

Family's stay here could go up in smoke

BY LANA HAIGHT, THE STARPHOENIX SEPTEMBER 11, 2010



Chris Tarttelin works at Point2 in Saskatoon and is having trouble with immigration from experimenting with marijuana 20 years ago as a teenager

Photograph by: Gord Waldner, The StarPhoenix

Telling the truth about smoking pot nearly two decades ago is jeopardizing a computer programmer's residency in Canada.

Chris Tarttelin, who moved to Saskatoon in October 2008 with his wife and two children, has been told by Citizenship and Immigration Canada to get a psychological assessment by Sunday for the marijuana he smoked when he was 18.

The order stems from questions asked during a doctor's visit as part of the British citizen's application for permanent residency in Canada.

"I'm a painfully honest person. It doesn't normally occur to me to answer questions any other way," said Tarttelin, who has an appointment with a specialist on Sept. 20, but is moving his family back to the United Kingdom until the matter is resolved.

A highly skilled computer programmer recruited to Saskatoon from the United Kingdom, Tarttelin, 37,

is surprised that an honest answer about trying pot when he was a teenager could jeopardize his chances of living and working in Canada.

Tarttelin and his wife applied and were accepted as nominees for permanent residency under the Saskatchewan Immigration Nominee Program. Because they are from the United Kingdom, their application is being processed at the Canadian Embassy in London.

In June, Tarttelin attended a mandatory medical examination conducted by a family doctor approved by Citizenship and Immigration Canada.

The doctor used the government's checklist that includes the question, "Have you ever been addicted to alcohol or a drug or taken drugs illegally?"

When the doctor asked Tarttelin if he had ever smoked cannabis, he said yes and explained his answer.

"I tried pot, but didn't really take to it particularly. I tried it a couple of times, but that was about it," he recalled telling the doctor.

More questions ensued and Tarttelin answered that he had no psychological problems related to the pot smoking nor was he ever arrested as a result of smoking it.

Tarttelin wasn't concerned about the question or his answer until the end of July when he received a letter from Citizenship and Immigration Canada directing him back to the doctor. The doctor told him: "They need you to go and have a psychiatric assessment with reference to the cannabis you smoked 19 years ago." And, according to the letter, Tarttelin had 60 days or until Sept. 12 to have that assessment done by a psychiatrist.

"You can't see a psychiatrist in Saskatoon in that time frame," said Tarttelin.

Tarttelin and his family are packing their bags. He is concerned he will miss his deadline and is frustrated Citizenship and Immigration Canada said he can't apply for an extension until just before the deadline.

"We're going to move back to the U.K. until we get further along in the process," said Tarttelin.

"There's a real feeling of vulnerability. In the back of my mind is the thought that if my residency application is rejected, I don't really want to be in a position of having to pack up and leave the country in a hurry. In order to stop feeling vulnerable, we've decided to move back on our own terms."

A spokesperson for Citizenship and Immigration Canada confirmed that Tarttelin's smoking of marijuana 19 years ago triggered the request for the psychiatric assessment.

"There's nothing on the file that I would see that would indicate to me that there is something other than this issue that the visa officer has indicated. I see no other evidence of any other inadmissibility for this individual," said Chris Gelineau, area director in Saskatchewan for Citizenship and Immigration Canada.

He also didn't see anything to indicate a past history of mental health issues.

Applicants are inadmissible to Canada if they have a health condition that might put the public health or the safety of Canadians in danger or if they have a health condition that might put excessive demand on health or social services.

"We do not have a policy on medical refusals based on past use of marijuana," said Gelineau.

Visa officers have the delegated authority to request information as they see fit, he said.

"I can only assume that in this case the visa officer is of the opinion that they require this information in order to assist them in making that decision."

A spokesperson for the Saskatchewan government said smoking pot 19 years ago is not grounds for refusing an application for permanent residency.

"Without commenting on the specifics of any case, it doesn't sound like that would be typical," said Chris Jones-Bonk of the provincial Ministry of Advanced Education, Employment and Immigration.

In 2009, the provincial government nominated about 3,500 foreign workers and their families. Typically, about 80 per cent of those nominated eventually move to Saskatchewan to work. The other 20 per cent either change their minds, come and then return to their home country or are refused entry to Canada.

"There are very few refusals on the grounds of health, criminality or security. It's anecdotal," said Jones-Bonk.

The provincial government cannot intervene when a nominee is having difficulty with the immigration process. Ultimately, the decision to allow entry to Canada is made by the federal government.

Tarttelin acknowledges that smoking marijuana is against the law, but wonders why that should potentially disqualify someone from immigrating to Canada when so many Canadian citizens also smoke it.

"The bar is set very high," he said.

Tarttelin was working in London, England, for an investment bank when he received a call about a job opening at Point2 Technologies in Saskatoon. Tired of a long commute that saw Tarttelin leave home

before his kids got up and arrive home at bedtime, he was easily convinced to move his family to Saskatoon.

"It was really a lifestyle opportunity," he said.

But it was also an opportunity to train and mentor other software developers.

"I'm expected to raise the level and ability of the whole IT team by working within the team. I'm there to influence the design of the software, how the process works, what sort of thing gets works on. I teach everyone what I know as I go," said Tarttelin.

His expertise puts him in a unique category as a skilled worker, the kind of immigrant the Saskatchewan government is trying to entice to the province.

Tarttelin is planning to continue his work with Point2 from London, but worries about how long his employer will wait for him to return to Saskatoon. He said working on a different continent several time zones away is not the best way to mentor software developers.

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