so advise the Minister.
  - (5) If doubt remains, the case could be submitted to a Board of Review, established as in the case of employees in the Civil Service.
  - (6) The advice of the Board, together with the advice of the Deputy Minister, should go to the Minister who has the discretion under the law as it stands.

COMMENTS

(1) The Board of Review does not actually interview an employee and there is no provision for him to be represented by counsel. I think precisely the same provisions should apply with regard to citizenship applications. In the first place security is not usually a matter susceptible to definite legal proof and the establishment of what appear to be legal or judicial procedures are misleading and likely to cause trouble. In the second place, the hearing of people without counsel creates difficulty; the hearing of people with counsel creates even more as it tends to give an impression of judicial procedures. Thirdly, there are invariably problems about delicate sources of information. Finally, if personal appearances or counsel were provided for in front of the Board of Review for citizenship

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applications it would be very difficult not to extend the practice to employment cases.

(2) It would be undesirable to extend the plan to immigration cases as they would be much too numerous to handle in this way.

(3) Unless the law is changed, the discretion remains with the Minister. It would seem undesirable to me to change the law since decision on security is, and must be, one of discretion and it is difficult to see by whom the discretion in this kind of thing can be better exercised than by the Minister. To put it in the hands of a Board would, I think, increase the pressure to have judicial, or quasi-judicial, procedures adopted, including canons of proof and things of that kind.

(4) It would be possible to introduce something of the above kind as a matter of policy, and with no formal instrument to require the change.

R.G.R.

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