

# Nanny gets new hearing in bid to remain in Canada



Marissa Turingan

Rick MacWilliam The Journal

**DIANA COULTER**  
Journal Staff Writer

Edmonton

As the immigration officer stared, Marissa Turingan stumbled over a few phrases of broken English, then burst into tears.

She wanted to explain again about her stomach ulcer. But no words came. She was overwhelmed by the thought that she would have to leave Canada after working as an Edmonton nanny for almost three years.

"I just cried in front of the immigration officer. I said: 'I beg of you. Give me another chance. Come on. Come on.'"

The memory of this encounter last winter still troubles Turingan, but now she has reason to feel hopeful.

On Friday, the Federal Court of Canada examined Turingan's case, set aside the immigration officer's decision and requested that a more "sympathetic" review be made of the woman's situation.

Her future is still uncertain but Turingan, 27, trusts that this time immigration officials will understand her predicament.

"The court decision is a big re-

**"The court decision is a big relief for me. Now I will just keep my fingers crossed."**

— Marissa Turingan

lief for me," she said Tuesday. "Now I will just keep my fingers crossed."

Her case will be decided again within the next few months.

Turingan's troubles began last Feb. 9 when she applied for an employment extension and permanent residency in Canada.

She had arrived in April 1990 from the Philippines under the foreign domestic workers program, created to match nannies and other homecare workers with Canadian families.

Now called the live-in caregiver program, the federal plan allows such workers to apply for permanent residency after they have worked for 24 months and have met other criteria.

One such criteria requires workers to live at their employer's residence. This caused Turingan's dilemma.

Suffering from a stomach ulcer aggravated by heavy Canadian food, Turingan received her em-

ployer's permission to have dinner and sleep at another Filipino woman's apartment. The pair shared light meals of rice and fish, and Turingan returned home to work each morning. She continued to pay rent to her employer and kept all her belongings at work.

Wanting to be honest, Turingan explained this arrangement to immigration officials after applying for permanent residency.

That's when her world collapsed. The immigration officer decided that her living arrangement broke the rules. She was ordered to leave Canada on July 20.

Intimidated and alone in this country, Turingan phoned a friend who gave her the name of the International Homemakers Association of Alberta. President Nida Gutierrez passed the case to immigration lawyer Shirish Chotalia.

Chotalia successfully argued the case before the Federal Court. She pointed out that Turingan hadn't given up her residence since she continued to pay rent there. She

also argued that the immigration officer miscalculated the number of months that Turingan had worked in Canada.

The court agreed Friday that there was an error over the number of work months. It didn't rule on the living situation but suggested the woman's health reason was credible and deserved a more sympathetic review.

Chotalia is worried by cases such as Turingan's. While her experience suggests that many immigration officials strive to be fair, it seems to her that some foreign women still fall through the cracks.

"While these women have the opportunity to explain, they are silent, scared and can't communicate well."

"I'm very concerned about foreign women, particularly those who don't have a good command of English, because they may be unable to exercise their rights and communicate with government agencies."

Chotalia hopes the court ruling will be "a gentle reminder to immigration officials . . . that we should be facilitating entry for those who qualify by giving sympathetic reviews, and we shouldn't be just slamming the door."

EDMONTON JOURNAL SEPTEMBER 8, 1993