

## INTERIM IRM PROCEDURAL UPDATE

**DATE:** 04/24/2012

**NUMBER:** WI-03-0412-0929

**SUBJECT:** Forms POA From Representatives Representing Outside the US and Computing the Return Processable Date

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

**CHANGE(s):**

**IRM 3.21.263.5.3.5.17(7)**, Added instructions for POAs representing outside the United States.

7. If any of the required five items are incomplete/incorrect, the Form 2848 is invalid. Select "no" to the RTS query "Valid Legal Document supporting Court Appointed Guardian or Power of Attorney received?"

**EXAMPLE:** The applicant and the representative data are transposed on Lines 1 and 2. On the RTS, in the field "Valid Legal Document supporting Court-Appointed Guardian or Power of Attorney (POA) received?", choose "no" as the radio button selection.

**EXCEPTION:** An individual may represent an individual or entity before the IRS when such representation occurs outside of the United States. Such individuals acting as representatives must only sign and date the declaration. The licensing jurisdiction (state) or other licensing authority column will be left blank.

**IRM 3.21.263.5.10.5.1**, Defined grace periods and re-wrote section.

1. The Return Processable Date (RPD) is the date the ITIN is assigned when the assigned date is after the due date of the return plus the grace period.
2. Edit a RPD on:
  - o current year returns when they are assigned or rejected on April 23, CY or later
  - o all prior year returns (both assigned and rejected)
3. The RPD is determined in the following priority:
  - a. ITIN assigned date if applicable
  - b. Rejected cases use the latest correspondence received date, if applicable, or the R99 date, whichever is earliest
4. Tax returns that have been on the Suspense Wall may require a Form 3471, Edit Sheet. If the applicant does not respond to the correspondence (i.e., CP 566), the

RPD is determined by the R 99 date. On the RTS, this is the date the W-7 application went into R 99 status. Clerical removes the tax return(s) from the Suspense Wall to be worked by the Suspense Team.

**CAUTION:** Do not use the R99 date if the applicant submitted the correspondence timely but the case went into R 99 status while waiting to be processed.

5. Use the table below to determine if an Edit Sheet and a Return Processable Date (RPD) is required.

**NOTE:** A return attached to a Family Pack may require an edit sheet based on the above criteria. Once every applicant on the return has received a final status on Form W-7, compute the RPD. Note that the RPD can differ for each return based on the dependents listed on each return. The RPD is always the latest RPD for all applicants claimed on each return.

**Returns that Require Edit Sheet and RPD**

- All Prior year Returns
- Current Year Returns when an ITIN is assigned or rejected after April 22, CY.

**NOTE:** Edit the RPD on tax returns coming off of the Suspense Wall, even when these returns are annotated *copy, original, duplicate, amended, etc.*

- R 99, tax returns with no correspondence received.

**EXCEPTION:** Do not edit RPD on current year return if R 99 date is prior to April 23, 2012

**NOTE:** These will be removed from the Suspense Wall by Clerical when the 65 day suspense time-frame has expired.

**CAUTION:** Never edit an RPD on Form 1040X. If return has Form 3471 attached but no RPD is required, enter "N/A" on line 4 of Form 3471. Do not leave Form 3471 blank if ready for pipeline processing and no Form 3471 is

**Returns that do not require an Edit Sheet**

- Timely filed Current Year Returns from the Suspense Wall when a reply is received prior to April 23 2012.

**NOTE:** Processable returns received prior to April 23, 2012 are considered timely filed.

- A tax return with the same Received Date as the Correspondence.
- A tax return attached to a case being re-filed to the Suspense Wall.
- Tax returns attached to cases determined to be "Original App. OK (i.e. W-7 was suspended in error by the TE when originally processed.)"

**CAUTION:** Never edit an RPD on Form 1040X.

required.