



# 5876

VITA/TCE Foreign Student and Scholar Volunteer Training Guide  
Volunteer Income Tax Assistance (VITA) / Tax Counseling for the Elderly (TCE)

**2023 RETURNS**



Take your VITA/TCE training online at: [apps.irs.gov/app/vita/](https://apps.irs.gov/app/vita/)  
(keyword: Link & Learn Taxes). Link to the Practice Lab to gain  
experience using tax software and take the certification test online,  
with immediate scoring and feedback.

## How to Get Technical Updates?

Updates to the volunteer training materials will be contained in Publication 4491-X, VITA/TCE Training Supplement. The most recent version can be downloaded at: [www.irs.gov/pub/irs-pdf/p4491x.pdf](http://www.irs.gov/pub/irs-pdf/p4491x.pdf)

### Volunteer Standards of Conduct

#### VITA/TCE Programs

The mission of the VITA/TCE return preparation programs is to assist eligible taxpayers in satisfying their tax responsibilities by providing free tax return preparation. To establish the greatest degree of public trust, volunteers are required to maintain the highest standards of ethical conduct and provide quality service.

Annually all VITA/TCE volunteers (whether paid or unpaid) must pass the Volunteer Standards of Conduct (VSC) certification test and agree that they will adhere to the VSC by signing and dating Form 13615, Volunteer Standards of Conduct Agreement, prior to volunteering at a VITA/TCE site. In addition, return preparers, quality reviewers, coordinators, and tax law instructors must certify in Intake/Interview & Quality Review. Volunteers who answer tax law questions, instruct tax law classes, prepare or correct tax returns, or conduct quality reviews of completed returns must also certify in tax law prior to signing the form. Form 13615 is not valid until the sponsoring partner's approving official (coordinator, instructor, administrator, etc.) or IRS contact confirms the volunteer's identity with a government-issued photo identification (ID) and signs and dates the form.

As a volunteer in the VITA/TCE Programs, you must adhere to the following Volunteer Standards of Conduct:

- VSC 1 - Follow the Quality Site Requirements (QSR).
- VSC 2 - Do not accept payment, ask for donations, or accept refund payments for federal or state tax return preparation from customers.
- VSC 3 - Do not solicit business from taxpayers you assist or use the information you gained about them (their information) for any direct or indirect personal benefit for yourself or any other specific individual.
- VSC 4 - Do not knowingly prepare false returns.
- VSC 5 - Do not engage in criminal, infamous, dishonest, notoriously disgraceful conduct, or any other conduct considered to have a negative effect on the VITA/TCE programs.
- VSC 6 - Treat all taxpayers in a professional, courteous, and respectful manner.

Failure to comply with these standards could result in, but is not limited to, the following:

- Your removal from all VITA/TCE programs;
- Inclusion in the IRS Volunteer Registry to bar future VITA/TCE activity indefinitely;
- Deactivation of your sponsoring partner's site VITA/TCE EFIN (electronic filing ID number);
- Removal of all IRS products, supplies, loaned equipment, and taxpayer information from your site;
- Termination of your sponsoring organization's partnership with the IRS;
- Termination of grant funds from the IRS to your sponsoring partner; and

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#### Confidentiality Statement:

All tax information you receive from taxpayers in your volunteer capacity is strictly confidential and should not, under any circumstances, be disclosed to unauthorized individuals.

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## Introduction

This lesson is designed to teach tax preparers how to identify the residency status of foreign students and scholars who must file U.S. tax returns.

**Note:** The forms may change after this material becomes available. Screen shots may depict a previous year's version of the forms or software. Publication 4491X, VITA/TCE Training Supplement, will be released in January to notify volunteers of any tax law and software updates.

## Objectives

At the end of this lesson, you will be able to:

- Determine if a taxpayer is a resident or nonresident alien

## Determining Status

### Nonresident Alien Intake and Interview Process — Form 13614-NR

Use [Form 13614-NR, Nonresident Alien Intake and Interview Sheet](#) to engage taxpayers in preparing accurate returns. To ensure quality and accuracy on each return, use the approved intake and interview sheet as a starting point for a comprehensive interaction with the taxpayer, in combination with all the source documents provided by the taxpayer. Confirm each item on the approved intake and interview sheet, to make sure you and the taxpayer have considered all the necessary information to ensure that all questions and issues have been addressed. If items are incorrect or incomplete, revisit the issue and make corrections to the return, as needed.

Some nonresident alien students may believe that they can choose to be treated as a resident alien in order to claim the refundable education credits. Be sure to address proper residency status with each taxpayer.

## Three Residency Statuses

The first step in assisting international students and scholars is determining their residency status for tax purposes. All noncitizens or nonnationals of the U.S. are considered aliens. There are three types of aliens for tax purposes:

- Resident: U.S. residents who meet either the green card test or the substantial presence test
- Nonresident: Persons who are not U.S. citizens or lawful permanent residents of the United States
- Dual status: Persons who are both nonresidents and resident aliens in the same tax year

Resident aliens are taxed like U.S. citizens, while nonresident aliens are taxed differently. Most students fall under the nonresident alien status.

[Click here to refer to the Nonresident Alien or Resident Alien? - Decision Tree from Publication 4011.](#)

The determination of residency status for federal income tax purposes may be different from the residency status determined for immigration purposes.

## Permanent Resident Status

Aliens are considered residents for tax purposes if they are lawful permanent residents of the United States (holders of green cards) at any time during the calendar year.

### What do I need?

- Form 8840, Closer Connection Exception Statement for Aliens
- Form 1040-NR, U.S. Nonresident Alien Income Tax Return

### Optional:

- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide
- Publication 519, U.S. Tax Guide for Aliens
- Link & Learn Taxes, Filing Status Workout and Filing Basic Workout lessons.

Individuals holding green cards have resident status unless it is taken away from them or is administratively or judicially determined to be abandoned.

## Substantial Presence

Nonresident aliens meet the substantial presence test if they have spent more than 183 days in the U.S. To meet the substantial presence test, an alien must be physically present in the U.S. for at least:

- 31 days in the current tax year, and
- 183 days during a 3-year period consisting of the current year and the 2 immediately prior tax years, calculated as follows:
  - All days of presence in the current year
  - 1/3 of days of presence in the year immediately before the current year 1/6 of days of presence in the year before that
  - **Rev. Proc. 2020-20** provides for exceptions to the physical presence test for those impacted by COVID-19.

Nonresident aliens who are in the U.S. more than 183 (non-exempt) days in the current tax year meet the substantial presence test.

## Exempt Individual

An individual in any of the following categories is temporarily exempt from counting days toward the substantial presence test:

- Student
- Teacher or trainee
- Closer connection to home country (**Out of Scope**)

Resident aliens are taxed like U.S. citizens, while nonresident aliens are taxed differently. Most students fall under the nonresident alien status.

Generally, exempt individuals cannot choose to count their exempt days in order to be treated as a resident under the substantial presence test. (An exception for married taxpayers electing to file jointly where one spouse is a U.S. citizen or resident will be discussed later in the lesson.)

[Click here to refer to the Substantial Presence Test? - Decision Tree from Publication 4011.](#)

Taxpayers must file Form 8843 each year they claim the substantial presence test as an exempt individual. Form 8843 and any required additional statements must be completed if taxpayers intend to request an extension of time based on claiming a closer connection to their home country. Please refer to the lesson on Completing Form 8843 for further information.

## Student

A student may be temporarily in the U.S. in F, J, M, or Q immigration status. Immediate family members of a student generally are considered as in the same immigration status, including spouses and unmarried children under age 21 who reside with the student.

During the first five years in the U.S., the days the student is physically present in the U.S. are exempt and not counted as actual days of presence for purposes of the substantial presence test.

Any part of a calendar year in which the student is present in the U.S. counts as a full year. Previous years under any immigration status with exempted days, generally count towards the five-year exemption period. Ask taxpayers if they have previously been in the U.S. in an immigration status with exempted days, even as a child.



## Teacher or Trainee

To qualify as a teacher or trainee, an individual must:

- Have entered the U.S. to teach or to obtain required training, other than a student
- Hold a visa and are in J or Q immigration status

Individuals will not be exempt as a teacher or trainee if they were exempt as a teacher, trainee, or student for any part of two of the six preceding calendar years.

## Closer Connection to Home Country (Information Purposes Only - Out of Scope)

If a person can show a closer connection to a foreign country than to the U.S., it is also an exception to the substantial presence test. The person must file IRS Form 8840 and be able to show that they meet all of the following:

- Were present in a nonexempt status for less than 183 days during the current year,
- Have a tax home in a foreign country, and
- Have a closer connection to that country than to the U.S.

## Form 8840 is Out of Scope for the VITA/TCE Foreign Student and Scholar program.

Remember to refer taxpayers with tax situations outside of your scope of training, experience, and certification to your site coordinator and/or a professional tax preparer.

Generally, students or scholars do not meet this test because they are considered to be in a trade or business in the U.S., thus establishing a closer connection to the United States.



*You are completing Marie's 2023 federal income tax return. Marie is a junior at the local university. She came to the U.S. in 2013 from France in F-2 immigration status with her father while he was completing his doctorate. They remained in the U.S. in the same status until her father completed his doctorate in 2015, and then returned home. Marie reentered the U.S. in J-1 student immigration status in 2020, and has not left the U.S. nor changed her immigration status. For 2023 federal income tax purposes, is Marie a resident alien or a nonresident alien?*

*Marie is a resident alien for 2023 because she has already been in the U.S. for five calendar years in exempt status (three years in F-2 status with her father from 2013-2015, and two years in J-1 student status herself in 2021 and 2022).*

## Counting Years of Exemption

For the two-year period during which a scholar can be exempt, and the five-year period during which a student can be exempt from counting days toward the substantial presence test, presence in the U.S. for any part of a calendar year counts as a full year's presence.

For example, if a scholar arrived in the U.S. in December 2021 this is the first year of that person's two years. If the person stayed in the U.S. into 2022, and is subject to a two-year limit, that limit was reached at the end of 2022, so the substantial presence test began to apply at the beginning of 2023.



## EXERCISES

### Question 1

**True or False?** Kim arrived in the U.S. as a student in F-1 immigration status in November 2018. In 2023, she would be considered a nonresident alien for federal income tax purposes.

## Question 2

**True or False?** Yvonne came to the U.S. on J-1 immigration status in July 2021 to teach for two years, starting in August 2021. Beginning in tax year 2023, she would be considered a resident alien for federal income tax purposes.

### Residency Start Date

Residency for a taxpayer who meets the 183-day substantial presence test begins the first day of the tax year the taxpayer was present in the U.S. and met the substantial presence test.

The start date of residency for taxpayers with green cards is the first day they were in the U.S. as lawful permanent residents. Typically, that is the day they received notice that their green card application was approved. Green card holders are resident aliens, even if they are not physically present in the U.S.

For foreign students and scholars who meet the substantial presence test and were also granted permanent residency, residency begins on the earlier of the two dates.



*Marlin, a graduate student, is in the U.S. temporarily in J-1 immigration status. He arrived on June 15, 2018 to prepare for the fall semester. Marlin was never in the U.S. before. He will begin counting days of substantial presence on January 1, 2023, and was in the U.S. all year except for two months during the summer. Is Marlin a resident or nonresident alien for tax year 2023?*

*Because Marlin remained in the U.S. for at least 183 days during 2023, he would be considered a resident alien.*

### Residency through Marriage (For Informational Purposes Only – Out of Scope)

Nonresident aliens who do not meet the substantial presence test and do not have green cards may still be treated as residents if they are married to a U.S. citizen or resident. This election can be made if:

- At the end of the year, one spouse is a nonresident alien and the other is a U.S. citizen or resident, and
- Both spouses agree to file a joint return and to treat the nonresident alien as a resident alien for the entire tax year

Taxpayers may be assisted through a traditional VITA/TCE site to have their paper return prepared. However, the required accompanying election statement preparation is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program. Taxpayers should be referred to [www.irs.gov/Individuals/International-Taxpayers/Nonresident-Spouse-Treated-as-a-Resident](https://www.irs.gov/Individuals/International-Taxpayers/Nonresident-Spouse-Treated-as-a-Resident) for more information regarding the election statement, or refer the taxpayer to a professional tax preparer.

### Dual-status Alien (For Informational Purposes Only – Out of Scope)

Dual-status aliens are resident aliens and nonresident aliens at different times in the same tax year. This most commonly occurs in the year a person arrives in the U.S. or leaves the U.S. It may also occur if residency status changes during the year. If a taxpayer is a dual-status alien, they may choose to file as a resident alien for the entire year. (However, their world-wide income would then be subject to U.S. tax.)

Completing dual-status returns is a complex issue and is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program. Refer dual-status taxpayers to a professional tax preparer. More information is in IRS Publication 519, U.S. Tax Guide for Aliens, through the IRS website at [www.irs.gov/Individuals/International-Taxpayers/Dual-Status-Aliens](https://www.irs.gov/Individuals/International-Taxpayers/Dual-Status-Aliens).

## Summary

This topic discussed residency status of foreign students and scholars for filing U.S. taxes.

Aliens are considered residents for tax purposes if they hold a green card at any time during the calendar year. Nonresident aliens meet the substantial presence test if they were present in the U.S. more than 183 days. Dual status aliens are resident aliens and nonresident aliens at different times in the same tax year.

Exemptions from counting days toward the substantial presence are granted for:

- Students
- Teachers or trainees
- Individuals who can show a closer connection to a home country

For taxpayers who meet the 183-day substantial presence test, the start date of residency for tax purposes is the first day the person was in the U.S. in the tax year in which the substantial presence test was met.

Nonresident aliens may be treated as residents for tax purposes if they make an election to be treated as a resident alien when filing jointly with their spouse who is a U.S. citizen or resident. The election continues until formally revoked.

Also, nonresident students from Barbados, Hungary, and Jamaica, as well as trainees from Jamaica, may qualify for an election to be treated as U.S. residents for tax purposes under their tax treaty provisions with the U.S. A formal, signed, election statement must be attached to Form 1040 (**Out of Scope**). The election continues until formally revoked.

**Rev. Proc. 2020-20** provides for exceptions to the physical presence test for those impacted by COVID-19.





## EXERCISES (continued)

### How Would You Respond?

Zheng came into the tax center and needs help with his 2023 tax return. He came to the U.S. in J-1 immigration status in 2021 to teach at a university for two years. He brought his wife and one child (both in J-2 immigration status). The university hired Zheng's wife Jiang Zhou, who received employment authorization to teach, starting in the 2023 fall semester. Follow along in the conversation and think about how you would answer his questions.

### How Would You Respond?

- Zheng:** My wife and I both teach at the university, but I have been teaching longer than my wife has. I'm not sure what our residency status will be for the 2023 tax year.
- You:** I can help you with that. First, tell me when you arrived to begin working at the university?
- Zheng:** I came to the U.S. for the first time on a visa to teach for two years in the fall of 2021. My contract was extended for another two years in 2023, to go through 2025.
- You:** And when did your wife come to the U.S.?
- Zheng:** My wife and our child came with me in 2021, but she didn't start work at the university until November 2023.
- You:** Okay, so you and your family were here over two years?
- Zheng:** That's right. Can you tell me if my wife would be considered a resident?

### Question 3

Based on this information, would Zheng's wife be considered a resident for 2023?

- a. Zheng can file as a resident alien, but Jiang Zhou is a nonresident alien
- b. Both are considered nonresident aliens
- c. Both are considered resident aliens
- d. Zheng can file as a nonresident alien, but Jiang Zhou is a resident alien

### Focus on Forms

Emily Andersson, a student from Sweden in J-1 immigration status, arrived in the U.S. on December 27, 2021. She is enrolled in a master's program and has not applied for any other visa status or U.S. residency.

On June 21, 2022, Emily went home to Sweden for her sister's wedding and returned on August 2, 2022. She has remained in the U.S. throughout 2023. She is single with no children.

Emily has returned to your site to have her return prepared because she was pleased with the service she received last year. Her director is Sue Leary from the School of Philosophy at State College, 323 S. 49th Ave., Omaha, NE 68011, phone number (402) 555-20XX, ext. 111.

She works in the student counseling center on campus and received Form W-2. She is unsure if she has any treaty benefits.

Complete Emily's Form 13614-NR. (Data has been entered up to Dependent Information).

Form <b>13614-NR</b> (October 2022)	Department of the Treasury - Internal Revenue Service <b>Nonresident Alien Intake and Interview Sheet</b>	OMB Number 1545-1964								
Last or Family Name <b>ANDERSSON</b>		First <b>EMILY</b>								
ITIN or Social Security # <b>222-XX-XXXX</b>		Visa # <b>2001199</b>								
Date of Birth: <b>03 / 06 / 1990</b>		Telephone # <b>402-555-XXXX</b>								
e-mail Address										
Were you a U.S. citizen or resident alien the entire year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
Were you ever a U.S. citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
U.S. Local Street Address <b>162 JULIUS RD</b>										
City <b>OMAHA</b>	State <b>NE</b>	Zip Code <b>68000</b>								
Foreign Residence Address <b>11 ANY STREET</b>										
Address Line 2 <b>INNERSTADEN STOCKHOLM</b>										
Foreign Country <b>SWEDEN</b>	Province/County <b>STOCKHOLM</b>	Postal Code								
Country of Citizenship <b>SWEDEN</b>		Country that issued Passport <b>SWEDEN</b>								
Are you married? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
If "YES", is your spouse in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No										
If "YES", is it recognized by the State where you will be filing? <input type="checkbox"/> Yes <input type="checkbox"/> No										
Are you a U.S. National <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Resident of Canada <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Resident of Mexico <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
Resident of South Korea <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Resident of India <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
<b>Dependent Information</b>										
First Name	Last or Family Name	Date of Birth (mm/dd/yyyy)	ITIN or SSN	Relationship to you (son, daughter, none, etc.)	Number of months lived with you in the U.S. in 2022	U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada, Mexico, or South Korea	Did person file joint return?	Did person provide more than 50% of their own support?	Did you provide more than 50% of their support?	Did the person have Gross Income of \$4,400 or more?
What is the date you FIRST entered the United States? ____ / ____ / ____										
<b>Entry Immigration Status - Check one</b>										
<input type="checkbox"/> U.S. Immigrant/Permanent Resident			<input type="checkbox"/> F-1 Student			<input type="checkbox"/> F-2 Spouse or child of Student				
<input type="checkbox"/> H-1 Temporary Employee			<input type="checkbox"/> *J-1 Exchange Visitor			<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor				
Other (list)										
<b>Current Immigration Status - Check one</b>										
<input type="checkbox"/> U.S. Immigrant/Permanent Resident			<input type="checkbox"/> F-1 Student			<input type="checkbox"/> F-2 Spouse or child of Student				
<input type="checkbox"/> H-1 Temporary Employee			<input type="checkbox"/> *J-1 Exchange Visitor			<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor				
Other (list)										
Have you ever changed your visa type or U.S. immigration status? <input type="checkbox"/> Yes <input type="checkbox"/> No										
If "Yes", indicate the date and nature of the change. ____ / ____ / ____										
Enter the type of U.S. visa you held during these years										
2016	2017	2018	2019	2020	2021					
<b>* If Immigration status is J-1, what is the subtype? Check one</b>										
<input type="checkbox"/> 01 Student			<input type="checkbox"/> 05 Professor			<input type="checkbox"/> 12 Research Scholar				
<input type="checkbox"/> 02 Short Term Scholar			Other (list)							
<b>What is the actual primary activity of the visit? Check one</b>										
<input type="checkbox"/> 01 Studying in a Degree Program			<input type="checkbox"/> 04 Lecturing			<input type="checkbox"/> 07 Conducting Research			<input type="checkbox"/> 10 Clinical Activities	
<input type="checkbox"/> 02 Studying in a Non-Degree Program			<input type="checkbox"/> 05 Observing			<input type="checkbox"/> 08 Training			<input type="checkbox"/> 11 Temporary Employment	
<input type="checkbox"/> 03 Teaching			<input type="checkbox"/> 06 Consulting			<input type="checkbox"/> 09 Demonstrating Special Skills			<input type="checkbox"/> 12 Here with Spouse	

Catalog Number 39748B
www.irs.gov
Form **13614-NR** (Rev. 10-2022)

Emily's Form 13614-NR has been completed. She was in the country 5 days in 2021, 324 days in 2022, and 365 days in 2023.

<b>Form 13614-NR</b> (October 2022)	Department of the Treasury - Internal Revenue Service				OMB Number 1545-1964					
<b>Nonresident Alien Intake and Interview Sheet</b>										
Last or Family Name ANDERSSON		First EMILY		Middle Initial E						
ITIN or Social Security # 222-00-XXX		Visa # 2001199		Passport # 332667						
Date of Birth: 03 / 06 / 1990 <small>(mm/dd/yyyy)</small>		Telephone # 402-555-XXXX		e-mail Address						
Were you a U.S. citizen or resident alien the entire year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Were you ever a U.S. citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
U.S. Local Street Address 162 JULIUS RD										
City OMAHA		State NE		Zip Code 68000						
Foreign Residence Address 11 ANY STREET										
Address Line 2 INNERSTADEN STOCKHOLM										
Foreign Country SWEDEN		Province/County STOCKHOLM		Postal Code						
Country of Citizenship SWEDEN		Country that issued Passport SWEDEN								
Are you married? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "YES", is your spouse in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No										
If "YES", is it recognized by the State where you will be filing? <input type="checkbox"/> Yes <input type="checkbox"/> No										
<b>Are you a</b>										
U.S. National <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Resident of Canada <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Resident of Mexico <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
				Resident of South Korea <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
				Resident of India <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
<b>Dependent Information</b>										
First Name	Last or Family Name	Date of Birth (mm/dd/yyyy)	ITIN or SSN	Relationship to you (son, daughter, none, etc.)	Number of months lived with you in the U.S. in 2022	U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada, Mexico, or South Korea	Did person file joint return?	Did person provide more than 50% of their own support?	Did you provide more than 50% of their support?	Did the person have Gross Income of \$4,400 or more?
What is the date you FIRST entered the United States? 12 / 27 / 2020										
<b>Entry Immigration Status - Check one</b>										
<input type="checkbox"/> U.S. Immigrant/Permanent Resident		<input type="checkbox"/> F-1 Student		<input type="checkbox"/> F-2 Spouse or child of Student						
<input type="checkbox"/> H-1 Temporary Employee		<input checked="" type="checkbox"/> *J-1 Exchange Visitor		<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor						
Other (list)										
<b>Current Immigration Status - Check one</b>										
<input type="checkbox"/> U.S. Immigrant/Permanent Resident		<input type="checkbox"/> F-1 Student		<input type="checkbox"/> F-2 Spouse or child of Student						
<input type="checkbox"/> H-1 Temporary Employee		<input checked="" type="checkbox"/> *J-1 Exchange Visitor		<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor						
Other (list)										
Have you ever changed your visa type or U.S. immigration status? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
If "Yes", indicate the date and nature of the change. ____ / ____ / ____										
Enter the type of U.S. visa you held during these years										
2016	2017	2018	2019	2020 J-1	2021 J-1					
<b>* If Immigration status is J-1, what is the subtype? Check one</b>										
<input checked="" type="checkbox"/> 01 Student		<input type="checkbox"/> 05 Professor		<input type="checkbox"/> 12 Research Scholar						
<input type="checkbox"/> 02 Short Term Scholar		Other (list)								
<b>What is the actual primary activity of the visit? Check one</b>										
<input checked="" type="checkbox"/> 01 Studying in a Degree Program		<input type="checkbox"/> 04 Lecturing		<input type="checkbox"/> 07 Conducting Research						
<input type="checkbox"/> 02 Studying in a Non-Degree Program		<input type="checkbox"/> 05 Observing		<input type="checkbox"/> 08 Training						
<input type="checkbox"/> 03 Teaching		<input type="checkbox"/> 06 Consulting		<input type="checkbox"/> 09 Demonstrating Special Skills						
				<input type="checkbox"/> 10 Clinical Activities						
				<input type="checkbox"/> 11 Temporary Employment						
				<input type="checkbox"/> 12 Here with Spouse						
Catalog Number 39748B		www.irs.gov		Form 13614-NR (Rev. 10-2022)						

Check the years you were present in the United States as a teacher, trainee, student or as an accompanying spouse or dependent of a person in such status for any part of the year. ☐ 2016 ☐ 2017 ☐ 2018 ☐ 2019 ☒ 2020 ☒ 2021

Have you ever been present in the U.S. PRIOR to 2016 on a teacher, trainee, student visa, or as their accompanying spouse or dependent? ☐ Yes ☒ No If so, what years and visa type \_\_\_\_\_

How many days (including vacations, nonworkdays and partial days) were you present in the U.S. during

2020 5 2021 324 2022 365

List the dates you entered and left the United States during 2022

Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy

Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy

Did you file a U.S. income tax return for any year before 2022? ☒ Yes ☐ No

If "Yes", give latest year 4 / 15 / 21 Form number filed 1040-NR

During 2022, did you apply to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No

Do you have an application pending to change your status to lawful permanent resident? ☐ Yes ☒ No

1. Are you claiming the benefits of a U.S. income tax treaty with a foreign country? ☐ Yes ☒ No

If "Yes", enter the appropriate information in the columns below

(a) Country	(b) Tax Treaty Article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☐ No

#### Information about academic institution you attended in 2022

Name STATE COLLEGE

Telephone number 402-555-XXXX

Address 323 S 49TH AVE, OMAHA, NE 68011

Name of your academic/specialized program director SUE LEARY

Telephone number 402-555-XXXX

Address 323 S 49TH AVE, OMAHA, NE 68011

#### During 2022 did you receive

#### Did you have

Scholarships or Fellowship Grants	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Casualty Losses in a Declared Disaster Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wages, Salaries or Tips	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Student Loan Interest Paid	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Interest	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State or Local Income Taxes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Distributions from IRA, Pension or Annuity	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	U.S. Charitable Contributions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
State or Local Tax Refunds	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child/Dependent Care Expenses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unemployment Compensation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IRA Contributions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Dividend income or capital gains or losses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Any Other Income (gambling, lottery, prizes, awards, self-employment, rents, royalties, virtual currency, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Did you or any dependent have health insurance coverage through HealthCare.gov (The Marketplace)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, was any Advanced Premium Tax Credit received? (Provide Form 1095-A)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

#### Privacy Act and Paperwork Reduction Act Notice

The Privacy Act of 1974 requires that when we ask for information we tell you our legal right to ask for the information, why we are asking for it, and how it will be used. We must also tell you what could happen if we do not receive it, and whether your response is voluntary, required to obtain a benefit, or mandatory.

Our legal right to ask for information is 5 U.S.C. 301. We are asking for this information to assist us in contacting you relative to your interest and/or participation in the IRS volunteer income tax preparation and outreach programs. The information you provide may be furnished to others who coordinate activities and staffing at volunteer return preparation sites or outreach activities. The information may also be used to establish effective controls, send correspondence and recognize volunteers. Your response is voluntary. However, if you do not provide the requested information, the IRS may not be able to use your assistance in these programs.

The Paperwork Reduction Act requires that the IRS display an OMB control number on all public information requests. The OMB Control Number for this study is 1545-2075. Also, if you have any comments regarding the time estimates associated with this study or suggestion on making this process simpler, please write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, Washington, DC 20224.



## EXERCISES (continued)

### Question 4

Kerry Chang, a citizen of the People's Republic of China, is temporarily in the U.S. as a graduate student in F-1 immigration status. He has resided continuously in the U.S. since arriving on August 15, 2017. His immigration status has not changed. When did Kerry become a resident alien for federal income tax purposes?

- a. 2017
- b. 2021
- c. 2022
- d. 2023

### Question 5

Phillip, a resident of Denmark, is in the U.S. as a teaching scholar in J-1 immigration status. He arrived in the U.S. on December 17, 2021 and has been here continuously since. On July 7, 2023, Phillip was notified by U.S. Citizenship and Immigration Services (USCIS) that his application for permanent residence was approved and a green card would be issued by July 20, 2023. What is his residency starting date for federal income tax purposes?

- a. July 20, 2023
- b. July 7, 2023
- c. January 1, 2023
- d. January 1, 2024

### Question 6

**True or False?** Mai is a student who has been in the U.S. since June 2018 and began counting days of presence on January 1, 2023. Mai's husband accompanies her in J-2 immigration status. He was given permission to work by the USCIS and began working in July. He is a resident alien for federal tax purposes.

## Conclusion



### EXERCISE Answers

**Answer 1.** TRUE, Kim would still be considered a nonresident alien for federal income tax purposes. As a student, she is exempt from counting her days of presence during her first five years.

**Answer 2.** True, Yvonne is considered a resident alien for federal income tax purposes in 2023. She was in an exempt status in 2021 and 2022. Even though she was not in the U.S. for a full year in 2021, she must count that entire year toward her two years of exempt status.

**Answer 3.** C, For the year 2023, Zheng and Jiang Zhou will be considered resident aliens for tax purposes, because they have already spent two years as exempt individuals.

**Answer 4.** C, Kerry became a resident alien for federal income tax purposes in 2022.

**Answer 5.** C, Phillip will be considered a resident alien for tax purposes as of January 1, 2023.

**Answer 6.** True, Mai and her husband are both resident aliens.



## Introduction

This lesson discusses the taxation of nonresident students and scholars. The U.S. does not tax foreign source income received by nonresident aliens, but nonresident aliens are subject to taxation of income from U.S. sources.

## Objectives

At the end of this lesson, you will be able to:

- Be aware of some tax law changes that affect Foreign Student and Scholars
- Determine the source of a student's or scholar's income
- Determine whether a student and scholar should file Form 1040-NR
- Identify different types of income and determine if they are a taxable
- Identify the applicable itemized deductions that can be included on Form 1040-NR
- Accurately complete Form 1040-NR

## Who Must File?

Filing is required by nonresident alien students and scholars who have:

- Any other income that is taxable under the Internal Revenue Code
- Income partially or totally exempt from tax under the terms of a tax treaty
- A student with a \$300 taxable scholarship, or a researcher whose income is exempt by treaty, etc.

Filing is not required by nonresident alien students and scholars who have income only from:

- Foreign sources
- Interest income from a United States bank, savings & loan institution, credit union, or insurance company, and/or an investment-generating portfolio
- A scholarship or fellowship that is entirely a Tax-Free Scholarship or Fellowship as described in **Chapter 1 of Publication 970, Tax Benefits for Education**
- Any other income that is nontaxable under the Internal Revenue Code
- Income that is not taxable because of an income tax treaty must be reported on a U.S. income tax return, even if no tax is due.

### What do I need?

- 1040-NR, U.S. Nonresident Alien Income Tax Return
- W-8BEN, Beneficial Owner's Certificate of Foreign Status for U.S. Tax Withholding
- 8233, Exemption from Withholding on Compensation for Independent (& Certain Dependent) Personal Service of a Nonresident Alien Individual
- Publications 519, U.S. Tax Guide for Aliens
- Publication 970, Tax Benefits for Education

### Optional:

- Publication 4012, VITA/TCE Volunteer Resource Guide
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide
- Link & Learn Taxes, Filing Basics Workout and Filing Status Workout lessons.

## Taxation of Nonresidents

### Source of Income

Nonresident aliens' foreign-source income is not subject to U.S. tax, so the source of each kind of income needs to be determined before filing.

Types and Sources of Income	
Income type:	Source is determined by:
Dividends	Where payer is incorporated
Interest	Payer's place of residence
Pension payments attributable to: --Contributions (employer or employee, pretax) Earnings of domestic (U.S.) trusts	Where the services were performed The U.S. is the source
Rents	Where property is located
Royalties from natural resources	Where property is located
Royalties from patents, copyrights, etc.	Where property is used
Salaries, wages, and other compensation for personal services	Where services are performed
Sale of inventory that was purchased	Where the inventory is sold (where title passes)
Sale of personal property (except inventory)	Tax home of seller
Sale of real property	Where the property is located
Scholarships and fellowships	Residence of grantor

### Peer-to-Peer Economy

Income received from peer-to-peer U.S. source income such as Uber, Lyft, AirBnB, etc. is generally taxable. Certain expenses may be deductible; however, this topic is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

(Limited self-employment income is handled by VITA, only for Form 1040, U.S. Individual Income Tax Return.)

### Effectively Connected Income

Nonresident alien students and/or scholars are considered to be engaged in a U.S. trade or business if they are studying, teaching, or doing research. Income from such activities is "effectively connected" and must be reported on Form 1040-NR. This income is taxed at the same rates applicable to U.S. citizens and resident aliens.

Income that is **not** effectively connected must be reported on Form 1040-NR. No deductions can be taken against it, and it is taxed at a flat rate of 30 percent, unless a lower treaty rate applies.

### Wages, Salaries, and Tips

Wages are generally subject to tax withholding by the employer. Upon being hired, an employee files Form W-4, Employee's Withholding Certificate to advise the employer of the employee's status for withholding. A nonresident student should check the "Single" box on Form W-4, even if married, due to the restrictions on deductions that can be claimed by nonresidents.

The withholding estimator on [www.irs.gov](http://www.irs.gov) does not calculate for a non resident alien at this time. Therefore, the proper amount of tax divided by the number of pay periods should be added to Form W-4, Line 4c extra withholding. This should account for nonresident aliens who do not qualify for the standard deduction.

Use **Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens**.

Some tax treaties allow a limited exemption from tax for wages earned while temporarily studying in the U.S. To avoid withholding on wages eligible for the exemption, a student should fill out Form 8233, and give three copies to the employer.

If a student fails to give Form 8233 to the employer, or earns more than the treaty exemption amount, federal tax will be withheld and amounts earned will be reported on Form W-2, Wage and Tax Statement. However, treaty provisions can still be claimed on the tax return.

Income not subject to withholding because of a treaty is reported on **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding. This is reported on the Form 1040-NR line for Total Income Exempt by a Treaty from Schedule OI. See Publication 4011 for details.

The following worksheet can help you determine the correct amount of wages to report on the Total amount from Form(s) W-2, box 1. line of Form 1040-NR. Some of the lines may not apply to the student or scholar you are assisting. If the student or scholar has more than one W-2, add the Box 1 amounts together before completing this worksheet.

Wages from Box 1 of Form W-2	
Plus	Code 19 income from Form 1042-S
Plus	Code 20 income from Form 1042-S
	Code 19 treaty benefit
	Code 20 treaty benefit
	Wages to be entered on return

Amounts excluded by treaty benefits Codes 18 and 19 should not be included in the Total amount from Form(s) W-2, box 1 line. These amounts will be shown on Schedule OI and the line for Total income exempt by a treaty from Schedule OI.

Amounts claimed for the treaty exemption on the Form 1040-NR will be the lesser of amounts earned or the treaty maximum. For example, if a treaty allows \$5,000 and the wages were \$3,800, the amount listed as exempted by the treaty will be \$3,800.



## EXERCISES

### Question 1

Alejandro is an international student from Spain, temporarily present in the U.S. in F-1 immigration status. He is entitled to a \$5,000 treaty exemption for wages. He didn't know about Form 8233 and never filed it. He earned \$11,800 during the tax year, all of which was reported on Form W-2. How much will Alejandro report as wages on his Form 1040-NR for the current tax year?

- a. \$5,000
- b. \$6,800
- c. \$8,000
- d. \$11,800

## Interest Income

Investment income is generally treated as **not** effectively connected with a U.S. trade or business. This includes dividends, capital gains, rental income, and interest, with the exception of bank interest. U.S.-source interest received on deposits held in the “banking business” is excluded from nonresident aliens’ income; they need not even report it.

The exemption of bank interest applies only if it is not connected with a U.S. trade or business. Thus, the exemption may be lost if a nonresident holds large sums in a bank for the purpose of earning money.

The “banking business” includes commercial banks, mutual savings banks, cooperative banks, credit unions, domestic building and loan associations, and other savings institutions chartered and supervised as savings and loans or similar associations under federal or state law.



*Lorenzo is a junior at a state university. He is in F-1 immigration status. When he came to the U.S. to study, his parents gave him \$20,000 for expenses. He loaned \$5,000 to his cousin, a U.S. resident. His cousin paid him \$1,050 last year (\$1,000 of principal repayment and \$50 interest). He deposited the remaining \$15,000 in the college credit union and earned \$300 interest. Does Lorenzo need to report any of the interest earned?*

*The \$50 from Lorenzo’s cousin is not from the banking business, nor is it connected to his trade or business of studying. Therefore, it is reported on Form 1040-NR. The \$300 interest from the credit union is excluded from income, and does not have to be reported.*

## Dividend Income

If a nonresident student or scholar invests in the stock market and receives dividend income, it is not considered effectively connected with the person’s trade or business of studying, and it’s generally taxed at a 30% rate unless a lower treaty rate is applicable. This income is reported on Form 1040-NR, Schedule NEC, Tax on Income Not Effectively Connected With a U.S. Trade or Business.

If the taxpayer properly notified the brokerage firm of their nonresident alien status, the brokerage firm would then report that income to the taxpayer on Form 1042-S and withhold a percentage of it for income tax.

If the student or scholar did not tell the brokerage firm that they are a nonresident alien, it may have been reported on a Form 1099-DIV, Dividends and Distributions, in which case it is likely nothing was withheld from it. In either case, the taxpayer should properly report this income as not effectively connected income on Schedule NEC. If a lower treaty rate applies, the return is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program. See Publication 4011 for a list of potential treaties relating to dividends.

## Scholarships and Fellowships

Income in the form of a scholarship or fellowship is treated in one of three ways. It is either:

- Excludable under the Internal Revenue Code (this is called the Section 117 exclusion),
- Exempt by treaty, or
- Taxable

The Section 117 exclusion says a student who is a candidate for a degree may be able to exclude some or all income received under a “qualified” scholarship.

A qualified scholarship is any amount received as a scholarship or fellowship grant, and used for tuition, fees, books, supplies, and equipment that the student is required to buy. Amounts used for other purposes, such as room and board or travel, are not excludable. Section 117 does not apply if the student must perform services to receive the money (i.e. teaching assistant). Some treaties also exempt amounts received as scholarship or fellowship grants.

To prevent withholding, the student must file Form W-8BEN with the educational institution or other provider of the scholarship.

## Scholarship and Fellowship Grants Exclusion

### Line 8r—Scholarship and fellowship grants not reported on Form W-2

Enter the amount of scholarship and fellowship grants not reported on Form W-2, reduced by the total amount exempt by treaty. However, if you were a degree candidate at an eligible educational organization, generally **include on line 8r only the amounts you used for expenses other than tuition, fees, and required, course-related expenses**. For example, amounts used for room, board, and travel must be reported on line 8r.

**Note:** Attach any Form(s) 1042-S you receive from the educational organization to page 1 of the Form 1040-NR. Scholarship and fellowship grants are reported in box 2 of Form 1042-S.

For more information about tax requirements for scholarships and fellowships, see Pub. 519 and chapter 1 of Pub. 970.



## EXERCISES (continued)

### Question 2

Fatima, an international student from Brazil, received a \$6,000 scholarship from Mountain State University. The university applied \$4,700 of it for tuition, fees, and books. The other \$1,300 was used for living expenses. How much must Fatima report on her tax return?

- a. \$1,300
- b. \$2,000
- c. \$4,700
- d. \$6,000

## Gambling Income

### (Out of Scope, For Information Purpose)

Some international students and scholars receive income from gambling. This income is not effectively connected with the reason for their visit to the U.S. and must be reported on Schedule NEC and not on Form 1040-NR, page 1.

Canadian residents may report their net winnings, while residents of all other countries must report their gross winnings. Separate lines on Schedule NEC are provided for computing the tax for these two scenarios.

## Capital Gain or Loss

Nonresident alien students and scholars are subject to 30 percent taxation of U.S. capital gains, unless a tax treaty allows a lower rate. Report this income in the Capital Gains and Losses From Sales or Exchanges of Property section of the 1040-NR. If a sale of stock takes place, it should be reported regardless of whether a gain or loss occurs. Refer to Publication 901, U.S. Tax Treaties for the table that lists the income tax rates on capital gains.

Sales of stock and other capital gain issues should be handled only by tax preparers who have certified at the advanced level. The types of capital gains and losses within the scope of the VITA/TCE Foreign Student and Scholar program may be further limited, see Publication 4011.

## Itemized Deductions

Nonresident students and scholars (except students from India) are not permitted to take the standard deduction. While nonresident students and scholars must itemize deductions, they are limited in the type of expenses they can deduct. Expenses that can be itemized include:

- State and local taxes (Taxpayers may claim an itemized deduction of up to \$10,000 (\$5,000 for married taxpayers filing a separate return) for State and local income taxes, property taxes or sales taxes, applicable to taxable years beginning after December 31, 2017 and before January 1, 2026.)
- U.S. Charitable contributions
- Casualty loss (**Out of Scope**). Before referring a taxpayer elsewhere, beware that the Tax Reform Act has limited these losses to Federally Declared Disaster Areas only.

### State and Local Taxes

State and local income taxes are fully deductible in the year paid, no matter to which state they were paid. They will normally be listed on the student's or scholar's Form W-2 or Form 1042-S. A student or scholar may also have a canceled check or receipt for additional state or local income taxes paid during the tax year.

Taxpayers may claim an itemized deduction of up to \$10,000 (\$5,000 for married taxpayers filing a separate return) for State and local income taxes, property taxes or sales taxes, applicable to taxable years beginning after December 31, 2017 and before January 1, 2026.



### U.S. Charitable Contributions

Students can deduct charitable contributions to U.S. charities and nonprofit organizations. Those generally include religious, charitable, educational, scientific, and literary organizations; and organizations that work to prevent cruelty to children or animals. Contributions made directly to a foreign organization are not deductible.

To verify the deductibility of a contribution, the IRS has an online tool that searches for all valid U.S. charitable and other eligible nonprofit organizations. [Click here](#) to search for eligible organizations.

Contributions made to a U.S. organization that transfers funds to a foreign organization may be deductible. To be deductible, the U.S. organization must control use of the funds.

Refer to the Publication 17, Your Federal Income Tax (For Individuals) for possible limitations on the amount deductible.

### Recordkeeping Requirements for Cash Contributions

You cannot deduct a cash contribution, regardless of the amount, unless you keep the following information:

- The canceled check or a bank copy of the canceled check
- A bank statement containing the name of the charity, the date, and the amount, or
- A written communication (receipt) from the charity which includes the name of the charity, date of the contribution, and the amount of the contribution - It can only be claimed as an itemized deduction.

## Preparing Form 1040-NR

### Information Section

If your site is preparing paper returns, it is advisable to have the student or scholar complete the top section of the form, although you can provide guidance. Remind the taxpayer that the name must be listed in the same order it appears on the Social Security card or ITIN letter.

Many students move at the end of the school year. Their present home address should be the address where refunds or correspondence can be received once the return is processed.



## Filing Status

Generally, the only two filing statuses available to nonresident aliens are Single and Married Filing Separately. Only in rare circumstances would a Qualifying Surviving Spouse be applicable.

If the taxpayer is married, the “Married nonresident alien” box must be marked, even if the spouse does not reside with the taxpayer.

## Wages

The amount to list on the wage line should be computed as follows:

Wages in Box 1 of Form W-2	
Plus	Code 19 income from Form 1042-S
Plus	Code 20 income from Form 1042-S
	Code 19 Treaty benefit
	Code 20 Treaty benefit
	Wages to be entered on return

*Paul, a student from France, received Form 1042-S showing code 20 income of \$5,000. Paul also received a W-2 with \$3,900 in Box 1. Paul would report \$3,900 on the wage line, calculated as follows:*

Amount in Box 1 of Form W-2	\$3,900
Plus: Code 20 Income	\$5,000
Minus: Treaty Benefit	\$5,000
Equals: Amount to be listed on return	\$3,900

## Taxable Refunds of State and Local Taxes

Students may have received taxable refunds of state and/or local taxes. Remember that nonresident students, except from India, must itemize their deductions. This can include state and local income taxes paid. **Any refund of state and local taxes may need to be included on the return in the year received.**

Students from India are allowed a standard deduction. If the standard deduction was used on the previous year’s tax return, do not include the amount of any state or local tax refund in taxable income.

## Scholarships and Fellowship Grants

Nonresident students must report all scholarships they receive for room and board and living expenses that are not exempted by their treaty. Scholarships that cover only tuition, books, and fees are not reported. Scholarships from outside the U.S. are not reported either. If the student uses part of a reportable scholarship to pay for tuition, books, fees or supplies, these expenses can be excluded from the Scholarship and Fellowship grants not reported on Form W-2 line, Schedule 1 (1040) that flows over to Form 1040-NR, Line 8, Other income from Schedule 1.



## EXERCISES (continued)

### Question 3

Nina from New Zealand received the following scholarships:

Tuition waiver	\$3,600
Science Scholar Scholarship	\$2,000
Abbott Scholarship	\$1,000
Merrill Scholarship	\$1,000

Her only qualifying education expenses include her tuition, \$750 on books and \$250 on required fees other than health insurance. What is Nina required to report on her tax return?

- a. Everything
- b. All of the scholarships, but not the tuition waiver
- c. The tuition waiver but none of the scholarships
- d. Neither the scholarships nor the tuition waiver

## **Preparing Form 1040-NR (continued)**

### ***Student Loan Interest Deduction***

Many foreign students and scholars incur interest charges while temporarily in the U.S., but very few of those interest charges are tax-deductible. The only type of interest that can be deducted is qualified student loan interest. All of the following conditions must be met for interest to be qualified student loan interest:

- The interest must have been paid during the tax year
- The interest repayment must have been required to be paid
- Filing status must be Single or Qualifying Surviving Spouse
- The loan must have been issued to pay for educational expenses, and The recipient of the loan must be at least a half-time student
- The lender must be a qualifying U.S. institution

### ***Itemized Deductions***

Form 1040-NR should be filed if a student or scholar has itemized deductions that would reduce taxable income. Students from India can take the standard deduction on either form. Refer to Publication 4011 or Publication 17.

### ***Tax***

If the Taxable income line is a positive number, the taxpayer has some income subject to tax. Since all of the income on Form 1040-NR is considered “effectively connected” income, you can use the standard tax tables to determine the correct amount of tax. If filing paper be sure to use only the Married Filing Separate column for married taxpayers.

### ***Social Security and Medicare Tax***

Students and scholars are exempt from Social Security and Medicare tax as long as they are nonresidents in compliance with their visa. Therefore, the line for “Other taxes...” on Form 1040-NR is generally left blank.

An exception is when a student or scholar’s spouse with a J-2 visa works for tips and did not pay the full amount of the Social Security and Medicare taxes. In that case, there is tax liability entered on that line.

### ***Federal Income Tax Withheld***

A student or scholar may have federal income tax withholding listed in a number of places: for example, Forms W-2, Form 1099-R, Form 1042-S, etc. If a taxpayer has income from more than one payor, add all the federal withholding amounts together.

### ***Estimated Tax and Overpayment from Prior Year***

For most students and scholars, the line for estimated tax payments and amount applied from the previous year’s return will be blank. Very few nonresidents make estimated tax payments, especially if their only income is from wages and scholarships.

Very few students and scholars elect to have their refunds applied to next year’s taxes. If a student or scholar had either of these types of payments, list the amount on the estimated tax payments line.

## Summary

In this lesson, you learned that:

- The U.S. does not tax nonresident aliens' foreign-source income; income source needs to be determined before filing
- Nonresident students' or scholars' income is "effectively connected" if they are studying, teaching, or doing research; it is reported on Form 1040-NR. Some tax treaties provide for a limited exemption from tax for wages earned while temporarily studying, teaching, or training in the U.S.
- Income received from interest, dividends, or gambling is not "effectively connected" and must be reported. Income in the form of a scholarship or fellowship is treated in one of three ways:
  - Section 117 exclusion
  - Exempt by treaty
  - Taxable

Nonresident students (except students and scholars from India) must itemize deductions but are limited in the type of expenses they can deduct. Nonresident students and scholars are subject to 30 percent taxation of U.S. capital gains, unless a tax treaty allows a lower rate.



*Ingrid, from Germany, worked part of the year at the local university in California. She gave the university Form 8233 and they properly applied her treaty benefit. In August, Ingrid moved to Illinois and began the fall semester at the local university. She gave Form 8233 to the university in Illinois. However, the Illinois university was not aware that Ingrid had already exempted part of her income in California. At the end of the year, Ingrid's taxable wages were calculated as follows:*

Income and Federal Taxes Withheld	Amount
W-2 California university wages, taxes withheld	\$380
1042-S Code 20 California university	\$9,000
W-2 Illinois university wages, taxes withheld	\$1,685
1042-S Code 20 Illinois university	\$9,000
Total wages	\$20,065
Allowable treaty benefit	\$9,000
Taxable wages	\$11,065

Would Ingrid receive a refund of federal income taxes withheld if her treaty benefit was applied correctly at both colleges?



## EXERCISES (continued)

### Question 4

**True or False?** Mario came to the U.S. last year for postgraduate study. He borrowed \$2,000 from the college credit union for his last semester's fees and books. Mario has graduated, but remained in the U.S. for one year of practical training. He began repaying the loan and paid \$50 in interest during the current tax year. Mario can claim this interest as a deduction.

### Question 5

**True or False?** Egor, who is from Russia, earned \$3,434 last year. He had \$89 withheld for state income taxes. Even though he listed the taxes as a deduction on his federal return last year, they did not help lower his taxable income for that year. Egor received a state refund of \$43 this year. He would include this on his current federal return.

### Question 6

Lucas, a resident of Brazil, entered the U.S. last year in F-1 immigration status to study engineering. He invested the money that he brought with him in the stock market. During the tax year, he sold some stock to pay tuition and fees. Lucas should report the sale of the stock if:

- a. He has a loss he can deduct
- b. A sale of stock occurred (gain or loss)
- c. It is more than his allowable treaty benefit

### Question 7

Alejandro is an international student from Spain, temporarily present in the U.S. in F-1 immigration status. He is entitled to a \$5,000 treaty exemption for wages. He didn't know about Form 8233 and never filed it. He earned \$11,800 during the tax year, all of which was reported on Form W-2. How much will Alejandro report as wages on his Form 1040-NR for the current tax year?

- a. \$5,000
- b. \$6,800
- c. \$8,000
- d. \$11,800

### Question 8

Jacob, who is from England, had \$348 of state income tax withheld in 2022. His total income was \$5,800 in 2022. The deduction of the state income taxes helped reduce his taxable income, as illustrated below.

Wages	\$5,800
State income tax	\$348
Taxable income	\$5,452

Jacob received a \$22 state income tax refund in 2023 on his 2022 state return. Should he report it as income on his 2023 tax return?

## Conclusion



### EXERCISE Answers

- Answer 1.** B, Alejandro will enter \$6,800 (\$11,800 minus the \$5,000 treaty exemption) on Form 1040-NR line for wages, salaries, tips, etc.
- Answer 2.** A, The University will issue Form 1042-S for \$1,300; Fatima must report \$1,300 as a taxable scholarship on Form 1040-NR.
- Answer 3.** B, Nina is not required to report the tuition waiver on her tax return. She must report the other \$4,000 of scholarships on the Form W-2 line, Schedule 1 (1040) that will flow over to Form 1040-NR, Line 8, Other income from Schedule 1.
- Answer 4.** True, Mario can deduct the \$50 on the Student loan interest deduction line of Schedule 1 (Form 1040) which flows to the Adjustments to income, From Schedule 1 line on Form 1040-NR.
- Answer 5.** True, Egor would include the state refund of \$43 on his current federal return because he did not receive a tax benefit on his prior-year return.
- Answer 6.** B, All sale of stock is reported on Form 1040-NR, Tax on income not effectively connected with a U.S. trade or business from Schedule NEC (Form 1040-NR). Any gain is taxable at 30 percent, unless treaty allows a lesser amount; see Publication 901. Not all losses are deductible.
- Answer 7.** B, Alejandro will enter \$6,800 (\$11,800 minus the \$5,000 treaty exemption) on Form 1040-NR line for wages, salaries, tips, etc.
- Answer 8.** True, The \$22 is listed as income on his 2023 federal return.



## Introduction

This lesson is designed to teach tax preparers how to determine if there is a tax treaty affecting the reporting requirements of foreign students and scholars who must file a U.S. tax return. The lesson also covers income codes and uncommon treaty provisions that may affect taxable income.

### Objectives

At the end of this lesson, you will be able to:

- Determine if a student or scholar is eligible for tax treaty benefits
- Determine which income code to use in the application of the treaty benefits
- Identify which forms a student or scholar should file

### Foreign Tax Treaties with the U.S.

Many countries have tax treaties with the U.S. that allow their residents to earn money while temporarily living in the U.S. without being subject to income tax on those earnings in both countries. It is important for volunteers working with international students and scholars to be familiar with these treaties.

The full texts of the tax treaties, technical explanations, and protocols are available through the IRS Web site ([www.irs.gov/businesses/international-businesses/united-states-income-tax-treaties-a-to-z](http://www.irs.gov/businesses/international-businesses/united-states-income-tax-treaties-a-to-z)). Understanding them may be challenging. IRS Publication 901, U.S. Tax Treaties, has additional information.

You can also get copies of the text of most treaties at the following address:

Department of the Treasury  
Office of Public Correspondence  
1500 Pennsylvania Ave NW - Room 3419  
Washington, D.C. 20220

References to the most commonly used Treaties under the Foreign Student and Scholar VITA Program are in Publication 4011. [www.irs.gov/businesses/small-businesses-self-employed/state-government-websites](http://www.irs.gov/businesses/small-businesses-self-employed/state-government-websites)

## Tax Residency

A student or scholar must have been a resident of the treaty country prior to entering the U.S. for the provisions of that treaty to apply. The key factor is the residency and NOT citizenship of the individual. In most cases, the person will be both a citizen and resident of the same treaty country. However, it is very important to determine the country of residency in order to apply the proper treaty benefits.

Again, treaty benefits are tied to the residency of an individual immediately before entering the U.S., not the country that issued their passport.

Loren Chen, who was born and raised in Canada, attended undergraduate school in the People's Republic of China and became a resident of the People's Republic of China. Loren now attends graduate school in the US. He is required to use the Treaty Provisions of the People's Republic of China.

### What do I need?

- Form 1040-NR, U.S. Nonresident Alien Income Tax Return
- Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding
- Form 8233, Exemption from Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual

### Optional:

- Publication 519, U.S. Tax Guide for Aliens
- Information on the United States-Canada Income Tax Treaty
- Publication 901, U.S. Tax Treaties
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide.
- Link & Learn Taxes, Filing Status Workout and Filing Basics Workout lessons.

The complete text of the tax treaties, available at:

[www.irs.gov/businesses/international-businesses/united-states-income-tax-treaties-a-to-z](http://www.irs.gov/businesses/international-businesses/united-states-income-tax-treaties-a-to-z)



## EXERCISES

### Question 1

Michael Chang, a citizen of the People's Republic of China, moved to Canada with his parents at the age of 4, where he remained until moving for college. On June 30, 2022, at age 18, Michael entered the U.S. on F-1 immigration status, to attend university. Which country's treaty would be used to prepare his return?

- a. China
- b. Canada
- c. Both
- d. Neither

### Income Codes

Each type of income that an alien can earn is identified by a numeric code on Form 1042-S, box 1. International students and scholars should receive Form 1042-S in lieu of Form W-2 for any income that is covered by a treaty. The codes are helpful in determining the application of the treaty benefits.

The most common codes used by international students and scholars are:

- Code 16: Scholarship or fellowship grants
- Code 19: Compensation for teaching or researching
- Code 20: Compensation during study and training

Refer to pages 13 through 15 in Publication 4011 for tables.

If nonresident aliens fail to timely notify the payer of their treaty benefit, they may be issued a regular income document. However, the individual would still be allowed the tax treaty benefit on their return.

### Income Code 16—Scholarship or Fellowship Grants

Income or the waiver of fees is treated differently in each category:

- Money received for tuition, fees, books, and/or supplies is not taxable if it was spent for the purpose intended and there was no requirement to perform services
- Money received for room and board is normally taxable, but some countries have treaty provisions making it nontaxable. Usually there are a maximum number of years during which the income is nontaxable. Refer to page 13 in Publication 4011 for table.
- Money received for performing services such as teaching or research is treated as wages



*Zama is from Eswatini, Africa, and is in the U.S. as an F-1 student. Zama receives a tuition waiver from her college and is not required to work to get the waiver. She received a \$250 scholarship from a local group to help cover her books. She pays her own room and board with monies from her home country. Are any of the monies she received taxable?*

*Zama has no taxable scholarship or fellowship income. The waiver is not taxable because she has no requirement to work. The scholarship is not taxable because the money is used to buy her books.*

### Income Code 19—Compensation for Teaching or Researching

Professors' and teachers' pay may be exempt from U.S. income taxes for either two or three years, if they are temporarily in the U.S. to teach or do research. These exemptions by treaty apply to income earned by the visiting professor or teacher only, not to any earnings of a spouse or dependents.

Refer to page 14 in Publication 4011 for table.

Some countries, including India, the Netherlands, and Thailand, have treaty clauses saying that if the maximum years of presence are exceeded, the entire treaty benefit is lost. This could require a teacher to file amended returns and pay tax on previous years' income. If a teacher expects to stay more than the limited years of presence, they should avoid claiming the treaty benefit for any years. If they leave sooner than anticipated, prior to the period expiring, they can file amended returns to properly claim their treaty benefits.

Other countries, such as the Czech Republic, France, Indonesia, Israel, Jamaica, Netherlands, Philippines, Portugal, Slovak Republic and Thailand prohibit claiming this treaty benefit if a teacher has either claimed a tax treaty provision as a student, or made a previous treaty claim as a teacher. Refer to Publication 901, U.S. Tax Treaties, for specific information on these countries.

The treaty exemption for teaching or research income is counted from the day of arrival in the U.S. (In some cases, this may mean that treaty provisions extend into a tax year where the individual may be considered a resident alien. These returns would be **Out of Scope** for all VITA programs.)

### **Income Code 20—Compensation During Study and Training**

Students and trainees from many countries are allowed to earn some money tax-free in the U.S. Immigration restrictions usually bar students from working off campus during their first year in the U.S., therefore, most international students earn money from the college or university they attend. If a student earns more wages than their treaty benefit allows, the excess must be reported on their tax return.

A spouse or dependent of an F-1 student is not generally permitted to work while in the U.S. on an F-2 visa. Spouses who acquire their own F-1 visas may be eligible to work on campus.

Refer to page 19 in Publication 4011 for table.

### **Form 8233**

International students and scholars who qualify should complete Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, annually and give it to their employer. This allows employers to avoid withholding federal income tax on the students' and scholars' earnings until the applicable treaty benefit amount is exceeded.

Students and scholars are entitled to claim treaty benefits on their tax returns even if they did not give the proper forms to their employer or college, or if the employer did not issue the correct reporting document.

In some cases, the student/scholar may have failed to file Form 8233 timely. In this case, they may be issued a Form W-2. However, this does not prevent them from taking advantage of their treaty benefits.



*Michael Wei is a student from the People's Republic of China. He entered the U.S. in August 2022 in F-1 immigration status. In 2023, he received a \$8,000 scholarship (tuition only) from the University and worked at the school library. He received a Form W-2 in the amount of \$3,200 for his work-study (Form 8233 was not submitted timely) and a Form 1042-S reporting his scholarship. Form 1040-NR, Schedule OI is completed as shown.*



## **EXERCISES (continued)**

### **Question 2**

**True or False?** Suzan is from Poland, a country that has a treaty benefit to exempt income from teaching for two years. She is in J-1 immigration status and is teaching engineering at a local university. She was hired on a four-year contract to teach at the university. She only stayed one year, then returned to Poland for a great job opportunity. Since her contract was for four years and she received Form W-2, she should not claim the treaty benefit for any year.

## Dependent and Independent Personal Services

Sometimes students and scholars try to make use of the treaty benefits for dependent and independent personal service income (Income Codes 17 and 18).

Many treaties do not permit students and scholars to earn those types of income; they are only allowed to engage in employment that is related to the reason they were admitted to the country.

Taxpayers claiming Code 17 and 18 treaty benefits remain **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

## Capital Gains and Dividend Income

Capital gains or losses for the sale of U.S. stocks may be subject to a 30% mandatory withholding rate or no withholding. This does not mean that this is the actual treaty rate. The sales and withholdings may be reported on Form 1099-B or Form 1042-S. Use the actual treaty to determine the proper rate. Start by referring to the table in Publication 4011. The sales are listed on Schedule NEC, with the applicable tax transferring to the Form 1040-NR, page 2. The sales are NOT listed directly on Form 1040-NR, page 1 for students. (These sales are not reported on Form 8849 nor Schedule D.) As students, U.S. stock sales are generally considered NOT effectively connected with the taxpayer's U.S. trade or business. Also, if the taxpayer was physically present in the U.S. for less than 183 days, the sales may be excludable under IRC §7701(b).

Dividend income for the nonresident aliens is subject to 30% income tax rate, unless a lower rate is allowed by treaty. These lower treaty rates are **Out of Scope** for the VITA/TCE Foreign Student and Scholar program, as they are vastly different from one treaty to another and may contain several caveats. Due to their complexity, they should not be attempted to be interpreted for Foreign Student and Scholar VITA clients. The lower treaty rate countries are listed in Publication 4011 for reference, so that the volunteers will know which dividends may be permitted a lower treaty rate and need additional research. The taxable dividends are reported on Schedule NEC.

## Unique Treaty Provisions

Most treaties have very similar rules for students and scholars. However, these three countries have uncommon provisions:

- Canada
- India
- People's Republic of China

### **Canada**

The tax treaty with Canada exempts all earned income if a taxpayer coming from Canada earned up to \$10,000 in the tax year, but taxes all income if the taxpayer earned over \$10,000. This treaty benefit is lost if a nonresident becomes a resident for tax purposes.

The Canada treaty also has an exception to the general rule that other treaties have stating international students and scholars cannot use treaty benefits for dependent personal services. Students and scholars from Canada are allowed to use this treaty benefit.

Publication 597, Information on the United States-Canada Income Tax Treaty, has more information on the treaty's benefits to students and scholars from Canada.

## **India**

India is the only country whose international students and business apprentices on F, J, or M immigration status are allowed to use the standard deduction instead of itemizing deductions on their U.S. income tax return. An Indian student may take a standard deduction equal to the amount allowable on Form 1040.

Treaty benefits for a scholar (teacher) from India differ from those for a student. The scholar's income is not taxable if present for no longer than two years; however, the scholar benefit for Income Code 19 is lost retroactively if the visit exceeds two years. (The Indian scholar is not allowed the standard deduction.)

The deduction for personal exemptions is suspended through 2025. Currently, you can't claim a personal exemption deduction for yourself, your spouse, or your dependents. However, various dependency-related credits may still apply.

## **People's Republic of China**

The U.S. tax treaty with the People's Republic of China has provisions that are available to both nonresident and resident aliens. It states that a scholar is exempt from tax on earned income for three years. After two years, a scholar will become a resident alien for tax purposes, but is still entitled to one more year of tax benefits under the treaty.

Most countries' scholars can receive more than one two-year exemption by waiting three years after their current exemption to return to the United States. Chinese scholars are only allowed three years of treaty benefits during their lifetime.

A student from the People's Republic of China is also entitled to the \$5,000 exemption each year for the amount of time reasonably necessary to complete education or training. Students will become resident aliens for tax purposes after five years, but would still be entitled to the treaty benefit as long as they remain students.

The United States-People's Republic of China treaty does not apply to Hong Kong, Macau, or Taiwan.



## **EXERCISES (continued)**

### **Question 3**

**True or False?** Miles McCarthy is an international student from Canada. He entered the U.S. in F-1 immigration status in 2022. In 2023, he earned \$9,980 from on campus employment. His federal tax withholding was \$600. Miles will receive a refund of \$600 when he files Form 1040-NR.

### **Question 4**

Agamvir Singh, a scholar from India, arrived in the U.S. in 2021 in a J-1 immigration status. He had a one-year contract to teach accounting at the local university. His teaching was well received, and he was asked to stay and teach until the fall of 2024. If Agamvir stays to teach through 2024, which years' teaching income will be excludable?

- a. None
- b. 2023 and 2024
- c. 2024
- d. 2021, 2022, 2023, and 2024

### Question 5

Ann Ku, a scholar from the People's Republic of China, came to the U.S. in 2021 to teach for three years at the local university. She was paid \$39,500 per year for her full-time "Music Theory Using the Ukulele" program. For 2021 and 2022, she filed Form 1040-NR, reporting no taxable income because her treaty benefit exempted all of her teaching income. In 2023, she is a resident alien for federal income tax purposes. Which form will she file?

- a. Form 1040
- b. Form 1040-NR
- c. Ann does not need to file a tax return

### Summary

Many countries have tax treaties with the U.S. that allow their residents to earn income without being subject to income tax on those earnings in both countries.

U.S. Tax Treaty provisions may not be honored by all state taxing authorities.

Treaty benefits are tied to the residency of the country the individual established residency in before entering the U.S.

Pay of professors and teachers may be exempt from U.S. income taxes for either two or three years if they are temporarily in the U.S. to teach or do research. Students and trainees from many countries are allowed to earn tax-free income in the U.S. from the college or university they attend.

Many treaties only allow students and scholars to engage in employment that is related to the reason they were admitted to the country. Capital gains from stock sales may be taxed at lower than 30%, if treaty provisions permit.

Any dividends paid to a resident of a country that has a treaty providing lower rates of tax for dividend income require additional research and are **Out of Scope** for the VITA/TCE program. All others are taxed at 30%.

Canada, India, and the People's Republic of China have unique provisions for students and scholars. For more information regarding the benefits of a particular country's tax treaty, see Publication 901, U.S. Tax Treaties or Publication 4011 for further details.





## EXERCISES (continued)

### Question 6

Gretchen, who is from Germany, is a student in F-1 immigration status. She has been in the U.S. for two years. Her earned income last year was \$11,500, all of it earned in the U.S. Based on this information, what is the amount of the treaty benefit available to Gretchen?

- e. \$0
- f. \$5,000
- g. \$9,000
- h. \$11,500

### Question 7

Karen is a student from Norway. She has been in the U.S. for four years. Her earned income last year was \$7,300, all of it earned in the U.S. Based on this information, what is the amount of the treaty benefit available to her?

\$ \_\_\_\_\_ (Please do not use commas in answer)

### Question 8

Heng is a professor from the People's Republic of China. He has been teaching in the U.S. for two years. In 2023, his earned income at the university was \$41,000. Based on this information, how much of Heng's earned income is exempt from taxation?

- a. \$0
- b. \$5,000
- c. \$36,000
- d. \$41,000

## Conclusion



### EXERCISE Answers

- Answer 1.** B, Canada's treaty applies to Michael's tax return because he was a resident of Canada just before he entered the U.S.
- Answer 2.** False, Suzan is entitled to the treaty benefit, even though her original contract exceeded the limit on years of presence. The tax treaty with Poland does not contain retroactive elimination of benefits, as other countries may.
- Answer 3.** True, Miles will receive a refund of \$600. On his Form 1040-NR, Schedule OI, he will state his income is exempted by the U.S.-Canada Income Tax Treaty Article XV. This treaty exempts all of his earned income as a nonresident alien student as long as it is below \$10,000. He only earned \$9,980 in 2023.
- Answer 4.** A, All of Agamvir's earnings will be taxable because he was present in the U.S. for more than two years. He also must file amended returns for 2021 and 2022, changing his income from nontaxable to taxable. The treaty with India retroactively eliminates the benefit if the time frame is exceeded.
- Answer 5.** A, Ann will file Form 1040, but her earnings are still exempt from tax. She will attach Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b), to her Form 1040. She must file to claim her treaty benefit.
- Answer 6.** A, Because Gretchen earned more than the \$9,000 exemption allowed in the U.S.-Germany tax treaty, and that treaty contains provisions that retroactively eliminates benefits if the allowable period in the U.S. or income amounts are exceeded as defined in the treaty. Gretchen gets no treaty benefit.
- Answer 7.** Karen's treaty benefit is \$2,000.
- Answer 8.** D, All of Heng's income is exempt from taxation. The United States-People's Republic of China treaty article 19 states that a scholar is exempt from tax on earned income from teaching with no limits for three years.

## Introduction

This lesson is designed to teach tax preparers how to identify which foreign students and scholars must file a U.S. tax return. The primary form referenced in this lesson is Form 1040-NR, U.S. Nonresident Alien Income Tax Return.

### Objectives

At the end of this lesson, you will be able to:

- Understand filing requirements for resident, dual-status, and nonresident taxpayers
- Determine what sources of income must be reported on tax returns
- Identify the appropriate tax form a nonresident taxpayer should file
- Determine whether a nonresident alien should file a tax return

### Changes for 2023

The Tax Reform Act of 2017 has reduced the exemption deduction to zero. This means that the filing requirement for Form 1040-NR has also been affected. Any **taxable** income will cause a filing requirement.

### Filing Status

Foreign students and scholars will have one of three statuses for tax purposes:

- Resident alien
- Nonresident alien
- Dual-status alien

Each status has different filing requirements. This lesson will focus on filing requirements for nonresident aliens.

If a taxpayer is determined to be a Resident Alien, the normal rules and procedures for filing a Form 1040 should be followed (VITA certification in Basic, Advanced, International, etc., as needed).

## What to File

### Resident Aliens

Resident aliens are generally subject to the same federal income tax filing requirements as U.S. citizens; whether they must file depends on their filing status and income.

The Link & Learn lessons, Filing Basics Workout and Filing Status Workout, and Publication 17, Your Federal Income Tax Guide For Individuals, provide information about the five different filing statuses, including how to determine the taxpayer's filing status and which tax form to use.

A U.S. citizen or resident alien who is married to a nonresident alien spouse who does not meet either the green card or substantial presence test may qualify for one of the three filing status options:

- Married Filing Separately
- Married Filing Jointly
- Head of Household

#### What do I need?

- Publication 17, Your Federal Income Tax For Individuals
- Publication 519, U.S. Tax Guide for Aliens
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide

#### Optional:

You can also refer to Link & Learn Taxes, Filing Basics Workout and Filing Status Workout lessons.

## Dual-status Aliens — Residents (Out of Scope)

You must file a paper Form 1040 if you are a dual-status tax-payer who becomes a resident during the year and who is a U.S. resident on the last day of the tax year. Enter “Dual-Status Return” across the top of the return.

Attach a statement to your return to show the income for the part of the year you are a nonresident. You can use Form 1040-NR as the statement, but be sure to enter “Dual-Status Statement” across the top. Do not sign Form 1040-NR. If no payment is enclosed, the return is filed with the Department of the Treasury, Internal Revenue Service, Austin, TX 73301-0215 U.S.A. If a payment is enclosed, the return is mailed to Internal Revenue Service, P.O. Box 1303, Charlotte, NC 28201-1303 U.S.A.

A taxpayer who qualifies for, and wishes to file as a dual-status alien, does not meet the criteria for preparation at a VITA site. These returns and statements are **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

## Dual-status Aliens — Nonresidents (Out of Scope)

You must file a paper Form 1040-NR if you are a dual-status taxpayer who gives up residence in the United States during the year and who is not a U.S. resident on the last day of the tax year. Enter “Dual-Status Return” across the top of the return.

Attach a statement to your return to show the income for the part of the year you are a resident. You can use Form 1040 as the statement, but be sure to enter “Dual- Status Statement” across the top. Do not sign Form 1040. If no payment is enclosed, the return is filed with the Department of the Treasury, Internal Revenue Service, Austin, TX 73301-0215 U.S.A. If a payment is enclosed, the return is mailed to Internal Revenue Service, P.O. Box 1303, Charlotte, NC 28201-1303 U.S.A.

Dual status may be available as a filing option, but it is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

## Nonresident Aliens

Nonresident students, teachers, or trainees who are temporarily in the U.S. in F, J, M, or Q immigration status must file returns if they have income that is subject to withholding, whether tax is withheld or not.

Nonresident aliens claiming treaty benefits must also file a return.



*Even if students are not required to file a Nonresident tax return, they must file Form 8843 when they have days in the U.S. exempted from the substantial presence test during the tax year due to their F, J, M, or Q immigration status. This also applies to their accompanying family members in similar statuses. The Form 8843 may be signed and mailed by itself. Students and scholars who are not required to file a return should do so if they are eligible for a refund. Refer to the lesson on Form 8843 for more information.*

*Charlie is a sophomore at the local college. He has been in F-1 immigration status since he first arrived in the U.S. in 2021. In 2023, he had wages of \$2,000 from his on-campus job. His wage statement shows that \$200 of federal income tax was withheld. Does Charlie need to file a 2023 tax return?*

*Charlie has a filing requirement.*

*Mary is a freshman at a university. She is in the U.S. in F-1 immigration status. In 2023, Mary had wages of \$5,230 from her job on campus. Her wage statement shows that \$200 was withheld for federal income tax. Does Mary need to file a 2023 tax return?*

*Mary is required to file a tax return.*

## Form 1040-NR

Form 1040-NR is the form used for nonresident alien tax situations and may be filed electronically.

### When and Where to File

A student who received any wages must file a tax return by April 15, 2024. If the only income was from scholarships or other income not subject to withholding, the return must be filed by June 15th following the end of the tax year.

If you are not enclosing a payment, mail Form 1040-NR to:

Department of the Treasury  
Internal Revenue Service Austin,  
TX 73301-0215  
U.S.A.

If enclosing a payment, mail Form 1040-NR to:

Internal Revenue Service  
P.O. Box 1303  
Charlotte, NC 28201-1303 U.S.A.

If April 15th or June 15th falls on a Saturday, Sunday, or legal holiday, the due date is the next day that is not a Saturday, Sunday, or legal holiday.

The instructions for Form 1040-NR provide complete details about payment methods.

### Failure to File

Many students and scholars who are required to file returns either do not file or file incorrectly. Many of them would be eligible for a refund if they filed the required forms. Some would rather forgo the refund than try to figure out which form they should file and when. Part of your job is to inform them whether they need to file.

The IRS will not penalize foreign students and scholars for not filing if they have no tax liability. However, they still must file Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition. If they choose to apply for residency at a later date, they may be asked to show proof of tax compliance. Therefore, foreign students and scholars should file a tax return if they have circumstances requiring them to file. This is true even if their tax withholding covers the tax that will be assessed, and are not interested in or eligible for a refund.



## EXERCISES

### Question 1

**True or False?** Jessica is a married student from Spain. She cannot be claimed as a dependent on any U.S. return. During 2023, her only income is \$9,000 that she earned on campus. Her only deduction is \$280 of state income taxes paid. She should file Form 1040-NR for tax year 2023.

### Question 2

**True or False?** Patricia is a student from Honduras. She is single and has no dependents. In 2023, Patricia earned \$9,500 in wages from her job on campus. She has deductions of \$25 for state income tax and \$300 for contributions to her church. Patricia does not need to file Form 1040-NR for 2023. Your Next Client

## Summary

Foreign students and scholars fall into one of three statuses for tax purposes:

- Resident alien
- Nonresident alien
- Dual-status alien

Each status has different filing requirements.

Resident aliens are generally subject to the same federal income tax filing requirements as U.S. citizens.

Dual-status returns and statements are **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

It is required that nonresident aliens file a tax return if they have a filing requirement, even if they are not interested in or eligible for a refund.



### EXERCISES (continued)

#### Your Next Client

Janet first arrived in the U.S. August 1, 2021, on an F-1 student visa and has not changed her visa status. Janet is a nonresident alien from Great Britain attending college in New York. She does not know which form to file. She had no wages, but she sold \$4,400 of stock online. She made only \$150 after expenses.

#### Question 3

What would you tell Janet?

- a. Janet should file Form 1040
- b. Janet should file Form 1040-NR
- c. Janet does not need to file a return

#### Question 4

**True or False?** Thomas, who is from Italy, worked on campus in 2023. He earned \$7,530 and had no withholding. He does not need to file a tax return for 2023.

#### Question 5

**True or False?** Hakim is a single student from Morocco. He tells you that he gave charitable contributions of \$20 every week to his local mosque. Hakim's total income was \$9,200. His state income tax withholding was \$175. Hakim does not need to file Form 1040-NR.

#### Question 6

**True or False?** Tim is a married student from Canada. He qualifies to claim a tax treaty provision. He should file Form 1040-NR.

## Conclusion



### EXERCISE Answers

**Answer 1.** True, Jessica should file Form 1040-NR.

**Answer 2.** False, Patricia must file Form 1040-NR because she has taxable income and may deduct her charitable contributions.

**Answer 3.** B, You should tell Janet to file Form 1040-NR. She will also need to file Schedule NEC to report the stock sales.

**Answer 4.** False, Thomas must file a return because he has taxable income for 2023.

**Answer 5.** False, Hakim must file Form 1040-NR because he has taxable income and may deduct his charitable contributions.

**Answer 6.** True, Tim must file Form 1040-NR to claim any treaty benefits.

## Introduction

This lesson is designed to teach tax preparers how to determine the proper filing status for nonresident aliens. It will also address the eligibility of a nonresident alien to claim dependency of their spouse or child. The lesson also covers unusual treaty provisions that may affect treaty benefits.

## Objectives

This lesson discusses family-related restrictions and exceptions that apply to foreign students and scholars. At the end of this lesson, you will be able to:

- Determine a student's filing status
- Determine if a student can claim a qualifying dependent
- Identify which forms a spouse and dependents should file

## What's New

Currently, there are no new tax law changes for this topic. The exemption amounts remain at zero through 2025.

## Filing Status

Generally, all unmarried nonresidents must use the Single filing status. (See special rules for Qualifying Surviving Spouse in Form 1040-NR instructions.) Married nonresidents must use one of the "Married" statuses, whether their spouse is present in the U.S. or not.

However, a nonresident alien who is married to a U.S. citizen or resident can choose to be treated as a resident and file a joint return (Form 1040). Marital status is determined by the country or state in which the taxpayer was married. The required statement to be attached to the joint return is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program. The paper return may be prepared by the site, but the election statement must be prepared and attached by the taxpayers.

Review **Publication 519** for more information on this choice.

The filing status determines which tax rate table will be used, so be careful to select the correct filing status. Refer to the instructions for Form 1040-NR for the appropriate tax rate table.

## Spousal Exemptions

As a reminder, the deduction for all exemptions is suspended (reduced to zero), effective for tax years 2018 through 2025.



## EXERCISES

### Question 1

**True or False?** Nand, a student in F-1 immigration status, came to the U.S. from India in December 2016 and has been here continuously with no change in immigration status. On December 31, 2023, he married a student who had recently arrived in the U.S. for the first time, in F-1 student immigration status. Nand and his wife can choose to file a joint tax return treating both as resident aliens for 2023.

### What do I need?

- Form 1040-NR, U.S. Nonresident Alien Income Tax Return
- Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition
- Publication 17, Your Federal Income Tax For Individuals
- Publication 503, Child and Dependent Care Expenses
- Publication 519, U.S. Tax Guide for Aliens
- Publication 596, Earned Income Credit EIC
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide

### Optional:

You can also refer to Link & Learn Taxes, Filing Basics Workout and Filing Status Workout lessons.



## Spouse and Dependent Filing Requirements

Spouses and dependents in J-2 immigration status, who are authorized to work, file Form 8843 and Form 1040-NR. Spouses and dependents who enter the U.S. in J-2 immigration status and are permitted to work, must pay into Social Security and Medicare. They cannot file to have their Social Security tax refunded. If they do not have a filing requirement for Form 1040-NR, then they will only need to file Form 8843. A Form 8843 is filed to explain the basis of a claim that an exempt nonresident can exclude days of presence in the United States for purposes of the substantial presence test.



### EXERCISES (continued)

#### Question 2

Emetaly is from Guatemala. She arrived in the U.S. in 2023 with her husband and son. Emetaly is in F-1 immigration status, and her husband and son are in F-2 immigration status. She earned \$13,000 from an on-campus job.

Can Emetaly claim her husband and son on her 2023 Form 1040-NR?

## Summary

A nonresident alien filing Form 1040-NR cannot have a Married filing jointly or a Head of household filing status. Generally, all unmarried nonresident aliens use the Single filing status.

Spouses and dependents with exempt days in J-2 or F-2 immigration status, each must file a Form 8843.

In some cases, single individuals may qualify for Qualifying Surviving Spouse. See Form 1040-NR instructions for details.



### EXERCISES (continued)

#### How Would You Respond?

Rishabh, who is from India, came into the tax center for help with his tax return. He arrived in F-1 immigration status in 2022. In 2023, his wife and two children joined him in the U.S. and obtained identification numbers. In 2023, his wife gave birth to a third child in the U.S.

Rishabh earned \$11,500 from on-campus work in 2023 and provided all support for his family. His wife, who is in F-2 immigration status, is not permitted to work.

Follow along in the conversation and think about how you would answer Rishabh's questions.

#### How Would You Respond?

- Rishabh:** I've been here as a student for two years. My wife and children joined me the following year and have been here since. I don't know which filing status to use or if I can claim my wife or any of my children as exemptions.
- You:** I can help you with that. Let's first determine which status you should file. Are you a resident?
- Rishabh:** No, I am here in F-1 immigration status for school.
- You:** Ok, so your filing status is going to be "Other Married nonresident alien" and you can use Form 1040-NR to file. Did your wife earn any income last year?
- Rishabh:** No, she is F-2 immigration status and is not allowed to work.

### Question 3

Based on this scenario, can Rishabh claim his wife as an exemption?

#### How Would You Respond?

**You:** You cannot claim your wife as an exemption.

**Rishabh:** OK, I understand. What about my children? Are there any credits I am entitled to take?

**You:** Well let's see, where were your children born?

**Rishabh:** Two of them were born in India, and we had a third child last year. She was born here in the U.S.

**You:** So, your two oldest children came over in F-2 immigration status along with your wife, is that right?

**Rishabh:** Yes.

### Question 4

Based on this scenario, which children can Rishabh claim the child tax credit?

- a. All of them
- b. None of them
- c. The two children born in India
- d. The child born in the U.S.

### Question 5

A spouse in J-2 immigration status with work authorization and income files

- a. Form 8843 and Form
- b. 1040-NR Form 8843 only
- c. Form 1040-NR

## Conclusion



### EXERCISE Answers

**Answer 1.** True, Since Nand has been in the U.S. for over 5 years, he is considered a resident alien for tax purposes. A nonresident alien married to a U.S. citizen or resident alien may choose to file a joint tax return and have all income taxed as residents.

**Answer 2.** No, Emetaly cannot claim her husband and son on her return.

**Answer 3.** No, For the tax year of 2019 through 2025, you cannot claim a personal exemption deduction for yourself, your spouse, or your dependents.

**Answer 4.** D, Rishabh cannot claim the child tax credit for his two children born in India, but he can claim the child tax credit for his child born in the U.S. **Note:** Only U.S. residents, or residents of Canada, Mexico, South Korea, or India are permitted to claim qualifying dependents and related credits.

**Answer 5.** A, Spouses and dependents in J-2 immigration status that have income will need to file Form 1040 NR and Form 8843.

# Individual Taxpayer Identification Number (ITIN)

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## Introduction

### Identification Numbers

Most nonresident students and scholars cannot claim family members as dependents for credits or allowances. Any family member who can be claimed as a dependent must have a Taxpayer Identification Number (TIN). If the dependent has been issued a Social Security Number (SSN), it is used as the TIN.

Most family members do not have work authorization, so they may not be eligible to obtain SSNs. The IRS issues an Individual Taxpayer Identification Number (ITIN) to someone who is required to have a TIN but is not eligible to obtain an SSN. **The ITIN was created for use on tax returns only.**

Those who are permitted to work in the U.S. under their visa status are eligible to be issued a SSN and will not be issued an ITIN for this purpose.

### Objectives

At the end of this lesson, you will be able to:

- Define ITINs and explain their purpose
- Determine who needs an ITIN
- Identify and explain the special rules that apply to dependents and spouses Estimated time to complete: 10 minutes

### What is an ITIN?

An ITIN is:

- A tax processing number issued by the IRS for certain resident and non-resident aliens (including spouses and dependents) who are not eligible for SSNs.
- A nine-digit number in the same format as the SSN (9XX-XX-XXXX), begins with a “9”.
- Any ITIN that wasn’t included on a federal tax return at least once for three consecutive tax years will expire

For more information see: [www.irs.gov/individuals/itin-expiration-faqs](https://www.irs.gov/individuals/itin-expiration-faqs)

### Purpose of ITINs

ITINs:

- Are IRS-assigned numbers issued only for federal tax purposes
- Provide a means to efficiently process and account for tax returns and payments for those not eligible for Social Security Numbers
- Assist the IRS with collection of taxes from foreign nationals, nonresident aliens and others who have filing or payment obligations under U.S. tax law

The issuance of an ITIN does **NOT**:

- Entitle the recipient to Social Security benefits or replace a SSN
- Change the recipients’ immigration status
- Give the individual the right to work in the United States.
- Entitle the recipient to the Earned Income Credit (EIC)

## Who Needs an ITIN?

Any individual who is not eligible to obtain a SSN, but must furnish a taxpayer identification number to the IRS such as a:

- Dependent or spouse of a U.S. citizen or resident alien
- Nonresident alien student, professor, or researcher filing a U.S. federal tax return
- Dependent or spouse of a nonresident alien holding a U.S. visa
- Dependent or spouse of a nonresident alien who is a resident of Canada, Mexico, South Korea, or India

Marcos Marquez is married and a resident alien with a SSN. His spouse is a nonresident alien and does not qualify for a SSN. She must apply for an ITIN using Form W-7/W-7(SP) in order for Marcos to file a joint return with her on his U.S. federal income tax return.

ITINs not used in the last three consecutive tax years: Any ITIN that is not used on a federal tax return for at least three consecutive tax years will expire on December 31 of the third consecutive tax year of non-use. ITINs with middle digits (the fourth and fifth positions) "70," "71," "72," "73," "74," "75," "76," "77," "78," "79," "80," "81," "82," "83," "84," "85," "86," "87" or "88" have expired. In addition, ITINs with middle digits "90," "91," "92," "94," "95," "96," "97," "98," or "99" if assigned before 2013, have expired.

You must renew your Individual Taxpayer Identification Number (ITIN) to file your U.S. tax return.

## Who is Not Eligible for an ITIN?

The following are not eligible for an ITIN:

- U.S. citizens
- Aliens with visa statuses that permit them to work in the U.S. (even if only on a limited basis); these individuals qualify for an SSN
- Permanent legal resident of the U.S. (holder of a Green card, also known as Permanent Resident Card)
- Any individual with a valid SSN
- Applicant not meeting the criteria for residency and/or ID documentation (who failed to prove identity and foreign status)



*Nicole is on F-1 immigration status. She entered the United States in December 2022 to attend the local university. She does not have an SSN and does not qualify for one. Nicole has no earned income and has no filing requirement. Does she need to apply for an ITIN?*

*No, because Nicole does not have a federal filing requirement.*

## How to Apply for an ITIN

Each person who requires an ITIN must file a separate Form W-7/W-7(SP) and provide supporting identification documentation.

Form W-7/W-7(SP) must be completed and attached to a U.S. federal income tax return. The applicant's name must be listed on the Form W-7/W-7(SP) as it appears on the tax return.

**Form W-2, Wage and Tax Statement, must have the same name that appears on the federal tax return submitted with Form W-7.**

## ITIN Documentation

Documents substantiating proof of identity and foreign status must be:

- Must be current and valid at the time the application is submitted
- Original, or
- Certified copies

Certified copies of documents submitted to prove “identity” and “foreign status” must bear an original, authentic stamp/seal placed by the issuing agency. Documents displaying a photocopied seal or stamp are not acceptable and will be returned to the applicant.

In lieu of sending original documentation, taxpayers may be eligible to use an IRS authorized Certifying Acceptance Agent (CAA) or make an appointment at a designated IRS Taxpayer Assistance Center (TAC) location. To find a local CAA, visit [www.irs.gov/individuals/acceptance-agent-program](http://www.irs.gov/individuals/acceptance-agent-program) or check the local telephone directory for the nearest location.

## How to Submit an ITIN Application

Individuals who require an ITIN must:

- Complete Form W-7/W-7(SP)
- Attach a completed federal tax return (or documentation supporting Exception criteria) and required supporting documentation

Be aware that some taxpayers may have several Forms W-7/W-7(SP) with one tax return. Or, there may be several returns (delinquent) with one or more Forms W-7/W-7(SP).

## Where to Submit an ITIN Application

The following are the most common ways to apply for an ITIN using Form W-7:

- In person at IRS Taxpayer Assistance Center (TAC). Service at TACs is by appointment only. Appointments can be scheduled by calling 1-844-545-5640. For list of locations and services provided, click [www.irs.gov/uac/Contact-Your-Local-IRS-Office-1](http://www.irs.gov/uac/Contact-Your-Local-IRS-Office-1) or search for “Local IRS office” at [www.irs.gov](http://www.irs.gov).
- Through an Acceptance Agent or Certifying Acceptance Agent (CAA). Search for “Acceptance Agent Program” at [www.irs.gov](http://www.irs.gov).
- Through the Student and Exchange Visitor Program (SEVP). For a sample of the certification letter for SEVP-Approved Colleges, Universities, and Institutions Transmitting Form W-7, Applications for Individual Taxpayer Identification Number (ITIN) search for “SEVP” at [www.irs.gov](http://www.irs.gov).

By Mail:

Internal Revenue Service ITIN Operation  
P.O. Box 149342  
Austin, TX 78714-9432

## ***Student and Exchange Visitor Program (SEVP)***

SEVP participants, spouses and dependents (F, J, or M Visa who receive taxable scholarship, fellowship or grants reportable by the school on Form W-2 OR 1042-S) may apply using a streamlined process, through SEVP approved institutions, which include many universities and colleges.

A certification letter, in lieu of submitting original or certified documents, must be prepared by the SEVP institution and must meet specifications.

The Form W-7 application must be submitted to the Austin ITIN Operation by a SEVIS official (i.e., DSO, RO, etc.) with the certification letter, copy of identity and foreign status documents, copy of DS-2019 - Certificate of Eligibility for Exchange Visitor Status (J-1 Status), copy of I-20 - Certificate of Eligibility for Nonimmigrant Status.

\* The SEVP Streamlined Process is subject to change.

Additional guidance for the Student and Exchange Visitor Program (SEVP)-approved institutions can be found in the [Instructions for Form W-7](#).

## Summary

ITINs:

- Are tax processing numbers issued by the IRS
- Are for certain resident and non-resident aliens (including spouses and dependents) who are not eligible for SSNs
- Have special rules and processing requirements

**NOTE:** ITINs do not replace SSNs.

Just like a Social Security card, an ITIN issuance letter must be presented for tax preparation at the VITA/TCE sites.

For additional information on ITINs, please refer to [Publication 1915, Understanding Your IRS Individual Taxpayer Identification Number ITIN](#).



## EXERCISES

### Question 1

Brandon is a student and resident alien with an SSN. He is eligible and plans to claim his nonresident alien wife and 8-year-old daughter as dependents, but they are not eligible for SSNs. Both his wife and child will each need an ITIN.

- a. True
- b. False



## Conclusion



### EXERCISE Answers

**Answer 1.** A, Brandon's wife and child will need ITINs if he intends to claim them both as dependents for various credits on his tax return.

## Introduction

This lesson is designed to teach tax preparers how to identify credits for which nonresident aliens may be eligible. In most circumstances, nonresident aliens will not qualify for these credits, but there are exceptions.

### Objectives

This lesson discusses tax credits and exceptions that apply to foreign students and scholars. At the end of this lesson, you will be able to:

- Determine if a student or scholar is eligible to claim a tax credit
- Identify situations or exceptions that may allow a nonresident alien to claim certain tax credits

### Which Credits May Apply?

A nonresident alien may be eligible to claim:

- Child Tax Credit
- Child and Dependent Care Credit
- Credit for Other Dependents

### Child Tax Credit and Credit for Other Dependents

To claim the child tax credit, a nonresident alien must have a qualifying child who is:

- A U.S. citizen, national, or resident alien who lived with the taxpayer for more than half of the tax year (or, for U.S. nationals, an adopted child who lived with them all year as a member of their household)
- The son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, or a descendant of any of them (for example, the taxpayer's grandchild), and was under age 17 at the end of the year
- The taxpayer's dependent
- The Tax Reform Act of 2017 requires the qualifying child have a valid Social Security Number for tax years beginning January 1, 2018.

#### What do I need?

- Form 1040-NR, U.S. Nonresident Alien Income Tax Return
- Publication 17, Your Federal Income Tax Guide For Individuals
- Publication 503, Child and Dependent Care Expenses
- Publication 519, U.S. Tax Guide for Aliens
- Publication 596, Earned Income Credit
- Publication 972, Child Tax Credit
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide

### Credit for Other Dependents

The credit for other dependents was signed into law as part of the 2017 Tax Cuts and Jobs Act and it is in effect through 2025. This allows a \$500 nonrefundable credit (per dependent) for any of your dependents who are not qualifying children under 17 for the child tax credit. There is no age limit for the \$500 credit, but the tax tests for dependency must be met.

### Child and Dependent Care Credit

Nonresident aliens must meet all of these requirements to be able to claim the child and dependent care credit:

- Pay a qualifying caregiver to care for a dependent under the age of 13, or a disabled dependent (any age), or a disabled spouse, so the taxpayer and spouse (if applicable) can work or look for work.
- Pay for care provided during the hours when a student or scholar was working (or looking for work) rather than attending classes or studying. Not claim an expense for the credit in an amount exceeding earned income from the United States.
- Generally, married persons must file a joint return to claim the credit. If your filing status is married filing separately and all of the following apply, you are considered unmarried for purposes of claiming the credit on Form 2441.

- You lived apart from your spouse during the last 6 months of tax year.
- Your home was the qualifying person's main home for more than half of the tax year.
- You paid more than half of the cost of keeping up that home for the tax year.

## Non-Eligible Credits

Students and scholars are generally not eligible to claim:

- Earned Income Tax Credit
- Education Credits (American Opportunity or Lifetime Learning Credit)

### ***Earned Income Tax Credit***

A student or scholar who is a nonresident for any part of the tax year generally does not qualify for the earned income tax credit (EITC). However, a student or scholar who is married and chooses to file a joint return with a U.S. citizen or resident spouse may be eligible for the credit.

See **Publication 596** for more information.

Nonresident aliens cannot elect to file as residents in order to claim education credits, unless they can file jointly on Form 1040 with their U.S. citizen or resident spouse.

### ***Education Credits***

Generally, nonresident aliens are not eligible to claim any education credits, even if they have qualifying educational expenses. Only those married to a U.S. citizen or a resident spouse, electing to file a joint return, may claim the American opportunity credit or the lifetime learning credit on Form 1040.

Nonresident aliens cannot elect to file as residents in order to claim education credits, unless they can file jointly on Form 1040 with their U.S. citizen or resident spouse.



## EXERCISES

### Question 1

**True or false?** Anand, a student who is in F-1 immigration status, came to the U.S. in December 2022 and has been here continuously with no change in immigration status. He entered the U.S. from India with his spouse, Deepak, and their one-year-old child. His spouse gave birth to a second child in the U.S. in 2023. He can claim the child born in the U.S. for the child tax credit.

## Summary

A nonresident alien may be eligible to claim:

- Child Tax Credit
- Child and Dependent Care Credit
- Credit for Other Dependents

Generally, students and scholars are not eligible to claim:

- Earned Income Tax Credit
- Education Credits (American Opportunity or Lifetime Learning Credit)

Exceptions may be possible if the nonresident alien is married to a U.S. citizen or resident spouse, and elects to file as Married Filing Jointly.



## EXERCISES (continued)

### Question 2

Jin paid over \$2,500 in qualifying educational expenses to attend the local university in 2023. He entered the U.S. in 2021 from the People's Republic of China and is here in F-1 immigration status. He is not married and is filing as a nonresident alien. Jin is eligible to claim an education credit on his tax return.

- a. True
- b. False

### Question 3

Kaja is from Denmark. She arrived in the U.S. in 2023 with her husband and son. Kaja is in F-1 immigration status, and her husband and son, who is 10 years old, is in F-2 immigration status. She earned \$10,950 from an on-campus job.

Does Kaja qualify to claim both the earned income tax credit and the child tax credit for her son?

- a. Yes
- b. No

## Conclusion



### EXERCISE Answers

**Answer 1.** True, Since Anand had a child born in the U.S., and the child met all of the qualifications to be eligible for the child tax credit, he is eligible for the credit.

**Answer 2.** B, Jin cannot claim an educational credit unless he is married to a U.S. citizen or resident spouse, and elects to file as Married Filing Jointly.

**Answer 3.** B, Kaja does not qualify to claim either credit.

## Introduction

This lesson is designed to teach tax preparers how to complete the final steps for finishing the return. Forms referenced in this lesson include:

### Objectives

At the end of this lesson, you will be able to:

- Complete the taxpayer identification section of Form 1040-NR
- Verify that critical sections of the tax return are complete and correct

List options for students and scholars who:

- Owe money with their tax return
- Will receive a refund
- Identify students and scholars who must make estimated payments for the next tax year Choose the correct form to use
- Organize the return

## Finishing Form 1040-NR

### Identifying Your Site

Some taxpayers complete the taxpayer identification section and ask for your help on the other parts of the return. You can use the form they started, but be sure to complete the Paid Preparer Use Only section to properly identify your site information. This includes your: Site Name, Site Address, Phone Number, and Site Identification Number (SIDN) which is placed within the PTIN box. This ensures your site gets the appropriate credit for completing the return (QSR #8).

### Taxpayer Identification Section

#### *Taxpayer Identification Numbers*

Every individual return filed with the IRS must show a taxpayer identification number. This can be either a Social Security Number (SSN) or an Individual Taxpayer Identification Number (ITIN). Every dependent listed on the return must also have a taxpayer identification number.

The Social Security Administration issues Social Security numbers to:

- U.S. citizens
- Aliens who have work authorization

#### What do I need?

- Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition Form 1040-NR, U.S. Nonresident Alien Income Tax Return
- Form 1040-ES (NR), U.S. Estimated Tax for Nonresident Alien Individuals Form W-7, Application for IRS Individual Taxpayer Identification Number5

#### Optional:

- Form W-4, Employee's Withholding Certificate
- Publication 519, U.S. Tax Guide for Aliens
- Publication 901, U.S. Tax Treaties
- Publication 4011,VITA/TCE Foreign Student and Scholar Volunteer Resource Guide
- Publication 1915, Understanding Your IRS Individual Taxpayer Identification Number ITIN
- Link & Learn Taxes lesson, Finishing the Return

Everyone eligible for an SSN should apply for one. Anyone who is not eligible for an SSN and who needs an identification number should file Form W-7, Application for IRS Taxpayer Identification Number or Form W-7(SP) with their tax return.

**Form 8843** does not require an identification number. A student or scholar who is not required to file a return does not need an identification number to file Form 8843.

## Other Information

### **Form 8843**

The nonresident return's Other Information section on Form 1040-NR and Schedule OI, Other Information, asks questions very similar to those on Form 8843. Complete this section even though it may seem repetitive.

Answers to many of these questions may be found in the taxpayer's passport information. Request that taxpayers bring their passports and other pertinent documents when having their returns prepared.

### **Exclusions and Reduced Tax Rates for Capital Gains**

Be sure to correctly record the type and amount of tax exempt income. Enter both the:

- Amount excluded and/or applicable reduced tax rates and
- Treaty article number(s) that allows the exclusion or reduced tax rate

If this section is incomplete, the form may be rejected or a paper filed return may be returned to the scholar or student, and the treaty benefit disallowed in part or in full. Treaty article numbers are available in part in **Publication 4011**, **Publication 519** and **Publication 901**. A complete listing of tax treaties and their full text can be found on [irs.gov](https://www.irs.gov).

## Direct Deposit

### **Checking Account**

If the student or scholar prefers the direct deposit option for their refund, complete the Refund section of the return or e-file. On Xu Chung's check, the:

- Routing number is 250250025 (routing numbers are 9 digits in length)
- Account number is 20202086 (account numbers vary in length)
- Check number is 1234 (do not include the check number)

Be sure to enter the correct bank account routing transit and account information. The IRS is not responsible for a lost refund if the information is entered incorrectly. **Note:** Refunds should only be deposited directly into accounts that are in the taxpayer's name, their spouse's name, or both, if it is a joint account.

### **Savings Account**

Sometimes students and scholars want their refunds deposited to a savings account. They may have a small paper card issued by the financial institution that contains the routing and account numbers, or may be able to access this through their financial institution website or app.

On the Collegetown Bank card, the:

- Routing number is 250250025
- Account number is 203621

Savings account deposit slips are not a dependable source for routing numbers. Whenever possible, obtain this information from a statement or other document issued by the financial institution.



## Split Refund

Individual taxpayers may split their refunds between up to three accounts. For example, they can send part of their refund to a checking account and put part of it into a savings account.

To split a refund:

- In the Refund section of the tax return, check the box to indicate that **Form 8888**, Allocation of Refund (Including Savings Bond Purchases), is attached
- On Form 8888, record the amount and account information for each allocation
- Attach Form 8888 to the return

If the taxpayer wants the refund deposited into one account, complete the Refund section of the tax return without checking the box that indicates Form 8888 is attached. If a taxpayer wants to split a refund into both a checking and savings account, use Form 8888 to designate the amounts, accounts, and routing numbers.

Taxpayers may also purchase U.S. Savings Bonds with their refund.



## EXERCISES

### Question 1

**True or False?** A student or scholar who is not filing any other return needs a taxpayer identification number to file Form 8843.

### Question 2

**True or False?** Taxpayers must attach Form 8888 to their returns even if they want the refund deposited into one account.

## Payment Options

Some students and scholars owe money with their tax return. This is usually due to insufficient withholding from wages. Nonresidents have the same payment options as citizens; they can:

- Pay the entire balance by the due date for the return, by direct pay, card or digital wallet, or an IRS Online Account
- Put the balance on a credit card (fees apply)
- Ask for an extension of time to pay or an installment agreement (fees may apply)

Explain to taxpayers that:

- Interest, and any applicable penalties, will continue to accrue until they pay the full amount due
- They should not send cash through the mail; personal checks, cashiers' checks, and money orders are accepted

For more information on the additional various payment options available, go to: [www.irs.gov/payments](https://www.irs.gov/payments)

## Paying Tax through Withholding or Estimated Tax

With the changes brought about by the Tax Reform Act of 2017, students and scholars might need to adjust their withholding by updating their Form(s) W-4, W-8BEN, Certificate of Foreign Status of Beneficial Owner for United State Tax Withholding and Reporting (Individual), and Form 8233, Exemption From Withholding for Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual. For details, see chapter 8 of **Publication 519**. Estimated tax is the amount the taxpayer expects to pay (after federal withholding) when filing a return for the next tax year.

Students and scholars who expect to owe over \$1,000 on next year's tax return must make estimated tax payments. For more information see **Publication 505**, Tax Withholding and Estimated Tax, and **Form 1040-ES (NR)**, U.S. Estimated Tax for Nonresident Alien Individuals.



## Signature

If paper filing, make sure the taxpayer signs and dates the return before mailing it. Unsigned returns cannot be processed and are returned to the taxpayer. It is important that your site puts the VITA Site Identification Number in the Paid Preparer Use Only section so your site will get credit for preparing the return.

The **Site Identification Number (SIDN)** should be entered correctly on any return through the setup process or through system prompts.

## Assembling the Return

If paper filing, verify that all forms, schedules and attachments have the taxpayer's name as well as the Social Security or taxpayer identification number.

- Forms and schedules behind Form 1040-NR
- Forms W-2 and Form 1042-S to the left margin of the front page
- Any Form 1099 that shows federal income tax withheld

## Summary

Taxpayer identification numbers are:

- Required on Form 1040-NR for the taxpayer and any dependency related credit
- *Only* required on Form 8843 when filed with a return

The taxpayer identification number can be either the:

- Social Security Number (SSN), or
- Individual Taxpayer Identification Number (ITIN)

Form 1040-NR, Schedule OI, asks for information very similar to that requested on Form 8843. Complete this section even though it may seem repetitive.

In the Other Information section, record the type and amount of tax exempt or reduced treaty rate income, including the treaty article number that allows its exclusion or reduced rate.

Foreign students and scholars who:

- Will receive a refund, can have it deposited directly in up to three separate accounts by using Form 8888.
- Owe tax have the same payment options as citizens

Quality review of the return includes:

- A 100-percent review of ALL returns completed within the VITA/TCE programs
- Verification that the return reflects correct tax law and tax treaty application of the information provided by the taxpayer on Form 13614-NR and supporting documents
- A referral to Publication 4011, Quality Review Check List (including notification to taxpayer that they are responsible for the content of the tax return, under penalties of perjury)

Before the return is submitted, verify that:

- **The taxpayer has been instructed where to sign and date the return, if being mailed**
- The taxpayer has signed and dated the Form 8879 for e-filing
- All required documents are organized correctly, if being mailed
- A copy of the return (and attachments) is given to the taxpayer

Students and scholars who expect to owe over \$1,000 on the next year's tax return must make **estimated tax payments** or **adjust their income tax withholding**.

## EXERCISES (continued)

### Question 3

Which of the following forms does not always require a taxpayer identification number?

- a. Form 1040-NR
- b. Form 843
- c. Form 8843

### Question 4

**True or False?** If a paper filed tax return is missing the taxpayer's signature, it is returned to the taxpayer.

### Question 5

**True or False?** In the Other Information section, list the taxpayer's type and amount of income exempt from tax. The taxpayer does need to include the applicable tax treaty article.

## Conclusion



### EXERCISE Answers

- Answer 1.** False, A taxpayer identification number is not needed to complete Form 8843 when filed with no other return.
- Answer 2.** False, Only attach Form 8888 if taxpayers wish to split their refund, and indicate the amounts and information for each account.
- Answer 3.** C, Taxpayer identification numbers are not required on Form 8843 if filed alone. They are required on Form 1040-NR and Form 843.
- Answer 4.** True, Unsigned paper filed returns cannot be processed and are returned to the taxpayer.
- Answer 5.** True, In the Other Information section, complete the type and amount of income exempt from tax and the applicable tax treaty article. If this section is incomplete, a paper filed tax return may be returned to the taxpayer or the treaty disallowed in part or in full.

## Introduction

This lesson is designed to teach tax preparers how to identify foreign students and scholars who are exempt from paying Social Security, Medicare, and self-employment taxes.

### Objectives

At the end of this lesson, you will be able to:

- Identify foreign students and scholars who are exempt from Social Security and Medicare or self-employment taxes
- Identify documentation needed to request reimbursement for taxes withheld in error

## Social Security Tax - Social Security and Medicare Tax Liability

### No Exemption

#### *Resident Aliens*

Resident aliens must pay Social Security and Medicare taxes. The following individuals are normally resident aliens:

- Foreign students in F-1, J-1, M-1, or Q-1 status or nonimmigrant classification who have been in the U.S., and have met the substantial presence test
- Foreign scholars, teachers, researchers, trainees, and other nonstudents in J-1 or Q-1 status or nonimmigrant classification who have been in the U.S., and have met the substantial presence test

#### *Temporary Nonimmigrants' Families*

Spouses and dependents (of alien students, scholars, trainees, teachers, or researchers) temporarily in the U.S. in F-2, J-2, or M-2 immigration status, are not exempt from Social Security and Medicare taxes on income earned in the U.S. This is because they did not enter the U.S. for the primary purpose of engaging in study, training, teaching, or research.

U.S. immigration law does not allow spouses and dependents in F-2 and M-2 immigration status to be employed in the

U.S. If they are employed in violation of their nonimmigrant classification, the IRS imposes income, Social Security, and Medicare taxes on their income.

#### *When Status Changes*

Nonresident alien students, scholars, trainees, teachers, or researchers in F-1, J-1, M-1, or Q-1 immigration classification who change to a nonimmigrant classification (other than F-1, J-1, M-1, or Q-1) become liable for Social Security and Medicare taxes. In most cases, this occurs on the day they change status.

#### What do I need?

- Form 1040-NR, U.S. Nonresident Alien Income Tax Return Form 843, Claim for Refund and Request for Abatement
- Form 8316, Information Regarding Request for Refund of Social Security Tax Erroneously Withheld on Wages Received by a Nonresident Alien on an F, J, or M Type Visa

#### Optional:

- Publication 519, U.S. Tax Guide for Aliens
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide

## Teachers, Trainees, and Researchers

Teachers, trainees, and researchers in H-1b immigration status, and alien nurses in H-1a immigration status, are liable for Social Security and Medicare taxes from the first day of U.S. employment. This happens regardless of whether:

- They are nonresident or resident aliens
- Their wages may be exempt from federal income tax under an income tax treaty

Foreign scholars, teachers, researchers, or trainees who arrive in the U.S. in O-1 or TN immigration status (from Canada or Mexico or under the NAFTA treaty) are fully liable for Social Security and Medicare taxes if they are employed by the university, whether they are resident or nonresident aliens.



*Elizabeth is a senior at the university and she has been in F-1 immigration status since she arrived in the U.S. four years ago. Is she liable for Social Security and Medicare taxes?*

*Elizabeth is not liable for Social Security and Medicare taxes because she is a foreign student in F-1 immigration status. If her status changed to a nonimmigrant classification other than F-1, J-1, M-1, or Q-1, she would be liable.*

## Exemption for Temporary Nonimmigrants

Nonresidents are exempt from Social Security and Medicare taxes when:

- Nonimmigrant students, scholars, teachers, researchers, and trainees (including medical interns) are temporarily present in the U.S. in F-1, J-1, M-1, or Q-1 immigration status
- A foreign student is in “practical training” or other off-campus employment allowed by the USCIS (United States Citizenship and Immigration Services)
- On-campus work and approved economic hardship employment

## Exemption for Self-Employed Nonresident Aliens

The self-employment income of nonresident alien students and teachers are exempt from self-employment tax. The exemption is lost if an alien becomes a resident.

Foreign scholars, teachers, researchers, trainees and other nonstudents who enter the U.S. in J-1 or Q-1 immigration status will lose this exemption on January 1 of their third calendar year in the U.S.; and foreign students who enter the U.S. in F-1, J-1, M-1, or Q-1 immigration status will lose this exemption on January 1 of their sixth calendar year in the U.S.

Generally, immigration law does not authorize nonimmigrants (such as nonresident alien students and teachers) to earn self-employment income. Nonresident alien students and teachers who earn self-employment income in violation of their nonimmigrant status must pay self-employment tax. Such returns are **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.

## Errors in Withholding

Occasionally, a nonresident alien’s employer withholds Social Security and Medicare taxes from pay that is not subject to the taxes. When this happens, the nonresident alien employee *should first contact that employer for reimbursement*. The employer can amend their employment tax return(s) to get back the employee and employer Social Security and Medicare taxes paid to the IRS.

After an attempt is made to receive the Social Security taxes from the employer, if the employer does not refund the withheld taxes, the taxpayer can file a refund claim on **Form 843, Claim for Refund and Request for Abatement**.

The completion of Form 843 and corresponding Form(s) 8316 are **Out of Scope** for the VITA/TCE Foreign Student and Scholar program.



*Ivonne has been studying at the university for two years. She entered the U.S. in F-1 immigration status. She just graduated and is now participating in a practical training program. Her employer has withheld Social Security and Medicare taxes.*

*Is Ivonne eligible to submit a claim for a refund of her Social Security and Medicare taxes?*

*Yes, Ivonne should first approach her employer to request the refund of Social Security and Medicare Taxes before filing the forms to claim the refund.*

## Filing a Claim

### Documentation for Form 843

Attach these documents to Form 843:

- A copy of Form W-2 to prove the amount of Social Security and Medicare taxes withheld. A copy of the original visa.
- Form I-94 (or other documentation showing the dates of arrival or departure).
- If in F-1 or J-1 immigration status, documentation showing permission to work in the U.S.
- If in optional practical training or employment due to severe economic necessity, documentation showing permission to work in the U.S.
- A statement explaining the taxpayers' attempt to recover the taxes through their employer, including any amounts recovered and amounts for which the employer will be credited. Refer to Form 8316 for information needed to process your claim. It is highly recommended that you use Form 8316 for this purpose.

In certain situations, also attach these documents to Form 843:

- A statement from the employer indicating the amount of the reimbursement the employer provided and the amount of the credit or refund the employer claimed or was authorized to claim. If the statement cannot be obtained from the employer, this information and an explanation why a statement from the employer is not attached must be provided on a statement or on Form 8316, Information Regarding Request for Refund of Social Security Tax Erroneously Withheld on Wages Received by a Nonresident Alien on an F, J, or M Type Visa, claiming the employer will not issue the refund.
- If exempt from Social Security and Medicare tax for only part of the year, pay statements showing the tax paid during the exempt period.

## Summary

The following foreign student and scholar nonresident aliens are usually exempt from Social Security and Medicare taxes:

- Students, scholars, teachers, researchers, and trainees (including medical interns) who are temporarily present in the U.S. in F-1, J-1, M-1, or Q-1 immigration status
- Any period in which a foreign student is in "practical training" or other off-campus employment allowed by the USCIS
- On-campus work and approved economic hardship employment
- Any student who is enrolled and regularly attending classes at a college or university on pay earned from that school

Similarly, the self-employment income of nonresident aliens is exempt from self-employment tax. The exemption is lost if an alien becomes a resident. If an employer withholds Social Security and Medicare taxes from pay that is not subject to taxes, follow these steps:

1. Contact that employer for reimbursement
2. If the employer does not refund the withheld taxes, file a refund claim on Form 843 with attachments and mail to **Department of the Treasury, Internal Revenue Service Center, Ogden, UT 84201-0038**



However, the completion of Form 843 and corresponding Form(s) 8316 is **Out of Scope** for the VITA/TCE Foreign Student and Scholar program. For additional information, refer to Publication 519, U.S. Tax Guide for Aliens, and Form 8316.

The following aliens are usually NOT exempt from Social Security and Medicare taxes:

- Those who are (or become) resident aliens. The following individuals are normally resident aliens:
  - Foreign students in F-1, J-1, M-1, or Q-1 status or nonimmigrant classification who have been in the U.S. over 5 years
  - Foreign scholars, teachers, researchers, trainees, and other nonstudents in J-1 or Q-1 status or nonimmigrant classification who have been in the U.S. over 2 years
- Spouses and dependents (of alien students, scholars, trainees, teachers, or researchers) temporarily in the U.S. in F-2, J-2, or M-2 immigration status
- Alien students, scholars, trainees, teachers, or researchers in F-1, J-1, M-1, or Q-1 immigration status who change to a nonimmigrant classification (other than F-1, J-1, M-1, or Q-1)
- Teachers, trainees, and researchers in H-1b immigration status, and alien nurses in H-1a immigration status
- Foreign scholars, teachers, researchers, or trainees who arrive in the U.S. in O-1 immigration status or TN immigration status (from Canada or Mexico or under the NAFTA treaty) if they are employed by the university
- Nonresident aliens who earn self-employment income in violation of their or nonimmigrant classification must pay self-employment tax



## EXERCISES

### Question 1

Armando is a junior at the state university. He has been in F-1 immigration status since he arrived in the U.S. two years ago. In this tax year, he had wages of \$3,905 from his job on-campus. His wage statement shows that \$298.73 of Medicare and Social Security taxes were withheld in error. The university has refused to refund his money. Which documents does Armando not need to submit with his Form 843?

- a. Form W-2, Wage and Tax Statement
- b. Form 8316, Information Regarding Request for Refund of Social Security Tax
- c. Form I-797, USCIS Approval Notice
- d. Copy of Form 1040-NR, U.S. Nonresident Alien Income Tax Return, for tax the year in question

### Question 2

Josh is a junior at the state university. He has been in F-1 immigration status since he arrived in the U.S. in January 2019. If his immigration status stays the same, in what year is he likely to start paying Social Security and Medicare taxes?

- a. 2022
- b. 2023
- c. 2024
- d. Never

### Question 3

Boqin came from the People's Republic of China with his wife last year. His wife is a student at the state university. Boqin is temporarily in the U.S in F-2 immigration status. If he works, is he exempt from Social Security and Medicare taxes?

### Question 4

Anthony's employer refused to refund the Social Security and Medicare taxes that were withheld in error. Anthony has held a foreign student F-1 immigration status since he arrived at the beginning of last year. Which of the following is not a required document to submit with his Form 843?

- a. Form I-20, Certificate of Eligibility, endorsed by alien's student advisor and stamped by the USCIS
- b. Employment Authorization Document of your Optional Practical Training
- c. Copy of alien's valid entry visa
- d. Copies of pay statements that cover the period of exemption from Social Security taxes

## Conclusion



### EXERCISE Answers

- Answer 1.** C, Because Armando has not changed his immigration status and is still in the U.S., his Form I-797 does not need to be attached to Form 843.
- Answer 2.** C, Foreign students in F-1, J-1, M-1, or Q-1 nonimmigrant classification who have been in the U.S. over 5 years normally become resident aliens and have to pay Social Security and Medicare taxes.
- Answer 3.** No, Spouses and dependents (of alien students, scholars, trainees, or teachers) temporarily in the U.S. in F-2, J-2, or M-2 immigration status are usually not exempt from Social Security and Medicare taxes because they did not enter the U.S. to engage in study, training, or teaching.
- Answer 4.** D, Because Anthony's immigration status did not change during the tax year, he does not need to submit copies of pay statements; his W-2 will reflect the withholding for the entire year.

## Introduction

### Federal Income Often Used By States

Income tax treaties do *not cover state income taxes*. However, many states define income based on federal taxable income or federal adjusted gross income.

Some states allow students and scholars to exempt the same amount of income from state taxes and, in other states, they must add back in the treaty exclusion. Some of the states that do not allow treaty benefits are: Alabama, Arkansas, California, Connecticut, Hawaii, Kansas, Kentucky, Maryland, Mississippi, Montana, New Jersey, North Dakota, and Pennsylvania. Contact your state tax department to determine the allowance of tax treaty benefits when calculating state income tax.

The India treaty allows students to claim the standard deduction on their federal return. Since some states base the state income tax on the federal adjusted gross income, Indian students do not always benefit from their treaty provisions on the state returns.

### Each State Is Different

Tax preparers must check with each state's tax rules for foreign students and scholars when determining state income taxes. For more information:

- Check with the state income tax authorities to determine whether state income taxes allow the treaty benefit.
- Go to each state's income tax website using links from [www.irs.gov](http://www.irs.gov) to find out more about that state's income taxes.
- Some state income tax returns are able to be filed electronically.



## EXERCISES

### Question 1

**True or False?** Many states define income based on federal taxable income or federal adjusted gross income.

## Conclusion



### EXERCISE Answers

**Answer 1.** True, Although income tax treaties do not cover state income taxes, many states define income based on federal taxable income or federal adjusted gross income.

## Introduction

This lesson is designed to teach tax preparers how to complete Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition, for students and scholars you may be assisting. If the taxpayer is not filing a Form 1040-NR, the Form 8843 can be filed as a stand-alone form and should include your site's Site Identification Number (SIDN).

### Objectives

At the end of this lesson, you will be able to:

- Identify scholars, students, and family members who must file Form 8843
- Complete Form 8843

### Substantial Presence Test

Foreign students and scholars you are assisting may need to file Form 8843. Even a student or scholar who had no income must file this form. Days of presence cannot be excluded from the substantial presence test unless Form 8843 is filed.

### Excluded Days of Presence

#### *Excluded Days*

Foreign scholars or students whose visa or other documents qualify them to exclude days of presence from the substantial presence test need to file Form 8843. This includes:

- Students and scholars, whether or not they had income
- Every family member in the U.S. on F-2 or J-2 immigration status - The test for residence must be applied separately for each individual family member.

#### *What If Form 8843 Is Not Filed?*

There is no monetary penalty for not filing Form 8843. However, days of presence that are excluded must be properly recorded by filing Form 8843. Not doing so could affect the taxability of income or treaty benefits.

#### *Canadian Students*

Canadian students who are exempt individuals need to complete Form 8843. If they do not have a visa, use the information from their work authorization papers to complete the form.

#### *COVID-19 Travel Disruptions*

Learn more about emergency travel disruptions due to COVID-19 at [www.irs.gov/pub/irs-drop/rp-20-20.pdf](https://www.irs.gov/pub/irs-drop/rp-20-20.pdf)

### Tips for Completing Form 8843

When filling out **Form 8843**, tax preparers must obtain information on why the student or scholar is in this country and information about the student's educational institution. Generally:

- Students complete Parts I and III
- Scholars (Teachers and Trainees) complete Parts I and II
- Parts IV and V are not covered in the VITA program (**Out of Scope**); refer professional athletes and people with medical conditions to a professional tax preparer.

#### **What do I need?**

- Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition

#### **Optional:**

- Publication 519, U.S. Tax Guide for Aliens
- Publication 4011, VITA/ TCE Foreign Student and Scholar Volunteer Resource Guide
- Link & Learn Taxes lesson, Residency Status

- Signing the Form is only required if filing without a Form 1040-NR
- If a child has to file a tax return or Form 8843, but can't sign the return, the child's parent, guardian, or another legally responsible person must sign the child's name, followed by the words "By (your signature), parent for minor child."
- Accompanying spouses or children in related immigration statuses (J-2, F-2, etc.), complete the same sections as the primary (J-1, F-1, etc.).

If the taxpayer is paper filing Form 1040-NR, attach Form 8843 to it. Mail the tax return and the Form 8843 by the due date (including extensions) to the address shown in the tax return instructions. The same due date applies if the taxpayer does not have a 1040-NR filing requirement and is filing Form 8843 as a single document to the address listed in the Form 8843 instructions.

## Top Portion

Use these tips when completing the top portion of Form 8843.

Line	Tip
Name	Record the taxpayer's: •Family name in the last name field First name in the first name field
Taxpayer ID Number	If the taxpayer has a Social Security Number (SSN) or Individual Tax Identification Number (ITIN), record it. Otherwise, leave this field blank.
Addresses	Complete this area for taxpayers who submit only this form. For those who submit a tax return (1040-NR), the address section does not need to be filled out.

## Part I

Use these tips when completing the top portion of Form 8843.

Question	Tip
Type of U.S. visa and date you entered the United States / Current non-immigrant status and date of change	This question is asking what the current immigration status is. Questions 1a and 1b can confuse students and scholars because they may enter the U.S. in F-2 status and then change to F-1 immigration status. The date is only listed on 1b if the status is changed. Otherwise, list the status only.
Country or countries of citizenship during the tax year	For taxpayers who have dual citizenship, list the country with which they have the closest connection.
Country or countries issuing passport / Passport number	When a passport is in a foreign language, ask the taxpayer to translate the issuing country and number.
Number of days present in the U.S. / Excluded days	Taxpayers must count the actual number of days they were in the U.S. Often, 4a will be the same as 4b for the current year.



*Dr. Alexander Mueller is a German citizen who is in the U.S. for the first time. He is a J-1 professor. He arrived on August 16, 2021 and has not left or changed his immigration status since then. His visa number is 2001345678 and his German passport number is 97415826.*

His address in Germany is: 34 Spiegelstrasse 2144 Hamburg, Germany	His address in the U.S. is: University of Higher Learning 426 Main Street Anytown, IL 60000
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What would you enter on each line of Dr. Mueller's **Form 8843**?

Type of U.S. visa?	?
Current nonimmigrant status and date of change?	?
Of what country were you a citizen during the tax year?	?
What country issued you a passport?	?
Enter your passport number:	?
Enter the actual number of days you were present in the U.S. during 2021:	?
Enter the actual number of days you were present in the U.S. during 2022:	?
Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test:	?

Take a moment to look at Dr. Mueller's form entries.

Type of U.S. visa?	J-1, 08/16/2021
Current nonimmigrant status and date of change?	J-1
Of what country were you a citizen during the tax year?	Germany
What country issued you a passport?	Germany
Enter your passport number:	97415826
Enter the actual number of days you were present in the U.S. during 2021:	137
Enter the actual number of days you were present in the U.S. during 2022:	365
Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test:	365

## Part II

Use these tips when completing Part II of Form 8843 for scholars.

Line	Tip
5 and 6	This question is asking what academic institution the scholar was employed or trained at during the year. Scholars, teachers, and trainees sometimes leave this area blank because they think it means they attended classes. If they were at more than one place, report the most recent place.
7	Like line 1a and 1b, this question can confuse scholars because their immigration status may have changed during the year even though they do not have a new visa. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.
8	Were you exempt in the United States as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years?





## EXERCISES

### Question 1

Dr. Alexander Mueller does not attend classes and works under the direction of Dr. Friederich Heilreich at the University of Higher Learning, 426 Main Street, Anytown, IL 60000.

Dr. Mueller thinks he should leave the line blank that asks to “Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022” on his Form 8843. Which advice would you give him?

- a. Right. He didn’t attend classes, so he may skip that line.
- b. No, you must record the contact information for Dr. Friederich Heilreich on the line.
- c. You can choose to leave it blank or record the contact information for Dr. Heilreich in that line.

### Tips for Completing Form 8843

#### Part III

Use these tips when completing Part III of Form 8843 for students.

Line	Tip
Enter the name, address, and telephone number of the academic institution you attended during 2023	Students who attend more than one academic institution during the year should report the one they attended at the end of the year.
Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2023	This should be someone the IRS can contact, if necessary, to verify that the student was present at the school. Students can list the foreign student advisor if necessary.
Enter the type of U.S. visa (F, J, M, or Q) you held during...	If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.
Were you exempt as a teacher, trainee, or student for any part of more than 5 calendar years? If you checked the “Yes” box on line 12, you must provide sufficient facts on an attached statement to establish that you do not intend to reside permanently in the United States.	Self explanatory. However, if claiming the closer connection exception, please include a statement indicating that the election to exclude days beyond the 5-year period is being made, and that the following are true: does not intend to reside permanently in the United States; has substantially complied with the immigration laws and requirements relating to his or her student nonimmigrant status; has not taken any steps to change his nonimmigrant status in the United States toward becoming a permanent resident of the United States; and has a closer connection to a foreign country than to the United States as evidenced by the factors listed in Treasury Regulation 301.7701(b)-2(d)(1).
During 2023, did you apply for, or take other affirmative steps to apply for, lawful permanent resident status in the United States or have an application pending to change your status to that of a lawful permanent resident of the United States?	The IRS uses this information to determine whether the student is taking any steps to become a permanent resident and whether the student is still entitled to treaty benefits.

## Summary

Foreign scholars or students and their nonresident spouse/dependents (including young children) must complete Form 8843, even if they had no income. Form 8843 asks for information on:

- Why the student or scholar is in this country
- The student's educational institution

Generally:

- Students complete Parts I and III of Form 8843
- Scholars complete Parts I and II of Form 8843
- Filers who complete Parts IV and V should be referred to a professional tax preparer

The Form 8843 can be electronically filed with the Form 1040-NR. For those not required to file a Form 1040-NR, a paper Form 8843 must be mailed to the Internal Revenue Service Center in Austin, TX by the due date for the Form 1040-NR.



*Marguerite Bernard, a citizen of France, came to the U.S. on F-1 immigration status to attend The University, 80 East Broadway, Anytown, SC 29000. She had never been to the U.S. before arriving here on August 10, 2020.*

*Her academic director is Dr. Moore. Dr. Moore uses the same address as the college and his phone number is (999) 444-4444.*

*Marguerite's Social Security number is XXX-00-XXXX, and she had no income. Her visa number is 17318842. Her passport number is 4321002017.*

*Marguerite's home address is: 23 Rue Bonaparte, Bondy, France*

*Her address in the U.S. is: 324 East Broadway, Anytown, SC 29000*

*Her academic director is Dr. Moore. Dr. Moore uses the same address as the college and his phone number is (999) 444-4444.*

Complete Marguerite's Form 8843, based on the facts provided.

Based on the information given, Marguerite needs to complete Form 8843 for 2022.

<b>Form 8843</b> <small>Department of the Treasury Internal Revenue Service</small>	<b>Statement for Exempt Individuals and Individuals With a Medical Condition</b> <b>For use by alien individuals only.</b> <b>Go to <a href="http://www.irs.gov/Form8843">www.irs.gov/Form8843</a> for the latest information.</b> For the year January 1—December 31, 2022, or other tax year beginning _____, 2022, and ending _____, 20____	<small>OMB No. 1545-0074</small>  <b>2022</b> <small>Attachment Sequence No. <b>102</b></small>
<div style="display: flex; justify-content: space-between;"><div>Your first name and initial <b>Marguerite</b></div><div>Last name <b>Bernard</b></div><div>Your U.S. taxpayer identification number, if any <b>XXX-00-XXXX</b></div></div>		
<b>Fill in your addresses only if you are filing this form by itself and not with your tax return</b>	<div style="display: flex;"><div style="flex: 1;"><small>Address in country of residence</small> <b>23 Rue Bonaparte Bondy, France</b></div><div style="flex: 1;"><small>Address in the United States</small> <b>324 East Broadway Anytown, SC 29000</b></div></div>	
<b>Part I General Information</b>		
<b>1a</b> Type of U.S. visa (for example, F, J, M, Q, etc.) and date you entered the United States: <b>F-1, 08/10/2020</b>		
<b>b</b> Current nonimmigrant status. If your status has changed, also enter date of change and previous status. See instructions. <b>F-1</b>		
<b>2</b> Of what country or countries were you a citizen during the tax year? <b>FRANCE</b>		
<b>3a</b> What country or countries issued you a passport? <b>FRANCE</b>		
<b>b</b> Enter your passport number(s): <b>4321002017</b>		
<b>4a</b> Enter the actual number of days you were present in the United States during: 2022 <b>365</b> 2021 <b>365</b> 2020 <b>144</b>		
<b>b</b> Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test: <b>365</b>		
<b>Part II Teachers and Trainees</b>		
<b>5</b> For teachers, enter the name, address, and telephone number of the academic institution where you taught in 2022: _____		
<b>6</b> For trainees, enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: _____		
<b>7</b> Enter the type of U.S. visa (J or Q) you held during:      2016 _____      2017 _____ 2018 _____      2019 _____      2020 _____      2021 _____. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.		
<b>8</b> Were you present in the United States as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years (2016 through 2021)? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked the "Yes" box on line 8, you cannot exclude days of presence as a teacher or trainee unless you meet the <i>Exception</i> explained in the instructions.		
<b>Part III Students</b>		
<b>9</b> Enter the name, address, and telephone number of the academic institution you attended during 2022: _____ <b>The University</b> <b>80 East Broadway, Anytown SC 29000</b>		
<b>10</b> Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: <b>Dr. Moore</b> <b>The University, 80 East Broadway, Anytown SC 29000</b> <b>(999) 444-4444</b>		
<b>11</b> Enter the type of U.S. visa (F, J, M, or Q) you held during:      2016 _____      2017 _____ 2018 _____      2019 _____      2020 <b>F</b> 2021 <b>F</b> . If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.		
<b>12</b> Were you present in the United States as a teacher, trainee, or student for any part of more than 5 calendar years? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked the "Yes" box on line 12, you must provide sufficient facts on an attached statement to establish that you do not intend to reside permanently in the United States.		
<b>13</b> During 2022, did you apply for, or take other affirmative steps to apply for, lawful permanent resident status in the United States or have an application pending to change your status to that of a lawful permanent resident of the United States? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>14</b> If you checked the "Yes" box on line 13, explain: _____		
<b>For Paperwork Reduction Act Notice, see instructions.</b> <span style="float: right;"><small>Cat. No. 17227H</small> <b>Form 8843 (2022)</b></span>		

**Part IV Professional Athletes**

**15** Enter the name of the charitable sports event(s) in the United States in which you competed during 2022 and the dates of competition: \_\_\_\_\_

**16** Enter the name(s) and employer identification number(s) of the charitable organization(s) that benefited from the sports event(s): \_\_\_\_\_

**Note:** You must attach a statement to verify that all of the net proceeds of the sports event(s) were contributed to the charitable organization(s) listed on line 16.

**Part V Individuals With a Medical Condition or Medical Problem**

**17a** Describe the medical condition or medical problem that prevented you from leaving the United States. See instructions. \_\_\_\_\_

**b** Enter the date you intended to leave the United States prior to the onset of the medical condition or medical problem described on line 17a: \_\_\_\_\_

**c** Enter the date you actually left the United States: \_\_\_\_\_

**18 Physician's Statement:**

I certify that \_\_\_\_\_  
Name of taxpayer

was unable to leave the United States on the date shown on line 17b because of the medical condition or medical problem described on line 17a and there was no indication that his or her condition or problem was preexisting.

\_\_\_\_\_  
Name of physician or other medical official

\_\_\_\_\_  
Physician's or other medical official's address and telephone number

\_\_\_\_\_  
Physician's or other medical official's signature

\_\_\_\_\_  
Date

**Sign here only if you are filing this form by itself and not with your tax return**

Under penalties of perjury, I declare that I have examined this form and the accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

*Marguerite Bernard*

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Date

Form **8843** (2022)

## General Instructions

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

### Future Developments

For the latest information about developments related to Form 8843 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/Form8843](http://www.irs.gov/Form8843).

### Who Must File

If you are an alien individual (other than a foreign government-related individual), you must file Form 8843 to explain the basis of your claim that you can exclude days of presence in the United States for purposes of the substantial presence test because you:

- Were an exempt individual, or
- Were unable to leave the United States because of a medical condition or medical problem.

### When and Where To File

If you are filing a 2022 Form 1040-NR, attach Form 8843 to it. Mail your tax return by the due date (including extensions) to the address shown in your tax return instructions.

If you don't have to file a 2022 tax return, mail Form 8843 to the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215 by the due date (including extensions) for filing Form 1040-NR.

### Penalty for Not Filing Form 8843

If you don't file Form 8843 on time, you may not exclude the days you were present in the United States as a professional athlete or because of a medical condition or medical problem that arose while you were in the United States. Failure to exclude days of presence in the United States could result in your being considered a U.S. resident under the substantial presence test.

You won't be penalized if you can show by clear and convincing evidence that you took reasonable actions to become aware of the filing requirements and significant steps to comply with those requirements.

### Substantial Presence Test

You are considered a U.S. resident if you meet the substantial presence test for 2022. You meet this test if you were physically present in the United States for at least:

- 31 days during 2022; and
- 183 days during the period 2022, 2021, and 2020, counting all the days of physical presence in 2022 but only 1/3 the number of days of presence in 2021 and only 1/6 the number of days in 2020.

**Note:** To claim the closer connection to a foreign country(ies) exception to the substantial presence test described in Regulations section 301.7701(b)-2, you must file Form 8840.

### Days of presence in the United States.

Generally, you are treated as being present in the United States on any day that you are physically present in the country at any time during the day. However, you don't count the following days of presence in the United States for purposes of the substantial presence test.

1. Days you regularly commuted to work in the United States from a residence in Canada or Mexico.
2. Days you were in the United States for less than 24 hours when you were traveling between two places outside the United States.
3. Days you were temporarily in the United States as a regular crew member of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States unless you otherwise engaged in trade or business on such a day.
4. Days you were unable to leave the United States because of a medical condition or medical problem that arose while you were in the United States.
5. Days you were an exempt individual.

### Exempt Individuals

For purposes of the substantial presence test, an exempt individual includes anyone in the following categories.

- A teacher or trainee (defined on this page).
- A student (defined on the next page).
- A professional athlete temporarily present in the United States to compete in a charitable sports event.

The term "exempt individual" also includes an individual temporarily present in the United States as a foreign government-related individual under an "A" or "G" visa, other than individuals holding "A-3" or "G-5" class visas. An individual present under an "A-3" or "G-5" class visa is not considered a foreign government-related individual and must count all his or her days of presence in the United States for purposes of the substantial presence test. For more details, see Pub. 519. If you are present under any other "A" or "G" class visa, you are not required to file Form 8843.

## Specific Instructions

### Part I—General Information

If you are attaching Form 8843 to Form 1040-NR, you aren't required to complete lines 1a through 4a of Form 8843 if you provide the requested information on the corresponding lines of Form 1040-NR. See Schedule OI of those forms.

In this case, enter "Information provided on Form 1040-NR" on line 1a of Form 8843. Complete line 4b and the rest of Form 8843.

If Form 8843 is filed separately, you must complete all entries on the form.

**Line 1b.** Enter your current nonimmigrant status, such as that shown on your current Immigration Form I-94, Arrival-Departure Record. If your status has changed while in the United States, enter the date of change and previous status.

### Part II—Teachers and Trainees

A teacher or trainee is an individual who is temporarily present in the United States under a "J" or "Q" visa (other than as a student) and who substantially complies with the requirements of the visa.

If you were a teacher or trainee under a "J" or "Q" visa, you are considered to have substantially complied with the visa requirements if you haven't engaged in activities that are prohibited by U.S. immigration laws that could result in the loss of your "J" or "Q" visa status.

Even if you meet these requirements, you can't exclude days of presence in 2022 as a teacher or trainee if you were exempt as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years. But see the *Exception* later.

If you qualify to exclude days of presence as a teacher or trainee, complete Parts I and II of Form 8843. If you have a "Q" visa, complete Part I and only lines 6 through 8 of Part II. On line 6, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

**Exception.** If you were exempt as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years, you can exclude days of presence in 2022 as a teacher or trainee only if all four of the following apply.

1. You were exempt as a teacher, trainee, or student for any part of 3 (or fewer) of the 6 prior calendar years.
2. A foreign employer paid all your compensation during 2022.
3. You were present in the United States as a teacher or trainee in any of the 6 prior years.
4. A foreign employer paid all of your compensation during each of those prior 6 years you were present in the United States as a teacher or trainee.

For more details, see Pub. 519.

If you meet this exception, you must attach information to verify that a foreign employer paid all the compensation you received in 2022 and all prior years that you were present in the United States as a teacher or trainee.

**Part III—Students**

A student is an individual who is temporarily present in the United States under an “F,” “J,” “M,” or “Q” visa and who substantially complies with the requirements of the visa.

If you were a student under an “F,” “J,” “M,” or “Q” visa, you are considered to have substantially complied with the visa requirements if you haven’t engaged in activities that are prohibited by U.S. immigration laws and could result in the loss of your visa status.

Even if you meet these requirements, you can’t exclude days of presence in 2022 as a student if you were exempt as a teacher, trainee, or student for any part of more than 5 calendar years unless you establish that you don’t intend to reside permanently in the United States. The facts and circumstances to be considered in determining if you have established that you don’t intend to reside permanently in the United States include, but aren’t limited to:

1. Whether you have maintained a closer connection to a foreign country than to the United States (for details, see Pub. 519), and

2. Whether you have taken affirmative steps to change your status from nonimmigrant to lawful permanent resident.

If you qualify to exclude days of presence as a student, complete Parts I and III of Form 8843. If you have a “Q” visa, complete Part I and only lines 10 through 14 of Part III. On line 10, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

**Part IV—Professional Athletes**

A professional athlete is an individual who is temporarily present in the United States to compete in a charitable sports event. For details on charitable sports events, see Pub. 519.

If you qualify to exclude days of presence as a professional athlete, complete Parts I and IV of Form 8843.

**Part V—Individuals With a Medical Condition or Medical Problem**

For purposes of the substantial presence test, don’t count the days you intended to leave the United States but couldn’t do so because of a medical condition or medical problem that arose while you were in the United States. Whether you intended to leave the United States on a particular day is determined based on all the facts and circumstances. For more details, see Pub. 519.

If you qualify to exclude days of presence because of a medical condition or medical problem, complete Part I and lines 17a through 17c of Part V. Have your physician or other medical official complete line 18.

**Note:** You cannot exclude any days of presence in the United States under any of the following circumstances.

- You entered or returned to the United States for medical treatment. It does not matter whether you intended to leave the United States immediately after the medical treatment but couldn’t do so because of unforeseen complications from the medical treatment.

- The medical condition existed before your arrival in the United States and you were aware of the condition. It does not matter whether you needed treatment for the condition when you entered the United States.

- You were initially prevented from leaving, were then able to leave, but remained in the United States beyond a reasonable period for making arrangements to leave.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. Section 7701(b) and its regulations require that you give us the information. We need it to determine if you can exclude days of presence in the United States for purposes of the substantial presence test.

You aren’t 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 average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.



## EXERCISES (continued)

### Question 2

**True or False?** Scholars and students must file Form 8843 if they have excludable days of presence from the substantial presence test.

### Question 3

**True or False?** Canadian students who are exempt individuals do not need to complete Form 8843 if they do not have a visa.

### Question 4

**True or False?** When asked to enter the actual number of days they were present in the U.S. during the past 3 years, taxpayers may estimate the number of days they were in the U.S.

### Question 5

Carolina de Moraes is a Brazilian student who came to the U.S to study international business at the University of South Carolina in Columbia. She spent most of the year there and then transferred to Georgetown University in Washington, DC. On her way to Washington, DC, she participated in the summer microbusiness workshop at The University of North Carolina at Chapel Hill. Which school's information should she record when asked to enter the name, address, and telephone number of the academic institution she attended during the tax year?

- University of South Carolina at Columbia Georgetown University
- University of South Carolina at Columbia and Georgetown University
- University of South Carolina, University of North Carolina, and Georgetown University

## Conclusion



## EXERCISE Answers

**Answer 1.** B, Dr. Mueller was employed or trained under the direction of Dr. Heilreich, so he must record the contact information for Dr. Heilreich on the line.

**Answer 2.** True, Days of presence that are excludable from the substantial presence test must be filed on Form 8843.

**Answer 3.** False, If Canadian students are exempt individuals and do not have a visa, use the information from their work authorization papers to complete Form 8843.

**Answer 4.** False, Taxpayers must count the actual number of days they were in the U.S.

**Answer 5.** B, Students who attend more than one academic institution during the year should report the one they attended at the end of the year.



## Introduction

This lesson will help you prepare for the Link & Learn Taxes Foreign Student Test which you must successfully complete at an overall 80% proficiency to earn VITA/TCE certification.

**Note:** Due to the production schedule for this material, prior year or draft forms may be used in examples. The draft forms should never be used for actual tax preparation. Final forms are available on <https://apps.irs.gov/app/picklist/list/formsPublications.html> in the tax preparation software, in the instruction booklet (e.g., Form 1040-NR Instructions), or in other publications.

## Objectives

At the end of this lesson, you will be able to:

- Determine if a taxpayer is a resident or nonresident alien
- Identify the filing requirements for nonresident student taxpayers
- Determine whether a nonresident alien should file a tax return
- Identify which [other] forms a student should file [i.e., Forms 8843, Statement for Exempt Individuals and Individuals with a Medical Condition and 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual]
- Determine a student's filing status
- Determine what sources of income must be reported on tax returns
- Determine which tax treaty benefits a student is eligible for
- Determine which income code to use in the application of the treaty benefits
- Determine the source of a student's or scholar's income
- Identify any exemptions a student may have
- Accurately complete Form 1040-NR, U.S. Nonresident Alien Income Tax Return
- Identify foreign students and scholars who are exempt from Social Security and Medicare or self-employment taxes
- Accurately complete Form 8843

## What will I learn?

In this lesson you will apply much of what you learned in the Foreign Student course. You will prepare tax returns for two foreign students and one Form 8843 and answer questions about their returns.

## Taxpayer Overview – Part I: Simone Dupont

Our first taxpayer is Simone Dupont. Here is basic information about her:

- She was born April 15, 2001. She is a citizen and permanent resident of France and is single. Her address in her home country is 27 Rue Pasteur, Cabourg 14390, France. She came to the United States in F-1 immigration status on August 1, 2020. She has remained in this country ever since and is a full-time student at the local university.
- Simone began working on the university campus on January 3, 2022. She filed Form 8233 with the payroll department on January 15, 2022, allowing the university to not withhold taxes. She earned \$12,225 in wages.

### What do I need?

- Form 1040-NR, U.S. Nonresident Alien Income
- Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding
- Form 13614-NR, Nonresident Alien Intake and Interview Sheet
- Form 8233, Exemption from Withholding on Compensation for Independent (& Certain Dependent) Personal Service of a Nonresident Alien Individual
- Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition
- Form W-2, Wage and Tax Statement
- Publication 17, Your Federal Income Tax (For Individuals)
- Publication 4011, VITA/TCE Foreign Student and Scholar Volunteer Resource Guide

### Optional:

- Publication 4299, Privacy, Confidentiality, and Civil Rights - A Public Trust



- Simone received a scholarship that covered her room and board of \$14,500 for the year. Simone will claim a treaty exemption for this amount. She received a Form 1042-S for this.
- Simone purchased ABC stock on November 2, 2020 for \$200 and sold the stock September 1, 2022 for \$1,000. Simone meets all the requirements of the United States-France Income Tax Treaty - Article 13(6).
- She did not have to pay income tax in France on her U.S. earnings. She did not take any affirmative steps to apply for permanent residence in the United States.
- If Simone must submit a return, she wants any refund mailed to her. She does not want to authorize anyone else to discuss the return with the IRS.

Form <b>13614-NR</b> (October 2022)	Department of the Treasury - Internal Revenue Service <b>Nonresident Alien Intake and Interview Sheet</b>	OMB Number 1545-1964
Last or Family Name <b>DUPONT</b>		First <b>SIMONE</b>
Middle Initial		
ITIN or Social Security #	Visa #	Passport # <b>2674130984</b>
Date of Birth: <b>04 / 15 / 2001</b> <small>(mm/dd/yyyy)</small>	Telephone # <b>XXX-XXX-XXXX</b>	e-mail Address
Were you a U.S. citizen or resident alien the entire year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Were you ever a U.S. citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
U.S. Local Street Address <b>250 CHURCH STREET</b>		
City <b>YOUR TOWN</b>	State <b>YS</b>	Zip Code <b>XXXXX</b>
Foreign Residence Address <b>27 RUE PASTEUR</b>		
Address Line 2		
Foreign Country <b>FRANCE</b>	Province/County <b>CABOURG</b>	Postal Code <b>14390</b>
Country of Citizenship <b>FRANCE</b>	Country that issued Passport <b>FRANCE</b>	
Are you married? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "YES", is your spouse in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If "YES", is it recognized by the State where you will be filing? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Are you a</b> <div style="display: flex; justify-content: space-between; padding: 0 10px;"> <div>U.S. National <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>Resident of Canada <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>Resident of Mexico <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>Resident of South Korea <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> <div>Resident of India <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> </div>		
<b>Dependent Information</b>		
First Name	Last or Family Name	Date of Birth (mm/dd/yyyy)
		ITIN or SSN
		Relationship to you (son, daughter, none, etc.)
		Number of months lived with you in the U.S. in 2022
		U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada, Mexico, or South Korea
		Did person file joint return?
		Did person provide more than 50% of their own support?
		Did you provide more than 50% of their support?
		Did the person have Gross Income of \$4,400 or more?
What is the date you FIRST entered the United States? <b>08 / 01 / 2020</b>		
<b>Entry Immigration Status - Check one</b>		
<input type="checkbox"/> U.S. Immigrant/Permanent Resident	<input checked="" type="checkbox"/> F-1 Student	<input type="checkbox"/> F-2 Spouse or child of Student
<input type="checkbox"/> H-1 Temporary Employee	<input type="checkbox"/> *J-1 Exchange Visitor	<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor
Other (list)		
<b>Current Immigration Status - Check one</b>		
<input type="checkbox"/> U.S. Immigrant/Permanent Resident	<input checked="" type="checkbox"/> F-1 Student	<input type="checkbox"/> F-2 Spouse or child of Student
<input type="checkbox"/> H-1 Temporary Employee	<input type="checkbox"/> *J-1 Exchange Visitor	<input type="checkbox"/> J-2 Spouse or child of Exchange Visitor
Other (list)		
Have you ever changed your visa type or U.S. immigration status? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If "Yes", indicate the date and nature of the change. ____ / ____ / ____		
Enter the type of U.S. visa you held during these years		
2016	2017	2018
2019	2020	2021
	<b>F-1</b>	<b>F-1</b>
<b>* If Immigration status is J-1, what is the subtype? Check one</b>		
<input type="checkbox"/> 01 Student	<input type="checkbox"/> 05 Professor	<input type="checkbox"/> 12 Research Scholar
<input type="checkbox"/> 02 Short Term Scholar	Other (list)	
<b>What is the actual primary activity of the visit? Check one</b>		
<input checked="" type="checkbox"/> 01 Studying in a Degree Program	<input type="checkbox"/> 04 Lecturing	<input type="checkbox"/> 07 Conducting Research
<input type="checkbox"/> 02 Studying in a Non-Degree Program	<input type="checkbox"/> 05 Observing	<input type="checkbox"/> 08 Training
<input type="checkbox"/> 03 Teaching	<input type="checkbox"/> 06 Consulting	<input type="checkbox"/> 09 Demonstrating Special Skills
		<input type="checkbox"/> 10 Clinical Activities
		<input type="checkbox"/> 11 Temporary Employment
		<input type="checkbox"/> 12 Here with Spouse
Catalog Number 39748B		
www.irs.gov		
Form <b>13614-NR</b> (Rev. 10-2022)		

Check the years you were present in the United States as a teacher, trainee, student or as an accompanying spouse or dependent of a person in such status for any part of the year. ☐ 2016 ☐ 2017 ☐ 2018 ☐ 2019 ☒ 2020 ☒ 2021

Have you ever been present in the U.S. PRIOR to 2016 on a teacher, trainee, student visa, or as their accompanying spouse or dependent? ☐ Yes ☐ No If so, what years and visa type \_\_\_\_\_

How many days (including vacations, nonworkdays and partial days) were you present in the U.S. during

2020 153 2021 365 2022 365

List the dates you entered and left the United States during 2022

Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy	Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy

Did you file a U.S. income tax return for any year before 2022? ☐ Yes ☒ No

If "Yes", give latest year \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Form number filed \_\_\_\_\_

During 2022, did you apply to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No

Do you have an application pending to change your status to lawful permanent resident? ☐ Yes ☒ No

1. Are you claiming the benefits of a U.S. income tax treaty with a foreign country? ☒ Yes ☐ No

If "Yes", enter the appropriate information in the columns below

(a) Country	(b) Tax Treaty Article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year
FRANCE	21(1)	0	\$5,000
FRANCE	21(1)	0	\$14,500
FRANCE	13(6)	0	\$800

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☐ No

#### Information about academic institution you attended in 2022

Name	IVY LEAGUE UNIVERSITY	Telephone number	XXX-XXX-XXXX
Address	221 WHITNEY AVENUE, YOUR TOWN, YS XXXXX		
Name of your academic/specialized program director	DOUG SMITH	Telephone number	XXX-XXX-XXXX
Address	221 WHITNEY AVENUE, YOUR TOWN, YS XXXXX		

#### During 2022 did you receive

#### Did you have


Scholarships or Fellowship Grants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Casualty Losses in a Declared Disaster Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wages, Salaries or Tips	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Student Loan Interest Paid	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Interest	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State or Local Income Taxes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distributions from IRA, Pension or Annuity	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	U.S. Charitable Contributions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
State or Local Tax Refunds	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child/Dependent Care Expenses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unemployment Compensation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IRA Contributions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Dividend income or capital gains or losses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Any Other Income (gambling, lottery, prizes, awards, self-employment, rents, royalties, virtual currency, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Did you or any dependent have health insurance coverage through HealthCare.gov (The Marketplace)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, was any Advanced Premium Tax Credit received? (Provide Form 1095-A)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

#### Privacy Act and Paperwork Reduction Act Notice

The Privacy Act of 1974 requires that when we ask for information we tell you our legal right to ask for the information, why we are asking for it, and how it will be used. We must also tell you what could happen if we do not receive it, and whether your response is voluntary, required to obtain a benefit, or mandatory.

Our legal right to ask for information is 5 U.S.C. 301. We are asking for this information to assist us in contacting you relative to your interest and/or participation in the IRS volunteer income tax preparation and outreach programs. The information you provide may be furnished to others who coordinate activities and staffing at volunteer return preparation sites or outreach activities. The information may also be used to establish effective controls, send correspondence and recognize volunteers. Your response is voluntary. However, if you do not provide the requested information, the IRS may not be able to use your assistance in these programs.

The Paperwork Reduction Act requires that the IRS display an OMB control number on all public information requests. The OMB Control Number for this study is 1545-2075. Also, if you have any comments regarding the time estimates associated with this study or suggestion on making this process simpler, please write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W-CAR:MP:T:T:SP, 1111 Constitution Ave. NW, Washington, DC 20224.

a Employee's social security number XXX-XX-XXXX		OMB No. 1545-0008		Safe, accurate, FAST! Use				Visit the IRS website at www.irs.gov/efile	
b Employer identification number (EIN) XX-XXXXXXX				1 Wages, tips, other compensation 7,225.00		2 Federal income tax withheld 901.00			
c Employer's name, address, and ZIP code IVY LEAGUE UNIVERSITY 221 WHITNEY AVENUE YOUR TOWN, YS XXXXX				3 Social security wages		4 Social security tax withheld			
				5 Medicare wages and tips		6 Medicare tax withheld			
				7 Social security tips		8 Allocated tips			
d Control number				9		10 Dependent care benefits			
e Employee's first name and initial SIMONE		Last name DUPONT		Suff.		11 Nonqualified plans		12a See instructions for box 12	
IVY LEAGUE UNIVERSITY 250 CHURCH STREET YOUR TOWN, YS XXXXX		f Employee's address and ZIP code		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b			
				14 Other		12c			
						12d			
15 State YS	Employer's state ID number XX-XXXXXXX	16 State wages, tips, etc. 7,225.00	17 State income tax 125.00	18 Local wages, tips, etc.	19 Local income tax	20 Locality name			

**Form W-2 Wage and Tax Statement**

**Copy B—To Be Filed With Employee's FEDERAL Tax Return.**

This information is being furnished to the Internal Revenue Service.

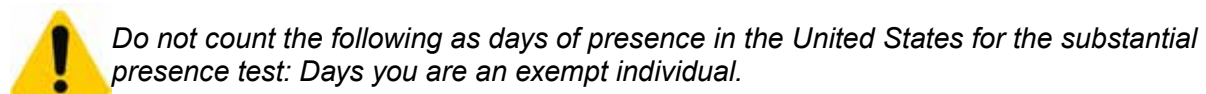
2022


Department of the Treasury—Internal Revenue Service

<b>Form 1042-S</b> Department of the Treasury Internal Revenue Service		<b>Foreign Person's U.S. Source Income Subject to Withholding</b> ▶ Go to <a href="http://www.irs.gov/Form1042S">www.irs.gov/Form1042S</a> for instructions and the latest information.				<b>2022</b>		OMB No. 1545-0096 <b>Copy D</b> for Recipient Attach to any state tax return you file	
		0 1 2 3 4 5 6 7 8 9				UNIQUE FORM IDENTIFIER <input type="checkbox"/> AMENDED <input type="checkbox"/> AMENDMENT NO.			
<b>1</b> Income code	<b>2</b> Gross income	<b>3</b> Chapter indicator. Enter "3" or "4"		<b>13e</b> Recipient's U.S. TIN, if any		<b>13f</b> Ch. 3 status code		<b>13g</b> Ch. 4 status code	
20	15000	3		XXX-XX-XXXX		02			
		<b>3a</b> Exemption code	<b>4a</b> Exemption code	<b>13h</b> Recipient's GILN		<b>13i</b> Recipient's foreign tax identification number, if any		<b>13j</b> LOB code	
		04							
		<b>3b</b> Tax rate	<b>4b</b> Tax rate						
		0.0000	.						
<b>5</b> Withholding allowance									
<b>6</b> Net income <span style="float: right;">15000</span>									
<b>7a</b> Federal tax withheld									
<b>7b</b> Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions) <input type="checkbox"/>									
<b>7c</b> Check if withholding occurred in subsequent year with respect to a partnership interest <input type="checkbox"/>									
<b>8</b> Tax withheld by other agents									
<b>9</b> Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions) ( )									
<b>10</b> Total withholding credit (combine boxes 7a, 8, and 9)									
<b>11</b> Tax paid by withholding agent (amounts not withheld) (see instructions)									
<b>12a</b> Withholding agent's EIN				<b>12b</b> Ch. 3 status code		<b>12c</b> Ch. 4 status code			
XX-XXXXXXX				02					
<b>12d</b> Withholding agent's name IVY LEAGUE UNIVERSITY									
<b>12e</b> Withholding agent's Global Intermediary Identification Number (GIIN)									
<b>12f</b> Country code		<b>12g</b> Foreign tax identification number, if any							
<b>12h</b> Address (number and street) 221 WHITNEY AVENUE									
<b>12i</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX									
<b>13a</b> Recipient's name				<b>13b</b> Recipient's country code					
SIMONE DUPONT									
<b>13c</b> Address (number and street) 250 CHURCH STREET									
<b>13d</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX									
<b>14a</b> Primary Withholding Agent's Name (if applicable)						<b>15</b> Check if pro-rata basis reporting <input type="checkbox"/>			
<b>14b</b> Primary Withholding Agent's EIN									
<b>15a</b> Intermediary or flow-through entity's EIN, if any						<b>15b</b> Ch. 3 status code		<b>15c</b> Ch. 4 status code	
<b>15d</b> Intermediary or flow-through entity's name									
<b>15e</b> Intermediary or flow-through entity's GIIN									
<b>15f</b> Country code				<b>15g</b> Foreign tax identification number, if any					
<b>15h</b> Address (number and street)									
<b>15i</b> City or town, state or province, country, ZIP or foreign postal code									
<b>16a</b> Payer's name						<b>16b</b> Payer's TIN			
<b>16c</b> Payer's GIIN						<b>16d</b> Ch. 3 status code		<b>16e</b> Ch. 4 status code	
<b>17a</b> State income tax withheld				<b>17b</b> Payer's state tax no.		<b>17c</b> Name of state			
0									

Form 1042-S (2022)

If you are temporarily present in the United States on an F, J, M, or Q visa, use this chart to determine if you are an exempt individual for the **Substantial Presence Test (SPT)**.



 *If additional days of presence due to COVID-19 travel restrictions cause the taxpayer to become a “resident” using the physical presence test rules, see possible exceptions allowed in **Revenue Procedure 2020-20**.*



## EXERCISES

**Question 1:** Begin by determining Simone's residency status for federal tax purposes. What is Simone's status?

- a. Resident alien: U.S. residents who meet either the green card test or the substantial presence test
- b. Nonresident alien: Individuals who are not citizens or residents of the United States
- c. Dual status alien: Individuals who are both nonresidents and resident aliens for the tax year

**Question 2:** Must Simone file a tax return?

- a. No, she does not have to file because she is a student
- b. Yes, she must file because she has been in the U.S. less than 5 years
- c. No, she does not have to file because she is a resident of a tax treaty country
- d. Yes, she must file because she is claiming a tax treaty benefit

**Question 3:** What must Simone do with her stock transaction?

- a. Does not need to be reported, she is in a nonresident alien status
- b. Use the Form 8949 Sales and Other Dispositions of Capital Assets to report the sale.
- c. Review the applicable Tax Treaty for the tax rate and report on the Schedule NEC, Tax on Income Not Effectively Connected with a U.S. Trade or Business
- d. If the Tax Treaty has a rate of zero, the item does not need to be reported on the tax return

**Question 4:** Simone can file a Form 1040-NR.

- a. True
- b. False

# Tax Forms

You assist Simone in completing her Form 1040-NR

Form	<b>1040-NR</b>	Department of the Treasury—Internal Revenue Service	<b>2022</b>	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.																																				
U.S. Nonresident Alien Income Tax Return																																									
For the year Jan. 1–Dec. 31, 2022, or other tax year beginning _____, 2022, ending _____, 20____																																									
See separate instructions.																																									
<b>Filing Status</b>  Check only one box.	<input type="checkbox"/> Single <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Qualifying surviving spouse (QSS) <input type="checkbox"/> Estate <input type="checkbox"/> Trust If you checked the QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____																																								
Your first name and middle initial		Last name		Your identifying number (see instructions)																																					
Home address (number and street). If you have a P.O. box, see instructions.																																									
Apt. no.																																									
City, town, or post office. If you have a foreign address, also complete spaces below.				State	ZIP code																																				
Foreign country name		Foreign province/state/county		Foreign postal code																																					
<b>Digital Assets</b>	At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input type="checkbox"/> No																																								
<b>Dependents</b> (see instructions):	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">(1) First name</th> <th style="width:20%;">Last name</th> <th style="width:20%;">(2) Dependent's identifying number</th> <th style="width:20%;">(3) Relationship to you</th> <th style="width:10%;">(4) Check the box if qualifies for (see inst.): Child tax credit</th> <th style="width:10%;">Credit for other dependents</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>					(1) First name	Last name	(2) Dependent's identifying number	(3) Relationship to you	(4) Check the box if qualifies for (see inst.): Child tax credit	Credit for other dependents					<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>						
(1) First name	Last name	(2) Dependent's identifying number	(3) Relationship to you	(4) Check the box if qualifies for (see inst.): Child tax credit	Credit for other dependents																																				
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				<input type="checkbox"/>	<input type="checkbox"/>																																				
				<input type="checkbox"/>	<input type="checkbox"/>																																				
If more than four dependents, see instructions and check here <input type="checkbox"/>																																									
<b>Income Effectively Connected With U.S. Trade or Business</b>  Attach Form(s) W-2, 1042-S, SSA-1042-S, RRB-1042-S, and 8288-A here. Also attach Form(s) 1099-R if tax was withheld.  If you did not get a Form W-2, see instructions.	<table style="width:100%;"> <tr> <td style="width:60%;">1a Total amount from Form(s) W-2, box 1 (see instructions)</td> <td style="width:5%;">1a</td> <td style="width:35%;"></td> </tr> <tr> <td>b Household employee wages not reported on Form(s) W-2</td> <td>b</td> <td></td> </tr> <tr> <td>c Tip income not reported on line 1a (see instructions)</td> <td>c</td> <td></td> </tr> <tr> <td>d Medicaid waiver payments not reported on Form(s) W-2 (see instructions)</td> <td>d</td> <td></td> </tr> <tr> <td>e Taxable dependent care benefits from Form 2441, line 26</td> <td>e</td> <td></td> </tr> <tr> <td>f Employer-provided adoption benefits from Form 8839, line 29</td> <td>f</td> <td></td> </tr> <tr> <td>g Wages from Form 8919, line 6</td> <td>g</td> <td></td> </tr> <tr> <td>h Other earned income (see instructions)</td> <td>h</td> <td></td> </tr> <tr> <td>i Reserved for future use</td> <td>i</td> <td></td> </tr> <tr> <td>j Reserved for future use</td> <td>j</td> <td></td> </tr> <tr> <td>k Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e)</td> <td>k</td> <td></td> </tr> <tr> <td>z Add lines 1a through 1h</td> <td>z</td> <td></td> </tr> </table>					1a Total amount from Form(s) W-2, box 1 (see instructions)	1a		b Household employee wages not reported on Form(s) W-2	b		c Tip income not reported on line 1a (see instructions)	c		d Medicaid waiver payments not reported on Form(s) W-2 (see instructions)	d		e Taxable dependent care benefits from Form 2441, line 26	e		f Employer-provided adoption benefits from Form 8839, line 29	f		g Wages from Form 8919, line 6	g		h Other earned income (see instructions)	h		i Reserved for future use	i		j Reserved for future use	j		k Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e)	k		z Add lines 1a through 1h	z	
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z Add lines 1a through 1h	z																																								
2a Tax-exempt interest			2b Taxable interest																																						
3a Qualified dividends			3b Ordinary dividends																																						
4a IRA distributions			4b Taxable amount																																						
5a Pensions and annuities			5b Taxable amount																																						
6 Reserved for future use			6																																						
7 Capital gain or (loss). Attach Schedule D (Form 1040) if required. If not required, check here <input type="checkbox"/>			7																																						
8 Other income from Schedule 1 (Form 1040), line 10			8																																						
9 Add lines 1z, 2b, 3b, 4b, 5b, 7, and 8. This is your <b>total effectively connected income</b>			9																																						
10 Adjustments to income:			10d																																						
a From Schedule 1 (Form 1040), line 26			10a																																						
b Reserved for future use			10b																																						
c Reserved for future use			10c																																						
d Enter the amount from line 10a. These are your <b>total adjustments to income</b>			10d																																						
11 Subtract line 10d from line 9. This is your <b>adjusted gross income</b>			11																																						
12 <b>Itemized deductions</b> (from Schedule A (Form 1040-NR)) or, for certain residents of India, standard deduction (see instructions)			12																																						
13a Qualified business income deduction from Form 8995 or Form 8995-A			13a																																						
b Exemptions for estates and trusts only (see instructions)			13b																																						
c Add lines 13a and 13b			13c																																						
14 Add lines 12 and 13c			14																																						
15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your <b>taxable income</b>			15																																						

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 11364D

Form 1040-NR (2022)



	16	Tax (see instructions). Check if any from Form(s):    1 <input type="checkbox"/> 8814      2 <input type="checkbox"/> 4972      3 <input type="checkbox"/>	16		
<b>Tax and Credits</b>	17	Amount from Schedule 2 (Form 1040), line 3 . . . . .	17		
	18	Add lines 16 and 17 . . . . .	18		
	19	Child tax credit or credit for other dependents from Schedule 8812 (Form 1040) . . . . .	19		
	20	Amount from Schedule 3 (Form 1040), line 8 . . . . .	20		
	21	Add lines 19 and 20 . . . . .	21		
	22	Subtract line 21 from line 18. If zero or less, enter -0- . . . . .	22		
	23a	Tax on income not effectively connected with a U.S. trade or business from Schedule NEC (Form 1040-NR), line 15 . . . . . <div style="float:right; width:100px;">23a</div>			
	b	Other taxes, including self-employment tax, from Schedule 2 (Form 1040), line 21 . . . . . <div style="float:right; width:100px;">23b</div>			
	c	Transportation tax (see instructions) . . . . . <div style="float:right; width:100px;">23c</div>			
	d	Add lines 23a through 23c . . . . .	23d		
	24	Add lines 22 and 23d. This is your <b>total tax</b> . . . . .	24		
<b>Payments</b>	25	Federal income tax withheld from: <div>a Form(s) W-2                          <div style="float:right; width:100px;">25a</div></div> <div>b Form(s) 1099                         <div style="float:right; width:100px;">25b</div></div> <div>c Other forms (see instructions)   <div style="float:right; width:100px;">25c</div></div> <div>d Add lines 25a through 25c        <div style="float:right; width:100px;"></div></div> <div>e Form(s) 8805                        <div style="float:right; width:100px;"></div></div> <div>f Form(s) 8288-A                     <div style="float:right; width:100px;"></div></div> <div>g Form(s) 1042-S                    <div style="float:right; width:100px;"></div></div>			
	26	2022 estimated tax payments and amount applied from 2021 return . . . . .	26		
	27	Reserved for future use . . . . .	27		
	28	Additional child tax credit from Schedule 8812 (Form 1040) . . . . .	28		
	29	Credit for amount paid with Form 1040-C . . . . .	29		
	30	Reserved for future use . . . . .	30		
	31	Amount from Schedule 3 (Form 1040), line 15 . . . . .	31		
	32	Add lines 28, 29, and 31. These are your <b>total other payments and refundable credits</b> . . . . .	32		
	33	Add lines 25d, 25e, 25f, 25g, 26, and 32. These are your <b>total payments</b> . . . . .	33		
	<b>Refund</b>	34	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you <b>overpaid</b> . . . . .	34	
35a		Amount of line 34 you want <b>refunded to you</b> . If Form 8888 is attached, check here <input type="checkbox"/> <div style="margin-left:10px;"><div>b Routing number                      c Type:   <input type="checkbox"/> Checking   <input type="checkbox"/> Savings</div><div>d Account number                      _____</div><div>e If you want your refund check mailed to an address outside the United States not shown on page 1, enter it here. _____</div></div>	35a		
36		Amount of line 34 you want <b>applied to your 2023 estimated tax</b> . . . . .	36		
37		Subtract line 33 from line 24. This is the <b>amount you owe</b> . For details on how to pay, go to <a href="#">www.irs.gov/Payments</a> or see instructions . . . . .	37		
	38	Estimated tax penalty (see instructions) . . . . .	38		
<b>Third Party Designee</b>	Do you want to allow another person to discuss this return with the IRS? See instructions. <input type="checkbox"/> Yes. Complete below. <input type="checkbox"/> No				
	Designee's name _____ Phone no. _____ Personal identification number (PIN) [ ][ ][ ][ ]				
<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.				
	Your signature _____	Date _____	Your occupation _____	If the IRS sent you an Identity Protection PIN, enter it here (see inst.) [ ][ ][ ][ ][ ][ ]	
	Phone no. _____		Email address _____		
<b>Paid Preparer Use Only</b>	Preparer's name _____		Preparer's signature _____	Date _____ PTIN _____ Check if:	
	Firm's name _____		<input type="checkbox"/> Self-employed		
	Firm's address _____		Phone no. _____ Firm's EIN _____		

**Question 5:** Why did Simone file Form 8233 with her U.S. employer?

- a. So her employer could legitimately not withhold federal income taxes until her treaty benefit amount was exceeded
- b. So her employer could withhold federal income taxes at a reduced rate
- c. To document her presence in the United States for use in the substantial presence test at a later date
- d. To exclude her scholarship from U.S. taxes

<b>Form 8233</b> (Rev. September 2018) Department of the Treasury Internal Revenue Service	<b>Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual</b>	OMB No. 1545-0795	
<b>► Go to <a href="http://www.irs.gov/Form8233">www.irs.gov/Form8233</a> for instructions and the latest information. ► See separate instructions.</b>			
<b>Who Should Use This Form?</b>  <b>Note:</b> For definitions of terms used in this section and detailed instructions on required withholding forms for each type of income, see <b>Definitions</b> in the instructions.	<b>IF</b> you are a nonresident alien individual who is receiving. . .	<b>THEN</b> , if you are the beneficial owner of that income, use this form to claim. . .	
	Compensation for independent personal services performed in the United States	A tax treaty withholding exemption (Independent personal services, Business profits) for part or all of that compensation.	
	Compensation for dependent personal services performed in the United States	A tax treaty withholding exemption for part or all of that compensation.	
	Noncompensatory scholarship or fellowship income <b>and</b> personal services income <b>from the same withholding agent</b>	A tax treaty withholding exemption for part or all of <b>both</b> types of income.	
<b>DO NOT Use This Form. . .</b>	<b>IF</b> you are a beneficial owner who is. . .	<b>INSTEAD</b> , use. . .	
	Receiving compensation for dependent personal services performed in the United States <b>and</b> you are <b>not</b> claiming a tax treaty withholding exemption for that compensation	Form W-4 (See the Instructions for Form 8233 for how to complete Form W-4.)	
	Receiving noncompensatory scholarship or fellowship income <b>and</b> you are <b>not</b> receiving any personal services income <b>from the same withholding agent</b>	Form W-8BEN or, if elected by the withholding agent, Form W-4 for the noncompensatory scholarship or fellowship income	
	Claiming only foreign status or treaty benefits with respect to income that is <b>not</b> compensation for personal services	Form W-8BEN	
This exemption is applicable for compensation for calendar year <u>2022</u> , or other tax year beginning _____ and ending _____.			
<b>Part I Identification of Beneficial Owner</b> (See instructions.)			
<b>1</b> Name of individual who is the beneficial owner <u>SIMONE DUPONT</u>	<b>2</b> U.S. taxpayer identification number <u>XXX-XX-XXXX</u>	<b>3</b> Foreign tax identification number, if any	
<b>4</b> Permanent residence address (street, apt. or suite no., or rural route). <b>Do not use a P.O. box.</b> <u>27 RUE PASTEUR</u> City or town, state or province. Include postal code where appropriate. <u>CABOURG 14390</u>			Country (do not abbreviate) <u>FRANCE</u>
<b>5</b> Address in the United States (street, apt. or suite no., or rural route). <b>Do not use a P.O. box.</b> <u>250 CHURCH STREET</u> City or town, state, and ZIP code <u>YOUR TOWN, YS XXXXX</u>			
<b>Note:</b> Citizens of Canada or Mexico are not required to complete lines 7a and 7b.			
<b>6</b> U.S. visa type <u>F-1</u>	<b>7a</b> Country issuing passport <u>FRANCE</u>	<b>7b</b> Passport number <u>2674130984</u>	
<b>8</b> Date of entry into the United States <u>AUGUST 1, 2020</u>	<b>9a</b> Current nonimmigrant status <u>F-1</u>	<b>9b</b> Date your current nonimmigrant status expires	
<b>10</b> If you are a foreign student, trainee, professor/teacher, or researcher, check this box <input type="checkbox"/> <b>Caution:</b> See the <b>line 10 instructions</b> for the required additional statement you must attach.			
<b>For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.</b>			
Cat. No. 62292K		Form <b>8233</b> (Rev. 9-2018)	

## Part II Claim for Tax Treaty Withholding Exemption

- |  |   |  |
|--|---|--|
| <b>11</b>  | Compensation for independent (and certain dependent) personal services:   |  |
| <b>a</b>   | Description of personal services you are providing  |  |
| <hr/>  |   |  |
| <b>b</b>   | Total compensation you expect to be paid for these services in this calendar or tax year                        | \$ <u>                    </u>   |
| <b>12</b>  | If compensation is exempt from withholding based on a tax treaty benefit, provide:                              |  |
| <b>a</b>   | Tax treaty on which you are basing exemption from withholding   |  |
| <b>b</b>   | Treaty article on which you are basing exemption from withholding   | <u>21(1)</u>   |
| <b>c</b>   | Total compensation listed on line 11b above that is exempt from tax under this treaty                           | \$ <u>                    </u> <span style="float: right;">5,000</span>  |
| <b>d</b>   | Country of residence  | <u>FRANCE</u>  |
| <b>Note:</b> Do not complete lines 13a through 13d unless you also received compensation for personal services <b>from the same withholding agent.</b> |   |  |
| <b>13</b>  | Noncompensatory scholarship or fellowship income:   |  |
| <b>a</b>   | Amount  | \$ <u>                    </u> <span style="float: right;">14,500</span> |
| <b>b</b>   | Tax treaty on which you are basing exemption from withholding   | <u>21(1)</u>   |
| <b>c</b>   | Treaty article on which you are basing exemption from withholding   | <u>21(1)</u>   |
| <b>d</b>   | Total income listed on line 13a above that is exempt from tax under this treaty                                 | \$ <u>                    </u> <span style="float: right;">14,500</span> |
| <b>14</b>  | Sufficient facts to justify the exemption from withholding claimed on line 12 and/or line 13 (see instructions) |  |

## Part III Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- I am the beneficial owner (or am authorized to sign for the beneficial owner) of all the income to which this form relates.
- The beneficial owner is not a U.S. person.
- The beneficial owner is a resident of the treaty country listed on line 12a and/or 13b above within the meaning of the income tax treaty between the United States and that country, or was a resident of the treaty country listed on line 12a and/or 13b above at the time of, or immediately prior to, entry into the United States, as required by the treaty.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner.

**Sign Here**

Signature of beneficial owner (or individual authorized to sign for beneficial owner)

Date \_\_\_\_\_

## Part IV Withholding Agent Acceptance and Certification

Name

Employer identification number	
--------------------------------	--

Address (number and street) (Include apt. or suite no. or P.O. box, if applicable.)

City, state, and ZIP code

Telephone number
------------------

Under penalties of perjury, I certify that I have examined this form and any accompanying statements, that I am satisfied that an exemption from withholding is warranted, and that I do not know or have reason to know that the nonresident alien individual is not entitled to the exemption or that the nonresident alien's eligibility for the exemption cannot be readily determined.

Signature of withholding agent ►

Date ►

**Question 6:** Should Simone complete Form 8843?

- a. No, she is exempt from the substantial presence test
- b. Yes, it allows her to exclude her days of presence in the U.S. while on F-1 immigration status
- c. No, she does not have a medical condition
- d. Yes, it allows her employer to not withhold Social Security taxes

<p>Form <b>8843</b></p> <p>Department of the Treasury Internal Revenue Service</p>	<p><b>Statement for Exempt Individuals and Individuals With a Medical Condition</b></p> <p><b>For use by alien individuals only.</b></p> <p>Go to <a href="http://www.irs.gov/Form8843">www.irs.gov/Form8843</a> for the latest information.</p> <p>For the year January 1—December 31, 2022, or other tax year _____, 20____, beginning _____, 20____, and ending _____, 20____.</p>	<p>OMB No. 1545-0074</p> <p style="font-size: 2em; font-weight: bold;">2022</p> <p>Attachment Sequence No. <b>102</b></p>
<p>Your first name and initial: <u>SIMONE</u> Last name: <u>DUPONT</u> Your U.S. taxpayer identification number, if any: <u>XXX-XX-XXXX</u></p>		
<p><b>Fill in your addresses only if you are filing this form by itself and not with your tax return</b></p> <p>Address in country of residence: <u>27 RUE PASTEUR</u> <u>14390 CABOURG</u> <u>FRANCE</u></p> <p>Address in the United States: <u>250 CHURCH STREET</u> <u>YOUR TOWN, YS XXXXX</u></p>		
<p><b>Part I General Information</b></p>		
<p><b>1a</b> Type of U.S. visa (for example, F, J, M, Q, etc.) and date you entered the United States: <u>F-1, AUGUST 1, 2020</u></p> <p><b>b</b> Current nonimmigrant status. If your status has changed, also enter date of change and previous status. See instructions. <u>F-1</u></p> <p><b>2</b> Of what country or countries were you a citizen during the tax year? <u>FRANCE</u></p> <p><b>3a</b> What country or countries issued you a passport? <u>FRANCE</u></p> <p><b>b</b> Enter your passport number(s): <u>2674130984</u></p> <p><b>4a</b> Enter the actual number of days you were present in the United States during: 2022 <u>365</u> 2021 <u>365</u> 2020 <u>153</u></p> <p><b>b</b> Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test: <u>365</u></p>		
<p><b>Part II Teachers and Trainees</b></p>		
<p><b>5</b> For teachers, enter the name, address, and telephone number of the academic institution where you taught in 2022: _____</p> <p><b>6</b> For trainees, enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: _____</p> <p><b>7</b> Enter the type of U.S. visa (J or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 _____ 2021 _____. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.</p> <p><b>8</b> Were you present in the United States as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years (2016 through 2021)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If you checked the "Yes" box on line 8, you cannot exclude days of presence as a teacher or trainee unless you meet the <i>Exception</i> explained in the instructions.</p>		
<p><b>Part III Students</b></p>		
<p><b>9</b> Enter the name, address, and telephone number of the academic institution you attended during 2022: <u>IVY LEAGUE UNIVERSITY</u> <u>221 WHITNEY AVENUE, YOUR TOWN, YS XXXXX</u></p> <p><b>10</b> Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: <u>DOUG SMITH</u> <u>221 WHITNEY AVENUE, YOUR TOWN, YS XXXXX</u></p> <p><b>11</b> Enter the type of U.S. visa (F, J, M, or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 <u>F</u> 2021 <u>F</u>. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired.</p> <p><b>12</b> Were you present in the United States as a teacher, trainee, or student for any part of more than 5 calendar years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If you checked the "Yes" box on line 12, you must provide sufficient facts on an attached statement to establish that you do not intend to reside permanently in the United States.</p> <p><b>13</b> During 2022, did you apply for, or take other affirmative steps to apply for, lawful permanent resident status in the United States or have an application pending to change your status to that of a lawful permanent resident of the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>14</b> If you checked the "Yes" box on line 13, explain: _____</p>		
<p>For Paperwork Reduction Act Notice, see instructions. Cat. No. 17227H Form <b>8843</b> (2022)</p>		

**Part IV Professional Athletes**

**15** Enter the name of the charitable sports event(s) in the United States in which you competed during 2022 and the dates of competition: \_\_\_\_\_

**16** Enter the name(s) and employer identification number(s) of the charitable organization(s) that benefited from the sports event(s): \_\_\_\_\_

**Note:** You must attach a statement to verify that all of the net proceeds of the sports event(s) were contributed to the charitable organization(s) listed on line 16.

**Part V Individuals With a Medical Condition or Medical Problem**

**17a** Describe the medical condition or medical problem that prevented you from leaving the United States. See instructions. \_\_\_\_\_

**b** Enter the date you intended to leave the United States prior to the onset of the medical condition or medical problem described on line 17a: \_\_\_\_\_

**c** Enter the date you actually left the United States: \_\_\_\_\_

**18 Physician's Statement:**

I certify that \_\_\_\_\_  
Name of taxpayer

was unable to leave the United States on the date shown on line 17b because of the medical condition or medical problem described on line 17a and there was no indication that his or her condition or problem was preexisting.

\_\_\_\_\_  
Name of physician or other medical official

\_\_\_\_\_  
Physician's or other medical official's address and telephone number

\_\_\_\_\_  
Physician's or other medical official's signature

\_\_\_\_\_  
Date

**Sign here only if you are filing this form by itself and not with your tax return**

Under penalties of perjury, I declare that I have examined this form and the accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Date

Form **8843** (2022)

## General Instructions

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

### Future Developments

For the latest information about developments related to Form 8843 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/Form8843](http://www.irs.gov/Form8843).

### Who Must File

If you are an alien individual (other than a foreign government-related individual), you must file Form 8843 to explain the basis of your claim that you can exclude days of presence in the United States for purposes of the substantial presence test because you:

- Were an exempt individual, or
- Were unable to leave the United States because of a medical condition or medical problem.

### When and Where To File

If you are filing a 2022 Form 1040-NR, attach Form 8843 to it. Mail your tax return by the due date (including extensions) to the address shown in your tax return instructions.

If you don't have to file a 2022 tax return, mail Form 8843 to the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215 by the due date (including extensions) for filing Form 1040-NR.

### Penalty for Not Filing Form 8843

If you don't file Form 8843 on time, you may not exclude the days you were present in the United States as a professional athlete or because of a medical condition or medical problem that arose while you were in the United States. Failure to exclude days of presence in the United States could result in your being considered a U.S. resident under the substantial presence test.

You won't be penalized if you can show by clear and convincing evidence that you took reasonable actions to become aware of the filing requirements and significant steps to comply with those requirements.

### Substantial Presence Test

You are considered a U.S. resident if you meet the substantial presence test for 2022. You meet this test if you were physically present in the United States for at least:

- 31 days during 2022; and
- 183 days during the period 2022, 2021, and 2020, counting all the days of physical presence in 2022 but only 1/3 the number of days of presence in 2021 and only 1/6 the number of days in 2020.

**Note:** To claim the closer connection to a foreign country(ies) exception to the substantial presence test described in Regulations section 301.7701(b)-2, you must file Form 8840.

### Days of presence in the United States.

Generally, you are treated as being present in the United States on any day that you are physically present in the country at any time during the day. However, you don't count the following days of presence in the United States for purposes of the substantial presence test.

1. Days you regularly commuted to work in the United States from a residence in Canada or Mexico.
2. Days you were in the United States for less than 24 hours when you were traveling between two places outside the United States.
3. Days you were temporarily in the United States as a regular crew member of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States unless you otherwise engaged in trade or business on such a day.
4. Days you were unable to leave the United States because of a medical condition or medical problem that arose while you were in the United States.
5. Days you were an exempt individual.

### Exempt Individuals

For purposes of the substantial presence test, an exempt individual includes anyone in the following categories.

- A teacher or trainee (defined on this page).
- A student (defined on the next page).
- A professional athlete temporarily present in the United States to compete in a charitable sports event.

The term "exempt individual" also includes an individual temporarily present in the United States as a foreign government-related individual under an "A" or "G" visa, other than individuals holding "A-3" or "G-5" class visas. An individual present under an "A-3" or "G-5" class visa is not considered a foreign government-related individual and must count all his or her days of presence in the United States for purposes of the substantial presence test. For more details, see Pub. 519. If you are present under any other "A" or "G" class visa, you are not required to file Form 8843.

## Specific Instructions

### Part I—General Information

If you are attaching Form 8843 to Form 1040-NR, you aren't required to complete lines 1a through 4a of Form 8843 if you provide the requested information on the corresponding lines of Form 1040-NR. See Schedule OI of those forms.

In this case, enter "Information provided on Form 1040-NR" on line 1a of Form 8843. Complete line 4b and the rest of Form 8843.

If Form 8843 is filed separately, you must complete all entries on the form.

**Line 1b.** Enter your current nonimmigrant status, such as that shown on your current Immigration Form I-94, Arrival-Departure Record. If your status has changed while in the United States, enter the date of change and previous status.

### Part II—Teachers and Trainees

A teacher or trainee is an individual who is temporarily present in the United States under a "J" or "Q" visa (other than as a student) and who substantially complies with the requirements of the visa.

If you were a teacher or trainee under a "J" or "Q" visa, you are considered to have substantially complied with the visa requirements if you haven't engaged in activities that are prohibited by U.S. immigration laws that could result in the loss of your "J" or "Q" visa status.

Even if you meet these requirements, you can't exclude days of presence in 2022 as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years. But see the *Exception* later.

If you qualify to exclude days of presence as a teacher or trainee, complete Parts I and II of Form 8843. If you have a "Q" visa, complete Part I and only lines 6 through 8 of Part II. On line 6, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

**Exception.** If you were exempt as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years, you can exclude days of presence in 2022 as a teacher or trainee only if all four of the following apply.

1. You were exempt as a teacher, trainee, or student for any part of 3 (or fewer) of the 6 prior calendar years.
2. A foreign employer paid all your compensation during 2022.
3. You were present in the United States as a teacher or trainee in any of the 6 prior years.
4. A foreign employer paid all of your compensation during each of those prior 6 years you were present in the United States as a teacher or trainee.

For more details, see Pub. 519.

If you meet this exception, you must attach information to verify that a foreign employer paid all the compensation you received in 2022 and all prior years that you were present in the United States as a teacher or trainee.

**Part III—Students**

A student is an individual who is temporarily present in the United States under an “F,” “J,” “M,” or “Q” visa and who substantially complies with the requirements of the visa.

If you were a student under an “F,” “J,” “M,” or “Q” visa, you are considered to have substantially complied with the visa requirements if you haven’t engaged in activities that are prohibited by U.S. immigration laws and could result in the loss of your visa status.

Even if you meet these requirements, you can’t exclude days of presence in 2022 as a student if you were exempt as a teacher, trainee, or student for any part of more than 5 calendar years unless you establish that you don’t intend to reside permanently in the United States. The facts and circumstances to be considered in determining if you have established that you don’t intend to reside permanently in the United States include, but aren’t limited to:

1. Whether you have maintained a closer connection to a foreign country than to the United States (for details, see Pub. 519), and

2. Whether you have taken affirmative steps to change your status from nonimmigrant to lawful permanent resident.

If you qualify to exclude days of presence as a student, complete Parts I and III of Form 8843. If you have a “Q” visa, complete Part I and only lines 10 through 14 of Part III. On line 10, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

**Part IV—Professional Athletes**

A professional athlete is an individual who is temporarily present in the United States to compete in a charitable sports event. For details on charitable sports events, see Pub. 519.

If you qualify to exclude days of presence as a professional athlete, complete Parts I and IV of Form 8843.

**Part V—Individuals With a Medical Condition or Medical Problem**

For purposes of the substantial presence test, don’t count the days you intended to leave the United States but couldn’t do so because of a medical condition or medical problem that arose while you were in the United States. Whether you intended to leave the United States on a particular day is determined based on all the facts and circumstances. For more details, see Pub. 519.

If you qualify to exclude days of presence because of a medical condition or medical problem, complete Part I and lines 17a through 17c of Part V. Have your physician or other medical official complete line 18.

**Note:** You cannot exclude any days of presence in the United States under any of the following circumstances.

- You entered or returned to the United States for medical treatment. It does not matter whether you intended to leave the United States immediately after the medical treatment but couldn’t do so because of unforeseen complications from the medical treatment.

- The medical condition existed before your arrival in the United States and you were aware of the condition. It does not matter whether you needed treatment for the condition when you entered the United States.

- You were initially prevented from leaving, were then able to leave, but remained in the United States beyond a reasonable period for making arrangements to leave.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. Section 7701(b) and its regulations require that you give us the information. We need it to determine if you can exclude days of presence in the United States for purposes of the substantial presence test.

You aren’t 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 average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.



**Question 7:** True or False? Simone should use the Single filing status.

- a. True
- b. False

## Income Sources

**Question 8:** What does tax treaty Code 16 on Simone's Form 1042-S indicate about the source of her \$14,500?

- a. It is a scholarship or fellowship grant
- b. It is taxable earned income
- c. It is compensation for teaching or researching
- d. It is compensation earned during study

<b>Form 1042-S</b> Department of the Treasury Internal Revenue Service		<b>Foreign Person's U.S. Source Income Subject to Withholding</b> ▶ Go to <a href="http://www.irs.gov/Form1042S">www.irs.gov/Form1042S</a> for instructions and the latest information.				<b>2022</b> OMB No. 1545-0096	
		0 1 2 3 4 5 6 7 8 9 <b>UNIQUE FORM IDENTIFIER</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>AMENDMENT NO.</b>				<b>Copy D</b> for Recipient Attach to any state tax return you file	
<b>1</b> Income code	<b>2</b> Gross income	<b>3</b> Chapter indicator. Enter "3" or "4"		<b>3e</b> Recipient's U.S. TIN, if any		<b>3f</b> Ch. 3 status code	
20	5000	<b>3a</b> Exemption code 04		<b>3b</b> Tax rate 0.0000		02	
		<b>4a</b> Exemption code		<b>4b</b> Tax rate		<b>3g</b> Ch. 4 status code	
<b>5</b> Withholding allowance				<b>13h</b> Recipient's GIIN		<b>13i</b> Recipient's foreign tax identification number, if any	
<b>6</b> Net income		5000				<b>13j</b> LOB code	
<b>7a</b> Federal tax withheld				<b>13k</b> Recipient's account number			
<b>7b</b> Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions) <input type="checkbox"/>				<b>13l</b> Recipient's date of birth (YYYYMMDD)			
<b>7c</b> Check if withholding occurred in subsequent year with respect to a partnership interest <input type="checkbox"/>				2 0 0 1 0 4 1 5			
<b>8</b> Tax withheld by other agents				<b>14a</b> Primary Withholding Agent's Name (if applicable)			
<b>9</b> Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions) ( )				<b>14b</b> Primary Withholding Agent's EIN			
<b>10</b> Total withholding credit (combine boxes 7a, 8, and 9)				<b>15</b> Check if pro-rata basis reporting <input type="checkbox"/>			
<b>11</b> Tax paid by withholding agent (amounts not withheld) (see instructions)				<b>15a</b> Intermediary or flow-through entity's EIN, if any		<b>15b</b> Ch. 3 status code	
						<b>15c</b> Ch. 4 status code	
<b>12a</b> Withholding agent's EIN		<b>12b</b> Ch. 3 status code		<b>15d</b> Intermediary or flow-through entity's name			
XX-XXXXXXX		02		<b>15e</b> Intermediary or flow-through entity's GIIN			
<b>12d</b> Withholding agent's name				<b>15f</b> Country code		<b>15g</b> Foreign tax identification number, if any	
IVY LEAGUE UNIVERSITY							
<b>12e</b> Withholding agent's Global Intermediary Identification Number (GIIN)				<b>15h</b> Address (number and street)			
<b>12f</b> Country code		<b>12g</b> Foreign tax identification number, if any		<b>15i</b> City or town, state or province, country, ZIP or foreign postal code			
<b>12h</b> Address (number and street)				<b>16a</b> Payer's name		<b>16b</b> Payer's TIN	
221 WHITNEY AVENUE							
<b>12i</b> City or town, state or province, country, ZIP or foreign postal code				<b>16c</b> Payer's GIIN		<b>16d</b> Ch. 3 status code	
YOUR TOWN, YS XXXXX						<b>16e</b> Ch. 4 status code	
<b>13a</b> Recipient's name		<b>13b</b> Recipient's country code		<b>17a</b> State income tax withheld		<b>17b</b> Payer's state tax no.	
SIMONE DUPONT				0			
<b>13c</b> Address (number and street)							
250 CHURCH STREET							
<b>13d</b> City or town, state or province, country, ZIP or foreign postal code							
YOUR TOWN, YS XXXXX							

Form **1042-S** (2022)



<b>Form 1042-S</b> Department of the Treasury Internal Revenue Service		<b>Foreign Person's U.S. Source Income Subject to Withholding</b> ▶ Go to <a href="http://www.irs.gov/Form1042S">www.irs.gov/Form1042S</a> for instructions and the latest information.				<b>2022</b> OMB No. 1545-0096	
		<b>Copy D for Recipient</b> Attach to any state tax return you file					
		0 1 2 3 4 5 6 7 8 9 <b>UNIQUE FORM IDENTIFIER</b> <input type="checkbox"/> <b>AMENDED</b> <input type="checkbox"/> <b>AMENDMENT NO.</b>					
<b>1</b> Income code 16	<b>2</b> Gross income 14500	<b>3</b> Chapter indicator. Enter "3" or "4" 3		<b>13e</b> Recipient's U.S. TIN, if any XXX-XX-XXXX		<b>13f</b> Ch. 3 status code 02	
		<b>3a</b> Exemption code 04	<b>4a</b> Exemption code			<b>13g</b> Ch. 4 status code	
		<b>3b</b> Tax rate 0.0000	<b>4b</b> Tax rate .	<b>13h</b> Recipient's GIIN		<b>13i</b> Recipient's foreign tax identification number, if any	<b>13j</b> LOB code
<b>5</b> Withholding allowance				<b>13k</b> Recipient's account number			
<b>6</b> Net income 14500				<b>13l</b> Recipient's date of birth (YYYYMMDD) 2 0 0 1 0 4 1 5			
<b>7a</b> Federal tax withheld				<b>14a</b> Primary Withholding Agent's Name (if applicable)			
<b>7b</b> Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions) <input type="checkbox"/>				<b>14b</b> Primary Withholding Agent's EIN			
<b>7c</b> Check if withholding occurred in subsequent year with respect to a partnership interest <input type="checkbox"/>				<b>15</b> Check if pro-rata basis reporting <input type="checkbox"/>			
<b>8</b> Tax withheld by other agents				<b>15a</b> Intermediary or flow-through entity's EIN, if any			
<b>9</b> Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions) ( )				<b>15b</b> Ch. 3 status code		<b>15c</b> Ch. 4 status code	
<b>10</b> Total withholding credit (combine boxes 7a, 8, and 9)				<b>15d</b> Intermediary or flow-through entity's name			
<b>11</b> Tax paid by withholding agent (amounts not withheld) (see instructions)				<b>15e</b> Intermediary or flow-through entity's GIIN			
<b>12a</b> Withholding agent's EIN XX-XXXXXXX		<b>12b</b> Ch. 3 status code 02	<b>12c</b> Ch. 4 status code	<b>15f</b> Country code		<b>15g</b> Foreign tax identification number, if any	
<b>12d</b> Withholding agent's name IVY LEAGUE UNIVERSITY				<b>15h</b> Address (number and street)			
<b>12e</b> Withholding agent's Global Intermediary Identification Number (GIIN)				<b>15i</b> City or town, state or province, country, ZIP or foreign postal code			
<b>12f</b> Country code		<b>12g</b> Foreign tax identification number, if any		<b>16a</b> Payer's name		<b>16b</b> Payer's TIN	
<b>12h</b> Address (number and street) 221 WHITNEY AVENUE				<b>16c</b> Payer's GIIN		<b>16d</b> Ch. 3 status code	<b>16e</b> Ch. 4 status code
<b>12i</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX				<b>17a</b> State income tax withheld 0		<b>17b</b> Payer's state tax no.	<b>17c</b> Name of state
<b>13a</b> Recipient's name SIMONE DUPONT		<b>13b</b> Recipient's country code					
<b>13c</b> Address (number and street) 250 CHURCH STREET							
<b>13d</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX							

Form 1042-S (2022)

**Question 9:** Based on her country's treaty benefits, how much of Simone's \$12,225 studying income is exempt from U.S. taxes?

- a. \$0
- b. \$5,000
- c. \$7,225
- d. \$12,225

## Countries With Treaty Benefits for Studying and Training (Income Code 20)



*The following is a quick-reference summary of treaty benefits. For more information about the application of these treaty benefits, see Publication 901.*

Country	Maximum Years in U.S.	Maximum Dollar Amounts	Treaty Article
Bangladesh	No Limit*	\$8,000	21(2)
Belgium	No Limit	9,000	19(1)(b)
Bulgaria	No Limit	9,000	19(1)(b)
China, People's Republic of	No Limit	5,000	20(c)
Cyprus	5	2,000	21(1)
Czech Republic	5	5,000	21(1)
Egypt	5	3,000	23(1)
Estonia	5	5,000	20(1)
France	5	5,000	21(1)
Germany	4L	9,000	20(4)
Iceland	5	9,000	19(1)
Indonesia	5	2,000	19(1)
Israel	5	3,000	24(1)
Korea, South	5	2,000	21(1)
Latvia	5	5,000	20(1)
Lithuania	5	5,000	20(1)
Luxembourg	2L	No Limit	21(2)
Malta	No Limit	9,000	20(2)
Morocco	5	2,000	18
Netherlands	No Limit	2,000	22(1)
Norway	5	2,000	16(1)
Pakistan	No Limit	5,000	XIII(1)
Philippines	5	3,000	22(1)
Poland	5	2,000	18(1)
Portugal	5	5,000	23(1)
Romania	5	2,000	20(1)
Slovak Republic	5	5,000	21(1)
Slovenia	5	5,000	20(1)
Spain	5	5,000	22(1)
Thailand	5	3,000	22(1)
Trinidad and Tobago	5	2,000	19(1)
Tunisia	5	4,000	20
Venezuela	5	5,000	21(1)

\* 2-year limit applies to business or technical apprentices.

<sup>L</sup> Treaty contains provisions that retroactively eliminates benefits if the allowable period in the U.S. or income amounts are exceeded as defined in the treaty.



*Tax Treaty provisions allowed federally may not be honored by some states. Contact your state to see if treaty provisions are honored on the state return.*

**Question 10:** True or False? Simone must report all of her U.S. income sources on her return.

- a. True
- b. False

## Completing the Return

You are now ready to help Simone prepare her tax return. Next, review her documents and complete Form 1040-NR, pages 1 and 2.

### Part I tax return you completed for Simone Dupont

Form <b>1040-NR</b> Department of the Treasury—Internal Revenue Service		<b>U.S. Nonresident Alien Income Tax Return</b> <b>2022</b>	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.
For the year Jan. 1–Dec. 31, 2022, or other tax year beginning _____, 2022, ending _____, 20 _____			See separate instructions.	
<b>Filing Status</b> Check only one box.	<input type="checkbox"/> Single <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Qualifying surviving spouse (QSS) <input type="checkbox"/> Estate <input type="checkbox"/> Trust If you checked the QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____			
Your first name and middle initial _____		Last name _____		Your identifying number (see instructions) _____
Home address (number and street). If you have a P.O. box, see instructions. _____				Apt. no. _____
City, town, or post office. If you have a foreign address, also complete spaces below. _____			State _____	ZIP code _____
Foreign country name _____		Foreign province/state/county _____		Foreign postal code _____
<b>Digital Assets</b>	At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Dependents</b> (see instructions):	(1) First name _____ Last name _____	(2) Dependent's identifying number _____	(3) Relationship to you _____	(4) Check the box if qualifies for (see inst.): Child tax credit <input type="checkbox"/> Credit for other dependents <input type="checkbox"/>
If more than four dependents, see instructions and check here <input type="checkbox"/>	_____	_____	_____	<input type="checkbox"/> <input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/> <input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/> <input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/> <input type="checkbox"/>
<b>Income</b>	1a Total amount from Form(s) W-2, box 1 (see instructions) . . . . .			1a _____
<b>Effectively</b>	b Household employee wages not reported on Form(s) W-2 . . . . .			1b _____
<b>Connected</b>	c Tip income not reported on line 1a (see instructions) . . . . .			1c _____
<b>With U.S.</b>	d Medicaid waiver payments not reported on Form(s) W-2 (see instructions) . . . . .			1d _____
<b>Trade or</b>	e Taxable dependent care benefits from Form 2441, line 26 . . . . .			1e _____
<b>Business</b>	f Employer-provided adoption benefits from Form 8839, line 29 . . . . .			1f _____
	g Wages from Form 8919, line 6 . . . . .			1g _____
	h Other earned income (see instructions) . . . . .			1h _____
	i Reserved for future use . . . . . <b>1i</b>			_____
	j Reserved for future use . . . . . <b>1j</b>			_____
	k Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e) . . . . . <b>1k</b>			_____
	z Add lines 1a through 1h . . . . .			1z _____
<b>Attach Form(s) W-2, 1042-S, SSA-1042-S, RRB-1042-S, and 8288-A here. Also attach Form(s) 1099-R if tax was withheld.</b>	2a Tax-exempt interest . . . . . <b>2a</b>			_____
If you did not get a Form W-2, see instructions.	3a Qualified dividends . . . . . <b>3a</b>			_____
	4a IRA distributions . . . . . <b>4a</b>			_____
	5a Pensions and annuities . . . . . <b>5a</b>			_____
	b Taxable interest . . . . . <b>2b</b>			_____
	b Ordinary dividends . . . . . <b>3b</b>			_____
	b Taxable amount . . . . . <b>4b</b>			_____
	b Taxable amount . . . . . <b>5b</b>			_____
	6 Reserved for future use . . . . . <b>6</b>			_____
	7 Capital gain or (loss). Attach Schedule D (Form 1040) if required. If not required, check here . . . . . <input type="checkbox"/>			7 _____
	8 Other income from Schedule 1 (Form 1040), line 10 . . . . .			8 _____
	9 Add lines 1z, 2b, 3b, 4b, 5b, 7, and 8. This is your <b>total effectively connected income</b> . . . . .			9 _____
	10 Adjustments to income:			
	a From Schedule 1 (Form 1040), line 26 . . . . . <b>10a</b>			_____
	b Reserved for future use . . . . . <b>10b</b>			_____
	c Reserved for future use . . . . . <b>10c</b>			_____
	d Enter the amount from line 10a. These are your <b>total adjustments to income</b> . . . . .			10d _____
	11 Subtract line 10d from line 9. This is your <b>adjusted gross income</b> . . . . .			11 _____
	12 <b>Itemized deductions</b> (from Schedule A (Form 1040-NR)) or, for certain residents of India, standard deduction (see instructions) . . . . .			12 _____
	13a Qualified business income deduction from Form 8995 or Form 8995-A . . . . . <b>13a</b>			_____
	b Exemptions for estates and trusts only (see instructions) . . . . . <b>13b</b>			_____
	c Add lines 13a and 13b . . . . .			13c _____
	14 Add lines 12 and 13c . . . . .			14 _____
	15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your <b>taxable income</b> . . . . .			15 _____
For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 11364D Form <b>1040-NR</b> (2022)				

<b>Tax and Credits</b>	16	Tax (see instructions). Check if any from Form(s): 1 <input type="checkbox"/> 8814 2 <input type="checkbox"/> 4972 3 <input type="checkbox"/>		
	17	Amount from Schedule 2 (Form 1040), line 3		
	18	Add lines 16 and 17		
	19	Child tax credit or credit for other dependents from Schedule 8812 (Form 1040)		
	20	Amount from Schedule 3 (Form 1040), line 8		
	21	Add lines 19 and 20		
	22	Subtract line 21 from line 18. If zero or less, enter -0-		
	23a	Tax on income not effectively connected with a U.S. trade or business from Schedule NEC (Form 1040-NR), line 15	23a	
	b	Other taxes, including self-employment tax, from Schedule 2 (Form 1040), line 21	23b	
	c	Transportation tax (see instructions)	23c	
	d	Add lines 23a through 23c	23d	
	24	Add lines 22 and 23d. This is your <b>total tax</b>	24	
<b>Payments</b>	25	Federal income tax withheld from:		
	a	Form(s) W-2	25a	
	b	Form(s) 1099	25b	
	c	Other forms (see instructions)	25c	
	d	Add lines 25a through 25c	25d	
	e	Form(s) 8805	25e	
	f	Form(s) 8288-A	25f	
	g	Form(s) 1042-S	25g	
	26	2022 estimated tax payments and amount applied from 2021 return	26	
	27	Reserved for future use	27	
	28	Additional child tax credit from Schedule 8812 (Form 1040)	28	
	29	Credit for amount paid with Form 1040-C	29	
	30	Reserved for future use	30	
	31	Amount from Schedule 3 (Form 1040), line 15	31	
	32	Add lines 28, 29, and 31. These are your <b>total other payments and refundable credits</b>	32	
	33	Add lines 25d, 25e, 25f, 25g, 26, and 32. These are your <b>total payments</b>	33	
<b>Refund</b>	34	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you <b>overpaid</b>	34	
	35a	Amount of line 34 you want <b>refunded to you</b> . If Form 8888 is attached, check here <input type="checkbox"/>	35a	
Direct deposit? See instructions.	b	Routing number		
	c	Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d	Account number		
	e	If you want your refund check mailed to an address outside the United States not shown on page 1, enter it here.		
	36	Amount of line 34 you want <b>applied to your 2023 estimated tax</b>	36	
<b>Amount You Owe</b>	37	Subtract line 33 from line 24. This is the <b>amount you owe</b> . For details on how to pay, go to <a href="http://www.irs.gov/Payments">www.irs.gov/Payments</a> or see instructions	37	
	38	Estimated tax penalty (see instructions)	38	
<b>Third Party Designee</b>	Do you want to allow another person to discuss this return with the IRS? See instructions. <input type="checkbox"/> Yes. Complete below. <input type="checkbox"/> No			
	Designee's name	Phone no.	Personal identification number (PIN)	
<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
	Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
	Phone no.	Email address		
<b>Paid Preparer Use Only</b>	Preparer's name	Preparer's signature	Date	PTIN
	Firm's name	Phone no.		Check if: <input type="checkbox"/> Self-employed
	Firm's address	Firm's EIN		

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.Form **1040-NR** (2022)

**Form 1040-NR, Total amount from Form(s) W-2, box 1 Line**

**Question 11:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Simone Dupont.

What amount is entered on the Total amount from Form(s) W-2, box 1 line of Form 1040-NR?

- a. \$3,050
- b. \$5,000
- c. \$7,225
- d. \$12,225

**Form 1040-NR, Income Exempt by a Treaty**

**Question 12:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Simone Dupont.

What amount is entered on Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e)?

- a. \$125
- b. \$5,000
- c. \$14,500
- d. \$19,500

**Form 1040-NR, Itemized Deductions Line**

**Question 13:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Simone Dupont.

The Itemized deductions line on Form 1040-NR is used to list itemized deductions. What itemized deduction(s) can Simone claim on Form 1040-NR?

- a. State taxes withheld
- b. Federal taxes withheld
- c. Standard deduction
- d. None of the above

**Form 1040-NR, Schedule NEC**

**Question 14:** What is the tax rate Simone is subject to on her stock sale, as reported on Schedule NEC?

- a. The treaty rate, 0%
- b. 10%
- c. 30%
- d. None of the above

**Form 1040-NR, amount from Schedule 2 (Form 1040) Line**

**Question 15:** Is Simone required to report anything on the Amount from Schedule 2 (Form 1040) line?

- a. Social Security tax
- b. Medicare tax
- c. Both Social Security and Medicare taxes
- d. Neither tax

***Form 1040-NR, Overpayment***

**Question 16:** Does Simone have an overpayment of taxes?

- a. Yes
- b. No

**Summary**

You have completed a tax return for foreign student Simone Dupont using her tax documents and her approved nonresident alien intake and interview sheet Form 13614-NR.

Form	<h1 style="margin:0;">1040-NR</h1>	Department of the Treasury—Internal Revenue Service <b>U.S. Nonresident Alien Income Tax Return</b>	<h2 style="margin:0;">2022</h2>	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.
For the year Jan. 1–Dec. 31, 2022, or other tax year beginning _____, 2022, ending _____, 20____					
<a href="#">See separate instructions.</a>					
<b>Filing Status</b>  Check only one box.	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Qualifying surviving spouse (QSS) <input type="checkbox"/> Estate <input type="checkbox"/> Trust If you checked the QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____				
Your first name and middle initial		Last name		Your identifying number (see instructions)	
SIMONE		DUPONT		XXX-XX-XXXX	
Home address (number and street). If you have a P.O. box, see instructions.					Apt. no.
250 CHURCH STREET					
City, town, or post office. If you have a foreign address, also complete spaces below.				State	ZIP code
YOUR TOWN				YS	XXXXXX
Foreign country name		Foreign province/state/county		Foreign postal code	
<b>Digital Assets</b>	At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<b>Dependents</b> (see instructions):  If more than four dependents, see instructions and check here <input type="checkbox"/>	(1) First name      Last name		(2) Dependent's identifying number	(3) Relationship to you	(4) Check the box if qualifies for (see inst.): Child tax credit      Credit for other dependents
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
<b>Income Effectively Connected With U.S. Trade or Business</b>  Attach Form(s) W-2, 1042-S, SSA-1042-S, RRB-1042-S, and 8288-A here. Also attach Form(s) 1099-R if tax was withheld.  If you did not get a Form W-2, see instructions.	1a Total amount from Form(s) W-2, box 1 (see instructions) . . . . .				1a 7225
	b Household employee wages not reported on Form(s) W-2 . . . . .				1b
	c Tip income not reported on line 1a (see instructions) . . . . .				1c
	d Medicaid waiver payments not reported on Form(s) W-2 (see instructions) . . . . .				1d
	e Taxable dependent care benefits from Form 2441, line 26 . . . . .				1e
	f Employer-provided adoption benefits from Form 8839, line 29 . . . . .				1f
	g Wages from Form 8919, line 6 . . . . .				1g
	h Other earned income (see instructions) . . . . .				1h
	i Reserved for future use . . . . . 1i				1j
	j Reserved for future use . . . . .				1j
	k Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e) . . . . . 1k 19500				1z 7225
	z Add lines 1a through 1h . . . . .				1z 7225
	2a Tax-exempt interest . . . . . 2a		b Taxable interest . . . . .		2b
	3a Qualified dividends . . . . . 3a		b Ordinary dividends . . . . .		3b
	4a IRA distributions . . . . . 4a		b Taxable amount . . . . .		4b
5a Pensions and annuities . . . . . 5a		b Taxable amount . . . . .		5b	
6 Reserved for future use . . . . .				6	
7 Capital gain or (loss). Attach Schedule D (Form 1040) if required. If not required, check here . . . . . <input type="checkbox"/>				7	
8 Other income from Schedule 1 (Form 1040), line 10 . . . . .				8	
9 Add lines 1z, 2b, 3b, 4b, 5b, 7, and 8. This is your <b>total effectively connected income</b> . . . . .				9 7225	
10 Adjustments to income:				10d	
a From Schedule 1 (Form 1040), line 26 . . . . . 10a				10d	
b Reserved for future use . . . . . 10b				10d	
c Reserved for future use . . . . . 10c				10d	
d Enter the amount from line 10a. These are your <b>total adjustments to income</b> . . . . .				10d	
11 Subtract line 10d from line 9. This is your <b>adjusted gross income</b> . . . . .				11 7225	
12 <b>Itemized deductions</b> (from Schedule A (Form 1040-NR)) or, for certain residents of India, standard deduction (see instructions) . . . . .				12 125	
13a Qualified business income deduction from Form 8995 or Form 8995-A . . . . . 13a				13c	
b Exemptions for estates and trusts only (see instructions) . . . . . 13b				13c	
c Add lines 13a and 13b . . . . .				13c	
14 Add lines 12 and 13c . . . . .				14 125	
15 Subtract line 14 from line 11. If zero or less, enter -0-. This is your <b>taxable income</b> . . . . .				15 7100	

<b>Tax and Credits</b>	16	Tax (see instructions). Check if any from Form(s): 1 <input type="checkbox"/> 8814 2 <input type="checkbox"/> 4972 3 <input type="checkbox"/>	16	713															
	17	Amount from Schedule 2 (Form 1040), line 3	17																
	18	Add lines 16 and 17	18	713															
	19	Child tax credit or credit for other dependents from Schedule 8812 (Form 1040)	19																
	20	Amount from Schedule 3 (Form 1040), line 8	20																
	21	Add lines 19 and 20	21																
	22	Subtract line 21 from line 18. If zero or less, enter -0-	22	713															
	23a	Tax on income not effectively connected with a U.S. trade or business from Schedule NEC (Form 1040-NR), line 15	23a																
	b	Other taxes, including self-employment tax, from Schedule 2 (Form 1040), line 21	23b																
	c	Transportation tax (see instructions)	23c																
	d	Add lines 23a through 23c	23d																
	24	Add lines 22 and 23d. This is your <b>total tax</b>	24	713															
<b>Payments</b>	25	Federal income tax withheld from:																	
	a	Form(s) W-2	25a	901															
	b	Form(s) 1099	25b																
	c	Other forms (see instructions)	25c																
	d	Add lines 25a through 25c	25d	901															
	e	Form(s) 8805	25e																
	f	Form(s) 8288-A	25f																
	g	Form(s) 1042-S	25g																
	26	2022 estimated tax payments and amount applied from 2021 return	26																
	27	Reserved for future use	27																
	28	Additional child tax credit from Schedule 8812 (Form 1040)	28																
	29	Credit for amount paid with Form 1040-C	29																
	30	Reserved for future use	30																
	31	Amount from Schedule 3 (Form 1040), line 15	31																
	32	Add lines 28, 29, and 31. These are your <b>total other payments and refundable credits</b>	32																
	33	Add lines 25d, 25e, 25f, 25g, 26, and 32. These are your <b>total payments</b>	33	901															
<b>Refund</b>	34	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you <b>overpaid</b>	34	188															
	35a	Amount of line 34 you want <b>refunded to you</b> . If Form 8888 is attached, check here <input type="checkbox"/>	35a	188															
Direct deposit? See instructions.	b	Routing number <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td></tr></table>	X	X	X	X	X	X	X	X	X	X	c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings						
X	X	X	X	X	X	X	X	X	X										
	d	Account number <table border="1" style="display: inline-table; text-align: center; width: 200px;"><tr><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td></tr></table>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
	e	If you want your refund check mailed to an address outside the United States not shown on page 1, enter it here.																	
	36	Amount of line 34 you want <b>applied to your 2023 estimated tax</b>	36																
<b>Amount You Owe</b>	37	Subtract line 33 from line 24. This is the <b>amount you owe</b> . For details on how to pay, go to <a href="http://www.irs.gov/Payments">www.irs.gov/Payments</a> or see instructions	37																
	38	Estimated tax penalty (see instructions)	38																
<b>Third Party Designee</b>	Do you want to allow another person to discuss this return with the IRS? See instructions. <input type="checkbox"/> <b>Yes</b> . Complete below. <input type="checkbox"/> <b>No</b>																		
	Designee's name	Phone no.	Personal identification number (PIN) <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>																
<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.																		
	Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.) <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td></td><td></td><td></td><td></td><td></td></tr></table>															
			STUDENT																
	Phone no.		Email address																
<b>Paid Preparer Use Only</b>	Preparer's name	Preparer's signature	Date	PTIN															
	Firm's name			Check if: <input type="checkbox"/> Self-employed															
	Firm's address			Phone no.															
				Firm's EIN															

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.Form **1040-NR** (2022)



<b>SCHEDULE A</b> <b>(Form 1040-NR)</b>  Department of the Treasury Internal Revenue Service	<b>Itemized Deductions</b>  Go to <a href="http://www.irs.gov/Form1040NR">www.irs.gov/Form1040NR</a> for instructions and the latest information. <b>Attach to Form 1040-NR.</b>  <b>Caution:</b> If you are claiming a net qualified disaster loss on Form 4684, see instructions for line 7.	OMB No. 1545-0074  <div style="font-size: 2em; font-weight: bold;">2022</div> Attachment Sequence No. <b>7A</b>
Name shown on Form 1040-NR SIMONE DUPONT		Your identifying number XXX-XX-XXXX
<b>Taxes You Paid</b>	<b>1a</b> State and local income taxes . . . . . <b>b</b> Enter the smaller of line 1a or \$10,000 (\$5,000 if married filing separately) . . . . .	125  125
<b>Gifts to U.S. Charities</b>	<b>2</b> Gifts by cash or check. If you made any gift of \$250 or more, see instructions . . . . . <b>3</b> Other than by cash or check. If you made any gift of \$250 or more, see instructions. You <b>must</b> attach Form 8283 if over \$500 . . . . . <b>4</b> Carryover from prior year . . . . . <b>5</b> Add lines 2 through 4 . . . . .	5    5
<b>Casualty and Theft Losses</b>	<b>6</b> Casualty and theft loss(es) from a federally declared disaster (other than net qualified disaster losses). Attach Form 4684 and enter the amount from line 18 of that form. See instructions . . . . .	6
<b>Other Itemized Deductions</b>	<b>7</b> Other—from list in instructions. List type and amount: _____ _____ _____ _____ _____ _____ _____	7
<b>Total Itemized Deductions</b>	<b>8</b> Add the amounts in the far right column for lines 1b through 7. Also, enter this amount on Form 1040-NR, line 12 . . . . .	125  125
For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.		Schedule A (Form 1040-NR) 2022

<b>SCHEDULE NEC</b> <b>(Form 1040-NR)</b>		<b>Tax on Income Not Effectively Connected With a U.S. Trade or Business</b>					OMB No. 1545-0074	
Department of the Treasury Internal Revenue Service		Go to <a href="https://www.irs.gov/Form1040NR">www.irs.gov/Form1040NR</a> for instructions and the latest information. Attach to Form 1040-NR.					2022 Attachment Sequence No. <b>7B</b>	
Name shown on Form 1040-NR <b>SIMONE DUPONT</b>							Your identifying number <b>XXX-XX-XXXX</b>	
Enter <b>amount of income</b> under the appropriate rate of tax. See instructions.								
Nature of Income		(a) 10%	(b) 15%	(c) 30%	(d) Other (specify)			
					%	%		
<b>1</b>	Dividends and dividend equivalents:							
<b>a</b>	Dividends paid by U.S. corporations	<b>1a</b>						
<b>b</b>	Dividends paid by foreign corporations	<b>1b</b>						
<b>c</b>	Dividend equivalent payments received with respect to section 871(m) transactions	<b>1c</b>						
<b>2</b>	Interest:							
<b>a</b>	Mortgage	<b>2a</b>						
<b>b</b>	Paid by foreign corporations	<b>2b</b>						
<b>c</b>	Other	<b>2c</b>						
<b>3</b>	Industrial royalties (patents, trademarks, etc.)	<b>3</b>						
<b>4</b>	Motion picture or TV copyright royalties	<b>4</b>						
<b>5</b>	Other royalties (copyrights, recording, publishing, etc.)	<b>5</b>						
<b>6</b>	Real property income and natural resources royalties	<b>6</b>						
<b>7</b>	Pensions and annuities	<b>7</b>						
<b>8</b>	Social security benefits	<b>8</b>						
<b>9</b>	Capital gain from line 18 below	<b>9</b>			800			
<b>10</b>	Gambling—Residents of Canada only. Enter net income in column (c). If zero or less, enter -0-.							
<b>a</b>	Winnings							
<b>b</b>	Losses	<b>10c</b>						
<b>11</b>	Gambling winnings—Residents of countries other than Canada. Note: Losses not allowed	<b>11</b>						
<b>12</b>	Other (specify):	<b>12</b>						
<b>13</b>	Add lines 1a through 12 in columns (a) through (d)	<b>13</b>			800			
<b>14</b>	Multiply line 13 by rate of tax at top of each column	<b>14</b>						
<b>15</b>	Tax on income not effectively connected with a U.S. trade or business. Add columns (a) through (d) of line 14. Enter the total here and on Form 1040-NR, line 23a					<b>15</b>		
<b>Capital Gains and Losses From Sales or Exchanges of Property</b>								
Enter only the capital gains and losses from property sales or exchanges that are from sources within the United States and not effectively connected with a U.S. business. Do not include a gain or loss on disposing of a U.S. real property interest; report these gains and losses on Schedule D (Form 1040).  Report property sales or exchanges that are effectively connected with a U.S. business on Schedule D (Form 1040), Form 4797, or both.	<b>16</b>	(a) Kind of property and description (if necessary, attach statement of descriptive details not shown below)	(b) Date acquired mm/dd/yyyy	(c) Date sold mm/dd/yyyy	(d) Sales price	(e) Cost or other basis	(f) LOSS If (e) is more than (d), subtract (d) from (e).	(g) GAIN If (d) is more than (e), subtract (e) from (d).
		ABC STOCK	11/02/2020	09/01/2022	1000	200		800
	<b>17</b>	Add columns (f) and (g) of line 16					<b>17</b>	800
	<b>18</b>	Capital gain. Combine columns (f) and (g) of line 17. Enter the net gain here and on line 9 above. If a loss, enter -0-					<b>18</b>	800

For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.

Schedule NEC (Form 1040-NR) 2022

**SCHEDULE OI**  
**(Form 1040-NR)**

Department of the Treasury  
Internal Revenue Service

**Other Information**

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.  
Attach to Form 1040-NR.  
Answer all questions.

OMB No. 1545-0074

**2022**  
Attachment  
Sequence No. **7C**

Name shown on Form 1040-NR

SIMONE DUPONT

Your identifying number

XXX-XX-XXXX

- A** Of what country or countries were you a citizen or national during the tax year? FRANCE
- B** In what country did you claim residence for tax purposes during the tax year? UNITED STATES
- C** Have you ever applied to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No
- D** Were you ever:
1. A U.S. citizen? ☐ Yes ☒ No
2. A green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No
- If you answer "Yes" to (1) or (2), see Pub. 519, chapter 4, for expatriation rules that apply to you.
- E** If you had a visa on the last day of the tax year, enter your visa type. If you didn't have a visa, enter your U.S. immigration status on the last day of the tax year. F1
- F** Have you ever changed your visa type (nonimmigrant status) or U.S. immigration status? ☐ Yes ☒ No
- If you answered "Yes," indicate the date and nature of the change: \_\_\_\_\_
- G** List all dates you entered and left the United States during 2022. See instructions.
- Note:** If you're a resident of Canada or Mexico **AND** commute to work in the United States at frequent intervals, check the box for **Canada** or **Mexico** and skip to item H. ☐ Canada ☐ Mexico

Date entered United States mm/dd/yy	Date departed United States mm/dd/yy
/ /	/ /
/ /	/ /
/ /	/ /
/ /	/ /

Date entered United States mm/dd/yy	Date departed United States mm/dd/yy
/ /	/ /
/ /	/ /
/ /	/ /
/ /	/ /

- H** Give number of days (including vacation, nonworkdays, and partial days) you were present in the United States during:  
2020 153, 2021 365, and 2022 365
- I** Did you file a U.S. income tax return for any prior year? ☐ Yes ☒ No
- If "Yes," give the latest year and form number you filed: \_\_\_\_\_
- J** Are you filing a return for a trust? ☐ Yes ☒ No
- If "Yes," did the trust have a U.S. or foreign owner under the grantor trust rules, make a distribution or loan to a U.S. person, or receive a contribution from a U.S. person? ☐ Yes ☒ No
- K** Did you receive total compensation of \$250,000 or more during the tax year? ☐ Yes ☒ No
- If "Yes," did you use an alternative method to determine the source of this compensation? ☐ Yes ☒ No
- L** Income Exempt From Tax—If you are claiming exemption from income tax under a U.S. income tax treaty with a foreign country, complete (1) through (3) below. See Pub. 901 for more information on tax treaties.

1. Enter the name of the country, the applicable tax treaty article, the number of months in prior years you claimed the treaty benefit, and the amount of exempt income in the columns below. Attach Form 8833 if required. See instructions.

(a) Country	(b) Tax treaty article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year
FRANCE	21 (1) STUDYING		5000
FRANCE	21 (1) SCHOLAR		14500
<b>(e) Total.</b> Enter this amount on Form 1040-NR, line 1k. Do not enter it anywhere else on line 1			19500

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☒ No
3. Are you claiming treaty benefits pursuant to a Competent Authority determination? ☐ Yes ☒ No
- If "Yes," attach a copy of the Competent Authority determination letter to your return.
- M** Check the applicable box if:
1. This is the first year you are making an election to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐
2. You have made an election in a previous year that has not been revoked, to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐

For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.

Schedule OI (Form 1040-NR) 2022

**Foreign Person's U.S. Source Income Subject to Withholding**

► Go to [www.irs.gov/Form1042S](http://www.irs.gov/Form1042S) for instructions and the latest information.

**2022**

OMB No. 1545-0096

**Copy D** for Recipient  
Attach to any state tax return you file

0 1 2 3 4 5 6 7 8 9 UNIQUE FORM IDENTIFIER ☐ AMENDED ☐ AMENDMENT NO.

<b>1</b> Income code 20	<b>2</b> Gross income 5000	<b>3</b> Chapter indicator. Enter "3" or "4" 3	<b>13e</b> Recipient's U.S. TIN, if any XXX-XX-XXXX	<b>13f</b> Ch. 3 status code 02
		<b>3a</b> Exemption code 04	<b>4a</b> Exemption code	<b>13g</b> Ch. 4 status code
		<b>3b</b> Tax rate 0.0000	<b>4b</b> Tax rate .	
<b>5</b> Withholding allowance			<b>13h</b> Recipient's GIIN	<b>13i</b> Recipient's foreign tax identification number, if any
<b>6</b> Net income 5000			<b>13j</b> LOB code	
<b>7a</b> Federal tax withheld			<b>13k</b> Recipient's account number	
<b>7b</b> Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions) <input type="checkbox"/>			<b>13l</b> Recipient's date of birth (YYYYMMDD) 2 0 0 1 0 4 1 5	
<b>7c</b> Check if withholding occurred in subsequent year with respect to a partnership interest <input type="checkbox"/>			<b>14a</b> Primary Withholding Agent's Name (if applicable)	
<b>8</b> Tax withheld by other agents			<b>14b</b> Primary Withholding Agent's EIN	
<b>9</b> Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions) ( )			<b>15</b> Check if pro-rata basis reporting <input type="checkbox"/>	
<b>10</b> Total withholding credit (combine boxes 7a, 8, and 9)			<b>15a</b> Intermediary or flow-through entity's EIN, if any	<b>15b</b> Ch. 3 status code
<b>11</b> Tax paid by withholding agent (amounts not withheld) (see instructions)			<b>15c</b> Ch. 4 status code	
<b>12a</b> Withholding agent's EIN XX-XXXXXXX	<b>12b</b> Ch. 3 status code 02	<b>12c</b> Ch. 4 status code	<b>15d</b> Intermediary or flow-through entity's name	
<b>12d</b> Withholding agent's name IVY LEAGUE UNIVERSITY			<b>15e</b> Intermediary or flow-through entity's GIIN	
<b>12e</b> Withholding agent's Global Intermediary Identification Number (GIIN)			<b>15f</b> Country code	<b>15g</b> Foreign tax identification number, if any
<b>12f</b> Country code	<b>12g</b> Foreign tax identification number, if any		<b>15h</b> Address (number and street)	
<b>12h</b> Address (number and street) 221 WHITNEY AVENUE			<b>15i</b> City or town, state or province, country, ZIP or foreign postal code	
<b>12i</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX			<b>16a</b> Payer's name	<b>16b</b> Payer's TIN
<b>13a</b> Recipient's name SIMONE DUPONT	<b>13b</b> Recipient's country code		<b>16c</b> Payer's GIIN	<b>16d</b> Ch. 3 status code
<b>13c</b> Address (number and street) 250 CHURCH STREET			<b>16e</b> Ch. 4 status code	
<b>13d</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX			<b>17a</b> State income tax withheld 0	<b>17b</b> Payer's state tax no.
			<b>17c</b> Name of state	

Form **1042-S** (2022)

**Foreign Person's U.S. Source Income Subject to Withholding**

► Go to [www.irs.gov/Form1042S](http://www.irs.gov/Form1042S) for instructions and the latest information.

**2022**

OMB No. 1545-0096

**Copy D** for Recipient  
Attach to any state tax return you file

0 1 2 3 4 5 6 7 8 9 UNIQUE FORM IDENTIFIER ☐ AMENDED ☐ AMENDMENT NO.

<b>1</b> Income code 16	<b>2</b> Gross income 14500	<b>3</b> Chapter indicator. Enter "3" or "4" 3	<b>13e</b> Recipient's U.S. TIN, if any XXX-XX-XXXX	<b>13f</b> Ch. 3 status code 02
		<b>3a</b> Exemption code 04	<b>4a</b> Exemption code	<b>13g</b> Ch. 4 status code
		<b>3b</b> Tax rate 0.0000	<b>4b</b> Tax rate .	
<b>5</b> Withholding allowance			<b>13h</b> Recipient's GIIN	<b>13i</b> Recipient's foreign tax identification number, if any
<b>6</b> Net income 14500			<b>13j</b> LOB code	
<b>7a</b> Federal tax withheld			<b>13k</b> Recipient's account number	
<b>7b</b> Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions) <input type="checkbox"/>			<b>13l</b> Recipient's date of birth (YYYYMMDD) 2 0 0 1 0 4 1 5	
<b>7c</b> Check if withholding occurred in subsequent year with respect to a partnership interest <input type="checkbox"/>			<b>14a</b> Primary Withholding Agent's Name (if applicable)	
<b>8</b> Tax withheld by other agents			<b>14b</b> Primary Withholding Agent's EIN	
<b>9</b> Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions) ( )			<b>15</b> Check if pro-rata basis reporting <input type="checkbox"/>	
<b>10</b> Total withholding credit (combine boxes 7a, 8, and 9)			<b>15a</b> Intermediary or flow-through entity's EIN, if any	<b>15b</b> Ch. 3 status code
<b>11</b> Tax paid by withholding agent (amounts not withheld) (see instructions)			<b>15c</b> Ch. 4 status code	
<b>12a</b> Withholding agent's EIN XX-XXXXXXX	<b>12b</b> Ch. 3 status code 02	<b>12c</b> Ch. 4 status code	<b>15d</b> Intermediary or flow-through entity's name	
<b>12d</b> Withholding agent's name IVY LEAGUE UNIVERSITY			<b>15e</b> Intermediary or flow-through entity's GIIN	
<b>12e</b> Withholding agent's Global Intermediary Identification Number (GIIN)			<b>15f</b> Country code	<b>15g</b> Foreign tax identification number, if any
<b>12f</b> Country code	<b>12g</b> Foreign tax identification number, if any		<b>15h</b> Address (number and street)	
<b>12h</b> Address (number and street) 221 WHITNEY AVENUE			<b>15i</b> City or town, state or province, country, ZIP or foreign postal code	
<b>12i</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX			<b>16a</b> Payer's name	<b>16b</b> Payer's TIN
<b>13a</b> Recipient's name SIMONE DUPONT	<b>13b</b> Recipient's country code		<b>16c</b> Payer's GIIN	<b>16d</b> Ch. 3 status code
<b>13c</b> Address (number and street) 250 CHURCH STREET			<b>16e</b> Ch. 4 status code	
<b>13d</b> City or town, state or province, country, ZIP or foreign postal code YOUR TOWN, YS XXXXX			<b>17a</b> State income tax withheld 0	<b>17b</b> Payer's state tax no.
			<b>17c</b> Name of state	

Form **1042-S** (2022)

## Taxpayer Overview – Part II: Zhang Wei

Our second taxpayer is Zhang Wei.

Use the following information to prepare a Form 1040-NR.

*Zhang Wei, a permanent resident of the People's Republic of China (Visa number 84920417), came to the United States to study on an F-1 visa on August 1, 2020.*

*He has remained in the country since then and is a full-time student. Zhang, born 6/1/2002, is single. He began working at the University Bookstore on 9/1/2022. He did not file the proper withholding and treaty forms with the university payroll office. Therefore, he was issued*

*a Form W-2, but we will allow the treaty benefit on his return. Zhang sold some stock he purchased in December 2020, he did not provide a Form W-8BEN to the brokerage company and they issued him a Form 1099-B.*

*Zhang is a citizen and resident of the People's Republic of China. If he is entitled to a refund, he wants it mailed to him. He doesn't want to designate anyone else to discuss this return with the IRS. He did not take any affirmative steps to apply for permanent residency in the United States. He will not be taxed in his home country on the income he has from the United States.*

Using the following information (Form W-2) and Form 1099-B, complete Zhang's Federal income tax return. (He would also need to file a Form 8843, but assume that he has already completed that on his own.)

Form **13614-NR**  
(October 2022)

Department of the Treasury - Internal Revenue Service  
**Nonresident Alien Intake and Interview Sheet**

OMB Number  
1545-1964

Last or Family Name WEI First ZHANG Middle Initial  
ITIN or Social Security # XXX-XX-XXXX Visa # 84920417 Passport # 87654321

Date of Birth: 06 / 01 / 2002 Telephone # 860-555-1234 e-mail Address ZHANG.WEI@EMAIL.COM  
(mm/dd/yyyy)

Were you a U.S. citizen or resident alien the entire year? ☒ Yes ☐ No Were you ever a U.S. citizen? ☐ Yes ☒ No

U.S. Local Street Address 678 EAST ST.

City YOUR TOWN State YS Zip Code XXXXX

Foreign Residence Address ZHE GE SHI CE SHI

Address Line 2 DONGCHENG DISTRICT

Foreign Country PEOPLE'S REPUBLIC OF CHINA Province/County BEIJING Postal Code 455285

Country of Citizenship PEOPLE'S REPUBLIC OF CHINA Country that issued Passport PEOPLE'S REPUBLIC OF CHINA

Are you married? ☐ Yes ☒ No If "YES", is your spouse in the U.S.? ☐ Yes ☐ No

If "YES", is it recognized by the State where you will be filing? ☐ Yes ☐ No

Are you a U.S. National Resident of Canada Resident of Mexico Resident of South Korea Resident of India  
☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No

**Dependent Information**

First Name	Last or Family Name	Date of Birth (mm/dd/yyyy)	ITIN or SSN	Relationship to you (son, daughter, none, etc.)	Number of months lived with you in the U.S. in 2022	U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada, Mexico, or South Korea	Did person file joint return?	Did person provide more than 50% of their own support?	Did you provide more than 50% of their support?	Did the person have Gross Income of \$4,400 or more?

What is the date you FIRST entered the United States? 08 / 01 / 2020

**Entry Immigration Status - Check one**

☐ U.S. Immigrant/Permanent Resident ☒ F-1 Student ☐ F-2 Spouse or child of Student  
☐ H-1 Temporary Employee ☐ \*J-1 Exchange Visitor ☐ J-2 Spouse or child of Exchange Visitor  
Other (list)

**Current Immigration Status - Check one**

☐ U.S. Immigrant/Permanent Resident ☒ F-1 Student ☐ F-2 Spouse or child of Student  
☐ H-1 Temporary Employee ☐ \*J-1 Exchange Visitor ☐ J-2 Spouse or child of Exchange Visitor  
Other (list)

Have you ever changed your visa type or U.S. immigration status? ☐ Yes ☒ No

If "Yes", indicate the date and nature of the change. \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Enter the type of U.S. visa you held during these years

2016 \_\_\_\_\_ 2017 \_\_\_\_\_ 2018 \_\_\_\_\_ 2019 \_\_\_\_\_ 2020 F-1 2021 F-1

**\* If Immigration status is J-1, what is the subtype? Check one**

☐ 01 Student ☐ 05 Professor ☐ 12 Research Scholar  
☐ 02 Short Term Scholar Other (list)

**What is the actual primary activity of the visit? Check one**

☒ 01 Studying in a Degree Program ☐ 04 Lecturing ☐ 07 Conducting Research ☐ 10 Clinical Activities  
☐ 02 Studying in a Non-Degree Program ☐ 05 Observing ☐ 08 Training ☐ 11 Temporary Employment  
☐ 03 Teaching ☐ 06 Consulting ☐ 09 Demonstrating Special Skills ☐ 12 Here with Spouse

Catalog Number 39748B

www.irs.gov

Form **13614-NR** (Rev. 10-2022)

Check the years you were present in the United States as a teacher, trainee, student or as an accompanying spouse or dependent of a person in such status for any part of the year. ☐ 2016 ☐ 2017 ☐ 2018 ☐ 2019 ☒ 2020 ☒ 2021

Have you ever been present in the U.S. PRIOR to 2016 on a teacher, trainee, student visa, or as their accompanying spouse or dependent? ☐ Yes ☒ No If so, what years and visa type \_\_\_\_\_

How many days (including vacations, nonworkdays and partial days) were you present in the U.S. during

2020 184 2021 365 2022 365

List the dates you entered and left the United States during 2022

Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy	Date entered United States mm/dd/yyyy	Date departed United States mm/dd/yyyy

Did you file a U.S. income tax return for any year before 2022? ☒ Yes ☐ No

If "Yes", give latest year \_\_\_\_ / \_\_\_\_ / 2021 Form number filed 1040-NR

During 2022, did you apply to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No

Do you have an application pending to change your status to lawful permanent resident? ☐ Yes ☒ No

1. Are you claiming the benefits of a U.S. income tax treaty with a foreign country? ☒ Yes ☐ No

If "Yes", enter the appropriate information in the columns below

(a) Country	(b) Tax Treaty Article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year
PEOPLE'S REPUBLIC OF CHINA	20(C)	0	3,000

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☒ No

**Information about academic institution you attended in 2022**

Name UNIVERSITY OF HARTFORD Telephone number 860-555-1111  
Address 200 BLOOMFIELD AVE WEST, YOUR TOWN, YS XXXXX  
Name of your academic/specialized program director PROF. R. PERUZZI Telephone number 860-555-2222  
Address 200 BLOOMFIELD AVE, YOUR TOWN, YS XXXXX

**During 2022 did you receive**

**Did you have**

Scholarships or Fellowship Grants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Casualty Losses in a Declared Disaster Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wages, Salaries or Tips	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Student Loan Interest Paid	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Interest	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State or Local Income Taxes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Distributions from IRA, Pension or Annuity	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	U.S. Charitable Contributions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
State or Local Tax Refunds	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child/Dependent Care Expenses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unemployment Compensation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IRA Contributions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Dividend income or capital gains or losses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Any Other Income (gambling, lottery, prizes, awards, self-employment, rents, royalties, virtual currency, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did you or any dependent have health insurance coverage through HealthCare.gov (The Marketplace)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, was any Advanced Premium Tax Credit received? (Provide Form 1095-A)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Privacy Act and Paperwork Reduction Act Notice**

The Privacy Act of 1974 requires that when we ask for information we tell you our legal right to ask for the information, why we are asking for it, and how it will be used. We must also tell you what could happen if we do not receive it, and whether your response is voluntary, required to obtain a benefit, or mandatory.

Our legal right to ask for information is 5 U.S.C. 301. We are asking for this information to assist us in contacting you relative to your interest and/or participation in the IRS volunteer income tax preparation and outreach programs. The information you provide may be furnished to others who coordinate activities and staffing at volunteer return preparation sites or outreach activities. The information may also be used to establish effective controls, send correspondence and recognize volunteers. Your response is voluntary. However, if you do not provide the requested information, the IRS may not be able to use your assistance in these programs.

The Paperwork Reduction Act requires that the IRS display an OMB control number on all public information requests. The OMB Control Number for this study is 1545-2075. Also, if you have any comments regarding the time estimates associated with this study or suggestion on making this process simpler, please write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, Washington, DC 20224.



<b>a</b> Employee's social security number XXX-XX-XXXX		OMB No. 1545-0008		Safe, accurate, <b>FAST! Use</b>		Visit the IRS website at <a href="http://www.irs.gov/efile">www.irs.gov/efile</a>	
<b>b</b> Employer identification number (EIN) XX-XXXXXXX		<b>1</b> Wages, tips, other compensation 3,000.00		<b>2</b> Federal income tax withheld 250.00			
<b>c</b> Employer's name, address, and ZIP code UNIVERSITY BOOKSTORE PO BOX 1230 YOUR TOWN, YS XXXXX		<b>3</b> Social security wages		<b>4</b> Social security tax withheld			
		<b>5</b> Medicare wages and tips		<b>6</b> Medicare tax withheld			
		<b>7</b> Social security tips		<b>8</b> Allocated tips			
<b>d</b> Control number		<b>9</b>		<b>10</b> Dependent care benefits			
<b>e</b> Employee's first name and initial      Last name      Suff. ZHANG      WEI  678 EAST STREET YOUR TOWN, YS XXXXX		<b>11</b> Nonqualified plans		<b>12a</b> See instructions for box 12			
		<b>13</b> Statutory employee      Retirement plan      Third-party sick pay <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<b>12b</b>			
		<b>14</b> Other		<b>12c</b>			
				<b>12d</b>			
<b>f</b> Employee's address and ZIP code							
<b>15</b> State      Employer's state ID number YS      XX-XXXXXXX	<b>16</b> State wages, tips, etc. 3,000.00	<b>17</b> State income tax 30.00	<b>18</b> Local wages, tips, etc.	<b>19</b> Local income tax	<b>20</b> Locality name		

**Form W-2 Wage and Tax Statement**  
**Copy B—To Be Filed With Employee's FEDERAL Tax Return.**  
 This information is being furnished to the Internal Revenue Service.

2022

Department of the Treasury—Internal Revenue Service

☐ CORRECTED (if checked)

<b>PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.</b>  BIG TOWN BROKERS 135 HIGH STREET HARDFORD, CT 06103		Applicable checkbox on Form 8949	OMB No. 1545-0715 <div style="font-size: 1.5em; font-weight: bold;">2022</div> Form 1099-B	<b>Proceeds From Broker and Barter Exchange Transactions</b>
<b>1a</b> Description of property (Example: 100 sh. XYZ Co.) 10 SHARES - INTERNS R US, INC				
<b>PAYER'S TIN</b> XX-XXXXXXX		<b>1b</b> Date acquired 12/31/2020		
<b>RECIPIENT'S TIN</b> XXX-XX-XXXX		<b>1c</b> Date sold or disposed 05/05/2022		
<b>RECIPIENT'S name</b> ZHANG WEI Street address (including apt. no.) 678 EAST STREET City or town, state or province, country, and ZIP or foreign postal code YOUR TOWN, YS XXXXX Account number (see instructions)		<b>1d</b> Proceeds \$ 1100		
		<b>1e</b> Cost or other basis \$ 100		
<b>CUSIP number</b> FATCA filing requirement <input type="checkbox"/>		<b>1f</b> Accrued market discount \$		
		<b>1g</b> Wash sale loss disallowed \$		
<b>2</b> Short-term gain or loss <input type="checkbox"/> Long-term gain or loss <input checked="" type="checkbox"/> Ordinary <input type="checkbox"/>		<b>3</b> If checked, proceeds from: Collectibles <input type="checkbox"/> QOF <input type="checkbox"/>		
<b>4</b> Federal income tax withheld \$		<b>5</b> If checked, noncovered security <input type="checkbox"/>		
<b>6</b> Reported to IRS: Gross proceeds <input checked="" type="checkbox"/> Net proceeds <input type="checkbox"/>		<b>7</b> If checked, loss is not allowed based on amount in 1d <input type="checkbox"/>		
<b>8</b> Profit or (loss) realized in 2022 on closed contracts \$		<b>9</b> Unrealized profit or (loss) on open contracts—12/31/2021 \$		
<b>10</b> Unrealized profit or (loss) on open contracts—12/31/2022 \$		<b>11</b> Aggregate profit or (loss) on contracts \$		
<b>14</b> State name	<b>15</b> State identification no.	<b>16</b> State tax withheld \$	<b>12</b> If checked, basis reported to IRS <input checked="" type="checkbox"/>	
		\$	<b>13</b> Bartering \$	

**Form 1099-B**  
 (Keep for your records)

[www.irs.gov/Form1099B](http://www.irs.gov/Form1099B)

Department of the Treasury - Internal Revenue Service

**Copy B  
For Recipient**  
  
 This is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

Next, review his documents and complete his Form 1040-NR.

## Completing the Return

### ***Form 1040-NR, Total amount from Form(s) W-2, box 1 Line***

**Question 17:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Zhang Wei.

What amount is entered on the Total amount from Form(s) W-2, box 1 line of Form 1040-NR?

- a. \$0
- b. \$30
- c. \$300
- d. \$3,000

### ***Form 1040-NR, Income Exempt by a Treaty***

**Question 18:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Zhang Wei.

What amount is entered on the Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e)?

- a. \$300
- b. \$1000
- c. \$3,000
- d. \$4,000

### ***Form 1040-NR, Schedule NEC***

**Question 19:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Zhang Wei.

What is the tax rate for Zhang Wei's Capital Gain from his stock sale?

- a. 0%     10%
- b. 15%
- c. 30%

### ***Form 1040-NR, Schedule NEC***

**Question 20:** To answer this question, refer to the Form 1040-NR tax return you completed for taxpayer Zhang Wei.

What is the amount of tax on Zhang Wei's stock sale?

- a. \$30
- b. \$300
- c. \$330
- d. \$1,100

## Summary

You have completed a return for foreign student Zhang Wei and answered questions based on that return.

Form <b>1040-NR</b> Department of the Treasury—Internal Revenue Service		<b>U.S. Nonresident Alien Income Tax Return</b> <b>2022</b>		OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.
For the year Jan. 1–Dec. 31, 2022, or other tax year beginning _____, 2022, ending _____, 20 _____					See separate instructions.
<b>Filing Status</b> Check only one box.	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Qualifying surviving spouse (QSS) <input type="checkbox"/> Estate <input type="checkbox"/> Trust If you checked the QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____				
Your first name and middle initial  ZHANG		Last name  WEI		Your identifying number (see instructions)  XXX-XX-XXXX	
Home address (number and street). If you have a P.O. box, see instructions. 678 EAST STREET					Apt. no.
City, town, or post office. If you have a foreign address, also complete spaces below. YOUR TOWN				State YS	ZIP code XXXXXX
Foreign country name		Foreign province/state/county		Foreign postal code	
<b>Digital Assets</b>	At any time during 2022, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, gift, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<b>Dependents</b> (see instructions):	(4) Check the box if qualifies for (see inst.):				
	(1) First name	Last name	(2) Dependent's identifying number	(3) Relationship to you	Child tax credit    Credit for other dependents
If more than four dependents, see instructions and check here <input type="checkbox"/>					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
					<input type="checkbox"/> <input type="checkbox"/>
<b>Income Effectively Connected With U.S. Trade or Business</b>  Attach Form(s) W-2, 1042-S, SSA-1042-S, RRB-1042-S, and 8288-A here. Also attach Form(s) 1099-R if tax was withheld.  If you did not get a Form W-2, see instructions.	<b>1a</b> Total amount from Form(s) W-2, box 1 (see instructions) . . . . .				<b>1a</b>
	<b>b</b> Household employee wages not reported on Form(s) W-2 . . . . .				<b>1b</b>
	<b>c</b> Tip income not reported on line 1a (see instructions) . . . . .				<b>1c</b>
	<b>d</b> Medicaid waiver payments not reported on Form(s) W-2 (see instructions) . . . . .				<b>1d</b>
	<b>e</b> Taxable dependent care benefits from Form 2441, line 26 . . . . .				<b>1e</b>
	<b>f</b> Employer-provided adoption benefits from Form 8839, line 29 . . . . .				<b>1f</b>
	<b>g</b> Wages from Form 8919, line 6 . . . . .				<b>1g</b>
	<b>h</b> Other earned income (see instructions) . . . . .				<b>1h</b>
	<b>i</b> Reserved for future use . . . . . <b>1i</b>				<b>1j</b>
	<b>j</b> Reserved for future use . . . . .				
	<b>k</b> Total income exempt by a treaty from Schedule OI (Form 1040-NR), item L, line 1(e) . . . . . <b>1k</b> 3000				
	<b>z</b> Add lines 1a through 1h . . . . .				<b>1z</b>
	<b>2a</b> Tax-exempt interest . . . . . <b>2a</b>		<b>b</b> Taxable interest . . . . .		<b>2b</b>
	<b>3a</b> Qualified dividends . . . . . <b>3a</b>		<b>b</b> Ordinary dividends . . . . .		<b>3b</b>
	<b>4a</b> IRA distributions . . . . . <b>4a</b>		<b>b</b> Taxable amount . . . . .		<b>4b</b>
<b>5a</b> Pensions and annuities . . . . . <b>5a</b>		<b>b</b> Taxable amount . . . . .		<b>5b</b>	
<b>6</b> Reserved for future use . . . . .				<b>6</b>	
<b>7</b> Capital gain or (loss). Attach Schedule D (Form 1040) if required. If not required, check here . . . . . <input type="checkbox"/>				<b>7</b>	
<b>8</b> Other income from Schedule 1 (Form 1040), line 10 . . . . .				<b>8</b>	
<b>9</b> Add lines 1z, 2b, 3b, 4b, 5b, 7, and 8. This is your <b>total effectively connected income</b> . . . . .				<b>9</b>	
<b>10</b> Adjustments to income:					
<b>a</b> From Schedule 1 (Form 1040), line 26 . . . . . <b>10a</b>					
<b>b</b> Reserved for future use . . . . . <b>10b</b>					
<b>c</b> Reserved for future use . . . . . <b>10c</b>					
<b>d</b> Enter the amount from line 10a. These are your <b>total adjustments to income</b> . . . . .				<b>10d</b>	
<b>11</b> Subtract line 10d from line 9. This is your <b>adjusted gross income</b> . . . . .				<b>11</b>	
<b>12</b> <b>Itemized deductions</b> (from Schedule A (Form 1040-NR)) or, for certain residents of India, standard deduction (see instructions) . . . . .				<b>12</b> 30	
<b>13a</b> Qualified business income deduction from Form 8995 or Form 8995-A . . . . . <b>13a</b>					
<b>b</b> Exemptions for estates and trusts only (see instructions) . . . . . <b>13b</b>					
<b>c</b> Add lines 13a and 13b . . . . .				<b>13c</b>	
<b>14</b> Add lines 12 and 13c . . . . .				<b>14</b> 30	
<b>15</b> Subtract line 14 from line 11. If zero or less, enter -0-. This is your <b>taxable income</b> . . . . .				<b>15</b>	
For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.					Form <b>1040-NR</b> (2022)

<b>Tax and Credits</b>	<b>16</b>	<b>Tax</b> (see instructions). Check if any from Form(s): <b>1</b> <input type="checkbox"/> 8814 <b>2</b> <input type="checkbox"/> 4972 <b>3</b> <input type="checkbox"/> _____				<b>16</b>												
	<b>17</b>	Amount from Schedule 2 (Form 1040), line 3 . . . . .				<b>17</b>												
	<b>18</b>	Add lines 16 and 17 . . . . .				<b>18</b>												
	<b>19</b>	Child tax credit or credit for other dependents from Schedule 8812 (Form 1040) . . . . .				<b>19</b>												
	<b>20</b>	Amount from Schedule 3 (Form 1040), line 8 . . . . .				<b>20</b>												
	<b>21</b>	Add lines 19 and 20 . . . . .				<b>21</b>												
	<b>22</b>	Subtract line 21 from line 18. If zero or less, enter -0- . . . . .				<b>22</b>												
	<b>23a</b>	Tax on income not effectively connected with a U.S. trade or business from Schedule NEC (Form 1040-NR), line 15 . . . . .				<b>23a</b>	300											
<b>b</b>		Other taxes, including self-employment tax, from Schedule 2 (Form 1040), line 21 . . . . .				<b>23b</b>												
		Transportation tax (see instructions) . . . . .				<b>23c</b>												
		Add lines 23a through 23c . . . . .				<b>23d</b>	300											
<b>24</b>		Add lines 22 and 23d. This is your <b>total tax</b> . . . . .				<b>24</b>	300											
<b>Payments</b>	<b>25</b>	Federal income tax withheld from:																
	<b>a</b>	Form(s) W-2 . . . . .				<b>25a</b>	250											
		Form(s) 1099 . . . . .				<b>25b</b>												
		Other forms (see instructions) . . . . .				<b>25c</b>												
		Add lines 25a through 25c . . . . .				<b>25d</b>	250											
	<b>e</b>	Form(s) 8805 . . . . .				<b>25e</b>												
		Form(s) 8288-A . . . . .				<b>25f</b>												
		Form(s) 1042-S . . . . .				<b>25g</b>												
		2022 estimated tax payments and amount applied from 2021 return . . . . .				<b>26</b>												
	<b>27</b>	Reserved for future use . . . . .				<b>27</b>												
	<b>28</b>	Additional child tax credit from Schedule 8812 (Form 1040) . . . . .				<b>28</b>												
	<b>29</b>	Credit for amount paid with Form 1040-C . . . . .				<b>29</b>												
<b>30</b>	Reserved for future use . . . . .				<b>30</b>													
<b>31</b>	Amount from Schedule 3 (Form 1040), line 15 . . . . .				<b>31</b>													
<b>32</b>	Add lines 28, 29, and 31. These are your <b>total other payments and refundable credits</b> . . . . .				<b>32</b>													
<b>33</b>	Add lines 25d, 25e, 25f, 25g, 26, and 32. These are your <b>total payments</b> . . . . .				<b>33</b>	250												
<b>Refund</b>	<b>34</b>	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you <b>overpaid</b> . . . . .				<b>34</b>												
	<b>35a</b>	Amount of line 34 you want <b>refunded to you</b> . If Form 8888 is attached, check here <input type="checkbox"/> <b>35a</b>																
	<b>b</b>	Routing number <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td></tr></table> <b>c</b> Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings				X	X	X	X	X	X	X	X	X	X			
		X	X	X	X	X	X	X	X	X	X							
		Account number <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td><td>X</td></tr></table>				X	X	X	X	X	X	X	X	X	X			X
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
e If you want your refund check mailed to an address outside the United States not shown on page 1, enter it here. _____																		
<b>36</b>	Amount of line 34 you want <b>applied to your 2023 estimated tax</b> . . . . .				<b>36</b>													
<b>Amount You Owe</b>	<b>37</b>	Subtract line 33 from line 24. This is the <b>amount you owe</b> . For details on how to pay, go to <a href="http://www.irs.gov/Payments">www.irs.gov/Payments</a> or see instructions . . . . .				<b>37</b>	50											
	<b>38</b>	Estimated tax penalty (see instructions) . . . . .				<b>38</b>												
<b>Third Party Designee</b>	Do you want to allow another person to discuss this return with the IRS? See instructions. <input type="checkbox"/> <b>Yes</b> . Complete below. <input type="checkbox"/> <b>No</b>																	
	Designee's name _____		Phone no. _____		Personal identification number (PIN) <table border="1" style="display: inline-table; text-align: center; width: 100px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>													
<b>Sign Here</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.																	
	Your signature _____		Date _____		Your occupation _____ STUDENT													
	Phone no. _____		Email address _____															
<b>Paid Preparer Use Only</b>	Preparer's name _____		Preparer's signature _____		Date _____													
	Firm's name _____		Firm's address _____		PTIN _____													
	Firm's EIN _____		Check if: <input type="checkbox"/> Self-employed		Phone no. _____													

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.Form **1040-NR** (2022)

**SCHEDULE A  
(Form 1040-NR)**Department of the Treasury  
Internal Revenue Service**Itemized Deductions**Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.  
Attach to Form 1040-NR.**Caution:** If you are claiming a net qualified disaster loss on Form 4684, see instructions for line 7.

OMB No. 1545-0074

**2022**Attachment  
Sequence No. **7A**

Name shown on Form 1040-NR

ZHANG WEI

Your identifying number

XXX-XX-XXXX

**Taxes You  
Paid**

- |           |   |           |    |    |
|-----------|---|-----------|----|----|
| <b>1a</b> | State and local income taxes . . . . .  | <b>1a</b> | 30 |    |
| <b>b</b>  | Enter the smaller of line 1a or \$10,000 (\$5,000 if married filing separately) . . . . . | <b>1b</b> |    | 30 |

**Gifts to U.S.  
Charities**

- |          |  |          |  |  |
|----------|--|----------|--|--|
| <b>2</b> | Gifts by cash or check. If you made any gift of \$250 or more, see instructions . . . . .  | <b>2</b> |  |  |
| <b>3</b> | Other than by cash or check. If you made any gift of \$250 or more, see instructions. You <b>must</b> attach Form 8283 if over \$500 . . . . . | <b>3</b> |  |  |
| <b>4</b> | Carryover from prior year . . . . .  | <b>4</b> |  |  |
| <b>5</b> | Add lines 2 through 4 . . . . .  | <b>5</b> |  |  |

**Caution:** If you made a gift and got a benefit for it, see instructions.**Casualty  
and Theft  
Losses**

- |          |  |          |  |  |
|----------|--|----------|--|--|
| <b>6</b> | Casualty and theft loss(es) from a federally declared disaster (other than net qualified disaster losses). Attach Form 4684 and enter the amount from line 18 of that form. See instructions . . . . . | <b>6</b> |  |  |
|----------|--|----------|--|--|

**Other  
Itemized  
Deductions**

- |          |  |          |  |  |
|----------|--|----------|--|--|
| <b>7</b> | Other—from list in instructions. List type and amount: _____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ | <b>7</b> |  |  |
|----------|--|----------|--|--|

**Total  
Itemized  
Deductions**

- |          |  |          |  |    |
|----------|--|----------|--|----|
| <b>8</b> | Add the amounts in the far right column for lines 1b through 7. Also, enter this amount on Form 1040-NR, line 12 . . . . . | <b>8</b> |  | 30 |
|----------|--|----------|--|----|

For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.

Schedule A (Form 1040-NR) 2022

**SCHEDULE NEC**  
**(Form 1040-NR)**

Department of the Treasury  
Internal Revenue Service

**Tax on Income Not Effectively Connected With a U.S. Trade or Business**

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.  
Attach to Form 1040-NR.

OMB No. 1545-0074

**2022**  
Attachment  
Sequence No. **7B**

Name shown on Form 1040-NR

ZHANG WEI

Your identifying number

XXX-XX-XXXX

Enter **amount of income** under the appropriate rate of tax. See instructions.

Nature of Income		(a) 10%	(b) 15%	(c) 30%	(d) Other (specify)	
					%	%
<b>1</b>	Dividends and dividend equivalents:					
<b>a</b>	Dividends paid by U.S. corporations	<b>1a</b>				
<b>b</b>	Dividends paid by foreign corporations	<b>1b</b>				
<b>c</b>	Dividend equivalent payments received with respect to section 871(m) transactions	<b>1c</b>				
<b>2</b>	Interest:					
<b>a</b>	Mortgage	<b>2a</b>				
<b>b</b>	Paid by foreign corporations	<b>2b</b>				
<b>c</b>	Other	<b>2c</b>				
<b>3</b>	Industrial royalties (patents, trademarks, etc.)	<b>3</b>				
<b>4</b>	Motion picture or TV copyright royalties	<b>4</b>				
<b>5</b>	Other royalties (copyrights, recording, publishing, etc.)	<b>5</b>				
<b>6</b>	Real property income and natural resources royalties	<b>6</b>				
<b>7</b>	Pensions and annuities	<b>7</b>				
<b>8</b>	Social security benefits	<b>8</b>				
<b>9</b>	Capital gain from line 18 below	<b>9</b>		1000		
<b>10</b>	Gambling—Residents of Canada only. Enter net income in column (c). If zero or less, enter -0-.					
<b>a</b>	Winnings					
<b>b</b>	Losses	<b>10c</b>				
<b>11</b>	Gambling winnings—Residents of countries other than Canada. Note: Losses not allowed	<b>11</b>				
<b>12</b>	Other (specify):	<b>12</b>				
<b>13</b>	Add lines 1a through 12 in columns (a) through (d)	<b>13</b>		1000		
<b>14</b>	Multiply line 13 by rate of tax at top of each column	<b>14</b>		300		
<b>15</b>	<b>Tax on income not effectively connected with a U.S. trade or business.</b> Add columns (a) through (d) of line 14. Enter the total here and on Form 1040-NR, line 23a	<b>15</b>				300

**Capital Gains and Losses From Sales or Exchanges of Property**

Enter only the capital gains and losses from property sales or exchanges that are from sources within the United States and not effectively connected with a U.S. business. Do not include a gain or loss on disposing of a U.S. real property interest; report these gains and losses on Schedule D (Form 1040).  Report property sales or exchanges that are effectively connected with a U.S. business on Schedule D (Form 1040), Form 4797, or both.	<b>16</b>	(a) Kind of property and description (if necessary, attach statement of descriptive details not shown below)	(b) Date acquired mm/dd/yyyy	(c) Date sold mm/dd/yyyy	(d) Sales price	(e) Cost or other basis	(f) LOSS If (e) is more than (d), subtract (d) from (e).	(g) GAIN If (d) is more than (e), subtract (e) from (d).
		10	SHARES -	12/31/2020	05/05/2022	1100	100	
	<b>17</b>	Add columns (f) and (g) of line 16					( )	1000
	<b>18</b>	<b>Capital gain.</b> Combine columns (f) and (g) of line 17. Enter the net gain here and on line 9 above. If a loss, enter -0-						1000

For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.

Schedule NEC (Form 1040-NR) 2022

**SCHEDULE OI**  
**(Form 1040-NR)**

Department of the Treasury  
Internal Revenue Service

**Other Information**

Go to [www.irs.gov/Form1040NR](http://www.irs.gov/Form1040NR) for instructions and the latest information.

Attach to Form 1040-NR.

Answer all questions.

OMB No. 1545-0074

**2022**

Attachment  
Sequence No. **7C**

Name shown on Form 1040-NR

ZHANG WEI

Your identifying number

XXX-XX-XXXX

**A** Of what country or countries were you a citizen or national during the tax year? UNITED STATES

**B** In what country did you claim residence for tax purposes during the tax year? CHINA

**C** Have you ever applied to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No

**D** Were you ever:

1. A U.S. citizen? ☐ Yes ☒ No

2. A green card holder (lawful permanent resident) of the United States? ☐ Yes ☒ No

If you answer "Yes" to (1) or (2), see Pub. 519, chapter 4, for expatriation rules that apply to you.

**E** If you had a visa on the last day of the tax year, enter your visa type. If you didn't have a visa, enter your U.S. immigration status on the last day of the tax year. F1

**F** Have you ever changed your visa type (nonimmigrant status) or U.S. immigration status? ☐ Yes ☒ No

If you answered "Yes," indicate the date and nature of the change:

**G** List all dates you entered and left the United States during 2022. See instructions.

**Note:** If you're a resident of Canada or Mexico **AND** commute to work in the United States at frequent intervals, **check the box for Canada or Mexico** and skip to item H. ☐ Canada ☐ Mexico

Date entered United States mm/dd/yy	Date departed United States mm/dd/yy	Date entered United States mm/dd/yy	Date departed United States mm/dd/yy
/ /	/ /	/ /	/ /
/ /	/ /	/ /	/ /
/ /	/ /	/ /	/ /
/ /	/ /	/ /	/ /

**H** Give number of days (including vacation, nonworkdays, and partial days) you were present in the United States during:

2020 184, 2021 365, and 2022 365

**I** Did you file a U.S. income tax return for any prior year? ☒ Yes ☐ No

If "Yes," give the latest year and form number you filed: 2021 1040NR

**J** Are you filing a return for a trust? ☐ Yes ☒ No

If "Yes," did the trust have a U.S. or foreign owner under the grantor trust rules, make a distribution or loan to a U.S. person, or receive a contribution from a U.S. person? ☐ Yes ☒ No

**K** Did you receive total compensation of \$250,000 or more during the tax year? ☐ Yes ☒ No

If "Yes," did you use an alternative method to determine the source of this compensation? ☐ Yes ☒ No

**L** Income Exempt From Tax—If you are claiming exemption from income tax under a U.S. income tax treaty with a foreign country, complete (1) through (3) below. See Pub. 901 for more information on tax treaties.

1. Enter the name of the country, the applicable tax treaty article, the number of months in prior years you claimed the treaty benefit, and the amount of exempt income in the columns below. Attach Form 8833 if required. See instructions.

(a) Country	(b) Tax treaty article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year
<u>CHINA</u>	<u>20 (C)</u>		<u>3000</u>

**(e) Total.** Enter this amount on Form 1040-NR, line 1k. Do not enter it anywhere else on line 1 3000

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☒ No

3. Are you claiming treaty benefits pursuant to a Competent Authority determination? ☐ Yes ☒ No

If "Yes," attach a copy of the Competent Authority determination letter to your return.

**M** Check the applicable box if:

1. This is the first year you are making an election to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐

2. You have made an election in a previous year that has not been revoked, to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐

For Paperwork Reduction Act Notice, see the Instructions for Form 1040-NR.

Schedule OI (Form 1040-NR) 2022

## Taxpayer Overview – Part III: Charlotte Wilson

### Completing Form 8843

Our third taxpayer is Charlotte Wilson. Here is basic information about her:

*She is a citizen and permanent resident of New Zealand; her address is 21 Greens Road RD 2, Ruawai 0592, New Zealand.*

*She is in F-1 immigration status and came to the U.S. to study (for the first time) on December 11, 2021. She went home on May 21, 2022, and returned to the U.S. on August 10, 2022.*

*She is enrolled in the School of Engineering at State College, her advisor is Dr. B. Johns – address and telephone number: State College, 2302 State Ave, Atlanta, GA, 30331, (404) 338-9874*

*Charlotte's Social Security number is XXX-XX-XXXX. Her passport number is 7839267 and it was issued by her home country of New Zealand. She has not taken any steps to apply for permanent residency.*



Form <b>8843</b>  Department of the Treasury Internal Revenue Service	<b>Statement for Exempt Individuals and Individuals With a Medical Condition</b> <b>For use by alien individuals only.</b> Go to <a href="http://www.irs.gov/Form8843">www.irs.gov/Form8843</a> for the latest information. For the year January 1—December 31, 2022, or other tax year beginning _____, 2022, and ending _____, 20____.	OMB No. 1545-0074  <div style="font-size: 2em; font-weight: bold;">2022</div> Attachment Sequence No. <b>102</b>
Your first name and initial _____ Last name _____		Your U.S. taxpayer identification number, if any _____
<b>Fill in your addresses only if you are filing this form by itself and not with your tax return</b>	Address in country of residence _____	Address in the United States _____
<b>Part I General Information</b>		
1a Type of U.S. visa (for example, F, J, M, Q, etc.) and date you entered the United States: _____ b Current nonimmigrant status. If your status has changed, also enter date of change and previous status. See instructions. _____ _____ 2 Of what country or countries were you a citizen during the tax year? _____ 3a What country or countries issued you a passport? _____ b Enter your passport number(s): _____ 4a Enter the actual number of days you were present in the United States during: 2022 _____ 2021 _____ 2020 _____ b Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test: _____		
<b>Part II Teachers and Trainees</b>		
5 For teachers, enter the name, address, and telephone number of the academic institution where you taught in 2022: _____ _____ _____ 6 For trainees, enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: _____ _____ _____ 7 Enter the type of U.S. visa (J or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 _____ 2021 _____. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired. 8 Were you present in the United States as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years (2016 through 2021)? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked the "Yes" box on line 8, you cannot exclude days of presence as a teacher or trainee unless you meet the <i>Exception</i> explained in the instructions.		
<b>Part III Students</b>		
9 Enter the name, address, and telephone number of the academic institution you attended during 2022: _____ _____ _____ 10 Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: _____ _____ _____ 11 Enter the type of U.S. visa (F, J, M, or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 _____ 2021 _____. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired. 12 Were you present in the United States as a teacher, trainee, or student for any part of more than 5 calendar years? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked the "Yes" box on line 12, you must provide sufficient facts on an attached statement to establish that you do not intend to reside permanently in the United States. 13 During 2022, did you apply for, or take other affirmative steps to apply for, lawful permanent resident status in the United States or have an application pending to change your status to that of a lawful permanent resident of the United States? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No 14 If you checked the "Yes" box on line 13, explain: _____ _____ _____		
For Paperwork Reduction Act Notice, see instructions. <span style="float: right;">Cat. No. 17227H Form <b>8843</b> (2022)</span>		

**Part IV Professional Athletes**

**15** Enter the name of the charitable sports event(s) in the United States in which you competed during 2022 and the dates of competition: \_\_\_\_\_

**16** Enter the name(s) and employer identification number(s) of the charitable organization(s) that benefited from the sports event(s): \_\_\_\_\_

**Note:** You must attach a statement to verify that all of the net proceeds of the sports event(s) were contributed to the charitable organization(s) listed on line 16.

**Part V Individuals With a Medical Condition or Medical Problem**

**17a** Describe the medical condition or medical problem that prevented you from leaving the United States. See instructions. \_\_\_\_\_

**b** Enter the date you intended to leave the United States prior to the onset of the medical condition or medical problem described on line 17a: \_\_\_\_\_

**c** Enter the date you actually left the United States: \_\_\_\_\_

**18 Physician's Statement:**

I certify that \_\_\_\_\_  
Name of taxpayer

was unable to leave the United States on the date shown on line 17b because of the medical condition or medical problem described on line 17a and there was no indication that his or her condition or problem was preexisting.

\_\_\_\_\_  
Name of physician or other medical official

\_\_\_\_\_  
Physician's or other medical official's address and telephone number

\_\_\_\_\_  
Physician's or other medical official's signature

\_\_\_\_\_  
Date

**Sign here only if you are filing this form by itself and not with your tax return**

Under penalties of perjury, I declare that I have examined this form and the accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Date

Form **8843** (2022)

## General Instructions

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

### Future Developments

For the latest information about developments related to Form 8843 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/Form8843](http://www.irs.gov/Form8843).

### Who Must File

If you are an alien individual (other than a foreign government-related individual), you must file Form 8843 to explain the basis of your claim that you can exclude days of presence in the United States for purposes of the substantial presence test because you:

- Were an exempt individual, or
- Were unable to leave the United States because of a medical condition or medical problem.

### When and Where To File

If you are filing a 2022 Form 1040-NR, attach Form 8843 to it. Mail your tax return by the due date (including extensions) to the address shown in your tax return instructions.

If you don't have to file a 2022 tax return, mail Form 8843 to the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215 by the due date (including extensions) for filing Form 1040-NR.

### Penalty for Not Filing Form 8843

If you don't file Form 8843 on time, you may not exclude the days you were present in the United States as a professional athlete or because of a medical condition or medical problem that arose while you were in the United States. Failure to exclude days of presence in the United States could result in your being considered a U.S. resident under the substantial presence test.

You won't be penalized if you can show by clear and convincing evidence that you took reasonable actions to become aware of the filing requirements and significant steps to comply with those requirements.

### Substantial Presence Test

You are considered a U.S. resident if you meet the substantial presence test for 2022. You meet this test if you were physically present in the United States for at least:

- 31 days during 2022; and
- 183 days during the period 2022, 2021, and 2020, counting all the days of physical presence in 2022 but only 1/3 the number of days of presence in 2021 and only 1/6 the number of days in 2020.

**Note:** To claim the closer connection to a foreign country(ies) exception to the substantial presence test described in Regulations section 301.7701(b)-2, you must file Form 8840.

### Days of presence in the United States.

Generally, you are treated as being present in the United States on any day that you are physically present in the country at any time during the day. However, you don't count the following days of presence in the United States for purposes of the substantial presence test.

1. Days you regularly commuted to work in the United States from a residence in Canada or Mexico.
2. Days you were in the United States for less than 24 hours when you were traveling between two places outside the United States.
3. Days you were temporarily in the United States as a regular crew member of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States unless you otherwise engaged in trade or business on such a day.
4. Days you were unable to leave the United States because of a medical condition or medical problem that arose while you were in the United States.
5. Days you were an exempt individual.

### Exempt Individuals

For purposes of the substantial presence test, an exempt individual includes anyone in the following categories.

- A teacher or trainee (defined on this page).
- A student (defined on the next page).
- A professional athlete temporarily present in the United States to compete in a charitable sports event.

The term "exempt individual" also includes an individual temporarily present in the United States as a foreign government-related individual under an "A" or "G" visa, other than individuals holding "A-3" or "G-5" class visas. An individual present under an "A-3" or "G-5" class visa is not considered a foreign government-related individual and must count all his or her days of presence in the United States for purposes of the substantial presence test. For more details, see Pub. 519. If you are present under any other "A" or "G" class visa, you are not required to file Form 8843.

## Specific Instructions

### Part I—General Information

If you are attaching Form 8843 to Form 1040-NR, you aren't required to complete lines 1a through 4a of Form 8843 if you provide the requested information on the corresponding lines of Form 1040-NR. See Schedule OI of those forms.

In this case, enter "Information provided on Form 1040-NR" on line 1a of Form 8843. Complete line 4b and the rest of Form 8843.

If Form 8843 is filed separately, you must complete all entries on the form.

**Line 1b.** Enter your current nonimmigrant status, such as that shown on your current Immigration Form I-94, Arrival-Departure Record. If your status has changed while in the United States, enter the date of change and previous status.

### Part II—Teachers and Trainees

A teacher or trainee is an individual who is temporarily present in the United States under a "J" or "Q" visa (other than as a student) and who substantially complies with the requirements of the visa.

If you were a teacher or trainee under a "J" or "Q" visa, you are considered to have substantially complied with the visa requirements if you haven't engaged in activities that are prohibited by U.S. immigration laws that could result in the loss of your "J" or "Q" visa status.

Even if you meet these requirements, you can't exclude days of presence in 2022 as a teacher or trainee if you were exempt as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years. But see the *Exception* later.

If you qualify to exclude days of presence as a teacher or trainee, complete Parts I and II of Form 8843. If you have a "Q" visa, complete Part I and only lines 6 through 8 of Part II. On line 6, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

**Exception.** If you were exempt as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years, you can exclude days of presence in 2022 as a teacher or trainee only if all four of the following apply.

1. You were exempt as a teacher, trainee, or student for any part of 3 (or fewer) of the 6 prior calendar years.
2. A foreign employer paid all your compensation during 2022.
3. You were present in the United States as a teacher or trainee in any of the 6 prior years.
4. A foreign employer paid all of your compensation during each of those prior 6 years you were present in the United States as a teacher or trainee.

For more details, see Pub. 519.

If you meet this exception, you must attach information to verify that a foreign employer paid all the compensation you received in 2022 and all prior years that you were present in the United States as a teacher or trainee.

### Part III—Students

A student is an individual who is temporarily present in the United States under an “F,” “J,” “M,” or “Q” visa and who substantially complies with the requirements of the visa.

If you were a student under an “F,” “J,” “M,” or “Q” visa, you are considered to have substantially complied with the visa requirements if you haven’t engaged in activities that are prohibited by U.S. immigration laws and could result in the loss of your visa status.

Even if you meet these requirements, you can’t exclude days of presence in 2022 as a student if you were exempt as a teacher, trainee, or student for any part of more than 5 calendar years unless you establish that you don’t intend to reside permanently in the United States. The facts and circumstances to be considered in determining if you have established that you don’t intend to reside permanently in the United States include, but aren’t limited to:

1. Whether you have maintained a closer connection to a foreign country than to the United States (for details, see Pub. 519), and
2. Whether you have taken affirmative steps to change your status from nonimmigrant to lawful permanent resident.

If you qualify to exclude days of presence as a student, complete Parts I and III of Form 8843. If you have a “Q” visa, complete Part I and only lines 10 through 14 of Part III. On line 10, enter the name, address, and telephone number of the director of the cultural exchange program in which you participated.

### Part IV—Professional Athletes

A professional athlete is an individual who is temporarily present in the United States to compete in a charitable sports event. For details on charitable sports events, see Pub. 519.

If you qualify to exclude days of presence as a professional athlete, complete Parts I and IV of Form 8843.

### Part V—Individuals With a Medical Condition or Medical Problem

For purposes of the substantial presence test, don’t count the days you intended to leave the United States but couldn’t do so because of a medical condition or medical problem that arose while you were in the United States. Whether you intended to leave the United States on a particular day is determined based on all the facts and circumstances. For more details, see Pub. 519.

If you qualify to exclude days of presence because of a medical condition or medical problem, complete Part I and lines 17a through 17c of Part V. Have your physician or other medical official complete line 18.

**Note:** You cannot exclude any days of presence in the United States under any of the following circumstances.

- You entered or returned to the United States for medical treatment. It does not matter whether you intended to leave the United States immediately after the medical treatment but couldn’t do so because of unforeseen complications from the medical treatment.

- The medical condition existed before your arrival in the United States and you were aware of the condition. It does not matter whether you needed treatment for the condition when you entered the United States.

- You were initially prevented from leaving, were then able to leave, but remained in the United States beyond a reasonable period for making arrangements to leave.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. Section 7701(b) and its regulations require that you give us the information. We need it to determine if you can exclude days of presence in the United States for purposes of the substantial presence test.

You aren’t 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 average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

## Summary

You have completed Form 8843 for foreign student Charlotte Wilson.

Form <b>8843</b>  Department of the Treasury Internal Revenue Service	<b>Statement for Exempt Individuals and Individuals With a Medical Condition</b> <b>For use by alien individuals only.</b> Go to <a href="http://www.irs.gov/Form8843">www.irs.gov/Form8843</a> for the latest information. For the year January 1—December 31, 2022, or other tax year _____, 2022, and ending _____, 20____.	OMB No. 1545-0074  <div style="font-size: 2em; font-weight: bold;">2022</div> Attachment Sequence No. <b>102</b>
Your first name and initial _____ Last name _____ Your U.S. taxpayer identification number, if any _____ CHARLOTTE WILSON XXX-XX-XXXX		
<b>Fill in your addresses only if you are filing this form by itself and not with your tax return</b>	Address in country of residence 21 GREENS ROAD RD 2 RUAWAI 0592	Address in the United States STATE COLLEGE 2302 STATE AVENUE, ROOM 3200 ATLANTA, GA 30331
<b>Part I General Information</b>		
1a Type of U.S. visa (for example, F, J, M, Q, etc.) and date you entered the United States: <u>F-1, DECEMBER 11, 2021</u> b Current nonimmigrant status. If your status has changed, also enter date of change and previous status. See instructions. F-1 _____ 2 Of what country or countries were you a citizen during the tax year? <u>NEW ZEALAND</u> 3a What country or countries issued you a passport? <u>NEW ZEALAND</u> b Enter your passport number(s): <u>7839267</u> 4a Enter the actual number of days you were present in the United States during: 2022 <u>283</u> 2021 <u>21</u> 2020 _____ b Enter the number of days in 2022 you claim you can exclude for purposes of the substantial presence test: _____		
<b>Part II Teachers and Trainees</b>		
5 For teachers, enter the name, address, and telephone number of the academic institution where you taught in 2022: _____ _____ 6 For trainees, enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: _____ _____ 7 Enter the type of U.S. visa (J or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 _____ 2021 _____. If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired. 8 Were you present in the United States as a teacher, trainee, or student for any part of 2 of the 6 prior calendar years (2016 through 2021)? <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked the "Yes" box on line 8, you cannot exclude days of presence as a teacher or trainee unless you meet the <i>Exception</i> explained in the instructions.		
<b>Part III Students</b>		
9 Enter the name, address, and telephone number of the academic institution you attended during 2022: <u>STATE COLLEGE, 2302 STATE AVENUE</u> <u>ATLANTA, GA 30331 (404) 338-9874</u> 10 Enter the name, address, and telephone number of the director of the academic or other specialized program you participated in during 2022: <u>DR. B JOHNS, SCHOOL OF ENGINEERING</u> <u>2302 STATE AVENUE</u> <u>ATLANTA, GA 30331 (404) 338-9874</u> 11 Enter the type of U.S. visa (F, J, M, or Q) you held during: 2016 _____ 2017 _____ 2018 _____ 2019 _____ 2020 _____ 2021 <u>F</u> . If the type of visa you held during any of these years changed, attach a statement showing the new visa type and the date it was acquired. 12 Were you present in the United States as a teacher, trainee, or student for any part of more than 5 calendar years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you checked the "Yes" box on line 12, you must provide sufficient facts on an attached statement to establish that you do not intend to reside permanently in the United States. 13 During 2022, did you apply for, or take other affirmative steps to apply for, lawful permanent resident status in the United States or have an application pending to change your status to that of a lawful permanent resident of the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 14 If you checked the "Yes" box on line 13, explain: _____ _____		
For Paperwork Reduction Act Notice, see instructions. Cat. No. 17227H Form <b>8843</b> (2022)		

**Part IV Professional Athletes**

**15** Enter the name of the charitable sports event(s) in the United States in which you competed during 2022 and the dates of competition: \_\_\_\_\_

**16** Enter the name(s) and employer identification number(s) of the charitable organization(s) that benefited from the sports event(s): \_\_\_\_\_

**Note:** You must attach a statement to verify that all of the net proceeds of the sports event(s) were contributed to the charitable organization(s) listed on line 16.

**Part V Individuals With a Medical Condition or Medical Problem**

**17a** Describe the medical condition or medical problem that prevented you from leaving the United States. See instructions. \_\_\_\_\_

**b** Enter the date you intended to leave the United States prior to the onset of the medical condition or medical problem described on line 17a: \_\_\_\_\_

**c** Enter the date you actually left the United States: \_\_\_\_\_

**18 Physician's Statement:**

I certify that \_\_\_\_\_  
Name of taxpayer

was unable to leave the United States on the date shown on line 17b because of the medical condition or medical problem described on line 17a and there was no indication that his or her condition or problem was preexisting.

\_\_\_\_\_  
Name of physician or other medical official

\_\_\_\_\_  
Physician's or other medical official's address and telephone number

\_\_\_\_\_  
Physician's or other medical official's signature

\_\_\_\_\_  
Date

**Sign here only if you are filing this form by itself and not with your tax return**

Under penalties of perjury, I declare that I have examined this form and the accompanying attachments, and, to the best of my knowledge and belief, they are true, correct, and complete.

*Charlotte Wilson*

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Date



In this lesson, you completed two Forms 1040-NR and one Form 8843 for foreign students. You worked with their wages, scholarships, tax treaty benefits, exemption from Social Security and Medicare taxes, and other issues, and gained information from their approved nonresident alien intake and interview sheets, Form W-2, and Form 1042-S.



## EXERCISE Answers

**Question 1:** B, Simone is a nonresident alien because she is in F-1 immigration status and has been in the U.S. for less than 5 years so she is exempt from the substantial presence test.

**Question 2:** D, Simone must file a tax return because, as shown on her intake sheet, she is claiming a tax treaty benefit.

**Question 3:** C, Simone must report the income on Form 1040-NR, U.S. Non resident Alien Income Tax Return, Schedule NEC, Tax on Income Not Effectively Connected With a U.S. Trade or Business.

**Question 4:** A, Simone is an exempt individual and needs to file the Form 1040-NR.

**Question 5:** A, Form 8233 allows her employer to avoid withholding federal income tax on her earnings until the applicable treaty benefit amount is exceeded.

**Question 6:** B, Form 8843 will allow her to exclude the time she spends in the U.S. on her F-1 immigration status from future applications of the substantial presence test.

**Question 7:** A, Simone is single so she should use the Single filing status.

**Question 8:** A, Code 16 indicates her scholarship or fellowship grants are covered by tax treaty benefits.

**Question 9:** B, According to the list of countries with treaty benefits for studying income, the amount of exempt income is \$5,000.

**Question 10:** A, A nonresident alien must report all U.S. source income, even when it is exempt by treaty from U.S. taxes.

**Question 11:** C, The Total amount from Form(s) W-2, box 1 line lists the \$7,225 reported on Simone's Form W-2.

**Question 12:** D, Total income exempt by treaty from Schedule OI is \$19,500, this amount is also reported on her two Forms 1042-S.

**Question 13:** A, The only itemized deduction is the \$125 of state tax withholding shown on her Form W-2.

**Question 14:** A, The treaty rate, 0%. Please refer to Publication 4011, Tax Treaties Taxation Rate - Capital Gains (from Sales of U.S. Stocks) for additional information.

**Question 15:** D, Because Simone holds an F-1 visa, her sources of income are not liable for Social Security and Medicare taxes.

**Question 16:** A, Simone has overpaid and will receive a refund of \$188.

**Question 17:** A, Line 1a is zero because the amount he earned is less than the treaty benefit allowed. Therefore, the line is left blank.

**Question 18:** C, \$3,000 is excluded by the treaty.

**Question 19:** D, The People's Republic of China has a 30% tax rate under treaty article 12.

**Question 20:** B, The correct amount of his capital gains tax is \$300. Zhang's capital gains are subject to a 30% tax rate.







# Link & Learn Taxes

**Link & Learn Taxes** is web-based training designed specifically for VITA/TCE volunteers. Each volunteer's ability to prepare complete and accurate returns is vital to the credibility and integrity of the program. Link & Learn Taxes, as part of the complete volunteer training kit, provides the path to achieving this high level of quality service.

Link & Learn Taxes and Publication 4012, VITA/TCE Volunteer Resource Guide, work together to help volunteers learn and practice.

## Link & Learn Taxes for 2022 includes:

- Access to all VITA/TCE courses
- Easy identification of the VITA/TCE courses with the course icons
  - As you progress through a lesson, the content for Basic, Advanced, Military, or International will display, depending on the level of certification you selected
- PowerPoint presentations that can be customized to fit your classroom needs
- VITA/TCE Central to provide centralized access for training materials and reference links
- The Practice Lab
  - Gives volunteers practice with an early version of the IRS-provided tax preparation software
  - Lets volunteers complete test practice problems
  - Lets volunteers prepare test scenario returns for the test/retest



Go to **[www.irs.gov](http://www.irs.gov)**, type “Link & Learn” in the Keyword field and click Search. You’ll find a detailed overview and links to the courses.

**FSA (Facilitated Self Assistance)** empowers taxpayers to prepare their own returns with the assistance of a certified volunteer. Taxpayers complete their own returns using interview-based software supplied by leaders in the tax preparation industry. Volunteers assist taxpayers with tax law questions.

**Virtual VITA/TCE** model includes any site where face-to-face activities are not used during the tax preparation process. That is, the intake specialist, IRS-tax law certified preparer (who prepares the return) and/or the quality reviewer are not face-to-face with the taxpayer. By incorporating this flexibility partners can provide taxpayers with more convenient locations to file their taxes.

**For more information contact your SPEC Relationship Manager to see if you should start a FSA or Virtual VITA site in your community.**



## Your online resource for volunteer and taxpayer assistance

Partner and Volunteer Resource Center

[www.irs.gov/Individuals/Partner-and-Volunteer-Resource-Center](http://www.irs.gov/Individuals/Partner-and-Volunteer-Resource-Center)

- What's Hot!
- Site Coordinator's Corner

Quality and Tax Alerts for IRS Volunteer Programs

[www.irs.gov/individuals/quality-and-tax-alerts-for-irs-volunteer-programs](http://www.irs.gov/individuals/quality-and-tax-alerts-for-irs-volunteer-programs)

- Volunteer Tax Alerts

Volunteer Training Resources

[www.irs.gov/Individuals/Volunteer-Training-Resources](http://www.irs.gov/Individuals/Volunteer-Training-Resources)

Outreach Connection

[www.irs.gov/Individuals/Outreach-Corner](http://www.irs.gov/Individuals/Outreach-Corner)

Interactive Tax Assistant (ITA)

[www.irs.gov/help/ita](http://www.irs.gov/help/ita)

Online Services and Tax Information for Individuals

[www.irs.gov/Individuals](http://www.irs.gov/Individuals)

### Plan

- Tax Withholding (Paycheck Checkup)
- When to File
- Recordkeeping
- Choosing a Tax Professional
- Get Answers to Your Tax Questions Online
- Year-round Tax Planning is for Everyone, Publication 5349

### Tools

- View Your Tax Account
- Get Your Transcript
- Where's My Refund?

### File

- IRS Free File
- How to File
- Filing Past Due Returns
- Correcting Your Tax Return
- Social Security Benefit Statement

### Pay

- Tax Withholding
- Estimated Taxes
- Options for Paying Your Taxes
- How to Choose a Payment Option
- Understanding Your IRS Notice or Letter
- What to Do If You Can't Pay

### Identity Theft Protections

### eBooks

Want to view our training products on your mobile or tablet devices? Click here to access our eBooks: [www.irs.gov/individuals/site-coordinator-corner](http://www.irs.gov/individuals/site-coordinator-corner)

### Mobile App

Another device to use for additional information is IRS2Go. Click here to download IRS2Go mobile app: [www.irs.gov/newsroom/irs2goapp](http://www.irs.gov/newsroom/irs2goapp).  
and much more!

Your direct link to tax information 24/7: [www.irs.gov](http://www.irs.gov)