Publication 570

Tax Guide for Individuals With Income From U.S. Possessions

For use in preparing 2009 Returns

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What’s New

Making work pay credit. For tax years 2009 and 2010, if you have earned income from work you may be able to take this credit. It is 6.2% of your earned income, but cannot be more than $400 ($800 if married filing jointly). Bona fide residents of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands (USVI) will receive this credit from their territorial governments.

Government retiree credit. For 2009, you may be able to claim this credit if you receive a government pension or annuity. Qualified bona fide residents of the CNMI, Guam, and the USVI will receive this credit from their territorial governments. Bona fide residents of American Samoa and Puerto Rico must use Form 1040, or Form 1040-SS (if there is no Form 1040 filing requirement), to claim the credit. (Residents of Puerto Rico may use Form 1040-PR in Spanish instead of Form 1040-SS.)

At the time this publication went to print, Congress was considering legislation that would change how bona fide residents of American Samoa and Puerto Rico will claim the government retiree credit. To find out if legislation was enacted, go to www.irs.gov.

Reminders

IRS individual taxpayer identification numbers (ITINs) for aliens. If you are a nonresident or resident alien and you do not have and are not eligible to get a social security number (SSN), you must apply for an ITIN. For details on how to do so, see Form W-7, Application for IRS Individual Taxpayer Identification Number, and...
its instructions. Allow 6 weeks for the IRS to notify you of your ITIN (8–10 weeks if submitted during peak processing periods (January 15 through April 30) or if you are filing from overseas).

If you already have an ITIN, enter it wherever your SSN is requested on your tax return.

An ITIN is for tax use only. It does not entitle you to social security benefits or change your employment or immigration status under U.S. law.

Earning income credit (EIC). Generally, if you are a bona fide resident of a U.S. possession, you cannot claim the EIC on your U.S. tax return. However, certain U.S. possessions may allow bona fide residents to claim the EIC on their possession tax return.

To claim the EIC on your U.S. tax return, your home (and your spouse’s if filing a joint return) must have been in the United States for more than half the year. For this purpose, the United States includes only the 50 states and the District of Columbia. Special rules apply to military personnel stationed outside the United States. For more information on this credit, see Publication 596, Earned Income Credit (EIC).

Change of address. If you change your mailing address, use Form 8822, Change of Address, to notify the Internal Revenue Service. Mail Form 8822 to the Internal Revenue Service Center for your old address (addresses for the Service Centers are on the back of the form).

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

Introducción

This publication discusses how to treat income received from the following U.S. possessions on your tax return(s):

- American Samoa.
- The Commonwealth of Puerto Rico (Puerto Rico).
- The Commonwealth of the Northern Mariana Islands (CNMI).
- Guam.
- The U.S. Virgin Islands (USVI).

Unless stated otherwise, when the term “possession” is used in this publication, it includes the Commonwealths of Puerto Rico and the Northern Mariana Islands.

Chapter 1 discusses the requirements for being considered a bona fide resident of the listed possessions.

Chapter 2 gives the rules for determining if your income is from sources within, or effectively connected with a trade or business in, those possessions.

Next, chapter 3 looks at the rules for filing tax returns when you receive income from any of these possessions. You may have to file a U.S. tax return only, a possession tax return only, or both returns. This generally depends on whether you are a bona fide resident of the possession. In some cases, you may have to file a U.S. return, but will be able to exclude income earned in a possession from U.S. tax. You can find illustrated examples of some of the additional forms required in chapter 5.

If you are not a bona fide resident of one of the above possessions, or are otherwise required to file a U.S. income tax return, the information in chapter 4 will tell you how to file your U.S. tax return. This information also applies if you have income from U.S. insular areas other than the five possessions listed above because that income will not qualify for any of the exclusions or other benefits discussed in chapter 3. These other U.S. insular areas include:

- Baker Island,
- Howland Island,
- Jarvis Island,
- Johnston Island,
- Kingman Reef,
- Midway Islands,
- Palmyra Atoll, and
- Wake Island.

If you need additional information on U.S. taxation, write to:

Internal Revenue Service
International Returns Section
P.O. Box 920
Bensalem, PA 19020-8518

If you need additional information on your tax obligations in a U.S. possession, write to the tax department of that possession. Their addresses are provided in chapter 3 under the individual headings for each possession.

Comments and suggestions. We welcome your comments about this publication and your suggestions for future editions. You can write to us at the following address:

Internal Revenue Service
Individual Forms and Publications Branch
SE.WCAR.MP.T1
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

We respond to many letters by telephone. Therefore, it would be helpful if you would include your daytime phone number, including the area code, in your correspondence.

You can email us at taxforms@irs.gov. (The asterisk must be included in the address.) Please put “Publications Comment” on the subject line. Although we cannot respond individually to each email, we do appreciate your feedback and will consider your comments as we revise our tax products.

Ordering U.S. forms and publications. Visit www.irs.gov/formspubs to download forms and publications, call 1-800-829-3676, or write to the address below and receive a response within 10 days after your request is received.

Internal Revenue Service
1201 N. Mitsubishi Motorway
Bloomingom, IL 61705-6613

Tax questions. If you have a tax question, check the information available on www.irs.gov or call 1-800-829-1040. We cannot answer tax questions sent to either of the above addresses.

You can get the necessary possession tax forms at the tax office for the appropriate possession. The office addresses are given in chapter 3.

Useful items

You may want to see:

- Publication 54 Tax Guide for U.S. Citizens and Resident Aliens Abroad
- Publication 514 Foreign Tax Credit for Individuals
- Publication 519 U.S. Tax Guide for Aliens
- Form (and Instructions) 1040-PR Planilla para la Declaración de la Contribución Federal sobre el Ingreso de Cuentas Propia (Incluyendo el Crédito Tributario Adicional por Hijos para Residentes Bona Fide de Puerto Rico)
- Form (and Instructions) 1040-SS U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico)
- Publication 1116 Foreign Tax Credit
- Publication 4563 Exclusion of Income for Bona Fide Residents of American Samoa
- Application for Automatic Extension of Time To File U.S. Individual Income Tax Return
- Publication 5074 Allocation of Individual Income Tax to Guam or the Commonwealth of the Northern Mariana Islands (CNMI)
- Publication 8689 Allocation of Individual Income Tax to the U.S. Virgin Islands
- Publication 8898 Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession
1. Bona Fide Residence

In order to qualify for certain tax benefits (see chapter 3), you must be a bona fide resident of American Samoa, the CNMI, Guam, Puerto Rico, or the USVI for the entire tax year.

Special rule for members of the U.S. Armed Forces. If you are a member of the U.S. Armed Forces who qualifies as a bona fide resident of the relevant possession in an earlier tax year, your absence from that possession during the current tax year in compliance with military orders will not affect your status as a bona fide resident. Likewise, being in a possession solely in compliance with military orders will not qualify you for bona fide residency. Also see the special income source rule for members of the U.S. Armed Forces in chapter 2, under Compensation for Labor or Personal Services.

Presence Test

If you are a U.S. citizen or resident alien, you will satisfy the presence test for the entire tax year if you meet one of the following conditions.

1. You were present in the relevant possession for at least 183 days during the tax year.
2. You were present in the relevant possession for at least 549 days during the 3-year period that includes the current tax year and the 2 immediately preceding tax years. During each year of the 3-year period, you must be present in the relevant possession for at least 60 days.
3. You were present in the United States for no more than 90 days during the tax year.
4. You had earned income in the United States of no more than a total of $3,000 and were present for more days in the relevant possession than in the United States during the tax year. Earned income is pay for personal services performed, such as wages, salaries, or professional fees.
5. You had no significant connection to the United States during the tax year.

Special rule for nonresident aliens. Conditions (1) through (5) above do not apply to nonresident aliens of the United States. Instead, nonresident aliens must meet the substantial presence test discussed in chapter 1 of Publication 519. In that discussion, substitute the name of the possession for “United States” and “U.S.” wherever they appear. Disregard the discussion in that chapter about a Closer Connection to a Foreign Country.

Days of Presence in the United States or Relevant Possession

Generally, you are treated as being present in the United States or in the relevant possession on any day that you are physically present in that location at any time during the day.

Days of presence in a possession. You are considered to be present in the relevant possession on any of the following days.

1. Any day you are physically present in that possession at any time during the day.
2. Any day you are outside of the relevant possession in order to receive, or to accompany any of the following family members to receive, qualifying medical treatment (see Qualifying Medical Treatment, on this page).
   a. Your parent.
   b. Your spouse.
   c. Your child, who is your son, daughter, stepson, or stepdaughter. This includes an adopted child or child lawfully placed with you for legal adoption. This also includes a foster child who is placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.
3. Any day you are outside the relevant possession because you leave or are unable to return to the relevant possession during any:
   a. 14-day period within which a major disaster occurs in the relevant possession for which a Federal Emergency Management Agency (FEMA) notice of a federal declaration of a major disaster is issued in the Federal Register, or
   b. Period for which a mandatory evacuation order is in effect for the geographic area in the relevant possession in which your main home is located.
4. Any day you are in the United States for less than 24 hours when you are traveling between two places outside the United States.
5. Any day you are temporarily present in the United States as a professional athlete to compete in a charitable sports event (defined later).
6. Any day you are in the United States serving as an elected representative of the relevant possession, or serving full time as an elected or appointed official or employee of the government of that possession (or any of its political subdivisions).

Qualifying Medical Treatment

Such treatment is generally provided by (or under the supervision of) a physician for an illness, injury, impairment, or physical or mental condition. The treatment generally involves:

- Any period of inpatient care that requires an overnight stay in a hospital or hospice, and any period immediately before or after that inpatient care to the extent it is medically necessary, or
- Any temporary period of inpatient care in a residential medical care facility for medically necessary rehabilitation services.

With respect to each qualifying medical treatment, you must prepare (or obtain) and maintain documentation supporting your claim that such treatment meets the criteria to be considered days of presence in the relevant possession. You must be able to produce this documentation within 30 days if requested by the IRS or tax administrator for the relevant possession.
You must keep the following documentation.

1. Records that provide:
   a. The patient’s name and relationship to you (if the medical treatment is provided to a person you accompany);
   b. The name and address of the hospital, hospice, or residential medical care facility where the medical treatment was provided;
   c. The name, address, and telephone number of the physician who provided the medical treatment;
   d. The date(s) on which the medical treatment was provided; and
   e. Receipt(s) of payment for the medical treatment.

2. Signed certification by the providing or supervising physician that the medical treatment met the requirements for being qualified medical treatment, and setting forth:
   a. The patient’s name,
   b. A reasonably detailed description of the medical treatment provided by (or under the supervision of) the physician,
   c. The dates on which the medical treatment was provided, and
   d. The medical facts that support the physician’s certification and determination that the treatment was medically necessary.

Charitable Sports Event

A charitable sports event is one that meets all of the following conditions.

• The main purpose is to benefit a qualified charitable organization.
• The entire net proceeds go to charity.
• Volunteers perform substantially all the work.

In figuring the days of presence in the United States, you can exclude only the days on which you actually competed in the charitable sports event. You cannot exclude the days on which you were in the United States to practice for the event, to perform promotional or other activities related to the event, or to travel between events.

Student

To qualify as a student, you must be, during some part of each of any 5 calendar months during the calendar year:

1. A full-time student at a school that has a regular teaching staff, course of study, and regularly enrolled body of students in attendance, or
2. A student taking a full-time, on-farm training course given by a school described in (1) above or by a state, county, or local government agency.

The 5 calendar months do not have to be consecutive.

Full-time student. A full-time student is a person who is enrolled for the number of hours or courses the school considers to be full-time attendance. However, school attendance exclusively at night is not considered full-time attendance.

School. The term “school” includes elementary schools, middle schools, junior and senior high schools, colleges, universities, and technical, trade, and mechanical schools. It does not include on-the-job training courses, correspondence schools, and schools offering courses only through the Internet.

Significant Connection

One way in which you can meet the presence test is to have no significant connection to the United States during the tax year. This section looks at the factors that determine if a significant connection exists.

You are treated as having a significant connection to the United States if you:

1. Have a permanent home in the United States,
2. Are currently registered to vote in any political subdivision of the United States, or
3. Have a spouse or child (see item 2c under Days of presence in a possession, earlier) who is under age 18 whose main home is in the United States, other than
   a. A child who is in the United States because he or she is the child of divorced or legally separated parents and is living with a custodial parent under a custodial decree or multiple support agreement, or
   b. A child who is in the United States as a student.

For the purpose of determining if you have a significant connection to the United States, the term “spouse” does not include a spouse from whom you are legally separated under a decree of divorce or separate maintenance.

Permanent home. A permanent home generally includes an accommodation such as a house, an apartment, or a furnished room that is either owned or rented by you or your spouse. The dwelling unit must be available at all times, continuously, not only for short stays.

Exception for rental property. If you or your spouse own the dwelling unit and at any time during the tax year it is rented to someone else at fair rental value, it will be considered your permanent home only if you or your spouse use that property for personal purposes for more than the greater of:

• 14 days, or
• 10% of the number of days during that tax year the property is rented to others at a fair rental value.

You are treated as using rental property for personal purposes on any day the property is not being rented to someone else at fair rental value for the entire day.

A day of personal use of a dwelling unit is also any day that the unit is used by any of the following persons:

• You or any other person who has an interest in it, unless you rent it to another owner as his or her main home under a shared equity financing agreement.
• A member of your family or a member of the family of any other person who has an interest in it, unless the family member uses the dwelling unit as his or her main home and pays a fair rental price. Family includes only brothers and sisters, half-brothers and half-sisters, spouses, ancestors (parents, grandparents, etc.), and lineal descendants (children, grandchildren, etc.).
• Anyone under an arrangement that lets you use some other dwelling unit.
• Anyone at less than a fair rental price.

However, any day you spend working substantially full time repairing and maintaining (not improving) your property is not counted as a day of personal use. Whether your property is used mainly for this purpose is determined in light of all the facts and circumstances, such as:

• The amount of time you devote to repair and maintenance work,
• How often during the tax year you perform repair and maintenance work on this property, and
• The presence and activities of companions.

See Publication 527, Residential Rental Property, for more information about personal use of a dwelling unit.

Example—significant connection. Ann Green, a U.S. citizen, is a sales representative for a company based in Guam. Ann lives with her husband and young children in their house in Guam, where she is also registered to vote. Her business travel requires her to spend 120 days in the United States and another 120 days in foreign countries. When traveling on business, Ann generally stays at hotels but sometimes stays with her brother, who lives in the United States. Ann’s stays are always of short duration and she asks her brother’s permission to stay with him. Her brother’s house is not her permanent home, nor does she have any other accommodations in the United States that would be considered her permanent home. Ann satisfies the presence test because she has no significant connection to the United States.

Example—presence test. Eric and Wanda Brown live for part of the year in a condominium, which they own, in the CNMI. They also own a house in Maine where they live for 120 days every year to be near their grown children and grandchildren. The Browns are retired and their only income is from pension payments, dividends, interest, and social security benefits. In 2009, they spent only 175 days in the CNMI because of a 70-day vacation to Europe and Asia.
Thus, in 2009, the Browns were not present in the CNMI for at least 183 days, were present in the United States for more than 90 days, and had a significant connection to the United States because of their permanent home. However, the Browns still satisfied the presence test with respect to the CNMI because they had no earned income in the United States and were physically present for more days in the CNMI than in the United States.

Tax Home
You will have met the tax home test if you did not have a tax home outside the relevant possession during any part of the tax year. Your tax home is your regular or main place of business, employment, or post of duty regardless of where you maintain your family home. If you do not have a regular or main place of business because of the nature of your work, then your tax home is the place where you regularly live. If you do not fit either of these categories, you are considered a transient and your tax home is wherever you work.

Exceptions
There are some special rules that provide exceptions to the general rule stated above.

Students and Government Officials
Disregard the following days when determining whether you have a tax home outside the relevant possession.

- Days you were temporarily in the United States as a student (see Student under Days of Presence in the United States or Relevant Possession, earlier).
- Days you were in the United States serving as an elected representative of the relevant possession, or serving full time as an elected or appointed official or employee of the government of that possession (or any of its political subdivisions).

Seafarers
You will not be considered to have a tax home outside the relevant possession solely because you are employed on a ship or other seafaring vessel that is predominantly used in local and international waters. For this purpose, a vessel is considered to be predominantly used in local and international waters if, during the tax year, the total amount of time it is used in international waters and in the waters within 3 miles of the relevant possession exceeds the total amount of time it is used in the territorial waters of the United States, another possession, or any foreign country.

Example. In 2009, Sean Silverman, a U.S. citizen, was employed by a fishery and spent 250 days at sea on a fishing vessel. When not at sea, Sean lived with his wife at a house they own in American Samoa. The fishing vessel on which Sean works departs and arrives at various ports in American Samoa, other possessions, and foreign countries, but was in international or American Samoa’s local waters for 225 days. For purposes of determining bona fide residency of American Samoa, Sean will not be considered to have a tax home outside that possession solely because of his employment on board the fishing vessel.

Closers Connection
You will have met the closer connection test if, during any part of the tax year, you do not have a closer connection to the United States or a foreign country than to the relevant U.S. possession. You will be considered to have a closer connection to a possession other than the relevant possession because you have maintained more significant contacts with the possession(s) than with the United States or foreign country. In determining if you have maintained more significant contacts with the relevant possession, the facts and circumstances to be considered include, but are not limited to, the following.

- The location of your permanent home.
- The location of your family.
- The location of personal belongings, such as automobiles, furniture, clothing, and jewelry owned by you and your family.
- The location of social, political, cultural, professional, or religious organizations with which you have a current relationship.
- The location where you conduct your routine personal banking activities.
- The location where you conduct business activities (other than those that go into determining your tax home).
- The location of the jurisdiction in which you hold a driver’s license.
- The location of the jurisdiction in which you vote.
- The location of charitable organizations to which you contribute.
- The country of residence you designate on forms and documents.
- The types of official forms and documents you file, such as Form W-8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding, or Form W-9, Request for Taxpayer Identification Number and Certification.

Your connections to the relevant possession will be compared to the total of your connections with the United States and foreign countries. Your answers to the questions on Form 8898, line 7, will help determine the jurisdiction to which you have a closer connection.

Example—closers connection to the United States. Marcos Reyes, a U.S. citizen, moved to Puerto Rico in 2009 to start an investment consulting and venture capital business. His wife and two teenage children remained in California to allow the children to complete high school. He traveled back to the United States regularly to see his wife and children, to engage in business activities, and to take vacations. Marcos had an apartment available for his full-time use in Puerto Rico, but remained a joint owner of the residence in California where his wife and children lived. Marcos and his family had automobiles and personal belongings such as furniture, clothing, and jewelry located at both residences. Although Marcos was a member of the Puerto Rico Chamber of Commerce, he also belonged to and had current relationships with social, political, cultural, and religious organizations in California. Marcos received mail in California, including bank and brokerage statements and credit card bills. He conducted his personal banking activities in California. He held a California driver’s license and was also registered to vote there. Based on all of the particular facts and circumstances pertaining to Marcos, he was not a bona fide resident of Puerto Rico in 2009 because he had a closer connection to the United States than to Puerto Rico.

Closer connection to another possession. Generally, possessions are not treated as foreign countries. Therefore, a closer connection to a possession other than the relevant possession will not be treated as a closer connection to a foreign country.

Example—tax home and closer connection to possession. Pearl Blackmon, a U.S. citizen, is a permanent employee of a hotel in Guam, but works only during the tourist season. For the remainder of each year, Pearl lives with her husband and children in the CNMI, where she has no outside employment. Most of Pearl’s personal belongings, including her automobile, are located in the CNMI. She is registered to vote in, and has a driver’s license issued by, the CNMI. She does her personal banking in the CNMI and routinely lists her CNMI address as her permanent address on forms and documents. Pearl satisfies the presence test with respect to both Guam and the CNMI. She satisfies the tax home test with respect to Guam, because her regular place of business is in Guam. Pearl satisfies the closer connection test with respect to both Guam and the CNMI, because she does not have a closer connection to the United States or any foreign country. Pearl is considered a bona fide resident of Guam, the location of her tax home.

Exception for Year of Move
If you are moving to or from a possession during the year, you may still be able to meet the closer
Special Rules in the Year of a Move

If you are moving to or from a possession during the year, you may still be able to meet the tax home and closer connection tests for that year.

Year of Moving to a Possession

You will satisfy the tax home and closer connection tests in the tax year of changing your residence to the relevant possession if you meet all of the following:

- You have not been a bona fide resident of the relevant possession in any of the 3 tax years immediately preceding your move.
- In the year of the move, you do not have a tax home outside the relevant possession or a closer connection to the United States or a foreign country than to the relevant possession during any of the last 183 days of the tax year.
- You are a bona fide resident of the relevant possession for each of the 3 tax years immediately following your move.

Example. Dwight Wood, a U.S. citizen, files returns on a calendar year basis. He lived in the United States from January 2004 through May 2009. In June 2009, he moved to the USVI, purchased a house, and accepted a permanent job with a local employer. From July 1 through December 31, 2009 (more than 183 days), Dwight’s principal place of business was in the USVI and, during that time, he did not have a closer connection to the United States or a foreign country than to the USVI. If he is a bona fide resident of the USVI during all of 2010 through 2012, he will satisfy the tax home and closer connection tests for 2009. If Dwight also satisfies the presence test in 2009, he will be considered a bona fide resident of the USVI for the entire 2009 tax year.

Year of Moving From a Possession

In the year you cease to be a bona fide resident of American Samoa, the CNMI, Guam, or the USVI, you will satisfy the tax home and closer connection tests with respect to the relevant possession if you meet all of the following:

- You have been a bona fide resident of the relevant possession for each of the 3 tax years immediately preceding your change of residence.
- In the year of the move, you do not have a tax home outside the relevant possession or a closer connection to the United States or a foreign country than to the relevant possession during any of the last 183 days of the tax year.
- You are not a bona fide resident of the relevant possession for any of the 3 tax years immediately following your move.

Example. Jean Aspen, a U.S. citizen, files returns on a calendar year basis. From January 2006 through December 2008, Jean was a bona fide resident of American Samoa. Jean continued to live there until September 6, 2009, when she accepted new employment and moved to Hawaii. Jean’s principal place of business from January 1 through September 5, 2009 (more than 183 days), was in American Samoa, and during the period Jean did not have a closer connection to the United States or a foreign country than to American Samoa. If Jean continues to live and work in Hawaii for the rest of 2009, throughout years 2010 through 2012, she will satisfy the tax home and closer connection tests for 2009 with respect to American Samoa. If Jean also satisfies the presence test in 2009, she will be considered a bona fide resident for the entire 2009 tax year.

Puerto Rico

You will be considered a bona fide resident of Puerto Rico for the part of the tax year preceding the date on which you move if you:

- Are a U.S. citizen,
- Are a bona fide resident of Puerto Rico for at least 2 tax years immediately preceding the tax year of the move,
- Cease to be a bona fide resident of Puerto Rico during the tax year, and
- Have a closer connection to Puerto Rico than to the United States or a foreign country throughout the part of the tax year preceding the date on which you cease to have a tax home in Puerto Rico.

Example. Randy White, a U.S. citizen, files returns on a calendar year basis. For all of 2007 and 2008, Randy was a bona fide resident of Puerto Rico. From January through April 2009, Randy continued to reside and maintain his principal place of business in Puerto Rico. On May 8, 2009, Randy moved and changed his tax home to Nevada. Later that year he established a closer connection to the United States than to Puerto Rico. Randy did not satisfy the presence test for 2009 with respect to Puerto Rico, nor the tax home or closer connection tests. However, because Randy was a bona fide resident of Puerto Rico for at least 2 tax years before he moved to Nevada in 2009, he was a bona fide resident of Puerto Rico from January 1 through May 4, 2009.

Who Must File

You must file Form 8898 for the tax year (beginning with tax year 2001) in which you meet both of the following conditions.

1. Your worldwide gross income (defined below) in that tax year is more than $75,000.
2. You meet one of the following:
   a. You take a position for U.S. tax purposes that you ceased to be a bona fide resident of a U.S. possession after a tax year for which you filed a U.S. income tax return as a citizen or resident alien of the United States but not as a bona fide resident of the possession.
   b. You are a citizen or resident alien of the United States who takes the position for U.S. tax purposes that you ceased to be a bona fide resident of a U.S. possession after a tax year for which you filed a U.S. income tax return with (with the IRS, the possession tax authority, or both) as a bona fide resident of the possession.
   c. You take the position for U.S. tax purposes that you became a bona fide resident of Puerto Rico or American Samoa after a tax year for which you were required to file an income tax return as a bona fide resident of the CNMI, Guam, or the USVI.

Worldwide gross income. Worldwide gross income means all income you received in the form of money, goods, property, and services, including any income from sources outside the United States (even if you can exclude part or all of it) and before any deductions, credits, or rebates.

Example. You are a U.S. citizen who moved to the CNMI in December 2008, but did not become a bona fide resident of that possession until the 2009 tax year. You must file Form 8898 for the 2009 tax year if your worldwide gross income for that year was more than $75,000.

Penalty for Not Filing Form 8898

If you are required to file Form 8898 for any tax year and you fail to file it, you may owe a penalty of $1,000. You may also owe this penalty if you do not include all the information required by the form or the form includes incorrect information. In either case, you will not owe this penalty if you can show that such failure is due to reasonable cause and not willful neglect. This is in addition to any criminal penalty that may be imposed.

Reporting a Change in Bona Fide Residence

If you became or ceased to be a bona fide resident of a U.S. possession, you may need to file Form 8898, Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession. This applies to the U.S. possessions of American Samoa, the CNMI, Guam, Puerto Rico, and the USVI.
2. Possession Source Income

In order to determine where to file your return and which form(s) you need to complete, you must determine the source of each item of income you received during the tax year. Income you received from sources within, or that was effectively connected with the conduct of a trade or business within, the relevant possession must be identified separately from U.S. or foreign source income.

This chapter discusses the rules for determining if the source of your income is from:

- American Samoa,
- The Commonwealth of the Northern Mariana Islands (CNMI),
- The Commonwealth of Puerto Rico (Puerto Rico),
- Guam, or
- The U.S. Virgin Islands (USVI).

Generally, the same rules that apply for determining U.S. source income also apply for determining possession source income. However, there are some important exceptions to these rules. Both the general rules and the exceptions are discussed in this chapter.

U.S. income rule. This rule states that income is not possession source income if, under the rules of Internal Revenue Code sections 861-865, it is treated as income:

- From sources within the United States,
- Effectively connected with the conduct of a trade or business within the United States.

Table 2-1 shows the general rules for determining whether income is from sources within the United States.

## Types of Income

This section looks at the most common types of income received by individuals, and the rules for determining the source of the income. Generally, the same rules shown in Table 2-1 are used to determine if you have possession source income.

### Compensation for Labor or Personal Services

Income from labor or personal services includes wages, salaries, commissions, fees, per diem allowances, employee allowances and bonuses, and fringe benefits. It also includes income earned by sole proprietors and general partners from providing personal services in the course of their trade or business.

Services performed wholly within a relevant possession. Generally, all pay you receive for services performed in a relevant possession is considered to be from sources within that possession. However, there is an exception for income earned as a member of the U.S. Armed Forces.

U.S. Armed Forces. If you are a bona fide resident of a relevant possession, your military service pay will be sourced in that possession even if you perform the services in the United States or another possession. However, if you are not a bona fide resident of a possession, your military service pay will be income from the United States even if you perform services in a possession.

Services performed partly inside and partly outside a relevant possession. If you are an employee and receive compensation for labor or personal services performed both inside and outside the relevant possession, special rules apply in determining the source of the compensation. Compensation (other than certain fringe benefits) is sourced on a time basis. Certain fringe benefits (such as housing and education) are sourced on a geographical basis.

Time basis. Use a time basis to figure your compensation for labor or personal services from the relevant possession (other than the fringe benefits discussed later). Do this by multiplying your total compensation (other than the fringe benefits discussed later) by the following fraction:

\[
\text{Number of days you performed services in the relevant possession during the year} \div \text{Total number of days you performed services during the year} = \frac{\text{Number of days you performed services in the relevant possession during the year}}{\text{Total number of days you performed services during the year}}
\]

You can use a unit of time less than a day in the above fraction, if appropriate. The time period for which the income is made does not have to be a year. Instead, you can use another distinct, separate, and continuous time period if you can establish to the satisfaction of the IRS that this other period is more appropriate.

### Example.

In 2009, you worked in your employer's office in the United States for 60 days and in the Puerto Rico office for 180 days, earning a total of $80,000 for the year. Your Puerto Rico source income is $60,000, figured as follows:

\[
180 \text{ days} \times \frac{180}{240} = \frac{180}{240} \times 80,000 = 60,000
\]

### Multi-year compensation.

The source of multi-year compensation is generally determined on a time basis over the period to which the compensation is attributable. Multi-year compensation is compensation that is included in your income in 1 tax year but is attributable to a period that includes 2 or more tax years. You determine the period to which the income is attributable based on the facts and circumstances of your case. For more information on

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Certain fringe benefits sourced on a geographical basis. If you received any of the following fringe benefits as compensation for labor or services performed as an employee partly inside and partly outside a relevant possession, you must source that income on a geographical basis.

- Housing.
- Education.
- Local transportation.
- Tax reimbursement.
- Hazardous or hardship duty pay.
- Moving expense reimbursement.

For information on determining the source of the fringe benefits listed above, see Regulations section 1.861-1.

Alternative basis. You can determine the source of your compensation under an alternative basis if you establish to the satisfaction of the IRS that, under the facts and circumstances of your case, the alternative basis more properly determines the source of your income than the time or geographical basis. If you use an alternative basis, you must keep (and have available for inspection) records to document why the alternative basis more properly determines the source of your income.

De minimis exception. There is now an exception to the rule for determining the source of income earned in a possession. Generally, you will not have income from a possession if during a tax year you:

- Are a U.S. citizen or resident.
- Are not a bona fide resident of that possession.
- Are not engaged in a trade or business in that possession.
- Temporarily perform services in that possession for 90 days or less, and
- Earned $3,000 or less from such services.

This exception began with income earned during your 2008 tax year.

Pensions. Generally, pension income has two components: contributions to the pension plan and the earnings accrued from investing those contributions. The contribution portion is sourced according to where services were performed that earned the pension. The investment earnings portion is sourced according to the location of the pension trust.

Example. You are a U.S. citizen who worked in Puerto Rico for a U.S. company. All services were performed in Puerto Rico. Upon retirement you remained in Puerto Rico and began receiving your pension from the U.S. pension trust of your employer. Distributions from the U.S. pension trust must be allocated between (1) contributions, which are Puerto Rico source income, and (2) investment earnings, which are U.S. source income.

Investment Income

This category includes such income as interest, dividends, rents, and royalties.

Interest income. The source of interest income is generally determined by the residence of the payor. Interest paid by corporations created or organized in a relevant possession (possession corporation) or by individuals who are bona fide residents of a relevant possession is considered income from sources within that possession.

However, there is an exception to this rule if you are a bona fide resident of a relevant possession, receive interest from a corporation created or organized in that possession, and are a shareholder of that corporation who owns, directly or indirectly, at least 10% of the total voting stock of the corporation. See Regulations section 1.937-2(f) for more information.

Dividends. Generally, dividends paid by a corporation created or organized in a relevant possession will be considered income from sources within that possession. There are additional rules for bona fide residents of a relevant possession who receive dividend income from possession corporations, and who own, directly or indirectly, at least 10% of the voting stock of the corporation. For more information, see Regulations section 1.937-2(g).

Rental income. Rents from property located in a relevant possession are treated as income from sources within that possession.

Royalties. Royalties from natural resources located in a relevant possession are considered income from sources within that possession.

Also considered possession source income are royalties received for the use of, or for the privilege of using, in a relevant possession, patents, copyrights, secret processes and formulas, goodwill, trademarks, trade brands, franchises, and other like property.

Sales or Other Dispositions of Property

The source rules for sales or other dispositions of property are varied. The most common situations are discussed below.

Real property. Real property includes land and buildings, and generally anything built on, growing on, or attached to land. The location of the property generally determines the source of income from the sale. For example, if you are a bona fide resident of Guam and sell your home that is located in Guam, the gain on the sale is sourced in Guam. If, however, the home you sold was located in the United States, the gain is U.S. source income.

Personal property. The term “personal property” refers to property (such as machinery, equipment, or furniture) that is not real property. Generally, gain or loss from the sale or other disposition is sourced according to the seller’s tax home. If personal property is sold by a bona fide resident of a relevant possession, the gain or loss from the sale is treated as sourced within that possession.

This rule does not apply to the sale of inventory, intangible property, depreciable personal property, or property sold through a foreign office or fixed place of business. The rules applying to sales of inventory are discussed below. For information on sales of the other types of property mentioned, see Internal Revenue Code section 865.

Inventory. Your inventory is personal property that is stock in trade or that is held primarily for sale to customers in the ordinary course of your trade or business. The source of income from the sale of inventory depends on whether the inventory was purchased or produced.

Purchased. Income from the sale of inventory that you purchased is sourced where you sell the property. Generally, this is where title to the property passes to the buyer.

Produced. Income from the sale of inventory that you produced in a relevant possession and sold outside that possession (or vice versa) is sourced based on an allocation. For information on making the allocation, see Regulations section 1.863-3(f).

Special Rules for Gains From Dispositions of Certain Property

There are special rules for gains from dispositions of certain investment property (for example, stocks, bonds, debt instruments, diamonds, and gold) owned by a U.S. citizen or resident alien prior to becoming a bona fide resident of a possession. You are subject to these special rules if you meet both of the following conditions.

- For the tax year for which the source of the gain must be determined, you are a bona fide resident of the relevant possession.
- For any of the 10 years preceding that year, you were a citizen or resident alien of the United States (other than a bona fide resident of the relevant possession).

If you meet these conditions, gains from the disposition of this property will not be treated as income from sources within the relevant possessions. This rule does not apply to any of the other types of property mentioned, see Internal Revenue Code section 865.

Example 1. In 2003, Cheryl Jones, a U.S. citizen, lived in the United States and paid $1,000 for 100 shares of stock in the Rose Corporation, a U.S. corporation listed on the New York Stock Exchange. On March 1, 2006, she moved to Puerto Rico and changed her tax home to Puerto Rico on the same date. Cheryl...
satisfied the presence test in 2006 and, under the year-of-move exception, she was consid-
ered a bona fide resident of Puerto Rico for the rest of 2006. On March 1, 2006, the closing value of Cheryl’s stock in the Rose Corporation was $2,000. On January 5, 2009, while still a bona fide resident of Puerto Rico, Cheryl sold all her Rose Corporation stock for $7,000. Under the earlier rules, none of Cheryl’s $6,000 gain will be treated as income from sources within Puerto Rico.

The source rules discussed in the preced-
ing paragraphs supplement, and may apply in conjunction with, an ex-
sting special rule. This existing special rule ap-
plies if you are a U.S. citizen or resident alien who becomes a bona fide resident of American Samoa, the CNMI, or Guam, and who is developing and selling specialized computer software on the purchaser’s operating system than one continuous period, combine the gains or (losses) from each possession holding pe-
riod.

Example 2. Assume the same facts as in Example 1, except that Cheryl makes the spe-
cial election to allocate the gain between her U.S. and possession holding periods. Cheryl’s possession holding period began March 1, 2006, the date her tax home changed to Puerto Rico. Therefore, the portion of gain attributable to her possession holding period is $5,000 ($7,000 sale price – $2,000 closing value on first day of the possession holding period). By reporting $5,000 of her $6,000 gain as Puerto Rico source income on her 2009 Puerto Rico tax return (and the remainder as non-Puerto Rico source income), Cheryl elects to treat that amount as Puerto Rico source income.

Other personal property. For personal property other than marketable securities, use a time-based allocation. Figure the gain (or loss) attributable to the possession holding period by multiplying your total gain (or loss) by the follow-
ing fraction.

Example 3. In addition to the stock in Rose Corporation, Cheryl acquired a 5% interest in the Alder Partnership on January 1, 2005. On March 1, 2006, when she established bona fide residency in Puerto Rico, her partnership inter-
est was not considered a marketable security. On September 15, 2009, while still a bona fide resident of Puerto Rico, Cheryl sold her interest in Alder Partnership for a $100,000 gain. She had owned the interest for a total of 1,719 days. Cheryl’s possession holding period (from March 1, 2006, through September 15, 2009) is 1,295 days. The portion of her gain attributable to Puerto Rico is $75,334 ($100,000 x 1,295/1,719 total days). By report-
ing $75,334 of her $100,000 gain as Puerto Rico source income on her 2009 Puerto Rico tax return (and the remainder as non-Puerto Rico source income), Cheryl elects to treat that amount as Puerto Rico source income.

Scholarships, Fellowships, Grants, Prizes, and Awards

The source of these types of income is generally the residence of the payer, regardless of who actually disburses the funds. Therefore, in order to be possession source income, the payer must be a resident of the relevant possession, such as an individual who is a bona fide resident or a corporation created or organized in that posses-
sion.

These rules do not apply to amounts paid as salary or other compensation for services. See Compensation for La-
tor or Personal Services, earlier in this chapter, for the source rules that apply.

Effectively Connected Income

In limited circumstances, some kinds of income from sources outside the relevant possession must be treated as effectively connected with a trade or business in that possession. These cir-
cumstances are listed below.

1. You have an office or other fixed place of business in the relevant possession to which the income can be attributed.

2. That office or place of business is a mate-
rail factor in producing the income.

3. The income is produced in the ordinary course of the trade or business carried on through that office or other fixed place of business.

An office or other fixed place of business is a material factor if it significantly contributes to, and is an essential economic element in, the earning of the income.

Tea, the three kinds of income from sources outside the relevant possession to which these rules apply are the following.

1. Rents and royalties for the use of, or for the privilege of using, intangible personal properties located in the relevant pos-

session or from any interest in such prop-
erty. Included are rents or royalties for the use of, or for the privilege of using, outside the relevant possession, patents, copy-

rights, secret processes and formulas, goodwill, trademarks, trade brands, franchises, and similar properties if the rents or royalties are from the active con-
doctor of a trade or business in the relevant possession.

2. Dividends or interest from the active con-
doctor of a banking, financing, or similar business in the relevant possession.

3. Income, gain, or loss from the sale or ex-
change outside the relevant possession, through the office or other fixed place of business in the relevant possession, of:

a. Stock in trade, b. Property that would be included in in-
ventory if on hand at the end of the tax year, or

3. Property held primarily for sale to cus-
tomers in the ordinary course of busi-
ness.

Item (3) will not apply if you sold the property for use, consumption, or disposition outside the relevant possession and an office or other fixed place of business in a foreign country was a material factor in the sale.

Example. Marcy Jackson is a bona fide res-
ident of American Samoa. Her business, which she conducts from an office in American Samoa, is developing and selling specialized computer software. A software purchaser will frequently pay Marcy an additional amount to install the software on the purchaser’s operating system and to ensure that the software is functioning properly. Marcy installs the software at the pur-
chaser’s place of business, which may be in American Samoa, in the United States, or in another country. The income from selling the software is effectively connected with the con-
doctor of Marcy’s business in American Samoa, even though the product’s destination may be outside the possession. However, the compen-
sation she receives for installing the software

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3. Filing Information for Individuals in Certain U.S. Possessions

If you have income from American Samoa, the CNMI, Guam, Puerto Rico, or the USVI, you may have to file a tax return with the tax department of that possession. Or, you may have to file two annual tax returns, one with the possession’s tax department and the other with the U.S. Internal Revenue Service. This chapter covers the general rules for filing returns in the five possessions.

You must first determine if you are a bona fide resident of the relevant possession. See chapter 1 for a discussion of the requirements you must meet.

You should ask for forms and advice about the filing of possession tax returns from that possession’s tax department, not the Internal Revenue Service. Contact information is listed in this chapter under the heading for each possession.

American Samoa

American Samoa has its own separate and independent tax system. Although its tax laws are modeled on the U.S. Internal Revenue Code, there are certain differences.

Where To Get Forms and Information

Requests for advice about matters connected with Samoan taxation should be sent to:

**Tax Division**
Government of American Samoa
Pago Pago, American Samoa 96799

The phone number is 684-633-4181. The fax number is 684-633-1513.

Caution. The addresses and phone numbers listed above are subject to change.

Which Returns To File

Your residency status and your source of income with regard to American Samoa determine whether you file your return and pay your tax to American Samoa, to the United States, or to both.

In addition to the information below that is categorized by residency status, the Special Rules for American Samoa section (later) contains important information for determining the correct forms to file.

**Bona Fide Resident of American Samoa**

Bona fide residents of American Samoa are generally exempt from U.S. tax on their American Samoa source income.

**U.S. citizen or resident alien.** If you are a U.S. citizen or resident alien and a bona fide resident of American Samoa during the entire tax year, you generally must file the following returns.

- An American Samoa tax return reporting your gross income from worldwide sources. If you report non-American Samoa source income on your American Samoa tax return, you can claim a credit against your American Samoa tax liability for income taxes paid on that income to the United States, a foreign country, or another possession.
- A U.S. tax return reporting income from worldwide sources, but excluding income from sources within American Samoa. However, amounts received for services performed as an employee of the United States or any of its agencies cannot be excluded (see U.S. Government employees under Special Rules for American Samoa, later).
- To exclude American Samoa source income, attach a completed Form 4563 to your U.S. tax return (see Form 4563 on this page for more information). If you are excluding American Samoa source income on your U.S. tax return, you will not be allowed any deductions from gross income or credits against tax that are directly or indirectly allocable to the exempt income. For more information, see Special Rules for Completing Your U.S. Tax Return in chapter 4.

**Nonresident alien.** If you are a nonresident alien, you generally must file the following returns.

- An American Samoa tax return reporting worldwide income.
- A U.S. tax return (Form 1040) reporting income from worldwide sources, but excluding American Samoa source income other than amounts for services performed as an employee of the United States or any of its agencies. For more information, see U.S. Government employees under Special Rules for American Samoa, later. To exclude income from sources within American Samoa, attach a completed Form 4563 to your U.S. tax return (see Form 4563, below, for more information).

For all other tax purposes, however, you will be treated as a nonresident alien individual. For example, you are not allowed the standard deduction, you cannot file a joint return, and you are not allowed a deduction for a dependent unless that person is a citizen or national of the United States. There are also limitations on what deductions and credits are allowed. See Publication 519 for more information.

Form 4563. If you must file a U.S. income tax return and you qualify to exclude any of your income from American Samoa, claim the exclusion by completing Form 4563 and attaching it to your Form 1040. Form 4563 cannot be filed by itself. There is an example of a filled-in Form 4563 in chapter 5.

Where to file. If you are a nonresident alien of American Samoa during the entire tax year, send your U.S. tax return and all attachments to:

- Department of the Treasury
  - Internal Revenue Service Center
  - Austin, TX 73301-0215

Send your American Samoa tax return and all attachments to the address given under Where To Get Forms and Information, earlier.

Not a Bona Fide Resident of American Samoa

An individual who is not a bona fide resident of American Samoa for the tax year generally files both U.S. and American Samoa tax returns, and claims a foreign tax credit on the U.S. return for taxes paid to American Samoa.

**U.S. citizen or resident alien.** If you are a U.S. citizen or resident alien but not a bona fide resident of American Samoa during the entire tax year, you generally must file the following returns.

- An American Samoa tax return reporting only your income from sources within American Samoa. Wages for services performed in American Samoa, whether for a private employer, the U.S. Government, or otherwise, is income from sources within American Samoa.
- A U.S. tax return reporting your income from worldwide sources. You can take a credit against your U.S. tax liability if you paid income taxes to American Samoa (or other possession or foreign country) and reported income from those sources on your U.S. tax return.

You can access the Samoan website at www.americansamoa.gov/taxforms/taxform.
Nonresident alien. If you are a nonresident alien of the United States who does not qualify as a bona fide resident of American Samoa for the entire tax year, you generally must file the following returns.

- An American Samoa tax return reporting only your income from sources within American Samoa. In this situation, wages for services performed in American Samoa, whether for a private employer, the U.S. Government, or otherwise, is income from sources within American Samoa.
- A U.S. tax return (Form 1040NR) reporting U.S. source income according to the rules for a nonresident alien. See the instructions for Form 1040NR, U.S. Nonresident Alien Income Tax Return.

Where to file. If you are not a bona fide resident of American Samoa during the entire tax year, send your U.S. tax return and all attachments to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215.

Send your American Samoa tax return and all attachments to the address given under Where To Get Forms and Information, earlier.

Special Rules for American Samoa

Some special rules apply to certain types of income and employment connected with American Samoa.

U.S. Armed Forces. Bona fide residents of American Samoa include military personnel whose official home of record is American Samoa.

U.S. Government employees. If you are employed in American Samoa by the U.S. Government or any of its agencies, you are subject to tax by American Samoa on your pay from the government. Whether you are subject to tax by American Samoa on your non-American Samoa source income depends on your status in American Samoa as a bona fide resident.

Wages and salaries paid to employees of the U.S. Government and its agencies are subject to U.S. federal income tax. These payments do not qualify for the exclusion of income from sources within American Samoa, discussed earlier.

For tax years ending after April 9, 2008, wages and salaries paid to bona fide residents by the Government of American Samoa can be excluded on the U.S. tax return. If you report government wages on both your U.S. and American Samoa tax returns, you can take a credit on your U.S. tax return for income taxes paid or accrued to American Samoa. Figure the credit on Form 1116, and attach that form to your U.S. tax return, Form 1040. Show your wages paid for services performed in American Samoa on Form 1116, line 1a, enter “American Samoa” on line g, and check box b above Part I.

Moving expense deduction. Generally, expenses of a move to American Samoa are directly attributable to American Samoa wages, salaries, and other earned income. Likewise, the expenses of a move back to the United States are generally attributable to U.S. earned income. If your move was to American Samoa, report your deduction for moving expenses as follows.

- If you are a bona fide resident in the tax year of your move, enter your deductible expenses on your American Samoa tax return.
- If you are not a bona fide resident, enter your deductible expenses on both your American Samoa and U.S. tax returns. Also, for purposes of a tax credit against your U.S. tax liability, reduce your American Samoa “general category income” on Form 1116, line 1a, by entering the deductible moving expenses on line 2.

If your move was to the United States, complete Form 3903, Moving Expenses, and enter the deductible amount on Form 1040, line 26.

Self-employment tax. If you are not required to file a U.S. tax return but have income that is effectively connected with a trade or business in American Samoa, you must file Form 1040-SS with the United States. On this form you will report your self-employment income to the United States and, if necessary, pay self-employment tax on that income.

Double Taxation

A mutual agreement procedure exists to settle cases of double taxation between the United States and American Samoa. See Double Taxation in chapter 4.

The Commonwealth of Puerto Rico

The Commonwealth of Puerto Rico has its own separate and independent tax system. Although it is modeled after the U.S. system, there are differences in law and tax rates.

Where To Get Forms and Information

Requests for information about the filing of Puerto Rican tax returns should be addressed to:

Departamento de Hacienda
Negociado de Asistencia Contributiva
P.O. Box 9204140
San Juan, Puerto Rico 00902-4140

The phone number is 787-721-2020, extension 3611. You can also call 1-800-981-9236 toll free from within Puerto Rico but outside the San Juan metropolitan area.

To obtain Puerto Rican tax forms, contact the Forms and Publications Division Office at the above address or call 787-721-2020, extensions 2645 or 2646.

Caution. The addresses and phone numbers listed above are subject to change.

Which Returns To File

Generally, you will file returns with both Puerto Rico and the United States. The income reported on each return depends on your residency status in Puerto Rico. To determine if you are a bona fide resident of Puerto Rico, see the information in chapter 1.

Bona Fide Resident of Puerto Rico

Bona fide residents of Puerto Rico will generally pay tax to Puerto Rico on their worldwide income.

U.S. citizen or resident alien. If you are a U.S. citizen or resident alien and also a bona fide resident of Puerto Rico during the entire tax year, you generally must file the following returns.

- A Puerto Rican tax return reporting income from worldwide sources. If you report U.S. source income on your Puerto Rican tax return, you can claim a credit against your Puerto Rican tax, up to the amount allowable, for income taxes paid to the United States.
- A U.S. tax return reporting income from worldwide sources, but excluding Puerto Rican source income. However, see U.S. Government employees under Special Rules for Puerto Rico, later, for an exception.

If you are excluding Puerto Rican income from your U.S. tax return, you will not be allowed any deductions or credits that are directly or indirectly allocable to exempt income. For more information, see Special Rules for Completing Your U.S. Tax Return in chapter 4.

If all of your income is from Puerto Rican sources, you are not required to file a U.S. tax return. However, if you have self-employment income, see Self-employment tax, on the next page.

U.S. citizen only. If you are a U.S. citizen, you may also qualify under these rules if you have been a bona fide resident of Puerto Rico for at least 2 years before moving from Puerto Rico. In this case, you can exclude your income derived from sources within Puerto Rico (but not wages and salaries received as an employee of the U.S. Government or its agencies) that you earned before the date you changed your residency. For more information, see Puerto Rico under Special Rules in the Year of a Move in chapter 1.

Nonresident alien. If you are a bona fide resident of Puerto Rico during the entire tax year, but a nonresident alien of the United States, you generally must file the following returns.
A Puerto Rican tax return reporting income from worldwide sources. If you report U.S. source income on your Puerto Rican tax return, you can claim a credit against your Puerto Rican tax, up to the amount allowable, for income taxes paid to the United States.

A U.S. tax return (Form 1040) reporting income from worldwide sources, but excluding Puerto Rican source income (other than amounts for services performed as an employee of the United States or any of its agencies). For tax purposes other than reporting income, however, you will be treated as a nonresident alien individual. For example, you are not allowed the standard deduction, you cannot file a joint return, and you are not allowed a deduction for a dependent unless that person is a citizen or national of the United States. There are also limitations on what deductions and credits are allowed. See Publication 519 for more information.

Not a Bona Fide Resident of Puerto Rico
An individual who is not a bona fide resident of Puerto Rico for the tax year generally files tax returns with both Puerto Rico and the United States.

U.S. citizen or resident alien. If you are a U.S. citizen or resident alien but not a bona fide resident of Puerto Rico during the entire tax year, you generally must file the following returns:

- A Puerto Rican tax return reporting only your income from Puerto Rican sources. Wages for services performed in Puerto Rico, whether for a private employer, the U.S. Government, or otherwise, is income from Puerto Rican sources.
- A U.S. tax return reporting income from worldwide sources. Generally, you can claim a foreign tax credit for income taxes paid to Puerto Rico on the Puerto Rican income tax if it is not exempt from U.S. taxes. See chapter 4 for more information.

Nonresident alien. If you are a nonresident alien of the United States who does not qualify as a bona fide resident of Puerto Rico for the entire tax year, you generally must file the following returns:

- A Puerto Rican tax return reporting only your income from Puerto Rican sources. Wages for services performed in Puerto Rico, whether for a private employer, the U.S. Government, or otherwise, is income from Puerto Rican sources.
- A U.S. tax return (Form 1040NR) according to the rules for a nonresident alien. See the instructions for Form 1040NR.

Where To File
Use the addresses listed below to file your U.S. and Puerto Rico income tax returns.

Send your U.S. tax return and all attachments to:
Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

If you request a refund, send your Puerto Rican tax return and all attachments to:
Departamento de Hacienda
P.O. Box 50072
San Juan, PR 00902-6272

Send all other Puerto Rican tax returns, with all attachments, to:
Departamento de Hacienda
P.O. Box 9022501
San Juan, PR 00902-2501

Special Rules for Puerto Rico
In addition to the above general rules for filing U.S. and Puerto Rico tax returns, there are some special rules that apply to certain individuals and types of income.

U.S. Government employees. Wages and cost-of-living allowances paid by the U.S. Government (or one of its agencies) for working in Puerto Rico are subject to Puerto Rican tax. However, the cost-of-living allowances are excluded from Puerto Rican gross income up to the amount exempt from U.S. tax. In order to claim this exclusion, you must:

- Include with your Puerto Rican tax return evidence to show the amount received during the year,
- Be in full compliance with your Puerto Rican tax responsibilities.

These wages are also subject to U.S. tax, but the cost-of-living allowances are excludable. A foreign tax credit is available in order to avoid double taxation.

Income from sources outside Puerto Rico and the United States. If you are a U.S. citizen or resident alien of Puerto Rico and you have income from sources outside both Puerto Rico and the United States, that income is treated as foreign source income under both tax systems. In addition to your Puerto Rican and U.S. tax returns, you may also have to file a return with the country or possession from which your outside income was derived. To avoid double taxation, a foreign tax credit is generally available for either the U.S. or Puerto Rican return.

Example. Thomas Red is a bona fide resident of Puerto Rico and a U.S. citizen. He traveled to the Dominican Republic and worked in the construction industry for 1 month. His wages were $20,000. Because the wages were earned outside Puerto Rico and outside the United States, Thomas must file a tax return with Puerto Rico and the United States. He may also have to file a tax return with the Dominican Republic.

Moving expense deduction. Generally, expenses of a move to Puerto Rico are directly attributable to wages, salaries, and other earned income from Puerto Rico. Likewise, the expenses of a move back to the United States are generally attributable to U.S. earned income.

If your move was to Puerto Rico, report your deduction for moving expenses as follows:

- If you are a bona fide resident in the tax year of your move, enter your deductible expenses on your Puerto Rican tax return.
- If you are not a bona fide resident, enter your deductible expenses on both your Puerto Rican and U.S. tax returns. Also, for purposes of a tax credit against your U.S. tax liability, reduce your Puerto Rican "general category income" on Form 1116, line 1a, by entering the deductible moving expenses on line 2.

If your move was to the United States, complete Form 3903, Moving Expenses, and enter the deductible amount on Form 1040, line 26.

Additional child tax credit. If you are not required to file a U.S. income tax return, this credit is available only if you meet all three of the following conditions:

- You were a bona fide resident of Puerto Rico during the entire tax year.
- Social security and Medicare taxes were withheld from your wages or you paid self-employment tax.
- You had three or more qualifying children. (For the definition of a qualifying child, see the instructions for Form 1040-PR or Form 1040-SS.)

If your income exceeds certain levels, you may be disqualified from receiving this credit. Use Form 1040-PR or Form 1040-SS to claim the additional child tax credit.

Advice about possible tax benefits under the Puerto Rican investment incentive programs is available from the Puerto Rican tax authorities.

Self-employment tax. If you have no U.S. filing requirement but have income that is effectively connected with a trade or business in Puerto Rico, you must file Form 1040-SS or Form 1040-PR with the United States to report your self-employment income and, if necessary, pay self-employment tax.

Double Taxation
A mutual agreement procedure exists to settle cases of double taxation between the United States and the Commonwealth of Puerto Rico. See Double Taxation in chapter 4.

The Commonwealth of the Northern Mariana Islands
The Commonwealth of the Northern Mariana Islands (CNMI) has its own tax system based partly on the same tax laws and tax rates that apply to the United States and partly on local taxes imposed by the CNMI government.
Where To Get Forms and Information

Requests for advice about CNMI residency and tax matters should be addressed to:
Department of Finance
Division of Revenue and Taxation
Commonwealth of the Northern Mariana Islands
P.O. Box 5234 CHRB
Saipan, MP 96950

The phone number is 670-664-1000. The fax number is 670-664-1015.

You can access the CNMI website at www.cnmidonf.net.

Caution. The addresses and phone numbers listed above are subject to change.

Which Return To File

In general, all individuals with income from the CNMI will file only one return, either to the CNMI or to the United States. Your residency status with regard to the CNMI determines which return you will file. Be sure to check the Special Rules for the CNMI on this page, for additional information about filing your tax return.

Bona Fide Resident of the CNMI

If you are a U.S. citizen, resident alien, or non-resident alien and a bona fide resident of the CNMI during the entire tax year, file your income tax return with the CNMI.

• Include income from worldwide sources on your CNMI return. In determining your total tax payments, include all income tax withheld by either the CNMI or the United States, any credit for an overpayment of income tax to either the CNMI or the United States, and any payments of estimated tax to either the CNMI or the United States. Pay any balance of tax due with your tax return.

• Generally, if you properly file your return with, and fully pay your income tax to, the CNMI, then you are not liable for filing an income tax return with, or for paying tax to, the United States for the tax year. However, if you were self-employed in 2009, see Self-employment tax, later.

Example. David Gold was a bona fide resident of the CNMI for 2009. He received wages of $30,000 paid by a private employer in the CNMI and dividends of $4,000 from U.S. corporations that carry on business mainly in the United States. He must file a 2009 income tax return with the CNMI Division of Revenue and Taxation. He reports his total income of $34,000 on the CNMI return.

Where to file. If you are a bona fide resident of the CNMI for the entire tax year, send your return to the Division of Revenue and Taxation at the address given earlier.

U.S. Citizen or Resident Alien (Other Than a Bona Fide Resident of the CNMI)

If you have income from sources within the CNMI and are a U.S. citizen or resident alien, but you are not a bona fide resident of the CNMI during the entire tax year, file your income tax return with the United States.

• Include income from worldwide sources on your U.S. return. In determining your total tax payments, include all income tax withheld by either the United States or the CNMI, any credit for an overpayment of income tax to either the United States or the CNMI, and any payments of estimated tax to either the United States or the CNMI. Pay any balance of tax due with your tax return.

• You are not liable for filing an income tax return with, or for paying tax to, the CNMI for the tax year.

Form 5074. If you file a U.S. income tax return, attach a completed Form 5074 if you (and your spouse if filing a joint return) have:

• Adjusted gross income of $50,000 or more for the tax year, and

• Gross income of $5,000 or more from sources within the CNMI.

The United States and the CNMI use this form to divide your income taxes.

There is an example of a filled-in Form 5074 in chapter 5.

Where to file. If you are a citizen or resident alien of the United States but not a bona fide resident of the CNMI during the entire tax year, send your return to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

Nonresident Alien (Other Than a Bona Fide Resident of the CNMI)

If you are a nonresident alien of the United States who does not qualify as a bona fide resident of the CNMI for the entire tax year, you generally must file the following returns.

• A CNMI tax return reporting only your income from sources within the CNMI. In this situation, wages for services performed in the CNMI, whether for a private employer, the U.S. Government, or otherwise, is income from sources within the CNMI.

• A U.S. tax return (Form 1040NR) reporting U.S. source income according to the rules for a nonresident alien. See the instructions for Form 1040NR, U.S. Nonresident Alien Income Tax Return.

Where to file. If you are not a bona fide resident of the CNMI during the entire tax year, send your U.S. tax return and all attachments to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

Send your CNMI tax return to the Division of Revenue and Taxation at the address given earlier.

Citizen of the CNMI

If you are a citizen of the CNMI (meaning that you were born or naturalized in the CNMI) but not otherwise a U.S. citizen or a U.S. resident alien during the tax year, file your income tax return with the CNMI. Include income from worldwide sources on your CNMI return. Take into account tax withheld by both jurisdictions in determining if there is tax overdue or an overpayment. Pay any balance of tax due with your tax return.

Where to file. If you are a citizen of the CNMI, send your return to the Division of Revenue and Taxation at the address given earlier.

Special Rules for the CNMI

Special rules apply to certain types of income, employment, and filing status.

Joint return. If you file a joint return, file your return (and pay the tax) with the jurisdiction where the spouse who has the greater adjusted gross income (AGI) would have to file if you were filing separately. If the spouse with the greater AGI is a bona fide resident of the CNMI during the entire tax year, file the joint return with the CNMI. If the spouse with the greater AGI is a U.S. citizen or resident alien but not a bona fide resident of the CNMI during the entire tax year, file your joint return with the United States. For this purpose, income is determined without regard to community property laws.

Example. Marsha Blue, a U.S. citizen, was a resident of the United States, and her husband, a citizen of the CNMI, was a bona fide resident of the CNMI during the entire tax year. Marsha earned $65,000 as a computer programmer in the United States. Her husband earned $20,000 as an artist in the CNMI. Mr. and Mrs. Blue will file a joint return. Because Marsha has the greater AGI, the Blues must file their return with the United States and report the entire $85,000 on that return.

U.S. Armed Forces. If you are a member of the U.S. Armed Forces who qualified as a bona fide resident of the CNMI in a prior tax year, your absence from the CNMI solely in compliance with military orders will not change your bona fide residency. If you did not qualify as a bona fide resident of the CNMI in a prior tax year, your presence in the CNMI solely in compliance with military orders will not qualify you as a bona fide resident of the CNMI.

Moving expense deduction. Generally, expenses of a move to the CNMI are directly attributable to wages, salaries, and other earned income from the CNMI. Likewise, the expenses...
of a move back to the United States are generally attributable to U.S. earned income.

If your move was to the CNMI, report your deduction for moving expenses as follows.

- If you are a bona fide resident in the tax year of your move, enter your deductible expenses on your CNMI tax return.
- If you are not a bona fide resident, enter your deductible expenses on Form 3903, Moving Expenses, and enter the deductible amount on Form 1040, line 26, and on Form 5074, line 20.

If your move was to the United States, complete Form 3903 and enter the deductible amount on Form 1040, line 26.

Foreign tax credit. Under the filing rules explained earlier, individuals with CNMI source income normally will not claim a foreign tax credit on a U.S. income tax return for tax paid to the CNMI.

Self-employment tax. If you have no U.S. filing requirement, but have income that is effectively connected with a trade or business in the CNMI, you must file Form 1040-SB with the United States to report your self-employment income and, if necessary, pay self-employment tax.

Payment of estimated tax. If you must pay estimated tax, make your payment to the jurisdiction where you would file your income tax return if your tax year were to end on the date your first estimated tax payment is due. Generally, you should make the rest of your quarterly payments of estimated tax to the jurisdiction where you made your first payment of estimated tax. However, estimated tax payments to either jurisdiction will be treated as payments to the jurisdiction with which you file the tax return. If you make a joint payment of estimated tax, make your payment to the jurisdiction where the spouse who has the greater estimated AGI would have to pay (if a separate payment were made). For this purpose, income is determined without regard to community property laws.

Early payment. If you make your first payment of estimated tax early, follow the rules above to determine where to send it. If you send it to the wrong jurisdiction, make all later payments to the jurisdiction to which the first payment should have been sent.

Double Taxation

A mutual agreement procedure exists to settle cases of double taxation between the United States and the CNMI. See Double Taxation in chapter 4.

Guam

Guam has its own tax system based on the same tax laws and tax rates that apply in the United States.

Where To Get Forms and Information

Requests for advice about Guam residency and tax matters should be addressed to:

Department of Revenue and Taxation
P.O. Box 23607
GMF, GU 96921

The phone number is 671-635-1840 or 671-635-1841. The fax number is 671-633-2643.

You can access the Guam Department of Revenue and Taxation website at www.guamtax.com.

Caution. The addresses and phone numbers listed above are subject to change.

Which Return To File

Bona fide residents of Guam are subject to special U.S. tax rules. In general, all individuals with income from Guam will file only one return—either to Guam or the United States.

Bona Fide Resident of Guam

If you are a bona fide resident of Guam during the entire tax year, file your return with Guam. This applies to all bona fide residents who are citizens, resident aliens, or nonresident aliens of the United States.

- Include income from worldwide sources on your Guam return. In determining your total tax payments, include all income tax withheld by either Guam or the United States, any credit for an overpayment of income tax to either Guam or the United States, and any payments of estimated tax to either Guam or the United States. Pay any balance of tax due with your tax return.

- Generally, if you properly file your return with, and fully pay your income tax to, Guam, then you are not liable for filing an income tax return with, or for paying tax to, the United States. However, if you were self-employed in 2009, see Self-employment tax, later.

Example. Gary Barker was a bona fide resident of Guam for 2009. He received wages of $25,000 paid by a private employer in Guam and dividends of $2,000 from U.S. corporations that carry on business mainly in the United States. He must file a 2009 income tax return with the Government of Guam. He reports his total income of $27,000 on the Guam return.

Where to file. If you are a bona fide resident of Guam for the entire tax year, file your return with the Department of Revenue and Taxation at the address given earlier.

U.S. Citizen or Resident Alien (Other Than a Bona Fide Resident of Guam)

If you have income from sources within Guam and are a U.S. citizen or resident alien, but you are not a bona fide resident of Guam during the entire tax year, file your income tax return with the United States.

- Include income from worldwide sources on your U.S. return. You must file a completed Form 5074 if you (and your spouse if filing a joint return) have:
  - Adjusted gross income of $50,000 or more for the tax year, and
  - Gross income of $5,000 or more from sources within Guam.

The United States and Guam use this form to divide your income taxes. There is an example of a filled-in Form 5074 in chapter 5.

Where to file. If you are a citizen or resident alien of the United States but not a bona fide resident of Guam during the entire tax year, send your return to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

Nonresident Alien (Other Than a Bona Fide Resident of Guam)

If you are a nonresident alien of the United States who does not qualify as a bona fide resident of Guam for the entire tax year, you generally must file the following returns:

- A Guam tax return reporting only your income from sources within Guam. In this situation, wages for services performed in Guam, whether for a private employer, the U.S. Government, or otherwise, is income from sources within Guam.
- A U.S. tax return (Form 1040NR) reporting U.S. source income according to the rules for a nonresident alien. See the instructions for Form 1040NR, U.S. Nonresident Alien Income Tax Return.

Where to file. If you are not a bona fide resident of Guam during the entire tax year, send your U.S. tax return and all attachments to:
Send your Guam tax return to the Department of Revenue and Taxation at the address given earlier.

Citizen of Guam
If you are a citizen of Guam (meaning that you were born or naturalized in Guam) but not otherwise a U.S. citizen or a U.S. resident alien during the tax year, file your income tax return with Guam. Include income from worldwide sources on your Guam return. Take into account tax withheld by both jurisdictions in determining if there is tax overdue or an overpayment. Pay any balance of tax due with your tax return.

Where to file. If you are a citizen of Guam, send your return to the Division of Revenue and Taxation at the address given earlier.

Special Rules for Guam
Special rules apply to certain types of income, employment, and filing status.

Joint return. If you file a joint return, you should file your return (and pay the tax) with the jurisdiction where the spouse who has the greater adjusted gross income (AGI) would have to file if you were filing separately. If the spouse with the greater AGI is a bona fide resident of Guam during the entire tax year, file the joint return with Guam. If the spouse with the greater AGI is a U.S. citizen or resident alien but not a bona fide resident of Guam during the entire tax year, file the joint return with the United States. For this purpose, income is determined without regard to community property laws.

Example. Bill Whiting, a U.S. citizen, was a resident of the United States, and his wife, a citizen of Guam, was a bona fide resident of Guam during the entire tax year. Bill earned $45,000 as an engineer in the United States. His wife earned $15,000 as a teacher in Guam. Mr. and Mrs. Whiting will file a joint return. Because Bill has the greater AGI, the Whiting will file their return with the United States and report the entire $60,000 on that return.

U.S. Armed Forces. If you are a member of the U.S. Armed Forces who qualified as a bona fide resident of Guam in a prior tax year, your absence from Guam solely in compliance with military orders will not change your bona fide residency. If you did not qualify as a bona fide resident of Guam in a prior tax year, your presence in Guam solely in compliance with military orders will not qualify you as a bona fide resident of Guam.

Moving expense deduction. Generally, expenses of a move to Guam are directly attributable to wages, salaries, and other earned income from Guam. Likewise, the expenses of a move back to the United States are generally attributable to U.S. earned income.

If your move was to Guam, report your deduction for moving expenses as follows.

- If you are a bona fide resident in the tax year of your move, enter your deductible expenses on your Guam tax return.
- If you are not a bona fide resident, enter your deductible expenses on Form 3903, Moving Expenses, and enter the deductible amount on Form 1040, line 26, and on Form 5074, line 20.

If your move was to the United States, complete Form 3903 and enter the deductible amount on Form 1040, line 26.

Foreign tax credit. Under the filing rules explained earlier, individuals with Guam source income normally will not claim a foreign tax credit on a U.S. income tax return for tax paid to Guam.

Self-employment tax. If you have no U.S. filing requirement, but have income that is effectively connected with a trade or business in Guam, you must file Form 1040-SS with the United States to report your self-employment income and, if necessary, pay self-employment tax.

Payment of estimated tax. If you must pay estimated tax, make your payment to the jurisdiction where you would file your income tax return if your tax year were to end on the date your first estimated tax payment is due. Generally, you should make the rest of your quarterly payments of estimated tax to the jurisdiction where you made your first payment of estimated tax. However, estimated tax payments to either jurisdiction will be treated as payments to the jurisdiction with which you file the tax return. If you make a joint payment of estimated tax, make your payment to the jurisdiction where the spouse who has the greater estimated AGI would have to pay (if a separate payment were made). For this purpose, income is determined without regard to community property laws.

Early payment. If you make your first payment of estimated tax early, follow the rules above to determine where to send it. If you send it to the wrong jurisdiction, make all later payments to the jurisdiction to which the first payment should have been sent.

Double Taxation
A mutual agreement procedure exists to settle cases of double taxation between the United States and Guam. See Double Taxation in chapter 4.

The U.S. Virgin Islands
An important factor in USVI taxation is whether, during the entire tax year, you are a bona fide resident of the USVI.
Chapter 4  Filing U.S. Tax Returns

1040INFO to your Form 1040 before filing. You can get Form 1040INFO by contacting the address or website given earlier.

Where to file. If you are a bona fide resident of the USVI for the entire tax year, file your return with the Virgin Islands Bureau of Internal Revenue at the address given under Where To Get Forms and Information, earlier.

U.S. Citizen or Resident Alien (Other Than a Bona Fide Resident of the USVI)

If you are a U.S. citizen or resident alien but not a bona fide resident of the USVI during the entire tax year, you must file identical tax returns with the United States and the USVI if you have:

• Income from sources in the USVI, or
• Income effectively connected with the conduct of a trade or business in the USVI.

File your original Form 1040 with the United States and file a signed copy of the U.S. return (including all attachments, forms, and schedules) with the Virgin Islands Bureau of Internal Revenue by the due date for filing Form 1040. Use Form 8689 to figure the amount of tax you must pay to the USVI.

Form 8689. Complete this form and attach it to both the return you file with the United States and the copy you file with the USVI. Figure the amount of tax you must pay to the USVI as follows:

\[
\text{Total tax on U.S. return (after certain adjustments)} \times \frac{\text{USVI AGI}}{\text{Worldwide AGI}}
\]

Pay any tax due to the USVI when you file your return with the Virgin Islands Bureau of Internal Revenue. If you receive credit for taxes paid to the USVI, include the amounts from Form 8689, lines 40 and 44, in the total on Form 1040, line 71. On the dotted line next to line 71, enter “Form 8689” and show the amounts.

See the illustrated example in chapter 5.

Where to file. If you are not a bona fide resident of the USVI during the entire tax year, but you have USVI source income, file Form 1040 and all attachments with:

Department of the Treasury Internal Revenue Service Center Austin, TX 73301-0215

File the copy with the Virgin Islands Bureau of Internal Revenue at the address given under Where To Get Forms and Information, earlier.

Nonresident Alien (Other Than a Bona Fide Resident of the USVI)

If you are a nonresident alien of the United States who does not qualify as a bona fide resident of the USVI for the entire tax year, you generally must file the following returns:

• A USVI tax return reporting only your income from sources within the USVI. In this situation, wages for services performed in the USVI, whether for a private employer, the U.S. Government, or otherwise, is income from sources within the USVI.
• A U.S. tax return (Form 1040NR) reporting U.S. source income according to the rules for a nonresident alien. See the instructions for Form 1040NR, U.S. Nonresident Alien Income Tax Return.

Where to file. If you are not a bona fide resident of the USVI during the entire tax year, send your U.S. tax return and all attachments to:

Department of the Treasury Internal Revenue Service Center Austin, TX 73301-0215

Send your USVI tax return and all attachments to the address given under Where To Get Forms and Information, earlier.

Special Rules for the USVI

There are some special rules for certain types of income, employment, and filing status.

Joint return. If you file a joint return, you should file your return (and pay the tax) with the jurisdiction where the spouse who has the greater adjusted gross income (AGI) would have to file if you were filing separately. If the spouse with the greater AGI is a bona fide resident of the USVI during the entire tax year, file the joint return with the USVI. If the spouse with the greater AGI is a U.S. citizen or resident alien of the United States but not a bona fide resident of the USVI during the entire tax year, file the joint return with the United States. For this purpose, income is determined without regard to community property laws.

Example. Marge Birch, a U.S. citizen, was a resident of the United States, and her husband, a citizen of the USVI, was a bona fide resident of the USVI during the entire tax year. Marge earned $55,000 as an architect in the United States. Her husband earned $30,000 as a librarian in the USVI. Mr. and Mrs. Birch will file a joint return. Because Marge has the greater AGI, the Birches must file their return with the United States and report the entire $85,000 on that return.

Moving expense deduction. Generally, expenses of a move to the USVI are directly attributable to wages, salaries, and other earned income from the USVI. Likewise, the expenses of a move back to the United States are generally attributable to U.S. earned income.

If your move was to the USVI, report your deduction for moving expenses as follows.

• If you are a bona fide resident in the tax year of your move, enter your deductible expenses on your USVI tax return.
• If you are not a bona fide resident, enter your deductible expenses on Form 3903, Moving Expenses, and enter the deductible amount on Form 1040, line 26, and on Form 8689, line 20.

If your move was to the United States, complete Form 3903 and enter the deductible amount on Form 1040, line 26.

Foreign tax credit. Under the filing rules explained earlier, individuals with USVI source income normally will not claim a foreign tax credit on a U.S. income tax return for tax paid to the USVI. However, individuals other than bona fide residents of the USVI may claim a direct credit for such tax (see Form 6609 earlier in this section).

Self-employment tax. If you have no U.S. filing requirement, but have income that is effectively connected with a trade or business in the USVI, you must file Form 1040-SS with the United States to report your self-employment income and, if necessary, pay self-employment tax.

Extensions of time to file. You can get an automatic 6-month extension of time to file your tax return. See Extensions of Time To File in chapter 4. Bona fide residents of the USVI during the entire tax year must file a paper Form 8686 with the Virgin Islands Bureau of Internal Revenue. Nonresidents of the USVI should file separate extension requests with the IRS and the Virgin Islands Bureau of Internal Revenue and make any payments due to the respective jurisdictions. However, the Virgin Islands Bureau of Internal Revenue will honor an extension request that is timely filed with the IRS.

Double Taxation

A mutual agreement procedure exists to settle cases of double taxation between the United States and the U.S. Virgin Islands. See Double Taxation in chapter 4.

4. Filing U.S. Tax Returns

The information in chapter 3 will tell you if a U.S. income tax return is required for your situation. If a U.S. return is required, your next step is to see if you meet the filing requirements. If you do meet the filing requirements, the information presented in this chapter will help you understand the special procedures involved. This chapter discusses:

• Filing requirements,
• When to file your return,
• Where to send your return,
• How to adjust your deductions and credits if you are excluding income from American Samoa or Puerto Rico,
• The current rules for income from American Samoa or Puerto Rico,
• How to make estimated tax payments and pay self-employment tax, and
• How to request assistance in resolving instances of double taxation.
Who Must File

If you are not required to file a possession tax return that includes your worldwide income, you must generally file a U.S. income tax return if your gross income is at least the amount shown in Table 4-1, later, for your filing status and age. If you were a bona fide resident of American Samoa or Puerto Rico and are able to exclude your possession income from your U.S. tax return, your filing requirement may be less than the amount in Table 4-1. For details, see the information under Filing Requirement if Possession Income Is Excluded, below.

Some individuals (such as those who can be claimed as a dependent on another person’s return or who owe certain taxes, such as self-employment tax) must file a tax return even though the gross income is less than the amount shown in Table 4-1 for their filing status and age. For more information, see the Form 1040 instructions.

Filing Requirement if Possession Income Is Excluded

If you were a bona fide resident of American Samoa or Puerto Rico and qualify to exclude possession income on your U.S. tax return, you must determine your adjusted filing requirement. Generally, your filing requirement is based on the total of your (and your spouse’s if filing a joint return) personal exemption(s) plus your standard deduction.

Personal exemption. When figuring your filing requirement, your personal exemption is allowed in full. Do not reduce it for this purpose. Do not include exemptions for your dependents.

Allowable standard deduction. Unless your filing status is married filing separately, the minimum income level at which you must file a return is based, in part, on the standard deduction for your filing status and age. Because the standard deduction applies to all types of income, it must be divided between your excluded income and income from other sources. Multiply the regular standard deduction for your filing status and age (this is zero if you are married filing a separate return; all others, see Form 1040 instructions) by the following fraction:

<table>
<thead>
<tr>
<th>Gross income subject to U.S. income tax</th>
<th>Gross income from all sources (including excluded possession income)</th>
</tr>
</thead>
</table>

Table 4-1.

2009 Filing Requirements Chart for Most Taxpayers

<table>
<thead>
<tr>
<th>IF your filing status is...</th>
<th>AND at the end of 2009 you were...</th>
<th>THEN file a return if your gross income* was at least...</th>
</tr>
</thead>
<tbody>
<tr>
<td>single</td>
<td>under 65</td>
<td>$ 9,350</td>
</tr>
<tr>
<td></td>
<td>65 or older</td>
<td>$10,750</td>
</tr>
<tr>
<td>married filing jointly**</td>
<td>under 65 (both spouses)</td>
<td>$18,700</td>
</tr>
<tr>
<td></td>
<td>65 or older (one spouse)</td>
<td>$19,800</td>
</tr>
<tr>
<td></td>
<td>65 or older (both spouses)</td>
<td>$20,900</td>
</tr>
<tr>
<td>married filing separately</td>
<td>any age</td>
<td>$ 3,650</td>
</tr>
<tr>
<td>head of household</td>
<td>under 65</td>
<td>$12,000</td>
</tr>
<tr>
<td></td>
<td>65 or older</td>
<td>$13,400</td>
</tr>
<tr>
<td>qualifying widow(er)</td>
<td>with dependent child</td>
<td>$15,050</td>
</tr>
<tr>
<td></td>
<td>under 65</td>
<td>$16,150</td>
</tr>
<tr>
<td></td>
<td>65 or older</td>
<td>$16,150</td>
</tr>
</tbody>
</table>

* Gross income includes all income you received in the form of money, goods, property, and services that is not exempt from tax, including any income from sources outside the United States (even if you can exclude part or all of it). Do not include social security benefits unless (a) they are all your income for the year and you are not required to file a separate return and you lived with your spouse at some time during 2009, or (b) one-half of your social security benefits plus your other gross income is more than $25,000 ($32,000 if married filing jointly). If (a) or (b) applies, see the instructions for Form 1040 or Publication 915, Social Security and Equivalent Railroad Retirement Benefits, to figure the taxable part of social security benefits you must include in gross income.

** If you did not live with your spouse at the end of 2009 (or on the date your spouse died) and your gross income was at least $3,650, you must file a return regardless of your age.
on or before the due date, including any exten-
sions. If you use a private delivery service design-
ated by the IRS, generally the postmark date is the
date the private delivery service records in
database or marks on the mailing label. See
your form instructions for a list of designated
private delivery services.

Extensions of Time To File
You can get an extension of time to file your
return. Special rules apply for those living
outside the United States.

Automatic 6-Month Extension
If you cannot file your 2009 return by the due
date, you can get an automatic 6-month exten-
sion of time to file.

Example. If your return must be filed by
April 15, 2010, you will have until October 15,
2010, to file.

Although you are not required to make a
payment of the tax you estimate as due, Form 4868 does not extend the
time to pay taxes. If you do not pay the amount
due by the regular due date (generally, April 15),
you will owe interest on any unpaid tax from the
original due date to the date you pay the tax.
You may also be charged penalties (see the
instructions for Form 4868).

How to get the automatic extension. You
can get the automatic 6-month extension if you
do one of the following by the due date for filing
your return.

- E-file Form 4868 using your personal com-
puter or a tax professional.
- E-file and pay by credit or debit card. Your
payment must be at least $1. You may
pay by phone or over the Internet. Do not
file Form 4868.
- File a paper Form 4868. If you are a fiscal
year taxpayer, you must file a paper Form
4868.

See Form 4868 for information on getting an
extension using these options.

When to file. You must request the automatic
extension by the due date for your return. You
can file your return any time before the 6-month
extension period ends.

When you file your return. Enter any pay-
ment you made related to the extension of time
to file on Form 1040, line 68. If you file Form
1040A or Form 1040EZ, include that payment in
your total payments on Form 1040A, line 44, or
Form 1040EZ, line 10. Also enter "Form 4868"
and the amount paid in the space to the left of
the entry space for line 44 or line 10.

You cannot ask the Internal Revenue
Service to figure your tax if you use the
extension of time to file.

Individuals Outside the United States
You are allowed an automatic 2-month exten-
sion (until June 15, 2010, if you use the calendar
year) to file your 2009 return and pay any federal
income tax due if:
1. You are a U.S. citizen or resident, and
2. On the due date of your return:
   a. You are living outside of the United
States and Puerto Rico, and your main
place of business or post of duty is
outside the United States and Puerto
Rico, or
   b. You are in military or naval service on
duty outside the United States and Puerto
Rico.

However, if you pay the tax due after the
regular due date (generally April 15), interest will
be charged from that date until the date the tax is
paid.

If you serve in a combat zone or qualified
hazardous duty area, you may be eligible for a
longer extension of time to file. For more infor-
mation, see Publication 3, Armed Forces' Tax
Guide.

Married taxpayers. If you file a joint return,
only one spouse has to qualify for this automatic
extension. If you and your spouse file separate
returns, this automatic extension applies only to
the spouse who qualifies.

How to get the extension. To use this special
automatic extension, you must attach a state-
ment to your return explaining what situation
qualified you for the extension. (See the situa-
tions listed under (2), earlier.)

Extensions beyond 2 months. If you cannot
file your 2009 return within the automatic
2-month extension period, you can get an addi-
tional 4-month extension, for a total of 6 months.
File Form 4868 by the end of the automatic
extension period (June 15, 2010, for calendar
year taxpayers). Be sure to check the box on
Form 4868, line 8, if appropriate.

In addition to this 6-month extension, taxpay-
ers who are out of the country (as defined under
line 2) and the additional 2 months. Send the letter by
the extended due date (October 15 for calendar
year taxpayers) to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

You will not receive any notification from the
IRS unless your request is denied for being
untimely.

Where To File
If you have to file Form 1040 with the United
States and you are excluding possession in-
come from American Samoa or Puerto Rico,
send your return to:

Department of the Treasury
Internal Revenue Service Center
Austin, TX 73301-0215

Also send your U.S. return to this address if
you are attaching Form 5074 or Form 8869.
If you are not in either of the above catego-
ries, send your return to the address shown in
the Form 1040 instructions for the possession or
state in which you reside.

Special Rules for Completing Your
U.S. Tax Return
If you are not excluding possession income from
your U.S. tax return, follow the instructions for
the specific forms you file. However, you may
do not qualify to claim the earned income credit
(EIC).

Earned income credit. Even if you maintain a
household in one of the possessions discussed
in this publication that is your main home and the
home of your qualifying child, you cannot claim
the earned income credit on your U.S. tax return.
This credit is available only if you maintain the
household in the United States or you are serv-
ing on extended active duty in the U.S. Armed
Forces.

U.S. Armed Forces. U.S. military personel
stationed outside the United States on extended
active duty are considered to live in the United
States during that duty period for purposes of the
EIC. Extended active duty means you are
called or ordered to duty for an indefinite period
or for a period of more than 90 days. Once you
begin serving your extended active duty, you are
still considered to have been on extended active
duty even if you do not serve more than 90 days.
Income from American Samoa or Puerto Rico
excluded. You will not be allowed to take
deductions and credits that apply to the ex-
cluded income. The additional information you
need follows.

Deductions if Possession
Income Is Excluded
Deductions that specifically apply to your ex-
cluded possession income, such as employee
business expenses, are not allowable on your
U.S. income tax return.

Deductions that do not specifically apply to
any particular type of income must be divided
between your excluded income from sources in the
relevant possession and income from all
other sources to find the part that you can de-
duct on your U.S. tax return. Examples of such
deductions are alimony payments, the standard
deduction, and certain itemized deductions.
(such as medical expenses, charitable contributions, real estate taxes, and mortgage interest on your home).

**Figuring the deduction.** To find the part of a deduction that is allowable, multiply the deduction by the following fraction.

- **Gross income subject to U.S. income tax**
  - **Gross income from all sources** (including excluded possession income)

**Adjustments to Income**

Your adjusted gross income equals your gross income minus certain deductions (adjustments).

- **Moving expense deduction.** Generally, expenses of a move to a possession are directly attributable to wages, salaries, and other earned income from that possession. Likewise, the expenses of a move back to the United States are generally attributable to U.S. earned income. If you are claiming expenses for a move to a relevant possession, how and where you will deduct the expenses depends on your status as a bona fide resident and if any of your possession income is excluded on your U.S. tax return. For more information, see Moving expense deduction in chapter 3 under the name of the relevant possession.

- If you are claiming expenses for a move from a U.S. possession to the United States, use Form 3903, Moving Expenses, to figure your deductible expenses and enter the amount on Form 1040, line 26. For purposes of deducting moving expenses, the possessions are considered part of the United States. See Publication 521, Moving Expenses, for information about what expenses are deductible.

**Self-employment tax deduction.** Generally, if you are reporting self-employment income on your U.S. return, you can deduct one-half of your self-employment tax on Form 1040, line 27. This is an income tax deduction only; it is not a deduction in figuring net earnings from self-employment (for self-employment tax).

- However, if you are a bona fide resident of American Samoa or Puerto Rico and you exclude all of your self-employment income from gross income, you cannot take the deduction on Form 1040, line 27, because the deduction is related to excluded income.
- If only part of your self-employment income is excluded, the part of the deduction that is based on the nonexcluded income is allowed. This would happen if, for instance, you have two businesses and only the income from one of them is excludable.
- For purposes of the deduction only, figure the self-employment tax on the nonexcluded income by multiplying your total self-employment tax (from Schedule SE) by the following fraction.

**Self-employment income subject to U.S. income tax**

Total self-employment income (including excluded possession income)

The result is your self-employment tax on nonexcluded income. Deduct one-half of this amount on Form 1040, line 27.

**Individual retirement arrangement (IRA) deduction.** Do not take excluded income into account when figuring your deductible IRA contribution.

**Standard Deduction**

The standard deduction is composed of the regular standard deduction amount and the additional standard deduction for taxpayers who are blind or age 65 or over. For 2009, you can add to these amounts certain U.S. state or local real estate taxes you paid, new motor vehicle taxes, and a net personal disaster loss attributable to a federally declared disaster (see the Form 1040 instructions for line 40a). None of these deductions apply to any particular type of income.

- To find the amount you can claim on Form 1040, line 40a, first figure your full standard deduction according to the instructions for Form 1040, which may include completing Schedule L, Standard Deduction for Certain Filers. Then multiply your full standard deduction by the following fraction.

**Gross income subject to U.S. income tax**

Gross income from all sources (including excluded possession income)

In the space above line 40a, enter “Standard deduction modified due to income excluded under section 931 (if American Samoa) or 933 (if Puerto Rico).” If you completed Schedule L, also check the box on line 40b.

This calculation may not be the same as the one you used to determine if you need to file a U.S. tax return.

**Itemized Deductions**

Most itemized deductions do not apply to a particular type of income. However, itemized deductions can be divided into three categories:

- Those that apply specifically to excluded income, such as employee business expenses, are not deductible.
- Those that apply specifically to income subject to U.S. income tax, which might also be employee business expenses, are fully allowable under the instructions for Schedule A (Form 1040).
- Those that do not apply to specific income must be allocated between your gross income subject to U.S. income tax and your total gross income from all sources. The example below shows how to figure the deductible part of each type of expense that is not related to specific income.

**Example.** In 2009, you and your spouse are both under 65 and U.S. citizens who are bona fide residents of Puerto Rico during the entire tax year. You file a joint income tax return. During 2009, you earned $20,000 from Puerto Rican sources (excluded from U.S. gross income) and your spouse earned $60,000 from the U.S. Government. You have $16,000 of itemized deductions that do not apply to any specific type of income. These are medical expenses of $4,000, real estate taxes of $5,000, home mortgage interest of $6,000, and charitable contributions of $1,000 (cash contributions). You determine the amount of each deduction that you can claim on your Schedule A (Form 1040) by multiplying the deduction by the fraction shown under Figuring the deduction, earlier under Deductions if Possession Income Is Excluded.

**Medical Expenses**

- **Medical expenses** you paid that are not otherwise excluded, but do not apply to any specific type of income.

**Real Estate Taxes**

- **Real estate taxes** you paid that are not otherwise excluded, but do not apply to any specific type of income.

**Home Mortgage Interest**

- **Home mortgage interest** you paid that are not otherwise excluded, but do not apply to any specific type of income.

**Charitable Contributions** (cash contributions)

- **Charitable contributions** you made that are not otherwise excluded, but do not apply to any specific type of income.

Entering on Schedule A (Form 1040) only the allowable portion of each deduction.

**Personal Exemptions**

Personal exemptions are allowed in full even if you are excluding possession income. However, depending upon your adjusted gross income and filing status, the amount you can deduct may be reduced (phased out). See the Deductions for Exceptions Worksheet—Line 42 in the instructions for Form 1040.

**Foreign Tax Credit if Possession Income Is Excluded**

If you must report American Samoa or Puerto Rico source income on your U.S. tax return, you can claim a foreign tax credit for income taxes paid to the possession on that income. However, you cannot claim a foreign tax credit for taxes paid on possession income that is excluded on your U.S. tax return. The foreign tax credit is generally figured on Form 1116.

If you have income, such as U.S. Government wages, that is not excludable, and you also have possession source income that is excludable, you must figure the credit by reducing your foreign taxes paid or accrued by the taxes based on the excluded income. You make this reduction for each separate income category. To find the amount of this reduction, use the following formula for each income category.

- **Excluded income from possession sources less deductible expenses based on that income**
- **Tax paid or accrued to the possession**
- **Reduction in foreign taxes**

Entering on the amount of the reduction on Form 1116, line 12.
For more information on the foreign tax credit, see Publication 541.

Example. Jason and Lynn Reddy are U.S. citizens who were bona fide residents of Puerto Rico during all of 2009. They file a joint tax return. The following table shows their excludable and taxable income for U.S. federal income tax purposes.

<table>
<thead>
<tr>
<th>Taxable</th>
<th>Excludable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason's wages from U.S. Government corp.</td>
<td>$25,000</td>
</tr>
<tr>
<td>Lynn's wages from Puerto Rican corp.</td>
<td>$15,000</td>
</tr>
<tr>
<td>Dividend from Puerto Rican corp. doing business in Puerto Rico</td>
<td>$200</td>
</tr>
<tr>
<td>Dividend from U.S. corp. doing business in U.S.</td>
<td>$1,000</td>
</tr>
<tr>
<td>Totals</td>
<td>$26,000</td>
</tr>
</tbody>
</table>

A U.S. citizen or resident alien who is self-employed must pay self-employment tax on net self-employment earnings of $400 or more. This rule applies whether or not the earnings are excludable from gross income (or whether or not a U.S. income tax return must otherwise be filed). Bona fide residents of the possessions discussed in this publication are considered U.S. residents for this purpose and are subject to the self-employment tax.

Forms to file. If you have net self-employment income and are subject to self-employment tax, file one of the following with the United States:

- If you are required to file Form 1040 with the United States, complete Schedule SE (Form 1040) and attach it to your Form 1040.
- If you are not required to file Form 1040 with the United States and you are a bona fide resident of American Samoa, the CNMI, Guam, Puerto Rico, or the USVI, file Form 1040-SS. If you are a resident of Puerto Rico, you may file the Spanish-language Form 1040-PR instead. Do not file either of these forms with Form 1040.

Chapter 11 bankruptcy cases. While you are a debtor in a chapter 11 bankruptcy case, your net profit or loss from self-employment will be included on the income tax return (Form 1041) of the bankruptcy estate. However, you—not the bankruptcy estate—are responsible for paying self-employment tax on your net earnings from self-employment.

Use Schedule SE (Form 1040), Form 1040-SS, or Form 1040-PR, as determined above, to figure your correct amount of self-employment tax.

For other reporting requirements, see page 21 in the instructions for Form 1040.

Double Taxation

Mutual agreement procedures exist to settle issues where there is inconsistent tax treatment between the IRS and the taxing authorities of the following possessions:

- American Samoa.
- The Commonwealth of Puerto Rico.
- The Commonwealth of the Northern Mariana Islands.
- Guam.
- The U.S. Virgin Islands.

These issues usually involve allocations of income, deductions, credits, or allowances between related persons; determinations of residency; and determinations of the source of income and related expenses.

The tax coordination agreements contain provisions allowing the competent authorities of the United States and the relevant possession to resolve, by mutual agreement, inconsistent tax treatment by the two jurisdictions.

Send your written request for assistance under this procedure to:

Deputy Commissioner, International (UMSB)

Attn: Tax Treaty Division

Internal Revenue Service

1111 Constitution Avenue, N.W.

Washington, DC 20224-0002

Note. Nonresident aliens generally must present their initial request for assistance to the relevant possession tax agency.

Contents of Written Request

Your request for competent authority assistance must be in the form of a letter addressed to the Deputy Commissioner, International. The request must contain a statement that competent authority assistance is requested under the mutual agreement procedure with the possession and must include all the facts and circumstances relating to your particular case. You (or a person having authority to sign your federal return) must sign and date the request.

To avoid unnecessary delays, make sure you include all of the following information:

- A reference to the specific coordination agreement and the provision(s) under which your request is made.
- Your name, address, social security number, and possession tax identification number (if any).
- The name, address, social security number, and possession identification number (if any) of all related persons involved in the matter.
- If applicable, a description of the control and business relationships between you and all related persons for the year(s) in issue, including any changes in such relationships to the date of filing the request.
- A brief description of the issues for which you request competent authority assistance, including a brief description of the relevant transactions, activities, or other circumstances involved in the issues raised and the basis for the adjustment, if any.
- The years and amounts involved with respect to the issue.
- The IRS office that has made or is proposing to make the adjustment or, if known, the IRS office with examination jurisdiction over your return.
- An explanation of the nature of the relief sought or the action requested in the United States or in the possession with respect to the issues raised.
- A statement whether the period of limitations for the years for which relief is sought has expired in the United States or in the possession.

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The type and rule above prints on all proofs including departmental reproduction proofs. MUST be removed before printing.
Illustrated Examples of Form 5074

Tracy Grey is a U.S. citizen who is a self-employed fisheries consultant with a tax home in New York. Her only income for 2009 was net self-employment income of $80,000. Of the $80,000, $20,000 was from consulting work in Guam and the rest was earned in the United States. Thinking she would owe tax to Guam on the income she earned in Guam, Tracy did not order Form 4563 and did not file a claim for credit or refund of any overpayment of possession tax paid on the income in question. She filed Form 1040 to report her entire possessions income to Guam. Because Tracy did not order Form 4563, she made no adjustments to the amount of possessions income included on her Guam Form 1040.

Tracy completed Form 1040 (not illustrated), reporting her worldwide income. Because she earned more than $50,000 and at least $5,000 of her gross income is from Guam, Tracy must file Form 5074 with her Form 1040. All amounts reported on Form 5074 are also reported on her Form 1040.

Completing Form 5074. Tracy enters her name and social security number at the top of the form.

Part I. On Form 5074 (see page 24), Tracy orders the self-employment income from Guam ($20,000) on line 6. She has no other income, so the total on line 16 is $20,000.

Part II. Tracy’s only adjustment in Part II is the deduction for one-half of the self-employment tax on her net income earned in Guam. She enters $1,413 on line 21 and line 22.

Illustrated Examples of Form 4563

John Black is a U.S. citizen, single, and under 65. He was a bona fide resident of American Samoa during all of 2009. John must file Form 1040 because his gross income from sources outside the possessions ($10,000 of dividends from U.S. corporations) is more than his adjusted filing requirement for single filers under 65. (See Filing Requirement if Possession Income Is Excluded in chapter 4.) Because he must file Form 1040 (not illustrated), he fills out Form 4563 to determine the amount of income from American Samoa he can exclude.

Completing Form 4563. John enters his name and social security number at the top of the form.

Line 1. On Form 4563 (see page 23), John enters the date his bona fide residence began in American Samoa, June 2, 2008. Because he is still a bona fide resident, he enters “not ended” in the second blank space.

Line 2. He checks the box labeled “Rented house or apartment” to describe his type of living quarters in American Samoa.

Lines 3a and 3b. He checks “No” on line 3a because no family members lived with him. He leaves line 3b blank.

Lines 4a and 4b. He checks “No” on line 4a because he did not maintain a home outside American Samoa. He leaves line 4b blank.

Line 5. He enters the name and address of his employer, Samoa Products Co. It is a private American Samoa corporation.

Line 6. He enters the dates of his 2-week vacation to New Zealand from November 11 to November 25. That was his only trip outside American Samoa during the year.

Line 7. He enters the $24,000 in wages he received from Samoa Products Co.

Line 9. He received $220 in dividends from an American Samoa corporation, which he entered here. He also received $10,000 of dividends from a U.S. corporation, but he will enter that amount only on his Form 1040 because the U.S. dividends do not qualify for the possession exclusion.

Line 15. John totalsin the amounts on lines 7 and 9 to get the amount he can exclude from his gross income in 2009. He will not enter this excluded income on Form 1040. However, he will attach his completed Form 4563 to his Form 1040.

Illustrated Example of Form 5074

Tracy Grey is a U.S. citizen who is a self-employed fisheries consultant with a tax home in New York. Her only income for 2009 was net self-employment income of $80,000. Of the $80,000, $20,000 was from consulting work in Guam and the rest was earned in the United States. Thinking she would owe tax to Guam on the income she earned in Guam, Tracy did not order Form 4563 and did not file a claim for credit or refund of any overpayment of possession tax paid on the income in question. She filed Form 1040 to report her entire possessions income to Guam. Because Tracy did not order Form 4563, she made no adjustments to the amount of possessions income included on her Guam Form 1040.

Tracy completed Form 1040 (not illustrated), reporting her worldwide income. Because she earned more than $50,000 and at least $5,000 of her gross income is from Guam, Tracy must file Form 5074 with her Form 1040. All amounts reported on Form 5074 are also reported on her Form 1040.

Completing Form 5074. Tracy enters her name and social security number at the top of the form.

Part I. On Form 5074 (see page 24), Tracy orders the self-employment income from Guam ($20,000) on line 6. She has no other income, so the total on line 16 is $20,000.

Part II. Tracy’s only adjustment in Part II is the deduction for one-half of the self-employment tax on her net income earned in Guam. She enters $1,413 on line 21 and line 22.

Chapter 5 Illustrated Examples
Illustrated Example of Form 8689

Juan and Carla Moreno live and work in the United States. In 2009, they received $14,400 in income from the rental of a condominium they own in the U.S. Virgin Islands (USVI). The rental income was deposited in a bank in the USVI and they received $200 of interest on this income. They were not bona fide residents of the USVI during the entire tax year.

The Morenos complete Form 1040 (not illustrated), reporting their income from all sources, including their interest income and the income and expenses from their USVI rental property reported on Schedule E (Form 1040). The Morenos take the standard deduction for married filing jointly, both are under 65, and they have no dependents.

The Morenos also complete Form 8689 to determine how much of their U.S. tax shown on Form 1040, line 60 (with certain adjustments), must be paid to the U.S. Virgin Islands. The Morenos file their Form 1040, attaching Form 8689 and all other schedules, with the Internal Revenue Service.

At the same time, they send a copy of their Form 1040 with all attachments, including Form 8689, to the Virgin Islands Bureau of Internal Revenue. This copy will be processed as their original Virgin Islands return.

Completing Form 8689. Juan and Carla enter their names and Juan’s social security number at the top of the form.

Part I. The Morenos enter their income from the USVI in Part I (see page 25). The interest income is entered on line 2 and the net rental income of $6,200 ($14,400 of rental income minus $8,200 of rental expenses) is entered on line 11. The Morenos’ total USVI income of $6,700 is entered on line 16.

Part II. The Morenos have no adjustments to their USVI income, so they enter zero (0-) on line 28, and $6,700 on line 29. Their USVI adjusted gross income (AGI) is $6,700.

Part III. On line 30, the Morenos enter the amount from Form 1040, line 60 ($4,751). They leave line 31 blank and put this same amount on line 32.

The Morenos enter their worldwide AGI, $54,901 (Form 1040, line 38), on line 33. Next, they find what percentage of their AGI is from USVI sources ($6,700 ÷ $54,901 = 0.122) and enter that as a decimal on line 34. They then apply that percentage to the U.S. tax entered on line 32 to find the amount of U.S. tax allocated to USVI income ($4,599 x 0.122 = $561), and enter that amount on line 35.

Part IV. Part IV is used to show payments of income tax to the USVI only. The Morenos had no tax withheld by the U.S. Virgin Islands, but made estimated tax payments to the USVI of $400, which they entered on lines 37 and 39. They include this amount ($400) in the total payments on Form 1040, line 71. On the dotted line next to the entry space for line 71, they enter “Form 8689” and show the amount. The Morenos do not complete Form 1116 because they receive credit on Form 1040, line 71, for the tax paid to the USVI. The income tax they owe to the USVI ($161) is shown on Form 8689, line 44. They also include this additional amount ($161) in the total on Form 1040, line 71. The Morenos must pay their USVI tax at the same time they file the copy of their return with the U.S. Virgin Islands.
**Form 4563**

Exclusion of Income for Bona Fide Residents of American Samoa

**Part I—General Information**

1. **Date bona fide residence began**
   
   **6-2-09**
   
   **and ended**
   
   **not ended**

2. **Type of living quarters in American Samoa**
   
   - Rented room
   - Quarters furnished by employer
   - Purchased home

3a. **Did any of your family live with you in American Samoa during any part of the tax year?**
   
   - Yes
   - No

3b. **If “Yes,” who and for what period?**

4a. **Did you maintain any home(s) outside American Samoa?**
   
   - Yes
   - No

4b. **If “Yes,” show address of your home(s), whether it was rented, the name of each occupant, and his or her relationship to you.**

5. **Name and address of employer (state if self-employed)**

6. **Complete columns (a) through (d) below for days absent from American Samoa during the tax year.**

<table>
<thead>
<tr>
<th>(a) Date left</th>
<th>(b) Date returned</th>
<th>(c) Number of days absent</th>
<th>(d) Reason for absence</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-11-09</td>
<td>11-25-09</td>
<td>14</td>
<td>Vacation to New Zealand</td>
</tr>
</tbody>
</table>

**Part II—Figure Your Exclusion**

Include only income that qualifies for the exclusion. See instructions.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Wages, salaries, tips, etc.</td>
<td>24,000</td>
</tr>
<tr>
<td>8</td>
<td>Taxable interest</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>Ordinary dividends</td>
<td>220</td>
</tr>
<tr>
<td>10</td>
<td>Business income</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>Capital gain</td>
<td>11</td>
</tr>
<tr>
<td>12</td>
<td>Rental real estate, royalties, etc.</td>
<td>12</td>
</tr>
<tr>
<td>13</td>
<td>Farm income</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>Other income. List type and amount</td>
<td>14</td>
</tr>
<tr>
<td>15</td>
<td>Add lines 7 through 14. This is the amount you may exclude from your gross income this tax year</td>
<td>24,220</td>
</tr>
</tbody>
</table>

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

**Instructions**

**Purpose of form.** Use Form 4563 to figure the amount of income from American Samoa you may exclude from your gross income.

**Who qualifies.** You generally qualify for the exclusion if you were a bona fide resident of American Samoa for the entire tax year and your income was:

- From sources within American Samoa, or
- Effectively connected with the conduct of a trade or business in American Samoa.

**Employees of the United States.** You may not exclude amounts paid to you for services you performed as an employee of the U.S. government or any of its agencies. This applies to both civilian and military employees, but does not include employees of the American Samoa government.

**Where to file.** File your Form 1040 (including Form 4563) with the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215.

**Note.** If you do not qualify for the exclusion, follow the instructions for Form 1040 or 1040A. Report all your taxable income, including income from U.S., foreign, and possession sources. Send your return to the address shown in the Form 1040 instructions.

**Additional information.** Pub. 570, Tax Guide for Individuals With Income From U.S. Possessions, has more information and an example of how to complete Form 4563. To get Pub. 570, see Quick and Easy Access to Tax Help and Forms in the instructions for Form 1040.

**Part II—Figure Your Exclusion**

On lines 7 through 14 include only income that is from sources within American Samoa or effectively connected with the conduct of a trade or business in American Samoa. For details on how to determine the source of income, see Source of income, below.
# Allocation of Individual Income Tax to Guam or the Commonwealth of the Northern Mariana Islands (CNMI)

**Form 5074**  
Department of the Treasury  
Internal Revenue Service  
Attach to Form 1040.

**Name(s) shown on Form 1040**

Tracy Grey  
Your social security number  
111-00-2222

## Part I  
Income From Guam or the CNMI Reported on Form 1040

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Guam</th>
<th>CNMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Wages, salaries, tips, etc</td>
<td>$1,413</td>
<td>$1,413</td>
</tr>
<tr>
<td>2</td>
<td>Taxable Interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Ordinary dividends</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Taxable refunds, credits, or offsets of local Guam or CNMI income taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Alimony received</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Business income or (loss)</td>
<td>$20,000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Capital gain or (loss)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Other gains or (losses)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>IRA distributions (taxable amount)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Pensions and annuities (taxable amount)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Rental real estate, royalties, partnerships, S corporations, trusts, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Farm income or (loss)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Unemployment compensation in excess of $2,400 per recipient</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Social security benefits (taxable amount)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Other income. List type and amount</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Total income. Add lines 1 through 15</td>
<td>$18,587</td>
<td></td>
</tr>
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</table>

## Part II  
Adjusted Gross Income From Guam or the CNMI Reported on Form 1040

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Guam</th>
<th>CNMI</th>
</tr>
</thead>
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<tr>
<td>17</td>
<td>Educator expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Certain business expenses of reservists, performing artists, and fee-basis government officials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Health savings account deduction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Moving expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>One-half of self-employment tax</td>
<td>$1,413</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Self-employed SEP, SIMPLE, and qualified plans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Self-employed health insurance deduction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Penalty on early withdrawal of savings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>IRA deduction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Student loan interest deduction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Tuition and fees deduction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Add lines 17 through 27</td>
<td>$1,413</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Adjusted gross income. Subtract line 28 from line 16</td>
<td>$18,587</td>
<td></td>
</tr>
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</table>

## Part III  
Payments of Income Tax to Guam or the CNMI

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Guam</th>
<th>CNMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Payments on estimated tax return filed with Guam or the CNMI</td>
<td>$1,409</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Income tax withheld from your wages while employed by the U.S. Government as a civilian in Guam or the CNMI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Income tax withheld from your wages while employed as a member of the U.S. Armed Forces in Guam or the CNMI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Income tax withheld from your wages earned in Guam or the CNMI other than amounts on lines 30 through 32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Total payments. Add lines 30 through 33</td>
<td>$1,409</td>
<td></td>
</tr>
</tbody>
</table>

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

**Instructions**

**Purpose of form.** Form 5074 provides information to the United States so the IRS can figure the individual income tax that is due to Guam or the CNMI.

**Who must file.** If you were a U.S. citizen or resident alien (other than a bona fide resident of Guam or the CNMI), you may need to file Form 5074. Complete this form if all of the following apply to you (and to your spouse if filing a joint return).

- You file a U.S. income tax return.
- You report AGI of $50,000 or more.
- At least $5,000 of the gross income on your return is from either Guam or CNMI sources.

(Continued on back)
For Paperwork Reduction Act Notice, see back of form.

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

**Form 8689**

**Part I: Income From the U.S. Virgin Islands**

1. Wages, salaries, tips, etc. ........................................ 1
2. Taxable interest . .................................................. 2
3. Ordinary dividends ............................................... 3
4. Taxable refunds, credits, or offsets of local U.S. Virgin Islands income taxes .... 4
5. Alimony received .................................................. 5
6. Business income or (loss) ...................................... 6
7. Capital gain or (loss) ............................................ 7
8. Other gains or (losses) .......................................... 8
9. IRA distributions (taxable amount) ................................. 9
10. Pensions and annuities (taxable amount) .......................... 10
11. Farm income or (loss) .......................................... 11
12. Unemployment compensation in excess of $2,400 per recipient .... 12
13. Social security benefits (taxable amount) .......................... 13
14. Other income. List type and amount .................................... 15
15. Add lines 1 through 15. This is your total income ............... 16

**Part II: Adjusted Gross Income From the U.S. Virgin Islands**

16. Educator expenses .............................................. 17
17. Certain business expenses of reservists, performing artists, and fee-base government officials ................ 18
18. Health savings account deduction .................................. 19
19. Moving expenses .................................................. 20
20. One-half of self-employment tax ................................ 21
21. Self-employed SEP, SIMPLE, and qualified plans .............. 22
22. Self-employed health insurance deduction ...................... 23
23. Penalty on early withdrawal of savings ......................... 24
24. IRA deduction .................................................... 25
25. Student loan interest deduction .................................. 26
26. Tuition and fees deduction ...................................... 27
27. Add lines 17 through 27 ......................................... 28
28. Subtract line 28 from line 16. This is your adjusted gross income ........ 29

**Part III: Allocation of Tax to the U.S. Virgin Islands**

29. Enter amount from Form 1040, line 60 ...................................... 30
30. Subtract line 29 from line 30. This is your adjusted gross income ........ 31

**Part IV: Payments of Income Tax to the U.S. Virgin Islands**

31. Enter total of the amounts from Form 1040, lines 56, 57, 59, 60, 62, 63, 64a, 65, 66, 67, and 70 (box c). Include any uncollected social security and Medicare or tier 1 RRTA tax, on golden parachute payments, or excise tax on insider stock compensation reported on line 60. Also include any amount from Form 5329, Parts III, IV, V, VI, VII, or VIII reported on line 58一 32
32. Subtract line 31 from line 30. This is your adjusted gross income ........ 33
33. Enter amount from Form 1040, line 38 ...................................... 34
34. Divide line 33 above by line 33. Enter the result as a decimal (rounded to at least 3 places). Do not enter more than 1.000 35
35. Multiply line 32 by line 34. This is your tax allocated to the U.S. Virgin Islands . 36
36. Multiply line 35 by line 35. This is your total payments ............... 37
37. Income tax withheld by the U.S. Virgin Islands .......................... 38
38. Enter amount from Form 4868 (extension request) ...................... 39
39. Add lines 36 through 38. These are your total payments ............... 40
40. Subtract line 39 from line 39. These are your total payments ............... 41
41. Subtract line 39 from line 39. This is your adjusted gross income ........ 42
42. Amount of line 41 you want refunded to you .......................... 43
43. Amount of line 41 you want refunded to you .......................... 44

**Part IV: Payments of Income Tax to the U.S. Virgin Islands**

**For Paperwork Reduction Act Notice, see back of form.**

**Internal Revenue Service**

**Department of the Treasury**

**Cat. No. 64603D**

**Chapter 5 Illustrated Examples**

**Page 25**
How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting Your Taxpayer Advocate. The Taxpayer Advocate Service (TAS) is an independent organization within the IRS whose employees assist taxpayers who are experiencing economic harm, who are seeking help in resolving tax problems that have not been resolved through normal channels, or who believe that an IRS system or procedure is not working as it should or in court on which taxes every taxpayer should know about TAS:

- TAS is your voice at the IRS.
- Our service is free, confidential, and tailored to meet your needs.
- You may be eligible for TAS help if you have tried to resolve your tax problem through normal IRS channels and have gotten nowhere, or you believe an IRS procedure just isn’t working as it should.
- TAS helps taxpayers whose problems are causing financial difficulty or significant cost, including the cost of professional representation. This includes businesses as well as individuals.
- TAS employees know the IRS and how to navigate it. We will listen to your problem, help you understand what needs to be done to resolve it, and stay with you every step of the way until your problem is resolved.
- TAS has at least one local taxpayer advocate in every state, the District of Columbia, and Puerto Rico. You can call your local advocate, whose number is in your phone book, in Pub. 1546, Taxpayer Advocate Service—Your Voice at the IRS, and on our website at www.irs.gov/taxadvocate. You can also call our toll-free line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.
- You can learn about your rights and responsibilities as a taxpayer by visiting our online tax toolkit at www.taxtoolkit.irs.gov.

Low Income Taxpayer Clinics (LITCs). The Low Income Taxpayer Clinic program serves individuals who have a problem with the IRS and whose income is below a certain level. LITCs are independent from the IRS. Most LITCs can provide representation before the IRS or in court, audits, tax collection disputes, and other issues for free or a small fee. If an individual’s native language is not English, some clinics can provide multilingual information about taxpayer rights and responsibilities. For more information, see Publication 4134, Low Income Taxpayer Clinic List. This publication is available at www.irs.gov, by calling 1-800-TAX-FORM (1-800-829-3676), or at your local IRS office.

Free tax services. To find out what services are available, get Publication 910, IRS Guide to Free Tax Services. It contains lists of free tax information sources, including publications, services, and free tax education and assistance programs. It also has an index of over 100 TeleTax topics (recorded tax information) you can listen to on your telephone. Accessible versions of IRS published products are available on request in a variety of alternative formats for people with disabilities.

Free help with your return. Free help in preparing your return is available nationwide from IRS-trained volunteers. The Volunteer Income Tax Assistance (VITA) program is designed to help low-income taxpayers and the Tax Counselor for the Elderly (TCE) program is designed to assist taxpayers age 60 and older with their tax returns. Many VITA sites offer free electronic filing and all volunteers will let you know about credits and deductions you may be entitled to claim. To find the nearest VITA or TCE site, call 1-800-829-1040.

As part of the TCE program, AARP offers the Tax-Aide counseling program. To find the nearest AARP Tax-Aide site, call 1-888-227-7669 or visit AARP’s website at www.aarp.org/taxaide for more information on these programs, go to www.irs.gov and enter keyword “VITA” in the upper right-hand corner.

Internet. You can access the IRS website at www.irs.gov 24 hours a day, 7 days a week:
- E-file your return. Find out about commercial tax preparation and e-file services available free to eligible taxpayers.
- Check the status of your 2009 refund. Go to www.irs.gov and click on Where’s My Refund? Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2009 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund.
- Download forms, instructions, and publications.
- Order IRS products online.
- Research your tax questions online.
- Search publications online by topic or keyword.
- Use the online Internal Revenue Code, Regulations, or other official guidance.
- View Internal Revenue Bulletins (IRBs) published in the last few years.
- Figure your withholding allowances using the withholding calculator online at www.irs.gov/individuals.
- Determine if Form 6251 must be filed by using our Alternative Minimum Tax (AMT) Assistant.
- Sign up to receive local and national tax news by email.
- Get information on starting and operating a small business.

Phone. Many services are available by phone.
- Ordering forms, instructions, and publications. Call 1-800-TAX-FORM (1-800-829-3676) to order current-year forms, instructions, and publications, and prior-year forms and instructions if you should receive your order within 10 days.
- Asking tax questions. Call the IRS with your tax questions at 1-800-829-1040.
- Solving problems. You can get face-to-face help solving tax problems every business day in IRS Taxpayer Assistance Centers. An employee can explain IRS letters, request adjustments to your account, or help you set up a payment plan. Call your local Taxpayer Assistance Center for an appointment. To find the number, go to www.irs.gov/localcontacts or look in the phone book under United States Government, Internal Revenue Service.
- TTY/TDD equipment. If you have access to TTY/TDD equipment, call 1-800-829-4059 to ask tax questions or to order forms and publications.
- TeleTax topics. Call 1-800-829-4477 to listen to pre-recorded messages covering various tax topics.
- Refund information. To check the status of your 2009 refund, call 1-800-829-1954 during business hours or 1-800-829-4477 (automated refund information 24 hours a day, 7 days a week). Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2009 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund. Refunds are sent out weekly on Fridays. If you check the status of your refund and are not given the date it will be issued, please wait until the next week before checking back.
- Other refund information. To check the status of a prior year refund or amended return refund, call 1-800-829-1954.

Evaluating the quality of our telephone services. To ensure IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to listen in on or record random telephone calls. Another is to ask some callers to complete a short survey at the end of the call.

Walk-in. Many products and services are available on a walk-in basis.
- Products. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county government offices, credit unions, and office
supply stores have a collection of products available to print from a CD or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.

• Services. You can walk in to your local Taxpayer Assistance Center every business day for personal, face-to-face tax help. An employee can explain IRS letters, request adjustments to your tax account, or help you set up a payment plan. If you need to resolve a tax problem, have questions about how the tax law applies to your individual tax return, or you are more comfortable talking with someone in person, visit your local Taxpayer Assistance Center where you can spread out your records and talk with an IRS representative face-to-face. No appointment is necessary—just walk in. If you prefer, you can call your local Center and leave a message requesting an appointment to resolve a tax account issue. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience. If you have an ongoing, complex tax account problem or a special need, such as a disability, an appointment can be requested. All other issues will be handled without an appointment. To find the number of your local office, go to www.irs.gov/localcontacts or look in the phone book under United States Government, Internal Revenue Service.

Mail. You can send your order for forms, instructions, and publications to the address below. You should receive a response within 10 days after your request is received.

Internal Revenue Service
1201 N. Mitsubishi Motorway
Bloomington, IL 61705-6613

DVD for tax products. You can order Publication 1796, IRS Tax Products DVD, and obtain:
• Current-year forms, instructions, and publications.
• Prior-year forms, instructions, and publications.

Tax Map: an electronic research tool and finding aid.
• Tax law frequently asked questions.
• Tax Topics from the IRS telephone response system.
• Internal Revenue Code—Title 26 of the U.S. Code.
• Fill-in, print, and save features for most tax forms.
• Internal Revenue Bulletins.
• Toll-free and email technical support.

Two releases during the year.
- The first release will ship the beginning of January 2010.
- The final release will ship the beginning of March 2010.

Purchase the DVD from National Technical Information Service (NTIS) at www.irs.gov/ cdorders for $30 (no handling fee) or call T-877-225-6767 toll free to buy the DVD for $30 (plus a $6 handling fee).
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To help us develop a more useful index, please let us know if you have ideas for more index entries. See "Comments and Suggestions" in the "Introduction" for the ways you can reach us.

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<td>13-14</td>
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Tax Publications for Individual Taxpayers

General Guides
1 Your Rights as a Taxpayer
17 Your Federal Income Tax For Individuals
334 Tax Guide for Small Business (For Individuals Who Use Schedule C or C-EZ)
509 Tax Calendars for 2010
910 IRS Guide to Free Tax Services

Specialized Publications
3 Armed Forces’ Tax Guide
54 Tax Guide for U.S. Citizens and Resident Aliens Abroad
225 Farmer’s Tax Guide
463 Travel, Entertainment, Gift, and Car Expenses
501 Exemptions, Standard Deduction, and Filing Information
502 Medical and Dental Expenses (Including the Health Coverage Tax Credit)
503 Child and Dependent Care Expenses
504 Divorced or Separated Individuals
505 Tax Withholding and Estimated Tax
514 Foreign Tax Credit for Individuals
516 U.S. Government Civilian Employees Stationed Abroad
517 Social Security and Other Information for Members of the Clergy and Religious Workers
519 U.S. Tax Guide for Aliens
521 Moving Expenses
523 Selling Your Home
524 Credit for the Elderly or the Disabled
525 Taxable and Nontaxable Income
526 Charitable Contributions
527 Residential Rental Property (Including Rental of Vacation Homes)
529 Miscellaneous Deductions
530 Tax Information for Homeowners
531 Reporting Tip Income
535 Business Expenses
536 Net Operating Losses (NOLs) for Individuals, Estates, and Trusts
537 Installment Sales
541 Partnerships
544 Sales and Other Dispositions of Assets
547 Casualties, Disasters, and Thefts
550 Investment Income and Expenses (Including Capital Gains and Losses)
551 Basis of Assets
552 Recordkeeping for Individuals
554 Tax Guide for Seniors
555 Community Property
556 Examination of Returns, Appeal Rights, and Claims for Refund
559 Survivors, Executors, and Administrators
561 Determining the Value of Donated Property
564 Mutual Fund Distributions
570 Tax Guide for Individuals With Income From U.S. Possessions
571 Tax-SHELTERed Annuity Plans (403(b) Plans) For Employees of Public Schools and Certain Tax-Exempt Organizations
575 Pension and Annuity Income
576 Casualty, Disaster, and Theft Loss (Workbook (Personal-Use Property))
587 Business Use of Your Home (Including Use by Daycare Providers)
590 Individual Retirement Arrangements (IRAs)
593 Tax Highlights for U.S. Citizens and Residents Going Abroad
594 The IRS Collection Process
596 Earned Income Credit (EIC)
721 Tax Guide to U.S. Civil Service Retirement Benefits
901 U.S. Tax Treaties
907 Tax Highlights for Persons with Disabilities
908 Bankruptcy Tax Guide
915 Social Security and Equivalent Railroad Retirement Benefits
919 How Do I Adjust My Tax Withholding?
925 Passive Activity and At-Risk Rules
926 Household Employer’s Tax Guide For Wages Paid in 2010
929 Tax Rules for Children and Dependents
936 Home Mortgage Interest Deduction
946 How To Depreciate Property
947 Practice Before the IRS and Power of Attorney
950 Introduction to Estate and Gift Taxes
967 The IRS Will Figure Your Tax
969 Health Savings Accounts and Other Tax-Favored Health Plans
970 Tax Benefits for Education
971 Innocent Spouse Relief
972 Child Tax Credit
974 Penalties and Interest (For Travel Within the Continental United States)
1544 Reporting Cash Payments of Over $10,000 (Received in a Trade or Business)
1546 Taxpayer Advocate Service – Your Voice at the IRS

Spanish Language Publications
1SP Derechos del Contribuyente
178SP El Impuesto Federal sobre los Ingresos Para Personas Fisicas
547SP Hechos Fortuitos Desastres y Robos
594SP El Proceso de Cobro del IRS
596SP Crédito por Ingreso del Trabajo
850 English-Spanish Glossary of Words and Phrases Used in Publications Issued by the Internal Revenue Service
1544SP Informe de Pagos en Efectivo en Exceso de $10,000 (Recibidos en una Ocupación o Negocio)

Commonly Used Tax Forms

Form Number and Title
1040 U.S. Individual Income Tax Return
1040A Estimated U.S. Individual Income Tax Return for Single and Joint Filers With No Dependents
1040EZ Estimated Tax for Individuals
1040X Amended U.S. Individual Income Tax Return
2106 Employee Business Expenses

Form Number and Title
2210 Underpayment of Estimated Tax by Individuals, Estates, and Trusts
2441 Child and Dependent Care Expenses
2848 Power of Attorney and Declaration of Representative
3903 Moving Expenses
4562 Depreciation and Amortization
4868 Application for Automatic Extension of Time
5329 Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts
6251 Alternative Minimum Tax—Individuals
8283 Noncash Charitable Contributions
8582 Passive Activity Loss Limitations
8606 Nondeductible IRAs
8812 Additional Child Tax Credit
8822 Change of Address
8829 Expenses for Business Use of Your Home
8863 Education Credits (American Opportunity, Lifetime Learning, and Hope, and Lifetime Learning Credits)
9465 Installment Agreement Request