

# Interprovincial Mobility & Charter Rights

## The Structural Cage

How Alberta's disability income structure renders the constitutional right to mobility functionally void for 79,290 Albertans living below the poverty line — and why Alberta is obligated to carry its recipients across that border.

*The Alberta Disability System Breakdown — April 2026 | Addendum to Report Series*

***“The right to leave is written into the Constitution. The ability to leave was never written into the program. For 79,290 Albertans living below the poverty line, on income that can be withheld without notice, with no savings buffer and no moving support, the Charter right to mobility is not a right. It is a locked door with a constitutional label on it.”***

The right to move freely within Canada is guaranteed by the Canadian Charter of Rights and Freedoms. For most Canadians, that right is real. For Albertans with disabilities living on AISH or ADAP, it is a legal fiction — created not by an explicit prohibition, but by a financial structure that makes departure impossible, and a transfer protocol that does not exist. A right that cannot be exercised is not a right. It is a promise the government has quietly broken.

## SECTION 1: THE CONSTITUTIONAL FRAMEWORK

### 1.1 Section 6 — Mobility Rights

Section 6(2) of the Canadian Charter of Rights and Freedoms guarantees every citizen:

*a. the right to move to and take up residence in any province; and (b) the right to pursue the gaining of a livelihood in any province.*

Section 6(3) permits provinces to impose laws of general application — but only if those laws do not discriminate among persons primarily on the basis of province of present or previous residence. A provincial program that imposes financial conditions making mobility impossible for a specific population — without imposing equivalent barriers on others — engages this prohibition.

### 1.2 Section 7 — Security of the Person

Section 7 guarantees the right to life, liberty, and security of the person, not to be deprived thereof except in accordance with the principles of fundamental justice. Abrupt termination of disability income upon

interprovincial relocation — with no bridge support, no grace period, and no appeal mechanism — creates a direct and government-caused threat to physical security. The Supreme Court in *Gosselin v. Quebec (Attorney General)* [2002] 4 SCR 429 confirmed that s.7 may be engaged by government action that imposes severe deprivation on vulnerable populations.

### 1.3 Section 15 — Equality Rights

Section 15(1) guarantees equal benefit of the law without discrimination based on mental or physical disability. The mobility barriers created by AISH/ADAP program design fall exclusively on persons with disabilities. A non-disabled Albertan can accumulate savings, access credit, and relocate. A person on AISH cannot — not because of their disability, but because of the program structure built around that disability. Under *Fraser v. Canada* [2020] 3 SCR 113, facially neutral policies that produce disproportionate adverse effects on protected groups engage s.15.

### 1.4 The Constructive Denial Principle

A Charter right that exists in law but cannot be exercised in practice due to government-created financial conditions is constructively denied. AISH recipients are documented to live \$6,004 below Canada’s official poverty line annually (Maytree, 2024). Conventional financial guidance recommends three to six months of savings before a major interprovincial move. For a population with no discretionary income and payments subject to unannounced withholding, accumulating that buffer is a structural impossibility — not a personal failure. The cage is not a locked door. It is a financial structure the government built and maintains.

**CONSTITUTIONAL FINDING:** *The AISH/ADAP program structure does not explicitly prohibit mobility. It renders mobility economically impossible for a population living below the poverty line, through deliberate program design choices. This constitutes constructive denial of rights guaranteed under ss. 6, 7, and 15 of the Charter.*

## SECTION 2: THE PAYMENT INSTABILITY CAGE

### 2.1 The Promise vs. The Reality

The word “Assured” in Assured Income for the Severely Handicapped is not decorative. It is a program commitment — a government representation that this income would be stable, predictable, and reliable. The documented reality is the opposite.

THE PROMISE	THE DOCUMENTED REALITY
<b>Assured income</b>	Payments withheld without notice, without stated cause, without appeal

THE PROMISE	THE DOCUMENTED REALITY
Month-to-month stability	Recipients have no legal right to advance notice of withholding
Support for recipients	No grace period when payment fails — eviction proceedings can begin immediately
Program as safety net	No emergency reserve fund — recipients are structurally prevented from accumulating savings
Dignity and security	Landlords write AISH-specific eviction clauses due to documented payment unreliability

## 2.2 The Housing Causation Chain

The standard framing treats AISH recipient housing instability as a downstream consequence of low income. The causation chain is sharper than that:

- → AISH payment withholding is unpredictable, unannounced, and without appeal.
- → Landlords in Alberta’s private rental market — which has no rent cap — are aware of this.
- → Landlords write AISH-specific lease clauses: non-payment due to any cause triggers eviction.
- → When AISH withholds payment without notice, rent is due. The eviction clause activates.
- → The recipient has no savings buffer — the program structurally prevents accumulation.
- → Eviction proceeds. The government’s payment failure becomes the recipient’s housing crisis.

This is not recipients failing to manage money. This is program design creating the exact conditions it is supposed to prevent. The government has never been required to answer publicly for this causation chain. It should be.

**FINDING:** AISH payment instability directly causes housing instability. The program’s own unreliability is the mechanism by which recipients lose housing. This is not a gap in the system. This is the system producing its documented outcome.

# SECTION 3: THE INTERPROVINCIAL TRANSITION CLIFF

## 3.1 What Currently Happens When a Recipient Leaves Alberta

STEP	WHAT HAPPENS
Step 1	Recipient decides to relocate to another province.

STEP	WHAT HAPPENS
Step 2	AISH payments cease. No bridge support. No transition period. No notice required.
Step 3	Recipient must apply to the new province's disability program from zero.
Step 4	Processing time in receiving province: weeks to months. No income during this period.
Step 5	If denied by new province: no appeal mechanism through AISH. Recipient is on their own.
Step 6	Moving costs, damage deposit, first month's rent: entirely the recipient's responsibility.
RESULT	For anyone living below the poverty line, Steps 1 through 6 are financially impossible.

### 3.2 The Financial Reality of Relocation

A standard interprovincial relocation for a person with disabilities requires:

COST ITEM	ESTIMATED AMOUNT	AVAILABLE TO AISH RECIPIENT
Moving company / truck rental	\$1,500 – \$5,000+	\$0 — no program support
First month's rent (new province)	\$1,200 – \$2,000+	\$0 — AISH terminated
Damage deposit (new province)	\$600 – \$2,000+	\$0 — no bridge funding
Bridge income (application wait period)	\$1,940/month × wait time	\$0 — payments cease immediately
Total minimum requirement	\$5,240 – \$11,000+	\$0

*AISH recipients are already documented to live \$6,004 below Canada's poverty line annually. The minimum cost of relocation exceeds an entire year of discretionary income — for a population that has no discretionary income. **The Charter right to mobility exists. The financial conditions to exercise it do not.***

### 3.3 The Portability of Established Eligibility

Alberta is obligated to carry its recipients across the provincial border. Not as a courtesy. As a responsibility. Here is why:

AISH eligibility is not self-reported. It is determined through a formal government process: a physician completes a medical assessment; a trained government adjudicator reviews it; a finding of severe disability that substantially prevents earning a livelihood is made and placed on file. Every one of the 79,290 current AISH recipients has that finding on file in Alberta's system. Some have been continuously approved for ten, twenty, or thirty years. The disability that qualified them does not disappear at a provincial border.

Alberta holds all of that documentation. Alberta made all of those eligibility determinations. When a recipient relocates, Alberta does not transfer those records. It does not advocate for that person with the receiving province. It simply stops paying — and leaves the recipient to rebuild their evidentiary file from scratch, in a new province, with a new doctor, during a housing transition, with no income.

In a country where 650,000 Albertans have no family doctor — and where family doctor shortages are documented nationally — requiring a new physician assessment in a receiving province before support continues is not a process. It is a barrier engineered to produce denials. Recipients who cannot find a doctor to complete a new assessment will fall off support entirely. This outcome is predictable. It is not accidental.

### The Grandfathering Argument

For recipients with long-term, continuous AISH eligibility — particularly those with documented permanent conditions — a grandfathering principle should apply:

- Alberta's eligibility determination should be treated as portable and binding on receiving provinces for a minimum transition period of 12 months.
- During that period, the receiving province must honour Alberta's finding without requiring a new independent assessment, provided Alberta transfers the complete eligibility file.
- For recipients with permanent conditions documented over multiple years, the receiving province should be required to accept Alberta's determination unless it conducts its own assessment within 90 days — with support continuing throughout.
- Alberta must be the entity that transfers eligibility documentation proactively, not the recipient. The recipient should not be required to re-prove a disability that has been continuously documented for years or decades.
- Where a receiving province disputes the transferred determination, Alberta must provide funded advocacy support for that recipient — not abandon them at the border.

This is not a novel administrative concept. Employment Insurance, Canada Pension Plan, and Old Age Security all operate on portable federal determinations. The infrastructure for portable eligibility exists in Canadian social policy. The will to apply it to disability income recipients has not.

**FINDING:** *Alberta holds the documentation. Alberta made the determination. Alberta has the obligation to transfer both — and to stand behind its own findings when a recipient crosses a provincial border. Abandoning a recipient at the boundary of the province that approved them is not a neutral administrative outcome. It is a government choosing to walk away from its own decision.*

## SECTION 4: THE ALBERTA DISABILITY REFUGEE PHENOMENON

This campaign has documented — across nine provincial comparison reports — that recipients are actively considering leaving Alberta due to the ADAP transition, the CDB clawback, the removal of appeal rights, and the absence of rent caps. These are not people choosing adventure. These are people choosing survival.

The term “Alberta Disability Refugee” is not hyperbole. It describes a population that would leave if they could — and cannot, because the program that is failing them is also the program that controls their ability to go.

*A government that creates conditions forcing people to consider leaving, and simultaneously maintains program structures that prevent leaving, has built a trap. **A trap with a Charter address.***

## SECTION 5: POLICY DEMANDS

The following policy changes are required to bring Alberta’s disability income program into compliance with its Charter obligations and basic standards of human dignity. These are not aspirational. They are the minimum required to make the right to mobility real for this population.

### 5.1 Payment Stability & Notice Requirements

AISH/ADAP must provide a minimum of 30 days written notice before any payment withholding, with stated reason and written appeal pathway. Emergency bridge payments must be available within 48 hours when withholding is disputed. No recipient should face eviction due to unannounced government payment failure.

### 5.2 Interprovincial Bridge Support

AISH/ADAP payments must continue for a minimum of 90 days following a recipient’s confirmed interprovincial relocation, providing income continuity while the receiving province processes the application. Bridge support is the financial precondition for the Charter right to mobility to be real.

### 5.3 Relocation Assistance

Alberta must establish a funded relocation assistance program for AISH/ADAP recipients choosing to leave the province, covering: reasonable moving costs, first month’s rent in the destination province, and damage deposit equivalent. This is not generosity. It is the cost of a right the government has been denying.

### 5.4 Mandatory Eligibility File Transfer

Upon notification of interprovincial relocation, Alberta must proactively transfer the recipient’s complete eligibility file — including all medical assessments, adjudication findings, and program history — to the receiving province’s disability program. This transfer must occur within 14 days of notification. The recipient must not be required to re-assemble their own file.

### 5.5 Grandfathered Eligibility Recognition

Receiving provinces must honour Alberta's eligibility determination for a minimum of 12 months without requiring a new independent assessment, provided Alberta has transferred the complete eligibility file. For permanent conditions documented over multiple continuous years, Alberta's determination should be treated as binding pending the receiving province's own review — which must be completed within 90 days with support continuing throughout.

### 5.6 Advocacy Obligation on Denial

If a recipient transitions interprovincially and is denied disability support by the receiving province, Alberta must provide funded legal advocacy on behalf of that recipient for a minimum of six months. Alberta approved this person. Alberta's determination should not become worthless at the provincial border.

### 5.7 Interprovincial Transfer Protocol

Alberta must negotiate a formal interprovincial disability transfer protocol with all provinces and territories, eliminating the income gap period during which recipients receive support from no jurisdiction. Existing social policy frameworks — EI, CPP, OAS — demonstrate that portable federal determinations are administratively achievable.

## SECTION 6: SUBMISSION TARGETS

This document is submitted to the following. A written response is requested from each.

RECIPIENT	CONTACT	JURISDICTION / BASIS
<b>Hon. Jason Nixon — Minister, Assisted Living &amp; Social Services</b>	rimbey.rockymountainhouse.sundre@assembly.ab.ca	Provincial — program authority
<b>Premier Danielle Smith</b>	premier@gov.ab.ca	Provincial — executive authority
<b>MP Michael Cooper — St. Albert–Edmonton</b>	michael.cooper@parl.gc.ca	Federal — constituent MP
<b>Hon. Patty Hajdu — Minister of Jobs and Families</b>	patty.hajdu@parl.gc.ca	Federal — disability file
<b>Hon. Sean Fraser — Minister of Justice &amp; AG of Canada</b>	sean.fraser@parl.gc.ca	Federal — Charter compliance

RECIPIENT	CONTACT	JURISDICTION / BASIS
Canadian Human Rights Commission	info.com@chrc-ccdp.gc.ca	Federal — ss.6, 7, 15 jurisdiction
MLA Marie Renaud, St. Albert	St.Albert@assembly.ab.ca	Provincial — engaged respondent

## SOURCES AND LEGAL CITATIONS

- Canadian Charter of Rights and Freedoms, ss. 6, 7, 15 — Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11.
- *Gosselin v. Quebec (Attorney General)*, [2002] 4 SCR 429 — s.7 and deprivation of vulnerable populations.
- *Fraser v. Canada (Attorney General)*, [2020] 3 SCR 113 — s.15 and adverse effects discrimination.
- Maytree — Welfare Incomes Across Canada, 2024. AISH recipients \$6,004 below poverty line annually.
- Government of Alberta — AISH Caseload Open Data, September 2025. 79,290 recipients.
- Government of Alberta — ADAP Program Page, 2026. Transition structure and benefit amounts.
- Canada Disability Benefit Act, SC 2023, c 22. Federal poverty-reduction mandate.
- Inclusion Alberta — ADAP Fact Sheet, October/December 2025.
- Alberta Disability System Breakdown — Financial Reality Report, April 2026.
- Alberta Disability System Breakdown — Alberta Disability Refugee Series, April 2026 (9 provincial reports).
- Alberta Doctors' Digest, Nov/Dec 2025 — physician shortage and 650,000 Albertans without family doctor.

### The Alberta Disability System Breakdown — Advocate

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