

# Instructions for Form W-8IMY

**Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting**

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Volume 2 of 2



Department of the Treasury  
**Internal Revenue Service**

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**Withholding statement of a QI.** As a QI, you must provide a withholding statement to each withholding agent from which you receive reportable amounts or withholdable payments if you have not assumed primary withholding responsibility under chapter 3 and chapter 4 with respect to the payment for one or more accounts (as indicated otherwise on line 15a), or if you are receiving a reportable amount on behalf of a U.S. non-exempt recipient, you have not assumed primary Form 1099 reporting and backup withholding responsibility for the payment. You must also provide a withholding statement for an amount realized or a PTP distribution for which you have not assumed primary withholding responsibility. The withholding statement becomes an integral part of the Form W-8IMY and, therefore, the certification statement that you sign in Part XXIX of the form applies to the withholding statement as well as to the form. If you are a QDD, see also [\*QDD withholding statement\*](#), later.

A QI withholding statement must also:

- Designate those accounts for which you act as a QI;
- Designate those accounts for which you are assuming primary withholding and reporting responsibility under chapter 3 and chapter 4;
- If you receive an amount realized or a PTP distribution, designate those accounts for which you are assuming primary withholding and reporting responsibility for either such amount;
- If applicable, designate those accounts or payments for which you are acting as a QSL with respect to any U.S. source substitute dividends; and
- For any account for which you are not assuming primary withholding and reporting responsibility, provide information to allocate the payment, as applicable, to chapter 3 withholding rate

pools, chapter 4 withholding rate pools, or other pools of payees permitted under the chapter 4 regulations. See Regulations section 1.1471-3(c)(3)(iii)(B)(2) (with respect to a chapter 4 withholding rate pool). You must, however, provide information to allocate the payment to the specific partners receiving the payment (rather than including any part of the payment in any chapter 3 withholding rate pool) when you act as a disclosing QI for a payment of an amount realized or PTP distribution.

***For chapter 4 purposes.*** If you are a QI and you receive a withholdable payment, you must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement (if you are not an FFI) when you do not assume primary withholding responsibility under chapter 3 and chapter 4

and Form 1099 reporting and backup withholding responsibility for the payment.

If you are a QI that is an FFI you may provide an FFI withholding statement to allocate the payment to chapter 4 withholding rate pools (as applicable) or other pool of payees permitted on an FFI withholding statement under the chapter 4 regulations. See Regulations section 1.1471-3(c) (3)(iii)(B)(2). You may also provide on the withholding statement a single pool of nonparticipating FFIs, a single pool of recalcitrant account holders of yours or of or another intermediary that is a participating FFI or registered deemed-compliant FFI, and, if you do not assume primary Form 1099 and backup withholding responsibility, a chapter 4 withholding rate pool of U.S. payees. A chapter 4 withholding rate pool of U.S. payees may include:

- If you are a reporting Model 1 FFI, an account holder that is not withheld on

under chapter 3, chapter 4, or section 3406 that you report as a U.S. account pursuant to the Model 1 IGA because the account has U.S. indicia and you have not obtained appropriate documentation to treat the account as held by other than a specified U.S. person;

- If you are a reporting Model 2 FFI, an account holder that is not withheld on under chapter 3, chapter 4, or section 3406 that you report as an account holder of a non-consenting U.S. account as described in the Model 2 IGA;
- If you are a non-U.S. payor (as described in Regulations section 1.6049-5(c)(5)) that is a participating FFI (including a reporting Model 2 FFI), registered deemed-compliant FFI, or reporting Model 1 FFI, an account holder not withheld on under chapter 4 or section 3406 who you report under chapter 4 or an applicable IGA (including the account holder's TIN).

Additionally, a chapter 4 withholding rate pool of U.S. payees may be provided in the above-described cases for a payment of an amount realized for which a withholding statement is provided for purposes of section 1446(f) that allocates some amount of the payment to a U.S. person.

See, [\*For a payment of an amount realized\*](#), later, and [\*Example 5\*](#) and [\*Example 6\*](#), later.

An FFI withholding statement must also identify each intermediary or flow-through entity that is receiving a payment on behalf of a payee and include such entity's chapter 4 status and GIIN (if applicable), excluding any intermediary or flow-through entity that is an account holder or interest holder in another QI, WP, or WT. An FFI withholding statement of a QI may combine withholding rate pool information provided by such an entity to the QI with withholding rate pools comprised of accounts that the QI maintains.



If you are a QI that is not an FFI and that does not assume primary withholding responsibility under chapter 3 and chapter 4, you must provide, for a withholdable payment, a chapter 4 withholding statement that contains the name, address, TIN (if any), entity type (if applicable), and chapter 4 status of each payee, the amount allocated to each payee, a valid withholding certificate or other documentation sufficient to establish the payee's chapter 4 status. However, a chapter 4 withholding statement may include pooled information for payees that are nonparticipating FFIs that hold accounts that you maintain or hold accounts with an intermediary or flow-through entity receiving the payment from you. You may also provide another pool of payees as permitted under the chapter 4 regulations for a chapter 4 withholding statement. See Regulations section 1.1471-3(c)(3)(iii)(B).

***For chapter 3 purposes.*** In the case of a reportable amount that is a withholdable payment, any portion of the payment for which you are acting as a QI that is not allocated to a chapter 4 withholding rate pool or a U.S. non-exempt recipient (including for backup withholding purposes) must be allocated to a chapter 3 withholding rate pool or pool of U.S. exempt recipients, if it is not required to be separately reported. The chapter 3 withholding rate pool may be established by any reasonable method agreed upon by you and the withholding agent. For example, you may agree to establish a separate account for a single chapter 3 withholding rate pool or you may agree to divide a payment made to a single account into portions allocable to each chapter 3 withholding rate pool. You must provide the chapter 3 withholding rate pool information that is required for the withholding agent to meet its withholding and reporting obligations. A withholding agent may request

any information reasonably necessary to withhold and report payments correctly.

***For a payment of an amount realized.*** In the case of a payment of an amount realized, you must provide chapter 3 withholding rate pool information with respect to the foreign transferors receiving the payment for your broker to meet its withholding and reporting obligations (except when you act as a disclosing QI). See Regulations section 1.1446(f)-4(a) (7)(iii). The chapter 3 withholding rate pool information you provide on a withholding statement may be properly adjusted to take into account the withholding required on a transferor that is a foreign partnership for which you permit a modified amount realized. With respect to U.S. transferors receiving an amount realized, and regardless of whether you act as a disclosing QI, you must allocate the payment to each such transferor to the extent of the amount that may not be allocated to a chapter 4

withholding rate pool of U.S. payees (to the extent permitted for chapter 4 purposes).

***For a PTP distribution.*** In the case of a PTP distribution, you must provide to the PTP or nominee from which you receive the distribution chapter 3 withholding rate pool information and chapter 4 withholding rate pool information (when permitted for chapter 4 purposes) for your foreign partners with respect to the amounts subject to withholding on the distribution (except when you act as a disclosing QI). For determining the amounts to include in each withholding rate pool, the QI must rely on the allocation of each amount subject to withholding on the distribution as determined by the PTP or nominee that pays the distribution to the QI. When acting as a disclosing QI for a PTP distribution, you must provide with respect to each partner an allocation of the income attributable to the distribution that is subject to withholding under section 1446(a) or (f) (and, for an

amount subject to chapter 3 or 4 withholding, an allocation of such amount to each beneficial owner or payee). See [Withholding statement](#), earlier, for the requirements of a withholding statement provided by an intermediary for a PTP distribution. Regardless of whether you act as a disclosing QI, you must allocate the amounts subject to withholding on the distribution to each U.S. partner.

***Form 1099 reporting.*** If you do not assume primary Form 1099 reporting and backup withholding responsibility, you must provide payee-specific information for each U.S. non-exempt recipient account holder (other than those U.S. payees included in a chapter 4 withholding rate pool of U.S. payees (described in Regulations section 1.6049-4(c)(4)(iii)) or when the alternative procedure is used. The pools are based on valid documentation that you obtain or, if a payment cannot be reliably associated with

valid documentation, the applicable presumption rules.

**Example 1.** A QI that is a participating FFI receives a \$100 payment of U.S. source dividends on an account for which it acts as a QI held with the withholding agent for the following recipients:

- \$20 to NPFFI, a nonparticipating FFI that is an account holder of the QI;
- \$10 each on behalf of two recalcitrant account holders of the QI (\$20 total), each with U.S. indicia (as described in Regulations section 1.1441-7(b)(5)) associated with the account;
- \$5 each on behalf of A and B, U.S. individual account holders of the QI that the QI reports as U.S. accounts pursuant to its chapter 4 reporting obligations as a participating FFI (\$10 total);
- \$10 on behalf of C, a U.S. exempt recipient that is not a specified U.S.

person and is an indirect account holder of the QI (who beneficially owns the payment through an account with another participating FFI);

- \$20 on behalf of D, a U.S. non-exempt recipient that is a specified U.S. person who is an indirect account holder of the QI (that beneficially owns the payment through an account with a certified deemed-compliant FFI described in Regulations section 1.1471-5(f)(2)); and
- \$10 each on behalf of two nonresident alien individuals who are account holders of the QI, one of whom is entitled to a 15% rate of withholding under an applicable income tax treaty.

The dividend payment is both a withholdable payment under chapter 4 and a reportable amount under chapter 3. The QI assumes primary withholding and reporting responsibility under chapter 3 and chapter 4 as well as primary Form 1099 reporting and

backup withholding responsibility. As a result, the QI is not required to provide a withholding statement allocating the payment to specific payees or withholding rate pools. The QI will provide Form W-8IMY and check the boxes on lines 14, 15a, and 15f.

**Example 2.** The facts are the same as *Example 1*, except QI is a non-U.S. payor under Regulations section 1.6049-5(c)(5) and does not assume primary Form 1099 and backup withholding responsibility but reports the accounts of A and B as U.S. accounts under Regulations section 1.1471-4(d).

The QI must provide a withholding statement allocating \$20 of the payment to D, \$10 to C, and \$10 to a chapter 4 withholding rate pool of U.S. payees. The QI need not allocate any portion of the payment specifically to A or B because the QI is a non-U.S. payor that is permitted to include A and B in a chapter 4 withholding rate pool of U.S. payees under Regulations section 1.6049-4(c)(4)(i). For



payments made on or after April 1, 2017, see the instructions for Part IV of this form for when a withholding statement includes an allocation of a payment of an amount subject to chapter 3 withholding that is made to a pool of U.S. payees.

The QI must also provide a Form W-9 (or alternatively, name and TIN) for D. A Form W-9 is not required for C. The QI will provide Form W-8IMY and check the boxes on lines 14, 15a, and 15g and 15h.

***Example 3.*** The facts are the same as *Example 1*, except the QI is a U.S. payor and does not assume primary Form 1099 and backup withholding responsibility.

Because the QI is a U.S. payor, it is not permitted, under Regulations section 1.6049-4(c)(4)(i) and (iii), to include A and B in a chapter 4 withholding rate pool of U.S. payees. The QI must provide a withholding statement allocating \$5 of the payment to A, \$5 of the payment to B, \$10 of the payment

to C, and \$20 of the payment to D along with Forms W-9 (or name and TIN) for A, B, and D. The QI will provide Form W-8IMY and check the boxes on lines 14 and 15a.

**Example 4.** The facts are the same as *Example 1*, except the QI is a non-U.S. payor that does not assume primary withholding and reporting responsibility under chapter 3 and chapter 4. The QI also does not assume primary Form 1099 and backup withholding responsibility.

If the QI does not assume primary withholding and reporting responsibility under chapter 3 and chapter 4 as well as primary Form 1099 reporting and separate backup withholding responsibilities, the QI will provide an FFI withholding statement with the following pools:

- Nonparticipating FFI Pool — \$20 (which is subject to chapter 4 withholding);

- Recalcitrant Account Holder Pool — \$20 (which is subject to chapter 4 withholding and which is aggregated in a single pool of recalcitrant account holders rather than each class described in Regulations section 1.1471-4(d)(6));
- Chapter 4 Withholding Rate Pool of U.S. Payees — \$10 (for the portion of the payment allocable to A and B);
- Chapter 3 30% Rate Pool — \$10;
- Chapter 3 15% Rate Pool — \$10; and
- 0% Rate Pool — \$10 (for the portion of the payment allocable to C).

The QI will also be required to allocate \$20 to a separate withholding rate pool for D because D is a U.S. non-exempt recipient who cannot be included in a chapter 4 withholding rate pool of U.S. payees (because D's account is maintained by a certified deemed-compliant FFI). The QI will provide Form W-8IMY and check the boxes on lines 14, 15g, and 15h.

**Example 5.** A QI that is foreign corporation and a Participating FFI does not assume primary withholding and reporting responsibility for a payment of \$100 from a U.S. broker that is an amount realized from the sale of a PTP interest. The QI also does not assume primary Form 1099 reporting and backup withholding responsibility for any of its accounts. The QI holds the PTP interest in an account with a U.S. broker and does not act as a disclosing QI for the payment of the amount realized. The QI determines that the amount realized from the sale is allocable to the following transferors of the interest in the PTP on whose behalf the QI held the interest:

- \$20 each on behalf of A and B, two nonresident alien individuals who are account holders of the QI;
- \$10 each on behalf of C and D, two U.S. individual account holders of the QI that the QI reports as U.S. accounts pursuant

to its chapter 4 reporting obligations as a participating FFI;

- \$20 on behalf of F, a foreign partnership and account holder of the QI that has provided the certification and other information specified in Regulations section 1.1446(f)-4(c)(2)(ii)(C) for QI to determine a modified amount realized of \$10 (one-half of the \$20 is allocable to partners of F who are nonresident alien individuals and one-half allocable to a U.S. partner of F (USP)), and QI does not report F's account as a U.S. account for purposes of chapter 4 reporting;
- \$10 on behalf of foreign grantor trust H, an account holder of QI that has provided to QI the documentation from which QI can associate the amount realized with G, a nonresident alien that is the sole grantor of the trust;
- \$10, on behalf of N, an account holder of the QI that is a nonqualified intermediary.

As QI is not acting as a disclosing QI for this payment, QI may provide to its U.S. broker a withholding statement that allocates the amount realized to chapter 3 withholding rate pools, excluding amounts allocable to a U.S. partner or to a chapter 4 reporting pool of U.S. payees. QI must report on the withholding statement the payment allocated as follows:

- To a chapter 3 withholding rate pool at a 10% rate - \$70 (for the \$40 allocable to A and B, \$10 allocable to F's nonresident alien partners; \$10 allocable to G, and \$10 allocable to N);
- To a chapter 4 withholding rate pool of U.S. payees - \$20 (for the total amount allocable to C and D); and
- To USP, for the \$10 of the \$20 of amount realized by F that is allocable to USP.

The QI will complete Form W-8IMY and check the box on line 14. As QI does not assume

primary withholding responsibility under section 1446(f) for the amount realized, QI must not check the box on line 15b but should check the boxes on lines 15g and 15h because it has not assumed Form 1099 reporting and backup withholding responsibility. QI does not account for any of the account holders of N on its withholding statement as withholding applies to N at the 10% rate on the payment regardless of the statuses of N's account holders receiving the payment. See Regulations section 1.1446(f)-4(a)(2) for this withholding requirement.

See [Withholding statement for amount realized or PTP distribution](#) in Part IV, later, however, for when N (as an NQI) would be permitted to provide to QI allocation information and beneficial owner withholding certificates for the account holders of N receiving the amount realized from the sale.

With respect to grantor trust H, the withholding is determined with respect to

grantor G, rather than H, as G is the transferor of the PTP interest. With respect to foreign partnership F, the withholding statement includes the \$10 allocable to F's foreign partners in a chapter 3 withholding rate pool at the 10% rate as these partners did not claim any exception to withholding based on an income tax treaty. With respect to USP, QI discloses the identity of USP on the withholding statement because it does not assume primary Form 1099 reporting and backup withholding responsibility and does not report the account of USP for purposes of QI's chapter 4 requirements as a participating FFI. QI must also provide the documentation permitted for section 1446(f) purposes to support USP's non-foreign status. With respect to C and D, however, as QI reports their accounts under QI's requirements as a participating FFI, QI may report the amount realized allocable to C and D in a chapter 4 withholding rate pool of U.S. payees.



**Example 6.** The facts are the same as *Example 5*, except the QI acts as a disclosing QI for the payment of the amount realized. Unlike *Example 5*, because the QI is a disclosing QI, it may not allocate any portion of the payment to a chapter 3 withholding rate pool on the withholding statement provided to the U.S. broker. QI must instead allocate the payment of the amount realized to each account holder that is a transferor of the PTP interest, excluding any transferors that are includible in a chapter 4 withholding rate pool of U.S. payees. See Regulations section 1.1446(f)-4(a)(7)(iii). Thus, with respect to QI's account holders that are foreign transferors, QI must allocate \$20 of the amount realized each to A and B and must associate a valid Form W-8BEN for each of them with the withholding statement. With respect to foreign partnership F, QI must identify F as the transferor of the interest (with a valid Form W-8IMY from F completed in accordance with [\*Part VIII\*](#) , later), must

indicate on its withholding statement that QI has determined a modified amount realized of \$10 from the \$20 of the amount realized allocable to F, and must allocate the amount realized between each of the partners of F based on the certification and withholding statement provided by F for this payment in accordance with Regulations section 1.1446(f)-4(c)(2)(ii)(C). QI must include on the withholding statement the amount allocable to USP for the reasons noted in *Example 5*, earlier, (with the documentation permitted to support USP's non-foreign status) that F should have provided to QI with its withholding statement. With respect to foreign grantor trust H, QI must allocate the \$10 received on behalf of H to G (as G is the transferor), and must associate with the withholding statement a valid Form W-8IMY from H (completed in accordance with [Part VIII](#), later), a valid Form W-8BEN from G, and information provided by H regarding the amount realized allocable to G. With respect

to nonqualified intermediary N, QI must allocate the \$10 received on behalf of N to N and associate this amount with the withholding statement and a valid Form W-8IMY from N. See [Withholding statement for amount realized or PTP distribution](#) in *Part IV*, later, however, for when N would also be permitted to provide to QI allocation information and beneficial owner withholding certificates for the account holders of N receiving the amount realized from the sale. As indicated in *Example 5*, earlier, QI may include C and D in a chapter 4 withholding rate pool of U.S. payees with respect to the amount allocable to them (an allowance that applies even when a QI acts as a disclosing QI for an amount realized).

***Alternative procedure for reportable amounts paid to U.S. non-exempt recipients (and for chapter 4).*** If approved by the withholding agent, you can establish:

- A single pool (not subject to backup withholding) for all U.S. non-exempt recipient account holders for whom you have provided Forms W-9 or are includible in a chapter 4 withholding rate pool of U.S. payees prior to the withholding agent making any payments. Alternatively, you may include such U.S. non-exempt recipients in a zero rate withholding pool that includes U.S. exempt recipients and foreign persons exempt from non-resident alien withholding provided all the conditions of the alternative procedure are met; and
- A separate pool for all U.S. non-exempt recipient account holders subject to backup withholding for whom you have not provided Forms W-9 prior to the withholding agent making any payments.

If you elect the alternative procedure, you must provide the allocation information required by your QI withholding agreement to

the withholding agent no later than January 15 of the year following the year in which the payments are paid. Failure to provide this information may result in penalties under sections 6721 and 6722 and termination of your withholding agreement with the IRS.



*The amount allocable to these two pools under the alternative procedure excludes amounts allocated to the chapter 4 withholding rate pool of U.S. payees.*

**Updating the statement.** Your withholding statement must be updated as often as is necessary to allow the withholding agent to withhold at the appropriate rate on each payment and to correctly report the income to the IRS. The updated information becomes an integral part of Form W-8IMY.

**QDD withholding statement.** Similar to a QI withholding statement, a QDD withholding statement becomes an integral part of a QDD's Form W-8IMY. In addition to the

information required on a withholding statement (if any) you provide in your QI capacity, generally a QDD withholding statement should (as applicable) for each QDD (identifying the QDD by name used for the QI application):

- Designate the accounts for which the QDD is receiving payments with respect to potential section 871(m) transactions or underlying securities as a QDD;
- Designate the accounts for which the QDD is receiving payments with respect to potential section 871(m) transactions as a QDD (and that are not underlying securities) for which withholding is not required;
- Designate the accounts for which the QDD is receiving payments with respect to underlying securities as a QDD for which withholding is required; and

- Identify the home office or branch that is treated as the owner for U.S. income tax purposes.

If you are acting as a QDD that meets the conditions described below, you must provide on line 9b, your foreign taxpayer identification number (FTIN) issued by the jurisdiction in which you are tax resident identified on line 6, unless you were not issued an FTIN (including if the jurisdiction does not issue FTINs). If you do not provide your FTIN, you must provide on your QDD withholding statement a reasonable explanation of why you have not been issued an FTIN. For this purpose, such an explanation includes a statement that you are not legally required to obtain an FTIN in your jurisdiction of tax residence. Do not write “not applicable.” If you are acting as a QDD, you are required to provide your FTIN or an explanation of why you have not been issued an FTIN if:

- You are providing this Form W-8IMY to document yourself as an account holder (as defined in Regulations section 1.1471-5(a)(3)) with respect to a financial account (as defined in Regulations section 1.1471-5(b)) that you hold at a U.S. office of a financial institution (including a U.S. branch of an FFI);
- You receive U.S. source income reportable on a Form 1042-S associated with this form; and
- This form is treated as a beneficial owner withholding certificate under Regulations section 1.1441-1(e)(2)(i).

If you are a QDD using its Form W-8IMY to make a claim for treaty benefits, see [\*Claim of treaty benefits or beneficial ownership\*](#), earlier, for the information required for the claim (including for a hybrid entity that is a disregarded entity).



## Part IV — Nonqualified Intermediary

**Line 17a.** If you are providing Form W-8IMY as a nonqualified intermediary (NQI), you must check the box on line 17a. By checking this box, you are certifying to all of the statements on line 17a.

**Line 17b.** Check the box on line 17b if you are using this form to transmit withholding certificates or other documentation along with a withholding statement that satisfies the requirements of chapters 3 and 4 (including for purposes of section 1446(a) and including if you are providing pooled information for purposes of chapter 61 under the alternative procedure for U.S. non-exempt recipients, or chapter 4 withholding rate pools (as applicable) for a withholdable payment).



*If you are required to provide a chapter 4 status on line 5 and are acting as an intermediary for a withholdable*

*payment, you must provide your chapter 4 status on line 5 or as otherwise permitted in these instructions to avoid withholding at the chapter 4 rate of 30% being applied to any withholdable payment you receive from the withholding agent regardless of whether you check the box on line 17b (except for documentation provided with respect to exempt beneficial owners).*

**Line 17c.** Check the box on line box 17c to certify that you are permitted under Regulations section 1.6049-4(c)(4) to provide a chapter 4 withholding rate pool of U.S. payees to which a payment is allocated on a withholding statement associated with the Form W-8IMY. This checkbox does not apply to a PTP distribution. You may check this box with respect to U.S. source substitute dividends you receive as a QSL regardless of whether you act as an intermediary or principal for those amounts. See the

instructions to line 8 for a QSL's requirement to provide a U.S. TIN.

**Line 17d.** Check the box on line 17d to certify that you are acting as a QSL with respect to the accounts identified on this line or in a withholding statement associated with this form with respect to a payment that is a U.S. source substitute dividend. You may check this box with respect to U.S. source substitute dividends you receive as a QSL regardless of whether you act as an intermediary or principal for those amounts. See the instructions for line 8 for a QSL's requirement to provide a U.S. TIN.

If you are acting on behalf of another NQI or on behalf of a foreign partnership or foreign trust that is not a withholding foreign partnership or a withholding foreign trust, you must attach to your Form W-8IMY the Form W-8IMY of the other NQI, foreign partnership, or foreign trust together with the withholding certificates and other documentation attached

to that Form W-8IMY that are required for both chapter 3 and chapter 4 purposes.



If you are an NQI receiving an amount realized from the transfer of a PTP interest, however, the preceding paragraph and the representation made *on line 17b applies only to the extent indicated in Withholding statement for amount realized or PTP distribution, later.*

**Withholding statement of an NQI.** If you are an NQI, you must provide a withholding statement and appropriate documentation to obtain reduced rates of withholding under chapter 3 and section 3406 for your customers receiving reportable amounts and to avoid certain reporting responsibilities. However, see the paragraph later describing an NQI's withholding statement for chapter 4 purposes for when an NQI may provide a chapter 4 withholding rate pool of U.S. payees instead of documentation for those payees. The withholding statement must be

provided prior to a payment and becomes an integral part of the Form W-8IMY and, therefore, the certification statement that you sign in *Part XXIX* of the form applies to the withholding statement as well as to the form.

***For chapter 4 purposes.*** If you are an NQI that is a participating FFI or registered deemed-compliant FFI and you receive a withholdable payment, you must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement.

An FFI withholding statement may allocate the payment to chapter 4 reporting rate pools (as appropriate), including a chapter 4 withholding rate pool for nonparticipating FFIs, recalcitrant account holders (in each class of account holders described in Regulations section 1.1471-4(d)(6)(i)), or other pool of payees permitted on an FFI withholding statement under the chapter 3 or 4 regulations (see Regulations sections

1.1471-3(c)(3)(iii)(B) and 1.1441-1(e)(3)(iv)(C)), and, for a participating FFI (including a reporting Model 2 FFI) or a registered deemed-compliant FFI (including a reporting Model 1 FFI), U.S. payees. However, if you are an NQI, you may allocate a portion of a reportable amount (regardless of whether the payment is a withholdable payment) to a chapter 4 withholding rate pool of U.S. payees when you satisfy the requirements to provide such a pool (including the requirement to certify to your status as a participating FFI (including a reporting Model 2 FFI) or registered deemed-compliant FFI (including a reporting Model 1 FFI)). The withholding statement must also identify each intermediary or flow-through entity that is receiving a payment (excluding any intermediary or flow-through entity that is an account holder or interest holder in a QI, WP, or WT), each such entity's chapter 4 status and GIIN (if applicable), and the chapter 4

withholding rate pools associated with each such entity receiving the payment.

A chapter 4 withholding statement must contain the name, address, TIN (if any), entity type, chapter 4 status of each payee, the amount allocated to each payee, and a valid withholding certificate or other documentation sufficient to establish each payee's chapter 4 status. However, a chapter 4 withholding statement may instead include pooled information for payees that are nonparticipating FFIs or another pool of payees as permitted under the chapter 4 regulations for a chapter 4 withholding statement. The withholding statement must also identify each intermediary or flow-through entity that is receiving a payment (excluding any intermediary or flow-through entity that is an account holder or interest holder in a QI, WP, or WT), each such entity's chapter 4 status and GIIN (if applicable), and the chapter 4 withholding rate pools

associated with each such entity receiving the payment.



*A payment that is subject to chapter 3 withholding or that should be subject to chapter 4 withholding should not be included in a U.S. payee pool that is described in Regulations section 1.6049-4(c)(4)(ii). Instead, an allocation of a payment of an amount subject to chapter 3 withholding to a withholding rate pool of U.S. payees must identify the payees as described in Regulations section 1.1471-3(c)(3)(iii)(B)(2).*

***For chapter 3 and chapter 61 purposes.***

For chapter 3 and chapter 61 purposes, in the case of a reportable amount that is also a withholdable payment, the withholding statement should allocate only the portion of the payment that was not allocated to a chapter 4 withholding rate pool or a pool described in Regulations section 1.1441-1(e)(3)(iv)(C) or to a payee identified on the withholding statement to whom withholding



was applied under chapter 4. The withholding statement must generally include the following information.

- Include the name, address, U.S. TIN (if any), chapter 4 status (for a foreign person receiving a withholdable payment), and the type of documentation (documentary evidence, Form W-9, or type of Form W-8) for every person for whom documentation has been received and state whether that person is a U.S. exempt recipient, a U.S. non-exempt recipient, or a foreign person. The statement must indicate whether a foreign person is a beneficial owner or an intermediary, flow-through entity, U.S. branch, or territory financial institution and the type of recipient, based on the recipient codes shown on Form 1042-S.
- Allocate each payment by income type to every payee for whom documentation has been provided. The type of income is

based on the income codes reported on Form 1042-S (or, if applicable, the income categories for Form 1099). If a payee receives income through another NQI, flow-through entity, or U.S. branch acting as an intermediary, the withholding certificate must also state the name, address, U.S. TIN (if known), and, for a withholdable payment, the chapter 4 status (if required) and GIIN (if applicable) of the other NQI or U.S. branch from which the payee directly receives the payment or the flow-through entity in which the payee has a direct ownership interest. If another NQI, flow-through entity, or U.S. branch fails to allocate a payment, you must provide, for that payment, the name of the NQI, flow-through entity, or U.S. branch that failed to allocate the payment.

- If a payee is identified as a foreign person, specify the rate of withholding under

chapter 3 to which the payee is subject, the payee's country of residence and, if a reduced rate of withholding is claimed, the basis for that reduced rate (for example, treaty benefit, portfolio interest, or exemption under section 501(c)(3), 892, or 895). The statement must also include the U.S. or foreign TIN (if required) and, if the beneficial owner is not an individual and is claiming treaty benefits, state whether the limitation on benefits and section 894 statements have been provided by the beneficial owner. You must inform the withholding agent as to which payments those statements relate.

- Include any other information the withholding agent requests in order to fulfill its withholding and reporting obligations under chapters 3 and 4 of the Code and/or Form 1099 reporting and backup withholding responsibility.

***Withholding statement for amount realized or PTP distribution.*** In the case of a PTP distribution, an NQI may provide a withholding statement and appropriate documentation for each of its account holders receiving the distribution to allocate to its account holders the amounts subject to withholding on the distribution under chapters 3 and 4 (or under section 1446(a)). See [Withholding statement](#), earlier, for additional requirements of a withholding statement provided by an intermediary for a PTP distribution.

In the case of an amount realized (including on a PTP distribution), however, an NQI may provide a withholding statement and appropriate documentation on the transferors of the PTP interest only when:

- The broker paying the amount realized to the NQI agrees to report (or ensures another broker will report) under section 1461 (and, if required, under section

6045) with respect to the amount realized allocated each of the account holders that are the transferors of the PTP interest (and provide NQI a copy of each Form 1042-S issued due to this reporting);

- The NQI provides to the broker the statement described in Regulations section 1.6031(c)-1T(a)(1) with respect to each NQI account holder that is a partner required to be issued a statement under section 6031(b) for the calendar year of the payment and the information for the broker to allocate the amount realized to each transferor; and
- The NQI receives from the broker paying the amount realized a written representation that the broker is acting as an agent described in the PTP with respect to the statement of Regulations section 1.6031(c)-1T(a) or otherwise designates the broker as its agent for providing the statement to the PTP (or the PTP's agent).



*The allowance for an NQI to provide a withholding statement and transferor documentation applies despite that an NQI may not obtain reduced withholding on an amount realized it receives from the transfer of a PTP interest.*

***Alternative procedure for NQIs receiving reportable amounts (and for chapter 4).***

To use the alternative procedure you must inform the withholding agent on your withholding statement that you are using the procedure, and the withholding agent must agree to the procedure.

Under this procedure, you must provide a withholding agent with all the information required on the withholding statement and all payee documentation, except the specific allocation information for each payee, prior to the payment of a reportable amount. In addition, you must provide the withholding agent with withholding rate pool information. The withholding statement must assign each

payee that is not subject to withholding under chapter 4 to a chapter 3 withholding rate pool prior to the payment of a reportable amount. The withholding rate pool may be established by any reasonable method agreed upon by you and the withholding agent. For example, you may agree to establish a separate account for a single withholding rate pool, or you may agree to divide a payment made to a single account into portions allocable to each withholding rate pool. You must determine withholding rate pools based on valid documentation or, to the extent a payment cannot be reliably associated with valid documentation, the applicable presumption rules.

You must provide the withholding agent with sufficient information to allocate the income in each withholding rate pool to each payee (including U.S. exempt recipients) within the pool no later than January 31 of the year following the year of payment. If you fail to

provide allocation information, if required, by January 31 for any withholding rate pool, you may not use this procedure for any payment made after that date for all withholding rate pools. You may remedy your failure to provide allocation information by providing the information to the withholding agent no later than February 14.

In the case of a reportable amount that is also a withholdable payment, you may include amounts allocable to a chapter 4 withholding rate pool (other than a chapter 4 withholding rate pool of U.S. payees) and payees subject to chapter 4 withholding for whom you will provide payee-specific information in a 30-percent rate pool together with payees subject to chapter 3 withholding at the 30-percent rate and may not otherwise apply these provisions for payments made to U.S. non-exempt recipients (regardless of whether the payment is a withholdable payment). For the amount of the payment allocable to a chapter



4 withholding rate pool of U.S. payees, you may include such an amount in the withholding rate pool that is exempt from withholding (you can include such payees in an exempt pool regardless of whether the payment is a withholdable payment). You must identify prior to the payment each chapter 4 withholding rate pool to be allocated a portion of the payment and must also allocate by January 31 the portion of the payment to each such pool in addition to allocating the payment to each other payee as described in the preceding paragraph. See Regulations section 1.1441-1(e)(3)(iv)(D) for further information on alternative procedures for an NQI.

***Alternative withholding statement.*** If a withholding agent agrees, instead of providing a withholding statement that contains all of the information described previously, you may provide an alternative withholding statement for a payment of a reportable amount. You

may only use an alternative withholding statement if you are providing the withholding agent with withholding certificates (and not documentary evidence) from the beneficial owners of the payment. The alternative withholding statement is not required to include information that is already on the withholding certificates (including name, address, TIN, chapter 4 status, and GIIN), and you are not required to provide the rate of withholding applicable to each beneficial owner, so long as the withholding agent can determine the appropriate rate based on the withholding certificates. Just as for a nonqualified intermediary withholding statement, the alternative withholding statement must provide information for allocating the payment to each payee and must include any other information the withholding agent needs to fulfill its withholding and reporting obligations.

**Line 17e.** As part of providing any alternative withholding statements that are associated with your Form W-8IMY, you may make the representation indicated on line 17e. If you check the box line 17e, you are not required to represent on each alternative withholding statement that the information on the withholding certificates provided with the alternative withholding statement is not inconsistent with any other account information you have for the beneficial owners for determining the appropriate rate of withholding. See Regulations section 1.1441-1(e)(3)(iv)(C)(3) for further information on the representation otherwise required on each alternative withholding statement.

## **Part V — Territory Financial Institution**

**Line 18.** Check the box on line 18a to certify that you are a financial institution (other than an investment entity that is not also a

depository institution, custodial institution, or specified insurance company) incorporated or organized under the laws of a territory of the United States.

You must also check either the box on line 18b or 18c, the box on line 18d, and either the box line on 18e or 18f (each box as applicable based on the types of payments received). Check the box on line 18b to certify that you have agreed to be treated as a U.S. person for purposes of both chapter 3 and chapter 4 with respect to payments of reportable amounts and withholdable payments associated with this Form W-8IMY. In this case, you will be responsible for chapter 3 withholding and reporting, backup withholding under section 3406, and chapter 4 withholding and reporting for any payments you make to persons for whom you are receiving a reportable amount or withholdable payment. If you check the box on line 18b, you must provide an EIN on line 8.

Check the box on line 18c to certify that you are a territory financial institution that has not agreed to be treated as a U.S. person for reportable amounts and withholdable payments associated with this form. You must certify that you are transmitting withholding certificates or other documentation for persons for whom you are receiving a payment (as required for chapter 3, chapter 61, and section 3406 purposes, and, in the case of a withholdable payment, for chapter 4 withholding and reporting purposes). You must also certify that you have provided or will provide a withholding statement (as required) with the information required on an NQI withholding statement.

If this form is being provided for purposes of the entity's holding of an interest in a PTP, check the box on line 18d to certify that you have agreed to be treated as a U.S. person under Regulations section 1.1446(f)-4(a)(2)(i)(B) with respect to an amount

realized from a sale of a PTP interest. You may provide a withholding statement when you do not act as a U.S. person for an amount realized under the same conditions that apply to an NQI receiving an amount realized. See [Withholding statement for amount realized or PTP distribution](#) in *Part IV*, earlier. Check the box on line 18e to certify that you have agreed to be treated as a U.S. person (as described in Regulations section 1.1441-1(b)(2)(iv)) and as a nominee under Regulations section 1.1446-4(b)(3) with respect to distributions made by PTPs. If you check either the box on line 18d or 18e, you must provide an EIN on line 8. If you receive PTP distributions for which you do not act as a nominee under Regulations section 1.1446-4(b)(3), check the box on line 18f instead of the box on line 18e. You should provide a withholding statement to allocate the amounts subject to withholding on a distribution and provide the appropriate account holder documentation, taking into

account the limitation on an NQI and providing this documentation for an amount realized (to the extent applicable). See [Withholding statement](#), earlier, for the requirements of a withholding statement provided by an intermediary for a PTP distribution.



*A territory entity that is a flow-through entity but is not a territory financial institution may not complete this Part V to agree to be treated as a U.S. person. Instead, complete Part IV or Part VIII, as appropriate.*

## **Part VI — Certain U.S. Branches**

**Line 19.** Check the box on line 19a to certify that you are a U.S. branch receiving payments of income that are reportable amounts or withholdable payments not effectively connected with the conduct of a trade or business in the United States,

payments of PTP distributions, or payments of amounts realized.

You must also check either the box on line 19b or 19c if you are receiving payments of reportable amounts or withholdable payments associated with this form. Check the box on line 19b to certify that you are a U.S. branch of a foreign bank or insurance company described in this certification that has agreed with the withholding agent to be treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv) with respect to such payments associated with this Form W-8IMY. In such case, you will be responsible for chapter 3 withholding and reporting and chapter 4 withholding and reporting for any such payments you make to persons for whom you are receiving a withholdable payment (including any of your branches treated as NPFFIs). In addition, you will be treated as a U.S. payor for chapter 61 purposes by checking the box on line 19b



(including for backup withholding under section 3406). You must provide your EIN on line 8. You do not need to provide a chapter 4 status on line 5 or a GIIN on line 9.

Check the box on line 19c to certify that you are a U.S. branch that does not have an agreement with the withholding agent to be treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv). You must certify that you are transmitting withholding certificates or other documentation for persons for whom you are receiving the payment of a reportable amount or withholdable payment. You must also certify that you have provided or will provide a withholding statement (as required) with the information required on an NQI withholding statement. Also, check the box on line 19c to certify that, when you are receiving a withholdable payment associated with this form, you are applying the rules described in Regulations section 1.1471-4(d)(2)(iii)(C).

You must also provide your EIN on line 8 but do not need to include a chapter 4 status in Part I, line 5, or a GIIN on line 9. If you are unable to make this certification, you cannot fill out this part but instead must check the box on line 5 indicating you are a nonparticipating FFI.

If this form is being provided for purposes of the entity's holding of an interest in a PTP, check the box on line 19d to certify that you are a U.S. branch described in Regulations section 1.1446(f)-4(a)(2)(i)(B) that is acting as a U.S. person with respect to an amount realized from the sale of a PTP interest. You may provide a withholding statement when you do not act as a U.S. person for an amount realized under the same conditions that apply to an NQI receiving an amount realized. See [Withholding statement for amount realized or PTP distribution](#) in *Part IV*, earlier. Check the box on line 19e to certify that you are a U.S. branch described in Regulations section

1.1441-1(b)(2)(iv) that is acting as a nominee with respect to distributions by PTPs under Regulations section 1.1446-4(b)(3). You must provide your EIN on line 8 but do not need to provide a chapter 4 status on line 5 or a GIIN on line 9 when you check either the box on line 19d or 19e. If you are a U.S. branch receiving PTP distributions associated with the form and are not acting as a nominee for the distributions under Regulations section 1.1446-4(b)(3), you should check the box on line 19f instead of the box on line 19e. You should provide a withholding statement to allocate the amounts subject to withholding on a distribution and provide the appropriate account holder documentation, taking into account the limitation on an NQI and providing this documentation for an amount realized (to the extent applicable). See [Withholding statement](#), earlier, for the requirements of a withholding statement

provided by an intermediary for a PTP distribution.

## **Part VII — Withholding Foreign Partnership (WP) or Withholding Foreign Trust (WT)**

**Line 20.** Check the box on line 20 if you are a WP or a WT and you are receiving the payment on behalf of your partners, beneficiaries, or owners.

If you are acting as a WP or WT, you must assume primary withholding and reporting responsibility under chapter 3 and chapter 4 for all payments that are made to you for your partners, beneficiaries, or owners. Therefore, you are not required to provide information to the withholding agent regarding each partner's, beneficiary's, or owner's distributive share of the payment and the information for the withholding agent to report under section 1472 (if otherwise required). You are not, however, permitted to

assume primary withholding and reporting responsibility for payments subject to withholding under section 1445, 1446(a), 1446(f), or any other amount subject to withholding on a PTP distribution. If you are also receiving payments from the same withholding agent for persons other than your partners, beneficiaries, or owners, you must provide a separate Form W-8IMY for those payments. If you are receiving a withholdable payment, you must provide your chapter 4 status on line 5 and provide your GIIN (if applicable).

## **Part VIII — Nonwithholding Foreign Partnership, Simple Trust, or Grantor Trust**

**Line 21a.** Check the box on line 21a if you are a foreign partnership or a foreign simple or grantor trust that is not a WP or WT, and is providing this form for payments that are not effectively connected, or are not treated as

effectively connected, with the conduct of a trade or business in the United States.

**Line 21b.** Check the box on line 21b if you are a foreign partnership or foreign grantor trust providing this form for purposes of section 1446(a). See [Foreign partnerships and trusts providing Form W-8IMY for purposes of section 1446\(a\)](#), later. If you are a foreign partnership (other than a WP) or grantor trust receiving payments of both the amounts described on line 21a and for purposes of section 1446(a), you should check both boxes. By checking either box, you are certifying to the applicable statements on the form.

**Note.** If you are receiving income that is effectively connected with the conduct of a trade or business in the United States, provide Form W-8ECI (instead of Form W-8IMY), when you are permitted to use that form to claim an exemption from withholding. If you are not receiving the income on behalf of your

partners, beneficiaries, or owners, do not complete Part VIII. If you are a hybrid entity claiming treaty benefits, provide Form W-8BEN-E. However, if you are receiving a withholdable payment you may also be required to provide this Form W-8IMY and provide your chapter 4 status and the chapter 4 status of each of your owners. See the Instructions for Form W-8BEN-E for more information about hybrid entities claiming treaty benefits.

If you are receiving a withholdable payment, you must provide a chapter 4 status on line 5 and provide your GIIN (if applicable) and the information required for the withholding agent to report under section 1472 (to the extent required).

**Withholding statement of nonwithholding foreign partnership or nonwithholding foreign trust for purposes of chapters 3 and 4.** You must provide the withholding agent with a

withholding statement to obtain reduced rates of withholding and relief from certain reporting obligations. The withholding statement must provide the same information as required for an NQI withholding statement, including the information required with respect to an NQI, foreign partnership, or foreign trust (other than a WP or WT) for which you receive a payment. The withholding statement becomes an integral part of the Form W-8IMY. If you are an FFI and allocate any portion of the payment to a chapter 4 withholding rate pool of U.S. payees with respect to accounts that you maintain, you must meet the requirements of Regulations section 1.6049-4(c)(4)(iii) and certify to your status in Part I, line 5, as a participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, or reporting Model 2 FFI. By providing a withholding statement making such an allocation with this form, you certify that you



meet the requirements outlined for an NQI withholding statement described earlier.

**Foreign partnerships and trusts providing Form W-8IMY for purposes of section 1446(a).** In general, a partnership is required to withhold under section 1446(a) on effectively connected taxable income (ECTI) allocable to a foreign partner (or in the case of a PTP distribution, to the extent the distribution is attributable to ECTI, unless withholding is required by a nominee). A foreign upper-tier partnership (UTP) that is a partner in a lower-tier partnership (LTP) should provide the LTP with a Form W-8IMY and, for a partnership other than a PTP, documentation sufficient for the LTP (or nominee for the amounts) to determine the status of the indirect partner to whom the ECTI is allocable (looking through additional foreign UTPs, if applicable) and to determine such partner's share of the lower-tier partnership's ECTI.

Also, for purposes of section 1446(a), a foreign grantor trust that is a partner in a partnership should provide Form W-8IMY to the partnership along with documentation and information concerning the grantor or other owner sufficient for the partnership to reliably associate the portion of the trust's allocable share of ECTI with the grantor or other owner.

Check the box on line 21b to certify that you are a foreign partnership or grantor trust providing this Form W-8IMY to a lower-tier partnership for purposes of section 1446(a).

**Lines 21c and 21d.** Check the box on line 21c if you are a foreign partnership that is a transferor of an interest in a partnership receiving an amount realized from the transfer. If you check the box on line 21c and are providing a withholding statement for a modified amount realized on the transfer, also check the box on line 21d. The withholding statement for a modified amount realized

must show the allocation of the gain from the transfer to each of the partners for which a lower rate of withholding is being requested, and you must provide withholding certificates for each of the partners to avoid the requirement that the transferee (or your broker for a transfer of a PTP interest) treat a partner as a presumed foreign partner.



*For a modified amount realized, you may not use a withholding statement that you provided to your transferee or broker that only allocates a reportable amount or withholdable payment to your partners. You must provide a withholding statement that allocates the gain from the transfer of the PTP interest. Once you have provided that withholding statement, you may provide it for a subsequent amount realized provided that the gain allocations have not changed. You may instead provide a withholding statement that indicates both that it may be used for all reportable amounts,*

*withholdable payments and gains on transfers allocable to your partners and that you will update the withholding statement for a change to any of these allocations.*

**Line 21e.** Check the box on line 21e if you are a foreign grantor trust providing the form on behalf of each grantor or owner of the trust under Regulations section 1.1446(f)-1(c)(2)

(vii) that is transmitting withholding certificates and providing a withholding statement to allocate an amount realized to each grantor or other owner in the trust for purposes of section 1446(f).



*If you are providing this Form W-8IMY solely for purposes of section 1446(a) or (f), you are not required to provide a chapter 4 status because items of effectively connected income are not withholdable payments. However, if you do not provide a chapter 4 status and subsequently receive a withholdable payment, you will also be*

*required to provide a Form W-8IMY to provide your chapter 4 status or the lower-tier partnership or broker making the payment to you may have to withhold on the payment. You may provide your chapter 4 status on this form even if you are not required to do so.*

**Line 21f.** To the extent that the entity identified in Part 1 of this form is providing an alternative withholding statement described in Regulations section 1.1441-1(e)(3)(iv)(C)(3), you may check the box on this line to make the representation included on this line instead of making the representation on each alternative withholding statement. See [Alternative withholding statement](#), earlier.

## **Certification of Chapter 4 Status: Parts IX Through XXVIII**

You should complete only one part certifying to your chapter 4 status (if required). Identify which part (if any) you should complete by reference to the box you checked on line 5.

## **Part IX — Nonparticipating FFI With Exempt Beneficial Owners**



You are not required to complete this part unless you are a nonparticipating FFI providing documentation on behalf of an exempt beneficial owner.

**Line 22.** Check the box on line 22 to certify that you are transmitting withholding certificates or other documentation for exempt beneficial owners for chapter 4 purposes on whose behalf you are receiving a payment that is a withholdable payment. See Regulations section 1.1471-6. You must also certify that you have provided or will provide a withholding statement (as required) allocating a portion of the payment to the exempt beneficial owners as required under Regulations section 1.1471-3(d)(8)(ii). The withholding statement must include the name, address, TIN (if any), entity type, and chapter 4 status of each exempt beneficial owner on behalf of which you are receiving

the payment, the amount of the payment allocable to each exempt beneficial owner, a valid withholding certificate or other documentation sufficient to establish the chapter 4 status of each exempt beneficial owner under the requirements of chapter 4, and any other information the withholding agent reasonably requests in order to fulfill its obligations under chapter 4.

Additionally, the withholding statement must provide all information required for purposes of chapter 3 with respect to each exempt beneficial owner if the payment is an amount subject to chapter 3 withholding. The withholding statement must allocate the remainder of the payment that is not allocated to an exempt beneficial owner to you.

## **Part X — Sponsored FFI**

**Line 23a.** If you are a sponsored FFI described in Regulations section 1.1471-

5(f)(1)(i)(F), on line 23a, enter the name of the sponsoring entity that has agreed to fulfill your chapter 4 due diligence, reporting, and withholding obligations on your behalf. You must provide your GIIN on line 9.

**Lines 23b and 23c.** You must check the applicable box on line 23b or 23c to certify that you are either an investment entity or controlled foreign corporation (within the meaning of section 957(a)) and satisfy the other relevant requirements for this classification.

## **Part XI — Owner-Documented FFI**



*An owner-documented FFI should only complete Form W-8IMY if it is a flow-through entity receiving income allocable to its partners, owners, or beneficiaries. An owner-documented FFI is not permitted to act as an intermediary with respect to a withholdable payment.*



**Line 24a.** You must check the box on line 24a to certify that you satisfy the requirements for owner-documented FFI status and are providing this form to a U.S. financial institution, a participating FFI, or a reporting Model 1 FFI that has agreed to act as a designated withholding agent with respect to you (see Regulations section 1.1471-5(f)(3)).

**Lines 24b and 24c.** You must also check either the box on line 24b or 24c. Check the box on line 24b to certify that you have provided or will provide the documentation set forth in the certifications, including the owner reporting statement described on this line 24b. Check the box on line 24c to certify that you have provided or will provide an auditor's letter (in lieu of the information required by line 24b) that satisfies the requirements described on this line.

## **Part XII — Certified**

### **Deemed-Compliant Nonregistering Local Bank**

**Line 25.** You must check the box on line 25 to certify that you satisfy all of the requirements for certified deemed-compliant nonregistering local bank status.

## **Part XIII — Certified**

### **Deemed-Compliant FFI with Only Low-Value Accounts**

**Line 26.** You must check the box on line 26 to certify that you satisfy all of the requirements for certified deemed-compliant FFI with only low-value account status.

## **Part XIV — Certified**

### **Deemed-Compliant Sponsored, Closely Held Investment Vehicle**

**Line 27a.** On line 27a, enter the name of the sponsoring entity that has agreed to fulfill your chapter 4 due diligence, reporting, and withholding obligations on your behalf. You must also enter the GIIN of your sponsoring entity on line 9.

**Line 27b.** You must check the box on line 27b to certify that you satisfy the requirements for certified deemed-compliant classification as a sponsored closely held investment vehicle.

## **Part XV — Certified**

### **Deemed-Compliant Limited Life Debt Investment Entity**

**Line 28.** You must check the box on line 28 to certify that you satisfy the requirements for

certified deemed-compliant limited life debt investment entity status.

## **Part XVI — Certain Investment Entities that Do Not Maintain Financial Accounts**

**Line 29.** You must check the box on line 29 to certify that you meet all of the requirements for certified deemed-compliant status as an investment entity that does not maintain financial accounts.

## **Part XVII — Restricted Distributor**

**Line 30a.** You must check the box on line 30a to certify that you satisfy the requirements of restricted distributor status.

**Lines 30b and 30c.** You must also check either the box on line 30b or 30c, as appropriate, to certify that your distribution agreement meets the requirements of this classification.

## **Part XVIII — Foreign Central Bank of Issue**

**Line 31.** You must check the box on line 31 to certify that you are a foreign central bank of issue acting as an intermediary and are an entity defined in Regulations section 1.1471-6 that is treated as the beneficial owner of the payment for chapter 4 purposes (applying the rule in Regulations section 1.1471-6(d)(4)). You cannot be treated as an intermediary for purposes of this Part XVIII if you are receiving the payment in connection with a commercial activity described in Regulations section 1.1471-6(h)(1) or are not receiving payments subject to chapter 3 withholding.

## **Part XIX — Nonreporting IGA FFI**

**Line 32.** Check the box on line 32 to indicate that you are treated as a nonreporting IGA FFI. You must identify the IGA by entering the name of the jurisdiction that has the applicable IGA in effect with the United States

and indicate whether it is a Model 1 or a Model 2 IGA. You must also provide the withholding agent with the specific category of entity described in Annex II of the IGA applicable to your status. In providing the specific category of FFI described in Annex II, you should use the language from Annex II that best and most specifically describes your status in the IGA. For example, indicate “investment entity wholly owned by exempt beneficial owners” rather than “exempt beneficial owner.” If you are a nonreporting IGA FFI claiming a deemed-compliant status under the regulations, you must instead indicate on this line which section of the regulations you qualify under.

If you are a nonreporting financial institution under an applicable IGA because you qualify as an owner-documented FFI under the regulations, do not check “Nonreporting IGA FFI.” Instead you must check “Owner-

documented FFI” and complete Part XI rather than this Part XIX.

See instructions for line 9 for when a GIIN is required for a nonreporting IGA FFI (including a trustee of a trustee-documented trust that is a foreign person).

## **Part XX — Exempt Retirement Plans**

**Line 33.** You must check the appropriate box on line 33a, b, c, d, e, or f to certify that you satisfy the requirements of exempt retirement plan status.



*If you are not a flow-through entity or acting as an intermediary with respect to the payment for chapter 3 purposes, do not complete Form W-8IMY. If you are the beneficial owner of the payment and are claiming an exemption under sections 115(2), 892, or 895 as well as exempt beneficial owner status under Regulations section 1.1471-6 you should provide Form W-*

*8EXP. If you are receiving payments which do not qualify for a statutory exemption from tax but for which you are claiming benefits under an applicable income tax treaty, provide Form W-8BEN-E.*

## **Part XXI — Excepted Nonfinancial Group Entity**

**Line 34.** You must check the box on line 34 to certify that you satisfy the requirements of excepted nonfinancial group entity status.

## **Part XXII — Excepted Nonfinancial Start-Up Company**

**Line 35.** You must check the box on line 35 to certify that you satisfy the requirements of excepted nonfinancial start-up company status. You must also provide the date you were formed or your board passed a resolution (or equivalent measure) approving a new line of business (which cannot be that of a financial institution or passive NFFE).



## **Part XXIII — Excepted Nonfinancial Entity in Liquidation or Bankruptcy**

**Line 36.** You must check the box on line 36 to certify that you satisfy the requirements of excepted nonfinancial entity in liquidation or bankruptcy status. You must also provide the date that you filed a plan of liquidation, plan of reorganization, or bankruptcy petition.

## **Part XXIV — Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation**

**Lines 37a and 37b.** If you are a publicly traded NFFE, you must check the box on line 37a to certify that you are not a financial institution and provide the name of a securities exchange on which your stock is publicly traded. If you are an NFFE that is a member of the same expanded affiliated group (as described in Regulations section

1.1471-5(i)) as a publicly traded U.S. or foreign entity, you must check the box on line 37b to certify that you are an NFFE affiliate of a publicly traded corporation, provide the name of the publicly traded entity, and identify the securities market on which the stock of the publicly traded entity is traded. See Regulations section 1.1472-1(c)(1)(i) to determine if an entity is publicly traded.

## **Part XXV — Excepted Territory NFFE**

**Line 38.** You must check the box on line 38 to certify that you satisfy the requirements for excepted territory NFFE status. See Regulations section 1.1472-1(c)(1)(iii) for the definition of an excepted territory NFFE.

## **Part XXVI — Active NFFE**

**Line 39.** You must check the box on line 39 to certify that you satisfy the requirements of active NFFE status.

## **Part XXVII — Passive NFFE**

**Line 40.** If you are a passive NFFE, you must check the box on line 40 to certify that you are not a financial institution (other than an investment entity organized in a possession of the United States). You must also certify that you have provided a withholding statement associated with Form W-8IMY to the extent you are required to provide a withholding statement.

**Note.** If you would be a passive NFFE but for the fact that you are managed by certain types of financial institutions (see Regulations section 1.1471-5(e)(4)(i)(B)), you should not complete Part XXVII as you would be considered a financial institution and not a passive NFFE.

## **Part XXVIII— Sponsored Direct Reporting NFFE**

**Lines 41 and 42.** If you are a sponsored direct reporting NFFE, you must check the box on line 42 to certify that you are not a financial institution and that you satisfy all relevant requirements for this classification. Enter the name of the sponsoring entity on line 41.

## **Part XXIX — Certification**

Form W-8IMY must be signed and dated by a person authorized to sign a declaration under penalties of perjury on behalf of the person whose name is on the form. By signing Form W-8IMY the authorized representative, officer, or agent also agrees to provide a new form within 30 days following a change in circumstances (unless no future payments will be made to the intermediary or flow-through entity by the withholding agent and the

requestor does not need an updated form for chapter 4 purposes).

A withholding agent may allow you to provide this form with an electronic signature. The electronic signature must indicate that the form was electronically signed by a person authorized to do so (for example, with a time and date stamp and a statement that the form has been electronically signed). Simply typing your name into the signature line is not an electronic signature. A withholding agent may also rely on an electronically signed withholding certificate if you provide any additional information or documentation requested by the withholding agent to support that the form was signed by you or other person authorized to do so. See Regulations section 1.1441-1(e)(4)(i)(B).

# **Special Instructions**

## **Entities Providing Certifications Under an Applicable IGA (Do Not Complete Line 5)**

An FFI in an IGA jurisdiction with which you have an account may provide you with a chapter 4 status certification other than as shown in Parts IX through XXVIII in order to satisfy its due diligence requirements under the applicable IGA. In such a case, you may attach the alternative certification to this Form W-8IMY in lieu of completing a certification otherwise required in Parts IX through XXVIII provided that you (a) determine that the certification accurately reflects your status for chapter 4 purposes or under an applicable IGA; and (b) the withholding agent provides a written statement to you that it has provided the certification to meet its due diligence requirements as a participating FFI or

registered deemed-compliant FFI under an applicable IGA. For example, Entity A organized in Country A holds an account with an FFI in Country B. Country B has a Model 1 IGA in effect. The FFI in Country B may ask Entity A to provide a chapter 4 status certification based on the terms of the Country B IGA in order to fulfill its due diligence and documentation requirements under the Country B IGA.

You may also provide with this form an applicable IGA certification if you are determining your chapter 4 status under the definitions provided in an applicable IGA and your certification identifies the jurisdiction that is treated as having an IGA in effect and describes your status as an NFFE or FFI in accordance with the applicable IGA. However, if you determine your status under an applicable IGA as an NFFE, you must still determine if you are an excepted NFFE under the regulations in order to complete this form

unless you are provided an alternative certification by an FFI described in the preceding paragraph that covers your certification as an NFFE (such as “active NFFE”) as defined in an applicable IGA.

Additionally, you are required to comply with the conditions of your status under the law of the IGA jurisdiction if you are determining your status under that IGA. If you cannot provide the certifications in Parts IX through XXVIII, do not check a box on line 5.

However, if you determine your status under the definitions of the IGA and can certify to a chapter 4 status included on this form, you do not need to provide the certifications described in this paragraph unless required by the FFI to whom you are providing this form.

Any certifications provided under an applicable IGA remain subject to the penalties of perjury statement and other certifications made in Part XXIX.



## **Entities Providing Alternate or Additional Certifications Under Regulations**

If you qualify for a status that is not shown on of this form, you may attach applicable certifications for such status from any other Form W-8 on which the relevant certifications appear. If the applicable certifications do not appear on any Form W-8 (if, for example, new regulations provide for an additional status and this form has not been updated) then you may provide an attachment certifying that you qualify for the applicable status described in a particular Regulations section. Include a citation to the applicable provision in the Regulations. Any such attached certification becomes an integral part of this Form W-8IMY and is subject to the penalties of perjury statement and other certifications made in Part XXIX.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to provide the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for business taxpayers filing this form is approved under OMB control number 1545-

0123. The estimated burden for all other taxpayers who file this form is shown below.

The estimated average time is:

**Recordkeeping**, 15 hrs., 04 mins.; **Learning about the law or the form**, 6 hrs., 31 mins.; **Preparing the form**, 8 hrs.; **Sending** 16 mins.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments from

[IRS.gov/FormComments](https://www.irs.gov/FormComments). You can write to the Internal Revenue Service, Tax Forms and Publications, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form W-8IMY to this office. Instead, give it to your withholding agent.

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