Crossing Borders: When Your Estate Plan Does Not Travel with You

If you travel internationally, you may move fluidly among languages, cultures, and customs. However, you may not realize that your estate plan will not automatically follow you across foreign borders. Plans written around US laws may not be recognized or function as intended in other countries.

An international lifestyle should be paired with an estate plan prepared to function across borders, time zones, and jurisdictions.

Spotting exposures early, flagging potential risks, and consulting professionals qualified to address them can all help keep an expected border-crossing from becoming an unexpected legal barrier.

Mapping Your International Footprint

In the age of globalism, where people, goods, and ideas flow between countries, physical borders are not as distinct as they once were. Yet the invisible lines separating nations legally represent different sets of rules that may not be compatible.

You do not need to consider yourself a global citizen or even spend most of your time outside the US to have an international footprint and cross-border exposure. Your domestic estate plan may run into a different set of legal and administrative considerations abroad if you fit one or more of the following profiles:

- **Foreign property owner.** You own a vacation condo, family villa, inherited land, or other real estate in a foreign country. That property may be governed by local laws and transfer procedures that do not align neatly with your US revocable trust or broader estate plan.
- **Dual citizen or resident.** You hold two passports or claim legal residency in another country, perhaps through marriage, birth, or ancestral lineage. These benefits may improve global mobility while also exposing you to overlapping legal jurisdictions and estate rules.
- **Offshore account holder.** You maintain bank accounts, investment portfolios, or business interests outside the US that may trigger a distinct set of compliance obligations and transfer restrictions.
- **“Slow-motion” expat.** You do not consider yourself an expatriate but spend significant—and often loosely structured—parts of the year abroad. Retired snowbirds, digital nomads, and other frequent international travelers may accidentally cross foreign tax or legal residency thresholds by remaining in another country a few days or weeks too long.

Any of these scenarios can introduce another legal or administrative layer into your estate planning. The earlier you identify your international footprint, the more time your attorney has to determine where domestic planning stops—and additional cross-border guidance—must begin.

When Domestic Planning Stops at the Border

You may assume that estate planning documents such as a will, trust, power of attorney, or healthcare directive that work at home will work the same way wherever you travel or own assets. But that thinking can leave you exposed.

A document that is valid at home may be difficult to use or unworkable abroad—rejected by a foreign institution, treated differently under local law, or requiring lengthy legal procedures to be recognized.

Domestic planning limitations can be seen in the following common assumptions that clash with international reality:

- **"My power of attorney is universally recognized."** A foreign bank, property registry, or local institution may refuse or delay acceptance of a US power of attorney. Recognizing an agent's authority abroad may require formal translation, local notarization, or additional locally compliant documentation.
- **"My US will controls all my property."** Real estate abroad may be subject to local succession and transfer rules that override the instructions in your US-based will. Some countries also have forced-heirship laws that reserve a portion of an estate for certain heirs and limit how freely the property can pass.
- **"My revocable trust avoids probate everywhere."** The concept of a trust is foreign to many civil law nations, and its legal treatment can differ significantly across jurisdictions. Foreign tax and legal authorities may characterize the trust's income or beneficiaries differently—or decline to honor its intended tax, succession, or probate-avoidance effects.
- **"My healthcare directive will speak for me."** A hospital abroad may not immediately recognize your US healthcare proxy, particularly if it is untranslated, unfamiliar, or inconsistent with local medical consent rules.
- **"My beneficiary designation settles the matter."** Foreign retirement accounts, insurance policies, or investment products may follow localized transfer rules. A designation based on US assumptions may not produce the result you expect.
- **"My chosen fiduciary can step in."** A US-based executor or trustee trying to manage your foreign asset from afar may face institutional resistance, local residency rules, and logistical logjams.

These examples are not exhaustive, and they do not necessarily mean that every domestic document becomes useless once it crosses an international border. The point is that validity, recognition, and usability can create different risks and exposures. Even a plan that technically holds up under varying legal standards can become harder, slower, and more expensive to administer.

Connecting Flights, Connecting Dots, and Connecting Legal Guidance

A revocable living trust that works seamlessly in Arizona may be unrecognizable in France. A power of attorney drafted in English and notarized in Virginia may be unenforceable at a bank in Mexico. A will that distributes property equally among your children may violate forced-heirship laws in Italy, Spain, or Japan—countries where the law dictates who inherits, regardless of what your documents say.

If you own foreign real estate, hold accounts with overseas institutions, maintain business interests abroad, or split your time between countries, your domestic estate plan alone is not enough. The documents, structures, and assumptions that protect your family here may create gaps—or outright conflicts—in another jurisdiction.

Cross-border planning may require additional legal steps, translated or authenticated documents, and help from attorneys, tax professionals, or other specialists in the host country. Those extra layers can add time and expense, making them the estate planning equivalent of a missed flight.

What cross-border coordination looks like in practice: identifying which of your assets are governed by foreign law and what that law requires; working with local counsel in the relevant country to ensure that your documents are recognized, properly translated, and authenticated; structuring ownership and succession to comply with both US and foreign legal systems; and coordinating with international tax professionals on reporting obligations that US citizens carry regardless of where their assets sit.

You may cross borders easily, but your estate plan may not. While we cannot make customs and border crossings entirely smooth or stress-free, we can act as your international legal liaison, identifying disconnects between your domestic estate plan and foreign destinations ahead of your arrival.