

File Number: _____

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)**

BETWEEN

NELL TOUSSAINT

Applicant

Appellant

And

ATTORNEY GENERAL OF CANADA

Respondent

Respondent

**AFFIDAVIT OF NATHALIE DES ROSIERS
Sworn September 23, 2011**

I, Nathalie Des Rosiers of the City of Ottawa in the Province of Ontario,
MAKE OATH AND SAY:

1. I am the general counsel of the Canadian Civil Liberties Association (“CCLA”) and as such have knowledge of the matters set out below, except where this knowledge is based on information and belief, in which case I believe it to be true.

The Canadian Civil Liberties Association

2. The CCLA is a national organization that promotes respect for and observance of fundamental human rights and civil liberties in Canada. The CCLA was an intervener in this matter at the Federal Court of Appeal.
3. The CCLA has been involved in the litigation of many important civil liberties issues arising both prior to and under the *Charter*. It has frequently been granted intervener status before Courts and tribunals across Canada to present oral and written argument in cases that involve a balancing of competing rights, interests and values stemming from the *Charter*.
4. The CCLA supports the application for leave to appeal in this matter. This case raises the issue of the rights and protections afforded by the *Charter of Rights and Freedoms* (the "*Charter*") to an individual with precarious immigration status living in Canada. The scope of the rights of migrants with irregular status is an issue of national significance that will have significant repercussions for Canadian social policy as the number of irregular migrants is likely to increase in Canada. Canada would certainly benefit from this Court's guidance .
5. The judgment of the Federal Court of Appeal also has implications for Canada's international reputation as a country which respects and upholds fundamental human rights, such as the right to life.
6. I have been recently informed that this matter has been brought to the attention of the OHCHR (Office of the United Nations High Commissioner for Human Rights). Attached as **Exhibit A** to this Affidavit is the letter that we have received from the OHCHR that indicates the interest of the Office. I wanted to bring this letter to the attention of this Court.

7. The letter of the OHCHR suggests that this case raises significant issues of international human rights and of the scope of international human rights instruments that Canada has ratified. I am informed that the issue of healthcare for migrants with irregular immigration status is a current preoccupation of the OHCHR.
8. The OHCHR has informed us that if the Court grants leave to appeal in this case, the OHCHR will consider seeking leave from the Court to intervene in order to provide assistance with the international legal dimensions of the issues raised.
9. I make this affidavit pursuant to an application by Nell Toussaint for leave to appeal to this Court in the above case, and for no other or improper purpose.

SWORN before me at the City of
Toronto, in the Province Ontario
this 23rd day of September, 2011

A Commissioner, etc.

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) _____
) Nathalie Des Rosiers
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