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MEMORANDUM TO THE CABINET

SUBJECT: Revised Criteria for the Exclusion of Immigrants  
and Non-Immigrants on Security Grounds

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PROBLEM

1. The criteria presently being used for the exclusion of applicants for immigration to Canada on security grounds were approved by Cabinet on August 10, 1967. They were established to deal with security threats facing Canada at that time. The emphasis was on prohibiting the admission of political subversives and Communists. With the passage of time, these criteria have now become outdated. Recent experiences with special refugee movements have emphasized the need to re-examine and revise these criteria in order to more properly permit the examination and admission of applicants, where appropriate, in such movements. Strict application of the current criteria would exclude persons whose presence in Canada would not constitute a legitimate or definite security risk. In addition, the modern threat of terrorist activity has added a new dimension to our concern about security screening, yet terrorism per se is not specifically mentioned in the current criteria.

OBJECTIVE

2. The purpose of this Memorandum is to obtain Cabinet approval of new criteria for the exclusion of immigrants and non-immigrants on security grounds. The proposed revised criteria are attached as Appendix "A".

BACKGROUND

3. The authority of the Minister of Manpower and Immigration to deny admission to Canada on security grounds is found in Section 5, sub-sections (l), (m) and (n) of the Immigration Act. An extract of this portion of the legislation is attached as Appendix "B". It will be seen that terrorism is not specifically identified in Section 5 although, in the opinion of the Department of Justice, the broad terms employed therein would include terrorists.

4. The present security rejection criteria which Cabinet approved in 1967 and which are attached as Appendix "C", are the administrative instruments by which Manpower and Immigration, in consultation with the Solicitor General's Department, endeavours to define security risks and to relate them to the appropriate prohibitive section of the Immigration Act. The criteria are intended to enable Immigration Officers to identify individuals to whom the prohibitive sections of the Act should be applied. The prohibitive sections of the Act date back to 1952 and, because of the general nature of their phraseology, they do not provide sufficiently clear guidelines to permit Immigration Officers to effectively discharge their responsibilities and thereby safeguard Canada's security interests.

5. To give some indication of the dimensions of the problem and the enormity of the screening task facing Immigration Officers, it is to be noted that during the course of a year as many as 500,000 decisions may be made by Canadian officers abroad to issue or not to issue immigrant or non-immigrant visas. On the other side of the coin, at Canadian ports of entry, more than 300,000 secondary examinations to determine whether to admit, take place each year. While only an infinitesimal fraction of applicants who are subject to such decisions would be found inadmissible under the security exclusion criteria, the possibility of their being prohibited on security grounds must be considered in all cases. The decision regarding applicability of the criteria rests with the Immigration officer, although advice from the RCMP is available to him abroad. At Canadian ports of entry referral to a Special Inquiry Officer is necessary if exclusion is indicated, and decisions to consider the possibility of a security rejection must be made on the spot. It should be clearly evident, therefore, that there is an urgent need to have clear, relevant and universal security exclusion criteria, consistent with the Immigration Act, readily available to officers throughout Canada and in all parts of the world.

6. The existing criteria for the exclusion of immigrants on security grounds are divided into two sections for application to different categories of immigrants. The first deals with independent immigrants and the second with the sponsored and nominated categories. No specific criteria have been established for the exclusion of non-immigrants on security grounds, although the prohibitive sections of the Act apply equally to non-immigrants. It is essential that Immigration and RCMP officers have guidelines to be able to refuse the entry of non-immigrants as well as immigrants on security grounds.

7. Under certain circumstances controversial persons who are identified as being prohibited for security reasons under the Immigration Act may be allowed to enter Canada, normally at the invitation of a reputable organization for a speaking engagement. In the interests of protecting the right of free speech, and when we have no reason to believe that a problem may arise as a result, this approach permits Canadians to hear the broadest possible spectrum of opinion while at the same time protecting Canada against people whose activities might be detrimental to peace and order. A memorandum reviewing this policy will be forwarded shortly to Cabinet.

8. The existing criteria (attached as Appendix B) list many out-of-date reasons for security exclusions and stray into non-subversive areas such as criminal activity. For example, mention is made in the criteria of nominal communists, and officials of the Socialist Party of Italy; these are not reasons in themselves to exclude people from Canada. The present criteria also include criminals, gamblers, prostitutes and black market racketeers. Such persons are prohibited elsewhere from admission to Canada but their inclusion in the security rejection criteria is inaccurate and confusing. Numerous exceptions and special considerations exist related to nationality or nature of the government in the country of citizenship of the applicant for immigration.

### FACTORS

9. As was discussed in Cabinet Submission dated January 14, 1975, dealing with the Chilean refugees, the current security exclusion criteria do not serve our purpose in the examination of refugees who seek to come here from other than the traditional refugee-producing countries of eastern Europe. Recent experiences in dealing with refugees in South American countries, such as Chile and Argentina, have brought home the fact that membership in left-wing parties or groups is not per se a cause for concern. Many applicants from Chile had an association with the socialist Allende government but were not considered to be security risks. Nevertheless, because of the present criteria for independent immigrants, it was necessary to review each case at a senior level in Ottawa. The increasing prevalence of such movements outside traditional refugee areas make it essential that contemporary security exclusion criteria be decided upon.

10. One other factor which surfaced out of Cabinet's discussions on the Chilean issue was the necessity of developing more explicit guidelines in connection with persons believed to be engaged in terrorist activities. Today the threat of terrorism is world-wide. It has been manifested in recent years by the actions of some organizations such as various extremist Palestinian groups, the Japanese Red Army and Irish extremists. In their efforts to achieve international recognition and to draw attention to their causes, terrorists often harm innocent persons and cause destruction of private and public property. Terrorists today may well constitute a more serious threat than political subversives, and it has therefore become necessary to include terrorists specifically in the security criteria as persons who should be excluded.

11. An important aspect of the establishment of contemporary security exclusion criteria is the provision of up-to-date and relevant information to Immigration officers about individuals who should be excluded under the criteria, and the organizations to which they may belong. This information must be available at the point and time of the decision by the Immigration officer. Such information is furnished to the Department of Manpower and Immigration by the RCMP and close links are maintained between posts abroad, ports of entry and security forces in Canada. Special procedures are in force with regard to terrorists to ensure that the names and organizations contained in such information remain contemporary and are consistent with the

security exclusion criteria, and that they serve the Canadian public good and not just the interests of a single department, organization, or individual.

### PROPOSALS

12. In general, the proposed revised criteria (Appendix "A") specifically identify terrorists as subject to exclusion on security grounds and clearly except persons who have ceased to be terrorists. They also eliminate anachronistic references to communist and other party memberships as grounds for exclusion per se as well as references to particular nationalistic-ally oriented subversive groups and to activities which are more criminally than subversively oriented.

13. Item 1 in the criteria relates to true subversive activities and the definitions or descriptions utilized in this item are consistent with the proposals made to Cabinet in respect of the role of the RCMP Security Service. Furthermore, this Item 1 concerns itself with persons who there are reasonable grounds to believe, would be likely to engage in subversive activities should the individual be allowed admission to this country. Item 2 in the criteria is the new concept of terrorism in all of its aspects. Item 3 replaces and capsulizes all of the previous and now antiquated descriptions which were originally required to describe persons holding positions of executive responsibility in specifically designated groups or organizations. It is to be noted, however, that provision is made in the notes following the criteria for the Minister of Manpower and Immigration to set aside the prohibition upon being satisfied that the persons concerned have ceased to be members of or associated with such organizations and that their admission would not be detrimental to the security of Canada. Item 4 deals with misrepresentation and untruthfulness. However, the significance here is not simply the fact of the concealment itself, but rather the concealment of information which, had it been available, would have been relevant to a prohibition on security grounds.

14. The question of whether or not membership in the Palestine Liberation Organization should constitute a cause for prohibition under the guidelines will be the subject of a separate submission to Cabinet as will, as mentioned in paragraph 7, the policy in respect of admission of controversial persons on the invitation of a reputable Canadian sponsor to give lectures or make speeches.

### FINANCIAL CONSIDERATIONS

15. There are no financial implications involved.

### FEDERAL-PROVINCIAL RELATIONS CONSIDERATIONS

16. There are no federal-provincial implications involved.

INTERDEPARTMENTAL CONSULTATION

17. Consultations have been held and agreement reached between the Department of Manpower and Immigration, the Department of the Solicitor General and the Department of External Affairs to develop updated criteria for the exclusion of immigrant and non-immigrant applicants on security grounds. The criteria have also been studied by legal officers of the Department of Justice who have expressed the opinion that they are consistent with the authority of Section 5(1), (m) and (n) of the Immigration Act under which persons can be refused admission to Canada. The revised criteria have been discussed and approved by the Interdepartmental Committee on Security and Intelligence.

PUBLIC RELATIONS CONSIDERATIONS

18. Exclusions based on security grounds are sometimes seen as unreasonable by the public and lead to public outcries. It is seldom possible to discuss in an open forum the secret information on which the exclusion was made, and therefore we cannot present an adequate defence. The new criteria will not alter this unpleasant fact of life, but they should reduce the numbers of such incidents because several outdated categories will be eliminated.

CAUCUS CONSULTATION

19.

CONCLUSIONS

20. It is necessary that the criteria for exclusion on security reasons be revised in order to eliminate the obviously outdated parts and to acknowledge that nominal membership in a communist organization is not necessarily indicative of subversive activity.

21. It is essential that the security exclusion criteria include grounds for excluding non-immigrants.

22. It is critical that the security exclusion criteria be revised to establish clearly that terrorist activities are valid grounds for excluding both immigrants and non-immigrants.

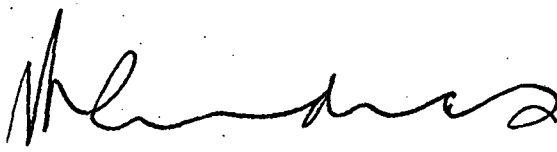
23. The proposed criteria are intended to correspond with the proposed modified RCMP terms of reference relative to their responsibilities for the internal security of Canada, with the additional reference to terrorist activity, and with the definition of subversive activity as contained in the Official Secrets Act.

#### RECOMMENDATIONS

24. It is recommended that:

Cabinet approve the Revised Criteria for the Exclusion of Immigrants and Non-Immigrants on Security Grounds as presented.

  
Solicitor General

  
Robert Andras  
Minister of Manpower and Immigration

PROPOSED CRITERIA FOR REFUSAL OF IMMIGRANTS  
AND NON-IMMIGRANTS ON SECURITY GROUNDS

1. Persons who, there are reasonable grounds to believe, would be likely, if admitted to Canada, to engage in:
  - (a) espionage or sabotage;
  - (b) foreign covert intelligence activities directed toward gathering intelligence information relating to Canada;
  - (c) activities directed toward accomplishing governmental change within Canada 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;
  - (e) activities of a foreign or domestic group directed toward the commission of terrorist acts in or against Canada; or
  - (f) the use or the encouragement of the use of force, violence or any criminal means, or the creation or exploitation of civil disorder, for the purpose of achieving any of the activities referred to above.
2. Persons known to have, or who are suspected on reasonable grounds of having, taken part in, or of intending to take part in, terrorist acts.
3. Persons who hold, or have held, positions of executive responsibility in any organization, group or body which promotes or advocates the subversion, by force or violence or any criminal means, of democratic government, institutions or processes, as they are understood in Canada.
4. Persons who engage in deliberate and significant misrepresentation or untruthfulness during any personal interview or in the completion of documents for immigration purposes, if such misrepresentation or untruthfulness has a bearing on background enquiries relating to admissibility to Canada.

NOTES

1. The Minister of Manpower and Immigration and the Solicitor General are authorized to prepare lists, in consultation with the Secretary of State for External Affairs, of organizations in which, because of their history and the nature of their activities, membership in itself would constitute reasonable grounds for determining that a person should be refused under Number 1 of the criteria.
2. In all cases, any doubt as to the security status of the applicant should be decided in favour of Canada.

3. These criteria are to be applied in all cases regardless of sponsorship for immigration, country of residence or citizenship status of the applicant for immigration to Canada.
4. Number 2 of the criteria would not apply to persons who have ceased to be terrorists or to be associated with terrorist organizations, and whose admission would not be detrimental to the interests of Canada.
5. With respect to Number 3 of the criteria, the length of time since holding of such position and the circumstances involved would be considered with a view to satisfying the Minister of Manpower and Immigration that admission in some cases would not be detrimental to the security of Canada (5(1) of the Immigration Act).



The criteria established by Cabinet at its meeting of August 10, 1967 for the rejection of Immigrants on security grounds are:

"FOR INDEPENDENT APPLICANTS"

- (a) That communists (known or suspected), Communist agitators and suspected Communist agents should continue to be rejected on security grounds;
- (b) that refugees who fled Hungary between October 23, 1957 and July 1, 1957, should continue to be rejected on security grounds whenever adverse security information concerning applicants of their sponsors in Canada was obtained;
- (c) that 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 the security status of the applicant should be decided in favour of Canada;
- (d) that 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;
- (e) that officials of the Socialist Party of Italy should continue to be rejected on security grounds and that the cases of rank and file numbers should be considered on their merits;
- (f) that former membership in the German SS, SD, SA and Waffen SS should no longer be considered cause for automatic rejection whether or not the applicant is sponsored by relatives in Canada, and that each case be studied to ascertain whether or not the individuals joined these organizations voluntarily;
- (g) that former membership in the Nazi Party should not be considered an automatic cause for rejection, but that former members of the Nazi Party who are considered by the R.C.M. Police to constitute a real security risk should continue to be rejected;
- (h) that all security screening procedures concerning applicants who are criminals (known or suspected), professional gamblers, prostitutes, homosexuals and black market racketeers should continue unchanged;
- (i) that the security screening procedure concerning applicants who, under interrogation, are evasive and untruthful should continue unchanged;

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- (j) that the security screening procedure concerning applicants who fail to produce recognized and acceptable documents as to time of entering and residence in Germany should continue unchanged;
- (k) that the security screening procedure concerning applicants who make false representations or use false or fictitious names should continue unchanged;
- (l) that collaboration should not in itself be considered grounds for automatic rejection but that 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.
- (m) that former membership in the Italian Fascist Party should not be considered grounds for automatic rejection, but that former members of the Italian Fascist Party who are considered by the R.C.M. Police to constitute a real security risk should continue to be rejected;
- (n) that membership in the Italian Mafia should continue to be considered ground for rejection.
- (o) that Trotskyites and members of other revolutionary organizations should continue to be rejected, and that members of designated neo-Fascist parties should be added to this category."

"FOR SPONSORED DEPENDENTS AND NOMINATED RELATIVES"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.)

2. Political(a) All countries

- (i) Holding of executive office in a Communist, a Neo-Nazi, 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-Nazi, 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, Lebanon)
  - (i) All in (a);
  - (ii) Membership in the Italian Socialist Party of Proletarian Unity (PSUIP), or membership 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 org:000874 an official though not necessarily position;

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- (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 U.K. and U.S.A.)
  - (i) All in (a) and (c);
  - (ii) Membership in a Communist, Neo-Nazi, Neo-Fascist or other subversive or revolutionary organization".

IMMIGRATION ACT  
Section 5, sub-section (1)(m)(n)

Section 5 - "No person, other than a person referred to in subsection 7(2), shall be admitted to Canada if he is a member of any of the following classes of persons:

(1) - persons who are or have been, at any time before, on or after the 1st day of June 1953, members of or associated with any organization, group or body of any kind concerning which there are reasonable grounds for believing that it promotes or advocates or at the time of such membership or association promoted or advocated subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada, except persons who satisfy the Minister that they have ceased to be members of or associated with such organizations, groups or bodies and whose admission would not be detrimental to the security of Canada;

(m) - persons who have engaged in or advocated or concerning whom there are reasonable grounds for believing they are likely to engage in or advocate subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada;

(n) - persons concerning whom there are reasonable grounds for believing they are likely to engage in espionage, sabotage, or any other subversive activity directed against Canada or detrimental to the security of Canada;"