

# Nanny takes deportation case to court

**PAULA SIMONS**  
Journal Staff Writer

**Edmonton**

Evelyn Encila is taking her case to Federal Court.

Encila is the former nanny from the Philippines who's been ordered to leave Canada by May 25 because her eldest daughter is mildly mentally disabled.

Until Friday, Encila and her supporters had been counting on Lucienne Robillard, federal minister of immigration, to intervene and issue a special permit to allow her to stay.

Deputy speaker David Kilgour, Liberal MLA Gene Zwozdesky, and Bruce Uditsky, executive director of the Alberta Association for Community Living, had all written to Robillard, asking her to intervene in the case. Carlos Molina, a former immigration officer who's helping Encila, faxed Robillard a petition with 600 signatures.

But after reviewing the case this week, the minister's office declined to get involved.

"The rules and legislation are very clear," says Benoit Chiquette, Robillard's press secretary.

"Our officials have acted properly. The minister has no intention of intervening."

On Friday afternoon, with funding from the Alberta Association for Community Living, an advocacy

group for the mentally handicapped, Encila hired Edmonton human rights lawyer Shirish Chotalia and filed an appeal with the Federal Court.

Chotalia won a landmark case in Federal Court last year, granting landed immigrant status to a Filipino widow who was ordered to leave the country because her Canadian husband, a High River rancher, had died before her status was finalized.

Encila came to Edmonton five years ago from the Philippines. Three years later, she applied to bring her husband and four children to Canada.

Last month, after two years of waiting, Encila was told her family's application to move to Canada had been rejected because her daughter Maria, 22, is mildly retarded. Under immigration law, applicants with serious medical conditions are barred from Canada because of the demands they could make on medical and social services.

Encila says Maria has a learning disability, not a medical condition. Her daughter, she says, has completed high school and vocational training as a cook. Encila has pledged to pay for Maria's future expenses. Immigration officials in Manila ruled the family did not have enough resources to support Maria here.