

FEDERAL COURT

BETWEEN:

NELL TOUSSAINT

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

AFFIDAVIT OF NELL TOUSSAINT

I, Nell Toussaint, of the City of Toronto, Province of Ontario, MAKE OATH AND SAY:

1. I am 39 years old and a woman of colour. I came to Canada from Grenada on December 11, 1999 with visitor status, which expired after six months, and I have lived here since that time. I am a national of Grenada. I am not married. My educational level is Form 2. I completed primary school and 2 years of high school. I was 15 years old when I stopped going to school and have never returned, so I don't even have a high school diploma.
2. I underwent a myomectomy in November 2008. I had been suffering from severe recurrent abdominal pain. Tests done at two Toronto hospitals showed a very large uterine fibroid and large inflamed ovarian cysts. About 40 fibroids were

surgically removed from my uterus. Some were not taken out because I was bleeding too much. My blood pressure became elevated after my surgery. The day after my release from hospital I was rushed back and received 4 bags of blood. I also developed a kidney infection after leaving hospital. As well, I have sugar diabetes. In 2008 I found out that I also suffer from sickle cell anemia.

3. I have received medical bills totaling thousands of dollars for my hospitalization and treatment. The Grenada Consulate General paid \$750 of that and York Community Services also paid some. However, as at January 2009 approximately \$9,300 remains due. Attached hereto and marked together as exhibit "A" are copies of my medical bills. I have to see my gynecologist later this year for a check up. I am still undergoing tests with respect to the sickle cell anemia. York Community Services pays for that check up and for blood tests. York Community Services and my settlement outreach worker provide me with some pills for the high blood pressure and diabetes. The high blood pressure pills cost about \$79 and York Community Services gave me a \$50 voucher towards that and the pharmacist discounted the balance.
4. I have lots of pain and am very weak. Climbing stairs is hard for me. I can't work at this time. I go to various food banks for food. I live with a friend who charges me no rent.
5. Through Mr. Macdonald Scott, a Certified Canadian Immigration Consultant, I tried to regularize my status in Canada and asked the Minister of Citizenship and Immigration in a letter dated September 12th, 2008 to waive the \$550 fee so I could make a request for humanitarian and compassionate consideration. On

Friday, January 16, 2009 Mr. Scott received a letter dated January 12, 2009 from the Case Management Branch at the National Headquarters of Citizenship and Immigration Canada refusing my fee waiver request. A copy of Mr. Scott's letter of September 12th, 2008 with enclosures sent to the Honourable Diane Finley, then Minister of Citizenship and Immigration, and copied to Mr. Stephane Larue, Director General, Case Management Branch at the National Headquarters of Citizenship and Immigration Canada, is attached hereto and marked together as exhibit "B". A copy of the reply letter dated January 12, 2009 is attached hereto and marked as exhibit "C".

6. I am unable to pay the \$550 government humanitarian and compassionate fee. I do not receive support under the Ontario Disability Support Program as I understood I was not eligible to apply until I had applied for status as a permanent resident under the federal *Immigration and Refugee Protection Act*. I don't have any savings or assets. I did ask my settlement outreach workers to help pay the fee but they could not provide the money. I have no alternative means to raise the funds. Although Legal Aid Ontario did issue a certificate to cover the cost of legal services to prepare my humanitarian and compassionate application, it does not provide any money to pay the \$550 government fee.
7. I have lived in Canada for over 9 years and established a life here. I have worked as an assembler, a cleaner, and a general labourer, and I also did babysitting. I provide more information about my work below.
8. In 2001 I did some part time babysitting for about 6 months. I also worked at Fileco Inc. for about 3 months in 2001. From April 2002 to July 2002 and from

April to December 2004 I worked for College Clean Services. Between July 2002 and April 2004 I again did babysitting. Starting in December 2004 I obtained work through Guarantee Employment Services until July 2005 at a car parts inspection company. From July 2005 to June 2006 I worked for Romira Solutions, another car parts inspection company. From October 2007 to December 2007 I again worked at College Clean Services. For much of 2006, 2007 and 2008 I was sick and unable to work. At Christmas 2007, through another agency, I worked at a waffles factory in Brampton for 5 days but never got paid. In early 2008 for about 4 months I volunteered delivering food, accompanied by a driver, for elderly people at Meals on Wheels. This was on Tuesdays and Thursdays for about one and a half hours each day.

9. At Fileco Inc. I worked as an assembler of filing cabinets on an assembly line. At College Clean Services I was a cleaner. I cleaned toilet stalls at stores such as Guess, Louis Vuiton, Gap and Banana Republic, and I also cleaned at other buildings.. At the car parts inspection companies I was a general labourer inspecting paint work on cars coming off an assembly line.
10. As a babysitter I was paid about \$125 per week. At Fileco. Inc. in total I was supposed to be paid about \$3,000 at an hourly rate of \$9.00 but they only paid me \$629. At College Clean Services I originally was paid \$10 per hour and then later, I believe in 2007, \$10.50 per hour. My hours at College Clean Services varied. For example, in May 2002 I was paid about \$360. For September 2004 I was paid about \$865. Occasionally there were special projects that required more hours. For the week ending November 11, 2007 my regular hours were 30 at a rate of

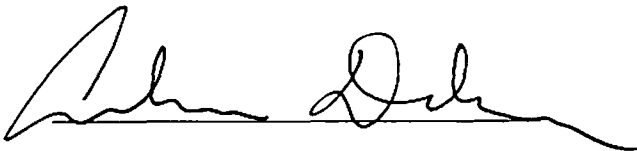
\$10.50 per hour. My gross pay was \$315 for that week and the net pay after deductions for CPP, EI, Federal tax, and Provincial tax was \$272.37. At the car parts inspection company where I worked for about 7 months, I was paid \$10 per hour. The hours varied, For example, in the month of June 2005 I was paid \$318.75 on each of June 8, 15, and 29, and \$335.75 on June 22. At Romira Solutions I worked at \$9.00 per hour, and usually was paid either \$270 or \$337.50 per week. At Meals on Wheels I volunteered for no pay.

11. The making of a humanitarian and compassionate application is the only possibility I have to obtain permanent resident status in Canada and I want to do so but I am unable to pay the \$550 fee.

Sworn before me at the City of Toronto,

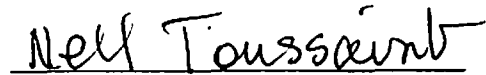
Province of Ontario, this 26th day of

January, 2009



Andrew C. Dekany, Barrister & Solicitor

A Commissioner for taking oaths



Nell Toussaint