



BLACK LAW STUDENTS'  
ASSOCIATION OF CANADA  
L'ASSOCIATION DES ÉTUDIANTS  
NOIRS EN DROIT DU CANADA

**Re: Julius Alexander Isaac Moot Frequently Asked Questions**

**Q1: “Section 15 of the Charter was not addressed in any level of Court in *CCR. v. Minister of Citizenship and Immigration*, 2023 SCC 17, and without findings of fact or assessment of the evidence. Does the Moot Problem require us to address s.15 issues in our doctrinal arguments, or can we confine those only to s.7 of Charter?”**

The moot problem **requires you to address s. 7 of the Charter.**

It is **up to the discretion of the teams** to address and raise arguments **that rely on s. 15** in their factums. As mentioned in the moot problem on page 3; "it is open to both sides to advance arguments, and raise social context evidence, about the racial inequalities implicated in the STCA, despite the initial s. 15 complaints being framed with respect to gender-based inequalities."

**Q2: “Which version of the STCA is under review in this appeal to the DHCC: the one in existence at the time of the underlying appeals/applications for judicial review, or the current STCA with the March 2023 amendments which expands its application to the entire Canadian-US border and not just at official ports of entry?”**

The Safe Third Country Agreement in existence at the time of the underlying appeals/applications should be used.

**Q3: “Does ‘social context evidence’ include new evidence such as statistics and/or academic writing about the racialization of refugee law? Or are we restricted to the narratives of the applicants?”**

Teams are not restricted to the narratives of the applicants to advance social context evidence. Teams may rely on academic writing/statistics, in so long as it has a direct connection to the moot problem. Teams should also be mindful that the judges/factum graders may not be privy to the new evidence and should make efforts to make it clear to them.

**Q4: “Since the Supreme Court Case was pleaded, several circumstances have changed... Can our arguments be based on these updated facts, or should our factums be solely based on the evidence already presented to the Court?”**

Factums should be based on evidence already presented to the Court. It is also open on the teams to rely on social context evidence to further advance their arguments.

**Q5: “Are we required to frame our issues as 'grounds for appeal'? If so, would this require reviewable errors in the Supreme Court decision to be indicated?”**

Teams are not required to frame their issues as ‘grounds of appeal,’ however, they may elect to do so. Teams are not required to have reviewable errors to be indicated.

**Q6: “Can we bring up “irregular” border crossers? A lot of the media on the STCA has pointed to refugee rights experts and lawyers discussing how the expanded STCA will further induce asylum claimants to take dangerous routes from the US into Canada and disproportionately put them at risk of exposure to human trafficking and smuggling.**

Teams should restrict their arguments to border crossings at official land ports of entry, as the issue of irregular entry into Canada was not addressed by the Supreme Court of Canada.



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