



Robert W. Wood

THE TAX LAWYER

TAXES 12/03/2018

Americans Renouncing Citizenship? Not What You Might Think

The U.S. Treasury Department has published the names of people who renounced their citizenship during the [third quarter of 2018](#). The quarterly public list is required by law. The published numbers are probably lower than the actual number of those who [expatriated](#), with [many apparently not counted](#). Both the [IRS and FBI track Americans who renounce](#).

Numbers have been flat for the first three quarters of 2018 ([1,099](#), [1,090](#), and [1,107](#)). In 2017, the number dropped for the first time in five years (5,133) from the previous year (5,411), [which had been a record](#).

The roughly five-year upswing in expatriations was not over one issue, but tax considerations are at least a part of the equation. The reasons for renouncing can be family, tax and legal complications, and some renouncers write [why they gave up their U.S. citizenship](#).

Expats have long clamored for tax relief. One law motivating some is [FATCA](#), the Foreign Account Tax Compliance Act. FATCA has been [ramped up worldwide](#), and [requiring](#) an annual [Form 8938](#) filing if your foreign assets meet a threshold. What is [FATCA](#)?

[FATCA](#) was enacted in 2010, and over five years, was painstakingly implemented worldwide by the U.S. Treasury Department. It now spans the globe with an unparalleled network of reporting. America requires foreign banks and governments to hand over secret bank data about depositors. Non-

U.S. banks and financial institutions around the world must reveal American account details or risk big penalties. Some renounce because of global tax reporting and FATCA. Dual citizenship is not always possible, as this [infographic](#) shows. America's global income tax compliance and disclosure laws can be a burden, especially for U.S. persons living abroad. Their American status can make them untouchable by many banks.



Americans living and working abroad must generally report and pay tax where they live. But they must also continue to file taxes in the U.S., where reporting is based on their worldwide income. A foreign tax credit often does not eliminate double taxes. Moreover, enforcement fears are palpable for the annual foreign bank account reports called [FBARs](#). They carry big civil and even potential criminal penalties. The civil penalties alone can consume the entire balance of an account.

Ironically, even leaving America can be costly. America charges \$2,350 to hand in your passport, a fee that is more than [twenty times the average](#) of other high-income countries. The U.S. [hiked the fee to renounce by 422%](#), as previously there was a \$450 fee to *renounce*, and no fee to *relinquish*. Now, there is a \$2,350 fee either way. The State Department said [raising the fee](#) was about demand and paperwork, but the number of American expatriations kept increasing. Moreover, to exit, one generally must prove 5 years of IRS tax

compliance. And getting into IRS compliance can be expensive and worrisome. For some, a *reason* to get into compliance is to renounce.

However, if you have a net worth greater than \$2 million, or have average annual net income tax for the 5 previous years of \$162,000 or more, you can pay an [exit tax](#). It is a capital gain tax, calculated as if you sold your property when you left. A long-term resident giving up a Green Card can be required to pay the exit tax too. Sometimes, planning and valuations can reduce or eliminate the tax, but the tax worry can be real, even for those who will not face it.

This is not legal advice. For tax alerts or tax advice, email me at Wood@WoodLLP.com.