RULES GOVERNING PAYMENT PROCESSING FOR FOREIGN NATIONALS

PAYMENT ELIGIBILITY

Eligibility to receive specific types of payments is determined by the foreign national's visa status

https://www.obfs.uillinois.edu/obfshome.cfm?path=foreignsecure
&xmlData=grid&Level=2

PAYMENTS TO FOREIGN NATIONALS

The tax withholding and reporting rules on payments made to foreign nationals depends on:

- 1. Whether the individual is a RA or NRA
- 2. Source of Payment
- 3. Payment type

RESIDENT ALIEN / NONRESIDENT ALIEN

- An alien is any person present in the U. S. who is not a citizen of United States.
- Aliens are classified into two categories:

<u>RA</u>

A person present in the U.S. that is not a U.S. citizen and meets the "green card" test or the "substantial presence test" (SPT).

NRA

Person who is not a citizen of the U.S.; admitted for a temporary stay that will end when the purpose of that stay has been met and has not been issued a green card or passed SPT.

SPT TEST

SUBSTANTIAL PRESENCE TEST

The alien must be physically present in the U.S. for at least 31 days during the current calendar year; and 183 days during the three-year period that includes the current year and the two years preceding the current year. The 183-day computation is:

All days present in the U.S. during the Current calendar year	x 1	(A)
Days present in the U.S. during 1st preceding calendar year	x 1/3	(B)
Days present in the U.S. during 2 nd preceding calendar year	x 1/6	(C)
Total number of days present		
in the U.S. for tax purposes [Sum of (A), (B) and (C) above]:		_(D)

If the total in (D) is less than 183 days, the alien is a NRA for tax purposes.

If the total in (D) is 183 days or more, the alien is a RA for tax purposes.

SOURCE OF PAYMENT

U.S. or Foreign Sourced

Type of Income	Source Determined by
Pay for personal services	Where services are performed
Royalties—Patents, copyrights, etc.	Where property is used
Royalties- Natural Resources	Where property is located
Scholarships and fellowship grants	Generally, residence of payor
Prize and Awards	Where activities are performed



EMPLOYMENT PAYMENTS

Every employee is required to have a social security number (SSN). Due to the USCIS review process, foreign national SSN application requests may be delayed. For employment purposes only, the University of Illinois will assign a temporary control number (TCN) to individuals whose applications have been delayed. The foreign national is required to provide the SSN to his/her department and University Payroll when received.

EMPLOYMENT PAYMENTS

To accurately analyze and determine residency tax status and benefit eligibility, foreign nationals must complete an appointment with the University Payroll Customer Service Center.

Appointments will not be made until the foreign national has an active PEAEMPL record in Banner.

Foreign nationals will be taxed at the highest rate until an appointment has been completed and a valid SSN has been received by the Payroll Customer Service Center.

NRA EMPLOYMENT TAX WITHHOLDING

FEDERAL WITHHOLDING

All wages paid to a NRA are subject to graduated withholding unless exempted by tax treaty or other IRS regulations.

NRA employees have special withholding rules and requirements for completing their Form W-4.

Form W-4 (2007)

Purpose. Complete Form W-4 so that your employer Still = Illino d the operant federal income tax from your Tay, Because your Sex situation may change, any 989 World Collique your withholding each year

Exemption from withholding, if you as example, complete only lines 1, 2, 8, 4, and 2 and sign the most have late. If Your exemption for 2007 expires. Each poyr 14, 2003, deep too. 5d5, Tex With holding. and Estimated fax.

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Your withholding good by will be most accorate when all allowed services when all allowed services with a local services. highest caying job and seru all unwinderers mad mad or the officers

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NRA EMPLOYMENT TAX WITHHOLDING (CONT.)

FEDERAL INSURANCE CONTRIBUTION ACT (FICA) –Social Security (OASDI) / Medicare

• FICA tax is applicable to payments made to NRA employees, unless exempt under section 3121(b)(19) of the IRS code.

• An individual will not qualify for the above exemption, if the employee is a RA for tax purposes under either the "green card" or "substantial presence" test.

SCHOLARSHIPS/FELLOWSHIPS

QUALIFIED SCHOLARSHIPS/FELLOWSHIPS

Qualified scholarship/fellowship payments to NRAs are not taxable, or reportable to the IRS.

SCHOLARSHIPS/FELLOWSHIPS

NON-QUALIFIED SCHOLARSHIPS/FELLOWSHIPS

- Non-qualified scholarship/fellowship payments for indirect educational expenses (i.e. cash, living expenses, travel) to NRAs are taxable and are reportable to the IRS.
- 30% federal withholding and 3% state withholding unless the payment is exempt from withholding based on a U.S. tax treaty.
- F, J or M visa reduced federal withholding at a rate of 14%.
- NRA scholarship/fellowship recipient claiming exemption under an U.S. tax treaty must complete Form W8 BEN

ROYALTY PAYMENTS

- NRA royalty payments are subject to 30% federal and 3% state withholding unless there is a tax treaty tax exemption, lower tax treaty rate, or is foreign source income.
- Royalty payments are reportable on Forms 1042 and 1042S. NRA must file Form W8 BEN to claim the tax treaty exemption or lower tax treaty rate.

PRIZES AND AWARDS

Prize and award payments are subject to 30% federal and 3% state withholding unless exempted by tax treaty, or if all the following conditions are met:

- The recipient was selected without any action on his/her part to enter the contest or proceeding, and
- The recipient is not required to render substantial future services as a condition to receive the prize or award, and
- The prize or award is transferred by the payer to a governmental unit or tax—exempt charitable organization as designated by the recipient.

REIMBURSEMENTS – Employees

Reimbursements to employees for business related expenses fall under the accountable plan, and should be submitted to Accounts Payable.

REIMBURSEMENTS - Students

- Business related reimbursements to foreign national students fall under the accountable plan and should be submitted along with the *Tax Reporting and Withholding Checklist for Foreign National Reimbursements* to Accounts Payable.
- Non-business related reimbursements are considered scholarships and are submitted to Student Accounts Receivable and may be subject to withholding and reporting to the IRS.

SHORT TERM VISITORS

INDEPENDENT PERSONAL SERVICES

REIMBURSEMENTS

SHORT TERM VISITORS

- Payments made directly to, or on behalf of the NRA, for independent personal services and/or qualified travel expenses under the accountable plan, must be submitted to University Payroll Customer Service Center.
- Payments made to foreign nationals who do not have a valid SSN or ITIN, will be subject to the maximum withholding rate allowed. Tax treaty exemptions are not permitted without valid tax identification numbers.

INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN)

- An ITIN is a taxpayer identification number issued by the Internal Revenue Service to be used for tax reporting and filing purposes ONLY.
- If the foreign national does not have an SSN, and is ineligible to receive one, the foreign national is requested to obtain an ITIN.
- Form W-7, Application for IRS Individual Taxpayer Identification Number must be completed and submitted to the IRS or to a Certified Acceptance Agent accompanied by the required documentation, *see OBFS website*, to substantiate the individual's foreign status and identity to obtain an ITIN

SHORT TERM VISITORS

SCHOLARSHIPS/FELLOWSHIPS

ROYALTY PAYMENTS

PRIZES AND AWARDS

SUBMITTING PAYMENT REQUESTS

- Foreign National Payment Form (Appendix B)
- Copies of visitor's documents (See website)
- Foreign National Tax Information form (Appendix D)
- Compliance Statement for B1, B2, WB and WT (Appendix C)



ASSISTANCE

The Office of International Services and the University Payroll are available to provide necessary forms, procedural information and assistance in the processing of necessary documents when the foreign national arrives. Please contact the following offices early to make sure all appropriate procedures are followed and the necessary forms are properly completed.

UIC	Office of International Services
UIUC	Office of International Student Affairs
UIS	Human Resources
	University Payroll
	(866) 476-3586
	(217) 265-6363
ALL	payinq@uillinois.edu
	UIUC

WEBSITE INFORMATION

 You can find detailed information regarding NRA Independent Contractors, NRA visa type categories and a printable copy of the NRA Compliance Statement at:

http://www.obfs.uillinois.edu

OBA Business and Financial Policies and Procedures Manual:

http://www.obfs.uillinois.edu/manual/index.html

Section 17 - Consultants, Independent Contractors and Honoraria Section 18.2 – NRA

- IRS service locations outside US <u>http://www.irs.gov/localcontacts/article/0,,id=101292,00.html</u>
- US Embassies

http://usembassy.state.gov

IRS PUBLICATIONS

The Internal Revenue Service has issued the following publications for the benefit of the foreign visitor to the U.S.:

Publication 513 Tax Information for Visitors to the U.S.

Publication 515 Withholding of Tax on Nonresident

Aliens and Foreign Corporations

Publication 519 U.S. Tax Guide for Aliens

Publication 901 U.S. Tax Treaties

The above publications may be obtained by calling the toll free number 1-800-TAX-FORM (1-800-829-3676).

You can get many forms and publications electronically from the IRS webpage: http://www.irs.gov/formspubs/lists/0,id=97819,00.html

Appendix A

SUMMARY OF TAX WITHOLDING RATES FOR NRA AT THE UNIVERSITY OF ILLINOIS

TYPE OF INCOME	FEDERALTAX RATE	STATE TAX RATE
Employee wages	Standard graduated rates	3%
Independent Contractors	30%	3%
Non qualified Scholarships/Fellowships	14%	3%
(F-1, J-1 and M-1 visa holders)		
Non qualified Scholarships/Fellowships (All other visa holders)	30%	3%
Royalties	30%	3%
Prize and Awards	30%	3%

Appendix B

Foreign National Payment Form

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	 Passport pages including: (a) Ph 	oto identification and passport	t number (b) Entry visa	Chart*	Fund*	Orgn*	Acct*	Program*	Activity	Location	Amount
	2. I-94 card (copy both sides)			ACCOUNT	TITLE:						
	Copy of SSN Card, ITIN or Certi	fication of Application									
	4. Form I-20										
	5. Form DS-2019			ACCOUNT	TITLE:						
	6. EAD card										
	7. Social Security card										
	8. Foreign National Tax Informa	tion Form		ACCOUNT	TITLE:						
	9. Form I-797										
	10. Honorarium Agreement										
	11. W-8BEN										
	12. Description of Royalty Type										
	13. Award Letter										
	14. Memorandum of Understand	ding									
	15. Expense Receipts										
Yes / No	16. The funding for this payment is	Foreign Sources (Circle One)									
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Department .	Authorized Signature:		Date:								
1											
Additional A	pproval:		Date:								
Payment of intere	est may be available if the State fails to comply	with the State Prompt Payment Act, (III.	. Rev. Stat. 1991, Ch. 127, Pa	r. 132.400) (3	30 ILCS 540	0.01).					

Appendix C

Foreign National Compliance Statement for payments to NRA visitors in B-1, B-2, WB, or WT visa status if compensation payment is involved.

Nonresident	Alien Compliance Statement
for associated travel expenses if (a) the visitor is eng	ourist status (B-1, B-2, WB and WT) may be paid honoraria and reimbursed gaged in the activity being compensated for any portion of nine days or less, d by more than five other United States institutions or organizations during
	d or Individual Taxpayer Identification Number (ITIN) documents.
Last or Family Name	First Middle
Individual Taxpayer Identification Number / United States Social Security Number	Visa status
Dates of activity for which visitor is being paid	
Briefly describe activity	
If you are Canadian, check here if you did not receiv	ive Form I-94 (Departure Record):
	escribed above for the benefit of the University of Illinois for any portion of reimbursed by more than five other United States institutions/organizations
Signature	
Statement of Department Head:	
of the University of Illinois for any portion of nin	individual has been engaged in the activities described above for the benefit ine days or less, and that the activities for which the individual is paid or irry academic activities associated with teaching, research public service, or
Signature	Date:
	COMPANY ALL PAYMENT REQUEST DOCUMENTS.
Note: Honoraria may be paid to visitors in B-1, B-2	-2, WB and WT status only under the above requiremen and WT visitors. All payments are subject to standard

Appendix D

Foreign National Tax Information Form



Appendix E

Tax Reporting and Withholding Checklist for Foreign National Reimbursements

UNIVERSITY OF ILLINOIS

Chicago • Springfield • Orbana-Champaign

Tax Reporting and Withholding Checklist for Foreign National Reimbursements

Please complete this form for all reimbursement requests for torough nationals who are students and/or non-employees. If it appears no tax reporting and/or withholding is required, attach the completed form to the reimbursement request.

PA	/RE'S NAME:	UNIVERSITY ID# (UN), if applicable:			
DET	er.:	DLPT. CONTACT:			
DLI	PE PHONE:	DATE(S) EXPENSE(S) (NCURRED:			
)	Answer the questions in this Section only if the reim defined in OBFS Manual 18.2):	oursement is for a <u>nonresident alien (as</u>	Circle	ะ บถะ	:
a)	Did the funds for the reimbursement (or advance) or research funds received from non-U.S. sources)? See	ginate from a foreign someo (such as	Yes	Νο	
	Was the service related to the reimbursement for adv	ance) performed entirely outside the U.S.?	Yes	No	
	answer to either question in Section I is "YES", the relmi- ursement is not repurtable or farable. Do not complete th			•	
3.000 ()	For all remibursements that are not considered threes		Circle		
	this Section:				.
a)	Ones adequate substantiation, such as a receipt or off the amount, date, place, and business purpose of the	expense? (Receipts are not required for per	Yes	No	
b)	diem requests; however substantiation of cate, place, Is the expense reimb assement being submitted within a Reasonable Exception Request attached?)		Yes	Νn	
c)	If an advance was given, was any excess returned wi incurred?	thin 120 days after the expense was paid or	Yes	No	N/A
ć)	Was the expense an ordinary and necessary expendit representative, an independent contractor, or an indivi- tio University?		Yes	No	
e)	Did the University extend an invitation to the individ conference or visit for another University-husiness re		Yes		ΝÄ
Í)	Did the printerly purpose of the expense mostly benef Examples of Taxable and Non-Taxable Foreign Nation		Ycs	No	
	unswers to the questions in Section 2 are "YES" or "N/A"	, it appears no tax reporting or withholding is req	uired	ínac	h this
	wither reimbursement request.				
١.			Circle		
	Was the expense supported by the student's fellowshi		Yes		
	Was the expense supported by the student's assistant		Yes		N/A
	Was the expense required for the student to receive c		Yes		
d)	Did the travel, research, or other expense enhance the a degree?	student's grade or meet the requirements of	Yes	Νo	
¢)	Was the primary purpose of the expense to further the or her individual capacity, rather than to her effit the L		Yes	No	
n.	Did the University obtain, at most, only an incidental		Yes	\n	
2)	Was the student required to submit progress reports in		Yes		
h.	Did the student determine the activities required by the		Yes		N/A
i)	Was the student selected for travel, research or anoth incured primarily to further his/her education?		Yes		. 11/1

Questions?