

118TH CONGRESS
1ST SESSION

S. 387

To amend the Immigration and Nationality Act to authorize admission of Canadian retirees as long-term visitors for pleasure described in section 101(a)(15)(B) of such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. RUBIO (for himself, Mr. SCOTT of Florida, Ms. SINEMA, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Immigration and Nationality Act to authorize admission of Canadian retirees as long-term visitors for pleasure described in section 101(a)(15)(B) of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Canadian Snowbirds
5 Act of 2023”.

1 **SEC. 2. ADMISSION OF CANADIAN RETIREES.**

2 Section 214 of the Immigration and Nationality Act
3 (8 U.S.C. 1184) is amended by adding at the end the fol-
4 lowing:

5 “(s) CANADIAN RETIREES.—

6 “(1) IN GENERAL.—The Secretary of Homeland
7 Security may admit an alien as a visitor described
8 in section 101(a)(15)(B) if the alien demonstrates,
9 to the satisfaction of the Secretary, that the alien—

10 “(A) is a citizen of Canada;

11 “(B) is at least 50 years of age;

12 “(C) maintains a residence in Canada;

13 “(D) owns a residence in the United States
14 or has signed a rental agreement for accom-
15 modations in the United States for the duration
16 of the alien’s intended stay in the United
17 States;

18 “(E) is not inadmissible under section 212;

19 “(F) is not deportable under section 237;

20 “(G) is not otherwise removable under the
21 immigration laws;

22 “(H) will not engage in employment or
23 labor for hire in the United States other than
24 employment or labor for hire for a person or
25 entity not based in the United States by whom
26 the Canadian citizen was employed in Canada

1 or for whom the Canadian citizen performed
2 services in Canada; and

3 “(I) will not seek any form of assistance,
4 benefit, or credit described in section 403(a) of
5 the Personal Responsibility and Work Oppor-
6 tunity Reconciliation Act of 1996 (8 U.S.C.
7 1613(a)) or sections 24(d), 32, 35, 36, and 36B
8 of the Internal Revenue Code of 1986.

9 “(2) SPOUSE.—The spouse of an alien de-
10 scribed in paragraph (1) may be admitted under the
11 same terms as the principal alien if the spouse satis-
12 fies the requirements under paragraph (1) (other
13 than subparagraph (D)).

14 “(3) IMMIGRANT INTENT.—In determining eli-
15 gibility for admission under this subsection, mainte-
16 nance of a residence in the United States shall not
17 be considered evidence of intent by the alien to
18 abandon the alien’s residence in Canada.

19 “(4) PERIOD OF ADMISSION.—During any sin-
20 gle 365-day period, an alien may be admitted under
21 this subsection as a visitor for pleasure described in
22 section 101(a)(15)(B) for a period not to exceed 240
23 days, beginning on the date of admission. Time
24 spent outside of the United States during such pe-

1 riod of admission shall not be counted for purposes
2 of determining the termination date of such period.

3 “(5) SECRETARY’S DISCRETION.—A decision by
4 the Secretary of Homeland Security to withhold ad-
5 mission of an alien described in paragraph (1), or to
6 withdraw an authorization of admission of such
7 alien, shall be at the Secretary’s sole and
8 unreviewable discretion under the immigration
9 laws.”.

10 **SEC. 3. NONRESIDENT ALIEN TAX STATUS.**

11 Section 7701(b)(1)(B) of the Internal Revenue Code
12 of 1986 is amended to read as follows:

13 “(B) NONRESIDENT ALIEN.—An individual
14 is a nonresident alien if such individual—

15 “(i) is not a citizen of the United
16 States or a resident of the United States
17 (as defined in subparagraph (A)), or

18 “(ii) is a Canadian citizen described
19 in section 214(s) of the Immigration and
20 Nationality Act (8 U.S.C. 1184(s)).”.

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