

HOW CANADIANS RETIRE IN THE U.S.

USA Important for Retired Canadians

Astounding numbers of Canadians retire in the U.S. Many seek sun, weather or health. Others stay with family, or continue living near business and social activities. Some split time between the two countries. Others stay full-time.

No Retiree Visa!

While there are millions of non-U.S. seniors in America, there is no easy “dead on” green card for retirees. The quota for the retiree green card closed in the 1970s due to general increases in immigration. This surprises many Canadians, who do not intend to burden the U.S. economy. (In fact, Canadians in Florida alone spend \$2 billion per year.)

How then, do Canadians retire in the U.S.?

Most senior Canadians use one of four ways. Each path requires some maneuvering . . . and pitfall avoidance.

1. Snowbird Visa

Most Canadian citizen retirees travel to the U.S. as temporary visitors (tourists).

There are two types of tourist visas, visitors for business (“B-1”), and pleasure (“B-2”). These are the easiest temporary permits. Immigration inspectors allow Canadians up to six months on temporary visitor status per trip. Under NAFTA, certain Canadians can get B-1s for a full year.

The following are misconceptions: “As a visitor, immigration rules force me to go back to Canada for six months before I can come back again.” Also false: “I can only stay less than 180 days a year.” There is no prohibition against leaving the country and entering again soon after. Of course Canadians without a green card cannot intend to reside permanently in the U.S. If you keep turning around and coming right back repeatedly without staying in Canada, immigration will conclude that you are here permanently. Nevertheless there is no *automatic* 6 month Canada wait.

2. Temporary Work Permits

Temporary work “visas” allow U.S. work and entry for periods longer than the B snowbird visa. Unlike the B-1, the work can be U.S. employer-salaried. Common permits are H (Professional), L (Intra-company Transferee), E (Treaty Investor/Trader) and TN (NAFTA Professional).

Here, Canadian retirees find advantages over permanent residency: quick, less paperwork, and no visa quota wait.

The disadvantages: Canadians must leave the U.S. after the temporary visa expires, and the visas **require** work. Canadians *must* continue working or leave. A solution for retirees is either to continue working part-time, self-employ, or to have applied for permanent residence (green cards) well before employment ends.

3. Permanent Residency Green Card

An excellent route to U.S. living rights is permanent residency. Permanent is better than temporary. Green carded Canadians can get full dual citizenship after a waiting period.

Foresight is rewarded. You may need an employer sponsor and these green cards take more time and paperwork than do temporary permits. Green carded Canadians can later change employers or quit work; however, leaving the job too soon will tempt the authorities to lift the card, because of “no intent to work full time for sponsoring employer.”

Permanent residency can also come from a family member sponsor. It may flow from an unusual source, e.g., some people who believe their green cards "expired" may find the cards still valid.

4. Dual Citizenship---The Crown Jewel

American citizenship gives maximum rights. It is particularly applicable to Canadians because proximity foments cross-border kinship histories. Automatic dual citizenship can flow from an ancestor. Contrary to popular belief, one can hold "dual citizenship" in the U.S. and in Canada. Thousands of senior Canadians are citizens of the U.S.---and may not even know it!

“Canadian-born with a U.S.-born parent” is a common scenario. A few Canadians can even have U.S. citizenship passed from a U.S. citizen grandparent. Furthermore, derivative citizenship rules favor Canadian retirees. This is because older rules concerning transmission of citizenship were liberal. They help people who were born earlier, are older and therefore, more likely to be retired.

You or your ancestors may have retained U.S. citizenship even if you think someone became Canadian, “gave up” or “lost” U.S. citizenship.

Financial Snares

Study the financial effects of retirement decisions. Talk to a cross-border accountant. Immigrants must show means of support. This is difficult for retirees who may no longer have a job. Other concerns are Canadian social insurances, income tax, and estate tax.

=====

[Further information:]

Joseph C. Grasmick
Law Office of Joseph C. Grasmick
300 International Drive
Williamsville, NY 14221 U.S.A.
Phone: (716) 842-3100
E-mail: jgrasmick@grasmick.com <http://www.grasmick.com>

Author of "TN Handbook for Canadians": <http://www.grasmick.com/handbook.htm>

Grasmick's U.S. Visa Selector-Interactive Flowchart for Canadians.
<http://www.grasmick.com/discover.htm>

Grasmick's List--All U.S. Visa Categories for Canadians.
<http://www.grasmick.com/biglist.htm>

FAQ Part I-Frequently Asked Questions: Canada to U.S. Immigration for Businesses and Professionals. (Advantages of green cards: "17. My company feels that a Green Card is a passport to leave and are "sitting on the fence" as far as helping me. What can I do?")
<http://www.grasmick.com/canimfaq.htm>

U.S. Citizenship for Canadians. ("Can I Be a Dual Citizen?" and "Advantages of Citizenship") <http://www.grasmick.com/citizen.htm>

H-1B Professional-U.S. Immigration Permit for University Degree Professions;
Information for Canadians. <http://www.grasmick.com/prof.htm>

E-2 Investor-Long-lasting U.S. Visa for Canadian Investors.
<http://www.grasmick.com/invest.htm>

TN NAFTA Home Page: A U.S. Immigration Permit for Canadians.
<http://www.grasmick.com/nafta.htm>