Guillen Pujol

Date: November 12, 2026

IRS Transfer Certificates: Releasing a Nonresident's Estate Held by a U.S. Broker

Share this post

By the Guillen Pujol CPA Group Editorial Team

Executive Summary

- When an estate holds investments at a U.S. brokerage firm, the will and probate documents may not be enough to transfer the assets. The custodian may require an IRS transfer certificate to meet its own tax obligations before it releases the account.
- For decedents who were neither U.S. citizens nor domiciled in the United States for estate tax purposes, the executor generally must file Form 706-NA when the decedent's U.S. assets exceed $60,000. The tax classification of each investment determines which assets count toward that threshold.
- The path to the certificate depends on whether the estate must file Form 706-NA. The IRS sets out two procedures—Part A and Part B—each with its own requirements. Submitting the documents does not guarantee when the IRS will issue the certificate or when the broker will release the assets.
- The first 90 days give the family time to name the estate's representative, document the assets, and map out its tax obligations, although this window is not a legal deadline. Form 706-NA is generally due 9 months after the date of death, and an extension to file does not extend the time to pay.
- The decedent's domicile also shapes the tax treatment. Some international treaties can change how the U.S. estate tax is calculated and, in certain cases, require the estate to account for worldwide assets. A treaty does not replace the transfer procedure the custodian requires.

An estate can have its heirs identified and its probate documents in order, yet still find the decedent's investments frozen in a U.S. brokerage account. The holdup comes from the custodian, which requires an IRS transfer certificate before it transfers the account to the heirs. Neither the will nor any other estate document can take its place.

When the account holder was neither a U.S. citizen nor domiciled in the United States for estate tax purposes, one decision comes first. The estate must determine whether it has to file Form 706-NA or follow the procedure the IRS provides for estates without that filing requirement. Settling that question early keeps the

process moving while the estate's tax deadlines continue to run.

Why Does the Broker Require an IRS Certificate Before Transferring the Assets?

A broker that holds a nonresident decedent's assets does more than act as a go-between for the estate and the heirs. It must also comply with the federal rules that govern how those assets are transferred. If it releases those assets without the required certificate, the broker can become liable for the estate tax and related penalties.

That is why the will and the certificate answer different questions. Probate documents establish the heirs' rights, while the certificate addresses a tax requirement tied to the transfer. The IRS issues it after reviewing the file and confirming that any estate tax owed has been paid or secured.

The regulations provide one exception for property administered by an executor or administrator appointed, qualified, and acting within the United States. If the estate has no such executor, the next step is to determine whether it must file Form 706-NA, because that answer sets the procedure to follow with the IRS.

When Must a Nonresident's Estate File Form 706-NA?

The filing requirement depends on which U.S. assets the decedent owned and what they were worth on the date of death. For a decedent who was neither a U.S. citizen nor domiciled in the United States, the IRS requires the return when U.S.-situs assets, plus certain adjustments for gifts the decedent made during life, exceed $60,000.

In an investment portfolio, shares of corporations organized under U.S. law generally count toward that total, even when the stock certificates are held abroad. Bank accounts not used in connection with a U.S. trade or business, however, are excluded, and other assets follow their own situs rules. The account balance alone does not answer the question; each holding needs its own analysis.

The $60,000 threshold generally determines whether a return is required, but it does not represent the tax the estate owes. Nor does it match the $15 million exclusion available in 2026 to U.S. citizens and residents, which does not apply to nonresidents' estates unless a treaty provides otherwise. Identifying the assets and the filing requirement correctly points the estate toward the right procedure.

IRS Transfer Certificates: Releasing a Nonresident's Estate Held by a U.S. Broker

Read more:Cross-Border Tax Reporting: When Risk Becomes Visible to the IRS in 2026

Which Procedure Applies When Requesting the Transfer Certificate?

The IRS splits the procedure into two tracks, depending on whether the estate must file Form 706-NA. If it must, Part A applies, and the executor submits a copy of the filed Form 706-NA along with any additional Schedule A sheets. Filing the return and requesting the certificate are related steps, but they remain separate.

When no Form 706-NA is required, Part B applies. This track calls for estate documents and an affidavit listing the decedent's U.S. assets and their date-of-death values. The IRS warns that filing an unnecessary Form 706-NA delays the process. If the documents confirm there is no filing requirement, the IRS may send a letter stating that no certificate is required and none will be issued.

Choosing the correct track determines which documents the IRS receives and keeps the estate from starting a procedure that does not apply. Under Part B, the IRS estimates 12 to 18 months from the date it receives all required documentation; it publishes no time frame for estates that file Form 706-NA. On either track, a complete request does not guarantee a date for releasing the assets.

What Should the Family Decide in the First 90 Days?

The first 90 days after the date of death give the family a window to organize the estate's affairs, although the IRS sets no such deadline. One of the first decisions is identifying who has authority to deal with the broker and the tax authorities. If that authority is not properly documented, the family may need legal counsel to resolve it before moving forward.

At the same time, the family can gather account statements, identify each investment, and document its ownership and date-of-death value. With that information, it can assess the estate's tax obligations and build a calendar. Form 706-NA is generally due 9 months after the date of death, and Form 4768 provides an automatic 6-month extension to file if the request is made by the original due date.

That extension does not extend the time to pay, and a payment extension requires a separate request. Because the tax is due at 9 months even if part of the estate remains frozen at the broker, the family needs a plan to fund the payment; any unpaid balance accrues interest from the original due date.

IRS Transfer Certificates: Releasing a Nonresident's Estate Held by a U.S. Broker

These steps do not control how long the IRS takes to review the request. They do let the family move forward with a defined representative, organized documents, and a clear tax calendar. A family that starts after the first 90 days faces the same priorities, measured against whatever deadlines remain.

What Changes If the Decedent Was Domiciled in Another Country?

For U.S. estate tax purposes, the decedent's domicile shapes how the IRS evaluates the assets held in the United States. Some countries have treaties with estate tax provisions that can change that treatment. What matters is domicile, which does not necessarily match the decedent's nationality or tax residence.

Countries such as Colombia, Mexico, Ecuador, Spain, Taiwan, Venezuela, Brazil, and Chile do not appear on the IRS list of estate tax treaties, so the estates of decedents domiciled there fall under the general U.S. rules. Switzerland has an estate tax treaty with the United States, and Canada addresses estate taxes in Article XXIX B of its income tax treaty. In both cases, the estate needs to examine whether the treaty changes its tax treatment.

For decedents domiciled in Canada, the treaty provides a prorated unified credit based on the share of U.S. assets within the worldwide estate. To claim it, the IRS requires the estate to support the calculation with documentation of the worldwide estate, not just the investments held at the broker. That requirement matters for families whose assets are spread across several countries.

A treaty helps determine which provisions apply when preparing the return and assessing the estate's tax liability. On its own, it does not authorize the transfer of the investments or replace the procedure the custodian requires.

Read more:IRS Audit Triggers in 2026: How AI is Transforming Enforcement and What to Do to Prepare

Is Your Broker Holding Investments Your Family Needs to Transfer?

Many families reach this point with the will, the death certificate, and the account statements already in hand. In the cases we handle, what is usually missing is a clear decision on whether the estate must file Form 706-NA or follow Part B, coordinated with the 9-month deadline and the custodian's requirements.

At **Guillen Pujol CPA Group**, we work with families and representatives of international estates to prepare and file Form 706-NA and to manage the transfer certificate request with the IRS. Our work begins with an

IRS Transfer Certificates: Releasing a Nonresident's Estate Held by a U.S. Broker

assessment of the estate's circumstances, its tax obligations, and the scope of what we can handle.

Our related services include:

- **Non-Resident Aliens' Estate:** preparation and filing of Form 706-NA and management of the transfer certificate request with the IRS, under Part A or Part B as applicable.
- **International Tax Consulting & Compliance Services:** analysis of which investments qualify as U.S.-situs assets and review of applicable estate tax treaties, such as those with Canada and Switzerland.
- **Federal & State Tax Compliance & Consulting Services:** management of the estate's tax calendar, including the Form 4768 extension to file and the separate request to extend the time to pay.

If the broker has already requested the certificate and the investments remain frozen, the next step is an evaluation session with one of our international tax specialists, who will review the situation and define the scope of the engagement. This session is exploratory and comes before any technical proposal, and it does not predict outcomes or IRS processing times.

[Request your evaluation session]

Disclaimer: This content is provided for informational purposes only and does not constitute legal, tax, or financial advice. **Guillen Pujol CPA Group** provides tax and accounting services and does not offer legal advice or legal representation in estate proceedings. Documentation, tax obligations, and transfer requirements depend on the specific circumstances of each estate. Before taking action, consult with qualified legal, tax, and financial professionals regarding your specific circumstances.

Editor's Note: This post is part of the 'GPCPAs Info Hub,' an initiative dedicated to empowering you with the knowledge and strategies needed to navigate the complexities of the U.S. tax system and financial decision-making. Visit our Information Hub, a curated resource offering the latest in tax, economic, and business news, alongside actionable guidance on tax strategies, accounting, and business advisory—because Planning Tomorrow starts here.

Share this post