

INDEPENDENT THINKING

A NEW FIDUCIARY PERSPECTIVE

EVERCORE
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Sixth Edition

**CROSS-BORDER PLANNING
FOR GLOBAL FAMILIES**

Introduction

High-net-worth families are often spread across multiple countries, both in terms of individual residency and location of assets. Often, these families face a multitude of legal, tax, and investment challenges that are best addressed by a team of advisors and fiduciaries. Navigating the complexities of the U.S. tax, probate, and financial systems is already a challenge – add in a second (or third) jurisdiction and the risk of costly mistakes is multiplied. A coordinated and collaborative approach, with qualified advisors in applicable jurisdictions, is required.

Challenges:

Comprehensive Planning:

Due to the inherently complex nature of cross-border families, the initial review and planning process must be individualized – there is no “one-size-fits-all” solution. It requires a team of advisors who have not only the requisite technical knowledge and skill but also the willingness to devote sufficient time to the process to avoid the costly mistakes that can arise with this type of planning.

Flexible Administration:

Cross-border families are more likely to have unique assets and needs, including offshore companies and foreign-situs assets. They will also need to comply with the laws of both the United States and their home country. Accordingly, cross-border families often require a combination of U.S. and offshore custody, investment management and planning, and should look for a firm that can cover all bases, while coordinating with their existing team of advisors.

Robust Reporting and Compliance:

The presence of international components, whether assets, residency, or some other foreign nexus, often triggers unique or complex U.S. reporting requirements. There may also be reporting requirements in other jurisdictions, which are often complicated by differences in tax, legal, and accounting principles. This requires a firm with a strong tax and reporting infrastructure that is able to expand and adapt to meet the growing needs of cross-border families.

SCENARIO #1:

A husband and wife, one of whom is a U.S. citizen and one of whom is not, recently changed residency from the United States to another country. They had existing U.S. investment accounts and trusts that held both U.S. and non-U.S. assets. They were looking for a new financial institution – one that could serve as a “one-stop-shop” for both wealth management and fiduciary services – as their existing advisor could no longer service clients with cross-border connections.

SOLUTION:

We were able to complete the onboarding review, open the accounts, and transfer the assets in a timely fashion. This included a review of all existing investment accounts as well as the legal review and approval of the Delaware directed trust that held non-US assets. We also worked with their U.S. and non-U.S. advisors to review their existing plan to ensure that it met the family's current goals and covered all tax and estate planning concerns.

We are continually reviewing their charitable giving, retirement planning, and children's education planning to maximize the tax benefits in each country. We also work directly with their tax preparers to ensure that all trust and investment information being provided satisfies the tax and accounting rules of both jurisdictions.

SCENARIO #2

The patriarch of a large family, currently residing outside of the United States, wanted to fund U.S. trusts for the benefit of both U.S. and non-U.S. descendants during his lifetime. Each trust had to be unique, as beneficiaries are spread around the globe, and each had a different funding timeline and investment focus. The funding of each trust was required to also comply with both U.S. and foreign wealth tax systems to ensure there were no adverse tax consequences.

SOLUTION:

We worked with the client's outside counsel to draft the necessary trust instruments, which included specific language regarding residency of beneficiaries to maximize tax planning.

Furthermore, U.S. treasuries were chosen as the appropriate funding vehicle. We were able to work directly with the family's financial institution in their home country to seamlessly transfer the treasuries into the trust accounts before being liquidated, resulting in minimal U.S. transfer tax. Since Evercore Trust Company has the ability to both manage the assets and serve as a directed Delaware trustee, the overall investment portfolio included both U.S. investments managed by Evercore and directed investments held within an LLC.

Working with a global accountancy firm, we helped prepare the necessary tax filings for the initial trust funding. Together, we monitor and comply with all U.S. and international filing requirements on behalf of our mutual client.

Contacts and Disclosures

Wealth & Fiduciary Advisors at Evercore Wealth Management and Evercore Trust Company, N.A., can work with individuals, families and business owners and their other trusted advisors to protect wealth, establish a legacy, and help transfer a family's values, as well as assets, to future generations. To learn more about how we can help individuals, families and business owners, please visit us at evercorewealthandtrust.com or contact any of our Wealth & Fiduciary Advisors.

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