

# Publication 3211

## Q&A

Life's a little easier with eita earned income tax credit



See if you qualify.  
[www.irs.gov/eita](http://www.irs.gov/eita)



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The **EITC** is for people who earn less than \$63,398. If you qualify, it could be worth as much as \$7,430 this year. So, you could pay less federal tax or even get money back. The EITC provides a boost to help pay your bills or save for a rainy day.

# What is the EITC?

The EITC is a credit for people who work for someone else, or are self-employed, or received certain disability payments. To qualify, the amount of income you earned must be less than \$63,398. You could receive up to \$7,430. The amount depends on:

- whether you are single or married
- whether you have no children or the number of children you have
- the amount you earned.

You have to file a federal tax return to get the EITC even if you owe no tax or are not required to file. The EITC is a boost to help pay your bills, fix up your place or save for a rainy day.

# Am I eligible for the EITC in 2023?

You may be if you meet the rules to claim the credit.

- You must be a U.S. citizen or resident alien all year, or a nonresident alien married to a U.S. citizen or resident alien and filing a joint return.
- You must have earned income from employment or self-employment.
- Your earned and total income must be less than:
  - » \$17,640 (\$24,210 if married filing a joint return) with no qualifying children who have valid SSNs
  - » \$46,560 (\$53,120 if married filing a joint return) with one qualifying child who has a valid SSN

- » \$52,918 (\$59,478 if married filing a joint return) with two qualifying children who have valid SSNs
- » \$56,838 (\$63,398 if married filing a joint return) with three or more qualifying children who have valid SSNs
- Your investment income (such as interest) must be \$11,000 or less.
- Must have a qualifying child and meet other requirements if you are married but not filing a joint return.
- You and your spouse, if you file a joint return, must each have a valid Social Security number issued on or before the due date of the return (including extensions).
- You and your spouse, if you file a joint return, may not be a qualifying child of another person.

- You must also have a qualifying child or if you do not have a qualifying child:
    - » You or your spouse (if filing a joint return) must be at least age 25 but under age 65 at the end of the year,
    - » Your home and your spouse's (if filing a joint return) must have been in the United States\* for more than half the year, and
    - » You can't be the dependent or qualifying child of another person.
- \* U.S. military personnel on extended active duty outside the United States are considered to live in the United States while on extended active duty.

# Who is a qualifying child?

A child who meets the relationship, age, residency and joint return tests is a qualifying child. Your credit amount may be larger if you have a child who meets all the following:

- Is your son, daughter, stepchild, eligible foster child, brother, sister, half brother, half sister, stepbrother, stepsister, or a descendant of any of them.
- At the end of the year was:
  - » younger than you (or your spouse if filing a joint return) and under age 19, or
  - » younger than you (or your spouse if filing a joint return), under age 24 and a full-time student, or
  - » any age if permanently and totally disabled at any time during the year.

- Must not have filed a joint return, unless the return was filed only to claim a refund of withheld or estimated taxes.
- Lived with you in the United States for more than half the year.
- Must have a valid Social Security number issued on or before the due date of the return (including extensions).

An adopted child, including a child placed with you for adoption, is treated as your own child. An eligible foster child is a child placed with you by an authorized placement agency or a court. An eligible foster child or adopted child is considered to have lived with you for more than half the year if the child lived with you for more than half the time since the child was adopted or placed with you.

# **What if I have the same qualifying child as someone else?**

If two or more persons have the same qualifying child for EITC, child tax credit/credit for other dependents/additional child tax credit, head of household filing status, or credit for child and dependent care expenses, only one person can claim the child as a qualifying child for all these benefits. Special rules apply for parents who are divorced, separated or who are living apart. See Publication 596 for more information. A person who is not the parent of the child must have a higher AGI, Adjusted Gross Income, than the parent.

Otherwise, you decide who will claim the benefits, including EITC, using that qualifying child. If you cannot agree, and more than one person uses the same child, the tiebreaker rules apply.

## **What are the tiebreaker rules?**

Sometimes a child meets the rules to be a qualifying child of more than one person. If so, generally, only one person may claim the child as a qualifying child for all of the following tax benefits if the person is otherwise eligible for the benefits:

- EITC,
- Child tax credit/credit for other dependents/additional child tax credit,
- Head of household filing status,
- Credit for child and dependent care expenses, and
- Exclusion for dependent care benefits.

See the tiebreaker rules below for which person may claim the child as a qualifying child when a child meets the definition of a qualifying child for more than one person. Also, note that a person who may not claim a child as a qualifying child under the tiebreaker

rules may qualify to claim the EITC under the rules for a taxpayer without a qualifying child. See Publication 596 for more information.

Under the tiebreaker rules, the child is treated as a qualifying child of:

- The parents, if they file a joint return together and claim the child as a qualifying child;
- The parent, if only one of the persons is the child's parent and the parent claims the child as a qualifying child;
- The parent with whom the child lived longer during the tax year, if the child's parents do not file a joint return together and both parents claim the child;
- The parent with the higher AGI, if the child lived with each parent for the same amount of time during the tax year, the child's parents do not file a

joint return together, and both parents claim the child as a qualifying child;

- The person with the highest AGI, if no parent may claim the child as a qualifying child; or
- The person with the highest AGI, if a parent may claim the child as a qualifying child but no parent claims the child as a qualifying child, but only if that person has AGI higher than any parent who may claim the child as a qualifying child.

# What is a valid Social Security number?

You (and your spouse, if filing a joint return) must have a valid SSN issued by the Social Security Administration (SSA) by the due date of your tax return (including extensions). Any qualifying child you claim for the EITC must also have a valid SSN issued by the due date of your tax return (including extensions). If your qualifying child does not have a valid SSN issued by the due date of your return, you can't take that child into account when determining the amount of your EITC. If your social security card (or your spouse's, if filing a joint return) says "Not valid for employment" and the SSN was issued so that you (or your spouse) could get a federally funded benefit, the SSN isn't a valid SSN and you can't get the EITC. An example of a federally funded benefit is Medicaid. SSNs are issued only by the Social Security Administration. To get one, you must prove

your U.S. citizenship or immigration status, age, and identity.

- You may not later claim the EITC on an amended return or a late original return with an SSN issued after the due date of your tax return (including extensions).
- If you are an alien who is not a permanent resident and have a Social Security card that says VALID FOR WORK ONLY WITH DHS AUTHORIZATION, you have a valid SSN for the EITC, but only if that authorization is still valid.
- If you (or your spouse if filing a joint return) have an ITIN, Individual Taxpayer Identification Number, the number is not valid for claiming the EITC.
- If a child has an ITIN or an ATIN, Adoption Taxpayer Identification

Number, you can't take that child into account when determining the amount of your EITC.

## **What is earned income?**

It is income you get from working for yourself or for an employer. Here are examples of earned income:

- Wages, salaries, tips, and other taxable employee pay
- Union strike benefits
- Long-term disability benefits received prior to minimum retirement age
- Net earnings from self-employment may include income from:
  - » Owning or running a business or farm
  - » Working as a minister or member of a religious order
  - » Working as a statutory employee
- Earned income does not include:

- » Pay received for work while an inmate in a penal institution
- » Nontaxable employee benefits such as education assistance
- » Alimony or child support
- » Temporary Assistance for Needy Families (TANF)
- » Interest and dividends
- » Retirement income
- » Social security
- » Unemployment benefits,

Special earned income rules apply for members of the U.S. Armed Forces in combat zones, members of the clergy, and those with disability retirement income.

# How do I figure my EITC?

If you qualify to claim it, you can figure the credit yourself or have the IRS do it for you. You can use the EITC Assistant at **[www.irs.gov/eitcassistant](http://www.irs.gov/eitcassistant)** to help you or Publication 596, *Earned Income Credit*, for requirements, worksheets and examples.

Keep in mind:

- If you are claiming a qualifying child, you must complete and attach Schedule EIC to your return.
- If your child does not have a valid SSN, you may not take that child into account when determining the amount of your EITC.
- If your EITC was denied or reduced by the IRS because of an audit, you may need to attach Form 8862, *Information to Claim Certain Credits After Disallowance*, to your return.

# **When should I file my EITC return?**

File your tax return as soon as you have all the information you need about how much you earned. However, refunds for returns claiming the EITC can't be issued before mid-February. This delay applies to the entire refund, not just the portion associated with the EITC. See "How can I get help?" and "What is a valid Social Security Number?" for more information.

# **What happens if your EITC claim has errors?**

Errors on the tax return can cause a delay in processing your claim for the tax credits.

# How can I get help?

- Go to [www.irs.gov/eitc](http://www.irs.gov/eitc) for free information and to check out the interactive EITC Assistant to see if you qualify and estimate the amount of your EITC.
- Visit a Volunteer Income Tax Assistance (VITA) site for free tax help and preparation. Go to [www.irs.gov/VITA](http://www.irs.gov/VITA) or call 1-800-906-9887 to find a site.
- Use Free File at [www.irs.gov/FreeFile](http://www.irs.gov/FreeFile) for free online filing through commercially available tax preparation software.

- Go to [www.irs.gov/chooseataxpro](http://www.irs.gov/chooseataxpro) to help locate a qualified tax return preparer.
- Call 1-800-829-4059 if you have access to TTY/TDD equipment for the hearing impaired.

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