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# THE EFFECT OF THE CANADA – U.S. BORDER ON THE VANCOUVER, BC, AND SEATTLE, WA, MUSIC NETWORK

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The Border Policy Research Institute supports faculty fellows at Western Washington University each year. Led by the 2018 BPRI Faculty Fellow Dr. Nabil Kamel, this research project is based on data from publicly available sources as well as from interviews with industry stakeholders, media accounts, official sources, and archival records. The project assessed the degree of connectivity between the music scenes in Seattle and Vancouver, with a particular focus on the effect of the border and the following questions:

- Does the network connecting music venues in Vancouver and Seattle consist of a shared cross-border network, or two systems separated by the border?
- How does the border affect artists and their careers?
- What are the challenges for touring across the border?
- What are the different experiences and perspectives of border crossing?
- What are the potential issues with equipment, merchandise, transportation, etc.?

This project was funded by the BC Music Fund and BPRI.<sup>1</sup>

## INTRODUCTION

This Border Policy Brief examines the degree of connectivity between the two music scenes of Seattle, WA and Vancouver, BC, which are less than 150 miles apart and share similar socio-demographic, economic, and regional characteristics. This Brief focuses on the effect of the Canada – U.S. border on the degree of connectivity between those music scenes and points out some opportunities and challenges faced by independent music artists in the early stages of their career, including Indigenous artists. The research presented here includes highlights from a broader project (see sidebar).

The vitality of the music industry in the two city-regions of Seattle, WA and Vancouver, BC is the product of the cross-fertilization and growth that result from the attraction, retention, and infusion of new talent, ideas, styles, information, and investments. This music 'ecosystem' relies on a social and physical infrastructure, with venues of different sizes, genres, and importance, in a transnational setting that includes shared ownership of venues. The region's audiences, patrons of the arts, institutional support, and a local and diverse talent pool contribute to thriving music scenes in both cities. Cross-border collaboration in music production, distribution, and events is also an important element to establishing touring networks, maximizing investment, and developing information networks that collaborate with other industries, such as film, television and the region's booming tech sector.

## THE INDEPENDENT MUSIC SCENE IN VANCOUVER, BC, & SEATTLE, WA

The music scenes in both Vancouver and Seattle are dominated by the 'rock-psyche-garage' genre, which ranks as a top genre for events performed worldwide by artists from Seattle and Vancouver. It is also the top genre for events performed in Seattle, and ranks second for those performed in Vancouver. Despite these similarities, Seattle and Vancouver constitute two separate local music scenes, rather than an integrated, cross-border touring network. This is apparent in their touring patterns. Seattle ranked 9th among the top cities where Vancouver artists perform, while Vancouver ranked 23rd for Seattle artists (see Tables 1 and 2). At the state and province level, Vancouver artists' top destination in the U.S. is California, followed by Washington. For Seattle artists performing in Canada, more than half (51%) took place in BC, followed by Ontario and Alberta. When Vancouver artists perform outside of



## TOP CITIES FOR VANCOUVER AND SEATTLE PERFORMING ARTISTS (based on research sample)

Rank	City	% of Events	# of Events
1	Vancouver, BC	47.1%	2,353
2	Toronto, ON	2.8%	141
3	Calgary, AB	2.3%	113
4	Victoria, BC	2.0%	99
5	Edmonton, AB	1.6%	81
6	Kelowna, BC	1.3%	66
7	Montreal, QC	1.2%	61
8	Ottawa, ON	1.2%	60
9	Seattle, WA	1.0%	52

Table 1: Vancouver Artists, Top Cities 2017

Rank	City	% of events	Number of #
1	Seattle, WA	56.6%	5,669
2	Portland, OR	3.1%	307
3	Tacoma, WA	2.4%	239
4	Bellingham, WA	1.9%	186
5	Los Angeles, CA	1.3%	129
6	Everett, WA	1.2%	116
7	New York, NY	0.9%	88
•	•	•	•
23	Vancouver, BC	0.3%	33

Table 2: Seattle Artists, Top Cities 2017

Canada, the U.S. is their number one destination, but Seattle artists are more likely to perform in the United Kingdom than Canada.

Vancouver artists performed in fewer venues than Seattle artists but Vancouver events were more evenly distributed among different venues. In Seattle, a small number of venues dominate the music scene, which made them more visible and important than other venues in Seattle. A network dominated by a few highly visible venues indicates that breaking into such a music scene tends to be difficult for new artists. In that respect, Vancouver offered broader options of venues for developing artists than Seattle. Non-traditional venues also play a significant role in the music scenes of both Vancouver and Seattle. In 2017, a considerable number of events took place in non-traditional venues, such as parks, public spaces, and home shows. These networks operate informally, via social media outlets and word of mouth.

Finally, recent economic growth in both cities has generated pressures on the housing market and property values, having a domino effect on the music industry in both cities. As real estate taxes and rents increased, the profitability of small and medium sized venues decreased, leading to the closure of small local venues, the consolidation of ownership, and increased reliance on DJ's. While it has never been easy for early career artists to make a living from music, higher rents and higher cost of living has made it even more difficult, and higher costs of living also diminish the disposable income of low- and medium-income patrons. These economic forces put pressures on the music industry in both cities in ways that undermine their local organic nature.

### BORDER EFFECTS

#### BORDER-CROSSING: RIGIDITY WITH UNCERTAINTY

*Artists entering the U.S. face additional burdens than those entering Canada.* Border crossings into the U.S.

and Canada constitute a particular set of challenges for artists. In the case of Canadian artists entering the U.S., the process for satisfying entry visa and work permit requirements was seen as costly, time-consuming, unpredictable, cumbersome, and unnecessarily bureaucratic. Navigating this process is especially daunting for developing artists unfamiliar with the process and its requirements, who cannot afford the cost of professional assistance to facilitate it.

There are several types or categories of visas that entertainers can apply for to perform in the U.S. Developing and mid-career artists will typically apply for a P-2 Visa (individual performer or part of a group entering to perform under a reciprocal exchange program). To do so, they have to petition for the visa using the 36-page I-129 form. In order to file Form I-129, the application must include a number of supporting documents, such as itineraries and dates of performances, type of events, and copies of the formal agreement between the American Federation of Musicians (AFM) of the U.S and that of Canada. Fortunately, the American Federation of Musicians, as well as a number of online resources, provide such documentation and assistance in the process.

In addition to its paperwork requirements, the visa processing time and cost present another challenge to Canadian touring artists. The minimum processing time required is 60 days and, in some cases, it can take up to 16 weeks. Such processing time can be prohibitive in the music industry, especially for early career artists for whom major career opportunities may come with limited advance notice such as opening for a more renowned artist or filling in a cancellation by another artist. Similarly, the cost of the visa application is considered prohibitive for developing artists, whose performances rarely cover their expenses. As of 2018, the cost of a P-2 Visa is \$460 USD, plus \$100 CAD for the AFM Canada, plus a \$20 USD fee for each additional musician in the group, plus

additional fees for technical and support crew members. An expedited (premium) processing fee surcharge of \$1,410 USD can reduce the minimum required processing time from 60 to 30 days. Moreover, once obtained, visas and permits are difficult to amend or extend to include changes in schedules or additional performance opportunities that may arise.

For U.S. artists entering Canada to perform, the process and requirements are significantly less demanding. A valid U.S. passport is the main requirement. Performing artists and their crews are exempt from Labour Market Impact Assessment (LMIA) and from work permit requirements as long as their engagement is for a limited time and they are not involved in film and television productions. One potential barrier for U.S. artists relates to differences in legal standing in the U.S. and Canada; a person arrested or charged with a criminal offense in the U.S. can be barred from entering Canada – even if not convicted. Minor offenses or misdemeanors, such as shoplifting or Driving Under the Influence (DUI), can render a foreign national inadmissible in Canada.

**Equipment and merchandise requirements.** Other requirements, such as those related to merchandise

and musical instruments, are almost identical for both countries, yet still add to the complexity of border crossing for artists. Musical instruments must be listed in an itemized inventory complete with description, serial number, date, place, and cost of purchase, and current market value of each instrument. Additionally, to comply with the Convention on International Trade in Endangered Species (CITES) and US Endangered Species Act (ESA), artists are required to obtain a special permit for instruments that include highly-protected materials, such as ivory, certain type of woods, tortoise shell, lizard skin, and whalebone. These permits have fees associated with them and can take up to 60 days to obtain.

**The geography of touring.** As the last large city in the upper corner of the Pacific Northwest, Vancouver is often the end or start of a touring itinerary. From Seattle, a band can hit dozens of separate cities and markets. From the viewpoint of music artists, a strong draw is needed for Vancouver to be pulled into an existing tour of the region to compensate for the friction caused by border-crossing hassle and uncertainty.

## SPACES OF INDIGENOUS MUSIC

While Indigenous artists can perform in several types of occasions and venues, such as music festivals, shows, and casinos, opportunities available to Indigenous musicians remain more limited. Connections between Indian Reservations (Reserves in Canada) and industry networks in urban centers is limited. Additionally, in Indigenous cultures, music is not just entertainment, nor is it performed only in specific dedicated venues. Music is also part of multiple practices including sacred, ritualistic, and celebratory practices. Because Indigenous music is considered in the industry as a different “genre,” their musicians typically follow a different path; the network of venues where they perform is separate and more restricted, and musicians have less access to industry contacts and information of the broader music network.

## ADDITIONAL AND UNIQUE BURDENS FOR INDIGENOUS PERFORMERS

**Inconsistency and uncertainty.** In order to cross the border, First Nations music performers born in Canada that want to take advantage of Jay Treaty agreements must carry proof that they are at least 50% Aboriginal by blood.<sup>2</sup> There are different documents that can serve as adequate proof of Aboriginal blood, including a letter of blood quantum, long form birth certificate, and Certificate of Indian Status. The adequacy and validity of these documents can vary depending on the particular border crossing or even the individual border officer processing them.

Furthermore, the disparities between Indigenous border-crossing laws in Canada compared to the U.S. makes it difficult for Indigenous performers to easily and consistently travel across the border. While the U.S. has laws relating to aboriginal blood, Canada relies on examining historical factors to determine whether a person can enter their country. In addition, the Jay Treaty is not reciprocated by Canada. These inconsistencies can make crossing the border prohibitively confusing or frustrating for Indigenous music performers. It can also make it difficult for venues to book Indigenous performers who live on the opposite side of the border.

**Cultural barriers.** For many Coast Salish people in the region, the border and its identity requirements represent governmental impositions that separate families and disrupt cultural practices. Crossing the border can be difficult when an Indigenous music performer must interact with a border official who lacks knowledge of Indigenous cultures, issues, and treaties. Indigenous performers have reported facing racism, profiling, and disrespect when crossing the border. Some also reported border officials mishandling cultural and sacred items. This, in addition to the requirement of customs duties, is likely to affect Indigenous musicians who attempt to cross the border with traditional instruments, regalia, or merchandise.

## POLICY IMPLICATIONS

### SUPPORTING TRANSNATIONAL COLLABORATION & PARTNERSHIPS

*With few exceptions, partnerships that support independent artists remain local and rarely involve transnational connections.* Diplomatic channels, festivals, dedicated non-profit organizations, and targeted government initiatives are starting points in the right direction. A concerted and consistent commitment to strengthen and expand trans-border industry partnerships and initiatives would facilitate the integration of Vancouver and Seattle music scenes and sustain their vitality. While Vancouver, the province of BC, and Canada have made significant strides compared to Seattle, the state of Washington, and the U.S. in providing governmental support and funding to the music industry and arts in general, increased funding for trans-border initiatives is needed on both sides of the border.

*Academic institutions can play an important role facilitating music connections between British Columbia and Washington.* Universities in the region have solid and established connections with BC and WA through institutes and research centers dedicated to transnational and border issues, with dedicated staff accustomed to inviting foreign visitors and familiar with immigration procedures. Colleges and universities also have performance spaces and accommodations that can be used to reduce performance costs. University programs, from music and communication to critical studies and business programs, as well as university radio stations, would benefit from exposure to and participation of international music. Supporting music artists from under-represented groups and under-served communities, especially Indigenous peoples, can diversify and improve campus culture and climate.

### EDUCATING ALL STAKEHOLDERS ON BORDER ISSUES

*The entire U.S. visa application and processing system, as well as the experience of border crossing to enter Canada and the U.S., can be improved by providing better education to artists, border officers, and policymakers.* Artists need better access to information and training regarding the requirements and limitations of the visa application process. While several organizations provide useful online information, it remains unidirectional with limited opportunities for feedback or addressing specific needs or questions. Individuals and groups also provide other online forums and resources, but they remain ad hoc and unofficial. A more direct approach, such as in a workshop format, could address some of the needs and anxiety associated with touring the U.S.

Border officers also need consistent training to be better informed about the various artists' visas and permit types, Indigenous rights and the Jay treaty, and their respective requirements. Training is also needed to address concerns that artists consistently expressed about being profiled for additional questioning and inspection, especially in the case of racial minorities, non-citizens, and younger artists.

Policymakers also need to be better informed about the lost revenues, missed opportunities, and risks to the music ecosystem associated with weak trans-border connections between Vancouver and Seattle. Among the main risks is the insulation of the Vancouver music scene from music talents and trends. This may lead to the stagnation and weakening of the music ecosystem, which in turn negatively affects urban vitality, the reputation of the city, tourism, and commercial activities. Festivals, especially those with a diverse, international, and multicultural character, can help reinforce a transnational network. Given that they occur mostly during summer months, festivals are just one element in what ought to be an arsenal of complementary strategies.

## ENDNOTES

1. This project was funded by the BC Music Fund and BPRI. It was made possible through a team collaboration with Rob Calder (Secret Study, BC), Alejandro Mercado (Universidad Autónoma Metropolitana, Mexico), WWU research assistants, and by the contribution of the participants who shared their insights during workshops and interviews. This Brief summarizes findings and includes extracts from the full report, "The Transnational Art Dialogue: The Effect of the Border on the Music Network between Vancouver, BC and Seattle, WA" (Creative BC, 2018, <https://www.creativebc.com/2018/11/15/transnational-art-dialogue-between-seattle-and-vancouver-php>).
2. For more on the Jay Treaty, Border Policy Research Institute publications on the Jay Treaty: "American Indians Born in Canada and the Right of Free Access to the United States" (Boos and McLawsen, 2018, [https://cedar.wvu.edu/bpri\\_publications/69/](https://cedar.wvu.edu/bpri_publications/69/)) and "Canadian Indians, Inuit, and Métis: An Exploration of the Unparalleled Rights Enjoyed by American Indians Born in Canada to Freely Access the United States" (Boos, McLawsen, and Fathali 2014, [https://cedar.wvu.edu/bpri\\_publications/64/](https://cedar.wvu.edu/bpri_publications/64/)).

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