DATE: 02/24/2015

NUMBER: WI-03-0215-0376

SUBJECT: World Wide Income, Date of Entry, and Clerical Processing of Undeliverable Mail with No TE Action Taken

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

CHANGE(s):

IRM 3.21.263.4.3 (1e) revised to delete information about world wide income.

1. Applicants must check the appropriate box on the Form W-7 that identifies their reason for applying for the ITIN. Applicable reason boxes include the following:
   a. **Nonresident alien required to obtain ITIN to claim tax treaty benefits -** Reason box "h" should also be checked and the tax treaty country and article number specified in order to claim a tax treaty benefit. Refer to Exception 1 Criteria and attach required documentation.
   b. **Nonresident alien individual who is required to file a U.S. tax return -** Tax return is filed to report income effectively or non-effectively connected with the conduct of a trade or business in the U.S. or only to claim a refund.
   c. **U.S. resident alien (based on days present in the United States) filing a U.S. tax return -** Includes foreign individuals living in the U.S. who do not have permission to work from United States Citizenship and Immigration Service (USCIS) and are ineligible for a SSN. A date of entry is required on Line 6d.
   d. **Dependent of U.S. citizen/resident alien -** Includes individuals who are claimed as a dependent on a U.S. tax return and are ineligible for a SSN. Name and SSN/ITIN of U.S. person (must be primary or secondary taxpayer) must be entered to right of box "e". A date of entry is required on Line 6d (residents of Canada or Mexico do not require a date of entry). Refer to IRM 3.21.263.5.3.5.13 for additional information on Foreign Adoptions and see IRM 3.21.263.4.6 for a spouse or dependents of U.S. military personnel on a foreign base.
   e. **Spouse of a U.S. citizen/resident -** Includes a Non-resident Alien spouse who is listed as an exemption on a Married Filing Joint/Separate tax return. Name and TIN of U.S. person (must be primary or secondary taxpayer) must be entered to right of box "e".
   f. **Nonresident alien student, professor or researcher filing a U.S. tax return -** Applicant must be 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. A tax return is not required if box "h" is checked and applicant claims Exception 2 and provides required exception documentation. Country of citizenship must be entered on Line 6a and Lines 6c and 6g must be completed. A date of entry is required on line 6d. Passport and visa (F-1, J-1, M-1) information (found in some passports) are required pieces of supporting identification documentation.

g. **Dependent/spouse of a nonresident alien holding a U.S. visa -** Applicant must be claimed as dependent or spouse on federal tax return of the nonresident visa holder. A date of entry is required on Line 6d. A valid passport and U.S. visa is required for the dependent/spouse and must include all information (i.e., visa type, visa number, visa expiration date).

NOTE: See Exhibit 3.21.263-4 for a list of potential work authorization visas which may qualify the applicant for a SSN. See Exhibit 3.21.263-10 for an explanation of visa entries.

h. **Other or additional information box -** If the applicants Reason for Submitting is not described in boxes "a" through "g", the applicant is advised to describe, in detail, their reason for applying and attach the supporting documentation to support their claim. If box "h" is checked alone and the applicant did not describe in detail their reason for applying, then Exception 1, 3, 4 or 5 must be present and the appropriate supporting exception documentation must be attached. Box "h" cannot stand alone if Exception 2 is annotated (check box "a" or "f" must be checked).

IRM 3.21.263.5.2.3.5(2) added instructions to delete batches of UND work where no TE actions were taken.

2. Access the batch via RTS using the *Inventory Tracking Search Screen,* IRM 3.21.263.8.2.4, using the batch number as the primary search criteria. Click Submit. When a search result is generated, click on the view link in the search results table to be directed to the *Inventory Tracking View Screen*, see IRM 3.21.263.8.2.2. Go to the "Reason for Change" field. If Batch Quantity is different from Batch Quantity Completed, select Batch Quantity and click the Edit Batch button. Change the quantity and click Submit.

NOTE: If the undeliverable (UND) batch had no actions taken, change the batch volume to zero to delete the batch. Give the actual batch count (zero) to the lead so that adjustments to the inventory receipts can be made.

Continue with (3) if printing all of the status sheets for a batch. If printing a single status sheet, go to file and select "Print Preview". Click on the arrow

keys to view each status sheet. Click the "Print" button to print. If only printing the current page, select "Current Page" on the page range menu and then click print again. If printing more than one page but in consecutive order, select "Pages" on the page range menu, enter the page number range (e.g., 15-20) and click "Print".

IRM 3.21.263.5.3.5.2(6) Reason box "e" revised to delete information about world wide income.

6. The table below list the *Reasons for Submitting Form W-7* as outlined on the application and identifies requirements. Use the table to select reason boxes when none are selected or to correct reason boxes.

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 **NOTE:** If a return was attached, give the case to your lead to re-batch as "with return. " If a return is attached, do **NOT** process as SEVIS regardless of documentation provided.	o If this is the only one checked by the applicant, either check "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.	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.

		- If no tax return is attached and exception documentation is present, change to" a "and "h "or "f "and" h "(whichever is applicable) for exception 1 or 2 criteria - If applicant checked box "a "and "h" and tax treaty is missing, allow RTS to issue R 19. - If applicant did not check "a" and "h "but evidence of an exception is present but no tax treaty is listed, check box "h" only along with appropriate		

		exception.		
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.	o Reason box" b "can have a U.S. mailing address as long as a complete foreign address is present. o If complete foreign mailing address and country code are present, select this box. o If there is only a foreign address, transcribe the foreign address into the mailing address line. **NOTE:** If a valid tax return is not attached, R 17 generates.	Yes	o Form 1040 series return is submitted. o Complete foreign address is required.
c	U.S. resident alien (based on	o If mailing address is	Yes	o Form 1040 series return is

	days present in 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.	in the U.S., (unless COC and COB are Mexico), select this box. If a valid tas return is not attached, R 17 generates. o Change to reason "h "when no tax return is attached **AND** exception documentation is attached. Write in the 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	o If multiple boxes are checked including "d "or" e "and a valid SSN/ITIN and name are present, determine	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

		the relationship (dependent or spouse) based on review of the application package. Select the appropriate box "d "or "e. " o If multiple boxes are checked and a valid SSN/ITIN and/or name is **NOT** present, determine the relationship (dependent or spouse) based on review of the application package. Select appropriate box" d "or "e "and circle out the inappropriate boxes.		6d (unless resident of Canada 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.

		Allow the system to reject R 08 for missing SSN or ITIN or name of U.S. person. ○ If multiple boxes other than "d "or "e "are checked and name and SSN/ITIN of U.S. person is present on the write-in line, determine the relationship (dependent or spouse) based on review of the application package. Select the appropriate box(s) and circle out the inappropriate box(s). ○ If no box is		

		checked but the name and SSN/ITIN of U.S. person is present on the write-in line, determine their relationship (dependent or spouse) based on review of the application package. Select the appropriate box "d "or "e".		
e	Spouse of a U.S. citizen/resident This is a spouse listed on a domestic 1040 Series return.	o If multiple boxes are checked including "d "or" e "and a valid SSN/ITIN and name are present, determine the relationship (dependent or spouse) based on review of	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 Name and TIN (SSN, ITIN) of U.S. person (primary) must be entered to

		the application package. Select the appropriate box "d "or "e. " If multiple boxes are checked and a valid SSN/ITIN and/or name is **NOT** present, determine the relationship (dependent or spouse) based on review of the application package. Select appropriate box" d "or "e "and circle out the inappropriate boxes. Allow the system to reject R 08 for missing SSN or ITIN or name of		right of box "e" and must be valid.

		U.S. person. ○ If multiple boxes other than "d "or "e "are checked and name and SSN/ITIN of U.S. person is present on the write-in line, determine the relationship (dependent or spouse) based on review of the application package. Select the appropriate box(s) and circle out the inappropriate box(s). ○ If no box is checked but the name and SSN/ITIN of U.S. person is present on the		

		write-in line, determine their relationship (dependent or spouse) based on review of the application package. Select the appropriate box "d "or "e".		
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	If line 6g is completed with the name of the college, university, or business associated to the U.S. visa classification, select this box.	Yes (if filing a tax return) No (if filing exception "2".	o 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 ". o Line 6a country of citizenship required. o Line 6c Type of U.S. visa required. o Line 6d Date of Entry required.

	claiming exception 2b SEVP. See IRM 3.21.263.5.3.5.2 under exception 2b SEVP.			- Line 6g College, university or company information 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 is Canada, Mexico, or Bermuda. See IRM 3.21.263.5.4.1. - A valid passport is required. - 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. **EXCEPTION:** SEVIS applicants, spouses, and dependents are exempt from filing Form 8233. If the SSA reject letter

				or letter from the DSO is attached, select" Form 8223 to prevent R07. See IRM 3.21.263.8.3.2.3 ." **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 valid U.S. tax return is attached and U.S. visa (certain exceptions apply), select this box. **CAUTION:** Do **NOT** select g if applicant is part of a family pack.	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 A U.S. visa is required unless the foreign address, country of birth **AND** the country of citizenship is Canada or Mexico. See IRM 3.21.263.5.4.1. o 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 next to box" h" and supporting documentation is attached. ○ If box "a" is checked, select box" h." **NOTE:** Circle in red box "h "when: - No tax return is attached **AND**	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.

		- Applicant checked reason for applying box "d" or "e," **AND** - Applicant also checked box "h", **AND** - Applicant is "military overseas"		

IRM 3.21.263.5.3.5.13(3) revised to state applicants must usually provide a DOE when selecting reason for applying boxes "c"," d," "e" "f," or "g".

3. Applicants usually require a date of entry if they are selecting W-7 reason box "c", "d", "e", "f", or "g".

    EXCEPTION: A date of entry is not required if W-7 reason box "d" is checked and applicant is a resident of Canada or Mexico **or** Military Overseas.