

Note: *The draft you are looking for begins on the next page.*



Caution: DRAFT—NOT FOR FILING

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and publications for filing. We do **not** release draft forms until we believe we have incorporated all changes (except when explicitly stated on this coversheet). However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions generally are subject to OMB approval before they can be officially released, so we post only drafts of them until they are approved. Drafts of instructions and publications usually have some changes before their final release.

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Almost every form and publication has a page on IRS.gov with a friendly shortcut. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Pub. 501 page is at [IRS.gov/Pub501](https://www.irs.gov/Pub501); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040/SR) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not a Search box.

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If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).

**Allocation of Individual Income Tax
 to the U.S. Virgin Islands**
 ▶ Attach to Form 1040 or 1040-SR.
 ▶ Go to www.irs.gov/Form8689 for the latest information.

Name(s) shown on Form 1040 or 1040-SR

Your social security number

Part I Income From the U.S. Virgin Islands (USVI)

1	Wages, salaries, tips, etc.	1
2	Taxable interest	2
3	Ordinary dividends	3
4	Taxable refunds, credits, or offsets of local USVI income taxes	4
5	Alimony received	5
6	Business income or (loss)	6
7	Capital gain or (loss)	7
8	Other gains or (losses)	8
9	IRA distributions (taxable amount)	9
10	Pensions and annuities (taxable amount)	10
11	Rental real estate, royalties, partnerships, S corporations, trusts, etc.	11
12	Farm income or (loss)	12
13	Unemployment compensation	13
14	Social security benefits (taxable amount)	14
15	Other income. List type and amount ▶	15
16	Add lines 1 through 15. This is your total USVI income ▶	16

Part II Adjusted Gross Income From the USVI

17	Educator expenses	17
18	Certain business expenses of reservists, performing artists, and fee-basis government officials	18
19	Health savings account deduction	19
20	Moving expenses for members of the armed forces	20
21	Deductible part of self-employment tax	21
22	Self-employed SEP, SIMPLE, and qualified plans	22
23	Self-employed health insurance deduction	23
24	Penalty on early withdrawal of savings	24
25	IRA deduction	25
26	Student loan interest deduction	26
27	Tuition and fees deduction. See instructions	27
28	Charitable contributions. See instructions	28
29	Add lines 17 through 28	29
30	Subtract line 29 from line 16. This is your USVI adjusted gross income ▶	30

Part III Allocation of Tax to the USVI

31	Enter amount from Form 1040 or 1040-SR, line 24	31
32	Enter total of certain amounts from Form 1040 or 1040-SR. See instructions on page 4 for amount to enter	32
33	Subtract line 32 from line 31	33
34	Enter amount from Form 1040 or 1040-SR, line 11	34
35	Divide line 30 above by line 34. Enter the result as a decimal (rounded to at least 3 places). Do not enter more than 1.000	35
36	Multiply line 33 by line 35. This is your tax allocated to the USVI	36

Part IV Payments of Income Tax to the USVI

37	Income tax withheld by the USVI	37
38	2020 estimated tax payments and amount applied from 2019 return	38
39	Amount paid with Form 4868 (extension request)	39
40	Add lines 37 through 39. These are your total payments to the USVI ▶	40
41	Enter the smaller of line 36 or line 40. Include this amount in the total on Form 1040 or 1040-SR, line 33. On the dotted line next to line 33, enter "Form 8689" and show this amount	41
42	Overpayment to the USVI. If line 40 is more than line 36, subtract line 36 from line 40	42
43	Amount of line 42 you want refunded to you ▶	43
44	Amount of line 42 you want applied to your 2021 estimated tax	44
45	Amount you owe to the USVI. If line 40 is less than line 36, subtract line 40 from line 36	45
46	Enter the amount from line 45 that you will pay when you file your income tax return. Include this amount in the total of Form 1040 or 1040-SR, line 33. On the dotted line next to line 33, enter "Form 8689" and show this amount	46

**DRAFT AS OF
August 20, 2020
DO NOT FILE**

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Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 8689 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/Form8689.

What's New

For tax years beginning in 2020, the CARES Act (P.L. 116-136) allows a partial deduction for charitable contributions. See the instructions for line 28, Charitable contributions, later.

Instructions

Purpose of form. Use Form 8689 to figure the amount of U.S. tax allocable to the U.S. Virgin Islands (USVI).

Who must file. If you were a U.S. citizen or resident alien (other than a bona fide resident of the USVI) and had income from sources in the USVI or income effectively connected with the conduct of a trade or business in the USVI, you may owe tax to the USVI. Your USVI tax liability is a percentage of your U.S. tax liability.



*Do not use this form if you were a bona fide resident of the USVI during the **entire** tax year, or were considered a bona fide resident of the USVI for the entire tax year under the special rules for the year of a move (see chapter 1 of Pub. 570, Tax Guide for Individuals With Income From U.S. Possessions).*

Joint returns. If you file jointly and only one spouse is a bona fide resident of the USVI for the entire tax year, the resident status for both spouses and subsequent tax treatment is determined by the spouse with the higher adjusted gross income (AGI) (disregarding community property laws). File Form 8689 only if the spouse with the higher AGI is not a bona fide resident of the USVI for the entire tax year.

Where to file. You must file identical tax returns with the United States and the USVI. If you are not enclosing a check or money order, file your original Form 1040 or 1040-SR (including Form 8689) with the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215 USA.

If you are including a check or money order, file your original return with the Internal Revenue Service, P.O. Box 1303, Charlotte, NC 28201-1303 USA.

File a signed copy of your Form 1040 or 1040-SR (with all attachments, forms, and schedules, including Form 8689) with the Virgin Islands Bureau of Internal Revenue, 6115 Estate Smith Bay, Suite 225, St. Thomas, VI 00802. They will accept a signed copy of your U.S. return and process it as an original return.

Amended returns. Send your Form 1040-X to the IRS at the address in the Instructions for Form 1040-X. Send your Form 1040-X to the USVI at the address for the Virgin Islands Bureau of Internal Revenue under *Where to file*, earlier.

Additional information. Pub. 570 has more information and an example of how to complete Form 8689. To get Pub. 570, see *How To Get Tax Help* in the Instructions for Forms 1040 and 1040-SR.

Part I—Income From the U.S. Virgin Islands (USVI)

Source of income. The rules for determining the source of income are explained in sections 861 through 865 and 937, Regulations section 1.937-2, and chapter 2 of Pub. 570. Some general rules are:

- The source of wages, salaries, or tips is generally where the services are performed. If you worked both in and outside the USVI, include on line 1 only wages, salaries, or tips earned while you were in the USVI. However, certain income earned while temporarily performing services in the USVI will not be considered USVI source income. For details, see *De minimis exception*, later.

Active duty U.S. Armed Forces. If you are a bona fide resident of the USVI and are stationed outside of the USVI, your military compensation will be sourced in the USVI under the Servicemembers Civil Relief Act (SCRA). If you are not a bona fide resident of the USVI but are stationed in the USVI, however, your military compensation will not be sourced there. For further details, see Pub. 570.

Military spouses. If you are the civilian spouse of a member of the U.S. Armed Forces, work in the USVI, and retain a residence or domicile in one of the 50 states, the District of Columbia, or another U.S. territory, under the Military Spouses Residency Relief Act (MSRRA) your wages, salaries, tips, and self-employment income will not be considered income from the USVI. Under MSRRA, the military spouse must be in the USVI solely to be with his/her servicemember spouse who is serving in compliance with military orders. For details on MSRRA, see Pub. 570.

- The source of interest income is generally where the payer is located. For example, interest from a certificate of deposit issued by a USVI bank or a USVI branch of a U.S. bank is USVI source income.
- Generally, dividends are sourced where the paying corporation is created or organized.
- Taxable refunds, credits, or offsets of local USVI income taxes include only nonmirror code income taxes.
- Alimony received from a person who is a bona fide resident of the USVI is USVI source income.
- Except as provided in regulations, income that is from sources within the United States or effectively connected with the conduct of a trade or business in the United States is not income from the USVI.
- The source of gains, profits, or income from the sale or disposition of real property (and any interest in real property) is generally where the real property is located.

Personal property. The source of income from the sale of nondepreciable personal property is generally the seller's residence. For example, if you are a bona fide resident of the USVI, gain from the sale or disposition of personal property is generally from sources within the USVI. Income from the sale of inventory is generally sourced where the title to the property passes. See section 865 for details.

De minimis exception. This is an exception to the general rule for determining the source of income earned in the USVI. Generally, income from the USVI does not include compensation for services performed in the USVI if during 2020 you:

- Were a U.S. citizen or resident;
- Were not a bona fide resident of the USVI;
- Were not employed by or under contract with an individual, partnership, or corporation that is engaged in a trade or business in the USVI;
- Temporarily performed services in the USVI for 90 days or less; **and**
- Earned \$3,000 or less from such services.

Part II—Adjusted Gross Income From the USVI

Lines 21 through 23. If you had USVI source self-employment income, figure the amount to enter on each line by (1) dividing your USVI source self-employment income by your total (worldwide) self-employment income, and (2) multiplying the total amount of each deduction that applies to you by the result in (1).

Line 24. Enter the amount of penalty on early withdrawals from savings accounts in USVI banks or USVI branches of U.S. banks. The Form 1099-INT or Form 1099-OID you received will show the amount of any penalty you were charged.

Line 25. Enter the total of your and your spouse's IRA deductions attributable to USVI compensation or earned income. Figure the amount to report on line 25 by (1) dividing your USVI compensation or earned income by your total (worldwide) compensation or earned income, and (2) multiplying the amount of your IRA deduction by the result in (1). Figure the amount of your spouse's IRA deduction the same way.

Line 27. Tuition and fees deduction. Enter the total of your tuition and fees deduction from Schedule 1 (Form 1040) attributable to your USVI income. Figure the amount to report on line 27 by (1) dividing your USVI income by your total (worldwide) income, and (2) multiplying the amount of your tuition and fees deduction by the result in (1).

Note: The tuition and fees deduction that had expired on December 31, 2017, has been extended for tax years 2018, 2019, and 2020. If you are now eligible to take the deduction for a prior year, you can file an amended tax return with the IRS and the Virgin Islands Bureau of Internal Revenue using Form 1040-X. For more information, go to www.irs.gov/Form1040X. Also, see *Amended returns*, earlier.

Line 28. Charitable contributions. Enter the total of your charitable contributions from line 10b of Form 1040 or 1040-SR attributable to your USVI income. Figure the amount to report on line 28 by (1) dividing your USVI income by your total (worldwide) income, and (2) multiplying the amount of your charitable contributions by the result in (1).

Line 29. Include in the total on line 29 the amount of any other deductions included on Schedule 1 (Form 1040), line 22, that are attributable to your USVI income. On the dotted line next to line 29, enter the amount of each deduction attributable to your USVI income and identify it as you did on Schedule 1 (Form 1040), line 22. If you or your spouse had an Archer MSA deduction on Schedule 1 (Form 1040), line 22, figure the amount to report on line 29 the same way you would an IRA deduction (see *Line 25* above).

Line 32. Enter the total of the amounts from:

- Form 1040 or 1040-SR, lines 27, 28, and 29;
- Schedule 2 (Form 1040), lines 4, 5, and 7a;
- Any uncollected social security and Medicare or tier 1 RRTA tax, tax on excess golden parachute payments, or excise tax on insider stock compensation reported on Schedule 2 (Form 1040), line 8;
- Any amount from Form 5329, Parts III, IV, V, VI, VII, VIII, or IX reported on Schedule 2 (Form 1040), line 6; and
- Schedule 3 (Form 1040), lines 12c and 12d.

Part IV—Payments of Income Tax to the USVI

Amounts overpaid to the United States generally will not be applied to the amount you owe to the USVI. Similarly, amounts overpaid to the USVI will not be applied to the amount you owe to the United States.

Line 46. Enter the amount you owe to the USVI that you will pay when you file your income tax return.

Credit for U.S. tax paid to the USVI. You can take a credit on your U.S. return for the U.S. tax allocated to the USVI only if you actually paid the tax to the USVI. To take the credit, you must complete Form 8689 and attach it to your Form 1040 or 1040-SR. Add line 41 and line 46 of Form 8689 and include the amount in the total on Form 1040 or 1040-SR, line 33. On the dotted line next to line 33, enter "Form 8689" and the amount paid.

Penalty for Failure To Furnish Information

If you became or ceased to be a bona fide resident of a U.S. possession, you may be required to file Form 8898, Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession. If you fail to provide the required information, you may have to pay a \$1,000 penalty for each failure unless you can show the failure was due to reasonable cause and not willful neglect. This penalty is in addition to any criminal penalty provided by law. For details, see the Instructions for Form 8898.