

## **Celia's Legacy, Terry's Crusade**

Just a few months after Juana Tejada's death, another caregiver stricken with cancer while working under the Live-in Caregiver Program (LCP) passed away. Ms. Celia Mansibang succumbed to cancer on 29 June 2009, leaving behind her husband, William Mallillin, and their two children, Vincent and La Sandra Mallillin, her three sisters Chona, Eloisa and Marichelle Mansibang and their families, as well as their elderly mother.

Like Juana, Celia was diagnosed with cancer when she went through the required medical examination as part of her LCP permanent residence application. She then applied for an exemption from medical inadmissibility arising from her terminal illness, and was fortunately granted an exemption on humanitarian and compassionate grounds. Her husband and two children were also granted temporary resident permits to enable them to travel to Canada and be reunited as a family during this critical time. Despite the grim prognosis of only a few months to live, Celia seemed to have regained strength upon her family's arrival in Canada that they were able to celebrate some joyful occasions including their renewal of marital vows, her daughter's 17<sup>th</sup> birthday, their wedding anniversary, and Celia's 48<sup>th</sup> birthday.

Most importantly, Celia and her family were eventually granted permanent resident status in Canada. A process that would normally have taken several months to a few years was completed in a few weeks for Celia and a couple more months for the rest of her family members. The officers who processed her file were extremely kind, sympathetic and facilitative of her and her family's immigration applications. It is one of those times that I have seen immigration decision-makers expeditiously acting and taking to heart the definition of "compassionate considerations" as set out by the Immigration Appeal Division in the case of *Chirwa v. Canada* (1969) as "*those facts, established by the evidence, which would excite in a reasonable man in a civilized community a desire to relieve the misfortunes of another*".

Although it is indeed very sad that the "prize" of permanent residence in this case was obtained at the expense of a precious life, it is these types of administrative decisions that somehow restore my faith in Canada's proud humanitarian tradition. I have been disappointed and frustrated many times upon learning of truly deserving cases being unjustly refused by officers who may have either misunderstood or have been unduly harsh in applying the relevant legislation, who did not know the applicable law, or who simply did not care. Unfortunately, immigration law is an area of law that is fraught with discretionary powers on the part of the decision-makers which contributes to the often unpredictable outcomes of immigration applications. Fortunately in Celia's case, such discretionary powers were exercised in a manner that took into serious consideration the relevant humanitarian and compassionate factors and led to a positive decision.

During Celia's funeral service, I was also very impressed by the outpouring of love and affection by the people who paid their last respects, many of whom are caregivers themselves. I learned that to help ease the burden on Celia's family, these caregivers took care of all the preparations for the funeral, the actual physical arrangements, the food preparation, scraped their meager resources to not only help assuage the family's grief, but also to show solidarity with all other caregivers who continue to suffer in various ways.

Although there are undoubtedly many people who have helped Celia during her lifetime, there is one who I thought stood out for her fierce dedication and advocacy when everyone else seemed to have lost hope. At the funeral service, Ms. Terry Olayta tearfully expressed how assisting Celia and other caregivers gave her life "new meaning." Having been a caregiver herself, Terry founded the Caregiver Resource Centre which is a product of her sincere desire to help other caregivers and uphold their rights and welfare. "Assisting" is a huge understatement when describing what Ms. Olayta has done for Celia and continues to do for all other caregivers contacting her for help. I can personally attest to the various selfless ways that she has helped these people as she practically lives and breathes the caregiver's endless woes, in my view.

Celia's legacy and Terry's crusade intersect in that they both embody the hope that the difficulties, obstacles and various forms of injustice suffered by the numerous Filipina caregivers in Canada will someday be finally be vindicated.

However, I would also like to emphasize that I do not mean to ignore, much less dismiss the work being done by other caregiver groups and advocates who are similarly doing a great job in advancing the welfare of caregivers and temporary foreign workers in Canada. I truly appreciate, admire and commend their selfless efforts towards similar ends. It just saddens me to note that the mushrooming of various groups and initiatives going their separate ways only serve to divide and weaken the overall impact of these campaigns.

Therefore, let this also serve as my sincere appeal to everyone who care for the issues that Juana, Celia and others have died for: let us please try to set aside personal differences, selfish motives and even cultural stereotypes (e.g. crab mentality, rumour mongering, backstabbing) to finally unite and be seen as a formidable block. It is only then that we can possibly achieve not only genuine legal reforms for caregivers, but also economic, political and social reforms within the mainstream Canadian society that will surely benefit us all.

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