



DEMOCRATS ABROAD

In Support of HR 597: A Crucial First Step in Addressing the Unintended Adverse Impacts of U.S. Policy on Americans Living Abroad

6 Million American Ambassadors

In 2011, the US State Department estimated 6.32 million Americans – not including government personnel – live overseas, a best-guess estimate based on limited available records (see map.) The migration of Americans overseas is a largely undocumented phenomenon. No census has been undertaken, and no formal study attempted since 1975. While the US Census Bureau supplies estimates of the US citizen migration overseas, there are no estimates of returns. The figure of 6.32 million is thus a working number, which can be put into a notable context; if overseas Americans constituted a single state, this hypothetical state would rank 18th in population size.¹

Empirically, this migration may be considered part of a globalization trend that began after World War II, and continues today with the proliferation of trans-national corporations, and aided by the ease of communication and travel that have made this a shrinking world. If global migration is an increasing phenomenon, we may reasonably assume the proliferation of Americans residing temporarily or indefinitely abroad is also increasing.



Who are these overseas Americans? There is a widespread misrepresentation that we are wealthy tax dodgers. Nothing could be further from the truth. We are, by and large, middle class citizens – teachers, doctors, lawyers, students, aid workers - who carry American cultural, political and social values to the far-flung corners of the globe. Donald S. Breyer Jr, former US Ambassador to Switzerland, has referred to overseas Americans as our nation’s “unpaid ambassadors”. Indeed, to our friends, neighbors and co-workers in the 150+ nations where we reside, we are the face of America.

¹Source: <http://www.ipl.org/div/stateknow/popchart.html#statesbypop>

Being an American Abroad

Being an American Abroad often means being out of sight and out of mind. Americans overseas increasingly endure unintended but seriously adverse impacts from US legislation that does not take into account their unique circumstances. Some key policy areas include Citizenship and its transmission, Voting Access, Immigration and Taxation. Current specific concerns on these matters are outlined in detail in our accompanying Position Papers, but are summarized herein.

Voting Access: Ensuring voting rights laws are implemented

The right to vote drives the machinery of our democracy. Since 1975, the following laws have been enacted to provide voting access and support to overseas Americans: Uniform and Overseas Citizens Absentee Voting Act (UOCAVA); Help America Vote Act (HAVA); Military and Overseas Voters Empowerment Act (MOVE); and Uniform Military and Overseas Voters Act (UMOVA). Despite the important advances in federal legislation, the facilitation of voting faces the same challenge today that it has always faced: voting is the responsibility of the states. While federal legislation mandates some elements of overseas voting, the 13,000 different voting constituencies in the United States may have very different regulations and practices. Much remains to be done in order to ensure that overseas Americans, and their children, are enfranchised both by law and in practice. Democrats Abroad urges Congress to encourage all 50 states to enact regulations that facilitate voting by Americans born and living overseas.

Fair Treatment in Taxation: The Foreign Account Tax Compliance Act (FATCA)

Enacted by Congress in 2010 as part of the HIRE Act, FATCA is intended to provide the IRS with information it can use to apprehend taxpayers who keep untaxed earnings in offshore accounts. The law as it stands now, however, has resulted in serious, unintended consequences for overseas Americans both in the personal and business side of their financial lives. FATCA imposes extensive financial account disclosure obligations - far more onerous than those imposed on Americans living stateside. Implicit in the stringent financial reporting requirements is the assumption that overseas Americans are tax cheats. In truth, our financial accounts in our countries of residence are legitimate financial vehicles necessary for our professional and personal lives. Democrats Abroad urges the re-definition of Offshore Account to 'an account other than in one's country of residence.'

Citizenship: Born stateless

The process of citizenship transmission is crucial to the endurance of our nation. Current State Department policies frequently prohibit the transmission of citizenship to the overseas-born children of US parents unable to meet the residency requirements. Democrats Abroad holds the position that US citizens should be able to transmit their citizenship to their children at the time of their birth regardless of country of residence or choice of reproductive technology.

Immigration: Love exiles

Until the recent US Supreme Court decision striking down parts of the Defense of Marriage Act (DOMA) and the subsequent Federal government decision to recognize certain LGBT family ties for immigration and other purposes, many LGBT Americans were unable to repatriate with their same sex spouses. They lived for years or even decades as "love exiles". While the 2013 decision was a victory and a relief for these couples, the legacy of decades of discrimination, particularly with regard to deportation, remains to be addressed and rectified. Democrats Abroad supports the full repeal of the DOMA, immigration reform that includes a pathway to citizenship for hundreds of thousands of undocumented LGBT immigrants, and the adoption of special waivers of the grounds of ineligibility for immigration that apply to aliens who overstayed temporary visas, aliens who were subject

to a deportation order, and aliens who entered into questionable marriages in desperate attempts to hold their families together.

These are just a sample of the broad-based problems that cut across all categories of overseas citizens, regardless of gender, age, ethnicity, sexual orientation and political persuasion. This crucial point bears repeating: **all 6.32 million+ overseas Americans face problems related to at least one of the above areas.** This reality is alarmingly illustrated in the four-fold increase in US citizenship renunciations since 2009². It is illustrated in the stream of negative media reports in which ordinary, law-abiding overseas citizens express their frustration at the oversights in U.S. policy and their concern for the well-being of their families and livelihood. For many, our cherished US citizenship is becoming a liability. This is an appalling notion, and yet remedial measures are available and require only a willingness to listen, understand, and act.

How to Provide Relief

It is imperative for Congress to recognize who we are. We are U.S. citizens, the course of whose lives have taken us abroad to live and work. In our countries of residence, our lives are not materially different from what they would be like in the U.S.: we take care of our families, pay taxes to our country of residence, and contribute to its society. We are teachers, doctors, lawyers, and business people, part of the same middle-class group that lives within the 50 States. We pass our citizenship on to our children, grandchildren and spouses, either as a birthright or through naturalization. We are Americans first and foremost, proud of our nation and committed to it. We have struggled for 50 years for the opportunity to participate in its political process. We ask for recognition, acknowledgment of our needs, and fair treatment by our government.

Legislative Remedy

As a crucial first step in addressing the urgent matters outlined herein, Representative Carolyn Maloney (D-NY), Chair of the American Abroad Caucus, introduced (for the second time) a Bill – now referred to as HR597 - to establish a Bi-Partisan Commission to 1) formally study the impact of U.S. Legislation and Regulation on overseas Americans, and 2) report its findings back to Congress and the Administration.

Bill HR597 has since been referred to seven separate House Committees, an indication of the far-reaching extent of its potential impact. It has the full support of key organizations of overseas Americans: Democrats Abroad; American Citizens Abroad (ACA); Association of Americans Residing Overseas (AARO); Federation of American Women's Club Overseas (FAWCO) and the Overseas Vote Foundation (OVF).

Democrats Abroad strongly urges the 113th Congress to enact HR597. This is an attainable, affordable and necessary course of action that will establish the basis for enacting remedial reforms to policies which have discriminatory and deleterious implications.

Failure to address the growing crisis of this situation would risk further disenfranchisement among overseas Americans, and loss of standing in U.S. global reputation.

² Source: U.S. Treasury Department. <http://www.allvoices.com/contributed-news/16519012-record-number-of-americans-renounced-citizenship-in-2013>