



POLICE AND SECURITY PLANNING
AND ANALYSIS GROUP

CENTRE DE PLANIFICATION ET
D'ANALYSE DE LA POLICE ET DE LA SÉCURITÉ

File 7/12

March 28, 1974

M E M O R A N D U M

TO: SECURITY ADVISORY COMMITTEE

FROM: CHAIRMAN, SECURITY ADVISORY COMMITTEE

RE: MEMORANDUM OF SECURITY REJECTION CRITERIA

The attached memorandum has been prepared merely as a discussion document. Its principal thrust is that security rejection criteria used by various government departments and agencies should be consistent with the recent definition of "subversive activities" found in the Official Secrets Act, Section 16, sub-section (3) of the Protection of Privacy Act - C.176.

It is recognized that the proposals made must be carefully studied, particularly by the Departments of Immigration and Secretary of State and the Royal Canadian Mounted Police in the light of recent practical experience with a variety of individual cases.

It is also recognized that the Department of Immigration and Secretary of State have primary responsibility for implementing the Immigration Act and the Citizenship Act and, therefore, any conclusions reached by SAC must, of course, be advisory in nature.


Robin Bourne

DRAFT
March 26, 1974

MEMORANDUM TO THE SECURITY ADVISORY COMMITTEE

SECURITY REJECTION CRITERIA

BACKGROUND

1. In accordance with current legislation and government regulations, a security check is made on prospective immigrants, applicants for Canadian Citizenship and employees of the Public Service who require access to confidential information. The security rejection criteria in use at the present time for normal immigration screening, refugee screening, citizenship screening and government employment has been questioned as to its relevance in 1974 in light of changing world conditions.

AIM

2. To review the security rejection criteria currently in use and to make recommendations as to how they might be modified.

BENCH MARK

3. Parliament has recently passed the Protection of Privacy Act (C.176). One of the significant features of this Act is the formal definition for the first time of the term Subversive activity, in sub-section (3)

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of Section 16 of the Official Secrets Act. Members of Parliament approved the definition of Subversive activity as follows:

- (a) espionage or sabotage;
- (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;
- (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
- (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
- (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.

THESIS

4. It is submitted that security rejection criteria used by the government should be related closely to the definition of subversive activity which has been approved by Parliament.

5. In other words, those individuals who are known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity should not be granted the privileges of,

- (a) entering Canada as immigrants;
- (b) obtaining Canadian Citizenship; and
- (c) " C A T ' S
- (d) obtaining employment in the Public Service of Canada (in positions which

2 →
See p 22

require access to classified information).

FACTORS

6. Normal Immigration Screening

Under authority of the Immigration MANUAL, Chapter 7.17, the following security criteria is used by the Department of Immigration:

Reason

- (i) Communist, known or strongly suspected.
Communist agitator or suspect Communist Agent.

Interpretation

Communists (known or suspected), Communist agitators and suspected Communist agents should be rejected on security grounds; applications from Italy should be considered case by case and not in accordance with any system of categories designed to establish the degree of Communist association.

Comment

It is no longer possible to define with a sufficient degree of certainty the meaning of the term "Communist". Marxists, Maoists, Troskyists, ~~Socialists~~, could all fall within the broad interpretation of the word. Presumably, there are those who, for example, embrace a Marxist political

All known →

philosophy who would not be a security threat to Canada. On the other hand, agents or agitators who are known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity, as defined, should be rejected.

Modification Recommended

Any individual known to have taken part in or who is suspected on reasonable grounds of intending to take part in subversive activity. (Note: All to be considered on a case by case basis).

Reason

ii) Member of SS or German Wehrmacht. When non-German found to bear mark of SS Blood group.

Interpretation

Former membership in the German SS, SA and Waffen SS should not be considered cause for automatic rejection whether or not the applicant is sponsored by relatives in Canada; and each case should be studied to ascertain whether or not the individuals joined these organizations voluntarily.

Comment

It is 29 years since the end of World War II in Europe. This category is no longer relevant.

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Modification Recommended

Delete this category.

Reason

(iii) Nazi

Interpretation

Former membership in the Nazi Party should not be considered an automatic cause for rejection, but former members of the Nazi Party who are considered by the RCMP Police to constitute a real security risk should continue to be rejected.

Comment

The Nazi Party or Pseudo-Nazi parties continue to exist in the form of right wing extremists and fascists. Only those involved in subversive activities as defined should be rejected. This is covered in Reason (i).

Modification Recommended

Delete this category.

Reason

(iv) Criminal (known or suspected)

Comment

Presumably this means those who have been convicted of a criminal offence and those who are suspected of engaging in criminal activities but also who have not yet been convicted.

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Modification Recommended

No change.

Reason

(v) Professional gambler

Comment

Presumably this means someone who earns his living by gambling and will continue to do so in Canada. It is not clear why this category is separated from Reason (iv) (Criminal - known or suspected).

Modification Recommended

Delete this category.

Reason

(vi) Prostitute and homosexual

Comment

Homosexual activity between consenting adults is no longer a crime in Canada. Prostitution is a criminal offence and is covered in Reason (iv) (Criminal).

Modification Recommended

Delete this category.

Reason

(vii) Black-market racketeer

Comment

Presumably this is a war-time activity. In any case it is covered in Reason (iv) (Criminal).

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Modification Recommended

Delete this category

Reason

- (viii) Persons who under interrogation are evasive and untruthful

Comment

This is still valid criteria

Modification Recommended

No change

Reason

- (ix) Failure to produce recognized and acceptable documents as to time of entry and residence in Germany.

Comment

This is a post World War II provision and no longer relevant.

Modification Recommended

Delete this category

Reason

- (x) False representations; use of false or fictitious name

Comment

This is still valid criteria.

Modification Recommended

No change.

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Reason

(xi) Collaborators

Interpretation

Collaboration should not in itself be considered grounds for automatic rejection, but the following categories of collaborators should be rejected:

- (a) those actively engaged in fighting against the Allied Forces or in activities harmful to the safety and well-being of the Allied Forces;
- (b) those implicated in the taking of life or engaged in activities connected with forced labour and concentration camps;
- (c) those who were employed by German police or security organizations and who acted as informers against loyal citizens and resistance groups;
- (d) those charged and found guilty of treason.

Comment

These provisions are related to the immediate post World War II era and are no longer relevant. Those found guilty of treason are criminals and are covered in Reason (iv).

Modification Recommended

Delete this category.

... 9

A0051359_9-001818

Reason

- (xii) Members of the Italian Fascist Party
or of the Mafia.

Interpretation

Former members of the Italian Fascist Party who are considered by the RCMP Police to constitute a real security risk should be rejected; membership in the Italian Mafia should be considered grounds for rejection.

Comment

Presumably this refers to the World War II Italian Fascist Party of Benito Mussolini. This is hardly relevant today. The term "Italian Mafia" is not easily defined and should perhaps be replaced by "Organized Crime".

Modification Recommended

Delete reference to Italian Fascist Party and Italian Mafia. Reason (xii) should now read: "Those known to be or suspected of being connected with Organized Crime activities".

Reason

- (xiii) Trotskyist or members of other revolutionary
organizations

Interpretation

Trotskyists and members of other revolutionary organizations should be rejected and members of designated neo-fascist parties should be included in this category.

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Comment

This is covered in new Reason (i) - Any individual known to have taken part in or who is suspected on reasonable grounds of intending to take part in subversive activity (as defined by Parliament)

Modification Recommended

Delete this category.

Notes (from Immigration Manual Chap. 7.17)

(1) Refugees who fled Hungary between October 23, 1956 and July 1, 1957 should be rejected on security grounds whenever security information concerning applicants or their sponsors in Canada has been obtained;

(2) In the case of applicants from Greece, government "de-characterization" should not be accepted as a security clearance when no other information is obtainable, and in all cases, any doubt as to security status of the applicant should be decided in favour of Canada;

(3) Officials of the Socialist Party of Italy should be rejected on security grounds, and cases of rank and file members should be considered on their merits.

Comment on Notes

All these reservations are out of date.

... 11

Modification Recommended

Delete Notes 1, 2 and 3 and substitute new Notes 1 and 2 as follows:

- (1) Each case of an applicant for immigration to Canada will be considered on its own merits.
- (2) In all cases, any doubt as to the security status of the applicant should be decided in favour of Canada.

7. Recommended New Rejection Criteria for Normal Immigration Screening (Incorporating Modifications Recommended)

Reason

- (i) Persons known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity (as defined by Parliament);
- (ii) Persons who are known to be or are suspected of being criminals;
- (iii) Persons who under interrogation are evasive and untruthful;
- (iv) Persons who make false representations; and use false or fictitious names;
- (v) Persons known to be or suspected of being connected with the activities of organized crime.

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Notes

- (1) Each case of an applicant for immigration to Canada will be considered on its own merits.
- (2) In all cases, any doubt as to the security status of the applicant should be decided in favour of Canada.

8. Screening of Refugees

Under authority of the Immigration Manual, Chapter 7.20 the following security criteria is used by the Department of Immigration:

Criteria

(1) Criminal

- (a) Conviction for or admission of an offence that would have constituted an offence under the Revised Statutes of Canada had the offence been committed in Canada;
- (b) Association with criminals or persons known or suspected on reasonable grounds to be engaged or implicated in activities that would have constituted illegal activities had they been conducted in Canada; and
- (c) Fugitives from justice (this does not include "draft dodgers" unless they have been convicted before the courts of the home country).

overturn?

Comment

These criteria still valid.

Modification Recommended

No change.

(2) Political

(a) All Countries

- terrorist?*
- (i) Holding of executive office in a Communist, a Neo-Fascist or other subversive or revolutionary organization;
 - (ii) A known or suspected agent, or a participant in sabotage or other clandestine activity, on behalf of a Communist, a Neo-Fascist or other subversive or revolutionary organization (excluding persons who in the Second World War worked with or on behalf of the Allied Powers);
 - (iii) Misrepresentation or untruthfulness in completing documents for immigration purposes or during any personal interview;
 - (iv) A former Nazi, Fascist or collaborator convicted of a Second World War offence.

(b) Communist-Governed or Communist Controlled Countries

- (i) All in (a);
- (ii) Holding of any government, party, public or other high position or appointment known to be given only to reliable Communists.

- (c) Countries in which there are large Communist parties playing a major role in political life (e.g., France, Italy, Japan, India, Syria and Lebanon)
- (i) All in (a);
 - (ii) Membership in the Italian Socialist Party of Proletarian Unity (PSUIP), or membership in any party in any country that is more extremely inclined to the left than the Communist Party;
 - (iii) Public agitation as a leader in support of Communism or other subversive or revolutionary movement;
 - (iv) Any functionary of the Communist Party or other subversive or revolutionary organization holding an official though not necessarily an executive position;
 - (v) Membership in the Communist Party in a country where such membership, or the individual's membership, indicates the person to be clearly such a strong believer in communism that he would continue to be a Communist in Canada.
- (d) Other countries (including UK and USA)
- (i) All in (a) and (c);
 - (ii) Membership in a Communist, Neo-Nazi, Neo-Fascist or other subversive or revolutionary organization.

Comment

The political rejection criteria reflect the immediate post World War II concerns about Communism, Nazism, Neo-Facism and are now outdated.

Modification Recommended

Delete (a), (b), (c) and (d). Add the following:

- a) Persons known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity (as defined by Parliament);
- b) Misrepresentation or untruthfulness in completing documents for immigration purposes or during any personal interview.

Note: It may be sensible not to have separate criteria for normal immigration screening and refugee screening. Criteria for normal screening could apply in both situations.

9. Citizenship Screening

Under the authority of the Interdepartmental Committee on Citizenship, since 1973 the following criteria has been applied for screening of applicants for Canadian Citizenship:

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- (a) persons known or strongly suspected to be involved in espionage activities;
- (b) known or strongly suspected terrorists; and
- (c) persons actively engaged or prominently involved with violence-prone organizations.

Comments: As a result of a 1972 ruling by the Secretary of State, separatist involvement is not a bar to gaining citizenship.

A summary of the original criteria adopted in 1950 is as follows:

- (a) an applicant who was described as an active member of a Communist or Communist-controlled organization, or as a known Communist, or as being actively engaged in Communist activities would be rejected;
- (b) an applicant who was described as an ordinary member of a Communist or Communist-controlled organization, or as a fellow traveller, sympathizer or supporter would be deferred for a two year period, during which time the application would be determined on individual merit.

General Comment

Cabinet has recently agreed that security screening will continue to be carried out on applicants for Canadian Citizenship. This being the case, it seems

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to follow that the criteria used for rejection should be the same as that used for normal immigration screening.

Modifications Recommended

Security Rejection Criteria for citizenship should be modified to conform to recommended new criteria for normal immigration screening.

10. Screening for Public Service Employment

Under authority of Cabinet Directive No. 35 dated December 18, 1963, criteria used for screening applicants for employment in the Public Service of Canada, in positions where they would have access to classified information, is as follows:

Excerpts from CD 35

para. 2 "Employees ... must be persons in whose reliability and loyalty to his country the Government of Canada can repose full confidence ... It is therefore ... essential that persons described in paragraph three below must not, when known, be permitted to enter the Public Service, and must not if discovered within the Public Service be permitted to have access to classified information. If such a person ... has access ... he must at least be transferred to a less sensitive position ... (and) may ... be ... dismiss(ed) ..."

Loyalty:

para. 3 "The persons referred to in paragraph 2 above are:

- (a) A person who is a member of a Communist or Fascist Party or an organization affiliated with a Communist or Fascist Party and having a similar nature and purpose;
- (b) A person who by his words or his actions shows himself to support a Communist or Fascist Party or an organization affiliated with a Communist or Fascist party and having a similar nature and purpose;
- (c) A person who, having reasonable grounds to understand its true nature and purpose, is a member of or supports by his words or his actions an organization which has as its real objective the furtherance of Communist or Fascist aims and policies (commonly known as a front group);
- (d) A person who is a secret agent of or an informer for a foreign power, or who deliberately assists any such agent or informer;
- (e) A person who by his words or his actions shows himself to support any organization which publicly or privately advocates or practices the use of force to alter the form of government."

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Comment

In recent years, the RCMP Security Service has de-emphasized those Communist ethnic-oriented organizations which, after examination at the Branch level, are found to be culturally rather than politically oriented. The Security Panel was so advised on August 26, 1970.

New Separatist policy was enunciated by the Privy Council Office on December 15, 1972. The RCMP Security Service is authorized to send information to the requesting department with a copy forwarded to the Interdepartmental Committee on Security and Intelligence (ICSI). Should the department deem that the person's clearance is adversely affected, the ICSI must be consulted. The RCMP Security Service supplies information on:

Separatist sympathies, associations and activities on the part of the subject; and
Significant separatist information on the subject's relatives and associates.

It is submitted that the criteria for Loyalty should de-emphasize the Communist or Fascist orientation and conform to the definition of subversive activity as defined by Parliament.

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Modification Recommended

Delete Paragraph 3 above and substitute:

- (a) A person who is known to have taken part in or is suspected on reasonable grounds of intending to take part in subversive activity (as defined by Parliament).

Reliability

Excerpts from CD 35

para. 5 "... To provide as much assurance of reliability as possible persons described in paragraph 6 below may not be permitted to have access to classified information, unless after careful consideration of the circumstances, including the value of their services, it is judged that the risk involved appears to be justified."

para. 6 (a) A person who is unreliable, not because he is disloyal, but because of features of his character which may lead to indiscretion or dishonesty, or make him vulnerable to blackmail or coercion. Such features may be greed, debt, illicit sexual behaviour, drunkenness, drug addiction, mental imbalance, or such other aspect of character as might seriously affect his reliability;

(b) A person who, through family or other class continuing relationship with persons who are persons as

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described in paragraphs 3(a) to (e) above, is likely to be induced, either knowingly or unknowingly, to act in a manner prejudicial to the safety and interest of Canada. It is not the kind of relationship, whether by blood, marriage or friendship, which is of primary concern. It is the degree of and circumstances surrounding such relationship, and most particularly the degree of influence that might be exerted, which should dictate a judgement as to reliability, a judgement which must be taken with the utmost care; and

- (c) A person who, though in no sense disloyal or unreliable, is bound by close ties of blood or affection to persons living within the borders of such foreign nations as may cause him to be subjected to intolerable pressures."

Comment

These criteria are still valid.

Modification Recommended

No change

10. Screening for Certificates of Identity / *Refugee Travel document*

Under authority of the Interdepartmental Committee on Certificates of Indentity, / *Refugee Travel document* the criteria used for screening applicants is as follows:

1963

Criteria (1956)

not accurate

- (1) Active members of the LPP or other Communist Organizations;
- (2) Engaged in intelligence operations for the Soviet Bloc;
- (3) Record of passport falsification, contraband, etc.; or
- (4) Domiciled in Canada for five years or more and thus eligible to apply for Canadian citizenship.

SECRET

Current Practice: (since 1972)

Adverse information is only provided by the RCMP Security Service when the Service feels that the record has relevance to an individual's application.

Comment

Items (1) and (2) should be more consistent with the definition of subversive activity approved by Parliament. Items (3) and (4) are still relevant criteria.

SECRET

Modification Recommended

Delete (1) and (2) of the 1956 Criteria and substitute:

- (1) Persons who are known to have taken part in or are suspected on reasonable grounds of intending to take part in subversive activity (as defined by Parliament).

Note: renumber (3) and (4) as (2) and (3).

11. Compilation of New Criteria Recommended

Annex A - Normal Immigration Screening

Annex B - Refugee Screening

Annex C - Citizenship Screening

Annex D - Certificate of Identity Screening

Annex E - CD 35 - Screening for Loyalty.

SECRET

Robin Bourne,
Chairman,
Security Advisory Committee.

SECRET

RECOMMENDED NEW CRITERIA FOR NORMAL
IMMIGRATION SECURITY SCREENING

1. Persons known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity*

*Subversive activity is defined as follows:

- (a) espionage or sabotage;
- (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;
- (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
- (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
- (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.
2. Persons who are known to be or are suspected of being criminals;
3. Persons who under interrogation are evasive and untruthful;
4. Persons who make false representations; and use false or fictitious names;

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5. Persons known to be or suspected of being connected with the activities of organized crime.

Notes:

- (1) Each case of an applicant for immigration to Canada will be considered on its own merits.
- (2) In all cases, any doubt as to the security status of the applicant should be decided in favour of Canada.

SECRET

RECOMMENDED NEW CRITERIA FOR
REFUGEE SECURITY SCREENING

1. Criminal

- (a) Conviction for or admission of an offence that would have constituted an offence under the Revised Statutes of Canada had the offence been committed in Canada;
- (b) Association with criminals or persons known or suspected on reasonable grounds to be engaged or implicated in activities that would have constituted illegal activities had they been conducted in Canada; and
- (c) Fugitives from justice (this does not include "draft dodgers" unless they have been convicted before the courts of the home country).

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2. Political

- (a) Persons known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity.*
- (b) Misrepresentation or untruthfulness in completing documents for immigration purposes or during any personal interview.

*Subversive activity is defined as follows:

- (a) espionage or sabotage;
- (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;

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- (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
- (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
- (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.

Note:

It may be sensible not to have separate criteria for normal immigration screening and refugee screening. Criteria for normal screening could apply in both situations.

SECRET

RECOMMENDED NEW CRITERIA FOR CITIZENSHIP
SECURITY SCREENING

1. Persons known to have taken part in or who are suspected on reasonable grounds of intending to take part in subversive activity*

*Subversive activity is defined as follows:

- (a) espionage or sabotage;
 - (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;
 - (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
 - (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
 - (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.
2. Persons who are known to be or are suspected of being criminals;
 3. Persons who under interrogation are evasive and untruthful;
 4. Persons who make false representations; and use false or fictitious names;

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5. Persons known to be or suspected of being connected with the activities of organized crime.

Notes:

- (1) Each case of an applicant for Canadian citizenship will be considered on its own merits.
- (2) In all cases, any doubt as to the security status of the applicant should be decided in favour of Canada.

SECRET

RECOMMENDED NEW CRITERIA FOR CERTIFICATE
Refugee Travel Document
OF IDENTITY SECURITY SCREENING

1. Persons who are known to have taken part in or are suspected on reasonable grounds of intending to take part in subversive activity.*

~~2. Record or passport falsification, contraband, etc., or~~

~~3. Domiciled in Canada for five years or more and thus eligible to apply for Canadian citizenship.~~

*Subversive activity is defined as follows:

- (a) espionage or sabotage;
- (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;
- (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
- (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
- (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.

2. See Annex A

RECOMMENDED NEW CRITERIA FOR SCREENING FOR
LOYALTY WITHIN CABINET DIRECTIVE NO. 35

Loyalty

para. 3

- (a) Persons who are known to have taken part in or are suspected on reasonable grounds of intending to take part in subversive activity.*

*Subversive activity is defined as:

- (a) espionage or sabotage;
- (b) foreign intelligence activities directed toward gathering intelligence information relating to Canada;
- (c) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means;
- (d) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada; or
- (e) activities of a foreign terrorist group directed toward the commission of terrorist acts in or against Canada.

- ① eg I saw as that for I + citizenship
- ② Refugee travel document