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Portrait of Canadians Abroad: United States

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Executive Summary

The United States has historically been a destination of choice for Canadians seeking employment simply because of its geographical proximity and the promise of higher earnings and career advancement. Over one million Canadian citizens currently live in the United States, most of them born in Canada. This number represents a modest increase over the last ten years, largely attributable to the creation of the TN visa favoring the mobility of Canadian citizens within the context of the North America Free Trade Agreement.

Since a relatively large number of Canadians live in the United States, they figure prominently in the media, commerce, sports, entertainment and education sectors where it is often assumed that they are in fact born in the United States. Connections between Canadian personalities and Canada range from financing high-profile social or medical causes to mere employment opportunities. For their part, Canadians in the education sector seemed to leave Canada to study as young adults and never return, while personalities in other sectors tended to acquire some work experience before moving to the United States.

Both well-established and newly created Canadian and Canadian-American organizations in the U.S. commercial and social sectors are dynamic, as are school alumni. Canadian religious groups however do not transfer to the United States, maybe because similar beliefs transcend geographical location. The very large number of Canadian social clubs in the United States is worthy of note.

The United States offers various visa options to Canadians seeking employment on its territory, most of which can facilitate applying for the coveted Green Card or permanent resident status.

In spite of its tradition of suspicion towards dual citizenship and many attempts to discourage its citizens from acquiring or retaining another citizenship, the U.S. Government has had to bow to the judgments rendered by its own Supreme Court since the 1960s defending the right to dual citizenship entrenched in the 14th Amendment to the Constitution. As a result, the mandatory Oath of Allegiance for new U.S. citizens is neither enforced at home nor recognized by many other countries as binding. Many immigrants, including Canadians, thus retain their former nationality after they acquire U.S. citizenship.

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Portrait of Canadians Abroad: United States

A. Canadian Citizens Resident in the U.S.

The best estimate of the number of permanent Canadian citizens resident in the United States *circa* 2000 is 1,062,640, or approximately 40% of Canadian citizens resident abroad. This estimate is derived from the 2000 U.S. Census and, while this source suffers from definitional faults, it appears to provide a more accurate estimate than that provided by alternative sample surveys.

The total of 1,062,640 can be further broken down into two components; Canadian citizens born in Canada and resident in the United States *circa* 2000 (920,900) and naturalized Canadian citizens (141,740) resident in that period. The latter estimate is an overestimate since the U.S. Census does not report citizenship but place of birth and place of residence.¹² Growth in both components of the resident Canadian citizen stock in the United States is evident across the decade 1990 to 2000. The 1990 U.S. Census reported the Canadian-born stock of Canadian resident citizens to be 865,180, implying a modest 7% growth over the decade, with the majority of the growth in resident Canadians being attributed to naturalized Canadian citizens. This combined growth in the stock of Canadian citizens is no doubt a direct outgrowth of the availability of NAFTA-derived TN visas to Canadian citizens. This visa allowed Canadian citizens direct access to the United States with no queuing time and no numerical limit for 1 year (renewable) in over 50 occupations, with only a bone fide job offer and relevant credentials required for valid admission. Of course other entry visas were available to highly skilled Canadians (H-1B, etc) but research has clearly shown that the TN visa dominated the inflow of Canadians during the 1990s and led to either long-term residency (one year or more) or conversion to a more permanent residency status.

The U.S. Census also allows us to construct a portrait of the resident stock of Canadian citizens in the United States. One Canadian myth describes Canadian citizens resident in the United States as a by-product of a ‘brain drain’ with the attendant view that these Canadian citizens must be youthful, well-educated and highly rewarded. Do the facts support this myth?

In fact, the Canadian-born citizens in the United States *circa* 2000 on average do not entirely support the myth of the best and the brightest leaving. The stock of Canadian-born citizens was indeed youthful (median age of 33), with 54 percent holding a BA degree or better, but their median income performance was mediocre (\$35,000). This is in sharp contrast to the two fastest growing components of the foreign-born Canadians resident in the United States. Those naturalized Canadians who identified themselves as

¹² For the purpose of this exercise we thus defined naturalized Canadians resident in the United States as foreign-born Canadians who were resident in Canada five years prior to 2000 and are now resident in the United States. The five-year rule allowed foreign-born Canadian residents time to become Canadian citizens. Clearly not all of this stock naturalized, so our reported estimates are biased upwards.

Chinese had a median age of 36, with 75 percent holding a BA degree or higher. Indo-Canadian residents in the United States also followed this pattern with an age of 35 and 80 percent having obtained a post-secondary education. The human capital endowment in these two groups led them to earn a median income of between \$50,000 and \$70,000 in 2000, which is well in excess to their Canadian-born counterparts.

This brief review of the size and nature of Canadian citizens resident in the United States lends support to the thesis that naturalized Canadians are changing the dimension and character of Canada's diaspora in the United States.

B. Canadian Personalities and Organizations in the U.S.

Personalities: Media Sector

1. **Ali Velshi** was born in Kenya and raised in Toronto. He worked as a reporter for CFTO and as a reporter and anchor for CablePulse 24 and its sister station Citytv Toronto. In 1999 he joined Report on Business Television, Canada's first all-business news specialty channel.

Ali Velshi joined business news channel CNN in 2001 where he is now senior business correspondent and host of *Your \$\$\$\$\$* focused on retail investing and consumer finance. He frequently incorporates Canadian elements into his news.

2. **John Roberts** was born in Toronto and grew up in Mississauga. He worked for many years in Canadian media before joining CBS News in 1992 where he was Chief White House Correspondent from 1999 to 2006. He became American after 9/11.

John Roberts is now a television journalist for CNN and anchors from Washington D.C. and New York. He insures that his news presentations are not as "formal and stiff" as those of his Canadian counterparts.

3. **Mortimer Zuckerman** was born in Montreal. He earned a B.A. and a law degree from Mc Gill University before getting a Masters degree in Law from Harvard.

Mortimer Zuckerman is currently Editor-in-Chief of U.S. News & World Report and has owned and published the New York Daily News since 1993. He is the 382nd richest man in the world by Forbes list and a great advocate of Jewish communities all over the world. Situated in Manhattan, the Mortimer B. Zuckerman Research Center is a "green" building added to the Memorial Sloan-Kettering Cancer Centre.

Personalities: Commerce

1. **James Gosling** was born near Calgary. He earned a B.Sc. in Computer Science from the University of Calgary, and later on a Ph.D. from Carnegie Mellon.

James Gosling has been with Sun Microsystems since 1984 and is best known as the founder of the Java programming language. He provided leadership to Alberta's Information and Communications Technology Research Advisory Council and to the Alberta Informatics Circle of Research Excellence.

2. **Jeff Skoll** was born in Montreal and moved to Toronto with his family where he earned an electrical engineering degree for the University of Toronto. In 1987 he founded a computer consulting firm and had a lucrative computer rental business.

Jeff Skoll went on to get an M.B.A. from Stanford University in Palo Alto where he started as the first employee of the online auction web site eBay and went on to be its president. He has now retired and created the Skoll Foundation in 1999 that grants the Skoll Awards for Social Entrepreneurship.

3. **Frank Gehry** was born Ephraim Owen Glodberg in Toronto. At age 18 he moved to California where he drove a delivery truck. Later he graduated from the University of Southern California's School of Architecture and did not complete a year at the Harvard Graduate School of Design.

Frank Gehry is famous for his unique building designs that include the Guggenheim Museum in Bilbao, the Walt Disney Concert Hall in Los Angeles and the Dancing House in Prague. He is currently building the Art Gallery of Ontario which will open this year in Toronto.

Personalities: Sports

1. **Wayne Gretzky** was born in Brantford, Ontario where he regularly played minor hockey league at a level far above his peers. He briefly played with the Indianapolis Racers before signing on with the National Hockey League where he won four Stanley Cups and many trophies. He moved to Los Angeles to play with the Kings in 1993.

Wayne Gretzky became the Executive Director for the Canadian national men's hockey team during the 2002 Winter Olympics, where the team won a gold medal. One of his current business ventures includes the *Wayne Gretzky's* restaurant in Toronto.

2. **Mario Lemieux** was born in Montreal where he played hockey as a child and a teenager. At age 19 he joined the Pittsburgh Penguins, played with them for 11 years and won two Stanley cups. He bought the team in 1999 to prevent its bankruptcy.

The Mario Lemieux Foundation was created in 1993 when the star hockey player was diagnosed with Hodgkin's lymphoma. The Foundation funds medical research projects.

3. **Mike Weir** was born in Sarnia, Ontario and grew up and practiced driving golf balls in Bright's Cove. At age 23 he was named Canadian Tour Rookie of the Year. He moved to Utah where he graduated from Brigham Young University.

Left-handed Mike Weir won his first PGA tournament in 1999 and has reached the winners' circle at least seven times since. He was appointed Member of the Order of Canada in 2007. He owns a vineyard in the Niagara wine country.

Personalities: Entertainment

1. **Kim Cattrall** was born in the U.K. and raised in Courtenay, B.C. where she graduated from high school. At age 16 she left Canada for New York City to attend the American Academy of Dramatic Arts. Following her film debut in 1975, she came back to the theatre in Vancouver and Toronto prior to winning a contract at Universal in Los Angeles. She was propelled to stardom in the series and film of the same name *Sex in the City*. She will lend her voice to a 13-episode animated sitcom to air on E! Canada network in 2009.

2. **Celine Dion** was born to a modest family in Charlemagne, Quebec. She has risen to the very top of the international pop music scene and received every major music industry award. In her 25 year career, Céline Dion has recorded 18 French-language and 12 English-language albums that have sold over 200 million copies.

Ms. Dion, who currently lives in Las Vegas, is involved in many humanitarian causes, notably her own Céline Dion Foundation and the Canadian Cystic Fibrosis Foundation, of which she is the celebrity patron.

3. **Diana Krall** was born in Nanaimo in B.C. and started to take piano lessons at the age of four. She played in a small jazz group in high school. At 17 she went to Berklee College of Music in Boston where she completed three terms. She released her first album in 1993 and has since won two Grammy Awards for best jazz vocal performances.

Diana Krall lives in New York and Nanaimo and her charity benefits for Vancouver General Hospital have collectively raised more than \$3.8 million for research on multiple myeloma.

Personalities: Education

1. **Robert Mundell** was born in Maple Ridge, B.C. One of the most influential economists of his generation, Robert Mundell has made a lasting mark on both the academic and public policy spheres. He has been the source of numerous theories on international economics and was named Nobel Laureate for his work on common currency and monetary and fiscal policies in 1999. To this day, his vision of international labour mobility remains significant to policy makers. His innovative thinking continues to be at the core of the teaching of international macroeconomics.

Currently a professor at Columbia University, Robert Mundell is a passionate participant in ongoing policy debates in Canada.

2. **Shirley Tilghman** was born in Toronto. She received a B.Sc. in chemistry from Kingston, Ontario and, after teaching high school for two years, obtained her Ph.D. in biochemistry from Temple University in Philadelphia.

Shirley Tilghman became a leader in molecular biology, and the first woman president of Princeton University in 2001. In 2002 she was one of five winners of the L’Oreal-UNESCO international For Women in Science Award.

3. **Myron Scholes** was born in Timmins, Ontario. He graduated with a B.A. from McMaster University and went to the University of Chicago to earn a Ph.D. in Economics. He was the co-recipient of the Nobel Prize in Economics in 1997 for the Black-Scholes options pricing model.

Myron Scholes received honorary degrees from McMaster and Wilfrid Laurier Universities.

Organizations: Business/Chambers of Commerce

1. The **Canadian-U.S. Business Association** was established in Detroit in 1992 with the objective of encouraging the development and expansion of commercial and economic relationships between Canada and the United States. The association serves this objective by encouraging regular contact and discourse between members of the business communities of the two countries and by providing information about opportunities flowing from the Canada-United States business relationship. Regular meetings are held in Windsor, Canada and Detroit.

2. The **Canadian American Business Council** was established in 1987 and is the premier voice of the Canadian American business community in Washington D.C. The Council is a non-profit, issues-oriented organization dedicated to elevating the private sector perspective on issues that affect our two nations.

The Council's activities include high-level briefings on issues of current concern, assistance with practical trade and policy challenges, and significant networking opportunities and informative seminars. Each year the Council also celebrates innovative cross-border partnerships through its prestigious Canadian American Award for Business Achievement.

Organizations: Social Networking

N.B. More than 80 social groups are listed on the web site of “*Connect2Canada*”: *Canadian Groups in the U.S.* alone.

1. The **Canadian Snowbird Association** is a national not-for-profit advocacy organization dedicated to actively defending and improving the rights and privileges of traveling Canadians. The organization is now based in Toronto but started in Lakeland, Florida before 1988. Its goals are three-fold: to insure that the portability section of the Canada Health Act is upheld, to fight the restrictions placed by provinces and territories on prescription drugs needed by travelers, and to solve the difficulties encountered by members when crossing the Canada-U.S. borders.

2. The **Canadian Club of the Desert** has as its motto, “Palm Trees and Maple Leaves”. The Club serves Canadian snowbirds and transplants to the Coachella Valley (Southern California) and their friends, with recreation, political and cultural experiences from the best of both worlds. For over the past 20 years the Canadian Club has provided a meeting place for Canadians living and visiting the Coachella Valley. The club has monthly breakfast meetings from January to March with special field trips to places of interest in Southern California. The Club also seeks to provide an awareness of the contributions Canadians make to the Coachella communities.

Organizations: School Alumni

1. **CanDiego.org**'s mission is to develop a community of Canadians and Friends-of-Canadians in San Diego. Membership is open and free to all Canadians and Friends-of-Canadians interested in connecting socially, professionally, and culturally.

CanDiego.org was founded in 2006 by a San Diego-based group of graduates from various Canadian universities and has already grown to over 1000 members. CanDiego.org is actively organized by a Vancouver native and the current SFU volunteer alumni representative in San Diego.

2. The **Queen's University Northern California Association** is to reach out and foster a lifelong association with Queen's, to engage its members in the life and work of the University, and to serve the community of more than 500 alumni in the San Francisco Bay area in all its diversity.

Organizations: Religious Groups

No religious group was identified as solely Canadian on U.S. territory.

Organizations: Other

1. **Greenpeace** was founded in Vancouver in 1972. Its far-reaching goals are: to protect biodiversity in all its forms; to prevent pollution of the Earth's oceans, land, air and fresh water; to end all nuclear threats; to promote peace, global disarmament and non-violence. Greenpeace now counts nearly 3 million paying supporters all over the world. Its Toronto head office remains in close contact with the U.S. offices in Washington D.C. and San Francisco.

2. The head office of the **International Institute for Sustainable Development (IISD)** is situated in Winnipeg. Created in 1990, the Canadian-based not-for-profit organization now includes a diverse team of more than 150 people located in more than 30 countries and 200 partner organizations throughout the world. Its goal is to foster sustainability through innovation.

The IISD's New York-based arm shelters its reporting services that produce a steady stream of information on international environment and sustainable development negotiations. The products of IISD Reporting Services include a bulletin, a journal, an up-to-date listserv for upcoming meetings and a "for hire" service for conferences, symposia and workshops.

C. Summary of U.S. Immigration and Citizenship Policies

U.S. Immigration Policies

Below I review the main visa options for Canadians who seek employment in the U.S.:

TN NAFTA: This visa is available to Canadian and Mexican citizens only. In order to qualify for the TN NAFTA, an applicant must have a U.S. job offer in one of the 54 occupations listed on the Department of Homeland Security web site. The visas are valid for one year and can be renewed on an unlimited basis. There is no quota on the number of TN NAFTA visas issued. One of the attractive features of this visa is that it can be obtained at a U.S./Canada port of entry. The TN category offers professionals a fast track into the U.S. where they may consider other options for a longer-term stay.

H-1B: This visa is the official and primary work U.S. work visa available to people from all over the world. The applicant must also have a job offer to work in “specialty occupations” for a U.S. employer. The work performed must involve a high level of skill such as in a professional occupation, so most applicants under this visa category are highly educated with a university degree. The annual limit is 65,000 visas that are generally all granted within two weeks after the date on which submissions are allowed. One of the main advantages of the H-1B is that it is a ‘dual intent’, which means that one can subsequently apply for permanent residence in the U.S.

L-1: This visa is for people expanding their business to the U.S. or who are being transferred to an existing U.S. business. The L-1A visa, for managers and executives, is valid for seven years from the date of issuance. The L-1B visa is issued to specialized knowledge workers and valid for a total period of five years. Both individuals and businesses must meet some requirements so that L-1 visas can be issued. There is no quota on the number of L-1 visas and, thanks to NAFTA, Canadians can apply for this visa at a U.S./Canada port of entry.

E: The E visa is for people entering the U.S. for work in trade or in investment services or activities. The two types of E visas, E1 (trader) and E2 (investor), can only be issued to

nationals of countries who have multilateral treaties with the U.S., and the latter include Canada. The E1 visa is for Canadians involved in the exchange, purchase or sale of goods/services or merchandise, whereas the E2 visa is for owners and investors in businesses in the U.S. Some conditions apply on the volume of trade with, and the total of investments in, the U.S. There is no quota on the number of E visas issued.

Green Card: This visa is equivalent to permanent residence in the U.S. and can be secured in four ways: a) via employment and sponsorship, b) through an annual lottery, c) through a family member, and d) by marriage. While c) and d) are self-explanatory, the other two means of obtaining a green card are briefly described below:

a) Most applicants to the employment-based petition are already in the U.S. on a valid work visa. The employer/sponsor typically pays all the application and relocation costs, if applicable. If not already done as a visa requirement, the employer must go through the “Labor Certification” process whereby it must be established that no other workers are able, willing, qualified and available at the time and place where the applicant is to be employed.

b) Every year the U.S. Government issues 55,000 green cards to applicants randomly selected by a computer-generated draw. If selected, the main applicant, spouse and all unmarried children under 21 years of age will have a chance to apply for permanent resident status in the U.S. Winners are not automatically granted a green card, but can thus submit their application without the assistance of any third party.

U.S. Citizenship Policies

The following requirements must be fulfilled to become a U.S. citizen: be at least 18 years old; have been a permanent resident for five years with no single absence of more than one year; have been physically present in the U.S. at least 30 months out of the previous five years and have resided within a state or district at least 3 months; show good moral character, i.e., no excessive criminal offenses, gambling, vice, smuggling of aliens, drinking, polygamy, refusal to support family, false testimony; etc.; show attachment to the principles of the Constitution; be able to read, write, speak and understand ordinary English; know the fundamentals of history and principles and forms of government; and take an oath of allegiance in which an applicant essentially swears to: a) renounce any foreign allegiance and/or foreign title, b) support the Constitution and obey the laws of the U.S., and c) bear arms for the Armed Forces of the U.S. or perform services for the government of the U.S. when required.

It would thus seem obvious that any applicant who says, "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; ..." could not possibly retain another nationality, but such is not the case. In the next section I look at the historical context surrounding the notion of dual citizenship in the U.S., the institutional changes that have occurred since the inception of the U.S. Oath of Allegiance, and the legality of dual citizenship in the U.S.

Dual Citizenship in the U.S.

After England relinquished its control over British subjecthood in 1773, lawmakers in the U.S. devised a smooth naturalization procedure whereby applicants to citizenship had to have resided in the country for five years after declaring their intention of becoming citizens. Then the would-be citizens had to swear an oath to show their attachment to the Constitution and to renounce allegiance to any other country. The War of Independence (1775-1782) reinforced the concept of citizenship and rid the country for good of the notion of subjecthood. Furthermore, multiple citizenship became highly suspicious during the Napoleonic Wars (1803-1815) when British sea captains insisted that Americans were born British and remained British, while the U.S. government contended that people in the U.S. could, and should, only hold U.S. citizenship.

In the midst of security concerns stemming from the Second World War, the Naturalization Oath of Allegiance was adopted as part of the 1952 Immigration and Nationality Act, at a time when Congress clearly disapproved of, and was guarded about, dual citizenship for fear of communism. From the mid-1960s through the 1980s various parts of the said Oath were challenged several times, mostly around issues pertaining to the power of the State Department to denationalize Americans, a practice that was by-and-large abandoned in the 1960s. Loss of citizenship is not directly pertinent in the case of Canadians taking on the U.S. citizenship, but was brought up here to point out that, although the Supreme Court never pronounced the Naturalization Oath unconstitutional, it gradually limited the attempts made by the State Department to enforce it; in fact, the Supreme Court judgments used arguments derived from the 14th Amendment to the Constitution to affirm the right to dual citizenship. The said Amendment reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

An example of the relaxation of the attitude towards dual citizenship came in October 1994, when President Clinton signed the "Immigration and Nationality Technical Corrections Act of 1994" that made two important changes to the laws pertaining to naturalization: previously, candidates for U.S. citizenship were required to state that they intended to reside permanently in the US following naturalization and this requirement was repealed by Congress; the law had previously stated that a newly naturalized U.S. citizen who, within one year following his naturalization, abandoned his U.S. residence and set up a permanent residence outside the U.S. was presumed to have misrepresented his intentions regarding permanent residence on his citizenship application, and on this basis could have his US citizenship cancelled retroactively, a provision that was also repealed.

Created in 1940 as part of the U.S. Department of Justice, the Immigration and Naturalization Service (INS) was replaced in March 2003 by three new agencies spearheaded by the new U.S. Department of Homeland Security. From that date on, the U.S. Citizenship and Immigration Services (UNCIS) has been in charge of the administration of immigration services, including permanent residence, naturalization,

asylum, and other functions. In 2000 the INS was the largest law enforcement agency of the federal government. In the words of former INS Commissioner Doris Meissner, ‘the dominant culture of the agency ... [is] rooted in a view of immigration as a source of security and law enforcement vulnerability more than of continuing nation building’. (Bloemraad 2007: 166).

In the post-9/11 era, one can only surmise that Commissioner Meissner’s candid appraisal of the INS culture was magnified under the Bush administration. Rick Wales posts the following on his excellent web site on dual citizenship issues in the U.S.:

In an effort to curb illegal immigration to the US, several proposals to amend or reinterpret the 14th Amendment's citizenship clause have been introduced in recent Congresses. Most of these proposals would redefine the concept of "jurisdiction" so that a US-born child would have automatic citizenship only if at least one parent were a US citizen or permanent resident ("green card holder"). So far, all such proposals have died in committee; none has ever been brought to the floor for a vote by either house of Congress. Even if a bill of this sort were to become law, it would almost certainly be challenged in the courts and could very possibly be declared unconstitutional. (In “US Law relating to dual citizenship” section)

A disconnect between the wishes of politicians and Congress and court rulings has been made more and more obvious over the last 40 years, mostly surrounding the limits placed on the Oath of Allegiance. One must also note that many countries fail to recognize the Oath as a renunciation of their nationals’ prior citizenship. Many immigrants thus find that they retain their former nationality in the eyes of their home country even after they acquire American citizenship.

Rick Wales aptly summarizes the state-of-affairs of dual citizenship in the U.S. when he writes, “Other countries (such as the US in recent years) may treat their own naturalization oaths' renunciatory language as essentially meaningless and take no steps to enforce it at all.” (In “US Law relating to dual citizenship” section)

Clearly, dual citizenship is legal in the U.S. for Americans – naturalized or native-born – and for immigrants.

Finally, Canada makes no demands on Canadian citizens who want to maintain their Canadian citizenship, whereas the U.S. Government requires that an income tax report be filed annually regardless of the place of residence of U.S. citizens.

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Wales, R. (1996-2006). <http://www.richw.org/dualcit/> (accessed September and October 2008).

Numerous other web sites.