

Nanny's deportation quashed, daughter's case reviewed

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A former nanny who's battling Immigration for the right to stay in Canada won a major victory Friday.

The Justice Department agreed to quash an order for Evelyn Encila to leave the country, issued by immigration officials in Edmonton this April. At the same time, the Department of Citizenship and Immigration agreed to reconsider Encila's application to bring her family to Canada.

Encila, who came to Edmonton

from the Philippines in 1991, began her fight in April after immigration officials in Manila ruled her eldest daughter, Maria, 22, "mildly mentally retarded," and ineligible to immigrate to Canada.

As a result, Encila's application to bring her family to Canada was denied, and she was ordered to leave the country.

In federal court Friday, Encila's lawyer, Shirish Chotalia, presented medical reports from Manila doctors, obtained under the federal Access to Information Act.

The reports revealed Maria had been tested by four doctors, whose

assessments of her IQ ranged from a low of 73 to a high of 108. An IQ of 100 is considered average. Someone with an IQ below 70 is considered "mentally retarded."

But in a report prepared for the court, Richard Sobsey, director of the University of Alberta's Developmental Disabilities Centre, said Maria's lowest IQ score, 73, could be misleading, because the test that yielded that mark was given in English, Maria's second language. The test that gave the 108 score was not based on language skill.

"The most pessimistic view suggests that she is below average intel-

lectually, but not mentally retarded," Sobsey said. "The most optimistic view is that (Maria) is average or possibly even above average in her intelligence."

The report of one Manila psychiatrist seemed more concerned with Maria's sex life than her intellect. The report termed Maria "butch" and criticized her "boyish external image." As examples, the doctor cited Maria's short haircut, her "tomboy" clothes, her refusal to wear a bra, and her apparent sexual inexperience.

"You have to wonder about the professional standards and qualifi-

cations of the doctors who did these evaluations," said Chotalia.

As part of a court-approved agreement with Immigration, Maria will now be re-examined by different doctors. Evelyn Encila's application to remain in Canada, and sponsor her three younger children will be processed separately.

For the past seven months, Evelyn Encila's court costs have been paid by the Alberta Association for Community Living, advocates for mentally handicapped people. "For us, the real issue is the power of that label, 'mentally retarded,'" said the association's Paul Kohl.