

How long can I stay in the US?

(First published in the Canadian Club of Green Valley Newsletter of September 2011)

The answer is six months. Simple, right?

Well, maybe right and certainly not simple.

A letter dated 11 May 2007 from the US Customs and Border Protection to the president of the Canadian Snowbird Association and printed in the summer 2011 issue of the CSA News, says that their practice is to allow a six month admission. They calculate this by “counting ahead six months from the current month and subtracting one day from the current date. . . . Using this method, applicants may receive 181, 182, or 183 days, depending on the date of their application for admission and the length of the months during the six month period covered.” The letter confirms that these are the guidelines provided to their agents.

So it's not all that simple, and it gets more complicated. According to replies to letters in the CSA News in both the winter 2010 and Summer 2011 editions, they note that you cannot deduct a visit to Canada (or elsewhere) of less than a month from that initial six months. If you travel out of the US for more than a month, then they consider your return to the US as a separate visit, but stays of 30 days or less may be counted as part of the initial entry to the US.

For example, you might want to spend two months before Christmas in Green Valley and then return to Canada for two weeks over Christmas (gotta look in on those adorable grand kids). With that scenario, you could only spend four months less two weeks in Green Valley after your return.

The CSA News is the Canadian Snowbird Association magazine. The information is also on their web site www.snowbirds.org. Follow the links to Birdtalk.

So there are two six month periods that the US requires us to watch.

1. One is the six months we are authorized when we cross the border, as discussed above. That is under the authority of the US Customs and Border Protection.
2. The other is the length of time we spend in the US in each calendar year. This is under the authority of the IRS. We have to complete Form 8840 (closer connection exception statement for aliens) if we spend substantial time in the US. Those who spent 31 or more days in the US in a calendar year should check out whether they are required to fill out the 8840 – most do. This form can be found on a link on our web site.