

**“I FEEL THREATENED BY MY VERY  
IDENTITY”**



**Report**

**On**

**US Taxation and FATCA Survey**

**Part 3**

**CASE STUDY**

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One survey participant submitted an extended comment about her experiences and her situation as a US citizen living overseas, first in China and now in Australia. Her comment testifies to the remarkably wide breadth and depth of difficulties that a US citizen living overseas can face as a result of US non-resident taxation and banking policies. It does so in such a cogent and moving way that it merits special attention, in the form of a case study.\*

Her comment is as follows ([Part 2 Comment 1](#)):

1 *I am cut off from my own company's bank accounts and accounts with my husband*  
2 *thanks to tax, FATCA and FBAR. My name is also not on property. How do I*  
3 *protect myself?*

4 *Last year I formed a tech startup with two Australian cofounders. First a partnership,*  
5 *then this week we formed a company. Trying to make decisions with the constantly*  
6 *shifting and complex tax laws is incredibly difficult. Our first year we had no*  
7 *take-home pay and to get tax advice and to file requires me to ask my husband for*  
8 *money to meet my obligations as a U.S. citizen. I recently opened a bank account for*  
9 *my upcoming pay and maternity leave payments, and my account was frozen until I*  
10 *supplied information for FATCA. I am not on our business bank account and my US*  
11 *citizenship is a constant source of embarrassment and a headache for my Australian*  
12 *cofounders. They are both dual citizens and yet have none of the problems I have,*  
13 *because they are not U.S. citizens. I am surprised they even wanted to start the*  
14 *business*  
15 *with me, and I try to shield them from as much US trouble as I can. I can't buy post-*  
16 *its*  
17 *or a pen without going through my cofounder to supply the funds.*

18 *The first year of my tech startup I had \$0 take home pay, and yet was quoted \$300 to*  
19 *discuss my tax situation and expect over a \$1,000 to file and report. I also expect to*  
20 *pay*  
21 *tax on my AU maternity leave benefit, or at least pay for additional reporting costs.*

22 *I have almost no money invested in Australia's superannuation plan because of the*  
23 *threat of high US taxes and I am uncertain about how to save for retirement, or how*  
24 *or*  
25 *where I'm permitted to invest. To get professional advice would cost more than I have*  
26 *to invest.*

27 *Since moving to Australia, I've met many 'accidental Americans' who had to pay*  
28 *enormous amounts after finding out about FATCA and CBT in their late 20s. Usually*  
29 *from their banks freezing their accounts. Some of these people work in government*  
30 *positions!*

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\* If you have any questions or comments about the survey, please contact me at [laurajanesnyder@gmail.com](mailto:laurajanesnyder@gmail.com) or on Twitter @TAPInternation.



27 *My son will also be an automatic US citizen, due to the length of time I lived in the*  
28 *US,*  
29 *and I worry about him losing out on job opportunities or being unable to bank*  
30 *properly.*  
31 *If I want him to visit my family in the US, I will have to get him a passport or face*  
32 *anxiety about entering the country.*

33 *My husband is in the Australian military and frequently serves with the US troops and*  
34 *works in the US. We have to move around Australia every two years because of his*  
35 *work, and so being self-employed is important for me to stay employed at all. US*  
36 *taxation makes this unbelievably difficult, and adds stress and a huge financial*  
37 *burden*  
38 *on an already difficult situation. We live in military housing, but purchased a condo*  
39 *to*  
40 *rent out and to get on the property ladder. Due to the potential for US taxation of that*  
41 *property and renting it out, my name is not on the property. My husband served in the*  
42 *Middle East with my fellow Americans last year and my name was not on property,*  
43 *not*  
44 *on our main bank accounts, or any other sort of savings or investments and so I found*  
45 *myself living on what money he would transfer to my own small account. If he was*  
46 *killed in action, I would have a long wait for access to all of these things to take care*  
47 *of*  
48 *myself and our son who will be born in January. I would be reliant on a credit card*  
49 *and*  
50 *the small amount of savings I have in a local bank account, which comes with*  
51 *threatening FATCA letters and warnings from the tax professional industry who want*  
52 *to*  
53 *charge me more than I have to discuss anything.*

54 *Previously, I worked in China making around \$12,000 a year as a teacher, filed the*  
55 *wrong form accidentally, and the IRS sent threatening letters and threats of fines to*  
56 *my*  
57 *family home in Michigan. This went on for well over a year, and my father (who has*  
58 *power of attorney) had to go to the IRS office and call multiple times asking how to*  
59 *fix*  
60 *this situation. Every time they said it would be fixed, and then my father would*  
61 *receive*  
62 *another threatening IRS letter. He nearly ended up paying the fine on my behalf, even*  
63 *though it was an innocent mistake and my income was just barely above the reporting*  
64 *threshold. The fine was a substantial chunk of my annual income. I believe nearly half*  
65 *but would have to look again. It was a nightmare and caused a lot of embarrassment*  
66 *and guilt because my little teaching job after graduating almost cost my family a*  
67 *large*  
68 *amount of money and hassle, because I made the error of providing the correct salary*  
69 *information on the wrong form. It was finally resolved after an in person meeting*  
70 *between my father and an IRS official, and I believe took a year and a half. By that*  
71 *point, I had already moved to the UK and was terrified of making another paperwork*  
72 *mistake.*



61 *I do not want to give up my U.S. citizenship, because my entire family is in the US. I*  
62 *worry about having to care for a family member, or what I would do or where I*  
*would*  
63 *live if my husband was killed on deployment. However, I will be applying for*  
64 *Australian citizenship because I don't know if I can run a business and provide for my*  
65 *son while having these threats from the US government hanging over my head.*

This participant's testimony is exceptionally rich with examples of the difficulties that US citizens living overseas experience as a result of US non-resident taxation and banking policies. Here is a partial inventory:

1. Complexity of non-resident tax returns and severity of the consequences of mistakes (Lines 46-60): While certainly some US residents face complicated income tax filings, in contrast nearly all US citizens living overseas do.<sup>1</sup> There is a multitude of confusion about just what the differences are among minimum filing requirements, the foreign earned income exclusion, and foreign tax credits, as well as a multitude of confusion about just how each of those work. That is without mentioning confusion around exchange rates, PFICs (passive foreign investment companies), retirement plans, and the application of child and other tax credits.<sup>2</sup> The income tax return of a US citizen living outside the United States is often 40 to 50 pages or more;<sup>3</sup> this includes the returns of citizens who make very little (just over the minimum filing requirements) and so owe little to no tax. In this context, it is more than easy to understand how someone could use the wrong form. Indeed, it is difficult to understand how the average US citizen living outside the United States can complete their US tax returns correctly without professional assistance.<sup>4</sup> If they try (and of course many do given how high the professional fees are), penalizing errors are par for the course.

2. Cost of professional advice (Lines 4-5, 6-8, 16-18, 33-35, 44-45): Professional tax advice and tax return preparation for US citizens and green card holders living overseas does not come cheap. At a minimum it costs in the hundreds of dollars;<sup>5</sup> bills in the several thousands of dollars are common. These costs are incurred even in the highly frequent case when the US citizen or green card holder does not owe any US income tax,<sup>6</sup> and even when the US citizen's income is so low the tax preparer's fee consumes a large percentage of it.

These costs are even higher when the US citizen or green card holder owns 10% or more of a foreign partnership or corporation because the completion of additional highly complex forms is required, even if the partnership or corporation makes no distributions to the US citizen.<sup>7</sup> Transforming a foreign partnership into a foreign corporation (as occurred in this case) will result in even greater fees given the complexity of such an operation from a US tax perspective. In all these cases, the US citizen must pay these fees (again, they are fees to a private tax preparer, not taxes) from other sources of funds. In this case, the fees were paid from the *non-US* salary of the participant's *non-US* citizen husband.

3. "Constantly shifting and complex" US tax laws that apply to a business located outside the United States (Lines 5-6, 33-34): The most recent example of "constantly shifting and complex" tax laws and perhaps what the survey participant has most immediately in mind is the Tax Cuts and Jobs Act adopted in December 2017. The international provisions of this law were intended to target large multinational companies like Google and Apple.



However, those provisions are having devastating effect upon many US citizens who live outside the US and who own small or medium-sized businesses in their countries of residence.<sup>8</sup> On one hand, the “Repatriation Tax” requires the US-citizen shareholders of a non-US company to pay a one-time tax of as much as 17.54% of the post-1986 retained earnings of the company.<sup>9</sup> On the other hand, Global Intangible Low Taxed Income (“GILTI”) requires that, on an ongoing basis, US-citizens who hold a minimum percentage of the shares of foreign companies include in their personal tax base a share of certain types of the company’s earnings.<sup>10</sup>

The point here is not whether these particular provisions apply with respect to any specific US citizen; indeed, in the case of this participant her business was created too recently to be affected by the Repatriation Tax and it is not clear whether or how she will be affected by GILTI either. Rather, the point is that the adoption of these provisions, one of which applies retroactively, makes it easy to understand why any US citizen who owns a small business outside the United States—as well as their non-US citizen partners—would find decision making difficult and stressful. It also makes it expensive because even those to whom these provisions do not ultimately apply are required to engage in complex and expensive research just to make that determination.

4. Fragilized relationship with business partners (Lines 10-15): United States laws like FATCA and the Tax Cuts and Jobs Act subject *non-US* businesses to scrutiny by US Treasury authorities and to increased US tax obligations. They do this via the business’s partner or shareholder who is a US citizen or green card holder. Non-US businesses that do not have any US-citizen partners or shareholders are not subject to such scrutiny or obligations with respect to the United States (of course in either case they remain subject to the taxation and banking policies of their home countries). Seen from this context, the participant’s surprise that her partners want her—a US citizen—as a partner is understandable. Indeed, many other US citizens and green card holders have been rejected as business partners for these very reasons.<sup>11</sup> Those, like the participant, who are not rejected, must work in the context of a fragilized relationship with his/her partners where, as the participant explains, the US citizen must “shield” his/her non-US partners “from as much US trouble” as possible. She must live with the fear that at any time her partners may decide that her US citizenship is too much trouble and ask her to leave the business.

5. Lack of access to company bank accounts (Lines 1, 10, 14-15): All US citizens and green card holders, including those who live outside the United States, are required to report all accounts with foreign financial institutions over which that person has signature authority. The threshold for the application of this requirement is low—just \$10,000—and it applies not with respect to each account on an individual basis but with respect to all of the US citizen’s accounts in the aggregate.<sup>12</sup> Further, it applies to *all* accounts: personal as well as business. Penalties for failure to file are steep: a fine of \$10,000 per violation in the event of a “non-willful” failure to report<sup>13</sup> and a draconian fine in the event of a “willful” violation: the greater of \$100,000 or 50% of the account balance.<sup>14</sup> Additional and in most cases duplicative account reporting requirements apply under FATCA, subject to different and additional failure to file penalties.<sup>15</sup> In light of these provisions, it is hardly surprising that the participant does not have signature authority over her own *non-US* business’s bank accounts. This is the case for the simple reason that she is a US citizen.



6. Lack of access to household assets (bank accounts and real estate) (Lines 1-3, 7-8, 35-45): The participant does not have access to her household bank accounts in part for the same reasons that she does not have access to her business's bank accounts: in order to not trigger FBAR and FATCA filing requirements or risk their corresponding penalties. Those requirements and risk of penalties would be triggered by a joint account even though the accounts would principally contain the salary of a non-US person paid from sources outside the United States.

The participant has also been purposely excluded from joint ownership with her husband of real estate. She explains that this is because this property is rented out and if she were an owner then the income from the property would need to be declared on her US tax return and would be subject to US taxation. This would be the case even though the property is not located in the United States and even though neither of its owners lives in the United States. Further, upon the sale of this real estate, the participant would risk liability to the United States for capital gains tax.<sup>16</sup>

There is another good reason for the participant to not hold bank accounts, real estate or other assets with her husband: the gift and estate tax implications when a US citizen holds assets jointly with a non-US citizen spouse are outrageously complex.<sup>17</sup>

Under these circumstances, the decisions for the participant and her husband to not hold joint accounts and to leave her name off the deed are understandable and judicious ones. Except that, as the participant points out, these understandable and judicious decisions leave her financially vulnerable, especially in the event of the death of her husband. And in her case, that scenario is all too real given that her husband serves in the Australian military and could be killed on deployment.

Recently after FATCA's adoption, a tax attorney located in Dubai commented: [We are] rearranging family relationships because of this."<sup>18</sup> This has certainly been the case with respect to the participant.

7. Frozen bank accounts (Lines 9-10, 25): As a result of FATCA, the local bank and other financial accounts of US citizens living overseas are frozen on a regular basis. This occurs because FATCA imposes obligations not only on account holders but also on foreign banks and subjects them to severe penalties for failure to comply. For this reason foreign banks are highly cautious with clients who are "suspected US persons" and many foreign banks simply refuse US citizen clients altogether.

8. Taxation of maternity leave benefits (Lines 16-18): US citizens living overseas are subject to US taxation on the basis of their worldwide income (this is often referred to as citizenship-based taxation or CBT). Thus, the maternity leave benefits that a US citizen receives in Australia are subject to US taxation and must be reported as income on that US citizen's income tax return. After that, the extent to which any US tax may be due with respect to that income will depend upon (i) whether or not it is considered to be "earned" and thus can qualify under the foreign earned income exclusion, and (ii) to what extent the Australian taxes that the participant paid (if any) with respect to the benefits is eligible for a foreign tax credit. If US tax laws do not deem this income to be "earned,"<sup>19</sup> and if the participant either paid no Australian income tax with respect to this income or paid it at a



lower rate than the applicable US rate, then the participant will be liable for US tax on her *Australian* maternity leave benefits (money that Australia's economic and tax policies intended for her to have in order to support her during her maternity leave). Regardless of any US tax that may be owed, including if no US tax is owed, the complexity of the determination means that the participant has little choice but to engage and pay the fees of a private professional tax adviser. Further, this participant is likely motivated to be especially cautious given the traumatic consequences of her mistake when declaring her income from teaching in China.

9. Retirement planning (Lines 19-22): As a general matter, US citizens must be very careful when participating in foreign retirement schemes because depending on how they are structured they may be subject to highly penalizing US taxation.<sup>20</sup> At a minimum US citizens contemplating any such participation need professional advice in order to avoid unfortunate surprises. Australia's superannuation retirement scheme is particularly notorious for creating highly penalizing tax issues for US citizens,<sup>21</sup> such that many are unsure as to whether or how they should participate. This places them at serious disadvantage with respect to retirement planning as compared to other Australian residents.

10. Accidental Americans (Lines 23-26): "Accidental Americans," are US citizens who have never lived in the United States or who have lived there only for a short time when they were children. Since leaving the United States they have had little to do with the country, if they have any connection at all. As a result of US non-resident taxation and banking policies, many of these persons have found themselves in very difficult situations that either they cannot resolve or can resolve only with great anguish and expense.<sup>22</sup>

11. Citizenship of children (Lines 27-30): Children born overseas to one US-citizen and one non-US-citizen parent acquire US citizenship from birth if the US-citizen parent meets minimum US residency requirements.<sup>23</sup> This citizenship is attributed automatically by operation of law and regardless of whether the child's birth is registered at a US consulate. However, it is considerably more difficult to prove (or, inversely, easier to hide<sup>24</sup>) the US citizenship of such a child if his/her birth is not registered. Given the participant's experiences with US non-resident taxation and banking policies, it is understandable that she is wary of registering her child—that is, she is wary of claiming his US citizenship or of having it recognized in an official manner. Understandably, she fears that this could cause him to experience difficulties comparable to hers.

However, US citizens are required by law to travel to the United States using their US passport and not the passport of any other country of which they may also be a citizen.<sup>25</sup> Thus, if she seeks to have her son enter the United States (to visit his grandparents, for example) with an Australian rather than US passport she takes a certain number of risks: (i) that she is unable to obtain an ESTA for him, (ii) that immigration authorities at the border, upon seeing her US passport, question his citizenship and whether he is using the right passport, and (iii) that he be prevented from boarding a flight either to or from the United States until she obtains a US passport for him (which in that case she may be required to do on an emergency basis). Given the above, the participant's dilemma over whether to register her son's birth and obtain a US passport for him is understandable.



It should be noted that if the participant decides to register her son's birth, his ability to vote in the United States when he reaches 18 is not at all guaranteed. This is because only some states allow US citizens who have never resided in the United States to register in that state if their US citizen parent was last registered there.<sup>26</sup> Not all states allow this so if the parent was last registered in a "wrong" state then their US citizen child who has never lived in the United States is out of luck: he/she is essentially disenfranchised.<sup>27</sup> This disenfranchisement has no bearing upon his/her US tax obligations; they remain firmly in place. Nor does this disenfranchisement have any bearing upon the obligation placed on all male US citizens—including those who live outside the United States and who have never lived in the United States—to register for the Selective Service upon turning 18.<sup>28</sup>

12. General confusion and lack of information (Lines 10-12, 16-22): Many of the problems the participant is experiencing are a result of confusion over what US law is and how it applies in any given situation. Australia's superannuation is a good example of this because to date the IRS has failed to issue any rules or guidelines regarding their treatment under US tax law.<sup>29</sup> Unscrupulous tax compliance professionals fill this informational vacuum by stoking fears of draconian IRS penalties and in doing so increase compliance costs.

13. Renunciation of US citizenship (Lines 61 to 65): The participant's biggest dilemma is whether, once she obtains Australian citizenship, she should renounce her US citizenship. She has a multitude of reasons for renouncing because without it all her difficulties detailed above would disappear. But renunciation of US citizenship is a drastic step that in her case would have profound and irreversible consequences. She indicates that her entire family lives in the United States—without a US passport she could never be sure of being able to enter the United States, even for just a visit, because only US citizens have the right to enter the country—anyone else can be denied entry.<sup>30</sup> Further, she envisions a day when she may need to return to the United States for an extended period of time, if not indefinitely, perhaps in order to care for an aging family member, perhaps because her husband is killed on deployment and she needs the support of her family to raise her son. It would be very difficult if not impossible for her to do that without US citizenship.

In sum, US non-resident taxation and banking policies place this survey participant in an impossible situation: her US citizenship creates a multitude of serious difficulties for her but she cannot give it up.

And more than that, policies that place her, as a US citizen living overseas, in the position where she must choose between either living a normal life outside the United States or giving up her right to return to the United States violate Article 13 of the Universal Declaration of Human Rights which provides: "Everyone has the right to leave any country, including his own, and to return to his country."<sup>31</sup>

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<sup>1</sup> Helena Bachmann, "You Think Filing Taxes is Hard? Talk to Americans Living Abroad," *USA Today*, April 13, 2016, <https://www.usatoday.com/story/money/personalfinance/2016/04/13/expats-tax-time-americans->



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[overseas-irs-refund/82793968/](https://overseas-irs-refund/82793968/); “US Expat Taxes: A Guide for Filing Taxes as an American Living Abroad,” 1040Abroad, Nov. 6, 2018, <https://1040abroad.com/blog/us-expat-taxes-guide-for-filing-taxes-as-an-american-living-abroad/>; “25 Things You Need to Know About US Expat Taxes,” Greenback Expat Tax Services, Feb. 26, 2018, <https://www.greenbacktaxservices.com/blog/25-things-need-to-know-us-expat-taxes/>.

<sup>2</sup> “Expat Tax Return – Understanding the \$100,000 Earned Income,” Golding Lawyers, Nov. 3, 2017, <https://www.goldinglawyers.com/expat-tax-return-understanding-the-100000-earned-income-exclusion/>; John Ohe, “Expat Taxes For USA 2016 Tax Year: Avoid Confusion,” *Medellin Herald*, Feb. 1, 2017, <http://www.medellinherald.com/ln/tax/item/395-expat-taxes-for-usa-2016-tax-year-avoid-confusion>; David Kuenzi, “Why Americans Should Never Own Shares in a Non-US Mutual Fund (PFIC),” Thun Financial, 2017, <https://thunfinancial.com/home/american-expat-financial-advice-research-articles/why-americans-should-never-ever-own-shares-in-a-non-us-incorporated-mutual-fund/>.

<sup>3</sup> Associated Press, “IRS Exports Headaches for Americans Abroad,” *Reading Eagle*, April 3, 2016, <https://www.readingeagle.com/apps/pbcs.dll/article?avis=RE&date=20160403&category=AP&loopenr=304039626&Ref=AR>; “How to Make Sure, as an Expat, That Your US Taxes are Filed Correctly,” Greenback Expat Tax Services, Oct. 24, 2018, <https://www.greenbacktaxservices.com/blog/us-taxes-what-to-check-for/>.

<sup>4</sup> See, for example, “American Expats and the IRS in Germany, How To Germany, Nov., 2018, <https://www.howtogermy.com/pages/ustaxes.html>, advising: “Due to the complexity of both the U.S. and German tax systems and their interaction with one another, it is always recommended that you hire a tax consultant (Steuerberater/CPA) or a professional US Tax preparer to guide you through the intricacies involved in filing returns as well as to provide some ease of mind during your stay aboard.”

<sup>5</sup> See, for example, this service that starts at \$350 for a basic service and \$450 for more complex situations (accessed Jan. 25, 2019): <https://www.taxesforexpats.com/services/our-fees.html>.

<sup>6</sup> About 55% of tax returns filed from outside the United States show zero tax owed. This figure is derived from raw data for 2016 provided by the IRS at <https://www.irs.gov/pub/irs-soi/16in52oa.xls>. This form shows 764,580 returns filed from “other areas” (Cell B9) and 352,160 returns with a tax liability (Cell B142).  $(764,580 - 352,160) / 764,580 = 53.94\%$  of returns filed from “other areas” had no tax liability. “SOI Tax Stats - Historic Table 2,” IRS, last updated Nov. 5, 2018, <https://www.irs.gov/statistics/soi-tax-stats-historic-table-2>.

<sup>7</sup> “US Income Tax Reporting Requirements for Foreign Businesses,” Greenback Expat Tax Services, Jan. 29, 2018, <https://www.greenbacktaxservices.com/blog/us-income-tax-reporting-requirements-foreign-businesses/>.

<sup>8</sup> See, for example, Jethro, “American small biz owner in EU: ‘Trump’s made it impossible for expats like me to compete outside the U.S.’,” *American Expat Financial News Journal*, Jan. 10, 2019, <https://www.americanexpatfinance.com/opinion/item/93-american-small-biz-owner-in-eu?fbclid=IwAR13CO6GfkNNcnQxmR120hrwfpSPYw7S8DBEJxEWxxRxxhxzuBNvxxqq6vw>.

<sup>9</sup> More specifically, the tax applies with respect to non-US companies when at least 50% of the company’s shares are held by US persons. In this event, the tax applies with respect to each such shareholder that holds 10% or more of the company’s shares. Todd C. Lady, “The New GILTI and Repatriation Taxes: Issues for Flowthroughs” *The Tax Adviser*, June 1, 2018, <https://www.thetaxadviser.com/issues/2018/jun/gilti-repatriation-taxes-issues-flowthroughs.html>; Melanie Chesir, “How Will the New Repatriation Tax Affect You?” Philip Stein & Associates, Feb. 19, 2018, <https://www.pstein.com/blog/will-new-repatriation-tax-affect/>. Given that the tax applies to retained earnings, by definition it is due in the absence of any distribution by the company or any other realization event.

<sup>10</sup> Joe Light, “U.S. Expats Face Hammering From New Tax Rules,” *Bloomberg*, July 31, 2018, <https://www.bloomberg.com/news/articles/2018-07-31/living-abroad-isn-t-so-idyllic-for-u-s-expats-facing-new-taxes>; Karen Alpert, “Explaining GILTI – Individual Impact,” *Fix the Tax Treaty*, <http://fixthetaxtreaty.org/2018/12/05/explaining-gilti-individual-impact/>. In a manner similar to the Repatriation Tax, this tax must be paid regardless of whether or not the company actually pays out such amounts to the shareholder in dividends. And, if the company does indeed pay out any amounts in order to enable the US citizen to pay the GILTI tax, those dividends will, of course, also be subject to local taxes for which only limited US tax credits will be allowed.

<sup>11</sup> See, for example, the case of Greg Swanson: Lorie Konish, “More Americans are Considering Cutting Their Ties with the US—Here’s Why,” *CNBC*, June 30, 2018, <https://www.cnbc.com/2018/06/27/more-americans-are-considering-cutting-their-ties-with-the-us-heres.html>.

<sup>12</sup> “FBAR Legislative History,” Sherayzen Law Office, Jan. 8, 2017, <http://sherayzenlaw.com/fbar-legislative-history-fbar-tax-attorney-minneapolis/>.

<sup>13</sup> “FBAR Legislative History,” Sherayzen Law Office.

<sup>14</sup> Stephan Michael Brown, “One-Size-Fits-Small: A Look at the History of the FBAR Requirement, the Offshore Voluntary Disclosure Programs, and Suggestions for Increased Participation and Future Compliance,”



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*Chapman Law Review* 18 (2014): 249-50, <https://www.chapman.edu/law/files/publications/CLR-18-stephan-brown.pdf>.

<sup>15</sup> “Summary of Key FATCA Provisions,” IRS, undated, <https://www.irs.gov/businesses/corporations/summary-of-key-fatca-provisions>.

<sup>16</sup> Karen Alpert, “Investing with One Hand Tied Behind Your Back – An Australian Perspective on United States Tax Rules for Non-Resident Citizens,” Jan. 8, 2018, 6-7, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3097931](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3097931)

<sup>17</sup> Virginia La Torre Jeker and John Richardson, “When a U.S. Citizen Marries a Non-U.S. Citizen - Introduction and Income Tax issues,” 10:45- 19:30, Feb. 4, 2019, [https://www.youtube.com/watch?v=cq\\_5Kok0viM&feature=youtu.be&fbclid=IwAR3znhxo9Nzu3QdTaufWCi18X3bCcKBdDBftM458PrkV0vop1X5dBiYb5kI](https://www.youtube.com/watch?v=cq_5Kok0viM&feature=youtu.be&fbclid=IwAR3znhxo9Nzu3QdTaufWCi18X3bCcKBdDBftM458PrkV0vop1X5dBiYb5kI). See also Linda Cavuto and Charles Schultz, “Estate Tax Planning for a U.S. Citizen with a Noncitizen Spouse,” *The Tax Adviser*, April 1, 2010, <https://www.thetaxadviser.com/issues/2010/apr/estatetaxplanningforauscitizenwithanoncitizenspouse.html>.

<sup>18</sup> William Perez, “Learn About Tax Penalties for Americans Overseas,” *The Balance*, Dec. 28, 2018, <https://www.thebalance.com/accidental-americans-tax-penalties-for-americans-overseas-3193099>.

<sup>19</sup> See these examples of US citizens struggling to understand how to report foreign maternity leave benefits on their US tax returns: “Maternity Leave - Taxable Income for U.S. Citizen?” Stack Exchange, [Online forum comments], Jan.23 and 30, 2018, <https://money.stackexchange.com/questions/89864/maternity-leave-taxable-income-for-u-s-citizen>; “Where to Enter Foreign Compensation - See Details,” Intuit TurboTax, [Online forum comments], 2017, <https://ttlc.intuit.com/questions/3381617-where-to-enter-foreign-compensation-see-details>, “Declaring French unemployment and maternity leave to the IRS,” Expat Forum, [Online forum comments], April 2014, <https://www.expatform.com/expats/france-expat-forum-expats-living-france/402826-declaring-french-unemployment-maternity-leave-irs.html>.

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