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Almost every form and publication also has its own easily accessible information page on IRS.gov. For example, the Form 1040 page is at IRS.gov/form1040; the Form W-2 page is at IRS.gov/w2; the Publication 17 page is at IRS.gov/pub17; the Form W-4 page is at IRS.gov/w4; the Form 8863 page is at IRS.gov/form8863; and the Schedule A (Form 1040) page is at IRS.gov/schedulea. If typing in the links above instead of clicking on them: type the link into the address bar of your browser, not in a Search box; the text after the slash must be lowercase; and your browser may require the link to begin with “www.”. Note that these are shortcut links that will automatically go to the actual link for the page.

If you wish, you can submit comments about draft or final forms, instructions, or publications on the Comment on Tax Forms and Publications page on IRS.gov. We cannot respond to all comments due to the high volume we receive, but we will carefully consider each one. Please note that we may not be able to consider many suggestions until the subsequent revision of the product.

Form **8689**

Department of the Treasury
Internal Revenue Service

Allocation of Individual Income Tax to the U.S. Virgin Islands

▶ **Attach to Form 1040.**
▶ **Information about Form 8689 and its instructions is at *www.irs.gov/form8689.***

OMB No. 1545-0074

2016

Attachment Sequence No. **85**

Name(s) shown on Form 1040

Your social security number

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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	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	27			
28	Add lines 17 through 27			28	
29	Subtract line 28 from line 16. This is your **USVI adjusted gross income** ▶			29	

Part III Allocation of Tax to the USVI

30	Enter amount from Form 1040, line 63		30	
31	Enter the total of the amounts from Form 1040, lines 57, 58, 60a, 66a, 67, 68, 73 (boxes c and d). Include 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 line 62. Also include any amount from Form 5329, Parts III, IV, V, VI, VII, VIII, or IX reported on Form 1040, line 59		31	
32	Subtract line 31 from line 30		32	
33	Enter amount from Form 1040, line 38	33		
34	Divide line 29 above by line 33. Enter the result as a decimal (rounded to at least 3 places). Do not enter more than 1.000		34	× .
35	Multiply line 32 by line 34. This is your **tax allocated to the USVI**		35	

Part IV Payments of Income Tax to the USVI

36	Income tax withheld by the USVI	36			
37	2016 estimated tax payments and amount applied from 2015 return	37			
38	Amount paid with Form 4868 (extension request)	38			
39	Add lines 36 through 38. These are your **total payments to the USVI** ▶			39	
40	Enter the smaller of line 35 or line 39. Include this amount in the total on Form 1040, line 74. On the dotted line next to line 74, enter "Form 8689" and show this amount			40	
41	**Overpayment** to the USVI. If line 39 is more than line 35, subtract line 35 from line 39			41	
42	Amount of line 41 you want **refunded to you** ▶			42	
43	Amount of line 41 you want **applied to your 2017 estimated tax**	43			
44	**Amount you owe** to the USVI. If line 39 is less than line 35, subtract line 39 from line 35			44	
45	Enter the amount from line 44 that you will pay when you file your income tax return. Include this amount in the total of Form 1040, line 74. On the dotted line next to line 74, enter "Form 8689" and show this amount			45	

For Paperwork Reduction Act Notice, see Form 1040 instructions.

Cat. No. 64603D

Form **8689** (2016)

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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.*

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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.

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

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 Form 1040.

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.

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 earned after December 31, 2004, 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 2016 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 28. Include in the total on line 28 the amount of any other deductions included on Form 1040, line 36, that are attributable to your USVI income. On the dotted line next to line 28, enter the amount of each deduction attributable to your USVI income and identify it as you did on Form 1040, line 36. If you or your spouse had an Archer MSA deduction on Form 1040, line 36, figure the amount to report on line 28 the same way you would an IRA deduction (see *Line 25,* above).

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 45. 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. Add line 40 and line 45 of Form 8689 and include the amount in the total on Form 1040, line 74. On the dotted line next to line 74, enter "Form 8689" and the amount paid.

Penalty for Failure To Furnish Information

If, in tax year 2001 or later, 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.

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