



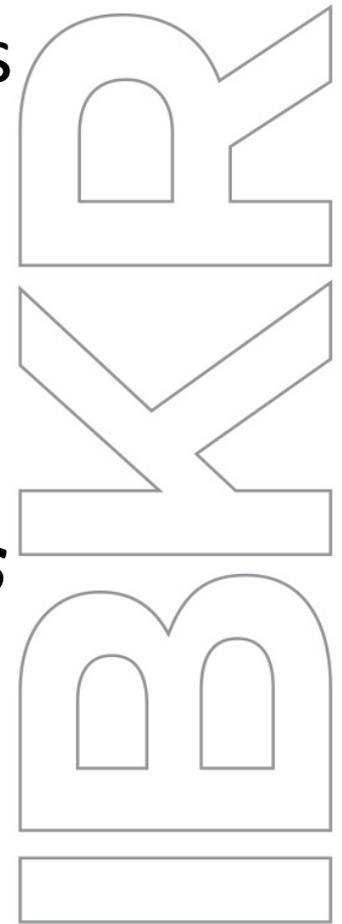
Interactive Brokers

presents:

***U.S. Taxes &
Reporting for
Non-U.S. Clients***

Nancy A. Nelson CPA

nnelson@interactivebrokers.com



Webinar begins @ 12:00 pm

 **InteractiveBrokers**

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US Tax reporting for non – US investors

Section 1441 of the Internal Revenue Code

Focus on Chapter 3 not on Chapter 4
(FATCA)

What's covered

What's reportable

What is subject to withholding tax

When do treaties apply

Forms we issue

IRS Circular 230 Notice

The information in this presentation is provided for informational purposes only, and does not constitute tax advice and cannot be used by the recipient or any other taxpayer to avoid penalties under any federal, state, local or other tax statutes or regulations, or to resolve any tax issue.

Why U.S. Tax reporting

U.S. source income subject to withholding tax

When paid to a non-U.S. person

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Who is a Non-U.S. Person

A Non-U.S. Person is:

Not a U.S. Citizen

Not a U.S. Green Card holder

Not a legal resident of the U.S.

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Who is a U.S. Person

All U. S. Citizens regardless of residence

Dual Citizens – U.S. Citizenship trumps other country's

All U.S. Green Card holders regardless of residence. Green card trumps any other citizenship

Who is a U.S. Person

U.S. legal residents

A few exceptions

Employees of other Governments

Employees of the U.N. and World Bank

Students, teachers and researchers

with

an F-1 Visa (5 years max)

What is U.S. Source Income

Any payment received from revenue generated

In the U.S.

Interest

Dividends

Payments in lieu (PIL)

Rents

Stock loan fees

Business operating income – including distributions from MLPS and PTPS distributions

Why is there U.S. Withholding Tax?

Important distinction between withholding tax and income tax.

Basic premise is that people earning U.S. source income should pay tax on this income.

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Why is there U.S. Withholding Tax?

The U.S. is not the only country with withholding tax:

Canada

Netherlands

France

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Do I need to file a tax return in the U.S.

If you just have investment income, generally you do not have to file taxes in the U.S.

If you have rental income or business operating income you most likely have a filing obligation

If you own a MLP or PTP you may wish to file for a partial refund of tax withheld

What happens to the tax withheld?

IB remits any amounts withheld to the U.S. Government (IRS) weekly.

Once reporting forms are issued (March 15) IB cannot obtain refunds of any tax for the prior year that has been remitted.

What types of income are subject to withholding tax?

Business operating income

Rental income

Partnership income generated in the U.S.

Any other type of “flow through” income

For example trust income

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What types of income are subject to withholding tax?

From Investments:

Dividends

Payments in Lieu (PIL)

Royalties

Stock loan payments

Distributions from MLPs and PTPs

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What types of income are NOT subject to withholding tax?

Investment interest is reportable but not subject to withholding

Long – term and short term capital gain distributions from mutual funds –reportable but not subject to withholding

Gains (losses) on securities trading – not reportable

Withholding Rates

Investment income:

Statutory rate: 30%

Treaty rates: generally 15%,
however this can vary

Rents and operating income: 37%

MLP and PTP distributions: 37%

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How do I Qualify for a Treaty Rate

Primary residence in a country that has a tax treaty with the U.S.

Complete Form W-8BEN when account is opened and replace expired W-8Ben to remain eligible.

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Form **1042-S**

Foreign Person's U.S. Source Income Subject to Withholding 2018

OMB No. 1545-0096

Department of the Treasury
Internal Revenue Service

▶ Go to www.irs.gov/Form1042S for instructions and the latest information.

Copy B
for Recipient

UNIQUE FORM IDENTIFIER AMENDED AMENDMENT NO.

1 Income code	2 Gross income	3 Chapter indicator. Enter "3" or "4"	3a Exemption code	4a Exemption code	13e Recipient's U.S. TIN, if any	13f Ch. 3 status code
		3b Tax rate	4b Tax rate		13h Recipient's GIIN	13g Ch. 4 status code
5 Withholding allowance	6 Net income		7a Federal tax withheld		13i Recipient's foreign tax identification number, if any	13j LOB code
7b Check if federal tax withheld was not deposited with the IRS because escrow procedures were applied (see instructions)	8 Tax withheld by other agents		9 Overwithheld tax repaid to recipient pursuant to adjustment procedures (see instructions)		13k Recipient's account number	
10 Total withholding credit (combine boxes 7a, 8, and 9)	11 Tax paid by withholding agent (amounts not withheld) (see instructions)		12a Withholding agent's EIN		13l Recipient's date of birth (YYYYMMDD)	
	12b Ch. 3 status code	12c Ch. 4 status code	12d Withholding agent's name		14a Primary Withholding Agent's Name (if applicable)	
	12e Withholding agent's Global Intermediary Identification Number (GIIN)		12f Country code		14b Primary Withholding Agent's EIN	15 Check if pro-rata basis reporting <input type="checkbox"/>
	12g Foreign taxpayer identification number, if any	12h Address (number and street)	12i City or town, state or province, country, ZIP or foreign postal code		15a Intermediary or flow-through entity's EIN, if any	15b Ch. 3 status code
	13a Recipient's name	13b Recipient's country code	13c Address (number and street)		15c Ch. 4 status code	
	13d City or town, state or province, country, ZIP or foreign postal code	13e Recipient's U.S. TIN, if any	13f Recipient's foreign tax identification number, if any		15d Intermediary or flow-through entity's name	
			13g Recipient's country code		15e Intermediary or flow-through entity's GIIN	
			13h Recipient's GIIN		15f Country code	15g Foreign tax identification number, if any
			13i Recipient's foreign tax identification number, if any		15h Address (number and street)	
			13j LOB code		15i City or town, state or province, country, ZIP or foreign postal code	
			13k Recipient's account number		16a Payer's name	16b Payer's TIN
			13l Recipient's date of birth (YYYYMMDD)		16c Payer's GIIN	16d Ch. 3 status code
			13m Recipient's U.S. TIN, if any		16e Ch. 4 status code	
			13n Recipient's foreign tax identification number, if any		17a State income tax withheld	17b Payer's state tax no.
			13o Recipient's LOB code		17c Name of state	

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

Cat. No. 11386R

Form **1042-S** (2018)

IMPORTANT TAX INFORMATION: This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanctions may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

Reporting

Income codes – Box 1

01	Interest paid by U.S. obligors – General
29	Deposit Interest (credit balance)
30	Original issue discount
33	Substitute payment – Interest (PIL interest)
06	Dividends paid by U.S. Corporations – General
34	Substitute payments – dividends (PIL dividends)
40	Other U.S. Source dividend equivalents
35	Substitute payment – other
36	Capital Gain distributions
50	Other Income

Reporting

New codes:

If an account does not have either a home country identification number or US Taxpayer ID (ITIN) there are now different codes for reporting the same items if you reside in a treaty country:

Dividends with tax ID code 06

Dividends without Tax ID code 52

Dividend PIL with tax ID code 34

Dividend PIL without tax ID code 53



Reporting

Each type of income is a separate form

Box 1 Income Type code

Box 2 Gross Income

Box 3a/3b Exemption code

Box 3b/4b Withholding Rate

Box 7,8 U.S. Tax withheld

Reporting

Box 7a – Total tax withheld

Box 8 – Tax withheld by other Agents

Box 9 – Tax repaid to recipient

The sum of boxes 7a, 8 and 9 is reported in Box 10. This is the credit for US taxes you are allowed.

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Reporting

Focus on Box 8 – Tax Withheld by other Agents

US tax withholding at the source of the dividend

Withholding is not done by IB but by the clearing agent for the security

Usually for a security that pays a “blended” dividend part US source income, part another country source

Why did I get a refund for last year's tax in my account?

Focus on Box 9:

Often companies re-categorize payments after the fact. When we learn of these re-categorizations before the issuance of reporting forms we refund any tax withheld to your account.

This often occurs early in the following year.

Once forms are issued in March, we can no longer refund tax withheld to you.

Reporting

Exemption codes are for income, such as investment interest that are reportable, but exempt from withholding

Common codes:

04 Exempt under tax treaty

05 Portfolio interest exempt under IRS code section.

What do I do if the wrong amount is withheld?

If you feel that the wrong rate has been withheld or there has been some other type of over withholding you can file with the U.S. for a refund.

File form 1040 NR for individuals

Remember, because IB has already sent these funds to the IRS, we cannot refund over withholding after the forms are issued.

When should I file a US return?

If you have any US source business income or rental Income (or Loss)

If you own a PTP or MLP and have 37% withheld from distributions you may be entitled to a refund of part of this withholding when a return is filed.

Remember to weigh the cost of preparing and filing a US return vs. the amount to be gained.