

UNDERWRITING

Non-U.S. Residents Highlighter

Background

When underwriting insurance policies, life insurance companies evaluate the amount of time a proposed insured spends outside the United States. The life expectancy of individuals who spend a significant amount of time outside the U.S. may be affected by the conditions of the countries they frequent. This can include poor economic conditions, widespread disease, lower standards of public health and sanitation, lack of proper medical facilities, and different cultural attitudes toward personal health and safety. Therefore, Underwriting generally takes into account the increased mortality risks that Non-U.S. Residents, Immigrants to the U.S., and individuals who travel to foreign countries experience.

This highlighter provides information on how Underwriting evaluates Non-U.S. Residents. For additional information on Immigrants to the U.S. and Foreign Travel, refer to the *Immigrants to the U.S. Highlighter (1002365)* and the *Foreign Travel Highlighter (1002951)*. See the *Non-U.S. Foreign Residence Guidelines Chart (1002950)* for the country codes, risk factors, and categories/classes for each country.

Please refer to the footnotes throughout this document for additional details and information.

What Is a Non-U.S. Resident?

Non-U.S. Residents are individuals who do not have a full-time, permanent U.S. residence or who reside outside of the U.S. for six months or more annually. Citizenship is not a determining factor in defining a Non-U.S. Resident.

For underwriting purposes, a Non-U.S. Resident is defined as an individual who:

- ▶ Spends more than six months a year outside of the U.S. May also maintain dual residences in the U.S. and another country.
- ▶ Visits the U.S. for business or pleasure but maintains permanent residence outside of the U.S.
Example: A U.S. citizen who has moved to Germany but returns to the U.S. periodically to visit family.
- ▶ Does not declare full-time, permanent U.S. residence. Example: A Swedish citizen who owns a home in Sweden and lives in the U.S. for less than six months a year for business purposes.
- ▶ Is an immigrant from a foreign country, residing in the U.S. with intent to stay, but who does not have a green card and has been in the U.S. for less than one year.

Compliance Requirements

All aspects of the insurance transaction must be completed in the U.S., including solicitation, completion of the application, medical examination, inspection, and contract delivery. Make sure to allow adequate time to complete the underwriting process and handle policy delivery in the U.S.

The proposed insured must also have at least one meaningful tie/connection to the U.S.

Examples of this U.S. nexus would be:

- ▶ U.S. citizenship
- ▶ Spouse is a U.S. citizen and/or U.S. resident
- ▶ Ownership of real estate in the U.S.*
- ▶ Ownership of a business in the U.S.* or employment by a U.S. company
- ▶ Verifiable U.S. tax liability that will support the need for insurance
- ▶ Ownership of verifiable U.S. assets for a minimum of six months and:
 - ▶ equal to 25% of total net worth **or**
 - ▶ a minimum of \$500,000

NOTE: U.S. residence of a family member other than a spouse, by itself, is not considered a meaningful tie.

**Possession by the proposed insured of an EB-5 visa can be considered a significant nexus to the United States.*

The visa must be approved and issued, and a copy should be provided with the application for consideration.

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Compliance Requirements (continued)

ORD 115136 (Non-U.S. Resident Disclosure Form) must be completed at the point of sale, if either the proposed insured or proposed policyowner (including a trust and other entity) is not a resident of the United States. The purpose of this form is to confirm that all sales activities, including the pending policy delivery, have taken place in the United States.

Other specific compliance procedures apply to life insurance sales to Non-U.S. Residents, including the completion of additional forms and procedural requirements.

Underwriting Considerations

When the proposed insured is not a permanent, full-time resident of one country, the following type of information should be obtained and will be taken into consideration when determining residency status:

- ▶ Location of primary residence.
- ▶ Location of other residences.
- ▶ Where the individual's immediate family resides.
- ▶ Location of business interests.
- ▶ Location of banking and investments.
- ▶ Voting privileges.
- ▶ In what countries the individual pays taxes.

Additional information may be required depending on the facts of the case. There may also be U.S. government restrictions regarding life insurance sales with residents of some countries. The countries with which we cannot conduct life insurance business include but are not limited to *Myanmar, Cuba, Iran, North Korea, and Sudan*.*

For some countries, while there may not be legal or government restrictions preventing us from selling life insurance to their residents, the risks presented by those countries (e.g., crime, health and safety standards, political or economic instability, etc.) are considered too significant to price. These countries include but are not limited to *Afghanistan, Colombia, Cambodia, Haiti, Iraq, Lebanon, and Russia*.*

While acceptable from a risk perspective, other countries have legal restrictions for the sale of insurance to their residents. Restrictions include product limitations and ownership limitations. These countries include but are not limited to *Argentina, Canada, Japan, France, and Switzerland*.*

There are many other countries whose residents may be underwritten in the U.S. The underwriting category for individuals who reside in these countries will vary depending on the risks involved. Refer to the *Non-U.S. Foreign Residence Guidelines Chart (1002950)* for the most up-to-date country list and rating information. Applications for Green and Yellow countries will be accepted. Preferred rates may be available for Green countries. Non-Smoker Plus may be available for Yellow countries. Applications for Red countries will not be accepted. If the resident country is not listed on the chart, contact Underwriting BEFORE taking an application. The classifications were determined based on research conducted from a variety of government, travel, and reinsurance information sources.

* All country listings are subject to change.

Available Coverage Amounts

The maximum amount of coverage allowable on individuals residing in acceptable countries (Jumbo Limit) is \$35 million in force and applied for with all companies. Automatic Issue Limits of about \$28 million on individuals residing in acceptable countries may be considered depending on all facts of the case, including the age and health status of the proposed insured, product applied for, the reinsurance arrangement, in-force coverage, and available reinsurance. Please contact Underwriting for the product-specific automatic issue amount. The minimum policy face amount for Non-U.S. Residents is \$250,000.

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Other Underwriting Guidelines

Before submitting an application/worksheet for a Non-U.S. Resident, an inquiry or advance phone call should be made to your Prudential Underwriting contact. This will help you determine if there are any particular underwriting considerations you should be aware of, and the type of client information you need to provide. For example, some supplementary benefits (e.g., *Living Needs Benefit*¹) may not be available to residents of all countries.

To expedite the underwriting process, be sure to observe the following guidelines and points:

- ▶ Enough time should be spent in the U.S. to facilitate information gathering and completion of the underwriting and policy delivery process.
- ▶ ALL applicants must be medically examined. Blood tests and ECGs will be required based on normal age and amount rules.
- ▶ Expect delays in obtaining information. Obtaining information on a Non-U.S. Resident applying for insurance may be difficult, but every effort must be made to secure the required information. The closer the ties to the U.S., the better the chances of obtaining meaningful medical and financial information in a timely fashion.
- ▶ The minimum policy face amount is \$250,000. The maximum special rating class is Class D for Prudential-retained cases.
- ▶ The minimum issue age is 25.
- ▶ The maximum issue age is 75 for reinsured cases and 70 for fully retained cases.
- ▶ Consideration is extended only to business owners and professional individuals working in medical, engineering, scientific, technological, or similar fields and their immediate families.
- ▶ The proposed insured should have a minimum global net worth of \$2 million.
- ▶ Individuals must have a record of ongoing health maintenance with the most recent visit having taken place within three years of the date on which the application was completed.
- ▶ Attending Physician's Statement (APS) records, including foreign APS records, should be secured. An APS is **required** at ages 50 and up.
- ▶ A Data Verification Report (DVR) will be requested in ALL cases.
- ▶ Motor Vehicle Reports (MVRs) will be requested if the applicant has or previously had a U.S. driver's license.
- ▶ Third-party financial documentation, no more than one year old, is required for face amounts of \$1 million or more.*
- ▶ Senior Assessment Exam and Financial Underwriting Requirements for applicants over the age of 70 are fully automated.
- ▶ A copy of the individual's passport is required. U.S. references are required, if available.
- ▶ A version of Form W-8 (BEN, ECI, EXP, IMY) is required for those individuals who cannot provide a Social Security number for the purposes of completing the tax certification. Usually, Form W-8BEN is used.
- ▶ Individuals will not be considered for life insurance coverage if they are currently active in foreign military, police, government, or judicial services within their resident country. In addition, political or union leaders may be excluded as well.

*A letter of reference from a major, international financial institution with all account values or a detailed bank statement is acceptable as proof of financial information.

¹The *Living Needs Benefit*SM is an accelerated death benefit and is not a health, nursing home, or long-term care insurance benefit and is not designed to eliminate the need for insurance of these types. There is no charge for this rider but, when a claim is paid under this rider, the death benefit is reduced for early payment, and a \$150 processing fee (\$100 in Florida) is deducted. If more than one policy is used for the claim, each policy will have a processing fee of up to \$150 (\$100 in Florida) deducted. Portions of the *Living Needs Benefit* payment may be taxable, and receiving an accelerated death benefit may affect eligibility for public assistance programs. The federal income tax treatment of payments made under this rider depends upon whether the insured is considered "terminally ill" or "chronically ill" and, if the policy is business related, whether the insured is receiving the benefits. We suggest that clients seek assistance from a personal tax advisor regarding the implications of receiving *Living Needs Benefit* payments. This rider is not available in Minnesota to new purchasers over age 65 until the policy has been in force for one year, and the nursing home option is not available in California, Connecticut, Florida, Massachusetts, New York, or the District of Columbia. This rider is not available in Washington state. In Oregon, term policies must include the waiver of premium benefit to be eligible for this rider.

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Other Underwriting Guidelines (continued)

- ▶ All travel patterns will be carefully reviewed. Additional ratings may be assessed for travel outside the resident country.
- ▶ Contracts to be owned by third-party foreign persons or entities will seldom be acceptable since all aspects of the insurance transaction must be completed in the U.S.
- ▶ Once approval is granted by Underwriting, the application/worksheet should be submitted on a cash-on-delivery basis.

In addition, residents of China are required to provide:

- ▶ A copy of their U.S. Consulate exam, if completed within the last two years.
- ▶ A copy of financial information presented to U.S. Consulate, if within the last two years.
- ▶ Third-party financial documentation, regardless of the face amount for which they have applied.
- ▶ A copy of the individual's National ID card.

Additional guidelines for individuals associated with the diamond industry:

Additional guidelines apply to individuals associated with the “Diamond Industry” due to increased risk factors associated with the diamond trade (i.e., extensive travel and potential for violence). In addition to the previously stated foreign residence guidelines, the following also apply:

- ▶ Individuals must be employed by/associated with (spouse, family) a major firm in the industry (e.g., Rosy Blue).
- ▶ Only individuals performing the following job functions will be eligible for consideration: office workers in administrative, management, or executive functions; graders; gemologists; designers; and sight holders.
- ▶ Individuals performing these and similar functions will not be eligible for consideration: cutters, couriers, polishers, and traders.

Premium Requirements

For ease of administration, premiums must be paid annually and in U.S. currency. Certain countries may require an extra premium.

Guidelines for Post-Issue Transactions

As is the case with other steps in the new business process, solicitation of an applicant is only permitted within U.S. borders. In most cases, post-issue policy servicing may not be permitted. However, specific transactions may be permissible if initiated by the applicant. They include:

- ▶ Conversions, including policy, rider, children's rider, spouse rider, and OPAI with no increase in benefits or amount and no evidence of insurability required. Certain policy and procedural restrictions apply.
- ▶ Reinstatements with no medical exams or tests required.
- ▶ Flex face amount increases with no medical exams or tests required.

In all cases, if you are contacted by an applicant residing outside the U.S., contact your Customer Service Office Change area for instructions.

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Automatic and jumbo limits are graded down by age, rating, and special risks (e.g., foreign residence and travel, entertainers, professional athletes, etc.).

Availability of insurance and rates will vary based on the satisfaction of underwriting criteria. Underwriting rules are subject to change at our discretion.

The Prudential Insurance Company of America, Newark, NJ.