

### **Quotes related to *Dunmore v. Mehralian*,**

#### **Fareen Jamal and Fadwa Yehia of Jamal Family Law Professional Corporation:**

Children have no control over where their parents litigate. The Supreme Court of Canada has clearly stated what matters in determining habitual residence is where a child is “at home” and their voice is important in deciding what being “at home” means in the jurisdictional analysis. As the 8:1 majority of the Supreme Court of Canada said: “The notion of home is a reminder that the court is not in search of legal formalities and must be squarely focused on the child’s life and circumstances when asking where they reside.”

#### **Steve Meagher, Director, Centre for Refugee Children (CRC):**

The Centre for Refugee Children welcomes the Court's acknowledgement that when defining a child's habitual residence, the analysis must be sufficiently flexible to take into account the realities of refugee and migrant children. For children who have endured forced migration, children seeking safety and protection in Canada, and children who may have no viable habitual residence to return to, this decision lets them know that their unique circumstances must be recognized.

#### **Irwin Elman, President, Defence for Children International-Canada (DCI-Canada)**

Defence For Children Canada is heartened by the recent decision of the Supreme Court of Canada in the case of *Dunmore v. Mehralian*, The decision entrenches the notion that children should be heard and not just seen. The notion of “home” has now in a legal context moved from geography, and bricks and mortar. This is a powerful decision.

#### **Dr. Wraychel Gilmore, Ph.D., DCI-Canada National Board Director and CAC Liaison**

The Judgement positively reflects a sense of humanity in interpreting the priorities for what constitutes 'home' for a child. Further recognition that this Judgement intersects numerous articles of the UNCRC, and that children have a right to play in the decisions impacting their own life, is the evolution of judicial decisions DCI will continue the tradition of advocating for."

#### **Julie Kirkpatrick, Chair of the DCI-Canada Charter Advisory Committee (CAC)**

The breakthrough concept in the Supreme Court’s decision is the primacy of “home” to a child, and the contextual amplification of a child’s voice in matters concerning the security of their own lives. The court’s detailed analysis will undoubtedly resonate in other legal contexts where

fundamental interests are at stake, including a child's right to life, liberty and security of the person under the *Canadian Charter of Rights and Freedoms*.