

May 6th, 2009

By federal express

Interim Federal Health Plan
 Citizenship and Immigration Canada
 Canadian Building
 219 Laurier Ave West
 3rd Floor
 Ottawa, ON
 K1A 1L1

ATTN: Director Samir Samah

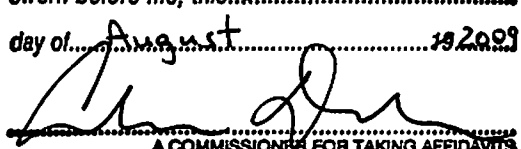
Dear Ms. Samah,

RE: TOUSSAINT, Nell

Please be advised that our firm represents Ms Toussaint as counsel for her immigration matters as per the attached copy of the "Use of Representative" form at Tab "A".

This letter is to accompany a completed application (with photograph) for Interim Federal Health Benefits for Ms Toussaint (Tab "B"). It is to be noted that Ms Toussaint has begun the process of applying for permanent residency under the "Application for Permanent Residency from within Canada Based on Humanitarian and Compassionate Considerations" (H&C) as per the attached copy of an application to the Minister of Citizenship and Immigration for a waiver of the application fee, attached to this letter along with the completed forms at Tab "C". As such she has come under the "jurisdiction" of Citizenship and Immigration Canada (CIC).

Ms Toussaint has a number of major medical issues as evidenced in the various doctor's letters and clinical notes and records attached at Tab "D". She suffers from severe and recurrent abdominal pain, tests have shown a very large uterine fibroid and large inflamed ovarian cists. She has had about 40 fibroids removed from her uterus, and she has sugar diabetes and suffers from sickle cell anemia. She is currently hospitalized after she developed serious kidney and blood problems possibly connected to the diabetes. She is expected to be discharged shortly, but will require medications and follow up care, including home care, costing considerable funds, funds she does not have.

This is Exhibit....." K ".....referred to in the
 affidavit of...Nell Toussaint.....
 sworn before me, this...23rd.....
 day of...August.....2009

 A COMMISSIONER FOR TAKING AFFIDAVITS
 Andrew C. DeKany

The Interim Federal Health Program was introduced in 1957 by Order in Council P.C. 157-11/848. As per the "Audit of the Control Framework for the Interim Federal Health Program" (available on the CIC website www.cic.gc.ca) it was introduced for humanitarian reasons, to "pay medical and dental care, hospitalization and any expenses incidental thereto..." and those covered included, "...a person who at any time is subject to Immigration jurisdiction." Its coverage would include the treatment Ms Toussaint has already received along with her future medication and care needs (as per the "Information Handbook for Health-Care Providers" produced by CIC and FAS Benefit Administrators).

I would also note that the Federal Court has considered access to health care being blocked by immigration action a serious issue in many cases including *Prasad v. Canada* (MCI) [2003] F.C.J. No. 805 and *Sivagnanam v. Canada* (MCI) [2004] F.C.J. No. 1806, I would also note that Article 12 of the "International Covenant on Economic, Social and Cultural Rights" makes it clear that states have a responsibility to recognize all people's rights to the "...highest attainable standard of physical and mental health" and to assist them in obtaining this and that *De Guzman v Canada* (MCI) 2005 FCA 436 has made it clear that international instruments are determinative of Immigration law. Finally, I would note that section 25 (1) of the *Immigration and Refugee Protection Act* gives a wide discretion to the Minister of Immigration and his delegates to waive criteria in any immigration programs or proceedings.

As such, given Ms Toussaint's urgent medical situation, I would ask that she be given benefits under the Interim Federal Health Program which may well save her life, hence fulfilling the humanitarian tradition of Canadian immigration law.

Please note that Ms Toussaint does not have a passport, we have attached copies of the Identity Documents that she does have at Tab "E".

I can be reached with any questions at 416/633-1065 ext 285.

Yours truly,

Macdonald Scott, C.C.I.C.