

Deportation/bradford  
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# Pregnant Vienna woman avoids deportation back to Mexico

by Craig Bradford  
of The Aylmer Express

Margaretha Thiessen, 22, is on her way back to East Elgin after narrowly avoiding having to return to Mexico.

Mrs. Thiessen, along with her husband Johan, 23, and their nine-month-old baby were still in Leamington Tuesday morning after learning on Monday she could stay in Canada, at least for the time being.

Mrs. Thiessen who was born in Mexico and is three months pregnant, and her family were prepared to fly to Mexico to respect a deportation order after spending most of her young life in the Vienna area. The removal order for her to leave Canada was dated for Tuesday, July 24.

The family's lawyer, citizenship and immigration law expert Ed Corrigan of London, received confirmation of an indefinite deferral of Mrs. Thiessen's removal from the country on Monday after writing to Canadian Border Services Agency (CBSA).

He said the temporary stay in the deportation hinged on Mrs. Thiessen's health as there is a concern that with her high-risk pregnancy, she would not receive the proper medical attention in Mexico as compared to the Canadian healthcare system.

"I commend the CBSA for doing the right thing in this instance," Mr. Corrigan said. "The CBSA is being very fair. We thank them for that."

The Thiessens, with Mr. Corrigan's law firm's help, will now proceed with an

immigration sponsorship through Mexico.

Mrs. Thiessen will still need special permission from the Canadian government to ultimately stay in the country and for the deportation order to be rescinded.

"The problem isn't resolved and this (stay) is not permanent," Mr. Corrigan said. "But there is a strong and compelling case for the minister to allow permission."

For their part, the Thiessens are relieved but know there is still work to be done to be able to stay in Canada.

"So far we are feeling pretty good," Mr. Thiessen said. "When it is for sure we don't have to go back it will be all better."

"It's all really good right now," Mrs. Thiessen said. "I didn't think it would happen, that we didn't have to go."

Mrs. Thiessen said the baby growing in her womb is fine, but there is a "big risk of miscarriage but I think it will be okay."

The Thiessens had already moved out of their apartment in Vienna and cannot return living there. For the time being, they aren't sure where they will end up, but Mr. Thiessen said it will likely be in the Aylmer area.

When The Aylmer Express contacted them on Tuesday morning while they were in Leamington, the Thiessens were trying to set up an appointment with a specialist in St. Thomas in regards to Mrs. Thiessen's pregnancy.

Most of Mrs. Thiessen's family still lives in Mexico

and she said they were mostly happy to hear about the stay in deportation.

"They were excited that we were going to see them but it's a good thing we won't now," Mrs. Thiessen said.

The Thiessens were not looking forward to leaving their country of choice for Mexico, a country they hardly know. Her husband and their young child are Canadian citizens and the child who will be born in about six months will also be Canadian.

Mr. Corrigan said Mrs. Thiessen's story would be of "keen interest" to the low-German-speaking Mennonite community and he has represented five or six other Mexican Mennonite clients with similar cases. He said most cases can be resolved with the proper documentation.

"In some cases there is not adequate documentation or there is a break in the chain," Mr. Corrigan said.

Mrs. Thiessen has lived in the Vienna area continuously for the past 11 years. In total, she has spent 13 years of her life in Canada and nine in Mexico.

Mr. Thiessen works assembling farm equipment at Salford Farm Machinery. Even though he has only worked at Salford for about a year, Mr. Thiessen's employer has given him an extended leave to deal with the immigration situation.

Mr. Corrigan said the Thiessens were prepared to leave Canada and relocate in Mexico for up to a year before the proper documenta-

tion can be filed with the Canadian government, processed and approved for Mrs. Thiessen's return. That documentation is still required and will involve being granted special permission to return from either a high-ranking Canada Border Services Agency official or the minister responsible for the CBSA, Public Safety Minister Vic Toews.

"It doesn't seem fair," Mr. Thiessen said. "We grew up here and don't know much about Mexico."

The Thiessens have family who live in the Chihuahua region of Mexico and that is where they were going to stay. Mr. Corrigan said the Thiessens had made their own travel arrangements to Mexico at no cost to Canadian taxpayers.

Mr. Thiessen said the family has spent \$1,400 on airfare and an additional \$350 to extend the tickets by a month just in case they do have to leave the country.

"They have been very cooperative," Mr. Corrigan said. "The rules are the rules. You can't come back without permission. This happens in the low-German community."

He said the difficulties low-German Mennonites experienced with immigration issues used to be even worse. Until 1947, women from Mexico who had children in Canada could not pass on Canadian citizenship to them. Mr. Corrigan said this amounts to "discrimination" and these regulations should be "fixed retroactively."

"It's very stressful," Mrs. Thiessen said about what she is experiencing.

The Aylmer Express contacted the office of Elgin-Middlesex-London MP Joe Preston to see if either he or his staff were aware of the Thiessens and their situation and if their office was in-

involved in the case. A representative of Mr. Preston's office declined comment citing confidentiality issues.

Mennonite Community Services Executive Director Abe Harms also could not confirm whether or not his agency has been involved in the Thiessen case.

"Our confidentiality laws don't allow us to be case specific," he told The Express.

But speaking in generalities, Mr. Harms said if a member within the low-German Mennonite community has a citizenship or immigration issue, Mennonite Community Services is there to help. The agency receives funding from the federal Ministry of Citizenship and Immigration to do just that and they often help new arrivals from Mexico with their government paperwork, citizenship status and settlement issues.

Mr. Harms added, "There are cases we can't do anything to help. We can advise them to seek other help."

That other help would be to contact the federal government directly or to seek legal counsel.

As for deportation issues, Mr. Harms said MCS has "had very little of that."

He added that Canada has "very complicated citizenship laws."

"We always advise them to renew their visas, keep them current and to extend them if possible," Mr. Harms said.

As for newcomers who might be in Canada illegally, Mr. Harms said MCS doesn't have many of those cases.

"It is seldom that someone has no claim (to citizenship) and overstays," he said.

And deportation cases are also rare.

"I don't think we have them every year," Mr. Harms said. "They are very seldom."

If they don't have a claim, they just go back (to their home country)."

Having a claim to citizenship can also be a "complicated family tree puzzle" with Canada's citizenship laws, Mr. Harms said. For instance, someone's parents could be born in Canada but their child was born in Mexico and the family since returned to Canada and has been here for many years. Due to a law passed in 1977, that person could fully believe they are a Canadian citizen but then find out at age 28 that they are not. Mr. Harms said the federal government is now trying to clear up that complication.

Another issue MCS encounters involves one parent having Canadian citizenship but the other doesn't and the family takes its time to process the necessary paperwork.

Canada Border Services Agency provided a chronology of Mrs. Thiessen's experiences with the federal government leading up to her deportation:

She entered Canada from Mexico with her parents as a minor in July 1999 when she was nine. On Feb. 14, 2001, a humanitarian and compassionate grounds application for permanent residency was filed by her parents with Citizenship and Immigration Canada. That application was refused by CIC on Jan. 29, 2002.

On Feb. 28, 2002, a departure order was issued against Mrs. Thiessen for failure to comply with the Immigration and Refugee Protection Act which requires every immigrant to apply for and obtain a visa before she or he appears at a port of entry to Canada.

On May 3, 2002, Mrs. Thiessen left Canada through Windsor by car and travelled to Mexico. She was 11 years

old at the time. On Aug. 13, 2007, another deportation order was issued, this one having no right to appeal, as Mrs. Thiessen was deemed by the Canadian government to be in violation of the IRPA for returning to Canada without authorization.

Mrs. Thiessen applied for Pre-Removal Risk Assessment through the CIC through her husband's application and two work permits. That spousal application was refused and she was advised of the PRRA decision on June 18, 2012. She was to make travel arrangements by July 9.

Mr. Corrigan said if a departure order is not followed within the 30-day time frame, it automatically turns into a deportation order.

The IRPA states that removal orders must be enforced as soon as possible but individuals placed under these orders are dealt with on a case-by-case basis by the CBSA. Removals are only affected once legal avenues such as various levels of appeal, judicial reviews and a pre-removal risk assessment have been exhausted.