

Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 4, Episode 4: Charter Applicability to Non-Citizens

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director [Cheryl Milne](#).

Charter: A Course focuses on leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Show Notes

Who has rights under the Charter of Rights and Freedoms? While the Charter is intended to protect everyone in Canada equally, many believe that non-citizens have not benefited from such coverage. Refugees, new immigrants, permanent residents, and other non-citizens have often faced significant hurdles in Canada, with some instances amounting to a direct violation of their constitutional rights.

Is Canada capable of deporting non-citizens who pose a threat to national security, even if such individuals would likely be tortured upon returning to their country of origin? Is this an affront to their Section 7 guarantee to life, liberty and security? How do courts balance international human rights requirements with Charter rights when dealing with non-citizens, if at all? These are some of the difficult questions covered in this episode, with the help of our guest, Professor [Audrey Macklin](#).

In the Practice Corner, Cheryl is joined by [Prasanna Balasundaram](#), the Director of U of T Faculty of Law's Downtown Legal Services. Using his legal experience fighting for non-citizens, we examine the real-world challenges that lawyers face when representing non-citizens.

Find a FULL transcript of this episode [HERE](#).

Case Links and other Resources

In this episode, the following cases and international treaty were mentioned/discussed:

[Singh v. Minister of Employment and Immigration, \[1985\] 1 S.C.R. 177](#)

[Andrews v. Law Society of British Columbia, \[1989\] 1 S.C.R. 143](#)

[Canada \(Minister of Employment and Immigration\) v. Chiarelli, \[1992\] 1 S.C.R. 711](#)

[Mason v. Canada \(Citizenship and Immigration\), 2023 SCC 21](#)

[Canadian Council for Refugees v. Canada \(Citizenship and Immigration\), 2023 SCC 17](#)

[Suresh v. Canada \(Minister of Citizenship and Immigration\), \[2002\] 1 S.C.R. 3, 2002 SCC 1](#)

[Saadi v Italy, European Court of Human Rights](#)

[1951 UN Convention and Protocol Relating to the Status of Refugees](#)

[Slepcsik v. Canada \(Minister of Citizenship and Immigration\), Federal Court of Canada](#)

Thank You's

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Thank you to University of Toronto Faculty of Law JD student Vlad Mirel, who helped with the background research and production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, Charter: A Course! Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: [Charter a Course](#). Please consider contributing to your local food bank.