Singh Worksheet

The Singh Decision

Canadians mark April 4th as Refugee Rights Day. On this date in 1985, the Supreme Court handed down a landmark ruling which has become known as the **Singh Decision**. The Case involved six refugee claimants from India and one from Guyana, who were not allowed to defend their case in front of a refugee board. Their application for refugee status was refused and so they appealed to the Supreme Court, claiming that their rights were being denied in accordance to Section 7 of the Charter of Rights and Freedoms. Section 7 of the Charter of Rights and Freedoms states that everyone has the right to life, liberty and security of persons as well as a right to a fair hearing. The Canadian government claimed that since the refugee applicants were not Canadian they were not protected by the same rights and freedoms. The Supreme Court ruled that refugee claimants in Canada deserve the same standard of justice under the Canadian Charter of Rights and Freedoms as Canadian citizens that everyone means everyone, and are entitled to a fair hearing. This decision paved the way for the creation of the Immigration and Refugee Board (IRB) in 1989 and is the basis for our current Refugee Protection Program. Now, because of the Singh decision, people claiming refugee status have the right to a hearing which they will present themselves in front of the IRB and Canada's government provide these people with the necessities of life while they wait for their hearing.

Canadian Charter of Rights and Freedoms

The Charter protects the fundamental rights and freedoms of all people in Canada, and sets out specific rights of Canadian citizens. The rights contained in the Charter are considered essential to preserving Canada as a free and democratic country- Section 7 of the Charter declares that **everyone** has the right to life, liberty and security of the person (feeling safe) and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Fundamental justice guarantees that people in Canada are able to fairly defend themselves in the court of law.

1) What Rights and Freedoms does Section 7 of the Charter protect?



2) How does the Charter of Rights and Freedoms Protect refugees?



3) Do you think that it is Canada's responsibility to take care of people who are not citizens of Canada? Why?

4) Why did the Supreme Court say that Singh and his fellow refugees could stay in Canada?

5) What does the Singh Decision guarantee refugees coming to Canada?

6) If you were a judge and you were hearing Mr. Singh's court case, would you agree or disagree with the decision? Why?