

Judge slams handling of nanny file

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Edmonton

A Federal Court judge Tuesday condemned the Immigration Department for its handling of the Evelyn Encila case.

But Justice Frederick Gibson at the same time said he did not have the power to overturn internal department decisions.

Encila, 44, came here five years ago as a nanny. In 1993, she applied to sponsor her four children.

In April, her application was rejected, her work permit suspended.

She was ordered to leave the country on the grounds that her eldest daughter Maria, 23, was

mildly mentally retarded and likely to be a burden on the Canadian medical and social system.

On Tuesday, Encila and her lawyer, Shirish Chotalia, went to Federal Court to apply for permission for her to live and work here until her formal appeal is heard.

Gibson said he was sympathetic. However, he ruled he had no power to issue her a work permit.

The Federal Court will only have jurisdiction once Encila's deportation order comes into legal force June 30.

Gibson criticized the department for putting Encila into a legal "never-never land" and urged local officials to issue her a temporary work permit immediately.

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