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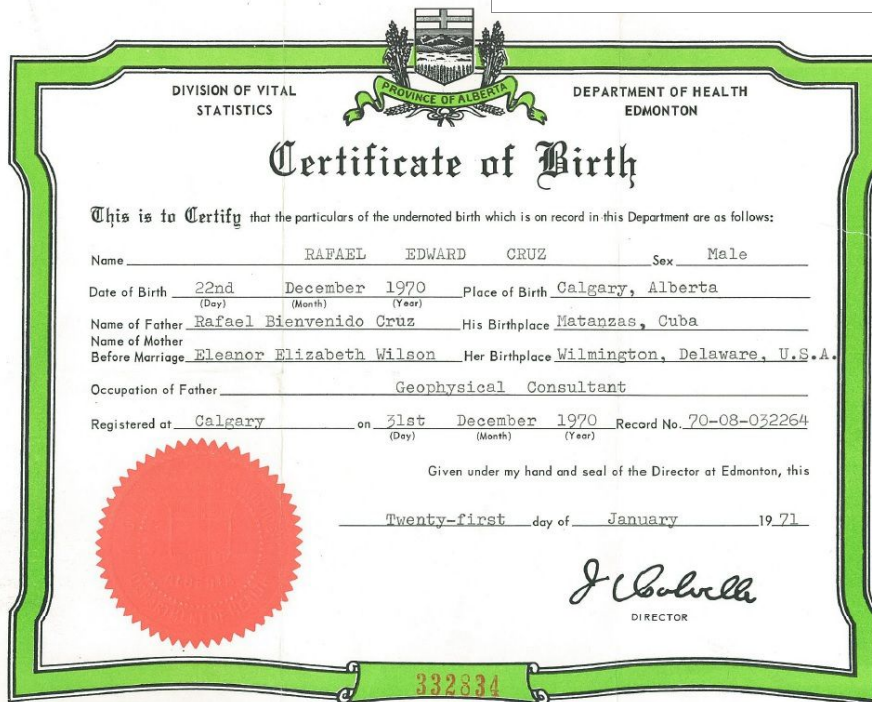
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# Dual citizenship may pose problem if Ted Cruz seeks presidency



Sen. Ted Cruz's birth certificate shows he was born in Canada in 1970. It was released exclusively to The Dallas Morning News. (n / a - Courtesy of Sen. Ted Cruz)



By [dallasnews Administrator](#)

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WASHINGTON — Born in Canada to an American mother, Ted Cruz became an instant U.S. citizen. But under Canadian law, he also became a citizen of that country the moment he was born.

Unless the Texas Republican senator formally renounces that citizenship, he will remain a citizen of both countries, legal experts say.



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That means he could assert the right to vote in Canada or even run for Parliament. On a lunch break from the U.S. Senate, he could head to the nearby embassy — the one flying a bright red maple leaf flag — pull out his Calgary, Alberta, birth certificate and obtain a passport.

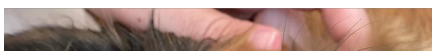
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“He’s a Canadian,” said Toronto lawyer Stephen Green, past chairman of the Canadian Bar Association’s Citizenship and Immigration Section.

The circumstances of Cruz’s birth have fueled a simmering debate over his eligibility to run for president. Knowingly or not, dual citizenship is an apparent if inconvenient truth for the tea party firebrand, who shows every sign he’s angling for the White House.

“Senator Cruz became a U.S. citizen at birth, and he never had to go through a naturalization process after birth to become a U.S. citizen,” said spokeswoman Catherine Frazier. “To our knowledge, he never had Canadian citizenship.”



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The U.S. Constitution allows only a “natural born” American citizen to serve as president. Most legal scholars who have studied the question agree that includes an American born overseas to an American parent, such as Cruz.

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The Constitution says nothing about would-be presidents born with dual citizenship.

Detractors have derided Cruz as “Canadian Ted,” saying he can’t run for president because he wasn’t born on U.S. soil.

Cruz, a Harvard-trained lawyer and former clerk for the U.S. chief justice, disagrees. He reasserted last week that being an American by birth makes him eligible.

Looking ahead

Two visits in recent weeks to Iowa, the first state to winnow the field of presidential candidates, set off a fresh flurry of commentary on the issue. He heads to New Hampshire, another early voting state, on Friday — another strong sign that he’s eyeing a 2016 run.

The political impact of his citizenship status remains to be seen. Doubts about President Barack

Obama's heritage dogged him throughout 2008 and persist among hardcore "birthers."

Officials at Citizenship and Immigration Canada said they cannot discuss his case.

"Generally speaking, under the Citizenship Act of 1947, those born in Canada were automatically citizens at birth unless their parent was a foreign diplomat," said ministry spokeswoman Julie Lafortune.

For the first time, Cruz released his birth certificate Friday in response to inquiries from *The Dallas Morning News*.

Dated a month after his birth on Dec. 22, 1970, it shows that Rafael Edward Cruz was born to Rafael Bienvenido Cruz, a "geophysical consultant" born in Matanzas, Cuba, and the former Eleanor Elizabeth Wilson, born in Wilmington, De .

Her status made the baby a U.S. citizen at birth. For that, U.S. law required at least one parent who was a U.S. citizen who had lived for at least a decade in the United States.

She registered his birth with the U.S. consulate, Frazier said, and the future senator received a U.S. passport in 1986 ahead of a high school trip to England.

Rafael Cruz, now a pastor in suburban Dallas, fled Cuba for Texas as a teen in 1957. He remained a Cuban citizen until he became a naturalized American in 2005.

#### Automatic citizenship

Until 1947, people born in Canada were British subjects. The system Canada adopted after that closely mirrors that of the U.S.

Both confer citizenship automatically to anyone born on their territory, and to children of citizens even when the birth takes place overseas.

By 1970, the Cruzes had moved to the Canadian oil patch, where they launched a seismic-data business. For purpose of citizenship, being foreigners made no difference.

"If a child was born in the territory, he is Canadian, period," said France Houle, a law professor at the University of Montreal. "He can ask for a passport. He can vote."

The fact that Cruz left Canada when he was 4 doesn't affect his status there, either.

"If you leave when you're 2 minutes old, you're still an American. It's the same in Canada," said Allison Christians, a law professor at McGill University in Montreal. "He's a Canadian citizen."

Having practiced international tax law in the U.S. for 25 years, Christians has made a close study of citizenship rules. They often come into play in tax cases.

"They can feel as American as they want. But the question of citizenship is determined by the law of the

territory in which you were physically born,” she said. “It’s not up to the Cruz family to decide whether they’re citizens.”

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As a Cuban, Rafael Cruz probably could have requested citizenship for his son, experts said. Even if he’d wanted to, the Cuban Constitution bans dual citizenship. And the chance to register the child passed long ago. “The U.S. and Cuba have very similar legal patterns and requirements,” said David Abraham, a professor of immigration and citizenship law at the University of Miami.

The situation reflects the overlapping jurisdictions, said Demetrios Papademetriou, president of the Washington-based Migration Policy Institute, who called birthright citizenship common in English-speaking countries.

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“If Ted Cruz was born in Canada, he is Canadian. He is American. He is a dual citizen,” he said.

That’s not uncommon in Canada, especially in French-speaking Quebec. But even there it can cause headaches for politicians.

In 2006, Canada’s Liberal Party Leader Stéphane Dion — born in Quebec City and also a citizen of France, his mother’s homeland — gave into a public uproar. He promised, reluctantly, to give up his French citizenship if he became prime minister, which never happened.

## Taxes

Unlike the U.S., which requires its citizens to pay taxes no matter where they live in the world, Canada only taxes people who reside there.

So there’s rarely much reason to relinquish Canadian citizenship.

For Cruz, though, it may become a political imperative. Though it would not affect his eligibility for the presidency, he could face questions about whether it’s appropriate for a commander in chief to have dual citizenship.

The relinquishment process is easy enough. It can take from a few weeks to a year. There’s a four-page form with a \$100 fee. Applicants must appear before a special judge to prove they have citizenship elsewhere and aren’t engaged in fraud.

Records are kept private.

Green, one of Canada’s top immigration lawyers, has counseled pro sports teams, athletes and major corporations. He knows one person who renounced his Canadian citizenship as a condition of joining the U.S. Secret Service.

“I’ve done it for people,” he said. “No problem.”

Follow Todd J. Gillman on Twitter at @toddgillman.

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