



The Standing Committee on International Trade

To Whom It May Concern:

I am writing to you to bring to your attention the plight of Canadian comedians who are caught in the middle of the NAFTA negotiations and the issue of fairness and labour mobility to the United States. As you study the issue of the impact of tariffs on Canadian businesses, companies and workers, I urge you and your Committee colleagues to keep our issue top of mind.

By way of background, the Canadian Association of Stand-Up Comedians was formed in 2017 and one of our goals is to apply pressure on the federal government to assist with labour mobility issues with the United States. Currently, when a Canadian comedian wants to enter the United States to tour and perform, they need to get an O1 visa before they can enter. This process is both time consuming and costly – in the range of \$5,000-\$10,000 for the comedian. This can usually be arranged through an agency or lawyer based in the United States. Not only is it onerous financially but it's incumbent on the applicant to prove extraordinary ability in the arts, or extraordinary achievement in the motion picture or television industry and has been recognized nationally or internationally for those achievements. There is also an annual limit on O-1 Visas.

Conversely, American comedians who come to Canada to perform in clubs, theatres or festivals are not required to pay any fees or provide little to no paperwork to Canadian authorities. They simply have to prove that a festival, nightclub or other venue has booked them.

Insisting on reciprocity will not only allow Canadian professional comedians to establish parameters for a fair living. It will also enable comedians on both sides of the border to contribute to the social and economic benefits of a thriving cultural sector. With reasonable and equitable opportunities to develop their stories and share their perspectives, touring comics do not threaten a loss of jobs in either country. Instead, experienced stand-up comedians who are able to elevate their craft create new jobs in the production and distribution of cultural content in various mediums.

CASC just returned from the 2018 Just for Laughs Festival in Montreal and since the recent purchase of the festival by Howie Mandel, ICM Partners and Bell Media, the festival has never been more American and less Canadian. It's disheartening. The festival that Canadian comedians have aspired to for so long because opportunities are limited here is being monopolized by American talent. Canadian comedians feel disenfranchised by the blatant disregard for the talent pool here. Not to mention this festival is funded by Heritage Canada who awards the festival \$2 million annually. Entire panels at the Just for Laughs festival showcased only American talent and content creators. How can we justify using our Canadian tax dollars to give preferential treatment to American talent vs. Canadian talent in our own country? There is something deeply troubling about the reality where we have not only sold our oil, lumber and water to the U.S. but even our culture and identity.

What is required is for the Canadian government to expand the categories of professionals on the list under Section 16 of NAFTA to avoid these costly visas and assessments to enter the United States to work. This is needed very badly by the Canadian cultural sector in order to make a fair living.

We've attached first hand accounts of how American tariffs on Canadian stand-up comedians has impacted their lives, careers and personhood.

We would love for the opportunity to discuss this matter further with you and your committee colleagues.

Sincerely,
Sandra Battaglini, Executive Member

Visa Stories

KATHLEEN MCGEE

In 2011, I was invited to perform at Just For Laughs in Montreal. I performed on the Homegrown show and the Nasty Girls show. It was a huge moment in my career. At the festival I met a management team from LA that wanted to sign me and represent me. Over the next few months we came up with a plan to get me down to the US. They had a lawyer that was going to do my paperwork at a cost of \$5000 USD.

It was at that time I decided to move from Toronto back to Edmonton so that I could move in with my mom and save money to move to LA. I was in Edmonton for close to a year and saved enough money to pay for the visa and to pay to live in LA for as long as I could.

My managers encouraged me to come down before the VISA came through and just do spots around LA and be seen. They told me Canadians could come for 6 months without paperwork. I totally believed them because I was kind of blinded by the possibility of levelling up in my career. I felt like I had hit a ceiling in Canada and now needed to move to the US to take the next step.

I lived in LA for close to 5 months. I was not working I was doing unpaid spots being seen and making great connections.

My management called me into a meeting and told me there was a problem with my application. The person that was reviewing it said I didn't have enough credits to be considered a person of extraordinary ability. They told me the best thing to do was to pull the application and start again, because if I got denied I would not be able to apply again for 3 years. I agreed we should pull the application. I lost the \$5000 USD. The government fees are not refunded when you pull an application and the lawyer keeps the money for the work they did.

I was upset but not broken I wanted to start again. I was getting close to running out of money so I decided to go back to Canada to do shows and replenish my bank account.

I went back to Canada, worked for a month and decided to head back.

I got to the Vancouver airport and was pulled aside for questioning. Not thinking I was doing anything wrong because I wasn't working in LA. I was doing unpaid spots.

Unfortunately for me and my career trajectory it all came to a halt that day. I was told that because I was doing spots where admission was being taken they were making money from my service. Regardless if I was being paid or not I was technically working. I was denied entrance to America that day. I have not been back since. This was in 2012. I was fingerprinted like a criminal and sent home with my dreams crushed.

I have not applied for another visa because I'm not willing to lose another \$5000 on an application that seems like there is no rhyme or reason as to why someone gets approved. I'm frustrated and have lost a lot of the ambition I had before being denied. I was doing well in LA. People were putting me on big

shows. Clubs were passing by to regular spots and then because of the ridiculous rules at the border it all ended for me. It's incredibly frustrating to see American comics being able to cross our border and work at our clubs with no hassle.

It's incredibly important to fight for Artists to be able to tour in America without having to pay thousands of dollars and jump through ridiculous hoops. I don't want to live in America I want to be able to work and pay taxes and come home to Canada.

BRANDI BERTRAND, Producer JFL Northwest

Recently, American promoter AEG offered JFL NorthWest, Vancouver's Just for Laughs Festival, an opportunity to program one-hour of stand-up comedy at their Seattle music & comedy Festival, Bumbershoot. We looked into presenting "Canadians of Comedy" hosted by Efthimios Nasiopoulos, featuring Katie-Ellen Humphries, Jacob Samuel and Mayce Galoni.

Due to the nature of performance restrictions on Canadians in the United States, this was not a paid gig. The opportunity to perform is still considered appealing to Canadian artists who are hoping to acquire a letter in support from an American promoter to submit with their Visa applications, potential future work once they've attained an O1-Visa, and exposure to a new market. (Plus expenses paid, and a VIP festival experience).

JFL NorthWest was to benefit by promoting our February Vancouver Comedy festival to a Seattle Audience, in hopes of attracting tourists to Canada and educating Americans on Canada's unique brand of comedy talent. We were also hoping to promote our 2018 Comedy Compilation Album, to see more downloads and plays, and in turn additional passive revenue for our local talent.

Unfortunately, all efforts to proceed with the event have come to a halt. There seems to be no legitimate way to promote this event and the artists involved without potentially jeopardizing their future efforts to attain an O1-Visa for paid work in the United States. One artist was advised, by her New York Immigration lawyer:

"I would stay away from doing the festival in Seattle or any event like it until you have the proper work authorization pursuant to the O-1. Performing at a festival without a work visa will likely be viewed as unauthorized work by immigration."

Even though this is a promotional event, by a Canadian company, requiring unpaid Canadian talent, it could still be considered illegal work in America.

In Addition:

Permitting Canadian talent to easily attain access to work in the United States would:

- Help the Canadian Entertainment Industry develop successful performers and influencers to a level of International appeal and fame. A diverse pool of successful influencers means more jobs in the entertainment and tourism industries locally. More ticket sales, more albums, more events, more TV & Film opportunities, etc.
- Advocates of their home country, Comedians provide a unique voice with broad appeal to national markets. Tourism would gain from a fresh interest in Canadian cities and culture from comedy fans abroad.

- Stand-Up comedy is inclusive and authentic, it's story telling and human connection at the most basic level, it's maybe the most accessible art form. There's no learning curve, no broad spectrum of personal preference like with music, or visual arts, or theatre.

FRANK SPADONE

In 2013, I was asked to do a showcase for U.S. television network Nickelodeon in Toronto. They were looking for comics for a taped stand up show titled "Mom's Night Out". It would air after kids are asleep and Mom and Dads could enjoy some down time. The material was based on being a parent. At the time I was trying to balance family life with two young children and my career. It was perfect timing as I was working on material about the struggles of being a parent while pursuing my career.

It was a great show and I had one of my best sets. Immediately after the producer of the show told me he wanted me on the show. I was so excited and over the moon, my first U.S. television taping. He asked about my Visa situation and told him I would do whatever it took to get it done.

I was contacted by the production's lawyers to send all my press and letters of recommendation to help with the visa application. I worked as hard as I could as I did not want to miss this opportunity. The taping of the show was fast approaching and was a bit worried but then just a couple days before was told I had been approved and was relieved. The hard work paid off, including my years of performing and perfecting my craft to get this opportunity. The day before I was to travel I asked the lawyers about the documentation to present to U.S. Immigration. I had not received the Visa yet but they reassured me my application was accepted and it wouldn't be a problem. The lawyers sent me a letter to give to the customs agent explaining that I had been accepted and they could call Home Land Security for confirmation.

The day I travelled I proceeded to the customs agent and did exactly what the lawyers told me to do but was sent to secondary screening. I explained everything and provided all information only to be told they weren't obligated to call Homeland Security to confirm my Visa acceptance. I pleaded but they were not willing, not willing to see my side of the story, not willing to believe I may be telling the truth. I was not able to cross, missing my big opportunity, losing time, money from not performing, losing a tv tape I could use for my portfolio reel. Needless to say it was very depressing. I went to bed feeling handcuffed in my own country, not being able to work across the boarder while watching our neighbours easily cross into ours, expanding their network getting hired by Canadian clubs that in some cases (especially in western Canada) would rather hire an American than a Canadian.

The second blow came when I woke up the next day to find a courier package at my door with my U.S. Visa, had it only come a day earlier. My question is why is it so difficult to work there even when we've earned it and U.S. productions want us there?