

***U.S. Income Tax Presentation
MIT International Students
U.S. Residents for Tax Purposes***

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March 2016

Agenda

- Filing requirements
- Wages, Fellowship, Scholarship & Other U.S. income
- Tax treaty benefits
- Q & A

This session is for international students resident in the U.S. and U.S. citizen students

Residency determination for U.S. tax purposes:

- A *resident alien* for U.S. tax purposes is a non U.S. citizen who meets either the “green card” test or “substantial presence” test
- Student exempt status for “substantial presence” test
 - Temporarily in U.S. on “F”, “J”, “M”, or “Q” visa
 - Includes immediate family members of students
 - Generally spouse and unmarried children under age 21 living in same household
- F & J student visa holders generally considered residents after their first 5 calendar years (including partial years) in the U.S. Example – You came to the US on December 31 of 2015, 2015 would count as the first year of the 5 year period. Prior visa history must be taken into account in determining the 5 year rule

Substantial presence test

- In the US on a F or J visa as a student, the 5 year rule applies, otherwise the Substantial Presence Test applies
- See IRS Publication 519 or MIT ISO's Glacier Tax Prep software for assistance in determining your residency status
[***http://web.mit.edu/iso/students/taxes.shtml***](http://web.mit.edu/iso/students/taxes.shtml)

Resident alien U.S. taxation

Resident aliens for tax purposes pay tax on their *worldwide* income

- Salaries from all employers
- **Taxable** fellowships and grants
- Funds from the visitor's country of residence or any other country outside US
- Bank and investment interest and dividends
- Prize money, royalties, book proceeds

Pay tax at the “resident” rate

Social Security tax

Medicare tax

Taxable vs. non-taxable fellowships & scholarships (International & U.S.)

Taxable (non-qualified)

- Student non-degree candidate
- Grant is for expenses other than Qualified Education Expenses (room & board)
- Payment for Services
- Tax Reporting if required to file tax return

Non-taxable (qualified)

- Candidate for a Degree
- Grant is for Qualified Education Expenses (tuition, equipment, etc.)
 - Equipment – Example: Computers required for coursework
- Grant does not exceed student's expenses
- No Tax Reporting

Worksheet 1-1 – Taxable scholarship and fellowship grant income

IRS PUB. 519



Keep for Your Records

1.	Enter the total amount of any scholarship or fellowship grant for 2015. See <i>Amount of scholarship or fellowship grant</i> , earlier.	1. _____
	<ul style="list-style-type: none">• If you are a degree candidate at an eligible educational institution, go to line 2.• If you aren't a degree candidate at an eligible educational institution, stop here. The entire amount is taxable. For information on how to report this amount on your tax return, see Reporting Scholarships and Fellowship Grants, in this chapter.	
2.	Enter the amount from line 1 that was for teaching, research, or any other services required as a condition for receiving the scholarship. Don't include amounts received for these items under the National Health Service Corps Scholarship Program or the Armed Forces Health Professions Scholarship and Financial Assistance Program.	2. _____
3.	Subtract line 2 from line 1.	3. _____
4.	Enter the amount from line 3 that your scholarship or fellowship grant required you to use for other than qualified education expenses.	4. _____
5.	Subtract line 4 from line 3.	5. _____
6.	Enter the amount of your qualified education expenses.	6. _____
7.	Enter the smaller of line 5 or line 6. This amount is the most you can exclude from your gross income (the tax-free part of the scholarship or fellowship grant).	7. _____
8.	Subtract line 7 from line 5.	8. _____
9.	Taxable part. Add lines 2, 4, and 8. See Reporting Scholarships and Fellowship Grants , earlier, for how to report this amount on your tax return.	9. _____

Reporting scholarship & fellowship income

- Only taxable scholarships & fellowship income is required to be reported if the taxable amount itself, or when combined with other taxable income meets the threshold for filing a tax return
- Form 1042S – Foreign Person’s US Source Income Subject to tax withholding
 - Report as wages on line 7 of Form 1040 or line 8 of Form 1040NR
- No 1042S or other year end summary
 - Report as wages on line 7 of Form 1040 /1040A; line 1 of Form 1040EZ;
Enter “SCH” next to the applicable line
- Income Exclusion possible if:
 1. Candidate for a degree at an eligible educational institution and
 2. Scholarship or fellowship is used to pay qualified education expenses

Exceptions to worldwide income rule

- No Exceptions for students who are U.S. tax residents
- Foreign Tax Credit possible on income taxed both in US and foreign jurisdiction
 - Report on IRS Form 1116 – Information to report:
 - Type of income (investment (interest; dividends) or earned income (wages, fellowship)
 - Amount of foreign tax paid on each type of income
 - Refer to Form 1116 Instructions, IRS website and Thompson-Reuters
- Disclosure filings may also be required:
 - Form 8938 – Attachment to U.S. resident income tax return
 - Foreign Bank Accounts – FinCEN Form 114 (FBAR)

Dependents/Filing options

- Claiming federal exemptions you couldn't claim as a non-resident
- Filing options (jointly versus separately)
 - Filing status limited to “Married Filing Joint”, “Married Filing Separately”, Single – (NO Head of Household status allowed)
 - Married Taxpayers with Nonresident spouse limited to “Married Filing Separate” tax status unless election made to file “joint return” with spouse
 - (Caution – Both spouses income taxed on joint return)
- Child tax credit or exemption, if any, for U.S. born child/children
 - Rules applicable to U.S. citizens dependent exemptions apply
 - Dependent must be a U.S. citizen or resident of U.S., Canada, or Mexico for at least part of the tax year (South Korea and India by tax treaties)
 - Must have an SSN or ITIN

Estimated tax payments – Penalty avoidance

- Tax payments made quarterly by taxpayer to IRS or State
- Taxpayers with no tax withholdings or who have income in addition to wages subject to U.S. taxation, (e.g. student fellowship where entire amount paid to student with no tax withheld and paid to IRS; investment income)
- **Federal** (<https://www.irs.gov/pub/irs-pdf/f1040es.pdf>)
 - Expected tax liability at least \$1,000 AND
 - Tax withholding is less than:
 - 90% of current year tax liability or
 - 100% of prior year tax liability for a *full* year (110% high income tax payers)
- **States**
 - Most have similar rules as Federal with their own thresholds on tax liability & percentages of tax liability that must be met

Tax treaties

- Can treaty still apply when you become resident alien for tax purposes?
- Generally only nonresident alien professors & students may claim treaty exemption for income from outside the U.S. for U.S. study, scholarship, fellowship, research grants, wages or other personal compensation
- Exceptions for Resident Aliens:
 - Treaty Savings Clauses – Gives countries the right to tax their own residents as if no tax treaty was in effect. This right is lost once you become a Resident Alien of the U.S. Resulting in loss of treaty benefits to exclude income from U.S. taxation
 - Exceptions to Savings Clauses (closer connection to home country) allow continuation of treaty benefits:
 - Professors & researchers – Generally 2-3 years
 - Students – Generally 4-5 years

<https://www.irs.gov/pub/irs-pdf/p4011.pdf>, (page 11)

Dual status alien – No e-filing allowed

- Generally can occur in the year of U.S. arrival or departure or by choice –
 - See IRS Publication 519 or MIT ISO's Glacier Tax Prep software for assistance in determining resident / nonresident alien status
<http://web.mit.edu/iso/students/taxes.shtml>
- Income Subject to Tax
 - Resident Alien portion of year – Taxed on income from all sources even earned while in nonresident alien status
 - Nonresident Alien portion of year – Taxed only on income from U.S. sources & any income from US business
- Tax treaty provisions may exempt some US source income from taxation

Dual status alien – No e-filing allowed (continued)

Non-resident for part of the year, resident for the other, which federal form(s) to file?

Tax Form Required

- Resident at End of Year – IRS Form 1040 – “DUAL-STATUS RETURN” should be written across the top of the return
 - A statement reporting the income for the portion of year *Non-resident* in U.S. should be attached to the return. Your Form 1040NR can be attached as this statement
- Non-resident at End of Year – IRS Form 1040NR
 - Same “DUAL STATUS RETURN” and statement reporting the income the income for portion of the year *Resident in U.S.* Your Form 1040 can be attached as this statement

Dual status alien – No e-filing allowed (continued)

Time and Place for Filing Returns

- Resident on last day of the year
 - Filing Deadline is April 15 of the following tax year
 - File return at IRS address for dual-status aliens included in Form 1040 filing instructions
- Nonresident on last day of tax year
 - If income is from wages subject to withholding taxes – April 15
 - If income is other than from wages – June 15

File returns with IRS: No Tax Due: Austin, TX 73301-0215;
If Tax Due: PO Box 1303, Charlotte, NC

Dual status alien – No e-filing allowed (continued)

Special Tax Filing Rules

- No standard deduction allowed (may itemize allowed deductions)
- Filing status limited to Married Filing Joint, Married Filing Separately, Single – (NO Head of Household status allowed)
- Married Taxpayers where one spouse is nonresident limited to married filing separate tax form unless election made to file joint return with spouse
 - Joint election results in both spouses taxed as US residents for entire tax year

Massachusetts tax filings

- For Massachusetts state income tax, you are deemed a full year resident if you maintain a permanent place of abode in MA & you spend more than 183 days of the taxable year in MA
- Above tests not met, generally a nonresident for MA income tax. Earn more than \$8,000 & the income is not exempt from taxation under a treaty, file MA Form 1-NR, if you are a nonresident alien. (Federal tax return may still be required)
 - Income less than \$8,000 – May want to file MA Form 1-NR to claim refund of any tax withheld
- Resident, file MA Form 1. Need to prove you have health insurance – Form MA 1099-HC, Individual Mandate Massachusetts Health Care Coverage

Massachusetts tax filings (continued)

- Permanent place of abode depends on the type of housing. Off campus & not affiliated with MIT, you may be deemed to have a permanent place of abode in MA. –
If non-U.S. citizen
- U.S. citizen still financially supported by parents are generally deemed to be residents of the state of parents' residency
 - Unless U.S. citizen student provides more than one-half of his or her own financial support, likely supported by parents

Healthcare

- The Affordable Care Act requires employers to send their employees, fellows and visitors who participate in their health plans a new form: 1095B or 1095C
- Forms are not required to file returns and very possible they will not be received before individuals file 2015 tax returns. (If received keep in your records)
 - Health insurance coverage from foreign employer generally satisfies the minimum essential coverage required
 - Health Insurance purchased directly from a foreign insurance issuer or provided by a foreign government must be recognized by the US Department of Health & Human Services:
<http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Market-Reforms/minimum-essential-coverage.html>
 - 1099-HC form – Not attached to MA return, need its information to complete the Massachusetts return

State taxation in multiple states

If you worked or were a student in **more than one state**, (CA and MA for example), in the same year because you moved from one state to another, you may be required to file tax forms in each state.

Which form to use?

- Non-resident/Part-year resident – Generally less than 183 days present in a state or no place of abode, (rental apartment, home, or similar dwelling)
 - Taxed on only income earned in the state and/or all income received or earned during part-year residency
- Resident – Living in a state, or more than 183 days presence, with place of abode
 - Taxed on income from all sources
- Tax credits may be available on income taxed by both states

Tax preparation

Many tax preparation software products available for purchase online, at stores, etc.

Free tax preparation software are available through IRS.gov for basic federal returns (or MIT Federal Credit Union)

Professional tax assistance from accountants, tax attorneys

Take care, if dual status alien, to use the correct forms/product for your particular situation

VITA (free tax help for people who generally make \$54,000 or less, persons with disabilities, the elderly and limited English speaking taxpayers)

If you use a tax preparer or get tax assistance from another person or organization, be SURE they understand the tax rules that apply to foreign nationals.

See **IRS Publication 519**

Q & A

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Reserve slides

- Tax Treaties
- South Korean & Indian students
- Identity Theft

Reserve

- Tax Treaty Slides

Tax treaties – Savings clause example

- Language to look for in a treaty (Ex: U.S.-India Income Tax Treaty Article 1(3)):
 - “Notwithstanding any provision of the Convention except paragraph 4, a Contracting State may tax its residents (as determined under Article 4 (*Residence*)), and by reason of citizenship may tax its citizens, as if the Convention had not come into effect. For this purpose, the term "citizen" shall include a former citizen whose loss of citizenship had as one of its principal purposes the avoidance of tax, but only for a period of 10 years following such loss.”
- Meaning:
 - Either U.S. or India may tax an individual regardless of treaty provisions if residency as defined under the treaty ties the individual closer to that country. (Good news is the 2Yr presence for teachers & researchers is exempted from this savings clause).

Tax treaties – Savings clause example

- Example fact pattern:
 - An Indian citizen, resident in the U.S. performs services in India that would otherwise be non-taxable by that country under the tax treaty with the U.S., but as that taxpayer is also an Indian citizen, this income will be taxable by India.

Tax treaties

- Tie-Breaker Rule – Resolves conflicting claims of residence
 - Closer connections
 - Center of vital interests
 - Consultation between the two contracting states
- Under either Savings Clause Exceptions or Tie-Breaker Rule no reporting of exempted income required on U.S. return
- However if income is reported on Form W-2 or 1099:
 - Report this income on the appropriate line of U.S. return (e.g., Wages)
 - Report the same income as a negative number on the “other income” line of the return
 - Write on that line:
 - “Exempt Income”
 - Name of the Treaty Country
 - The number of the Treaty Article

Reserve

- South Korean & Indian students

Personal exemptions – Spouse & children South Korean resident

- May claim exemptions for spouse and/or children if all of the following apply:
 - Spouse has no gross income
 - Spouse is not a dependent of another person
 - Children would qualify as dependents under normal US tax rules
 - Spouse & children claimed have all lived with the taxpayer at some time during the year
 - Exemptions are prorated by ratio of taxpayer's US wages/trade or business income to worldwide income from all sources
 - Exemptions are limited to taxpayer's US taxable income

Personal exemptions – Spouse & children Indian students

- May claim exemptions for spouse and/or children if all of the following apply:
 - Spouse has no gross income
 - Spouse is not a dependent of another person
 - Children would qualify as dependents under normal US tax rules, including status as a US citizen or US resident alien

Reserve

- Identity Theft

IRS identity theft

- IRS Website Guidance
<https://www.irs.gov/uac/Taxpayer-Guide-to-Identity-Theft>
- Follow Federal Trade Commission guidance
<http://www.consumer.ftc.gov/features/feature-0014-identity-theft>
- IRS Form 14039 – Identity Theft Affidavit
 - If SSN or ITIN used to file fraudulent federal tax return

Minimum Essential Coverage Applicants Receiving Approval

October 28, 2015

The following list enumerates the applicant(s) whose coverage has been recognized as Minimum Essential Coverage (MEC) through the Centers for Medicare & Medicaid Services (CMS) application process. The applicant(s) on the list meet substantially all the requirements of Title I of the Affordable Care Act that pertain to non-grandfathered, individual health insurance coverage, as well as all procedural requirements for application set out by CMS in regulations and guidance. CMS will update this list periodically as more applicants are recognized as MEC.

No.	Applicant Name	Plan/Policy Name	Applicant City	Applicant State ¹	Country	Start Date of Plan Year	Effective Date of Approval
1	Access Health, Inc.	C3 Health Plan	Muskegon	MI	U.S.	01/01/2014	01/01/2014
2	Washington State Health Insurance Pool	Preferred Provider Plan \$500 Deductible; Preferred Provider Plan \$1,000 Deductible; Preferred Provider Plan \$2,500 Deductible; Preferred Provider Plan \$5,000 Deductible; Standard Plan \$500 Deductible; Standard Plan \$1,000 Deductible; Standard Plan \$1,500 Deductible; Standard Plan \$3,000 Deductible; Limited PPOA; Limited PPOB	Great Bend	KS	U.S.	01/01/2015	01/01/2015
3	Forest County Potawatomi Insurance Department	Forest County Potawatomi Non-Tribal Dependent Plan	Crandon	WI	U.S.	01/01/2014	01/01/2014
4	Swiss Federal Office for Social Insurance	Swiss National Health Insurance System	Berne	n/a	Switzerland	01/01/1996	01/01/2014
5	WellAway Limited (dba WellAway World)	Elite Plan, Premier Plan, and Prestige Plan	Hamilton	n/a	Bermuda	07/01/2014	02/02/2015
6	Pennsylvania Bureau of Children's Health Insurance Program (CHIP)	Pennsylvania Children's Health Insurance Full Pay Program	Harrisburg	PA	U.S.	01/01/2014	07/01/2015
7	Trinity School of Medicine	School of Medicine Student Health Plan	Alpharetta	GA	U.S.	09/01/2014	09/01/2015
8	Washington University in St. Louis, MO School of Medicine	School of Medicine Student Health Services Benefit Plan	St. Louis	MO	U.S.	07/01/2014	07/01/2015
9	The Board of Trustees for the City and State of Illinois The University of Illinois	CampusCare do not necessarily refer to the state in which the coverage is offered.	Chicago	IL	U.S.	08/16/2015	08/16/2015
10	Florida Healthy Kids Corporation	Florida Healthy Kids Corporation Full Pay Program	Tallahassee	FL	U.S.	01/01/2015	01/01/2015

11	United States Olympic Committee	Elite Athlete Health Insurance Program (EAHI); Blue Cross BlueShield PPO Plan	Colorado Springs	CO	U.S.	01/01/2015	01/01/2015
12	Cornell University	Cornell University Student Health Insurance Plan (SHIP) & Cornell University Student Health Insurance Plan - Medicaid (SHIP-M)	Ithaca	NY	U.S.	08/17/2015	08/17/2015
13	University of Wisconsin-Madison (University of Wisconsin System)	University of Wisconsin-Madison Student Health Insurance Plan - Domestic & International Plans	Madison	WI	U.S.	08/15/2015	08/15/2015
14	President and Fellows of Harvard College	Harvard University Student Health Program	Cambridge	MA	U.S.	08/01/2015	01/08/2015
15	St. George's University	St. George's University Student Health Plan	Great River	NY	U.S.	08/01/2015	01/08/2015
16	Mercer University	Mercer University Student Health Insurance Plan	Macon	GA	U.S.	08/01/2015	08/01/2015