

Contents

1 Introduction	1
1.1 Work Authorization.....	1
1.2 Taxpayer Identification Numbers.....	2
2 U.S. Tax Residency Rules.....	5
2.1 Residency Status Based on U.S. Presence	5
(a) U.S. Days That Do Not Count	6
(b) The Closer Connection Exception	6
2.2 Nonresidency Status Claims Based on an Income Tax Treaty	7
3 Residency Start and Termination Dates	9
3.1 Residency Start Date	9
(a) The 10-Day <i>de Minimis</i> Rule	9
(b) Residency Start Dates under an Income Tax Treaty.....	10
3.2 Tax Residency Elections.....	11
(a) The First-Year Choice Election	11
(b) Full-Year Residency Elections.....	13
3.3 Residency Termination Date	14
(a) The Closer Connection Exception.....	14
(b) Limitations Based on a Subsequent Year's Residency Status	15
(c) Residency Termination Dates under an Income Tax Treaty.....	16
(d) L-1 Intracompany Transferees on Assignment Abroad	17
4 Federal Income Tax Rules	19
4.1 Tax Rules for Nonresidents.....	19
(a) U.S.-Source Income	19
(b) Effectively Connected Income	20
4.2 Tax Rules for Residents.....	21
(a) Currency Translations	21
(b) Sales of Assets Denominated in a Foreign Currency.....	21

(c) Rental of Foreign Real Estate	22
(d) Sale of a Principal Residence	22
(e) Avoidance of Double Taxation	22
(f) Disclosure of Foreign Financial Accounts	23
4.3 Tax Rules for Dual-Status Aliens	23
4.4 Stock Ownership in a Foreign Corporation	23
5 Income Tax Treaty Benefits	25
5.1 U.S.-Source FDAP Income	25
5.2 Employment Compensation	25
(a) Pre-relocation Visits	26
(b) Loss of Benefits	26
5.3 Pension Contributions	27
6 State Income Taxes	29
6.1 Domicile	29
6.2 Residence	30
6.3 State Tax Rules	30
6.4 Income Tax Treaty Exemptions	30
7 Withholding and Reporting	33
7.1 Temporarily-Away-From-Home Expenses vs. Relocation Expenses	33
(a) Tax Home	33
(b) Temporarily-Away-From-Home Expenses	34
(c) Per Diem Amounts	35
(d) Company-Provided Automobiles	35
(e) Moving Expenses	36
7.2 Other Payments	37
(a) Pension-Plan Contributions	37
(b) Tax-Return Preparation Fees	37
(c) Immigration Fees	38
7.3 Federal Income Tax Withholding	38
(a) Special Withholding Rules for Tax Nonresidents	38
(b) Residency Change Year	39

(c) Full-Year Residency Elections.....	39
7.4 Social Security and Medicare Taxes.....	40
(a) Exemption from Tax Under a Social Security Agreement	40
7.5 State Income Taxes.....	42
8 U.S. Tax Returns.....	43
8.1 Sailing Permits.....	43
8.2 Federal Tax Returns.....	43
(a) Nonresident Tax Returns	44
(b) Resident Tax Returns.....	44
(c) Dual-Status Tax Returns	45
8.3 State Tax Returns.....	46
9 Individual Taxpayer Identification Numbers.....	47
9.1 Individuals Eligible for ITINs.....	47
9.2 Documentation Requirements.....	48
9.3 Application Submission Procedures.....	49
(a) Submissions with Tax Returns	49
(b) Tax-Return Extensions.....	50
(c) Exceptions to the Tax-Return Submission Procedures	50
9.4 Acceptance Agents.....	51
9.5 Acceptance Agent Application Procedures	51
10 Resources.....	53
10.1 Websites.....	53
The Internal Revenue Service (IRS) Website, www.irs.gov	53
The Social Security Administration (SSA) Website, www.socialsecurity.gov	53
Windstar Technologies, Inc. (Windstar), www.windstar.com	53
10.2 IRS Publications.....	54
Publication 15, <i>Circular E, Employer's Tax Guide</i>	54
Publication 463, <i>Travel, Entertainment, Gift, and Car Expenses</i>	54
Publication 515, <i>Withholding of Tax on Nonresident Aliens and Foreign Entities</i> ...	55
Publication 519, <i>U.S. Tax Guide for Aliens</i>	55
Publication 521, <i>Moving Expenses</i>	55

Contents

Publication 901, <i>U.S. Tax Treaties</i>	56
Other Helpful Publications.....	56
Index.....	57