

WeirFoulds Represents Intervening Racialized Clinic Coalition in Toussaint v. Canada

August 24, 2022

A recent decision issued by Ontario Superior Court Justice Paul Perell [made national news](#) by granting Nell Toussaint the right to sue the Canadian federal government for failure to provide timely and adequate medical care.

Ms. Toussaint was diagnosed with diabetes and other chronic ailments, but as an undocumented immigrant was denied government health care. By the time she gained permanent residence in 2013, the disease had progressed to the extent that the lasting ramifications included the amputation of one leg above the knee, the loss of her eyesight, kidney failure, a stroke, and an anoxic brain injury due to heart failure.

WeirFoulds Partners [Megan Mah](#) and [Raj Anand](#) played a pivotal role in procuring this decision by arguing on behalf of the Colour of Poverty/Colour of Change Network, the Black Legal Action Centre, the South Asian Legal Clinic of Ontario, and the Chinese and Southeast Asian Legal Clinic, collectively referred to in the decision as the “Colour-Coalition,” who functioned as intervenors in the case.

The argument was rooted in a claim that the Canadian federal government had an obligation under both the *Charter of Rights and Freedoms* and international law to provide essential health care services to “irregular migrants,” a group that is “disproportionately racialized.”

WeirFoulds congratulates Raj and Megan for their excellent work in protecting the rights and dignity of migrants in receiving critical medical care.

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