IRM PROCEDURAL UPDATE

DATE: 01/28/2014

NUMBER: WI-03-0114-0199

SUBJECT: IRM 3.21.263 – IRS TIN Real Time System Regarding the Definition of S 03 and Reason for Filing Boxes

AFFECTED IRM(s)/SUBSECTION(s): 3.21.263

CHANGE(s):

IRM 3.21.263.4.8.1(2), Deleted "notarized "from S 03 definition.

2. The following table offers a brief description of the suspense reason codes and provides a reference to Form W-7.

Suspense Reason Codes	Definition
S 01	Supporting identification documentation is missing.
S 02	Supporting identification documentation that was submitted is unacceptable.
S 03	Supporting identification documentation is not original or certified.
S 04	Line 3, foreign residence address is missing.
S 05	Line 3, foreign residence address has a P. O. Box or c/o address.
S 06	Applicant's date of birth is missing, Line 4.
S 07	Applicant's place of birth is missing, Line 4.
S 08	(Reserved)
S 09	Applicant's country(ies) of citizenship is missing, Line 6 a.
S 10	(Reserved)
S 11	The type of supporting identification documentation and the Country issuing it is undeterminable, Line 6 d.
S 12	Visa type, number or expiration date is missing, Line 6 c.
S 13	Applicant's reason for submitting Form W-7 is missing.
S 14	Applicant's signature is missing or the signature requirement is not met.
S 15	Applicant's supporting identification documentation cannot be translated locally and needs a certified translation.
S 16	The Certifying Acceptance Agent (CAA) did not attach the Certificate of Accuracy.

S 17	Applicant's country of birth is not a foreign sovereignty identified by the U.S. State Department, Line 4.
S 18	Applicant's country of citizenship is not a foreign sovereignty identified by the U.S. State Department, Line 6 a.
S 19	Applicant's date of entry in the U.S. is missing, when required Line 6 d.
S 20	The applicants name on Form W-7 does not match name on U.S. federal tax return or is not recognizable. **NOTE:** This suspense code is no longer used and no text generates in the CP 566.
S 21	Supporting exception documentation is missing.
S 22	Reserved
S 23	Applicant selected reason for submitting Form W-7 as a U.S. resident alien filing a U.S. tax return and did not provide a U.S. mailing address, Line 2.
S 24	The IRS has found that the ITIN has not been used for federal tax reporting or filing for the past 5 years (systemically generated).
S 25	The dependent application is suspended awaiting primary/secondary application resolution. (systemically generated).
S 26	Passport reviewed is not valid.
S 27	National identification card reviewed is not valid.
S 28	U.S. driver's license reviewed is not valid.
S 29	Civil birth certificate reviewed is not valid.
S 30	Medical records reviewed is not valid.
S 31	Foreign driver's license reviewed is not valid.
S 32	U.S. state identification card reviewed is not valid.
S 33	Foreign voter's registration card reviewed is not valid.
S 34	U.S. military identification card reviewed is not valid.
S 35	Foreign military identification card reviewed is not valid.
S 36	School records reviewed is not valid.
S 37	U.S. visa reviewed is not valid.
S 38	U.S. citizenship and Immigration Services (USCIS) photo identification card reviewed is not valid.
S 50	Name on Form W-2 does not match name on tax return.

IRM 3.21.263.5.3.5.2(6) Reason boxes "f "and "g", Removed countries from lists not requiring a visa and passport.

6. The table below list the *Reasons for Submitting Form W-7* as outlined on the application and identifies requirements.

Reason Box	Description	When to Edit Reason Box	Return Required	Requirements
a	Nonresident alien required to obtain ITIN to claim tax treaty benefits This is an applicant that has a need for an ITIN other than filing a tax return	o If this box is the only one checked by the applicant, either check box "h" if Exception "1" or "2" documentation is attached or circle this box and check the correct reason. That determination depends on whether or not a tax return is attached. o If a domestic return is attached, change this to "c" if a primary, "d" if a dependent, or "e" if a spouse. o If the return is a Form	No	o Used with box "h" o Treaty country and article number must be present o Exception number 1 or 2 o Valid exception documentation. See Exception Tables below.

		1040NR, change it to reason code "b" if primary or "g" if listed as an exemption **CAUTION:** Do **NOT** change to reason code b is SEVIS certificate or exception documentation attached. **NOTE:** If return was attached, give the case to your lead to re-batch as "with return."		
b	Nonresident alien individual who is required to file a U.S. tax return or who is filing a tax return only to claim a refund This is a Non-resident alien filing a U.S. tax return.	If there is a U.S. mailing address and a domestic Form 1040 series, change to "c". If no tax return is attached and exception documentation is present, change to "a" and "h" for exception "1" or "2" criteria.	Yes	o Form 1040NR series return is submitted. o Complete foreign address is required.
c	U.S. resident alien (based on days present in	If there is a Form 1040NR and a foreign	Yes	o Form 1040 series return is

	the United States) filing a U.S. tax return This is a foreign individual filing a tax return that is living in the U.S.	mailing address change the code to "b". If there is no tax return attached and there is exception documentation, check box "h" and write in exception number. If exception "1" or "2", also check box "a" or "f".		submitted o Date of entry (DOE) required on Line 6d o Applicant's mailing address must be in the U.S.
d	Dependent of U.S. citizen/resident alien Dependent listed on a domestic Form 1040 series return	Change this only when a Form 1040NR is attached. When a Form 1040NR is attached, change to a "g".	Yes	o Form 1040 series return is submitted unless "Military Overseas" is selected o Applicant must be listed on tax return as a dependent. o Date of entry required on Line 6d (unless resident of Canada, India or Mexico or "Military Overseas") o Name and TIN (SSN,

				ITIN) of U.S. person (must be primary or secondary taxpayer) must be entered to right of box "e" and must be valid.
e	Spouse of a U.S. citizen/resident This is a spouse listed on a domestic 1040 Series return.	The only time this is changed is when the tax return attached is a Form 1040NR. When a Form 1040NR is attached, change this to a "g".	Yes	o Generally 1040 series return is submitted unless "Military Overseas" o Applicant must be claimed as an exemption on U.S. citizen / resident return or filing a joint return with a spouse who is a U.S. citizen or resident. o Applicant not required to live in the U.S. if they elect to report

				- worldwide income. - Name and TIN (SSN, ITIN) of U.S. person (primary) must be entered to right of box "e" and must be valid.
f	Non resident alien student, professor or researcher filing a U.S. tax return or claiming an exception This is a foreign individual who is a bona fide student, professor or researcher coming temporarily to the U.S. solely to attend classes at a recognized institution of education, teach, or perform research. **REMINDER:** Dependents can claim Reason for Filing Box "f" if claiming exception 2b SEVP. See IRM 3.21.263.5.3.5.2 under exception	Typically this reason code is only changed when a Form 1040NR tax return is attached and there is a foreign mailing address. When both of these are true, change this to reason "b".	Yes (if filing a tax return) No (if filing exception "2".	- A tax return is not required if box "h" is checked and applicant claims exception 2 and provides supporting exception documentation. **NOTE:** Applicants do **NOT** have to claim treaty benefits under exception 2 reasons "f" & "h". - Line 6a country of

	2b SEVP.			citizenship required. ○ Line 6c Type of U.S. visa required. ○ Line 6d Date of Entry required. ○ Line 6g College, university or company informatio n required ○ Treaty country and article number required ONLY if the applicant is claiming the benefits of a tax treaty. ○ A U.S. visa is required unless the foreign address, country of birth **AND** the country of citizenship is Canada or Mexico. ○ A valid passport is required

				unless the foreign address, country of birth **AND** the country of citizenship is Canada or Mexico.
				o Either a SSA reject letter, Form 8233 or a letter from the Designated School Official (DSO) stating that applicant will not be employed in U.S. must be attached as supporting documentation. **NOTE:** the letter from the DSO may include SSA denial information. See IRM 3.21.263.8.3.2.3 "Document Type".

g	Dependent/spouse of a nonresident alien holding a U.S. visa These are the dependents and spouses of individuals filing a Form 1040NR tax return.	If a domestic 1040 Series return is attached, change this to either "d" or "e".	Yes	o Line 6d DOE is required. o Generally, a valid U.S. visa (visa type, visa number, visa expiration date) is required for dependent or spouse. Note the visa information is often contained in the passport. o In the absence of visa information, accept if Form 1040NR series return is attached and applicant is listed as an exemption. o A U.S. visa is required unless the foreign address,

				country of birth **AND** the country of citizenship is Canada or Mexico. ○ A valid passport is required unless the foreign address, country of birth **AND** the country of citizenship is Canada or Mexico.
h	Other/additional information If the reason for the ITIN is not described in box "h," determine if exception "1" or "2" applies and check box "a". If exception 2 criteria is attached, check box "f" if applicable. Box "h" can be checked alone with exceptions 1, 2, 3, 4, or 5.	Box "a" or "f" must be checked if applicant is claiming a tax treaty. Box "h" can be the only box checked if exceptions" 1", "2", "3", "4", or "5" are written and supporting documentation is attached.	No	○ Exception criteria is specified here ○ If boxes "a" through "g" are not checked, the reason for applying may be outlined here. **NOTE:** Applicants requesting an EIN (Form SS-4) are not eligible for an ITIN.