

## IRM PROCEDURAL UPDATE

**DATE: 07/10/2014**

**NUMBER: WI-03-0714-1130**

**SUBJECT: Reason for Filing boxes; Name Line; Name at Birth; Birth Information**

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

**CHANGE(s):**

**IRM 3.21.263.5.3.5.2(6) Reason Box "a" instructions were revised and revised the "Caution" to emphasize any applications with an attached return should not be processed as SEVIS regardless of the documentation provided and Reason Box "g" instructions were revised.**

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

<b>Reason Box</b>	<b>Description</b>	<b>When to Edit Reason Box</b>	<b>Return Required</b>	<b>Requirements</b>
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	<ul style="list-style-type: none"><li>○ 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 determinati</li></ul>	No	<ul style="list-style-type: none"><li>○ Used with box "h"</li><li>○ Treaty country and article number must be present</li><li>○ Exception number 1 or 2</li><li>○ Valid exception documentation . See Exception Tables below.</li></ul>

		<p>on depends on whether or not a tax return is attached.</p> <p><b>CAUTION:</b> If a return is attached, do <b>NOT</b> process as SEVIS regardless of the documentation provided.</p> <p><b>NOTE:</b> If return was attached, give the case to your lead to re-batch as "with return."</p>		
b	<p>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</p> <p>This is a Non-resident alien filing a U.S. tax return.</p>	<p>Change to reason "c "when:</p> <ul style="list-style-type: none"> <li>○ Domestic Form 1040 series</li> <li>○ U.S. mailing address</li> </ul>	Yes	<ul style="list-style-type: none"> <li>○ Form 1040NR series return is submitted.</li> <li>○ Complete foreign address is required.</li> </ul>
c	<p>U.S. resident alien (based on ""days present in the United States) filing a U.S. tax return</p> <p>This is a foreign individual filing a tax return that is living in the U.S.</p>	<p>Change to reason "b "when:</p> <ul style="list-style-type: none"> <li>○ Form 1040NR/ 1040 series return is attached <b>AND</b></li> <li>○ Applicant has a complete foreign address.</li> </ul>	Yes	<ul style="list-style-type: none"> <li>○ Form 1040 series return is submitted</li> <li>○ Date of entry (DOE) required on Line 6d</li> <li>○ Applicant's mailing address must be in the U.S.</li> </ul>

		<p>Change to reason "h" when:</p> <ul style="list-style-type: none"> <li>○ No tax return is attached <b>AND</b></li> <li>○ Exception documentation is attached. Write in the exception number. If exception "1" or "2", also check box "a" or "f."</li> </ul>		
d	<p>Dependent of U.S. citizen/resident alien</p> <p>Dependent listed on a domestic Form 1040 series return</p>	<p>Change to reason "g" <b>ONLY</b> when a Form 1040NR is attached.</p>	Yes	<ul style="list-style-type: none"> <li>○ Form 1040 series return is submitted unless "Military Overseas" is selected</li> <li>○ Applicant must be listed on tax return as a dependent.</li> <li>○ Date of entry required on Line 6d (unless resident of Canada, India or Mexico or "Military Overseas")</li> <li>○ Name and TIN (SSN, ITIN) of U.S. person (must be primary or secondary taxpayer) must</li> </ul>

				be entered to right of box "e" and must be valid.
e	<p>Spouse of a U.S. citizen/resident</p> <p>This is a spouse listed on a domestic 1040 Series return.</p>	<p>The only time this is changed is when the tax return attached is a Form 1040NR.</p> <p>When a Form 1040NR is attached, change this to a "g".</p>	Yes	<ul style="list-style-type: none"> <li>o Generally 1040 series return is submitted unless "Military Overseas"</li> <li>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.</li> <li>o Applicant not required to live in the U.S. if they elect to report worldwide income.</li> <li>o Name and TIN (SSN, ITIN) of U.S. person (primary) must be entered to right of box "e" and must be valid.</li> </ul>
f	<p>Non resident alien student, professor or researcher filing a U.S. tax return or claiming an exception</p> <p>This is a foreign individual who is a bona fide</p>	<p>Change to reason "b" when Form 1040NR/1040 series return is attached and:</p> <ul style="list-style-type: none"> <li>o Applicant has a foreign mailing address <b>OR</b></li> </ul>	<p>Yes (if filing a tax return)</p> <p>No (if filing exception "2").</p>	<ul style="list-style-type: none"> <li>o A tax return is not required if box "h" is checked and applicant claims exception 2 and provides supporting exception documentation</li> </ul>

	<p>student, professor or researcher coming temporarily to the U.S. solely to attend classes at a recognized institution of education, teach, or perform research.</p> <p><b>REMINDER:</b> Dependents can claim Reason for Filing Box "f" if claiming exception 2b SEVP. See IRM 3.21.263.5.3.5.2 under exception 2b SEVP.</p>	<ul style="list-style-type: none"> <li>○ Applicant has a complete foreign address and a domestic mailing address</li> </ul>		<p><b>NOTE:</b> Applicants do <b>NOT</b> have to claim treaty benefits under exception 2 reasons "f " &amp; "h ".</p> <ul style="list-style-type: none"> <li>○ Line 6a country of citizenship required.</li> <li>○ Line 6c Type of U.S. visa required.</li> <li>○ Line 6d Date of Entry required.</li> <li>○ Line 6g College, university or company information required</li> <li>○ Treaty country and article number required <b>ONLY</b> if the applicant is claiming the benefits of a tax treaty.</li> <li>○ A U.S. visa is required unless the foreign address, country of birth <b>AND</b> the country of citizenship is Canada or Mexico.</li> <li>○ A valid passport is required</li> </ul>
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				<p>unless the foreign address, country of birth <b>AND</b> the country of citizenship is Canada or Mexico.</p> <ul style="list-style-type: none"> <li>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</li> </ul> <p><b>NOTE:</b> the letter from the DSO may include SSA denial information. See IRM 3.21.263.8.3.2 .3 "Document Type".</p>
g	<p>Dependent/spouse of a nonresident alien holding a U.S. visa</p> <p>These are the dependents and spouses of individuals filing a Form 1040NR</p>	<p>If a domestic 1040 Series return is attached, change this to either "d" or "e".</p>	Yes	<ul style="list-style-type: none"> <li>o Line 6d DOE is required.</li> <li>o Generally, a valid U.S. visa (visa type, visa number, visa expiration date) is required for dependent or spouse. Note</li> </ul>

	tax return.			<p>the visa information is often contained in the passport.</p> <ul style="list-style-type: none"> <li>○ A U.S. visa is required unless the foreign address, country of birth <b>AND</b> the country of citizenship is Canada or Mexico.</li> <li>○ A valid passport is required unless the foreign address, country of birth <b>AND</b> the country of citizenship is Canada or Mexico.</li> </ul>
h	<p>Other/additional information</p> <p>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.</p> <p>Box "h" can be</p>	<p>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.</p>	No	<ul style="list-style-type: none"> <li>○ Exception criteria is specified here</li> <li>○ If boxes "a" through "g" are not checked, the reason for applying may be outlined here.</li> </ul> <p><b>NOTE:</b> Applicants requesting an EIN (Form SS-4) are not eligible for an ITIN.</p>

	checked alone with exceptions 1, 2, 3, 4, or 5.			
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**IRM 3.21.263.5.3.5.3(3) and (4) reformatted the instructions for determining last name to enter on Line 1a, added a "NOTE" about perfecting the name, and added an example.**

3. In some circumstances, the applicant uses a different naming custom on their Form W-7 than they did on their tax return. If you have a complete name (first and last) on the tax return, always use the return as the governing authority for all applicants (primary, secondary/spouse, and dependents)

**NOTE:** If the name information is incomplete on the tax return but documentation is available to correct the name, correct the name.

To ensure correct pipeline processing and prevent name control (first four letters of last name) mismatches when the tax return is processed;

- a. Compare the name to the attached tax returns and documentation. Verify that the name is spelled correctly and correct any typographical error on Form W-7 by editing if the majority of the documents agree.
  - b. Ensure that the name is legible and is listed in First, Middle and Last Name order.
4. Refer to the examples listed below:

**EXAMPLE:** Form W-7 "Harold Svenson Lundquist"; Form 1040 - "Harold Svenson L". Use "Lundquist" as the last name.

**EXAMPLE:** Form W-7 -"Maria Vallejo Amarillo Reno"; Form 1040 - "Maria V Amarillo". Use "Amarillo Reno" as the Last Name field.

**EXAMPLE:** Form W-7 -"Maria Vallejo Amarillo Reno"; Form 1040 - "Maria V Reno". Use "Maria" (First Name), "Vallejo Amarillo "(Middle Name) and "Reno" as the Last Name.

**EXAMPLE:** Form W-7 -"Maria Vallejo Amarillo"; Form 1040 - "Maria V Reno". Use "Vallejo Amarillo" (Middle Name) and "Reno" as the Last Name if the majority of the supporting documents list a combination of both names ("Amarillo Reno" or "Reno Amarillo"). Otherwise use the name as listed on Form W-7.

**IRM 3.21.263.5.3.5.4(1) revised instruction to state the birth certificate is the authority when present and added instructions for when a birth certificate is not present.**

1. Compare to Line 1a to determine if different. Do not consider blank spaces, or hyphens, in a name as a substantial difference. The birth certificate is the authority for this line when present. Use the table below to determine appropriate action.

<b>If ...</b>	<b>Then ...</b>
A birth certificate is present and Line 1b is blank,	Edit name on line 1b from the birth certificate.
A birth certificate is present and the name on Line 1b differs from Line 1a,	Edit name on line 1b from the birth certificate.
A birth certificate is <b>NOT</b> present and Line 1b is blank,	Make no edits. No RTS entry will be made.
If a birth certificate is <b>NOT</b> present and Line 1b has a name,	Edit that name.

**IRM 3.21.263.5.3.5.6(5) reformatted instructions for determining the country where the applicant last resided.**

1. At a minimum, a foreign country must be present.

**EXCEPTION:** If Form W-7 Application has reason box "b", then the complete foreign address must be present.

2. This is the complete address in the country where the applicant permanently or normally resides.
3. If claiming a treaty benefit under an income tax treaty with the United States, the address entered must be an address of the treaty country.
4. Address cannot be a P.O. Box or "in-care-of" (c/o) to assign an ITIN.

**EXCEPTION:** Some middle eastern countries **only** have box numbers for addresses.

5. If this line is blank, the country where the applicant last resided is required. Review Form W-7 and attached documentation to determine the last country of residence. If no other source is available, edit to Form W-7 the country listed in these lines in this priority:
  - o Line 6a, Country of Citizenship (COC) if available. If not,
  - o Line 4, Country of Birth (COB)

**IRM 3.21.263.5.3.5.7(1) and (2) and (3) added "city and state or province (optional)" for line 4 and a "NOTE" with instructions when all DOB fields are zeros.**

1. The applicant is required to enter the Date of Birth (DOB), Country of Birth (COB), and city and state or province (optional) on Form W-7.

**NOTE:** Edit "GM" for Germany and "RS" for Russia if the specific country part is not otherwise specified.

2. Edit the DOB, COB or city and state or province on Form W-7 as follows:

If ...	Then ...
The DOB , COB or city and state or province is missing or there is a difference between the information on the application and the attached birth certificate,	Edit the DOB, COB or city and state or province that is reflected on the birth certificate.
A birth certificate is not present, but two other acceptable documents (one if a passport) contain the same birth date and that date differs from Form W-7,  <b>NOTE:</b> If one of those documents birth date matches the entry on Form W-7, accept the entry on Form W-7 as valid.	Edit the birth date from those documents.
A birth certificate is not present and two other acceptable documents (one if a passport) contain different birth dates and neither matches the Form W-7 entry,	Leave blank. This will result in a suspense (S 06) condition for the application.
The DOB for any field (MM, DD or YYYY) contains all zeros.	Leave the entire entry blank when entering to RTS for S 06 to generate.

3. Verify that the DOB format is in U.S. format (MM/DD/YYYY). If found to be in a format other than U.S., then perfect.

**EXAMPLE:** April 26, 1954 = 04261954

**EXAMPLE:** British format = DD/MM/YYYY April 26,1954 = 26041954

**NOTE:** If any of the fields are all zeros, leave the entry blank for S 06 to generate

4. If a Date of Death (DOD) is noted, refer to IRM 3.21.263.5.9.2.