

Court File Number: Imm-3761-09

FEDERAL COURT

BETWEEN:

NELL TOUSSAINT

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

SUPPLEMENTARY AFFIDAVIT OF NELL TOUSSAINT

I, NELL TOUSSAINT of the City of Toronto, in the Province of Ontario, SOLEMNLY
AFFIRM AS FOLLOWS:

1. The quality and the public funding of the healthcare system in Canada was not a factor in my decision to come to Canada and it was not a factor in my decision to seek permanent residency status here.
2. When I decided to come to Canada, I knew nothing about the healthcare system in Canada, and living here for six years, when I first sought to normalize my status here, I knew very little about the healthcare system. I did not know how OHIP or how the public health insurance system worked. On the rare occasions when I needed to see a doctor, I paid for the visit myself.

3. I wanted to get my papers to work legally in Canada from the beginning of my residency here, but I knew very little about how to go about this. I asked acquaintances informally what a work permit was and how I would get one, and I was told that I would have to pay for it. I was only able to start to save up money for this in 2005 when I got some steadier work.

4. In August 2005 I had been doing factory work inspecting cars for approximately 9 months. My employer at the time, Romira Solutions, told me that they would like to hire me as a permanent full time employee, and asked if I had the necessary documents. I told them that I did not have documents, but that I would very much like to work there. They offered to write me a letter that might help me secure documents. I was provided with a letter dated August 16, 2005 from Alex Nossov, the Account Manager, stating that they would be glad to offer me full time employment in the position of labourer. The letter noted that in order to secure the job I would need to provide proper Canadian government documents, and that in particular I would require a social insurance number (SIN) and a work permit. It was this letter which prompted me to proceed to seek to secure documentation. A true copy of the letter from Alex Nossov is attached hereto and marked as exhibit "A".

5. Shortly after receiving this letter, I was referred by a friend to the immigration consultant, Ms Marlene Gallyot, whom I believed to be a lawyer. I paid to Ms Gallyot approximately \$1,000 for the preparation of an affidavit. I no longer have a copy of the affidavit. It was lost when all of my documents were removed from a storage locker,

after the person in whose name the storage locker was being rented failed to pay the fees. I have been unable to recover these documents.

6. After completing the affidavit, I was told by Ms Gallyot that I would need to pay another \$1,000 to proceed with a humanitarian and compassionate application. I did not have this money and was therefore unable to proceed with the application at this time.

7. Since the filing of my previous affidavit in this matter on August 26, 2009 I have been deemed eligible for assistance from the Ontario Disability Support Program (ODSP). ODSP does not cover any of my medical costs. As well, my application for judicial review of the government of Canada's decision to not waive the humanitarian and compassionate fee for me was dismissed by the Honourable Madam Justice Snider on September 4, 2009. She certified serious questions of general importance for consideration by the Federal Court of Appeal and I have commenced an appeal in the Federal Court of Appeal of Madam Justice Snider's judgment.

8. I continue to be very anxious about how much I owe for the medical care I have received. Among the amounts I owe is, as stated in my previous affidavit, the outstanding bill from Humber River Regional Hospital in the amount of \$9,385 for my hospitalization there in November 2008. Almost every month I receive a statement showing this amount is overdue, most recently statements dated October 26 and November 25, 2009. I also owe Humber River Regional Hospital \$9,027.50 for my hospitalization there in October 2009. I received a bill dated October 25, 2009 for this amount and I received a subsequent

reminder of this outstanding amount dated November 24, 2009. Attached hereto and marked together as exhibit "B" are true copies of the aforesaid October and November 2009 statements for these two bills. I also received a bill dated January 21, 2009 in the amount of \$713.31 for tests done on me in November 2008 at Humber River Regional Hospital, threatening the account would be turned over to a collection agency if not paid. Attached hereto and marked as exhibit "C" is a true copy of that bill.

9. I am extremely worried about what will happen if I am unable to pay these bills. I worry that if I am sick again, the hospital may not agree to admit me because of the amount of my outstanding debts. I am also aware that if I ever need to rent another apartment, landlords will find that I have bad credit and will refuse to rent to me. I have a bank account but I know I will be unable to get a credit card because I do not have legal status and I now have large debts.

10. I do not like to rely on social assistance and hope to regain employment once my health problems are resolved. I am constantly trying to think of ways that I can again become actively engaged in paid employment in spite of my disability.

SOLEMNLY AFFIRMED BEFORE ME)
this 3rd day of January, 2010)
at the City of Toronto in the)
Province of Ontario)

Nell Toussaint
Nell Toussaint


A commissioner for taking oaths
Andrew C. DeKany